



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Thursday, 17 June 2010.

[illegible]

SEANAD ÉIREANN

Déardaoin, 17 Meitheamh 2010.
Thursday, 17 June 2010.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Business of Seanad

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

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

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

Order of Business

Senator Donie Cassidy: The Order of Business is No. 1, motion re preventing and combating trafficking in human beings and protecting victims, to be taken without debate at the conclusion of the Order of Business; No. 2, motion re renewal of the provisions of the Offences against the State (Amendment) Act 1998, to be taken at the conclusion of No. 1 and conclude within 45 minutes, on which Senators may speak for five minutes; and No. 3, Merchant Shipping Bill 2009 — Second Stage, to be taken at the conclusion of No. 2 but not before noon, on which spokespersons may speak for 12 minutes and all other Senators for ten minutes and Senators may share time, by agreement of the House.

Senator Frances Fitzgerald: Yesterday the chairman and the chief executive of Anglo Irish Bank addressed the Oireachtas Joint Committee on Finance and the Public Service. As everybody now knows, the chief executive, Mr. Mike Aynsley, stated at the meeting that the lion's share of the €22 billion put into the bank by the taxpayer would never be seen again. There are many more billions of euro that will not be seen again. The members of the committee were also told that the investigation by the Office of the Director of Corporate Enforcement would not be lengthened because of the bank's decision to claim privilege on certain documents. These two comments will obviously generate a lot of concern throughout the country, given the enormous sums of money involved and the impact of what is effectively the withdrawal of the €22 billion from constructive use in the economy. It cannot now be used for the development of badly needed services or in addressing the issues we discussed last night.

[Senator Frances Fitzgerald.]

I am concerned that the Taoiseach indicated very clearly in the Dáil yesterday his refusal to broaden the terms of reference of the banking inquiry. We must take note of what Dr. Michael Somers, the former head of the National Treasury Management Agency, had to say about this. We should also listen to what Professor Patrick Honohan is saying about it.

The editorial in *The Irish Times* today states:

What is clear is that if the Government is serious about gaining a better understanding of what went wrong in order to underpin more effective policymaking in the future then it would be advised to have a second look at the terms of reference and ensure the commission is more clearly focused before it gets under way in earnest.

When one reads the comments in the editorial on the Government's terms of reference, one notes that they are very disturbing. If we have learned anything from the two reports issued, it is surely that we need to examine very carefully what happened. As I said yesterday and the day before, the inquiry needs to be transparent and held in public. It must be comprehensive. It appears from what is happening that the Government is not going down this route and is unwilling to respond to the calls of many experts, particularly the two key experts I have mentioned, and that it is refusing to re-examine the terms of reference of the commission of inquiry. This is very serious. Will this House have an opportunity to discuss the terms of reference? Will the Government take on board the advice of the Governor of the Central Bank and Dr. Michael Somers? I ask that we have an opportunity to discuss the terms of reference in the House.

Senator Joe O'Toole: I completely support the view that we should have an in-depth discussion on the terms of reference. We raised these issues last night and they were also discussed previously.

The question to be asked about Anglo Irish Bank is very simple and has been raised by all sides. It has been dealt with by the Minister for Finance who seems to have changed his mind or, at least, vacillated on a number of occasions. The question concerns whether it is better to save the bank or let it die, or what element of it can be allowed to die.

I do not want to have the same discussion time after time. What I would like to see are the various top-level figures for the cost of allowing the bank to die or retaining it. I have heard various figures and cannot work them out or decide which are correct. Like every Member of each House, I would like to see the figures, as would the general public. When one knows what the figures are, one simply chooses the cheapest option. I do not know what is the cheapest option. Knowing the figures is important in determining the terms of reference. I ask that this specific issue be discussed in the House and that the specific information that would allow us to come to a conclusion be made available to us. People should be asked to do their sums and put them in front of us, thus allowing us to make a decision. I do not share the view that one can just let the bank die but believe there could be an orderly winding down as long as that is the best, most appropriate and cheapest option.

The Catholic Church has finally been flushed out on the civil partnership issue. The Minister for Justice and Law Reform is to be congratulated for saying he is holding his position on it. The Green Party is holding its position on it also. Many have difficulties with the legislation and I have received many representations from people opposed to it. I have made the same point to everybody, namely, that if it is unconstitutional, they should show me the amendment that would make it constitutional. The matter should be dealt with in an appropriate, legislative way, not in an unfair discriminatory manner, as now proposed by the Catholic Church.

Senator David Norris: Here, here.

Senator Joe O'Toole: We should hold a strong and firm line on the issue.

Senator Ivana Bacik: I echo calls for a debate on the future of Anglo Irish Bank, in particular. We need to discuss its future and the prospects for the orderly winding down for which the Labour Party has been calling, particularly in the light of the comments made yesterday by the bank's chief executive to the effect that the bulk of the €22 billion of taxpayers' money seems to be gone for good. He has accepted this. A debate on the issue is crucial at this time.

I renew my call to the Leader for a debate on the relationship between church and State in the light of the Catholic bishops' comments on the Civil Partnership Bill, to which Senator O'Toole referred. The bishops have displayed extraordinary arrogance in intervening in this debate, describing the Bill as unconstitutional and calling for a free vote in the Oireachtas thereon. After the publication of the Ryan and Murphy reports and all the scandals that have rocked the Catholic Church, the church no longer has the voice of moral authority in this country. It is most unfortunate that, in what should be a secular republic, we are still seeing it intervene on matters of this nature.

Senator David Norris: Hear, hear.

Senator Ivana Bacik: Ironically, many of us are critical of the Civil Partnership Bill in that it does not go far enough. It does not provide for full equality and we should be seeking recognition for same-sex marriage. However, for sure, the Bill represents a great improvement for gay people. For that, it must be welcomed.

An Cathaoirleach: Is the Senator seeking a debate on the issue? She may not make a speech on it now.

Senator Ivana Bacik: I welcome the announcement by Israel this morning of a partial relaxation of the blockade of Gaza. Clearly, this does not go far enough to ensure the human rights of the people of Gaza. We must acknowledge and pay tribute to the great bravery of the volunteers on the aid flotilla, including the Irish volunteers on the *MV Rachel Corrie*, because their actions have clearly led to international outrage over Israel's killing of nine Turkish activists. That led to the decision by Israel. While it must be welcomed, it does not go far enough. We need to have a debate on the role of Israel and our relationship with it, given that this week we have seen the expulsion by the Government of an official from the Israeli Embassy. This event was glossed over, given all the other great political events of the week, but we need to have a debate on the continuation of our diplomatic relations with Israel, a country that has now been seen to have been involved in the forgery of Irish passports.

Senator Dan Boyle: The House would be served well by having a debate on the draft terms of reference for the commission of inquiry into the banking crisis. The Joint Committee on Finance and the Public Service has received the draft terms of reference. Some Members of this House are members of that committee. A wider debate would help. However, I caution against the belief that all the questions can be answered by the commission and that all the ills can be cured. I am confident the role of the Department of Finance will be investigated. The questions that remain concern how it is to be investigated and how the findings will be acted upon.

I worry slightly that we are seeing a repetition of the debate that accompanied the introduction of the reports that Messrs Regling and Watson and the Governor of the Central Bank, Professor Honohan, were asked to compile. We heard the same arguments about their terms

[Senator Dan Boyle.]

of reference, namely, that they were not wide enough, and about the likelihood of their not revealing anything. I ask people to have faith in the process. Two excellent reports have been released and they will inform how a commission of inquiry will work. I am happy with how the process has worked to date and I am confident it will work itself through.

With regard to Anglo Irish Bank which we must debate on an ongoing basis, people seem to believe there was an approach that would have resulted in zero cost to the State. The fact is that it was licensed and regulated badly by the State and the responsibility has fallen on the State to determine how the cost can be minimised. The alternative cost figure, as outlined at yesterday's meeting of the Joint Committee on Finance and the Public Service, pertained to an immediate wind-down of the bank, as advocated by Senator Bacik. This would cost the State €40 billion.

Senator Ivana Bacik: An orderly wind-down.

Senator Dan Boyle: These are the figures we must keep in mind.

Senator David Norris: From where did the Senator get the figures?

Senator Dan Boyle: It is a simple mathematical sum involving selling one's assets, paying off one's debtors and how much it will cost the State. It is a simple balance sheet exercise.

Senator David Norris: Why pay off the debtors, these bondholders, if one does not have to?

An Cathaoirleach: There should be no interruptions.

Senator Dan Boyle: Finally, with regard to the debate this House will soon have on the Civil Partnership Bill, I have no difficulty with any citizen or group of citizens giving their opinion on what should be in the Bill, but the question of constitutionality is a matter for the courts. The question of whether this legislation is approved is a matter for this House and the Lower House. It will be on Report Stage in the Dáil in the next week and should be available for our consideration before the summer recess. I look forward to the debate on it.

Senator Paudie Coffey: I support the call for a debate on banking governance. It is a matter that must remain a top priority for all Members of the Oireachtas into the future and we must learn from the mistakes that were made in the past.

However, I draw the Leader's attention to the issue of redundancy. While it is important we keep an eye on the banking reports and banking governance, politics and everything else is diverting our attention from the fact that many people are being made redundant each day. I was in Strasbourg this week where I attended the plenary session with a delegation of workers from Waterford Crystal. It was good to hear that they will get €2.9 million in support from the European Globalisation Fund. That will be increased by another €1 million from the Exchequer.

While I was in Strasbourg I noticed the applications from other states. One that caught my interest was an application from Valencia in Spain. It was a combined application from small door makers that had been made by the Spanish Government. It succeeded. There is a need to debate how we can explore all avenues of assistance for redundant workers. There is no reason that this should not apply to construction workers, Quinn Group workers in the North, the workers from Teva Pharmaceuticals and Waterford Crystal and the Pfizer workers in Cork. Resources should be put into the relevant Department to ensure strong applications are made

on their behalf. Thousands of redundant workers are entitled to access this fund but unless the Government makes that application on their behalf they will not be listened to in Europe.

I appeal for a full debate on this matter as it is very important. Our eye is off the ball in many areas but we must assist redundant workers in whatever way possible and this is one way to do so. I ask the Leader to make provision for that debate at an early date.

Senator Terry Leyden: I welcome the decision by the Government of Israel to ease the blockade of the Gaza Strip, where 1.5 million people are in an open prison. In fact, it is very similar to a concentration camp. What is happening in that region is tragic. However, this is a tribute to the nine Turkish volunteers who sacrificed their lives on behalf of the 1.5 million people in Gaza and travelled on the flotilla with others, including people from Ireland. The decision is a step in the right direction. I appeal to Hamas not to resume sending missiles into southern Israel. They are provocative actions against a country which will respond, and not with an eye for an eye and a tooth for a tooth. That is the reaction of the Israeli Government to Hamas in the region. It is a step in the right direction and I commend Deputy Micheál Martin's work in this regard.

It would be useful to have a debate on opinion polls and how they are compiled. I raise this with regard to section 59 of the Electoral Act 2000. As far as I recall, it was amended in this House. I believe last Friday's opinion poll was manipulated in favour of the Labour Party against Fianna Fáil and, indeed, undermined Deputy Enda Kenny's leadership of the Fine Gael Party. *The Irish Times*——

(Interruptions).

An Cathaoirleach: Is the Senator seeking a debate on it?

Senator Terry Leyden: It would be useful to discuss how opinion polls can be used to manipulate the outcome of a general election.

Senator Jerry Buttimer: You were doing it yourselves for long enough.

Senator Terry Leyden: There was a proposal to ban them for the week before general elections were held but this was defeated at that time. *The Irish Times*/Ipsos MRBI poll was flawed and flukey. Those concerned now admit that they will review the situation because Fianna Fáil's position is far stronger than shown in that poll——

Senator Jerry Buttimer: It is less.

Senator Terry Leyden: ——and the Labour Party position is far less strong. It is grossly unfair. However, I am aware that the *The Irish Times* and its correspondents——

(Interruptions).

Senator Terry Leyden: ——are delighted to undermine the Government and Fine Gael. They are hoping to get a Labour Party led Government——

An Cathaoirleach: The Senator has made his point.

Senator Terry Leyden: ——but they will not achieve that.

(Interruptions).

An Cathaoirleach: I call Senator Norris.

Senator David Norris: I welcome the fact that a number of my colleagues have spoken out about the intervention of the bishops. I deplore it. They are, of course, entitled to their view and to express it publicly but to attempt once again nakedly to intervene in the political process is deplorable. I was one of the founders of the Southern Ireland Civil Rights Association in 1970 which campaigned for full civil and human rights for Roman Catholics and Nationalists in Northern Ireland, particularly in employment and housing. It is really regrettable that their lordships should seek to intervene in this way. This morning I wrote to Cardinal Brady and offered to engage in a public debate with him. I have sent a copy of the letter to the director general of RTE. If the bishops want a public debate, I will be happy to give them one and ventilate all the issues involved. Can the Leader give us a clear timetable for this legislation? There appears to be some confusion between the Government parties.

Second, will the Leader ask his colleague, Senator Labhrás Ó Murchú to withdraw the disgraceful remarks he made about ten days ago in the House in which he compared the granting of civil and human rights to gay people in this country to the imposition of the penal laws? That was a most atrocious, grotesque and deliberate perversion of the truth. I say this with some authority. There was a Roman Catholic bishop in my family during the penal period and my mother's family suffered considerably. It is an outrage that anybody should attempt to use that analogy.

Yesterday, an attempt was made to interview me about Bloomsday outside the gates to this House. A group of the storm troopers barged into the photograph and attempted to shout me down. I nearly lost my eye due to one of their placards——

Senator Cecilia Keaveney: They were only taking advantage.

Senator David Norris: Would the Senator mind taking this a little seriously?

Senator Cecilia Keaveney: They were only trying to get on the——

An Cathaoirleach: There must be no interruptions.

Senator David Norris: I am talking about human rights and there is no need to be so bloody smug about it.

An Cathaoirleach: Senator Norris should speak on matters on the Order of Business.

Senator David Norris: They attempted in every way to prevent me having a say. They were also extremely personally abusive to me. If you, Senator Keaveney, find this entertaining, you are a lesser human being than I thought you were.

Senator Cecilia Keaveney: The Senator is not the only one who nearly had his eye gouged out there yesterday. There is a great deal of human rights abuses for people coming into the House.

An Cathaoirleach: I ask Senator Keaveney to make a contribution on the Order of Business.

Senator Cecilia Keaveney: I will start by telling Senator Norris that he was not the only one who nearly lost an eye yesterday.

An Cathaoirleach: The Senator is not to talk across the floor to anybody. That is out of order. It is questions to the Leader on the Order of Business.

Senator Cecilia Keaveney: I wish to clarify that I was not being smug about anything. I was just pointing out that other people nearly lost their eyes as a result of abuse when trying to get into the House yesterday.

An Cathaoirleach: That is not relevant to the Order of Business.

Senator Cecilia Keaveney: It was unacceptable behaviour.

In a week in which the Saville report gave some solace to the people of Derry and there has been a partial lifting of the blockade of Gaza, I again ask the Leader to consider the report I did for the Council of Europe, which I did not get to discuss in Norway yesterday, as a starting point for looking at the image of the other. Ireland has learned lessons which it can bring to other areas of conflict. It is a year since that report was produced and it is no less relevant now than it was then. In the context of the image of the other, getting to know the other and considering how we will deal with issues such as 2016, it is important that we examine how we deal with the image of the other on the island of Ireland.

