



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

# SEANAD ÉIREANN

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

*Thursday, 3 June 2010.*

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# SEANAD ÉIREANN

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*Déardaoín, 3 Meitheamh 2010.*  
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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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## **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Paschal Donohue that, on the motion for the Adjournment of the House today, he propose to raise the following matter:

The need for the Minister for Enterprise, Trade and Innovation to consider the appointment of a chief technology officer for the Government to improve the use of information technology across public services and provide focused support for the development of an innovation economy.

I have also received notice from Senator Joe O'Reilly of the following matter:

The need for the Minister for Enterprise, Trade and Innovation to clarify whether an application under the EU Globalisation Fund has been or is to be submitted by the Government to the European Commission, with particular reference to the haemorrhaging of jobs in the BMW area, County Cavan specifically.

I have also received notice from Senator John Paul Phelan of the following matter:

The need for the Minister for Health and Children to clarify the situation regarding the temporary closure of 20 beds in Lourdes Orthopaedic Hospital, Kilcreen, County Kilkenny, effective for six months from 1 July, necessitating the redeployment of some 15.5 nursing, ancillary and administration staff, given that it is the regional orthopaedics facility in the south east.

I have also received notice from Senator John Ellis of the following matter:

The need for the Minister for Health and Children to clarify the reason for the delay by the HSE in progressing the care unit in Ballinamore, County Leitrim.

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

The need for the Minister for Transport to clarify the plans, if any, he has to regulate or licence under the Maritime Safety Act 2005 the use of jet-skis, especially for the category of those under 18 years.

[An Cathaoirleach.]

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Donohoe, O' Reilly and John Paul Phelan and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

### Order of Business

**Senator Dan Boyle:** The Order of Business is No. 1, Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010 [*Seanad Bill amended by the Dáil*] — Report Stage, to be taken at the conclusion of the Order of Business; and No. 2, Property Services (Regulation) Bill 2009 — Report Stage, to be taken at the conclusion of No. 1.

**An Cathaoirleach:** Do I hear phones ringing in the Chamber this morning?

**Senator Jerry Buttimer:** It is Kilcrohane calling.

**Senator Frances Fitzgerald:** On each occasion this week when I have spoken in the House about recent events I have delivered a very clear and consistent message to the Leader and the Cathaoirleach on the need to address the issues raised in a public and transparent way. Senator Callely's party leader, the Taoiseach, has also said a full statement should be made to this House. Certain Green Party Senators — Senator Dearey and Senator Boyle — have been speaking this morning and they have also sought such information. We are all aware that damage is being done to politics, which has to stop. The reputation of the work we do here is at stake, as is the work of the Oireachtas. That is why I sought the making of a comprehensive statement in the House. A statement was made yesterday, but it is agreed by all sides that it was not comprehensive. The question is: what does the Taoiseach intend to do regarding the lack of information supplied to the House yesterday? I propose an amendment to the Order of Business that there be a full statement from Senator Callely today — before the matter is referred to a committee — outlining his circumstances. We should give him that opportunity.

**Senator Niall Ó Brolcháin:** On a point of order, can that be done? Can the House compel him to do so?

**Senator Frances Fitzgerald:** It is up to the Cathaoirleach to decide. I propose an amendment to the Order of Business that Senator Callely be given the opportunity to make a full statement in the House today on matters which have arisen recently. This is an important issue, about which there is significant public concern. It is important that it be dealt with by way of a full statement. The Taoiseach has indicated that he wants a full statement to be made to this House. Senator Ó Brolcháin said the same this morning. Therefore, he will have an opportunity to vote on the issue to ensure this statement is made today. It is important for the reputation of politics and this House that such an opportunity is afforded by the House, given that the statement made yesterday was not deemed to be comprehensive and did not answer the questions raised.

**Senator Rónán Mullen:** It is appropriate for the House to express our sympathy to the relatives and loved ones of all those killed in Cumbria yesterday. It was a horrifying turn of events.

I take a slightly different tack from Senator Fitzgerald on the expenses issue, but I am concerned about the confusion that seems to be descending all over the place. Perhaps next week the Cathaoirleach might make a statement and set out for the House the legislative and administrative mechanisms that apply to consideration of this matter. It comes down to two things: first, who will make findings and what findings are possible and, second, what are the

possible consequences? There is a complete lack of clarity. If the matter is to be put before the Committee on Members' Interests, as may be provided for under the ethics in public office legislation, we should maintain our concern for due process. Does an issue arise if some members of the committee have already commented on aspects of the issue, even if they have not commented on the substance of what has appeared in the media? Everybody is entitled to due process. There is a danger that people will be caught in their desire to vent or communicate on this issue and in doing so we may undermine our ability to examine it properly. There is a need for transparency. It would be useful, therefore, if next week the Cathaoirleach outlined for us and the public the procedure to be followed under current legislation and the timeline.

On the Taoiseach's desire that a statement be made to the Cathaoirleach, we do not even know what the Cathaoirleach's position is, whether he would like such a statement to be made. It seems it is just a political aspiration and I do not know where it fits in in the proper handling of the issue.

On another matter, I regret that the Israeli ambassador will not now appear before the Joint Committee on Foreign Affairs. An issue of tremendous importance has arisen in recent days, on which Israel needs to communicate its position often. There is a need for dialogue in preference to confrontation. I hope we all agree that the Hamas regime is an ugly one. We can all agree that Israel has a right to ensure missiles and other weapons will not enter Gaza. We should all agree that a blockade should never be used to humiliate a people or in seeking to get them to turn on their leaders. That hits the vulnerable, the old and the young. The UNRWA and the excellent Mr. John Ging are the ones who should be trusted with supervising what reaches Gaza by way of humanitarian relief and what should be excluded. These are all issues which could have been discussed at the Joint Committee on Foreign Affairs. It would be better if the Israeli ambassador were present.

I have asked on numerous occasions for a debate on the issue of human trafficking. I have also called for the criminalisation of the user in prostitution. If anyone doubts the wisdom of this proposal, he or she should watch the film, "Trafficked", at the recent premiere of which Deputy Coveney and I represented the Oireachtas. It is a compelling film, directed by Mr. Ciaran O'Connor, on the plight of a young woman trafficked into Ireland to work in the sex industry. It gives the lie to notions that people enter prostitution freely and that it can be a legitimate choice to avail of persons involved in prostitution when many of them are forcibly brought into the country. It should not be a defence for people to say they did not know a person was a victim of trafficking. The way to deal with the matter is to criminalise the user, as has been done in Sweden. I, therefore, ask for a debate on the issue. I ask the female Members of the House, in particular, to take an interest in it because women make up the great majority of victims of the cruel and evil sex industry.

**Senator Cecilia Keaveney:** It is men who need to be interested.

**Senator Rónán Mullen:** We certainly need to touch the conscience of male Members also——

*(Interruptions).*

**Senator Rónán Mullen:** ——but women in politics can be especially vocal and credible on the issue. There is no reason we cannot make progress on it, if people are willing to face up to the harsh and unpleasant facts of what is happening in the sex industry.

**An Cathaoirleach:** I wish to clarify the position on the proposal made by Senator Fitzgerald. It does not require an amendment to the Order of Business. A statement may be made by

[An Cathaoirleach.]

Senator Callely with the permission of the Chair, as was the case yesterday. Therefore, I am not accepting the proposal.

**Senator Frances Fitzgerald:** Does the Cathaoirleach mean to say he is not accepting the amendment?

**An Cathaoirleach:** Yes. It does not require an amendment.

**Senator Frances Fitzgerald:** I proposed the amendment to give the House an opportunity to express its wish on the matter. It is to give Members an opportunity to state their views on the statement.

**An Cathaoirleach:** I am ruling on the matter. I call Senator White.

**Senator Alex White:** There is an emerging crisis in the funding of higher education. Given its seriousness, I ask the Deputy Leader to arrange a debate on the matter urgently. I ask him to explain, if he can — I do not see how he can — how it is possible to reconcile very deep cuts in the funding of the third level sector which have now been signalled to take place this autumn and the constant refrain about creating a knowledge economy or the smart economy of which Ministers and the Taoiseach make great play from time to time when pressed about their strategy for the future of the economy. It is absolutely extraordinary. The two principles are entirely irreconcilable, unless the Deputy Leader can help us out on how the Government seriously thinks we can pursue the creation of a knowledge economy, that the economy can be expanded and that we can have third level institutions at the heart or in crucible of growth in the economy, on which we are often lectured from the Government side. How is that possibly going to occur when the Government's only policy option on third level education is to cut, cut, cut? The heads of the universities, and others, have pointed out the serious implications that will arise from those cuts, including the possibility that departments and entire subject areas will have to be closed. It will certainly lead to a serious undermining of any prospects that universities and other third level institutions have of participating in future economic growth and in society generally.

**Senator Cecilia Keaveney:** I wish to raise the head-shops issue with the Deputy Leader. We have had many debates here on this subject and regulations were subsequently introduced to ban psychotropic substances. According to a programme I heard yesterday, other substances are now being sold as bath salts, but they are considerably more dangerous to people's health than those sold previously. I am seeking advice on who pays for these evaluations. Many useful medicines must go through the Irish Medicines Board before they can be sold to the public. They would be advantageous to public health, yet they must undergo rigorous scrutiny and research before getting anywhere near a pharmacy. According to yesterday's programme, however, taxpayers are paying many thousands of euro per item sold in head-shops to ascertain whether they are psychotropic or otherwise dangerous. It seems unusual that we are paying through the nose for something that will kill us, whereas we cannot get healing products certified quickly for public sale. We must address this important issue.

We are told the most recent substance has been kept off the market deliberately so it can replace the initial wave of banned substances. It will be the next offensive in the war to get people involved in taking these awful substances. We must deal with them head on. I want clarity not only on who is paying for the research involved, but also on the recent legislation against head shops. We were told that anything potentially dangerous would immediately be banned, as opposed to waiting for two or three months.

As regards Senator Mullen's comments, it is great for women to get involved in women's issues. The issue of trafficking women for sexual exploitation will gain more traction when all members of each House take it as a serious issue.

**Senator Paddy Burke:** I wish to ask the Deputy Leader, Senator Dan Boyle, who is probably the person closest to the Minister for the Environment, Heritage and Local Government, about dealing with planning regulations and guidelines on one-off rural housing. It affects some areas more than others, particularly with regard to the T90 and septic tanks. This is hitting Leitrim in particular but it will affect other rural areas also. I ask the Deputy Leader to arrange for the Minister to attend the House to see if we can find a way forward. There are two aspects to this. One concerns malfunctioning septic tanks, and the other concerns the proposed planning rules for septic tank treatment units for one-off rural houses. This matter requires a detailed debate, so I hope the Minister will agree to attend the House. I ask the Deputy Leader to arrange for such a debate as soon as possible to discuss this issue, which will have a serious effect on one-off rural houses. We must find a way to deal with ineffective septic tanks in order to preserve water quality throughout the country.

**Senator Niall Ó Brolcháin:** I am seeking a debate on the integrity of our high streets and small businesses in the community. This is a serious problem in many towns and cities around the country. According to a recent report, there are 90 vacant retail premises in Galway city. That may not sound like much to people in Dublin, but it has a huge impact in Galway. There is a danger that Galway and other cities are becoming less attractive places in which to locate as a result of the number of vacant premises. Many businesses are close to being viable but must close due to small cash flow problems. In the current financial crisis they cannot obtain finance from banks. Rather than throwing hundreds of millions of euro at IDA investments, we should examine the integrity of small businesses, which are the economic backbone of our society. We do not have enough debates on small businesses in this Chamber. Since becoming a Member of the House I do not think we have had specific debates on that particular subject. I hope, therefore, the Deputy Leader will allow us to have such a debate.

**Senator Shane Ross:** I am always delighted to see the Deputy Leader of the House taking the Order of Business because he has such sympathy with the views expressed on this side of the House.

**Senator Paul Coghlan:** He is more understanding.

**An Cathaoirleach:** The Senator should put a question, please.

**Senator Jerry Buttimer:** Senator Ross should think of the power he would have in Government.

**Senator Frances Fitzgerald:** Will it translate into a vote? That is the question.

**An Cathaoirleach:** No interruptions, please.

**Senator Shane Ross:** I wish to address the issue of quangos, which I know is dear to his heart. I would be grateful for his response. Indeed, Senator Boyle introduced a Bill on quangos in the other House, but voted against it in this House. That is a fair achievement in terms of acrobatics, but it is certainly something with which we can sympathise.

I am seeking a debate on Anglo Irish Bank. That bank is now like any other State body and is not subject to any kind of parliamentary scrutiny. In the past week, rather sensational and important matters have arisen in this House. They include the issue concerning Senator Callely

[Senator Shane Ross.]

and events in the Middle East. At least one important matter has been missed, however, that is, that two highly significant appointments were made to Anglo Irish Bank, which were not commented upon in this House because the House adjourned following the death of a sitting Member.

**Senator Paul Coghlan:** There were three.

**Senator Shane Ross:** It seems these appointments were absolutely disgraceful. One, Mr. Aidan Eames, was a Fianna Fáil fund-raiser who was the election agent for a parliamentary candidate here on two occasions. He was also the national youth officer for Fianna Fáil in his day. The other was an insider from the banks themselves, Mr. Gary Kennedy.

**An Cathaoirleach:** The Senator should not identify the names of people who were appointed.

**Senator Shane Ross:** It is all in the public arena. These are State appointments and if I cannot identify the issues, where will accountability lie? That is exactly the point I am trying to make.

**Senator Paul Coghlan:** It is supposed to be a public interest appointment.

**Senator Shane Ross:** It is absurd if I cannot identify the people who were named by the Government. If the appointment of Mr. Kennedy, who is an insider — he was with AIB at the time that the frenzy of property development was getting out of hand — cannot be examined by this House, who can examine it? If the appointment of Mr. Eames, who was appointed to this House by Mr. Haughey in years gone by, cannot be examined, I do not know where we are going.

**An Cathaoirleach:** The Senator has gone way over his time.

**Senator Shane Ross:** Anglo Irish Bank is now in State ownership. The appointments to the bank's board must be examined by this House.

**Senator Camillus Glynn:** I agree with Senator Keaveney's remarks on the products that are now being sold in head-shops. I do not know what the legislative position is, but anybody who sells any substance — legally or otherwise — which provokes an adverse reaction, should be held accountable. It is time we had another debate on this issue. There have been some improvements as about 60% of head shops have closed, but I want to see all of them closed.

On another matter, today is a beautiful day and there is an old saying in Ireland, "do not bid the devil good morning until you meet him". We met the devil last November when the floods came. Many people in this House could tell one that the towns they represent are flooded every year. I refer to towns like Athlone, Ballinasloe, Bandon, Skibbereen, Clonakilty, Cork, Fermoy and Carlow, to mention a few. Now is the time to take action to ensure that last year's floods, in which people suffered terribly, will not be repeated. It is time for something to be done about this problem. Appropriate action was taken to resolve the problems in Mallow. I ask the Government to address this issue now in so far as it is possible, for humanitarian reasons if nothing else. I accept that we are in tight financial times, but we have to be prepared, to use the old scouts motto.

