

SEANAD ÉIREANN

Dé Céadaoin, 3 Feabhra 2010.
Wednesday, 3 February 2010.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for the Environment, Heritage and Local Government to progress the Castlefinn sewerage scheme in County Donegal and allow the project to go to tender as soon as possible.

I have also received notice from Senator Dominic Hannigan of the following matter:

The need for the Minister for Education and Science to sanction an increase in the cap on the number of students attending the College of Further Education in Dunboyne, County Meath.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Education and Science to make a statement on the need for a new primary school in Ballygarvan, County Cork.

I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for the Minister for Education and Science to verify the timeframe for delivery of the recommended extension to Calasanctius College, Oranmore, County Galway.

I have also received notice from Senator Cecilia Keaveney of the following matter:

The need for the Minister for Education and Science to evaluate and appraise the music for schools project being undertaken in St. Agnes's school, Crumlin, given the high praise for it on issues beyond music prowess, and to use the results of any such appraisal to jointly support the expansion of the project through a partnership with the Arts Council.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Doherty, Hannigan and Buttimer and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

Order of Business.

Senator Donie Cassidy: The Order of Business is No. 1, Dog Breeding Establishments Bill 2009 — Second Stage (resumed), to be taken at the conclusion of the Order of Business and conclude not later than 1.30 p.m., if not previously concluded, with the Minister to be called at 1.20 p.m. for concluding comments; No. 2, statements regarding the regulation of the sale of dangerous substances through head shops, to be taken not earlier than 2.30 p.m., on which spokespersons may speak for 12 minutes and all other Senators for eight minutes and Senators may share time by agreement of the House; and No. 33, motion No. 21 regarding the response of the local authorities and the Government to the recent cold weather emergency. The business of the House will be interrupted from 1.30 p.m. to 2.30 p.m.

Senator Frances Fitzgerald: I am sure Senators on both sides will agree with me when I say the work of the Jack and Jill Children's Foundation which is ably headed by its CEO, Mr. Jonathan Irwin, should be supported by the House and the Government, particularly when one hears from it today about the cost of caring for a child in a residential institution, as opposed to at home. The contrast in the figures is extraordinary. It costs €147,000 a year to care for a child in a residential setting and just over €16,000 if he or she is given the support the Jack and Jill Children's Foundation gives to children. I ask the Leader to take up this point with the Minister for Health and Children, Deputy Mary Harney, and ask her to approach the HSE to see how this work can be further supported because it represents a saving to the State.

I want to focus on the jobless figures and the increase in unemployment. If one considers those figures and the decrease in the tax take, one can see that the words used by the Government, namely, that we have turned a corner and the worst is over, are not true.

Senator Jerry Buttimer: Hear, hear.

Senator Frances Fitzgerald: It reminds one of the statement by Michael McDowell that gangland crime was over. He referred to gangland murders as the last sting of a dying wasp. We saw George Bush on a warship saying, "Mission accomplished"; that the war was over. We must face the reality we see every week when we meet people who are unemployed. They are offered courses, very often by FÁS, which are not appropriate to their needs. They do a course for a short period and are then back at home, without any plan being offered to them and without support, feeling very hopeless. It is the same at national level. There is no plan, no jobs stimulus and we have seen no plan for job creation. Clearly, the budget did not accomplish its task of giving hope to people and providing a stimulus to create jobs.

I wish to invite the Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, to the House today to discuss the whereabouts of the stimulus plan and the overall macro-plan for job creation. Will she come to the House today and present this information to us? Then we might have a meaningful debate on the actions needed to give the people some hope in the future of this country and in their own future, through job creation.

Senator Joe O'Toole: Some weeks ago I raised the issue of human rights in Colombia and the fact that negotiations were going on in that regard between the European Union and Colombia. We agreed to pass a motion supporting the stance on this taken by all the Irish MEPs. However, we neglected to pass that motion, No.18, through the House and therefore I propose an amendment to the Order of Business, namely, that we take No. 18 first, without debate.

In recent days, the House has had a number of discussions on children's rights and how they are being dealt with in different institutions. What gives me most grief is that we spent months in this House discussing education for persons with special educational needs. There was further

discussion in the other House and many changes were proposed for implementation. Briefly, the idea was that a child with special educational needs has an entitlement — we could not get the word “rights” into the legislation — to have a full assessment done within three months. Following an involvement of professionals, namely, psychologists and teachers and including parents and every other party, an individual educational plan was to be put together for that student which would be implemented by the school and checked and assessed every six months. If the plan in question was found not to work a new plan would be put together.

Everybody thought this was the way forward and it had all-party support in both Houses. The fact that the essential parts of that Bill have not been commenced is shameful and an absolute disgrace.

Senator Fidelma Healy Eames: Hear, hear.

Senator Joe O’Toole: It demeans what we are doing politically. There will be another report on this matter very shortly. People are asking why we have not implemented this. They do not understand that when a Bill is passed by the Oireachtas without a commencement date, which happens time and again, nothing will happen until the Minister commences it. This Bill has not been commenced and children are suffering. One gets only one chance at primary education. If these children do not get that chance in their first few years they will never get it. I appeal to the Leader to invite the Minister for Education and Science, Deputy O’Keeffe, to the House to explain his plan for the implementation of what was passed by both Houses of the Oireachtas and signed into law by the President. When will children get the benefit of it?

Senator Ivana Bacik: I support Senator Fitzgerald’s call for a debate on the stimulus plan for the economy and jobs, and her call that the Minister for Enterprise, Trade and Employment, Deputy Coughlan, should lead the debate in this House. She is one of the Ministers we tend not to see in the House. We see a great deal of some Ministers and very little of others.

Senator Donie Cassidy: She was in the House two weeks ago.

Senator Ivana Bacik: The bad news today is that unemployment figures have reached 13% which makes the need for such a debate urgent.

I call also for a debate on the need to ensure there is a stronger ethical code and regulation in banking, something Deputy Joan Burton has called for consistently, as has Senator Alex White. It is made even more urgent by reports today that Anglo Irish Bank is proposing to make an interest-free loan to a developer and has declined to state on what security. This is now a State-owned bank. The ESRI is highly critical of the long-term impact of this type of practice. It is important that we keep some kind of scrutiny, particularly on the actions of a State-owned bank.

I ask for clarification of the date on which the Leader will ensure we have a debate on women’s participation in politics. Last night I took part in the first sitting in Trinity College of the Oireachtas Joint Committee on the Constitution. We had a panel discussion afterwards about Article 16 and on the way in which Deputies are elected. A major focus of the discussion was on my presentation about the need to ensure we have more women in the Dáil and Seanad. A great deal of interest in the topic was expressed by the audience and other participants. We need to have such a debate in this House.

One point raised concerned the difference having more women would make. In my view, it would make an enormous difference in the ethical codes in the governance of our banking and financial services systems. It has been said in this House, including by me, that a *machismo* led to this sort of profit-at-all-costs culture within banking that caused the economic collapse we

[Senator Ivana Bacik.]

see today. It has often been said that if Lehman Brothers had been Lehman Sisters the international financial crisis would not have been nearly as bad. It is no coincidence——

Senator Jerry Buttimer: That is a bit sexist.

(Interruptions).

An Cathaoirleach: Questions to the Leader, without interruptions

Senator Ivana Bacik: ——that the Icelandic people moved from a male-dominated Government to a female-dominated one in order to get themselves out of the financial mess. Perhaps we should follow their lead.

A Senator: Where is the female leader of the Labour Party?

Senator Terry Leyden: Yesterday I raised the issue of the current dispute between trade unions and the Government. The passport express facility, which has been terminated for the present, applies to all parties. I inform the Opposition they will not get any break by not having applied——

An Cathaoirleach: Questions to the Leader. Do not mind the Opposition.

Senator Terry Leyden: I appeal to the unions to withdraw this embargo——

(Interruptions).

An Cathaoirleach: The Opposition will soon have an opportunity.

Senator Jerry Buttimer: Well said, Cathaoirleach.

Senator Terry Leyden: ——especially for hardship cases.

Senator Jerry Buttimer: The Senator could always sell one. Fianna Fáil were always good at selling passports.

Senator Terry Leyden: I do not wish to reiterate the point. The embargo applies to all politicians of all shapes, sizes and colours, in both Houses.

An Cathaoirleach: The point is made. Questions to the Leader.

Senator Terry Leyden: At least there is equity in that regard.

Concerning go-slow actions, the processing of medical cards for people aged over 70 has been centralised in Dublin and this is causing much hardship. I appeal to the Minister for Health and Children, Deputy Harney, and to the HSE not to have all medical cards brought to Dublin for assessment. That will create chaos. The present arrangement, whereby they are processed in the different counties——

Senator Fidelma Healy Eames: She is doing it.

Senator Jerry Buttimer: Bring them to the Fianna Fáil parliamentary party.

Senator Maurice Cummins: I shall second Senator Leyden.

Senator Terry Leyden: —works very well and it would not be in the best interest of medical card applicants to change that.

I thank the Opposition for the support they are giving me. It is much appreciated.

Senator Paul Coughlan: Senator Fitzgerald made a fine contribution on the frightening increase in unemployment figures and the need for an overall jobs plan which is of paramount importance for our economy. In view of that, I propose an amendment to the Order of Business, namely, that we ask the Minister for Enterprise, Trade and Employment, to the House to debate that issue.

Last week I asked the Leader to arrange an early debate on the Government's waste policy. Today there was a worrying report from the ESRI, which stated it did not believe there was an underlying rationale to the waste policy of the Minister for the Environment, Heritage and Local Government, Deputy Gormley. The ESRI is concerned about the needless cost to the economy, the 30% cap proposed by the Minister and the incineration of municipal waste.

Perhaps more important, the ESRI is concerned, as are all of us, about the damage this policy will do to our reputation abroad as a place in which to do business. Nobody wants to harm our competitiveness or our economic development at this difficult time but the Minister's policy poses a threat to our capacity to comply with the EU Landfill Directive. Overall, it is a very worrying development. The debate I called for last week is needed more urgently than ever.

Senator Cecilia Keaveney: I wish to bring to the attention of the House that a number of Senators visited the Council of Europe last week. A number of posts were filled there, including vice-presidencies and presidencies of all kinds. Is there a capacity for those of us who attend the Council of Europe to provide feedback to the House on the work we do? I raise this matter on the basis that I am now president of the Sub-Committee on Youth and Sport of the Council of Europe and also because the new leader of the Labour Group, Senator Bacik, referred to the issue of women in politics. The Council of Europe discussed that matter on Wednesday evening last. It is extremely important that the work done at local authority level and in both Houses of the Oireachtas should be tied to that done at European level. If there is capacity for us to do so, we should disseminate information in this regard.

The issue of media freedom was also discussed at the Council of Europe meeting to which I refer. It is important that we obtain access to the airwaves in order that we can highlight the work we are doing and thereby counterbalance coverage relating to the costs of that work.

I would welcome it if we were given an opportunity to provide feedback on what the Council of Europe is doing when we return from attending its meetings. It would also be good if there was feedback from the House on the work being done at committee level in the European Union. That work relates to the work being done in this country.

Senator Terry Leyden: I agree.

Senator Shane Ross: Will the Leader ask the Taoiseach to come before the House at the earliest possible opportunity? In view of the debate at the Fianna Fáil parliamentary party which took place last night and about which a number of newspaper reports appeared this morning, it appears the Taoiseach is still a prisoner of the Department of Finance. The extraordinary episode we are witnessing with regard to higher paid civil servants receiving preferential treatment above everyone else is led by that Department. I did not realise — I do not know how many Members are aware of this fact — that the people to whom I refer were in receipt of bonuses for the past four or five years, a period during which the country was going to rack and ruin. Responsibility for what happened in the period to which I refer rests, in the

[Senator Shane Ross.]

first instance, with the person who was then Minister for Finance who happens to be the Taoiseach and those who form the permanent government, namely, the mandarins in the Department of Finance.

The central issue appears to have been both missed and lost in the emotion surrounding this episode. The question that arises is: why, in the name of God, did those to whom I refer obtain bonuses in the entire period to which I refer? I simply do not understand this. Calculations have been made and it is being stated these poor individuals are losing their bonuses. Those involved in the Department of Finance should never have received bonuses. What is needed is not a debate such as that at a muted parliamentary party meeting, at which a rebellion was quelled with a flick of the Taoiseach's hand, rather the Taoiseach must come before the House to explain how the extraordinary decision to give bonuses to those who presided over the greatest disaster in the economic history of the State was made. He must also indicate how much the people concerned were given in bonuses and outline what they did to deserve them. To state the calculation relating to pay cuts will be based on the fact that these poor individuals are losing their bonuses is absolutely absurd. The Taoiseach must come before the House to clarify the position on this entire matter. It is not acceptable that he merely explain the matter to his parliamentary party, the members of which just seemed to collapse in the face of a completely inadequate explanation.

Senator Frances Fitzgerald: Hear, hear.

Senator Paul Coghlan: The sheep are back in the shed.

Senator Dan Boyle: I agree with Senator Coghlan that the House should debate the issue of waste management. The Joint Committee on the Environment, Heritage and Local Government will be discussing issues relating to this matter later today. There is a particular need to question the publication of the ESRI report earlier this morning. I have great respect for the ESRI and its work on economic and social issues. However, I do not believe it has the expertise necessary to deal with environmental issues. That the report in question was commissioned by Dublin City Council to counter the international waste review undertaken and overseen by officials of the Department of the Environment, Heritage and Local Government is a worrying development. If we commission expert reports within government and ensure they are compiled and published in an open way and then have them second-guessed by people to whom they do not relate, problems will arise in the context of how decisions are made and resources allocated.

Senator Frances Fitzgerald: Is the Senator questioning its integrity?

Senator Dan Boyle: The debate should focus on the issues to which I refer. If Members took the time to read the ESRI report, they would discover that it refers to rates of increase in the level of waste which did not occur at the height of the Celtic tiger era. It also refers to the fact that recycling rates will be frozen and not increased in the years to come. It is extremely badly put together and deserves to be scrutinised and the subject of argument. This House would be a good forum in which to have a debate on it.

On the questions raised by Senator Ross, again, there is widespread concern regarding the fact that such decisions have been made. It is not merely the short-term effect of such decisions or their effect on the general public or those working in the public sector whose wages have been cut which is a cause of concern. The underlying problem relates to the long-term effect. The existence of a bonus culture and the inclusion of such bonuses in the assessment of future pension entitlements lie at the heart of the reason there are problems in this area. There is a need for a real debate and honesty in this matter to ensure the short-term cuts necessary to

ensure public sector costs and those relating to the economy are brought into line are not affected by people's personal needs or considerations relating to their long-term future.

Senator Fidelma Healy Eames: What can the Senator do about it? His party is in government.

Senator Dan Boyle: That is why we need to engage in a debate on the matter.

Senator Fidelma Healy Eames: Senators Fitzgerald and Bacik have referred to the fact that the figures relating to unemployment are on the rise again. They both requested a debate on the Government's stimulus plan for the economy. Such a debate cannot take place because, as far as I am aware, the Government has no such plan. Meanwhile, there is a major crisis in the economy. Joblessness is on the increase and the number of college places is decreasing. I reiterate what I said to the Leader yesterday, namely, that he must impress on the Minister for Education and Science the need to resolve the matter relating to the provision of additional college places with the heads of third level institutions which are also facing a crisis in their funding. There is a need to provide thousands of additional places. College places constitute a recession-proof measure the Government can provide while the economic difficulties we are experiencing continue. The Government must realise FÁS is not the answer to everyone's problems. The latter has a great deal for which to answer, not least in the context of the way in which examinations it oversaw were marked. I call on the Minister for Education and Science to take urgent action on this issue. He should not even wait to come before the House to debate it but rather should work with the third level institutions to increase the number of places available.

An issue also arises with regard to the fact that leaving certificate students are no longer taking honours level mathematics as a result of the demands doing so places on them. There are other subjects which students can study to obtain the necessary points. The Minister for Education and Science has said the project maths programme is not the answer to everything, although we continually hear the programme is on its way. However, it has still not appeared. It needs to begin in primary school. Mathematics must be taught to a good standard at both primary and second level.

Senator Paschal Mooney: I agree with certain of the comments made by Senator Bacik and will put a question to the Leader in respect of them. However, I am sure he would first like to respond to the accusations which appeared in the media this morning in respect of last night's meeting of the Fianna Fáil parliamentary party. The debate which took place at that meeting was extremely mature and positive in nature.

Senator Jerry Buttimer: All of the members of the Fianna Fáil parliamentary party rolled over.

Senator Paschal Mooney: As the Senator was not present, he is not in a position to know what occurred.

Senator Jerry Buttimer: We heard it all from Deputy Mattie McGrath this morning. He provided chapter and verse. We did not need to be present.

(Interruptions).

Senator Jerry Buttimer: Deputy Mattie McGrath could not get anyone to second the motion he brought forward. Those in Fianna Fáil did not have the courage to support him.

An Cathaoirleach: There should be no interruptions from Senator Buttimer.

Senator Donie Cassidy: The Senator crossed the floor. He does not know what happens at our meetings.

Senator Jerry Buttimer: We heard Deputy Mattie McGrath on “Morning Ireland” earlier. He was like a bleating sheep. Those opposite should be ashamed of themselves.

An Cathaoirleach: Senator Buttimer will be leaving the House very early in the day if he persists in interrupting.

Senator Jerry Buttimer: That is fine. I would love to go to the country.

An Cathaoirleach: Senator Mooney to continue, without interruption. The Senator did not interrupt anyone.

Senator Paschal Mooney: It is the particular comment that Senator Buttimer has just repeated which has done a gross disservice to the very genuine and committed people within the Fianna Fáil parliamentary party who expressed very positive views on the matter.

Senator Jerry Buttimer: The term is “self-serving”.

An Cathaoirleach: We do not want to go into detail with regard to what people outside the House have said. Senator Mooney should put a question to the Leader.

Senator Paschal Mooney: It emerged at our meeting last night — this is an extremely disturbing discovery — that 231 of the 600 people to which the change in pay cut related were directors of service employed by local authorities. The Minister for Finance has made the point that this number exceeds the number of such persons employed in central government.

Senator Maurice Cummins: That is better local government for the Senator.

Senator Paschal Mooney: This matter is going to be considered in the proposed local government review. It is a disgrace that there are 34 local authorities and 231 directors of services.

I agree with Senator Bacik’s request to the Leader. I am glad she raised the issue of women’s participation in politics. I spent the past couple of years outside this House being somewhat frustrated at not being able to be involved in the wonderful initiative with which she has been identified in trying to improve the numbers of women in politics. Ironically, I wrote the book on it.

Senator Ivana Bacik: I have read the book.

Senator Paschal Mooney: Maedhbh McNamara and I published a book in 2001, which I recommend to Senators, entitled *Women in Parliament: Ireland 1918-2000*. During my time as a member of the Council of Europe I prepared and published two reports on women in politics. What has been missed in all the proposals and worthwhile debate that has centred on this topic in recent years is that it is the political system in this country that needs to be addressed. It is not just about getting more women involved or more quotas. The political system of proportional representation——

An Cathaoirleach: I call Senator Quinn.

Senator Paschal Mooney: ——with multi-seat constituencies is the real inhibiting factor in getting more women elected.

An Cathaoirleach: Time. I call Senator Quinn.

Senator Paschal Mooney: I would welcome a debate on the matter and I am grateful to Senator Bacik——

An Cathaoirleach: I thank you, Senator Mooney.

Senator Paschal Mooney: ——that she has continued the work that I and a number of others started——

An Cathaoirleach: Time, Senator Mooney, please.

Senator Paschal Mooney: ——prior to my temporary absence from the House.

Senator Feargal Quinn: A number of us attended the Jack and Jill Children's Foundation event this morning to which Senator Fitzgerald and others referred. We were very impressed at the amount of work being done there and the level of active citizenship involved in such organisations. It focuses on the care of young children with severe disabilities who are not being looked after by the State — we do not expect the State to do everything. This is for young children only up to the age of four. Senator Norris asked what would happen if it managed to extend it to those up to the age of 6. It is very clear that the value coming from groups such as the Jack and Jill Children's Foundation is not just worthy of support but is also worthy of recognising the patriotism and active citizenship in so many organisations doing work that is of great value to the State, including in financial terms.

I mention this because it is not normal to speak about active citizenship and patriotism. A few years ago President McAleese called for the amount of active citizenship taking place to be recognised. Yesterday the European Union imposed on Greece a number of strict conditions if it is to correct its economy. The next countries targeted to get their economies right will probably be Spain and Portugal. It did not mention Ireland on this occasion solely because we have taken the first steps. When I talk about patriotism and active citizenship I believe everybody should be doing that. I am very concerned —
11 o'clock Senator Leyden touched on just one small aspect — about those with secure jobs, who, while they have taken cuts in State pay, are suggesting they will work against the steps that have been taken. This is an occasion where everybody, especially the State employees, needs to say: "Let's bed down this year and put our hearts together in supporting the steps that have been taken by the Government in order to ensure we're not next in the line for conditions to be imposed on us from outside."

Senator Maria Corrigan: One of today's newspapers reported that the study that had raised concerns about the use of the MMR vaccine has now been retracted. Over the past 12 months serious questions have been raised regarding the reliability of the study's findings. While it was initially accepted a number of years ago, it has had a very detrimental impact on the uptake of the MMR vaccine, particularly in Ireland, because of the supposed links with the onset of autism. Ireland is in the midst of a very significant outbreak of measles. It is now very clear that there is no scientific evidence, present to us at the moment, to question the safety of the MMR vaccine. However, we clearly know that measles, mumps and rubella can possibly cause death and may also cause the onset of disabilities, which are entirely preventable. It is vital to give as much reassurance as possible to parents to take up the vaccine and protect their children.

A number of colleagues have spoken about the number of unaccompanied minors who have gone missing from the care of the HSE. Having raised the matter on numerous occasions, I would say that while it is helpful for us to comment on it, it is not sufficient. I ask the Leader to arrange for either the Minister for Justice, Equality and Law Reform or the Minister of

[Senator Maria Corrigan.]

State with responsibility for children and youth affairs to come to the Chamber to discuss the matter. The national plan that has been agreed between the HSE and the Department of Justice, Equality and Law Reform will be helpful for any children who go missing in future. However, we still need to address the fact that at present 424 children are missing from the care of the HSE. We must do whatever it takes to assure ourselves that each of them is safe. I suggest that a specific campaign be launched which at a minimum should provide a telephone number that members of the public can contact if they have any information regarding those missing children.

Senator Eugene Regan: It would be a very good idea if the Taoiseach came to the House because a number of issues need to be cleared up. Yesterday I raised an issue about the Minister, Deputy O’Dea, and since the Leader will not answer the question, the Taoiseach might be able to answer it. The issue raised by Senator Ross of the pay for higher civil servants should also be raised with him. The problem is not the cost of it, but the thinking behind that decision. What has been done is that since there was a cut in bonuses, the new pay reductions would not apply. That means the thinking is that the bonuses were permanent and they are now built in for the future. That is the flaw in the thinking and is the wrong approach. The Taoiseach should answer the question and explain why the Government has gone down this route. The budget and the entire Government policy in getting us out of recession has been based on fairness with everyone sharing the pain. However, because it is not being applied equally, it undermines the Government’s entire policy.

There is another issue on which the Leader has not responded. When we adopted the NAMA framework legislation on 12 November, I indicated at that time that it needed to be notified to the European Commission. I asked the Leader to keep the House informed about notification. That framework legislation gave us no details about financials or haircuts. All we have is a draft business plan from last October. It is important for us to know what is going on. There are questions about the notion of including Anglo Irish Bank in the scheme and including unimpaired performing loans in the scheme. When it gave its opinion on NAMA the European Central Bank raised serious concerns about the entire pricing issue.

I wish to correct the record regarding a matter raised yesterday.

An Cathaoirleach: The Senator’s time is up now.

Senator Eugene Regan: The Leader expressed concern over the delay in NAMA. I said the Government had delayed by five weeks in notifying NAMA to the Commission after the passing of the legislation through this House. In fact, the delay was six weeks.

Senator Ivor Callely: It is important to highlight the January 2010 Exchequer returns which indicate a deficit in receipts. However, it is important to note that the €3.1 billion in tax collected and the €4.1 billion reduction in expenditure are in line with the Department of Finance forecasts with an expectation of a return to economic growth in the second half of 2010. We should congratulate those involved in the forecasts given what is reflected in the figures for January 2010. I look forward to the expected return to growth in the latter part of the year.

I refer to the coverage of CAO applications, which is creating concern for both parents and students. I happen to be in that position myself. It is slightly unfair on students who are attempting to put their efforts and energies into examinations in the expectation that they will be accommodated only to find there is a myth to the effect that there may not be enough places. Although the eventual number of applicants will be fewer than the eventual number of applications——

Senator Fidelma Healy Eames: That is absolute rubbish.

Senator Ivor Callely: —the gap between supply and demand will narrow, as has always happened. That is my clear understanding.

Senator Fidelma Healy Eames: This is a different time.

An Cathaoirleach: No interruptions, please.

Senator Ivor Callely: I ask the Leader to arrange a debate to address the real question mark over the longer-term capacity of the higher education system to cope with the demand and assess what level of supports the system requires.

Senator Alex White: I agree with Senator Coghlan's call for a debate on the waste management issue. I am not sure if what Senator Boyle said is particularly helpful in terms of the ESRI report. It is true the ESRI is an economic research body, but for anyone to suggest that the management of waste and environmental matters is not an economic issue is absurd. Of course it is an economic issue, and it is quite legitimate that the ESRI should produce this report. By all means let us have it debated.

We all appreciate the pressure the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, is under in relation to the constituency aspect of this. However, there is a wider interest in terms of the waste management of the country which transcends any local or constituency interest. For that purpose there ought to be a debate in this House. It is remarkable that the Minister's Cabinet colleagues are so silent on this issue, given the pressure he appears to be under. The silence from his colleagues is really deafening in relation to any suggestion of support for him.

I support what Senator Bacik said about last night's debate in Trinity College Dublin. I am a member of the Oireachtas Joint Committee on the Constitution, it was an excellent debate and it was important that the committee should go there. I compliment the department of political science, TCD and the students there on the enormous contribution they made for a most stimulating evening. Senator Mooney indicated that there is a wider issue of political reform to be addressed here, and I believe he is right.

Others have referred to the Fianna Fáil parliamentary party meeting last night, which is where most of the debate seems to be going on about all the issues of concern to the public.

Senator Terry Leyden: And rightly so.

Senator Alex White: It is actually not rightly so. The Fianna Fáil Senator is quick to jump in, and in doing so makes my point for me.

Senator Terry Leyden: We are the ruling party.

An Cathaoirleach: No interruptions.

Senator Alex White: When we are talking about bonuses for senior civil servants, the reform of local government or all the other issues of concern to the public, the debate should be held in the Houses of the Oireachtas and not behind closed doors so that we do not have to tune into "Morning Ireland" to find out what was happening from some poor soul who was at the meeting.

I will finish with the issue of reform and in doing so want to agree with Senator Mooney who says there is a wider issue involved. It is a pity that it would appear from the reports of the parliamentary party meeting that many members of that body seek to maintain the *status*

[Senator Alex White.]

quo. In particular, *The Irish Times* today says the Senators were saying they do not really want to see real reform. It is not a job just for Members of the Oireachtas to talk about reform of the Oireachtas or local government. We cannot leave reform of the Oireachtas to the Members of the Oireachtas.

Senator Jerry Buttimer: I second Senator Coghlan's amendment to the Order of Business. I ask the Leader for a debate on the ESRI report because it seems that Senator Boyle and members of the Government, when it is convenient, can ridicule an independent body that has provided excellent reports to Government for a generation. The management of waste and the whole issue of the environment needs to be debated, but it is disingenuous of members of the Government to accept a report when it suits them and to cast it aside when it does not. The ESRI is either independent or it is not.

I also ask the Leader to invite the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, to address the Seanad. I have a specific question for the Leader. Where is the hope, the vision, the stimulus plan, the job creation package and the Government policy to get Ireland back to work again? The answer is that 13% of our fellow citizens, men and women, qualified, unqualified, blue collar, white collar, young and old are unemployed, without work. It is soul destroying, and they are being let down by a Government, which, as Senator Ross quite rightly said, has no interest in fairness, transparency and equality. It lets certain people get away with matters while accepting a bonus culture and higher remuneration and then more people are struggling.

Yesterday the Fianna Fáil parliamentary party had not the courage of its convictions to support the abolition of higher pay. Senators come into the House bleating, yet when they were behind closed doors they rolled over like Shep. Will the Leader say whether he supported the abolition of the higher pay yesterday? He did not, but sat quiet and rolled over, and his colleagues did the same.

(Interruptions).

An Cathaoirleach: Questions should be just to the Leader. The Senator should not worry about other people's parliamentary party.

Senator Jerry Buttimer: My question for each of the Senators on the Government side is why they did not——

An Cathaoirleach: It is questions to the Leader.

Senator Jerry Buttimer: I am asking the Leader and the others, through him——

An Cathaoirleach: The Senator's time is up.

Senator Jerry Buttimer: I am concluding on this. Do they realise that they are members of a party in Government and are not in Opposition, that they cannot stand on the plinth and say one thing and then say another thing before the parliamentary party, and, more important, they cannot legislate and then say the opposite?

An Cathaoirleach: Senator Buttimer's time is up. I call Senator Norris. We are way over time.

Senator Jerry Buttimer: They should go to the people and accept the consequences of their failed economic policies.

Senator David Norris: I second Senator O'Toole's motion. I am all in favour of women in politics, but given the rhetorical question asked about Lehman Sisters, had it been Thatcher's sisters, the situation might have been considerably worse.

(Interruptions).

Senator David Norris: On the economic area, I am a prophet crying in the wilderness. Why did the people meeting in Davos not take up the situation of Standard & Poor's and Fitch, which dishonestly rated products, were involved in this whole bundling system, helped to walk us into this position and at whose beck and call we are still because they continue to rate people? The Davos world economic forum should have taken the opportunity to get rid of Standard & Poor's and Fitch and set up an internationally established independent ratings system, but they did not have the courage to take them on.

I support what Senator Fitzgerald said about the Jack and Jill Children's Foundation. I was there this morning and it springs from the tragic situation Jonathan Irwin found himself in, but he responded in a very positive way. It was demonstrated by Professor Normand and Dr. Revill from Trinity College that the cost to a family, even if a child is in hospital, is €50,000 and €25 million could be saved by implementing a further programme of the Jack and Jill Children's Foundation.

I want to raise a matter that I believe to be of great significance in terms of the smart economy. We are always talking about that, yet a proposal appears to be emanating from central sources to disconnect the universities from access to electronic journals. In terms of the sciences, there have already been 4 million hits on this service. In terms of the social sciences, it is 4.5 million, to give a total of 8.5 million hits. This is the lifeblood of research and intellectual inquiry and senior people in the university have suggested to me that this is a lunacy and the equivalent of book burning. I ask the Leader to pass on this strong concern of people on all sides of this House to the Minister of Education and Science. In a situation where the universities are part of the knowledge-based society, they must continue to have uninterrupted access to electronic journals.

Senator Paschal Donohoe: I support calls from Senator Fitzgerald and others for a debate on jobs, especially in the light of the figures Senator Healy Eames talked about and which were published yesterday. She indicated that more job losses were announced and in particular referred to the fact that 6,700 of these related to people involved in part-time work. People involved in part-time work tend to be young and they are trying to get onto the jobs ladder for the first time. These are the same people who, this January, were facing cuts in their social welfare payments. They inhabit the environment where the educational opportunities, job placements and third level places have been cut as well. The Government is saying the solution to getting the young into work is to cut social welfare payments, but job opportunities, schooling and college places are also being cut back.

These people did not benefit from a rise in house prices or from tax cuts. They are certainly not benefiting from pension deals, so we urgently need a debate on this matter. This highlights the point made by Senator Ross to the effect that one part of our society can see cuts in pay absolved and changed while in another the young are facing times and circumstances that are becoming ever harsher. Daily, Members on the Government side come to the Seanad to huff and puff about this but when there appeared to be a chance to do something about it last night, they could not even manage to do that. For that reason, it is important to have a debate about this in the Seanad and have the Tánaiste or the Taoiseach present to address these points.

Senator Dominic Hannigan: I join other Senators in calling for a debate on unemployment. Six months ago, the Labour Party launched a document with a ten point plan to find a way out of unemployment. One of those points related to apprentices. I am glad that others have raised the subject of apprentices. The Minister for Education and Science, Deputy Batt O’Keeffe, suggests that if people cannot find a place in colleges through the CAO process, they might try apprenticeships. Unfortunately, however, the country is suffering at present and there are not enough apprenticeships available. I call for a debate on that issue.

He also suggested that if people cannot get into college here, they should try to do so in the UK or Northern Ireland or take up post-leaving certificate, PLC, courses. However, those places are also suffering due to issues of supply and demand, and tonight we will have an opportunity to discuss the cap on PLC places in colleges in Ireland. There are limited opportunities for people who cannot get into the CAO process. We should hold a debate on this because the Minister is wrong and must act soon to ensure that people who are trying to access further education have a chance to fulfil their dreams.

Senator Rónán Mullen: I support the comments of Senator Regan, Senator Ross and others about the reversal or partial reversal of the pay cut to be endured by higher remunerated public servants. I am struck by a different element of this issue, which is the question of access to power. It appears to be very easy for people at a certain level of society to secure consideration of their needs. Not for them letters to Members of the Oireachtas, letters to newspapers or the necessity to mount a lobbying campaign. Instead, it is perhaps a word in the Minister’s ear. That type of thing, or even a perception of it, will sap public confidence at a time when, let us face it, much more deserving people are being asked to make sacrifices without any reversal of what is proposed. This is a matter of concern.

Yesterday, Senator Bradford and others raised the issue of nursing homes, the mistreatment of people in residential homes for people with disabilities and the lack of transparency surrounding investigations of abuses. Today, we learn of the publication of a report on the contract between St. James’s Hospital and a private nursing home in Maynooth, County Kildare. A large number of people were admitted to the nursing home within a very short time, in circumstances where the nursing home was incapable of coping. It happened two weeks after the report on Leas Cross was published. Something very similar had happened in Leas Cross, where a large number of patients, perhaps in more extreme circumstances, had been admitted from St. Ita’s Hospital in Portrane. Again, I ask the Leader to commit to holding a debate on the care of older people and people who are vulnerable. There is a responsibility not just on nursing homes but also on hospitals who would make arrangements to put people into nursing homes in circumstances where the homes might be unable to cope and people may suffer as a result.