Second, I note that mobile telephone call and text roaming charges are to decrease again. I welcome that. However, I have previously raised the issue of all-Ireland telephone packages both in this House and with the telephone companies. When I told the companies I am a member of the British-Irish Parliamentary Assembly their attitude changed from “This is a technical impossibility” to “Well, actually, it is only a commercial decision”. I ask the Leader to invite the Minister for Communications, Energy and Natural Resources to the House before the end of this session to find out what are the impediments to having an all-Ireland telephone package. When I am in my home, my telephone signal bounces into UK coverage because I live on the Border like Senator Wilson and other Senators. I am aware that many elements have changed in the telephone packages but, at present, if I have a certain number of telephone call minutes and text messages, those calls are not included in my package.

They are extra to my package only because I can not get a signal in my house and the stronger signal is a UK signal. There should be an all-island package. I am told that there is no technical reason why there cannot be one and it is a commercial decision, and the Minister could be brought in on this issue.

Senator Jerry Buttimer: Would the Leader confirm Senator Boyle’s time line for the civil union Bill? I remind Members that we live in a democracy and I am quite safe in my view that I will be voting for the civil union Bill. The bishops, as the heads of the church, are entitled to their viewpoint, as are all citizens. We must have this debate in a rational, calm manner. I understand Senator Norris’s frustration and I admire him for what he has done, but we must have a debate that is calm and that will bring about a proper result, which is the passing of this Bill in the Houses of the Oireachtas. I say to those who are protesting outside that they are entitled to protest but they are not entitled to ram their views down my throat or anybody else’s throat.

Senator Ivana Bacik: Hear, hear.

Senator Paul Coughlan: Or to stick placards in people’s faces.

Senator Jerry Buttimer: Senator Coffey made the most important contribution this morning in this House. When will we have a debate on the Government’s job creation policy? One part of their economic task is to fix the banks, but the most important task facing Government is the creation of jobs. There are hundreds of thousands of our fellow citizens who are unemployed and idle and have no hope, and they see no vision, no plan and no future under the

[Senator Jerry Buttimer.]

Fianna Fáil-Green Government. When will we see the Government's job creation plan? When will we see an opportunity to get Ireland back to work again? Must we wait until after the next general election for a jobs plan? We in Fine Gael have it, with the NewERA document. Where is the Government's jobs plan? It is non-existent.

Senator Dan Boyle: Fine Gael keeps changing the costings.

(Interruptions).

An Cathaoirleach: No interruptions.

Senator Jerry Buttimer: They have not got one. The Government is limping from one job loss to the next and people require hope. They require jobs. They want Government to be proactive, not reactive which, unfortunately, is the case. I want this debate as a matter of urgency.

Senator Ivor Callely: I support much of what Senator Buttimer stated about the public wanting hope and confidence, particularly on job creation. It is important that those in this House and in the other House, and in other areas of knowledge, should have that information available to them. I refer, for example, to the State agencies' plans, Vision 2020 and all the other measures on job creation.

It brings me to the point on continuing the debate on banking and related matters, which was also mentioned today and which I would also welcome. I raised with the Leader previously if we could have some type of structure put on debates. There is considerable importance in putting such a structure on debates, maybe to go through each Department and to take issues such as those mentioned, whether it be banking and related matters or job creation, so we would know the topic and get appropriate briefing documents. This is not the first time I have asked for this and I hope we can make some progress.

On banking, it would be remiss of me not to mention today that we should also acknowledge that some of our financial institutions such as the NTMA are doing extraordinarily good work, albeit in difficult circumstances. This week alone, that agency had another fantastic €1.5 billion of bond sales, albeit with a slightly different yield. It is a tremendous achievement and congratulations should go to the NTMA.

I ask the Leader to obtain a briefing on family law with a particular interest in property and assets. Can the Leader indicate what, if any, legislative provisions are in place or are being considered to separate one's individual property and assets from any matrimonial benefit of property and assets? I look forward to receiving that.

Senator Eoghan Harris: I support Senators Coffey and Buttimer in their call for a jobs stimulus programme. Members will be aware that by and large I have supported the Government all the way through. I am a great believer in the principle of join the army, wear the boots. I support its anti-recession policy.

A Senator: Senator Harris came over this side.

Senator Jerry Buttimer: Senator Harris took the shilling well.

Senator Eoghan Harris: I support the Government's anti-recession policy. However, I put it to the Leader that, because there are internal problems in Fine Gael, it is no time for complacency on the part of the Government as to the extent of public shock on the news that Anglo Irish Bank is throwing away €22 billion. This is most important. It is what I call an

iceberg situation. The Government has hit something like an iceberg on this one. It will not go away and it is connected to the wider question of job stimulus and banking behaviour. In that regard, I do not know — I am not an economist — whether we can let it go or whether we just must take the hit, but I do know that, politically, the public will require now a movement on job creation from the banks, especially for small businesses which have their backs against the wall. I strongly recommend that the Government looks at matters such as recourse mortgaging, as in the United States where one can sell one's house and give the bank what one can after it is sold, whereas here one cannot as the bank holds the deeds and will not let one sell the house and therefore there is no market. The Government is not paralysed. It should take on board the need for a small persons' and small business banking system and do whatever needs to be done politically, or else it will rue the day.

Visit of Massachusetts Delegation

An Cathaoirleach: Before I call the next speaker, I am sure Members will wish to join with me in welcoming a delegation from the Massachusetts State Senate led by Senator Theresa Murray, President of the Senate. On my own behalf and on behalf of my colleagues in Seanad Éireann, I extend a very warm welcome to them and a sincere good wish for a very successful visit.

Order of Business (Resumed)

Senator Mark Dearey: I thank the Leader for arranging for the Minister for Health and Children, Deputy Harney, to come in yesterday to debate the health issues of the day in the House. It was a useful hour with her. Unfortunately, the debate had to be curtailed and I understand she is due back in — I wonder could he confirm when — to conclude that debate. When communicating with her, he might ask if she could make a statement on the recruitment crisis of non-consultant hospital doctors. The first of July is fast approaching and the problems around recruitment are impinging markedly on services in smaller hospitals, in particular, as services must be consolidated into larger ones. The services in County Louth have hit the headlines but there are hospitals around the country where the lack of anaesthetists etc. is threatening the provision of acute services post 1 July. I ask the Leader to ask the Minister to do all in her power to ensure that such recruitment process is completely satisfactorily before 1 July. I understand there are longer-term issues around recruitment that we need to address to make smaller hospitals attractive again to non-consultant hospital doctors, but that is a wider debate. For now, I would be satisfied if we can deal with this problem before 1 July.

I also welcome the partial lifting of the blockade on Gaza. I was struck by Mr. Richard Crowley's reports, where he identified the key gain for the people of Palestine through the flotilla was the restoration of some hope. His expressed desire was that such hope be built on and not be dashed. There are small flickers of hope in what Israel has decided to do, notwithstanding the fact that the blockade remains illegal and that Irish people were taken into detention and deported, brought to Israel against their will etc. There are still many outstanding issues, but I welcome the partial lifting. I hope it is seen as a confidence building measure and a step towards even proximity talks happening again.

Senator Joe O'Reilly: When one thinks of the pain the people experienced when €4 billion was taken out of the economy in terms of income reduction and services etc. and that we threw €22 billion into Anglo Irish Bank, five times that amount, it necessitates a full debate in this House on the terms of reference of the banking commission and also on Anglo Irish Bank. Senator O'Toole was correct when he stated we need the headline figures. We need to know exactly. It is a shocking reflection on the way the House works that we had not already had

[Senator Joe O'Reilly.]

this debate at the outset, with the figures and with the position presented as to why a particular line was taken.

I fully agree with Senator Coffey on the globalisation fund. I raised on the Adjournment a few weeks ago that we should be accessing the globalisation fund for those who are made redundant but, more importantly, in parallel, we should be trying to introduce a job creation and stimulus package. In this regard, the green energy sector offers considerable potential, particularly in terms of exporting energy supplies. It is a shocking reflection on the Government that, three years into its lifetime, it has put no credible jobs plan before the House. We should have been debating such a plan from it a couple of years ago. My party, in its NewEra policy document, has made a contribution to the jobs debate, but there has been no response. It is sad that unemployed people are watching us on “Oireachtas Report” and that we are not discussing the issue of job creation in a practical way.

Senators: Hear, hear.

Senator John Ellis: I congratulate the Minister for Social Protection, Deputy Ó Cuív, for his actions in allowing miners who have serious health problems to be treated under the occupational injuries fund. I do not doubt that the families of those involved will appreciate that something has at last been done to deal with the matter.

Will the Leader consider arranging a debate on transport infrastructure before the summer recess? Our motorways have almost been completed and there is a need to ensure ongoing investment in the upgrading of our roads infrastructure. Certain sections of our major inter-urban routes need to be upgraded. I do not want to see a situation where no progress is being made in that regard. Work on the Mullingar-Dromid section of the N4 which was to have been the next major project should be pushed along. If we are to have proper regional development, providing a proper road infrastructure is imperative. The project mentioned would help to improve the infrastructure leading to the west and north west. It is imperative, therefore, that we debate the matter as soon as possible.

Senator Nicky McFadden: Hear, hear.

Senator Feargal Quinn: I support the call for a debate on job creation. However, it is not the task of the Government to create jobs. Senator Harris referred to a Government stimulus package to encourage job creation. That is what we should be discussing. The Senator also referred to small and medium-sized businesses. Future Print, a printing factory in Baldoyle, announced yesterday that it was going to close. It was started by a 17 year old in a shed in Finglas 40 years ago and now employs 110 people. We need a stimulus job creation package from the Government. Jobs will not be created by a Government which states it wants to create them. Rather, a stimulus package would allow others to create them.

Although we had a debate on banking only two days ago, it seems unusual——

Senator Donie Cassidy: Last Tuesday.

Senator Feargal Quinn: Yes, it seems unusual to call for another. Senator Boyle mentioned how those of us present at yesterday's meeting of the Joint Committee on Finance and the Public Service saw the figures. If we have a debate, we should be discussing what happened in the past. We should be discussing what is to happen in the future.

Senator Niall Ó Brolcháin: Hear, hear.

Senator Feargal Quinn: Professor Honohan is unsure whether we need a commission of investigation to examine what happened in the past. We should ask him to propose legislation that we could debate, as I am concerned that a talking shop will develop. In some talking shopsh people can go on and on about what happened in the past. Let us talk about what is to happen in the future. In that regard, we should consider the figures we received from Anglo Irish Bank yesterday. It was an interesting debate and re-reading it would be worthwhile. Anglo Irish Bank told us that there were five choices which carried a heavy cost. The bank has come to the conclusion that it would be best to create a good bank and a bad bank. If we were to do this, we would have some chance of getting out. The bank's delegates have thought the matter through and want to move in that direction. I am unsure whether they are right, but the matter would benefit from a Seanad debate on it. As a reminder to the House, when one member of the bank's delegation was asked how much this action would cost, he stated it would be marginal. When pushed, he stated the cost would run to several hundred million euro. The word "marginal" gives us some idea of what we are discussing. We should be debating the issue in the House on a regular basis.

Senator Paul Coghlan: I will be in line with other Senators' requests. While our debates on banking have been important, will the Leader assure the House that we will debate the draft terms of reference for the commission of investigation, not matters we have already discussed? I differ slightly from my good colleague, Senator Quinn. I have not read the report of the Governor of the Central Bank, Professor Honohan, fully and will take his advice and that of Dr. Michael Somers on board, but we must examine the fundamentals in what happened in the recent past and what went wrong if we are to be guided in the future. This would be the job of the commission of investigation if we get the draft terms of reference right. Will the Leader assure the House that we will be able to debate the terms fully, not the reports we have already discussed? I hope that, unlike what has sometimes happened in this land, the commission of investigation will be able to achieve the target of reporting after six months and no longer. Doing so would be important. I do not disagree with the other requests made. The Anglo Irish Bank issue is important and I do not doubt that the advice given by its new board which has nothing to do with the people who steered the ship onto the rocks, has weighed the five options correctly, as Senator Quinn indicated. I do not doubt that it has been rational in reaching its decision, but I would not object to a debate on the matter, if one was required.

Senator Rónán Mullen: I welcome the easing of the blockade of Gaza. It is a tragedy that lives were lost in the run-up to this change of policy on the part of the Israeli Government. I am not naive enough to believe everyone in the flotilla was an honest broker, but I believe strongly that peaceful protestors with a human rights agenda deserve the full protection of national and international law. While I welcome this news, I lament the preceding tragedy.

I listened with a wry sense of amusement to various contributions on the statement of the Catholic bishops on the civil partnerships legislation. I was surprised that no one had referred to the four church leaders in Northern Ireland seeking to meet the main banks——

Senator Eoghan Harris: Hear, hear.

Senator Rónán Mullen: ——the lending policies of which, the leaders claim, are putting small and medium-sized businesses and their employees at risk. Would Senators Bacik and Norris condemn this as inappropriate interference by church leaders in the running of our banks?

An Cathaoirleach: Please, do not comment. Questions to the Leader, please.

Senator Rónán Mullen: We need a new, more mature system of politics in which people in different areas of civil society are entitled to have their say. The Labour Party and——

Senator David Norris: Hear, hear. That is why I offered to debate the issue with Cardinal Brady. I hope he will take up my invitation, unlike the last couple of times when he did not even reply.

An Cathaoirleach: Senator Mullen to continue without interruption.

Senator Rónán Mullen: I have also heard that Senator Norris blew the protestors yesterday a kiss, which was a more appropriate way to deal with objectors——

An Cathaoirleach: That is not relevant to the Order of Business.

Senator Rónán Mullen: ——rather than losing one's head in the Seanad and pretending to be upset when one was not upset at all.

Senator David Norris: On a point of order——

An Cathaoirleach: This carry-on is inappropriate on the Order of Business.

Senator Paudie Coffey: Please, respect the Chair.

Senator David Norris: On a point of order, I request that Senator Mullen withdraw his completely inaccurate statement. That did not occur yesterday.

Senator Rónán Mullen: I will check my sources, but my sources in this House are good.

Senator David Norris: Perhaps the Senator will identify them in the House, unlike the last time when he told a pack of lies.

An Cathaoirleach: I will call the next speaker.

Senator Rónán Mullen: In fairness, I was the one——

An Cathaoirleach: We are taking questions to the Leader on the Order of Business.

Senator Ivana Bacik: What does Senator Mullen's intervention have to do with asking the Leader for a debate on anything?

An Cathaoirleach: I have ruled the matter out of order.

Senator Rónán Mullen: I wonder how many times Senator Bacik did not call for a debate in her interventions.

Senator David Norris: Does Senator Mullen consider this to be a mature, civilised and respectful debate?

An Cathaoirleach: I am calling the next speaker.

Senator Rónán Mullen: Please, may I ask the Leader a question? I am not responsible——

An Cathaoirleach: The Senator's time is up.

Senator Rónán Mullen: I am not responsible for not asking the Leader a question. I have been stopped by other speakers.

An Cathaoirleach: The Senator has been calling for Members to interrupt him. We are taking questions to the Leader. If the Senator has a question, there will be no interruptions, but his time is up.

Senator Rónán Mullen: May I briefly ask the Leader the question I wanted to ask?

An Cathaoirleach: Quickly.

Senator Rónán Mullen: Does he agree that the Labour Party, as a party which, according to one opinion poll, now enjoys the largest portion of public support, would be better served by allowing people to call for a public debate instead of excluding them?

An Cathaoirleach: What is the question?

Senator Rónán Mullen: I ask the Leader for a debate on the issue of freedom of conscience which is relevant to the civil partnerships legislation.

Senator Ivana Bacik: On a point of order——

Senator Donie Cassidy: Senator Mullen is asking a question.

An Cathaoirleach: Labour Party policy is not relevant.

Senator Ivana Bacik: ——who is Senator Mullen accusing of——

Senator Rónán Mullen: It is the type of issue that should be debated in the Seanad.

An Cathaoirleach: I ask the Senator to resume his seat.

Senator Ivana Bacik: Who exactly is Senator Mullen suggesting the Labour Party is excluding from any debate?