**Senator Maurice Cummins:** May I ask the Deputy Leader if it is intended that the House will meet next week? There has been a suggestion that it will not meet next week. That would be an absolute disgrace, particularly when the other House is meeting. Such a body blow would undermine this House. I hope the Deputy Leader will clarify this important matter.

Phase 1 of the western rail corridor has exceeded all expectations. The railway line is on course to carry over 400,000 passengers this year. We are all in favour of the next phase of the project, when the line will be extended from Athenry to Tuam and on to Claremorris. I would like to know if the Deputy Leader can give us a timescale for that. People want a timescale. When is it starting? When will the following phase, as far as Sligo, be proceeded with?

This week saw one of the biggest movements by rail of Irish exports in quite some time. The goods in question were brought from Ballina to Waterford Port. At the moment, such freight needs to go from Ballina to Dublin and on to Waterford but when the western rail corridor has been completed, it will be possible for it to go from Ballina to Limerick and on to Waterford and Rosslare, if necessary. The railway line from Rosslare to Waterford is under threat from CIE, which is talking about closing it in July. One of the main aims of the Green Party should be to take freight from the road and put it onto the railways. It is an absolute disgrace that CIE is talking about closing the Waterford to Rosslare railway line at a time when we are trying to expand rail freight, which is a necessity in this country.

**Senator David Norris:** Hear, hear.

**Senator Maurice Cummins:** We should not close off the western railway link between Rosslare and Sligo, and even beyond.

**Senator Nicky McFadden:** What about the green agenda?

**Senator Maurice Cummins:** The line should be used to open up the whole area to tourism etc. The Minister should tell CIE that the line must be kept open.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Maurice Cummins:** If we are opening railway lines in the west, surely we should be in a position to maintain the existing line between Rosslare and Waterford. It is in everyone's interests, from an economic and a tourism point of view.

**Senator Labhrás Ó Murchú:** From the first day I came into the Seanad, other Senators and I have endeavoured to provide advocacy on behalf of people who suffer abuses of human rights. Where possible, I have endeavoured to give a voice to those who have no voice, particularly prisoners of conscience. I have always believed we should tread warily on the individual conscience. After all, conscience is what distinguishes us as human beings. We must all answer at the bar of our own conscience, rather than somebody else's conscience. Therefore, it is an uncomfortable prospect for me that at some future date, as a result of legislation in which I have acquiesced, I may have to speak in this House on behalf of Irish prisoners of conscience. The Civil Partnership Bill 2009 provides that a person can lose his or her job or be imprisoned, and that churches and other bodies can have their property commandeered. I do not think that is right in a country that has upheld traditional values down through the centuries, often in the face of oppression and misrepresentation. I do not think it is right that people who in good conscience believe they are upholding the same values should be subject to such a penal code. Many people in Ireland will see this as an echo of the dreaded penal laws. It cannot be correct.

**Senator David Norris:** Does Senator Ó Murchú also support discrimination against black people and Jews?

### **Visit of Northern Ireland Delegation**

**An Cathaoirleach:** Before I call the next speaker, I am sure Members of the House will wish to join me in welcoming Rev. Dr. Ian Paisley and Baroness Eileen Paisley to the House. On

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my own behalf and on behalf of my colleagues in Seanad Éireann, I extend a very warm welcome to them.

### **Order of Business (Resumed)**

**Senator Paschal Donohoe:** I would like to respond to the point made by Senator Ó Murchú. I understand that everyone should act in accordance with his or her own conscience and agree that the matter should be debated. The law we are talking about is not a penal one. It seeks to give a degree of recognition to people's sexuality and love for each other, over which they have no control and in which they have no choice. If we are to move forward in this country, we have to accept that the law is the law. State officials are expected to implement the law in performing their roles. Regardless of the area of public life we are talking about, surely we have learnt the lesson that if we give people the ability to opt out of implementing the law, we will do so at a great cost to us all.

**Senator David Norris:** Well said.

**Senator Paschal Donohoe:** Surely that applies in this case as well.

I agree with Senator Glynn's observation that it is a beautiful morning. When I heard the birds tweeting away as I walked to the House, I was reminded they are not the only ones who tweet.

**Senator David Norris:** Senator Boyle was tweeting away.

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

**Senator Paschal Donohoe:** Yes. The Deputy Leader owns the deadliest pair of thumbs in Irish politics.

**Senator Dan Boyle:** The Senator should not sell himself short.

**Senator Paschal Donohoe:** I wish mine were so deadly.

**An Cathaoirleach:** Come on. That is not a question to the Deputy Leader.

**Senator Paschal Donohoe:** I am working up to my question.

**An Cathaoirleach:** I would appreciate it if I could hear the question.

**Senator Paschal Donohoe:** Given that other animals that are out there tweeting on this beautiful morning, and in light of the Deputy Leader's recent tweetings on various matters, I ask him to put on the public record his concerns about the expenses issue that has been highlighted by Senator Fitzgerald. If he is willing to put them on the record elsewhere, I ask him to put them on the record of the House this morning. More to the point, I am asking him to act on his concerns. I would like to move an amendment to the Order of Business to ask Members of this House to respond to the points made by Senator Callely yesterday.

**An Cathaoirleach:** Is the Senator moving an amendment to the Order of Business?

**Senator Paschal Donohoe:** I wish to specify that I am moving an amendment to ask Members of this House to respond to the points made by Senator Callely yesterday. I am not asking the Senator to come in here again. I am trying to give all Members an opportunity to respond to what he said yesterday.

**An Cathaoirleach:** Is the Senator looking for a debate on the content of Senator Callely's statement?

**Senator Paschal Donohoe:** Yes, I want to have a debate on it.

**An Cathaoirleach:** The Senator is asking the Deputy Leader for a debate on the content.

**Senator Paschal Donohoe:** I am asking him for a debate, in which all Members of the House can participate, on the content of the contribution made by Senator Callely yesterday. If the Senator wishes to contribute to that debate, of course he will be welcome.

**An Cathaoirleach:** That is fine.

**Senator Rónán Mullen:** Will a Minister attend the debate?

**Senator Jim Walsh:** I generally find Senator Fitzgerald to be measured and fair in her comments. There is an obligation on this House to afford a fair and due process to any Member who needs to account for an issue. I accord fully with the comments of Senator Mullen in that regard. I understand that Senators from all parties are on the relevant select committee, which is chaired by the Cathaoirleach. Every Senator is entitled to be heard and to receive a fair and objective assessment and adjudication of the relevant incident or issue. It can come back before the House, by all means, at that stage. If we rush to judgment by having debates without proper processes, we will do a disservice to this House. I ask Members to take account of that. I fully endorse and support what Senator Ó Murchú said.

**Senator David Norris:** What a surprise.

**Senator Jim Walsh:** I have been a Member of this House for 13 years. I have supported and endorsed many issues with which I agreed. I have supported other issues out of loyalty to the Whip rather than any conviction. It is difficult, however, to ask any Member to abrogate his conscience with regard to matters which he — or she for that matter — feels are issues of conscience that are not for compromise in their view. Several issues will emerge, not just civil partnership but also embryonic stem cell research, pro-life and abortion issues. There is a ream of social issues which will have huge impact on the development of our society. We need to be careful. Those who have a view contrary to a liberal agenda being pushed by others have a right to a free vote on such issues as have people outside the right to exercise freedom of conscience.

**Senator Rónán Mullen:** Hear, hear.

**Senator Jim Walsh:** If we move against that, as Senator Ó Murchú said, we will move to a totalitarian society which certainly many of us, particularly liberals, would argue against if it were impinging upon their beliefs.

**Senator Ivana Bacik:** If only Senator Boyle's voting record were as deadly as his Tweeting record.

**An Cathaoirleach:** That is not relevant to the Order of Business. Has the Senator a question for the Deputy Leader?

**Senator Dan Boyle:** I vote frequently.

**Senator Ivana Bacik:** This side of the House would be delighted if he voted in accordance with his Tweets.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Ivana Bacik:** I, on behalf of the Labour Party, join other Members in welcoming the Paisleys to the House. It is historic to see them in the Distinguished Visitors Gallery.

Yesterday, I asked the Leader for a debate on the need for climate change legislation. Today, I renew my call, this time to the Deputy Leader, for such a debate. It is noteworthy the Government side only defeated the amendment I proposed to yesterday's Order of Business by two votes, 28 to 26. That was with all three Green Senators voting with the Government side and against the call for a debate on climate change.

**Senator Dan Boyle:** And we will do so again.

**Senator Ivana Bacik:** Yesterday, the Deputy Leader said the heads of the Government's climate change Bill will be published by the end of this week and the Bill itself in the next term.

**Senator Dan Boyle:** By the end of the month.

**Senator Ivana Bacik:** Will he clarify when precisely the heads of the Bill will be published and the Bill be introduced? I commend Friends of the Earth and the Stop Climate Chaos campaign which ran a full day's lobbying yesterday in Buswells Hotel on the need for climate change legislation. My Climate Protection Bill has been languishing on the Order Paper since October 2007. If the Government is finding it difficult to come up with its own Bill, it could simply adopt my legislation.

I will not be lectured by Senator Mullen on the need for women Members to take an interest in issues around prostitution and trafficking. I have often called upon the Leader for debates on these issues.

**Senator Rónán Mullen:** I was not giving any Member a lecture.

**Senator Ivana Bacik:** I have worked for many years with organisations such as Ruhama on the need to protect victims of abuse and trafficking.

**Senator Rónán Mullen:** I spoke about criminalising the users of prostitution.

**An Cathaoirleach:** No interruptions.

**Senator Ivana Bacik:** It is important the House debates this matter and that all male colleagues take an active role in it. It is men who are the users of prostitutes.

**Senator Rónán Mullen:** We can work together on it.

**Senator Ivana Bacik:** We should be working together on this. However, as Senator Keaveney said, we will not be lectured by male Members on this topic.

**An Cathaoirleach:** There should be no interruptions when a Member is speaking.

**Senator Jerry Buttimer:** Hear, hear. That was well said by Senator Bacik.

**Senator Mark Daly:** That is something coming from Senator Buttimer.

**An Cathaoirleach:** Will Members appreciate and allow their colleagues to make their points without interruption? I call on Senator Mary White.

**Senator Mary M. White:** I also welcome Mr. Paisley and Baroness Paisley to the House. I must advise him that I am driving an all-Ireland inspirational life award for older people and how they enhance all our lives. Mr. and Baroness Paisley would no doubt be very welcome and appropriate winners of my all-Ireland award. I would love you, Mr. Paisley, to come back again and address us here in the Seanad.

**An Cathaoirleach:** The Senator cannot speak to anyone but the Chair. We are on the Order of Business and I call for questions to the Deputy Leader.

*(Interruptions).*

**An Cathaoirleach:** The House has already formally welcomed Mr. Paisley.

**Senator Mary M. White:** I want to raise the matter of alcohol consumption in Ireland. According to a recent European survey, the Irish nation consumes 20% more alcohol than our European partners. A recent survey also indicated that 42% of boys and 44% of girls aged between the ages of 15 and 16 years had a binge drinking session in the last month. I call for an urgent debate on why Irish people drink more than the European average consumption rate. There is nothing wrong with a little drop of alcohol. The grape is a gift from God and man has been able to convert it into a beautiful beverage. What is wrong with the Irish psyche that we drink so much? What is the need to do so? No adequate study has been done as to why Ireland is 20% above the European average.

**An Cathaoirleach:** Is the Senator seeking a debate?

**Senator Mary M. White:** The WHO a month ago launched its strategy on reducing alcoholic consumption. I am calling for a debate on this because one of its new strategy features is to reduce alcohol marketing to young people.

**Senator Eugene Regan:** I want to refer to the matters that arose after yesterday's Order of Business. We understood Senator Callely was going to make a statement on the expenses issue.

**An Cathaoirleach:** The statement was made yesterday. This is questions to the Deputy Leader on the Order of Business.

**Senator Eugene Regan:** My question is to the Deputy Leader.

**An Cathaoirleach:** I want it to be questions, not commenting on a Member who made a statement yesterday. Whether I or Senator Regan agree or disagree with it is a different point.

**Senator Eugene Regan:** It is not just the statement. In fact, it was a non-statement because it avoided each and every issue.

**Senator Jim Walsh:** This is not relevant on the Order of Business.

**An Cathaoirleach:** That is Senator Regan's opinion. There is an amendment to the Order of Business on the issue.

**Senator Eugene Regan:** Yes, and I second Senator Donohoe's amendment but that is not the point I am making. Yesterday's statement was a charade. The fact is we were led to believe there was going to be a full statement by the Senator in question.

**An Cathaoirleach:** I have ruled this out of order.

**Senator Eugene Regan:** We did not have an opportunity to debate the matter.

**An Cathaoirleach:** No, we have an amendment to the Order of Business which we will move on to later.

**Senator Eugene Regan:** This cannot be swept under the carpet, as has happened.

**An Cathaoirleach:** Senator Regan, please do not get involved in that now.

**Senator Eugene Regan:** What is the procedure? The committee which is supposed to be examining Senator Callely's issue is meeting today at 12 o'clock. Are we going to have an opportunity in this House to receive the report from that committee, or is it intended that the matter be concluded by that committee? I think that this is an important issue, an issue of fraud by a Member of this House, and I think it has to be dealt with in this Chamber.

**An Cathaoirleach:** Senator Regan has made an allegation of fraud. I do not want that allegation made in this House by any Member. I think he should withdraw it.

**Senator Eugene Regan:** That is how I interpret the *Sunday Independent* article which sets out clearly——

**Senator Jim Walsh:** That is grossly unfair. Senator Regan should withdraw his comment.

**Senator David Norris:** On a point of order, a Chathaoirligh——

**An Cathaoirleach:** Senators, please. I do not need any help.

**Senator David Norris:** I believe Senator Regan, whom I respect very much, as a lawyer should know that it was a totally inappropriate comment.

**An Cathaoirleach:** I have asked Senator Regan to withdraw that.

**Senator Eugene Regan:** I am not suggesting anyone has committed fraud.

**An Cathaoirleach:** No, you did say——

**Senator Jim Walsh:** Senator Regan must withdraw his allegation.

**Senator Eugene Regan:** I am saying an issue of fraud arises in this case which is being examined. I am not accusing anyone of any fraud.

**An Cathaoirleach:** I ask you to withdraw the remark you made. Did you tell me you withdrew that remark you made in relation to fraud?

**Senator Eugene Regan:** If the Cathaoirleach has interpreted that I have accused anyone of fraud, then of course I withdraw that remark. That is the issue that must be determined by the committee in question.

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

**Senator Eugene Regan:** I believe we were sold a dummy yesterday. What is the procedure for bringing this matter to finality?

**Senator John Hanafin:** I understand the precedent but it would not be correct of me as a student of history not to note with great pleasure and joy that Dr. Paisley and his lady wife are in the Distinguished Visitors Gallery. It is indeed a historic occasion.