Senator John Hanafin: Will the Leader arrange for a debate on the economy? The Revenue Commissioners have issued figures for January which show that VAT receipts were not what one would have hoped. However, I am surprised that no commentator has mentioned the obvious fact that VAT is generated by consumer spending and that in the first two weeks in January we experienced the worst weather for the last 30 years. Naturally, there would be a major fall in revenue as a result. Anecdotal evidence, however, suggests there is an increase in spending. That evidence has been given to me by the same person who strongly warned last year of a big fall in revenue, so that source is quite reputable. I suggest that things are better than we might imagine. However, the figures for unemployment have increased again. That must be the focus for this House in the coming year. We must focus on areas where we can increase employment. I was glad to hear Senator Quinn mention that the European Union has given stricter guidelines to Greece and is about to give stricter guidelines to Spain and Portugal,

but considers what we are doing to be correct for the Irish economy. We will turn the corner this year. Perhaps this House can serve the country even better by focusing on employment and ways to create employment in a growing economy.

Senator Niall Ó Brolcháin: I support Senator Hanafin's call for a debate on the economy. That is extremely important. Various people in the Opposition talk about Government stimulus packages. The Government is providing €6.5 billion in stimulus and is working on that. However, there must also be a stimulus package from the private sector. I refer in particular to high street rents. They are not reducing to the proper level and many businesses are suffering due to over-expensive rents. Many businesses are closing and there are many gaps in our high streets. We must protect small businesses. I hope the debate on the economy sought by Senator Hanafin will happen as soon as possible.

Senator Donie Cassidy: Senators Fitzgerald, Coghlan, Quinn and Norris congratulated the Jekyll and Hyde foundation for the wonderful work it is doing. Senator Fitzgerald outlined the huge difference between the cost of the services being provided by the foundation and those provided by the HSE. It is something we must examine——

Senator Frances Fitzgerald: It is the Jack and Jill Children's Foundation.

Senator Dominic Hannigan: Jekyll and Hyde is something different.

Senator Donie Cassidy: My apologies. It is the Jack and Jill Children's Foundation. This is an area where, again, the Minister has an opportunity to address something substantially, which could be of huge benefit both to the young people who receive the services and also to the Exchequer. I support the Senators and will convey their views to the Minister after the Order of Business.

I accept the point made by Senator O'Toole about commencement dates in Bills. This is something we must examine, and I will convey the Senator's view to the Minister.

Senators Fitzgerald, Bacik, Coghlan, Healy Eames, Callely, Buttimer, Donohoe and Hannigan expressed their concern about the new figures that have been published for unemployment and tax revenues. As Senator Hanafin pointed out, given the weather in the first two weeks in January it is understandable that VAT income is down substantially. Everybody experienced difficulty at that time, particularly people in the retail sector. With regard to the unemployment figures, employment always lags behind growth in the economy. As we know from experience over the years, the economy will pick up and will be in growth for some time before the unemployment figure starts to reduce.

Various views have been expressed, particularly by Senator Ross, about the tables which illustrate the change and reductions in net pay since 2008. I have a table before me which indicates that the pay of clerical officers at the lowest rate was reduced by 7.3%, the pay of assistant principals was reduced by 16.8%, that of principal officers by 19.3%, that of assistant general secretaries by 24.9%, that of Department general secretaries by 27% and that of Secretaries General by 33.9%.

Senator Shane Ross: There is no mention of bonuses.

Senator Donie Cassidy: There is no reference to bonuses——

An Cathaoirleach: The Leader is replying on the Order of Business and there must be no interruption.

Senator Donie Cassidy: —and I wish to take issue with Senator Ross. It is pay in one's pocket. That is very simple arithmetic, and Senator Ross should not try to confuse it.

Senator Shane Ross: The bonuses are not included.

Senator Donie Cassidy: We all know where the Senator is coming from, and I will explain why.

Senator Shane Ross: Enniskerry.

Senator Donie Cassidy: When I allocated time for a debate two weeks ago and had the Tánaiste in the House to participate, the debate collapsed. I see where the issue is at heart for some Senators. I thank the Senators who called for that debate on the Order of Business and who were genuine and sincere in making their points in the presence of the Tánaiste last Thursday week.

Senator Shane Ross: Jekyll and Hyde.

Senator Donie Cassidy: Consistency must be the order of the day on the Order of Business.

Senators O'Toole and Norris referred to human rights in Colombia and the all-party motion, No. 18. I fully accept their point and I agree to their amendment to the Order of Business. I thank Senator O'Toole for bringing the matter to our attention.

Senators Bacik, Keaveney and Mooney called for a debate on women in politics. I have agreed that this will take place on the anniversary day, if at all possible. I will discuss this with colleagues and the leaders in the House at our meeting next Tuesday.

Senator Ivana Bacik: Which anniversary?

Senator Donie Cassidy: I made a commitment in the House on this and stated yesterday on the Order of Business when the debate would take place. I discussed it with Senator McDonald, who was first to ask me for such a debate. My commitment stands.

Senator Ivana Bacik: I thank the Leader.

Senator Donie Cassidy: I will revert to the House tomorrow morning with the date, if that pleases the Senators.

Senator Ivana Bacik: I am very much obliged.

Senator Donie Cassidy: Senator Leyden referred to the union-sanctioned embargo affecting passport applications. I will speak to the Minister about this. We all agree fully that if people are in urgent need of a passport, they should be facilitated. No matter what dispute takes place, one should be allowed to return to work in the country in which one is fortunate enough to have a job. Those whose passports are out of date are certainly in a position of hardship and should be given special consideration.

Senators Coghlan, Boyle and Alex White called for a debate on waste and waste management. This debate is very timely and I have no difficulty in allowing time for it to take place.

I take on board Senator Keaveney's views. I wish well our new Commissioner, Máire Geoghegan-Quinn, who is to begin her five-year term this week. She is a competent, capable person and has certainly proved herself down through the years. She will serve Ireland and the Commission well in her new role.

Senators Ross, Boyle, Regan and Mullen called for the Taoiseach to come to the House to discuss civil servants' pay. I have outlined the difficulties being experienced in this regard. I wonder at times whether Fine Gael and the Labour Party have parliamentary party meetings at all because the only such meetings ever discussed in the House are the Fianna Fáil ones. Some colleagues on the far side of the House had a family tradition of being on this side of the House but, because there was no room in the inn, they are on the far side of the House. That is understandable but, really and truly, everyone must be factual in their comments.

Senator Frances Fitzgerald: The Leader is losing the plot.

Senator Fidelma Healy Eames: We are talking factually.

Senator Alex White: That is pathetic.

Senator Donie Cassidy: It is understandable and I take it into account when some colleagues get a little bit hot under the collar when asking certain questions.

Senator Shane Ross: More Jekyll and Hyde.

Senator Donie Cassidy: There are one or two Senators who have a track record in this regard and it is very obvious.

Senator Maurice Cummins: In the Leader's parliamentary party.

Senator Donie Cassidy: Senator Healy Eames called for a debate on education. As I have said, the Minister has agreed to come to the House to have what I hope will be an all-day debate on education. I listened very attentively to Mr. Tom Boland being interviewed on the radio this morning. He was very informative and brought us up to date on his views. He is very experienced in the field of education.

Senator Quinn referred to the European Union, State employees and social partnership. I hope the unions, Government and all interested parties return to the partnership talks. The views of the Taoiseach, expressed yesterday, will afford an opportunity for this to take place. The talks comprised the bedrock of our success over the past 20 years. Growth of 7% per year was the order of the day for ten or 11 years. I look forward to the recommencement of the talks because they represent where we will be in the future.

The corrective measures, including those in the budget, were totally necessary, as recognised by everyone, including the EU authorities. We should move on from them, return to the partnership talks and continue making the progress we made over the very many years during which the talks took place.

Senator Corrigan asked for the position on the MMR vaccine to be outlined to the House. She referred to the outbreak of measles, of which I was not aware. I will pass on to the Minister the Senator's views, including her strong concern over the 424 missing children.

Senator Fidelma Healy Eames: We are well aware of them.

Senator Donie Cassidy: I passed on Senators' views on this yesterday and will do so again today.

Senator Regan referred to NAMA notification. The Senator has been in Brussels quite recently and I know he knows the answer to his question. It would be worthwhile to update the House on a monthly basis on the progress of NAMA. I will endeavour to have a special debate take place on the up-to-date position on NAMA. I hope it will be before the end of the month, if acceptable. I accept Senator Regan's bona fides in this case. While I do not agree

[Senator Donie Cassidy.]

with what he did, I must accept he is a person of considerable experience in the European Union. No doubt it will become apparent over time why he took his decision. I hope it was in the national interest but I just do not understand it at present.

Senator Callely called for a debate on CAO applications. This can be taken with the education debate.

Senator Buttimer referred to the ESRI report. Of course we will have a debate on it.

Senator Norris outlined to the House his concern over the smart economy and the 8.5 million hits by researchers and students. This matter can be discussed during the debate on education in the presence of the Minister for Education and Science.

Senator Mullen called for a debate on the care of older people. I have no difficulty with this taking place.

Senators Hanafin and Ó Brolcháin called for a debate on the economy. This is very timely and I hope we will have the debate in light of the publication this week of the Finance Bill. The Bill is to be taken next week in the Dáil over two full days, Tuesday and Wednesday. I will endeavour to have the debate on the Finance Bill and all the issues pertaining to the economy following that.

An Cathaoirleach: Senator O'Toole proposed an amendment to the Order of Business: "That No. 33, motion 18, be taken without debate before No. 1."

Amendment agreed to.

An Cathaoirleach: Senator Coghlan proposed a second amendment to the Order of Business: "That statements with the Minister for Enterprise, Trade and Employment on the unemployment figures announced yesterday be taken today."

Amendment put.

The Seanad divided: Tá, 21; Níl, 28.

Tá

Bacik, Ivana.
Bradford, Paul.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.
Healy Eames, Fidelma.

Mullen, Rónán.
Norris, David.
O'Toole, Joe.
Phelan, John Paul.
Prendergast, Phil.
Quinn, Feargal.
Regan, Eugene.
Ross, Shane.
Twomey, Liam.
White, Alex.

Níl

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Carroll, James.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.

Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.
Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.
Ó Brolcháin, Niall.
Ó Domhnaill, Brian.

Níl—*continued*

Ó Murchú, Labhrás.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.

Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
Wilson, Diarmuid.

Tellers: Tá, Senators Jerry Buttimer and Maurice Cummins; Níl, Senators Camillus Glynn and Diarmuid Wilson.

Amendment declared lost.

Order of Business, as amended, agreed to.

Free Trade Agreement with Colombia: Motion.

Senator Joe O'Toole: I move:

That Seanad Éireann concurs with the view of all 12 Republic of Ireland MEP's in seeking that the EU suspend the negotiations for a Free Trade Agreement with Colombia until their Government respect Human and Trade Union Rights.

Senator David Norris: I second the motion.

Question put and agreed to.

Dog Breeding Establishments Bill 2009: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

Acting Chairman (Senator Kieran Phelan): I welcome the Minister of State, Deputy Áine Brady.

Senator John Ellis: I welcome the Minister of State in the absence of the Minister. When we debate animal welfare, and this is an animal welfare Bill, we hear about extremes and serious cases of neglect. None of us wants to see animals mistreated, whether by means of neglect or poor husbandry, irrespective of the type of animal.

We are all well aware that dogs and dog breeding have been an important business as far as this country is concerned. The greyhound industry has been a major source of income to people throughout the country and has been reasonably well run and controlled. The only fear I have occasionally about the greyhound industry is what becomes of the outcasts, namely, the dogs that do not manage to make it on the track. What is done with them when they are finished with? I am aware they are sometimes re-homed or humanely put to sleep but in that regard we are also aware that there are cowboys, so to speak, operating in dog breeding and they have caused some serious problems for welfare groups, local authorities and the general community.

We are all aware of cases where people involved in dog breeding have neglected dogs. There have been a number of cases where puppy farms were found to be in a seriously bad condition, with dogs not looked after or fed. That is something none of us wants to see happen. It is hoped this Bill will introduce controls but in doing so, will we create another bureaucracy to be run by local authorities? To what extent will the authorities have to fund it because I do not see it being self-financing in many areas? It is suggested it can be self-financing but I do not believe there is any hope of that. We all are aware local authorities are stretched to maintain other services. I am not saying there should not be controls in dog breeding but there must

[Senator John Ellis.]

be a cost involved, and I wonder whether local authorities will be able to carry those costs. It is suggested there would be back-up staff, up to and including veterinary surgeons, to implement this measure. This is an area that might have been added on to the remit of the current county vets who would be in a position to deal with it because they are not overly stretched looking after abattoirs throughout the country to which they are assigned. There is no need to expand the number of personnel to run the service because it is a service that could be put under the control of those people. I suggest the Minister, when he is further instructing the local authorities, should instruct them to take that course of action rather than create another post with a salary of €80,000 or €100,000 a year that cannot pay for itself, so to speak.

Litter wardens do a good job throughout the country. When they are called out to deal with particular situations, they deal with them, but the various anti-cruelty groups are deserving of a great deal of praise when it comes to dealing with certain situations. There are also some individuals who have made enormous commitments to ensure dogs are re-homed if at all possible rather than being put down, which had been the practice in many dog pounds throughout the country where dogs were put down once the prescribed number of days had passed. That was not the proper approach. Re-homing is a more positive way to deal with that problem. There is a pound in Leitrim which does a tremendous job in re-homing dogs. Some dogs are re-homed in the United Kingdom. People make considerable contributions to those groups to ensure dogs are re-homed but none of them re-home dogs unless they are assured they will be well looked after for the rest of their lives.

12 o'clock

Dog owners have a responsibility in this regard also. Every Christmas the anti-cruelty groups remind us not to give a puppy as a Christmas present that will be dropped at the side of the road the first week of January when it becomes a nuisance in the house or fouls the house and the mother decides she no longer wants to deal with the mess any longer and the puppy is dumped. People who take in a dog must be able to look after it properly. A puppy is probably not the best Christmas present to give a child, unless they are old enough to look after the animal properly.

Dog owners have a responsibility to keep and look after their animals and to pay their licence fees. They also have a serious obligation not to allow their dogs wander. We all know that wandering dogs can create havoc for farmers because they worry sheep, cattle and horses, sometimes causing severe financial loss for a farmer. In many of these cases, the dogs are neither tagged nor microchipped. The farmer may know who owns the dog but there is no way to prove it. It should be mandatory that every dog from a breeding establishment would be microchipped so that if it gets up to any mischief, it can be traced.

Some of the terms proposed for dealing with hunts are draconian and beyond what needs to be done. A basic approach should be taken and negotiated with the various hunting organisations to ensure a compromise acceptable to everybody. If one wants legislation to work, one must ensure it is workable and those affected by it do not suffer any serious consequential loss, financially or otherwise. Nothing creates a black market except a consequential financial loss to people. I appeal to the Minister to work with the hunting organisations and the greyhound breeders to reach an agreement on how the Bill should be implemented.

Senator Feargal Quinn: This is a much needed Bill in light of the Dublin Society for Prevention of Cruelty to Animals estimate that up to 1,000 puppies a week are exported from Ireland to countries where there is much greater regulation. This Bill is also an appropriate occasion on which to ask the question of what we do with stray dogs. According to the Government's figures, more than 12,500 stray and abandoned dogs were euthanised in Ireland in 2007, the equivalent of 34 dogs every day. In Scotland, a country of similar size, only around 350 dogs

were euthanised in the same period. The figures for Ireland included puppies and pedigree dogs, so obviously too many dogs are bred in this country. I hope this Bill will make people think twice before they breed dogs in search of a quick profit.

I must declare an interest. For many years I hunted with the Fingal Harriers and the Ward Union Hunt. In Britain, the ban on hunting shows the clear division between city and country. I would hate to see this happen in this country. Senator O'Toole suggested one way to solve this might be to hand over hunting regulation enforcement to local authorities. For example, Meath County Council could decide if it would allow hunting.

The Minister said he negotiated with the hunting associations regarding this legislation. I was approached by the Ward Union about its concerns with the Bill and it certainly does not believe it is getting a fair deal. Its representatives said to me the debate affords an opportunity for the Minister to keep faith with written commitments given by him and his predecessors to the hunting associations. I understand the commitments were that hunt kennels would be exempt from the terms of the Bill. However, as it stands drafted, scores of hunt club kennels would be caught within its strictures. Will the Minister explain to me if that is so?

The Bill has always been promoted, according to the hunt associations, as one to deal with the issue of commercial puppy farming. Since hunt clubs do not breed pups on a commercial basis but only to renew the number of hounds in their own pack, they believe they should be excluded from the Bill. The former Minister, Deputy Dick Roche, assured the associations they were not part of the problem and would therefore not be part of the solution. The Minister, Deputy John Gormley, wrote to the Minister for Justice, Equality and Law Reform on 15 February 2008 stating:

Given that the primary objective of the proposed regulations is to regulate commercial dog breeding, and in view of the strict standards which apply to the members of the Hunting Association of Ireland, it is my intention that groups affiliated to the HAI be granted an exemption from the requirements of the regulations.

The Minister has not given any reason he has executed such a major policy U-turn in defiance of an undertaking given by his predecessor and his own clear commitment in writing to a Cabinet colleague.

The Bill will allow inspectors to prosecute breeders who keep their animals in cruel and unhygienic conditions. The obvious question of enforcement arises. Will there be enough staff to oversee this increase in inspections? Several local authorities did not prosecute anyone for not having a dog licence last year. How will more enforcement of dog licences be pressed? It is an offence to have a dog over the age of four months without a licence. By lowering this limit, a person might be less inclined, where their dog has puppies, to get rid of them before they reach four months old to avoid the costs of obtaining a dog licence.

There could also be a provision in the Bill for a mandatory inspection of dogs being exported. It could be an obligation on ferry companies to inspect dogs if more than a certain number are being transported to ensure their documents and licences are inspected and they have been treated humanely.

There was a shocking recent investigation into the famous Crufts dog show by the BBC. It found the way pedigree dogs were bred for such shows meant they were at great risk of health problems and that many of the dogs suffered from genetic diseases after years of in-breeding. We have to look at this sort of negligence by puppy farms. It is not the usual and overt mistreatment but something less well-known.

A report by the University of Cambridge professor, Patrick Bateson, which took ten months, has recommended the compulsory microchipping of all puppies in the UK, along with the

[Senator Feargal Quinn.]

creation of an independent council on dog breeding and beefing up an accreditation scheme for breeders. Lessons can be learned from this. Pedigree breeding is quite prevalent in Ireland and we must ensure such animals do not suffer unduly because of the way they are bred. I am interested in the Minister's view on this less obvious form of dog abuse.

The Bill is necessary. I was unaware of the problems and practices in dog breeding. Tackling this is worthy and I support it. I would like my queries about the inclusion of hunt clubs to be addressed. The Minister during his speech gave the impression the hunting associations and the greyhound industry support this Bill. That does not seem to be the case from the reports I have received. Will the Minister address the concerns of the Hunting Association of Ireland and the Ward Union Hunt?

Senator Ann Ormonde: I welcome the Minister of State and two aspects of the Bill. I listened to Senator Quinn and agree with him on many of the points he raised which I will be endorsing.

I recognise the need to improve and regulate dog breeding establishments and the management of dog breeding. We all are well aware of the disgusting images of illegal puppy farming and the appalling conditions in which some breeders rear their puppies before selling them to the public. It is vitally important, therefore, that this legislation is being introduced to ensure proper animal welfare standards in these establishments.

I acknowledge that the Minister has engaged in wide consultation with a variety of interested parties, including Departments, voluntary and dog interest groups, but there is a concern that the hunting association and the coursing breeders' board have not been consulted. This concerns me because, as Senator Quinn stated, they have made the point that they should not be included in this legislation to do with commercial dog breeding, with particular reference to the rearing of greyhounds, hunting and coursing. I again ask what is the long-term view of the Minister in this regard. The Bill deals with commercial puppy farming. Hunt clubs breed pups not on a commercial basis but only to renew the number of hounds in a pack. Therefore, such clubs should be excluded from the Bill. The reason I have taken an interest in this issue, even though I have worked most of my life in Dublin — there is an rural-urban divide — is members of my family are involved in and very much associated with hunting in the south east. I must, therefore, make known my view that the hunting association should not be included in these regulations and registration scheme. While we all agree there must be standards and regulation and registration of these establishments, the local authorities are the ideal bodies to be in control of such matters.

There is a question arising. It is very important, if we are to introduce new legislation providing for registration and regulation, that the cost factor is taken into account, as there must be backup services available. There must be dog wardens, inspectors and veterinary staff who can monitor progress and pounce on these establishments. There is not much point in talking the talk if no action will be taken through the local authorities. Most establishment owners welcome the new standards and structure because they will know exactly what they can and cannot do within their commercial establishments. It is very important, therefore, that they have a link with the local authorities in order that they can all work together and owners will know exactly where they stand. I also agree that there must be a transition period to allow the owners of puppy farms to put their house in order that after a certain period — perhaps three months — there will be no excuses. While I hope registration fee and dog licence income will cover the running costs of the inspectorate, I wonder whether that will be the case.

The Minister has stated he will consult the hunting association and coursing greyhound breeding groups but I would have thought he would have done this before he introduced the Bill.

Senator Maurice Cummins: Hear, hear.

Senator Ann Ormonde: It is strange that he should decide to do so midstream. However, if he does so and acknowledges that such groups do not rear puppies for commercial purposes, I will have no difficulties in that regard. It goes without saying we all want to protect and ensure the welfare of young dogs. Therefore, the legislation is to be welcomed, but the greyhound coursing groups and the hunting association are very anxious to make the point that the Minister's next move will be to ban hunting and coursing, over which I would not stand under any circumstances. From the time I was knee-high I was brought to coursing meetings. As Senator Cummins knows, it was part of the culture of rural Ireland and is still lovely. I am not saying we should destroy animals, but there is a way of protecting them. The hunting association and the greyhound coursing groups agree everyone wants to protect animals, but it is a matter of how we do it. I, therefore, ask the Minister to rethink and talk to the hunting association before he finalises the Bill. He has stated he will do so. We welcome his statement that this legislation must be brought forward, as there must be a tight structure for those establishments run by cowboys to breed puppies. That is what the Bill is about, it is not about the rearing of dogs for hunting. It is about protecting those animals which are badly treated. In that regard, this is good legislation. However, I hope the Minister will talk to the hunting association to clarify exactly where he stands with it.

Senator Maurice Cummins: A dog may be a man's best friend, but without question there are many humans who are cruel to dogs. As one who raised the question of puppy farms four or five years ago in this House, I welcome legislation that will assist in rooting out cruel and greedy dog breeders whose only concern is financial gain. Thankfully, such individuals who run these establishments are few and far between. I hope they will be a thing of the past when the legislation is passed and enforced, although there will always be unscrupulous individuals who will try to defeat the system where money is involved.

I have reservations about some aspects of the Bill. The Minister for the Environment, Heritage and Local Government, Deputy John Gormley, mentioned in the House that he had consulted the Hunting Association of Ireland and its affiliates only last week. I want him to confirm that this statement was correct; otherwise, he may need to come to correct the record of the House. Written assurances were given by the Minister of State, Deputy Roche, and the Minister, Deputy Gormley, to hunt representative associations in his reply to the comments of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, that they would be exempt from the Bill, both in terms of fees and registration. Based on what is contained in the Bill, the Minister has reneged on that commitment. I acknowledge the payment of fees has been waived, but the same does not apply in the case of registration. Hunt kennels only breed a handful of pups each year, simply to renew numbers in a pack. They are certainly not commercial dog breeding establishments and cannot be classified as puppy farms.

When one mentions registration, does that infer such information will be in the public domain? If that is the position, no wonder breeders are concerned, as there are animal rights groups and activists who can only be classified as subversives who have been convicted of offences in the United Kingdom. Some of these groups and individuals are active in Ireland; some even purport to have links with the Green Party which I am sure the Minister will deny. However, one understands why breeders would be concerned if such people had access to their names and addresses. These people have shown and proven in the past that they are capable of anything. Senators Norris and Ó Brolcháin asked what the hunt people are worried about and why. One of the main reasons they are worried is the possibility of these type of people having access to their names and addresses.

[Senator Maurice Cummins.]

I refer to a quote from Bernie Wright who has met the Minister, Deputy Gormley, several times recently. The Minister met several people before the referendum on the Lisbon treaty and promised them various legislation on animal welfare if they voted “Yes”. She is the public relations officer of the Association of Hunt Saboteurs. The hunt were lobbying for an exemption for hunt kennels. She suggested they failed to get the exemption and that they would be inspected. This lady told us this before the Minister had the Bill in and after he promised other Ministers they would be exempt. This lady was able to tell all and sundry that hunt kennels would not be exempt. One wonders who is running the country since such people put pressure on the Minister and the Minister accepts it and introduces legislation to appease these people.

I refer to correspondence from Nuala Donlon, the founder of the Alliance for Animal Rights, AFAR, to Bernie Wright. She stated:

This Government is far from stable. You may be already voting “Yes” on Friday or not voting at all. If you are going to vote “No” then I would urge you for tactical reasons only to consider a “Yes” vote. I oppose Lisbon and find it a gross insult that we are voting a second time. But for the sake of some progress on animal rights in this country, the current Government in which the Greens hold such a power and sway must be kept in place and it is for this reason and this reason alone that I will be voting “Yes”. A hard pill to swallow.

I refer to a further quote:

Nuala and I both agree with the strategy below, although both of us have voted “No” in the past. We need the Greens there a little longer. Please trust us.

Such e-mails are being passed around and this legislation comes as a result of such actions.

Some of the despicable puppy farms unearthed in recent years contained fewer than six bitches. I trust the fines in the Bill will be an adequate deterrent for the rogues and scoundrels that run these establishments and carry out cruel and inhumane practices. None of us wishes for such practices to continue.

I refer to the question of finance raised by Senator de Búrca. Even after the increase in the licence fees, local authorities will have a shortfall of €1.6 million each year. Does the Minister intend to ringfence funding for local authorities to make up this deficit? The County and City Managers’ Association and the representative associations for members are keen for sufficient funding streams to be put in place to enable them to meet their responsibilities under the Control of Dogs Acts and under this Bill. Senator de Búrca and the Green Party have stated there will be a €1.6 million deficit. Where will the local authorities get this money? We have already seen the disgraceful cutbacks on roads and there is another cutback in respect of this Bill. Is the Government trying to stifle and ruin local authorities altogether?

As I stated earlier, Fine Gael will support the Bill in principle and will not oppose it on Second Stage. However, I hope that on Committee Stage the Minister will be receptive to some of the amendments we intend to table. As Senator Ormonde stated, people have been hunting since Adam was a boy and will continue to hunt whether the Green Party is in power.

Senator Denis O’Donovan: So will Fianna Fáil.

Senator Maurice Cummins: They will do their business. The Green Party seems to be trying to ruin rural Ireland. I am very surprised that the majority of the Fianna Fáil Party involved in rural Ireland seems to be running along with the Green Party and these policies. We should get rid of and root out cruel and inhumane people dealing with animals in puppy farms by all means, but we must consider our roots in rural Ireland and protect them as well.

Senator Denis O'Donovan: I welcome the Bill in principle but with some slight reservations. It is incumbent on the Government to act and root out the very cruel puppy farms that obviously exist, some of which are for dog fighting and illegal activity. Some of the people involved have taken part in other activities in the past, some may be paramilitary and some may be involved in illegal drugs, betting and gambling. There are such circles and it is very important that they are rooted out.

My reservations relate to the greyhound industry, which is already covered by the Irish Greyhound Board. There are very strict guidelines, rules and regulations in place. Some notes I received in recent days indicate there will be a special meeting of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs to examine the dangerous situation facing the greyhound and horse racing industries from a commercial point of view. They are going through a difficult period. The greyhound industry creates employment, sport and entertainment as well as the horse racing industry and one has no wish to introduce measures that would damage this very important industry in some way. It is important to note as much.

I have received a great deal of communication from both sides, from the extreme left to the extreme right and it is important to have a balanced view. I refer to the Irish Coursing Club. I have no big axe to grind against coursing *per se*, whether on one side or the other. I was never at a coursing meeting in my life. I have seldom attended a greyhound track, perhaps only a dozen times. Given proper curtailment and regulation, it has a role to play in rural Ireland. A trainer may have a number of bitches on his premises for the sole purpose of racing. Such a person would be licensed by the IGB, the Irish Greyhound Board, and upon the conclusion of a racing career the owners take charge of his or her greyhound. In such cases, the trainer is not managing greyhounds for the purposes of breeding *per se*. Some of these points are very valid and should be considered. It should also be remembered that under current coursing rules and regulations, all stud dogs and brood bitches are DNA, deoxyribonucleic acid, profiled. There is a register of all matings and litters born, the adult greyhound name and transfers of ownership etc. These points should be borne in mind.

I have no great role to play. However, I remember a case involving the Irish Society for the Prevention of Cruelty to Animals in a remote part of west Cork. The gentleman in question has long gone to his eternal reward. A substantial article appeared in a prominent newspaper. This took place, probably between 15 and 20 years ago. The case highlighted and brought attention to an animal. It was not a greyhound, it was a donkey but I use it as a case in point. Its hooves were not pared, it was old and probably somewhat neglected. A photograph of the donkey was taken from a car or over a ditch. When the case was investigated further and eventually came before the court, it was dismissed. That old man who has since died was caring for his mother who was in her mid-90s. He had no running water, no electricity, no bathroom or toilet, his roof was leaking and he was living in dire conditions. What came out in the court case was that somebody had blown this out of proportion. In dismissing the animal cruelty case the judge said the two people living in the house were living in much more cruel circumstances than the poor donkey. The circumstances of the case should have been investigated. The man in question had a disability and was living with his elderly mother. I do not like overkill or extremists.

It is natural for a dog to chase a rabbit. When I was a kid, we dazzled rabbits at night and sold them for a half crown or three shillings a piece. We made a few bob pocket money. It was hard going both for me and the dog and we had a very good one. My father would give out to the dog who would lie under the table for the next couple of days unable to move — a little like myself. There can be overkill about what happens in rural Ireland. I am not trying to water it down but one must look at the reality.

[Senator Denis O'Donovan.]

There is a proposal to increase the dog licence fee. Does this apply to all dog licence holders? If it does, I earnestly request the Minister to consider providing an exemption for old age pensioners who may live alone and have dogs as pets. I would also like to see such an exemption extended to the long-term unemployed. Some years ago I met a man whom I knew from my school days. Things went wrong for him in life and he suffered a little from depression and alcohol abuse. Eventually, he got a dog and obtained pleasure from walking it every day. He found it difficult to feed and care for it but it was a great outlet for him and encouraged him to go out into the community. He loved it dearly but on one occasion came to me to say he found it difficult to pay the licence fee. If there is to be an across the board increase in the licence fee, we should think about those going through difficult times. I know people who love their dogs. A dog is a man's and, in some cases, a woman's best friend and very dear and important to him or her. Perhaps the Minister will consider my proposal sympathetically.

Hunting in Ireland dates back to prehistoric times. Hunting is part of the story of Cuchulainn. Hunting is natural but it must be controlled. As I said, I broadly welcome the principle behind the Bill which I will support. Perhaps, as it passes through the House, some of the points sincerely made by colleagues across the divide will be taken on board because we do not want to bring forward regulations which certainly are needed in a fashion that will damage the greyhound and hunting industries. I know the Minister will listen to our valid complaints.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire. As someone who was born and bred in rural Ireland, I grew up in an environment in which dogs and cats were an essential part of every farm, whether for herding cattle or sheep, hunting or guarding property. I am often struck by this thought because as I now live in Dublin, one of the joys of returning home, apart from meeting the folks, is the opportunity to renew the encounters with family pets. I remember an advertisement on television a few years ago in which the fellow returned home and wanted to know where the cat was. That probably tells a story to which many can relate.

Dogs and cats are different. Somebody once said cats did not have owners; they had staff. I think it was P. G. Wodehouse who, when describing the insufferable snootiness of cats on occasion, said it had to do with the fact that in ancient Egypt they were worshipped as gods and that they continued to expect such treatment. Dogs are a different proposition. It is fair to say most people's feelings about dogs, although not everyone is an animal lover, go very deep. Going back in our history, we find instances where the peculiar relationship between dogs and humans was celebrated. There is a very famous Welsh folk tale about the loyal hound of Prince Llewelyn who died around 1240. One day the prince went hunting but his loyal hound, Gelert, did not answer the call. When the prince returned, he found blood on Gelert's mouth. Assuming it had attacked his child in anger, he killed the hound. Later he learned that Gelert had protected the royal child from the depredations of a wolf. To make amends, he erected a memorial in the hound's honour. As a child, I remember being very moved by that tale.

There are other tales about dogs whose faithfulness to their human masters has outlived their masters. They continued to mourn after they had died. There is something very special about the relationship between dogs, in particular, and human beings which we celebrate in art and literature. However, it is fair to say that for many years in Ireland we have not done well in the way we have treated dogs and in regard to animal welfare generally. For example, I recall being horrified at the description in *Peig* of the practice of hanging dogs who had misbehaved. On occasion we see children being brought up with a love of and a respect for animals. There is nothing nicer than seeing the joy of young children when a new pet is introduced into the family home. It is also uplifting to think of the role dogs play, for example, in hospices and nursing homes. Sometimes people who are largely beyond the reach of medical assistance can

mount some response when a pet is brought around a ward and they pet the animal. We might call animals dumb because they do not enjoy the same rights as human beings. Nonetheless, there is something special about the role they play in the enhancement of human flourishing and contributing to the happiness of human beings. That is why we should take very seriously legislation oriented towards their welfare and dignity.

I am not comfortable with the concept of animal rights. Different philosophical and religious traditions have different things to say on the matter. I find attractive what is in the most recent catechism of the Catholic Church, for example. It stresses the importance of treating animals well but also states we should not lavish on them excessive care which should properly be reserved for human beings. There is something obscene, for example, about the amount of money spent on pampering animals in other parts of the world and lavishing them with luxuries, while human beings suffer. That displays a lack of proportion. However, there is no lack of proportion about what is contained in this legislation. Dogs were and are valued in rural Ireland. As I said, they have often been considered to be extra members of the family and some would say they have considered themselves as such.

