



# SEANAD ÉIREANN

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*Déardaoin, 4 Feabhra 2010.*

*Thursday, 4 February 2010.*

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Chuaigh an Leas-Chathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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## **Business of Seanad.**

**An Leas-Chathaoirleach:** I have received notice from Senator Maria Corrigan that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister for Health and Children to report on the opportunity for a national campaign to be undertaken to identify the whereabouts of the hundreds of children missing from the care of the HSE in recent years and to indicate if a dedicated telephone number will be established to assist the public in passing on information on their safety and whereabouts.

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 such an 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 and they will be taken at the conclusion of business.

## **Order of Business.**

**Senator Donie Cassidy:** The Order of Business is No. 1, Petroleum (Exploration and Extraction) Safety Bill 2010 — Committee Stage, to be taken at the conclusion of the Order of Business.

**Senator Liam Twomey:** I ask for an urgent debate on the way we send people to prison. In 2008 one third of the prison population were non-nationals, the majority of whom were awaiting deportation. There was an 88% increase between 2007 and 2008 in the number imprisoned because they had not paid their fines. It was clearly stated in the House on a number of occasions that this was a daft policy to follow. The average stay in prison for the majority of prisoners is approximately four months. When one considers that it costs €100,000 a year to keep a person in prison, spending three or four months in prison has no effect on hardened criminals who see it as a holiday. However, for ordinary citizens who do not pay their fines, spending three or four months in prison is unnecessary and a waste of money. We need to find a new way of dealing with them, rather than sending them to prison.

[Senator Liam Twomey.]

I ask the Leader to invite the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, back to the House to explain a number of things he has said publicly. During the meeting of the Joint Committee on the Environment, Heritage and Local Government yesterday it was revealed that the contracts for the new incinerator had been signed in September 2007 when he was the relevant Minister. It remains Government policy that there is no cap on the amount of waste which can be sent to an incinerator, regardless of what the Minister says on the national airwaves. There has been no change whatsoever in Government policy on incineration in the past two and a half years. Rather than making statements publicly which clearly are not in keeping with Government policy and that of his Department, I ask that the Minister come into the House to make a clear statement on what exactly is Government policy on the issue and not mislead the general public on what he thinks it is.

**Senator Joe O'Toole:** The House should acknowledge the progress made by the Minister for Health and Children, Deputy Mary Harney, on pharmaceutical products. It was a very important step. For many years both sides of the House raised the need to address the issue. However long it took her, despite the fact that it was a difficult group to deal with, the Minister achieved a result, although we are quick to criticise.

While I offer my congratulations to one Minister, I have to show my complete bemusement with another Minister. Last night I spoke on and listened to the debate on the water issue in the House, on which the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, spoke. I have great respect for him and his agenda but in the course of dealing with the Fine Gael motion which proposed the establishment of a national water authority — I am not raising this matter from a disinterested point of view; I want to get the record right — the Minister responded by saying he was totally bemused, that could not see the sense in such a proposal and that he thought it would lead to privatisation. This seemed to be an over the top response. A few minutes later a number of Fine Gael Senators——

**Senator David Norris:** When I asked about the matter, Senator Maurice Cummins replied and said the answer was a definitive no.

**Senator Joe O'Toole:** The issue was then raised by Senator Ciaran Cannon who produced a document in the House on developing the green economy which had been signed by two Ministers, namely, the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, and the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan. A recommendation that there be a national water authority was signed off on by two Ministers as being part of Government policy, with a commitment that they put it into operation quickly and efficiently. I do not care about the views of the Government on Fine Gael's position but I care strongly about the three points of view being expressed by the Government. One way or the other, the House has been misled. The two Ministers who signed off on the proposal two months ago did so without Government authority or else the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, spoke last night without Government authority.

Senator Cannon has raised an issue on which the rest of us, from a non-political party point of view, want an answer. It is not good enough. The issues which have arisen regarding waste in the past few days are ones to which we need to return. I am not saying the Leader has the answer but I would like the Minister to come back to the House to explain the dichotomy between the two Government positions articulated by three Ministers on two occasions in the past three months.

**Senator Michael McCarthy:** Permanent TSB has raised its interest rate by 0.5% and it is certain other lenders will follow in the coming days, weeks and months. The European Central Bank is meeting as we discuss the issue in the House. By lunchtime it is expected to report that it will permit the current ECB rate of 1% to remain unchanged.

Given the culture of home ownership in this country and that the ESRI has stated there are 196,000 homes in negative equity, and even though banks did not stress-test loans properly but lent money willy-nilly, none the less it seems they are now returning to a system of landlordism and evictions that would do justice to what happened in this country in the 19th century. On this occasion, however, the people who are evicting families are donning the Irish jersey. It is outrageous that in a country which has bailed out and recapitalised the banks to the tune of many billions of taxpayers' money, the very people who propped up and bailed out these banks are now being targeted because the banks are taking full advantage of the fact that Government policy is behind them. With all due respect, they are now screwing thousands of families to the wall by increasing their interest rates. There is no accountability and no transparency. I have made that point consistently in the House.

At least when we were dealing with NAMA we had an opportunity to oblige mortgage lenders by law to pass on reductions in interest rates. The environment of the time promoted that type of activity but now the tables have turned. The banks have been bailed out and recapitalised and are taking full advantage. This is outrageous. There are thousands of families in this country who are going through the emotional turmoil of trying to meet monthly household bills. An increase of 0.5% adds about €60 to a mortgage of €200,000, a sum that is beyond the means of many ordinary decent people. Where does the Government stand on this? The Green Party did a solo run with regard to setting up an expert committee to bail out people. One does not need an expert group because anybody can see that people are in grave difficulty trying to meet mortgage repayments. Any proposal that may come from the Government is to be welcomed. However, it must meet the needs of the mortgage holder, not those of the mortgage lender.

The Minister for Social and Family Affairs, Deputy Mary Hanafin, has written to 100 women aged in their 70s and 80s who are spouses of farmers. These are women who worked in the family farm for generations, reared families and carried out tasks on farms. They were secretaries and auditors and worked every bit as hard as the traditional man of the house while rearing a family at the same time. They never got any form of compensation from the State. In recent times the Minister wrote to these women and told them they might be entitled to a pension. They were granted the pension but now the Minister has written looking for that money to be repaid because the women did not have a year's continuous PRSI payment before the age of 66. We have a Minister for Social and Family Affairs who gave money to people in their 70s and 80s and is now taking it back. Will the Leader ask the Minister to come to the House and make a statement on this matter? It is most insulting to generations of people in this country who worked on the family farm and it is disrespectful to the women in question that the Government is now attempting to bum money from them.

**Senator Labhrás Ó Murchú:** Supporting home industry and buying Irish-made goods will be an important part of the economic recovery. In recent times many people have been enquiring in shops about Irish-made goods in the belief that they are protecting and maintaining jobs at home. However, it has come to light that the branding on some imported goods is misleading and people are buying goods they believe incorrectly to have been made in Ireland. Some examples were brought to our attention in recent reports. For example, if one eats "Old Time Irish Marmalade" in the morning one will believe it is Irish made but it is sourced in Portugal. Likewise one would be certain, having bought Siúcra sugar to put in one's tea, that it was Irish

[Senator Labhrás Ó Murchú.]

sugar. It is sourced in Germany. One has to be particularly careful when buying salmon. There is smoked Irish salmon and Irish smoked salmon, but the latter might be imported and processed in Ireland.

These are only three examples but if this is comprehensive and there are many other such examples, we can see immediately that the economy is being undermined and that people who genuinely want to help home industry and buy Irish-made goods are being misled. There is nothing illegal in that type of branding but we must make consumers aware it is happening. There is little point in exhorting people to buy Irish-made goods if that danger exists. I gave only three examples but I am sure there are many more. Producers in Ireland who have learned of this practice must feel very angry at present. We must protect our own and be certain that any product that goes on the shelves as Irish is Irish made.

**Senator Ciaran Cannon:** We had a very interesting debate yesterday on the fall-out from the recent extreme weather conditions which at its latter end developed into a debate about how we provide water in this country. This issue needs a debate on its own because it will not go away. Our national water supply system is creaking at the seams and this became obvious to us only when it met its first challenge in many years.

One might have some hope we could address this problem in a coherent manner if the Government were addressing it in a coherent way. Some of my colleagues suggested that rather than having 36 local authorities supplying water we need a degree of interconnectivity and a single authority that oversees the provision of water. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, seemed somewhat bemused at the proposal and said he could see no reason for the introduction of any new body. He was supported by Senator Ellis who described the suggestion as laughable and said the proposal was not a runner. We moved then to a point of considering the policy espoused by the Government's green energy enterprise programme, which was entirely contrary to this. It proposed setting up a single national water authority with overall responsibility for system planning, delivery and maintenance. That is what needs to be done. To clarify the Government's position we need a debate on the provision of a steady reliable water supply for all our people. I ask the Leader for such a debate in the near future so that the confusion may be cleared up.

**Senator Paschal Mooney:** I share the concerns of my friend and colleague, Senator Ó Murchú, regarding the branding of allegedly Irish-made goods. At a time when the economy is in such a tailspin and the focus is increasingly on the protection of jobs, this is a very serious issue. I ask the Leader to invite the Tánaiste and Minister for Enterprise, Trade and Employment or a Minister of State from that Department to the House so that we might hear the Government's view on the issue.

I suggest the problem lies within Europe. It exists because of the very powerful food lobby that operates with international cartels whose budget and turnover would be in excess of even the turnover of an Irish Government. They have a very powerful lobbying impact in the European Union and have resisted having clear labelling in the entire food industry, to the current detriment of this economy. As Senator Ó Murchú pointed out, it is shameful that goods which are projected as Irish are being sourced outside the country. However, this should not deflect in any way from the need for Irish people to be aware when they go shopping and to question whether Irish goods are available.

Some of the multinationals are lax in this regard. The matter was raised in the House on previous occasions but now it is because of overall concern and the need to protect jobs and, one hopes, to expand them, especially in respect of Irish-made goods. I ask the Leader for a

debate on this issue. I reiterate that the problem lies within the European Union, in its weakness and inability to take on the major food multinationals and increase and improve labelling for the benefit of the consumer.

**Senator David Norris:** I raise the treatment of issues such as the apparent fact that wives of certain Central Bank officials travelled with their husbands. I am bored to death by this unimaginative muckraking. It is about time a stop was put to it. I raised this issue over the years and was universally told that it was sour grapes on my part and that I was raising the matter because I did not have a wife and was never likely to have one. It was pointed out to me that this practice was part of the culture, that banks insisted on having a veto on a suitable or unsuitable wife, that its staff had to do this that and the other, and join golf clubs. It was all part of the PR or expense account and these people were ambassadors for Ireland. This was a universal view. Now, however, some people who put forward that view are, in a hypocritical, pious and po-faced manner, raining down criticism on those who were part of the culture to which I refer.

As already stated, I raised this matter in the past and received no support in respect of the arguments I put forward. In such circumstances, I decided to move on. The attacks currently taking place are ahistorical and hysterical in nature. Let us identify the problem, rectify it and then move on. I have deeply committed friends who live on the clippings of tin in order that they might work for the human rights of people across the globe. The universal comment they make when they return here is that they cannot believe the viciousness, small-mindedness, muck-raking, envy and begrudgery in which people in this country engage. I am not stating that everyone engages in this type of behaviour.