I call for a debate on the matter raised by Senators Ó Murchú and Walsh on the rights of people who will find themselves in extreme and difficult circumstances should the Civil Partnership Bill pass. The reality is there are people like myself who have difficulty with the Bill. As chairman of the Green Party and someone very much involved in the programme for Government, I ask the Deputy Leader again for a referendum such that the question can go to the people. Does the public seek a situation whereby a same-sex, sexual relationship has a higher standing in law than that of brothers, sisters, brothers and sisters or friends who live together in an ordinary way? Should such a relationship be put on a higher plain? I do not believe it should be nor do I believe that anyone who feels the same as I do should be discriminated against for that belief. With this in mind, I ask again for a referendum and, in particular, for a free vote when the situation comes to this House.

**Senator Joe O'Reilly:** At the outset, I refer in passing to the earlier remarks of Senator Walsh. As Senator Donohoe outlined, while members of my party will be supporting the Civil Partnership Bill individually and collectively and the underlying principles behind it, I have sympathy with Senator Walsh's view that, on any issue of personal conscience, people should be allowed a free vote and that this should be allowed within and across parties. This is a personal view I hold. It is not a debate on the legislation as such but a point on the general principle and, in fact, a very liberal concept.

**Senator Jerry Buttimer:** That was well said.

**Senator Joe O'Reilly:** I refer to the issue I raised yesterday. In reply to my points about the cancer situation yesterday, the Leader stated the Minister will be coming to the House, which is to be welcomed. Will the Deputy Leader take some immediate steps to deal with the frightening report from the Royal College of Physicians yesterday that a large number of cancer sufferers, specifically those with blood cancers, are contracting infections because they are with other patients in hospitals? They need to be in isolation and in isolated units to avoid infection, which is putting their chemotherapy and treatment off, causing premature death and bringing immense agony to patients and families. Thousands of people are involved and one cannot quantify the pain. This report from Professor Hilary Humphreys, among others, is scientific and empirical and not a nonsense concept involving a few anecdotes. It is a fact that patients are suffering and not getting chemotherapy and that they are getting infections. I am asking the Leader if dramatic interventions could be taken as of today.

**Senator Terry Leyden:** I join the welcome to Dr. Ian Paisley — Lord Paisley — and his lovely wife, Baroness Eileen Paisley, to this House. It is an historic day for all of us when we have such a wonderful man and his lady wife in this House. I extend a céad míle fáilte to both of them. Today will remain in our memories and it is great that the Cathaoirleach is present today as well.

I support Senator Rónán Mullen's point on the question of human trafficking. Legislation, including the Bill, is vital. I compliment Senator Mullen on his work at the Council of Europe where he has played a very important role. His may be a lone voice crying in the wilderness sometimes but he is being heard there and in this House. I hope the proposals will be brought forward because there is an issue about the users of brothels and other places used by those involved in human trafficking, and that issue should be debated in this House. I call on the Deputy Leader to arrange a debate on this issue as soon as possible and to bring forward all the documentation. This should be seen as a European issue, not just an Irish one. There should be a pan-European decision to ensure trafficking becomes illegal in every country in the European Union and the Council of Europe.

[Senator Terry Leyden.]

I support the point made by Senator Glynn on flooding. Some €888,000 has been allocated to County Roscommon by the Minister of State, Deputy Martin Mansergh, for relief from the flooding that took place and to ensure it does not recur.

I support the proposal by Senator Paddy Burke on the question of septic tanks. It is a very important issue and I call on the Deputy Leader to arrange a debate in the House with the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to discuss this matter.

**Senator Feargal Quinn:** It is especially opportune that Dr. and Lady Paisley are present today. Yesterday, Senator Mooney called for a debate on Northern Ireland, which I support. The situation in Northern Ireland is quite volatile because, in recent times, there has been a change in government in the United Kingdom and it is seeking £6 billion in savings. These are likely to come from the public sector and from Northern Ireland. It is recognised that the unemployment situation for young males is a godsend to those seeking extremist volunteers. It is very important that this House voices to the British Government the need to recognise the importance of public sector investment in Northern Ireland.

I am especially concerned that some voices from the United States stated recently that because there is peace in Northern Ireland, there is no need for the same level of financial support. If we look back and think of the incident at Massereene Barracks and the case of Constable Stephen Carroll, who died only recently, we recognise a very tentative peace in place. Let us ensure we hold this debate very soon and that we do not fall into the trap of leaving because there has been a secure peace in Northern Ireland for a number of months which appears to give us safety from that point of view.

Senator Alex White called for a debate on university funding. Dr. Tom Boland of the Higher Education Authority wrote to the universities recently to warn them that the savings sought by the Government are likely to come from the universities. The universities and the educational system in Ireland is the one thing on which we must ensure we continue to concentrate. If we look back on the past, the reason we did well in the good years was because of a well-educated, English-speaking population in Ireland. Let us ensure we do not aim at an easy target and reduce investment in universities.

**Senator Jerry Buttimer:** Is it not wonderful that Dr. Paisley was in the House today, a man who 30 years ago would not come beyond the Border? Is it not a marvellous achievement that we can now live together peacefully in this country?

**Senator David Norris:** I expect he felt quite at home when he heard Senators Walsh, Ó Murchú, Hanafin and Mullen.

**An Cathaoirleach:** He has been formally welcomed and that is it.

**Senator Jerry Buttimer:** I look forward to the day when we will have a united Ireland in this county and I hope we will all coexist peacefully and that we will have no bigotry such as what we heard today from some Members.

**An Cathaoirleach:** My time is almost up and there are still a large number of people who have indicated they wish to speak and who have been here from the start of business.

**Senator David Norris:** I have been here from the beginning but there is a blackspot here.

**Senator Jerry Buttimer:** I hate being interrupted; it is terrible.

**Senator Paschal Mooney:** The heckler is being heckled.

**Senator Jerry Buttimer:** As Senator Mooney will know well from yesterday.

**Senator Paschal Mooney:** The Senator will agree he has as many arms as before.

**An Cathaoirleach:** The Senator should ask questions of the Deputy Leader. This is serious business and should be treated as such.

**Senator Jerry Buttimer:** I am asking the Deputy Leader a specific question. Is it proposed that we sit next week? If it is the intention of the Members on the Government side not to sit next week, can the Deputy Leader explain why? It is unconscionable that we do not sit next week and it is important that we do sit next week. We have been damaged by the events of this week and I second Senator Donohoe's amendment to the Order of Business.

**An Cathaoirleach:** It has been seconded.

**Senator Jerry Buttimer:** It is important that we work collectively to restore the image of the body politic, of this Chamber and of the Houses of the Oireachtas. Will the Deputy Leader indicate when it is proposed——

**An Cathaoirleach:** I call on Members to refrain from talking to one another in the Chamber when someone is making a contribution.

**Senator Mary M. White:** Hear, hear.

**Senator Jerry Buttimer:** When is it proposed that the Civil Partnership Bill will come to the House? It is imperative that we allow people, whether they follow the liberal or conservative agenda, to be treated fairly with equality and tolerance.

**An Cathaoirleach:** I call on Members to stop talking to one another in the Chamber when one Member is making a contribution, or I will simply adjourn the House. I will ask them to leave if that is what they want to do? I apologise to Senator Buttimer.

**Senator Jerry Buttimer:** The liberal agenda that Senators Walsh and Hanafin railed against this morning is about fairness for all our citizens and people. It behoves us as parliamentarians to treat all of the people fairly and equally. I hope we will not return to the days when the vested interests the Senators purport to represent dominated Irish politics.

**Senator David Norris:** My colleagues, Senators Ó Murchú, Hanafin, Walsh and Mullen, waxed eloquently, if misguidedly and irrationally, about conscience. I invite them to join me in voting against the Bill if their consciences are real and it is not just a stunt. I will vote against the Bill because, as it stands, it will do violence against children. Let them take the consequences, if they have such consciences.

**An Cathaoirleach:** A question for the Deputy Leader, please.

**Senator David Norris:** I support the calls of various Members for a debate on the question of integrity in politics and the current situation regarding one Member of this House. While Senator Callely can be invited to make a statement, he cannot be compelled to do so. He was appointed by the Taoiseach, not elected, and I do not believe the Taoiseach has the power to remove him, although he may remove the whip. A statement was made yesterday, but it was meaningless, vapid, self-serving and worthless. The facts should be clear — the Senator either lived in Cork or in Dublin. Those are the stark alternatives and it should not be beyond

[Senator David Norris.]

anybody's intelligence to establish the facts, despite the attempt to confuse the issue by using words such as "abode", "residence" and so forth. I hope this debate will take place. It would be appropriate.

I welcome the fact that the European Union is, at last, addressing the issue of the ratings agencies Standard & Poor's, Fitch and Moody's. I have been calling for this for the last 18 months but have been blithely ignored by the media. Some of the media finally appear to be catching up, but I wish they had done so earlier. It appeared to be the perfectly logical thing to do and I hope the European Union will be successful in its efforts to contain the damage done by these discredited institutions.

**Senator Nicky McFadden:** Yesterday my colleague, Senator Burke, asked the Leader to invite the Minister for the Environment, Heritage and Local Government to the House to discuss turf cutting. I also heard a flashy radio advertisement yesterday encouraging people to contact the Department to register the fact that they were to be banned from cutting turf. Where will this end? Why has the Minister not engaged with the turf cutters or the contractors?

**Senator Niall Ó Brolcháin:** He has.

**Senator Nicky McFadden:** He has not.

**Senator Niall Ó Brolcháin:** He has. I was with him.

**An Cathaoirleach:** A question is being asked of the Deputy Leader who will reply.

**Senator Nicky McFadden:** I have raised this issue many times in the Seanad. It is an invasion of the people of rural Ireland. Where will it end? The individuals concerned cut turf for their domestic use. They are not raping the countryside, as has been alleged by the Green Party.

**Senator Niall Ó Brolcháin:** That is out of order.

**Senator Nicky McFadden:** I ask the Deputy Leader to invite his party leader to come to the House for an open and frank discussion on the issue. In fact, while discussions are taking place, he should put in place a pilot scheme, whereby people could continue to cut turf for their domestic use. I am not referring to industrialised turf cutting but to people being able to keep warm when there is no money for other fuels.

**Senator Liam Twomey:** With regard to the Civil Partnership Bill, how would people feel if members of my profession or the nursing profession decided not to treat patients on the basis of race, gender, sexual orientation or religious persuasion? It would be completely unworkable. Members who are making speeches in this House must be a little more practical in their comments. Not agreeing with carrying out abortions or conducting embryonic stem cell research should not be put in the same category as treating patients who have a different religious persuasion, sexual orientation or gender. The same applies to nurses. We must clearly separate these issues and not muddy the waters with such talk either inside or outside the House.

What happened in this House yesterday should be clarified. We cannot hide behind legalese and procedure with regard to what happened. We lose moral authority and the respect of the people when we do this. There must be a clear statement by Senator Callely. The Deputy Leader can also make a statement on his views on the issue. The Taoiseach has made it clear that he seeks a full and frank statement on what is happening. That is the general consensus of the people who also want to know what is happening. Hiding behind procedures involving committees and legalese is absolute rubbish. There is a moral issue as to whether it was morally

wrong to draw expenses to which one was not entitled. We must deal with the issue in an open manner because that is the business of the Oireachtas. That is what happened in the Lower House when a similar issue was raised regarding the former Ceann Comhairle. It was not dealt with by a committee, even though that is what he sought. It was dealt with on the floor of the Lower House; that is what we should seek in the Seanad.

**An Cathaoirleach:** What happens in the other House is not relevant to us.

**Senator Paudie Coffey:** I support Senator Cummins's call for the Waterford to Rosslare railway line to be kept open. Waterford is a gateway city in the national spatial strategy, while Rosslare is a Europort, a gateway to mainland Europe. It is a crazy and retrograde step to close off a lifeline from the rest of Europe into the heart of Ireland such as the Rosslare to Waterford railway line. One constantly hears the Green Party and others talk about sustainable transport. We must find ways to keep the railways sustainable. One way is to take freight off the roads and carry it on the railways. I ask the Deputy Leader to use his good offices to ensure this railway line is not closed.

I support the calls for a debate on small and medium enterprises. I have regularly spoken in the House of the need to acknowledge the great work taking place in the manufacturing sector. We cannot afford to give up on manufacturing. Many small traditional and indigenous manufacturing businesses are exporting their products to far-away lands and must be supported. Competitiveness is an issue and overheads are a huge challenge for manufacturing. I ask the Deputy Leader to allocate time for a debate on manufacturing, the role of State agencies in supporting such businesses and the role of the colleges in co-ordinating research and helping them to find new markets. It is very important, particularly in this recession, that we do not have an over-dependence on the multinationals, as we have learned from our experience of Pfizer, Teva Pharmaceuticals and other companies closing with large-scale redundancies. We must focus on and support the smaller manufacturing companies. A good start would be having a debate on the matter in this House.

**Senator Paul Bradford:** I support Senator Mary White's request for a debate on alcohol use, its misuse and abuse. She is correct to point out that, as a nation, we are fixated to a dangerous degree with alcohol. A substantial debate on the subject is urgently required.

I note the preamble on the Order of Business to the debate on the Civil Partnership Bill and the level of discomfort caused by certain comments made by some of my colleagues. I am not so intellectually superior to state anybody's comments were misguided or erroneous and I am disappointed Members' views were described as such. I do not live on a plane of such moral or intellectual superiority that I would describe anybody's views as misguided. I hope we will have a tolerant debate when the Bill is before the House. It will be an interesting test of the House, our agenda and society. We claim to live in a liberal republic, but I have never encountered people as illiberal as those who refuse to accept other persons' points of view as being equally balanced and fair.

There was a presentation of views by Senators Walsh and Ó Murchú. Perhaps there were others but, unfortunately, I did not hear all the other Members' contributions. I was interested in the level of discomfort they appeared to cause on all sides of the House. The forthcoming debate on the Civil Partnership Bill must be fair and balanced. People not only have a conscience but a right to their conscience and we must try to ensure the debate is calm and fair. I look forward to presenting my views and some proposals as to how we can accommodate people's conscientious difficulties. I hope that when a Member stands to express a different point of view, it will not be in a land of mutter, tutter, Twitter and discomfort. Our so-called

[Senator Paul Bradford.]

liberal republic should also be a tolerant republic in which people can express their views without being derided and accused of being misguided and erroneous.

**An Cathaoirleach:** Senators John Paul Phelan and Paul Coghlan wish to speak. I will call them now, although we have gone over time for the Order of Business. I apologise for keeping them waiting.

**Senator Paul Coghlan:** In supporting the amendment to the Order of Business, I am respectful of your earlier ruling, a Chathaoirligh. It would be important that the debate be begun by Senator Callely. Failing that, can the Deputy Leader inform the House whether the committee that will deal with the matter will report to the House today? How does he see finality being brought to this matter? The Taoiseach asked that a letter be speedily sent to the Cathaoirleach. I ask the Deputy Leader to comment on this. Can he outline next week's sitting days and business?

Two important reports on the banking question have been presented to the Government and we have been promised a debate on this matter. The reports, from the Governor of the Central Bank, Mr. Regling and Mr. Watson, are vitally important. We need to know the collateral damage arising from them. Can the Deputy Leader tell the House if their publication is contingent on something of which we are not yet aware?