I am delighted that the Government has finally moved to regulate the practice of puppy farming. It is not before time. Internationally, Ireland's reputation has suffered greatly owing to the existence of this trade because we have the reputation of being the puppy farm capital of Europe. As one UK charity noted, this is a haven for puppy farms because up to now not one single piece of legislation was in place to control them or protect the welfare of dogs. The Control of Dogs Act 1986 is of relevance to pet owners but not to commercial operations. Their legitimacy is a grey area. There is no statutory limitation on for how long or how many times dogs may be used for breeding. Dogs can be kept in any enclosure. There is no law stipulating they must have outdoor runs or, in the case of indoor breeds, that they be kept indoors. One could say that in the European Union chickens have more protections and livestock farmers have more legal responsibilities. Last year an estimated 30,000 dogs were exported to the United Kingdom alone. It is estimated that there are 600 breeders, with some farms having up to 500 breeding bitches and selling puppies for between €300 and €1,500.

I am very doubtful that even so-called responsible dog breeders should be allowed to run intensive dog breeding farms. In a recent documentary on the issue a dog breeder stated — I am paraphrasing what the person concerned said — a bitch bred in a pen had never known anything else and, in fact, would be afraid to leave the pen once he opened the gate. Anyone with any experience of dogs will know they enjoy nothing more than a run in the open countryside. I am always glad to see my neighbour being brought for a walk by his three dogs, something which happens daily. In towns it is a shame that a dog is kept on its own. It seems it is appropriate to have at least two dogs in any one urban premises in order that the dogs have company while their master is away. Dogs are highly intelligent and intensely social animals. They evolved from wolves which hunted in small family packs. It is these qualities which have allowed us to tame dogs and make them useful workers and well loved pets.

It is no excuse claiming puppy farming is a big and valuable export business. When Dublin was first founded — I hope people do not think the comparison is obscene; I would not push it too much — it was well known as a major centre for the slave trade. I am sure that was a valuable export industry. I am not making an inappropriate comparison; the mere fact that something has economic or commercial potential does not mean we should turn a blind eye to abuses. That is why the Bill is before us today.

If I had my way, I would ban intensive dog breeding as something which is plainly unnatural and inhumane. That is not to say I am not fully supportive of alternative farm enterprises, rather I support breeders who follow best practice. I see nothing wrong with a farmer who

[Senator Rónán Mullen.]

breeds dogs for his or her own use and who makes some money on the side from the sale of pups or a person who has a love of a certain breed who breeds high quality animals in a humane fashion. I have no problem with various exemptions where needed to facilitate responsible individuals engaged in responsible practices, but my general sense is that we should not be afraid of anything which seeks to regulate this practice because we have a past which, as far as animal welfare is concerned, is not honourable. We should expect people to see regulation or rights of inspection in this area as being in the best interests of the community. We should remember when we abuse or inflict unnecessary cruelty on animals, we should not just bear the impact on animals in mind but also the impact on human beings when we see fit to mistreat creation in this fashion.

I welcome the Bill, in so far as it will regulate the industry. While I regret it will not regulate it out of existence, at least it will impose some standards on the sector and do something to restore Ireland's tarnished reputation among those who love animals.

Mar achoimre ar an méid atá ráite agam, ba bhreá liom a rá go bhfáiltím roimh an mBille seo. Tacaím leis an chuid is mó de. Bhí am i stair na hÉireann nuair nár chaitheamar le hainmhithe sa chaoi cheart. Measaim go bhfuil an-dul chun cinn déanta againn. Sa lá atá inniu ann, is breá an rud é an ghrá atá ag daoine, go háirithe páistí, d'ainmhithe agus do pheataí a fheiscint. Caithfidimid cur leis an gcultúr sin. Tabharfaidh mé tacaíocht d'aon chóras ina bhfuil stiúriú agus caighdeán á chur chun cinn. Is maith an rud é go bhfuilimid ag tabhairt cumhachtaí dos na húdaráis caoi chun breathnú orthu siúd a bhfuil ainmhithe — madraí, sa chás seo — á thógáil acu. Caithfidimid a chinntiú go bhfuil ard-caighdeán á chur i bhfeidhm sa chomhthéacs seo. Muna bhfuil daoine áirithe ag feidhmiú leis an ard-caighdeán sin, de réir na rialacha, ba chóir go mbeadh pionós géar á ngearradh orthu.

Notice taken that 12 Members were not present; House counted and 12 Members being present,

Senator Dan Boyle: I am disappointed that having called for a quorum Opposition Members have not mustered more of their membership to listen to what I hope will be a considered and erudite contribution to the debate.

In a time of economic difficulties the Bill could have been considered as not being the highest of priorities but I have been encouraged by the degree to which Members have contributed to the debate. Many of the views expressed are sincerely held. The Bill is necessary. We are negligent as a people in not having such legislation on the Statute Book and the fact that such negligence has been allowed to continue means untoward and unacceptable practices have continued in the breeding of dogs. I will not repeat the contributions of many Members on how low Ireland's standing is because of this.

Many of the contributions have outlined how the Bill should apply. There have been a number of representations by interest groups which suggest particular establishments should not be covered by the Bill. These representations are unnecessary. The fact is there are caveats in the Bill which deals with the regulation of dog breeding establishments of a certain scale. The major caveat is that it applies to establishments with six bitches or more for breeding purposes. The debate in the House concerns whether this should apply to the commercial resale of pups from such establishments. Some establishments claim they do not breed dogs for resale purposes. This is a spurious argument. Even if there is no direct resale, there is a commercial basis to all these establishments. All require regulation and the right to inspection that goes with regulation. I do not wish to go too far into the wider aspect of the debate on how dogs are bred for alleged sporting practices but this Bill is intended to cover everybody who is involved in the large-scale breeding of dogs. There should be no caveats in that regard.

Questions must be asked, especially with regard to dogs being bred for specific sporting purposes or alleged such purposes. After a set time they are seen as not fit for purpose and are put down, possibly unnecessarily. In the area of regulation and regular inspection of such dog breeding establishments we need to ensure this practice, if it exists, is appropriately measured and stopped. We may be talking about as many as 5,000 dogs in any given year. If we exempt from important legislation such as this, by deregulation or lack of inspection, establishments that cater for 5,000 dogs, we are not doing our job effectively as legislators.

The type of representations we have been receiving reflect a wider debate that goes beyond the Bill. I received two such from organisations that may not be particularly representative but which none the less address a debate that concerns the nature of modern Ireland. One was from a group that calls itself Farmers against Fox-hunting and Trespass; its unfortunate acronym comes out as FAFT. The other came from Rural Ireland Says Enough, or RISE, which is a bit more catchy although the communication did not define what rural Ireland has had enough of. If it is the Dog Breeding Establishments Bill, it has a very low threshold of tolerance. The Bill is being misrepresented by interest groups which do not want to see change or improvements in this area, which want to see things staying as they are, with the levels of negligence that we, as a Government and State, have allowed to continue. The unfortunate misrepresentation is that urban Ireland is beating up on rural Ireland without understanding it.

In the first place, these are debates on which people, whether from urban or rural communities, will have opinions either way. I do not accept there is a steadfast monolithic view in rural Ireland that says this is how we should do things, especially in regard to the rearing of animals, dogs in particular. It is unfortunate that many of these points were raised in this debate because they do not create better legislation. They obscure debate and ensure the legislation is not improved.

The Minister has introduced legislation that takes many of these fears and potential arguments into account and he has listened to some of the points raised in this argument. I reiterate what I said. A caveat that would exempt such a large number of dogs in breeding establishments and so many actual establishments makes a nonsense of the legislation. The core element must remain. What we need are standards in respect of the breeding of dogs. That means effective regulation and regular inspections. I fear that lying at the heart of many of the representations, despite protestations that animals and dogs are well cared for, is a sense of a cost implication to regulation. An inference is drawn that inspections might reveal something contrary regarding standards, namely, that dogs are not being looked after properly. If people care for dogs and believe dogs are being cared for properly, there is nothing to fear in this legislation. If regulations are pursued and inspections are open, there will be no comeback by way of fines or possible imprisonment. If there is a collective understanding about improving the welfare of dogs in this county, there can be no difficulty about what is contained in this Bill.

These are simple principles. I am somewhat disappointed that many Members in this House have chosen to obscure those principles by bringing in extraneous factors that relate to spurious economic analysis of the issue and disregarding the central point. This legislation is about Ireland being in line with appropriate national standards and not accepting standards we have allowed to continue for far too long. Our legislation will be better for the passage of this Bill and our reputation for animal welfare can only be improved if we address the legislation honestly.

Senator Paul Bradford: We spoke yesterday in the House about the care of disabled persons and persons in nursing homes. We have a long way to go in those two areas from a regulatory point of view.

[Senator Paul Bradford.]

In a sense it is ironic that we are debating the Dog Breeding Establishments Bill and the regulations to apply to the breeding of dogs. A significant number of people in rural Ireland have a difficulty with the Bill in that they see in it a Trojan horse that might have a negative impact on some rural sports and traditions.

I wish to talk about two aspects, first, the broader need to put in place a framework to deal with puppy farms, as they are so termed, and, second, the possible negative impact of the legislation on country sports. I very much welcome the fact that dog breeding establishments, or puppy farms, are being regulated. I have been concerned for some time by what appears to be the grave mistreatment of animals in puppy farms. We see advertisements in newspapers and websites and note the growing number of establishments that have cropped up over the past decade. Huge profits are being made from backyard enterprises. There have been many media investigations and reports into the very improper standards that apply in these places. This is appropriate and the fact that this type of puppy or animal breeding establishment is to be regulated will be welcomed by every Member of the House. This is only fair and proper and will have the support of everybody.

The other side of the coin, as the Minister of State will know from written representations he will have received in his Department, similar to those we all have received as public representatives, is that there is a profound and genuine fear that the application of the legislation, particularly to hunt clubs, is the first step on the part of some politicians to bring an end to rural sports. There is significant disappointment among hunt clubs that what appeared to have been a cast-iron guarantee given by the Minister's predecessors in the Department that such regulations would not apply to them has come to naught.

I appreciate what the previous speaker, Senator Boyle, said regarding the need for regulation. Other speakers asked why we should be afraid of shining a light. However, people who are involved in country sports, especially those in hunt clubs and in the breeding of dogs for hunting purposes, carry out their activities with absolute propriety. The standard of care, hygiene and attention given to these dogs is second to none. If the pups bred for hunting purposes are not well cared for, they simply will not carry out the purpose for which they were bred. It has always been in the interests of hunt clubs to do their business very properly and thoroughly. They have done so and the record speaks for itself. An examination of any kennels of this kind will show clearly that sufficient rules and regulations are already in place. As the Minister will be aware, hunt clubs throughout the country are genuinely and deeply concerned. I inform Senator Boyle of their concern that this is the first step in bringing not only their business but their sport and way of life to an end. The majority of representatives in the Houses of the Oireachtas, including me, want to see Irish rural life and its traditions continuing. They want to see one of our ancient sports — hunting — continuing.

There has been great progress in animal welfare.

During the past three days, tens of thousands of people have attended the national coursing meeting in Clonmel. For many years, hare coursing was the subject of a great deal of debate. However, new regulations were introduced and provision was made in respect of the muzzling of hounds. To any fair-minded individual, it is obvious the current system works well. Regardless of whether it is hunting or politics, it will never be possible to arrive at a nirvana state of absolute perfection. However, hare coursing is an extremely popular sport in rural areas and the current system relating to it works well. Hunt clubs and kennels operate in a proper manner and people look after their dogs in an extremely acceptable fashion. There is no need to bring down the heavy hand of State law — in the form of the legislation before the House — on those hunt clubs.

Committee Stage will be interesting in that Members will be in a position to read into the record what previous Ministers for the Environment, Heritage and Local Government said regarding this matter and the commitments they gave in respect of it. We will also try to elicit from the Minister a response as to why he changed departmental policy. Fine Gael will certainly be tabling amendments that will be designed to seek proper exemptions for hunt clubs.

Animal welfare is the main issue with which the Bill deals. There have been some interesting contributions from colleagues in respect of this matter. Consideration must be given to the dog licensing system, which is a joke in its current format. We must continue to impress upon people that dogs and other pets are not just for Christmas, they are a long-term commitment. Unfortunately, there is a great deal of cruelty to animals in this country. As a result, there is a need for regulation and a proper monitoring system. However, there is also a need to strike a balance. It is for the latter reason that I am disappointed about the application of the regulations to the broader sector of country sports.

I welcome the fact we are debating this matter and that the position with regard to so-called puppy farms will be legislated for, monitored and properly regulated. Those who run dog breeding establishments of a commercial nature in a proper fashion have nothing to fear from the legislation.

I hope the Minister of State, Deputy Sargent, will impress upon the Minister for the Environment, Heritage and Local Government, Deputy Gormley, concerns to the effect that the Dog Breeding Establishments Bill will, if Members will excuse the pun, become a Trojan horse in the context of rural sports. That would be an extremely regrettable development. The customs, habits and traditions of rural Ireland have existed for millennia and will, I hope, remain long after we are gone. There is a degree of threat — I do not know the extent to which this is the case — to some of those traditions within the legislation. We should attempt to lay those concerns to rest and to deal with any outstanding issues on Committee Stage.

I hope the Minister for the Environment, Heritage and Local Government will come before the House to take the debate on Committee Stage, particularly in view of the fact that we wish to put questions to him with regard to why the U-turn to which I refer has taken place. I would like the Minister to give the House a commitment to the effect that he has no intention of trying either to shut down rural sports or bring the rural way of life to an end. From the Government's perspective and that of the Green Party, it is important that the Minister of State should place on record his appreciation of the fact that the traditions and customs of rural Ireland are valuable. These traditions and customs are part of the fabric of life in rural areas and they must be maintained.

Regardless of whether it is the coursing meeting at Clonmel, the point-to-point meeting at Dromahane, the Curragh races or the Duhallow Hunt in my area, which is the oldest hunt club in the world, these institutions are extremely important and valuable to the country from the point of view of attracting tourism and advertising income. Long may they continue. The enforcement of the legislation must be monitored closely to ensure that doubts will not surround the future of the associations, groups, peoples and communities to which I refer and which mean so much in the context of rural life.

Senator Paddy Burke: I welcome the Minister of State. I also welcome the opportunity to contribute to the debate on the Bill. Like Senator Bradford, I hope the Minister for the Environment, Heritage and Local Government will not shut down rural sporting organisations and perhaps the Minister of State might provide a commitment in that regard when replying to Second Stage.

[Senator Paddy Burke.]

Some years ago, we used to look at English people as if they had two heads as a result of the care they gave to their dogs. There were those who stated that the English cared better for their dogs than they did for themselves. However, the position which obtains in this country now is quite similar to that which obtained in England in the past. We have come a long way and the majority of people take great care of their dogs and other pets.

The Dog Breeding Establishments Bill 2009 will put certain controls in place. In that context, those who breed dogs will not have anything to which to object in the context of the Bill. While they may object, they certainly do not have anything to fear.

I wish to inquire with regard to the inspection regime. I am delighted local authorities will be responsible for inspections and that a new agency will not be established. This Government and the two which preceded it put in place far too many agencies. As a result, there is a plethora of agencies and an additional cost is being imposed on those affected and on taxpayers in general. In this instance, however, the local authorities will have overall responsibility.

I accept that the cost of dog licences etc. have increased. The Minister indicated that the inspection regime will be cost-neutral in nature but I do not know how that can be the case, particularly when one considers the nature of the inspections and spot-checks that will have to be carried out. I am informed that if a person owns more than four hens, he or she is obliged to apply for a licence and an inspector must be despatched from Limerick to carry out an inspection. That is completely daft, particularly when one considers that inspectors, who are based in Limerick, might be obliged to travel to Donegal, Wexford or Carlingford, County Louth, to establish the position regarding the hens a person owns. Perhaps the Minister of State will clarify whether that is the position. I hope something similar will not obtain in respect of the inspection regime to be put in place under the provisions of this Bill.

Local authorities have done great work in the context of issuing licences in respect of abattoirs. With regard to animal welfare in general, the veterinary sections of local authorities are sound in nature and would be in a position to carry out inspections. When it comes to inspecting houses etc., however, local authorities do not have the necessary funding available to them. The Bill will impose an additional burden on local authorities and rate payers in respect of the new inspection regime. I hope, therefore, that the Government will provide extra funding to local authorities in order that they might put the necessary structures in place. The veterinary sections of some local authorities are extremely strong in terms of their performance. Others, however, are weaker in this regard. They will need to be strengthened to put the proper structures in place to handle what is proposed in the Bill. I hope the Government will be able to do that because it will require extra funding and manpower. There are areas in local authorities with an oversupply of staff who could be moved into the veterinary section. I hope that will be possible.

Dogs are very important. Guide dogs are very important to blind people and also give them great comfort. Sniffer dogs are used to detect drugs at our ports and prisons. As Senators Coffey and Bradford said, while we broadly support the Bill, certain provisions need to be changed. I hope the Minister will listen to the proposal made by a number of Senators from this side of the House in order to improve this important Bill. While we need controls, we do not want to see areas that have benefited from dogs, including hunting which is very important to the country, become a thing of the past in years to come.

Senator Joe O'Reilly: I understand the objective and reasoning behind the Bill, and more particularly the cause of the Bill's introduction. None of us would attempt to condone puppy farming, which in some instances was an horrendous abuse of vulnerable animals and represented cruelty beyond measure. Nobody would attempt to defend that and everyone accepts

the need for remedy in that regard. In principle we have no objection to the broad objectives of the legislation. However, there could be the risk that the legislation represents taking a jackhammer to hit a nut. We need to caution against over-responding and over-regulating.

One must assume that in virtually all the cases those people who breed dogs commercially would have an affection for and a natural way with the animals. However, apart from that they have a commercial and vested interest in ensuring the dogs are in optimum condition from a developmental and growth point of view and that they are thriving. I say that as someone from the country with a farming background. I know what I am saying and it is obviously not lost on other people in the Chamber. Those people have a commercial interest in ensuring the best possible standards. The Minister should approach the legislation from that perspective, with awareness that by and large people are doing the right thing. The Minister is rightly trying to correct an abuse among a small minority and in the process he should not be too penal on commercial dog breeders.

I have met many dog breeders and local small farmers with a number of dogs in recent weeks. As I live in a rural community and know these people, it is clear to me that the proposed registration charges will work out too dear. The fee for an establishment breeding up to 12 bitches is €400, with which it is possible to live. However, the fee for an establishment breeding between 13 and 25 bitches is €800, for an establishment breeding between 26 and 100 bitches is €1,600, for an establishment breeding between 101 and 200 bitches is €3,000 and €1,600 for every 100 bitches after that. In his Second Stage speech the Minister defended that on the grounds of the high profit levels. However, the profit levels are no higher in this sector of farming than in any other. There are variations in prices and the cost of food is extraordinarily expensive. Dog food is more expensive than feed for other animals. Veterinary expenses are high. There are natural losses and the market fluctuates. It is like every other area of farming.

Anytime the Minister of State leaves Dublin and meets farmers he must become acutely aware that the vagaries of farming are extraordinary and the same is true in commercial dog breeding. The Minister should reconsider those costs, which are prohibitive and may affect small farmers who are commercially breeding on the side. I know one family where the son has recently graduated and tells me he will not be able to get employment in his chosen area. He loves the dogs and the home set-up in which he grew up, and wants to develop it somewhat. The costs could be prohibitive in such cases. It will not achieve a higher standard of care for the dogs, if that is the Bill's objective. It is merely an accountancy issue and I appeal to the Minister to reconsider that.

I appeal to the Minister to reconsider another area of concern for breeders, which if true would not make any sense to me. I hope that both myself and those dog breeders who have lobbied me are wrong about this. Section 16 seems to suggest it will be possible for people from the animal rights organisations — of course they have an important role, which we salute — to be inspectors of commercial dog farms. That would be unacceptable because it would be just wrong and would not happen in any other sector. I ask the Minister of State to make a clear statement about that. There is no problem with inspection by veterinary people and trained inspectors applying a uniform standard of inspection. However, we need to know about the inspectorate. I hope the Minister of State will be able to allay fears in this regard. It would seem absurd to have anything other than a uniform trained inspectorate independent of both animal rights groups and commercial breeders. An independent inspectorate is required and no logical legislation would suggest the contrary. I am sure the Minister of State will be in a position to reassure me on that matter. If it is not crystal clear in the legislation, I trust the Minister will sensibly accept amendments or propose his own amendments to clarify that.

[Senator Joe O'Reilly.]

Nobody is suggesting there should be no legislation — even the deputations I met accept that. Nobody is suggesting having no regulation or low standards. All people want is a sensible balanced approach. When the Minister sets about preparing the specific ministerial orders defining the space in kennels, lighting, heat etc., which in virtually all cases are appropriate anyhow, he should meet the dog breeders to discuss those regulations. Obviously he does not need to accept their proposals in full, nor would they enter the meeting expecting that. However, I appeal to the Minister of State to give a public commitment today that the Minister will not draw up regulations without meeting the dog breeders.

It is important that non-commercial dog breeding for hunts etc. should not be subject to the same registration process, given that this legislation relates to puppy farming etc. I look forward to the Minister of State's reply on the registration fee and the inspectorate. I hope to get clarification on that as well as on the Minister's commitment to meet the interest groups before drawing up regulations. The people who breed dogs tell me they have not had full frontal meetings with the Minister.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Trevor Sargent): Ar dtús báire ba mhaith liom mo leithscéal a ghabháil nach bhfuil an tAire, Deputy Gormley, ar fáil ar an bpointe seo. Bhí air imeacht go práinneach, ach d'iarr sé orm labhairt ar a shon.

I thank Senators for their positive contributions to the Second Stage debate. I thank them for their general support for the Bill and assure them that the Minister, Deputy Gormley, is mindful of the matters raised in the debate and looks forward to examining these issues in greater detail as it progresses through Committee and Report Stages. He is fully committed to working constructively with Senators to deal with these and any further matters that may arise. It is his belief, as he stated when presenting the Bill to the House, that this legislation will address the two key issues which remain outstanding since the Control of Dogs Acts 1986 and 1998 were brought into force, the regulation of dog breeding establishments and the updating of the licence fee for dogs from its 1998 level of €12.70.

Senators Coffey, Glynn and others questioned the extent of consultation in relation to the Bill. I reiterate that the preparation of this Bill has involved a large amount of ongoing consultation with a variety of interested parties, Departments of Government and voluntary bodies as well as dog interests, including the Hunting Association of Ireland, HAI.

Senator Maurice Cummins: That is not correct.

Deputy Trevor Sargent: I assure Senators that the Minister and his Department will continue to liaise with all interested parties to ensure the optimal outcome is achieved, namely, a Bill which is efficient in terms of its implementation and effective in that it places the welfare of dogs at its centre——

Senator Maurice Cummins: On a point of order, the Minister of State has stated that the Minister met with the Hunting Association of Ireland.

Deputy Trevor Sargent: That is not a point of order, is it?

An Leas-Chathaoirleach: It is not a point of Order.

Senator Maurice Cummins: Would the Minister of State like to correct the record?

An Leas-Chathaoirleach: The Minister of State, please, without interruption. The Senator can raise those matters on Committee Stage.

Deputy Trevor Sargent: There have been many submissions and I am not here to have a discussion with the Senator. However, I can talk to him afterwards if he wants me to bring something to the attention of the Minister, Deputy Gormley.

The Minister and his Department will continue to liaise with all interested parties to ensure the optimal outcome is achieved, namely, a Bill which is efficient in terms of its implementation and effective in that it places the welfare of dogs at its centre. The Minister will only sign the regulations proposed in the Bill into law after full consultation with interested parties, including the Hunting Association of Ireland.

The debate today and last week reflected the broad spectrum of opinion on the issue of the regulation of dog breeding establishments, while also touching on some broader matters in relation to dog control and animal welfare. Consultation on this Bill has been extensive. The working group included representatives from the Veterinary Council of Ireland, the Irish Greyhound Board, the Irish Kennel Club, and the Dog Breeders Association in addition to Department of the Environment, Heritage and Local Government, An Garda Síochána and the Department of Agriculture, Fisheries and Food.

The working group received 27 submissions in response to a notice in the national press from a variety of animal welfare and veterinary bodies and local authorities in addition to private individuals. The deliberations of the working group reflected a complexity of opinion and resulted in one majority report and three minority reports being presented to the then Minister. This divergence of opinion is also evident in the 652 submissions received by the Department following the release of the report of the working group, most of whose members were in favour of some degree of regulation.

The legislation, when enacted, must be effective in its implementation and fundamentally have the welfare of dogs at its core. In this context, I want to refer to the Minister's letter of February 2008 which has been referred to by a number of Senators during the course of this debate. The letter indicated that groups affiliated to the Hunting Association of Ireland would be exempt from the then proposed legislation to be introduced. To a certain extent the HAI is exempt from the full requirements of the Bill in that hunt clubs, affiliated to it do not have to pay fees for registration. This is in recognition of their non-commercial status. In the interim the Minister has considered further the practical difficulties that a full exemption would create for the implementation of the legislation and concluded that such an exemption is neither feasible nor justifiable.

Senator Paudie Coffey: He is changing the goalposts.

Deputy Trevor Sargent: I reiterate that the HAI——

Senator Paudie Coffey: The goalposts have been moved. So much for promises.

Deputy Trevor Sargent: ——and its affiliate bodies have stated publicly and privately to me that dogs bred and in their care for hunt packs are accommodated to the highest voluntary standards available. It is therefore his contention that this Bill will not place an undue burden on any such hunt club.

I do not agree that this Bill is any type of assault on the culture and pastimes of rural Ireland which Senator O'Toole movingly invoked. It is my belief that reputable dog breeding establishments will see opportunities for employment and expansion, while poorly run establishments may cease as a result of the stronger regulation. We, as legislators, have to attempt

[Deputy Trevor Sargent.]

to balance the variety of sincerely held beliefs, whether they reflect the point of view of the person with a dog as a family pet, or of those breeding dogs as a legitimate business.

I am heartened by the contributions from Senators Glynn, de Búrca and Norris welcoming the Bill and raising animal welfare issues generally, as did my colleague Senator Boyle. As the Minister indicated in his previous contribution, my colleague, the Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, and I are preparing an animal welfare Bill, which will deal comprehensively with animal welfare issues as part of our Department's responsibility for animal welfare in general. It is envisaged that the present amicable working relationship between the local authority dog control staff and the Department of Agriculture, Fisheries and Food's veterinary staff will continue and indeed expand as a result of the practical implementation of the Bill before the House.

I thank Senator Hannigan and others for raising the issue of the licence fees. I can assure the Senators that all moneys raised by the licence fee and registration fees will go to the dog control service in the local authorities.

The Department of the Environment, Heritage and Local Government has previously given consideration to a waiver for pensioners from the dog licence fee and while the idea is commendable, there are a number of practical difficulties. The purchase of a licence for a dog reinforces the idea that a dog is for life and not for Christmas, to coin a phrase. The new licence fee will be a modest €20 and when set against the costs of food and healthcare for a dog, which the ISPCA estimates at around €1,700 per year, it is quite insignificant. The potential loss of vital income to the dog control services could mean the service becoming much poorer as a result of this legislation which would be contrary to the stated intention of all Senators in this debate. Many elderly people benefit greatly from the companionship of a dog and should be comforted by the existence of an adequate dog control service.

I am encouraged that there is general agreement on the major recommendations of the working group to review the management of dog breeding establishments. It is appropriate, at the end of this Second Stage debate, that we keep in mind the majority recommendations of the working group, as it helps us to keep focused on the task at hand. The working group recommended that a State regulated registration system for dog breeding establishments be put in place and that these regulations should be enforced through the existing local authority dog control structures. The group also recommended that the regulations should include a comprehensive set of statutorily enforceable standards for the operation of dog breeding establishments and provision for inspections by local authority officers.

I am confident the welfare of dogs and the reputation of this country in respect of care of dogs will be progressed by the introduction of a reputable and adequately resourced regulation system. No one wishes to see recurring instances of pups reared in appalling conditions, with malnourished or ill pups being sold to an unsuspecting public.

I emphasise again that those establishments which over the years have built up good premises and practices in co-operation with their local vet, should have nothing to fear from the provisions in the Bill.

The Minister, Deputy Gormley, has been careful to include safeguards for dog breeding establishments in that local authorities will be statutorily obliged to pay heed to any reply from an establishment in regard to a potential refusal or conditions attached to a registration certificate. This is critical to encouraging a co-operative relationship between a local authority and any dog breeders in its administrative area.

Senators Coffey and O'Toole queried whether local authorities should be able, under section 16, to designate persons connected with animal welfare as "authorised persons". This provision

only continues the good practice provided for in section 15 of the Control of Dogs Act 1986, whereby a local authority may enter into arrangements with persons connected with animal welfare. The provision has been quite helpful to local authorities and has been implemented responsibly. Therefore, the extension of the provision to this Act should not give rise to any concerns.

Inevitably, there has been discussion about the number of bitches in an establishment which will determine whether a premises is covered by the legislation. The Bill defines a dog breeding establishment as a premises at which are kept not less than six bitches, each of which is more than four months old and capable of being used for breeding purposes. I am conscious that setting legislative limits can sometimes appear subjective but this definition was the subject of much debate at the working group. The definition in the Bill represents a considered balance.

Understandably, the level of fees and who should pay them have attracted considerable attention in the course of the debate. It is an important principle that the fee will vary, in accordance with the amount of breeding bitches, so as to reflect the size and scale of the operation in question. This echoes the concern expressed by the Canine Breeders Association of Ireland that fees reflect the size of the dog breeding operation. The Minister, Deputy Gormley, has been very careful to ensure the fees are reasonable and proportionate, both in respect of the cost of the dog control service, including regulation, and the income stream from selling pups. I refute any suggestion that the introduction of registration fees, in conjunction with the proposed dog licence fee increases, is an additional revenue raising exercise for local authorities. The dog control system as it is costs more to administer than it raises and this is not sustainable in the longer term. The increase in the dog licence fee to €20 does not place an undue burden on dog owners when set against the other costs of responsible dog ownership such as veterinary costs and food.

I emphasise the important and sometimes forgotten services dog wardens provide. These include the operation of dog pounds, re-homing strays, picking up abandoned dogs and keeping residential areas and farms free from uncontrolled dogs. Ensuring people are responsible by purchasing a dog licence is only a small part of the dog wardens' duties. Without the efforts of dog control staff, I am convinced this country would have a much more serious stray dog problem. The fact that the number of dogs being put to sleep in pounds decreased from in excess of 16,500 in 2004 to slightly above 10,000 in 2008 shows the progress being made in this area. The Bill will assist in ensuring this progress continues.

The Bill will also ensure all dogs in dog breeding establishments will be micro-chipped. This will enable dogs to be reunited with their owners should they stray and assist dog control staff in tracing owners if a stray dog has attacked people or worried sheep. This element of the Bill should be welcomed by all.

With regard to duty of care, the Minister, Deputy Gormley, indicated that the Minister for Agriculture, Fisheries and Food and I were preparing an animal welfare Bill. As it will contain a duty of care provision, we do not wish to pre-empt any relevant provision in that Bill.

A number of Senators were anxious about the transition period for the legislation. In one sense, it could be argued that the five years that have elapsed since the report of the working group should be considered ample lead-in time for the new regulatory regime. However, the Minister is seeking to ensure a smooth transition to full registration. He also wants to prevent a scenario where dogs may be disposed of by establishments which may choose to cease operating. The Bill provides for a period of up to three months from its commencement for dog breeding establishments to be registered. It shall be lawful for an existing dog breeding establishment to continue to operate for this period. The Minister is reassured by the representations he has received, including from the Hunting Association of Ireland, that most dog

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breeding establishments already operate to high quality voluntary guidelines and standards. It should, therefore, be a seamless transition for well run dog breeding establishments to meet any new mandatory guidelines.

The working group recommended an improvement notice model. In line with best practice in any regulatory regime, there is an appropriate scale of regulatory actions which can be taken to gain compliance. Under the Bill, the Minister envisages liaison between the local authority and dog breeding establishments. If agreement is not reached between the local authority and an establishment, the local authority will be empowered under section 18 to issue an improvement notice which will state the specific measures to be taken in a specified timeframe.

Senators should note that the closure notice provided for in section 19 will only be used where there is a significant and immediate threat to public health. Such a provision will provide reassurance for the public that quick action can be taken in response to a threat to public health from dog breeding establishments. There will be an element of public scrutiny through the obligation on premises to publicly display their registration certificate. This will give members of the public a certain level of reassurance that the establishment from which they purchase their pups complies with standards.

We have made great strides in the constructive and healthy exchange of views on the Bill. The Minister looks forward to dealing with the detail of the Bill on Committee Stage.

Question put and agreed to.

Sitting suspended at 1.35 p.m. and resumed at 2.30 p.m.

Head Shops: Statements.

An Cathaoirleach: I call the Minister for Health and Children, Deputy Mary Harney.

Minister for Health and Children (Deputy Mary Harney): With the permission of the Cathaoirleach, rather than making an opening statement, I would like to hear the contributions of the Senators and then respond to them. It would be more meaningful if I could respond to what they have to say.

An Cathaoirleach: Is that agreed? Agreed. I call Senator Feeney.

Senator Geraldine Feeney: I am rising before my time. I did not believe I would be called so soon. I welcome the Minister to the Chamber and am delighted she is present to hear what Senators are discussing. I am sure Senator Buttimer agrees. These statements highlight the concern surrounding head shops.

I did not know much about head shops until a few people contacted me about them just before and over Christmas. This correspondence reminded me that I had been contacted around 2006 by a lovely family in south County Dublin who had lost a son very tragically because he had taken a drug he had bought legally in a head shop. I remembered the heartache and trouble visited on that family, from which they probably still suffer. The talk about head shops has not died down. It is in the print media and on the radio and television.

When I looked up the definition of a head shop I noted “head shops [. . .] sell ‘legal highs’, products that are legal but can provide experiences similar to those offered by outlawed drugs”. The products sold in head shops mimic the effect of illicit drugs such as cocaine and ecstasy. I read that the shops “also sell paraphernalia associated with drug taking such as hash pipes and bongs”.

