



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Dé Máirt, 27 Márta 2012.

[illegible]

SEANAD ÉIREANN

Dé Máirt, 27 Márta 2012.

Tuesday, 27 March 2012.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Machnamh agus Paidir.

Reflection and Prayer.

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Brian Ó Domhnaill that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Agriculture, Food and the Marine to advise on the efforts being made to introduce a new and improved agri-environment options scheme, AEOS, for farmers who completed REPS 3 in 2011 or will do so in 2012.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

Go gcuirfidh an tAire Ealaíon, Cultúir agus Gaeltachta liosta iomlán de na Ionstraim reachtúla atá fós le foilsiú i nGaeilge ar fáil.

I have also received notice from Senator David Norris of the following matter:

The need for the Minister for Health to investigate the effects of selective serotonin reuptake inhibitor, SSRI, drugs and their use in Ireland.

I have also received notice from Senator Thomas Byrne of the following matter:

The need for the Minister for Health to outline the Government's response to the issue of narcolepsy and cataplexy, and if he will engage proactively and constructively with the families affected by these conditions.

I have also received notice from Senator Denis Landy of the following matter:

The need for the Minister for the Environment, Community and Local Government to re-examine the categorisation of unfinished housing estates, particularly Hazel Close and Oak Drive, Carrick-on Suir, County Tipperary.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Social Protection to assure the Association for Higher Education Access and Disability that its Willing Able Mentoring, WAM, programme for graduates with disabilities which was previously funded through FÁS will continue to receive funding.

[An Leas-Chathaoirleach.]

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Brian Ó Domhnaill, Trevor Ó Clochartaigh, David Norris and Thomas Byrne and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Motor Vehicles (Duties and Licences) Bill 2012 — All Stages, to be taken at the conclusion of the Order of Business and conclude not later than 6 p.m., with the contributions of spokespersons on Second Stage not to exceed eight minutes and those of all other Senators not to exceed five minutes, the Minister to be given ten minutes to reply to the debate at the end of Second Stage, and Committee and Remaining Stages to taken immediately afterwards.

Senator Darragh O'Brien: On a point of principle, I oppose taking all Stages of the Motor Vehicles (Duties and Licences) Bill 2012 today. It is significant sleight of hand by the Government, as this is the first increase in motor tax duties since 2008 and undoes the vast majority of the work undertaken to reduce motor tax duties on low-emission cars. The Bill provides for significant tax increases in the case of CO₂-branded vehicles of between 44% and 54%. It also provides for increases in the case of all other motor vehicles, in the process raising approximately €46.5 million. This is a significant departure and will pave the way for the Government to return to motor tax being paid on the basis of engine size as opposed to emissions, as had been mooted. I raised the matter with the Minister for Finance last week. I do not see the necessity for the Bill to be brought through all Stages in one day. I, therefore, ask the Leader to take Second Stage today and allow space between Committee and Remaining Stages in the following two days.

The household charge has been discussed in the Chamber in which it has been raised on the Order of Business on many occasions. What the Minister for Social Protection, Deputy Joan Burton, said on radio yesterday was sensible. It is what we have been calling for. We should make it easier, rather than more difficult, for those who wish to pay this household tax. Nonetheless, there are conflicting messages coming from Ministers. Yesterday, the Minister, Deputy Joan Burton, said arrangements were being made to allow for payment of the charge to be made through the post office network. I raised that matter in the House last week. It is a good idea and should be pursued because there are 1,100 post offices located around the country. The fact that post offices cannot accept the payment and no provision has been made to allow for such payments to be made through them is making the situation much more difficult. Looking at the figures, just under 370,000 people have now paid the charge, which is just over 20% of the total. No one can foresee a situation where anything close to 70% or 80% of households will have paid the charge by the deadline of 31 March which is this Saturday. Therefore, the Government needs to be reasonable and realise that the manner in which it is going about collecting the charge is not working. The deadline should be extended, in addition to allowing easier access for those who wish to pay the household tax.

The Fianna Fáil group welcomes the publication of the Mahon report and fully accepts its findings. We fully support our leader, Deputy Micheál Martin, in the swift and decisive steps he has taken. As we discussed last week, at the appropriate stage, sufficient time should be made available to debate the matter in this House. I suggest a full day be set aside for such a debate, when business permits us to do so. In that way, everyone will be given an opportunity to examine fully what is a very detailed, serious and important report which should be dealt with. The Dáil will debate this matter for three days this week. It is appropriate that we see

the responses given in the Dáil before further discussion takes place in this House. The Leader will receive full support from my own group. When does he propose to allow that debate to take place and can we have a detailed debate with sufficient time given to it?

I ask the Leader to allow more time for the Motor Vehicle (Duties and Licences) Bill 2012, and not to take all Stages today. If all Stages are taken today we will be obliged to oppose the Order of Business.

Senator Ivana Bacik: I agree with Senator O'Brien on the need for a debate on the Mahon tribunal report. All of us would appreciate generous time being spent debating the findings of the tribunal which we are all still absorbing. The report made some substantive findings and some very substantive recommendations which will require legislation if they are to be put into law. We need to debate how we do that, the merits of the recommendations and the comprehensive reform they propose to our planning and political donations law. That would be well worth debating.

The debate would also have to address the widespread web of knowledge that went along with and supported the culture of systemic and endemic corruption the tribunal found to have existed. That is something that requires a broader level of debate because it encompasses more people than those named in the tribunal report. That is something we must also address.

I call for a debate on crime in the context of yesterday's media reports that Mr. Stephen Collins and his very brave family, who had co-operated with police and prosecuting authorities and paid a heavy price for that, have left Ireland following arrangements being made with the Garda and the State. We must feel a collective sense of outrage that this brave and honourable family were forced to leave due to the threats, intimidation and outrageous violence they experienced at the hands of criminal gangs in Limerick over a period of years, the worst point being the death of their son, Roy. They endured a wide level of systemic intimidation over a long period. They were subject to 24 hour Garda surveillance and monitoring because of the threats they were under. It is a matter of shame that they were forced to leave Ireland.

I am glad the Minister, Deputy Shatter, expressed the level of support the State gave them in leaving Limerick and in making arrangements for them to go abroad. However, this underlines the need for substantive measures to be put in place to assist and support victims and witnesses of crime who are prepared to give evidence and support the criminal process to ensure criminals are put behind bars. Without their evidence and co-operation the criminal justice system could not survive. We all owe a debt to the Collins family. I pay a tribute to them and express outrage that they were forced to leave the country.

Senator David Norris: I support my colleagues in seeking a proper debate on the report of the Mahon tribunal. It is significant that the first call came from this side of the House. I hope this matter will be pursued as a matter of principle rather than personality, because it is principles, after all, that are involved. Regrettably, there is scarcely a party that is not tainted by this corruption, which is very surprising. We owe a debt of gratitude to Mr. Michael Smith and Mr. Colm Ó hEochaidh, who initiated this. It was not as a result of investigative reporting but of the initiative of two private citizens that this came about.

Last week I was the first speaker from my group and I raised a situation in the Netherlands in the 1950s when 12 teenage boys were castrated on the instruction of the authorities in a Catholic home and with the collaboration of the state. The first was a 16 year old boy who was castrated because he reported sexual abuse to the police. I very much regret that not one single Senator, with the honourable exception of the Leader of the House, Senator Maurice Cummins, made even a glancing reference to this shocking fact. It was said to me, "Well, it was 50 years ago." Time does not delete the appalling nature of the outrage at Auschwitz not much more

[Senator David Norris.]

than 50 years ago, nor should it detract from the source of the prejudice which is very clear to all of us.

I agree with Senator Darragh O'Brien on the question of motor taxation. It would be a pity and out of character for the Leader to rush all Stages of the Bill through. The whole notion of the Bill is wrong. It is yet another money gathering exercise, just like the household tax which we are told is going to be used to pay for services. In that case one could ask why have bin services been privatised in Dublin. Taxation should not be based on the size of the engine but on the level of usage. Therefore, one should tax petrol. The principle, with which I always try to deal, is that the polluter pays. I have an old car which cost me €6,000, but it costs me €3,000 in tax and insurance payments to keep it on the road. I use it once a week. If the tax goes up, I will offer it at a reasonable price to my colleagues in Seanad Éireann.

Senator Martin Conway: I, too, refer to the bravery of the Collins family in Limerick who put up with incredible intimidation following the murder of their son. It is difficult to think otherwise that in a way they feel politics has let them down because they have had to succumb and seek refuge and a better quality of life abroad.

I agree with what has been said about the Mahon tribunal. Many of us would have suspected about what had happened in the past and, unfortunately, it has been confirmed. As far as the public is concerned, politics is broken and it is up to us to fix it and ensure those who have been named and shamed will pay the price. I will fully support any endeavour on which the Government may decide to deal with those concerned through their pensions and where it hurts, namely, their pockets, because politics has been disgraced by a small few who must pay. I support calls for an in-depth, detailed, comprehensive and principled debate on the findings of the Mahon report because, if this House is to be relevant, as we all want it to be, we must lead by example and lead the charge towards a better political system. We are living in a democracy and the people expect us to do this. They expect politics to work and we must ensure this happens.

On the household charge, while it is everyone's desire that it will be made easy for people to pay bills — that convenience and comfort must be facilitated — motor tax is not paid through the post office, no more than many other important bills. The bottom line is that there is a deficit. We are spending €15 billion to €16 billion more than we are taking in. Unfortunately, a property tax is the norm throughout the world and the citizens of this country will have to pay the household charge and a property tax in the future.

Senator Labhrás Ó Murchú: This House has a very honourable tradition in the matter of promoting human rights. We have monitored and responded to human rights abuses and humanitarian crises throughout the world. I bring to the attention of the House a humanitarian issue nearer to home. The highly respected human rights champion, Monsignor Raymond Murray, has brought to our attention the plight of Ms Marian Price who has been kept in virtual isolation in a Northern prison for the past 12 months. She is very sick and still carries the scars of the terrible trauma she suffered all those years ago when she was a young woman. The Good Friday Agreement and all that has flowed from it have released an extraordinary spirit of generosity and a shared vision for all the people on the island. That spirit of generosity could be extended in this case to Ms Marian Price. No purpose can be served by her continued incarceration. She is a danger to no one at this stage. I would ask the Leader to request the Taoiseach to use his good office to see if something can be done to effect the release of Ms Price. She must get proper medical attention. She needs to be back with her family. I am convinced that if we can get the correct response to what I am raising here, it can only enhance

the positive results which have already come from the Good Friday Agreement and the peace process. I hope the Leader will avail of the opportunity to accede to my request.

Senator Susan O’Keeffe: “Throughout that period, corruption in Irish political life was both endemic and systemic.” If we were to put our finger on one piece from the Mahon report, that is the one line I would pick out from it. Of course, I would hope the Leader can find a way to facilitate a lengthy and thorough debate on the Mahon tribunal. It is difficult to be grateful in any way, shape or form for the Mahon tribunal, but for myself, as an investigative journalist who stood up and stated that business and politics were too close and who suggested time and again that there was corruption and deceit and that persons were telling lies, I am grateful for the Mahon tribunal because I can, at last, say that I was neither delusional nor mad when I said those things. When one says them and one is on one’s own, or there are few saying them, it is difficult to go on believing that one might be right when everyone else around is saying one is wrong. It has taken far too long for this to come to this point and for the Mahon tribunal to have finally reported in this way, but I am grateful for that. I would ask for the debate and I would also further ask that the Leader might write to the Taoiseach to ensure the idea of having this review of the Constitution, either in the constitutional convention or for the Taoiseach to do it, would include finding a way to stop the pensions of those who, for want of a better way of putting it, are found wanting in the Mahon tribunal report and who draw their pensions from the State. If that requires a review or amendment of the Constitution, then that should be done. I ask the Leader to write to the Taoiseach with a view either to including it in the constitutional convention or to reviewing the Constitution and calling a referendum for such a change.