**Senator John Paul Phelan:** I echo Senator Ross's call for a debate on banking. Three appointments were made in Anglo Irish Bank. I will not rehash what Senator Ross said but I agree with the points he made. We should have a discussion on this matter. The bank is a public institution. If we cannot discuss these issues in this House there is no other venue in which to do so. We should also have a discussion on what has happened to EBS and the amount, almost €1 billion, the Government has invested in the society in the last ten days. There has been no discussion of that issue in the House since the announcement was made.

I agree with colleagues who expressed opinions on impending legislation and the right of Members to have a free vote on certain issues. While it might be necessary in our style of parliamentary democracy to have a strict whip system, I have long felt that on matters of conscience people should have more freedom to express their own opinions. I have a reservation about the Civil Partnership Bill, which can impose a criminal sanction on a registrar who does not perform his or her role. I agreed with the decriminalisation of homosexuality ten or 20 years ago. Criminalising registrars for non-performance of their function is not a correct step in any legislation. I often disagree with Senator Hanafin but I strongly agree with him on this matter. I know so many brothers and sisters in my area who live together and never married. I am sure you also know of such people, a Chathaoirligh. I do not object to granting rights to couples, whether of the same or the opposite sex. However, people who are living together in a loving but non-sexual relationship, perhaps brothers or sisters, should not be discriminated against.

**An Cathaoirleach:** We will have an opportunity to debate that Bill when it comes before the House.

**Senator Dan Boyle:** I thank Members for their contributions and I join you, a Chathaoirligh, in welcoming Dr. Ian Paisley and Baroness Paisley. I advise Members of this House to make visits to Stormont on a regular basis and share in the public work being done by the elected members of that Assembly. There was a Senate in Northern Ireland until 1972. Outside the Senate Chamber there is a plaque to commemorate the assassination of two of its members who were actively involved in public life, as Members of this House are.

With regard to matters which arose on yesterday's business, I note the comments of Senator Frances Fitzgerald and the amendment placed by Senator Donoghue and others. We must distinguish between our reactions to statements made in the House, whether they were deemed satisfactory or not and the suitability of their content, and the substantive issue to be investigated. It is my understanding that the committee will meet today and will examine the process involved in any such investigation. It will first decide whether it should be involved or whether another agency should undertake such an investigation. However an investigation is undertaken, the recommendations of such an investigation will come back to this House for decision. It is hoped there will be clarity on that after the meeting.

**Senator Ivana Bacik:** When will that recommendation come back to the House?

**Senator Dan Boyle:** That depends on the meeting itself. The members and chairman of the committee will determine when the information will be to hand. I hope we will have more clarity as to the process at our next sitting. Members need and deserve that as quickly as possible.

With regard to the pre-debate on the Civil Partnership Bill and the issues raised by Senators Ó Murchú, Walsh, Hanafin, O'Reilly and Phelan——

**Senator Rónán Mullen:** There are others of us who may contribute later.

**Senator Dan Boyle:** But not this morning. In that regard, I point Members to the comments of President John F. Kennedy on defined political practice. He distinguished between the holding of personal religious beliefs and issues of conscience and the responsibilities of a public representative of all the people. When we debate this Bill, those principles should help to inform it. There is already legislation with which many of us would have conscientious issues. As people who form the law and have a responsibility for law already enacted, we have a responsibility to act on that conscience in a legal and responsible way for all the citizens of the country. I look forward to that debate. It is a necessary debate and must happen. I will share my views with those who are expressing concern on conscientious grounds.

Senator Mullen raised the question of the unwillingness of the Israeli ambassador to come before a joint committee. The ambassador was called before the Minister for Foreign Affairs earlier in the week. There is grave dissatisfaction with the actions of the Israeli Government and ongoing concern about Irish citizens, either detained in Israel or in transit to the Middle East, and the actions the Israeli defence forces might take on the arrival of the *Rachel Corrie*. The House is right to be concerned and to put its reservations on record.

Senators Keaveney and Glynn raised the question of head shops. Following the new regulations, the number of head shops has fallen from 130 to approximately 36. The approach being taken, of regulating the types of products that can be sold in head shops, is correct. If there is need to refine that approach I have no doubt the Minister for Health and Children will do so with regard to dangerous products.

Senators Burke and Leyden referred to planning regulations for septic tanks. Under the water directive, the Government was granted a derogation on regulations regarding waste water from rural housing. This is a difficult situation and dealing with it will be costly. I am confident the Minister for the Environment, Heritage and Local Government is dealing with it in an informed way. When a decision needs to be made that will be done in consultation with Members of the House. I believe the Minister would be willing to discuss the matter in the House. We may have an opportunity to do so before we rise for the summer, if the Dáil has dealt with the Planning and Development Bill and it comes back to this House for final approval.

[Senator Dan Boyle.]

Senator Ross raised the matter of Anglo Irish Bank appointments and Senators Coghlan and Phelan also raised concerns about this and the recent decisions regarding EBS. We will have an opportunity to debate the reports submitted by Mr. Regling and Mr. Watson and by the Governor of the Central Bank, Mr. Patrick Honohan, on the nature of the banking crisis. I hope and expect that those reports can be made public within the coming weeks and that the House will have an opportunity of discussing them.

Senator Glynn also mentioned the question of being prepared for flooding. The final debate on the Planning and Development Bill will give an opportunity of discussing that matter. Senators Cummins and Coffey asked about the Rosslare-Waterford line, citing the example of the achievements that have been happening in the western corridor railway line. I share their concerns and believe there is a logic in keeping our railway lines open. There are cost issues involved and sadly there has been a small take up of passenger numbers on that particular line, although——

**Senator Paudie Coffey:** It is not being promoted, unfortunately.

**Senator Dan Boyle:** I accept that, and many of the arguments the Senators' make. It is worth pointing out that during the Icelandic volcano crisis affecting the airports, the line was very well used as people use Rosslare as a ferry port from which to leave the country.

**Senator Maurice Cummins:** What about the timescale for the western rail corridor?

**An Cathaoirleach:** Please, Senators, let the Deputy Leader speak.

**Senator Dan Boyle:** My understanding is that the next phase of that is targeted for 2014, but that could be subject to the outcome of the capital review ongoing at the moment. Decisions have to be made in relation to capital expenditure this year. The Minister for Finance has already indicated there will be a reduction in capital expenditure of €1 billion, and we do not know exactly what projects or timelines will be affected. As was originally proposed, however, the next phase was supposed to begin in 2014.

Senators Cummins and Buttimer asked about sitting days. The calendar sent out to Members earlier in the year indicated there would not be sittings in the first week of June, which has been the tradition over the last two to three years. The Dáil has decided it will be meeting. The Seanad will not be sitting next week. Instead, it will be sitting for an additional week or weeks after the Dáil rises, in July.

**Senator Jerry Buttimer:** That is terrible.

**Senator Maurice Cummins:** It is an absolute disgrace and we shall be opposing the Order of Business——

**An Cathaoirleach:** No interruptions, please. Let the Deputy Leader reply, without interruption.

**Senator Jerry Buttimer:** It is undermining the House.

**Senator Dan Boyle:** Members will be here for several joint committee meetings that are taking place in the House next week.

**Senator Paul Coghlan:** Is it because arrangements are already in place, or something?

**Senator Jerry Buttimer:** On a point of order——

**An Cathaoirleach:** What is the point of order?

**Senator Jerry Buttimer:** Under the rules of the House, can the Deputy Leader say why we are not sitting next week?

**An Cathaoirleach:** That is not a point of order. In any event the Deputy Leader has indicated the reason.

**Senator Dan Boyle:** It is a regular occurrence for the Dáil and Seanad to have different sittings. This is why we sit when the Dáil rises and why we come in before the Dáil rises. It has been a long tradition that this House arranges its own sitting times. It had been expected that there would not be sittings next week, but in lieu of that there will be additional sittings in July.

*(Interruptions).*

**Senator David Norris:** I should like to hear this elucidated by the Deputy Leader. He is saying there will be extra sittings in July. The least we are entitled to is to be given some degree of information as to when in July we will be sitting. The Order of Business in this House is absolutely chaotic.

**An Cathaoirleach:** We are just dealing with today's Order of Business, that is all.

*(Interruptions).*

**An Cathaoirleach:** I am going to ask Members to leave this House, shortly, if they do not stop interrupting the Order of Business.

**Senator Dan Boyle:** Senator Bacik asked about the climate change legislation and I will clarify what I said yesterday. The current situation is that heads of a Bill have been prepared and a series of meetings is scheduled over the next week. One might have already occurred involving senior departmental officials and a Cabinet sub-committee before heads are submitted to the Cabinet. It is hoped we shall see publication of the heads of the Bill before the House rises at the end of this month.

**Senator Ivana Bacik:** That is not what the Senator said yesterday, with respect to the Deputy Leader.

**Senator Dan Boyle:** That is exactly what I said yesterday.

**Senator Ivana Bacik:** Excuse me. In answer to my question, when exactly will the heads of the Bill be published?

**An Cathaoirleach:** The Senator should please obey the rules of the House and allow the Deputy Leader to reply.

**Senator Dan Boyle:** It seems no date I mention is being heard properly this morning.

Senator Mary White and Senator Bradford called for a debate on alcohol awareness and alcohol abuse. The House's time would be well served to have such a debate and I shall work to see that time is made available in the immediate future. Senator O'Reilly asked about isolating cancer patients, on foot of a report that showed risks exist in this area. We have been implementing the centres of excellence approach in terms of designated centres around the country, but I shall see that his concerns are forwarded and an appropriate response is given.

[Senator Dan Boyle.]

Senator Leyden, responding to an earlier call by Senator Mullen, echoed the need to revisit human trafficking legislation. We have had legislation recently in this area and amendments were tabled at that time. However, many Members expressed sympathy for the need to review that legislation continually.

Senator Quinn talked about the need to have a debate on the effects of British Government cutbacks on Northern Ireland. We have regular debates concerning the effects of the economic situation on the Border region and it could be a good opportunity to revisit that in light of decisions being made and, as Senator Quinn pointed out, the reliance that exists in Northern Ireland on a large public sector.

Senator Norris raised the issue of rating agencies, which many Members of the House agreed with, given that they have perverted international markets on the basis of self-interest. There are discussions at EU level to the effect that an independent agency can, and should be, set

12 o'clock up. Senator McFadden raised the question of turf cutting. I am happy to allay many of the fears that exist on this issue. The impression is being given that turf may no longer be cut in this country, but this is not the case. A derogation was given from the habitats directive by the then Minister with responsibility for heritage, Deputy Michael D. Higgins, in a Fine Gael-Labour Government. That derogation has now been exhausted and the Government must come up with an approach as to how the 32 identified raised bogs may best be dealt with. There is ongoing discussion as to how they might be dealt with and what levels of compensation may be given. I believe a proper process is in place in relation to that.

The situation is not helped by ill-informed comment about the fact that people cannot cut turf.

**Senator Nicky McFadden:** What about the people who are being banned from cutting their bogs, who are making representations to me? Those are the people who are talking to me.

**An Cathaoirleach:** Please Senator, no interruption.

**Senator Nicky McFadden:** Will the Deputy Leader say how many years this Administration has been in Government?

**Senator Jerry Buttimer:** They are only in Government, but they have no power.

*(Interruptions).*

**An Cathaoirleach:** Senators must respect the right of the Deputy Leader to reply to the questions raised. His time is up just now as well.

**Senator Dan Boyle:** I have just two more Members to refer to. I could have concluded five minutes ago if I had been given assistance by Members on the other side of the House.

**Senator David Norris:** I thank the Deputy Leader for that clarification.

**Senator Dan Boyle:** Senators Ó Brolcháin and Coffey asked for a debate on small businesses and the economic effects on the high street. That is a useful and necessary debate and I shall seek to have time put aside for it. The other issues have been responded to.

**An Cathaoirleach:** Senator Paschal Donohoe moved an amendment to the Order of Business: “That a debate on the content of the statement made by Senator Callely to the House yesterday be taken today.” Is the amendment being pressed?

**Senator Frances Fitzgerald:** It is.

Amendment put.

The Seanad divided: Tá, 21; Níl, 30.

Tá

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

Hannigan, Dominic.  
McFadden, Nicky.  
Norris, David.  
O'Reilly, Joe.  
Phelan, John Paul.  
Regan, Eugene.  
Ross, Shane.  
Ryan, Brendan.  
Twomey, Liam.  
White, Alex.

Níl

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

MacSharry, Marc.  
McDonald, Lisa.  
Mooney, Paschal.  
Mullen, Rónán.  
Ó Brolcháin, Niall.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
O'Brien, Francis.  
O'Malley, Fiona.  
O'Sullivan, Ned.  
Ormonde, Ann.  
Quinn, Feargal.  
Walsh, Jim.  
White, Mary M.  
Wilson, Diarmuid.

Tellers: Tá, Senators Maurice Cummins and Paschal Donohoe; Níl, Senators Niall Ó Brolcháin and Diarmuid Wilson.

Amendment declared carried

**An Cathaoirleach:** Is the Order of Business agreed?

**Senator Maurice Cummins:** Members are opposing the Order of Business as a protest because the House is not sitting next week.

**An Cathaoirleach:** Is Senator Cummins calling a vote on the Order of Business?

**Senator Maurice Cummins:** Yes.

Question proposed: “That the Order of Business be agreed to.”

Question put.

The Seanad divided: Tá, 31; Níl, 20.

Tá

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

McDonald, Lisa.  
Mooney, Paschal.  
Mullen, Rónán.  
Ó Brolcháin, Niall.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
O'Brien, Francis.  
O'Malley, Fiona.  
O'Sullivan, Ned.  
Ormonde, Ann.  
Quinn, Feargal.  
Ross, Shane.  
Walsh, Jim.  
White, Mary M.  
Wilson, Diarmuid.

Níl

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

Fitzgerald, Frances.  
Hannigan, Dominic.  
McFadden, Nicky.  
Norris, David.  
O'Reilly, Joe.  
Phelan, John Paul.  
Regan, Eugene.  
Ryan, Brendan.  
Twomey, Liam.  
White, Alex.

Tellers: Tá, Senators Niall Ó Brolcháin and Diarmuid Wilson; Níl, Senators Maurice Cummins and Paschal Donohoe

Question declared carried

**Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010** [*Seanad Bill amended by the Dáil*]: **Report and Final Stages**

**An Cathaoirleach:** The Minister, Deputy Eamon Ryan, is welcome to the House. This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 113, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question, “That the Bill be received for final consideration,” the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For the convenience of Senators, I have arranged for the printing and circulation to them of the amendments. The Minister will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed groupings. A Senator may contribute once on each grouping. I remind Senators that the only matters that may be discussed are the amendments made by the Dáil.

Question proposed: “That the Bill be received for final consideration.”

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The amendment in group 1 is inserted for further clarification purposes and I propose that it be accepted. It is largely technical in nature.