When I was researching this subject, I became a little bit of an expert. They say a little knowledge is a bad thing but, in this case, it is probably a good thing because I am now very familiar with words such as “Snow Blow”, “Nirvana” and “Stone Zone”, which the Cathaoirleach will not know. One can buy all the legal highs in outlets that have lovely names such as Happy Daze, Dreamland Promotions and High Times. One does not have to be too bright or too up to date with what is going on around one to know that if one is shopping in a shop with such a name and buying items that carry names such as Snow Blow and Nirvana, one knows well what one is buying. One does not have to be too bright to know these are a gateway to harder drugs. The products are deliberately aimed at the young population, which is worrying.

I watched “Prime Time” last Tuesday. It has always brought such terribly sad viewing to our living rooms, yet it is very realistic. I was talking at the weekend to my daughter’s friend who is 23. She was telling me she works off Dame Street and knew there was a head shop in the area. She said she had seen perhaps one or two customers coming and going and that the shop never really caught her eye. However, when she left work at 9 p.m. on Wednesday, the night after “Prime Time”, there was a queue a quarter of a mile up the street to get into the head shop. With regard to highlighting the dangers of head shops, one is damned if one does and damned if one does not. “Prime Time” was right to highlight the terrible plague on society that they constitute. Our hands are tied because technically the shops have the right to exist, yet they have no right to exist in the minds of God-fearing, good-living people. It is a catch-22 situation in that if one highlights the terrors of head shops, one opens the door to people who are looking for products such as those on sale therein in that they now know where to find them.

Head shops are a plague on society. Dozens have opened, not only in big towns but also in small towns. I was in the town in which I grew up, Tullamore, at the weekend and saw it has a head shop. The shops are open until 4 a.m. and at weekends to attract young people coming out of nightclubs and bars. That is the age group they target.

On the way to the Chamber I was talking to Senator Twomey who I know has young children. I told him I feel sorry for a parent such as him. At least my children are young adults who I hope and pray have the sense not to frequent head shops. For parents with young children, the head shops must be a nightmare. When one is a young teenager, one believes one’s parents know nothing and that one’s friends know everything. One is very easily influenced. The people I see hanging around head shops – I am not out too late at night – are young teenagers under 18. Perhaps they are not sold the goods when they go into the shops but they probably have somebody buying them for them.

The United Kingdom has banned certain so-called legal highs. What it has banned is now flooding into the Irish market. The Minister is only too familiar with BZP pills, party pills, which mimic ecstasy, and the synthetic cannabis called Spice. It is very difficult to be on top of all this because no sooner is one substance banned, whether in the UK or in Ireland, than a chemist or other scientifically minded person will have a new component to add. It could be a component used in rat poison or other veterinary products. Young people do not know what they are putting into their system when they buy such products. It is so difficult to keep up to date with what is happening, especially in the world of science and chemistry. There are always little components that can be tweaked to make things more glamorous, but they are dangerous or even fatal to those taking them.

I commend the Minister who, I know, was very taken by that family who lost their son in 2006. We had direct contact with that family and, as a result, our hearts went out to them. It was terrible for a tragedy to befall such a lovely family. As a result of that person’s death, however, magic mushrooms were banned. That was as a result of the Minister’s good work. In

[Senator Geraldine Feeney.]

addition, BZPs have been banned since last year through the good offices of the Minister, Deputy Harney, and the Minister of State, Deputy Curran. I watched him on that “Prime Time” programme and he is doing great work in this regard. No matter how much work we put into this, however, a bit of tweaking can always bring about something even more dangerous.

A Kildare newspaper — I think it was the *Leinster Leader* — reported that gardaí in Naas have received numerous complaints about head shops. The one they are looking into is called Dreamland Promotions, which is close to two boys’ schools. The people running such head shops obviously pick these locations deliberately. I was surprised to read in that report that the landlord of the shop is a member of the Judiciary. There is nothing illegal in owning a shop premises and leasing it to somebody who will run a business there. If I had my way I would ban these head shops. In that way, parents and others could sleep easily in their beds at night. Realistically, however, that cannot be done so we must examine the options.

There has been such a growth in head shops that one cannot but notice them. None the less, they are not subject to any health and safety or commercial regulations. Meanwhile, we have stringent laws that apply to other outlets, including off-licences. The Minister has attended this House on previous occasions to discuss the consumption of alcohol by youths who send older people into off-licence premises to buy drink for them. We have come down rather heavily, particularly on opening hours and fines for off-licences which sell drink to under age youths. Despite this, we know that seriously dangerous drugs are on sale in head shops. One can push open the door and ask for “Snow Blow”, “Spice”, “Stone Zone” or “Nirvana”. One can have anything there on request.

It was interesting to see a man from one of the Dublin head shops on the “Prime Time” programme. He was pathetic and said: “I’m selling bath salts. You put them in the bath.” However, we saw a young man who had inhaled or ingested that substance — I am ignorant as to what people do to get high from these substances — and he was incoherent. He could hardly put two words together. There must be some way we can allow the Garda Síochána to visit head shops and ensure regulations are not being broken. Let us see what the Revenue Commissioners think of such premises. Is there anything more sinister behind the already terrible vista arising from the sale of such substances?

Senator Jerry Buttimer: Cuirim fáilte roimh an Aire. This debate is both timely and necessary but we should have had it before now. There has been an exponential growth in the number of head shops throughout the country. As Senator Feeney said, these shops sell legal highs designed to give people a feeling of elation. Such premises should be subject to strict regulation immediately because they are dangerous and are causing untold damage. There are numerous reasons people buy such products in head shops, including quick stimulation, unemployment, lack of community facilities, personal issues or boredom. Over one weekend in January, five people were treated at the Mercy Hospital in Cork because of adverse reactions to drugs purchased at head shops in the city centre. These head shops have attracted national attention in recent weeks. I commend Joe Duffy’s “Liveline” programme for its continual coverage of the effects and dangers involved. From the stories on that programme as well as e-mails and my personal contacts with people, it is frightening and upsetting to see the effects of such substances. Head shops have become embedded in larger towns and cities, in particular over the past 18 months. It is time we got real about these premises. The products sold by head shops seek to create the same effects as illegal and highly addictive drugs such as cocaine, ecstasy and hash. Some substances sold in head shops may have seemingly innocuous names but their side effects are damaging.

The irony is they are sold in legally owned or rented, tax-compliant premises. That is the first problem. The substances sold in head shops produce many of the same social ills as their proscribed counterparts. We need to change the law in this respect. The Minister of State, Deputy John Curran, recently told an Oireachtas committee that this is a complex matter, which it is. We accept that, but we must change the law. We started by taking action on BZP and other products, but the law urgently needs to be changed in this regard.

The Irish Medicines Board has no control over products sold in these shops. Due to the lack of regulation on production, strength and consistency, no one knows exactly what these products contain. We talk about the lack of medical assessment in using such products, but no medical advice is sought or given prior to their use. We should examine the current uncontrolled use of these products which are frequently taken in conjunction with other head shop products, drugs, medication or alcohol, with a profound impact. There is no control on the age of those who purchase them, so anyone can walk into head shops.

The national drugs strategy specifically mentions that local community facilities need to be improved so that young people will not engage in anti-social behaviour, including experimentation with drugs. Many new communities which sprang up in recent years have no joined-up thinking on planning. Therefore the Government and local authorities should join forces to provide such communities with facilities where young people can engage in healthy activities while staying away from head shop products.

In January, Dr. Chris Luke, with whom the Minister is familiar, wrote in the *Irish Examiner*:

In the past few months we have seen a relentless rise in the number of seriously distressed young adults and teenagers being hospitalised due to head shop highs, with panic, paranoia, delirium, psychosis and chest pain.

If that statement from a learned professional man is not a damning indictment of the products which are sold legally in these shops, then what is? It is also an indictment on Government, which profits from the sale of these products, that we have not put in place a proper drugs awareness and education programme. The national drugs strategy has not worked entirely and has failed in some areas. It is a damning indictment of society also that we failed to tackle the thorny issue of drug use and addiction. Research has shown clearly that a certain percentage of people who use soft drugs progress onto other drugs. We know that is the case with alcohol, tobacco, hashish and other drugs. The reality, which I accept, is that many young people will experiment and graduate on to other drugs but we are all missing the fundamental point. There are devastating personal, familial and social consequences which carry a huge economic cost in terms of the health service but, more importantly, in terms of the human lives that have been destroyed by the use of these drugs.

A link has been established between the use of drugs and the head shop product and the emerging mental health need, through use with other drugs and alcohol, and it will result in an increase in public health and social health difficulties. There must be a clear commitment from Government that we will fund local communities as part of the five key pillars of the national drugs strategy.

In 2006 the *Irish Examiner*, which has been a pioneering newspaper regarding the sale and use of illegal drugs, revealed that drugs up to five times the strength of ecstasy were being sold over the counter in at least 15 head shops throughout Ireland. These were class A drugs, which are banned in the United States since 2001. We banned party pills in April, BZP being their main ingredient, but it must be a criminal offence to buy, sell or possess the drugs often called pep pills, which are sold under the names "Jax" or "Smileys".

[Senator Jerry Buttimer.]

Under the Fine Gael proposal the planning permission criteria for head shops will have to change to make it more like the planning permission criteria for sex shops. I have an open mind on whether we should ban them outright or have strict regulation.

In regard to the national drugs strategy, it is imperative that the emergence of these new markets, in terms of the supply of these shops, is tackled immediately. If one does research on head shops, as Senator Feeney and I have done, as has Senator Healy Eames, who has been to the forefront on this issue in this House, one will discover that many of these products are labelled “not for human consumption”. If one goes onto the website *www.Irishheadstores.com* one will see that the label on a product called “Oceanic” states that it will give one “wave after wave of amazing euphoric sensations! A fantastic herbal high!”. One of the reviews on an on-line message board by people who have taken these products stated: “It is not for human consumption”. Another stated: “I took four lines on a night out”. Another stated: “No fuss, no mess. Two lines, one pack and your [sic] set for the night”. “Oceanic” is being sold as a bath salt.

It is clear from talking to people and meeting with parents and young people who have been engaged in this, and from listening to Dr. Chris Luke and others, “Liveline”, the Minister, Deputy Harney, and other Senators, that we must put in place a mechanism in law and a change in regulations because young people who are computer literate have access to information and access to credit and laser cards and can buy these products on-line. If the Minister starts in Temple Bar and travels to Cork and all the provincial towns throughout Ireland she will find that more and more people are trying these products because they believe they give them confidence and do not pose any threat to their lives. They believe there is no need for concern as would be the case if they took “E” or other tablets. The reality is that it is false advertising and the damage that can be caused is horrendous.

Deputy James Reilly, our health spokesman, has laid out a number of criteria and steps to be taken, including that the labelling of these products must come under the Food Safety Authority of Ireland and the Irish Medicines Board and that these substances must be properly labelled. It is wrong to sell a product under the guise of a bath salt or plant food when the common practice is for young people to misuse it by consuming it.

We must have joined up thinking on this issue. Any analog of these banned substances must be put into quarantine until they are analysed and approved by the Food Safety Authority of Ireland and the Irish Medicines Board. Also, these products must have product liability insurance. As a minimum, the Minister for the Environment, Heritage and Local Government must come into this House with legislation on planning to cover head shops.

These products are harmful to humans. We are talking about people’s lives in this debate, not the profitability of those people who, unashamedly, have been on national television and radio saying they have done nothing wrong other than make money. In some cases they are making profits of €1,500 to €3,000 a week, and more in other cases. Young people are dying, families are being ruined, and mothers and fathers upset. As Dr. Chris Luke said, the mind-altering behaviour that occurs is frightening.

These products are a clear and lasting danger to people. I accept we must have balance and that we cannot become a prohibitive state and ban everything but as a teacher, an educationalist and Fine Gael spokesman on drugs in this House, I have become acutely aware of the inordinate damage these products cause. We must ban certain products and have a tighter regulatory imposition on head shops.

Magic mushrooms and BZP have been banned but as Senator Feeney rightly said, these people are coming up with smarter and different ways to sell their products. We do not have to wait for another human tragedy to occur. We can act collectively. Those of us on this side

of the House will work in collaboration with Government to bring in legislation to limit the damage these products can cause. The time for rhetoric is at an end. It is action we require. The Minister has a commitment from her Department, as does the Minister of State, Deputy Curran, but we need legislation and regulation as a matter of urgency.

Senator Larry Butler: I concur with previous speakers in terms of the major problem caused by these head shops. In 2009 alone, €104 million was spent on addiction treatment. The people who use the products sold in these head shops will eventually progress to harder drugs, which will cost the Health Service Executive a great deal more money because they will become addicted. There is no question about that. As somebody who served on the health board for almost eight years and visited addiction centres throughout the country, I saw the problems that arise with addiction at that level. Those particular substances are banned but the problem with these head shops is that young people — my grandchildren, for the sake of argument — believe that if these shops are selling these products they must not be harmful. That is the terrible position we are now in and we need to take immediate action. There is unanimity on the need to do something as responsible parents and adults, particularly in this House where legislation is important. It is our job to ensure we introduce the necessary legislation to ban these substances.

We can look at the figures in other countries in Europe but there are an estimated 14,500 opiate users in this country. That was the figure in 2009 and I am sure it has increased. These people are ruthless and are only in the business to make money. They do not consider the devastation this causes for young people who do not have the sense to realise these substances may damage their health. Many of them will graduate to using harder drugs. Spice has already been banned in Austria, Germany, France, Luxembourg, Lithuania, Estonia, Sweden and Hungary and will soon be banned in the United Kingdom.

The Minister will agree good addiction programmes are in place in the health service. I was involved with the health boards in setting up many methadone centres which have worked extremely well. However, methadone is a very addictive substance and we have not yet found a way of taking people off it.

All drugs sold by chemists are tested but none of the products in head shops is. Will the Minister introduce a scheme under which any product sold over the counter that could affect people's health would have to be tested? Health and safety are to the fore in the workplace; one cannot walk onto a building site without wearing a hard hat and boots. The same must apply in this case.

“Prime Time” and the Joe Duffy show broadcast good items on the dangers of the substances sold in head shops and how they were affecting young people. It is an urgent matter which I appeal to the Minister for Health and Children to address through legislation. The Seanad has sat late to discuss banking legislation. If we have to work late into the night to pass legislation dealing with head shops, so be it.

We do not have exact figures for how many young people have suffered from using substances sold in head shops. These young people will feed into long-term addiction programmes and could easily double the amount needed by the HSE to maintain the programmes to €200 million a year, a colossal sum. New legislation will have to be introduced to deal with these shops involving the planning sections of local authorities. Will the Minister introduce such legislation as quickly as possible? While I accept it is not an easy area in which to legislate for, I believe the Seanad has the expertise and the will to ensure it can be done.

Senator David Norris: I very much welcome the opportunity to make a statement on this topic and, in particular, the time and trouble the Minister has taken to come into the House. I certainly have some suggestions to make as to how this matter can be addressed.

This issue has been evident for quite a while but in a minor way, although there have been tragic casualties resulting from the ingestion of magic mushrooms, psilocybin and other similar products. The Minister has acted directly under existing legislation, particularly the control of medicines Act, to outlaw the sale of magic mushrooms. However, that can only be partially effective, as people can still identify the fungi, pick them and take them. However, their sale in shops has been effectively curbed. The same has happened to BZP, benzylpiperazine, which has been shown to have serious adverse effects.

This issue was dormant and the Minister had examined certain aspects of it. That was until I heard some weeks ago a radio interview with a young doctor. He indicated that there had been an influx of people into casualty departments as a result of taking head shop substances which led to panic attacks, severe and recurring psychotic episodes and, like LSD, caused unpredictable results further down the line. It is clear head shops, so-called, have proliferated in the last while. According to the Garda, they are developing at the rate of one a month. As a result of this, I tabled a motion on 20 January seeking their regulation.

Subsequently, I heard Joe Duffy on his radio programme claim no one in Leinster House was listening to the concerns expressed about these shops and that the politicians, as usual, were doing absolutely nothing about it. I e-mailed him to say I had tabled a motion to that effect, raised the matter on the Order of Business and that the Seanad was moving towards all-party agreement on the issue. There were suggestions the motion be taken without debate but I am glad we decided on the making of statements. Mr. Duffy was on again today about the matter and I am glad Miss Grainne Kenny, a well known campaigner on the issue, drew his attention to the fact that Seanad Éireann was debating it. This shows we can be relevant, at least sometimes.

I know Miss Kenny would not agree with my position on drugs but I have been consistent on the issue. For many years I have said the way to address the drugs problem is through legalisation, regulation and quality control. Accordingly, the number of deaths would drop substantially. The level of crime would certainly be more than halved, even by 80% in inner cities, and the prison population would drop dramatically. However, I recognise this is a large political problem and cannot be tackled by one small country on its own. What I have recommended for illicit drugs, however, I recommend for head shops.

The traditional danger posed by head shop products is that they are untested, with very little oversight required in bringing them to the market. They are not tested on human beings and most of the data gathered are based on user reports. We only know their effects when a person appears in hospital or at his or her GP's surgery. There is even less information available on these products and their possible side effects when combined with other drugs such as alcohol, prescription medications, other head shop products or cannabis, heroin and cocaine. The medical profession has often stated there is a real problem of multiple addiction through the interactive use of these substances which can be very dangerous. The chairman of the national advisory committee on drugs, Dr. Des Corrigan, said the majority of these products would not meet basic standards of quality control. That makes them even more dangerous. As I indicated, the Minister has acted and some of the substances that were available in head shops have now been banned.

There are difficulties. Even in the United States which traditionally has had a strict drug enforcement policy head shops continue to operate and have proved difficult and expensive to remove, as they operate in a grey area, as I have seen here in Dublin. They sell bong, with

which I am sure the Minister is unfamiliar, which allow the most efficient inhalation of the fumes of cannabis resin which is burned using a water pipe, frequently made of glass. They are marketed as water pipes. One is told rolling paper is used to roll ordinary tobacco.

Then there are legal drugs and herbal supplements, some of which have been mentioned, including bath salts. I must say that was laughable. If there is such a demand for bath salts, how many go into a pharmacy to say they would like a packet of Radox because they want to stick it up their noses? The answer is very few; it would probably be quite dangerous if they were to use in this way. However, because they are sold as herbal medicines, bath salts, disinfectants, garden products, etc., they are queasily obviating their moral responsibility for what happens to those who take them because they are selling them in the sure and certain knowledge that the label on the packet is just a device to evade the law. Some of the products are naturally occurring and genuinely herbal. I did an experiment while I was in Cyprus where I read a detective novel in which one of the characters got high smoking nutmeg, a perfectly ordinary domestic product. I put some in a cigarette and smoked it to see if I could smoke something in the kitchen that would have an effect. It was an interesting experiment. Nothing happened — it was extremely disappointing — until I went to sleep when I had the most extraordinary collection of nightmares I had ever had in my life and it did not encourage me to repeat the experiment. That indicates how difficult this issue is, if these substances are mind-changing or hallucinogenic and are available in the kitchen. One cannot start to ban spices. We are in a difficult position.

That is one of the other reasons regulation is better. Instead of attempting to close all head shops, we could place the focus on researching the effects and properties of these legal products which make one high. It is important that we provide funding for research into these products, that there be an oversight committee responsible for their quality and which would also be able to ban anything that contained illicit drugs or products, as in the case of magic mushrooms.

There is a Misuse of Drugs Act which was amended in 1988, 1999, 2006 and 2009. However, the problem is that, although portions of it were changed or updated, the portion relevant to this debate has remained the essentially the same. The problem is that Act classifies illegal drugs by their specific chemical composition and the manufacturers have got very clever. By altering one or two elements, or making small changes to the molecular composition of drugs, they can produce something which is very close to cocaine but with which, legally, they have got round the definition and which is not defined under the law as an illegal drug. Many of the legal drugs involved produce similar results to the illegal ones such as speed, cocaine and cannabis, but they are demonstrably chemically distinct and, therefore, not covered by the Misuse of Drugs Act. By making drugs similar in chemical composition to the illegal ones but not the same, they avoid the ban.

What is the solution? I do not know whether the Minister for Health and Children, Deputy Harney, has looked at the American legislation, but there is on the Statute Book in the United States an Act entitled the Controlled Substances Analogues Act. This American law could be helpful in the regulation of head shop products. Essentially, it states any substance, the effect or chemical composition of which is substantially similar to controlled substances may also be considered illegal. I recommend to the Minister that such should be the nub of whatever we introduce here, in other words, any substance, the effect or chemical composition of which is substantially similar is also outlawed. That is part of the solution. It would be a clean, simple and effective way of getting right to the nub of the matter.

In the United Kingdom the Medicines Act 1968 governs the supply and manufacture of medicines. Three categories of medicines are provided for: prescription only medicines, medicines provided by a pharmacist without a prescription and general medicines bought in a store.

[Senator David Norris.]

They have made progress by prosecuting people for the use or possession of certain head shop products on the assertion that they are medicinal in nature and thus misusing or possessing them without a prescription is illegal. This has met with marginal success, as it is only an offence to have prescription medication without a prescription if that medicine is covered by the Misuse of Drugs Act. It will, therefore, be difficult to ban them outright. As a libertarian, I am not sure I am 100% in favour of such a move. However, we can use this information on the American legislation and the United Kingdom precedent to address the problem with simple, clear, direct and effective legislation.

In addition to the resources available to this House, we are lucky to have assistants and researchers provided by the Institute of Public Administration. The information on the American precedent, for example, was garnered for me by Mr. Zach Cohen, my assistant. Getting young people involved in researching a subject such as this is beneficial, both to them and us. I am glad to record my thanks to him for his research work which has suggested something which perhaps the Minister will take up.

Deputy Mary Harney: I congratulate the Seanad for adopting a unanimous stance. A sensible approach has been taken by all Members.

Senator Feeney referred to head shops as being a plague on society. That is certainly an appropriate way to describe what they do. However, if it were possible to simply bring forward legislation to ban products such as snow, blow, ice or charge plus, we could have it this evening. Unfortunately, it is not as simple as that, which is where the difficulty arises.

We banned the sale of magic mushrooms in 2006, following a meeting I had had with the family of the late Mr. Colm Hodkinson. I will never forget that meeting during which I saw how troubled, devastated and upset that family were. Last year we banned BZP. As we ban these substances, small variations are made and, suddenly, there is a new product. That is the significant difficulty we face.

In the United Kingdom legislation was brought forward on 23 December last. We will have legislation ready within one month. Four regulations are required. There is a small team sitting behind me — there are three persons present, one of whom comes from the office of the Minister of State, Deputy Curran — which includes the chief pharmacist. This is only a small part of the wide responsibilities of the team. Discussions were held recently with the pharmaceutical industry and the team will have the regulations ready for the Government in approximately four weeks. We will then have to notify the European Commission, a process which takes three months. I note the United Kingdom did not notify the Commission, but we are advised that notification is required and that if one does not notify the Commission where one is required to do so, it could make the regulations invalid. Clearly, we want to ensure we follow the legal advice on notification. That being the case, we should have the law in place in Ireland, having notified the European Union, by June this year.

We must ensure we define by chemical compound what it is we are banning because many of the substances are legitimate and used in the legitimate pharmaceutical industry, as well as the plastics industry. For example, the products trazodone and nefazodone are legally used. In the United Kingdom they did not ban what is commonly known here as snow which, I think, is known as mephedrone. We hope to ban it. The reason for the difficulty is that many of these substances have legitimate uses.

I have never been in a head shop and I am unsure if I have ever seen one, except on television. However, I understand they vary from big emporiums that sell various bizarre products to mainstream herbal shops where, among other things, sell these highly dangerous prod-

ucts that are effectively killing people — there is no doubt about that. They are targeted at vulnerable and young people especially. They have no role in our society.

I was very taken by the recent comments of Dr. Luke from Cork. I am unsure whether he works in Cork University Hospital, CUH, or the Mercy University Hospital.

Senator Phil Prendergast: It is CUH.

Deputy Mary Harney: He is one of the leading emergency medical physicians in the country and he suggested that although legislation has a part to play, a greater part must be played by education, awareness and changing the culture here. This is why I welcome such programmes as Joe Duffy's "Liveline" which concentrated on this issue. Recently, I was out with several leading consultants at a function. I asked if they knew what ice, snow and blow were and no one had ever heard of them. Those people did not work in this area; they were cardiologists, neurologists and so on, but they are well informed, well educated people. They were parents of young children but had never heard of any of these substances.

We need wider education of the public and a debate such as this is very useful. Senator Norris made the point that the House sought more than just a motion and that it sought a debate. Such debates as this held in such a forum in the Houses of the Oireachtas have an important role to play in the wider education of the public and especially young people. We know people can access drugs through the Internet. When the law is changed here, the Customs and Excise will be able to intercept delivery of these products. However, even with the law one cannot prevent people accessing dangerous products. There is a good deal of money in them and there are more than enough people willing to promote these products. We must use legislation as best we can but we must also realise that the legislation will never be able to keep pace with the capacity of individuals to vary products and to sell them as bath salts, for example. Anyone who spends €30 on bath salts needs their head examined. Excuse the pun.

Senator Fidelma Healy Eames: That is what it is all about.

Senator Jerry Buttimer: They are head shops after all.

Deputy Mary Harney: Products are sold in that way and we cannot ban bath salts.

Given the expertise we have, we can use the chemical compounds, put them in the form of regulation, ban them and the Garda Síochána will be in a position then to enforce the law.

I have made the point at Government and I believe there should be a wider Government response, including product liability legislation. Consumer protection legislation must be examined as well as the role of public liability insurance. There could be improvements if people had to carry public liability insurance and any adverse health effects could be challenged against that insurance. Although I am not saying we can do these things, we must examine them. Also, there is the matter of planning legislation. We must consider this across several headings and the Government is doing so at present, lead by the Minister of State, Deputy John Curran, who will speak later in this debate.

I cannot disagree with the urgency with which members seek legislation. We will make it happen as quickly as we can. We are examining what has taken place in other countries, especially in the United Kingdom and the United States. However, no country has been able to deal satisfactorily with this issue yet. I refer to a group known as the EU Horizontal Drugs Group, of which Ireland is a member. Various experts from Ireland participate in the meetings of the group, including experts from the Departments of Justice, Equality and Law, Reform; Health and Children; and Enterprise, Trade and Employment. The group has discussed this issue many times but no one has been able to find a way to deal satisfactorily with what are

[Deputy Mary Harney.]

broadly called head shops or with the products they sell. The best we have been able to do is to ban substances as they come on the market, in the realisation that a new variation or derivative will be found very quickly. There are derivatives of BZP, benzylpiperazine, legally used and very small changes can be made to allow these drugs to be sold legitimately. We must use other legislation as well and place a high liability on those who sell these products to carry the responsibility for these products. That could be a very effective way of dealing with the matter.

Senators mentioned that some of these shops are open until 4 a.m. We should examine the regulations from a business point of view to determine when such premises can trade. I understand many of the young people who access these stores do so after they have consumed alcohol and the combination of these substances with alcohol can cause not only mind changing but, in many cases, fatal consequences. There have been cases where people believe they can jump out of apartments and do various strange things.

I am pleased to have the opportunity to be here. I thank all Members who have spoken to date and I realise many other Members wish to speak. I congratulate Mrs. Kenny in the Gallery, whom I do not know. However, she is a campaigner and I welcome such campaigners. It is important that the wider society participates in the required education of young people especially, although the problem is not exclusive to young people. These shops are all about making money for people who do not seem to care about the consequences of the products they sell. Wider societal involvement in the campaign against these products sold by many head shops will play an important role in reducing the use of these shops, especially by young people.

Senator David Norris: Is the Minister aware that the landlord of the head shop in Naas is a member of the Judiciary who has today justified his position by saying he asked the Garda and the Garda said it was alright—

An Cathaoirleach: No. The Senator had his opportunity to speak.

Senator David Norris: —and that everything being sold is perfectly legal and that it is alright with him?

An Cathaoirleach: We are on statements. I call Senator Prendergast.

Senator David Norris: Will the Minister comment on that?

Deputy Mary Harney: I was not aware until Senator Feeney mentioned it earlier. I understand she read it in the *Leinster Leader*. I have no wish to be critical of anyone who rents their property legitimately to someone for a legitimate business. I have no wish to comment on that. It will not be long before they are illegal and I hope the owners of properties will take the appropriate action, whoever they are.

Senator Phil Prendergast: I welcome the Minister and the recent statement in the Dáil from the Minister of State, Deputy John Curran, who has charge of the national drugs strategy. He indicated that bringing head shops under a stricter regulatory code was being examined. He referred to the Minister, Deputy Harney, with responsibility for the Misuse of Drugs Act. I was somewhat surprised by this because it is laggardly not to have addressed this issue. The Minister, rightly, banned magic mushrooms more than four years ago but it has taken some time to address the legal sale of other psychoactive substances. The magic mushroom ban fell far short of what was required. There is a warning that a fairly rigorous approach is required. The issue is back in the public glare again and featured on Joe Duffy's "Liveline" today. I suppose it will be the subject of many debates, but has never really gone away during the past

four years. The Minister took action after the death of a young man allegedly after the use of natural hallucinogen — I cannot say the word now, but the House understands what I mean——

Senator Eugene Regan: The Senator should spell it.

Senator Joe O'Reilly: The Senator should break it down into sections.

Senator Phil Prendergast: One year later, another inquest found another type of magic mushroom, not banned, was responsible for the death of another young man. It is very difficult to isolate products. I acknowledge and accept this is a very difficult area to police. However, we have entered a new decade and we need a comprehensive response. We do not have such a response yet because the issue is still being examined. My research suggests there are more than 250 different illegal drug substitutes available in head shops. No doubt there are more than that. They are merely 250 already identified by various ways and means, including chemically, through the drug squad, through various laboratories throughout the country and through the various agencies that examine such matters.

Among the product types in question are such stimulants as high caffeine products, cocaine substitutes, hallucinogens and intense euphoria products. Many of these products state they are not for human consumption and head shops can sell them legally. This is an anomaly that must be addressed through several approaches. The Minister of State, Deputy Curran, reminds us the national drugs strategy includes an intention to increase monitoring of head shops. Will the Minister indicate how and whether this will take place? What resources are being allocated to achieve this aim? One characteristic of the Government is it claims to take action simply by stating some agency is dealing with an issue. At the same time, no resources or implementation strategy is developed. Again, that is a major difficulty.

The other prong of the national drugs strategy in this area is keeping legislation under review. As I illustrated earlier, this has not happened. There is an issue of confidence. Will this issue really be tackled head on, or will we see lip-service being paid to it?

Deputy Mary Harney: Head on. I have just told the Senator it will be tackled within the next month.

Senator Phil Prendergast: I wait with baited breath.

This issue is very serious and the social cost cannot be underestimated. There is a real threat that the recession and the savage attack on young people in the past two budgets will lead to an increase in drug use. This time we will not be able to afford the necessary response to young people becoming dependent on drugs or engaging in anti-social behaviour.

Criminologists, Ian O'Donnell and Eoin O'Sullivan of UCD and TCD respectively, did research which showed that crime rates fell in the 1990s, in particular, burglaries and theft, because the State ploughed resources into the methadone maintenance programme. This broke the cycle of people having to use theft and burglary to fund their habit because they were getting State-sponsored assistance.

The Aisling drug treatment centre and other such places deal with drug rehabilitation and treatment in a supportive environment. People are entering psychiatric units and attending accident and emergency departments because they need crisis intervention and treatment for taking too many uppers, they want downers, they do not want to be high etc.

There are various polysubstance abuse issues in regard to these drugs and the types of effects they have. The rehabilitation of addicts will be particularly important. However, it will be very

[Senator Phil Prendergast.]

difficult to identify what the treatment will be if we do not know the amount of the substance taken or the nuances which exist because they are legally sold. That is certainly an issue.

Last week two other shops opened in Tipperary so there must be an increase in the use of the substances they sell. Head shops are opening specifically at 4 a.m. to facilitate people coming from nightclubs. As the Minister stated, alcohol creates the potential for substance abuse. That mix is causing undue hardship on people. Failure to address the sale of these products will lead to a major social problem. We need to identify resources to deal with the issue. I thank the Minister for her attention.

Senator Terry Leyden: I thank the Minister for coming to the House to address this issue. I welcome the Minister of State, Deputy Curran, who has responsibility in this area, and Ms Grainne Kenny, the international president of Europe Against Drugs. Ms Kenny has been an activist in this field and I worked with her from 1987 to 1989 in the Department of Health when I was national chairman of the national drugs advisory committee. She played a very good and consistent role. At that time, we had problems with cocaine and heroin and other drugs flooding inner city Dublin, in particular. The one thing about which Ms Kenny has always been consistent is not legalising any drug which would lead people into a life of drug dependency.

In the past week or two a head shop called High Times has opened on Castle Street, Roscommon town, in my constituency. It has caused consternation, to say the least. A public meeting was held last Wednesday night in Gleeson's in Roscommon Town which was addressed by Ms Grainne Kenny. A further public meeting will be held tonight. A group is campaigning outside the shop each day and a vigil is being held by concerned parents. It has come as a major shock to the people of Roscommon and the surrounding area that such a shop could open legally. There are probably 100 such shops all over Ireland.

The Minister outlined the action the Government will take, which confirms what the Minister of State, Deputy Curran, said in Mullingar last week. I appreciate that it is a difficult issue, that the chief chemist is here and that the Government is aware of the situation and is trying to do the best it can to introduce legislation. It would be better if it could bring the timescale forward. However, if it is rushed legislation, it might not be very effective, but some action must be taken in this regard as quickly as possible.

Chris Luke, an accident and emergency consultant in Cork University Hospital and the Mercy University Hospital, outlined the situation in Cork in the *Mail on Sunday* on 17 January 2010. He expressed grave concern and referred to six cases of three men and three women all in their early 20s. He stated:

They were having psychotic episodes, were disorientated and hallucinating; they could not sleep and were disruptive and chaotic. One had to be given sedatives and be sent to a darkened room for 18 hours for his agitation to subside — a classic symptom of illegal drug use.

The Joe Duffy radio show has highlighted this issue and it is about time we took the action required. The Government Whip, Senator Wilson, has highlighted this issue for 18 months and got some of the drugs on sale banned. It is vital action is taken immediately to ban as many of these substances as possible.