An Cathaoirleach: No interruptions, please.

Senator David Norris: It is the usual smear.

Senator Niall Ó Brolcháin: I thought the Fine Gael benches would be the most divided today but it looks like the Independent benches are the most divided.

Senator Fidelma Healy Eames: Stick to the Order of Business.

Senator Niall Ó Brolcháin: I want to add my voice to the call to the Leader for a debate on jobs. That is an important debate. I take issue with the Fine Gael comments——

An Cathaoirleach: One speaker has the floor. I do not want to hear anyone else. There is a room outside if people want to talk.

Senator Niall Ó Brolcháin: I agree with the approach taken by Senator Quinn and disagree with the somewhat Stalinist approach purported by the Fine Gael Party, which surprises me. I have seen its NewERA document which seems to be lifted from the Green Party manifesto of previous years. The NewERA document does not contain much that is not also in the Smart Economy document. The Government is putting forward many suggestions on creating the right environment for jobs.

Everybody in the House seems to agree that green energy in particular is a way this country can gain a huge amount of extra wealth, particularly in the more rural parts of the country, but

[Senator Niall Ó Brolcháin.]

a proposal for renewable energy zones is being developed in Galway along the lines of what Senator Dearey has been involved with in Dundalk, which has been very successful. We must foster new entrepreneurial environments at a community level and if we have renewable energy zones underpinned by work with the local authority and the local agencies, it is a great opportunity not only for developing a certain level of renewable energy in those zones but also fostering entrepreneurial skill. That is what we must do. I agree with Senator Quinn that what we need to do is create a proper environment for entrepreneurs to do their job. We should get on with the business of politics and let the entrepreneurs do their job. We have to help them.

Senator Fidelma Healy Eames: Very soon we will have the publication of a report on third level education by Colin Hunt yet in this Chamber we have not yet had a debate on our vision for third level education. We should debate that issue before Colin Hunt deliberates.

In this morning's *Irish Independent* there is an article about four Dublin colleges considering a merger. That may be a welcome development but a debate would allow us the opportunity to ask questions such as whether we need 14 institutes of technology and seven universities. Should we not be examining centres of excellence and specialisation and, more importantly, regional development? Our education policy should be knitted in with the development of our regions.

Yesterday, the Western Development Commission came into this House and spoke about the OECD's evidence. The Western Development Commission's evidence is that we should develop our regions and support lagging regions.

Senator Paudie Coffey: Hear, hear.

Senator Fidelma Healy Eames: Education must form part of that infrastructure and it is dangerous to hand over that big area of importance to this country to the likes of Colin Hunt without Members of this House, who are from every part of the country, having our say on our vision for third level education. I look to the Leader to come forward with that debate once and for all.

Senator John Hanafin: First, when the new State was founded we took over at parliamentary level many of the procedures that stood in Westminster, some of which stood from when Queen Victoria was a teenager. I refer to strict parliamentary voting. When an issue of conscious arises and where it does not affect the standing of the Government I believe strong consideration should be given to allowing people to vote with their conscience. I refer in particular to the Civil Partnership Bill. I support the call from the Independent benches earlier for a debate on allowing people the right to vote according to their conscience on specific issues that do not affect either financial or Government policy. I refer to an area that might affect finance Bills or bring down the economic plans of the Government.

Second, I am conscious there will be major revision in the allowances given for property reliefs in the next budget. That being the case, and with the evident move forward in the economy, an expectation of between 2.8% and 3% growth next year and the inevitable lag in employment between the time when the economy starts to grow and employment starts to pick up, is it not time to consider a shift towards employment based reliefs to ensure jobs can be created quickly and an extra boost given to innovation to allow people get back to work quickly?

Senator Paschal Mooney: Earlier this week, Members of this and the other House had the opportunity of meeting with a delegation led by the newly re-elected SDLP MP, Dr. Alasdair McDonnell from south Belfast. He accompanied the newly elected moderator of the Presby-

terian Assembly of Ireland, the Rt. Reverend Gordon Hamilton. The Leader will be aware that on one or two occasions in recent months I asked him to consider having a debate on Northern Ireland prior to the summer recess and that this debate would be wide-ranging rather than focusing, as I understand he intends to do, on the Saville inquiry, welcome though it is.

It was a breath of fresh air to listen to the Rt. Reverend Hamilton. He is adopting a conciliatory, cross-community approach but he also had some frightening figures to give to those who met him. Internecine strife may have ended in Northern Ireland but sectarianism is rife and pervasive and, as he put it, some 90% of the population of Northern Ireland are living in what he would refer to as their single identity areas. More so-called peace walls have been erected in Belfast since the Good Friday Agreement than have been dismantled and it is not only exclusive to Belfast; it is across Northern Ireland.

Those of us in the South are living in a comfort zone because the peace process is working on a superficial level — the Assembly is working, cross-Border relations are good and British-Irish relations are excellent. All I ask the Leader, in light of the views of the newly elected moderator and other views that have been expressed across the spectrum in Northern Ireland, is that we in this House would take the opportunity of assessing where we stand in our relationship with the North and whether we could be helpful in advancing the peace process.

Senator Donie Cassidy: Senators Fitzgerald, O'Toole, Bacik, Boyle, Coffey, Callely, O'Reilly, Quinn, Coghlan and Mullen expressed their concerns about the visit of the chief executive of Anglo Irish Bank to the committee yesterday. I point out to the House that it is a fact that the €22 billion has not been paid over. It is in the form of promissory notes, but the advice given by the new chairman of Anglo Irish Bank, whom we all know and trust and who has made an immense contribution to public life in Ireland, is that we start a small business bank, as Senator Quinn rightly suggested, the equivalent of ICC bank. That would be a profitable bank, as we are all aware was the case with ICC. He referred to the immense importance of that being set up and that there could be a nil liability over the years all being well and with all the regulation now being put in place. Our counterparts in the United Kingdom made an announcement this morning on regulation in their banking system. There is a transformation in the banking system worldwide.

I share the view of Senator Callely who congratulated the National Treasury Management Agency on its success this week and the call for an investigation into the role of the Department of Finance and the need to have a debate on that in the House. Senator O'Toole was strong in his views on that last Tuesday in terms of accountability and the public record of official instruction being available at any time. I have no difficulty in having time left aside to allow this issue be discussed. I remind the House that I was disappointed on Tuesday because I allocated three hours for statements on the banking reports but the debate fell before the time was up. It is an exceptional week and I understand the circumstances.

Senators O'Toole, Bacik, Boyle, Norris, Buttimer, Hanafin and Mullen raised recent issues concerning the Civil Partnership Bill. I fully agree with freedom of expression. Those bishops who want to give their opinion to their congregations are free and correct to do so. It would be a terrible country if we only had one opinion and dictatorship. However, the Dáil and the Seanad, as legislators, have a duty to carry out the programme for Government. As the deputy leader pointed out, the Bill is at an advanced Stage in the Dáil. It will be in the Seanad in due course.

During all my years as a Member of both the Seanad and the Dáil, I have acknowledged on many occasions that Senator Labhrás Ó Murchú has been an outstanding Irishman and contributor in Seanad Éireann.

[Senator Donie Cassidy.]

Senators Bacik, Leyden, Mullen, Dearey and Keaveney welcomed the partial opening of the blockade in Gaza. They also congratulated everyone involved in and associated with the *MV Rachel Corrie*. I have no difficulty with a debate on Israel's role in the blockade. Like Senator Leyden, I too want to acknowledge those nine Turkish people who gave their lives for their strong beliefs in the cause. The Minister for Foreign Affairs has been exemplary in his steadfastness to see justice will be brought to bear in human rights issues in Gaza.

Senators Coffey, Buttimer, Quinn, Callely, Ó Brolcháin and Hanafin called for a debate on job creation. This is one of the most important debates we could have in the House. I will endeavour to have this take place before the summer recess. The Seanad will sit a week after the Dáil and this debate could include EU redundancy arrangements which Senator Coffey brought to our attention this morning. His recent visit to Europe has borne fruit. The €2.9 million from the European globalisation fund for Waterford Crystal workers is a godsend. All political parties in the Waterford area have played their part in this. This fund could also benefit many other groups affected by redundancy and I will make inquiries about it in the Department after this morning's Order of Business.

Senator Leyden called for an urgent debate on how opinion polls are compiled. Those Members who were present in the House at 1.30 a.m. one morning debating banning opinion polls a week before elections will remember how the House played an important role in ensuring opinion polls could not be published on the day of polling. We have not seen the Bill since then. Interestingly, yesterday the Ipsos-MRBI survey company announced it will review the adjustments it makes to its poll data and will introduce a new approach for its next poll. Senator Leyden had a point and we will have a debate on opinion polls.

Senator Paschal Mooney: Senator Ross found the flaws in the last legislation.

Senator Donie Cassidy: Senator Keaveney requested the introduction of an all-Ireland telephone charges package, a reasonable request. Following the Good Friday Agreement, it would be a natural progression. I will pass her request on to the Minister.

Senator Callely called for a debate on family law and the protection of family homes. This is a debate in which many would be interested and I will endeavour to have it included in the future. I will also see what briefings are available on the matter.

Senator Dearey raised the comprehensive outline given by the Minister for Health and Children to the House yesterday of her health portfolio. It was an outstanding and breathtaking contribution by her for half an hour without speaking notes. As the time allocated for the statements turned out not to be sufficient due to interest, she did not hesitate to offer to return to the House in the next two weeks. She has agreed a sitting day date with my office. Any Member who wants a comprehensive update on the health portfolio and the progress made under the Minister's stewardship should check her contribution in yesterday's Official Report.

Senator Ellis raised the matter of the Minister for Social Protection, Deputy Ó Cuív, acceding to the request for miners who have suffered serious health problems due to their employment to be treated under the occupational injuries fund. They have been seeking fair play in this regard for some time. I welcome this development, expecting nothing less from the Minister, Deputy Ó Cuív, who is terrific in looking after small groups and communities and those on the margins.

Senator Ellis also called for a debate on the success of the development of transport infrastructure. There has been a huge transformation of our countryside with magnificent new roads open from Dublin to Cork, Dublin to Limerick and Dublin to Galway. Senator Ellis is correct

that the construction of a dual carriageway from Mullingar to Roosky on the N4 should be one of the next projects to develop the Dublin to Sligo and Donegal road.

Senator Mooney called for a debate on Northern Ireland, regarding which I have already given a commitment. The serious concerns he raised need to be debated in the House.

Senator Healy Eames and other Members are concerned about the Government's policy on job creation. Over the past two years, the Government introduced stimulus measures to protect jobs in the short term. It introduced the employment subsidy scheme which supported 80,000 jobs and the enterprise stabilisation fund which directly supported 7,500 jobs last year. This year, it has invested over €1 billion, a substantial investment, to assist those who have lost their jobs, bringing the numbers in training, education and work experience for unemployed persons to 160,000.

Last year's budget saw the introduction of a short-term jobs stimulus package which included a national energy efficiency retrofit programme for houses and tax incentives for home energy efficiency which created 5,000 jobs. The car scrappage scheme and tax incentives for electric and hybrid vehicles will support 2,000 jobs. The reduction in excise duties on alcohol and the lowering of the VAT rate will assist hotels and the catering sector, which already employs over 230,000 people. The new employer PRSI exemption for new employees has been introduced to reduce the cost of new job creation.

The Tánaiste, Deputy Coughlan, when Minister for Enterprise, Trade and Employment put in place a new strategy for IDA Ireland. This targeted the creation of a further 62,000 new jobs in the next five years which could lead to the creation of an extra 43,000 jobs elsewhere in the economy. Any reasonable, fair-minded observer would have to say a great amount is being done in assisting those who are unemployed. Enterprise Ireland continues to support our indigenous companies, with the objective of creating a further 40,000 new jobs in the next five years, leading to the creation of another 28,000 jobs elsewhere in the economy.

Question put: "That the Order of Business be agreed to."

Senators: Vótáil.

An Cathaoirleach: Will the Senators claiming a division please rise?

Senators Eoghan Harris, Rónán Mullen and Shane Ross rose.

An Cathaoirleach: As fewer than five Members have risen, I declare the question carried. The names of the Senators dissenting will be recorded in the Journal of Proceedings of the Seanad. Question declared carried.

EU Directives: Motion

Senator Donie Cassidy: I move:

That Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union to take part in the adoption and application of the following proposed measure:

a proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA,

[Senator Donie Cassidy.]

a copy of which was laid before Seanad Éireann on 28 April 2010.

Question put and agreed to.

Offences against the State (Amendment) Act 1998: Motion

Senator Donie Cassidy: I move:

That Seanad Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue operation for the period of 12 months beginning on 30th June 2010.

Minister for Justice and Law Reform (Deputy Dermot Ahern): This resolution seeks the approval of the Seanad to continue in operation for a further 12 months a number of sections of the Offences against the State (Amendment) Act 1998. The sections in question, the purpose of which I will outline, will cease to be in operation after 30 June next. An identical resolution will be debated in the Dáil today.

Senators will recall that the 1998 Act was passed in the wake of the bombing in Omagh in August that year. That atrocity was condemned by all right thinking people. The memory of the innocent lives lost on that summer's day is still vivid 12 years on. The impact on the families of those killed and injured in Omagh will never fade. We must always be mindful of the loss suffered by so many families at the hands of hate-filled fanatics.

The bombing in Omagh was a clear and calculated attempt by the people concerned to undermine the progress which had been made in the Northern Ireland peace process. Members of the House will be aware that the peace process was the result of long and difficult negotiations. In 1998 it was still very much in its infancy and required careful nurturing and continuing commitment on all sides to ensure its survival. Those who carried out the bombing sought not only to stymie the peace process but also to destroy it. They sought a return to the bleak sterility of the violence which had characterised so much of the previous quarter century. However, their greatest weakness was to underestimate the determination of those who wanted to move on and build a better, peaceful society. They also underestimated the determination of the Government to counter their activities. The response to the bombing showed the resilience of communities of all traditions throughout the island. It showed that their determination for peace, better co-operation and the rule of law would always triumph over hate and destruction. We saw an element of this in the past few days in the events in Derry.

Let it be remembered also that the Government of the day and the Oireachtas showed that they were equal to the challenge and would not allow the wreckers to achieve their aims. A strong signal was necessary. Part of that signal was the enactment of the Offences against the State (Amendment) Bill. Its main provisions included changes to the rules of evidence in regard to the offence of membership of an unlawful organisation and the creation of new substantive offences. These provisions gave the Garda Síochána the tools necessary to defeat the bombers of Omagh and those who would follow them. The threat which they still pose which I will outline leaves me convinced that these provisions are, unfortunately, still necessary.

It is a matter of regret that no one has been convicted of the Omagh bombing, but the investigation into this atrocity remains open. Senators will share my hope that those responsible may yet be convicted in a criminal court.

The 1998 Act was passed in what were clearly exceptional circumstances. It was natural, therefore, that the Oireachtas should want to reconsider, periodically, particular provisions and decide if they were still necessary. This mechanism affords it an opportunity to consider

whether the prevailing circumstances justify the continued need for these provisions. Before I set out the reasons I am convinced of the need to retain these sections, I refer Senators to the report on their use during the past year. The Act requires me to lay before the Oireachtas a report on the operation of the relevant provisions prior to moving the resolutions for renewal. The report covers the period from 1 June 2009, the end date of the previous report, to 31 May this year and was laid before the House on 10 June.

My assessment, as set out in the report, is that the relevant sections of the 1998 Act should remain in force for a further 12 months. I have come to this view after taking into account the current security situation, both domestic and international, the advice of the Garda Commissioner and the information contained in the report. I have also had regard to the reports of the International Monitoring Commission which clearly articulate the continued threat posed by dissident groups.