**Senator David Norris:** If I am correct, this has to do with the commencement date of 1 July. This is extremely important because I have been advised that the Bill will not carry the same weight in supporting the bio-fuel industry, particularly in the Wexford-Waterford area, if the commencement date is not fixed clearly as 1 July. I have just received the amendments and I am assuming that is the case. Will the Minister indicate whether I am right in assuming it relates to the commencement date of 1 July? If I am and as I have only one opportunity to speak, I emphasise the urgency attached to having that date included in the legislation. Otherwise, it will fail in a significant measure in terms of what was considered to be its main impact, particularly as the amendments were suggested first here in this House.

**Deputy Eamon Ryan:** I am happy to confirm the Senator's view that the amendment allows for commencement of the Bill on 1 July.

**Senator David Norris:** It will commence on that date.

**Deputy Eamon Ryan:** Yes.

**Senator David Norris:** I thank the Minister.

**Senator Joe O'Reilly:** The point was well made by Senator Norris and does not merit repeating, but I express my happiness that the Bill will commence on that date. Speed is of the essence in this regard, as the industry has been telling us from the word go.

**Senator Jim Walsh:** I endorse what the Senators have said. I received confirmation that this would be the case and that the Bill would be applicable from that date. I am aware that Green Energy Ireland based in New Ross, one of the very few bioenergy producing companies, is doing quite well and that it is necessary for it to be able to continue and remain competitive. Regarding excise duty, anything that can be done to promote the industry and future investment in this sector should be looked upon as favourably as possible.

**Acting Chairman (Senator Diarmuid Wilson:** We now move to group 2, miscellaneous drafting amendments, amendments Nos. 2 to 4, inclusive, 8, 9, 12, 13, 26 and 27.

**Deputy Eamon Ryan:** The amendments in group 2 are largely drafting amendments and technical in nature. They are inserted for clarification purposes and I hope they will be accepted on that basis.

**Senator Joe O'Reilly:** I welcome the amendments. With the developments in information technology, it is important that information on the specifics of bio-fuel production is made readily available and easily accessed. That is important for clarity purposes and to ensure a level of transparency. On that basis, I welcome the amendments and accept them as progressive.

**Deputy Eamon Ryan:** I appreciate the Senator's support. I agree with him on the points he made on information technology and its importance in every aspect of life.

**Acting Chairman (Senator Diarmuid Wilson:** We move to group 3, specified amount and percentage rate, the subject matter of amendments Nos. 5 to 7, inclusive, and 14 to 25, inclusive.

**Deputy Eamon Ryan:** Amendment No. 5 is inserted for further clarity purposes regarding the value of each bio-fuel certificate to each litre of bio-fuel to ensure compliance with the obligation. Amendments Nos. 6 and 7 are made for further clarity purposes as a follow-up on amendment No. 5. The subsequent amendments Nos. 14 to 25, inclusive, are consequential technical amendments arising from the insertion of amendment No. 5. These amendments are

[Deputy Eamon Ryan.]

brought forward on the basis of contacts with the industry which raised a question on the extant draft being open to interpretation. The amendments are designed to remove that doubt and I propose that they be accepted on that basis.

**Senator Joe O'Reilly:** I refer to amendments Nos. 5 and 6 which state each obligated party must ensure a specified amount of its road transport fuel is made up of bio-fuel. This amount will be calculated in litres and, according to amendment No. 6, will not exceed 4.166% of a fossil fuel element in the final blend. The problem with this amendment is an issue might arise with domestic producers struggling to meet market demand. That is a real concern. If the figure of 4% was to be decreased or even increased at any stage, the impact it would have on domestic production would be severe, to say the least. It must be ensured, therefore, that domestic producers will be able to cater for any changes, in particular increases. To date, 70% of the bio-fuel supplied has been imported. As I said in the debates on Second and Committee Stages, we must ensure we move from imported to domestically produced bio-fuels or raw materials. Therefore, Ireland's capacity to engage in domestic production must be assessed thoroughly. We must not make it disadvantageous for Irish farmers to enter the bio-fuel production market. The production of bio-fuel crops will be a lifeline for many of our cash-strapped farmers. It is a positive step in terms of the benefits for our farmers and we must strive to ensure it will remain a positive experience for them. We want to encourage domestic production and get the farming community on board. We want to see the bio-fuels used in Ireland produced here. That is the reason I believe strongly that the capacity of domestic producers to meet market increases must be assessed and conditions put in place to make it as beneficial as possible for farmers to produce bio-fuels to be used here. It is important to note in the case of tariff rates that some level of regard needs to be given to what other countries are doing, in particular European countries such as Spain, Germany and Portugal, and beyond, such as Brazil.

It would be prudent and good practice to consider what other member states are doing before a concrete decision is made on the percentage of bio-fuels coming from domestic production in this country. This is necessary for the protection of the very people who will be producing the bio-fuel crops, namely farmers. If we are truly committed to encouraging the domestic production of bio-fuels in Ireland, we must ensure Irish farmers do not feel that they are taking an unnecessary risk before a concrete decision is made on the percentage of bio-fuel coming from domestic production in this country. This is necessary for the protection of farmers who will produce the bio-fuel crops and to whom a high level of protection needs to be given.

**Acting Chairman (Senator Diarmuid Wilson):** I apologise to Senator Norris, who has indicated he wishes to speak, and to Senators Walsh and O'Reilly. I must suspend the House as the Minister is required for a vote and there are no pairs available from the Opposition. Is it agreed to suspend while the Minister votes and to resume immediately thereafter? Agreed.

*Sitting suspended at 12.30 p.m. and resumed at 12.45 p.m.*

**Acting Chairman (Senator Diarmuid Wilson):** I call Senator Walsh on the third group of amendments.

**Senator Jim Walsh:** Following on what Senator O'Reilly said, all we were doing on the various Stages of this Bill was echoing the sentiments of the Minister that the percentage levels should be set commensurate with encouraging investment in this bio-energy area. We must shift towards more domestically produced and manufactured products rather than imported products. We are concerned in particular about products from outside the EU being imported which would disadvantage the domestic market. There could be issues to do with sustainable

energy with regard to Brazil. I endorse the points made. If there are to be future changes in the rates, it would be imperative such changes would continue to promote an increase in production. One of the biggest challenges this State will face will be to reduce the level of unemployment. It is unfortunate that a recession which has been triggered by a financial collapse creates a longer period before a return to growth and the generation of employment. This should be the focus of all our attention.

**Senator David Norris:** While I understand the prudent caution of Senator O'Reilly, I am fairly confident in the young but very dynamic bio-fuels industry that has been established particularly in the region of County Wexford. It is important we understand that this is within the European context and it is a requirement under European directives among other things. That makes this very important legislation because it introduces for the first time a bio-fuel obligation within the Irish regime, under the terms of which there will be an initial bio-fuel penetration rate of 4.166% and this is to be increased over the years in line with targets set by the European Union. The intention is that by 2020, we will have a 10% penetration of the market, in other words, that 10% of the constituents of diesel, for example, will have to be bio-fuel. As a result of the passage of this Bill, which I expect today, from 1 July 2010, all petrol and diesel on sale in the country will have to include at least 4.166% and that is the important figure mentioned by the Minister. The implication of this provision is serious. It means that 220 million litres of fossil fuel will be substituted with bio-fuels and this will increase to 500 million litres by 2020. This is to be welcomed, despite the caution expressed prudently by Senator O'Reilly. It is good for our environment. We have agreed to reduce carbon emissions as part of our international environmental commitments and I know both the Minister and the Green Party are passionate on this issue. An important step towards reaching the goals will be to increase the use of sustainable and renewable energies which include bio-fuels. It means we will be taking a considerable amount of fossil fuels out of vehicle engines and this has certain positive benefits in terms of the lifespan of the engines and provides for greater lubricity.

Our reliance on importation will be lessened. When these amendments were first mooted in the House we spoke at length about the situation regarding Brazil, for example. The lessening of our dependence is a significant factor in terms both of the economy and of the environment.

A number of speakers mentioned the plant at New Ross. We should pay tribute to the people involved in this project. It also involves the wider community because this company, Green Biofuels, based in New Ross, employs 22 people and this number will be expanded. The figures mentioned in the House were 1,000 jobs and I hope this will happen, particularly in the Waterford-Wexford area where there has been a significant number of industrial closedowns. Also involved is the Wexford farmers' co-operative involving the interests of 4,000 farmers in that area. Waste materials will be used to manufacture this renewable diesel substitute. I have been reliably informed — I believe and hope this information is accurate — this company will be able to produce more than 34 million litres of bio-fuel annually. It is a useful absorption of a number of waste products such as oils of various kinds, including cooking oil and this makes it a second generation bio-fuel. When it is produced, this is equal to minimum savings of 90,000 tonnes of CO<sub>2</sub> annually. It was suggested in a previous briefing that this manufacturing technique is so modern and sophisticated that they can capture that release of gas as another by-product. Therefore, the savings of 90,000 tonnes of CO<sub>2</sub> mean that we will not have to import this kind of gas in such quantities. It is the equivalent of taking 25,000 cars off the road, which is a significant contribution. It is a high-tech, indigenous growth industry that reduces carbon emissions and is environmentally positive. In addition, it has a series of advantages over the conventional mineral diesel fuels. For example, it is a clean-burning alternative to mineral diesel fuel and is produced from renewable sources. It is non-toxic and biodegradable. Unlike

[Senator David Norris.]

the stuff that is currently pouring into the Gulf of Mexico, it will disappear relatively quickly and easily. It dissolves in water faster than sugar.

I mentioned its impact on engine parts, which is another aspect we need to examine. I have a very old car and am delighted with it. I deprecate the idea of disposability and built-in or planned obsolescence so that things degrade by design. Nowadays, television sets and washing machines last for about three or four years because the parts are designed to wear out. The new system means that items such as motor cars can be kept for longer. It is using an alternative fuel and requires no engine modification. Unlike some other alternative measures pertaining to electricity, which are also useful, one does not have to produce new cars or modify old ones. It can be used in existing vehicles. It does not affect engine performance and has greater lubricity than fossil diesel, so it prolongs engine life. Taking into account Senator O'Reilly's prudent hesitations, I am confident about this proposal. Now that we are on the cusp of passing this legislation, perhaps the Minister could indicate whether he feels confident that the indigenous industry will be able to satisfy the market and supply this new and exciting material to industry in the required quantities.

**Deputy Eamon Ryan:** To answer the Senator's point, I am confident we can do so. On Senator O'Reilly's point, this should and will be reviewed as we see the practical experience. There are provisions within the legislation for us to continue to adjust via a statutory instrument and with the proper review process where necessary. We are on a path towards increasing our level of transport fuels from renewable sources to 10% by 2020. We are starting at a level which we think is the right pitch to make it easier for people to establish and get going. I would like to see domestic production being supported in particular. Subject to the experience, we can continue to adjust and review so that it will allow for further expansion and greater employment as well as a reduction in emissions and imports. The level at which we are starting is the right one. It can and will be reviewed, but by statutory means that will take into account domestic production and international experience.

**Acting Chairman (Senator Diarmuid Wilson):** Group 4 concerns material used to produce bio-fuel. This is the subject matter of amendments Nos. 10 and 11.

**Deputy Eamon Ryan:** This addition is made to clarify the bio-fuel produced from non-food cellulosic material. Cellulosic material or algae can also be considered eligible for certification under the obligation. These bio-fuels are classified as second generation bio-fuels and, as such, do not compete with food crops of land or resources. Given that we have dealt with drafting questions, we can now insert these into the Bill. Reflecting their importance, these fuels will receive double certificates under the scheme and I therefore propose that these amendments be accepted.

**Senator David Norris:** As I understand it, this will include additional materials and not those originally contemplated such as fuel oils. I very much welcome that. With the indulgence of the House, I would like to tell the Minister a story.

**Acting Chairman (Senator Diarmuid Wilson):** Once there is an end to it.

**Senator David Norris:** Not only is there an end to it, more importantly there is a point to it which relates directly to these amendments. Last week, I flew down to Cork and was driven to the Sacred Heart school in Clonakilty. I saw a number of exciting transition year projects there, but one of them relates directly to this. I felt extraordinary hope in the young people of Ireland when I met a group of young women in their mid-teens. They had isolated a problem concern-

ing the growth of sea lettuce, which is a form of seaweed. In small quantities it is attractive enough in the water. As a result of the excessively rich nutrients from farmland slurry, there is a huge bloom of this form of seaweed around the Cork coast. It lodges on the shoreline and when it becomes heated in the sunshine, it creates an unpleasant odour. These young women isolated the problem, examined it, collected some of the material involved, processed it and compressed it into briquettes. They found that these briquettes burned for twice as long as peat briquettes while giving the same fuel and heat equivalents. I thought that research was stunning and brilliant. Those young people examined a problem and turned it into an advantage.

I am mentioning this example because one of the materials involved is classified as algae and seaweed. Can the Minister indicate if that is correct?

**Deputy Eamon Ryan:** Yes.

**Senator David Norris:** Good. I now come back to my old pals who have been briefing me — Green Biofuels. They are exploring ways to produce bio-fuel from algae and seaweed. They are following the lead of the transition year students in the Sacred Heart school in Clonakilty.

*1 o'clock* They are involved in a research and development project into the use of algae and seaweed oils as raw materials for bio-fuel production. This will be considered as a third generation bio-fuel and they expect it to become commercially available in the next three to five years. They are also involved in research with a number of other institutions and, in addition, have secured funding for the Marie Curie industry-academia partnerships and pathways funding centre.

I welcome the fact that the Bill is being expanded to include algae and seaweeds. I will read the Minister's reply in the Official Report because I have to attend the meeting of the Joint Committee on Foreign Affairs which is dealing with the Irish-registered ship, the *Rachel Corrie*, that is approaching the coast of Palestine.

**Senator Joe O'Reilly:** I welcome amendments Nos. 10 and 11. I am happy that algae and seaweed are to be included in the Bill's provisions. I welcome this expansion of the list of products, including the use of second generation bio-fuel products. There is a compelling case for continuous scientific research and development in this area to expand the list of products in production as well as improving the potential for job creation. It is a welcome addition.

**Deputy Eamon Ryan:** I welcome the support of both Senators. I agree with them that this is an area in which we must innovate, take risks, experiment and use scientific research to develop new, alternative, home-grown fuels.

**Acting Chairman (Senator Diarmuid Wilson):** Group 5 concerns consultation on regulations with the Minister for Agriculture, Fisheries and Food. This is the subject matter of amendments Nos. 28 to 31, inclusive.

**Deputy Eamon Ryan:** Amendment No. 28 is included to ensure the Minister for Agriculture, Fisheries and Food is also included in the list of those to be consulted when regulations are being made under the Bill in regard to bio-fuel standards, as per a suggestion made in this House. Amendments Nos. 29 to 31, inclusive, are consequential technical amendments arising from the insertion of amendment No. 28. I propose that these amendments be accepted.

**Acting Chairman (Senator Diarmuid Wilson):** Group 6 concerns the amendment of the Fuels (Control of Supplies) Act 1982. This is the subject matter of amendments Nos. 32 to 34, inclusive.