These shops are technically legal at this point. The landlord in Roscommon town said he was not aware that one of these head shops was being opened. His auctioneer probably did not advise him of that. He entered into a lease out of which he cannot get. He faces great difficulty and said it was the worst business decision he ever made. It is certain to have a bad effect on the area and the town. The Minister of State, Deputy Curran, has spoken about the

planning area. The Department of Enterprise, Trade and Employment is examining the areas of product liability and public liability insurance that are required. In terms of planning, a shop can legally open without informing anybody and without anybody being in a position to object.

We must also look at the opening hours of these shops, some of which are outrageous. They are open up to 4 a.m. The threat in respect of the shop in Roscommon town is that it will open 24 hours per day and that people are available 24 hours per day to provide these drugs.

I was quite astonished to find that legal substances have been available all the time, as I am sure Ms Kenny and others who have been involved in these campaigns over the years were. Methadone is on prescription and it is substitute drug given to people who are trying to wean themselves off drugs. However, some of these drugs are very strong. Given the publicity arising from what has happened in Roscommon Town, young people are now more aware of the existence of these drugs. As legislators, it is our responsibility to take action to ban them.

All these shops need to do is bring in products, which they can buy on the Internet, and have a VAT number. If we banned these drugs, the Customs and Excise could seize the packages of drugs being sent to shops. However, it opens up a new field. We were used to the drugs which were prescribed and named. Unbelievable synthetic drugs have come onto the market in the past number of years. Big money is being made under a so-called legal heading.

The Minister of State's speech in Mullingar was spot on. He outlined exactly what action he is taking. It is something which has hit the public quite unexpectedly but it will cost lives. Young people and older people can obtain such treatments or drugs and have no idea what effect they will have on them. They could have major psychiatric effects on them. It is something which we, as legislators, have a responsibility to prevent. If the Minister of State can introduce a ban on some of the drugs which are currently being sold it will make things more difficult for the shops involved and they will have to remove the products concerned from sale — he can talk to his officials in this regard. Such a ban could be introduced by order or legislation.

Magic mushrooms were banned by the Minister, Deputy Harney, who introduced an order under the Misuse of Drugs Act. A short-term solution could be reached by naming drugs, listing them and issuing an order. At least gardaí could go onto a premises and remove such drugs if they are not removed by the people involved. Such a measure would bring the timescale forward. The House has a very busy schedule ahead of it. The Finance Bill will come before the House and other matters will take priority. The Bill could be left until the autumn.

Every day a shop is left open there is a danger that one person or ten more young people will be affected. The Minister of State may take a draconian decision. If the legislation is challenged, so be it. Let it be challenged by the owners of the shops concerned if it is unconstitutional or not in order. At least it will show the public that we are serious about this issue. I again emphasize that June is too late. I would like to see an order or Bill introduced by March at the latest. I do not see why this cannot happen. There is enough research around the world to make a decision on the issue.

If I was in opposition I would be tempted to introduce a Private Members' Bill and put it up to people, but I would need a lot of research in that regard.

Senator Eugene Regan: They are never accepted.

Senator Terry Leyden: I got a Bill accepted here, so I might have more success.

Senator Fidelma Healy Eames: Would Senator Leyden accept it?

Senator Terry Leyden: I said I had a Bill accepted, the Registration of Wills Act.

Senator Fidelma Healy Eames: Will Senator Leyden accept our Private Members' Bill?

Senator Terry Leyden: That is not my call. It is a Government decision.

An Leas-Chathaoirleach: Senator Leyden without interruption please.

Senator Terry Leyden: I was in the Department of Health and Children. Many of its senior officials are here today and are very welcome. I know the expertise it has, but if people have to work day and night to resolve this matter, so be it. I ask the Minister of State to give it priority. This House will pass a Bill in a week or less. I accept the complications and difficulties.

I again refer to Ms Kenny who knows the situation. When I was chairman of the National Advisory Committee on Drugs we decided to give out needles, which was a major decision at the time. We provided a needle exchange programme which was debated at the time because it was seen to encourage the use of drugs. We were not encouraging the use of drugs, we were preventing the spread of AIDS, which was part of our responsibility. We introduced a methadone programme which was used throughout the country and has been successful to some extent. I do not doubt the sincerity of the Minister of State in this regard and I know he has the full support of the Government. He also has other responsibilities. No issue which has arisen in the past number of months or year is more immediate than this one.

These head shops are spreading like wildfire. The public in the town of Roscommon are so enraged they are holding a vigil around the clock outside the shop to try to prevent people from going into it. The shop is using tactics such as opening for long hours. To add to that, there is a circular in the town stating another shop is opening which will provide other services.

We have had floods, bad weather and frost and we are now dealing with the issue of legal drugs coming into rural towns. I refer to Roscommon because I know it, but Senator Wilson referred to Cavan and the Leas-Chathaoirleach may be aware of the situation in Castlebar. They are all over Ireland. One operator, who I will not name because——

An Leas-Chathaoirleach: You will not have time to go around the country.

Senator Rónán Mullen: Stick to the constituency.

Senator Terry Leyden: One owner, Paul, currently has 100 shops and they are spreading like wildfire. He is making a fortune, but it is at the cost of the future of young people in this country. We, as legislators, must take action and I ask the Minister of State to take action sooner rather than later.

Senator Fidelma Healy Eames: I welcome the Minister of State. It is nice to see, for a change, that we are all of one mind here with regard to the dangers implicit in the products sold in head shops around the country. The Minister of State is familiar with the history of this issue. From autumn 2008 to March 2009, along with Senator Wilson and others, I ran a long campaign in the Seanad to get BZP banned. It was not easy. I heard more co-operation in the speech from the Minister, Deputy Harney, with regard to the aim to bring in very strict regulation. I welcome that.

What can I add to the debate which has not already been said? I want to discuss the users of drugs and give some quotes from them. All of my research on this issue is from the treatment services, including the psychiatric unit in Galway and the GPs who are dealing with the users. I want to discuss the effects of drugs and the complications when they are taken with alcohol, something which has not entered the debate so far today — if it has I apologise for not hearing it. I also want to discuss the fact that mixing some of these synthetic legal highs with alcohol is a lethal combination and examine some solutions.

At the end of 2008 two Galway youths had to undergo psychiatric treatment for three and four weeks, respectively, after using herbal ecstasy, or BZP, as it was at the time. It took that period of time to have them unscrambled in the psychiatric unit in Galway. I spoke to a member of the treatment services there today who recently dealt with a 21 year old man who had a psychotic episode and who has left the psychiatric unit after spending three weeks there. The main age group for users seems to be 14 to 25 years of age. However, when I was campaigning on this issue in late 2008 and early 2009, I received a lot of communication from women and men around the country who had used substances sold in head shops. On one occasion a 39 year old female business manager contacted me to say she went out for the night, took a head shop product in conjunction with alcohol and was found lying flat on the street at 6 a.m. by gardaí, luckily for her. It was 11 a.m. the next morning before she came to in the Garda station.

There are ingredients in these products which need to be checked. They are dangerous. Since BZP was banned it has simply reinvented itself. Before I leave the voice of the user, I wish to quote another young man who is 18 years of age. He said one could stay awake for three days while taking a certain drug and one's mind would be racing. One would not be happy but depressed in a strange way. He said the effect was hard to describe but it was hell on earth. Another young man said he waited for the shop to open every morning and would be at the door of a head shop in Galway at 10 a.m. He lost three stone using pills and woke up in Cork one day with no recollection of how he got there. Senator Buttimer is from Cork but he was not heading down to meet him. When users condemn the products it is a major concern and they are worth listening to.

As others have said, BZP has now simply been repackaged and changed. The substance is the same. BZP and similar drugs are being reinvented constantly and this will continue. The health service is always playing catch-up with head shops. People are greatly affected by this. The latest statistics from Galway reveal that every week three to four people show up requiring treatment. The case seems to be that ten people might use a substance without having any reaction while one person may have a severe reaction. It depends on whatever other symptoms are present that would predispose such people to having a severe reaction.

Young people are in danger and the situation is escalating rapidly. I asked some people who work with affected young persons whether head shops should be banned or regulated. I was talking to very reasonable people who know how complicated it is to ban something. It would not be my normal practice to say head shops should be banned. However, these people work with lives that have been disturbed. People are becoming violent at home as a result of this practice. The answer I got was to shut them down completely. The shops reinvent themselves all the time. They were given a chance and given warnings but have not taken the opportunity to be responsible. They do not seem to be interested in reforming their services but are more interested in finding new ways to cheat the system. The packaging techniques used by many head shops are designed deliberately to attract young people, with strong colour schemes, etc. The drugs scene is seen to be enticing and exciting, the ultimate act of escapism for many young people.

I spoke of the complications caused by products when they are taken with alcohol. This is worth listening to and is also a condemnation of what goes on in some of our night clubs. At present, four double vodkas and Red Bull are being offered for €20 in night clubs. If that is added to the gear from the head shops, one can see why these people end up in the psychiatric unit. The point made to me by people working in the treatment services is that this situation, whereby four double vodkas and Red Bull can be offered in this manner, also needs to be regulated. This should be considered before St. Patrick's Day because our national day is no longer a festival of celebrating our Irishness but has become a drinking festival. It was pointed out to me that we should consider not allowing off-licences to open before 5 p.m. because

[Senator Fidelma Healy Eames.]

people get drunk much too early in the day. Again, the word among young people is that they are stocking up already for the day. Circumstances in which alcohol and head shop products are used in combination need to be examined.

Many good solutions were put forward today. Planning regulations must be looked at but how can we make them strict enough to induce the owner of a head shop to reveal the product that is to be used? It would be difficult to manage that but, in part, planning regulations might work if used in tandem with products liability insurance and public liability insurance. If a head shop owner is found to be selling a product that is dangerous and which has the power to induce psychotic effects in young people, he or she might then undergo criminal charges. A broad and multi-pronged approach must be taken to achieving a resolution in this area.

In line with what Senator Leyden said, I heard only today about an individual who believed he was leasing his property to a health shop rather than a head shop. Obviously, the words are very similar but now he is being threatened with legal action if he does not go ahead with the lease. Clearly, there is a great deal of money involved in this business and that must be investigated.

Other solutions involve awareness and education. There is a substance misuse programme at both primary and secondary levels in our schools under the banner of social, personal and health education, SPHE. However, as I stated before in the House, there must be a requirement regarding drugs education. An SPHE teacher can discuss relationships, sexuality, hygiene and environmental awareness. There needs to be a mandatory component of drugs education. Some schools have a great programme at second level, called “Stand on your own two feet”, which could fit the bill. Awareness education and the participation of young people need to be discussed in classes in a responsible environment. It would be worthwhile also to explore having positive role models for young people, perhaps sports stars or others, who could talk about the dangers of using all drugs, both licit and illicit, and how these affect one’s performance. Ultimately, one is talking about a mind-altering experience.

The Minister of State has made a commitment to examine the situation, having heard what the Minister, Deputy Harney, said. He should expedite this as quickly as possible but I also plead with him to explore the lethal cocktail of drugs and alcohol when mixed together.

Senator James Carroll: I welcome the Minister of State, Deputy Curran. It is the first opportunity I have had to do so since I became a Member of the Seanad seven weeks ago. His presence and that of the Minister, Deputy Harney, show how seriously the Government is taking this issue. I welcome that both were present and I congratulate the Minister on her performance on “Liveline” earlier today regarding savings made on different drug schemes. Obviously, these are legal medicinal drugs, not what we are discussing now.

I was heartened to hear Senator Healy Eames talking about the link between alcohol and drugs because that is a very significant issue. Many studies in Scandinavia have shown that the way to tackle addictive substances such as alcohol and legal drugs, including products of head shops, is to increase price or have tighter regulation. These are the two paths we must go down regarding the entire range of drugs and drug related problems.

I was contacted personally, as were many Members, in my case by teachers in the Louth-east Meath area I represent. They spoke of the responsibility they have in this area, trying to stay one step ahead of drugs and the potential problems they might cause. I was told a horrifying story less than an hour ago about a young person who was seen by a community garda. He had no recollection of the previous two days of his life. He had taken drugs, or products from head shops, and just as Senator Healy Eames described, he woke up two days later without any recollection of where he had been.

If the pun can be excused, these shops are growing like mushrooms around the place and that is the reality we must tackle. A further element is that the shopkeepers or those who own such premises seem not to care about the effects of the drugs. Their sole care is that they have a business and they will try to make as much money out of it as possible. As I heard it from people who have gone to shops of this kind to research them, there is no regulation about how much of any product one can purchase. The only limit seems to be how much money one has in one's pocket. The worry is that a person could literally buy the entire stock of a shop. That is a grave concern I have.

The other associated factor is the cost factor to the State, the health services and the Garda, whether in the resources spent by the State dealing with people who are suffering from the side effects of the drugs or the gardaí who must deal with the consequences of what people do or the hospitals that have to deal with the serious consequences. We saw this at Christmas when some people were caught up in this situation.

I welcome the Minister of State's strong response last week to the threat that issued from the head shops in regard to so-called legal and herbal highs. We must co-ordinate our response to these establishments across the various Departments involved. Some are concerned that certain Departments operate almost as silos or bunkers and do not co-operate with each other in order to tackle problems. The Minister of State has a unique role to play in this regard, particularly because he holds portfolios in a number of Departments. It is great that he has met various Ministers and officials to develop a strategy to deal with this matter. It is essential that a cross-departmental approach be taken. Such an approach should involve the Ministers for Enterprise, Trade and Employment and Health and Children and the Minister of State present.

4 o'clock I am somewhat perturbed by statements from other Members to the effect that by changing one chemical component of an illegal drug, it suddenly becomes legal. Senator Norris inquired as to whether we might consider the legislative position in other countries such as the United States or other EU member states to discover how they are tackling this problem. The concern is that the Executive and legislative arms of the State will be rendered impotent by virtue of the fact that one need only change one chemical component of a drug to make it legal and prevent action being taken. I hope the Minister of State will give consideration to this matter as soon as possible.

As stated, we must consider how matters relating to drugs and alcohol are regulated and how they tie in with other aspects. The main such aspect is the sexualisation of young people through advertising, nightclubs or their perception of so-called role models from the media and pop music spheres. Some role models appear to comment on the matters under discussion in a jovial manner. In the 1990s, for example, mere weeks after a young woman in England had died after taking half an ecstasy tablet, Brian Harvey of the band East 17 stated ecstasy was great. Certain members of the media and sports stars take the major responsibility of being a role model very seriously. Perhaps the Minister of State might encourage sports stars to point out to young people that if they want to be the next Brian O'Driscoll, Robbie Keane or Shay Given, they should not consume drugs or alcohol. Those who engage in such behaviour would never be capable of replicating the sporting successes this country has enjoyed during the past 18 months.

I was interested to hear about the experiences of other Members in this matter. I have learned a great deal from what was said. I am 26 years old and as the youngest Member of the Oireachtas, I hope I can bring a different perspective to the matter. In that context, it is important to bring a mixture of youth and experience to debates on the various topics debated in the House.

[Senator James Carroll.]

I thank the Minister of State for coming before the House. The major concern that arises relates to the fact that certain drugs, regardless of whether they are legal or illegal, are becoming freely available in society. The reality is that people are able to get so-called legal highs from taking that which is on offer in head shops. The only people who will frequent these shops at 4 a.m. are those leaving pubs and nightclubs and who will perhaps already have imbibed alcohol or taken other drugs. I do not know whether the Misuse of Drugs Acts can be used in respect of this matter. However, I hope legislation to regulate the position on head shops can be brought forward as quickly as possible.

We must ensure we deal simultaneously with issues relating to alcohol, so-called legal drugs and the changing of chemical components to make illegal drugs legal. I reiterate that we have to consider increasing prices or introducing tighter regulation to deal with this matter.

Senator Rónán Mullen: Ba bhreá liom fáilte a chur roimh an Aire. I am glad the Minister of State is present. From discussing other issues with him, I am aware that he is an extremely practical individual. I am delighted by his attitude and that of the Minister for Health and Children, Deputy Harney. I welcome the fact that the Government proposes to take action in the matter.

We should consider banning not merely the drugs sold but also head shops. There are those who state widespread bans are difficult to implement both in law and in practice. However, implementing such bans is not as difficult as people might think. There is much we can do in the context of placing the onus on those who provide services in our society and ensuring they meet the standards we set. People should be obliged to seek permission to open certain establishments or sell particular products. I would not see a great difficulty with restricting the sale of these substances and products. We could also do a great deal to hinder and prevent the establishment of outlets such as those under discussion.

A comprehensive approach to banning is necessary in this instance. As long as they are in existence, head shops will find loopholes that will permit them to sell new versions of drugs which have already been banned. They celebrate and facilitate the culture of drug abuse and dependence. One need only consider the paraphernalia and products sold and promoted, whether on t-shirts or through other merchandise, to see how profoundly antisocial these establishments are. Parents and teachers are right to be outraged about the phenomenon that is head shops.

We must pose a number of questions with regard to civic culture. Are we witnessing a breakdown, to some degree, in that culture, particularly in the context of the massive rise in the number of head shops in such a short period? I understand that in Ireland alone one new head shop opens each week. That is an extremely unpleasant reality. At the rate at which they are opening, we cannot afford not to take action as soon as possible. It is terrible to think some of these shops remain open until 4 a.m. to attract the business of young people. In addition, some of them run home delivery services. It is also terrible that a significant percentage of the teenagers who use these products mix them with alcohol.

This problem does not merely relate to people using drugs and bringing upon themselves and others the various social and familial downsides which accompany such behaviour. In the light of the demand for the products on offer in head shops, one must wonder about the quality of parenting delivered in this country. This is another instance of the behaviour which occurs on Holy Thursday and which involves people knocking each other down on the way to the off-licence. What is happening with the Irish psyche when people feel this absurd need to approach the limits when it comes to accessing addictive substances?

I am particularly concerned about the role of parents. Parents have lost confidence when it comes to educating their children. Teachers and civic leaders all have a responsibility in this regard. However, what we see today is the outcome of something which began many years ago. If parents do not actively seek to influence their children or impress values upon them at a very young age, it should come as no surprise that a phenomenon such as the rise of head shops should emerge or that many will not be able to resist the allure of what is on offer.

We must ask serious questions about this matter, not merely with regard to the need to regulate or impose restrictions. We must rediscover our belief in behavioural change. Those who form policy, politicians, civil servants and parents often lose confidence with regard to the possibilities offered by such change. This is not just an Irish phenomenon, it is worldwide. I read an article in *The Washington Post* in recent days which indicated that abstinence campaigns, when conducted properly, could actually work. The Obama administration is running away from such campaigns because it is afraid of being judgmental and also because it believes they will not work. Such campaigns also arise in the context of the discussion of the AIDS problem in Africa.

If one is intent on tackling social problems in a serious manner, one must change people's hearts and minds. It is not possible to control such problems solely by using the law. The latter is extremely weak unless cultural transformation underlies it. On their own, laws will not prevent problems or bring them to a halt. In that context, it is necessary to work on people's attitudes. The only way to build a civic culture where people have the right attitude towards substances such as those sold in head shops is by starting early. Serious engagement must occur at the earliest stage of people's lives and at the earliest stage of their education. In addition, the State must work with their parents.

What I am saying may sound airy fairy but it is the work which must be done. Otherwise, one will be, to use an Irish phrase, ag feadaíl in aghaidh na gaoithe agus tú ag iarraidh stop a chur le fadhbanna le dlíthe amháin. I do not, however, suggest the law is not a key element. However, it must be integrated within a deeper philosophy. We cannot just have law now because enough people are ringing up Joe Duffy's radio show or because some politicians are jumping up and down about what is happening in their constituencies. Law needs to be grounded in a more long-term analysis of what constitutes the social good.

Last month Britain introduced a ban on legal highs, building on the legislation that had already banned a great number of chemical substances for human consumption in Britain. The drugs that head shops were selling were banned because these highs were directly linked to a number of deaths as we all know. In addition to the numerous deaths, we know of other health problems that have been linked to them, including severe heart problems, seizures, brain damage and so on. With the new legislation in Britain anyone caught in possession of these drugs now faces the possibility of a two-year jail sentence. Even with this breakthrough in legislation, there still exists on-line head shops and head shops in Northern Ireland and the Republic, which have not been banned as we know. The key point about the British legislation is that it has provided us with a precedent. Sadly in Ireland we are very slow to act unless we get example from some other country and we then feel we have permission to act — otherwise we might be a bit timid. It reminds me of the line from the Bible that the meek shall inherit the earth — if that is all right with you fellows. Of course the Americans say that the meek shall inherit the earth, but not the mineral rights.

There are numerous dangers associated with these legal highs as we know. For instance the legal drug GBL is a liquid that was originally used as an industrial cleaner to strip paint from walls and remove graffiti. I apologise for putting on the record what many of us already know. We now see this being actively marketed by head shops. We know of the side effects including

[Senator Rónán Mullen.]

serious heart problems, vomiting, anxiety attacks, mood swings, seizures and even death. Again we are back to the same problem. Sometimes it does not seem to matter how many downsides are pointed out to people; there will still be a potential market for risk taking. That is why I regret the type of damage limitation approach that is sometimes adopted in the area of drugs whereby some people feel we should engage in harm reduction strategies or as Senator Norris was proposing the legalisation and regulation of drugs. I believe this is an outdated vision and sometimes wonder why people push these ideas that are so out of date. Are they trying to be daring? Do they have a deep desire to be anti-social or do they cling to the naïve view that these solutions actually work? Certainly based on experience in places like Switzerland and the Netherlands, I do not believe they are happy with having gone down the liberal route. I believe I would be supported in that by, for example, Grainne Kenny of Europe Against Drugs.

On the other side of the Atlantic there has been a weaker approach to the problem, perhaps borne out of a *laissez-faire* approach in the United States. There are legal grey areas with consequent problems for people.

Mar achoimre gairid ar an méid a bhí le rá agam, ní amháin go gcaithfimid cosc a chur le drugaí ach caithfimid cosc a chur leis na siopaí drugaí seo. Ní cóir go mbeadh muid sásta le dlíthe amháin. Caithfimid breathnú athuair ar cén chaoi gur féidir linn cultúr agus sibhialtacht choinsiasach a chothú i measc daoine óga. Caithfimid breathnú ar an gcóras oideachais agus ar an ról atá ag tuismitheoirí agus caithfimid féachaint cad iad na pleannanna atá uainn chun cabhrú le tuismitheoirí ionas gur féidir leo na luachanna cuí a mhúineadh do pháistí le nach mbeidh éileamh ar an sórt siopa nó an sórt drugaí seo amach anseo. While we need law and it should certainly be restrictive, let us not forget we need more long-term strategies to promote the culture that will make those laws credible in the eyes of younger people and their families.

Senator Diarmuid Wilson: I wish to share time with Senator Corrigan.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Diarmuid Wilson: I welcome the Minister of State, Deputy Curran. I acknowledge his excellent work in his capacity as Minister of State with responsible for drugs strategy at the Department of Community, Rural and Gaeltacht Affairs. He is an excellent communicator. Communication is a key word when debating head shops. It is important to communicate the message as clearly as possible to the authorities and the young people who are victims of these shops as to how dangerous they are to young and vulnerable people.

It used to take approximately 20 years for an idea that started in America to get as far as mainland Europe and to our closest neighbour, England. Getting to us might have taken a little longer. It is hard to believe it took more than 40 years for the concept of head shops to reach our shores. The first head shops sprung up in the United States of America among the student population during the 1960s. I first became aware of such shops towards the latter part of 2008 when it was brought to my attention by a council colleague that such a shop was proposed to open in Cavan town. In November 2008 I raised on the Adjournment the difficulties with these head shops, having researched them quite extensively. On that occasion I raised in particular the problem the so-called party pill, BZP, was causing. I was glad to have been in a position to report at the beginning of April last year that on 31 March 2009 the Minister for Health and Children added BZP to the list of proscribed drugs under the Misuse of Drugs Act 1997.

During research into these products and shops, I was horrified at the advertisements that appeared on the websites. Incidentally they are very shrewd people. A new shop opens almost on a weekly basis. As Senator O'Reilly will be aware one recently opened in Monaghan. The

head shop in Cavan has been in existence for more than a year and a half and does a thriving trade. It is shocking to read what is advertised on the websites. For instance one website advertises the sale of pipes, bongs, vaporisers, scales, grinders and room odourisers. Why would one need these? It advertises legal highs and herbal highs, and products such as “Berry Mashed”, and asks the user to “have a blissfully stoned night”. Another product is “Diablo XXX”, which is described as being “by far the strongest pill” and it contains 500 mg of an illegal component. Another product is “E-Blast” and is described as follows:

Like a lightning bolt of pure energy straight to your brain, E-Blast pills are guaranteed to make your jaw clench, your hair stand on end and your feet to want to hit the dance floor. Take that feeling you get when the moon is full, you’re looking good and feeling good and out for a night of carnage, you know, the kind of night where colours seem brighter, music sounds better and you feel unstoppable.

That seems very similar to another pill known as Ecstasy and is not a harmless pill by any stretch of the imagination.

These shops are focused on young and vulnerable people. The main reason they have sprung up is that there is a market for them. They are flouting the law by getting away with selling almost illegal substances that have been changed. Perhaps a component or two will have been changed. I understand the difficulty the Government has and the Minister of State in particular in banning these substances outright. As Senator Healy Eames and other speakers have indicated, BZP, which was banned, is now available under another name since there was a slight alteration in its make-up.

We need to look closely at the planning regulations given that new shops are opening almost every week. We apply very strict conditions to a person who proposes to open a takeaway shop in a town. Such shops must open and close at certain times while head shops can remain open 24 hours a day. In other words, young people are being restricted in their purchase of a burger or fish and chips, yet at any time of the day or night they can buy these illegal substances which cause so much harm.

I welcome this debate and thank colleagues for allowing it to be an all-party motion. As I proposed recently on the Order of Business, we should form an all-party focus group to look specifically at these shops so as to inform the Minister and the Department of Health and Children on the best ways possible to address this problem, using the expertise in the House, legal and otherwise. We should formulate an all-party focus group to concentrate on this issue because as others have said, there is only one way to deal with these shops and that is to close them as soon as possible. I commend Ms Kenny, who was mentioned, and the parents throughout the country who are waging campaigns against these shops.

Senator Maria Corrigan: I welcome the Minister of State, Deputy John Curran to the Chamber and join colleagues in paying tribute to his tremendous work and commitment in this area. I also pay tribute to my colleague, Senator Wilson, for ensuring this debate took place so as to raise this very important topic.

Head shops and their products have generated a new set of challenges for us in the fight against dangerous substances. Tragically, the consequences have been that deaths have occurred, allegedly following the use of substances bought in such shops. These deaths have been devastating for the families involved. I extend my sympathies to all families affected. A great deal of publicity has been generated, but it is important to bear in mind that other forms of devastation have resulted too, not just death. We do not have figures for the exact number of lives that have been ruined or human potential destroyed, whether as a result of physical health problems encountered afterwards or the psychological or mental health challenges

[Senator Maria Corrigan.]

people have had to face, such as the onset or psychosis, brain damage, depression, etc. We must appreciate that these are very real life-altering consequences with which people have to live for the remainder of their lives.

A Garda Síochána study has shown that many of these substances, when analysed, were found to contain really disturbing products, including scheduled poisons. Undoubtedly some of the substances available can be associated with unrealised consequences for some of the people using them. The packaging is facetious and almost contemptuous.

Colleagues have referred to the fact that the UK has banned certain substances. There is a very real danger for Ireland in that. The danger, as the Minister of State previously outlined, is that Ireland could become a dumping ground for these products. All those stocks ordered within the UK need to be passed on because they no longer can be used legally. That is something we must guard against. There is a concern that such substances can provide a gateway to harder substances. Colleagues have referred to another gateway product worthy of a debate in the Seanad in its own right, namely, alcohol and alcohol abuse.

I will conclude by warmly welcoming the comments of the Minister for Health and Children, Deputy Harney, in particular the focus she intends to bring to bear on this in conjunction with other Departments. The Minister of State, Deputy Curran, is spearheading an inter-departmental focus on head shops and I support Senator Wilson's call for the establishment of all-party approach to the problem, drawing on everybody's expertise. However, I welcome, in particular, the Minister's focusing on the chemical ingredients as well as the emphasis on product liability, consumer safety and opening hours.

Many families affected by this have campaigned very strongly. One of the effects and consequences of such campaigns is that at a minimum they have ensured greater awareness among the public of the dangers presented by these products. Senator Mullen referred to the need for behavioural change, but we know that this can only happen if we bring about a proper level of awareness and education. I pay tribute to the time devoted by families, despite their grief, to campaigns to ensure public awareness of these very dangerous products. I wish the Minister of State well in tackling this very complex but urgent area.

Senator Joe O'Reilly: I wish to share time with Senator Eugene Regan, with the permission of the House.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Joe O'Reilly: There is no question that head shops present a real day-to-day threat to the physical and psychological well-being of young people because they sell mind altering substances. They use the cover of legality for this and that makes them particularly sinister. It is a countrywide problem. In my constituency it is a problem in the towns of both Cavan and Monaghan which have such shops. In that context I acknowledge the campaigning work of my colleague, Senator Wilson, in attempting to have the head shop in Cavan town closed.

These shops present a real threat to parents and young people. One regularly receives harrowing reports from parents of their experiences in this regard. The difficulties are many, but the recently banned substance, BZP, has been replaced by a substance known as mephadrone or "meow meow" in the jargon. The substance was already banned but has been reintroduced in this form, which is particularly frightening and underscores the difficulties we confront. A packet called "Blow — Intense Euphoria" which contains five pills is priced at €30, so it is within the purchasing power of too many young people.

Strategies must be put in place to deal with this. One I commend to the Minister for instant use is our planning laws. There should be a requirement to secure a change of use permission for such premises, and there should be potential to stop the building at planning stage, or at least to ensure restrictions at that stage. There should also be an investigative process and a facility for local people to object. Undoubtedly, the planning laws should be brought to bear on this issue. Similarly, consideration should be given to the control of substances through the Irish Medicines Board and the Food Safety Authority of Ireland. The Misuse of Drugs Act does not prescribe as illegal a number of the substances being sold in these shops. That must be addressed.

I welcome the Minister's commitment to do something within a month on this matter. It is of such urgency that something must happen within a month. I also acknowledge the bona fides of the Minister of State, Deputy Curran, on this issue. I urge that within a month a programme of steps to deal with it is brought before the House. In that context, I have no difficulty supporting Senator Wilson's suggestion of an all-party working group to enhance that process.

Not only must we address this problem through planning laws, the Misuse of Drugs Act, food labelling and the Irish Medicines Board, we must also put a recreational structure in place in our towns. For example, Cavan town should have a skate park. There should be a drop-in centre in every town, with an infrastructure and comfortable ambience in which young people can congregate, relax and chat. Every town should also have athletic facilities of maximum quality, recession or not. We must match recreational facilities of the greatest quality with an education and awareness raising programme.

This issue requires a multi-faceted and immediate response. There has been very effective campaigning on it by my colleague in the Dáil, Deputy James Reilly, and others. However, there must be a response within a month. Parents want to see action. To give the graphic and horrible reality of this problem, there have been sexual assaults and violence of an unparalleled nature as a result of the use of these substances, as well as people jumping from buildings and engaging in all sorts of bizarre behaviour. Parents tell harrowing stories. There is also a loss of interest in education, loss of self respect and a consequent demotivation of the person. It is a problem of the most urgent and grave seriousness. This is probably the most important debate we have held in the House for a long time because the issue has the most impact on the lives of the people for whom we have responsibility.

Senator Eugene Regan: This has been a very healthy debate, if I can use that word. There is a consensus on the need to tackle head shops. We must thank many people, not least Grainne Kenny, president of Europe Against Drugs, for educating people about the dangers of certain drugs and for educating Members of the Oireachtas about the problem. The issue was brought home to me in 2005 by the death of Colm Hodgkinson in Dún Laoghaire after he took magic mushrooms and jumped off the balcony of his apartment. I know many people who were very good friends of this man and it had a traumatic effect on them. There was extraordinary surprise that this could happen with a product that was not necessarily considered dangerous at the time.

The problem has been highlighted. The dangers of these drugs are clear from the evidence provided by Dr. Chris Luke of Cork University Hospital. It is acknowledged that we must tackle the problem, but the issue is how to do so. The manner in which the products are sold, by referencing them as not for human consumption, is cynical and sophisticated, as is the way the products can be changed minutely so they fall out of the illegal category once more. The response must be equally sophisticated. The first area must be education and advertising to counteract the effect on young people. People will listen when they know the dangers. The problem until now is that the dangers of these products have not been fully appreciated.

[Senator Eugene Regan.]

Everybody is agreed that there must be legislation to ban these products and operations. I appreciate that the Minister, Deputy Mary Harney, came to the House today to explain the Government's plans and that the Minister of State, Deputy John Curran, is now present. However, there is a hesitancy or a way of going about this which, perhaps, does not actually deal with the problem. The precautionary principle must apply. We know these products are dangerous so I do not understand the delay and, indeed, the approach. I would have thought that products that are not licensed for sale are automatically deemed illegal. Medical products must be approved under very stringent conditions before they can be sold. The products we are discussing are not of that type but they are products that have a dangerous effect. We must have a different approach and apply the precautionary principle, whereby if the products are not licensed they are illegal. That generic approach would pre-empt problems further down the line.

I favour the twin-track approach of education and advertising along with legislation. I welcome the fact that the Minister came to the House and is moving ahead on this issue. I appreciate that it must be notified to the European Commission and I have emphasised the importance of notifying the European Commission about matters in another area. However, in this instance and given the proof we have of the dangers of these products, I wonder if it is necessary to wait three months before activating the legislation.

Senator Dan Boyle: This is an interesting debate. There is a great deal of agreement about the dangers that exist and the need for regulation. Even Senator Norris's contribution points to the necessity of considering a drugs policy that is proactive as well as reactive.

The danger of head shops has been highlighted in many contributions to the debate. One reason we should be grateful to them is that they show the state of technology at present and the type of products that can be produced for sale. In terms of drug use, synthetic drugs are often the most pernicious. Regulation is the way to proceed, whether in a proactive way as described by Senator Regan, or in a reactive way, where we try to identify each substance as it is created and assess whether it causes difficulty and should be properly prescribed. I tend to agree with Senator Regan that we adopt the precautionary principle.

