

SEANAD ÉIREANN

Déardaoin, 13 Eanáir 2011.

Thursday, 13 January 2011.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Business of Seanad

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

The need for the Minister for Social Protection to provide a one-stop-shop to deal with matters relating to the deceased partners of widows and widowers.

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

The need for the Minister for Communications, Energy and Natural Resources to outline the meetings he has had recently at North-South level to ensure a smooth transfer to digital television services at the end of the year, particularly in the north west.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

Order of Business

Senator Donie Cassidy: The Order of Business is Climate Change Response Bill 2010 — Order for Second Stage and Second Stage, to be taken at the conclusion of the Order of Business and adjourn at 2 p.m., if not previously concluded, with the contributions of spokespersons not to exceed 15 minutes and those of all other Senators not to exceed ten minutes and on which Senators may share time, by agreement of the House; and No. 2, Multi-Unit Developments Bill 2009 [*Seanad Bill amended by the Dáil*] — Report Stage, to be taken at 2.30 p.m. The business of the House shall be interrupted between 2 p.m. and 2.30 p.m.

Senator Ciaran Cannon: My wife and I own a rural pub in east Galway. Having spent more than two years as an Oireachtas Member, I am beginning to realise what an invaluable opportunity I have every week to talk to our customers, friends and others who own similar small businesses in east Galway. John B. Keane once remarked that there was no better way of assessing the mood of the people than by standing behind the bar of a pub in a rural town or village. That opportunity is an important antidote to the pomp and privilege that surrounds us in this House. If one is not careful, one can become completely detached from the challenges people face daily. Week in, week out I experience the complete and utter despair of people on the other side of my bar counter who no longer have any trust in the Government. Without

[Senator Ciaran Cannon.]

that trust, the ship of State is listing badly and drifting rudderless on the rough seas of an economic disaster.

What remained of that trust suffered a fatal blow yesterday when the Taoiseach tried to convince the people that he had sat for three hours with the chairman of Anglo Irish Bank, a director of the bank and a board member of the Central Bank, whom he had appointed, and not discussed the affairs of the bank. He uttered the following incredible words in late November when introducing the Government's four year plan: "There are occasions when the imperative of serving the national interest transcends other concerns, including party political and personal concerns." I have two questions for the Leader, a businessman who knows what is happening in the real world. When does he believe a politician should place party or personal interests ahead of the national interest because that is exactly what is implied in the Taoiseach's statement? Second, when does the Leader propose to tell his party leader that it is high time he, at long last, placed the national interest above all other interests? The Government must go now, for the sake of the people. Three more months of this nonsense will sink us for good.

Senator Shane Ross: It must be very convenient for the Fianna Fáil element of the Government that its Members will happily discuss climate change today, a subject they have carefully avoided for three and a half years. Today it is a source of great relief for them because the rest of the nation is talking about Anglo Irish Bank and the relationship between the Taoiseach and people in the bank. That subject is the national issue of the day. Yesterday I spoke at length about the dangers of cronyism on the basis of the revelations known to us at that stage. It was bad enough that the Taoiseach was meeting Mr. Sean FitzPatrick so often and in such questionable circumstances, but what has emerged since has only confirmed the worst fears of Members on the Government side of the House. Not only was the Taoiseach meeting Mr. FitzPatrick, which was not, as he said, a sin in itself because he should be accessible to the leaders of the large banks in the country, that night he was also meeting three directors of Anglo Irish Bank whose connection with the party and himself was so close. Mr. Drury was a director of Anglo Irish Bank just before that and a friend of the Taoiseach.

An Cathaoirleach: We cannot have a debate on the matter now. It has been discussed in the Lower House and if Senators are seeking a debate on it, they should ask directly for one, not make speeches on it. There should be direct questions on the Order of Business.

Senator Shane Ross: I am seeking a debate and wish to ask the Leader questions. Does he think it is significant that Mr. Drury, a director of Anglo Irish Bank, also happened to be patronised by the same Government, undoubtedly with the approval of the Taoiseach when he was made chairman of the RTE Authority? That is a powerful gift within the power of the Government. Does the Leader think it is significant that Mr. Gary McCann who was also present also happened to have been chairman of the Dublin Airport Authority, another position in the gift of the Government? We are not just seeing a pattern of the Taoiseach meeting Mr. FitzPatrick but also a pattern of extraordinary interlocking relationships. Mr. McCann just happens to have been — I presume this is significant — the chief executive and a member of the board of Smurfit with Mr. FitzPatrick at the same time. It is an extraordinary circle. What is so worrying is not that the Taoiseach met Mr. FitzPatrick on one occasion——

An Cathaoirleach: The Senator's time is up. I call Senator Bacik.

Senator Shane Ross: ——but the frequency and the pattern of these meetings.

An Cathaoirleach: The Senator has made his point. There is limited time available today. Yesterday was different. Members used the system yesterday, but they will not use it today.

Senator Shane Ross: We must not have the Taoiseach simply——

An Cathaoirleach: The Senator must resume his seat.

Senator Ivana Bacik: If it is of any comfort to Senator Ross, I intend to continue on the same theme.

An Cathaoirleach: The Senator must ask the Leader questions on the Order of Business.

Senator Ivana Bacik: With respect, I am asking the Leader for a debate today on the issue. Like Senators Cannon and Ross, I propose an amendment to the Order of Business to ensure the debate is held today. The critical debate taking place on the airwaves and in pubs, shops and houses throughout the country is about what was taking place between the Taoiseach and Anglo Irish Bank.

An Cathaoirleach: What does the Senator want? Does she want a debate on the issue?

Senator David Norris: She has said she wants a debate on it.

An Cathaoirleach: On what is she seeking a debate? Can the Senator be clear?

Senator David Norris: Come on.

Senator Ivana Bacik: I am seeking a debate on the links between the Fianna Fáil-led Government and the leadership of Anglo Irish Bank in 2008.

An Cathaoirleach: That is fine.

Senator Ivana Bacik: We need to know exactly what the connections and relationships were. There is a drip-feed of revelations. Somebody happened to be in Druids Glen and to see that there were more than one or two directors of Anglo Irish Bank present. In fact, there were three directors and an economist present. It is deeply ironic that in 2008 the Taoiseach should have been seeking advice on how to improve the economy from Mr. Sean FitzPatrick, the man whose dealings were to bring it down and lead to the IMF bailout. We need to know the truth about the relationship. I seek a debate on that issue. I, therefore, propose an amendment to the Order of Business in that regard.

I also seek a debate on the continued lifespan of the Government. In the light of the drip-feed of revelations about the Taoiseach's cronies in Anglo Irish Bank, we need to know when the plug will be pulled. Clearly, the Green Party does not have the spine to do it; therefore, I call on Fianna Fáil backbenchers and Senators to pull the plug now. It is outrageous that we will be represented abroad on St. Patrick's Day by members of a Government which has lost all public trust. Now the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, has suggested the Opposition should be trotted out too to try to give a fig leaf of public approval and democratic assent to the Government. It is outrageous that it is still in office and that we still do not know when the Oireachtas will be dissolved. The Green Party need have no fear because the Labour Party is committed to introducing climate change legislation. If the Oireachtas is dissolved, we will introduce a stronger Bill than the weak measure before the House today, although I welcome its publication at last, three and a half years too late.

[Senator Ivana Bacik.]

I also seek a debate, if there is still time in the lifespan of this Seanad, on penal policy and the Labour Party document on a fair and effective penal justice system which was launched earlier this week. It sets out coherent and evidence-based proposals for reform of the penal system. It is a matter on which I, Senator Cummins and other Senators have been seeking a debate for some time. We should debate the proposals which the Labour Party has brought forward in its policy document.

Will the Leader provide clarification of the legislative programme? Apparently, a number of Bills are due to be published, but the Bill on female genital mutilation is not included, although the Minister for Health and Children promised me that it would be published. As I understand it is about to be published, can the Leader explain why it is not included in the list? Will he ensure it is included in the list for publication?

Senator Dan Boyle: It is somewhat ironic that Opposition Members are seeking time for debates while wanting the business of this House to be suspended forthwith.

Senator Ivana Bacik: If the House is to continue, I said.

Senator Dan Boyle: That said, there is undoubtedly a need for a debate on the continuing revelations before the Lower House. The further questions that arise from the information being given and the way in which the information is being given — it is becoming known to many of us for the first time — require a detailed and serious debate with appropriate answers.

Senator Ivana Bacik: Will the Senator support the proposed amendment to the Order of Business?

An Cathaoirleach: Senator Boyle to continue, without interruption. We are taking questions to the Leader.

Senator Dan Boyle: It does not change the immediate situation of needing to pass the Finance Bill.

The suggestion of my colleague, the Minister for Communications, Energy and Natural Resources, should not be shot down so easily. If we are concerned about how the country is represented by the President and members of the political system——

Senator David Norris: Hear, hear. I said it yesterday.

Senator Dan Boyle: ——it would be an appropriate way of doing so. There will be an election in March and the Finance Bill should be completed by the end of February. I hope there will be an opportunity to pass several legislative measures, one of which is before the House today. It might not be the burning issue of the moment, but it is important legislation. I look forward to the support of many Members of the Opposition for the Bill, ignoring many of the spurious arguments that will be raised against it. Vested interests are planning a campaign to ensure it will not see the light of day. Aside from the very serious economic issues facing us and the governance issues with regard to the quality of public life, anybody who believes we are living on a precipice in terms of the future of the planet will treat the legislation seriously.

I hope others will consider the wider issues being discussed in the Lower House and that we will have an opportunity to discuss them here. They are leading to public disquiet and putting people in invidious positions. We should not be in a situation where information is revealed in this way. We should be given appropriate answers, as they are demanded.

Senator Joe O'Reilly: It is the country's ambition to use the agriculture sector as one of the main engines to revive the economy. The ambitions of Food Harvest 2020 form part of this. We depend on agriculture, the vehicle that will bring about economic restoration. The pig industry forms a major part of the agriculture sector in County Cavan. There are 750 jobs dependent on the pig industry in County Cavan. There has been a 30% increase in feed prices over recent weeks and months and pig farmers are paying this.

An Cathaoirleach: Is the Senator looking for a debate on agriculture?

Senator Joe O'Reilly: I am coming to the point now. At the same time, prices for pigs remain low. The pig farmers are on the verge of going out of business, and one large piggery in Cork did just that recently. We are talking about 750 jobs and real people in the real economy. In the midst of our debates here, we could lose the sense of the fact that what happens here impacts on real lives. Will the Leader facilitate a debate with the Minister for Agriculture, Fisheries and Food as soon as possible to discuss the crisis in the pig industry? It is a short-term crisis due to the price of feed. Pig farmers need loans but they cannot get credit from banks and other financial institutions. They cannot pay for the feed and the millers are no longer able to give them feed. We met them the other night in Cavan and the crisis is as real as I am outlining. There were people on the verge of tears. It is a very serious situation and I cannot emphasise this sufficiently.

I appeal to the Leader on this humanitarian issue. It is also an animal welfare issue, as hundreds of thousands of animals may die. I want the Leader to arrange the debate as soon as possible to look at a loan system that would be repaid when the cycle of pig prices increases for these people. The debate should take place immediately, even if we have to extend the sitting of the House.

Senator Paschal Mooney: When political charges and counter charges are made across the House, especially in light of the events of the last 24 hours and the revelations in the Dáil yesterday, it might be expected that we on this side would go to ground. Far be it from that. I echo much of what our colleagues, Senator Boyle, has said. All of us on this side of the House would welcome full transparency and any clarity that needs to be brought to the debate that has taken place. It is a political charge, however, and I believe the Taoiseach has responded to the questions made in the other House. I do not believe there is any evidence that the Taoiseach acted other than in the national interest, and this has been endorsed by third parties who have been involved in the banking issue since 2008.

With all due respect to Senator Bacik, whom I greatly respect, it is a charge too far to suggest that the duly elected Taoiseach of this country should somehow be prevented, at a very difficult time for our economy, from representing the country during the March celebrations. It is something other countries would die for. To have the focus on Ireland—

Senator Ivana Bacik: On a point of order, I just suggested it might be a different duly elected Taoiseach.

An Cathaoirleach: That is not a point of order.

Senator Dan Boyle: How is that a point of order? Where is that in the Standing Orders?

An Cathaoirleach: Senator Mooney, without interruption.

Senator Paschal Mooney: I raised this last year and I was pilloried in the media, members of whom suggested that I was proposing that the media should not hold politicians to account on how much it would cost the State to send Government representatives abroad. As someone

[Senator Paschal Mooney.]

who travelled extensively in the past, and many on both sides of the House have also travelled, representing their communities, counties or their country throughout various St. Patrick's Day celebrations down through the decades, it would be a national sabotage to suggest that we should not continue with this particular tradition.

This is especially the case given a meeting of the joint committee on tourism yesterday which I attended and at which I, along with colleagues from all sides of the House, listened to the Secretary General, Mr. Con Haugh, who is retiring next month and to whom I express my sincere appreciation for an outstanding contribution to public service over three decades, describe a tourism renaissance for the coming year. It is predicted, and it is to be hoped it will happen, that we will increase our tourist numbers because it is vital to the economy at all levels. I hope that there will be an agreement that those who represent this country in March are doing so in the national interest.

Senator David Norris: I formally second Senator Bacik's amendment to the Order of Business. I agree with Senator Boyle on the importance of getting the Climate Change Response Bill 2010 through the House. I regret very much that my friends in Fine Gael have sought to amend it. The reason they give is that there has not been all-party consensus on greenhouse gas emission reductions, but in fact there has. There have been two reports of all-party committees endorsing these reductions. In fact, they endorsed stronger measures than those put forward by certain interests which have lobbied Fine Gael, Fianna Fáil and myself. I will be speaking a little about that during the debate.

I deeply regret the regulation emerging from the European Union that will go towards the privatisation of the postal service in this country. I deeply regret this and deplore it. I have no doubt whatever that this will lead to cherrypicking. This is exactly what happened in Britain. The most profitable services will be targeted by commercial interests and this will lead to greater charges for people in remote and rural areas of this country. I simply think that is utterly wrong. I hope we can find a method of challenging this, because it is one of the elements that keeps our rural communities together.

It is a great pity we did not challenge, as I recommended to a Government of a different complexion at the time, the intellectual copyright regulations because that led to the unfortunate situation concerning the James Joyce estate which inhibited scholarship and performance in many cases. I say this with particular emphasis because this is the 70th anniversary of the death of James Joyce who is unquestionably the greatest novelist of the 20th century and someone of whom, I am glad to say, the entire country is proud, as it rightly should always have been.

Senator Ivor Callely: Yesterday I asked the Leader whether he could indicate to me what progress he had made with the other group leaders about structured debate on topical issues. One of those issues for debate is our exports. I congratulate all involved in this turbulent period for the tremendous improvement being made in the export industry.

I have also called for a debate on food labelling. It is now even more important to have the appropriate beneficial aspects of food intake properly labelled. We will see great progress made in this area in the years ahead due to consumer demand and we should take the opportunity to lead on it in this House.

I congratulate Bord Bia and those Irish food producers that have done so well in what they have achieved during this turbulent economic period. It goes to show that the "can do" attitude of the Irish people means we are able to meet the challenges at this testing time. I urge the

Leader to have a debate to ensure all the appropriate supports are in place for all the tremendous food producers.

Senator Eugene Regan: After yesterday's revelations that there were three directors of Anglo Irish Bank directors at this meeting, it is clearly evident that there was a think-in on Anglo Irish Bank and on banking policy at that time. The Taoiseach's story at this stage is in shreds. It is as believable now as the dig out stories of his predecessor, Deputy Bertie Ahern.

An Cathaoirleach: The Senator knows the Order of Business is about questions to the Leader.

Senator Eugene Regan: Why is the Taoiseach being so defensive on this matter? If he is innocent, why does he look so guilty? The Taoiseach is now our most toxic asset. We have an extraordinary opportunity in the US to establish a new beginning and set a new image for this country. We have an image of our Taoiseach in the US that is one of derision, following the feature on "The Tonight Show with Jay Leno", and this reflects badly on the country.

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

Senator Eugene Regan: I do not believe the Taoiseach should represent this country in the United States on 17 March.

An Cathaoirleach: Please respect the House. That is not relevant to the Order of Business. If the Senator wants to ask the Leader for a debate——

Senator Eugene Regan: It is of vital national interest——

An Cathaoirleach: No. Please respect the House.

Senator Eugene Regan: The importance of the United States to this country——

An Cathaoirleach: I am not interested in what is happening in the United States.

Senator Eugene Regan: There is US company investment of €100 billion, the employment of 100,000 people and a contribution in tax revenue of €3 billion every year. We need a new beginning and a new image to be projected in the United States and I do not believe the Taoiseach can do this.

The Government and especially the Minister for Finance, Deputy Brian Lenihan, have stated they cannot do anything about bank bonuses, yet we passed a Bill in respect of the matter before Christmas. Subordinated bondholders could not be touched, but it has transpired differently. The Minister for Finance has also said——

An Cathaoirleach: Questions to the Leader, please.

Senator Eugene Regan: The interest rate and the conditions of the IMF-EU bailout cannot be changed——

An Cathaoirleach: The Senator's time is up. He has made his point.

Senator Eugene Regan: ——yet we read this morning that the rate of interest is under consideration.

An Cathaoirleach: The Senator has made his point. He has gone over time. My hands are tied because of the time allowed today.

Senator Eugene Regan: The Minister for Finance must make a statement on the inconsistencies of his policy in this regard.

Senator James Carroll: I call for a debate on smuggling and how best to tackle it. I raise the issue in the light of the major seizure of illegal drugs in County Louth last night when approximately 8 million cigarettes were seized by Customs officials with an estimated street value of €3.4 million. It seems the cigarettes arrived in Dublin Port in a container from China. We must discuss how cigarettes are being brought into the country. Is there a common route? Are certain countries commonly used for this purpose? We must get to the bottom of the matter. In the Border counties the black economy is a jobs killer because it is not allowing people to be employed and pay taxes. This issue must be addressed urgently.