Senator Rónán Mullen: I listened with great interest to what Senator O’Keeffe and others had to say. It is important we would have a debate on the Mahon tribunal report as soon as possible. I disagree with my friend, Senator Darragh O’Brien, if he was suggesting that we should wait until the Dail has had its say. It is true what Deputy Bacik states, that we are absorbing this the whole time, but the essentials of this story are well known to us and it is important that we would have a debate in the Seanad on this as soon as possible.

It was, undoubtedly, a bleak period in Irish life. Recriminations are understandable at a time like this. While people are right to feel let down by and deeply angry at the political class, it is important we remember the great progress that has been made, particularly in legislative reform, over the years in terms of ethics and standards that perhaps have made it much more difficult for anything like this to happen now, yet we must always be vigilant because neither regulations nor legislation can ever really guard against this kind of thing happening unless there is a culture of virtue. We need to promote that culture of virtue in politics and I hope that will be part of our debate as well.

I also hope that if we are looking at measures, for example, punitive measures which might require constitutional change, and such decisions are to be made in the future in the same spirit of points that I have made here previously about politicians’ expenses, it would be important that the matter would be entrusted to a suitable objective person outside of politics who would not be subject to the desire for publicity. Although normally I would certainly say that wrongdoing should be established properly in a court of law before one goes with punitive measures, if it is the will of most politicians that there would be measures of this kind, then it is certainly important that politicians would not be seen to be the ones standing in judgment on others.

I agree very much with what Bishop Richard Clarke of the Church of Ireland had to say this morning when he expressed concerns about Church of Ireland schools, particularly those in rural areas. He made a very interesting point on which we should reflect in the context of many different debates, namely, equality means we treat things that are different differently. That is

[Senator Rónán Mullen.]

very often forgotten in the debate about equality. Certainly, when it comes to Church of Ireland schools, there is a precious distinctiveness that needs to be upheld and protected. The bishop was rightly conscious of not wanting to portray the Church of Ireland schools as being engaged in any kind of special pleading but a special case does need to be made for Church of Ireland schools, particularly in rural areas.

Senator Catherine Noone: I was saddened, although that is not strong enough a word, to hear there is a worrying trend among retailers who are letting workers go without proper provision being made for them. I refer in particular to Game, the computer retailer which has its head offices in the UK but which has a certain number of retail outlets in Ireland, many in this constituency and in Dublin in general. It is rumoured, and is becoming increasingly clear, that PricewaterhouseCoopers has been appointed as administrators. I appeal to it to make sure the workers are properly taken care of. It seems a trend is developing which the Government needs to seriously address as it is ultimately the State and the taxpayer who pick up the tab. I ask the Leader to raise the matter with the appropriate Ministers.

I join with colleagues in welcoming the Mahon report. It is unfortunate it had to cost us so much money but I suppose that is all part of it. The corruption is appalling. I believe a debate is warranted and it should be a constructive one. As Senator Conway said, we need to think of ways forward for the political body and we need to make sure things change in a real way, not in a way that is just a facade. I would welcome such a debate.

Senator David Cullinane: I was minded to move an amendment to the Order of Business that we discuss the Mahon tribunal but I take it from the Government side that there will hopefully be debate either by the end of this week or early next week. I support that and suggest we have it as early as possible.

It is important to say that no political party or politician should try to take the high moral ground on this issue. It is a very serious matter of corruption that went right to the heart of the political establishment. While it is important for us to have discussion and debate, what people are scandalised about at the moment is that many politicians simply do not see what happened as a crime. The kind of corruption we saw was not victimless crime; it led to very bad planning decisions that meant many people are living without proper infrastructure because of bad rezoning, lack of infrastructure and so on. What people want is not more dialogue and debate; they want the recommendations of the report implemented in full.

I would add two quick points——

An Leas-Chathaoirleach: We cannot have the debate today.

Senator David Cullinane: I accept that but will just make two quick points. One of the things we could do — it is interesting it is also supported by the Fianna Fáil Party — is to have a complete ban on corporate donations. Let us once and for all separate any links between politicians and business, which would be a step forward. Second, we need to make sure every single recommendation in the report is implemented in full.

People want a new beginning. They want young politicians who are coming forward to give leadership on this so we do not have the kind of perceptions people have of the political system into the future. The only way that can happen is if we make the right decisions now. There are also issues in regard the sanctions and penalties that will apply to those who have been found guilty of corruption. People want to see action, they want to see such people before the courts and, if found guilty, they want to see them jailed because these crimes were not victimless.

Senator John Kelly: As other Senators noted, we are approaching the 11th hour for payment of the household charge and there is still confusion. I, for one, am now totally confused.

It is bad that some legislators are advocating the people to break the law, but it is worse when officials from the Department of the Environment, Community and Local Government either misinform people about who should pay or else they, too, are misinformed. Last Thursday I had a telephone call from a lady in the west who has a post office attached to her private residence. She asked me to find out how she could get an exemption in order that she would not have to pay, in the knowledge that ratepayers did not pay the charge. When I contacted the Department the official told me that she must pay the household charge as well as rates. He cited section 2(2)(d) of the Local Government (Household Charge) Act 2011 as evidence of the reason those with such businesses should pay the household charge. On Monday, through the post, everybody got a leaflet setting out those liable to pay. It also set out among the exemptions any residential property subject to commercial rates and wholly used as a dwelling. Therefore, they are exempt. I contacted the lady after I received the leaflet and she told me the president of the Irish Postal Workers Union had told people in her situation that they are liable for the charge. Given the confusion, I ask the Leader to clarify the issue with the Minister.

Once the 31 March deadline has expired there should be a grace period of 30 days for those who have received mixed messages because of legislators telling him they should not pay. They should be given time to pay. We must be mindful that there are people who can only pay the €100 charge in the same way as they pay their television licence, by buying a stamp every week and when the money is raised, the debt is paid off. That means of payment should still be considered.

Senator Marc MacSharry: I join others in welcoming the publication of the Mahon report. It is particularly welcome given the 15 years of drip-feeding of information which, despite the wishes of many while the deliberations were ongoing, prevented many actions being taken during that period. I say, as a relatively young Member, that a start can finally be made, following some legislative improvements in recent years dealing with standards in public office, on introducing more of the recommendations in the report to ensure the people can have some level of trust in a political system that has failed them for almost 40 years.

I share the view of other Senators that no one has exclusivity on the abhorrence of the contents of the report or for anybody who abuses the privilege of public office. When the report is debated in the House, we can devise tangible solutions and recommendations for legislative improvements, similar to the many that have been made by Fianna Fáil in government in recent years. I reiterate what our Leader has said, that nobody in Fianna Fáil, nor indeed any other party, should or will hide from the conclusions of this report which, I hope, will mark a new beginning for all those within politics, but particularly the people who deserve much more than what they have received over the past 40 years.

Senator Michael Mullins: I join the Deputy Leader in calling for a debate on criminality and the justice system. No family should have to leave their home or country because of thugs and criminals. We all share the pain of the Collins family who emigrated at the weekend. It is up to politicians to sort out the problem and ensure those people are put behind bars, where they deserve to be. We cannot allow the anarchy that is developing in parts of the country to take hold.

I, too, welcome publication of the Mahon tribunal report. I do not know who the author was of the following statement: "All it takes for evil to flourish is for good men to do nothing."

Senator Paul Coghlan: Burke.

Senator Michael Mullins: What is so depressing about the Mahon tribunal report is that nobody at a high level shouted, “Stop.” Since the 1960s the dogs in the street knew there was corruption in the political system and that there was illegal activity within government, particularly Governments led by the largest party. Several former Ministers and Taoisigh have been disgraced. It is ironic that the person central to the tribunal is in Nigeria, the second most corrupt country in the world, telling people how they should run their business.

I feel sorry for three groups, the first of which is the people who have paid a very heavy price for corruption, manipulation and mismanagement. The second is rank and file members of Fianna Fáil who have been badly let down by their senior politicians. The third is the honest, decent, hard working politicians of all parties who are tainted by association. I hope the Director for Public Prosecutions, the Revenue Commissioners, the CAB and the SIPO will do their job and take on board the findings of the Mahon tribunal.

An Leas-Chathaoirleach: These are points the Senator can make in the debate.

Senator Michael Mullins: Sanctions must be imposed on those who have acted illegally and broken their contract with the people. As previous speakers said, their pensions must be looked at and they should be hit where it hurts most, in their pockets.

Senator Feargal Quinn: Last year 70 million Chinese people travelled abroad and 10,000 of them came to Ireland. The Italians looked at the figures and wondered what they could do. They always issued visas in Beijing and Shanghai, but its Ministry of Foreign Trade established about 30 mobile offices to issue visas around China and the number of Chinese visitors coaxed into visiting Italy increased by 100%. That is exactly the kind of thing an energetic and enterprising Department of Foreign Affairs and Trade could do. I am sure there are students and others who would be willing to man such offices for a number of months to encourage more Chinese tourists to visit Ireland. As Russians now travel abroad in very large numbers, how about having 20 mobile visa offices in Russia? This year very large numbers of Russians, Chinese and others will travel to Britain for the Olympic Games. I know we have done great things to encourage them to come to Ireland, but we could do a lot more. We need somebody in the Department to adopt a business like attitude and say we can do something to avail of this opportunity. Last year 70 million Chinese people travelled abroad. It is estimated that 100 million a year will travel abroad for the next few years and we could coax a large number of them to come here. Following the visit of the Taoiseach, the Minister for Agriculture, Food and the Marine will shortly visit China where we now have a high profile. As this gives us an opportunity to promote tourism, let us not miss it.

Senator John Whelan: I call on the Leader to arrange, at the earliest possible juncture, for the Minister for the Environment, Community and Local Government to attend the House. I know he will be here to deal with other matters, but it would not be fair to ask him to deal with this issue at the same time. A question that is pending before the Cabinet is the establishment of a new water authority. Perhaps we might call it Bord Uisce. It will be one of the more significant, serious and profound decisions the Government will make because it will have serious implications for the entire country and economy for the next 50 or 60 years at least.

It is appropriate in the current warm spell to bear in mind that reservoirs throughout the State are already, in March, running dry, with those serving the Dublin and Leinster regions depleted to worryingly low levels. No new reservoir has been built in this country for 70 years. The Minister for the Environment, Community and Local Government must, at the earliest juncture, inform the House of the Government's plans for the establishment of the proposed new water utility, to be called Irish Water or Bord Uisce. We have enough chiefs and chief

executive officers in this State to form this body from existing agencies. We must draw on the existing corporate knowledge, skills and capacity within the semi-State sector, including Bord na Móna, Bord Gáis and the National Roads Authority, to establish and operate this new water utility.

The vulnerability of water resources is a matter of serious concern for householders, the business sector, the agricultural sector and for foreign direct investment, which relies on a sustainable and secure supply of water into the future. The Minister must inform the House of the Government's thinking and the direction it intends to take on this matter. It will involve the installation of metering and the repair of the piping network throughout the State, which is currently leaking thousands of gallons of water into the ground. If water charges are to be introduced, it is vital that we get it right in establishing a national water utility. There is no room for error in this matter. The consequences for the economy of constituting this utility without the proper structure and capacity would be disastrous.