A new approach must be taken. We must rectify this problem and then move on and do something positive. We should not be attempting to demoralise everyone with stories of this nature which are only used to sell newspapers, make columnists popular etc. Let us stop boring the knickers off the public. We must get a move on, get ahead and find a new story. I do not want to hear any more stories regarding people's wives accompanying them on trips. What we should do is rectify the situation.

**Senators:** Hear, hear.

**Senator Cecilia Keaveney:** I am scared to state that I will never have a wife either. Perhaps I should be politically correct and use the term "spouse" in that regard.

On a serious note, the negotiations on the devolution of policing and justice powers and the resolution of all other outstanding issues in Northern Ireland have entered their tenth day. The people of the island of Ireland want these negotiations to reach a satisfactory conclusion. There will be a historic occurrence in the Oireachtas later today when the Minister for Education and Science and the Northern Ireland Minister for Education appear before the Joint Committee on the Implementation of the Good Friday Agreement to discuss particular issues.

I raise these matters in tandem because I wish to ask, in the context of marching and culture, if not understanding the perspective of those on the other side is a barrier to progress being made. Is that to which I refer preventing the people of Ulster, in particular, and the island of Ireland, in general, working in co-operation with each other? I ask that the report I compiled on the teaching of history in areas of recent conflict be the subject of a debate in the House. That report relates to trying to promote the image of the other and allowing people to consider situations from another perspective. The core value and focus of the Council of Europe at present is trying to encourage people to understand that there is another side to everything.

[Senator Cecilia Keaveney.]

We must find a mechanism which will allow people to find what might be termed the Riverdance answer, as it were, in respect of matters of culture. I refer to a situation where it would be possible to watch individuals playing Lambeg drums and bodhráns on the same stage and where it might be possible for people of both traditions to overcome the historical differences that exist between them. I ask the Leader to make time available for the debate to which I refer.

I wish to draw attention to the fact that Peadar Heffron, the Gaelic-speaking, Gaelic football-playing PSNI officer, has emerged from the coma into which he fell following the bomb attack on his car. Constable Heffron is eating on his own, is undergoing physiotherapy and is making progress. That is the sort of successful outcome we wish to see. Members want to be able to engage in debates on real people with real lives, real futures and real potential. We should not be ten days into negotiations on when matters in the North will finally be resolved. I expect that those negotiations will reach a conclusion but I ask that the process be speeded up. There is a need for a long-term plan to allow people North and South to get to know each other.

**Senator Paul Coghlan:** Given that previous speakers began their contributions on a lighter note, I wish to inquire if Dr. Jekyll took his potion last night. If he did do so, how did he manage the actions of Mr. Hyde thereafter?

**Senator Donie Cassidy:** That is a Kerryman's joke, I suppose.

**Senator Paul Coghlan:** On a serious note, we were promised a White Paper on local government by December 2008. What has happened to that White Paper? We discovered yesterday that at the meeting of the Fianna Fáil parliamentary party held on the evening before last, which, I am sure, some of those opposite attended, it was decided to establish a four-man ministerial committee to formulate Fianna Fáil policy, or was it Government policy, in respect of this matter, particularly in the context of regional authorities. As I understand it, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, and the Green Party believe in a top-down approach whereas Fianna Fáil believes in a bottom-up approach. Perhaps the Leader will enlighten us in that regard and indicate when progress in respect of the White Paper is expected to be made.

I also understand that the Department of the Environment, Heritage and Local Government spent €7.5 million — a tidy sum — on the procurement process relating to the incinerator at Ringsend. Will the Leader arrange for the Minister, Deputy Gormley, to return to the House at the earliest opportunity? It would be interesting to discover the latter's position, especially in the context of statements he has made and the cap that has been announced. As Senator Twomey indicated, contradictory signals are being sent out. I wish to ask what these signals indicate.

**Senator Niall Ó Brocháin:** The Green Party is obtaining great publicity as a result of comments made by Members on the other side of the House this morning, which is something I welcome.

I acknowledge the points that have been made in respect of water. I ask the Leader to assist in facilitating a debate on the issue of water. I wish to put the record straight of a number of points. I support arguments relating to the interconnectivity of water services across local authority areas. In my opinion, work must be done in respect of that matter. Members on all sides need to take action in this regard.

**Senator Maurice Cummins:** The Senator should make that point to the Minister for the Environment, Heritage and Local Government.

**Senator Niall Ó Brolcháin:** The Minister is well aware of it.

**Senator Fidelma Healy Eames:** He is not doing much about it.

**Senator Liam Twomey:** He is more aware of it——

**An Leas-Chathaoirleach:** Senator Ó Brolcháin, without interruption.

*(Interruptions).*

**Senator Niall Ó Brolcháin:** I welcome the new-found interest among Members on the opposite side in this matter.

**Senator Fidelma Healy Eames:** That is a disparaging remark.

**Senator Niall Ó Brolcháin:** It is an incredibly new-found interest.

**Senator Maurice Cummins:** The Minister was bemused last night.

**Senator Niall Ó Brolcháin:** Let us put the record straight.

**Senator Fidelma Healy Eames:** What is this about new-found interest?

**An Leas-Chathaoirleach:** Senator Ó Brolcháin, without interruption.

**Senator Niall Ó Brolcháin:** The Fine Gael Party in government decided to abolish water charges in 1996.

**Senator Maurice Cummins:** In recent times, the Minister continually appears to be bemused.

**An Leas-Chathaoirleach:** Senator Ó Brolcháin, without interruption.

**Senator Niall Ó Brolcháin:** I wish to know how the Members on the opposite side intend to fund all the wonderful things to which they refer. The leader of the Fine Gael party is absolutely unclear on that.

**Senator Liam Twomey:** On a point of order——

*(Interruptions).*

**Senator Niall Ó Brolcháin:** The Government has put in place record numbers of——

**An Leas-Chathaoirleach:** Senator Twomey wishes to raise a point of order.

**Senator Liam Twomey:** On a point of order, if the Senator can indicate what the Government is doing at present, we will outline what we intend to do in the future.

**An Leas-Chathaoirleach:** That is not a point of order.

**Senator Niall Ó Brolcháin:** Will Senator Twomey repeat his point of order?

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

**Senator Niall Ó Brolcháin:** Perhaps he could repeat his alleged point of order then.

*(Interruptions).*



**An Leas-Chathaoirleach:** Senator Ó Broilcháin should address his remarks through the Chair.

**Senator Liam Twomey:** I will repeat what I said. If the Senator can indicate what the Government is doing at present, we will outline what we intend to do in the future.

**An Leas-Chathaoirleach:** Senator Twomey should resume his seat.

**Senator Niall Ó Broilcháin:** This is an extremely important debate because water——

**An Leas-Chathaoirleach:** Does the Senator have a question for the Leader?

**Senator Niall Ó Broilcháin:** I do. I want time to be made available for a debate on this important matter.

I am delighted those opposite want to press ahead with local government reform.

**An Leas-Chathaoirleach:** The Senator should not be inviting comments from Members on the other side of the House. Does he have a question for the Leader?

**Senator Joe O'Toole:** What about the Government's policy?

**Senator Ciaran Cannon:** The Government should decide on its own policy and we can then debate the matter.

**An Leas-Chathaoirleach:** Senator Ó Broilcháin, without interruption.

**Senator Niall Ó Broilcháin:** This is a matter for Members on all sides.

**Senator Ciaran Cannon:** The Government should decide on its own policy and we will then discuss the matter.

**Senator Niall Ó Broilcháin:** In the context of local government reform, later this year people in Dublin will be able to vote for a directly elected mayor.

**Senator Paul Coghlan:** Will that be the case?

**Senator Niall Ó Broilcháin:** Local government reform will occur under this Administration.

**Senator Paul Coghlan:** Clarification is required.

**Senator Shane Ross:** In view of the fact that the issue of the Central Bank and Financial Services Authority of Ireland and junkets has arisen, I wish to make a statement. I have a vested interest in that I was the author of the story that appeared in the *Sunday Independent*. I should say that before saying anything else. The Central Bank of Ireland, perhaps above all institutions of the State, should be accountable for what it does with public money because it, above all institutions of the State, lectures us about what to do with public money. It lectures the Government and the people on a consistent — at least quarterly — basis. It makes a great virtue year after year of fiscal rectitude. That is its flag-waving slogan. For some reason which is difficult to understand, as Deputy Bruton said this morning on "Morning Ireland", the Central Bank of Ireland is particularly well protected because it is not subject to freedom of information — I do not know why that is the case. The information about its waste of public money on spouses over two years would not have emerged had it not been for an accident, in effect. It was outed because another organ of the State made a report and it issued some information which came up because it felt it had to in that situation. Had that not happened we would not have known what was happening in the Central Bank of Ireland.

This issue teaches us that there is a fortress on Dame Street which keeps secrets to itself and which is a model of hypocrisy in that it tells us how to behave and behaves in a totally different way itself. It is absolutely imperative that organisations of that sort are accountable and when they behave in a way that is hypocritical that they are exposed. That is important for the credibility of the Central Bank of Ireland. It is damaged——

**An Leas-Chathaoirleach:** Does the Senator have a question for the Leader?

**Senator Shane Ross:** Yes I have. It is damaged by the emergence of these issues, but it is rightly damaged. It is right that these things should emerge. In light of what has happened in recent days, I ask the Leader of the House for a debate, not only on the powers but also on the behaviour of the Central Bank of Ireland. These are the guys who were so close to the banks that they did not regulate them properly and yet they tell us how to behave ourselves. There is a serious issue here just as there was a serious issue with FÁS. One may say it is trivial because it is about flights and expenses that are small and it sells newspapers.

**Senator Paul Coghlan:** It is not trivial.

**An Leas-Chathaoirleach:** Does the Senator have a question for the Leader?

**Senator Shane Ross:** My final question for the Leader is as follows. In order to allow us to debate the matter perhaps we should even bring in and interview the new Governor of the Central Bank of Ireland, who is so accessible, to ask him——

**Senator Paul Coghlan:** Please God, he will clean it up.

**Senator Shane Ross:** ——what he intends to do about the blatant overspending in the Central Bank of Ireland.

**Senator Ivor Callely:** I listened with interest to the previous speaker. I agree with the need to investigate anything that would strike one to be improper. Equally we should recognise that there is a new Governor in the Central Bank of Ireland. The previous Governor is gone. The previous Governor did very good work on the macro issue when he was there and I have no doubt this micro issue should be investigated. However, we should be careful, as one of the previous other speakers said, not to give oxygen to this issue when there is a far bigger picture to be addressed. Perhaps we should wait for the pure facts to emerge and then perhaps marry them into what happens in the workplace. I believe this will pale into insignificance. That is my view; Senator Ross is entitled to his view. We should not give oxygen to something unless we have the clear facts and they are compared with what happens in the real world, for want of a better description.

I have consistently raised in this House the need to have a structured monthly or bi-monthly debate on the economy. I ask the Leader to indicate what progress has been made on the issue. I ask the Leader to investigate an issue that has been brought to my attention this morning.

*11 o'clock* People, who had been approved for and given a waiver from payment of waste charges when Fianna Fáil controlled Dublin City Council, have been informed this morning that the new council is imposing a €6 charge for their grey bin lift. We have this at a time when there is controversy between the Minister and the council over the expenditure of €125,000 on one report alone. I understand the council has sought hundreds of reports of this nature.

**An Leas-Chathaoirleach:** Does the Senator have a question for the Leader?

**Senator Ivor Callely:** This is a very serious issue for an old-age pensioner on a restricted income. I ask the Leader to investigate whether the issue that has been brought to my attention is correct and what steps can be taken to ensure that people on a restricted income and who have heretofore been recognised as people requiring a waiver will continue to enjoy the benefit of that.