Senator Feargal Quinn: Yesterday I spoke about the positive attitude we had sought to take. I wish to make a point on the significant export benefits derived from the food business, a matter on which Senator Callely has remarked today. We must encourage this. I have a problem in that every time we refer to the Minister with responsibility for agriculture, he or she also has responsibility for food. I have argued that we should have different Ministers with responsibility for food and agriculture since there is a difference between the two. Agriculture has driven the business rather than food production.

Let us consider an example. I was a member of the expert food group which helped to establish Bord Bia in 1994. I produced a minority report which made the point that in the future jobs would stem from the food business. If a food company decides that its ideal product should be imported from somewhere else, that is the way the food business should be developed. There have been some good examples. Let us consider McDonalds as one. When it opened here first, there was an outcry, especially from potato producers, because it was importing chips from Holland. They argued that this was outrageous, that McDonalds should establish in the country and not expect to buy Irish potatoes. However, McDonalds argued that Irish potatoes did not suit it and that it was the customer. Irish potato growers had to change their product and as a result, McDonalds stopped buying in from Holland. We must remember we are driven by customers. I fear that when there is a Minister for and a Department of Agriculture, Fisheries and Food, they will always act in the interests of agriculture first.

Let me provide one instance. Last year there was a pigmeat problem in Ireland. When all Irish pigmeat products had been taken off the shelves, I saw a product which had been produced in Munster. When I informed the manager of this, he said no, that the pigmeat had been imported. It was a great product, but there was an outcry; people wanted to know why we were importing pigmeat from elsewhere. The reason is the market is consumer and customer-driven. We must ensure we continue to do this.

We led the way with the plastic bag tax which has done wonders. The Environmental (Miscellaneous Provisions) Bill which will be introduced in the coming weeks will enable a tax of up to a 70 cent to be levied on plastic bags. This is an error. We have succeeded, but let us not kill the golden goose. We are moving in the right direction and have done well. Let us ensure, therefore, we will not damage it.

Senator Liam Twomey: The credibility of the Government in political and economic terms has been damaged significantly at home and abroad. In some respects, one gets the sense in listening to Senator Boyle that if it comes down to saving the country or the planet, the Green Party will take the easy option and save the planet. There is a serious problem in the country and the Green Party must face up to our economic concerns.

Local roads in County Wexford resemble a war zone. In spite of this, the Minister for Transport has postponed the upgrading of the bypass for New Ross and Enniscorthy for at least a further five years. Some of the policies being brought forward by the Government contradict other aspirations such as those of the Food Harvest 2020 report. There is, therefore, a need for the Minister for Finance to come to the House and state what he will do to give the finance needed to repair roads throughout the country, not only in County Wexford, and clearly outline the plans to be pursued in this and the coming months. That is on what the focus should be placed in the coming weeks before the Dáil is dissolved. We should focus on economic issues and not allow ourselves to be distracted. It seems legislation is being put through for the sake of it.

Senator Jerry Buttimer: Will the Leader join me in calling on the Taoiseach to explain to the House and the people what took place during that golf game? It was not any old fourball. They were not simply four guys who had got together on a teebox to play a game of golf.

Senator Donie Cassidy: It was a threeball.

Senator Jerry Buttimer: Let us have the facts.

I propose an amendment to the Order of Business that the Minister for Health and Children come to the House to discuss and seek the postponement of the proposed fee increase by VHI. It is incredible that we have not heard from her in the House. Some people cannot make a decision regarding their health insurance premiums because they cannot access the information they require. They are concerned about a lack of coverage. We have an obligation and a duty of care to people. The Minister for Health and Children, within whose remit VHI falls, should come to the House to debate the issue. On behalf of the people, we should seek a postponement of the fee increase by VHI. Therefore, I call on the Leader to join me in asking the Minister to come to the House which should, collectively and united as one voice, seek to bring about a deferment of the fee increase by VHI.

Senator Nicky McFadden: I second the amendment to the Order of Business which is worthwhile and crucial.

I refer to the serious issue of obesity. I believe prevention is better than cure. Obesity related illnesses such as heart disease, diabetes, etc. are causing our hospitals to be clogged up and over-worked. I listened to the radio this morning. Insomnia in Abbey Street has taken to putting a calorie count on the board with its menu in order that people will have a choice. This empowers them in such a way that they know the calorific value of food they eat. This is the only way forward. This has been happening for years in the United States which is beginning to tackle its serious obesity problem. There is also a huge problem in Ireland. Those of us involved in “Operation Transformation” last year met Dr. O’Shea who is doing fantastic work. However, he will be fighting a losing battle if we do not put in place legislation to ensure mandatory calorie counts in restaurants, especially fast food restaurants, where the obesity problems of children can be tackled.

Senator John Hanafin: Will the Leader allow for a change in the orders of the Seanad? It looks as if the question of the very existence of this House will arise in the next term. We must position ourselves now in such a way as to show the value of this House. Accordingly, will the Leader include a regular slot over the next several weeks for European scrutiny? The question will be how the House will prove its value in the future. While its value was appreciated in the past, it is how we position ourselves for the future that will determine whether this House survives.

Senator Rónán Mullen: The one aspect of the famous dinner at Druids Glen that I regret is the surreal nature of some of the debates around it. On the one hand, it is clear the Taoiseach is beleaguered. There seems to have been an embarrassment about even mentioning the name of Mr. Seán FitzPatrick which has led the Taoiseach into unnecessary trouble. I am inclined to think, however, that Mr. Gray's statement makes it clear no inappropriate discussions took place on this particular occasion. It seems to me that it was the type of discussion that one ought to be having.

The problem is that for those looking in at how we conduct our debates, they see us getting equally exercised about issues that matter and ones that do not. I understand why there is the temptation to take the road of oppositional politics. I subscribe to the view the Taoiseach has drawn unnecessary trouble on himself in this case. However, for us to have discussions as mature adults as to whether the Taoiseach is fit to represent us abroad on St. Patrick's Day seems to be losing a grip on reality.

Senator Paschal Mooney: Hear, hear.

Senator Rónán Mullen: I will repeat my proposal from yesterday that we should have a cross-party international representation committee which would identify people who would travel on behalf of the country.

Senator Eugene Regan: There simply should be a new Taoiseach by March 17.

Senator Rónán Mullen: We should not confuse the issue. An election will come in due course. The duly elected Taoiseach, no matter how beleaguered he or she might be, is entitled to and has a duty to represent the country abroad. There are many other important places, not just the United States, where we ought to be represented on St. Patrick's Day.

I am glad the Minister for Justice and Law Reform, Deputy Dermot Ahern, is considering a change in the laws on prostitution. This is an issue I have raised on numerous occasions.

An Cathaoirleach: Time now, Senator.

Senator Rónán Mullen: I proposed amending human trafficking legislation along the lines of the model used in Sweden which would criminalise the user of the person in prostitution. There was much cynicism and negativity towards my proposal when I raised it first. I am glad the Government is now taking it seriously. We need to make this country a cold-house for people who traffic persons. One positive way of doing this would be to ensure any person using another person in prostitution is deemed to be committing an offence.

Senator Marc MacSharry: Will the Leader arrange a debate on employment and job creation as a matter of the utmost urgency? I must also express my heartfelt regret at the Government's decision to cease the public service obligation, PSO, routes from Sligo, Galway and Knock airports. I accept value for money issues were raised and it may be difficult to get the European Commission to approve the PSOs.

However, if we are to be serious about the national spatial strategy and the selection of gateway centres, Sligo included, we must ensure they are served by the most modern and effective transport connections. The Government's regrettable decision on the PSOs will have a grave impact on the capabilities and marketability of Galway, Sligo and similar towns as locations for foreign direct investment.

Will the Leader make contact with the Minister for Transport, Deputy Noel Dempsey, and the Taoiseach to ensure the core airport management operational expenditure subvention, OPEX, and capital expenditure grants, CAPEX, are maintained to allow the airports in ques-

tion make a justifiable and credible bid to keep the connecting routes open with Aer Arann and the other airlines involved? If we are to navigate our way out of this recession, it is essential gateway centres play a part in job creation. To do that, it is our responsibility to ensure they have all necessary infrastructure in place, transport included.

Senator Paul Coghlan: We have been long accustomed to the occasional story of the existence of a golden circle. In light of recent revelations, however, it appears there was an inner sanctum within the golden circle, centred round Anglo Irish Bank and the people prominently associated with it. What is Leader's take on this?

Senator Donie Cassidy: The Senator is getting close to the bone there himself.

Senator Paul Coghlan: Yesterday the Leader said he would outline today the Bills the House will take this term.

Senator Donie Cassidy: I have the list here. I always listen to Senator Coghlan.

Senator Paul Coghlan: Very good.

An Cathaoirleach: Questions to the Leader please.

Senator Paul Coghlan: Senator Hanafin proposed the Seanad scrutinises EU matters with MEPs present in the Chamber, a proposal promised by the Leader a long time ago. Both sides of the House feel such a move would be very important. Where do we stand now on this proposal?

Touching on Senator MacSharry's point, I am also concerned about job creation. Large numbers of apprentices were hindered in completing their training courses due to the downturn in the construction industry. I am not aware of all the ramifications concerning FÁS. However, in every local authority area there are large numbers of unfinished houses. In County Kerry alone, there are 70. It would be wonderful if these apprentices were taken on to complete these houses which would allow them complete their training and receive their certificates.

Senator Labhrás Ó Murchú: During the past few days, I received a message from the Irish community association in Shanghai. It is excited that for the first time the route for its St. Patrick's Day parade there will be recognised by city officialdom. One reason it is now recognised is the success of the Irish entry at Shanghai's World Expo 2010 which I had the privilege of visiting. Over the six months of the exposition, millions of people queued to see the story of Ireland.

In the past several years, the St. Patrick's Day parade in Tokyo, where there is a branch of Comhaltas Ceoltóirí Éireann, has been allowed to go down the city's main thoroughfare with young Japanese people performing Irish music and dances. Such events are replicated across the world.

All Members accept it is a very positive asset for Ireland. Over the past several years, however, the message has been percolating from this country regarding a limited attitude against sending representatives to the Irish diaspora, comprising 40 million people in North America alone. Members of the diaspora feel very hurt that when they are doing work for this country, not just in a cultural but an economic sense, we would start cutting St. Patrick's Day visits by public representatives. It is important to realise it is easy to disillusion and discourage those very people who are voluntarily promoting our country. Never was such promotion more needed than now.

[Senator Labhrás Ó Murchú.]

I have no hesitation in saying that I would be very happy and proud if the Taoiseach, Deputy Brian Cowen, represented us in whatever part of the world he chooses. I would say the same of any Taoiseach from any other party. Accordingly, we should have a united approach that we will not allow this attitude of cutting back on visits to prevail.

Senator Eugene Regan: We are united on that all right.

Senator Labhrás Ó Murchú: This attitude hurts the cohesion and solidarity which has existed for centuries among the Irish diaspora.

Senator Niall Ó Brolcháin: I join Senator Hanafin in calling for a debate on political reform in general and on reform of the Seanad in particular. Such debates must take place in the context of overall political reform. Politics must be examined from local level up to Presidential level. Examining the position of the Seanad in isolation is the wrong way to proceed. As Members of this House, this is a matter upon which we must focus. It is important, therefore, that the debate in question should take place prior to the general election. There is great uncertainty with regard to the Seanad as matters stand and there will be enormous uncertainty if a new Government comes to power following the election. It is important, therefore, to lay down a marker and engage in the relevant debate before the general election campaign begins in earnest.

Senator Twomey made some extraordinary comments and seemed to suggest that the Government in general and the Green Party in particular are taking the easy option of saving the planet. I do not believe that saving the planet is an easy option. The Senator appeared to state that we should save Ireland before saving the planet. On what planet does Senator Twomey live if he believes Ireland can exist independently of the remainder of the Earth. Perhaps he would like all of us to emigrate to Mars. Saving the planet is far from an easy option. If the Senator believes that saving the planet would be easy, I would love to see him try.

Senator Paschal Donohoe: I seek a debate on corporate governance. I refer to a report on this issue published by the think-tank TASC last year in which it was reported that 39 individuals held powerful positions in 33 of our 40 top public organisations between 2005 and 2007. These 39 people also held 93 directorships across the relevant companies during the period in question. The report also shows that all 39 held directorships on at least two boards of the top 40 organisations in this country. The figures to which I refer highlight the close relationships that are at the heart of business and political life in Ireland. Of itself, this is not really a problem. However, it has become clear to many people that what I have outlined is giving rise to the type of crony capitalism which lies at the core of the collapse in this country's fortunes.

The crony capitalism to which I refer has been given concrete manifestation by the Taoiseach walking around a golf course with individuals who were at the centre of the affairs relating to a bank which contributed to the collapse in Ireland's finances and then claiming that no one who was present discussed the affairs of said bank. It is obvious to everyone that what occurred has reduced the credibility of the Taoiseach's office and also that of the Government. It is also obvious that the only solution is not a change in the leadership of Fianna Fáil but rather a change of Government.

Senator Geraldine Feeney: I support the request from Senators Hanafin and Ó Brolcháin for a debate on Seanad reform. I have called for such a debate on numerous occasions. Following events during the past month or so, it is almost as if we are running out of time to engage in a debate on this matter. If such a debate is to take place, then it must be meaningful in nature.

I agree with Senators Mullen and Ó Murchú regarding the democratic right of an elected Taoiseach to represent our country in Washington on St. Patrick's Day. I am extremely disappointed that I was obliged to listen to the type of despicable and disgusting character assassination perpetrated by Members on the other side of the House this morning in respect of a man about whom they know very little. Yesterday, the Taoiseach provided the Lower House, to which he was elected, with a frank and open statement in respect of a game of golf in which he was involved. I do not play golf but those who do play the game lead me to believe that one can go out in the morning and play a round with a number of individuals and that in 99.9% of cases, one will proceed to have dinner, tea or a drink with the same people that evening. I am also informed by men and women who play golf that one could play 36 holes with another individual in one day and never have the occasion to discuss either business or anything else meaningful. That is the nature of the game.

It is extremely rich for Senator Cannon to almost state that the Taoiseach was telling lies, particularly in view of the fact that the former had no difficulty in accepting his appointment to this House from a previous Taoiseach.

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

Senator Geraldine Feeney: It is very relevant.

An Cathaoirleach: No, it is not. The Senator should put a question to the Leader.

Senator Geraldine Feeney: I am coming to my question. Now that the shoe is on the other foot and in the interests of making political gains, the Opposition is casting slurs on a very good, intelligent and capable man who is guilty of no wrongdoing.

Senator Eugene Regan: We just want the facts.

An Cathaoirleach: Senator Feeney's time is exhausted. Members should not address each other across the floor of the House. I want to put a stop to that practice.

Senator Geraldine Feeney: Senators Regan and Cannon are so focused on making it up as they go along——

An Cathaoirleach: The Senator's time is exhausted. I must call the Leader to reply to the Order of Business.

Senator Geraldine Feeney: ——that they have become blinded and are unable to see the truth. Reference is often made to presenting a good image to the general public.

An Cathaoirleach: The Senator's time is exhausted. She has made her point.

Senator Geraldine Feeney: Members of the public see political parties for what they are.

An Cathaoirleach: The Senator has made her point.

Senator Geraldine Feeney: Those opposite were allowed to make their points and no one shouted them down.

An Cathaoirleach: They did so within the time allotted to them.

Senator Geraldine Feeney: I am trying to make a point and I have been shouted down by the Chair.

An Cathaoirleach: I want to be fair to everyone present. I am disappointed with regard to the approach Senator Feeney has taken to the Chair of the House. From today onwards, my hands are tied with regard to the time limits that apply to Members' contributions on the Order of Business. I would appreciate it if people would observe the time limits to which I refer. When Senator Feeney's time was exhausted, I called on her to conclude. I call the Leader.

Senator Donie Cassidy: Senators Cannon, Ross, Bacik, Boyle, Mooney, Regan, Twomey, Buttimer, Coghlan, Donohoe and Feeney expressed their views regarding the Taoiseach playing a game of golf in Druids Glen on the first day of his holidays in 2008. I play a great deal of golf. I have not had the opportunity to play much during the past 12 months as a result of the demands placed on my time by the affairs of the State. If someone spoke to me about business while we were on a golf course, I would never play a round with him or her again. I do not know anyone who would engage in a discussion on business when involved in a game of hurling or football. Golf is even more intense than either of the latter, particularly as a result of the fact that there is no referee involved. One is obliged to play the game for oneself.

During the Order of Business, many Members have referred to golf as if they were professionals when the truth is that they do not have a goddamn clue about what they are talking.

Senator Rónán Mullen: The late P. G. Wodehouse would be delighted by the fact that golf is being discussed to such a degree on the Order of Business in this House.

Senator Donie Cassidy: It is probably one of the pleasures of this job that I am obliged to listen to quite a number of allegations——

Senator Eugene Regan: It is all so innocent.

Senator Donie Cassidy: ——relating to a decent and honourable man. I do not know of any constituency which would not want the Taoiseach, Deputy Cowen, as its representative in these Houses. The Taoiseach is an effective politician and he has proved his worth to his country. Deputy Cowen has put his country first — before both his party and himself. If he had not done so during the past three years, we would be facing into our third general election in a short period as opposed to the first since 2007. The position would be the same as that which obtained in the period 1981 to 1982. There is no need for me to outline the unfortunate events which occurred between 1982 and 1987 when that crowd opposite were in power. During that period, people were paying almost 70% in income tax and levies.

Senator Eugene Regan: We got the country back on its feet in the wake of the mess created by Fianna Fáil.