Senator Terry Leyden: Will the Leader set aside time for a comprehensive discussion of the proposed referendum to ratify the fiscal compact treaty? It is important that this House should have an input into the debate and perhaps offer a platform for contributions from outside interests, including Commissioners, MEPs and so on. I understand the date for the referendum has been agreed by the Cabinet and will be announced today in the Upper House. I presume it will 7 or 8 June, in the week following the June bank holiday. We in the Fianna Fáil Party, under our leader, Deputy Micheál Martin, fully endorse the treaty and urge our supporters throughout the country to vote "Yes". We do not intend to make the referendum, which is an issue above and beyond politics, a political football. It is in the national interest that we ratify the treaty and be one of the first 12 countries so to do. There will be no joy for the country if the referendum proposal is rejected.

An Leas-Chathaoirleach: We cannot have a debate on this issue on the Order of Business.

Senator Terry Leyden: Our party leader has been clear from day 1 in this regard. There is unanimous backing for the proposal within the Fianna Fáil parliamentary party and we expect our supporters throughout the country will endorse the treaty. Its success is absolutely vital. It is regrettable that the same group of individuals who are opposed to everything are set on leading people down a cul-de-sac for the benefit of their own narrow political base. They are ranting about issues in the knowledge that it is in the best interest of this country and of Europe that the treaty be ratified.

Senator Paul Bradford: I look forward to a discussion in the near future on the report of the Mahon tribunal. Such a debate is appropriate. It is equally appropriate and correct that the Government has referred the report to the various agencies of the State in the expectation that action will be taken where those agencies see fit. We are all disappointed at the pronouncements made in the report and the damage they inflict on politics. There has been a great deal of talk about standards in political life. It is an issue that is worthy of debate. I propose that we take time to discuss a variation on that theme, namely, the standard of politics. I submit, as I have often done, that our political system — which encompasses our electoral system, system of central government, and system of local government, or lack thereof — leads to a vacuum whereby poor political practice sometimes comes into play. While I appreciate that a constitutional convention will consider matters such as the electoral system, we in the modern Republic must reflect on the manner in which politics and political business are conducted. I refer to the relationship between the Government and Parliament, the absolute weakness of local government and the desire of one small group of politicians to hold onto all powers, irrespective of which party or parties may be in power at the time. While the question of

[Senator Paul Bradford.]

standards in politics is worthy of debate, the standard of politics and the political system in this State has led to many of our problems. Moreover, subjects such as internal infighting among parties, with politicians chasing after one another at constituency level rather than attempting to run the country as they should be doing, also must be addressed in the cool light of day because they all are part of the same problem and, if addressed, will be part of the solution.

Senator Kathryn Reilly: Members have been discussing the household charge a lot in this Chamber. During the debate on the legislation underpinning the household charge, Senator Ó Clochartaigh tabled an amendment pertaining to poverty analysis of legislation, which proposed including such analysis in respect of that particular legislation. The Central Statistics Office has revealed today that the number of households at risk of poverty has risen to almost 16%. Moreover, the income gap between rich and poor grew from 4.3 times to 5.5 times. The Leader should arrange for the Minister for Social Protection, as well as the relevant officials from the social inclusion division of her Department, to come into this House to discuss how poverty-proofing legislation is approached. There should be a debate on having potential poverty impact analyses of legislation, on how one considers the legislative process and on how the decisions taken by the Oireachtas materially affect those who already are struggling. The aforementioned figures published today demonstrate that people are beginning to struggle and are being hit both materially and socially. This is an issue Members must begin to examine with real effect and this is the reason I call on the Leader to bring in the Minister for Social Protection, as in future, Members should begin to include amendments of the type previously tabled by Senator Ó Clochartaigh.

Senator Jimmy Harte: Probably in common with other Members, the findings of the Mahon tribunal came as confirmation of something that had been going on for years in Ireland. However, anyone who has read Roman history will know that political corruption also existed in ancient Rome and ultimately brought down the Roman empire. What I have read constitutes a systematic violation of rules of an organisation by some of its members. In the context of the Fianna Fáil Party, I note this involved some members and that it is very easy to tarnish Fianna Fáil with one name. There are many fine politicians within the Fianna Fáil Party in this Chamber but some of its members disregarded both the other members and the country and ended up corrupting the entire country. What happened in ancient Rome is that paramilitary groups started up, dictatorships were established and this finally destroyed the Roman empire. One should be conscious of the damage corruption can do to one's country. Perhaps we are lucky that Mr. Colm Mac Eochaidh and another gentleman brought this issue to the fore and provided the country with an opportunity to discuss the corruption that took place. Hopefully, Fianna Fáil Party members will recognise what happened and will not merely state they intend to move on from this. When Members come to debate the tribunal's findings, I hope the debate will be reasoned but that they will put down a marker for the country. They should remember that while this is not the first incidence of corruption to happen in the world and certainly will not be the last, it should be the last for this country.

Senator Paul Coghlan: It is natural that Senator Darragh O'Brien and so many other colleagues should be concerned about the Mahon tribunal report and should seek a debate in early course. I have no doubt but that the Leader will provide such a debate for the House, once the relevant Minister is available. The significant cost of the tribunal to the taxpayer has been mentioned. In a sense, both Houses of the Oireachtas in providing for the sanctioned terms of reference could have drawn things tighter. It is easy to say that now. We should remind ourselves of the many challenges by citizens who were well able to afford them and a number of which went all the way to the Supreme Court. I will not say these people had more money

than sense. One of them, the Murphy Jr. case, has serious implications for the taxpayer in terms of fees and costs.

I have no doubt the Government is giving this serious report and its recommendations thoughtful consideration. Equally, there is no doubt the Government agrees with them and will adopt them and further them legislatively, as is required. The House will have to deal with that in due course. I would welcome a debate.

Senator Denis Landy: I mention the complications arising from the household charge and the need for a proper explanation to the people of the consequences of not paying the charge. That should be done in a very calm fashion and I ask the Leader to request the Minister for the Environment, Community and Local Government, Deputy Hogan, to come to the House for a further discussion of the matter. People do not realise this charge will be on their houses if they do not pay and it will carry forward to the sale of a house. It could end up as a charge on a will and there would be a difficulty if people want to move house.

I strongly condemn the kite flying that went on at the weekend by persons unknown regarding council staff being sent out to call to doors to collect the household charge from people. Are these the same people who advised the Minister when he refused to expand collection to all local authority offices and he refused to collect cash at local authority offices? Are these the same people who advised the Minister that people should not be able to pay the charge in a neighbouring county? Are these the same people who stuck their heads in the sand when we ran into this difficulty and failed to advertise except in the last ten days?

An Leas-Chathaoirleach: We cannot have a debate now.

Senator Denis Landy: I know that and will finish with this. The memory of the sheriff and battering ram is still in the memories of the people. While I am a Member of this House I will not stand for such a threatening fashion of collecting money. I condemn it outright and would like the Minister to answer the issues.

Senator Jim D'Arcy: I ask the Leader to arrange a debate on the Mahon report as soon as possible. I agree with my colleague, Senator Cullinane, that nobody can afford to take the high moral ground. In the words of Thomas Kinsella: "I fold my towel with what grace I can", "for they are not made whole/That reach the age of Christ". Nevertheless, there is something surreal about a compromised former Taoiseach lecturing to people in Nigeria. There is something equally sickening about another compromised individual grinning like a hyena or an ass eating thistles and embarrassing our Taoiseach and our country when the Taoiseach rang the opening bell for the New York Stock Exchange. These people should slip quietly away and let us get on with the task of restoring confidence in our politics.

Senator Coghlan and others have mentioned that the tribunal could cost a lot of money. I will perhaps have some proposals that we could look at on how costs are awarded by tribunals and in all State business because costs are very high. However, that is not to take from the good work of the tribunal but it is something we will have to address.

Senator James Heffernan: I add my voice to the calls for a debate on the Mahon tribunal. There has been much talk about it today and many Members from both sides of the House have expressed abhorrence at what the tribunal reported and found. Every day when one walks through the corridors of power, one becomes very aware of the ghosts of those who have gone before one and of those voices which are still around. Every day I walk past a gallery of portraits of our past Taoisigh. The position of Taoiseach is a very privileged one to occupy. I

[Senator James Heffernan.]

see school tours, elderly people, young children and others walking past these portraits and being told about these great men.

Is it still appropriate that the portraits of people who have been found culpable of corruption, abuse of power and of privilege and perjury hang in Leinster House? Perhaps the time has come for a clean out of those portraits and that we start a new brand of politics and show our young people and young people who become involved in politics proper role models. I became involved in politics because I admired different politicians who had gone before me but now these people have stained political life in Ireland and it is time they were wiped from our memory.

Senator Mary M. White: That is ridiculous.

Senator Colm Burke: I would like to talk on a positive note because there is much negativity today. Some young people were invited to India by the Irish ambassador to India for St. Patrick's week. Four young students, who are in a traditional Irish music band, were asked to play at a number of events in India. They were told Irish traditional music is growing in India which has a population of 1.2 billion. They played at more than ten events and more than 1,000 people attended one of the events. It was a celebration of Irish culture in India. That was a positive thing which took place to celebrate St. Patrick's Day and those festivities. It goes to show that it is not only the Taoiseach who is giving a positive image of this country. Young people are also prepared to do so. The Irish ambassador to India should be congratulated on taking that initiative.

Senator Quinn referred earlier to marketing Ireland abroad. Brazil, Russia, India and China are the four main countries where there is huge growth and we need to use all our resources to gain our market share in those countries. What the Taoiseach, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, Enterprise Ireland and the diplomatic service are doing must be recognised and given every support. Will the Leader arrange a debate on how we are trying to expand the markets in those four countries? It is not only about trade in goods but it is also about music and culture. Riverdance, for instance, was extremely successful in China. It is a joint approach. On a day when there is much negativity, we need to talk about the positives and the good things being done around the world of behalf of people in this country.

Senator Mary Moran: I echo Senator James Heffernan's sentiments. The thought ran through my mind last weekend. I agree the walls of this great building should only be adorned with portraits of people who have shown excellent example and been great role models for the country.

I welcome the High Court decision and settlement in the case of Ms Olivia Kearney, the lady from County Louth who was subjected to an unnecessary symphysiotomy at the age of 18 years. I commend her and all the other victims of symphysiotomy for their bravery in speaking out and raising awareness of this barbaric procedure which was performed on 1,500 women in the latter part of the 20th century. I again call on the Leader to schedule a debate on the issue following the excellent debate in the Dáil a few weeks ago. We should continue that good work by having a debate in this House.

I refer to the shock announcement last Thursday of the closure of the Vodafone call centre in Dundalk and the transfer of jobs to Newry. A few weeks ago we heard the wonderful news that 1,000 jobs new jobs were to be created by PayPal in Dundalk, but in one fell swoop last week 350 jobs were lost in Vodafone's call centres in Dublin and Dundalk. Will the Leader ask the Minister for Communications, Energy and Natural Resources to come to the House to

debate the commitment of international companies such as this to the economy? It is important to have a debate on the issue.

Senator Terry Brennan: I support the calls for a debate on the Mahon tribunal report chomh tapaidh agus is féidir linn.

I welcome the major increase in the number of tourists to Ireland between December 2011 and February 2012 in comparison to the number in the same period last year. This shows the Government's initiative to make Ireland a more desirable and affordable place to visit is paying off.

I support the call made by Senator Feargal Quinn regarding opportunities in the Far East. We should do all we can to encourage Chinese tourists to visit this country in the next year or so.