The principal threat to the security of the State continues to be posed by individuals and groups associated with so-called dissident republicanism. We might well reflect that it is a strange kind of republicanism that pursues its aims through the murder of fellow Irish men and women. For some perverted reason, revealed only to themselves, these groups are determined to destroy the peace that so many have worked so hard to achieve. They wish to drag all of us back into sterile conflict. We know what that entails because we experienced it for so many years. The Government, for its part, is determined they will not succeed. I have no doubt that all Members of this House share that determination. However, we have to be realistic about matters and recognise that despite our own determination, the threat posed is severe.

The Independent Monitoring Commission has reported on the increase in activity by these groups, especially the Real IRA, in the past year or so. No one needs to be reminded of the horrific attacks in Antrim and Craigavon last year which left two soldiers and one PSNI officer dead. The most recent IMC report made a particular point of praising the efforts of the two police forces to counter dissident activities. This is well deserved praise which I am certain we all echo. Their actions have, without question, saved lives, for which we are grateful to them. Some significant interventions have been made. Senators will be aware of the most recent successful Garda operation in regard to a facility in Dundalk that was being used to manufacture explosive devices.

North-South co-operation in the area of security is vital and I can give the House the reassurance that it has never been better. Shortly after his appointment I met the new Secretary of State for Northern Ireland, Mr. Owen Paterson, to discuss the security situation. I keep in close contact with him and the Northern Ireland Minister for Justice, Mr. David Ford, who I will meet again in the next few weeks. The Garda Commissioner maintains close and frequent contact with Chief Constable Baggott. This is mirrored by contacts between the two forces at every level.

The Commissioner has made it clear that as far as the Garda is concerned an attack on the PSNI is an attack on both forces. We have never let up on our efforts to counteract the threat from so-called dissidents. In particular, the resources of the Garda have always been maintained to deal with that threat and that will be the case as long as that threat exists.

It is time these thugs stopped opposing the democratic will of the Irish people and gave up their guns. They have little or no support in their communities. In fact they are reviled by the vast majority of the people on both sides of the Border. They need to get that message and cease their hate filled ideology. I can assure them that until they do, we will never let up in our pursuit of them, in our efforts to prevent their murderous attacks and in our determination to apprehend them and put them in jail.

[Deputy Dermot Ahern.]

While countering the threat posed by dissident groups is important, it is necessary not to lose sight of the threat from international terrorism. The 1998 Act grew out of our own domestic troubles. However, its provisions form an essential element of the State's response to the threat of terrorism from any source. We cannot ignore the growth in recent years of the international terrorist threat. Senators will be aware of the arrests earlier this year in Cork and Waterford in connection with an alleged international terrorist plot. In co-operation with our EU partners, we must continue to counteract any threat from such sources. The 1998 Act also forms part of the response to that threat.

It is the firm view of the Garda Síochána that the Act continues to be a most important tool in its ongoing efforts in the fight against terrorism. The Garda authorities have stated the provisions of the Act are used regularly. Furthermore, given the considerable threat posed by some dissident groups it is essential the Act's provisions should continue in force to support the ongoing investigation and disruption of terrorist activity. The perpetrators of the Omagh bombing, and other dissident groups, continue to pose a substantial threat. They still aspire to commit serious acts of terrorism, including murder, and to pursue other criminal aims.

I would like to turn to the provisions of the 1998 Act which are the subject of the resolution. As I mentioned, I have laid before the House a report on the operation of the relevant sections between 1 June 2009 and 31 May this year. The report demonstrates the value of the relevant sections to the Garda and the necessity for their continued availability in tackling the terrorist threat.

Section 2 allows a court in proceedings for membership of an unlawful organisation, to draw appropriate inferences where an accused person fails to answer or gives false or misleading answers to questions. However, a person cannot be convicted of the offence solely on the basis of such an inference. There must be some other evidence which points towards a person's guilt. The section was used on 23 occasions in the period covered by the report.

Section 3 requires an accused, in proceedings for membership of an unlawful organisation, to give notification of an intention to call a person to give evidence on his behalf. This section was used on four occasions.

Section 4 provides that evidence of membership of an unlawful organisation can be inferred from certain conduct, including matters such as "movements, actions, activities, or associations on the part of the accused". This section was not used in the period covered by the report.

Section 6 creates the offence of directing the activities of an organisation in respect of which a suppression order has been made under the Offences against the State Act 1939. This section was not used in the period covered by the report.

Section 7 makes it an offence to possess articles in circumstances giving rise to a reasonable suspicion that the article is in possession for a purpose connected with the commission, preparation or instigation of specified firearms or explosives offences. It was used on 30 occasions.

Section 8 makes it an offence to collect, record or possess information which is likely to be useful to members of an unlawful organisation in the commission of serious offences. It was not used in the period covered by the report.

Section 9 makes it an offence to withhold certain information which might be of material assistance in preventing the commission of a serious offence or securing the apprehension, prosecution or conviction of a person for such an offence. It was used on 117 occasions.

Section 10 extends the maximum period of detention permitted under section 30 of the Offences against the State Act from 48 hours to 72 hours, but only on the express authorisation of a judge of the District Court following an application by a Garda of at least superintendent

rank. Furthermore, the person being detained is entitled to be present in court during the application and to make, or to have made, submissions on his behalf. The section was used on 25 occasions and an extension was granted in 25 cases.

Section 11 allows a judge of the District Court to permit the re-arrest and detention of a person in respect of an offence for which he was previously detained under section 30 of the Offences against the State Act but released without charge. This further period must not exceed 24 hours and can only be authorised where the judge is satisfied on information supplied on oath by a member of the Garda that further information has come to the knowledge of the Garda about that person's suspected participation in the offence. It was used on 16 occasions.

Section 12 makes it an offence for a person to instruct or train another person in the making or use of firearms or explosives or to receive such training without lawful authority or reasonable excuse. It was not used in the period covered by the report.

Section 14 is, in effect, a procedural section which makes the offences created under sections 6 to 9, inclusive, and 12 of the 1998 Act scheduled offences for the purposes of Part V of the 1939 Act. This means that persons suspected of committing these offences may be arrested under section 30 of the 1939 Act.

Section 17 builds on the provision in the Criminal Justice Act 1994 providing for the forfeiture of property. Where a person is convicted of offences relating to the possession of firearms or explosives, and where there is property liable to forfeiture under the 1994 Act the court is required to order the forfeiture of such property unless it is satisfied that there would be a serious risk of injustice if it made such an order. The section was not used in the period covered by the report.

We have seen tremendous progress and significant advances in the peace process on this island since the Good Friday Agreement. It is a matter of genuine regret that provisions such as those contained in the 1998 Act are still required but so-called dissident groups remain a threat to that progress. They are opposed to the benefits that have flowed from the peace process and are determined to undermine it. Let there be no mistake about the Government's equal determination to prevent them achieving their objectives. The State must retain, in its laws, the capacity to defeat them. Effective police action, supported by strong legislation, is essential to counter their aims. In this regard I commend the work of the Garda, in co-operation with the PSNI, in facing up to these criminal groups. On the basis of the information set out in the report and on the advice from the Garda authorities, I consider that the relevant provisions of the 1998 Act should remain in operation for a further 12 months. I commend the resolution to the House.

Senator Eugene Regan: I thank the Minister for his comprehensive report on the use of the provisions of the 1998 Act over the past 12 months. He outlined the use of the different sections and the number of occasions on which they have been used is extraordinary. The facts speak for themselves and this highlights the relevance of the anti-terrorist provisions in our legislation. The Twenty-Second Report of the Independent Monitoring Commission refers to the increased threat of terrorism in Northern Ireland and states that the overall threat from dissident activity in the six months under review had been higher than at any time since the commission members first met in late 2003. The seriousness, range and tempo had all changed for the worst. The report states, "Dissident groups remain highly active and dangerous". It itemises the activities of different republican organisations and their continuation of terrorist activities, including the Continuity Irish Republican Army, CIRA, which claimed responsibility for the murder of PC Carroll in March 2009; the Irish National Liberation Army; the Provisional Irish Republican Army, PIRA; and the Real Irish Republican Army, RIRA.

[Senator Eugene Regan.]

The report makes an interesting distinction regarding PIRA stating:

We do not believe that PIRA has engaged in terrorist or other illegal activity. Where individuals have engaged in violence or other crime . . . we believe they did so without sanction or support and that any financial gain was personal.

It is important to make that distinction. Those who engaged in terrorism in the past have honoured their commitments in the Good Friday Agreement and have entered into the political arena, which should be acknowledged. However, terrorist activity is not confined to Northern Ireland and the Minister referred to the incident in Dundalk last month. The Garda operation foiled a suspected major RIRA bombing.

I congratulate the Garda for that work. I believe the co-operation between the Garda and the PSNI is very important in this regard. I was in Cavan at the British-Irish Parliamentary Assembly, and there were presentations there by the Garda Commissioner and the head of the PSNI. They outlined the extent of their co-operation and it is very clear they are working very closely and effectively together. This is proof of that.

The Saville report this week will greatly help in furthering the peace process in Northern Ireland. Terrorism in large measure is bred from injustice, and I believe the injustice of what happened on Bloody Sunday in 1972 gave extraordinary encouragement to republican activity in Northern Ireland, and brought about the resurrection of the IRA. I remember that very well in 1972. I was on that march to the British Embassy in Dublin. It is instructive to note the contrast between the conclusions of the Widgery report in each case of the 14 people killed with that of the truth to emerge in the Saville report. The difference is very telling. When we talk about terrorist activity, we cannot generalise. Where there is injustice, it has to be dealt with, and it is to be welcomed that this has happened this week with the Saville report. It will strengthen those who are attempting to further the peace process in Northern Ireland and ensure there is reconciliation. The response of all the different political sides in Northern Ireland to that report is very encouraging. I have no hesitation in supporting the Government in the implementation of these provisions. The facts speak for themselves.

Senator Jim Walsh: I welcome the Minister. This is an annual occasion, when the House gets to renew the amendments made to the Offences against the State Act in 1998. I recall some of the debate in this House at that time and the support on all sides to the provisions introduced in order to boost the apparatus of the State in bringing to justice people who were involved in such offences.

It is regrettable that it is still seen to be necessary to continue these provisions. However, the Minister has given us his reasons for this and also articulated the opinion of the Garda in this regard. Not alone is one mindful of the killings in Omagh, but the publication of the Saville report is a seminal moment in relationships in both parts of this island, and particularly between the two islands. It is also very significant in terms of the history of the dealings of Britain in these matters. I have been struck by the reaction of the victims and their families. A benefit of the peace process has been that the families were able to pursue this in a manner that to some extent has brought closure and a degree of comfort from the viewpoint that their loved ones have been exonerated. The truth has been published and articulated not alone by the Saville report, but the subsequent comments of the British Prime Minister, who fully acknowledged that the killings were not justified and that, indeed, the whole act was unjustifiable. He apologised profusely on behalf of the state for the fact that it had happened.

I was somewhat concerned yesterday at the reaction of some Unionist politicians, and this was referred on the Order of Business, but I did not comment. I listened carefully to what

Senator Harris had to say in this regard, and I understand the position, from my contacts with the Unionist community. However, we must recognise — as I hope they will, as well — that the reaction they have is part of the legacy of the divisions between the communities. In that regard, the remarks of the First Minister of Northern Ireland, Peter Robinson, MLA, were particularly good and significant.

Senator Eoghan Harris: Hear, hear.

Senator Jim Walsh: I thought that was very good. It showed leadership and courage. Often there is a temptation for all of us in politics to go with the flow, and see what direction public opinion is going. Indeed, we see an example of that in this House this morning. As politicians, however, we need to have the courage of our convictions, and sometimes rather than following, we need to lead. In fact most times we need to do that. That is why I applaud the contribution of Peter Robinson, MLA, as part of the new maturity that is taking place. In that regard as well, the comments of Prime Minister David Cameron were particularly welcome, given that he is a successor to a previous Tory Prime Minister Edward Heath, who may well have been involved in an element of collusion with the Widgery tribunal. There appears to be some documentation which gives substance to that particular issue. As I said yesterday, as the State challenges people who are attempting to subvert it, I should like to see us extending more of these powers. I welcome the fact the Minister has done this in relation to the enormous challenge to the State and society posed by organised criminal gangs. Also politically we need to move in a direction that is all-embracing and inclusive, and slowly we are doing that.

I appeal to the Minister, at this stage, as I did yesterday to the Taoiseach and Government, to use their good offices to try to bring closure, in particular, for the victims of the Dublin and Monaghan bombings, whose sense of injustice is as real today as it was following that atrocity in 1974. This State has failed those people, and that was the conclusion of a joint committee of the Oireachtas in that regard. Now that the British Government has shown itself to be much more open in dealing with these issues in a way that helps the victims of atrocities, this should be pursued. It is necessary not only for the victims, but also to provide the platform and foundations so we might move forward in peace, harmony and co-operation on this island.

I shall conclude by saying to the Minister that I am aware of what he has said, and I support his motion. However, I hope the day will come when there will be no need to continue with these provisions. If we are to achieve that, we must learn the lessons as regards how we have dealt with the whole peace process in Northern Ireland. There has to be engagement with dissidents and their organisations. There is a danger, in treating this specifically as a security issue, that we shall fail to get that engagement, which really is the ultimate solution to our difficulties here.

Senator Feargal Quinn: I welcome the Minister. I thank him for educating me today. It is the first time I have heard the report as regards the number of times that each section has been used, and this is of great interest. Perhaps all legislation should have to come before both Houses of the Oireachtas every so often. I am not saying every year, but perhaps it could be every five or ten years to avoid legislation running out of date.

The reference everyone has made today to the Saville report yesterday reminded me of 1972, of which I have a full memory. In that year, some months after that event I got a phone call to tell me that my brother-in-law had just been shot dead in Northern Ireland. I was obliged to tell my sister that the father of her seven children had just been shot dead. It is a real reminder of the words used by the Minister when he referred to hate filled ideology and the need to fight it. From a distance, it is comparatively easy to count figures. However, I refer to those of us who have experience of what can happen in Northern Ireland when one is involved

[Senator Feargal Quinn.]

oneself and when one knows others involved. As the Minister lives so close to the Border, he has an understanding of the closeness of events which have spilled across the Border so many times.

I understand some believe the non-emergency use of this legislation is in violation of Ireland's requirements under the European Convention on Human Rights and other charters. Under the Good Friday Agreement, there was a move towards normalisation of security measures on both sides of the Border. However, recent events to which the Minister referred such as the recent discovery by the Garda of an improvised bomb that was about to be moved across the Border into Northern Ireland by a Real IRA faction demonstrate that the position in the North remains highly volatile. Moreover, PSNI officers believe this event proves that the faction is planning attacks on targets in Northern Ireland in the near future. As the Minister stated, an attack on the PSNI could just as easily be an attack on the Garda here and constitutes an attack on peace.

It is recognised that the unemployment rate among young males in Northern Ireland almost acts as a seedbed for recruitment for some of these illegal organisations. This serves as a reminder that we should ensure the new British Government recognises there is a different need in the North than elsewhere in the United Kingdom to support whatever efforts are made in respect of employment creation.

The International Covenant on Civil and Political Rights permits a state to implement measures such as this legislation but only "in times of public emergency which threaten the life of the nation [and only] ... to the extent strictly required by the exigencies of the situation". I am unsure whether the legislation conforms with the charter and the Minister might expand on whether this is the case.

Like all Members, I fully support the legislation. The danger is that as one moves further away from the Border and the last horrific event — I am not simply thinking of the bombing in Omagh but also the other events to which Senator Regan referred in Northern Ireland within the past year — one loses sight of how close we are to it and how dangerous is the situation. Therefore, legislation such as this is needed.