Senator Donie Cassidy: That is what the people will be facing into when the general election campaign begins.

Senator Paschal Donohoe: During that campaign, will the Leader inform people about how games of golf proceed?

Senator Donie Cassidy: I am merely making a simple——

An Cathaoirleach: The Leader should reply to the questions that have been posed on the Order of Business.

Senator Donie Cassidy: ——observation that is based on experience I possess.

Senator Paschal Donohoe: Was that experience gained on the golf course?

Senator Eugene Regan: Why will the Leader not deal with the questions that have been posed by Members?

Senator Donie Cassidy: It is not possible to buy the type of experience to which I refer. A great deal of hot air has been vented on this morning's Order of Business and all I can say to the good people opposite is that they should keep taking the tablets.

Senator Bacik made an extremely worthwhile request in respect of time being made available for statements. As stated yesterday, due to the amount of legislation with which the House is going to be obliged to deal — I intend to read into the record the list of legislation that is to be passed during the remainder of the lifetime of the current Dáil and Seanad — it will be extremely difficult to take statements. If at all possible, however, I will take statements on certain matters.

The Senator also referred to the reform of the penal system. We previously engaged in a debate on prisons and I will pass the Senator's views on to the Minister for Justice and Law Reform.

Senator O'Reilly referred to Food Harvest 2020 and Senators Quinn, Ó Murchú and others highlighted a number of success stories in the area of exports. I will examine the Fianna Fáil Private Members' time slot for next week. With colleagues on this side of the House I am leaning towards the view that the topic for Private Members' time will be the success of our exports, especially last year, which was our year of need.

Senators Mooney, Mullen, Ó Murchú and Feeney called for a debate on tourism and congratulated Con Haugh, the Secretary General of the Department of Tourism, Culture and Sport, on his marvellous achievements. They also referred to the Taoiseach, the Tánaiste and Ministers representing our country abroad. As Senator Ó Murchú said, it is a window of opportunity given to us every year in the month of March and on which all the agencies and Governments of all political persuasion have worked hard over the years. This is a time when we must go out and support those who have been supporting us for generations. Exports are the future for our economy and to think any other way would be damaging to the country at present.

Senator Norris raised the issue of the postal service changes. I listened attentively to what the Senator had to say in that regard. He also raised the intellectual copyright regulations and the 70th anniversary of the death of James Joyce, which is today.

Senators Callely and Quinn referred to exports and the success of Bord Bia and the Minister for Agriculture, Fisheries and Food in that regard. Bord Bia's figures indicate that exports are up 11% on last year, which must be commended.

Senator Regan raised the issue of the Finance Bill. It will be before the House as soon as it is concluded in the Dáil. As currently planned that will be before the end of February.

Senator Paul Coghlan: Probably the 24th.

Senator Donie Cassidy: Senator Carroll referred to the 8 million cigarettes, with a value of €3.4 million, seized in his constituency of Louth and called for an urgent debate on the black economy and everything to do with smuggling. I will certainly give that issue priority in terms of debates because something must be done to address what is happening in that area, particularly in light of what Senator Carroll outlined to the House.

Senator Buttimer called for a debate on the VHI and asked that the Minister come to the House to allow us discuss the matter. I gave a commitment in that regard yesterday on the Order of Business.

[Senator Donie Cassidy.]

Senator McFadden raised the issue of obesity and the provision of calorie charts in our restaurants, which is a very good idea. The Senator referred to “Operation Transformation”, which has captured the interest of the nation. Many people are being encouraged to get back to fitness, and we want to support that in any way possible.

Senators Hanafin, Coghlan, Ó Brolcháin and Feeney raised the issue of Seanad reform, European scrutiny and having our MEPs come to the House. It was my intention that we would have that debate in this spring session. I will see if it is possible to provide time in which it can take place. I have no difficulty in agreeing to that.

Senator Mullen spoke about the Minister for Justice and Law Reform examining the new legislation on prostitution. I have no difficulty in taking that debate at the earliest possible time.

Senators MacSharry and Coghlan referred to employment and job creation. Senator MacSharry referred to gateway centres in Galway and Sligo, spatial strategies and asked that the Minister, Deputy Dempsey, would come to the House to discuss the capital expenditure, CAPEX, grants and to ensure they are maintained. This is a serious situation for these areas of Sligo, and Galway in particular. As Senator MacSharry stated, their very survival depends on the CAPEX grants and I fully support him on that. We will pass on his strong views to the Minister to see how we can assist in any way in that regard.

Senator Ó Murchú outlined the huge success of his experience in China and Shanghai and in particular outlined to the House what will take place on St. Patrick’s Day in Tokyo, Japan. We will support in any way we can everyone representing Ireland at ministerial level as well as the Taoiseach, the Tánaiste and the President, given the good work they are doing in selling the message about all that Ireland has to offer and all that can be achieved from this.

Senator Paul Coghlan: What about the timetabling of Bills?

Senator Donie Cassidy: I want to outline the timetable for forthcoming legislation. The Minister of State, Deputy Curran, yesterday stated that the political environment at the present time means that it is expected that the current Dáil and Seanad sessions will be interrupted by a general election. It is in recognition of this that we are setting aside the normal publication of an A, B and C list and instead bringing forward a legislative work programme for the remainder of the 30th Dáil and the 27th Seanad. This work programme of legislation entails the publication of Bills over coming weeks and enactment by the Houses of the Oireachtas. In some cases, legislation may have been published or may have commenced debate in the Houses of the Oireachtas.

The Government partners are committed to the full enactment of the finance Bill and other budget related legislation, including the public service pensions (single scheme) Bill, the betting (amendment) Bill and the social welfare (miscellaneous provisions) Bill. In addition to these and provided adequate Oireachtas time is available over the coming weeks, the Bills also for enactment are the criminal justice Bill in regard to white collar crime, the Bretton Woods Agreements (Amendment) Bill, which will be in the Seanad next week, the electoral (amendment) Bill on corporate donations, the NAMA (amendment) Bill and the patents (amendment) Bill. Legislation published includes the Environment (Miscellaneous Provisions) Bill and the Climate Change Response Bill, initiated in this House and which will be taken after the Order of Business.

Legislation which has commenced in the Oireachtas includes the Local Government (Mayor and Regional Authority of Dublin) Bill 2010, which is on Report Stage in the Dáil, the Criminal Justice (Public Order) Bill 2010, which is also on Report Stage in the Dáil the Communications Regulation (Postal Services) Bill, which is a Seanad Bill and is now on Second Stage in the

Dáil, the Nurses and Midwives Bill 2010, which is on Report Stage in the Dáil, the Child Care (Amendment) Bill 2009, which was a Seanad Bill and which is on Report Stage in the Dáil, the Welfare of Greyhounds Bill 2010, which was initiated in the Seanad and is on Second Stage; the Criminal Law (Defence and the Dwelling) Bill, which is on Committee Stage in the Dáil, the Construction Contracts Bill 2010, which is on Committee Stage in the Seanad, which is Senator Quinn's Bill and on which we are doing everything we possibly can to ensure it goes through both the Dáil and Seanad before we have a general election, the Multi-Unit Developments Bill 2009, which is before the House, and the Student Support Bill 2008, Second Stage of which commenced in the Seanad yesterday.

While this list is not exhaustive, it does give a broad indication of the busy legislative session I believe the Oireachtas will be engaged in over the coming period.

Senator Paul Coghlan: We will not get through it all. The Leader is not intending to do it all.

An Cathaoirleach: Senator Ivana Bacik has proposed amendment No. 1 to the Order of Business: "That a debate on the link between the Fianna Fáil-led Government and the management of Anglo Irish Bank in 2008 be taken today." Is amendment No. 1 being pressed?

Senator Ivana Bacik: It is.

Amendment put:

The Seanad divided: Tá, 17; Níl, 29.

Tá

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

Fitzgerald, Frances.
Healy Eames, Fidelma.
McFadden, Nicky.
Norris, David.
O'Reilly, Joe.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.

Níl

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

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

Tellers: Tá, Senators Ivana Bacik and David Norris; Níl, Senators Niall Ó Brolcháin and Diarmuid Wilson.

Amendment declared lost.

An Cathaoirleach: I wish to make an announcement in respect of the voting figures as displayed on the monitor. Senator Bacik inadvertently voted “Tá” twice.

Senator Terry Leyden: Senator Bacik will get to Dáil Éireann, that is for sure.

(Interruptions).

An Cathaoirleach: Members, please. The Senator voted in her own seat and that of Senator Alex White. Consequently, the “Tá” vote has been amended with the consent of the tellers and the result now is Tá, 17; Níl, 29 and the question is defeated.

Senator Buttimer has proposed amendment No. 2 to the Order of Business: “That a debate with the Minister for Health and Children on the need to seek a postponement of the increases in premium charges proposed by the VHI be taken today.” Is the amendment being pressed?

Senator Jerry Buttimer: Yes.

Amendment put:

The Seanad divided: Tá, 19; Níl, 27.

Tá

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

Healy Eames, Fidelma.
McFadden, Nicky.
Mullen, Rónán.
Norris, David.
O’Reilly, Joe.
Quinn, Feargal.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.

Níl

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

Leyden, Terry.
MacSharry, Marc.
Mooney, Paschal.
Ó Brolcháin, Niall.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O’Brien, Francis.
O’Donovan, Denis.
O’Malley, Fiona.
O’Sullivan, Ned.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

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

Amendment declared lost.

Order of business agreed to.

Climate Change Response Bill 2010: Order for Second Stage

Bill entitled an Act to make provision for the adoption of a national policy to reduce greenhouse gas emissions in the State; to provide for the making of plans by the Government to

enable the State to reduce greenhouse gas emissions and adapt to the effects of climate change; to make provision for the setting, and achievement, of national emissions reduction targets to further transition to a low carbon, climate resilient and environmentally sustainable economy; and to provide for matters connected therewith.

Senator Donie Cassidy: I move: "That Second Stage be taken now."

Question put and agreed to.

Climate Change Response Bill 2010: Second Stage

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

Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe): The establishment of a stronger and more progressive national policy position on climate change is one of the highest priorities for the Government. The reason is very simple. Global climate change does not just threaten our national competitiveness or prosperity, it threatens our very existence. Our temperate climate is seldom acknowledged as a national asset but the recent cold spell acted as a timely reminder of its importance to us as a society and an economy. One only has to reflect on the vulnerability of our rich biodiversity and our world-renowned agriculture sector to global climate change in order to recognise the need for decisive national action.

Just yesterday, the National Oceanic and Atmospheric Administration, NOAA, which is based in the United States, confirmed the findings of its scientists that 2010 tied with 2005 as the warmest year of the global surface temperature record, beginning in 1880. The findings also point out that 2010 was the 34th consecutive year with global temperatures above the 20th century average. Those figures put the overall scale of the climate change challenge in perspective and we cannot meet this challenge on our own. It is a global problem that requires a global solution.

Our future well-being is dependant on international efforts to mobilise an effective global response. That is why Ireland strongly supports a proactive EU policy position in its ongoing international negotiations under the UN Framework Convention on Climate Change. While our greenhouse gas emissions are small in global terms, we must underpin our demand for effective global action with a progressive domestic policy position on greenhouse gas mitigation. We must demand and demonstrate foresight, leadership and determination in order to be credible in our efforts and our expectations of others. In our own interest and that of future generations we must be bold and resolute in the pursuit of a comprehensive global response to this unprecedented environmental threat to our future.

It is against this background that the Climate Change Response Bill 2010 has been developed. My colleague, the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, and I have invested substantial time in the preparation of the provisions and I am pleased and honoured to present the Bill to the House. As well as being novel, the Bill is timely as we enter a period of renewal in Ireland. Living within our means is not an objective that is limited to economic and affordability considerations. Our future as a responsible society must be sustainable on economic and environmental grounds.

Economic prosperity and environmental protection are not mutually exclusive. With the right policy framework and a determination to succeed, I foresee Ireland as being among the successful countries in an inevitable transition to a low-carbon global economy. At the same time, Ireland faces a major challenge due to our high dependence on imported fossil fuels. I looked at the BBC before I came into the House and noted that global oil prices are at \$98 per barrel, the highest they have been for over two years.

[Deputy Ciarán Cuffe.]

I wish to conclude these short introductory remarks by stressing the need for a stronger and more progressive national policy position on climate change. The provisions of the Climate Change Response Bill will underpin an ambitious but realistic national policy position with two fundamental objectives: to reduce national greenhouse gas emissions consistent with our commitments under EU and international law and to anticipate and ensure that we are well placed as a society to embrace the enormous opportunities of the low-carbon global economy of tomorrow. I will come back to both of these issues in detail as I discuss the sections of the Bill.

Section 1 is the standard Short Title provision. However, at face value, it does not capture the novel approach or strategic importance of the policy now proposed. Turning to the Long Title, I wish to draw Members' attention to the Bill's objective of making provision: "FOR THE SETTING, AND ACHIEVEMENT, OF NATIONAL EMISSIONS REDUCTION TARGETS TO FURTHER TRANSITION TO A LOW CARBON, CLIMATE RESILIENT AND ENVIRONMENTALLY SUSTAINABLE ECONOMY." This reflects the nucleus of the Bill and the primary objective of setting a long-term vision to guide an effective and successful transition to a low-carbon future. This transition approach is key to achieving the two fundamental objectives to which I have already referred.

I want to emphasise that transition is not a political option or a politically motivated philosophy, rather it is a pragmatic and positive policy approach to climate change. It reflects the outlook of a responsible and smart society and will prove consistent with the policy approach that is likely to be adopted by the EU on foot of the anticipated 2050 policy position which the European Commission is expected to bring forward shortly.

In identifying transition as the primary objective, I wish to emphasise that the Bill does not overlook the importance of setting specific greenhouse gas mitigation targets and I will refer to the issue of specific targets in addressing section 4. However, it is important to note and reflect on the fact that while mitigation targets are essential indicators for monitoring and reviewing progress, a simple focus on targets represents a reactive or basic compliance response to climate change. Transition, on the other hand, represents a more proactive response with a balanced national focus on challenge and opportunity.

In pursuing the twin objectives of meeting our greenhouse gas mitigation commitments under EU and international law and preparing to compete successfully in a low-carbon global economy, transition seeks to motivate constructive, whole-of-society buy-in and action. The people of Ireland and the key economic sectors will respond positively to that. They will welcome the opportunity to present themselves as informed and progressive. As a society, we are keen to show we are pursuing a smart economy in the truest sense of the term. Such an economy is highly productive, competitive, resource-efficient, environmentally sustainable and recognised for its quality goods and services.

In concluding my remarks on the Long Title, I would like to make an important point. I would welcome the views of Members on it. I suggest that the focus on the economy is too narrow. The Long Title should be broadened to encompass society in a wider sense. In other words, the primary objective of the Bill should become the transition to a low-carbon, climate-resilient and environmentally sustainable society. The need for mitigation and adaptation is not confined to economic activity. As I have said, the transition approach reflects the outlook of a responsible and smart society.

Section 2 of the Bill deals with matters of interpretation. I do not intend to go through the various interpretations at this stage. I will be happy to respond to any questions that Members may have on Committee Stage.

Section 3 provides clarification regarding the effect of the Bill, including the effect of any national or sectoral plan made on foot of its provisions. This is particularly important to ensure the Bill does not cut across the State's obligations or entitlements under European Union law or any international agreement. Section 3(2) clarifies that the targets in section 4 are not justiciable, and that proceedings for non-compliance with a national plan may only be brought in certain circumstances. These important provisions reinforce the strongly positive and progressive spirit of this novel legislation and maintain a sharp proactive political focus on developing and implementing national climate change policy. It will be a matter for the Oireachtas, rather than the courts, to monitor and manage progress. I will be happy to consider any amendments to strengthen this priority aspect of the Bill.

Section 4 sets out national greenhouse gas emission reduction targets. When I spoke on the Long Title of the Bill, I mentioned the importance of targets as essential milestones for measuring progress on transition to a low-carbon, climate-resilient and environmentally sustainable economy. Three specific targets are proposed. The first is a short-term target, based on an annual average reduction in net emissions of 2.5% per annum in the period from 2008 to 2020. I have read some commentary on this particular target in the media. I would like to bring clarity to the points raised. The Bill target for 2020 is a compounded target. In other words, it works out as the equivalent of a 2.5% year-on-year reduction, equating to a 26% reduction in net greenhouse gas emissions over the period between 2008 and 2020.

I have read some commentary on how this short-term target compares with the 2020 greenhouse gas emission reduction requirements that Ireland is required to meet under EU law. This is a point on which we should be clear. Two separate legal instruments in the EU climate and energy package, which was adopted in December 2008, address the greenhouse gas emission reduction requirements of all member states in the period to 2020. One instrument covers emissions from installations across the community that fall within the scope of the EU emissions trading scheme. The other instrument applies to the balance of relevant emissions in all member states.

One of the most significant EU policy developments under the December 2008 package was the decision that the European Commission would administer the emissions trading scheme from the beginning of 2013. As a consequence, greenhouse gas emission reduction requirements for the more than 100 Irish installations that are participating in the scheme will become a matter for the Commission. Therefore, Ireland does not have an individual target in respect of the Irish installations participating in the emissions trading scheme. This harmonised EU position applies to all member states. For 2020, therefore, the only mitigation target that applies to individual member states arises under the instrument known as the 2008 effort-sharing decision. It applies to sectors of the economy not covered by the scheme. This target covers emissions from transport, waste, agriculture, non-emissions trading industry, commercial and residential activities. Under the 2008 package, Ireland has a 2020 target to reduce emissions in these areas by 20% compared with 2005 levels.