**Senator Eugene Regan:** I mention an issue that has arisen in the Eamonn Lillis trial regarding the witness, Jean Treacy. The new Criminal Court complex facilitates the shielding of accused from the media, which is quite correct. For an accused it is prejudicial, humiliating and, as some judges in the Court of Criminal Appeal have indicated, can constitute contempt of court. For a condemned person it is a double penalty on top of imprisonment or other penalty he or she must serve. The issue that arises in this case is that of witnesses. It is normal for witnesses and the general public to enter the complex through the main entrance. In this case the witness was shielded from the media and there has been an outcry from the media. If a witness elects to be protected in this way one is entitled to such protection within the court complex. In this case Jean Treacy was a co-operative witness with the Garda. It is very important that anyone who elects to be shielded from the media in this way should be facilitated by the Garda in equal measure.

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

**Senator Eugene Regan:** We do not want this to serve as some inducement to a witness to be co-operative with the Garda and the prosecution services. I ask the Leader to refer the matter to the Minister for Justice, Equality and Law Reform in order that there would be a protocol — it should not be *ad hoc* — adopted to reflect this policy. I wonder whether in present circumstances the Garda and the prosecution service would facilitate witnesses who, for example, prove to be hostile witnesses.

I refer to the Minister, Deputy Gormley, and the independent report of the ESRI. The Minister has had a position on the Poolbeg incinerator. He made promises to the electorate of Dublin South-East that he would change policy in this regard. We now have an independent report on waste policy which affirms the approach that——

**An Leas-Chathaoirleach:** Does the Senator have a question for the Leader?

**Senator Eugene Regan:** Most definitely.

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

**Senator Eugene Regan:** The approach of the Minister is contradictory and will cost the taxpayer a considerable amount of money. We have commissioned an independent report and should respect its independence. What has emerged from the report is that there is no change in Government policy regarding waste disposal and the incinerator. Deputy Gormley is Minister for the Environment, Heritage and Local Government. He cannot second guess what has been done by Dublin City Council if he does not change Government policy. Senator Ross spoke about hypocrisy. This is the height of hypocrisy. I do not believe anyone is being fooled, particularly——

**An Leas-Chathaoirleach:** Does the Senator have a question for the Leader?

**Senator Eugene Regan:** ——the residents of Dublin South-East.

**An Leas-Chathaoirleach:** Does the Senator have a question for the Leader?

**Senator Eugene Regan:** Yes, I do. With water still being cut off in Dublin South-East——

**An Leas-Chathaoirleach:** Has the Senator a question for the Leader.

**Senator Eugene Regan:** ——the Minister, Deputy Gormley would be well advised to address that matter rather than the incinerator. That is my question for the Leader. I should be obliged if he would refer that to the Minister.

**Senator Diarmuid Wilson:** We had an excellent debate yesterday on an all-party motion tabled by Senators O'Toole and Norris on head shops. I compliment and thank everyone who contributed to that debate, which is a roll-over initiative. Will the Leader say when it is intended to resume this important debate? Perhaps he might be able to tell the House at the end of the Order of Business.

I join Senators McCarthy, Ross and others in calling for a debate on our financial institutions, not on how we have got to where we are but about how we are dealing with where we are. I ask the Leader, specifically, for a debate on the way financial institutions are dealing with people such as those mentioned by Senator McCarthy who were given money without being stress tested. I am referring to financial institutions not covered by the Government's recapitalisation scheme which include companies which give people credit cards, car loans etc. They are now ringing people at home and at work, not on a daily but on an hourly basis and they are e-mailing and writing to people on a weekly basis.

Even worse, if they ring somebody at work, which they do up to seven times a day, they identify who they are when asking for the person concerned. This is unacceptable and it should be highlighted here on a daily basis. I ask the Leader for a debate specifically in relation to financial institutions and the manner in which they go about collecting arrears. These moneys are quite rightly due to them, but I should like a debate specifically to address the manner in which they try to recoup their loans from people who have fallen into arrears through no fault of their own.

**Senator Feargal Quinn:** I had not intended to contribute until I heard Senator Regan referring to the new court buildings where the witness is able to enter the court without being seen. My attention was drawn to a letter in the paper the other day, which referred to the family of the deceased having to battle their way through cameras every day to get into the courtroom. If we are going to protect those who attend courts, I should much prefer more attention be given to those who are going through a traumatic period, such as the family of a deceased person.

On another point, with all the talk about water meters, what about energy meters, so that people may keep track of the energy they use? We have electricity meters, of course, but a new smart meter has been introduced in Italy, not just for electricity but all energy usage. It was announced this week that Spain is going to install 13 million such meters. Apparently, the effect of having meters such as these is that the user can see what he or she is using or saving and can estimate consumption. There is a saving of the order of 5% in the amounts of various energy being used in each home, apparently. It would be worth the Leader's while to draw this to the attention of the Minister responsible, because it would be a worthwhile initiative.

**Senator Camillus Glynn:** I strongly agree with Senator Labhrás Ó Murchú's remarks on the need to buy Irish products. This has been discussed at length in a number of forums over the last few years and must be closely looked at again, with remedial action taken where required.

As regards the debate on head shops referred to by Senator Wilson, I congratulate everyone concerned as well as the Leader for facilitating a second day debate on the issue. This is an

[Senator Camillus Glynn.]

indication of the true seriousness in which the House takes the whole area of head shops and their activities. It is very important and I look forward to contributing to the next day's debate and like Senator Wilson, I should like to know when it will take place.

Again, following on from what Senator Wilson said regarding the financial institutions, I have a flood of people coming into my office in Mullingar. Only yesterday, my secretary informed me about a woman who had come in to say she and her husband had taken out a loan with a building society. These are people on relatively humble incomes and the building society, with indecent haste, is instigating legal proceedings to repossess their home.

On a number of occasions last year I asked the Leader for a debate on the compilation of the electoral register. The present situation is an absolute disaster. Under successive Governments the system as it obtains has not worked. The Joint Committee on the Environment, Heritage and Local Government went to Belfast where we had discussions with the electoral office for Northern Ireland.

**An Leas-Chathaoirleach:** Has the Senator a question for the Leader?

**Senator Camillus Glynn:** I am asking when that debate will take place. Seemingly, what obtains there in relation to the methods employed to provide a register work far better than the system employed in this jurisdiction.

**Senator Jerry Buttimer:** The first item concerns the Central Bank story. While this is topical, it is just another example of extravagance and hypocrisy linked to the legacy and the policies of the Bertie Ahern-led Fianna-Fáil era of the past 12 years, with no accountability, respect or transparency. When is this to stop and when will Fianna Fáil and its pals learn that the people deserve to be treated fairly and with respect?

I ask the Leader and the Deputy Leader in his absence what is Government policy. Do we now have a Government *in absentia* and one *in situ* and two different Government positions? Yesterday Senator Cannon correctly exposed the faultline in the Government as regards the creation of a single national water authority. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, sat there, bemused, like a headless chicken. The Senators opposite agreed with him, yet the Minister for Enterprise, Trade and Employment, Deputy Coughlan, and the Minister for Communications, Energy and Natural Resources, Deputy Ryan, had signed an agreement, not covertly but in full glee and excitement, and looked forward to committing to this. What is Government policy? It is no wonder the country is in rag order, because we have a Government that does not know its policy.

In the month that has just passed the Minister, Deputy Gormley, has had a different policy as regards incineration, there is a different policy as regards the water authority, the Green Party and Fianna Fáil differ as regards the banking inquiry and —

*(Interruptions).*

**An Leas-Chathaoirleach:** Senator Buttimer, without interruption. Has he a question for the Leader?

**Senator Jerry Buttimer:** —as regards the weather crisis, the Minister, Deputy Gormley, and the Minister for Transport, Deputy Dempsey, differed, and then we had the mayor of Dublin question. Deputies Dempsey, Gormley and the Taoiseach all have different opinions.

**An Leas-Chathaoirleach:** Has the Senator a question for the Leader?

**Senator Jerry Buttimer:** I have——

*(Interruptions).*

**Senator Jerry Buttimer:** What is Government policy? How can the people have confidence in the Government when it does not know what it is doing?

**Senator James Carroll:** I want to reiterate what Senator Keaveney had to say as regards the North. This is day ten of the negotiations and so many issues are being tied up in one. It seems the 13 members of the DUP are holding up the transfer of the policing and justice powers in a manner that could threaten the viability of the North's institutions and undermine all the good work achieved over so many years. It would be a terrible situation, in the event.

This ties in somewhat with the question of culture. I should mention the great exposure to Protestant culture I experienced when I went north of the Border during the summer in relation to a pipe band competition, attended by more than 10,000 people. I am from a rural Catholic background and it was unbelievable that I did not know such an event took place. It is the type of event that could be internationally marketed and branded as a cross-community institution. We should be making an effort advertise it to people from all cultures. As Senator Keaveney said, items such as a bodhrán and the Lambeg drum seem to separate people when they should be used to bring them together.

I second Senator Wilson's remarks about the financial institutions and what they are doing to people. I opened my constituency office this week in Drogheda and people have already called to it. They have made the point that people are being harassed and, as Senator Wilson said, it is not only weekly but daily and even hourly. People are getting calls in the morning and afternoon, with the reason for the call and who is calling being identified. There are huge issues in this regard. There are sad cases throughout the country of small business people being driven to suicide owing to the pressure being put on them. I urge the Leader to arrange for this debate as soon as it can be accommodated. The actions of these financial institutions, after getting assistance from the State, constitute a double whammy when they affect small business people and communities. It is an important issue.

I also ask the Leader to arrange a debate on the buy Irish label mentioned by Senators Glynn, Ó Murchú and Mooney. It is a huge issue. Irish smoked salmon and smoked Irish salmon are two totally different products but people are not aware of this. There are two main beneficiaries of such labels. One is Irish jobs and countering misleading labelling for people who think they are buying Irish when they are not. The second reason is the health benefits it can bring to people. Members of the House have taken part in Operation Transformation and they are doing a great job. In the interests of the health and jobs aspects of this issue I urge the Leader to accommodate this debate.

**Senator Paul Bradford:** I agree with the speakers who have addressed the banking crisis, be it from the perspective of the Central Bank and its entertainment policy or, more pertinently, the home owners and small borrowers who are now becoming victims of the collection culture. I appreciate that where money is due or a debt is legal the banks have an entitlement to seek collection, but there must be an urgent debate and protocol to deal with the type of issues raised by Senators Wilson and Carroll. From a national perspective it is to be hoped we have the National Asset Management Agency, NAMA, solution to assist the banks, but we must put in place an equivalent type of NAMA structure for home owners.

Since the passage of the NAMA legislation and the budget and after getting over some difficult political hurdles, there appears to be a false sense of security on the Government side of the House that things are getting better. Sadly, that illusion will be swept away over the next

[Senator Paul Bradford.]

few months when interest rates will rise and more people will be faced with court orders and judgments relating to mortgage arrears. There is a need not just for a debate on the issue in this House but also for the Government to put in place something much greater than what the Green Party suggested last week. We do not seek some type of weak protocol but a structure to give real assistance to people. The House must debate this matter urgently.