Senator Cáit Keane: I am probably the only Member who was a member of Dublin City Council during the time covered by the Mahon tribunal. I was first elected to the council as a member of the Progressive Democrats in 1991. I am proud to have been a member of that party, as one or two Members opposite always remind me.

Senator Terry Leyden: As the Senator should be.

An Leas-Chathaoirleach: Senator Cáit Keane to continue, without interruption.

Senator Cáit Keane: As mentioned, every party has good and bad people. It is like a barrel of apples. When there is a rotten and corrupt apple, it sours many beside it. People have to be careful and take personal responsibility for decisions made, while party leaders must take major responsibility for them. However, they cannot take all the responsibility because they were not holding councillors' hands when they were voting "Yes" or "No". Politicians should research what they are doing. I support the calls for a debate. However, the report is new. How many have digested and researched its contents? When the Director for Public Prosecutions has made his recommendations on it, I would like the House to discuss it again to see what we can do to ensure sanctions and penalties are imposed and issues such as pension payments are evaluated and re-examined. I ask for a prompt debate and an analysis on how new politicians can educate themselves on the steps they need to take before making any decisions about politics for the good of society as a whole.

Senator Maurice Cummins: We have had 18 Members speak on the Mahon report and call for a debate on it. The Fianna Fáil leader in the House asked when we would have a debate, and I indicated we would have one soon as we return after the recess. We should have a very considered and informed debate. I will give as much time as is necessary to discuss it. If one day is not sufficient, we will allow for further time. I can assure the House that nobody will be prevented from speaking.

On the Motor Vehicles (Duties and Licences) Bill, unfortunately all Stages have to be taken today because the Bill has to be signed by the President tomorrow. All Stages are being taken because, I understand, no amendments have been tabled.

On the household charge, I understand people have already taken a lot of pain. We all recognise that and that it feels like a bridge too far for many people, but the reality is that we are in the middle of an adjustment we have to make. Despite the pain that is already being felt, we still have some way to go. We are obliged to introduce some form of property charge by the agreement we had to sign up to with our external lenders when we could no longer borrow from anywhere else.

[Senator Maurice Cummins.]

Even if we did not have our current banking problems, as I said last week, we would still have a big gap between our income and expenditure which has to be balanced. It is not truthful to say the household charge will go to bondholders and banks. Our overall spending has to be reduced. We have to fund local services in new ways. The money raised from the household charge will be ring-fenced for that purpose.

I am not claiming that paying the household charge will mean increased services, but failing to collect the charge will mean reduced services. I realise there have been difficulties with collection. No money should have been refused from any quarter, whether by local authorities, An Post or whoever. People still have time to pay the household charge and I believe the majority will do so.

Senators Bacik, Conway and others referred to crime and the case of Mr. Stephen Collins. We all agree he and his family stood by the institutions of the State and paid a dreadful price for the courage they showed. It is vital the State stands behind them. Despite the great progress made by the Garda in tackling gangs in Limerick, to which we should all pay tribute, it remained necessary for Mr. Collins and members of his family to have intensive Garda protection. We should regret that he had to take the decision to leave, but we all fully understand why he did so. All right-thinking people would wish him and his family well in their move. The greatest tribute that can be paid to them is for the Garda to continue to bring to justice those involved in gangland activities in Limerick and elsewhere. The Garda is determined to do that and we should all assist it in every way possible in that regard.

Senator Ó Murchú raised an issue concerning the human rights of Marian Price. If he provides details, I will convey them to the Tánaiste.

On the Mahon report, Senator O’Keeffe referred to business and politics being too close and she would certainly know that. As she stated, she was alone when she made the remarks to which she referred. I hope that when the constitutional review comes into play, a mechanism will be found to allow the payment of pensions to corrupt politicians to be stopped. That is an outcome people want. While the issue of portraits being displayed in the House is a matter for the Oireachtas Commission, I understand where Senators are coming from in that regard.

Senator Noone referred to Game, a computer retail company. Senators will all express a wish that workers in the company receive their full entitlements and likewise the staff of other firms which have closed in recent months.

Senators Feargal Quinn and Colm Burke referred to visas. Some 70 million Chinese tourists travel worldwide every year and the Government has taken steps to improve the position, as Senator Quinn noted. I agree, however, that much more needs to be done. I also take on board Senator Burke’s comment on the importance of extending our markets and tourism products to countries such as Brazil, Russia, India and China. I also note the points he made on Irish culture and music.

Senator Whelan referred to Irish Water. While the House debated the issue previously, we can have a further debate. Our reservoirs are at unseasonably low levels and I note the Senator’s point on the need for water conservation.

To respond to Senator Leyden’s contribution on the fiscal compact, I understand the Tánaiste has announced in the other House that the referendum on the treaty will take place on 31 May. A presentation on the treaty was made in the audiovisual room and the Seanad also had a four hour debate on it. I hope to meet the leaders of the parties and groups to ensure Senators have sufficient time to debate the treaty once the wording of the referendum and relevant legislation become available.

Senator Moran raised the barbaric practice of symphysiotomy, on which we will try to have a debate. I believe I have covered most of the issues raised on the Order of Business, which was dominated by the Mahon report and household charges, but if I have omitted anything, I apologise.

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

The Seanad divided: Tá, 28; Níl, 22.

Tá

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D’Arcy, Jim.
D’Arcy, Michael.
Harte, Jimmy.
Hayden, Aideen.

Heffernan, James.
Henry, Imelda.
Higgins, Lorraine.
Keane, Cáit.
Kelly, John.
Landy, Denis.
Moran, Mary.
Mulcahy, Tony.
Mullins, Michael.
Noone, Catherine.
O’Donnell, Marie-Louise.
O’Keeffe, Susan.
O’Neill, Pat.
Whelan, John.

Níl

Barrett, Sean D.
Crown, John.
Cullinane, David.
Daly, Mark.
Leyden, Terry.
Mac Conghail, Fiach.
MacSharry, Marc.
Mooney, Paschal.
Mullen, Rónán.
Norris, David.
O’Brien, Darragh.

O’Sullivan, Ned.
Ó Clochartaigh, Trevor.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
Power, Averil.
Quinn, Feargal.
Reilly, Kathryn.
van Turnhout, Jillian.
Walsh, Jim.
White, Mary M.
Zappone, Katherine.

Tellers: Tá, Senators Paul Coghlan and Susan O’Keeffe; Níl, Senators Ned O’Sullivan and Mary M. White.

Question declared carried.

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

The Seanad divided: Tá, 28; Níl, 22.

Tá

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Heffernan, James.
Henry, Imelda.
Higgins, Lorraine.
Keane, Cáit.
Kelly, John.
Landy, Denis.

Tá—continued

Moran, Mary.	O'Donnell, Marie-Louise.
Mulcahy, Tony.	O'Keeffe, Susan.
Mullins, Michael.	O'Neill, Pat.
Noone, Catherine.	Whelan, John.

Níl

Barrett, Sean D.	O'Sullivan, Ned.
Crown, John.	Ó Clochartaigh, Trevor.
Cullinane, David.	Ó Domhnaill, Brian.
Daly, Mark.	Ó Murchú, Labhrás.
Leyden, Terry.	Power, Averil.
Mac Conghail, Fiach.	Quinn, Feargal.
MacSharry, Marc.	Reilly, Kathryn.
Mooney, Paschal.	van Turnhout, Jillian.
Mullen, Rónán.	Walsh, Jim.
Norris, David.	White, Mary M.
O'Brien, Darragh.	Zappone, Katherine.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators Ned O'Sullivan and Mary M. White.

Question declared carried.

Motor Vehicle (Duties and Licences) Bill 2012: Second Stage

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

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The primary purpose of this Bill is to give legislative effect to the increases in motor tax rates and trade plate licences contained in the financial resolution on motor tax passed by the Dáil on budget day, 6 December 2011. The new rates apply to motor tax discs and trade licences taken out for periods beginning on or after 1 January 2012.

The Bill provides for the same increases in motor tax as contained in the financial resolution, namely, an increase of 7.5% applied across most categories of vehicle and to trade licences. As set out in the financial resolution, there was an exception for private vehicles in the lower CO₂ bands A — C with the higher flat rate increases as follows: band A rises from €104 to €160; band B rises from €156 to €225; and band C rises from €302 to €330.

While the levels of increase announced for the lower CO₂ bands are higher in percentage terms than the rest of the fleet, they must be viewed against a structure that left the bottom rates very low. It is also important to note that the underlying structure of the banding system has not been changed, and there remains a positive incentive to purchase low CO₂ cars.

There has been a significant loss of motor tax income in recent years, as the number of vehicles taxed on the basis of CO₂ emissions has increased by about 5% year on year. While this is very welcome from an environmental perspective, it has represented an increasing loss to the local government fund. Receipts have been reduced from €1,060 million in 2008 to €1,010 million last year. Once older cars are replaced by cars taxed on the basis of CO₂ over the next 15 years or so, it is estimated that total motor tax from cars will fall by more than 40%. In the current economic circumstances, and given the need to maintain a diversified and stable taxation system, this loss of income represents an opportunity cost that must be rectified.

4 o'clock

The Bill contains eight sections and a Schedule. Sections 1 and 8 are procedural. Section 2 sets out that the rates apply to licences taken out for periods commencing on or after 1 January 2012. Section 3 provides for the Schedule to the Bill, with the new rates, to replace the existing Schedule in motor tax legislation. Section 4 provides for the increase to apply to vintage or veteran vehicles. It also contains a minor amendment to the definition of “CO₂ emissions”. Section 5 provides for the increases that apply to trade plates and replacement trade plates. Section 6 provides for the income from the increases in respect of 2012 to be transferred from the local government fund to the Exchequer. This is a once-off necessary measure towards the reduction of the national debt. It is estimated that the income from the increases will be €46.5 million over the course of the year. Section 7 is intended to correct an inequity in the system whereby a specific and very small number of vehicles which were registered outside the State between January and June 2008 and subsequently imported can currently switch back and forth between the two systems of charging — CO₂ or engine capacity — depending on whichever of the prevailing rates pertaining to the vehicle is lower. From 1 May 2012, these vehicles will be fixed on the system of charging that carried the lower rates prior to the budgetary increases. The Schedule sets out the new annual motor tax rates for all other vehicles.

Three minor technical amendments are also contained in the Bill. All three relate to changes in definition to ensure uniformity with definitions used for VRT purposes. Section 4 of the Bill contains a minor technical change to the definition of “CO₂ emissions”. Part 4 of the Schedule provides for an amended definition of “motor caravan”. The final amendment relates to the change in classification of passenger vehicles from category A to the EU defined category M1.

To summarise and conclude, this is a short Bill with the purpose of giving permanent legal standing to the increases in motor tax introduced by the Financial Resolution passed by Dáil Éireann on 6 December 2011. I commend the Bill to the House.

Senator Paschal Mooney: I welcome the Minister to the House. This seems to be a catch-all Bill. It will apply to vintage cars and includes an amended definition of motor caravans. It seems to be yet another example of the Government scrounging around and trying to find extra money wherever it can. There is, in this instance, a breach of trust, not only with the motor industry but, more importantly, with motorists who purchased environmentally friendly cars since 2008. The financial incentives put in place at that time were, I am the first to admit, part of Green Party policy in the programme for Government. They were an attempt to reduce CO₂ emissions as part of Ireland’s policy, which I am sure is continued by the current Government, of reducing carbon emissions and the threat to our environment, particularly coming from fossil fuel consumption.