**Deputy Eamon Ryan:** This amendment updates the penalties for an offence under section 7 of the Fuels (Control of Supplies) Act 1982. The Fuels (Control of Supplies) Acts 1971 and 1982 empower the Minister for Communications, Energy and Natural Resources, in the event of a fuel emergency and on foot of an order made by the Government, to make orders or directions in relation to the control of the acquisition, supply, distribution or marketing of fuels in the State.

Section 7 of the Fuels (Control of Supplies) Act 1982 provides for the appointment of authorised officers in a fuels emergency to inspect premises and obtain information relating to the control of the acquisition, supply, distribution and marketing of fuels. Section 7(3) of that Act provides:

Any person who—

(a) obstructs or impedes an authorised officer in the exercise of any of the powers conferred on him by this section,

(b) refuses to produce any record or document which an authorised officer lawfully requires him to produce,

(c) produces or causes to be produced or knowingly allows to be produced, to an authorised officer any record or document which is false in any material respect knowing it to be false, or

(d) wilfully fails or refuses to comply with any lawful requirement of an authorised officer under *subsection (1)(b)* of this section.

shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £500 or, at the discretion of the Court, to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

Given the important role to be played by an authorised officer during the course of a fuels emergency, it is proposed that the penalties provided for under section 7(3) of the 1982 Act will be updated. Amendment No. 32 increases the fine on summary conviction from €634 to €5,000. It also introduces a penalty for conviction on indictment of €20,000, or imprisonment for a term not exceeding two years, or both. It also provides for the lifting of the veil of incorporation in respect of an offence under section 7 of the 1982 Act.

Amendments Nos. 33 and 34 have been inserted for the purposes of verification. I propose that they be accepted.

**Senator Joe O'Reilly:** I welcome these amendments. Obviously, the inspectorate and the regulations are necessary. When regulations are broken and proper inspections are not complied with, there needs to be a punitive dimension. This proposal is reasonable and necessary if this legislation is to be implemented. I do not think it merits further discussion.

**Senator Jim Walsh:** While I do not object to this proposal, I would like to raise a red flag for the future consideration of the Minister. It is proposed to lift the corporate veil if an offence takes place “with the consent or connivance of” a manager or secretary within the corporate structure. The corporation would be the main offender, but individuals could also be liable. We should be very careful in this regard. People need to have the protection of limited liability if they to be able to function effectively with a certain element of risk taking. I know what we are trying to get at here. I do not want to labour the point. Regulatory authorities in a range of sectors failed us miserably but were not held to account. In my opinion, they will probably not be held to account. We seem to be applying a different set of criteria to those in the private

sector. I hope we can debate this matter at a future stage. Perhaps we can have statements on it. I can see the other side of the coin as well. I accept that people have to act responsibly within companies. Perhaps there should be some exposure. I am just raising it as a matter of concern.

**Senator Joe O'Reilly:** There has to be control.

**Deputy Eamon Ryan:** I understand the concerns raised by Senator Walsh. We have to get our corporate governance right, more than anything else at the present time. I will heed the Senator's comments and try to ensure a proper balance is struck in the implementation of this Bill.

Question put and agreed to.

Question proposed: "That the Bill do now pass."

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I would like to make some closing comments. I thank Senators. I would like to refer back to the second last group of amendments, in which we provided for consultation with the Minister for Agriculture, Fisheries and Food. I am reminded of the debate I had with a member of this House, possibly Senator Bradford, when the debate on this Bill commenced approximately two months ago. The legislation has had a very good passage and has benefitted from significant debate in the Seanad and Dáil. I thank Senators for their contributions and my officials for the work they have done. I am sure they will be pleased to see this Bill passed. I look forward to seeing it implemented. I hope it will have real benefits for farmers, industry and the public.

**Senator Jim Walsh:** I thank the Minister and his officials. We have had a good debate on this Bill. The Minister has been a real champion in this area. Many of the initiatives he has taken will have significant economic benefits in the future. I compliment him and his officials, who have been very helpful.

**Senator Joe O'Reilly:** I am happy this Bill is being passed. I thank the Minister for his sincerity in responding to our suggestions and engaging in thorough discussions on the amendments we have proposed. We continue to be concerned that every conceivable effort will need to be made in the implementation of this Bill. If we are to give a lifeline to our farmers, encourage domestic processing and create jobs, we will have to use various carrot and stick methods, including regulations and grants, to encourage indigenous production of raw materials for bio-fuels. That was the essential thrust of the amendments we proposed and the comments we made. We support the principle and the purpose of this Bill. I congratulate the Minister on the way he has handled it. It is good that it was initiated in this House. We are very happy about that. I join Senator Walsh in paying tribute to the Minister's officials for their work in this regard. I thank the Minister. I hope we can initiate more legislation of this nature in the Seanad. I am heartened by the Minister's comment that this House is very serious about teasing out legislation and doing a genuine job. We welcome any opportunity to do so.

Question put and agreed to.

### **Property Services (Regulation) Bill 2009: Report Stage**

**Acting Chairman (Senator Paschal Mooney):** Is mian liom fáilte a chur roimh an Aire, an Teachta Dermot Ahern. Before we commence, I remind Senators that a Senator may speak only once on Report Stage, except for the proposer of an amendment who may reply to the discussion on the amendment. On Report Stage each amendment must be seconded. It is

[Senator Paschal Mooney.]

proposed to group the following amendments for the purposes of debate: amendments Nos. 2 and 3; amendments Nos. 4 and 5; amendments Nos. 6 to 13, inclusive; amendments Nos. 15 and 16; and amendments Nos. 17 and 18. All other members which are not grouped will be discussed individually.

Government amendment No. 1:

In page 15, line 38, to delete “, Equality”.

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** This technical amendment has been proposed to reflect recent changes in ministerial and departmental responsibilities. It involves the removal of the word “Equality” from the Minister’s title so that it now reads “Minister for Justice and Law Reform”.

Amendment agreed to.

**Acting Chairman (Senator Paschal Mooney):** I acknowledge that amendment No. 2, which is a Government amendment, has also been tabled by the Labour Party.

Government amendment No. 2:

In page 22, line 35, before “3 shall be” to insert “not more than”.

**Deputy Dermot Ahern:** On Committee Stage, I tabled an amendment to section 10 proposing that three members of the property services regulatory authority “shall be persons who, in the opinion of the Minister, are representatives of persons who provide property services”, such as auctioneers, letting agents and property management service providers. During subsequent discussions on the amendment, it was suggested that it would be appropriate to provide that “not more than” three members of the authority could be representatives of the property services sector, in order to avoid a situation arising in which the sector being regulated would be over-represented. I indicated I was prepared to return to the House on Report Stage with an appropriate proposal. Amendment No. 2, which mirrors the text of the amendment tabled by the Labour Party, makes the required change to section 10. As I said on Committee Stage, I am not in favour of being too prescriptive about the composition of the boards. It can make a Minister’s task of appointing a competent board much more difficult and become an obstacle to achieving the necessary gender balance.

Section 10(3) already provides that in making appointments to the authority, the Minister shall have regard to their having knowledge or experience in consumer affairs, business, finance, management or administration or any other subject which would be of assistance to the authority in performing its functions. I am not in favour of professional consumer representatives in this regard. We are all consumers of goods and services. Most Members will have used a property service at some stage when buying a property or renting accommodation. It is not a specialised skill. The Bill’s provisions are sufficient to ensure the appointment of a high calibre authority in due course.

**Senator Ivana Bacik:** I thank the Minister for accepting amendment No. 2 which arose from Committee Stage deliberations. It had become apparent that section 10, which provides for the property services regulatory authority membership, would have allowed it to be dominated by property service provider professionals. The section’s wording was, therefore, flawed. This amendment will mark a great improvement for consumer protection in ensuring not more than

three members of the authority shall be representatives of those providing property services. It will also ensure the authority's independence in this regard which is what the Minister intended.

There was some debate on Committee Stage regarding the provisions around amendment No. 3. Notwithstanding the Minister's objection to it, it is important that it is specified that at least three members of the authority should be consumer interest representatives. I accept his point that all sorts can claim to be consumer interest representatives, as indeed all sorts could claim to be representatives of those who provide property services. Given the Bill's aim to ensure greater consumer protection in this unregulated area, it would be useful to be more specific about the numbers of those on the 11-member authority who would specifically represent consumers' interests. I accept there is some reference to consumer affairs in section 10(3) but this amendment would strengthen consumer protection.

**Deputy Dermot Ahern:** Having experience over several years of appointing people to boards, when one is ticking all the boxes on gender representation balance, it is something of an onerous task. This is especially the case when getting nominations from various groups who do not necessarily put forward a gender balanced nomination, leaving it up to the Minister to ensure the gender balance of a board's membership. Much of the employer-employee relationship legislation requires representatives from trade unions and employers' groups on various boards. When one gets the nominations from these groups, as I said on Committee Stage, the Minister has to re-balance the board to tick the correct boxes on gender balance.

I accept Senator Bacik's point on highlighting the requirement for representatives with experience in consumer affairs. It was suggested on Committee Stage that there should be a specific requirement for representatives of consumer interests. Virtually everyone has had some dealings with the services to be regulated under this legislation. Any person off the street, therefore, would be able to represent consumer affairs in that respect. If one picks one over the other, in this case property services providers, will it imbalance representation?

I am desirous to have consumers' interests represented as much as possible. I will examine it again before it goes to the Dáil to see if the section can be tweaked to highlight consumer affairs. My experience, however, is that when one is picking a board it is better to have people on it with no vested interests because one might get a better overview. Having said that, when dealing with specialised legislation, one cannot pick anyone off the street to be an authority member. They need to have some experience and knowledge in the area concerned or else the board will become ineffectual.

**Senator Ivana Bacik:** I am glad the Minister will examine this again. The formula used in amendment No. 3 was trying to follow the Minister's wording in section 10(4)(a). That is why I used the wording, "in the opinion of the Minister, [these people would be] representatives of the interests of consumers". I believed this gave the desired degree of flexibility in this regard. I accept there may be all sorts who may claim to represent the interests of consumers, so there must be some criteria for judging whether they do.

Another formula would be to use the model of section 10(5) which affords the Minister positive guidance in making board appointments. Given the large political focus on alleged cronyism in appointments to State boards, it is good to see provisions in this legislation that give parameters and guidance to Ministers in making such appointments. It is important to see gender balance being one of these considerations. The Minister may consider an alternative approach to amendment No. 3, along the lines of section 10(5), which would read: "The Minister shall, in so far as is practicable and having regard to the knowledge or experience of matters relevant to the functions of the authority of the persons concerned, ensure an appropriate representation of those representatives of the interests of consumers upon the authority." This

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might be a less prescriptive way of ensuring consumer interests are adequately represented on the authority, given it is prescriptive about representatives of persons who provide property services. Perhaps the Minister will take on board my alternative wording when the Bill goes to the other House.

Amendment agreed to.

**Senator Ivana Bacik:** I move amendment No. 3:

In page 22, between lines 37 and 38, to insert the following:

“(b) at least 3 shall be persons who, in the opinion of the Minister, are representatives of the interests of consumers, and”.

**Deputy Dermot Ahern:** That is not agreed.

**Senator Ivana Bacik:** I understood it was agreed.

Amendment put and declared lost.

**Acting Chairman (Senator Paschal Mooney):** Amendments Nos. 4 and 5 are related and may be discussed together by agreement.

**Senator Ivana Bacik:** I move amendment No. 4:

In page 32, to delete lines 40 to 49 and substitute the following:

“(10) A licensee who fails to comply with a code of practice is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000.”.

This amendment is somewhat altered in its wording but is based on an amendment to section 19 tabled on Committee Stage which deals with codes of practice. We are trying to substitute a new section 19(10) for the existing section 19(10). This would give greater teeth or powers of enforcement to the codes of practice adopted under the section. I said on Committee Stage that the current section 19(10) makes the codes of practice effectively unenforceable because it states that a failure by a licensee to observe any provision of a code of practice will not, of itself, render the licensee liable to any civil or criminal proceedings. This would substantially alter the effectiveness of codes of practice by ensuring someone who failed to comply with the code would be guilty of an offence and liable, on summary conviction, to a fine not exceeding €5,000.

Amendment No. 5 is related but does not depend on Amendment No. 4. It should be considered as a stand-alone amendment because it is an amendment to section 36 which concerns the renewal of a licence. This was not tabled on Committee Stage but arises out of the Committee Stage debate because it is about trying to give greater teeth to the codes of practice and to ensure they will have more effect or impact. I am aware the Minister had a concern about creating criminal liability around the breach of the code but this is much less extreme. It is important because it requires the authority to refuse to renew a licence if section 36(2) or another provision of the Act, including a code of practice, has not been complied with in respect of a person. It creates another enforcement mechanism for codes of practice holding that the authority shall refuse to renew licences where the codes of practice have been breached. It is about trying to make the codes of practice more effective and clearly enforceable.

**Deputy Dermot Ahern:** The purpose of a code of practice under the Bill is to provide guidance in the form of non-binding standards in respect of the provision of property services. For this reason, any failure to observe a provision of such a code would not, of itself, render a licensee liable to any civil or criminal proceedings. It can, if relevant, be taken into account by the authority, the appeals board or any court in determining whether “improper conduct”, as it is termed in the Bill, has occurred.

This approach to the implementation of codes of practice was also used in other legislation. For example, section 56 of the Employment Equality Act 1998 and section 60 of the Safety, Health and Welfare at Work Act 2005 provide for codes of practice, and in neither case are sanctions provided for.

This Bill provides that non-observance of a code of practice can be taken into account in proceedings in determining whether improper conduct has occurred or is occurring. It is best to illustrate this by an example. Section 61 requires auctioneers to keep records of offers received on condition of acceptance where land is offered for sale by private treaty. The authority may decide in due course to issue a code of practice on how best to record this data and retain it. If it subsequently emerges that a licensee has breached section 61, which would amount to improper conduct, the authority or the appeal board can take account of the fact that the code of practice was issued and the licensee should have known of its content and followed it. Ignoring the code will not, of itself, be an offence but it will be much more difficult for a licensee to avoid a finding of improper conduct against him or her in such a case.

The sanctions in the Bill are substantial. A licensee’s licence can be suspended or revoked or he or she can be required to pay up to €50,000 into the compensation fund, up to €50,000 towards the cost of an investigation of the authority and-or up to €250,000 to the authority. For these reasons, I cannot accept amendment No. 5 which would, in effect, be a block to the renewal of a licence for breach of a code.

I stated on Committee Stage that codes of practice are what they mean. They are there for guidance and not such that one must adhere to them to the letter of the law. A breach or avoidance of or ignoring the code of practice could be taken into account in respect of a finding of improper conduct against a licensee.

Amendment put and declared lost.

**Senator Ivana Bacik:** I move amendment No. 5:

In page 45, line 37, after “*subsection (2)*” to insert the following:

“or another provision of this Act including a code of practice”.

Amendment put and declared lost.

**Acting Chairman (Senator Paschal Mooney):** Amendments Nos. 6 to 13, inclusive, and Nos. 15 and 16 are cognate and may be discussed together by agreement. Is that agreed? Agreed.