The 2020 target proposed in the Bill is ambitious but realistic. It is constructed on the basis of certain assumptions. The first assumption is that Ireland will meet a 20% reduction in emissions under the 2008 effort-sharing decision. The second assumption is that the group of Irish installations participating in the EU emissions trading scheme, which will operate within an EU-wide pool and will not be subject to national allocations as under the current scheme, will achieve the reductions projected by the EPA in the most recent scenario it published, with additional measures, which includes planned policies as well as those currently in place. The third assumption is that post-1990 forest sinks will perform as projected, by sequestering a projected 4.8 million tonnes of carbon dioxide equivalent by 2020. The aggregation of these three assumptions provides the basis for the 2020 target.

[Deputy Ciarán Cuffe.]

I appreciate that the complexity of this issue has given rise to an element of confusion but the essential point is that Ireland's effort-sharing target under the 2008 EU package is contained within the target in the Bill. A like-for-like comparison between it and the short-term target in the Bill is not valid as they have different bases and different starting points. The 2030 target in section 4 sets the second incremental step towards transition. It involves a 40% reduction in net national greenhouse gas emissions, by comparison with 1990 levels. This target simply reflects a sensible transition milestone, having regard to the 2020 and 2050 targets. The inevitable final milestone will be a target for 2040, but that is a matter for another day.

I would like to speak about the proposed 2050 target. The overall transition objective involves an 80% reduction in net national greenhouse gas emissions, compared with 1990 levels. The target, which has been set in the context of a comprehensive global response to climate change, reflects the minimum level of greenhouse gas mitigation the EU expects developed countries in aggregate to achieve by the middle of the century. The 2050 reduction target for developed countries is normally expressed as a range of between 80% and 95% of 1990 levels. A higher target is a plausible ultimate outcome. For now, an 80% reduction sets a sensible and credible national objective for the proposed transition objective.

There is no doubt that the national, EU and international climate change agenda will evolve significantly in the period to 2050. One has to consider the pace at which new and cleaner technologies are expected to come to the market and the dynamics of the emerging low-carbon global economy. At the same time, we cannot be certain of the pace and scale of economic change. For these reasons, section 4 of the Bill provides for the proposed targets to be revised by order made by the Government and confirmed by positive resolution of both Houses of the Oireachtas. This flexibility is very important if we are to safeguard the overall success of our transition policy, ensure the confidence of all stakeholders and give the Oireachtas the role I foresee at the centre of policy oversight and development.

Section 5 of the Bill requires the Minister for the Environment, Heritage and Local Government to prepare and submit to the Government a national climate change plan to address mitigation and adaptation. The adoption of national plans will replace the current practice of producing a periodic national climate change strategy. The objective is to have the first national plan in place within 12 months of the passing of the Act and to update it at least once every seven years thereafter. The proposed seven-year period is consistent with the reporting schedule followed by the Intergovernmental Panel on Climate Change. This will ensure each plan is made on the basis of the most up-to-date international peer-reviewed science available. Section 5 also requires the Government to request sectoral plans to be produced by such Ministers as it considers appropriate.

I wish to elaborate on two important points that are embedded in the proposed policy on a national climate change plan. The first embedded point is the requirement for the national plan to cover both mitigation and adaptation. Government policy has inevitably focused on mitigation to ensure Ireland complies with its binding requirements under EU and international law. We cannot defer indefinitely the adoption of an appropriate and effective national policy position on adaptation. The incorporation of both mitigation and adaptation in the process will rectify the current policy imbalance.

I see this as a very important and positive step.

The second embedded point is that the national plan process provided for in the Bill takes policy development and implementation to a new level. While the two national climate change strategies adopted to date served an important purpose in meeting our EU and Kyoto Protocol requirements, the absence of a transparent underlying structure and the limited focus on com-

pliance in the short term rendered that whole approach inadequate in terms of the longer-term challenges and opportunities facing the country. I also see this as a very important and positive step forward in terms of our credentials as a responsible and progressive society.

Earlier I referred to the fact that economic prosperity and environmental protection are not mutually exclusive. This point is further reflected in the provisions of subsections (9) and (16). Subsection (9) sets out the criteria for making national plans. They include the need for long-term vision, for careful consideration of the economic impacts of the plans and require a basis of sound science and the drive towards sustainable development for each plan. These criteria are critically important as subsection (16) of the Bill requires all Ministers of the Government to have regard to national plans in the performance of their functions. These steps represent a major policy advancement in that they make provision to integrate and firmly establish transition as a national priority. As can be seen from these individual but complementary provisions, integration must work both ways. I believe these two key provisions will make the fundamental social and economic adjustments which transition demands both achievable and rewarding.

Section 6 makes provision for the Minister for the Environment, Heritage and Local Government, following approval by Government, to present an annual transition statement to Dáil Éireann. The annual statement will replace the carbon budget process introduced in 2007 and will better reflect the national policy on transition capturing the importance of the challenges and opportunities and addressing both mitigation and adaptation. I am aware of some deeply held views that Ireland should adopt a strict carbon budgeting process. However, as with the compliance based approach which we have adopted to date, I believe that carbon budgeting is too narrow. If introduced at a sectoral level, carbon budgeting could be divisive and damaging and a setback rather than a step forward in terms of policy development. It is worth bearing in mind that we have legally binding greenhouse gas emission budgets under EU law and I believe we should seek to build a progressive national position around those requirements rather than down-scale them to sectoral level. Transition may be novel and, in certain respects, more complex but in providing a positive long-term vision to which people and business can aspire, I believe it provides the greatest prospect for a successful outcome on environmental and economic grounds. The annual transition statement will set out the policy measures adopted for the purposes of supporting transition to a low-carbon economy and of adapting to the inevitable impacts of climate change. It will include an assessment of the effectiveness of measures in place and, where appropriate, set out any additional measures required to maintain progress.

Section 7 provides for the establishment of a national climate change expert advisory body, which will comprise a chairperson and between five and seven ordinary members, three of whom will be, *ex-officio*, the director general of the Environmental Protection Agency, the chief executive of the Sustainable Energy Authority of Ireland and the director of Teagasc. I appreciate the Bill does not include the director of Teagasc but I agree with the Minister for Agriculture, Fisheries and Food that the director should be included and I will bring forward an amendment to this effect.

Appointments to the expert advisory body are to be made by the Government on the nomination of the Minister for terms of up to three years, with eligibility for reappointment. In appointing ordinary members, regard must be had to the range of qualifications, expertise and experience necessary for the proper and effective performance by the expert advisory body of its functions. This is important if the body is to be effective and recognised as a sound source of impartial advice. Administrative support for the body is to be provided by the EPA.

[Deputy Ciarán Cuffe.]

Section 8 sets out the functions of the expert advisory body, which are to advise and make recommendations to the Minister, any Minister of the Government, and the Government on their functions in regard, respectively, to the preparation of a national plan, the making of sectoral plans and the approval of a national plan. Provision is also made for the body to advise and make recommendations on Government policies on greenhouse gas emission reductions and climate change adaptation.

Section 9 provides for the preparation of an annual report by the expert advisory body and its submission to Government by no later than 30 June each year, setting out progress made in achieving greenhouse gas emission reductions and in making the transition to a low carbon economy. This report will provide a significant element of the underpinning for the annual transition statement which the Minister for the Environment, Heritage and Local Government will be required to present to the Dáil. It also represents a further step in putting the Oireachtas at the centre of national policy on transition.

Section 10 provides for the expert advisory body to conduct periodic reviews of national policy and report to Government on its findings and recommendations. The expert body will be required to undertake its first periodic review within 12 months of publication of the fifth assessment report by the intergovernmental panel on climate change. The assessment report from the intergovernmental panel is expected in 2014 and, by extension, the first major review from the expert advisory body should be submitted to Government in 2015. In addition to the requirement to produce a periodic review at least every seven years the expert advisory body will have statutory authority to carry out a review at any time, either on its own initiative or on foot of a request from the Minister. In considering whether to carry out a review section 10 requires the body to have regard to significant developments in scientific knowledge, EU or international law or the need to maintain progress in achieving the purposes of the Act. Annual reports and reports on foot of periodic reviews will be published by the expert advisory body, subject to the consent of the Government.

Section 11 makes provision for public bodies, in performing their functions, to have regard to the national plan and relevant sectoral plans as well as the more general objectives of transition to a low carbon climate resilient and environmentally sustainable economy, mitigating emissions and adapting to climate change. Power is provided for Ministers to give a direction to public bodies in their areas requiring the preparation and submission of reports setting out the measures adopted for the purposes of compliance with the duties imposed by this section. Provision is also made for relevant Ministers to direct public bodies to adopt specific measures.

That concludes my comments on the principal provisions of the Bill. I look forward to hearing the views of Members across the House.

I want to take a moment to address the ongoing public consultation. I am aware of concerns raised in regard to the duration of the consultation and the fact the legislative process in the Oireachtas was scheduled to commence in advance of the consultation concluding. I accept the timeframe is not ideal and I very much appreciate the accommodation of the House in commencing Second Stage today. The Government's intentions have been well signalled since the framework for the Bill was issued in December 2009. As I said earlier, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, and I have invested substantial time in the preparation of the provisions. I will be happy, as we move to deal with later Stages, to update the House on the progress of the consultation process. I assure Members that the Government is open to considering amendments which Senators may wish to table on Committee Stage, including amendments arising from the response to the public consultation.

I believe now is the right time to recognise climate change policy as a national priority and to refocus on a more progressive and forward looking Ireland. We must present ourselves as we wish to be seen, namely, a country that takes the long-term economic, social and environmental well-being of its people seriously, that has respect for the national environment on which we depend so much for our well-being and prosperity, and that is capable of embracing change and innovation not because it was forced to do so but because it has the foresight and capacity to do so. The provisions of the Climate Change Response Bill 2010 provide the foundation block for an effective and successful transition to that low carbon climate resilient and environmentally sustainable future for this country. I am honoured to commend the Bill to the House.

Senator Paudie Coffey: I move amendment No. 1:

To delete all words after “That” and substitute the following:

“Seanad Éireann declines to give a Second Reading to the Climate Change Response Bill 2010 because an all Party consensus has not been agreed on a green house gas emission reduction strategy.”

It is regrettable that we have had to table this amendment. While much progress has been made by the joint Oireachtas committee on trying to achieve an all-party consensus and approach to what is essentially a long awaited climate change Bill, the manner in which this Bill has been brought before this House, even before the consultation period has ended — it is due to end on 28 January — is regrettable.

As with every Bill, it is important a full consultation process takes place giving all stakeholders an opportunity to put their views in order that we, as policy makers, can consider them in a reasonable timeframe.

The Minister of State stated in his concluding remarks that he accepts the timeframe is not ideal and he appreciated the accommodation of the House. However, he also stated that both the Minister for the Environment, Heritage and Local Government and he had invested substantial time in the preparation of the provisions of this Bill. Has the main party in government had any hand, act or part in preparing these provisions? If so, why has the Minister of State not said so? Do Fianna Fáil Members matter at this stage in the equation? The majority party in the Oireachtas should surely have a say on very important legislation such as this.

The window of opportunity for consultation is one month. I appreciate that various stakeholders have had opportunities at the joint committee and other fora to set out their stall regarding the legislation. Fine Gael supports it in principle and we have been co-operative at all levels in the Oireachtas and at other forums to achieve an all-party consensus, but a realistic target or an achievable objective must be provided for in law because if it is not, it will only create problems for our society and our economy. It needs to be properly thought through and while the legislation has a great deal of merit and contains good provisions, it puts the cart before the horse by setting targets without proper consultation and without a proper strategy. I acknowledge a strategy and plans are identified in the Bill but they should be properly thought out and agreed prior to the targets being set and prior to enactment of the legislation.

It is acknowledged that the transport and agriculture sectors are the two largest contributors to carbon emissions. Many stakeholders and lobby groups have approached all parties in the House to outline their views, which I welcome. It is important we get everyone’s view. I have been lobbied by Friends of the Earth, Oxfam and various other groups which fully support the legislation but which believe it does not go far enough. On the other hand, IBEC, IFA, ICMSA and other organisations believe there has not been proper consultation, the Bill has not been

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properly thought through and it will have major implications for the sectors in which they operate. We must listen to the stakeholders because we are depending on them to turn our economy around. While the ideology is good and Fine Gael and the State agrees to our international and EU obligations on climate change and carbon emissions, it is essential we agree realistic legislation. Our economy is in recession and in crisis and while it is nice to have good ideology and principle, we must have realistic mechanisms to deliver that ideology. Fine Gael remains to be convinced that we will not have serious difficulties with this Bill because we have not had the buy in from stakeholders that is essential in the current economic climate.

Previously the Joint Committee on Climate Change and Energy Security, of which the Minister of State is a former member and to which he has contributed enormously, as have I, produced its own draft Bill, which I accept set high targets. Representatives of the forestry sector attended a meeting of the committee earlier to outline how they could contribute by developing a good carbon sink to address emissions issues in the State. The consultation process is ongoing but the legislation is being rushed and shoehorned. I am not sure it has the full support of the Government parties. Will the Minister of State clarify the position?

There is a great deal of confusion and debate about targets. I agree with the Minister of State that it probably stems from the fact that various bodies are using different baseline figures. I compliment the staff of the Oireachtas Library and Research Service who produced a beneficial, independent and objective paper on the legislation. They have identified, as has the Minister of State, that the target is 26% by 2020 using the 2008 baseline figures. That goes well beyond our EU and international obligations in the view of many. The nub of the problem is not the target but that stakeholders have not bought into achieving it. We should always set targets but unless mechanisms are in place to achieve them, they are of no use and they will only cause huge problems in our economy going forward. The targets are outlined in the Bill.

There are a few inescapable facts when considering the issue of targets. First, Ireland is reliant on an expensive EU-IMF emergency bailout to fund itself. Second, Ireland has to reduce its deficit to agreed levels by 2014 and the only way to achieve this is by growing our economy because tax increases and public spending cuts will not meet the required adjustment. There must be growth in the economy and legislation must be properly pressure tested. If a business is starting up, the owners must produce a business plan in order that any decisions they make will not impact negatively on the business. There is no reason to fail to implement the same methodology regarding this legislation. We should pressure test it to prove its consequences will not negatively affect economic growth. Third, to increase growth, we need to become more cost competitive to make Ireland a better place in which to do business and to create jobs. Weakening our cost competitiveness between now and 2014 would set back our economic recovery and this is where we might differ with the Minister of State. Account must be taken of these facts in the current climate.

Fine Gael feels that shoehorning the Bill into both Houses in the dying days of the Government equates to political expediency on the part of the Green Party. It would be better to bring all parties along on this and this is not the way to go.

I acknowledge the effects of global warming domestically and internationally and this has resulted in serious flooding and other natural disasters. A wider international debate is ongoing about how to tackle it. We cannot address climate change on our own as Ireland is only a drop in the ocean. We need to work with our international colleagues and lobby them to bring them with us, but we cannot do it on our own. If we put our heads above the parapet, we will put ourselves at a huge disadvantage economically.

This is especially true of the agriculture sector. There is great concern within the sector that the legislation will have a significantly negative effect on beef and dairy production. Teagasc, an independent agency, estimates that by 2020 the legislation could cost the sector up to €600 million to meet the targets set out. On the other hand, the Government deserves credit for its exciting Food Harvest 2020 policy. This has huge potential for growth but the legislation could have a negative impact on the policy. The targets for the agriculture sector could mean a reduction in the national herd of up to 40%. The Minister of State may shake his head but such issues need to be teased out in various fora to put them to bed because agencies in this sector are concerned about them. We must listen to them. If the Minister of State, by shaking his head, is saying they are wrong, let us prove that and justify it in proper, timely and adequate debate.

Ireland has one of the lowest carbon emission models in the agriculture sector in the world, let alone Europe, due to its grass-based beef and dairy production. The emissions over recent years have reduced considerably. The good news is that both IBEC and the IFA want to engage with the Government to find ways and strategies to reduce carbon emissions by using technology and new procedures and systems that can be supported by all members of society. It is important we listen to them.

I have made many contributions to the Oireachtas Joint Committee on Climate Change and Energy Security which has tried to debate this issue. I regret there has not been as much engagement with that committee on the part of the Government as there should have been. I outlined my concerns regarding the agriculture sector to the committee. At a time when there are major issues surrounding food security, we cannot try to restrict in any way Ireland's significant potential for the production of dairy and beef produce. It will result in beef being imported from the other side of the world and from less efficient carbon producing countries. That must be taken into account.

While IBEC has raised very serious concerns, the Irish Academy of Engineering has focused specifically on the areas of adaptation and mitigation. It favours more emphasis on adaptation in the way society functions. I agree with that view. We must examine our culture, critical infrastructure, energy, production, transport, which is a huge contributor to carbon emissions, and our domestic and cultural behaviour. Before we impose targets on these important economic sectors we must see how Government policy is genuinely attempting to reduce carbon emissions. I can offer some examples.

In the transport sector my constituency experienced the closure of the railway from Waterford to Rosslare Harbour. Rosslare Harbour is a europort, as is Waterford Port. However, we have seen the closure of critical infrastructure at a vital time. I am not making a political point but this is Government policy. State agencies are closing this infrastructure yet, in this Bill, the Government is trying to impose targets on other sectors when it cannot live up to that same policy.

Aside from the rail freight issue, there are other examples throughout the country. Waste treatment policy is extremely conflicted at present. Government policy says one thing while the Minister for the Environment, Heritage and Local Government says something else. There is no clear direction. Waste management plans in the regions are doing one thing while Government policy is doing something different. There is great confusion in that area. It is contributing to carbon emissions owing to there being no clear direction or policy.