However, even if head shops disappeared tomorrow, the problems we have due to drug use in society would not disappear. A wide ranging drug policy must address the fact that drug use is prevalent in our society. Whether it exists in the form of counter-culture shops such as the head shops or it exists underground, there is a responsibility to deal with the wider issue. Outside of what has already been said about education, inspiring a drug-free lifestyle, bodily integrity and the need for awareness about the effects of particular substances, we most particularly must make young people aware of the dangers of poly-drug use, which is one of the most dangerous activities one can undertake. When one is young, one feels indestructible and that one can pop pills, ingest drugs by way of smoking and drink alcohol without being affected in any way. The reality is that the effects are all too obvious. Senators talked about the effects on individuals, including injury and sometimes death. Memory, personality and behaviour can be affected.

If drug use, which is becoming more prevalent, involves taking a cocktail of substances, which substances change regularly, trying to control it presents a problem. Perhaps the value of the head shops is that they let us know what substances exist and that there is easy access to them. There is a responsibility on legislators to ensure they are properly proscribed.

The combating of drug use at a wider level must be addressed by the Government. The chief ingredient in the cocktail of drugs taken by young poly-drug users remains alcohol. We need a policy that measures its effects properly. I am not too sure the voluntary code of practice for

alcohol providers is sufficient. The counter-culture marketing that head shops try to employ is used in respect of alcohol such as alcopops. Their consumption is regarded as unique to young people and as differentiating them from society at large. Marketing suggests they will be allowed to cock a snoot at authority, pretend to be rebel and make a difference. The reality is that young people led down that line are doing nothing of the sort; they are undermining their own capabilities and compromising their futures. Tackling the problem in a way that allows us, as responsible legislators, to encourage alternative behaviour very often leads young people to behave as they behave with parents, that is, by doing the exact opposite of what is desired of them. It is a difficult balance for us to strike. I do not envy the Minister of State in his role in determining Government policy in this area.

We need to determine how we will deal with the legal drugs and the illegal drugs, be they soft or hard, and what we will do about prescription drug addictions. The real problem we face in this debate is that synthetic drugs have too great an influence on the lives of young people. Their manufacture and sale must be regulated. We must decide whether this should be done through existing agencies such as the Irish Medicines Board and whether there is a role for local task forces or a need to provide resources to address this problem, which is becoming very big indeed.

This debate was instigated by the Government Whip, Senator Wilson, who has experienced the problems under discussion in his home town, Cavan. That drugs are being taken among populations far smaller than those in the major cities of Dublin, Cork, Limerick and Galway means there is a very real problem to be addressed. We all have responsibility to act collectively on this issue.

I hope that as we return to this issue and reflect on how it was articulated in the speech of the Minister for Health and Children, Deputy Harney, there will be a Government response. We hope the response will have the required short-term effect nationally but we should acknowledge that the battle cannot be won in the shorter term, as the Minister of State will be aware. It cannot be won by any individual Bill and a sustained and long-term strategy is required. Everybody, regardless of his or her views on the wider issue, would accept this line of argument.

Senator Joe O'Toole: I wish to share time with Senator Paddy Burke.

Acting Chairman (Senator Maurice Cummins): Is that agreed? Agreed.

Senator Joe O'Toole: There has been a very healthy debate all afternoon. It touched on many issues and it was good to hear a consensus emerging on how we approach the problem. We have examined this matter for years. It was good to hear Ms Grainne Kenny recognised today. I dread to think of how many years it was since we sat down together at a committee meeting; it must be 25. She has stuck with it all those years and deserves great credit for doing so.

I have long believed there should be a two-pronged approach focusing on both supply and demand. All the media comment tends to be on demand. In this regard, it was very good today to hear so many Senators focusing on education and advertising. We must have learned over the past decade that no matter how much legislation we put in place, as we must, and no matter how many resources we put in place, including Garda and customs resources, there is no doubt but that there will be a supply line as long as there is demand. While one could never hope to solve the drugs problem through targeting the supply line alone — drugs will always be brought into the country — one could hope to solve it permanently by focusing on demand. I have made this point many times because it points to our greatest hope for long-term and full success.

[Senator Joe O'Toole.]

No matter what way one looks at the drugs problem, one will find an equal and opposite answer. A contrarian view can be applied to many parts of the problem. While one cannot make a logical case for decriminalising certain substances, it may be the case that certain drugs could be controlled better if their use were not a criminal offence. If it were not a criminal offence, we might see where the problem is happening. Let nobody believe I am suggesting that we decriminalise hard drugs and other drugs; that is not the point I am making.

We must put in place legislation that will deal with the way head shops are operating. Much can be done through ordinary planning-type approaches and by requiring the shops to at least meet certain minimum requirements, as would any other business. We do not seem to be considering this at all. We need solid legal sanctions, where necessary.

For me, it is a question of education and increasing the knowledge of young people. It is about challenging their attitudes and developing their skills and self-confidence such that they will say "No" and feel they do not need to take a drug. This is the real challenge. It is a societal matter and cannot be resolved by any one approach.

Some 25 years ago, I suggested that every school in Europe should have a member of staff or other person with expertise in drugs education. Thinking in this regard has evolved to some extent since then, but not nearly enough. The drugs education resources in countries where they have been put in place are considerable. It is a matter of building drugs education properly and fully into the curriculum with clear objectives and key performance indicators. Rather than looking at outcomes, we must concentrate on what we include in the curricula of pupils of various age groups. If we do not do so, there is no question but that we will never succeed. We need to provide people with honest and accurate information.

We have learned many times that the risk issue is irrelevant. That people can get killed using drugs is of no value whatsoever in drugs education. If anything, risk is an attraction to many people, including the young. Nobody would have ever got to the top of Mount Everest without taking a risk and nobody would have broken records associated with speed and height if they did not take risks. The risk attitude is important to us as legislators but it is utterly unimportant to the young people. One might as well tell them not to drive fast. One can make this case but must do so in a much more smart, clever and strategic way. Therefore, we have to give accurate and honest information. We cannot tell people, "This will kill you," if it will not because they are smart enough to know otherwise. There has to be honesty. Parents and teachers must be brave enough to challenge the attitudes of those who are using drugs or tempted to do so. We also need to examine the relationship between drug use and what it does to communities, families and homes over generations. Young people understand these matters, whereas warnings of personal risk could be a turn-on, rather than a turn-off, for them. If, however, it is explained to them what drugs can do to their families and if this is built into a properly structured programme, something can be done about the problem. In addition, we need expert support at all levels to identify those moving into the shady area of drug abuse.

While I have only touched on the subject, I welcome this debate. I also welcome the Minister of State, Deputy John Curran, and the fact that the Minister for Health and Children, Deputy Mary Harney, was present earlier. We can take the matter forward by having it examined by a special group, as Senator Wilson suggested.

Senator Paddy Burke: I thank Senator O'Toole for sharing his time with me. In the limited time available I wish to ask the Minister of State one or two questions. This is a fascinating debate but the more we discuss it the bigger the issue seems to be. We are now talking about planning issues, the misuse of substances legislation, the Food Safety Authority, the HSE and

the Department of Justice, Equality and Law Reform — the list goes on. The more we speak about bringing all these agencies together, the bigger the issues seems to become.

Senator O'Toole referred to the issues of supply and demand. I have a few questions for the Minister of State about the issue of supply. I happen to be involved in the restaurant business, but if I were to pick leaves and berries in the fields to sell them, I would receive a visit from officials of the Department of Health and Children who would want to know from where I got these items and where they had been washed. Some restaurants cannot even sell potatoes, rather they must use pre-packed ones. Potatoes cannot be washed on some premises because they may not have enough sinks. If, however, we were able to obtain those substances, would we be able to sell them? It strikes me that I would have to answer to the health authorities on where they had been obtained, who the distributor was and what they would do.

Senator Jerry Buttimer: That is correct.

Senator Paddy Burke: Can one sell them beside other products? I would be in the courts if I were to do so; therefore, we should close head shops down immediately.

The food industry, including restaurants, operates under strict regulations. We must check food storage temperatures four or five times a day. One cannot serve breakfast without taking the temperature of a rasher first. One cannot wash potatoes beside cabbages and one cannot make coleslaw in the same sink that was used to wash potatoes. However, substances can be sold all day in a head shop which probably does not have planning permission. This makes no sense. The more we broaden the debate, the more agencies become involved and the bigger the problem becomes.

I wish to pose a question. Could someone like me in the restaurant business legitimately sell the products being sold in head shops, beside food products, without being exposed to the rigours of the law and health inspectors asking from where they had come and how they were packed and washed?

Senator Cecilia Keaveney: This is an important debate. As a former Chairman of the Oireachtas committee which dealt with the drugs issue, I can say we examined a number of products. For example, we looked at smoking as a gateway to other drugs. Some thought we were silly to tackle that issue, but we produced a report which yielded a ministerial response in the form of the smoking ban. We also tackled the issue of alcohol abuse, not a popular one to consider. The problem in this country is not only do we have a culture among some children of getting high through using some drug, legal or illegal, youths look to adults to show example. I mention this because alcohol is another gateway drug.

As part of our investigation, members of the committee visited New Zealand. At the time we were talking about bringing the use of alcohol within the terms of the national drugs strategy, as New Zealand had just done. It had only recently established a commission to tackle the issue. While there we met a lot of the key personnel involved in the drugs field and discussed the alcohol and illegal drugs problem. At that time they were particularly worried about the party pill. When I went to buy a newspaper or a can of Diet Coke, even the smallest of ordinary shops — not head shops — had party pills on sale. Tackling that issue was the key priority for those working in the drugs field in New Zealand. They said to us: "Be careful. If it is here now, it will be with you at some stage." It is similar to the problem with X-rated premium telephone numbers. One can ban such a number today, but there will be another available tomorrow. We must find a mechanism in order to react quickly.

We can visit schools and speak to them about the problem, but that is a simple solution which research shows does not work. I will, however, cite one example in respect of something

[Senator Cecilia Keaveney.]

that struck a chord with me. Those involved with a UK television programme sent a 12, 14 and 16-year old into a head shop to buy these products. Although each of them was under age, they came out with the products. Some were challenged about their age but were able to get the product by saying, “Sorry, I don’t have my ID with me,” even though it was obvious they were all under 18 years. The phrase that stuck with me was used in jest by the person running the store. They said: “Be careful not to use this until you get home.” They were laughing and said: “If you pop the pill in your mouth leaving here and walk across the road, you could lose the use of your limbs. You could collapse in the middle of the street and get hit by a car.” It was presented as “fun” to be had from head shops and the products they sell.

People sometimes become involved for other reasons. For example, they might smoke because they want to lose weight. Alcohol product labels should include the calorie content. Food products are always labelled so well that consumers know the salt content and other ingredients they contain. People can thus choose what they want to eat, but when they go into a bar, they cannot work out what is contained in alcoholic drinks. I will not advertise products here, but there is a low-calorie drinks industry. I am not trying to promote alcohol, but there are ways to tweak people’s imaginations. If they knew how many calories there were in a pint or a glass of wine, would they have nine or ten pints or a bottle of wine? Would they choose something different or minimise their consumption? These are important issues. In the case of head shops, they are getting away with it by stating the product is not for human consumption. They will always move around the issue, but there must be warning systems in place. We must examine best practice around the world in this regard.

Senator Burke was astonished that we might need so many departmental approaches. It is the case that because the alcohol abuse issue did not come under the national drugs strategy it was not brought into focus. I commend the Minister for bringing it under the ambit of the national drugs strategy.

Business of Seanad.

Acting Chairman: I believe the acting leader wishes to amend the Order of Business.

Senator Diarmuid Wilson: I wish to amend the Order of Business to the effect that Private Members’ business be taken between 5 p.m and 7 p.m.

Acting Chairman: Is that agreed? Agreed.

Water and Roads Infrastructure: Motion.

Senator Paudie Coffey: I move:

That Seanad Éireann:

- notes the swift response and work of local authority workers during the cold weather emergency;
- condemns Government for its slow national response to the recent weather crisis;
- is concerned that no national co-ordination plan for severe weather emergencies is in place to co-ordinate local plans at a national level;
- recognises the social and economic hardship caused by water restrictions and by local transport network disruptions;

- recognises that an inefficient, outdated and fragmented water network has contributed to water problems across the State;
- notes with concern that on average 43% of Ireland's treated water supply was lost through unidentified leaks before the recent severe cold weather;
- notes the refusal of the Government to put additional financial measures in place to address severely damaged local and regional roads;
- recognises that the 32% cut in the regional and local road upkeep budget implemented by the Department of Transport last year compounded damage caused by cold weather;

and calls on Government to:

- establish a single water semi-State utility company to take over responsibility for water investment and management on a national basis;
- reallocate future water funding from the Exchequer to prioritise water conservation;
- examine all engineering resources of the State to ensure a rapid remedy to widespread burst water mains;
- develop and test as a matter of priority a national severe weather emergency plan that outlines the actions to be taken by Government and its agencies; and
- provide additional funding for the restoration of severely damaged local and regional roads for reasons of road safety and to minimise costly reconstruction costs caused by further deterioration.

I welcome the opportunity to move this motion and widen the debate on the issue of the response of our nation and our local authorities to what could be called the recent disasters in some cases due to recent adverse weather conditions. I welcome the Minister for the Environment, Heritage and Local Government, Deputy Gormley. In fairness to the Minister, I am aware he has been willing to go public and deal with many of the issues being raised with his Department and with the Government, when it appeared nobody else was dealing with some of the issues. However, that is where the compliments stop.

Deputy John Gormley: I was hoping the Senator would go on.

Senator Paudie Coffey: I am sure the Minister has no problem with that because it is important that we hear the debate. I understand there was a similar debate in the Lower House last week.

I want first to acknowledge the efforts of the local authorities in responding to what were unprecedented weather conditions. Prior to Christmas serious flooding occurred in many areas and over the Christmas heavy snowfall and icy conditions prevailed throughout the country. While initially it appeared to be short term bad weather, there is no doubt that it escalated into a crisis in many areas. It appeared to the people in the areas outside Dublin, and we must remember that one third of our population lives outside the Dublin region, that it was only when the weather started to affect Dublin city that the Government sat up and took notice. The Minister can clarify whether that is right or wrong but that is the way it appeared to those living in country areas, which literally came to a stop during that period.

I will not go into all the details concerning resources for local authorities and so on. Local authorities carried the usual amount of salt reserves to respond to poor weather conditions

[Senator Paudie Coffey.]

such as ice and snow. Their normal resources were available to them. I understand the National Roads Authority has overall responsibility for co-ordinating resources such as salt to keep our national primary routes and other roads open but we found out during the poor weather conditions that the salt reserves quickly diminished. There was a great deal of head scratching going on not only at local authority level but also at Government level because there was no plan B in place whereby emergency reserves of salt and resources could be got into the country. I shudder to think what the outcome would have been if the very icy conditions had continued for a further week because I understand salt reserves were at a minimum at that stage. Fortunately, the thaw occurred.

We must learn from our mistakes but listening to the response from Government and its Ministers I am not sure they are willing to learn from the mistakes made during the problem we recently witnessed. I would prefer to see a Minister hold up his hand and say we may have had deficits in this area or weaknesses in the system elsewhere and we will positively address them. Instead, we had Ministers who were in denial about the fact there was not a national co-ordinated response.

I refer briefly to an article in *The Irish Times* by Tom Clonan and Mary Minihan. It states:

The Department of the Environment is the Government department with sole responsibility for identifying emergency weather conditions, reacting to the events and driving Government's response, according to a Government document.

The Irish Times has learned of a document outlining precisely which department is responsible for responding to a range of man-made and natural disasters.

The article further states:

In relation to extreme weather — such as the snow and icy conditions experienced of late — the document identifies the Department of the Environment as the lead government department with sole responsibility for identifying the emergency, reacting to it and driving a central government response.

No lead agency such as local authorities, the HSE or an Garda Síochána are identified as having what is described as a “lead response role”. They are, however, identified as having a “principal support role”.

We should reflect on that because I recall those Ministers who were in the country and those interested enough to return to deal with the problems and the Minister for Defence, Deputy O’Dea, said clearly that it was a matter for local authorities. I dispute that fact, and most reasonable people would have disputed it because the local authorities responded as best they could with the limited resources available to them but what was needed was a national co-ordinated effort from Government. When the adverse weather conditions became extreme, alarm bells should have sounded and responsibility for certain actions allocated to various people, whether it was at local, regional or national level. To give the Army credit, its members were willing and able to come into action and assist people who were isolated and get supplies to those who were in trouble. However, it was managed in a willy-nilly manner and left to local authorities to contact their own barracks when there should have been a national response with Garda resources being allocated from a national control centre and local authorities giving them clear direction as regards the resources and manpower allocations they could give them.

We now know it was the responsibility of the Department of the Environment, Heritage and Local Government. I understand that many years ago there was to be a national response plan

in place, and while there were many documents and much talk about drafting the plan, it was never approved by Government and never officially put in place. The Minister might clarify that matter for us because it is our understanding that the national emergency response plan was never finalised or fully approved by Government and, as we saw of late, never implemented.

I will deal briefly with the water issues and then the roads. As amusing as it might seem, due to freezing conditions and people leaving taps running water conservation quickly became an issue during the bad weather. We saw the effect the weather had on a number of substandard networks of water systems that are in place in our constituent local authority areas, where entire new housing estates were without water for weeks on end due to substandard installation of water networks. Local authorities seem to be shrugging their shoulders, so to speak, on the issue. I believe it is local authorities' responsibility to enforce proper standards in the installation of water networks and infrastructure. However, many of them will argue the bonds used as security against substandard installation would not even come near the cost of re-installing a water network. There is much work to be done in putting right existing substandard water systems. Residents who were the victims of the big freeze were let down by substandard water systems installed by developers in some areas and local authorities in others.

Fine Gael has argued that as water is such an important resource, an overarching water agency to regularly maintain and conserve the water network and its infrastructure should be established, something similar to how the ESB oversees the electricity network. It is not an attempt to take responsibility away from local authorities as they would have a role as agents for the national body in carrying out maintenance and minor installations. It is strange that in some areas there is no interconnection between various local authorities' water supplies. Every local authority is selfish in protecting its water sources and not sharing them with neighbouring areas.

As water is an asset, it is important we have systematic maintenance systems for the water network. Every waterway, gully, inlet, channel, dyke and stream should be digitally mapped with each local authority assigned to the upkeep of its area. The Minister for the Environment, Heritage and Local Government should send a directive to local authorities to oblige them to carry out essential maintenance to all waterways. Unfortunately, the lack of essential maintenance to drainage systems was the main reason there was much flood damage caused to our road network. I would hate to see large investment being made to restore our road network only for it to be destroyed by more floods caused by a lack of clear waterways and drainage systems.

Much work needs to be done to co-ordinate local authorities in responding to flooding, road damage and water conservation. Over 40% of the water supply leaking into the ground is unacceptable and must be tackled.

Senator John Paul Phelan: I am delighted to second the motion and welcome the Minister for the Environment, Heritage and Local Government. I echo Senator Paudie Coffey's comments about the Minister seeming to be the only Cabinet member to have a handle on the difficulties encountered during the severe weather at the beginning of the year. It was in marked contrast to the role played by the Minister for Transport, Deputy Noel Dempsey.

Many residents in counties Kilkenny and Carlow believe their local authorities dealt effectively with the difficulties presented by the severe weather conditions. However, there seems to have been a complete failure at Government level to grasp the seriousness of the situation soon enough. Senator Paudie Coffey made the point that once an issue affects Dublin, the Government is forced into action. The recent severe weather was no exception, showing the

[Senator John Paul Phelan.]

Government not taking national action until the weather conditions extended to the Dublin region. That was disappointing to those of us who do not live there.

I agree with Senator Paudie Coffey's call for a significant investment in the water network and the establishment of a national body to oversee domestic and commercial water provision. Producing water is a costly business yet almost half of it is lost in the pipe network. While some local authorities have invested in upgrading their networks to ensure a reduction of water loss, the figure still stands at 40% which is unacceptable. The significant difficulties for local authorities in funding their own water management programmes due to the collapse of development levies, a decrease of 80% from what they were at their peak, was brought to my attention in counties Kilkenny and Carlow. Most of those levies were invested in water conservation measures and laying new pipe networks. This shortfall now will have to be met from some other quarter. The recent bad weather has exacerbated the problem and led to more damage in old pipe networks.

The only criticism I have of the Minister relates to the road network. On "Prime Time" during the middle of the weather crisis, he claimed funding for local governments has not been significantly touched when in fact funding for local government road programmes has been. Flooding in November followed by ice in January has led to the rapid deterioration of the local roads network in some parts of the country. I do not accept the Minister for Transport's claim that no additional funding can be found for the local roads network. There is a strong case for diverting funds from some of the national roads programmes which are coming in below budget. In Carlow, it is estimated that repairing the damage of its network will cost €7.5 million. Local government depends very much on its funding from central government. With the collapse in development levies, it depends even more so. Will the Minister, along with the Department of Transport, look at granting additional funding to the worst affected parts of the country? Next Friday, there will be a special meeting of south Kilkenny local authority members and officials with Oireachtas Members to discuss the damage done to the road network. A letter will be sent to the Minister for the Environment, Heritage and Local Government and the Minister for Transport requesting additional funding for repairing the area's network. I hope the Government will be in position to look favourably on that application by the local authority in Kilkenny.

There is also the question of the allocation the Government gives to local authorities for roads and road repair, and the flexibility that is contained within that allocation — whether local authorities have discretion to spend that money on the repair of local roads rather than the restructuring programmes.

It is worth pointing out that significant investment was made in the past 15 years in particular in local roads in terms of tarmacing work done on local, primary, secondary and tertiary roads, and most of those repaired are in good condition and survived the recent bad weather relatively intact. I would hate to see a situation whereby local authorities would have to spend all the funding from the Department on repairing the damage done in January of this year. It is essential that we continue the programme of upgrading roads that were not reached in the past 15 years. Such long-term investment holds when the weather turns against us. As Senator Coffey pointed out, there is a danger with any repair works carried out that unless other essential works like the cleaning of drains and shores and other works that were routinely done by local authorities around the country but cannot be done now because of shortage of manpower, are recommended, any investment and money spent by local authorities on the repair of these local roads is in danger of being washed away. I ask that the Minister take on board Senator Coffey's suggestion about contacting local authorities and ensuring there is a regimented plan put in place to ensure basic works at local level in terms of cleaning water courses

happen again. It is mundane work and it is not sexy. Local authorities have got out of the business largely of doing that basic work. If that work is done, however, it will save and guarantee a longer-term investment in the road infrastructure.

Senator Camillus Glynn: I move amendment No. 1:

To delete all words after “Seanad Éireann” and substitute the following:—

- ”— shares the Government’s appreciation of the work of local authorities, Health Service Executive, An Garda Síochána, Defence Forces, Civil Defence and other statutory bodies in responding to the November 2009 flooding and recent severe weather events;
- mdash; recognises the contribution by voluntary organisations and individuals and the assistance provided to their fellow citizens during the two weather events;
- commends the Government’s use of the National Emergency Response Coordination Committees to provide direction to the management of the response issues during the flooding and severe weather events;
- recognises the significant funding made available by the Government over recent years under the Water Services Investment Programme in response to specific environmental, public health and economic needs;
- welcomes, despite the current difficult economic situation, the provision of €508 million in 2010 for the Water Services Investment Programme;
- notes the Minister’s intention to effect a reprioritisation in the new Water Services Investment Programme 2010 to 2012 with a very significant increase in investment in water conservation aimed at addressing the unacceptably high levels of leakage in local authority water supplies;
- notes the significant progress being made to implement water quality management and flood relief planning on a river basin basis;
- notes the progress being made by local authorities to repair water mains damaged on foot of recent severe weather events;
- notes that during the prolonged severe weather 14,000 km of the public road network which carries about 60% of total traffic and about 80% of commercial traffic were gritted daily and kept open for the duration of the severe weather by local authorities;
- acknowledges that the national road network together with other key strategic roads and public transport routes was kept open to traffic at all times;
- notes that €5.7 billion has been contributed from the Exchequer for local and regional roads since 1997 and that despite the difficult financial situation over €411 million is being made available for 2010;
- welcomes that the priority for regional and local roads for 2010 is to safeguard the existing investment and repair the damage caused by the recent severe weather; and
- commends the Minister’s intention to review the operation of the emergency response arrangements under the Framework for Major Emergency Management in relation to the two weather events to learn from the experience gained and to ascertain if any

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improvements are necessary and should be applied in managing the emergency response to future such events.”

I reserve my right to speak later.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I am pleased to join with Members to debate the recent severe weather event which we all encountered in December and January. We should not forget those people who are still experiencing the effects of it, mostly through recovering from injuries received from falls on the ice or where there are difficulties with water supply. One matter on which I think we can all agree is that severe weather will disrupt daily activity and the key question is how we, as a society, cope with that disruption. We must also keep the disruption in perspective, especially the frequency and duration of its occurrence.

In assessing the Irish response, it would be useful to compare the Irish experience with other European countries where similar conditions and issues presented for the authorities and the public. The comparisons show that the disruption here was no worse, and in many cases much less severe, than most other European countries.

Significant traffic delays during snowfalls was a common experience across Europe. In this respect we kept the main arteries open with the assistance of the national co-ordinated response early in January, which ensured that salt supplies were managed to best effect. Airports were forced to close during snowfall in other European countries but only for short periods here, and where train services suffered limited delays here, they were halted in other countries.

To comment on the contribution of Senator Coffey, we managed the salt supplies. If one looks at what occurred in Britain, they had six days' salt supply; we had ten. We managed in a far better way than they did in Britain.

Senator Paudie Coffey: With due respect, we were lucky. The thaw came.

Deputy John Gormley: That is a simple fact. Of course, we were lucky in the sense that all over Europe there was significant demand for salt and, therefore, it was very difficult. However, I can tell Senator Coffey that the national emergency committee co-ordinated that. We ensured that salt got to the areas where it was most needed and also ensured that we got our embassies onto it to get salt supplies from elsewhere. Rock salt was in very short supply at that stage.

In addition, it was not the case that the emergency was declared when Dublin was affected. The fact is that it became clear to us that the weather was set to continue, and that is what Met Éireann had said to us. Met Éireann stated as well that it would cause disruption, but at that stage people were back at work and school and that was the real difficulty. We had to deal with a range of issues such as electricity supply and diesel for engines. Senator Coffey spoke of people putting their hands up etc. Fair enough, let us go out there, get an analysis of what happened and see did we cope adequately. I believe that if one does so, the result will show that we did.

Let me explain the position about the arrangements for an integrated response to emergencies here. It is a principle that emergency response builds from the first response of the emergency services where the emergency event occurs, that is, the local units of the fire service, Garda and ambulance service. A response can be escalated from there as required, up to and including declaring a major emergency. It may be appropriate, when the situation escalates to an exceptional extent, for a whole of Government approach to be initiated in support of the local response. International experience is that emergency management should be carried out by people who best know the local situation and who are able to engage with individuals and

community and voluntary organisations, who also play an invaluable role. This local co-ordination approach was very evident in both the flooding of November and the more recent severe weather.

During the period up to the start of the year, the main issue was accessibility of the transport network. Local authorities, I am happy to say, performed in a magnificent manner in keeping the main priority road network open to the public and the business community so that normal daily activity was able to continue uninterrupted. In the Dáil last week, there were assertions that the country came to a standstill. As we all know, it did not. This is due to local authority workers working over the Christmas and new year periods to keep the roads open. I take this opportunity to commend them for their work in this regard.

If co-ordination arrangements were not in place, then there may be a case for criticism of the Government. In 2006, the Government approved the Framework for Major Emergency Management. There followed, in the two year period 2006 to 2008, an intensive exercise in developing the major emergency development programme including both local and regional inter-agency development and training, which culminated in the adoption of major emergency plans by the local authorities, Health Service Executive areas and divisions of the Garda Síochána on 30 September 2008.

One of the points raised in the motion is the perceived lack of a national severe weather plan. We could argue or quibble over the titles of documents but there is a plan in place to deal with major emergencies including severe weather events.

Senator Paudie Coffey: It did not seem like it.

Deputy John Gormley: I am referring to the framework document and the suite of guidance and protocol documents which, together with the local major emergency plans on which response is built, form a plan for dealing with not only single major emergencies but also events such as we have had since November last. This suite of documents enables the principal response agencies to prepare for and make a co-ordinated response to a variety of major emergencies whenever a major emergency occurs, including severe weather.

They used the procedures and training they received in responding to the difficulties encountered in their areas. The framework identifies local authorities as the lead agency with responsibility to co-ordinate all other services in cases of severe weather. The local authority major emergency plans also include a sub-plan for responding to severe weather events. The framework and other plans, which I have identified, are available on the Department's website, a special website *www.mem.ie* and websites of the principal response agencies.

In the short time available I will explain briefly the role of organisations at local and central levels. My Department's role is to ensure the local authorities are prepared to respond promptly to deal with issues directly under their remit. Second, the Department also has a role to ensure that authorities act in co-operation with the other principal response agencies, the voluntary agencies and the Defence Forces to limit the effects on individuals whose lives may be put at risk or may be exposed to serious hardship. The management of the emergency response on the ground then falls to the local authorities and the other response agencies.

The framework which I have referred to also provides for linking between local and central Government levels. At central level there was no unnecessary delay in responding to the emerging weather situation. From the second half of December, staff from the Department of the Environment, Heritage and Local Government and the Department of Transport were liaising with local authorities and the NRA and monitoring the ongoing weather situation. When the period of severe weather was forecast to remain in place for a prolonged period, when business and schools were about to resume after Christmas and the possibility of a shortage of salt for

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the roads emerged, the need for the National Emergency Response Co-ordination Committee arose. I convened the committee at the request of the Taoiseach in the first week of the year before the position became acute. This is the complementary role set out in the framework which engages the national level.

The committee oversaw the co-ordinated response at national and local levels, ensured that all statutory agencies co-operated efficiently and effectively and that any decisions required at national level were dealt with properly and promptly. It is not a function of the committee to take responsibility from the Departments and agencies.

Having attended the committee and seen the interaction of the various Departments and statutory agencies, I am satisfied there was an active and sustained response to the recent severe weather conditions by the local authorities and the other principal response agencies, with the support of the Defence Forces and co-operation of other statutory and voluntary bodies. It will be important to learn from the recent experiences and, accordingly, a review of the emergency response co-ordination and inter-agency arrangements will be undertaken. This will assist in determining what further improvements can be achieved and in identifying any relevant lessons that can be learnt from the two experiences here and in other European countries during recent weeks.

By and large our national roads, other key strategic roads and public transport routes were kept open for traffic during the 24 days that the severe weather lasted. With careful driving, most of our secondary road network remained passable through the period, with limited exceptions especially in upland areas. It is certainly the case that road and footpath conditions were difficult and dangerous where iced over but most roads were open and people were able to get about as they needed to, albeit perhaps more slowly. The majority of public transport services continued to operate in Dublin and nationwide, albeit with some cancellation or curtailment during the worst of the snow. As part of the overall review of this recent experience, the Department of Transport will re-examine the priorities for gritting of roads. At present, the priorities are national roads and other roads that carry significant traffic volumes, including heavy goods vehicles and public transport services.

What can be considered for the future is whether there are ways of harnessing community effort by, for example, local authorities supplying salt to local communities and business districts. Another area for review is how public information was handled and what can be improved. Local authorities made very effective use of local and community radio. The public transport websites were regularly up to date. Some local authority websites provided detailed road gritting maps and the Road Safety Authority was very helpful in getting out targeted road safety messages. Best practice examples will be built upon and any information gaps or failures will be identified.

The Minister for Transport is conscious that local authorities have, and will continue to incur, significant additional expenditure as a direct result of the prolonged severe weather. Road grants from the Exchequer for the coming year will be in excess of €1.1 billion for national roads and approximately €411 million for local and regional roads. This is a significant investment in our transport infrastructure on behalf of the Government despite the difficult Exchequer finances. Local authorities are generally advised to set aside contingency sums within their overall roads funding for weather related works. The Minister for Transport will assess the additional costs involved over and above the normal provision when finalising the allocation of regional and local road grants. It may be necessary to change priorities in the 2010 allocations, taking account of the available financial resources. In this matter I am keen for local authorities to contribute more from their own resources for non-national roads. In the meantime, the Minister for Transport has issued a circular to local authorities asking them

to give priority to the repair of damage to regional and local roads caused by recent weather and authorising them to incur expenditure under certain grant categories of up to 25% of the amount allocated for these categories in April 2009, pending the allocation of the 2010 grants. He has also allowed local authorities flexibility to revise their 2010 restoration improvement programmes.

The severe weather episodes this winter have identified a number of weaknesses in our water services infrastructure. It has also shown that even though we are fortunate to have an abundance of raw water in Ireland, there is a lack of recognition of the real costs of treating this water and distributing it to our homes and businesses. The length of the public water services network, which amounts to more than 20,000 km of pipes, 8,000 km of which are in the greater Dublin area, poses challenges for ongoing maintenance and management.

The recent prolonged period of especially low temperatures caused difficulties for most local authorities in maintaining normal water supplies. The initial difficulties arose mainly from frozen supplies, but as the thaw set in, further damage was caused by the moving ground. During a fortnight period, typical demand was up to 25% greater than maximum water treatment capacity in most authorities. This was as a result of leakage and some consumer usage to avoid frozen domestic pipes. Excess demand resulted in the depletion of treated water at reservoirs, which would normally provide two days storage, the international norm. Demand has been progressively reducing through local authority efforts to find and fix leaks and manage supplies, and conservation by consumers. While it will take some time to restore reservoirs to pre-Christmas levels, I understand the situation has improved substantially during the past week especially in the Dublin area, where the need for night time restrictions is expected to ease during the coming two weeks.

Some of the incidents of burst water pipes in housing estates throughout the country, which caused significant hardship for householders, could have been avoided by proper workmanship and by developers ensuring that construction standards for new housing fully met basic requirements. My Department will write to local authorities to remind them of the development management requirements under the building regulations, the site development guidelines and to impress on them the need for regular monitoring and enforcement to ensure a consistent application of these standards in residential developments.

While €4.6 billion has been provided by the Exchequer to local authorities for investment in this sector during the past nine years, it was against the background of historical under-investment. In addition to catching up with these deficits, the sector has had to respond to the increased demand arising during a time of economic and population growth. This investment has led to significant progress. Substantial improvements have been made in the quality of water in the group water sector and some 480 major public water and waste water schemes have been completed since 2000. These schemes have delivered an increase in drinking water treatment capacity equivalent to the needs of a population of 855,000, and have led to improvements in compliance with the requirements of the EU urban waste water treatment directive on secondary waste water treatment facilities, which now stands at some 92% compared to 25% at the start of 2000.