Senator Mark Dearey: I also support this legislation because, as the Minister stated, the dissident threat is and has been for some time at a high level and recently manifested in a number of highly disturbing incidents. Gun murders have taken place on this side of the Border for the first time in many years and there has been a series of disruptive and sinister events north of the Border, particularly in respect of the train service and so on. I have been caught up in the latter and appreciate that such actions do enormous damage to our name when visitors are discommoded. This happened to me during a conference and it ruined the visit and people's impressions. While these may be soft tissues, they reverberate. The extension of the offences against the State legislation is important, given the current position and the increased dissident threat.

Senator Ivana Bacik: I welcome the Minister. As I did last year, I must declare my interest in that I have practised in the courts, including the Special Criminal Court, and used these provisions. In common with other Members, I support the Minister's proposal that they be renewed again. However, there is a sense of *déjà vu* in that Members are back again, as they must be, to sanction their extension for a further 12 months. However, the context for this debate is much more positive. One year ago it took place against the relatively recent backdrop of the appalling murders of Mark Quinsey and Patrick Azimkar at Massereene Barracks, as

well as the murder of PSNI Constable Steven Carroll. At the time the outlook appeared to be bleak.

I take the Minister's point that there remains an ongoing threat posed by dissident republicans. The extensive use of section 9 of the Act, in particular — it was used 117 times in the last 12 months — shows there still is a need for at least some measures of this nature. However, as others have noted, the publication of the Saville report this week provides Members with a much more positive context for this debate. It certainly has allowed everyone to see the benefits of having an open and transparent inquiry into events that both had caused immense trauma and heartbreak for the families of the victims and many others at the time and had poisoned the political process in Northern Ireland for a long time. I refer, in particular, to the cover-up in the Widgery report. Members have witnessed in the past week the liberating and vindicating effects of the Saville report and its findings. The report serves as a reminder to Members of the benefits of having such an inquiry.

The report also serves as a reminder that the marchers on what became known as Bloody Sunday were marching for civil rights and civil liberties. As the Minister remarked, it is a matter of genuine regret for all Members that measures of this nature which encroach on the normal due process rights of accused persons remain necessary because they would all welcome a situation where one could rely on the normal criminal justice measures to deal with criminal acts, rather than being obliged to rely on such special or emergency measures. However, one must ensure balance and that due process rights will be protected as far as is possible, given the ongoing threat. Members must be conscious that the provisions of the Offences against the State Act were criticised by former Senator Mary Robinson in a highly influential publication she wrote some years ago about the Act, as well as by the expert committee which reviewed the Act.

When one examines the report produced by the Minister to which he referred, it is important not to perceive it as a rubber-stamping exercise. As Senator Quinn stated, it is of great value to have a report on the operation of an Act such as this. However, I would like to see more information provided. I note that Members have been given information on the extent to which each of the relevant sections was utilised in the last 12 months. However, they have not been given information that the Minister provided last year which provided for a comparison with the figures for the previous 12 months and which I found to be extremely useful. Last year Members received information on the figures in the 2007-08 period and it was very useful to make comparisons with the figures for different years to see a pattern. For example, where the use of a section is not required, should it continue in operation? I refer the Minister to section 12 which was not used in the period 2007-08 or 2008-09 and, according to the report presented today, was not used in the last 12 months. This is the section that deals with the issue of training in the use of firearms. There is a question in that regard. I do not suggest one should simply drop the provision, but my point is that Members must ask the reason it was not used. Is there a problem with the provision, or does it need to be amended or strengthened in some way? Can the Garda assist Members on what the force needs? If the Garda believes training in the use of firearms is taking place, why has the section not been used for the past three years? I note that last year the Minister did not renew section 5 of the Act because it had been largely superseded by Part 4 of the Criminal Justice Act 2007. Consequently, there is a precedent for non-renewal in cases where a section is no longer necessary.

Other information that might be useful is what is meant by the word "utilise". Are there links with the figures for convictions and charges that have been provided for Members? I note, for example, that the terms of section 10 which deals with the extension of the period of detention by a District Court judge were applied on 25 occasions. While an extension was granted on all 25 occasions, the report states charges only resulted in 12 cases. Again, some

[Senator Ivana Bacik.]

information from the Garda on the resultant charges in the case of other sections would be useful for Members. For example, section 9 was utilised on 117 occasions. Does this mean charges were brought on each occasion? How many convictions were achieved as a result?

While the Labour Party does not exactly welcome the legislation, we accept the need for its continued operation. We accept, as the Minister stated, that it is a matter of regret that the renewal of any of its provisions is needed. Clearly, however, there is such a need, as the Garda has outlined. Although the Labour Party accepts this, I ask for sufficient information when Members come to review the position every 12 months to enable them to make an informed decision on whether each individual provision of the Act should be renewed. This is of vital importance. I note the Minister has not provided Members with the same level of information this year as last year. This is a pity, as it is useful for Members to see the pattern of usage of the different sections, as they then can be sure there is a need to renew each individual section.

My final point relates to section 2. I asked last year about the special caution that had been promised to put into effect the section 2 warning for an accused person. Will the Minister indicate whether a caution has been drafted in that regard?

Business of Seanad.

Acting Chairman (Senator Terry Leyden): Two more speakers are offering and as this is an important issue I ask the acting leader to extend the time allocated for the debate in order to allow them to make their contributions and for the Minister to respond.

Senator Jim Walsh: I propose to extend the time for the two speakers to contribute and to allow the Minister to respond.

Acting Chairman (Senator Terry Leyden): Is that agreed? Agreed.

Offences against the State (Amendment) Act 1998: Motion (Resumed)

Senator Cecilia Keaveney: As a person from north of the North, I recognise and respect the fact the Minister has made a value judgment on the need for the continuation in operation of the legislation. I recognise the tremendous work that is going on in terms of the co-operation between the PSNI and the Garda. The recent contributions of Commissioner Murphy and Chief Constable Matt Baggott at the British-Irish Parliamentary Assembly gave everyone an understanding of the level of co-operation that exists, which is important.

Coming from where I do, it would be remiss of me not to acknowledge the long and patient road taken by the civil rights movement that began in 1972 which led to the publication of the Saville report the day before yesterday. As a number of speakers indicated, while we recognise this is the end of a process for many of those families and brings important closure for some but perhaps not for everyone, there are other cases and we must find a way to assist those involved. With the Minister's knowledge of the foreign affairs brief, his current position in the Department and his links with education we must find a mechanism to deal with issues. Instead of saying it is the responsibility of one Department or the other, we need a cross-sectoral response from all of those areas on the island of Ireland so teachers are allowed to teach the other side of an argument in order that people on both sides get to know each other. I include the Twenty-six Counties as well as the Six Counties because we have not dealt with the Civil War, the War of Independence and other difficult issues.

A big commemoration is due in 2016. In order to get rid of the need for this type of legislation we must help people to get to know each other so that dissidents who call themselves republicans — I call them criminals — are seen for what they are and that their ability to attract

others to their cause is minimised because the horns have been taken off “the other side”. We cannot duck and dive on the matter for much longer. Not enough is going on in the education sector on the island of Ireland, especially in Border areas and at interface areas in communities. As David Ervine said a long time ago, it is very easy for all to be on the one side at the 19th hole on the Malone golf course, it is much more difficult if one is in a frontier location. Much good work is being done in the UNESCO centre in Coleraine by Dr. Alan McCully. Many issues require to be addressed and they have been identified. It is just a matter of someone taking responsibility and saying “Yes, we are in charge of all the ones that cause a problem when they are planting the bombs”. There needs to be a link between the Departments to prevent as well as to solve crime.

I wish well to Peadar Heffron, his wife Fiona and their extended family. He is making good progress. It has been a long road for him since January. We must continue to talk about him because he is the face of the new PSNI. He is an Irish speaking, Gaelic games playing person who was blown up in his car while listening to Irish CDs. If we allow what happened to him in 2010 to go away we will not do anyone a service. It is important to realise that the PSNI and the Garda have been extremely successful in stopping other such atrocities. We must acknowledge the work they are doing not alone in terms of preventing members of the police forces from getting blown up or shot but members of the general public as well. The Minister is aware that one can be close to being in the wrong place at the right time or the right place at the wrong time. It depends on which side of the issue one is on.

Coming from a Border area I must make a final point about Border security. Armed raids are being made on post offices and republicans against drug dealing are threatening to come over the Border to deal with people who they consider are interfering with their patch. Significant issues are occurring yet Garda stations on the Border have no CCTV, and unmanned Garda stations are being broken into. I respect the fact that Commissioner Murphy makes many of the decisions but we get the blame when resources in terms of personnel and funding are not seen to be available in Border stations that are being attacked. It is not just the Garda and the PSNI who are at risk, the public can get caught up in armed raids and attacks. I urge the Minister to discuss with the Commissioner exactly what is going on in the Border villages to which I refer and of which he should be aware and to provide personnel and supporting infrastructure to ensure security in Border villages.

Senator Eoghan Harris: I welcome the Minister, who has more than perhaps any other Minister led the Department in a proactive policy of combating crime, criminal and quasi-political. I commend him on the work he has done and urge him not to play down, as was the case in the past with Governments, the extent of the threat posed by the Real IRA and allied groups which, in an ominous fashion, are beginning to seek to create a combined command structure. In the past the mistake that was made by various Governments was to play down the security problem for PR reasons. It would be far better to make people face the fact that the report of the International Monitoring Commission is a disturbing one in terms of the potential of the Real IRA and such allied groups. This “Rosemary’s Baby” should be strangled in its cradle rather than allow it to develop slowly. I fear that government policy in Northern Ireland and the Republic is to administer the problem; to allow the police to monitor the situation and do what they can.

I recommend a far more active and proactive policy of strangling this diabolical creation in its cradle. The way to do that is to increase activity under sections 4 and 6, which is membership of organisations and directing them. I notice there have been no prosecutions for directing subversive organisations. Much of that middle management structure could be taken out. The approach at the moment is a bit faint hearted and that cohort could be intimidated and fright-

[Senator Eoghan Harris.]

ened by active prosecutions. Even if they fail, the fact that people are repeatedly charged and brought to court would inconvenience them. It would be far better for the Department of Justice, Equality and Law Reform to take on any budgetary or other measures now and to increase its profile and activities rather than try to deal with those organisations when they have grown up into sullen and brutal adolescents. We should kill them off now at the beginning.

I accept it is not simply a criminal, administrative or police problem. As Senators Keaveney and Walsh have indicated, what takes place does so in a totality of relationships. It is disturbing that the churches have pointed out that 90% of the communities in the North of Ireland live in one-identity communities. The truth is we cannot control what the other side does. Our best chance of changing Northern Ireland is to address our own nationalist community. As Senator Keaveney said, our best chance is that brave young men and women will join the PSNI and stand up for hope in Northern Ireland with their respective communities.

I want to draw attention to the Minister's reference to international terrorism. I strongly recommend that he ask some of his colleagues to desist from casual grandstanding on Israel. Israel has many questions to answer but it is a democratic state, as is Ireland. The predisposition of our State should be to have a fraternal and caring approach to the State of Israel's problem with terrorism. In that respect, I have only to tune into any independent radio station on any day to hear hype and hysteria about Israel pouring across the airwaves. This is creating a very bad climate internationally in which——

Senator Eugene Regan: On a point of order, the time was extended to discuss the motion before the House, not to have a debate on Israel. I have a lot to say on Israel that would be quite different to what Senator Harris has to say but I do not believe this is the basis on which the time was extended.

Senator Eoghan Harris: There is an international dimension to this document. This is the first time I have raised it and it is a bit sharp of Senator Fitzgerald to raise this when other Senators have been allowed liberal chats about all aspects of Northern Ireland.

Acting Chairman (Senator Terry Leyden): Senator Harris should have referred to Senator Regan.

Senator Eoghan Harris: I made but a single point on the international dimension. It would be very wrong for Hamas and its Islamist allies to believe Ireland was a soft mark for their activities here. The Waterford attempt is a very disturbing development, and if one keeps up the hype and hysteria against Israel, one will create the impression around the world in middle-management terrorist groups that this island is some sort of soft touch regarding this activity. I am very glad the Minister for Justice, Equality and Law Reform has pointed this out. I strongly repeat my charge that the Minister for Foreign Affairs, Deputy Martin, is being very casual in his approach to his relationship with the democratic State of Israel.

Acting Chairman (Senator Terry Leyden): To correct Senator Harris, he should have referred to Senator Regan. It was he who made the point of order.

Senator Eugene Regan: Senator Harris referred to Senator Fitzgerald.

I do not wish to prolong the debate. The Saville report, issued this week, shows the injustices in Northern Ireland. It is fantastic that the British Government and the different public representatives in Northern Ireland have acknowledged it. If we had some Saville reports on the activities of Israel and the Palestinian people, and if they were respected by——

(Interruptions).

Acting Chairman (Senator Terry Leyden): I call on the Minister.

Senator Eoghan Harris: What about North Korea, Darfur or the squalid fascist states of the Middle East?

Acting Chairman (Senator Terry Leyden): There are to be no interruptions. I call on the Minister to respond to the debate.

Senator Eugene Regan: Senator Harris is out of order.

Minister for Justice and Law Reform (Deputy Dermot Ahern): I thank the Senators for their contributions, which were very thoughtful. I single out Senator Keaveney for her remarks on Constable Heffron of the PSNI. It is important that he and his family be kept in our minds, particularly because he was the embodiment of the new PSNI, as Senator Keaveney suggested. He was targeted, unfortunately, because he was a member of the PSNI and from the Nationalist tradition. This was also the case with Constable Carroll. These two incidents, in particular, show the insidious way in which so-called republicans operate.

It is often asked where one was when President Kennedy was assassinated. In Ireland, it is often asked where one was when the Omagh bombing occurred. When the bombing occurred, I was in a campsite in Carnac in France with my family. Having recently become a member of the Cabinet, I flew home from abroad, as did some of my colleagues. We broke off our holidays. It was very poignant in that my town was regarded as one of the areas whence the culprits came. Substantial numbers of people marched on the street of my home town to raise their voice against those from the area who may have been implicated.

In all my adult life, I have been acutely conscious of the threat posed by paramilitaries, not just by the dissidents who operate today but also by the former Provisional IRA operatives who were using the area south of the Border as a gateway into Northern Ireland in order to carry out atrocities. Senator Keaveney would have good knowledge of this. The one fantastic change made over recent years involves the enhanced co-operation between the PSNI and the Garda, and particularly the lack of suspicion on the part of both police services. Unfortunately, it must be said there was suspicion on both sides of the Border during the Troubles as to the operations of the respective police forces. I am thankful that is no longer the case.

It has become clear to me during my term as Minister for Justice, Equality and Law Reform that it is absolutely necessary to renew the legislative provisions. While much of what I said publicly is obviously on the record, I am briefed hourly or daily on the continuing threat of paramilitary activity on this island. In a perfect world, none of us would like this legislation or want it to be renewed year on year. The people it targets say they are trying to liberate our country, yet they are at the same time forcing the democratically elected representatives of the people to bring this type of legislation before the House.

I regard myself as a republican and it defies my logic that these people continue to operate on our island in a way that goes completely against the wishes of the vast majority of the Irish people. Potentially their activities are distancing us increasingly from their aspiration and from any aspiration to have a republic constituting a united Ireland. Their operations are entirely counterproductive in respect of the principle of unity on this island. To echo the views of Mr. John Hume and others, it is not so much a question of uniting the territory but of uniting the people on the territory. Without uniting the people, there will be no possibility of ever having a united Ireland.

[Deputy Dermot Ahern.]

I am thankful that one need only consider the incidents in Derry in recent days, and particularly the quite incredible acknowledgment by the Conservative British Government of the facts laid out in the Saville report, to see progress. I am thankful for the reaction of the Unionist community, or the vast majority thereof in that there was one exception among public representatives. The Unionist community accepted the report and said the events into which it inquired were wrong. Of all the incidents and hurdles since the Good Friday Agreement, this is an extremely significant one. Those of us who were alive at the time of Bloody Sunday will note it represented a cancer that had to be lanced.