The smart metering initiative was welcomed by all and sundry. Where is it today? There was a pilot project. Why was it not introduced in all towns to try to change domestic culture with regard to carbon emissions? Consider also the issue of bio-fuels. Many people invested in that sector in the hope that they could grow our economy, generate business for themselves and

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reduce carbon emissions. Again, there was little policy support and barriers everywhere. There is also the issue of the interconnectors and large-scale wind farms. The Minister of State, Deputy Cuffe, was a member of the committee and heard about the problems being experienced in acquiring foreshore licences and securing interconnection to the national grid for large-scale wind farms. There is a vast number of problems and the Government has a direct responsibility for solving them and removing barriers before it starts imposing targets on other sectors that are struggling but which are our only hope for the recovery of the economy. It is important we debate these issues and bring them out into the open.

The ideology is good and I believe in it. I have exchanged my 2.5 litre diesel jeep for a 1.6 litre saloon. I installed geothermal heating in my home prior to the existence of any grants for doing so. I was a pioneer and I have tried to my bit. I carried out an energy audit of my house. However, we must do these things as a society. The Government must do it before it starts imposing these targets. It must bring people with it rather than drive wedges or divisions between them. It is essential to have stakeholder buy-in and all-party consensus.

The joint committee has made a great deal of progress on which we can build. We should draw up our strategies and plans before setting targets and imposing this legislation.

Senator Joe O'Reilly: Cuirim fáilte roimh an Aire Stáit. It is with pleasure than I formally second the amendment so eloquently, logically and comprehensively proposed by Senator Coffey.

I and my party are not contesting the science or reality of global warming and the need to address it. There is all-party agreement in that sense. I acknowledge the bona fides of the Minister of State in that sphere; there is no contest in that regard. There is also no contest of the fact that we should be a moral authority in Europe on this issue. As a small nation, we have a tradition since independence, especially in the peacekeeping area, of presenting the moral argument on an international platform. Let us continue to do that. Let us continue to be leaders in the reduction of greenhouse gas emissions and to be the conscience of Europe in that regard. I am privileged to be on the Council of Europe and to be a member of its committee on the environment. I speak regularly on the issue and advocate a very strong European policy. There is no issue in that context either.

We are saying there is no need to go outside the current EU guideline of 20% as it might be foolhardy and tie our hands unnecessarily. I say that not from a flat earth or negative position or from a nihilistic effort to mess up what the Minister of State is doing, but from a sensible, realistic perspective. The 20% European guideline should be the realistic target rather than the 26% guideline implicit in the Bill as established by the excellent documentation from the Oireachtas Library and Research Service.

It is worth noting that there were no specific agreements at Copenhagen and Cancun on emission levels and targets to be reached.

Senator David Norris: It is a shame.

Senator Joe O'Reilly: Of course, it is a shame. We advocate that there should be, and I advocated that at the Council of Europe. The Council of Europe committee was pushing for agreement but there has been none. The process has moved to Durban where there might yet be legal agreement.

I am not sure we should be too far ahead of the posse on this issue. While we should lead, we should not do so by tying our hands behind our backs and creating unrealistic situations. To a degree, this might yet prove to be an Irish solution to an Irish problem. To reach the

required targets proposed in the legislation we will, at a minimum, depend on huge imports of energy from abroad generated by nuclear power, or we might require our own nuclear power station to achieve them. I am sure the Green Party would shudder at the thought of nuclear power, yet under this legislation we might well develop great reliance on it. That is how the UK is doing it and why it has lower targets. I invite the Minister of State to conduct a little existential or personal reflection on that before proceeding.

Deputy Ciarán Cuffe: Along the lines of St. Thomas Aquinas, I am sure.

Senator Joe O'Reilly: Yes, I believe that is required. We accept the finite nature of fossil fuels. We also accept that the cost of oil is increasing by the hour and the day. We are very conscious of that. Hence, Fine Gael produced the NewERA strategy which proposes developing a reliance on green wind and wave energy. We also believe there must be a national insulation strategy and a conservation strategy. That demonstrates our good faith. I again say to the Minister of State that the EU target of 20% would be a sensible starting point until we get the other bricks in order.

This is not party political. I accept the Minister of State's point that this is about the very survival of our humanity and our ecosystem. As such, it is not a civil war party political issue in any sense. Senator Coffey's fundamental point is that it should be the subject of all-party consensus and that our strategy should evolve from the all-party committee. This would represent a reform of the House. There is no better vehicle for Dáil reform than to make it decide on this and make it evolve a strategy. The all-party committee is the best option. It is a pity that for party political reasons, this is happening now with that process. It might be better for the Minister of State to come in here and say that he has aspirations but that they must be subject to consensus among all the parties. That could resonate better with the public, which is much more discerning than we might believe in this ivory tower.

Teagasc states that to achieve the objectives of this Bill, there would have to be a 40% reduction in the national herd. That is in conflict with the Food Harvest 2020 proposals. They are not compatible and we cannot avoid that fact. It will involve a massive reduction in agricultural production. It is accepted that agriculture and tourism are the two vehicles that will bring about economic recovery. There is a €600 million implication according to figures by Teagasc, the IFA and the ICMSA. The independence of Teagasc in this area is accepted, as are the bona fides of the two farming organisations. They are there to represent their sector in a positive way, and they have to worry about the survival of the planet as well. There is a €600 million implication in a 40% reduction in the national herd.

The IFA has stated that carbon offsets should be agreed for bio-energy production. We had many great debates on bio-energy in this House over the last few months, for some of which the Minister of State was present. Senator Bradford and I put forward a number of good amendments in this sector. Bio-energy should be used for grass production and forestry. If we displace Irish agriculture as an exporter of food, the people in the UK and Europe will be fed by food from third countries where the carbon footprint will be much greater due to the journey taken by the food and due to the method of its production. In other words, we will achieve nothing. We have the best environmental conditions in the world for producing our Irish food. If the Government displaces that and brings in food from outside, it will create a greater carbon footprint and will defeat its objective. That cannot be avoided in this debate.

An Cathaoirleach: I have been informed that there is a vote in the Dáil. The Minister of State is required there so we will have to suspend for a few minutes. The Senator will have one minute of his time left when we return.

Sitting suspended at 12.55 p.m. and resumed at 1.10 p.m.

Senator Joe O'Reilly: By way of conclusion, I draw the attention of the House and the Minister of State to a particular matter. We all hope and aspire that agreement is reached and that the legal targets are established at Durban. If this legislation is passed in its present form, we could tie our hands as burden-sharing is arrived at after Durban. We pray that we will return with the targets for Europe arising from Durban. My anecdotal evidence supports this possibility but there will be a burden-sharing issue. What proportion will Ireland take? Having committed ourselves to such high targets already, we will have left ourselves little elbow room in negotiations. It is not that we would try to undo the good work but we need negotiations to preserve our business, agricultural and tourism sectors. Therein lies the difficulty: we may be giving a hostage to fortune. I caution the Minister of State and call on him to reflect on the matter — another piece of reflection for the Minister of State.

Senator Camillus Glynn: Cuirim fáilte roimh an Aire Stáit go dtí an Teach. While we might disagree as to when it should be put to the Houses of the Oireachtas, this is important legislation. While it might be the case that the people across the floor are well-meaning, my colleagues on the other side of the House are indulging in a policy of procrastination. They take the view that it is the right thing to do but not right now. The Bill should be before the House today and I support it in this regard.

There is a key message in the Climate Change Response Bill, the main purpose of which is to prioritise the establishment of a national policy on the means and implications of reducing greenhouse gas emissions and to establish a national policy position on adaptation to the impacts of climate change. The Bill does not impose any legal obligations on Government to achieve the emissions targets set in the Bill and it allows for these targets to be changed. I consider this to be important. Rather, the principal legal obligation is to develop sectoral and national plans which would take account of these targets and plan towards emissions reductions that safeguard economic development and competitiveness. The terms “economic development” and “competitiveness” are key. The Government is also committed to legislating for a process that allows us to plan for greenhouse emissions reduction and adaptation to climate change. As the Bill makes clear, this must be done in a way that safeguards economic development and competitiveness. It bears repetition. The Climate Change Response Bill 2010 was published on 23 December and a period of public consultation was announced on 24 December which will run until 28 January.

Several players have concerns about the Bill. We must listen to these because they have a pivotal role to play. I am referring to the Irish Farmers Association, the Irish Business and Employers Confederation, Oxfam, the Irish Creamery Milk Suppliers Association and others. They hold concerns for different reasons but these concerns must be brought on board. They must be adjudicated on, considered, and, if they have relevance, must be reflected in the final Bill approved by the Houses of the Oireachtas. The concerns of the IFA, IBEC and other bodies, including those relating to the issue of costs arising from the policy set out in the Bill, will be addressed by the Minister for the Environment, Heritage and Local Government as the Bill progresses through the Houses of the Oireachtas and in response to the ongoing public consultation.

I was heartened to hear the Minister of State suggest he would take amendments in this House. I am putting down a marker. In dealing with previous Bills, amendments were refused in this House which went on to be accepted in the other House, something I am not prepared to tolerate. As the Government spokesperson who leads for the Government on this side of the House, that is not acceptable to me as a Government Senator.

There is a response to accusations that the Bill will impose huge costs on industry and agriculture. The Climate Change Response Bill, in itself, does not impose any legal obligations on the Government to achieve the targets set out in the Bill, as I have stated.

The Government agreement to publish a Climate Change Response Bill demonstrates that Ireland takes seriously the issue of climate change, places the development of policies as a priority, is ensuring that these policies are based on sound scientific evidence through the development of sectoral and national plans and engages in appropriate consultation with the players to which I have already referred. Nevertheless, it is crucial that neither this Government nor any future Government agree to legally binding targets that would compromise our economic competitiveness, including the competitiveness of industry and agriculture.

The Government is proposing to make a strong and legally binding commitment to develop a national plan which sets out policies that would achieve significant reductions in greenhouse gas emissions and mitigate the effects of climate change. The targets set out in the Bill anticipate possible future international commitments on climate change. Contrary to reports, there is no legal obligation on the Government or any future Government to achieve the targets set out in the Bill and there is a provision which allows the targets to be changed. Therefore, the principal legal obligation in the Bill is to develop plans that consider these targets, including sectoral and national plans. However, the Government may decide to recommend alternative targets having considered the economic and other implications of the targets set in the Bill. It is intended that the advisory body to the Government on these issues will contain persons with expertise in agriculture and industry. Accordingly, this does not need to be seen as a threat to these sectors. I welcome this development. I would not support any legislation in this area that excluded agriculture. As a man born and bred in the countryside, I am proud of my rural roots. The agricultural economy is central to the country's success and we must do everything in our power to protect it. This development is an effort to ensure we will be well prepared to meet any proposed future international commitments.

The targets set in the Bill are less onerous than those set in the Bill drawn up by the Oireachtas committee on climate change. An important distinction is that the committee's Bill would impose duties to meet targets, whereas the Government's Bill imposes duties across the system to plan for transition and integrate national and sectoral plans on climate change mitigation and adaptation into all functions of public bodies.

Senator David Norris: That is its weakness.

Senator Camillus Glynn: The Government's Bill sets out a valuable framework to enable all sectors of the economy to be adequately prepared to comply with future international agreements on climate change. It will ensure Ireland will consider all options to reduce greenhouse gas emissions and mitigate the effects of climate change. Importantly, it will ensure that when the Government publishes a national plan, we will choose policies that will retain Ireland's economic competitiveness.

A series of provisions are contained in the Bill to ensure the twin goals of competitiveness and economic growth will be central to all measures to tackle climate change. We must look on this legislation as boosting rather than hampering economic activity. It will help to protect the economy and our society in the long term. The one thing the poorest people on the planet can bequeath to those who will follow them is a clean and healthy environment.

The legislation makes sound economic as well as environmental sense. We must look at the two as going hand in hand rather than threatening each other. While it is an enormous challenge, it is one that can also bring opportunities as we look for ways to reduce our dependence on imported fossil fuels. With the renewed high cost of oil, everyone will be aware of this factor.

[Senator Camillus Glynn.]

The low carbon economy will also see the development of new industrial sectors using the new clean technologies to create jobs and develop new sources of economic growth. As the Minister of State, Deputy Cuffe, pointed out, the legislation will send a clear signal to the rest of the world that Ireland is a prime location for availing of long-term economic investment opportunities, a development all Members will welcome.

The Government has a strong track record in putting Ireland at the forefront of the international response in combating climate change. This is a unique selling point, one which will be advantageous to our economic recovery. Last October the Environmental Protection Agency warned that without the economic recession, Ireland would have been a long way from its Kyoto Protocol targets for 2013. While greenhouse gas emissions have decreased, as we move towards economic recovery and production levels begin to increase, it is important to ensure climate change policy complements our national recovery plan. We cannot rely on a recession to reduce our emission targets.

Greenhouse gas levels in 2009 fell by 5.4 million tonnes to 62.32 million tonnes, largely as a result of the economic slowdown. For the first time reductions were recorded across all categories, including industry and commercial, energy, transport, agriculture, residential and waste.

The Bill poses absolutely no threat to the sustainability of agriculture. If it did, I would have great difficulty in supporting it. The agriculture sector should not be afraid of it. To its credit, it has already delivered substantial reductions in emissions without impacting on its profitability. The checks and balances contained in the legislation will ensure Ireland will meet its commitments while ensuring its agriculture sector continues to thrive.

During European and international negotiations Ireland has been to the fore in ensuring agricultural issues are considered at all times. It has highlighted the threat posed by carbon leakage to ensure food production using sustainable agricultural practices in such countries as Ireland is not replaced by food production using less sustainable and more environmentally damaging methods elsewhere.

A substantial amount of Government funding has been put into research at various institutions, including Teagasc, to develop farming practices and technology which will help to reduce emissions from the agriculture sector. The Food Harvest 2020 report placed a strong emphasis on the sustainability of agricultural production and the importance of avoiding carbon leakage. Ireland's commitment to the principles of sustainability and the implementation of world class environmental practices will present a real marketing opportunity and a unique selling point for the country. It presents an opportunity to engage in the positive branding of Ireland and its products as green and clean. For example, the quality of our beef production is unrivalled in any other part of the world. This can be achieved through transparent methods of food production and full traceability. I like to think when I buy any meat product, be it mutton, beef or pork, that it can be traced to an Irish location.

These policies emphasise the importance of an integrated approach to the emissions and sequestration from agriculture, forestry and natural ecosystems. Agricultural and forestry policies must address the major potential for increased sequestration from farmed land, forestry and perennial energy crops.

We can all do our bit to ensure reductions in greenhouse gas emissions. For example, purchasing a motor car with lower emissions is one step. Like Coffey, last year I bought such a car. The Government has rewarded consumers in making such a choice. The road tax payable on my new car came to €104 per year, while the figure for my previous was nearly €700.

I commend the Bill to the House.

Senator David Norris: I welcome the Minister of State, Deputy Cuffe, and compliment him on his speech which was clear, confident and precise. The Climate Change Response Bill is weaker than several of us would have liked. I am sure the Minister and the Green Party would have the same view. People have spoken about the necessity of keeping the Government going to get the finance Bill through. The Climate Change Response Bill is just as important and a good reason for the Government to stay in power for a brief time.

I pay particular tribute to Senator Bacik who pioneered discussions on this matter in the House. With the help of several lobby groups, she developed a climate change Bill which was introduced in the House. She persistently harassed the Government to commit to a timescale for the passage of her Bill, commitments which were broken. Now with the last gasps of the collapsing Government, climate change legislation must go through. For that reason, I will not be supporting the amendment of the Fine Gael Party which wants to long-finger the issue and decline to give the legislation a Second Reading until there is all-party consensus. As I pointed out on the Order of Business, that all-party consensus has been achieved on two occasions by the relevant committee. I am not sure, therefore, about what those in Fine Gael are talking. I have many friends and colleagues in Fine Gael whom I greatly respect. However, I will not support the party's amendment under any circumstances because it is destructive in nature.

A number of extremely fine contributions have been made on this issue, although I must admit I am not in agreement with everything that has been said. I was extremely impressed by Senator Coffey's contribution during which he referred to the energy audit he had carried out in his home, to the fact that he had changed his car to a model with a smaller engine and to various appliances he used. The fact that he has taken action gives him a certain moral standing. However, he then stated that if we put our heads above the parapet, we would be in danger of inviting adverse competition from less responsible governments. That is not a moral argument. In circumstances where we are facing a catastrophic situation, it is an argument which has very little substance.

Senator Coffey's contribution was followed by that of my good friend Senator O'Reilly who stated he was not contesting the science of climate change. However, he also remarked that we should be careful not to be ahead of the posse but that we should still lead. If we keep our heads below the parapet and do not move ahead of the posse, I am not sure whether we would be providing any leadership.

There is time left for discussion on this matter, particularly as the Bill has not yet been considered by the Dáil. It is important, therefore, that certain aspects should be taken into account. For example, viewing legislation of this nature as aspirational would be fatal. As political realists, we are all aware of what happens to people's aspirations. What is needed is action.

I wish to clarify one matter which arose in the context of the contribution of my good friend Senator Glynn. Like me, he comes from a farming background. My grandfather farmed extensively and I am aware of the heartbreak that can accompany farming. As a result, I understand the concerns expressed by the IFA and so forth. Rather confusingly, Senator Glynn stated Oxfam had been critical of the Bill. I checked with that organisation's representative in the Visitors Gallery and was informed that it had criticised the Bill because it did not go far enough, not as a result of the weakness of its provisions. I would not like the misunderstanding to continue.

I read both the Bill and the explanatory memorandum with great interest. I am glad that climate change-proofing will come into play in Departments and that an expert advisory body is to be established. I do, however, have a number of concerns about the latter. I do not share

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Senator Glynn's joy in the fact that the Bill contains targets rather than specifically legally enforceable requirements. I would have preferred if the latter had been included. Again, however, we must deal with the political reality and what is proposed in the legislation is something on which we can build.