Second, I support the comments of Senators Keaveney and Carroll about the current talks in Northern Ireland and, more importantly, looking towards the type of structures and engagement that must be put in place in the future. I was struck by the comments of Senator Keaveney in particular, given the political place from which she and her family come. She and all of us have matured in our views——

**An Leas-Chathaoirleach:** Has the Senator a question for the Leader?

**Senator Paul Bradford:** ——and recognise that in all conflicts there are at least two sides and that we must continue to reach out to each of them. My question to the Leader, to facilitate the Leas-Chathaoirleach——

**An Leas-Chathaoirleach:** Other Members wish to contribute.

**Senator Paul Bradford:** The Leader should arrange a debate as soon as possible on Northern Ireland. There have been ten, 12 or 15 days of talks now, but I have no doubt that the problem will be resolved. Such progress has been made since 1994 that there is no going back. For the future, however, we must examine culture, emblems, flags and sectarianism anew and re-engage with our friends and neighbours on the other side of the Border and they with us. This House can play a leading role in that regard.

**Senator John Hanafin:** Will the Leader arrange a debate on the current situation in the public sector as regards the go slow? I hope there will not be an escalation because, undoubtedly and to paraphrase Joyce, the good times are coming be they ever so far away. They might not be far away and, in the future, the unions will again sit down with the Government and say they participated fully in Ireland's recovery. It will be more difficult to say they participated fully if they resort to strikes. It is easy to make a decision when there is no choice and it was a necessity for the Government to take the action it took.

I also ask the Leader to arrange a debate on the EU direction that has correctly been given, and should have been given a long time ago, that the Central Bank take priority over the Financial Regulator. That this has not been done until now has led to many problems in our financial situation. It has finally been addressed and now the Central Bank, the paymaster, is really calling the tune. There should be one central body. This was a difficulty in the past because divided responsibility means that nobody takes responsibility.

Will the Leader arrange for an ongoing debate on jobs? Having dealt with the difficulties of regulating the banks, thus ensuring their stability, and regulating the economy and the public finances during the previous term, the House must now focus fully on jobs. In particular, I support the buy Irish campaign. We can do a great deal in this House, and we should be doing that work.

**Senator Paschal Donohoe:** I refer to Senator Callely's request for a report from the Leader on the removal of the bin charge waiver in Dublin City Council this month. I might be able to assist the Leader. There might be no need for a report to be supplied to Senator Callely because I can explain why the waiver is being removed. The reason is that the city council does not have the money to maintain the current waiver system. It is facing the same crisis confronting

every other local authority in the country, which is forcing councillors into making difficult decisions. The city council does not have the money for two reasons. The first is that it is forced to implement a waste management system by the Government, but the Government does not provide it with the money to cover the cost. The second reason is that the economy in Dublin has been ruined by this Government, to the extent that one in three young people in the area are unemployed — this is a point I mentioned in the House yesterday — and the rate base the local authority depends on is now nearly gone. It is owing to the Government's management of the economy and the way in which it manages local authorities that such decisions are being made and are having to be made. If Senator Calley or anybody else is wondering why the elderly are worried and fearful about what will happen to them in the future, they need not look to what is happening in local authorities for the cause of that fear but to the current Government.

**Senator John Carty:** I support Members in their call for a good debate on the banking situation. I will not talk now about the problems with which my constituents have approached me. I also seek a debate on the Common Agricultural Policy after 2013. Will the Leader invite the Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, to come to the House within the next two weeks? This is an important issue facing the farming community and Ireland and it is time to have a debate on it. The Minister should be invited to the House within the next two weeks.

**Senator Maria Corrigan:** I want to clarify a statement I made on the Order of Business yesterday. The level of MMR vaccination among the population is insufficient. The impact is that there are children who will contract measles, mumps and rubella. We are in the midst of an outbreak of measles and the consequences can be devastating for some children. Some will die and others will acquire an intellectual disability. Death and intellectual disability as a result of mumps, measles or rubella are completely unacceptable in this day and age, as they are completely avoidable. I appreciate that families had concerns on foot of some published studies which have now been discredited and withdrawn. I urge the HSE to enhance its campaign to ensure Ireland will once again achieve the level of MMR vaccination it requires.

The Joint Committee on the Constitutional Amendment on Children is completing its work. Will the Leader, when planning the schedule for this session, allow time for a debate on the committee's report which is due to be launched in the coming weeks?

Will the Leader make inquiries and tell us next week the date on which the capacity legislation will be before the House? We have spoken about standards and the inspectorate for people with intellectual disabilities but if we do not deal with the capacity legislation, we will be at nothing.

I support the comments made by Senator Wilson. I raised the subject in respect of the behaviour of banks when pursuing individuals for moneys that, as the Senator said, they are rightly owed. The words that come to mind are “bullying”, “harassment” and “intimidation”. We should not be behind the door in calling it for what it is.

**Senator Dominic Hannigan:** Several months ago we completed Second Stage of the legislation on the regulation of management companies. The last time I asked the Leader about the delay in proceeding further, he informed me it was due to difficulties with the legislation and that it was being held up by the Office of the Attorney General. What is the current position? Is the Leader expecting the House to proceed to Committee Stage soon and will he make a statement on the matter?

**Senator Donie Cassidy:** To what Bill is the Senator referring?



**Senator Dominic Hannigan:** I refer to the Property Services (Regulation) Bill 2009 and the management companies Bill.

**Senator Jim Walsh:** When is it proposed to have the Privacy Bill before the House? It was stuck in limbo following the passage of the Defamation Bill. There have been a number of high profile incidents recently that bring the question of entitlement to privacy into focus. At the very least, the Minister should be asked to attend the House.

I would like a ream of issues related to judges to be discussed. The Leas-Chathaoirleach obviously will not allow me time to discuss them today.

**An Leas-Chathaoirleach:** Not today, I am afraid.

**Senator Jim Walsh:** I ask for a debate on the matter.

**Senator Donie Cassidy:** Senators Twomey, O'Toole, McCarthy and Coghlan called for debates on various subjects. Senator Twomey called for a debate on the information he supplied to the House on prison sentencing. It is alarming, to say the least, that one third of prisoners are foreign nationals. I did not know this and will have no difficulty in arranging a debate on the issue in the presence of the Minister for Justice, Equality and Law Reform.

Senators Twomey, Coghlan and Regan called on the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to return to the House for a further debate on incineration. Senator O'Toole asked for a statement on Government policy, while Senator Coghlan referred to expenditure of €7.5 million on procurement. I will have no difficulty in allowing time for a debate on the matter in the House as soon as possible.

Senator O'Toole congratulated the Minister for Health and Children, Deputy Mary Harney, on the major savings achieved in the purchase of drugs in 2010. I join the Senator and all my colleagues in the House in congratulating the Minister who has been one of the strongest supporters of coming to Seanad Éireann. She was here yesterday for the debate on head shops. I congratulate her on her full support and the huge savings she has made. She is deserving of our congratulations.

Senators O'Toole, Cannon, Ó Broilcháin, Quinn and Buttimer called for a further debate on the serious challenge of meeting the cost of water provision and waste management. They have referred to the serious challenge we all face in achieving efficiency. Senator Quinn referred to the energy metering system proposed in Spain. The debate being called for will possibly last half a day and I will have no difficulty in allowing time for it in the very near future. The challenge faced by local authorities will have to be grappled with. The funding required will possibly have to be allocated over a period of five to seven years because it is enormous.

Senator McCarthy called for a debate on bank charges and outlined his serious concerns about Permanent TSB increasing its interest rate by half a percentage point. This is a huge burden on mortgage holders at this very difficult time. The European Central Bank is reviewing its rate today and I hope it will leave it at 1%.

The cost of funds, the amount being paid for deposits and everything to do with finance can be discussed in two weeks when the Finance Bill is before the House. The serious requests being made and the nature of everyone's economic difficulties are such that I will be very forthcoming in supporting the requests of the leaders when we are agreeing on the allocation of time for the Finance Bill. Thus, everyone may have an opportunity to discuss the serious challenges associated with making mortgage repayments.

Senators Norris, Ross, Callely, Wilson, Buttimer, Bradford and Carty called for a debate on the issues highlighted in the House regarding the Central Bank. I take on board the point made

that the problems should be rectified in order that we can move on, as Senator Norris said. This is Senator Ross's area of expertise and we must listen attentively to what he has to say thereon. The matter can be discussed during the debate on the Finance Bill or, if a special debate is requested, I can certainly allow time for it. However, as Senator Callely said, we should perhaps wait a little longer to learn all the facts about the issue.

Senator McCarthy called for a debate on social welfare entitlements, particularly those for farmers' wives. I listened attentively to what the Minister for Social and Family Affairs had to say yesterday in committee on this issue. With regard to certain areas, farmers' wives will certainly be able to obtain every entitlement available, but a small proportion are not covered and unable to avail of these entitlements. There could be fewer than 100 women affected. Perhaps we can examine this issue to determine what can be done. I will have no difficulty in having the Minister come to the House to discuss the issue in the near future.

Senators Ó Murchú, Mooney, Glynn and Carroll referred to the buying of Irish produce. Senator Ó Murchú correctly referred to the confusion caused in the three cases he outlined to the House. This was one of the issues raised in the report on the groceries order produced when, as a Deputy in the Dáil, I was Chairman of the Joint Committee on Enterprise and Small Business. It concerns the "guaranteed Irish" logo on everything manufactured and put up for sale on the island of Ireland. I listened to what Senator Mooney had to say on EU directives in this regard. If what he says is correct, then let us bring this case to the European Parliament. Our colleagues there can then insist that the "Guaranteed Irish" sign be displayed on such products. I understand that Enterprise Ireland feels strongly about this matter also. We were conscious of other products that were brought before the committee's review of the groceries order at that particular time.

Senators Keaveney, Carroll and Bradford referred to this being the tenth day of negotiations in Northern Ireland. The Joint Committee on the Implementation of the Good Friday Agreement is meeting today and I take this opportunity as Leader of the House to wish everyone well in their determination to achieve a final resolution. I congratulate all party leaders, including the Taoiseach and the British Prime Minister, for their magnificent efforts towards reaching a successful conclusion. I join with Senator Keaveney in greeting the good news that PSNI officer, Peadar Heffron, is returning to good health. We all wish him and his family well and will remember him in our prayers. We were concerned because at one stage the man was fighting for his life.

Senator Coghlan referred to the White Paper on electoral reform and asked about its publication date, which will be later this year.

Senators Callely and Donohoe sought a debate on the economy, as well as a waste charges waiver for senior citizens and medical card holders. Local authorities in Dublin are charging enough in business rates, which are at an all-time high. I do not know how they can justify it in these difficult times. If they are charging these high rates, surely old people with medical cards should be entitled to the waiver scheme for domestic waste collection. I will certainly make inquiries into this matter.

Senators Regan and Quinn mentioned the recent Lillis case and the protection of witnesses from the media, particularly those who are entitled to protection. As Senator Regan said, Ms Treacy was protected as a witness. As Senator Quinn remarked, the family of the deceased should also be protected. As regards the call for a protocol in this matter, I will pass on those strong views to the Minister.

Senators Wilson and Glynn referred to the continuing debate on head shops. I congratulate Senators on both sides of the House for their tremendous contribution to that debate yesterday.

**An Leas-Chathaoirleach:** We should not refer to witnesses in court cases. I ask the Senator to refrain from doing so.

**Senator Donie Cassidy:** I thought that myself when it was brought to my attention, but the Leas-Chathaoirleach did not make a ruling on it then. I fully accept his ruling in that regard, but I was responding to what was brought to my attention by Senator Regan. If I erred, I apologise.

As regards the head shops debate, I have no difficulty in arranging for it to continue within the next few weeks.