Government Amendment No. 6:

In page 54, line 36, after “to the High Court” to insert “in a summary manner”.

**Deputy Dermot Ahern:** These are technical amendments. They provide that applications to the High Court and Circuit Court in the first instance shall be in a summary manner. This will mean the procedures for statutory applications under the rules of the superior courts and

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Circuit Court rules will automatically apply to such applications. This will remove the need to make specific rules of court to deal with any applications to the High Court or Circuit Court under the Act.

Amendment agreed to.

Government Amendment No. 7:

In page 57, line 18, after “apply” to insert “in a summary manner”.

Amendment agreed to.

Government Amendment No. 8:

In page 58, line 46, after “apply” to insert “in a summary manner”.

Amendment agreed to.

Government Amendment No. 9:

In page 59, line 13, after “apply” to insert “in a summary manner”.

Amendment agreed to.

Government Amendment No. 10:

In page 63, line 16, after “application” to insert “in a summary manner”.

Amendment agreed to.

Government Amendment No. 11:

In page 63, line 35, to delete “on an *ex parte* basis” and substitute “in a summary manner *ex parte*”.

Amendment agreed to.

Government Amendment No. 12:

In page 68, line 10, after “apply” to insert “in a summary manner”.

Amendment agreed to.

Government Amendment No. 13:

In page 75, line 37, after “application” to insert “in a summary manner”.

Amendment agreed to.

Government Amendment No. 14:

In page 88, line 43, to delete “*Subsections (4) and (6)*” and substitute “*Subsections (4) and (5)*”.

**Deputy Dermot Ahern:** This is merely a technical amendment.

Amendment agreed to.

Government Amendment No. 15:

In page 100, line 22, after “apply” to insert “in a summary manner”.

Amendment agreed to.

Government Amendment No. 16:

In page 101, line 15, after “apply” to insert “in a summary manner”.

Amendment agreed to.

**Acting Chairman (Senator Paschal Mooney):** Amendments Nos. 17 and 18 are cognate and may be discussed together by agreement. Is that agreed? Agreed.

Government Amendment No. 17:

In page 124, lines 8 and 9, to delete “and Financial Services Authority of Ireland”.

**Deputy Dermot Ahern:** These are drafting amendments.

Amendment agreed to.

Government amendment No. 18:

In page 125, lines 33 and 34, to delete “and Financial Services Authority of Ireland”.

Amendment agreed to.

Government amendment No. 19:

In page 125, between lines 39 and 40, to insert the following:

“Amendment of section 36 of the Building Societies Act 1989.

7. Section 36(1)(f) of the Building Societies Act 1989 is amended by deleting “auctioneering services and”.”.

**Deputy Dermot Ahern:** This is a drafting amendment.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I thank the Chairman, the Seanad staff and mine for their work on the Bill. I also thank the Members of the House for their consideration of it. There was a relatively lively debate on Second Stage and the Bill is better for some of the amendments made which were prompted by both sides of the House. I was amenable to some of the changes prompted by the Opposition. It is necessary to get the legislation which I inherited when appointed Minister up and running. It might be said it involves another authority which, perhaps, we would reconsider in other times, but it is necessary to regulate this area properly. The broad spectrum of auctioneers, letting agents and

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management service providers has not been regulated as we would wish. The Bill fits in very well with the multi-unit development legislation which we concluded a couple of days ago. Obviously, one cannot deal with everything in this area in just one legislative measure. I thank Members of the House.

**Acting Chairman (Senator Paschal Mooney):** Before calling Senator Bacik, I draw the attention of Senators to the following printing error in the Bill which occurred when it was being reprinted following Committee Stage. In page 119, between lines 23 and 24, a line of text is missing. The text which was erroneously omitted reads as follows:

“(2) In *section 29(2)*, any reference to a licensee is a reference to a relevant person.”

The missing text will be included when the Bill is reprinted following Report Stage.

**Senator Ivana Bacik:** I welcome the passing of the Bill which is long overdue. This is an area in which the interests of consumers have been unprotected for too long and, as the Minister said, the sector has been largely unregulated until now. We, therefore, welcome the Bill and its companion measure, the Multi-Unit Developments Bill which will improve the situation of apartment owners and residents. However, an important reform is not contained in either Bill. When I raised the matter on Committee Stage, the Minister said he had concerns about data protection issues, although it was included in the programme for Government and would be, perhaps, the last stage in reform of this sector in the interests of consumers. It would involve the publication of house purchase prices in a publicly accessible register, as happens in other jurisdictions. This would be a way of ensuring greater transparency in the housing market. However, that is a reform for consideration on another day. I welcome the Bill.

**Senator Shane Ross:** Yes, it has been a long road. The process started in this House six or seven years ago when Senator O'Toole and I said something had to be done about auctioneers. We progressed to a special commission to examine auctioneers, followed by recommendations. Whereas there are many inadequacies in the Bill, the situation is far better than it was. Not to put too fine a tooth in it, prior to this Bill, there was no regulation in auctioneering. There were a couple of auctioneering bodies which were toothless and fought each other rather than anybody else. They did little to regulate auctioneers. In fact, the Irish Auctioneers and Valuers Institute, IAVI, and the association of chartered surveyors have merged since yesterday and it should be noted that the chartered surveyors are not calling themselves auctioneers, while the auctioneers are calling themselves chartered surveyors. Nobody has the desire, given the history of auctioneering in this country, to call himself or herself an auctioneer, following the scams and malpractices in the sector. One did not require a single qualification to be an auctioneer. That one did not have to be able to read, write or add to be an auctioneer was an absolute disgrace, given that one was handling clients' money.

It is appropriate to welcome this measure, although I accept there have been political difficulties for the Government in doing this. The auctioneering lobby is and has been extremely strong and there has been much behind the scenes action in an attempt to amend, change and defeat the Bill. The legislation is a step in the right direction. I will not add anything further on its inadequacies which have been mentioned many times. This is progress and I thank the Minister for bringing the process to completion.

**Senator Eugene Regan:** I thank the Minister for dealing personally with the Bill on the different Stages in the House. It is important legislation, with the Multi-Unit Developments

Bill which we concluded on Tuesday. While it has taken some time, it is important for the regulation of auctioneering, estate agents, letting agents and so forth. The fact that the Property Services Regulatory Authority is already in place having been established on an interim basis will, I expect, allow for implementation of the Bill without undue delay. We have done good work this week in the regulation of the property market and service providers which will be of benefit in the future.

**Senator Lisa McDonald:** I welcome the passing of the Bill and thank the Minister for the time he spent considering it, as drafted, accepting amendments and teasing out various options to make it a better and well considered Bill. I also thank the staff in the Minister's office. The legislation is long overdue and very welcome. Practically every citizen has had dealings with those involved in property services, be they auctioneers, estate agents, letting agents or others; therefore, the Bill will be widely welcomed. It will improve the situation of people who are buying or selling houses to know they have access to an appeals mechanism and that they can have transparency when dealing with auctioneers. This is long overdue, as all sides of the House agree.

Question put and agreed to.

**Acting Chairman (Senator Paschal Mooney):** When is it proposed to sit again?

**Senator Lisa McDonald:** At 2.30 p.m. on Tuesday, 15 June.

**Senator Eugene Regan:** I register my opposition to the proposal that the House not sit next week and that it sit again on 15 June.

**Senator Pearse Doherty:** I also oppose the proposal. I propose that the House sit at 2.30 p.m. next Tuesday, 8 June, as normal.

**Senator Ivana Bacik:** Senator Doherty pre-empted my comments, but I support Senator Regan in his opposition to the adjournment of the House until 15 June. Like the Dáil, we should sit next week.

Question put: "That the House adjourn until 2.30 p.m. on Tuesday, 15 June 2010."

Question put.

The Seanad divided: Tá, 28; Níl, 18.

Tá

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

MacSharry, Marc.  
McDonald, Lisa.  
Mooney, Paschal.  
Ó Brolcháin, Niall.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás  
O'Brien, Francis.  
O'Malley, Fiona.  
O'Sullivan, Ned.  
Ormonde, Ann.  
Walsh, Jim.  
White, Mary M.  
Wilson, Diarmuid.

Nil

Bacik, Ivana.  
Bradford, Paul.  
Buttimer, Jerry.  
Cannon, Ciaran.  
Coghlan, Paul.  
Doherty, Pearse.  
Donohoe, Paschal.  
Fitzgerald, Frances.  
Hannigan, Dominic.

McFadden, Nicky.  
Mullen, Rónán.  
Norris, David.  
O'Reilly, Joe.  
Phelan, John Paul.  
Regan, Eugene.  
Ryan, Brendan.  
Twomey, Liam.  
White, Alex.

Tellers: Tá, Senators Niall Ó Brolcháin and Diarmuid Wilson; Níl, Senators Pearse Doherty and Eugene Regan

Question declared carried

### Adjournment Matters

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#### Innovation Economy Development

**Senator Paschal Donohoe:** I welcome the Minister of State, Deputy Calleary, and thank the Cathaoirleach for selecting this motion, to which there are a number of elements. The first is that the actual record on the spending of taxpayers' money on IT-related projects during the years has been patchy at best. The Comptroller and Auditor General compiled a report on this subject about a year ago, in which his office detailed a number of projects that were not within budget and did not meet their objectives. The appointment of a chief technology officer to improve the use of information technology in the public service and provide focused support for the development of an innovation economy would ensure such difficulties would not arise again and that money would be well spent. That is a somewhat negative reason, but there are two further reasons which are far more positive and progressive.

Major efficiencies could be achieved across the public service through the greater and smarter use of information technology. Take the HSE, for example, and some of the difficulties it has encountered recently in the recording of important statistics. There is no doubt that adopting a more co-ordinated approach across the public service to make better use of information technology would allow the achievement of better results for the citizen, as well as facilitating the better use of taxpayers' money.

More broadly, the report published recently by the Government on the creation of an innovation economy details what would be needed to create such a phenomenon and ensure information technology would play an appropriate role in it. There are many ways by which the use of existing information technology systems within the public service could be harnessed in order that employment could be created, as well as opportunities for Irish companies to express their ideas on how taxpayers' money could be better spent and tender for such work. The setting up of an office for this purpose would provide the dynamic to allow this to happen. We all know that excellence in the use of information technology will be a major driver in how the economy will perform in the future. The setting up of an office such as this to co-ordinate the different strands and ensure all Departments sing from the same hymn sheet would be of great benefit to companies already based here, as well as to those that will be created here in the future, either as indigenous companies or through investment from abroad.

Let me give one example. There is a great deal of discussion and concern about the use of file sharing technologies. This is always seen in the context of illegal file sharing, of music or illegal material. Many companies in Ireland use the same technology for legal and legitimate purposes. However, some of the measures being proposed might affect the viability of legitimate companies based here which are generating employment and profits. One of the things an office such as this could do is ensure the left hand knows what the right hand is doing and that in delivering something deemed to be very important within, say, the justice or social field, it does not have unintended adverse consequences elsewhere.

For all these reasons, this is an issue about which the Government should do something. It would be testimony to its commitment to the creation of an information society.

**Minister of State at the Departments of the Taoiseach, Finance and Enterprise, Trade and Innovation (Deputy Dara Calleary):** I thank Senator Donohoe for raising this issue and for his continued interest in this area. It is important to put on record that there have been considerable successes in the public service in the use of information and communications technology, ICT. The big transaction processing Departments have been highly successful in implementing complex IT systems for their lines of business and have managed to do so at lower cost than many of their counterparts throughout Europe. While it is acknowledged that there was a particular problem with the implementation of PPARS in the HSE some years ago, it is worth noting that the technology aspects were successful and the problems arose primarily from the significant process changes required.

Great strides have been made in implementing high quality telecommunications and broadband services in the public service at considerably lower cost than in corporate markets and other jurisdictions. The implementation of such technology in Ireland is considered to be an exemplar that other EU countries are now seeking to emulate. In addition, Ireland is the first country in the EU to implement a fully integrated and shared national digital radio communications service to provide highly secure push-to-talk radio communications for all emergency and security services of the State. Other EU nations are now seeking to integrate systems they have implemented on an individual basis for their emergency and security services.

A considerable range of services are readily available on-line and, as a result, Ireland is ranked joint seventh of 32 countries on EU e-Government benchmarks, equal to our nearest neighbour, the UK. It is acknowledged that there are difficulties in putting more services on-line because of barriers arising from national and international law, international obligations, and requirements for biometric features such as photographs, fingerprints, signatures, additional supporting documentation, physical inspections and so on. Accordingly, the Government approved a new e-Government strategy in 2009 that sets out new approaches for dealing with these barriers and has asked public bodies to develop plans in accordance with these approaches. The Department of Finance is assisting public bodies with the development of these plans and reports regularly to the Cabinet committee on transforming public services, which I attend. This is a matter which I intend to follow up.

The Government has stated in the renewed programme for Government that we will appoint a chief information officer, CIO, to provide leadership for the development of ICT and other relevant technologies within and outside Government, as outlined by Senator Donohoe. A major part of the thinking behind this announcement is that, in addition to internal ICT matters, the CIO will advise the Government on how to take a proactive, leading role in championing IT innovation and development externally as part of the building of our smart economy. The nature of that appointment and its practicalities are under active consideration at the moment.

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The Government is committed to the overall development of an innovation-based economy. Our Strategy for Science, Technology and Innovation 2006-2013 identified science, technology and innovation, STI, as the key to our future growth and competitiveness. We realise that by making a substantial public investment in STI, we can make the transition to the smart or innovation economy. This whole-of-Government strategy comprehends research and the application and commercialisation of the fruits of that research across many Departments. The significance of this productive investment and our sustained commitment to it was reinforced in December 2008 in the Government's policy document, *Building Ireland's Smart Economy — A Framework for Sustainable Economic Renewal*.

In the 2010 budget the Government agreed to protect the significant public and private research capacity built in Ireland over the past decade. It will also consolidate that investment, secure efficiencies and refocus for the future through the creation of a single funding stream for STI. Building on that announcement, the current structures for delivery of research funding are being reviewed, as demonstrated by the creation of a single funding stream in the 2010 Revised Estimates.

When the Minister for Enterprise, Trade and Innovation, Deputy Batt O'Keeffe, assumed office, one of his key initiatives was to ensure the transfer of responsibility for the programme for research in third level institutions, PRTLII, to his Department. This provides an impetus for the two objectives of a single funding stream and a single responsible agency in view of the resulting efficiency and effectiveness. The transfer will also ensure strong links between human capital, physical infrastructure and enterprise realising opportunities. Policy goals will be implemented in a way that maximises complementarity and synergy.

As we build towards our goal of investing 3% of GDP in research and development, we will commit greater resources to funding applied research that is focused on important opportunities for industry in Ireland. The Minister will introduce legislation to broaden the remit of Science Foundation Ireland to enable it to conduct research that is closer to market. The Government is firmly of the view that innovation can help accelerate our economic recovery and help us get back on the path to sustainable growth. Its overall approach is mapped out in the report of the innovation task force, which was launched on 11 March 2010 and provides a roadmap for Ireland to identify issues in a number of areas.