The renewed programme for Government has a commitment to maintaining record levels of investment in water. This year some €508 million has been allocated, one of the few areas of capital provision which received an increase from the 2009 provision. This is evidence of the Government's commitment to this important area in these difficult economic times. The programme priorities for the coming period include the need to mainstream and enhance water conservation activity, to address environmental and public health compliance issues, to support

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the overall strategic and sustainable development of gateways and hubs and to support employment creation.

An important aspect of the new water services investment programme for 2010 to 2012, which will be launched towards the end of this month, will be the targeting of investment on water conservation. It does not make economic sense to provide for further water supply capacity in areas with unacceptably high levels of unaccounted for water; the leakage levels in some areas are stark and must be tackled. We have spent €130 million on various water conservation measures during the past seven years. This investment has mainly been focused on establishing water management systems and active leak detection and repair programmes. Most counties have now completed or are close to completing the initial phases of this programme. This provides an important platform for identifying the areas which have the highest leakage levels and for targeting investment in mains rehabilitation. Local authorities have identified some €300 million in contracts to commence in the period 2010-12, with further schemes to be progressed through planning in that timeframe. I will be making funding available as part of the next water services investment programme. This acceleration of the water conservation programme will allow for some 600 km of mains to be rehabilitated and will make real inroads into addressing leakage levels in local authority systems. This investment is only part of the overall action on water conservation. I am grateful to the public response to calls by me and by local authorities to conserve water in light of current shortages. This needs to be sustained.

I note Fine Gael has proposed that a new semi-State water utility company should be established to assume responsibility for water investment and management nationally. I am somewhat bemused by Fine Gael's ability to criticise the Government for the number of State agencies in existence while at the same time proposing the establishment of a new one. I see no reason for the introduction of a further new body.

Senator Paudie Coffey: Is 50% leakage not reason enough? It is totally unacceptable.

Deputy John Gormley: I can only conclude that Fine Gael wants to establish such an agency because the party wants to privatise our water services. Such a move might be in line with Fine Gael's call for a fire-sale of State assets——

Senator Maurice Cummins: The Minister is in denial.

Acting Chairman (Senator Labhrás Ó Murchú): The Minister without interruption, please.

Deputy John Gormley: ——but it is one to which I am completely opposed.

Senator Paudie Coffey: The Minister is in denial.

Senator Maurice Cummins: We will get the opportunity to implement it soon.

Deputy John Gormley: The Senator might be in denial.

Senator Paudie Coffey: Some 50% of our water supply is leaking into the ground.

Acting Chairman: The Minister to continue, without interruption.

Senator Paudie Coffey: Does the Minister believe that is okay?

Deputy John Gormley: Of course not.

Senator Paudie Coffey: That is what the Minister is saying.

Deputy John Gormley: When the Senator's party leader was asked a simple question about water meters, he could not answer it.

Senator Paudie Coffey: He answered it.

Deputy John Gormley: What is Fine Gael's policy on the issue? I do not believe it has one.

Senator Maurice Cummins: The Minister criticised the policy and is now saying we do not one. He should make up his mind.

Deputy John Gormley: There is a structure in place to ensure the delivery of water services——

Senator Paudie Coffey: Some 50% of the water supply is leaking into the ground and the Minister is happy with this. That is the message he is sending.

Deputy John Gormley: ——one that will be strengthened further with the completion of the river basin management planning process.

The development of national water policy and the underpinning legislation come within the remit of my Department. Water services legislation was consolidated and modernised with the passage of the Water Services Act 2007. A suite of water quality legislation has been put in place in the past few years.

Senator Paudie Coffey: The Minister's colleague in Galway was not too happy about the water services available. What did the Minister do about the matter? He did nothing.

Deputy John Gormley: It has seen the EPA take on an enforcement and compliance role in respect of the local authorities in terms of both drinking water and wastewater facilities.

In regard to the recent sustained period of severe weather, the critical consideration was the response of the relevant statutory agencies tasked with addressing emerging events. The response arrangements of the statutory and voluntary agencies in dealing with the developing problems were substantially tested. The arrangements put in place worked but there is room for reflection and a review of the lessons learned which can be built on and which may be of assistance in responding to future such events.

Senator David Norris: I welcome the Minister and compliment my Fine Gael colleagues on tabling such an important motion. However, I am disappointed that, once again, we have this ding-dong approach between the two sides of the House. This is unhelpful, particularly because there is significant agreement between the motion and the amendment to it on the problem the country faces. There is a nuance on both sides to gain party political advantage, which is regrettable and not a good idea.

I very much agree with Senator Coffey that river maintenance has been poor in certain areas, particularly around the River Shannon. There is no doubt whatsoever that this has had an impact through increased flooding. We need to return to good care and maintenance of the river system which has been ignored in recent times.

I would like the Minister to address the following issue. Part of the problem, particularly in areas such as Cork city, was caused by the release of enormous amounts of water from the hydroelectric system or a dam. There are a number of reasons this should happen in an emergency, one of which might be a potential fracturing of the dam which might not necessarily be caused by weather conditions but by a structural failure. I could understand it in terms of a structural failure but it seems bizarre to do so in a flood. If there is a flood and if, owing to

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flooding, the reservoirs are too high and dam limits are being reached, surely to God people know that downstream the position will be just as bad, if not worse. It must have been absolutely maddening for those affected to realise part of the reason their houses were flooded in up to 10 ft. of water was the deliberate release of water into the system. Is it not possible to look at alternative methods of water management?

At the heart of this issue is the question of water management, ranging from simple measures such as people being advised to leave their taps running, which caused a huge drain on the system, although it was understandable if they were afraid their pipes would burst and so on, to the health aspects. It was not as a result of the snowfall and the severe weather conditions that we had, for example, severe pollution of water in Galway and other places caused by campylobacter virus and e.coli infection. We do not seem to be capable of managing our water resources, which I find aggravating.

Water management is a serious problem domestically and internationally. I remember meeting Shimon Peres. I was very impressed and interested because this happened quite a number of years ago and one of the issues he highlighted prophetically was that of water, that it would become one of the principal areas of conflict. However, we do not have much of an excuse because we have what the Minister described as raw water, God knows in abundance. If one looks out the window this evening, one will see we are not deficient in this resource. Water is available; it is a question of its management.

Just as in the macrocosm, in the microcosm the population is a pressure factor. We have a population which is increasing in size, particularly in the city of Dublin. This is exerting pressure on the water system. It is not appropriate to learn that in the Dublin area 50% of the water supply is leaking away and that there is approximately 8,000 km or other huge figure of water piping which is more than 80 years old. One cannot blame the Minister for this. The problem was let slide for 80 years. I remember, when the pipes were dug up in North Great George's Street, that there were still in place some wooden pipes dating from the 18th century.

Current population growth estimates have led experts to believe that by 2031 the population of Dublin will be approximately 2.25 million. The population is currently 1.5 million and it consumes 550 million litres of water a day, which figure is expected to rise to approximately 800 million litres by 2031. If these estimates are accurate, by 2016 the Dublin area will require an alternative source of water. I am not sure if this issue has been addressed in the debate. That is another significant political and strategic element. This must be done to avoid serious water rationing and economic stagnation. The increase in the demand for water in the past ten years has essentially been dealt with by fixing leaks in the piping system, which is appropriate and of which we all approve, and expanding the limits of current facilities. However, by 2016 these measures will not be enough. The rate of leakage is 43% in some areas, although some say it is as high as 50%.

The Department of the Environment, Heritage and Local Government has provided a budget of €119 million to repair pipes in the greater Dublin area between 2006 and 2012 but more repairs are needed. Some of our urban areas are not expected to recover from the recent water shortage problems caused by the severe weather conditions and the spate of leaks and broken pipes for another three to four months. It astonishes me, as a citizen of Dublin, to see water carriers in the suburbs. That is an astonishing confession of failure.

The Vartry tunnel which supplies almost 80 million litres of water a day to the Dublin region is in desperate need of repairs. If something goes wrong with it, we will not be able to supply Dublin with water. I do not know if the Minister listens to Lyric FM but Gay Byrne was on about it. It was great fun. He said a fellow had told him there was a leak and that if one drove

an articulated lorry over it, there would be a sound, the phonetics of which I cannot copy; perhaps the parliamentary reporter will report: “Phonetic illustration supplied by Senator Norris”. It was very funny on the radio but, by God, it would not be funny if it happened.

It is perfectly clear that the Government needs to find an alternative source of water for the greater Dublin area. There is no question that it must also repair the pipes, but that will not be enough. As the water reserves and facilities that supply Dublin also supply surrounding areas such as Dún Loaghair and Fingal, it is critical that an alternative water supply is found for the Dublin region. Currently, it is supplied, for the most part, from four main plants, Ballymore Eustace and Leixlip, both of which draw from the River Liffey; Ballyboden which draws from the River Dodder and Roundwood which draws from the Vartry river. By 2016, at the latest, even with expanded facilities, these plants will no longer be able to keep up with the estimated demand for water.

We need to look at the River Shannon option, an issue which has raised screams from west of the River Shannon. It is proposed that extraction points be built along the River Shannon. Suggested points of extraction are Lough Rea and Lough Derg, with one option involving storage in former cutaway bogs to allow winter water to be stored for later use in dry summers, and the Parteen basin, with extraction near Parteen Weir. The River Shannon option would require new pipes to be built to bring water to Dublin, as well as pumping stations. It would also give the Government the ability to provide local authorities along the pipes’ route to the Dublin region with access to water.

Desalination is too expensive and not practical. Therefore, I do not believe it will happen. There is much to be done in terms of repairs and implementing new imaginative proposals.

I am 100% in support of water meters. One should pay for what one gets but there is no excuse for not being able to have a water supply in this climate.

The Minister referred to the attitude of Fine Gael and I hope Senator Coffey or one of his colleagues will reply. The Minister challenged Fine Gael to state if it was intent on privatising water services. If it is, let it come out and state this. I would oppose it 100%. There are facilities and utilities which should always be in public ownership. Even in the case of the monopolies board, services such as water, electricity and so on were always kept separate. They must be kept separate and I will support the Minister in that regard. I hope Fine Gael was not referring to the privatisation of water services.

Senator Maurice Cummins: No.

Senator David Norris: It was not — we have it from no less a source than Senator Cummins.

Senator Maurice Cummins: The answer is no. We will see what the Green Party’s policy is when it is announced later.

Senator Camillus Glynn: Cuirim fáilte roimh an Aire. I commend the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, on his positive approach to the recent severe problems arising from the adverse weather conditions which were unprecedented. One of the good things which emerged from the recent bad spell was that the old meitheal concept was alive and well in Ireland, something about which I am very pleased. I record my deep appreciation of the response of the Government, the HSE, the Garda Síochána, the Defence Forces, Civil Defence and other statutory bodies to the November 2009 floods and the recent severe weather conditions. It is important that I record my great appreciation of the efforts made by many locally elected members who rolled up their sleeves and stood in the breach. They also have to be commended. There was a great response from the community as a whole. The national emergency response co-ordination committee also did a marvellous

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job. It is very easy to criticise but as somebody who had to do without water for a week, Westmeath County Council and the Defence Forces stood in the breach in a meaningful way.

I am a committed local authority man; I always have been and always will be. I am a strong supporter of the concept of local government in towns, counties, county boroughs and boroughs. It needs to be upgraded and powers need to be enhanced. I am surprised, therefore, at Fine Gael. It is hypocritical to criticise the handling of water services by local authorities and lay blame at the door of the Government when the overwhelming majority of city and county councils are controlled by Fine Gael. It controls 28 out of 34 councils.

Senator Maurice Cummins: Not before time.

Senator Camillus Glynn: There are 29 county councils and five borough councils.

Senator Maurice Cummins: I am glad the Senator knows it.

Senator Ciaran Cannon: This might improve it.

Senator Maurice Cummins: The people are always right.

Senator Camillus Glynn: Deputy Phil Hogan called for the setting up of a single water authority to take responsibility for water supply and investment from local authorities at a time when the Minister had recently introduced a Green Paper and the publication of a White Paper was imminent. This is a great opportunity for everybody to engage in the reform of local government, a matter on which I have spoken at length to my party. I hope everybody will take up the cudgel, grasp the nettle and do what has to be done to enhance the powers of local government. On the issue of water supply and services, the leader of Fine Gael did not answer the question when asked about water charges. He avoided it.

Something has to be done about water wastage, as the position is unacceptable. The Government has provided for significant investment in the water programme. Some practices during the cold spell were totally unacceptable, an issue referred to by Senator Coffey who mentioned that people had left taps running. Water is a food source.

I come from the country and remember a time many moons ago when I was a young lad when we were building an extension to our house. The contractor gave the price as a certain amount but there was a condition, namely, that we had to supply the water. As the youngest of a large family, I and my late brother had to carry water some 200 m up a hill and across a road. As a consequence, I appreciate the value of a water supply, especially on tap.

Non-national roads have taken a severe hammering owing to the weather conditions, but the people to whom my heart goes out are those whose homes were flooded. They woke up one morning and not only had their homes been flooded, the water had frozen. I feel very sorry for them.

We need a fresh approach to the conservation of water. In the past decade we have invested in water services to meet the historical deficit, improve water quality by providing for adequate treatment capacity to meet more rigorous standards for drinking water and wastewater and deal with population and economic growth which has led to an increase in demand for water services and environmental impacts on other water resources. Some €4.6 billion has been invested by the Exchequer since 2000 and it has had noticeable results. Some 480 water and wastewater schemes have been completed, which have resulted in an increase in the level of drinking water treatment and storage capacity to meet the needs of a population of 855,000, that is, 214 million and 1,324 million litres a day, respectively. The figure in respect of the

European Union urban wastewater treatment directive on secondary wastewater treatment facilities now stands at some 92% compared to 25% at the start of 2000. Additional treatment capacity to meet the needs of a population of 3.6 million has been provided. However, we still have a journey to go, which is why the Government is committed in these difficult times to sustaining record investment in water services. Some €508 million has been provided for water services infrastructure in 2010. The average spend on water services in 2009 and 2010 will be up by 3% on the 2008 outturn. The Government will launch a new water services programme for the period 2010 to 2012 early this year, the central themes of which will be water quality and conservation. There is no question but that the water network has to be upgraded. We have taken important steps in this direction. I ask the Minister of State, Deputy Michael Finneran, whom I welcome to the House, to ensure the investment programme which has been ongoing for some years and is resulting in great improvements is continued.

Ní hé lá na gaoithe lá na scoilbe. There is no point worrying about flooding during the winter when the issue is pertinent in most areas. There has to be a co-ordinated approach to the flooding which has taken place in many towns. With Senator Coffey and members of the Joint Committee on the Environment, Heritage and Local Government, I will be travelling to Munster to visit the towns which were flooded in County Cork and it is hoped we will meet Senator McCarthy there. Similarly, we hope to visit other flooded areas. Something must be done about protection against flooding and water wastage, the latter of which arises from defaults in the network.

Senator Dominic Hannigan: On behalf of my colleagues I thank Senator Coffey for tabling this motion on our national and local response to the incredibly harsh and unusual conditions we experienced over Christmas and the first two weeks of January. I start by acknowledging the enormous local and personal effort that went into combating the most severe effects of the weather crisis. In my constituency all outdoor employees, especially those responsible for gritting primary roads, put in a mammoth effort for the duration of the crisis. They worked extremely long hours in very difficult conditions. On Christmas Eve a gritting team was out in my constituency treating the roads at 2.30 in the morning. This House must recognise and commend those efforts by public employees. That does not always happen. I have nothing but praise for the work and effort put in by my local authority.

Rather than going down the route of political blame, it would be helpful to have a constructive debate and conversation about what went wrong and what worked. Some parts of the country performed better than others although all parts showed tremendous effort. Perhaps in some parts the results of those efforts were greater. Many of the problems were beyond the control of the authorities. We can learn about how a more effective response can help in future situations.

There is a significant aftermath from the weather crisis. Senator Glynn mentioned road conditions which are appalling on non-national routes. Something must be done. We may hope not to see this situation again in our lifetimes but the Minister must react to the current condition of our roads because they are extremely dangerous and are having an impact on the economic life of the country and on motorists. I challenge any Member of the House to take a look at the wheels and tyres of cars outside the capital. They will see that many people are driving on tyres which are unsafe because they have hit one pothole too many. This is not their fault because, financially speaking, January is a very tight month. However, the fact that there is an impact must be recognised by the House. The only way we can deal with it is by putting more money into our local authorities to allow them to improve and refurbish the road network.

[Senator Dominic Hannigan.]

I shall speak in specific terms about the total communications failure that defined the weather crisis. In a publication on co-ordination for major emergencies issued by the Department of the Environment, Heritage and Local Government it is stated:

The framework is designed primarily to provide for the protection, support and welfare of the public in times of emergency. Effective arrangements to ensure public safety in times of emergency also have the benefit of helping to safeguard the environment, the economy, infrastructure and property. The framework for major emergencies aims to ensure we are able to respond to emergencies at the national, regional and local level and to make sure that the essential services keep operating.

On that basis we must conclude that the framework failed in many of its objectives. Thousands of people throughout the country, including in my constituency, were affected for days. Countless older people were left trapped in their homes for the duration of the crisis. Many people were unable to get buses to work and for weeks on end many others were unable to use their cars to get to work. The local economy in some parts of east Meath ceased to operate for the length of the crisis. There were many accidents involving motorists and pedestrians over the three weeks in question.

Nobody claims that the weather we experienced was in any way typical of conditions in Ireland. What was entirely typical, however, was the absolute failure by Government to communicate a co-ordinated national response. That simply did not happen. It is without doubt entirely necessary that any emergency response framework should include multiple layers of Government. A top-down accident strategy would be impossible to implement given that much of the necessary work happens at local level. However, it must be understood that alleviation and action plan implementation can and should be distinct from the communication strategy that, logically, should surround an emergency response framework. While alleviation is complex and involves a multi-agency response, emergency communication should be clear and cohesive, with one voice in authority. Instead, the public had silence for weeks, followed by confused messages from Government, defensive comments and, very often, contradictory messages from the authorities.

This is not a difficult concept to grasp, yet the Government failed utterly to communicate any sense that there was a genuine co-ordinated response or that the situation was being managed on behalf of the public. I ask the Minister of State whether a communications strategy for emergency situations exists. That was not clear. Similarly, I would like him to clarify to the House that a review of emergency communications will be carried out in the light of the failures over Christmas.

I shall make some concrete, inexpensive and easily implementable suggestions. The following statement appears on the website *www.emergencyplanning.ie*:

For current information on severe weather issues please contact your local authority. You may access your local authority's website through the links button on this page.

That is the sum total of information as it appeared on the centralised emergency response website of the State. Passing the buck is not communicating. It creates confusion, a lack of cohesion and fragmented emergency responses. We need to look at this and ensure we put in place a more detailed co-ordinated response. We could do this by improving the amount of information available on social networks such as Facebook and Twitter that might be activated in emergencies to provide real-time and immediate updates on events and what to do. Social media offer an invaluable tool for connecting with people in a time of crisis following the

cancellation of services due to bad weather. Eurostar, which operates between London, Paris and Brussels, was severely criticised for the breakdown in any kind of communications with its public and passengers. It is currently reviewing its entire communications strategy in light of these failures and I strongly suggest the Government should do likewise.

Even Opposition politicians understand that certain events are totally outside the control of the Government and present the apparatus of the State with very serious managerial and reactive challenges. However, there is no excuse for the farcical level of communications and run-for-cover mentality that characterised the response to the weather crisis. A simple example relates to the subsequent problems in water supply. On several message boards and blogs, ill-informed but well-meaning people advised others to leave the main household tap on a slow drip to avoid freezing pipes. Often, advice was confused and given out incorrectly. The Government allowed a vacuum to develop in the weather crisis which was filled by anger, poor advice and a damaging perception that nobody was managing the crisis.

I spoke in very specific terms today about how this type of situation might be managed better in the future. I would be very interested to hear the views of the Minister of State, Deputy Finneran, on how communication, co-ordination and reassurance can be implemented more effectively

Senator Niall Ó Brolcháin: I welcome the Minister of State. I find the motion very interesting and am glad to speak on it. It is good that Fine Gael introduced it but, unfortunately, I cannot support it. The motion starts out by praising the work of the local authorities and condemning the Government, which is a very political statement. What is being said is that the councils did a great job and the Government an appalling one. Clearly, the problem that arose during the severe weather concerned the gritting of roads, or at least that is what people told me. Gritting roads is a matter for the National Roads Authority and for local authorities. The fact is, as previous speakers noted, some local authorities did well and others did not perform so well. I checked out local authority budgets. The winter maintenance programme deals with facilities for gritting roads. In recent years many councils have reduced considerably their amounts of winter maintenance. They did so because prior to this year there had not been any particularly bad weather and they saw an opportunity to reduce this sum in their budgets. This highlights the fact that the situation was a 20-year event. It may not continue to be such but it was this time. The fact remains that many local authorities were not properly prepared for the weather. That budgetary decision was made at local authority level, in many cases by the Fine Gael councillors on those authorities.

I shall move on because one of the main points of the motion deals with water and water services, matters I hold dear to my heart. Water is life and to have clean water is crucial. Despite the recession, the Government has shown that it takes this matter seriously by spending €500 million per annum on the water services investment programme. This represents an increase on the amounts spent in recent years and it is the highest amount we have ever spent on water services. This is despite the fact that we are in difficult economic times. I am of the view that trying to criticise the Government in respect of this matter is problematic.

The motion states that Seanad Éireann “notes with concern that on average 43% of Ireland’s treated water supply was lost through unidentified leaks before the recent severe cold weather”. The figure quoted is accurate and we are going to be obliged to deal with this matter. In the past seven years, some €140 million or €20 million per annum was spent on leak eradication. However, the Minister, Deputy Gormley, recently announced that €300 million will be spent on the eradication of leaks. This represents a fivefold increase. To say the Government is not acting is simply inaccurate. The Government has acted and it does have a plan.

Senator Maurice Cummins: We are thankful for the Green Party's input.

Senator Niall Ó Brolcháin: It must be acknowledged that when the Green Party entered Government, it prioritised water——

Senator Maurice Cummins: We acknowledge that.

Senator Niall Ó Brolcháin: ——and we are spending on water.

Acting Chairman (Senator Michael McCarthy): Senator Ó Brolcháin, without interruption.

Senator Niall Ó Brolcháin: A previous speaker stated that the Minister for the Environment, Heritage and Local Government has done little in respect of Galway. However, there was a crisis involving cryptosporidium in the water supply in Galway. Unfortunately, it was not possible to solve this crisis in the three or four weeks prior to the election. However, the fact is that Galway is now the most cryptosporidium-free location in the world. It took approximately four months to achieve this — which was record time — but it was done.

A major issue regarding lead pipes and their use to carry water supplies also arose in Galway. I worked with the Minister to ensure this matter would be dealt with and this is being done at present. The position regarding lead pipes is not perfect, especially when one considers that there are many of them in use throughout the country. It is crucial that these would be replaced in a systematic fashion, particularly in view of the issue that arises with regard to water and lead pipes.

I was involved with the western river basin district management project. Such projects throughout Ireland and Europe and not based on borders, they are instead based on water catchment areas. In that context, there are some projects which traverse the Border with Northern Ireland. This is the right way to proceed in respect of water. The latter does not stop flowing because there is a boundary in place. For example, some of the water in the River Shannon actually originates in the North of Ireland. If there are problems with water in the North, these can emerge in the South as a result of the way rivers flow.

Most of the drinking water supplied to Galway city originates in the Galway County Council's area of remit. I agree with Fine Gael that an issue arises in this regard and that there must be co-ordination among local authorities. I am of the view that such co-ordination should happen at a regional rather than a national level. Nevertheless, I accept Fine Gael's point that further co-ordination is required. I commend the motion in that regard.

There is no doubt that much of the pipe network must be replaced. Senator Norris referred to transporting water from the Shannon to Dublin. I do not see this as the way forward, especially as more than 43% of treated water in Dublin disappears into the ground. It is wrong to blame the Minister or the Government for the fact that drinking water is running through 18th century pipes. We need to improve the position and eradicate the leaks. Anyone who cares to read up on this subject will discover that water is one of the currencies of the future. Water is becoming increasingly scarce worldwide and to have a proper, clean and healthy water supply is important, particularly when one considers that water is going to become an increasingly rare commodity. People can refer to economic difficulties but I would certainly choose water over money. If we had no water, we would be in major trouble. A clean water supply is an aim of this Government and it should also be an aim of any future Administration.

Bringing water to the east from the west would not be appropriate. We must have regard to the national spatial strategy. It would be better to facilitate investment in the west in order that people might be encouraged to live there. We should not centralise everything in Dublin

or use huge amounts of energy to pump water from the River Shannon to Dublin. The latter approach is wrong and I would object to it.

My final point relates to water charges. Like the Minister for the Environment, Heritage and Local Government, I am of the view that the Opposition should outline how it intends to obtain money to pay for the water infrastructure that is required. We must consider how we can fund, in a proper manner, the water services investment programme in the coming years. That programme is crucial for the future of the nation.

Senator Maurice Cummins: I welcome the Minister of State, Deputy Finneran. The Green Party is obviously flexing its muscles today. Earlier the House debated the Dog Breeding Establishments Bill and now we have been informed that during the past seven years Fianna Fáil spent €140 million on water services. Senator Ó Broilcháin also informed us that the Green Party, through the Minister for the Environment, Heritage and Local Government, has managed to spend €300 million on water service initiatives in a few months. What the Green Party has done today is engage in an exercise of rubbing Fianna Fáil's nose in it. However, I do not know whether this will go down well with the senior party in government.

The difficulties experienced as a result of flooding in November, severe weather in December and January and water shortages, which are ongoing, have been compounded by the Government which has lost all capacity to plan and act quickly in an emergency. The Government never prepared a national plan to deal with severe weather. That is why its initial response to the recent severe weather took such a long time to organise.

A couple of weeks ago, the Office of Emergency Planning's website stated that: "A national framework for response to severe weather emergencies is being developed to ensure that all existing local severe weather plans are appropriately coordinated and linked." It is obvious, therefore, that a national plan was not in place. A national crisis requires a national response. It is evident from what was stated on the Office of Emergency Planning's website that there was no national response to the recent severe weather.

The Minister for the Environment, Heritage and Local Government, Deputy Gormley, attempted to cobble together a response some three weeks into the big freeze when people were still suffering as a result of his initial failure to initiate such a response. The Minister for Transport, Deputy Dempsey, stated during the crisis that he was not needed. There are some who might suggest that he is still not needed. Earlier, the Minister for the Environment, Heritage and Local Government indicated that Ireland's response to the severe weather was better than that which obtained in other countries and that we were able to clear airport runways much faster. Does the Minister live on the same planet as everyone else? The countries to which he refers were obliged to deal with between six to 14 inches of snow. Only a couple of inches of snow fell in Ireland but the Minister is boasting about his response in the context of clearing roads, etc.

Like previous speakers, I express my admiration for the valiant efforts of local authority staff who dealt with the crisis caused by the severe weather during the holiday period. They did so despite a lack of leadership at national level. There is no doubt that these people behaved heroically despite the cut in Government funding and the laying off of a large number of temporary staff.

What should a national plan contain? It should clearly identify specific named routes to be cleared and gritted as a first priority. Access to airports should be cleared and ports should remain accessible. Major hospitals should remain accessible. There should be ambulance and medical evacuation contingencies. It should identify specific public transport routes to be serviced as a priority if bus and rail services fail. We should use military transport to move

[Senator Maurice Cummins.]

people if public transport fails and assign military units for specific routes. It should identify regions where the population is isolated and vulnerable and assign military helicopters and trucks accordingly. This is the type of national plan we need.

The response was pathetic. It is appropriate at this time to examine how in 2010 Ireland could suffer such massive systems failures that resulted in prolonged water shortages when the country is still recovering from record levels of flooding. The answer is simple. It is down to lack of leadership and reform by the Government. As has been stated, Fianna Fáil stood over a system that saw 43% of all drinking water lost through leaks before the recent cold weather caused the problems affecting supplies today. We need to shake up the entire system radically to ensure a dependable, clear and cost effective water supply is available for everybody.

While the past six months were some of the wettest in the past 50 years, it surprised many how quickly water shortages can develop following damage in a few key areas. This is as a result of having a fragmented, inefficient and outdated water system. There is a need for interaction and a co-ordinated approach between the local authorities. Senator Coffey has outlined our policy in this regard.

Following the recent flooding and severe weather conditions our regional and local roads are in an appalling state. We can all see them for ourselves. Four Oireachtas Members met in Waterford last week. The county manager reported that it would cost at least €5 million to repair and restore the roads because the damage is so extensive. The same is replicated throughout the country. The local authority has asked that capital funds be used to repair these roads, an option which should be examined by Government. Some 94% of our roads are regional and local. They carry approximately 60% of the traffic and 43% of all goods. It is shocking to think of the dangerous conditions drivers are now expected to endure because of the Government's failure to allocate the necessary funding. Road safety is essential to all road improvement and maintenance work and is supposed to be a key plank in the Government's road investment programme. Despite this we see how the Government has cut the funding for roads which will leave our roads in a disgraceful state. This is the legacy of the Government's lack of investment that saw an allocation for non-national roads of €607 million in February 2009. By the end of the year only €411 million was spent, a cut of 32%. This is the legacy of the Government.

Senator John Ellis: This motion gives an opportunity to express our sincere thanks to the local authorities for how they reacted in a very severe situation. This was never a crisis for some people until Dublin got a scattering of snow one evening and roads became slippery. Down in the country we had to live with it for two to three weeks before Dublin was hit. At that stage people did not realise how much work the local authorities in rural areas had put in to ensure our roads were passable and our water systems were kept flowing to the highest possible standards at the time.

We must also accept that it has been 25 or 26 years since we had the same depth of snow and almost 40 years since we had frost as severe as we had this year. It exposed a considerable amount of shoddy work that had been done, not just by private individuals. People discovered that the water pipes leading to their houses, instead of being 18 inches to 2 ft. underground, were only nine inches and in some cases were stuck under the footpaths outside houses. They froze overnight. These people did not realise corners had been cut in many cases — corners were also cut in a supervisory role by local authorities in many cases — and they ended up with a disaster as a result. Many of the water problems were caused by a failure to adhere to best practice in laying water mains and installing connections to houses. We saw the result

and we shall see it again. People are now aware of the sorts of problems they can face in severe weather.

People talk about the roads. The second and third class roads became a total mess and sheets of ice towards the end of the severe weather. However, it was not in all cases the fault of the local authority, the Government or anyone else. In many cases surface water was coming out onto some of these roads which became skating rinks. We all drive every day on roads where water is being allowed to flow onto roads resulting in a skating rink if there is a touch of frost at all. We need to consider what we do for the future. It may be time to consider allowing the local communities access to grit, salt or whatever may be necessary to deal with the problem. In many local communities it was the efforts of farmers and others, who took out their tractors and transport boxes and got grit and anything available to give grip, that allowed people access to and from their homes.

The motion was only tabled for party political reasons. If I were on the other side of the House I would do the same. The substance of the motion is laughable. Some of the suggestions it makes do not stand up to scrutiny. It calls on the Government to “establish a single water semi state utility company to take over responsibility for water investment and management on a national basis”. There are group schemes throughout the country that are doing a good job. Who will pay for this new body? John and Mary citizen will have to carry the cost of the extra personnel it is proposed to employ. My colleagues on the Opposition benches know that John and Mary citizen are already well and truly overtaxed—

Senator Jerry Buttimer: By the Senator’s Government.

Senator John Ellis: —and do not want any more taxes or charges imposed upon them. Senator Buttimer’s area got flooded and he should remember that we came to his rescue then.

Senator Jerry Buttimer: We saw the response from the Minister this week.

Acting Chairman: Senator Ellis without interruption, please.

Senator John Ellis: Fine Gael proposes to take this responsibility into a national organisation. The local authorities have done a tremendous job of looking after water provision throughout the country. In doing so are we going to create another quango? I believe we have enough of them at the moment, as I am sure everyone in the country would agree. Let the local authorities continue to be responsible for local services. If we allow them to be responsible for local services, they will learn to identify the problems and deal with them. I would love to know how members of the Opposition can say every week there should be money for this and that without indicating where it is going to come from, unless they are going to win the lottery. Even that would not keep matters going for too long.

The motion calls for an examination of all engineering resources, with “the State to ensure a rapid remedy to widespread burst water mains”. To repair burst water mains is very simple, once they are identified. To be fair to local authorities, they repair them immediately. We know problems have arisen where reservoirs levels have been allowed to go down. However, bear in mind that a considerable number of citizens were responsible for this because they left the taps running. It is irresponsible for anyone to suggest that taps should be left running. We all know the cost of producing drinkable water, and this is something that will have to be looked at. The amount of water being lost from the system, not just through leaks but being used to wash cars, footpaths and various other purposes for which it was never designed to be used, will have to be examined. We will have to decide how we can maintain an adequate water system to meet people’s needs.

[Senator John Ellis.]

We must also remember the amount of development that has taken place, as regards new housing and so on, and the repercussions this has had on the water supply system. This is something that has to be looked at by everybody. I note, as well, that the Fine Gael motion calls for “additional funding for the restoration of severely damaged local and regional roads for reasons of road safety and to minimise costly reconstruction”. Much of this costly reconstruction is caused by poor initial workmanship on these roads. As far as my local authority is concerned, we have had far fewer problems than other areas because it made sure that whatever roadworks it carried out over the past ten or 15 years were done to a high standard, and we are getting the benefit of this.

However, the fact the Minister is allowing councils to decide where they are to spend their roads money will be of great interest to the Fine Gael Senators’ colleagues on all the local authorities they control throughout the country. It is time they decided how they are going to spend the money. They need not say it is Fianna Fáil’s responsibility since it is their duty now to spend the resources.

Senator Ciaran Cannon: I am glad of the opportunity to have this discussion in order to address how we supply water to our towns, cities and households. If the difficult weather conditions of the last few weeks taught us anything, it was that the national water supply system is creaking at the seams. When faced with its first real challenge in many years, it was simply unable to cope.