It was in that context that these measures were introduced. The measures were controversial at the time and the motor industry did not, exactly, embrace them because they saw that trade-in values would go down and that sales patterns would be disrupted. It is interesting that, four years later, we are yet again making changes while the Society of the Irish Motor Industry, SIMI, is screaming blue murder about them.

In a pre-budget submission, SIMI made references to the Government proposals which were being leaked widely at the time. It made it clear that it did not want to see any major change to the road tax band structure that would destabilise the market. It seems that unlike a lot of other industries or those in the services sector, that the Irish motor industry requires a lead-in time in order to prepare for a sales period which is very short in duration — it lasts from January to April, which again somewhat surprises me — but I suppose it is because it involves new registration numbers. The sums involved are enormous. They make the point that it is

[Senator Paschal Mooney.]

becomingly increasingly risky for the industry, as vehicle manufacturers must pre-order €500 million worth of new cars for a very short selling period that is virtually over by April and that seasonality is a high risk also for the Exchequer as a bad start to the year means that lost revenue will be irrecoverable until a year later.

The Minister has outlined the changes in that there will be further increases on an already hard put-upon sector, namely, the Irish motorist. Fuel prices have increased significantly. I appreciate that is not within the remit of the Government. It can do nothing about it. In fact, the one hope is that if the dollar were not to prove strong or the euro were to recover to some degree perhaps fuel prices would reduce, but there does not seem any likelihood of that in the short to medium term. It appears that prices are only pointing upwards. Perhaps if there were a little more stability in the Middle East it might help to reduce fears about the supply.

While this is the first increase in motor tax since 2008, it is one that is questionable and controversial. The State expects it to yield an additional €46.5 million but the choice of buying clean and green vehicles has been hit with fees of €56 and €69. While I appreciate that the Government must find money wherever it can, we believe it is a regressive move that cannot be defended on purely revenue-based grounds because it is targeting environmentally-friendly cars. The decision to incentivise low CO₂ emission vehicles has been having a real impact on this country's efforts to contribute to tackling climate change. A total of 88% of new vehicles in 2008 were purchased in the A to C bands as motorists responded to the incentives, switching from high emission cars to low CO₂ emission vehicles. The switch occurred as a result of the financial incentives provided and the Government is now jeopardising that progress. It would be interesting to know once the tax increase is introduced that the Government will monitor whether what was said about the tax inside and outside the House will come to pass. The connection between the rate of tax one pays and the CO₂ emissions from one's car was at the heart of the introduction of the CO₂-based bands in 2002. It ensured that a link existed in the motorist's mind and, most importantly, his or her wallet, between driving an environmentally-friendly car and paying a low motor tax rate. The Bill erodes that connection. It downgrades the importance of environmentally sound practices at the heart of broader public policy.

The Minister who is primarily responsible for policy in this area might reassure people that in going for this tax grab, it is on the one hand going to, questionably, increase the public purse by a certain amount, which is also questionable in light of the struggles currently experienced by the motor industry, but he must also balance that against another part of the Government's policy, namely, to be more environmentally aware and to achieve the international targets to which we have signed up. The continuing use of fossil fuels is not in the best interests of everybody. I appreciate that people say this country's contribution, or lack of it, to improving world climate change is somewhat insignificant but if every other small country were to adopt the position we are now adopting then the cumulative effect would have an adverse impact on improving the reduction in CO₂ rates.

Senator Cáit Keane: I welcome the Minister. This is old news given that it was announced last December in the Financial Resolutions passed by the Dáil on budget day. What we are doing today is giving legislative effect to what was announced on budget day. In 2007 it was announced in the Budget Statement that to support the environmentally-friendly policy of reducing carbon emissions, the system of vehicle registration tax was to be changed to encourage the purchase of lower emission vehicles. I give credit where it is due. The then Minister, Mr. John Gormley, had the best of intentions in seeking to be environmentally friendly, but these measures were described at the time as being broadly revenue neutral. They are not

achieving the second aim. The economic climate has changed drastically owing to the recession and the predicament in which we find ourselves and as a result the Government has to find money somewhere. It could have been found elsewhere had different decisions been made. The purchase of vehicles with lower carbon emissions that do less damage to the environment is to be commended and encouraged and there is still ample opportunity to avail of the lower rates for such vehicles provided for in the Bill. Those who buy vehicles that fall into the lowest band categories in terms of CO₂ emissions will pay the lowest tax rate, rightly so.

The Bill increases motor tax rates. As the Minister has given them, I will not rehash what he said. There will be an increase in the tax payable by the owners of cars with lower emissions and neither the Government nor I contest this fact. However, it also cannot be contested that the owners of cars with lower CO₂ emissions are paying considerably lower amounts in motor tax than the owners of vehicles with higher rates of carbon emissions. The incentive to buy more eco-friendly cars is not being removed in the introduction of this legislation. Those car owners whose vehicles pollute the most will pay most and that will still be the case under the Bill. The rates have changed, as we must recognise, but we must also be realistic when tabling legislation to ensure it will not have a knock-on effect. There is a massive gap between the rates payable on eco-friendly and the more polluting vehicles. The principle that the polluter pays more remains static. Moreover, this is the first increase in motor tax since 2008. It is not, therefore, the case that vehicle owners have been subject to consecutive yearly tax hikes and I do not presume they will be.

Undoubtedly, there is opposition to the tax increases, some of which we have heard. However, all of the facts must be considered. One must either raise taxes on cars or the lower paid. If one wishes to raise taxes on wages and work, that is another argument. We cannot have our cake and eat it, as we must find the money somewhere. Therefore, difficult decisions have to be made and this is a one that must be made at this time, as the reality is that tax revenue is plummeting, which is a worrying development. As we are all aware, our economic position is unstable and we simply cannot afford to see this decline in tax revenue continue.

While the CO₂ bands were designed to promote a switch to lower emission vehicles, as I stated, the changes were also based on a second principle, that of being revenue neutral. This aspect must also be considered. The motor taxation system must be reviewed to ensure it meets the twin objectives outlined during the years. As the second is not being met, the Bill is being introduced to try to reach it.

In the initial part of the Bill the definition of CO₂ emissions is as contained in section 130 of the Finance Act 1992. I ask the Minister that in another section we look at the definition of CO₂ polluting cars. A number of months ago I watched the programme “Top Gear” on which it was reported that battery cars charged at the low rate were more polluting if one calculated the figure from the early stages of manufacture, taking account of the pollution caused in the making and recycling of the battery, the weight of the battery and the level of consumption of petrol used in driving. This shows that cars deemed to be CO₂ friendly are not so. Therefore, the definition of CO₂ emissions, particularly as it applies in the case of motor vehicles, must be evaluated on a scientific basis. I ask the Minister, perhaps in another Bill, to look at this issue because we must ensure we are doing what is right for all drivers here. The Minister said he was reviewing the structure of vehicle motor tax as a whole, so he might provide some information in that regard. Section 6 gives permission on a once-off basis to transfer the revenue raised from the local government fund into the Department of Finance. Given the State coffers are in a dire position, and while I agree with this measure, I ask the Minister to confirm this is

[Senator Cáit Keane.]

a once-off measure, which is how I read the Bill. Moreover, I hope taxes raised locally for local government will stay in the local area.

Senator Feargal Quinn: It is fair to say that while we do not particularly welcome the Bill, it is better to get it in and out and behind us. I have a real difficulty with the legislation and the tax system in regard to cars. I am delighted the Minister intends to look at this area as it needs examination. I cannot believe gardaí, who decided on a vocation to protect the nation, have to spend so much time standing at the roadside, stopping cars to look at the windscreen to see if there is a tax disc. We have so many CCTV systems, toll roads and other systems that there must be a better system available.

The immediate question to ask is why do we not tax petrol and diesel more instead of taxing the car itself. As I told Senator Mooney the other day, my father had a ballroom at Red Island holiday camp way back in the 1950s when there was a tax on dancing of 25% so, if there was a 6 shilling ticket, 1s 6d went to the taxman. The ballroom owners did not particularly like this so they held a big meeting in Dublin and suggested that, instead, there should be a tax on the square footage of the ballroom, given owners would squeeze far more dancers into the ballroom than they should. They were overwhelmingly in favour of this until my father told them that back in the 1920s there had been a tax on cars and the motor industry called for a tax on petrol instead. The Government of the day said “What a good idea” and promptly taxed petrol as well as cars. Needless to say, the whole effort fell apart. Therefore, I am loath to ask the Minister to tax petrol rather than cars because somebody in the Department might suggest something else.

On the issue of taxation, the Revenue Commissioners collect income tax, the universal social charge, capital gains tax and corporation tax. Local authorities meanwhile collect commercial rates, business improvement tax, district tax levies and the non-principal private residence tax. An Post collects television licence fees and dog licence fees. Imagine that: we still have dog licence fees. The Private Residential Tenancies Board collects the residential landlord tax, and all of this is without mentioning new taxes such as water charges and the septic tank charge.

The various tax collection systems seem to be highly inefficient. In France, for example, rates are collected with electricity bills. In addition, people who do not have television sets must opt out of the licensing system rather than opting in, although I accept the system here is changing. One of the most blatant examples of inefficiency is the motor taxation system. While I am not going to oppose the Bill because it is certainly coming through in a manner we have to accept, it does not seem to make sense. I would like the Minister for the Environment, Community and Local Government and the Minister for Finance to get to work on finding whether we can have a better, more efficient and more sensible way of collecting taxes.

Senator Denis Landy: I welcome the Minister. Without repeating what other Members have said, I would like to make several points on the Bill. I have met people from both sides of the car ownership divide — those who have CO₂ efficient cars and those who cannot afford to have them — and both sides have their own particular viewpoint on this issue. I recently met a lady who purchased a car last year specifically because of the low emissions and the low tax, and she had an issue because the tax had been increased in the budget. The flip side of that coin is that I have met numerous people who said they would love to have the money to buy a CO₂ friendly car, which generally means a new car as there are very few of them in the second-hand market.

They feel they have been badly done by the fact that they are not availing of the low tax. One is damned if one does and one is damned if one does not. In this instance, the increase is 7.5% which equates to less than 2% per annum for the four years since the introduction of the new tax code and, in that context, it is not a large increase.

The tax revenue from motor taxation is shrinking quickly given that there are fewer new cars on the roads and fewer people motoring. In many households where there were two cars now there is one. I listened to a gentlemen yesterday on “Mooney Goes Wild” who appeared on “Dragons Den” the previous night, which I did not watch, who apparently had a great initiative in respect of watches. He was bemoaning the fact that his wife had to sell the car to provide money to pay for the patent in Kilkenny where the Patents Office is located, apparently.

We have had much discussion on the household charge. I am amazed at those at a high level in the media who do not know the purpose of the local government fund or how it is disbursed. The money from taxation goes into the local government fund and is part of the equalisation fund which is distributed to local authorities to provide the services. We have said consistently that areas of high population cannot have all the services while areas of low population are denuded of services. The fund helps ensure that funding is provided to areas along the western seaboard, the south and south east. While none of us supports taxation increases to any great extent, the Minister has been faced with the challenge of finding ways of increasing the income of his Department and making provision to deal with the large bill left to the country, and he has done a good job on this occasion. I hope the diversion of this tax from the local government fund to the Central Fund will be a once off measure. I ask the Minister to comment on that issue because there are practitioners in local government who are concerned this might become a trend rather than a once-off measure.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire. Ba mhaith liom a rá i dtús báire go bhfuilimid i gcoinne an Bhille seo ina iomláine. Is é sin an fáth nár chuireamar síos leasú ar Chéim an Choiste. Is dóigh linn go gcuirfidh sé isteach ar na daoine is boichte inár sochaí, go háirithe iad siúd sna ceantracha tuaithe.