After many years of prevarication and lies, we now have circumstances in which it is accepted by all that what happened on Bloody Sunday was entirely wrong, and that what happened in the years thereafter was not right and should not have been condoned. I congratulate all those who have campaigned in this respect over the years.

The continuation of the operations of the dissidents on our island is a cancer that we must get rid of. It is an insidious cancer. These unfortunate operations are being carried out by a relatively small number of people who have virtually no support in the community yet, as famously said of their predecessors, the Provisional IRA, it only takes a handful of them to wreak havoc on a society. When one considers the long litany of major incidents over the past year, one notes that a very serious attack on a PSNI officer in County Fermanagh was frustrated by a joint Garda-PSNI operation. A major roadside device was discovered in Forkhill. The detonation of a booby-trap bomb under a car injured the girlfriend of a PSNI officer and subsequently there was the horrific injury of Constable Heffron, which we mentioned earlier. There were car bomb attacks at the headquarters of the PSNI board and at Newry courthouse.

With regard to the points made by Senator Harris about directing, obviously it is not my role as Minister to direct the Garda Síochána to undertake prosecutions under particular sections. However, the offence of membership has been the most successful and is probably the most easily proved in court. The issue of directing is a little more difficult. The implementation of the Criminal Justice (Surveillance) Act which was passed in July last year has given the Garda Síochána a shot in the arm, as it were, with regard to the type of evidence it can bring forward. That legislation is being used actively not just for gangland crime but also for terrorist activity. I suspect it will be used in the context of trying to prove the directing of terrorist organisations.

As regards the issue of the caution which was raised by Senator Bacik, I am not aware that it has been changed. It is something I will examine and, if necessary, amendments can be made in that regard.

I thank the Senators for their approval of the motion. It is not easy for any democracy to introduce legislation such as this. If it was a perfect world, we would not introduce it. However, with the office I hold I believe it is absolutely vital to have this legislation on the Statute Book. I look forward to the day when it is not necessary.

Question put and agreed to.

Merchant Shipping Bill 2009: Second Stage

Question proposed: “That the Bill be now read a Second Time.”

Minister for Transport (Deputy Noel Dempsey): I am pleased to introduce the Merchant Shipping Bill 2009 for the consideration of the House. As an island, the sea is very important to Ireland, comprising an exclusive marine territory of 220 million acres, which has strategic economic, social and environmental value for the nation. Its value to the nation was emphasised recently when the volcanic ash cut the island off from an aviation point of view.

The sea, for all its riches and potential for development, can on the other hand be one of the most hostile and dangerous environments on the planet. Consequently, safety is a vital issue for all who venture onto the water. Most particularly, safety is a vital element for those who earn their living through trade, fishing and leisure activities on the water. The objective of the Bill is to provide a safety regime with the highest standards for construction, design and operation of vessels and up-to-date safety equipment supporting skilled and competent seafarers. The purpose of the Merchant Shipping Acts of 1894 to date, further augmented by the provisions in this new Bill, is to continually improve the adequacy of the maritime safety measures in national law and to give effect to the international maritime conventions on safety.

The Bill provides a statutory basis for enabling provisions in relation to access to passenger vessels for persons with reduced mobility. For the purposes of the Bill a “person with reduced mobility” means any person whose mobility when using transport is reduced or impaired as a result of any physical disability, sensory or locomotive, intellectual disability, age or as a result of pregnancy or being accompanied by small children. The Bill contains provisions to give force of law to the Maritime Labour Convention 2006 to ensure that the employment and social rights of seafarers on applicable Irish ships are fully implemented.

The present Merchant Shipping Acts do not have separate powers and procedures for the raising of sunken vessels and the subsequent storage and disposal of such vessels. The specific proposals in the Bill will provide express and clear provisions in respect of the exercise of power to raise a sunken vessel. The new provisions are enabling only and will in no way require or imply that any sunken vessels will be raised. The Bill also makes it clear that the ownership of a sunken vessel that is raised remains with the owner of the vessel concerned. To that end, the Bill provides that an owner may reclaim and collect his or her vessel when it is no longer required by the statutory body for the purposes for which it was raised. Where a vessel is not reclaimed and taken back into the possession of its owner, the Bill provides arrangements for disposal of such a vessel.

The Bill contains an amendment to the Harbours Act 1996 to provide for the medical fitness of marine pilots and to repeal the requirement in the 1996 Act for compulsory retirement at age 60. An important aspect of the Bill is the creation of new offences and the setting of maximum court fines for contravention of the new rules that are included in the Bill. In addition, the Bill contains amendments to update the current maximum court fines for contravention of existing maritime safety rules and regulations. Enforcement is strengthened through extended powers of inspection, detention of unsafe ships and court orders for compliance. Through this series of measures the provisions in the Bill will put a more firm legislative basis in place to underpin the implementation of an effective enforcement regime and ensure effective compliance programmes to meet international and national requirements.

The Bill is set out in eight Parts. Sections 1, 2 and 3 are standard provisions relating to title, definitions and administration expenses. Section 4 contains standard provisions for prosecutions. Section 5 provides for the laying of orders, regulations and rules before the Houses of the Oireachtas. Section 6 amends and updates the definition of terms for the purposes of the Merchant Shipping (Safety Convention) Act 1952. The definition of “Safety Convention” is updated. Section 7 substitutes a new section 10 in the Merchant Shipping (Safety Convention) Act 1952 for the making of construction rules for passenger ships. Section 8 changes the 1952 Act for the making of radio rules and strengthens the inspection and enforcement powers. Section 9 substitutes a new section 18 in the 1952 Act and introduces modern terminology. It contains enabling powers to make navigation and tracking rules. Inspection, enforcement and prosecution provisions are also provided, as they are in most of these sections.

[Deputy Noel Dempsey.]

Section 10 substitutes a new section 46 of the 1952 Act to provide that troop ships are exempt from specified provisions. Section 11 updates references in the 1952 Act to use modern terminology, which is something we have been trying to do in our legislation. It also expands the application of specified sections of that Act to cover “fire protection rules”. Again, fines and prosecutions are dealt with. Section 12 deals with the making of rules for the construction and survey of ships and the fines in respect of offences in that regard.

Section 13 provides for the issue of a composite cargo ship safety certificate covering safety equipment, radio equipment and cargo ship safety construction certification. Section 14 introduces a new power for the making of bulk carrier rules, also with inspection, enforcement and prosecution provisions.

Section 15 gives enabling powers for the categorisation of vessels into classes for the purpose of making rules and to make different rules for different kinds of vessels. That applies to passenger boats, recreational craft and fishing vessels. A similar power is provided in each of the enabling sections throughout the Bill. This will give flexibility to allow for less onerous requirements which may be appropriate for smaller vessels.

Part 3 contains new provisions for the further implementation of the SOLAS Safety Convention. The basic structure of all of these chapters — chapter 1 which deals with chemical tanker rules, chapter 2 with liquefied gas carriage rules, chapter 3 with nuclear carriage rules, chapter 4 with high speed craft rules, chapter 5 with tendering operations regulations, chapter 6 with safe manning regulations and chapter 7 with unsafe ships — is the same. It provides for the making of rules to prescribe the particular requirements for structural, operational and survey requirements for each one of these categories and it also provides for survey, certification, inspection, enforcement and prosecution provisions.

Chapter 6 contains sections 57 to 63, inclusive, which enable the Minister to make safe manning regulations, and also provisions are provided for enforcement, prosecution and inspection.

Chapter 7 deals with unsafe ships in sections 64 to 66, inclusive. It empowers surveyors to detain unsafe ships. That power can be exercised in respect of the chapters in the Bill that provide for all of these mentioned previously — chemical, gas and nuclear carriers and high-speed craft. It covers the powers that the inspectors have to deal with those.

Part 4 of the Bill introduces a new provision for access for persons with reduced mobility to passenger vessels. It is covered in sections 67 to 73, inclusive. It gives definitions in section 67. It provides the enabling powers in section 68 for the regulations and prosecutions. It provides for the publication of codes in section 69. Section 70 provides for the admissibility and use of codes of practice in criminal proceedings. Sections 71 to 73, inclusive, deal with the authorised persons for the purposes of enforcement and the inspection powers of authorised persons. Section 73 provides for the operation of an administrative fixed payment system similar to on-the-spot fines. A person may opt to make a payment within 21 days in lieu of a court prosecution.

Part 5 contains the regulations, which I dealt with in the overall introduction, dealing with the raising of sunken vessels. That runs from sections 74 to 81, inclusive.

Part 6, in sections 82 to 86, inclusive, provides for safety measures. It brings many of the safety measures up to date. It allows for the making of rules. It is an enabling section as well and covers vital safety matters such as the provision of life-boats, life-jackets, distress signals etc. It enables the making of regulations for inspection for those, provides for the fire protection

rules and the enforcement provisions. There is the same lay-out of sections in that as in the previous ones.

Part 7 of the Bill deals with a new provision to give force of law in the State to the regulations and code of the Maritime Labour Convention 2006 adopted at Geneva on 23 February 2006. This enables the Minister to make regulations to fulfil the State's commitments under the convention in respect of Irish ships and seafarers sailing on those ships. The regulations will establish a system for ensuring compliance with the convention including surveys, certification, inspections, reporting and monitoring, and it will also ensure that ships carry maritime labour certificates and a declaration of maritime labour compliance as required by the convention. We will need a commencement order to bring that into place.

Part 8 contains the usual famous miscellaneous matters, dealt with in sections 88 to 93. Section 88 provides that it is an offence for somebody to obstruct, impede or fail to comply with a request from an authorised person. Section 89 introduces a new enforcement option which means the surveyor may apply to the Circuit Court for a compliance order if his or her order is not obeyed, and a right of appeal is provided.

Section 90 deals with fees. Section 91 provides for the charging of a fee for the issue of certificates and other documents that the Minister may issue. Section 92 provides confirmation that acts of the Marine Casualty Investigation Board and other specified between 5 June 2002 and 29 June 2007 are not invalidated on the grounds of the invalidity of an establishment order made in 2002 or that the board did not have a quorum between 25 March 2003 and 29 June 2007.

Section 93 amends the Harbours Act 1996 to delete the compulsory retirement requirement at age 60 for marine pilots and to provide instead medical fitness requirements. It is a matter that was raised in this House and in the other House when we were dealing with the Harbours Bill. Senator Donohue specifically raised it and it is being dealt with here, as I stated I would at the time.

The objective in presenting the Bill to the House is to put in place a safety regime ensuring the highest standards for safe construction, design and operation of vessels and up-to-date safety equipment and arrangements that will support skilled and competent seafarers across the trading, fishing and leisure areas of the maritime sector. I commend the Bill to the House and thank the House for the time made available.

Senator Paschal Donohoe: I welcome the Minister.

Acting Chairman (Senator Michael McCarthy): We will understand if Senator Donohue does not take his full 12 minutes. There may be matters that are otherwise exercising his mind.

Senator Paschal Donohoe: I thank the Acting Chairman for his understanding.

Senator John Ellis: Senator Donohue can go now.

Senator Paschal Donohoe: I am touched by how many colleagues in different political parties have suddenly expressed such an interest in the welfare of ourselves. I thank the Acting Chairman again. He is correct. As I was getting ready for this debate, I thought I have not had legislation to deal with in the past six months and it struck me as either fortunate or unfortunate that today, of all days, this legislation should arrive.

That said, when I began to get ready for the legislation and began to look into the background of it, the importance and relevance of it quickly became clear. When I looked into the information available on fatalities at sea, I was shocked to learn how many poor souls have been lost. I understand the Marine Casualty Investigation Board reported that 41 fatalities

[Senator Paschal Donohoe.]

have taken place at sea since 2005. Those fatalities have taken place for many different reasons and it is for some of those reasons that this Bill is being brought in. As was the case in the other House, my party will be supporting this Bill and looking to take as constructive a role as we can in regard to it to see what we can do to deliver its swift passage through the House, but also to see how we can constructively improve it.

Given that I will support the Bill for the reasons outlined, I will limit my comments to those areas to which I will advert on Committee Stage and to which I will table amendments in determining whether the Bill and its implementation can be strengthened. My colleague in the Dáil has touched on the first of these areas, that of the impairment of people responsible for vessels at sea due to alcohol. The people concerned must make decisions on behalf of the crew and others. My party tabled amendments in respect of this matter and the Minister recognised the intent behind them. On Committee Stage I hope to focus on whether aspects of the Bill can be improved to ensure will be more potent in dealing with this matter. Loss of life for any reason is tragic, but loss of life due to the consumption of alcohol at sea is particularly sad. We should use this opportunity to determine whether the State could play a more effective role in this regard.

On Committee Stage I will examine the position on jet skis and other vessels and vehicles at sea that move at a faster pace and have greater mobility than the larger vessels on which the Bill focuses. I will also examine the section dealing with chemical tanker rules. I will put some points and questions to the Minister on how we define the duties of the owners and masters of such vessels. I will also make some observations in that respect.

I will examine the Bill's provisions on nuclear carriage rules. While I welcome the fact that the Bill has important comments to make in this regard, I will make a number of points, in particular, on the definition of an incident from a nuclear carriage point of view.

I will examine the effect of improved regulation on pricing, for example, regulations in respect of sea passengers with particular forms of disability. One of the few risks in greater regulation indicated by the regulatory impact analysis which was helpfully supplied for this legislation was a potential change in the prices charged to persons using some of the services in question. I would like to discuss this point with the Minister further.

We welcome and support the legislation and will do our best to take a constructive approach to it. I have outlined some of the areas I will discuss at greater length on Committee Stage, to which I look forward.

Senator John Ellis: Like Senator Donohoe and the Minister, I welcome the Bill because as, we all know, there have been tragedies at sea. One wonders how many of them could have been avoided had there been proper regulations in place. Tragedies at sea occur regularly.

I wish to mention one or two issues. Access for disabled passengers is to be welcomed, as every Senator present has come across cases where access to vessels was not at the level desired. I, therefore, welcome full regulation of this matter.

Ships are regularly detained in port because wages have not been paid to seafarers. This problem is not of our making, since we can only regulate for Irish-flagged ships. Slave labour is being used on some international ships. People sign up for long periods and cannot leave their ships, although we can understand the obvious reasons for the latter. This practice is wrong and should be examined internationally. We should take the opportunity to ensure a minimum amount is paid to seafarers. Minimum wage rates for other forms of labour are to be found across the European Union. Any ship trading into the Union should be forced to consider the prospect of paying EU-level wages and salaries. In some sad cases the State or

even unions must pay to fly someone who has been left semi-destitute by unscrupulous boat operators home.

We are all worried about safety. Ships are regularly detained in port because of their poor standards. It should be mandatory for a boat above a certain age to undergo the equivalent of an MOT on a regular basis. We should pursue this issue internationally to help protect various communities. We can all remember tragedies in which boats ran aground because of the lack of proper navigational equipment and caused environmental damage. Current events in the Gulf of Mexico are probably enough to ensure something similar will not be caused by shipping.

The Bill makes regulations for liquefied petrol gas, LPG, and other products. What is the position on the transport of oil and other products by ship? Incoming regulations will require all new ships to be double-hulled to ensure they are bunkered. While this issue must be examined, the main focus of the Bill must be on unsafe ships. “Rust bucket” is the best way to describe some of the vessels operating under illicit flags. Certain airlines are not allowed to fly into parts of the European Union for safety reasons. Perhaps the same should be considered in terms of the rust buckets that enter our waters and ports. If we are to protect our environment, it is important that we do so on every level, not for specific reasons alone.

Like me colleagues, I welcome the Bill and wish the Minister well with it. He might consider some of the issues I have raised prior to Committee Stage.