Senators Wilson, Glynn, Carroll, Bradford and Corrigan commented on the heavy-handed tactics that are now being brought to bear by financial institutions. If there is going to be a debate on the tactics being used at present by financial institutions, including putting people under pressure through harassment and bullying, perhaps it is time that we should name and shame these institutions, as well as the names of those who are carrying out their affairs in this way. They are ringing up employers indicating who they are and creating a huge amount of stress for people who are doing their level best. There is a time and a place for everything. We have all been to funerals of young people that we should not have had to attend. I would say that 98% of people, both here and abroad, did not see the recession coming. If debtors have a good track record, these matters should be taken into account. Hopefully, however, the days of the bully-boy are gone. Such tactics should cease. I call on all financial institutions who are using debt recovery agencies to desist from doing so in the interests of everyone on the island. Some 99% of those who borrow money are decent, hard-working people. They have a good track record and wish to repay their debts. The financial institutions will have to understand that this situation will not be accepted. I will allocate time in the next three to four weeks for such a debate so Members can avail of the opportunity to comment on these matters.

Senator Glynn called for a debate on compiling the electoral register. I have a date in mind for this matter and I will discuss its suitability with the Senator after the Order of Business.

Senator Buttimer referred to Government policy. The Finance Bill is being published today and no doubt the House will debate it in the next two to three weeks. I have no doubt the Senator will play a pivotal role on the Opposition benches, letting his views be known to the House and the general public. We are all waiting with bated breath.

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

**Senator Donie Cassidy:** Senator Carroll referred to the pipe bands competition attended by 10,000 in the North of Ireland, and support for culture across the island. As Senator O'Toole and others working in education know, there is a policy in the North of Ireland whereby every student is given an opportunity to play a musical instrument. We should also consider having such a policy down here.

**Senator Michael McCarthy:** Nero fiddles while Rome burns.

**Senator Donie Cassidy:** No.

**Senator Jerry Buttimer:** They are playing the flute now.

**Senator Donie Cassidy:** It is wonderful for community participation to have such an opportunity. Music is very uplifting and we go out in the evenings because we want to be entertained.

**Senator Jerry Buttimer:** Do we want Foster and Allen?

**Senator Donie Cassidy:** One would think there was a more serious form of entertainment in this House.

**Senator Joe O'Toole:** There is, according to *The Irish Times* today.

**Senator Donie Cassidy:** Be that as it may, it seems that only one or two individuals are masters at this class. I support Senator Carroll's innovative suggestion, which I will pass on to the Minister concerned.

Senator Hanafin called for a debate on the public sector, which is timely. We should have such a debate in the next three to four weeks. As the Finance Bill will be before the House in the next few weeks, we can discuss all such matters, including EU directives. I will arrange for time to be made available for that debate and I thank Senator Hanafin for his worthwhile suggestion. He also sought a debate on jobs and I have already given a commitment that such a discussion will take place. The Tánaiste and Minister for Enterprise, Trade and Employment attended the House two weeks ago for a debate which was well supported by Members. They will realise the serious challenges involved. I welcome the 70 new jobs the Tánaiste announced yesterday, which are a God-send at this difficult time.

Senator Carty sought a debate on the review of the Common Agricultural Policy. As he correctly pointed out, the CAP is the backbone of Irish agriculture. I will do everything I can to arrange for the Minister for Agriculture, Fisheries and Food to attend the House in the next few weeks for an all-afternoon debate on the CAP, including the challenges facing those engaged in agriculture. I thank the Senator for bringing this matter to the attention of the House.

Senator Corrigan again outlined her serious concerns regarding an outbreak of measles and the shortage of MMR vaccine supplies. Following the Order of Business, I will pass on the Senator's strong views to the Minister for Health and Children. The Senator also inquired about the work of the Joint Committee on the Constitution and asked when this House would have a debate on the forthcoming referendum. I will discuss that with the Senator after the Order of Business. I hope to have that debate before the Easter recess.

Regarding legislation due to come before the House and back to the House, Members got a list of forthcoming legislation from the Minister of State, Deputy Carey. I did not read it out or put it on the Order Paper but the Privacy Bill, which was inquired of me by Senator Jim Walsh, will come before the House in this session. Senator Hannigan inquired about the Companies Bill. I will update the House on the progress of that Bill next Tuesday. I always give top priority to any Bills cleared by Government that are due to come before the Seanad, with the full co-operation of all leaders and everyone concerned in the House. That policy remains in place and has stood us in good stead over many years.

Order of Business agreed to.

### **Petroleum (Exploration and Extraction) Safety Bill 2010: Committee Stage.**

**An Leas-Chathaoirleach:** I welcome the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan.

Sections 1 and 2 agreed to.

### SECTION 3.

Government amendment No. 1:

In page 3, to delete lines 27 and 28 and substitute the following:

“3.—The Act of 1999 is amended—

(a) in section 2(1) by inserting the following definition after the definition of “natural gas undertaking”:

“‘petroleum undertaking’ has the meaning given to it by section 13A(1);”,

(b) by inserting the following section after section 9K:

“9L.—In addition to the functions conferred on it by section 9, the Commission has the functions specified in Part IIA relating to petroleum safety.”,

(c) by inserting the following Part after Part II:”.

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The purpose of this amendment is to amend section 9 of the Electricity Regulation Act 1999 to insert a definition for “petroleum undertaking” and to highlight the expansion of the Commission for Energy Regulation’s existing functions to include the regulation of petroleum activities with respect to safety.

Amendment agreed to.

**An Leas-Chathaoirleach:** Amendments Nos. 2, 5, 8, 11, 18, 22, 30, 31, 35, 38, 40, 49 and 51 to 56, inclusive, are drafting amendments and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 2:

In page 5, line 27, to delete “Gas Act 1976” and substitute “Act of 1976”.

**Deputy Eamon Ryan:** These amendments were drafted on foot of consultation with the Parliamentary Counsel’s office. They do not represent a policy change regarding these sections but are proposed to clarify the provisions and take account of minor drafting and typographical errors.

Amendments Nos. 3 and 7 insert the term “plant” into the definition for “processing petroleum activity” to ensure the complete life cycle of designated activities is clearly set out.

Amendment No. 4 proposes to insert the definition of a safety case for the purposes of the Bill.

Do I address amendment No. 6 at the same time?

**An Leas-Chathaoirleach:** We are addressing all of them. There are 18 amendments in this group and they are all drafting amendments. The Minister can speak to them all.

**Deputy Eamon Ryan:** I will leave the ones I have already mentioned and will come back to amendment No. 6.

**An Leas-Chathaoirleach:** Amendment No. 6 is not one of the ones grouped.

Amendment agreed to.

**An Leas-Chathaoirleach:** Amendments Nos. 3 and 7 are related and may be discussed together. Is that agreed? Agreed.

**Senator Jim Walsh:** The Minister has already dealt with those amendments.

**An Leas-Chathaoirleach:** He has not.

**Senator Jim Walsh:** He discussed Nos. 3 and 7.

**Senator Michael McCarthy:** He may have but he should not have done so.

**An Leas-Chathaoirleach:** He may have, yes.

**Senator Jim Walsh:** But it was done.

**An Leas-Chathaoirleach:** We are on amendments Nos. 3 and 7.

**Deputy Eamon Ryan:** I think the Senator is right. I had made a comment on those amendments.

**An Leas-Chathaoirleach:** Even on amendment No. 7.

**Deputy Eamon Ryan:** Yes.

Government amendment No. 3:

In page 6, line 14, after “processing” to insert “plant or”.

Amendment agreed to.

Government amendment No. 4:

In page 6, to delete lines 35 and 36 and substitute the following:

” ‘safety case’ means a document describing the components of the safety management system relating to the designated petroleum activity concerned;”.

**Deputy Eamon Ryan:** Amendment No. 4 proposes to insert the definition of a safety case for the purpose of the Bill.

Amendment agreed to.

Government amendment No. 5:

In page 7, line 3, to delete “For the purposes of” and substitute “In”.

Amendment agreed to.

**Senator Michael McCarthy:** I move amendment No. 6:

In page 7, line 46, to delete “sub sea” and substitute “sub-sea”.

The Minister has commented on this amendment. It is a drafting amendment. There is no such word as “sub”. It is a prefix and therefore should be followed by a hyphen. I discovered this when reading through the Bill between 3 a.m. and 4 a.m. the other night. If this amendment were to be accepted, further amendments would be required to other references in the Bill.

**Deputy Eamon Ryan:** I was up later than the Senator and consulted my Concise Oxford Dictionary and on the basis of that examination I cannot propose to accept the amendment. I am sure the Senator will agree that terms in general use are usually hyphenated. This is a technical term not in general use which can be and is written in a number of formats.

**Senator Michael McCarthy:** Following that I will look forward to a good night’s sleep and worry no longer.

Amendment, by leave, withdrawn.

Government amendment No. 7:

In page 8, line 3, before “terminal,” to insert “plant or”.

Amendment agreed to.

Government amendment No. 8:

In page 8, lines 31 and 32, to delete all words from and including “the” in line 31 down to and including “2006” in line 32 and substitute “that Act”.

Amendment agreed to.

**Senator Michael McCarthy:** I move amendment No. 9:

In page 8, line 46, to delete “may,” and substitute the following:

“shall, where safety considerations render it appropriate,”.

This Bill is merely an enabling measure that leaves it entirely up to the commission to decide whether to designate any petroleum activity. The Bill should be mandatory where safety considerations make it appropriate to apply its provisions.

**Deputy Eamon Ryan:** I am happy to accept this amendment which strengthens the section in that it will ensure the commission is required in all instances to make regulations with respect to the designation of petroleum activities.

Amendment agreed to.

Government amendment No. 10:

In page 9, to delete lines 5 to 8 and substitute the following:

“(b) the type of petroleum infrastructure;”.

**Deputy Eamon Ryan:** This amendment was drafted on foot of consultations with the Parliamentary Counsel’s office. It does not represent a policy change in regard to the section but is proposed to ensure consistency of language.

Amendment agreed to.

Government amendment No. 11:

In page 9, line 11, to delete “and petroleum infrastructure”.

Amendment agreed to.

**An Leas-Chathaoirleach:** Amendments Nos. 12, 13, 20, 21, 33 and 34 are related and may be discussed together by agreement. Amendment No. 12 is an alternative to amendment No. 13. Amendment No. 20 is an alternative to No. 21 and amendment No. 33 is an alternative to No. 34. Is it agreed to discuss these amendments together? Agreed.

Government amendment No. 12:

In page 9, line 37, to delete “the Maritime Safety Directorate” and substitute “the Minister for Transport”.

**Deputy Eamon Ryan:** These amendments remove the reference to the non-statutory body, the Maritime Safety Directorate, and insert the correct reference to the Minister for Transport as consultee for the purposes of section 13(*d*), (*h*) and (*l*). I am proposing amendments Nos. 12, 20 and 33 and, accordingly, there is no need for amendments Nos. 13, 21 and 34.

**Senator Michael McCarthy:** As the Minister is aware, the Maritime Safety Directorate is a unit of the Department of Transport and has no existence in law. The Minister for Transport is the legal entity who should be referred to in the legislation.

**Deputy Eamon Ryan:** We agree that both amendments are the same.

Amendment agreed to.

**An Leas-Chathaoirleach:** Amendment No. 13 cannot be moved as amendment No. 12 has been agreed.

Amendment No. 13 not moved.

Government amendment No. 14:

In page 10, line 1, to delete “guilty of” and substitute “who commits”.

**Deputy Eamon Ryan:** This amendment was drafted on foot of consultations with the Parliamentary Counsel’s office. It does not represent a change of policy regarding the section but is proposed to ensure clarity of language.

Amendment agreed to.