The report by Forfás a couple of years ago, which has been cited by a number of Senators, told a very difficult story. It found that 43% of the valuable water we produce is simply unaccounted for. It disappears through a substandard outdated piping system and it is often tapped into illegally. There are a number of ways in which this valuable commodity simply disappears off the face of the earth. That is unacceptable. In addition, the figure of 43% is an average, so the situation is a great deal worse in some local authorities while somewhat better in others. It must teach us, however, that to allow a fragmented approach to water provision is simply not the way forward.

In the last ten to 15 years we have seen how successful the NRA has been in rolling out a national roads network around the country. Just recently the M6, a fine piece of infrastructure which I travel on every week from Dublin to Galway, was finally completed. I believe it would not have been completed for many decades without that overarching element, involving a pretty visionary NRA co-ordinating the construction of the infrastructure across a plethora of local authorities. Rather than suggesting, as Senator Glynn did earlier, that the NRA had somehow usurped the expertise of the local authorities, it has in fact done quite the opposite. I know a number of civil engineers previously employed by Galway County Council who were seconded to the NRA for the period of the construction traversing County Galway. Their expertise was harnessed, and their experience in being able to operate in their own environment was found by the NRA to be very valuable. Rather than usurping or taking from the role of the local authorities, the NRA has worked hand in glove with them across the country in continuing to provide a very substantial and modern road network.

I ask why that approach cannot be applied to water, because it makes eminent sense to have some type of inter-connectivity across the 34 local authorities. Imagine for a moment that we did not have the ESB, for example, a semi-State body that supplies electricity to all of our homes and businesses. Imagine if there was an electricity generating station in each local authority and that the network in each case simply terminated at the county boundary. Someone living a mile over the county boundary would get electricity from a generating station within his or her county. That is what pertains as regards water provision. There is little or no intercon-

nectivity between counties and that is what needs to happen. It will only happen when there is an overarching single entity with a national strategy in charge of the process.

I am very sad that the Minister, Deputy Gormley, has left the Chamber half way into the discussion, but he did not seem to believe this was a good idea. In fact he thought Fine Gael was proposing to establish yet another quango that somehow would not be able to do the job of supplying water. He was supported in that position by Senator Ó Brolcháin, then Senator Camillus Glynn rowed in to the effect that he would not support the setting up of a national water authority, since he had sufficient trust in the local authorities to do the job they were doing. I wonder whether anybody in Government anymore has the time or interest to examine what exactly its policy is in this area because Fine Gael's policy of setting up a national visionary water authority is also the policy of Government.

That policy came about through the provision of an excellent document last November by the Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, and the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan. They asked a high-level investigative group to examine how the Government might harness the potential of the green enterprise sector and said it was central to the development of the smart economy and designated it as one of Ireland's target sectors for investment and job creation. I fully support that aspiration. The report's introduction concluded by saying: "Government will ensure this report is acted upon swiftly and decisively in order that Ireland can extend its international reputation as an exciting and dynamic location for innovation and job creation, to embrace the green enterprise sector".

Somewhat further on in the document one of the excellent ideas from the working group, supported by the two Ministers, is the following:

. . . the setting up of a single national water authority, with overall responsibility for system, planning, delivery and maintenance. This will support the development of deeper public and private sector capabilities in the water sector and the development of projects of greater scale.

The Department of the Environment, Heritage and Local Government was charged with setting up this single water authority.

Senator Maurice Cummins: The Minister does not know his own policy.

Senator Ciaran Cannon: The Minister is obviously not listening to the people who are advising him. His colleagues in Government seem to believe that report after report can be commissioned without any real activity taking place on foot of their recommendations. It makes sense to set up a national water authority. I ask Senator Ó Brolcháin to consult with his Minister and come back to the Chamber to explain how a policy contained in the Government's green economy document has somehow become a non-policy.

Senator Ivor Callely: This is an interesting motion which warrants further debate and action. There is no doubt that certain elements of the motion and of the amendment should be actively pursued, progressed and reported on either to the House or a committee of the House.

Given the time restraints, I cannot deal in detail with every aspect of the motion so I will focus my contribution on the provision of water to the consumer, the current supply chain, further provision and likely demand, supply sources and the local authorities' strategic plans. I have raised these issues in the past and have referred to water as "the new oil". The local authorities must comply with regulations and standards in supplying water to consumers and the Environmental Protection Agency, EPA, monitors and enforces such regulations and standards. I would appreciate if the Minister or his officials would send me a briefing document on

[Senator Ivor Callely.]

who is responsible for what with regard to the water supply chain; what standards, regulation and or legislation apply at each level; and if there are any gaps.

The EPA protects our water through its licensing, enforcement and monitoring activities. The good status objective, as set out in the water framework directive, WFD, sets a clear target which this nation must achieve in water status by 2015. I was somewhat bemused by Senator Hayes and others who were indicating that it was one part of the Government that did a huge amount of work in recent weeks or months——

Senator Maurice Cummins: It was Senator Ó Brolcháin who said it.

Senator Ivor Callely: ——but, in fairness to all involved, much work has been undertaken over the last number of years to get us to our current position.

The current information available on the state of water quality in our rivers, lakes, estuaries, coastal waters, bathing waters, ground water, drinking water, urban waste water treatment and our river basin management appears to be good. The new holistic approach to managing our water and our aim to achieve good water status in all our waters by 2015 and, of course, to ensure that our status does not deteriorate in any way are admirable. As a result, Ireland has been divided into a number of river basin districts, with a draft management plan prepared and a road map to show how our natural waters will be protected and restored. This begs a huge amount of questions relating to the protection of the river basin districts and the impact that certain development, be it a simple development or a massive infrastructural project, has on the protection of our water plains, as they are sometimes called, or our river basin districts, as they are referred to in some documents I have read. Whether they are called water plains or river basin districts, who is responsible for ensuring there is no pollution of or interference with these waters? I figure there is nobody in the local authority sector or in the EPA and I am not sure what role the Department of the Environment, Heritage and Local Government plays in this regard. This is solely with regard to development.

That said, when one looks at what is taking place with regard to the water framework directive and what is happening in local authorities, one must admit that a great deal of very good work is being done. However, there are inconsistencies. If we are so committed on this issue, why have we not commenced the relevant sections — I believe they are sections 36, 37 and 38 — of the Water Services Act? These sections require local authorities to set out their strategic plans for water provision based on assessment of need. Those sections were due to be commenced some months ago but have not yet been commenced by the Minister, Deputy Gormley. The Minister referred to the water services investment programme which is to be announced shortly. I look forward to the action he will take in this regard. I understand from conversations with members of my local authority that there is interaction between the Department and the local authority with regard to the assessment of need and so forth.

I wish to focus on the question of public health. In the Dublin City Council catchment the council supplies approximately 540 million litres of drinking water to approximately 1.4 million citizens through a network of service reservoirs and pipe infrastructure. The service network is in urgent need of upgrading to address quality and leakage and to ensure the highest standard of water for consumption.

How much time do I have left?

Acting Chairman (Senator Ann Ormonde): One and a half minutes.

Senator Ivor Callely: I hope my friend and colleague, Senator Paschal Mooney, who has been in and out of the House for the past two hours, will get the five minutes indicated for him.

Given the density of population and the volume of drinking water consumed, I ask the Minister or his officials to forward to me a detailed briefing on the situation that prevails in the Dublin City Council catchment with regard to the level of investment that has been identified, the work undertaken on the strategic plan and the exploratory work carried out on alternative water supplies. Senator Hayes referred to the Shannon as if it was a protected area. It is interesting to read about the river basin districts but I understand a pilot project is being undertaken with regard to the supply of water from the Shannon district to Dublin. I hope we can get some information on that from the Minister. I also wish to know about the cost of water provision in the Dublin City Council catchment and its efficiency.

I firmly believe in the old adage that an ounce of prevention is worth a pound of cure. I consume water in two different regions of our country, the east and the south west. The level of supply and quality of drinking water can vary and this should not be the case. Everybody has heard about or witnessed the variance that can occur throughout the country and is conscientiously aware of the costs and risks of illness due to poor or dilapidated infrastructure or poor quality drinking water. This might account for the inroads that bottled water has made into the marketplace over recent years. I was surprised to learn that annual sales of bottled water in Ireland have a total market value of approximately €100 million. That is huge expenditure. Somehow bottled water has the mystique of being purer and better quality water. Personally, I opt for chateau de tap. It is our responsibility to ensure we deliver water that is clean and safe to drink.

Senator Joe O'Toole: I wish to share time with Senator Jerry Buttimer

Acting Chairman: That is agreed.

Senator Joe O'Toole: On these benches we tend to have problems with motions which begin by condemning the Government, and we equally have problems with amendments that begin by commending the Government. We must travel a steady line between the two positions.

With regard to the motion before us, I do not feel strongly about condemning the Government but every other element of the motion is positive and must be examined. Neither do I believe there is anything commendable about the Government's response. We could easily have had a plan in place to deal with all that happened in the last couple of months but it would have meant diverting budgets. For anybody in a local authority who had the options of either fixing a road this year or putting material aside to deal with something that might happen once every 40 years, the choice would have been very easy. I do not blame local authority members for getting it wrong on this occasion. I do not believe I would have done better.

There is an important issue to be raised. Senator Cannon is absolutely correct in implying there is no joined-up government if on the one hand the high-level group on green enterprise produces a report, signed by both the Minister for Enterprise, Trade and Employment and the Minister for Communications, Marine and Natural Resources, who say the Government will act upon it swiftly and decisively, while on the other hand the Minister for the Environment, Heritage and Local Government states in the House he is bemused by the proposal to establish a national water authority. The House deserves an answer on this. In welcoming the Minister of State, Deputy Finneran, to the House, I do not expect him to have an answer; he is sitting here to take the flak. Somebody must explain how different views can be held by three Ministers, two of whom are from the same party.

We must have learned that the legislation referred to by Senator Callely, which gives 32 different local authorities responsibility, is just not working. There needs to be a national auth-

[Senator Joe O'Toole.]

ority with a national policy that can be implemented locally by local authorities. There is no other way to deal with the matter.

Consider the point made by Senators on water harvesting. I spoke today with representatives of Sustainable Energy Ireland and asked why there is no requirement in the building regulations stipulating that every house built in Ireland should have some form of renewable energy resource. I was told this can be achieved under current legislation and that it is only a matter of ensuring it is done. Most people are getting away by installing devices such as wood pellet boilers. This is one of the wettest countries in Europe and we all have roofs on our houses. Twenty-six inches of water fall every year on my house in Dublin. It is expensive to retrofit water-harvesting devices. Rainwater could certainly be used for all toilets in houses. There would be a huge saving.

It has reached the stage where engineers around the country do not quite know where are the water mains. I spoke to one who told me there was a serious problem that could only be rectified by asking a very elderly retired engineer in an old people's home the direction of one of the main pipelines in the county. The local authority did not know.

The Minister for the Environment, Heritage and Local Government stated the current severe weather episodes have identified a number of weaknesses in our water service infrastructure. That is not true because we have known about these weaknesses. The Dublin and Cork local authorities have been referring to the wastage of water for years. Nothing new has been identified. We need an honest debate in the Houses on water charges. The charge would not be for water but for the delivery, provision or piping of water.

Senator Jerry Buttimer: I thank Senator O'Toole for sharing time with me.

The Government's response to the flooding in Cork has been poor, particularly its response to the draft Lee Catchment Flood Risk Assessment and Management Study. I would like answers to specific questions. Why is the Government refusing to invest €100 million in the provision of flood relief in Cork, as recommended in the report? It is imperative that the Government sanction the investment in flood relief for Cork city and that the work be carried out immediately. The €100 million required to build a defence system to reduce the risk of tidal and river flooding in Cork is a very small sum. It is very small change to the people of the Middle Parish, Mardyke and Western Road who were flooded last November. What will we do in ten months, ten years or 20 years if the flooding recurs? I welcome the fact the ESB, using its two dams, will have an enhanced role in flood risk management but the Government must invest in the defences, thus saving money in the future.

Eighty thousand people in Cork, half the city, had no drinking water for seven to ten days during the flooding. Is this acceptable in 21st-century Ireland? No matter what we say tonight, we must acknowledge investment in flood relief in the city of Cork will pay dividends in years to come. The people and the city are worth the money. One should bear in mind the cumulative cost of addressing the problems in the university, residences and businesses in Cork as a result of our failure to invest. We must invest in the future. The tenet of the motion is about investing in the future. If we are shortsighted, it is the people of Cork who will suffer.

The sum of €100 million, required to protect the city of Cork and its people at all costs, is very small. It is good value and makes economic sense. The investment requires a political decision by the Government. If it is serious about the people of Cork and the city, it will make the investment. If Dublin were flooded, there would be an avalanche of Ministers on the plinth of Leinster House shouting and roaring about the money to be invested in the city. Since it is Cork that was affected rather than Dublin, there is reluctance to invest. I appeal to the Minister

of State at the Department of the Environment, Heritage and Local Government, Deputy Finneran, and the Minister of State at the Department of Finance, Deputy Mansergh, to invest €100 million to the benefit of the city and people of Cork.

Senator Paudie Coffey: I was glad to have the opportunity to propose this motion. While the Opposition will not have the numbers to pass it, one must realise the debate has highlighted many of the inadequacies of the Government and its response to the crisis we recently witnessed. There is a lack of joined-up thinking at the highest level of the Government, as highlighted clearly by Senator Cannon's point. The new policy of developing the green economy, which is endorsed by the Government, states clearly a single national water authority should be introduced with overall responsibility for system planning, delivery and maintenance. The press release for the policy, signed by the Minister for Enterprise, Trade and Employment, Deputy Coughlan, and the Minister for Communications, Marine and Natural Resources, Deputy Eamon Ryan, states the Government will ensure the report is acted upon swiftly. In spite of this, the Minister for the Environment, Heritage and Local Government ridiculed the Fine Gael policy, which is in many ways similar to that in the report. It refers to having a national water management authority. The divergence of views highlights clearly the lack of clarity, policy and joined-up thinking in the Government's response to the management of our national and natural resources.

This evening the Joint Committee on the Environment, Heritage and Local Government spoke about waste policy. There has been a national policy in place for over ten years, yet the present Minister for the Environment, Heritage and Local Government is opposing it. This is causing much confusion and there are mixed messages being circulated, thus making us wonder why local authorities and various agencies are struggling to cope and respond when a crisis occurs. We must have leadership from the top. Unfortunately, it was sadly lacking during the recent adverse weather. Some of the Ministers were missing also. This is a very sad indictment of the Government and indicates a total lack of leadership.

This motion is to highlight the aforementioned inadequacies and to try to find ways to achieve a co-ordinated response that would really assist those who are struggling as a consequence of inadequate roads and water supplies, which are essential to the day-to-day running of our country, including business. I commend the motion to the House.

Amendment put.

The Seanad divided: Tá, 30; Níl, 21.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Carroll, James.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.
Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.

McDonald, Lisa.
Mooney, Paschal.
Mullen, Rónán.
Ó Brocháin, Niall.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Ross, Shane.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
 Bradford, Paul.
 Burke, Paddy.
 Buttimer, Jerry.
 Cannon, Ciaran.
 Coffey, Paudie.
 Coghlan, Paul.
 Cummins, Maurice.
 Doherty, Pearse.
 Donohoe, Paschal.
 Fitzgerald, Frances.

Hannigan, Dominic.
 Healy Eames, Fidelma.
 McCarthy, Michael.
 Norris, David.
 O'Reilly, Joe.
 O'Toole, Joe.
 Phelan, John Paul.
 Regan, Eugene.
 Twomey, Liam.
 White, Alex.

Tellers: Tá, Senators Camillus Glynn and Diarmuid Wilson; Níl, Senators Paudie Coffey and Maurice Cummins.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Seanad divided: Tá, 30; Níl, 21.

Tá

Boyle, Dan.
 Brady, Martin.
 Butler, Larry.
 Callely, Ivor.
 Carroll, James.
 Carty, John.
 Cassidy, Donie.
 Corrigan, Maria.
 Daly, Mark.
 Ellis, John.
 Feeney, Geraldine.
 Glynn, Camillus.
 Hanafin, John.
 Keaveney, Cecilia.
 Leyden, Terry.

MacSharry, Marc.
 McDonald, Lisa.
 Mooney, Paschal.
 Mullen, Rónán.
 Ó Brolcháin, Niall.
 Ó Domhnaill, Brian.
 Ó Murchú, Labhrás.
 O'Brien, Francis.
 O'Donovan, Denis.
 O'Malley, Fiona.
 O'Sullivan, Ned.
 Ormonde, Ann.
 Phelan, Kieran.
 Ross, Shane.
 Wilson, Diarmuid.

Níl

Bacik, Ivana.
 Bradford, Paul.
 Burke, Paddy.
 Buttimer, Jerry.
 Cannon, Ciaran.
 Coffey, Paudie.
 Coghlan, Paul.
 Cummins, Maurice.
 Doherty, Pearse.
 Donohoe, Paschal.
 Fitzgerald, Frances.

Hannigan, Dominic.
 Healy Eames, Fidelma.
 McCarthy, Michael.
 Norris, David.
 O'Reilly, Joe.
 O'Toole, Joe.
 Phelan, John Paul.
 Regan, Eugene.
 Twomey, Liam.
 White, Alex.

Tellers: Tá, Senators Camillus Glynn and Diarmuid Wilson; Níl, Senators Paudie Coffey and Maurice Cummins.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: Ag 10.30 maidin amárach.

Adjournment Matters.

Water and Sewerage Schemes.

Senator Pearse Doherty: Cuirim fáilte roimh an Aire Stáit, an Teachta Haughey. Ba mhaith liom an scéim séireachais i gCaisleán na Finne a phlé. Tá an cheist seo ag dul siar le fada an lá. Tá fadhb millteanach sa cheantar, ní hamháin siocair nach bhfuil an tseirbhís ann, ach freisin siocair nach bhfuil muintir na háite in ann tithe a thógáil. Tá aithne agam ar dhaoine óga atá ag dul i mbun a saoil le chéile, ach nach bhfuil ábalta teach a thógáil sa cheantar de bharr an easpa séarachais. Tá cead pleanála á dhiúltiú ag an gcomhairle contae agus An Bord Pleanála siocair nach bhfuil an seirbhís seo ann. Tá sé dochreidte sa lá atá inniu ann nach mbeadh seirbhís chomh bunúsach agus scéim séireachais ar fáil i mbaile ar nós Caisleán na Finne. Tá súil agam go mbeimid in ann dul chun cinn a dhéanamh anseo inniu. Ní hamháin nach bhfuil an tseirbhís sin ann, ach tá sé deacair an phríomhráid a shiúl gan an boladh bréan a mhothú. Níl an chóras atá ann faoi láthair in ann freastal a dhéanamh ar an cheantar.

With Donegal County Councillor Cora Harvey, I held a public meeting in Castlefin last week, at which the most pressing issue was the Castlefin sewerage scheme. It dates back many years and was meant to be dealt with by the interdepartmental committee established by the Government to deal with problems in County Donegal nearly five years ago, with the Gweedore, Dunloe, Glenties, Ballybofey and Lifford sewerage schemes, in a timed manner. Half a decade on none of these programmes has been delivered. The interdepartmental committee's report, like many others, is just gathering dust.

I accept the Castlefin scheme has been bundled with two others and that the Department is awaiting preliminary reports. However, imagination on the Government's part is necessary to move the project on. The fact that the scheme is not in place means married couples from the area have been denied planning permission to build a house in it. The community in Castlefin must deal with the terrible stench which is particularly bad in the summer months because the existing sewerage scheme does not have the capacity to deal with current demand. One of the social housing estates close to the scheme must endure it often.

Will the Minister for the Environment, Heritage and Local Government make the scheme a priority in his Department? I understand there is an economic recession but the cost of upgrading the scheme will only come to €1.6 million. The scheme was originally announced in the 2005-07 water services programme for County Donegal 2005 to 2007 and it is time it was moved on. I hope the Minister of State will have some words of comfort for me and the people of Castlefin tonight.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I thank the Senator for providing me with an opportunity, on behalf of the Minister for the Environment, Heritage and Local Government, to clarify the position on the development of proposals for and the procurement of further wastewater facilities for the town of Castlefin, County Donegal. Castlefin is a small town in east Donegal with a sewage discharge of between 1,000 and 1,200 population equivalent. The town's effluent receives primary treatment prior to its discharge to the River Finn. Donegal County Council wished to assess the appropriate level of treatment to be applied to the effluent prior to discharge and sought approval for a brief for the appointment of consultants to prepare preliminary reports on ten towns and villages, including Castlefin. As the schemes were included in the Department of the Environment, Heritage and Local Government's water services investment programme 2007-09, it approved the council's proposal. The preliminary reports in question are being prepared.

[Deputy Seán Haughey.]

Local authorities have responsibility for many aspects of a water and sewerage scheme, including the appointment of consultants, statutory planning and other processes, site investigations, the acquisition of lands and way-leaves, the tendering process, the appointment of contractors and the carrying out of works. The time taken to advance a scheme will depend largely on how quickly these processes are completed. It is difficult to say, therefore, when a scheme for Castlefin will be procured and constructed.

The priority to be accorded to schemes in County Donegal is a matter, in the first instance, for Donegal County Council. Last July local authorities were asked to submit an assessment of needs for water and sewerage services in their areas to the Department of the Environment, Heritage and Local Government by 23 October 2009. The Department is considering these assessments which will form a key input to the development of the 2010-12 water services investment programme. In conducting their assessments local authorities were asked to prioritise schemes and contracts for progression in the coming years based on key environmental and economic criteria.

The 2010-12 programme will be a three-year rolling plan for the provision of major water supply and wastewater infrastructure. Strategic environmental and economic objectives have provided the rationale for investment in water services infrastructure since 2000. With the changed economic climate and the completion of the first cycle of river basin management plans by local authorities in the near future, there is a greater need than ever to focus on these key priorities. The 2010 to 2012 programme will do this by prioritising projects that target public health and environmental compliance issues, support economic and employment growth and offer best value for money.

The Minister for the Environment, Heritage and Local Government expects to publish the 2010 to 2012 water services investment programme early this year and his Department will work closely with Donegal County Council to advance priority schemes identified in the programme.

Senator Pearse Doherty: I thank the Minister of State for his response. Perhaps he would take this directly to the Minister, Deputy Gormley, who commented after the urban waste water discharges in Ireland report from the EPA was released in the middle of last year. It was a report looking at the discharges from plants for 2006 and 2007, and Castlefinn sewerage scheme was one of these plants that were discharging directly into estuaries with just basic or no treatment. I also have photographic documentation that shows pumps one would get from a builders' suppliers in manholes directly discharging raw sewage into water courses that flow directly into the River Finn.

Let us cut to the chase because we can deal with words such as "in the process", etc. The reality is this has been listed as a problem by the EPA. We have evidence that there is sewage being pumped into water courses that go into the River Finn. The reality is that Donegal County Council——

An Leas-Chathaoirleach: A question, Senator.

Senator Pearse Doherty: —— — I am asking the question — does not have the €400,000 in funding required to progress the matter this year. The total amount of funding it must provide in 2010 to meet its contracts is approximately €32 million, and we all know that Donegal County Council does not have that. The question is, will the Minister, Deputy Gormley, of the Green Party allow such a situation where the EPA has listed this scheme as being inadequate and under which we know raw sewage has been pumped into the River Finn, which is a salmon river and an important water course in Donegal?

An Leas-Chathaoirleach: Has the Senator a question?

Senator Pearse Doherty: Will we allow that for the sake of a couple of hundred thousand euro or will the Minister think imaginatively, like the way we can for Mr. Rody Molloy and others, and deal with this problem?

Deputy Seán Haughey: I will convey the Senator's questions to the Minister.

Third Level Places.

Senator Dominic Hannigan: I welcome the Minister of State. He will be aware of the reports in the newspapers of late of the increase of 10% in the number of applications to the CAO. This increase is also felt in other sectors of higher education. Applications for post leaving certificate courses have also increased.

I spent Friday morning last with Deputy Wallace in the College of Further Education in Dunboyne in County Meath. That college has been a huge success. It was set up a number of years ago as part of St. Peter's community college, the local secondary school, and it has seen its numbers grow significantly. Already this year it is seeing an increase in applications of 15% on this time last year. That is really good news and it is great to see people going to the college. It is proof that the college is producing students and graduates of calibre, but the problem is a cap is in place.

The Minister of State may remember that approximately two and a half years ago of an October evening he and I spoke on this issue in the House. At that stage I spoke about the McIvor report into PLCs and I also raised the subject of lifting the cap. I am glad to say that perhaps as a result of submissions such as mine and that of Deputy Wallace, who has also been making the case for Dunboyne, the Minister of State managed to lift the cap. When we spoke on the previous occasion, the cap was approximately one student per 1,000 of population in Meath compared with a national average of one student per 250 of population. I am pleased we have now got to the point where the cap is one student per 500 of population in Meath, but it is still twice the national average. We need to see an increase in, and possibly a doubling of, the cap just to get up to the national average.

The benefits of doing this are clear to see for anybody who goes to these colleges. I have been lucky enough to be invited to the graduation night at the Dunboyne College of Further Education for a number of years. Year on year one sees more people graduating, the sense of self-worth of these graduates, and their subsequent entry into the jobs market.

People would join these courses if space were available. I heard of one student on a course in Dunboyne saying that if space were available, he could fill a bus with young people from houses along his estate who currently work part-time on a Saturday, who sit at home from Monday to Friday playing with Play Stations and with little else to do, and who would jump at the opportunity to be able to do a post leaving certificate course. However, Dunboyne has this cap which we would like to see lifted and I am asking the Minister of State to make a statement on it.

Another consequence of lifting the cap would be that it would provide certainty to the college for future expansion. It would mean it could try to find a site upon which to base itself and expand to cater for the number of students who wish to attend. I ask the Minister of State to make a statement on increasing the cap at Dunboyne College of Further Education.

Deputy Seán Haughey: I thank the Senator for raising this issue. At the outset, I want to clarify for the House that Dunboyne College of Further Education is an approved provider of post leaving certificate, PLC, courses and is operated by County Meath Vocational Education Committee.

The PLC programme is a self-contained whole-time learning experience designed to provide successful participants with specific vocational skills to enhance their prospects of securing

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lasting, full-time employment or to progress to other studies. It caters for those who have completed senior cycle education and require further vocational education and training as well as adults who may not have completed the senior cycle but who are returning to education and who have skills and competencies which enable them to undertake the courses. PLC courses are generally of one or two years' duration and are at levels 5 and 6 on the national framework of qualifications. There are 2,000 different courses available in more than 1,000 disciplines, from business and secretarial skills to art, crafts and design, from child care and community care to equestrian studies and a range of other disciplines in between. As well as this, through the higher education links scheme, PLC courses also provide an alternative route to higher education in the institutes of technology and, in 2005, some institutes and other higher education institutions introduced a pilot admissions criteria and scoring system for FETAC level 5 certificate and level 6 advanced certificate applicants.

There are 31,688 PLC places available nationwide, including an additional 1,500 places allocated following the April 2009 budget. This provision is being maintained for 2010-11. PLC courses are delivered by a nationwide network of almost 200 schools and colleges in the vocational, secondary, community and comprehensive school sector. The bulk of provision is in vocational colleges operated by the VECs. My Department allocates PLC places to VECs and other providers every year following an application process. For VECs, the further distribution of places to individual colleges is a matter for each VEC.

In County Meath VEC, there are three approved PLC providers: the College of Further Education, Dunboyne, St. Oliver's post-primary school, Oldcastle, and Beaufort College, Navan. The number of PLC places allocated to County Meath VEC has more than doubled in the past five years, from 136 in 2004-05 to 290 for the current 2009-10 academic year, including an additional 20 places allocated in this academic year. There are also two approved PLC providers in County Meath outside the VEC sector, namely, Boyne community school, Trim, which has an allocation of 22 places and Athboy community school which has an allocation of 16 PLC places. This means there are almost 330 PLC places in County Meath.

The overall number of approved PLC places is set at its current level of 31,688 because there is a continuing requirement to plan and control numbers and to manage expenditure within the context of overall educational policy and provision. Any future increases would have to take account of the present and prospective economic and budgetary context and related financial constraints. I thank the Senator for raising this issue and providing me with an opportunity to outline this Government's commitment to the post leaving certificate programme.

Senator Dominic Hannigan: I wish to put one very short supplementary question. I thank the Minister of State for this information. It clearly shows that while one out of every 25 people in the country is from County Meath, we only get one out of every 100 places on a post leaving certificate course. Does the Minister of State believe this imbalance is fair?

Deputy Seán Haughey: I recognise that County Meath is a rapidly developing area with significant growth in population and this would be taken into account when these issues are considered.

Schools Building Projects.

Senator Jerry Buttimer: I thank the Leas-Chathaoirleach for allowing me to raise this matter and I welcome the Minister of State. Yet again, we must submit a request for an Adjournment debate on the situation pertaining to Ballygarvan national school in Cork. As the Minister of State is aware, this school has been promised for quite some time. It seems almost a generation ago since the school was promised when Deputy Micheál Martin was the Minister for Education and Science. It goes back that far. Thankfully, the population of the school has been growing exponentially every year. It is now bursting at the seams with almost 300 pupils and has a full

enrolment or coterie of students for the coming school year in September, a tribute to the teachers, principal and the board of management of the school.

However, several issues of concern arise. There is a series of prefabs and a dilapidated old building used to house students. This results in a curtailment of games in the open space and the play area and activities are now minimal. Also, education is taking place in poor conditions that are considered unacceptable in Ireland in the 21st century. Movement has taken place, a fact I accept readily and the process remains to be completed and finalised.

Outstanding issues remain to be answered and addressed regarding when works will commence on the new school. I realise it is at the architectural stage and there are various stages of the process. Will it be completed by September 2010 for the new students entering at the start of the new school year? The pupils, parents, teachers, principal and the board of management deserve a modern facility. This developing area in Carrigaline, Cork is considered a priority, as stated in a response by the Minister of State's Department during an Adjournment debate last year.

As part of the political process, we have taken a decision with the Department of Education and Science to replace and put in place a new, modern expanded school, but a question remains to be answered. When will this new school be completed? When will the new school be fit for habitation and for education? When will we see students and teachers sitting and working in a new classroom and school campus?

The Government refers to capital investment, but the capital investment has been agreed in this case. Is the money that was allocated some time ago guaranteed for this school? There is a need to respond quickly to the legitimate concerns of parents and teachers with regard to this school. I recognise the complexity of the site and the fact that it comprises various parcels of land, and that this may have added to the difficulties. Have the difficulties between the school and the patron, the Bishop of Cork and Ross, been ironed out? I understand the planning application process has commenced but some difficulty remains. I cannot comprehend why the local authority would seek further information and ask further questions at this stage. This is a project of absolute importance for the community.

The case of Ballygarvan national school reveals a failure of joined-up thinking. The community of Ballygarvan has grown substantially but the road network and facilities such as schools and playgrounds have not matched or grown in tandem. When will the school be fit for habitation and work? What is the position in respect of the reply to requests for further information made during the planning process?

The Minister for Education and Science, Deputy Batt O'Keeffe, announced to much fanfare that Ballygarvan would be part of the new schools development project. We must see action in the short term to allow this to take place and for the expanding school to develop. There is an onus on the Department to fast-track Ballygarvan national school. It has been promised for a generation of students. The teachers, principal, board or management, parents and pupils are suffering from the absence of development of this school. It must be of absolute importance and priority. It is not good enough for an area with developing and emerging needs and a very sizable population to be waiting for a school. I look forward to the Minister's reply which, I trust, will be positive.

Deputy Seán Haughey: I take this Adjournment matter on behalf of my colleague, Deputy Batt O'Keeffe, the Minister for Education and Science. I thank the Senator for raising this issue as it provides me with the opportunity to outline to the Seanad the strategy for capital investment in education projects and to outline the current position in respect to Ballygarvan national school.

The allocation of funding for school buildings in 2010 is a little under €579 million, including the carryover of €72 million deferred funding from 2009. This represents a significant invest-

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ment in the schools building and modernisation programme. This level of funding, at a time of great pressure on public finances, is a sign of the Government's commitment to investing in school infrastructure and it will permit the continuation of the Department's programme of sustained investment in primary and post primary schools.

With regard to Ballygarvan national school, the need to provide for additional school places has already been determined and, consequently, the proposed project to construct a new school building was one of 25 projects which the Minister announced to commence architectural planning in February 2009.

Since then, Department officials have prepared detailed drawings and the local authority facilitated a number of pre-planning meetings prior to the lodgement of a planning application. Following the pre-planning meetings, the Department addressed the issues raised by the local authority and submitted a planning application for the new school building. Subsequently, the local authority issued an additional information request which raised some new issues. The Department responded to the additional information request in full. I understand the local authority has recently issued a further additional information request raising further issues. Department officials are currently preparing a response to this second additional information request.

With regard to the site for the proposed project, the Senator may be aware it consists of three separate parcels of land in the ownership of the Catholic diocesan authority, Cork County Council and a private landowner.

The Bishop of Cork and Ross, as patron of the school, has agreed to acquire the land in the ownership of Cork County Council and the private landowner to facilitate the proposed building project. Any decision to progress this project is contingent, among other things, on receipt of the necessary statutory approvals and the completion by the school patron of the acquisition of the site for the proposed new school building.

A reply to the further request for information will be prepared by the Department and submitted as soon as possible. When a decision regarding planning permission is made, the Department will examine the implications for the project. The progression of the project to construction will be given further consideration at that point. The Department will continue to liaise with the patron and the school authorities regarding the project. I thank the Senator for affording me the opportunity to outline to the Seanad the current position regarding the school building project for Ballygarvan national school.

Senator Jerry Buttimer: I thank the Minister of State for his reply, which was disappointing. In the reply there was a failure to acknowledge whether the issue regarding the acquisition of the three separate parcels of land has been resolved. Is there a date for the completion of the project? When will the Department resubmit further information requests to Cork County Council? When will the planning issue be resolved? The school has been waiting for 12 years or longer. The reply indicates bureaucracy is holding up the process. There is no mention of whether the money is secure in respect of Ballygarvan school or whether it will be lost because of the delay in planning and the lack of information. Is the money secure? These three questions have not been answered in the reply.

Deputy Seán Haughey: The additional information will be submitted by the Department as soon as possible. These processes must take their course. I assume that if the Minister has indicated what the position on funding is, it remains the same.

The Seanad adjourned at 7.50 p.m. until 10.30 a.m. on Thursday, 4 February 2010.