Senator Michael McCarthy: I welcome the Minister, Deputy Dempsey. I also welcome the legislation. We aspire to play a constructive role in examining the Bill and, possibly, tabling amendments where we consider it needs to be strengthened.

As I have consistently stated in various debates on marine issues, we do not have a Minister with responsibility for the marine. We have a newly appointed Minister of State, Deputy Connick, who is working hard on the review of the Common Fisheries Policy, but traditionally we had a Minister for and a Department of the Marine and a dedicated Civil Service staff. Responsibility for the marine has been separated between the Minister for Transport, the Minister for Communication, Energy and Natural Resources, Deputy Ryan, and the Minister for Agriculture, Fisheries and Food, Deputy Smith. This is not to take from the commitment of Ministers dealing with aspects of the portfolio, but an overall integrated marine strategy that addresses the issues facing us could be used to reboot coastal and rural economies.

The information pack provided by the Oireachtas Library and Research Service is of considerable benefit to us in this debate, but the volume of export and shipping trade in the State is significant. Sometimes we need to think outside the box where the marine is concerned. It is one of those areas that needs innovation and which, with a push, could lead to economic recovery and sustain jobs in rural and coastal economies. Manufacturing industries in large urban centres tell their own story, particularly in the current difficult international climate, but I will cite some useful statistics. Every job created at sea generates approximately €7 in the local economy. That is hugely important. I come from west Cork, as the Minister may be aware, and the south western seaboard from Kinsale to the peninsulas, over to Castletownbere and taking in Glandore, Union Hall, Baltimore and all of those areas, is worth a great deal to us locally. The seafood industry is a very important area of activity.

I agree wholeheartedly with the points Senator Ellis rightly made. We have seen some appalling abuses of workers and appalling treatment of human beings by unscrupulous employers and people who, unfortunately, will never be accountable in this country. We must examine that issue. It is beyond belief that in the past two years members of a crew on a ship docked here were literally eating dog food. That is disgusting, and the people responsible for that deserve to be in jail. People in trade unions have been championing that cause for a long time

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but it is beyond belief that any of our cities with a port, such as Cork city, might have a ship in the harbour on which human beings are being treated in that way. One would not treat dogs in that way. If somebody did that to an animal here there would be a provision in law to address it and ensure the person responsible was dealt with. It is not good enough that people can take advantage in that regard. In terms of the displacement issue of five or six years ago, people were using that type of position to take advantage of workers' rights. That is one of the issues that sticks in my craw.

A particular aspect of the Bill deals with our offshore islands. I remind the Minister of one issue which goes back some years. It concerns the chomharchumann on Cape Clear which had operated a very successful ferry service in and out of Baltimore. The contract was due for renewal. It went through a tender process and the co-operative lost that contract; somebody else won it. In the context of that transfer of contract there is a TUPE clause in the legislation, which means the transfer of undertakings. That TUPE clause allows for the safeguarding of the terms and conditions of the people who were working before the contract changed. It ensures their conditions do not change, particularly in terms of their earnings, the hours they work and so forth but a situation arose where the contract went from one operator to another and, lo and behold, the TUPE clause was not in the new contract. That resulted in job losses, a reduction in costs on the part of the new operator and the conditions being changed. The idea behind TUPE was to protect people from that type of situation but, unfortunately, the opposite was the case.

I ask the Minister, Deputy Dempsey, to bear in mind that when we are dealing with the broader issue of workers' rights and conditions it is essential there is a well-established policy that is adhered to and that individual positions will not be granted where conditions change. That is not helpful. In any controversy that arises in any village or small town throughout the country there is a bitter aftertaste and despite people's best intentions, that could linger on. That is not helpful.

On the question of the raising of sea vessels, I feel obliged to raise the issue of *Asgard II*. That is one of those decisions we will live to regret as an island nation. *Asgard II* sank some years ago in the Bay of Biscay. We have raised that issue consistently in this House and Tom MacSweeney, the retired marine correspondent with RTE, was strong on the issue also. *Asgard II* was the national sail training boat and an important part of the marine life of this country in terms of extending to future generations an activity that can be enjoyable but also commercially viable to this country. The vessel was insured and there was not any sound reason not to raise it. In terms of the history of *Asgard II*, the granddaughter of the benefactor of *Asgard* is now a Labour MEP but I hope that will not colour the thinking of the Department or the Minister in terms of taking action when it comes to dealing with what is a national treasure. It is not good enough that the vessel lies somewhere off the Bay of Biscay.

On trading, development and the issue of safety at sea, I was telling Senator Donohoe before coming into the Chamber that too many people have lost a parent, more often than not their father, at sea. Regarding the recent controversy over the lost at sea scheme, the Joint Committee on Agriculture, Fisheries and Food has had the Minister, the former Minister and the officials before it to examine the lost at sea scheme but it is as if the term "lost at sea" does not penetrate our psyche. It literally means that people have lost their lives at sea. Families have lost loved ones. They will never have a grave to go to or be able to go through a proper grieving process in terms of giving them a Christian burial or the send off that is traditional in this country. That is tragic and it is heartbreaking to see someone who has been affected by that. It is something we must be mindful of in the future in terms of allowing people the opportunity to train and be aware of safety standards.

I will give the Minister an example. I come from Dunmanway, the geographical centre point of west Cork. I am aware the Minister is familiar with the area. A former constituent of his who is now living in Dunmanway reminded me some time ago that the Minister attended 12 o'clock mass in Dunmanway and may have got into the Sam Maguire memorial park on the same morning but that location is central to the south-west coast. We have a swimming pool in Dunmanway publicly owned by Cork County Council since the late 1970s and everybody below the age of 40 would be a fairly good swimmer in the town because of that facility. That is something we take for granted. Children of 12, 13 or 14 years of age swim without even thinking about it but, unfortunately, the lack of that skill among people involved in the marine is frightening. People tell them they are at the mercy of the sea but they do not have that basic skill in terms of safety, never mind the leisure aspect. We must put in place structures that allow people the opportunity to become competent in terms of safety be it in swimming or the academic side that may well follow. We must put major emphasis on that in the future.

Senator Ellis made another important point about the disaster in the Gulf of Mexico which has had a huge effect in terms of BP and the possibility of fines and the stock market reaction to it. The consequences are major. We must ensure we do not find ourselves in a similar position. This country led the way some years ago in terms of the smoking ban. With political conviction and imagination we can lead the way in a number of other areas. We can put in place structures and laws that require people to behave to a standard. It is similar to the debates we had on one-off rural houses when the Minister of State, Deputy Dick Roche, was Minister for the Environment, to his credit he brought in guidelines on this area but they were just guidelines. If we do not legally compel people or require them to do what we would like them to do it will not happen. Another important aspect is the issue of enforcement.

I welcome the Minister and his officials. I look forward to tabling amendments on the other Stages to ensure this legislation leaves this House in a better condition than when it arrived.

Senator James Carroll: This is my first opportunity since being elected to the House to be here with the Minister present.

In many aspects the Merchant Shipping Bill is like a miscellaneous provisions Bill in that it ties in other elements that are needed. The Merchant Shipping Bill is vital legislation. It has a strategy for two elements but primarily maritime safety. The Bill, which was published last May, is primarily about Irish ships and ships in Irish waters. Senator Donohoe said that not many maritime issues arise in Dublin Central but it is interesting to see the various elements within this Bill.

The Bill has two layers, so to speak, primarily national and international. We studied international public law in UCD and a key element of that was the International Convention for the Safety of Life at Sea, an audit of which is due to be done in September. This is vital legislation in that it covers the legislative provisions in place. In that international audit we will be asked about the provisions we have put in place, and this Bill will be a key element of that. I look forward to the enabling features of this Bill being put in place.

A key aim of the Bill is to improve the safety of life at sea and as Senator Ellis stated, a key element of that is access for people with reduced mobility. That is important.

Senator James Carroll: I know Senator Mary White has taken on this issue and it is one on which I will also campaign. While mandatory requirements for ships and trawlers will be put in place, I would like voluntary codes of practice to be introduced before moving to full mandatory procedures.

The legislation covers many vessels, from large tankers to jet skis. It will, for example, regulate construction rules, from passenger vessels to cargo ships, survey and radio rules, the carry-

[Senator James Carroll.]

ing of chemical tanker fuels and high speed craft. It will also strengthen regulatory provisions to improve maritime safety.

Another element of the legislation, touched on by Senator McCarthy, concerns the raising of sunken vessels. While there is no express provision in statute for this, the Bill will provide for new parameters to allow different actions to be taken in this regard.

Section 36 will provide for the giving of the force of law to the Maritime Labour Convention 2006. This is key to the employment and social rights of seafarers on Irish ships and to ensure there are proper working conditions. The final draft of the Bill contains a provision for a commencement order in this regard in section 36, which I welcome.

The Minister for Enterprise, Trade and Innovation may need to make regulations for the Bill's employment aspects. As Senators Ellis and McCarthy pointed out, ship workers' conditions are a source of serious concern for many. I hope we can put in place procedures and structures which will protect them at all times.

The Bill will confirm and validate the actions of the Marine Casualty Investigation Board after it was found its original commencement order was defective. The Attorney General gave advice on this matter.

I welcome the introduction of the Bill and look forward to further debating certain aspects of it on Committee Stage. I hope it will have a swift passage through the House.

Senator Cecilia Keaveney: Given that Ireland is an island, it is not in the interests of marine development and subsequent sectoral employment creation potential to have seven or eight people responsible for the sector. While not taking from those already involved in it, whenever I raise a marine matter with the line Minister, I discover it falls within the remit of various Departments and agencies. I accept that when Deputy Killeen was the Minister of State responsible, he brought together a co-ordinating group to oversee the area.

Ireland still has not maximised its marine economic potential. Coming from Moville, a major whitefish port in County Donegal, and only three miles from the National Fisheries College at Greencastle, I know the fishing industry has been under strain. Many who were involved in the industry in my area have informed me of what they see as job opportunities in other marine activities there. However, I have not received much feedback on these opportunities whenever I have raised them with various Departments and agencies. A breakwater, for example, at Greencastle Harbour was under development. Does the Minister know if Donegal County Council has paid its contribution in respect of its development?

While it is not all doom and gloom and fishermen are now getting a better price for their catches, the numbers in the industry have fallen. A report by the trade magazine *Tanker Operator* was brought to my attention in which Jan Morten Eskilt, OSM's group chairman, indicated in a presentation in Norway that the shipping sector would face a shortage of 70,000 officers by 2012. This figure had been revised downwards from an earlier prediction of 90,000. He attributed this decline to the current global economic climate. The shipping sector is seeking enough cadets in training programmes to be available when the economic upturn occurs. Ireland has the capacity in its existing training facilities at Cork and Greencastle to fill the gaps in the numbers of training cadets.

In January a seafarers task force was launched by the European Commission, inviting industry leaders to take part in discussions designed to come up with ways of reversing the decline in European seafaring. Ship owners, experts and union representative would also join academics and law-makers in the brainstorming session. Has Ireland become involved in this

task force? Is it fighting for a corner of the training market? Which Minister is responsible for this area?

In the next two years 60 million tonnes of newly built shipping will join the world fleet. Most of the tonnage was ordered at the height of the shipping boom and it will be joining the shipping market when freight prices are at break-even levels. There has been an increase in the rate of scrapping, but such was the rush to offload elderly and uneconomical vessels that the price of scrap metal collapsed. Accordingly, some ship owners need a hot lay-up to allow them to bring a boat back into service quickly, while others need a cold lay-up while waiting for metal prices to change again. I come from an area with many deep water berthages and close to the Harland and Wolff shipyard. I have been informed by many that my area could provide hot and cold lay-up facilities for boats currently surplus to requirements, as well as providing training facilities for some of the required 70,000 sea officers. As Senator McCarthy said, every job created at sea generates approximately €7 in the local economy. We are surrounded by water. These are simply two examples of what we could be doing. I would like to think we could be at the forefront of trying to get our cut of this market. There are few islands in Europe. There may be people with coastlines, but few people with islands. We should have a relatively good infrastructure by now because there has been good infrastructure development in the past decade. We should not be knocking on the door gently at this point. We should be rapidly progressing towards the source and potential of those jobs. My difficulty is that when I raise issues about marine tourism, I am informed it is a matter for the Department of Tourism, Culture and Sport. If I approach that Department, I am informed it is a matter for the Department with responsibility of the marine. When I refer to marine jobs, I approach the Department of Enterprise, Trade and Innovation, but I am informed it is not a matter for that Department because it is a marine matter. We need to respect the marine a great deal more than we have done to date. We need a cross-sectoral approach that not only ticks a box, but drives the opportunities. I am a firm believer in the opportunities of the marine, from tourism to merchant and commercial shipping and many other ventures on the sea as well.

Senator Niall Ó Brolcháin: I welcome the Minister, Deputy Dempsey. Today, when the media is focused on other issues, this Bill will probably slip by. However, it is remarkably important. I agree wholeheartedly with the comments of Senator Keaveney, who remarked on the importance of the maritime tradition to this island nation. It is an island nation, albeit slightly politically divided. The sea is an important part of our tradition. I have had the great privilege to hold many conversations with Dr. John de Courcy Ireland, a gentleman with a passion beyond belief for a particular subject. His passion was the sea and all things maritime. He was an extraordinary gentleman. He believed we did not focus on the great traditions we had around us.

I am a representative from Galway, where there is a tradition of great fear of the sea. There is also great respect for the sea. There was a tradition whereby people who went out to catch fish in their currachs did not learn to swim. I realise we are deviating somewhat from the issue of merchant shipping but many traditions relate to the sea surrounding this island. From an economic point of view, it is probable we have not valued the sea to the extent other countries have done. I refer to the great joke about the Swiss navy. Switzerland has no sea borders but at one stage it had a larger navy than Ireland, although that is largely a historical matter at this stage.

This Bill relates to safety at sea. I have heard reference made to the lost at sea scheme, a matter we must resolve and put behind us. I note this Bill replaces Shipping Acts from 1894 to 2005. This shows the length of time and the vast history we have in this area. I refer to the

[Senator Niall Ó Brolcháin.]

ports around the country. The Minister, Deputy Dempsey, has responsibility for transport matters. There are some good ports in this country but in many cases we do not have great ports. We do not have such ports of maritime excellence that other countries have. For example, Rotterdam is a major entry port for Europe. Obviously, Dublin is the largest port but there are several other ports around the country. I refer to Rosslare, Waterford, Cork and Galway, all of which have great traditions attached to them, among many others. Do we use them to the extent to which they could be used for shipping? I do not believe so. Do we have the transport infrastructure, such as rail infrastructure links, to the ports that could help see us into the future and to develop more environmentally strategic transport infrastructure which, I believe, we need? I note the Minister referred to the volcano and the strategic, environmental infrastructure which ports provide, which is absolutely correct. In the days of old, people travelled around the country more by sea than by land. There was the great Eiscir Riada but how did people get from one part of the country to another? Often, it was very dangerous. When one visits some of the islands inhabited by Gráinne Mhaol and so on, one realises that at certain times in our history more people lived on the islands than on the mainland and that the seafaring tradition sustained our people. It is timely to consider the strategic value of the sea and transport by sea, especially freight and human transport by sea.

The sail training vessel, *Asgard II*, was mentioned. I understand the insurance money for it has not translated into a new sail training vessel. I realise times are tough but the insurance money has been provided and I urge the Minister to consider providing a state of the art sail training vessel for the country, either as a long-term or short-term initiative. I would prefer it as a short-term initiative.

As the Mayor of Galway, I had the great privilege to board the Argentine sail training vessel, the *Libertad*. Anyone who has been on the *Libertad* will realise it is an unbelievable advertisement for Argentina. The amount of ambassadorial talent on that ship and the esteem in which it is held throughout the world is remarkable. The vessel bolsters the Argentine Navy and the seafaring traditions of Argentina. The Argentine Navy was set up by an Irishman from Mayo, William Brown, another link to our great maritime tradition.