**An Leas-Chathaoirleach:** Amendments Nos. 15, 16 and 19 are related and may be discussed together.

**Senator Michael McCarthy:** I move amendment No. 15:

In page 10, line 18, to delete “of the Commission” and substitute the following:

“to be achieved by the Commission in exercising its functions under this Part”.

It is incorrect to say the objective of the commission is set out in section 13G because it has other objectives set out in the 1999 Act. Instead, safety matters set out in section 13G are the objectives to be achieved by the commission under this Part.

**Deputy Eamon Ryan:** I am happy to accept these amendments which provide for greater clarity in the section.

Amendment agreed to.

**Senator Michael McCarthy:** I move amendment No. 16:

In page 10, line 26, after “functions” to insert “under this Part”.

Amendment agreed to.



Government amendment No. 17:

In page 10, line 27, after “the” to insert “designated”.

**Deputy Eamon Ryan:** This amendment has been introduced on the recommendation of the Parliamentary Counsel’s office. It does not represent a policy change but improves the language.

Amendment agreed to.

Government amendment No. 18:

In page 10, line 35, to delete “Part,” and substitute “Part, and”.

Amendment agreed to.

**Senator Michael McCarthy:** I move amendment No. 19:

In page 10, line 38, to delete “section,” and substitute “Part,”.

Amendment agreed to.

Government amendment No. 20:

In page 11, line 11, to delete “the Maritime Safety Directorate” and substitute “the Minister for Transport”.

Amendment agreed to.

Amendment No. 21 not moved.

Government amendment No. 22:

In page 11, line 38, to delete “Commission,” and substitute “Commission, and”.

Amendment agreed to.

**An Leas-Chathaoirleach:** Amendments Nos. 24 to 27, inclusive, are consequential on amendment No. 23. Amendment No. 28 is an alternative to amendment No. 27. Therefore, amendments Nos. 23 to 28, inclusive, may be discussed together.

Government amendment No. 23:

In page 13, to delete lines 1 to 6.

**Deputy Eamon Ryan:** Amendment No. 23 proposes to delete section 13J(1)(a). Amendment No. 29 which I propose to discuss separately, proposes a new drafting with respect to this provision. Amendments Nos. 24 and 26 reflect the consequential renumbering resulting from the deletion of section 13J(1)(a). Amendment No. 25 is drafted on foot of consultation with the Parliamentary Counsel’s office to take account of a minor drafting matter. Amendment No. 27 reflects the amended renumbering of amendment No. 23. I do not propose to accept amendment No. 28 as its intention is captured in that all ministerial directions will be required to be published in *Iris Oifigiúil*.

12 o'clock

Amendment agreed to.

Government amendment No. 24:

In page 13, to delete line 7 and substitute the following:

”(a) the measures to be taken arising from”.

Amendment agreed to.

Government amendment No. 25:

In page 13, line 10, to delete “incidents,” and substitute “incidents, and”.

Amendment agreed to.

Government amendment No. 26:

In page 13, to delete line 11 and substitute the following:

”(b) review or amendment of the safety”.

Amendment agreed to.

Government amendment No. 27:

In page 13, line 19, to delete “paragraphs (b) and (c)” and substitute “paragraphs (a) and (b)”.

Amendment agreed to.

Amendment No. 28 not moved.

Government amendment No. 29:

In page 13, between lines 21 and 22, to insert the following:

“(4) Where the safety framework referred to in section 13I has not been published within 8 months after the commencement of that section, the Minister may direct the Commission in writing to publish that safety framework no later than the date specified in the direction.”.

**Deputy Eamon Ryan:** The Bill provides for the implementation of certain provisions in a specified time after the coming into operation of this Part. Amendment No. 29 reflects the fact that not all sections in this Part will be simultaneously commenced and proposes to provide for the staggered commencement of provisions as required. Earlier I indicated that I agreed the Bill should require all ministerial directions under section 13J to be published in *Iris Oifigiúil*. I will bring forward an amendment on Report Stage to give effect to that principle concerning any ministerial direction given for the publication by the commission of the safety framework.

**Senator Paschal Donohoe:** On Second Stage there was much debate about the need for transparency, that the public should understand the way in which safety cases were evaluated and the criteria under which they were approved. Am I correct in understanding the safety framework creates the framework in which safety cases will be evaluated? If so, what are the circumstances which could lead to a delay in publication of the safety framework for eight months? Could it arise that safety cases might be evaluated inside a framework that might not be published and, therefore, not available to the public? Given that one of the objectives of the legislation is to improve transparency and confidence with regard to the way decisions are

[Senator Paschal Donohoe.]

made, would it not be better to halve the time in which a framework is evaluated, published and made available to the public?

**Senator Jim Walsh:** While I share some of the Senator's concerns, there is a need to be as prescriptive as possible in the safety framework. The more discretion we allow to overshoot deadlines and guidelines the greater the risk factor. All Members remember what happened at the Whiddy Island oil refinery in Bantry Bay in 1979. Senator Michael McCarthy may be too young to remember but he will certainly know about it.

**Senator Michael McCarthy:** I was only three years of age then.

**Senator Jim Walsh:** Given that the administration of the safety framework falls within a wider remit of the commission and is sectionalised, we need to ensure we have stringent timelines in place for people to react. I have concerns on which the Minister can reassure us. We will only find out if the system is not working when it fails. Unfortunately, the consequences at that stage could be horrendous. It is important, therefore, that all procedures and timelines are absolutely controlled in a disciplined way with few excuses allowed for people not to meet the standards and timelines.

**Senator Paschal Donohoe:** I agree with Senator Walsh. From my understanding of the safety framework, could we have a situation where a safety case would be evaluated against an unpublished framework because it might be inside the eight-month timeline?

**Deputy Eamon Ryan:** For a safety case evaluation to take place, the framework must be completed and in place in advance. It will take a certain amount of time to put a framework in place, primarily because there will need to be consultations with the various bodies and an examination of international technical aspects. There is a need for certain speed and urgency on the matter. Much work has been done in certain high profile cases, in which a series of international reports examined standards and set out safety issues. There is urgency attached to the Bill to put that framework in place quickly and to then allow safety case applications to be made within it.

**Senator Paschal Donohoe:** My point is not about whether they are in place but whether they are published. Could we end up with a situation where a safety case would be evaluated against an unpublished safety framework? On Second Stage the Minister stated one reason the legislation had been introduced was he wanted to put in place a framework within which the public could understand the way decisions were made. It would be a real mistake if the public or an interested body was to find itself in a place where a safety case was being evaluated and it asked to see the safety framework against which that case was being evaluated to be told that it had not been published yet and it was not available.

My question is not the need to have it in place. I understand that. My question is whether we can ensure such framework is published. As I look at this amendment and see the specific phase "has not been published within 8 months", I wonder whether we could inadvertently end up in that situation. Why do we not ensure that such framework is published so people can understand how a case is being evaluated?

**Deputy Eamon Ryan:** Section 13I(7) sets out that:

The Commission shall publish in the prescribed manner—

(a) a copy of the safety framework, and

(b) where the safety framework has been amended in accordance with subsection (5), a copy of the safety framework as amended.

I agree it does have to be published and be publicly available for people to understand the framework within which any safety case is made.

**Senator Paschal Donohoe:** Given the presence of that stating “The Commission shall publish...”, and that it does need to be published as he just stated, could the Minister state again why he feels the need to state to the commission if it has not done it within eight months?

**Deputy Eamon Ryan:** To express the importance of timeliness that we see in terms of getting this in place.

**Senator Paschal Donohoe:** What will happen if there is a case being evaluated inside that eight month period? Does the Minister see my point? Let us say the commission gets in place——

**Deputy Eamon Ryan:** That goes back to my other application that the safety case cannot be evaluated in advance of such a framework being completed.

**Senator Paschal Donohoe:** Fine.

Amendment agreed to.

Government amendment No. 30:

In page 13, line 28, to delete “reasonably practicable,” and substitute “is reasonably practicable,”.

Amendment agreed to.

Government amendment No. 31:

In page 13, line 34, after “as” where it secondly occurs to insert “is”.

Amendment agreed to.

**Senator Michael McCarthy:** On a point of order, it is my understanding that these are grouped with the first group of amendments and that because amendment No. 2 has been agreed, that these cannot be moved as a result.

**Acting Chairman (Senator Fiona O'Malley):** It is not that they cannot be moved. They have already been discussed and they are now being moved as they are itemised.

**Senator Michael McCarthy:** The previous ruling was that in cases where there were groups of amendments, subsequent amendments could not be moved because the principal ones were agreed. I may be incorrect.

**Acting Chairman:** We are about to come to one, amendment No. 33, which, if it is agreed, amendment No. 34 cannot be moved, where they are in conflict with each other. These are not in conflict with each other. Any of these amendments that have already been discussed are not negated by the fact that ones that have come previous to it have been agreed.

[Acting Chairman.]

We are about to approach one, in amendments Nos. 33 and 34, where what the Senator states is the case. If amendment No. 33 is agreed, amendment No. 34 cannot be agreed because they are alternatives to each other or they contradict one another.

**Senator Michael McCarthy:** Yes, but amendments Nos. 33 and 34 are the same. I do not wish to be pedantic.

**Acting Chairman:** We are in order. I thank Senator McCarthy for keeping me on my toes.

Government amendment No. 32:

In page 14, line 20, after “danger” to insert the following:

“arising from the carrying on of petroleum activities”.

**Deputy Eamon Ryan:** This amendment, which was also drafted on foot of consultation with the Parliamentary Counsel’s office, represents not a policy change but rather an improvement to the clarity of the provision.

Amendment agreed to.

Government amendment No. 33:

In page 14, line 36, to delete “the Maritime Safety Directorate” and substitute “the Minister for Transport”.

Amendment agreed to.

Amendment No. 34 not moved.

Government amendment No. 35:

In page 15, line 2, after “to” to insert “the”.

Amendment agreed to.

**Acting Chairman:** Amendments Nos. 36 and 37 are related and will be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 36:

In page 15, to delete lines 24 to 41 and substitute the following:

13M.—(1) A petroleum undertaking that—

(a) proposes to carry on a designated petroleum activity shall prepare a safety case and shall, at least 6 months or, such other lesser time as the Commission may specify, before it proposes to commence the activity, submit the safety case to the Commission for approval, or

(b) is carrying on an established petroleum activity shall prepare a safety case and shall submit it to the Commission for approval within 12 months of the publication in the prescribed manner of the guidelines relating to that activity.

**Deputy Eamon Ryan:** Amendment No. 36 deletes the definition of safety case from section 39, as amendment No. 4, which we have already discussed and agreed, proposed to insert this definition in the interpretation section.

On amendment No. 37, I agree with the principle underpinning the amendment, which is that the new safety regulatory framework should be transparent in its development and operation. The Bill requires the commission to engage in a wide and open process of public consultation when it is developing the safety framework and when developing the guidelines relating to the preparation of safety cases. In both processes the public will have access to the commission's proposals and will have the opportunity to provide their views and to influence the outcome of the process. I believe that to be important and appropriate.

The safety framework will set out the systems and procedures to be operated by the commission in designation and regulation of petroleum activities. The commission will then assess individual safety cases against the approved safety framework.

It is envisaged that the process of assessing individual safety cases will be an iterative process. That process may involve the commission requiring a petroleum undertaking to revise or add to its initial proposed safety case before the commission would be prepared to grant a safety permit. While that type of iterative process does not lend itself to a public consultation phase in the way that, for example, a planning process would, it provides an opportunity for the strengthening of the final safety case.