Friends of the Earth, Stop Climate Change and other organisations have, with reservations, welcomed the introduction of the Bill. The Minister of State generously indicated that he would be happy to supply further information on, in particular, the definitions contained in the Bill. I wish to put one question to him in respect of the definition of "sink". Will it include grassland? That is one of the concerns of the IFA and should be addressed. People must understand grasslands do act as sinks in a much more significant manner than had previously been supposed. If provision in this regard has not been made in the Bill, I serve notice of my intention to table an amendment to ensure grasslands will be included in the definition of "sink".

The Minister was clear with regard to the unprecedented nature of the threat posed by climate change. I have just returned from Cyprus. The annual autumn temperatures on the island are now consistently three degrees above normal. There is no question or doubt that summers in Cyprus are becoming hotter and a number of extremely severe weather events have occurred there. However, they have not been half as severe as those which have occurred in Australia or on a number of Pacific atolls, some of which are accredited members of the United Nations and which are facing the prospect of extinction as they are overwhelmed by the ocean waves.

The Minister of State made a good point when he stated, "Our future as a responsible society must be sustainable on economic and environmental grounds" and that "Economic prosperity and environmental protection are not mutually exclusive." To the latter I say, "Hear, hear". Of course, they are not mutually exclusive.

I offer a minor aside in respect of carbon emissions, etc. I am aware that there will not be much time to do so before the Minister of State leaves office, but it is important that we revisit the Keating regulations which again vest in the people some profit from the country's natural resources. In this regard, I refer to the Corrib gas and oil field which is vast and the profits from which could solve most, if not all, of our economic problems.

The Minister of State has indicated that the targets set in section 4 "are not justiciable". Perhaps he could expand on this, but I presume it means there cannot be recourse to the Irish courts.

I was particularly intrigued by the Minister of State's comment to the effect:

Government policy has inevitably focused on mitigation to ensure Ireland complies with its binding requirements under EU and international law. We cannot defer indefinitely the adoption of an appropriate and effective national policy position on adaptation. The incorporation of both mitigation and adaptation in the process will rectify the current policy imbalance.

As the matters to which he referred appear to be closely linked, again, I felt obliged to consult those in the Visitors Gallery. I telephoned a friend, so to speak. I do not wish to appear to be claiming credit for what I consider to be a most brilliant encapsulation of the position. In that context, those to whom I spoke in the Visitors Gallery informed me that mitigation was avoiding the unmanageable, whereas adaptation was the management of the unavoidable. It is useful to express this very good definition. Certain things about which we can do nothing have happened. I refer to the large amounts of carbon in the atmosphere, the floods that have occurred,

etc. We must ensure we introduce measures which will mitigate the effects of the aforementioned, but we must also adapt.

My colleagues and I have been briefed by the IFA. As indicated, Senator Glynn's welcome for the Bill was somewhat lukewarm. The IFA has stated the provisions contained in the Bill surpass what is required under international emissions reduction obligations. I do not believe that is the case. I have considered the matter and will give what I believe is the correct figures in this regard. It is important to discuss these matters. In that context, the inclusion of the farming lobby and IBEC in the discussion is an important development. However, their views should not be allowed to prejudice the debate on the Bill.

The IFA has also stated an estimated increase of €4 billion in agricultural exports could be placed in jeopardy. I hope this will not prove to be the case and we must consider the position in this regard. The matters under discussion can be managed intelligently because we are a creative and intelligent people. The IFA has further stated the Bill will lead to an increase in gas emissions internationally because everyone will be purchasing beef in larger quantities from Brazil and other countries in the Amazon basin which are not so picky when it comes to climate change. That is a matter for diplomacy. The Government of Brazil should be shamed into becoming involved with international concerted action on this matter.

The IFA has requested that the greenhouse gas emissions reduction targets not exceed Ireland's international obligations. This request should be considered, but I do not believe the targets exceed our obligations. If they do, it is only by a very small amount. The IFA states agriculture must be given direct credit for current and future carbon offsets, generated by forestry, etc., up to 2020. Why not? A certain amount of what the IFA has stated can be welcomed.

I wish to discuss my reservations about the Bill. As stated, the legislation is significantly weaker than what was proposed by the relevant joint committee with all-party support, including that of Fine Gael. Although the Bill is well worth supporting as a form of staging post mechanism, it is strange that it does not contain any five-year targets or carbon budgets. The first target with which the Government is going to be confronted is that relating to 2020. As everyone is aware, a week is a long time in politics. Governments change and the next Government will probably serve a term of four years. It will, therefore, be out of office well before the target set for 2020 has to be met. When it signed the Kyoto Protocol, the then Fianna Fáil-led Government thought it would not be in power when the targets had to be reached and was, therefore, intent to land the responsibility on someone else's lap. This could happen again.

We must also consider the climate in political circles in respect of soundbites and the 24-7 news cycle. The approach being taken to this entire matter appears extremely suspect when one considers that 2020 is almost ten years away, while we have a five-year electoral cycle.

Under the new Bill, the Government we elect in the coming months could face any target. After 2020 the next target is 2030, and after that it is 2050. Most Governments, therefore, will not face any target. That is a significant weakness in the Bill and I believe it should be amended to set in place five year targets for the Government to achieve. That will come into much greater alignment with what we know are the political realities of Government cycles. If the Government does not table an amendment to that effect, I will do so.

On the absence of carbon budgets, the programme for Government and the framework document refer to carbon budgeting, but where is it? It is not in the Bill. The carbon budget is just a statement, like a fiscal statement. We have fiscal statements about our economic targets in that by 2014 we will achieve a 3% reduction. Why not take the same philosophical position with regard to climate change? The five year carbon budgets are the best way of managing the delivery of the targets. The point about the difference between a target and a budget is that a

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target is about emissions at a single point in time. It is being tied down specifically to five years in the future where the budget is the total emissions over the five year period.

The Government has stated previously, and Ministers are on the record with regard to this, that Irish climate law will be modelled on the United Kingdom. In general outline perhaps it is, but it stated it would improve upon it and it has not. The Government has not managed to reach what the UK has done because under the United Kingdom Act the British Government announces three five year carbon budget targets at a time, and the first of those is legally binding, which none of ours appears to be. This is very important because apart from anything else, the next 15 years will be vital if we are to avoid the worst consequences of climate change.

With regard to the objections of IBEC, that organisation objects on economic grounds and states that the Bill is much more demanding than the European Union targets. I have looked at the figures with the assistance of some advisers and my understanding is that IBEC is right. I have to admit that and my reading is wrong. It is absolutely right, if one wants to be a nit-picking nitwit, because the target in the Bill is 52.5 Mt whereas the EU package is 52.4 Mt, a difference of 0.1%. Technically, it is right but it does not matter a fish's tit. I beg the Cathaoir-leach's pardon for the unparliamentary language. The IFA also is not entirely correct because as I said earlier, the Oireachtas committee Bill had stricter targets. I do not believe it will be difficult.

With regard to the advisory body, it is independent, and I welcome that, but it should be able to publish its report in its own fashion and within a comparatively short time. Otherwise, we will be subject to leaks. That will also give us certainty, and certainty is very important for our own industry, agriculture. It is important to target, map and provide for what we are doing and, most significantly, it will attract international investment. I know Senator Glynn questioned this but he may have been thinking about some of the nastier of the international, multinational combines.

In terms of research and design, we will get investment in green technology, where we are helping to lead the way in terms of wave and wind technology, if we pass this Bill and if we strengthen it by amendment in this House, as I hope we will do. I wish it every success.

Senator Mark Dearey: I welcome the Minister of State. I welcome also the placing of the Climate Change Response Bill 2010 before the House. It is a significant day. It is probably an historic day in the sense that climate change has been on the agenda since the Earth Summit in Rio de Janeiro in 1992. This country has been through an enormous time of economic change. We did not take account of the message of Rio de Janeiro and this Bill is a significant indication that, finally, we are beginning to do that. It is a long time after the optimal moment but for that reason it is still an historic day.

I note the equivalence Senator Norris gave to this Bill as to the Finance Bill, a Bill on which we are placing particular importance because we see it as a Bill that will enable Ireland to borrow money it cannot borrow on markets that effectively have been closed to us owing to lack of regulation at the right time, poor foresight and lack of management of our financial affairs. A similar catastrophe will befall us, multiplied by I do not know how much, if we do not plan for the impending climate crunch. We must offset its most serious effects and that means trying to keep increases in global temperatures to below two degrees if we are to avoid what is known as runaway climate change. Ireland has a small but significant role to play in that, and it is in that framework that I welcome this Bill.

I will pre-empt some of my comments on the Bill by referring to Nicholas Stern, former deputy director of the World Bank and lecturer in the London School of Economics, who was tasked with writing a report on the economic impact of climate change in the United Kingdom.

It became known as the Stern Review. He makes many recommendations for actions in that report. In one of his recommendations, and it could apply equally to this Bill, he states:

The case for strong and urgent action ... first, on the severe risks that the science now identifies ... and, second, on the ethics of the responsibilities of existing generations in relation to succeeding generations. It is these two things that are crucial: risk and ethics. Different commentators may vary in their emphasis, but it is the two together that are crucial. Jettison either one and you will have a much reduced programme for action — and if you judge risks to be small [and I believe many do] and attach little significance to future generations you will not regard global warming as a problem.

In the commentary on climate change in Ireland there is still a significant portion of people who consider the risks to be small. It is not a view I share, nor is it a view the Green Party or this Government shares and, therefore, the urgency and the far-reaching nature of this Bill commends it to this House.

On the business of climate change, as a small nation reliant on external trade and therefore on regaining and retaining competitiveness, why should Ireland take early and decisive action on climate change above and beyond the ethical and risk issues I have mentioned? The question gets to the marrow of the argument about the need for a climate Bill and the merits of this climate Bill in particular.

The first comment I would make is that our actions as laid out in this Bill are not in fact early. Under the 1997 Kyoto Protocol, Ireland's obligation was to limit emissions to 13% above 1990 levels over a five year period from 2008 to 2012. This was in recognition, within the EU's internal burden sharing scheme, of the underdeveloped nature of the Irish economy in that base year. In hindsight, from 1997 onwards was also a time when we should have put in place policy and legislation that would leave our economy ready for a low carbon future and make the transition to that low carbon model that this Bill legislates for an easier one than it will be but we set off on a different trajectory, enjoyed a boom that depended utterly on imported fossil fuel and resulted in rapid growth in greenhouse gas emissions.

Our pathway to economic and infrastructural development means we now have a larger task in terms of planning, transport, energy production, agriculture and the distribution of utilities. Our housing and building stock, much of which was built since the original climate change conference in 1992, is not designed, located or built with a view to low carbon emissions and we now have a highly dispersed location pattern that is very difficult to deal with. To borrow the cliché of the moment, our housing is where it is and there is not much we can do about that, but we are at least beginning to make it more efficient.

This Bill is enabling legislation and while it contains targets given in the Minister of State's contribution, it is primarily about putting legally binding obligations on the Minister to produce a national climate change plan that will include measures to mitigate against greenhouse gas emissions, such as carbon sinks, and measures to adapt our economic system to ensure it reduces the amount it emits as it continues to confer on us the benefits of enhanced economic activity and development.

The medium and long-term targets are what we and the world must achieve if we are to limit global warming to two degrees, as I identified. I trust that industry, agriculture and policy makers recognise that we cannot afford to ignore the fact we must keep global temperatures within these limits and that we need to respond now. The short-term target is a 26% reduction by 2020. That figure is confirmed in the Bills digest produced by the Oireachtas Library and Research Service. The target is 6% above our current commitment to achieving a 20% reduction by 2020, as formally adopted by the EU in April 2009. Indeed, that climate and

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energy package also lays the basis for a commitment in Europe to go to 30% by 2020 if global agreement on increased targets can be reached, something I expect to see happen in Durban toward the end of this year, as Senator O'Reilly said earlier. In this regard I wish to establish my confidence in this by quoting the comments of the executive secretary at the last framework convention in Cancun:

Nations must follow up their successful UN Climate Change Conference in Cancun with higher global emission cuts and the rapid launch of new institutions and funds to show the world that a new era of international co-operation on climate change is established in fact.

Some would argue that we should not be setting targets here that exceed our obligations, but this is being done in part in anticipation of the 30% EU target coming into effect in time.

I also bring to the attention of the House the analysis provided by Friends of the Earth and which I have had verified by the Department, about what the Bill will mean in gross tonnage terms, as compared to the targets in the energy package of April 2009. Senator Norris is right. There is barely any difference in the gross tonnage, despite that fact there is a 6% difference in the targets. This is because, on the traded side, we have a very high level of reduction of carbon dioxide because of our commitment to renewables. Our level of reduction is 32%. This means 7 million tonnes of carbon being taken out, because we can generate electricity through renewables. This has given some relief on the non-traded side, which is the side on which agriculture and IBEC operate.

Another relief can be achieved through an increase in the projected sinks we have in place by 2020, which will give a 71% increase in the amount of CO₂ being removed from the Irish environment and from the processes in which we engage. A gross figure of 4.8 million tonnes is envisaged here. This means that in the sector in which most of our economic activity is done, and in which the private sector operates, we need to achieve a reduction of 10 million tonnes on the base year 2008. When one takes sinks into account and subtracts what the sinks will be able to do from the national output of greenhouse gases one gets a 0.1 million tonne difference, which is negligible. I hope the various bodies which have been commenting on this can engage with those figures and understand that they are achievable and that the Bill does not put an additional onerous burden on them as Ireland moves towards being a low carbon economy.

The Confederation of British Industry, at its climate summit in November 2010, highlighted the opportunities for business generated by the global transition to a low carbon world. The global market for low carbon goods and services will be worth £4 trillion, close to €5 trillion, by 2015. That was the key message. While Ireland has had to develop in the fossil fuel era on the basis of purchasing its energy from those better endowed than ourselves we, in fact, are the well endowed ones for the low carbon era when it comes to renewable energy, financial services provision, innovation, education and so on.

The Bill will not please everyone but one thing that can be said of it without fear of contradiction is that it places Ireland out there among global investors as a location and a country committed to the transition and ahead of the curve in making it happen. We need to reinvent our economy. It needs to continue to move from fossil fuel dependence to fuel independence. What an assertion of sovereignty that can be at a time when we have it under such pressure.

The Confederation of British Industry chairman, Sir Richard Lambert, has stated that the CBI will not allow uncertainty of global targets to stop British industry from moving ahead. We cannot be left trailing behind Great Britain and Northern Ireland in our readiness for the low carbon future with which this Bill provides us.

Senator Paudie Coffey: They have nuclear energy.

Senator Ivana Bacik: I welcome the Minister of State and I welcome the publication of this historic Bill. The Labour Party will support it, with criticisms because we feel it does not go far enough. We are also critical of the Government for the unconscionable delay in introducing the Bill. This is a most unfortunate time to introduce it, when we are well into the fourth year and dying days of this failed Government. Having said that, we will be opposing the Fine Gael amendment to delay the Bill further because we believe this is too important a principle to delay further. There is, indeed, cross-party agreement on the need for climate change law. The Bill is flawed because it does not go far enough in ensuring that we will meet targets already set by the EU and we believe there are a number of ways in which the Bill can be improved. I welcome the Minister of State's statement that he will accept amendments on Committee Stage. I will be submitting amendments to strengthen and improve the Bill.

I pay tribute to groups such as Friends of the Earth and others involved in the Stop Climate Chaos coalition, which have been involved for a long time in trying to get this Bill on the agenda. It is most unfortunate that we see it so late in the lifetime of the Government.

Because of this delay, the principles in the Bill are an undue dilution of those set out in the programme for Government and in the more recent framework document of December 2009. The Bill is also weaker than the cross-party Bill produced by the Joint Committee on Climate Change and Energy Security, which formed the basis of Deputy Liz McManus's Bill introduced in the Dáil last year. The Bill is considerably weaker than the cross-party mechanisms already agreed and weaker than the Government's own framework document. There seems to have been a dilution, perhaps because of the delay and the behind-the-scenes haggling that may have gone on. The delay also leaves less time for transparent public consultation. Groups like the Irish Farmers' Association are concerned at the lack of public consultation and at the fact the public consultation period is not due to finish until 28 January, after consideration of the Bill has commenced in the House.

The Labour Party has reservations about the timing and condemns the Government for the delay. Having said that, we will support the Bill because it is in keeping with the progressive principle of ensuring legislation to control our carbon emissions and meet reductions targets. We do not believe further delay would be justified.

Three and a half years ago, I introduced a Bill that would have done the same thing this Bill seeks to do. It could have been accepted by the Government at any time during the last three and a half years. It is unfortunate that it was not. I will submit amendments on Committee Stage and I will have more time next week, on the resumption of Second Stage, to explain what those amendments will be about. In particular, I will seek to address the inadequacy of the targets set and the lack of interim deadlines before 2020. The 2020 target is too far off. There should be five year target periods, as in Deputy Liz McManus's Bill, which would make it more likely that we would meet targets as we go along.

I will also be dealing with the independence of the body, which it seems is no longer a climate change commission, that will monitor implementation of the Bill. I also ask the Minister of State why there is an absence of any reference to carbon budgets in the Bill. That was a stated objective of the programme for Government. I note the Minister of State said in his speech that he believes carbon budgets are too narrow a mechanism. Does this represent a change in Green Party policy on carbon budgets?

I also ask spokespersons for Fianna Fáil what is Fianna Fáil policy on the Bill. I listened to Senator Camillus Glynn's speech but I am really not sure whether Fianna Fáil is as behind the Bill as their colleagues in the Green Party. We will also be addressing the non-justiciability of the Bill. There is an extraordinary clause in subsection 3(2). The Minister of State has said he may accept amendments on this. I would simply seek to delete the subsection. It is for the

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courts to rule on what aspects of the Bill are justiciable or not. The clause is most unusual. Its only import is that it appears to weaken the impact of the Bill. My Bill and the proposals of the Joint Committee on Climate Change and Energy Security would have provided for more sanctions for Governments that failed to meet the targets.