I refer to the maritime museum set up by John de Courcy Ireland. At present the museum, located in Dún Laoghaire, is not open. I urge the Minister to consider facilitating ways to open it. Money is always an issue in these matters. However, it should be a strategic objective to open that museum. A country such as Ireland, an island nation, deserves and should have a national maritime museum. There is already a suitable building, the Mariners' Church in Dún Laoghaire. As a matter of urgency, we must make a political effort to ensure it opens.

I refer to the Volvo Ocean Race, which strays somewhat from merchant shipping matters. The race highlights what we can achieve in this country. It was the most magnificent event in Galway. I cannot stress enough how magnificent it was. The Government saw it as a magnificent event with great potential. It invested money and it turned out to be one of the greatest events in this country during the recent, difficult years. It provided a great boost to the city I live in. The Taoiseach was at the launch of the event. Since Galway did so well as a stop-over host, it was decided that, for the first time, it would host the final stop-over of the Volvo Ocean Race in 2012. The Government is getting behind this plan and I commend it for doing so. It can only lead to good for our city and country. The international prestige of the event is very important.

Merchant shipping in this country has had its ups and downs. At times, we have had a great tradition. The Minister referred to the volcano and the difficulty in terms of air transport at

particular times. We should not rely on one form of transport. Let us consider the difficulties the Isle of Man has had as a very small island. It has had ups and downs in terms of shipping which have had a great effect on that island. We must strategically underpin our trade routes by having a completely sustainable merchant shipping potential. Whether it comprises Irish owned ships is a matter for policy but from a strategic point of view, we need to encourage Irish owned shipping because this is an island nation. If a situation arises, as it did with the volcano, where air transport cannot be relied on, it is very important we have a back-up plan.

Shipping is hugely important from an environmental point of view. Moving goods by ship is much more efficient and less costly. The only downside is the speed of transport. For goods that do not need to be transported quickly, it is important to encourage the use of sea shipping as opposed to air transport. In the context of cheap oil and climate change, we need to focus on far more environmentally-friendly forms of transport. Shipping provides that. I commend the Minister on bringing this Bill before the House and hope we see more Bills on shipping from his Department in the future.

Minister for Transport (Deputy Noel Dempsey): Gabhaim buíochas do na Seanadóirí go léir a labhair ar an Bhille seo. I thank Senators for their comments on the Bill, which were wide-ranging. There might have been a small number of contributors on this Stage but the quality of contributions was particularly noteworthy and I thank Senators. I do not propose to go through all the issues raised in great detail because we will have an opportunity on Committee Stage to deal with them in detail. Senators probably flagged them as issues they would like to discuss further on Committee Stage.

I reiterate what I said at the outset which has been reflected in the contributions of Senators that this Bill is being introduced as part of a maritime safety agenda to try to strengthen the measures already introduced in a range of Merchant Shipping Acts dating from 1894 to 2005, as Deputy Ó Brolcháin said. It tidies up all of those Acts. It also puts in place a number of new measures which represent further progress in bringing legislation in this area up to date and in introducing comprehensive, consolidating legislation.

We strayed from the principal provisions but they are being introduced to improve safety of life at sea. I am sure by creating the enabling provisions, we will be able to make rules and regulations for the safety of vessels. We will be able to change and alter the enabling provisions as circumstances change. That is very important. It is also essential the State is in a position to implement and enforce maritime safety provisions by having this legislation in place. This Bill strengthens that as well as the statutory basis for the enforcement of our safety agenda.

The Bill will enable us to implement the International Convention for the Safety of Life at Sea 1974 and all the conventions of the International Maritime Convention. It advances the agenda referred to by many of the contributors, which is safety, saving lives and preventing loss of life at sea.

Senator Donohoe raised the issue of alcohol. His party has taken a very positive position in regard to the Bill generally. I could not take on board the suggestions it made in this regard in the Dáil because we are in an international process. However, it is an important issue which I look forward to discussing further in the House. The question of disabilities is dealt with in the Bill. We have gone a good way to meeting all the requirements but I would be interested to hear Senators' views when we deal with that section.

To a certain extent, the Bill deals with employment law which was referred to by Senators Ellis and McCarthy as well as the terrible position which arose some years ago where people on board vessels which docked in Ireland were virtually on slave wages. The Bill does not deal

[Deputy Noel Dempsey.]

specifically with this area because the next Bill we will introduce on the registration of vessels and so on will deal with that in detail. It is important that we do so.

A number of Senators raised the question of banning unsafe ships, which is not easy to do. This Bill gives greater powers to authorised officers once a ship docks. The point made by Senator Ellis was perhaps about the environmental dangers of an unsafe ship coming into Irish waters. It is not possible to prevent that but once a ship arrives, there is a series of enforcement measures we can take under this legislation to make the vessel safe, to prevent pollution and so on.

A number of Senators referred to the possibilities in the marine sector generally for employment, of which I am very conscious. We have had the debate on a number of occasions about whether a specific Minister for the marine would be for the best. I have seen both sides of the coin and I am inclined to come down on the side of the arrangements we have currently, although I accept co-ordination might not be perfect. It is better that I deal with maritime transport. Fisheries is a very specific area of maritime activity and it is right that a Minister of State is responsible for it. My experience over the past 20 years in this area is that a Department of the marine is a small Department which does not carry as much weight as it should and that it loses out at the end of the day. One can debate these issues but I agree with Senator Keaveney's contention that whatever way it is organised, there should be co-ordination. She spoke about the co-ordination committee which was under the Minister for Defence, Deputy Killeen, but which is now under the Minister of State, Deputy Connick.

I am very conscious of the potential for employment which Deputy Keaveney mentioned. I encourage the marine development office, which is in my area of responsibility, to look for these employment creation opportunities. Senator Keaveney referred to the task force with representatives of the EU Commission and marine industry which is linked to the Maritime Labour Convention. Its objective is the training of seafarers for EU flagged ships trading internationally. As the Senator rightly said, we are talking about perhaps 70,000 people across the EU.

Ireland has a number of approved training providers, in particular, the National Maritime Training College. We are trying to ensure we benefit from that EU initiative, of which we are conscious. I agree with the Senator that it is an area which has enormous potential which we probably have not tapped into too well in the recent past. Both Senators mentioned the development of leisure tourism. Marine recreational activities could be enhanced a great deal also.

I do not propose to go into further detail. Most of the significant points made will be dealt with in detail on Committee Stage when I look forward to positive contributions from Senators. We had a good debate in the other House when we teased out a number of issues, but if Members bring forward ideas that will strengthen and improve the Bill, despite the inconvenience caused in having to return to the Dáil, I will be more than willing to consider them because it is important to get the legislation right.

Question put and agreed to.

Acting Chairman (Senator Mary M. White): When is it proposed to take Committee Stage?

Senator Cecilia Keaveney: Next Tuesday.

Committee Stage ordered for Tuesday, 22 June 2010.

Acting Chairman (Senator Mary M. White): When is it proposed to sit again?

Senator Cecilia Keaveney: Ar 2.30 p.m. dé Máirt seo chugainn.

Adjournment Matters

Jet Ski Regulations

Senator Cecilia Keaveney: This matter is not unrelated to the previous business. It seems as if I have been tick tacking with the Minister, but that has not been the case because I have been trying to get his matter on the clár for a few weeks and it has only been chosen today.

The safety of personalised water craft, PWC, otherwise known as jet skis, is a serious issue. I am a water sports lover, although I am not a jet ski expert. I do not come at this issue from the perspective of banning all water sports, but I am conscious that if I had gone for a walk 30 minutes earlier a few weeks ago, I would have been a witness to a serious jet ski accident in my own region. I wish the teenager involved a speedy recovery. Her injuries are relatively serious and it is a cause of concern not only for her own family who are the most important but also for those who were on the beach that day.

That is part of the reason I am raising this issue. I have seen young people on high powered, lethal and dangerous vehicles. Driving a motorcycle at 50 mph along a particular trail will produce its share of thrills and excitement, but no responsible municipal government would tolerate it. Therefore, why should we not recognise that speed kills not only on land but also on the water and put PWC regulations in place? These are powerful fun devices, but one cannot put an old head on young shoulders. Therefore, we must examine licensing, the age profiles of those who use jet skis and the qualifications of those who lease or sell vehicles to the public. I do not refer only to the under age category because where adults are concerned, alcohol and water sports do not blend as well as some might think. The response locally following the recent accident was that an outright ban on these vehicles should be examined, but I do not agree with a ban on any water sports. We need beach management. There are places where people should be able to swim safely. There are also places where it would be safe for enthusiasts to use other water craft, but where different crafts are being used while people are swimming, it can become dangerous.

I read a few articles to see whether I was wrong about this. According to the National Association of State Boating Law Administrators in America, jet skis work differently from other boats. It states:

When the driver releases the throttle, he or she completely eliminates the ability to steer. Many new operators can forget this, particularly during potential collisions. Drivers should also remember that the jet ski drive propulsion system is extremely responsive to slight turns of the handlebars. The manoeuvring ease encourages drivers to try unusual stunts, sometimes causing accidents.

I could go through many reasons jet skis are different. In 1996 in America 4,099 PWCs were involved in recreational boating accidents, in which 1,831 people were injured and 57 were killed. I could go through all the facts and figures, but I do not need to fight that corner with the Minister because he understands the issue.

[Senator Cecilia Keaveney.]

I do not agree that the issue should be referred back to local authorities for decision. A national lead needs to be given on the specifics; perhaps county and urban district councils could then make their own decisions. Zoning might be a local authority function, but we should not abdicate at national level responsibility for taking the more significant decisions. For example, should we establish prohibition or restricted zones? Should there be a minimum age requirement for operators? Should there be mandatory use of personal flotation devices? Should there be limits on hours of operation? Should exhaust or muffler system modifications be prohibited? Should we limit jumping in the wake of another vehicle or vessel? Should a minimum distance requirement with respect to other vehicles or piers be imposed? Should it be mandatory to operate a PWC in a reasonable or prudent manner and-or to prohibit operations in a reckless or dangerous manner? Should lanyard requirements be examined?

These questions need to be examined nationally rather than given over to county councils to address through by-laws. For example, Donegal County Council has a number of by-laws governing the issue, but an accident which could have resulted in death in my own area is not the specific reason I raised the issue. Anybody who looks at a motorbike, car or horse moving at speed considers them to be dangerous. Therefore, we must be as cautious regarding water craft in the context of health and safety, environmental and noise pollution in order that everyone can enjoy the fantastic facility we have.

There is massive potential for marine recreational activities. My area has not exploited this potential and we would love to see more investment in such activities. That is why it vital to ensure the rezoning is in place and there is a safe environment for young and old to participate in line with their abilities, using appropriate craft.

Minister for Transport (Deputy Noel Dempsey): I thank Senator Keaveney for raising this matter. My viewpoint is not enormously different to the one she has expressed, save for one fundamental area, namely, the question of by-laws and local authorities. I fundamentally disagree that many of the things she read out could be dealt with nationally. Some of them could be, but the vast majority are matters for the local authorities because they are in the best position to make local decisions as regards where jet-skis should and should not go. Perhaps it is just my local government background and the commitment I have to getting things done locally, where appropriate. I know the Senator did not make this point, but unfortunately, in certain instances — I am not singling out Donegal — some councillors will not take responsible decisions in cases where objections are raised. I believe a good deal of this could and should be dealt with locally, but I agree with many of the other points that have been raised.

I recall that in 2005, as a result of a report, local authorities, harbour authorities and Waterways Ireland were given the powers to introduce by-laws to regulate and control the use of fast powered craft, including jet skis, in waters under their control or management or in their functional area. The Maritime Safety Act 2005 gave effect to that. That legal framework is contained in the Act. It arose from the conclusion of the action group report on small powered recreational craft, including personal watercraft, jet-skis as we call them. The report made a recommendation to the effect that the primary public policy response to regulating such craft should be the use of local by-laws, and the Maritime Safety Act was introduced to allow that to happen. That is the proper way to do it, because it recognises that the issues and conditions can vary from place to place. It makes eminent sense to me that people with local knowledge should regulate for the particular circumstances they face. Under the Maritime Safety Act 2005, the prohibition or restriction of specified craft may be for the purposes of safety to persons, prevention of nuisance or injury, damage to watercraft or property and to protect national

heritage areas and protected monuments. It is a matter for individual by-law making authorities to assess the particular circumstances in their area and decide the appropriate response, having regard to guidelines issued by the Department and in consultation with interested parties.

With regard to age specific categories the Senator mentioned, the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 provide that every person on a personal watercraft shall wear a personal flotation device at all times while on board, or being towed in any manner by a personal watercraft. The 2005 regulations also provide, *inter alia*, that the master or owner of a personal watercraft shall take all reasonable steps to ensure a person under 16 years of age does not operate or control the craft. They provide, too, that the master or owner of a pleasure craft powered by an engine with a rating of more than 5 horse power or 3.7 KW shall take all reasonable steps to ensure a person under 12 years does not operate or control the craft.

There is no provision under the Maritime Safety Act 2005 for the licensing of jet-skis. However, the House may be aware that in 2008 my Department initiated a public consultation on proposals for registration of vessels. This came about on foot of a review initiated against the background of international and national developments in the maritime area since the current legislation governing vessel registration was introduced in 1955. These developments include the growth and increase in the use of pleasure craft, and increasing emphasis on safety and security issues.

Taking account of comments received through the public consultation process, the Department is preparing new primary legislation, the objective of which is to establish a modern and comprehensive vessel registration system. In this context the compulsory registration of jet-skis is being considered. No doubt we shall have a good discussion on that when the legislation comes forward. It would address many of the concerns raised by the Senator by providing particulars of jet-skis and their owners to which local authorities, harbour authorities and Waterways Ireland would have access, to assist them with enforcing their by-laws. This might be helpful, but I can anticipate that it will not have universal approval. I hope to be in a position to bring the heads of a Bill to Government in the coming months.

We are also examining jet-ski operator training, which was another point adverted to by the Senator. Such training is currently being provided by training organisations with a view to recognising suitable training courses and encouraging their use by all jet-ski operators. Again I am sure we will have a discussion on whether there should be a compulsory element involved here, particularly for younger people.

Finally, I should mention the code of practice for the safe operation of recreational craft, developed and published by my Department. This has been updated and contains information on legislative requirements for jet-skis, as well as a dedicated chapter on using them safely and responsibly. It includes a recommendation that persons operating jet-skis undertake appropriate training and provides contact details of course providers. It also provides information on equipment to be worn and carried by operators of jet-skis as well as guidance and advice on operating such craft and emergency procedures. Copies of the code have been distributed at all major boating events in recent years and can be obtained on request from the Department.

The Senator has raised a very important issue. We have made some progress in this area in recent years. Some of the concerns she expressed can be met under existing legislation, but we need to look again at certain aspects to try and see if we can strengthen the legislation.

Senator Cecilia Keaveney: I thank the Minister for his comprehensive response. Perhaps I can clarify that I agree with him that the best place for the zoning of jet-skis is at local authority

[Senator Cecilia Keaveney.]

level. I believe the forthcoming regulation he alluded to has more of a national reach. I shall be using this as an opportunity to persuade people to submit their thoughts to the Minister. Is he familiar with one of the arguments in my area, for example, on the Foyle as regards who is to police any such by-laws and regulations, since the Foyle is “disputed territory”? The people who use it are from both communities.

The authorities might have difficulty in deciding whether they have the right to pursue somebody on that water, for instance. Maybe this is something that could be addressed, and it is a much bigger issue than jet-skis. If we can make a complete claim as regards the Foyle, that would be grand, and it might clear up one of those issues.

The Seanad adjourned at 2.20 p.m. until 2.30 p.m. on Tuesday, 22 June 2010.