The approach being proposed is consistent with the approach followed by the Health and Safety Executive in the UK and by the National Offshore Petroleum Safety Authority in Australia. It is also the approach adopted by the Health and Safety Authority in Ireland in the submission of safety reports to the HSA under the Control of Major Accidents Hazards Involving Dangerous Substances Regulations.

I am conscious of the need to ensure public confidence in the new safety framework. Accordingly, with the aim of ensuring maximum transparency to the process, I propose to bring forward an amendment on Report Stage to establish a system to widen the scope of public access to information in respect of safety cases that have been approved and safety permits that have been issued.

**Senator Paschal Donohoe:** I welcome the latter point on which the Minister concluded because that is the subject of an amendment we will discuss later. It is extremely important that the public has access to material. Even if they are not at the stage in the process in which they will be participating, the earlier that material is made available to them, the better this system will work.

Amendment agreed to.

**Acting Chairman:** I ask Senator Donohoe to move amendment No. 37, but it has already been discussed with amendment No. 36.

**Senator Paschal Donohoe:** I move amendment No. 37:

In page 15, between lines 41 and 42, to insert the following:

“(c) A safety case prepared under paragraph (a) shall be publicly displayed for a period of not less than 6 weeks.

(d) A safety case prepared under paragraph (a) shall be open to consultations from the general public for a period of not less than 6 weeks.”.

In light of what the Minister has stated, I will have a look at what comes back from Report Stage.

Amendment, by leave, withdrawn.

Government amendment No. 38:

In page 15, line 46, to delete “subsection (1)”.

Amendment agreed to.

**Senator Paschal Donohoe:** I move amendment No. 39:

In page 16, lines 35 and 36, to delete all words from and including “(but” in line 35 down to and including “undertaking)” in line 36.

This amendment refers to the person who might be involved in carrying out the audit of adequacy of how safety will be put in place and how it will be managed. The legislation here is quite pointed in stating that the person who will carry out that audit may also be somebody who can be employed by the person who is putting in the safety case in the first place.

To my mind, there are two consequences of this. The first consequence is that there is a potential for conflict of interest. If the person who is involved in putting together the safety case is the same person who is working for the company which is looking to get the safety case in and approved, there definitely appears to be potential for conflict of interest.

Second, I am certain there will be somebody in the future who will have concerns about a safety case that has been put in who could find himself or herself in a situation where the person who is creating the safety case is working for the company which is looking for the licence in the first place, and they will be sitting around asking how can this person be trusted and how can they ensure the safety case being put in is not biased. If such a situation were to develop it would create the perception of a conflict of interest, even if a conflict of interest does not take place. Given that we seek to increase confidence in this system and this legislation is worthwhile in attempting to do so, why not simply get ourselves to a point where the person carrying out the audit for the safety case should not work for the company which seeks to have the safety case agreed?

**Deputy Eamon Ryan:** I listened to the Senator’s remarks but I do not propose to accept amendment No. 39. Section 13M(5) defines audit for the purposes of the obligation on petroleum undertakings with respect to their internal auditing responsibility only. It is set out for internal auditing responsibility. Consequently, there is no conflict for an internal auditor potentially being employed by a petroleum undertaking. However, the Bill provides for an ongoing system of inspection and auditing to be carried out independently by the Commission for Energy Regulation. I propose not to accept amendment No. 39 on that basis.

Amendment, by leave, withdrawn.

Government amendment No. 40:

In page 16, line 41, to delete “safety systems” and substitute “safety management system”.

Amendment agreed to.

Government amendment No. 41:

In page 17, line 1, after “audits” to insert the following:

“(whether within the meaning of section 13M(5) or otherwise)”.

**Deputy Eamon Ryan:** This is a technical drafting amendment the purpose of which is to clarify references to audit where the term can be applied to either the commission or the petroleum undertaking.

Amendment agreed to.

**Acting Chairman:** Amendments Nos. 42 to 44, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 42:

In page 17, line 21, to delete “Subject to subsection (4), where the” and substitute “Where the”.

**Deputy Eamon Ryan:** Sections 13N(4) and 13N(5) currently provide for certain circumstances where a petroleum undertaking might revise its safety case without the prior approval of the commission. The original intention was to provide a means by which, in exceptional circumstances, a petroleum undertaking could revise its safety case without prior approval from the commission with a view to meeting the obligations proposed by the Bill. On balance, it is considered better that any revision of a safety case would require the prior approval of the commission. Amendment No. 43 deletes these provisions to ensure all revisions to safety cases are subject to the approval of the commission. Amendments Nos. 42 and 44 are consequential, reflecting the changes to drafting required as a result of the deletion of sections 13N(4) and 13N(5).

Amendment agreed to.

Government amendment No. 43:

In page 17, to delete lines 30 to 42.

Amendment agreed to.

Government amendment No. 44:

In page 17, to delete line 43 and substitute the following:

“(4) A revised safety case shall be submitted to”.

Amendment agreed to.

Government amendment No. 45:

In page 19, to delete lines 1 and 2 and substitute the following:

“(e) relating to audits (whether within the meaning of section 13M(5) or otherwise) and reporting requirements, or

(f) in respect of safety performance requirements.”.

**Deputy Eamon Ryan:** This is similar to amendment No. 41 because it is a technical drafting amendment to provide clarity in terms of the audit reference. The term can be applied to either the commission or the petroleum undertaking.

Amendment agreed to.

**Acting Chairman:** Amendments Nos. 46 to 48, inclusive, are related and consequential and may be discussed together by agreement. Is that agreed? Agreed.



[Acting Chairman.]

Government amendment No. 46:

In page 20, line 27, after “13M,” to insert “or”.

**Deputy Eamon Ryan:** Amendment No. 48 proposes to delete section 13R(1)(c), which provides for circumstances under which a petroleum undertaking would notify the commission of a revised safety case under section 13N(5). Since amendment No. 43 has proposed the deletion of this provision, section 13R(1)(c) is now unnecessary. Amendments Nos. 46 and 47 are minor drafting amendments consequential on the deletion of section 13R(1)(c).

Amendment agreed to.

Government amendment No. 47:

In page 20, line 29, to delete “or”.

Amendment agreed to.

Government amendment No. 48:

In page 20, to delete lines 30 to 31.

Amendment agreed to.

Government amendment No. 49:

In page 22, line 16, after “person,” to insert “or”.

Amendment agreed to.

**Senator Michael McCarthy:** I move amendment No. 50:

In page 22, line 48, to delete “certificate” and substitute “warrant”.

The use of “warrant of appointment” of an authorised officer is a well-established and understood legal term. We see no rationale to replace it with the new concept of a “certificate of appointment” at this stage.

**Deputy Eamon Ryan:** I note Senator McCarthy has been up late at night again, but I do not propose to accept this amendment as the terms “certificate” and “warrant” are equally valid. There are no additional powers associated with either term. Following consultation with the Office of the Parliamentary Counsel, it suggested that the term “certificate” is a more current reference.

**Senator Michael McCarthy:** In view of my very obvious sleeping disorder, I withdraw the amendment.

Amendment, by leave, withdrawn.

Government amendment No. 51:

In page 23, line 10, to delete “the provisions of”.

Amendment agreed to.

Government amendment No. 52:

In page 26, line 6, after “produce,” to insert “or”.

Amendment agreed to.

Government amendment No. 53:

In page 28, line 2, after “plan,” to insert “or”.

Amendment agreed to.

Government amendment No. 54:

In page 28, line 6, to delete “carrying on its activities” and substitute “operating”.

Amendment agreed to.

Government amendment No. 55:

In page 28, line 47, after “which” to insert “the”.

Amendment agreed to.

Government amendment No. 56:

In page 30, line 43, to delete “which” and substitute “whom”.

Amendment agreed to.

Question proposed: “That section 3, as amended, stand part of the Bill.”

**Senator Jim Walsh:** My comment is to do with the long list of amendments to section 3. Normally, there are certain textual Government amendments made to a Bill, but it strikes me there is an inordinate number for section 3. Does this indicate any deficiencies within our drafting system, given that subsequent to the publication of the Bill so many textual amendments were proposed? Perhaps it does not but I would welcome some reassurance in respect of that point. I have never seen so many Government amendments to one section before. I appreciate it might signal a desire to have the Bill expedited and on the Statute Book. However, if concerns in this area were not picked up subsequent to publication, it could mean the legislation might encounter difficulty down the line.

**Acting Chairman:** Has the Minister any reassurance to offer?

**Deputy Eamon Ryan:** No. Our system works in terms of going through a given Bill. It is an iterative process, which is the benefit of being able to go into this House and the Dáil and come back again and make changes as appropriate. That is absolutely right. This section is really the whole Bill. I have always found the legislative process, whether through accepting Opposition or Government amendments, to be of real benefit. I stand by our Bill and the amendments put today.

Question put and agreed to.

Section 4 agreed to.

Title agreed to.

Bill reported with amendments.

**Acting Chairman:** When is it proposed to take Report Stage?

**Senator Jim Walsh:** Dé Mairt seo chugainn ar 3.30 p.m.

Report Stage ordered for Tuesday, 9 February 2010.

**Acting Chairman:** When is it proposed to sit again?

**Senator Jim Walsh:** I have not been told but I presume it is 2.30 p.m. next Tuesday.

### **Adjournment Matters.**

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### **Missing Persons.**

**Senator Maria Corrigan:** I am delighted to have the opportunity to raise this very important issue and thank the Minister of State for coming into the House respond.

In the past few years in excess of 500 children in the care of the HSE have gone missing. The children to whom I refer specifically are non-nationals or unaccompanied minors. In excess of 70 have been located and determined to be safe. However, in excess of 424 remain missing. These children entered the country unaccompanied and arrangements were made to have them placed in the care of the HSE. There is a belief many of them have sought out family members and left the care of the HSE of their own volition without giving notice or an indication that they were doing so. There are concerns that some of them may have been brought into the country for the purposes of exploitation, whether in the labour force or the sex trade. The reality is that this is all conjecture and that the evidence is anecdotal. We do not know what has happened to these 424 children.

I welcome the new national action plan and the agreement put in place between the HSE and the Department of Justice, Equality and Law Reform. It should work very well for any new child who goes missing. It is of the utmost importance that Ireland send a very clear message in regard to the 424 children who remain missing that we want to learn of their whereabouts and be assured that they are safe. That is an important message to send in order that Ireland will not be viewed as a soft target for child traffickers.

Given that the children in question are unaccompanied, they do not know anybody in this country. There is no one to go to the Garda Síochána or the HSE to ask what steps have been taken to find Johnny or Mary; there is no one to speak on their behalf. This is something of which I am very conscious. Will the Minister of State undertake as soon as possible a national campaign focused on these 424 children and provide a dedicated telephone line which members of the public with information on their safety and whereabouts could utilise?

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I welcome the opportunity to reply to this Adjournment matter. I believe the Senator is referring to the number of children entering the State who go missing immediately or from the care of the HSE. It is obviously a matter of great concern that unaccompanied minors or separated children go missing after they enter the State. However, separated children going missing from care is not a phenomenon unique to Ireland.

The HSE has developed a strong working relationship with the Garda National Immigration Bureau, GNIB, in regard to missing children. The issue of separated children who go missing from care is complex and at times its treatment has been over-simplified. There has been a tendency to equate all missing children with trafficking which, I hasten to add, is not what the

Senator has done. There may also be an issue of over-reporting. Some of the missing individuals are initially recorded as children on the basis of their referral to the out-of-hours social work service. However, the HSE advises that there is evidence to indicate that some of these individuals may be adults who disappeared before a comprehensive age assessment process could be undertaken by it.