The Labour Party welcomes the concept of climate change law. We are signed up to the principle of legislation to set binding targets on this and future Governments. We are concerned about the weaknesses in the Bill and the possibility that any Government elected this year will have no set date by which it must reach its target, given that the first date is specified to be 2020. It is unfortunate there is not a five year target period.

Debate adjourned.

Sitting suspended.

Multi-Unit Developments Bill 2009 [Seanad Bill amended by the Dáil]: Report and Final Stages

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

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

An Leas-Chathaoirleach: I invite the Minister to discuss the amendments contained in the first group.

Minister for Justice and Law Reform (Deputy Dermot Ahern): The list circulated to Members contains various amendments made to the Bill in the Dáil. While it is a long list, the majority are drafting amendments or otherwise designed to clarify the text of the Bill and improve presentation. The remainder are substantive amendments mainly designed to strengthen safeguards for apartment owners and improve the operation of the Bill’s provisions. Many of them respond to issues first raised during the constructive discussions on the Bill in this House.

The first group of substantive amendments deals with the important topic of completion as it affects multi-unit developments. This issue was raised by a number of Senators in the course of earlier discussions. Members will recall that on Report Stage in this House I tabled an

2 o'clock amendment to require a developer to enter into a contract with an owner management company prior to the transfer of the common areas of the development.

This provision has been strengthened in the meantime with a view to providing additional safeguards for purchasers of units in a development. Amendment No. 17 specifies significant additional requirements for inclusion in this contract between the developer and the owner management company. The contract must now contain arrangements for confirmation of compliance with the applicable statutory requirements such as, for example, compliance with

planning permission conditions imposed by the local authority, as well as compliance with the relevant building control standards. It also must contain arrangements for the completion of works in common areas such as, for instance, painting indoor common areas or planting in outdoor areas. It must contain arrangements for the release of retention money which may have been provided for in the contract between the developer and the owner management company. Importantly, it must contain details of the process to be followed in the event of a dispute between the parties concerning completion of the development. Amendment No. 23 contains an additional safeguard for the owner management company by providing that, for the purposes of negotiating or entering into a contract with a developer, the owner management company must have separate legal representation at the expense of the developer.

Fire safety in a multi-unit development is of the utmost importance. With a view to ensuring adequate fire safety standards in such a development, I have provided in amendment No. 16 that, prior to the transfer of common areas to the owner management company, the developer must provide the owner management company with a certificate from a suitably qualified person that the building has been constructed in accordance with the fire safety certificate issued by the relevant fire authority prior to construction. This represents an important advance on the current position. The certificate of compliance must be supplied by a suitably qualified person. It is my intention to make regulations referred to in amendment No. 25 which will specify the classes of persons deemed to be suitably qualified to provide certificates of compliance as soon as practicable after the enactment of the Bill. Amendments Nos. 1 and 4 contain consequential changes to the definitions of “development stage” and “relevant parts”.

Amendments Nos. 93, 103 and 104 are concerned with the documentation to be provided by the developer for an owner management company. The documents specified and outlined in Schedule 3 must be handed over to the owner management company at the end of the development stage. Amendment No. 103 amends clause 12 in Schedule 3 to provide that relevant information on fire protection systems must be provided, while amendment No. 104 amends clause 13 in Schedule 3 to make it clear that the documentation outlined in the clause must be given to the owner management company, except in cases where that documentation has already been furnished by the developer to the company. These amendments strengthen the Bill and will provide substantial additional safeguards for both owner management companies and individual apartment owners.

Senator Ivana Bacik: I welcome the Minister and acknowledge that Senators had an extensive debate on issues pertaining to completion. The Labour Party welcomes the fact that the Minister has moved towards meeting it on the issue of the retention of moneys and the bond. Although this is not quite what we had sought, the Minister has moved towards meeting us on the issue, particularly in amendment No. 17, which is welcome. The Labour Party also welcomes the Minister’s statement that he intends to make regulations on foot of amendment No. 25, which is important.

Senator Eugene Regan: I also welcome the extensive range of amendments tabled and agreed to in the Dáil. In the extensive debate held in this House many issues were raised which I note are reflected in the Bill. I also consider it is important to get this Bill right, as it deals with an important issue, namely, a change in ownership structures, the need to regulate management companies and provide for their proper regulation and a system of dispute resolution. It is probably the last Bill Members will deal with in the Oireachtas, which gives it particular importance. Perhaps the Minister knows more about that matter than do I.

Senator Ivana Bacik: The Senator appears to be well informed in that regard.

Senator Eugene Regan: However, I agree with the amendments.

Deputy Dermot Ahern: I thank the Senators for their comments and reiterate the ones I often make when I come to the Seanad and which are genuine. Although I do not make this point in a political way, it would be a sad day for the country if the Seanad was to be done away with. In common with the Dáil, it, of course, in need of reform, but strong checks and balances have been built into the Constitution, one of which is an active Upper House. As someone who it is estimated puts two thirds of all legislation through the Oireachtas, my experience has been that, with due deference to the other House, the level of debate and examination of Bills produced by my Department is second to none in this House. Much of that is reflected in the amendments that have been made in the Dáil and Seanad.

One of the big problems I found with this Bill was that a lot of it relates to other Departments and to legislation they have sponsored. We endeavoured to change other fairly complex legislation in the areas of planning, completion, building controls and fire safety certificates, all of which are within the remit and competencies of other Departments and agencies. Ultimately, the Bill is good and it is to be hoped it will assist people living in existing and future multi-unit developments.

The second group comprises a large drafting amendment and other minor adjustments or technical changes intended to clarify the content of the Bill or presentation. Senators will recall that the scope of the Bill was extended during earlier Seanad Stages to include traditional housing estates which have an OMC structure and to cover residential units in a mixed unit multi-unit development. Neither of these categories was included within the scope of the original Law Reform Commission proposals.

These changes necessitated the introduction of the definition of “commercial unit” which now appears in section 1. Section 1 contains a definition of “unit” as meaning a residential unit. The result of these changes will mean that while the Bill as passed by this House makes numerous references to “units”, it is not always clear whether such a reference is intended to refer to residential units, commercial units or both. In the interests of clarity the definition of “unit” is deleted in amendment No. 5 and the word “residential” is inserted before “unit” where appropriate in many other amendments.

The same problem arises whenever the word “development” is used. It is no longer clear whether the reference is to a multi-unit development, a mixed use multi-unit development or both. A number of amendments have been made to clarify exactly what is intended. The opportunity has also been taken to improve the text of the Bill in other respects to improve clarity and presentation.

The third group deals with the vexed use of voting rights in OMCs. Senators will recall that the general rule contained in section 14 is that one vote shall attach to each residential unit. Amendment No. 50 clarifies that the section concerned relates to OMCs of developments in respect of which no contract for the sale of residential units has been entered into prior to the enactment of legislation. What about the existing developments with unfair voting structures? I have introduced two completely new sections to deal with problems which had arisen regarding voting rights in regard to existing OMCs.

The first new section, amendment No. 51, deals specifically with voting arrangements in existing multi-unit developments. Subsection (2) provides that the voting rights shall, in line with the general rule in section 14, be one vote per unit and that no other person shall have a vote. However, we know that there are OMCs in which some members have multiple votes or golden shares to which additional votes are attached. To address this situation, subsection (3) provides that any person wishing to exercise more than one vote in respect of a unit cannot do

so unless he or she applies for and obtains authorisation from the Circuit Court. In arriving at any decision to authorise multiple voting, the Circuit Court must be satisfied that the applicant has the essential economic interest in the voting right concerned which is required to protect that interest adequately. This amendment addresses, as far as is legally possible, the issue of multiple vote arrangements.

Amendment No. 52 deals with a different situation. It appears that in some OMCs the directors originally appointed by the developer may be entitled to remain directors for life. This is undesirable and the amendment prohibits the practice. Furthermore, in future a director shall not be permitted to have a term exceeding three years in the first instance and in existing cases such a director must relinquish the position within three years of the coming into operation of the section.

In the course of our previous discussions in the House the scope of the Bill was extended to cover mixed use multi-unit developments. As a result of the nature of these developments, the general rule of one vote per unit does not apply. However, provision is made in section 2 to ensure voting rights in such developments are distributed in a fair and equitable manner. To strengthen this provision, amendment No. 86 provides that under the dispute resolution mechanism in section 21, the Circuit Court may consider an application relating to such a development and, where it considers it necessary in the interests of justice to do so, make an order altering the voting rights in the development concerned.

Section 8 provides for the automatic transfer of membership of an OMC on the sale of a residential unit. For this purpose, amendment No. 36 provides that a unit owner must always provide up-to-date contact details to the OMC. Amendment No. 49 clarifies an aspect of section 14(1) and entitlement to vote.

The fourth group deals with Circuit Court jurisdiction in regard to dispute resolution mechanisms. Amendment No. 7 was tabled to avoid possible confusion concerning the impact of the Bill on multi-unit developments which may have different OMCs for different parts of the development. It makes clear that the Bill does not require that only one OMC be established for the development and the provision in the Bill may be complied with if there is more than one such OMC.

Amendment No. 79 broadens the court's jurisdiction by providing that an application may be made in regard to any matter to which reference to making an application under this section is made in this Act. This will ensure applications in respect of voting rights are also covered in section 21. This change gives rise to two consequential amendments. Amendment No. 81 is a technical amendment to section 21(3). Amendment No. 82 inserts a new subsection which provides that where an application comes under the new subsection(1)(b), the court may make an order it considers just and equitable with a view to ensuring the effective operation of the OMC and the quiet and peaceful occupation of residential units in the development.

Amendment No. 80 makes it clear that the applicant under section 21 must indicate in his or her application to the Circuit Court whether mediation or any other form of dispute resolution process has been attempted. I am conscious that disagreements may arise between the developer and the OMC about the extent of common areas to be transferred to the OMC. Naturally, I would hope that such disputes could be settled without recourse to the courts but it cannot be ruled out. In some cases the matter cannot be resolved in any other way. Amendment No. 83 provides that in such a case the Circuit Court will have jurisdiction to make an order to determine the extent of the relevant part of the common areas to be transferred to the OMC.

The fifth group relates to the scope of the Bill. During the earlier debates in the House the scope of the Bill was extended to cover traditional housing estates which have an OMC and

[Deputy Dermot Ahern.]

residential units in mixed use developments. The Bill included provisions relating to small multi-unit developments containing two, three or four residential units. Amendment No. 8 contains a small technical change in regard to developments comprising two, three or four units.

Schedule 1 specifies the sections of the Bill applicable to such small developments. Amendments Nos. 96 to 98, inclusive, extend the list of sections in Schedule 1 to include sections 18 and 19 and 26 to 29, inclusive. In addition, the three new sections contained in amendments Nos. 51, 52 and 69 will also apply to such developments. Amendment No. 29 clarifies the scope of section 2(2) which applies those provisions of the Bill specified in Schedule 2 to traditional housing units and estates with OMCs. The new wording is intended to make it clear that the sections included in Schedule 2 will apply to such housing estate developments whether they contain detached, semi-detached and terraced houses or a combination of any such units.

Amendments Nos. 99 to 102, inclusive, amend Schedule 2 to apply sections 4, 6, 9, 11, 12, 18 and 19 and the new section contained in amendment No. 69.

The four amendments in the sixth group deal generally with the issue of service charges and sinking funds. Amendment No. 53 provides that, where a sinking fund is established, the owner management company must outline the amount of money in the fund and give details of how contributions to the fund are calculated in its annual report to members. The purpose of amendment No. 58 is to permit an owner management company to set an initial service charge before any residential units are sold. It also provides that in setting the initial service charge the company must have regard to the methodology and items of expenditure listed in section 16(3). Amendment No. 62 is essentially a drafting amendment to clarify exactly what is meant by expenditure of a non-recurring nature. It is the type of expenditure funded from the sinking fund. It appears logical to me that the provisions of section 17 should apply to traditional housing estates that already have sinking funds in place. Amendment No. 69 inserts a new section into the Bill to achieve this objective.

The seventh group of amendments concerns the issue of house rules. Concern was expressed that such rules could be introduced for the benefit of some apartment owners but would have an adverse impact on other residents. Amendment No. 74 amends section 20(3) by providing that house rules must be consistent with “the objective of the fair and equitable balancing of the rights and obligations of the occupiers and the unit owners” of the development. Amendments Nos. 75 and 78 are designed to ensure owner management companies in new developments will be allowed to make house rules governing the operation of such developments prior to the sale of units. This will allow potential purchasers to have sight of any such rules before they conclude contracts to buy apartments in such complexes.

Senator Ivana Bacik: We welcome this amendment. There was a substantial debate on the impact of house rules on residents during the debate on the Bill in the Seanad. These provisions will go some way towards meeting the concerns we raised.

Deputy Dermot Ahern: I appreciate the sentiments expressed by the Senator. We tried to take many of the amendments tabled by Senators into account. Some of the amendments relating to house rules were probably a little impractical. As I said, we have tried to amend them as much as possible and I think we have achieved a good balance.

The amendments in the eighth group deal with the mediation provisions contained in the Bill. Section 24(5) currently provides that the notes of the chairperson of the mediation conference are confidential. Section 25 allows the courts to take account of the actions of the parties in determining costs. This could give rise to a difficulty, as the mediator would not be in a position under section 24(5) to inform the courts of any difficulties arising from the behav-

hour of a party at a mediation conference. In order to address this issue, I tabled amendments Nos. 87 to 89, inclusive. Amendment No. 87 makes the confidentiality provision in section 24 subject to the provision in section 25. Amendment No. 88 provides that the report of the chairperson of the mediation conference may state whether the failure to reach a settlement at the conference was substantially due to the conduct of a particular party or parties. Amendment No. 89 provides that the court can take this matter into account when determining the costs of an application. The underlying objective is to ensure disputes can be resolved by the use of means of mediation. Any lack of serious engagement in the process by one of the parties can be taken into account by the Circuit Court when determining costs. My hope is this provision will be an incentive to make a full and bona fide commitment to the mediation option, thereby reducing the costs involved for all parties.

Question put and agreed to.

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

Senator Eugene Regan: This is a good piece of work. We started out in this House with a different Bill. The multitude of amendments made is an indication of the extraordinary amount of work done by departmental officials and the Minister. This is an important Bill. It is good to participate in the passing of what may be the last Bill to be passed by the Oireachtas in the term of office of the Government.

The last time we discussed a Bill in the presence of the Minister, he had announced his retirement from politics, but I did not get an opportunity to wish him well in his retirement. I take this opportunity to do so. He has shown great respect for this House and debate in it. One could not accuse him of not knowing the detail of his brief. He is able to parry questions on every aspect of a Bill when challenged to do so. I may have had the impression he was impervious to representations from this side of the House, but in certain cases such as this Bill he was ultimately very open to ideas. He has given a long commitment to politics. He has worked hard on the important legislation debated in this House in the last three and a half years and I have enjoyed working with him. I wish him the very best in his retirement.

Senator Ivana Bacik: I echo the welcome Senator Regan has given to the Bill which represents an important step in providing practical support for those living in apartment complexes. All of us are aware of the serious issues such persons have faced for many years, for example, with regard to completion standards, maintenance of communal areas and service charges, etc. We support this legislation which will give practical effect to measures to help those living in apartment complexes. I am grateful to the Minister's officials for their work on the Bill. I also thank the groups which have had an input into the legislative process at both Government and Opposition levels. I refer, in particular, to the Apartment Owners Network and the Royal Institute of the Architects of Ireland. We welcome the Bill and the amendments will strengthen it. I am grateful to the Minister for taking on board in his amendments many of the comments made during the various debates in the Seanad.

I wish the Minister well in his retirement. While I did not often agree with him on certain issues, I always appreciated his engagement with this House. That was important because it strengthened many of the Bills considered by the Seanad. I appreciated his engagement and mastery of his brief, as mentioned by Senator Regan.

Senator Denis O'Donovan: I concur with the remarks made by my colleagues. I thank the Minister for completing this legislation which is another notch on his belt. I also thank his officials for their efforts and the work they put into the Bill. Its complexity has been evidenced by the lengthy debates in this and the other House on amendments, etc.

[Senator Denis O'Donovan.]

On a personal note, I thank the Minister for co-operating with me in my work as my party's spokesman on justice in this House. I wish him the best in his retirement which I am sure will be productive. I envy him, in one sense, as we are in the same age category. We did our legal training during the same period. I am starting my political career, subject to conventions and surmounting other difficult obstacles and hurdles. I hope the Minister is moving into the sunset of his political career. I mean that in a positive way and hope he will have a happy retirement. I do not doubt that he will enjoy the benefits of his wife and family in the future. When push comes to shove, other matters are as important as politics. If I made one mistake in life, it is that I sometimes neglected those who were near and dear to me. One's family, in particular, can suffer. I wish the Minister the very best.

Minister for Justice and Law Reform (Deputy Dermot Ahern): I thank the Senators for their kind remarks. I assure Senator O'Donovan that I am always conscious of those Senators and Deputies who live as far from Dublin as he does. Although I live 50 miles from Leinster House, door to door, I have been lucky enough to get home after virtually every Dáil sitting throughout my 24 years in the Oireachtas. I did this as part of my commitment to my family. I am not sure I would have stayed in politics for as long as I have if, like the Senator, I had been unable to get home as regularly as I have been able to. One often hears about the work-life balance. Throughout my political career we have spoken about the work-life balance in the general population. It applies equally to Members of the Oireachtas. That is probably one of the reasons we do not have as many female Members of the Oireachtas as we would like. I do not mean this in a sexist way. Political life is very tough on families, particularly for those based long distances from Leinster House. There is a difference between the Senator and me.