In retrospect, the Government will go down as the most anti-rural Government ever in the history of the State, and this tax increase is another example of that. Apart from the fact that it is unfair, as outlined by previous Senators, those who bought into the green policy of going eco-friendly by buying relatively expensive cars on the understanding that they would have them for a number of years have seen the goalposts shifted with the result that they will have to pay extra car tax, which is very unfair on them. We must take cognisance of the measure in the broader state of affairs. Given Senator Cáit Keane’s expertise and knowledge in the car area, we will have to rename her “The Stig” Keane.

Senator Cáit Keane: I have been named worse.

Senator Trevor Ó Clochartaigh: Not by ourselves. Senator Keane said all the taxes must be considered in the global sense. She is absolutely right. We have to ask why this and other measures are being introduced by the Minister to fund local government. It is because we are still paying off bondholders and are potentially paying off promissory notes, if a deal is not done by the end of the month.

Deputy Phil Hogan: It is going well.

Senator Trevor Ó Clochartaigh: As Senator Keane said we must have our cake and eat it. Some people are getting more of the cake than they should be allowed.

Deputy Phil Hogan: The Senator will eat humble pie on the promissory note.

Senator Trevor Ó Clochartaigh: One is only kicking the can down the road on that issue.

Deputy Phil Hogan: The Senator will eat humble pie in respect of it.

Senator Trevor Ó Clochartaigh: The Minister is asking our children and our children's' children to pay it at extra interest.

Deputy Phil Hogan: The Senator and Sinn Féin were wrong in regard to it.

Senator Trevor Ó Clochartaigh: We will not go into the whole idea of who is right and wrong. The Minister is eating into my time because he knows I wish to raise a number of points. This is an unfair tax on people living in rural areas because, as the Minister will know, they depend on their cars. Last week we had a debate with the Minister for Finance, and Senators on the Government side hopped up and down about the question of the price of petrol and diesel increasing to exorbitant levels, that people cannot afford to go to work and businesses are closing. Not one of those Members raised that issue with him when we discussed the Finance Bill last week. The price hike has hammered people in rural areas who depend on their cars to get around and now we are talking about introducing an extra tax on those people. At the same time there are cutbacks in school transport, Bus Éireann has cut routes to rural areas and another element of the Government is conducting the centralisation of services. Recently we had a meeting in Galway with the HSE and because of the cutbacks and job losses in the executive, people must go to central centres for services like dentistry and nursing. It makes people travel a lot more, thus costing them money. The proposal is unfair to those who depend on their cars to get around.

I note that Senator Landy discussed the people who have reduced from two cars down to one. We must take into account the other cohort of people who do not own a car, those who have emigrated or do not have a car on the road at present. People in rural areas are leaving in their droves due to the Government's policies.

Senator Quinn mentioned the potential for a tax on petrol and diesel. Last week when I asked the Minister for Finance what percentage of the cost of a litre of diesel or petrol was tax and excise duties, he could not tell me because he did not know. Even though he had a cohort of about 30 advisers sitting outside the door to the Chamber, he said he would revert to me on it. An estimated 53% to 80% of the price is excise duty or goes to the Government. Therefore, it is incorrect to say that we do not have a tax on petrol or diesel. These costs hammer people who travel more often and are more dependent on their cars because of the lack of access to public transport.

From our perspective, this is one of a heap of measures that the Government intends to introduce, including the household tax, cutbacks in the rural transport service——

Senator Denis Landy: Sinn Féin said it was not against the household tax.

Senator Trevor Ó Clochartaigh: ——and the tax on septic tanks.

Deputy Phil Hogan: It is only for the North.

Senator Trevor Ó Clochartaigh: The school transport service has been cut back and there have been cutbacks in rural schools. The Minister is hammering rural communities left, right and centre.

Senator Denis Landy: Sinn Féin said it was not against the household tax.

Senator Cáit Keane: Tell us where we can get the money.

Senator Trevor Ó Clochartaigh: Very simply, we have said it many times and it was made obvious in our pre-budget submission that there are options available. I will use the analogy of a lot of people eating a large amount of cake who are not paying their fair share. The Government could put a wealth tax on people, create a third rate of tax for people earning in excess of €100,000 and cut the level of pay of senior civil servants. The Minister for Health would prefer to leave the consultants on their current wages rather than tackle the issue. The Government should tackle real taxation issues and stop hammering rural people and those on lower incomes.

Senator Cáit Keane: That is what we are doing. We are being realistic.

Senator Deirdre Clune: I am glad to have the opportunity to speak on the Bill. As has been said, it is merely an implementation of the financial resolution that was passed by the Dáil last December and today we are providing the legislative facility for it.

Senators have mentioned that the Government is taking money from everywhere. There is at least an €18 billion gap that needs to be bridged and the money must come from somewhere. We all know the financial situation. When the motor tax levy was introduced in 2008, it was said it would be revenue neutral but it did not turn out that way. In 2008 €1.06 billion was generated from receipts but last year and in 2010 the sum was reduced by €50 million. As the Minister has said, this is unsustainable.

It is important to point out that the polluter pays principle is still enshrined in the proposed rates. Therefore, a lower tax will apply to cars with lower CO₂ emissions and different engine capacities. This principle must be encouraged. I welcome the fact that the Minister is considering a complete review of motor taxation. That is important. There have been changes in the types of vehicles, but they are all using roads which must be paid for. Hopefully, toll roads pay for themselves and sometimes they pay over and above their cost, but the road system in general must be paid for. Roads in cities such as this are relatively small in terms of mileage and they have many users. However, County Cork has the largest road network in the country——

Senator Trevor Ó Clochartaigh: Plenty of potholes.

Senator Deirdre Clune: ——and when one drives the highways and by-ways one can see what must be done with these roads for the communities they serve.

Senator Denis Landy: Your party produced the biggest potholes in the country in the North.

Senator Deirdre Clune: That is where motor tax and the local government fund are spent. There is constant demand and every year members of local authorities and public representatives have a list of roads that require resurfacing.

On the issue of emissions, in November last year the Environmental Protection Agency, EPA, produced its report on our CO₂ emissions and outlined where we stand with regard to our Kyoto commitments. Emissions from transport were down. The agency acknowledged what

[Senator Deirdre Clune.]

we all know, that there are fewer vehicles on our roads. It is not surprising, therefore, that emissions decreased by 10% in 2010 from the 2009 figure. There has been a significant decrease in emissions since the peak of the boom in 2007. This is due to there being fewer vehicles on the roads and the previous motor taxation regime which encouraged the use of cars with reduced CO₂ emissions, which was successful.

Transport accounts for 19% of our overall emissions, in third place after agriculture and energy. Our energy consumption is also down due to decreased activity. Based on the first three years of the Kyoto Protocol, which ends this year, the EPA says Ireland is on track to meet its Kyoto obligations when the impact of the EU emissions trading scheme and approved carbon sinks is taken into account. The decrease in emissions, particularly from the transport sector, contributed to that. I wish the Minister well as we move to the next phase of meeting our EU targets by 2020, which I expect to be very stringent.

This is relatively short legislation. It is very clear. The finance to be raised by it is expected to be €64.5 million. I look forward to the review of the entire motor taxation system. It is interesting that the economic indicators produced by the Library and Research Service show that the number of new goods vehicles licensed for the first time increased by 9.4% this year over last year. However, the number of new private cars is down, as the Minister will be aware.

Senator David Norris: I welcome the Minister. This is quite a technical Bill to read. The language is complicated and convoluted. I can give one random example which would do credit to the late Myles na gCopaleen. Section 7(c)(ii) states, “in respect of which the rate of duty that would have applied to it under subparagraph (d)(i), if that subparagraph had been in operation when it was so registered and had applied to it, is less than the rate of duty specified in relation to it in subparagraph (e)...”. That would have been gloriously appropriate in “An Crúiscín Lán” when I used to read it. I am not professing any enormous capacity to follow the labyrinthine drafting of this Bill, although I do not intend to criticise the people who drafted it. I am just making the point that it is a complicated exercise, but the motivation behind it is uncomplicated. The motivation is to raise money. I am worried, however, because it is clear that in the first instance this money will not go for the provision of services to those who pay for them — at least, not for automobile drivers. That is a bad principle because once one establishes a procedure, it becomes extremely difficult to reverse the trend. This is particularly so with the Department of Finance which is a fairly tough, if sometimes inefficient, Department. If in year one, the revenue generated goes to the Exchequer, in my opinion — and I hope to be proved wrong — there is a strong likelihood that it will continue to go to the Exchequer. It would be a serious sign of the deterioration of living standards in this country if roads continue to disimprove. I could go on about that at length but I will not because it is only marginally relevant.

My difficulty with the Bill is that it does not follow another principle, which I addressed when a previous Minister was sitting in the current Minister’s chair. Mr. Gormley introduced legislation which did not follow the “polluter pays” principle, which he so often advocated. I suggested for that reason that it would be much more logical, if one believed in environmental protection, to increase the duty on petrol and diesel. I am a realist and recognise that in circumstances where so many people are experiencing straitened situations with regard to their personal finances, this may impose a difficult burden for them and it could also impede industry. I know all the arguments but at the end of the day that is the one thing that addresses the matter directly.

I want to declare a personal interest in this matter. I have a very beautiful motoring car. It is a Jaguar XJ6, which I bought for €6,000. The combined annual tax and insurance on it is €3,000. I use it once a week to go to St. Patrick's Cathedral and then to the club for lunch. That is it, unless it is pouring rain or I have an enormous amount of documents to bring to Leinster House. Apart from that, I walk and why would I not do so? I live within a mile or so of this building. However, if there are any more increases I will pay every single year in tax and insurance what I paid for the car originally. That would be completely and absolutely daft. If the tax were levied on fuel, however, I could continue to enjoy my car. It is probably the nicest looking vehicle in the Leinster House car park and is also certainly the cheapest. I know this is just one person's argument, but it is an argument with which other people in the same situation might also agree.

I accept we are in a difficult situation and I understand this is a revenue-generating measure. I have concerns, however, that it may never revert to being something that pays for motorists' interests. I do not see the logic of increasing taxation on old motor cars — that are pleasant to drive and are kept in immaculate condition — to such a level that it becomes impossible to maintain them.

Senator Michael Mullins: I welcome the Minister to the House. I am surprised this legislation has come before us at all because my understanding was that once the budget was passed this was the law of the land. I was, therefore, a little surprised this morning to see that we were going to discuss this Bill. We all want to reduce CO₂ levels and I applaud what the previous Minister for the environment was trying to do.

The level of road tax applicable to new cars was not sustainable in the long term and that is what we are now seeing. The Minister is adjusting the rates to take account of the fact that we are about to see a significant reduction in local government revenue. No one wants to see taxes increase, but we all know the tax base has been eroded in recent years, while people still want the same level of services and benefits under various schemes.

My good friend, Senator Trevor Ó Clochartaigh, is in the happy position where he can be opposed to everything.

Senator Trevor Ó Clochartaigh: That is totally untrue.

Senator Michael Mullins: The Senator is opposed to any increase in taxation.

Senator Trevor Ó Clochartaigh: Not at all. We would love to see a wealth tax being introduced.

Senator Michael Mullins: The Senator is out and about telling people not to pay the household charge.

Senator Trevor Ó Clochartaigh: No, I am not.