It has been acknowledged by the operational social work service and also by other relevant statutory agencies that there are several factors that may contribute to the disappearance of a child from care. These include the following: the child's appeal for asylum has been refused and he or she is nearing 18 years and reacting to the pending threat of deportation; the person has been smuggled into the country to join the workforce on a consensual basis and is availing of the child protection service as a fast-track route into the State; or the child has been trafficked into the State by traffickers using the child protection service as an easy route.

The level of inter-agency co-operation between the HSE and the GNIB has been consistently high and was intensified in the face of the increase in the number of missing children who presented in late 2008 and early 2009. A joint national protocol on children who go missing from care has been agreed between the Garda and the HSE. Intensive meetings took place last year between HSE management, the GNIB and local gardaí to adapt the protocol in terms of its application to separated children who go missing. The following measures were agreed: collaborative interviewing at ports between social workers and gardaí; fingerprinting of persons presenting as under age at ports for tracking purposes; planned Garda surveillance of those at risk of going missing from the point of presentation at ports to the initial placement period in hostels; monitoring of the notification system of missing persons to local gardaí to be closely monitored by Garda inspectors; joint training of HSE staff and gardaí-GNIB staff in regard to children at high risk of going missing; and the sharing of photographic evidence between HSE and the Garda. These measures were implemented and existing processes improved throughout the first half of 2009. Links between local Garda stations in whose areas hostels were located and HSE-hostel staff were also strengthened. The GNIB mounted several surveillance operations with the collaboration of HSE staff and successfully tracked some children who went missing.

Of the 47 children who went missing from care in 2009, nine were successfully traced. The Garda is currently investigating adults involved with some of these cases. There was a decline in the number of children presenting and remaining missing in the last quarter of 2009. This is the result of intensive inter-agency efforts throughout that year. No children were reported missing in October-November, while one was reported missing in December and subsequently traced.

My office, HSE management and staff have been closely involved, in collaboration with the Department of Justice, Equality and Law Reform, in the development of the national action plan on anti-human trafficking. I am committed to ensuring we play an active part in combating trafficking as outlined in the plan.

The implementation plan for the 2009 report of the Commission to Inquire into Child Abuse contains a commitment that separated children will be accommodated in mainstream care, instead of hostels by December 2010. This move from hostel accommodation to residential and foster care should help to ensure fewer children will go missing. The HSE has begun the process of phasing out the hostel arrangements. Three hostels have been closed, while the remaining four will close this year.

I am satisfied that the efforts made by the HSE and the GNIB to address concerns regarding unaccompanied minors have proved effective. Both agencies are committed to intensifying their joint work in this area with a view to preventing children from going missing and locating those who do. I am encouraged that the Garda has made unaccompanied minors a policy

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priority for 2010. I advise anyone with information on missing children to contact the Garda missing persons bureau or his or her local Garda station.

**Senator Maria Corrigan:** I welcome the response of the Minister of State. In my opening comments I welcomed all the advances and the new steps which had been taken. However, I am still concerned that we still do not know for sure what has happened to each of the 424 children concerned. As long as even one child is missing, we need to satisfy ourselves that he or she is safe. I take the Minister of State's point that anybody with information should contact the Garda missing persons bureau. Perhaps there is a dedicated telephone number and publicising it may benefit everybody, as there are others who go missing.

The children in question are unaccompanied and do not have a specific advocate who is independent of the service to follow up on their behalf. I ask the Minister of State to give consideration to giving the Ombudsman for Children specific responsibility to advocate on behalf of missing children, with the names of children who go missing being notified to it. That office could then have responsibility for advocating, on a regular and consistent basis, with the HSE and the Department of Justice, Equality and Law Reform to track investigations to find missing children.

**Deputy Barry Andrews:** I again emphasize that this is a very serious issue and of major concern to me. It is caught up with other issues such as illegal immigration. Conflating it exclusively with trafficking is something we should not do. I agree a telephone number should be made more widely available, a point the Senator made in her opening comments.

In terms of advocacy, I have met representative groups such as the ISPCC, the Children's Rights Alliance and Barnardos which are advocating on behalf of this group. We have set up a working group to try to monitor the closure of the hostels to which I referred. I understand the Senator is referring to a statutory advocacy role for the Office of the Ombudsman for Children which was set up under statute and has specific functions. Therefore, expanding its role would require legislation but I am sure it would not hesitate to support the other groups to which I referred which are represented on the working group. It is a worry. In spite of the initiatives we have taken, there was a spike in the numbers in 2009. There are serious issues which have to be addressed and I hope the initiatives taken will bear fruit in due course.

### **Music in the Classroom.**

**Senator Cecilia Keaveney:** I thank the Cathaoirleach for allowing me to raise this Adjournment matter and the Minister of State for coming to address it. Given his background, he might recognise the value of music in the classroom. Unfortunately, the reality is that many do not realise the music in the classroom programme has more than the capacity to teach them to play an instrument leading to a particular qualification. Therefore, I wish to refer to what is happening at St. Agnes's national school in Crumlin under the great direction and leadership of Sr. Bernadette Sweeney. Joanna Crooks and others also volunteer and give of their time. In St. Ultan's national school in Cherry Orchard every child must learn how to play the violin. Everyone was told he or she had to learn how to play because it stopped one person from mocking another and that if everybody had to do so, everyone was equal. RTE made a series of programmes about the scheme, the last of which was shown this week. The president of the international creative arts society is an Irishman, Mr. Michael Burke, who brought a team to see the school in action. The goal is not to produce little musicians. Sr. Bernadette was unable to attend a conference in Malta recently because the orchestra which does not comprise hand-picked musicians but everyone in the school was playing for the President.

I am raising the issue because the community has seen the effects beyond the learning of music in terms of increased discipline, self-respect, self-confidence and the potential of children

to be more than they and their families would have expected. The programmes show the difficulties of discipline evident in any classroom in any part of the country gradually being addressed. One sees the project in action and the progress which has been made, as well as children leaving primary school for secondary school.

I understand the project is helping in the development of the community and that people such as old age pensioners and others not connected with the school are involved. It is an example which the Government should examine, through the Department, to evaluate what is being done. I am told the overall cost of the project is some €23,000. Trying to deal with discipline in the Department of bad children, as some of the predecessors of the Minister of State might have called it, is difficult. If one is able to intervene with a whole-school cost of €23,000 and yield the results which, anecdotally, seem to have been achieved in St. Agnes's school and in Cherry Orchard, we must try to embrace the great opportunity presented by creating a role model to be introduced throughout the country.

We should hold on as much as possible to the volunteering aspect of the programme and try to maximise the involvement of the Arts Council and other agencies. However, as a musician, I do not see why a musician should have to voluntarily provide services in a school. We often underestimate the value of musicians and artists. It is very important, therefore, that it is not taken for granted that a person can play an instrument and go and transform an entire school. Such projects should be centrally funded and supported, but the cost should not be inflated to an incredible figure.

I hope the answer to the matter I raise is that this is a good project, that it is recognised as such and that the Department will evaluate it in order that it can be rolled out to other parts of the country. It cannot be rolled out immediately to all parts because we do not have a sufficient number of musicians ready to walk into a classroom. We should work with IMRO and others to achieve the maximum from minimum resources.

**Deputy Barry Andrews:** I am taking this Adjournment matter on behalf of the Minister for Education and Science, Deputy Batt O'Keeffe.

I am very aware of the excellent work being done by the school in question using music as a key vehicle to promote inclusion and effective learning. I congratulate it on its work in this area. Music helps children to respond creatively, express feelings and interact with others, as well as inculcating an appreciation of beauty and art. It supports the development of communication, co-ordination, numeracy, creative skills, social skills, team work and leadership skills, as well as promoting a child's self-esteem and enjoyment of learning.

Music is a core part of the arts curriculum in all classes in primary schools and comprises listening and responding, performing and composing activities. Rather than providing subject-specific grants, the Department provides an overall capitation grant towards the running costs of schools. The school capitation grant can be used for the purchase of resources to support any aspect of the curriculum, including music. Substantial additional grants are paid on top of this under the DEIS action plan on social inclusion and under the school completion programme for a flexible menu of measures to address disadvantage.

Schools have discretion as to how best to spend these funds within a framework of guidelines set out by the Department. The guidelines provide that funding may be used on initiatives to support retention, support and engage parents and the wider community, in co-operation with the youth sector, to promote cross-curricular literacy initiatives, music, dance, drama, as well as social, sport and leisure activities which impact on children's learning. These measures are all important in encouraging parental involvement and motivating children to attend school and experience success in learning. The music education projects in these schools, which are in DEIS and the school completion programme, fall well within the parameters of what can be funded under those programmes. Other than those additional resources to schools designated

[Deputy Barry Andrews.]

as disadvantaged, the Department is not in a position at this time to provide additional funding to support orchestras in primary schools.

The Department supports music as a subject at both junior and senior cycle level and provides teachers for this purpose. In addition, an allocation of the equivalent of 93 whole-time teaching posts is allocated to a range of VECs to support music education. This takes the form of individual tuition in instrumental and vocal music education and provision of supports for choirs, orchestras and ensembles. Through this some 68,000 hours of music tuition are provided annually for pupils at varying ages, including those of primary school age. The Department is also funding two pilot programmes in Dublin City and Donegal VECs which are promoting music education partnerships along the lines recommended in the Music Network report.

Last year the Minister announced a major initiative to expand music education. A partnership between U2, Music Network, the International Fund for Ireland and the education sector will enable a series of music network partnerships to be established around the country on a phased basis to provide vocal and instrumental music tuition for young people. The initiative has been made possible by a donation of €5 million from U2, and a commitment from the Ireland funds to raise €2 million. These contributions will fund the initiative in the early years of development, with the intention that programmes will be continued into the future with Exchequer funding when the donations cease.

Music Network is managing the overall initiative and is currently recruiting a project manager for the scheme. When the administrative arrangements have been put in place it is intended that Music Network will invite proposals for the establishment of area based partnerships which will provide vocal, instrumental and orchestra tuition for young people. The aim of the initiative will be to expand such partnerships throughout the country on a gradual basis.

Managed by Music Network, proposals will be invited on the basis of competitive tender. Local interests which include, for example, one or more local VECs and-or local authorities, local private music schools, parents groups etc, will be invited to bid for a three year subsidy to provide for the costs of teachers and local administration. It is unlikely that individual schools will be funded, but rather that an area-based service would support tuition in a wide range of locations including schools. An expansion of music education partnerships by Music Network will be rolled out over the period 2010-13 and it is possible that schools may benefit from this in the longer term.

I thank the Senator for raising this important issue.

**Senator Cecilia Keaveney:** I thank the Minister of State for the comprehensive reply. However, it ignored the actual question, which asked for an appraisal of a particular school because funding is always geared and prioritised according to facts. If a formal appraisal were done of a real project, with real criteria and goals, we might then create a very strong case that this type of approach is better than another.

I appreciate the great work done by Music Network and the enormous amount of work that goes on around the country with the current budget. By background I am a musician and nobody pushes this more than I do. I reiterate my request for an appraisal of the specific project so we might use it as a benchmark and move further.

**Deputy Barry Andrews:** I undertake to bring the matter to the attention of the senior Minister, Deputy O'Keefe. I am sure an appraisal formed part of the setting up of the partnerships and the music networks. Nevertheless, the Senator makes fair points and I shall inform the Minister of them.

The Seanad adjourned at 12.55 p.m. until 2.30 p.m. on Tuesday, 9 February 2010.