As reported in a local newspaper, I fell into politics through my participation in sport rather than by way of family route. I was bitten by the bug of politics during my early 20s. Perhaps that is the difference between us. I am not aware of the year Senator O'Donovan entered politics but I did so in 1979.

This Bill has been one of the most difficult in the area of civil law with which I have had to deal during my time as Minister for Justice and Law Reform. It is a Bill that did not sit easily within the Departments of Justice and Law Reform, Enterprise, Trade and Innovation, in terms of company law, and the Department of the Environment, Heritage and Local
3 o'clock Government. The Government decided that the Department of Justice and Law Reform should be the sponsoring Department. There is no other legislation in the civil law area, apart perhaps from the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, on which I, with my officials, spent so much time. I thank my officials for their work. I have stated before and do so again that despite some of the bad press the public service receives, during my political career I have been in awe of the people in the public sector who work for us in terms of their commitment, in particular in all the Departments in which I have served. I do not believe they are given enough credit for the fact that they work way above the call of duty on behalf of Ministers and the Oireachtas. From my experience, public servants in the Departments dealing with the political process do not work 9 a.m. to 5 p.m., five days a week. They are available night and day to Ministers. I thank the officials accompanying me today for their work on this extremely complex Bill. I also thank the Oireachtas staff for their work throughout my career and on this Bill which I know caused great difficulty in terms of the substantial number of amendments tabled. The original proposal from the Law Reform Commission, while clearly good, needed amendment.

I thank in particular Senators Regan and Bacik for their work on this Bill. I am not sure I was that unamenable to a good argument. Whoever takes up my position in the future will

understand that Ministers are bound, in terms of their attitude in this Chamber and the other House, to take on board the advice of the Attorney General and Parliamentary Counsel.

I am delighted this Bill has completed its passage through the Dáil and Seanad prior to the forthcoming general election. While I do not know when the election will be held, I wish Senators who participate in it and the subsequent Seanad election all the best for the future.

An Leas-Chathaoirleach: I join Senators in wishing the Minister well in his retirement.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Denis O'Donovan: At 2.30 p.m. next Tuesday, 18 January 2011.

Adjournment Matters

Citizens Information Service

Senator James Carroll: I thank the Minister for Social Protection, Deputy Ó Cuív, for coming to the House to deal with this urgent matter. In the run up to Christmas and since then a number of people have raised with me the sad case of young widows and widowers whose partners die at a young age not knowing to whom they should or can turn to at that time. The Minister will be aware of just how tender and sore people are at such time and the situation that arises when they receive correspondence for their partners who are sadly deceased. It is vital a one-stop-shop structure is established to which people who are bereaved can go to obtain advice on bereavement grants, lone parent and child allowances and a myriad of other issues.

The Minister will be aware that queries to his Department are dealt with in Sligo and others are dealt with in Longford. People are often directed from one office to another and are hurt to learn that some offices may not be aware that his or her partner has passed away. I am seeking the establishment of a small office that could deal directly with these matters. This would show compassion, which is very important. Some of the people who contacted me said they believed there is a lack of compassion in the system.

It is important such an office is established. A number of county councillors have told me that cases often fall between the cracks of Departments owing to the structures in place. It is important we show we care about people during the critical time of their losing a loved one. I look forward to hearing the Minister's reply.

Minister for Social Protection (Deputy Éamon Ó Cuív): I thank Senator Carroll for raising this issue. I appreciate the trauma suffered by people who lose a loved one and the Department tries to deal with them as humanely as possible. That said, I must stress that a payment cannot be made to anyone who has not applied for the relevant payment.

The Department operates a network of 130 local and branch offices throughout the country. Each local office includes officers dedicated to providing information and they are available to explain supports and services to people, including the schemes and services available from the Department for widows and widowers. This locally based service is supported by a central information unit which operates a lo-call information line, 1890 662244, which customers may call for information and guidance on their entitlements.

The Department produces a comprehensive range of information leaflets and booklets, including a booklet on bereavement and these are available in social welfare offices, citizens'

[Deputy Éamon Ó Cuív.]

information centres and post offices. Leaflets can also be requested through the Department's website *www.welfare.ie*, which contains full information on all schemes and services, including bereavement and widow's-widower's pensions. Payments and supports for widows and widowers are provided by the Department's office in Sligo which will gladly advise and provide information on an individual's claim. I have heard some complaints about telephone answering at the Sligo office and I will try to have the matter addressed.

The Citizens Information Board, which comes under the aegis of the Department, is the national information agency with responsibility for supporting the provision of independent information and advice on the broad range of social services, including social welfare services. Information is provided through citizen information centres and other offices throughout the country and through the citizens information phone service which operates from 9 a.m. to 9 p.m., Monday to Friday. The website, *www.citizensinformation.ie*, has a section on bereavement.

Technology will only pick up on people in receipt of a payment. Senator Carroll may have been contacted by people whose loved ones died but were not in receipt of payment because they were working. That is where the difficulty may have arisen. The General Register Office, which registers births, deaths and marriages, comes under the aegis of my Department. We are integrating into the Department's system information received by it on registrations of death. Information is automatically updated. For example, in respect of State pension transition-contributory customers, a surviving qualified adult will automatically receive the six weeks after death payment of the married rate along with the bereavement grant. This system is automatically triggered on registration of the death of a person. The case will also be reviewed to examine the possible pension entitlements of the surviving spouse-civil partner or, as in many cases, a widow's, widower's or surviving civil partner's contributory pension will automatically be awarded from week seven. We have devised a system, whereby the minute we are notified of the death by the General Register Office, everything moves forward because we have the relevant PPS number, but this only applies where there is an underlying payment in the first place.

When the qualified adult of a contributory pensioner dies, the pensioner receives the payment for six weeks after death and the bereavement grant automatically. It, therefore, works in reverse. On the death of a State pension transition-contributory recipient receiving a payment at a single rate but whose spouse is in receipt of another social welfare payment, the six weeks after death payment and the bereavement grant are also paid automatically. The Department is in ongoing contact with the Irish Association of Funeral Directors and also deals with individual funeral directors to ensure the details of the provisions of the bereavement grant are made as widely known as possible.

We are doing our best to deal with this issue. I am always open to new ideas, but the one-stop-shop the Senator seeks is provided by the Citizens Information Board. Its staff can examine the issue laterally. They should be able to take all of the consequences that might arise into account. This is the first place to refer people because it operates local offices. There are sophisticated triggering mechanisms in place for those in receipt of a payment, which means payments issue automatically. This is good news for people.

Broadcasting Services

Senator Cecilia Keaveney: I thank the Minister for attending. When I raised this matter previously, he was not present to hear my contribution. I also thank the Cathaoirleach for finally allowing me to raise again the issue of television services. It was frustrating to be refused several times on the basis that the Department had stated the matter had nothing to do with

the Minister, that it was one for RTE or another body. Tabling an Adjournment matter was the only way I could circumvent the system to chat with the Minister face to face. Therefore, I appreciate the fact that he is present. It is important that the Department recognises it has a responsibility to ensure there will be television reception at the end of the year on the Inishowen Peninsula, despite the Government's stated policy objective to achieve the closure of Ireland's analogue terrestrial television network by the fourth quarter of 2012.

Concerns are increasing in the north west on the part of those who know about the technological aspects of the transition. Some people do not receive RTE's channels, even though they pay the licence fee; a number receive the signal from the North, while others have a snowy picture on their television screen and have had to seek other solutions. Television coverage knows no borders and many of us have gained the benefits of two jurisdictions. I congratulate those involved in bringing the two sides together. While I am aware of the memorandum of mutual understanding between the two jurisdictions on the island on the transfer from an analogue to a digital service in order that RTE channels will be available to those who want them in the North, I am not convinced by what I have heard to date that there is the same concern for those living in County Donegal who cannot receive RTE's signal. Worse still, those who receive it do not know whether the service will be available after the switchover.

With regard to the work of the North-South Ministerial Council, has the Minister received assurances that the work taking place in the Northern stations will improve the position not only in the Six Counties but also in the nine counties of Ulster? The related issue is whether recent difficulties on the Inishowen Peninsula, in the outskirts of Letterkenny and Milford, in receiving the BBC, UTV and Channel 4 service will be helped or hindered in the switchover. Who is monitoring what is happening, as each side is blaming the other? I have raised specific questions with RTE and about the platforms in Limavady. When I have tried to table the matter on the Adjournment in the House, I have been ruled out of order because it is not the Minister's responsibility. It seems no one is responsible for monitoring what is happening during the transition.

There will be a transfer of service. A number of people have spent a great deal of money on trying to find alternative solutions to ensure the preservation of all stations. We are ecumenical in the North, as we tend to watch RTE as well as UTV, and we want to maintain the capacity and facility to do this. We are seeing the demise of some stations, whereas we are not seeing the advent of the stations for which we are paying the licence fee in many parts of the county. It has been pointed out to me that the Merville television mast is to be closed while the radio mast will remain. The person who contacted me knows a little about technology. What will replace the television mast? If the digital platform was located in Limavady, which would mean upgrading the current analogue service, I would have fewer concerns, but the Minister's recent announcement that the platform would be located on Divis Mountain, Belfast, will do nothing for ensuring coverage in east Donegal and, in particular, the Inishowen Peninsula may well be the loser in this scenario because there was an overspill into our area from the analogue station in Limavady. I assume it is being done on the basis that analogue services are closing throughout Europe, including the North. If the masts in Merville and Limavady are turned off, from where will we receive a signal? We need this information. We are being promised SAORVIEW — a free service. Some licence fee payers have no or poor reception. People have bought televisions and equipment to overcome the current broadcasting challenges. They want to know how television channels will be delivered free to them. I am not convinced by what I have heard to date that there is a plan to cover every household that needs a signal.

Given that both digital and analogue television services are supposed to have been operating together since 31 October, this simulcast period must give technical experts, North and South, an idea of the experience of households. Are they making inquiries? Where stands the commit-

[Senator Cecilia Keaveney.]

ment to North-South co-ordination in the digital switchover public information campaign mentioned in October? Has it helped to minimise confusion in Border areas as the analogue switch-off date approaches? Where will the buck stop on the day the analogue service is turned off? This is an international, not just an Irish, event; therefore, it is vital at this time that the matter be taken in hand and people ask probing questions to elicit detailed answers.

Alas, as hard as I try to raise the matter in the House and maintain a focus on it, my few minutes here will yield nothing, unless there is a proper follow up. While I again thank the Minister for attending, I ask him to demand these answers, as there is much uncertainty and it is unfair to allow it to continue. When I raised the issue previously in October, I was suffering from sunburn in Buncrana, while inside their homes people were looking at snowy television screens. We do not know whether the television, an important device in most households, rightly or wrongly, will simply be a box in the corner or a useful viewing platform in 2012. It will be a great loss in many houses. Others might argue it would be their greatest gain. I will leave the issue of the changeover from analogue to digital television in the capable hands of the Minister and ask for his help in the matter.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am glad to be present to reply to this matter. I may not have all the details the Senator seeks, but it is right and proper of her to inquire on behalf of her constituents on the Inishowen Peninsula and raise the wider policy issue, on which she has been a strong leader, particularly in regard to the integration of communications systems, North and South. She has been right to persist in this regard. I regret that I was unable to come to the House sooner to discuss the matter with her.

The Government's stated policy objective is to achieve the closure of the analogue terrestrial television network by the fourth quarter of 2012. This means the smooth transfer from analogue to digital will be achieved by 2012. The closure of analogue television networks is happening on a worldwide basis. The deadline is mid-2015 but Europe has set 2012 as the deadline for the switch-off of analogue systems. We have to and will meet that deadline.

The closure of the analogue television network will free up spectrum to develop new business initiatives. It is anticipated that the lease of this spectrum could be worth in excess of €2 billion to Ireland and in these difficult economic times the Government wishes to ensure Ireland reaps the rewards of this spectrum at the earliest opportunity.

As outlined in reply to an Adjournment debate in the House last October, the analogue network is operated and owned by RTE Networks Limited, a wholly owned subsidiary of RTE. It transmits RTE One, RTE Two, TV3 and TG4 for reception in households via rooftop or set top aerial. The network is nearing obsolescence and is being replaced by a new digital television network. The new RTE digital television service will provide space for the four channels and additional public service channels. In the event of spare capacity, it can be used by RTE on a commercial basis to offer carriage to other commercial television channels.

Last year, I signed legislation requiring RTE to launch its digital television service to approximately 90% of the population by 31 October 2010 and the service was launched on 29 October 2010. RTE has informed me it expects the national digital television network to be in place by the end of 2011. Power restrictions will be in place in some areas, however, until analogue switch-off occurs in both Ireland and Northern Ireland. In this regard, a co-ordinated approach to analogue switch-off between Ireland and Northern Ireland is essential. As outlined to the Senator in my letter of 15 December last, in preparation for the full national launch of Saorview in mid-2011, RTE Networks Limited, RTENL, is preparing the technical infrastructure and

continues to work towards achieving a full digital television network for the population of Ireland.

From the period of 31 October 2010 to the end of 2012, both the digital and analogue TV services will operate together. This simulcast period of approximately two years gives TV households adequate time to upgrade to a digital TV service while ensuring the cost of operating the two services is kept to a minimum. My letter of 15 December also indicated that the analogue TV services in Northern Ireland are also due to be switched off at the end of 2012. In parallel with these developments, therefore, the memorandum of understanding, MOU, I signed earlier last year with the then UK Secretary of State for Culture, Media and Sport, Mr. Ben Bradshaw MP, will facilitate co-ordination around the roll-out of digital terrestrial television, DTT, and analogue switch-off with Northern Ireland.

The Good Friday Agreement and St. Andrews Agreement recognise the importance of the unique cultural and linguistic diversities that exist on the island of Ireland, and this MOU helps to promote and protect those diversities. The memorandum marked the culmination of a very successful period of co-operation on broadcasting issues between the governments of Ireland and the UK and its benefits will be manifold. It provides for co-operation between the Irish and UK governments to ensure, *inter alia*, North-South co-ordination on the digital switch-over public information campaign. This will help minimise confusion in the Border areas as the analogue switch-off date approaches.

The MOU also provides for the carriage of TG4 on Northern Ireland's DTT platform and facilitates the possibility of RTE being transmitted over DTT in the North and for the BBC to be carried in the South. While many viewers in Ireland and Northern Ireland watch the other country's free-to-air TV channels through overspill, perhaps most significantly the MOU allows the possibility of broadcasting RTE on an all-island basis for the first time in the history of the State. While the BBC has not engaged in the process for the delivery of free-to-air BBC services throughout Ireland and has no legislative remit to offer service to the island of Ireland, I am happy to report that both RTE and TG4 are fully engaged in the process we have set out.

Officials from the Department of Communications, Energy and Natural Resources, the communications regulators in both Ireland and the UK, the Broadcasting Authority of Ireland, RTE, RTE Networks Limited, the Department of Foreign Affairs and the Northern Ireland Office have been meeting over recent months to agree arrangements for the carriage of RTE and TG4 in Northern Ireland. These meetings have mainly concentrated on the technical and spectrum planning issues, regulatory matters and the costs of carriage for RTE on the Northern Ireland digital TV network. I am pleased to report that much progress has been made and there is significant buy-in from all relevant stakeholders, including RTE, RTENL, Arqiva, which owns the TV transmitter sites in Northern Ireland, and Ofcom, the UK regulatory body. The two governments are pleased with the amount of progress made since the signing of the MOU in ensuring and expanding the provision of Irish television services, including Irish language services, in Northern Ireland.

Following a broad range of technical work, the two governments agreed at the end of December last that the most effective way to provide for the continuing provision of TG4 is by building a new, low power TV multiplex in Northern Ireland. In addition to carrying TG4, this multiplex, which will be part of the UK DTT system, will also carry RTE 1 and RTE 2. It is hoped this will increase further the coverage of these channels in Northern Ireland, enabling approximately 90% of the population in Northern Ireland to receive their services on a free-to-air basis, either through overspill as before or via the new multiplex. The existing analogue signals will be switched off on a co-ordinated basis in Ireland and Northern Ireland at the end

[Deputy Eamon Ryan.]

of 2012 and much more work needs to be done between then and now to keep the public informed of progress in this regard.

With regard to analogue switch-off in quarter four of 2012, as the Senator can appreciate, the technical and spectrum planning aspects of analogue switch-off require in-depth discussion and technical considerations of transmission both North and South. These discussions are ongoing but all parties are keenly aware of the timelines and are working together to ensure a co-ordinated analogue switch-over process which will provide a clear roadmap to secure a smooth analogue switch-off process for Irish citizens in Border counties.

Senator Cecilia Keaveney: I thank the Minister for his detailed reply. I had much of the information. Perhaps he will tackle the specific issue of whether the digitalisation of the Divis transmitter is all that is necessary to provide a digital overspill into the north west. I believe it might be necessary to upgrade the Limavady transmitter to facilitate that. I urge the Minister to get that information as early as possible to the households we are discussing.

Currently, a television in one part of my house does not have certain channels while in the other part of the house it does. I do not know if that is a temporary matter due to work that is taking place. If something appeared on the television screens to notify people that analogue has been turned off and that this is the shape of things to come, it would be helpful. People know there are two services working together but they do not know what is causing the problems they are experiencing. The lack of information means they are wondering what they should do. While people advise them to seek new solutions in the two year period, they do not know what solution they should seek. I accept it is a technical matter. I am far from being a technological person in terms of explaining the problem but I hope the Minister and his officials will be able to understand what I am trying to explain and will raise it with people who can respond to it effectively.

Deputy Eamon Ryan: I appreciate the Senator's interest in this regard. I will ask my Department's officials to respond on the technical issues regarding transmission from Divis or Limavady. I do not have the technical details with me but I am willing to ask my officials to respond to the Senator on those technical aspects.

The Seanad adjourned at 3.30 p.m. until 2.30 p.m. on Tuesday, 18 January 2011.