Senator Michael Mullins: The Senator talks about the Government being anti-rural Ireland. He is anti-rural Ireland. On a regular basis he encourages people to travel to Dublin to protest outside Leinster House and to attend protest meetings all over the country.

Senator Trevor Ó Clochartaigh: They all come on buses.

Senator Michael Mullins: The Senator is costing them an absolute fortune. To oppose a €5 septic tank charge he has cost people several hundred euro in train and bus fares and petrol charges.

Senator Trevor Ó Clochartaigh: What about the thousands it will cost people to change their septic tanks?

Senator Michael Mullins: People will, eventually, see through this. Many in rural Ireland have already paid as much as the household and septic charges in coming to Dublin to protest about them and they will still have to pay them.

I must correct my good friend, Senator Trevor Ó Clochartaigh, on something he said about our debate on the Finance Bill. I raised the issue of tax on fuels and raise it again today. As the cost of fuel increases, can a cap be put on the level of excise duty levied by the Government? Given the decreasing tax base, I know this is a difficult issue.

Senator Trevor Ó Clochartaigh: The Senator voted for the Finance Bill in which the increase was imposed.

Senator Michael Mullins: I did. However, I raised this matter when the Minister for Finance was in the House. The Senator talks about taxing the wealthy, but who are they? Are they the people who were lured into buying an extra house or two? They were encouraged to do so by the Government and financial institutions and are now left with property worth a fraction of what they paid for it and on which they are paying mortgages. Are they retirees who were encouraged to invest their retirement lump sums in Bank of Ireland shares and now see that money has disappeared? People whom we thought were wealthy a few years ago are the new poor. It is populist to say, "Tax the wealthy," but the wealthy make up a much smaller proportion of the population than heretofore.

Senator Trevor Ó Clochartaigh: I will send the Senator a copy of Sinn Féin's pre-budget submission. It is very clear.

Senator Michael Mullins: We need to think about these issues as we discuss taxes.

It is welcome that the level of tax on vintage cars is not increased in the Bill. These cars add to the attractiveness of many shows and events. In my own town of Ballinasloe there is an annual vintage car rally which draws large numbers of people to the town and generates economic activity. I would hate to discourage those who maintain vintage cars and give us a glimpse of how beautiful these old vehicles are. They might not travel as speedily as the cars now being manufactured, but they add to events and activities in towns and villages. I would like to see this side of the motor business being maintained. I am happy to support the legislation.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I thank the Senators who contributed to the debate. While I recognise that any increase in taxes is always unpopular, it is an unavoidable fact that the new CO₂-based system introduced in July 2008 by my predecessor has resulted over time in a decline in motor tax receipts. Instead of the switch being revenue neutral, which was advocated at the time, while also providing an environmental incentive towards more fuel-efficient cars, the structure of the tax is such that we will take in progressively less over the years. Without the budget increase, the completion of the switch to CO₂ taxation in the next 15 years will have the effect of shrinking the tax base by 50%. That would cause a consequent knock-on effect on the provision of services by local authorities.

There is a serious challenge in the current circumstances and failure to rectify the problem of reducing income from motor tax would transfer the load elsewhere in the economy to income tax or reduced allocations. Further, it is clear that the rates for the lowest CO₂ bands are well out of step with their older comparators in the cubic centimetre taxation system. It is necessary to take steps towards equalisation. In the current circumstances the equalisation must, unfortunately, be upwards. In taking this step, however, we have ensured to the greatest extent possible that the rates of tax for the majority of cars taxed on the basis of CO₂ emissions remain lower than what would have been charged under the older system based on engine capacity. That is evidence of our strong desire to maintain an appropriate environmental incentive while starting to rectify the difficulties created by the tax structure which was put in place in July 2008. Any further changes to the private vehicle fleet will be considered in the context of the review of the carbon banding for vehicle registration tax, VRT, and motor tax. I expect the review to be completed by the middle of the year. In carrying out the review our priorities will be to ensure that the positive environmental impact of the existing basis of taxation will be carried through to the future while simultaneously ensuring the protection of the tax base. I assure Members that the Government will give continuing priority to the maintenance of a low carbon emission economy.

I wish to deal with issues raised by Senators in the course of the debate. Addressing the need to counteract climate change is a priority for the Government. I announced processes in this House some time ago which will lead in due course to a suite of measures on legislation to meet our national obligations, and our contribution to the global effort to reduce greenhouse gas emissions is paramount. The rates of motor tax provided for in the Bill are entirely compatible with the principles and commitments outlined previously.

Reference was made to electric cars. The move to electric cars is compatible with the plans to move to lower carbon electricity. With more electricity being delivered from low or zero carbon sources in future, this will mean progressively lower emissions both from electric cars and the sale of such cars through the motor trade sector.

I agree with Senator Quinn's point that we could do more in terms of the efficient collection of moneys regardless of the source in local government. I am examining ways in which we could achieve greater efficiency of collection across the board on local sources of income which are required and needed in the local government fund and in the local government sector generally for the provision of essential services.

A total of 33 submissions were received on the VRT, carbon banding and motor tax review from a mix of interested parties. They include the motor trade itself and other elements of the motoring industry such as those in the vintage trade to whom Senator Mullins referred. The same 7.5% increase will apply to them as to everyone else. They are not immune to increases in taxation either.

The Bill provides for a once-off transfer of €46.5 million to the Exchequer in 2012. If we wish to do it in future years it must be voted through again. The measure applies to 2012 only. It is not the case, as Senator Norris might have indicated, that €46.5 million will automatically be available again in 2013. Senators will understand that I cannot comment on what the Government will do in 2013. That is a matter for the Minister for Finance to decide in terms of the competing priorities. Members will accept that we are in difficult times and people recognise that.

Various Members suggested the abolition of motor tax and the introduction of a system of fuel charges. There are arguments for and against the proposal. However, in the context of the

[Deputy Phil Hogan.]

current high cost of fuel, it would not be the most appropriate time to do it. The competing demands are the elimination of evasion, a saving of Garda time and the necessary increase in the cost of fuel to compensate for the loss to the Exchequer. It is estimated that fuel would have to increase by at least 20 cent a litre over and above the changes in the budget to compensate for the abolition of motor tax. The potential impact on various categories of road users would have to be carefully evaluated, in particular on commercial users, in a difficult economic climate and on rural road users generally. A total of 13% of the national fleet comprises goods vehicles and these, together with public service vehicles and buses, are high users of fuel or high mileage vehicles which would have higher costs under a pay-as-you-drive system.

The potential impact on business competitiveness is also clear. A significant increase in fuel duty would lead to an increase in cross-Border fuel purchasing, further depressing the tax base and requiring compensatory adjustments to be made elsewhere. With such an increase, the potential for an increase in the level of fuel laundering is also clear.

I thank Senators for their contributions. This is a revenue-raising measure in order to deal with the deficit in the public finances that we must bridge. Regrettably, this must be done. It is a source of revenue that is essential to rebalance the system to ensure we protect the local government fund and the provision of local government services.

Question put and declared carried.

Motor Vehicle (Duties and Licences) Bill 2012: Committee and Remaining Stages

Sections 1 to 8, inclusive, agreed to.

SCHEDULE

Question proposed: “That the Schedule be the Schedule to the Bill.”

Senator David Norris: I want to ask the Minister a question to which I am sure there is a simple answer. In Part 1 of the Schedule, in the definition of vehicles, there is a description of a bicycle. I suppose it is another Milesian concept. I note that vehicles not exceeding 500 kilograms in weight unladen, on which the rate of duty is €5, include bicycles, other than bicycles which are electrically propelled, etc. I hope I am not to understand the Minister proposes to levy a tax on ordinary bicycles. That seems to be one possible interpretation, but I note the Minister is shaking his head.

Some vehicles are used by people with mobility difficulties. I hope the Minister will consider excluding any such vehicle. There are still those who use tricycles, for example, because they have cerebral palsy or are suffering from polio. Some of these vehicles are mechanically propelled. What I propose would be appropriate and involve a small amount of money. If they are included in the Bill, I ask the Minister whether, in the Schedule, he will consider excluding them.

Deputy Phil Hogan: I assure the Minister — I am sorry, the Senator——

Senator David Norris: I am happy to accept the position. Will the Minister specify the portfolio?

Deputy Phil Hogan: There might be something to come in the future. I can assure the Senator that there is no intention to include cycles. It refers to motorcycles.

Disabled drivers who are exempt from VRT are generally also exempt from motor tax. I encourage the Senator to make a submission to the ongoing review of the motor tax scheme generally. The closing date for the receipt of submissions may have passed, but we will accept a submission on the issue raised by the Senator.

Senator David Norris: That is very much appreciated.

Senator Trevor Ó Clochartaigh: That could be construed as, “On your bike, Senator Norris.”

My party has not tabled amendments because we oppose the Bill in its entirety based on the points outlined on Second Stage. On the law of diminishing returns, it was indicated last week by the Minister for Finance, for example, that there had been a 6% decrease in revenue from excise duty and taxes on petrol due to a lower level of car usage, etc. This will be a retrograde step. The objective might be to try to raise €46.5 million, but the Minister might discover that, because of the decreased level of car usage, he will not bring in the sum he hopes to take in. I want it to be noted that Sinn Féin opposes the Bill in its entirety on Committee Stage.

Question put and agreed to.

Senator Paschal Mooney: To clarify, is it correct that section 3 relates to the Schedule, Part I?

Acting Chairman (Senator Deirdre Clune): No. It is the Schedule to the Bill. We have gone through section 3. The debate is finished in that all sections and the Schedule have been agreed.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

The Seanad divided: Tá, 22; Níl, 10.

Tá

Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D’Arcy, Jim.
D’Arcy, Michael.
Harte, Jimmy.
Hayden, Aideen.

Heffernan, James.
Henry, Imelda.
Higgins, Lorraine.
Keane, Cáit.
Kelly, John.
Landy, Denis.
Moran, Mary.
Mulcahy, Tony.
Mullins, Michael.
Noone, Catherine.
O’Neill, Pat.

Níl

Barrett, Sean D.
Leyden, Terry.
Mooney, Paschal.
Norris, David.
Ó Clochartaigh, Trevor.

Ó Domhnaill, Brian.
O’Sullivan, Ned.
Power, Averil.
Reilly, Kathryn.
Walsh, Jim.

Tellers: Tá, Senators Paul Coghlan and Jimmy Harte; Níl, Senators Paschal Mooney and Ned O’Sullivan.

Question declared carried.

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

Senator Maurice Cummins: Ag 10.30 maidin amarách.

Adjournment Matters

Direct Payment Schemes

Senator Brian Ó Domhnaill: Cuirim fáilte roimh an Aire Stáit go dtí an Teach. Baineann an rún seo le scéim atá tábhachtach do fheirmeoirí agus do chúrsaí talmhaíochta go ginearálta. This matter is self-explanatory and I call on the Minister of State to update us on the reopening of the agri-environment options scheme for 2012. When the Minister for Agriculture, Food and the Marine, Deputy Coveney, was last in this Chamber he was asked about the potential reopening of the agri-environment options scheme for 2012 and indicated that the scheme would open. We have not heard any update since.

There are approximately 30,000 farmers who would traditionally have been in the rural environment protection scheme, REPS, who are leaving REPS 3 by the end of this year. They will not have the opportunity to go into any new scheme, so it is essential to reopen the agri-environment options scheme. Not only that but the €4,000 payment should be increased to €5,000, with at least 10,000 farmers allowed into the scheme. Oddly enough, last year there was an underspend in the Department of Agriculture, Food and the Marine of approximately €230 million, and the scheme was curtailed even though provision was made in the 2011 budget for 10,000 farmers, with a maximum payment of €5,000. The Minister chose to reduce the payment to €4,000 at the maximum level and the number of eligible farmers to 8,000.