The Minister has indicated he will report on the committee's work regularly to the Taoiseach and the Cabinet committee on economic renewal, and the implementation of the recommendations of the innovation task force will greatly enhance our economic and competitive position. This will be underpinned by the efficient and effective use of ICT in delivering public services, together with a CIO.

### **European Globalisation Adjustment Fund**

**Senator Joe O'Reilly:** I thank the Cathaoirleach and his staff for selecting my matter for discussion on the Adjournment and I welcome the Minister of State. As the Minister of State and colleagues in the House will be aware, the EU globalisation adjustment fund was set up effectively as a precursor to the Lisbon campaign to gain popular support. However, the issue is not so much the background as the nature of the fund.

The assistance provided by the fund includes job search assistance, occupational guidance, retraining, lifelong learning and training allowances. I am sure the list may be interpreted flexibly. Applications for the fund must be authorised by a member state and be signed by an

authorised representative, either a relevant Minister or European representative of that State. Based on all the information I have gathered from MEPs and from informal discussions, it seems that applications from member state governments which present a reasonable case will be accepted, and my understanding is that there is a considerable amount of funding available.

Tragically, there are now more than 430,000 people unemployed in this country, which represents an increase of more than 6,600 from last month. In April, the unemployment figure for the Border, midlands and west, BMW, region, the area I represent and on which I am focusing in this context, was 60,600, including 7,226 from my own county of Cavan. These figures demonstrate the size of the unemployment problem, which is exacerbated by globalisation. In a strictly theoretical sense, there must be a globalisation dimension to the unemployment problem, and that is certainly the case. Globalisation is a major threat to indigenous employment.

The current rate of unemployment is phenomenal and, without question, will rise, especially as a result of the job losses at Quinn Insurance. From attending meetings with the Minister of State I know he is only too painfully aware that 900 people have already sought voluntary redundancy from the company in the past month. These redundancies will come into effect in the next 15 months. Quinn is one of the largest employers in the Cavan area and the effect on the people of Cavan will be detrimental. Quinn workers would not readily obtain PEACE funding, so we must seek money from the globalisation fund. The labour activation fund has been established, which I welcome, but I am calling for this as an additional measure.

It goes without saying that our preferred solution at local level is to save the jobs by opening all the markets, but we have to deal with the tragic realities of job loss as well as consolidating and saving existing jobs. Our predominant strategy must be to save jobs, but this cannot always be achieved and we must deal with the situation as it is.

One may apply to the globalisation fund when companies have employed 500 people or more. This makes the Quinn Group a prime candidate to make the region a candidate in this regard. It is important to note also that it takes 24 months from the notification of a decision of approval before the money is released. Effectively, I wish to put two questions to the Minister of State. Has Ireland submitted an application for globalisation funding? If not, does the Government propose to submit such an application?

I note that as a sum of €22 million was achieved for the Dell workers and the region affected, a precedent has been set. The losses within Quinn Insurance in my region are the equivalent to the losses in Dell in the Limerick region. Proportionately, they are the same. The case is the same and my region fits all the criteria. While I acknowledge that a domestic contribution must be made, it would be well paid for in the tax take from economic activity in the region and lateral activity arising therefrom. Moreover, the consequences of not doing so would be more expensive.

While I hope the Minister of State will indicate that an application has been made, if not, he should provide Members with a commitment that one will be made. This would give great heart to the people I represent and a region with which the Minister of State is very familiar.

**Deputy Dara Calleary:** First, I wish to outline some of the responses by Government agencies, of which the Senator will be aware. I acknowledge the work he put in during the weeks following the announcement.

In recent weeks the Minister for Enterprise, Trade and Innovation, Deputy Batt O’Keeffe, has been in close and regular contact with State agencies, Quinn Insurance employee represen-

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tatives and local public representatives across the political parties. That process of intensive engagement meant he could activate a co-ordinated emergency Government response as soon as the redundancies were notified. He established an inter-agency team comprising Enterprise Ireland, FÁS, IDA Ireland, the relevant enterprise boards and the Department of Social Protection. The former chief executive of Enterprise Ireland, Mr. Dan Flinter, is chairing the inter-agency team in order that every support can be put in place in responding to the needs of all those affected. His appointment is a strong signal of the importance the Government attaches to a co-ordinated and effective response to the voluntary redundancies in Quinn Insurance.

The primary focus of the inter-agency response team will be to support the affected employees to explore their options regarding employment, setting up a business and education, as well as to outline the supports and training available to them. The first meeting of the team was held in Cavan on Friday, 30 April and three further meetings have taken place since. Dedicated information centres staffed by the agencies have been established on site in Cavan, Navan and Blanchardstown to support the affected workers. Staff briefing sessions have been held in Cavan, Navan and Blanchardstown to outline the supports available through Enterprise Ireland, FÁS and the relevant enterprise boards. A series of business start-up workshops will be run by Enterprise Ireland and the county enterprise boards in the three centres for those thinking of starting a business. On 9 June the Department of Social Protection and FÁS will be back on site at the three locations to process benefit applications and assess training needs.

Enterprise Ireland is in communication with Quinn Insurance regarding the most appropriate and practical measures to be taken by the agencies concerned, while also ensuring continuation of normal business at the locations affected. The agency will run briefings for the affected staff on the supports that can be provided. It will also hold one-to-one clinics with persons interested in starting a business.

The county and city enterprise boards have made themselves available to liaise with those considering self-employment or establishing their own micro-enterprises. The boards in Meath, Cavan and Fingal are working together to provide an appropriate co-ordinated response to the announcement of the job losses at Quinn Insurance.

IDA Ireland will participate in all group endeavours to minimise the impact of the recent announcement. The agency will establish the range of skills currently in the company and actively market these skills to all potential investors. Mr. Flinter will have a major role to play in this regard.

FÁS has made direct contact with the administrator and company management to discuss the services it can provide. However, the Senator will be aware that a key element in safeguarding the long-term viability of Quinn Insurance and protecting the remaining jobs is the reopening of its UK business. In this regard, the decision by the Financial Regulator to allow the remainder of the private motor insurance business to reopen from 30 April is welcomed.

All are agreed that these are difficult and uncertain times for employees at Quinn Insurance. I assure the Senator and the workers and communities affected that the inter-agency team established by the Minister will give every support to assist the employees who lose their jobs and create new employment opportunities for those affected.

As for the funding issues, the Government is considering the potential of all relevant EU funding programmes, including the globalisation fund, to assist workers in the BMW region and, in particular, those affected by the Quinn Insurance redundancies. The Minister has been in contact with his Northern Ireland counterpart, the Minister of Enterprise, Trade and Invest-

ment, Arlene Foster MLA, about drawing down European Union funding under the cross-Border INTERREG programme for training initiatives and start-up supports in the affected areas. Officials on both sides met on 4 May and are now working on a funding proposal that will be submitted to the INTERREG programme when the next call for proposals is made in September. As the Senator noted, the Tánaiste and Minister for Education and Skills has agreed that €1 million of the special fund for labour force activation measures will be ring-fenced to fund up-skilling activities for Quinn Insurance employees affected.

As for the issue of submitting an application to the European globalisation fund in respect of redundancies in the BMW area, Members should be aware that strict criteria apply to the making of applications for co-financing assistance under the fund. These include the requirement that at least 500 redundancies in a single enterprise have occurred within a four-month reference period. It is not yet clear whether the redundancies related to Quinn Insurance will meet this requirement. In addition, a substantial number of other requirements obtain when making an application. Therefore, no application for European globalisation fund moneys has yet been made. However, this is being kept under close review and I will revert to the Senator with further information.

**Senator Joe O'Reilly:** I thank the Minister of State for his detailed reply. It is clear from the subtext that the Government is looking positively at making an application and I appeal to the Minister of State to so do. I am also delighted with the cross-Border dimension. The Minister of State will be aware that this issue was discussed at today's meeting of the Joint Committee on Enterprise, Trade and Employment which was attended by MEPs. A consensus emerged which took on board the expertise of the MEPs in respect of dislocation in a number of small enterprises within a region. In this context, I note that 60,000 jobs have been lost throughout the entire BMW region and that up to 900 such losses will take place in Quinn Insurance. If one takes on board the points made by the business leaders from the Quinn catchment area whom I met yesterday in Buswell's Hotel, it appears that unless things change soon, the situation might become more catastrophic. God forbid that this would be the case. This is a serious issue, but the Minister of State's reply has left me with the impression that this will happen. However, I ask him to make it happen quickly.

### **Hospital Accommodation**

**Senator John Paul Phelan:** I also welcome the Minister of State, Deputy Calleary. I once referred to him in the House as "Minister Callely" shortly after his appointment to his position.

**Deputy Dara Calleary:** I am in enough trouble.

**Senator John Paul Phelan:** This is an extremely important issue and I am a little disappointed that it is not being dealt with by the Minister for Health and Children or a Minister of State from that Department.

Kilcreene Orthopaedic Hospital is the regional orthopaedic hospital for the south east and, together with Waterford Regional Hospital, St. Luke's General Hospital, Kilkenny, Clonmel General Hospital and the general hospital located in Wexford town, comprises one of the five parts of the acute health service infrastructure for the south-eastern region. It is a fantastic facility that processes a large number of orthopaedic procedures every year and a remarkably successful hospital. In particular, it has managed to control better the number of infections which can be so damaging to elderly people who are hospitalised to undergo orthopaedic

[Senator John Paul Phelan.]

procedures than nearly every other orthopaedic facility in the country. It is an example that should be used across the rest of the country.

I was particularly shocked and disappointed by the actions of the Health Service Executive. It issued a press release dated 2 June in which it tried to couch the closure of 20 beds in Kilcreene hospital as something that was a success for the HSE in that it would increase and meet its target for day case procedures because it was closing 20 of the 51 beds available in Kilcreene hospital.

A number of facts were included in that press release which are frankly wrong and are downright lies. The HSE states the closure of the 20 beds is to facilitate the staff of the hospital to go on annual leave. That is not the truth. Staff at the hospital are not seeking such closures to facilitate annual leave.

It is worth pointing out that in recent years the number of times the hospital beds have been closed has increased, particularly the Christmas closing which appears to come earlier in the month of December every year. The emphasis is on budgets and we are all aware that the HSE, no more than any other Government agency, must strive to operate within its budget but there is also the greater public health issue. I strongly believe in the free market and that the State should not be involved in every aspect of people's lives but education, health and transport are the three core pillar areas where the State must have an involvement.

As part of our public health facilities Kilcreene hospital is an example of how people who cannot afford to pay for them, public patients, can get a very good health service. The many people who get access to our public health service are very pleased with the service they get. The difficulty is in getting access to that service.

Kilcreene currently operates with six consultants who come from Waterford, one each day, to carry out the procedures at the hospital. They have been told to reduce the number of joint replacement operations to two per day rather than four or five, which currently takes place. These cuts are proposed to come into place from 1 July which would see a reduction from 51 beds to 31 beds until the end of the year at least.

I have already mentioned that this has been couched in terms that it is facilitating the staff of the hospital. That is not the case. The real difficulty for Kilcreene is that its income has been affected because of the sharp decline in the number of private operations taking place at the hospital. I understand there are ten private rooms and occupancy of those rooms has fallen dramatically in recent months. I suppose it is a symptom of the economic climate in which we live currently but because of those private rooms not being utilised as much as they were previously, the funding for the hospital has been reduced. Despite the fact that orthopaedic and joint replacement procedures have increased in the past ten years from over 300 to over 700 the hospital never got what one would call a proper budget. That is the difficulty in which it now finds itself.

If we are to believe in a future for public health Kilcreene hospital, which is a shining example for the entire country in terms of orthopaedic surgery, should not be cut back by way of the drastic measure the HSE is proposing. I hope it will reconsider the provision of health care for public patients because if this comes into play, there are many people on waiting lists who will wait a lot longer for the urgent hip, knee and other joint replacement operations they require.

**Deputy Dara Calleary:** I am taking this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney, who is in the Dáil Chamber.

As is happening in all developed countries, management of the performance of our health service is increasingly focused on the outputs achieved, rather than simply the inputs. Service delivery is about access to appropriate care for patients, not necessarily the number of beds in a hospital system or the number of consultants employed.

The 2010 national service plan commits the HSE to treating people more effectively, without reducing access to appropriate services, by reducing costs and reforming the way services are provided. In particular, undertaking more hospital activity on a day basis is in line with national and international best practice. There is considerable scope within existing resources to move inpatient cases to day treatment.

As the regional elective orthopaedic centre in the south east, as Senator Phelan referred to, Kilcreene provides inpatient, day case, outpatient and extensive after-care services. The HSE is satisfied that its 2010 service plan target of over 600 day case procedures at Kilcreene will be achieved, if not exceeded. In addition to these 600 day case procedures, some 750 other cases will be treated on an inpatient basis and over 5,000 outpatient consultations will be provided.

As has been standard practice in hospitals for many years, during the months of July and August a number of theatre and temporary bed closures are planned at Kilcreene. This enables efficiencies to be achieved and facilitates hospital staff to avail of leave during the peak summer period. It is also a time of year when many people prefer not to be in hospital for planned procedures.

To ensure the continuation of the planned level of elective inpatient and day case services for 2010, it will be necessary to continue the closure of 20 beds for the remainder of this year. In conjunction with this, a small number of nursing and support staff will be redeployed to the HSE's community services in the Carlow-Kilkenny area. This will result in additional resources for elderly care and will enable enhanced support for people who can remain at home and receive treatment without requiring admission to a hospital or a residential nursing facility.

I wish to emphasise that while the number of inpatient beds at Kilcreene will be reduced, the HSE is working to maximise the number of patients treated within the resources available. These are challenging times for all involved in the provision of health services. However, the Minister is satisfied that the measures the HSE is adopting in Kilcreene are appropriate to ensure the maximum number of patients benefit from the resources available to Kilcreene in 2010.

**Senator John Paul Phelan:** I want to express my disappointment, and it is not the fault of the Minister of State, that much of what is contained in his reply is what was contained in the press release from the HSE yesterday. That is not satisfactory. Repeating the line that this is being done to facilitate the staff of the hospital is wrong because that is not the case. Does the Minister believe that increasing the number of day procedures will do something for a person who needs a hip or knee replacement operation? Those are the people I speak with primarily. Those people require inpatient care. They will not walk into the hospital in the morning, get a hip replaced and walk out again in the evening. Those are the people who will suffer because of this announcement. I fully agree with the Minister that we must examine the results from our health service and not focus on beds and consultants.

**Acting Chairman (Senator Paul Bradford):** Thank you, Senator.

**Senator John Paul Phelan:** Ultimately, when it comes to critical services such as joint replacement procedures it is about beds and consultants.

**Acting Chairman (Senator Paul Bradford):** The Senator may have asked a question in making that statement. The Minister may give a brief reply.

**Senator John Paul Phelan:** It might have been rhetorical.

**Deputy Dara Calleary:** I will ask the Minister, Deputy Harney, to revert directly to the Senator.

**Acting Chairman (Senator Paul Bradford):** An excellent response.

The Seanad adjourned at 2.30 p.m. until 2.30 p.m. on Tuesday, 15 June 2010.