Will the Minister consider the numbers of farmers leaving REPS 3 and bring in the alternative scheme? The scheme I mention is earmarked for farmers coming from disadvantaged land areas, where the potential to farm aggressively is unavailable, with the alternative being to protect the environment and work under this scheme, which is co-funded by Brussels. It should be opened as quickly as possible.

The closing date for the single farm payments every year is 15 May so the Department could open this scheme now and flag it early. There is no point in having a window of opportunity for applications of three or four weeks, as the system will be clogged because REPS planners and advisers would not be able to process the number of applications. If the scheme is to be reopened, it should be based on the outlined criteria and the scope should be widened. There should at least be three months for farmers to apply for the new scheme, taking into account the fact that many farmers, in conjunction with REPS planners, would take that amount of time to prepare and get applications in on time.

I have much praise for the Minister, Deputy Coveney, and the way he is handling the Department. The farmers coming from disadvantaged areas and the west need stimulus from this scheme, which should be opened as quickly as possible. In doing so, many farmers could enter into it.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): Go raibh maith agat a Leas-Chathaoirligh. Ar dtús, ba mhaith liom buíochas a

thabhairt don tSeanadóir Ó Dómhnaill as an cheist seo a thógáil ar an Athló sa Seanad. I want to take the opportunity, at the outset, to emphasise the Minister's and the Government's commitment to the agri-environment schemes as operated by the Department of Agriculture, Food and the Marine. The schemes put environmentally friendly farming at the forefront and recognise the vital role farmers play in delivering public goods in protecting the environment and the natural heritage for the benefit of society as a whole. The Government's commitment in this regard is evident in the fact that more than €500 million was spent by the Department on agri-environment schemes in 2010 and 2011 alone and also in the fact that, despite the financial pressures facing the Department, the Minister has provided a further €243 million in funding in 2012 for expenditure under the rural environment protection scheme, REPS, and the agri-environment options scheme, which is commonly known as AEOS.

The Minister's commitment is also the reason, despite serious budgetary pressures, he reopened AEOS last year. Given the background of very serious economic and budgetary constraints on the Department, the Minister's decision to reopen the scheme to new participants in 2011 was a very challenging one involving very difficult choices. That said, I want to acknowledge that the commitment by Government is matched by the enthusiasm of Irish farmers who have shown a keen willingness to engage with environmental issues and an enthusiasm to adopt environmentally friendly practices since the introduction of the first agri-environment scheme.

REPS, which was the first of the agri-environment schemes, was introduced in 1994 to promote ways of using agricultural land which are compatible with the protection and improvement of the environment, biodiversity, the landscape and its features, climate change, natural resources, water quality, the soil and genetic diversity. There are currently almost 31,000 participants in REPS and their contracts will continue until expiry of the five-year contract period in each case.

The successor to REPS — AEOS — is a more targeted agri-environment scheme for which funding is provided from modulation funds under the Common Agricultural Policy, CAP, health check. Not only is it mandatory to spend the modulated funds on the so called new challenges, but also the EU regulation stipulates the type of actions to be funded and the kinds of effects that are required to be achieved in dealing with those challenges.

As the House will be aware, at this stage, AEOS, as currently framed, specifically targets three challenges that have been assigned the highest priority at EU level as needing urgent action: halting the loss of biodiversity, contributing to the improvement of water quality, and combating climate change. The format of AEOS is a menu-type approach as distinct from the whole-farm adopted approach under REPS, consisting of actions which can be demonstrably linked to those three important challenges. The range or menu of individual measures available to farmers include traditional hay meadows in the case of biodiversity, riparian margins in the case of water quality, and minimum tillage practices in the case of climate change.

There are currently about 15,000 participants in AEOS I and II, which were opened to new participants in 2010 and 2011, respectively. The scheme builds on the important environmental work that commenced with REPS in 1994 and will go some way towards addressing the serious challenges of sustainability and conservation which we face. The Minister is conscious of the number of farmers who have left REPS in the past year or so who are anxious to continue to participate in an agri-environment scheme. He is also conscious of the need to continue to encourage and promote environmentally friendly farming. However, a decision to extend AEOS must have regard to the budgetary realities.

[Deputy Dinny McGinley.]

The Minister is now considering the possibility of reopening AEOS in 2012, possibly on an amended basis or on a limited scale. Any expenditure under a new scheme will have to be funded within the overall funding for the Department, beginning in 2012. The Department is already faced with a serious challenge in terms of declining budgetary resources in 2012, and the House will be aware of the decisions made and announced at budget 2012 last December to reduce expenditure in 2012. Although €1.312 billion has been provided in the Department's Vote for 2012, this represents a 19% decrease compared with 2011. The Department's expenditure ceiling as set out in the comprehensive expenditure review as agreed by the Government provides for further reduction in the Vote for the Department in 2013.

Nevertheless, the Minister is actively considering the various options for such a new AEOS scheme but, as I have said, he must operate within the financial resources available to him. The Minister is particularly concerned about the budgetary implications of any new measure in future years. If a new AEOS scheme is to be opened this year, it will represent a five-year commitment to each participant with the full-year cost falling to be met for the first time in 2013. Accordingly, any decision to reopen AEOS for applications in 2012 will have to be taken in the context of the financial resources available to the Department in 2013, as agreed by the Government and, in particular, the further decisions that will have to be taken to remain within the budgetary limits that will apply. As I have stated, the question of opening AEOS in 2012 is under active consideration and the Minister will be announcing his decision shortly.

Aistriúchán de Bhillí agus Ionstraimí Reachtúla

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire Stáit. Is deacair do dhuine teacht isteach ar lá chomh breá leis seo ach táim buíoch de as bheith anseo.

Tá an cheist seo ag eascairt ó dhúshlán cúirte a bhí le tógáil ag comhairleoir as Baile Átha Cliath maidir leis an Bhille Rialtas Áitiúil (Muirear Teaghlaigh). Baineann seo leis an leagan Gaeilge de Bhillí Stáit a bheith le fáil. Tá réimse Billí nach bhfuil aistrithe go Gaeilge go fóilleach agus is faillí mhór é sin dúinne mar Ghaeilgeoirí; níl sé ceart nó cóir nach mbeadh leagan Gaeilge de Bhille ar fáil dúinn agus sinn ag déanamh ár gcuid gnó sa tír seo.

Léirigh Sinn Féin ár ndíomá nuair a tháinig an tAire Dlí agus Cirt agus Comhionannais isteach roinnt míonna ó shin nuair a d'áirigh sé an dualgas a bhí ar an Stát maidir le foilsíú comhuaineach de na Billí nuair atá siad achtaithe ag Tithe an Oireachtais; gur féidir anois iad a chur ar fáil i mBéarla amháin agus gur féidir an leagan Gaeilge a chur ar fáil tamaillín ina dhiaidh sin. Dá bhrí sin, táimid ag ardú na ceiste anocht maidir leis na Billí. Cé mhéid Billí nach bhfuil aistrithe go Gaeilge go fóill? Tá sin fíor-thábhachtach mar tá sé tábhachtach go dtuigimid cad iad na réimsí a bhfuil na Billí seo ann.

Tógadh cás i gContae Mhaigh Eo anuraidh. Bhí beirt tabhairneóir ag lorg ceadúnais arís don phub a bhí acu. Chuir na gardaí ina choinne sin ach caitheadh an cás amach as an chúirt ar an mbunús nach raibh leagan Gaeilge den Bhille áirithe ar fáil. Má tá Bille le cur i bhfeidhm agus má tá dlí na tíre le leanacht, ba chóir go mbeadh duine in ann é a leanacht i nGaeilge agus i mBéarla más toil leis sin a dhéanamh.

Tá amhras agus inní orm mar tuigim ón chás faoin mhuirear teaghlaigh nár cuireadh eolas ar fáil go dtí gur chuir an pobal brú ar an Stát leagan Gaeilge den eolas a chur ar fáil ar an suíomh Idirlíne mar ní raibh sé ar fáil go comhuaineach.

Cé mhéad Bille eile atá fós le n-aistriú go Gaeilge? Cad é an sceideal atá ag an Rialtas le déanamh cinnte go n-aistrefar iad? An bhfuil an Rialtas chun na hacmhainní cuí a chur ar fáil

go ndéanfar a leithéid chomh tapaidh agus is féidir? An bhfuil an tAire Stáit in ann léargas a thabhairt dúinn ar caitheadh amach cásanna eile cosúil leis sin i gContae Mhaigh Eo as an gcúirt ar an mbunús nach raibh leagan Gaeilge den Bhille ar an dlí a bhí in ainm is a bheith dá shárú ar fáil? Tá sé fíor-thábhachtach go mbeimis in ann sinn a thuiscint mar, sa chomhthéacs níos leithne, dar linn, níl an Stát nó an Rialtas seo i ndáiríre faoi Acht na dTeangacha Oifigiúla. Tá ról an Choimisinéara Teanga i mbaol de réir cosúlachta, tá go leor de na Ranna Stáit nach bhfuil ag comhlíonadh a ndualgas faoi Acht na dTeangacha Oifigiúla agus dá mbeadh coimisinéir láidir againn, bheadh sé in ann aird a tharraingt ar an chineál sin ceisteanna. Tharraing an coimisinéir aird air seo tamall de bhlianta ó shin.

Tá súil agam go bhfuil freagra dearfach ag an Aire Stáit ar an gceist seo.

Deputy Dinny McGinley: Tugaim buíochas don Seanadóir as deis a thabhairt dom teacht isteach agus freagra a thabhairt ar an cheist seo. Ceist chasta í ceist na n-ionstraimí reachtúla. Ar dtús, níl aon chúraimí reachtúla orm féin ná ar an Aire Ealaíon, Oidhreacht agus Gaeltachta sa réimse seo, cé is moite de na hionstraimí reachtúla a dhéanfaimis dár Roinn féin. Is é sin le rá, níl aon tagairt in aon reachtaíocht don fhreagracht seo a bheith luaite le haon Roinn ar leith. Tuigtear dom gurbh nós do Thithe an Oireachtais ionstraimí a aistriú go Gaeilge go dtí tús na 1980í, cé nach raibh aon dualgas reachtúil orthu é sin a dhéanamh.

An chúis is mó a bhfuil mé ag caint leis an Seanadóir inniu ná go bhfuil mo Roinn freagrach as an mBille um Leasú Acht Choimisiún Thithe an Oireachtais, atá ar liosta reachtaíochta an Rialtais. Sin dáiríre an freagra is fearr agus is soiléire is féidir a thabhairt ar cheist an tSeana-dóra ag an phointe seo. Nuair a bheidh an Bille sin achtaithe, beidh sé an-soiléir sa reachtaíocht den chéad uair riamh cé atá freagrach as an tseirbhís seo.

Nuair a d'éirigh Tithe an Oireachtais as ionstraimí a aistriú sna 1980í, tuigeadh tar éis tamaill gur faoi gach Roinn Rialtais a bhí sé a gcuid ionstraimí féin a aistriú. Is eolas poiblí é nár aistríodh cuid mhaith de na hionstraimí thar na blianta. Tógadh cás i gcoinne an Stáit ag leibhéal na hArd-Chúirte i 2002, ag maíomh go raibh dualgas bunreachtúil ar an Stát ionstraimí reachtúla a aistriú go Gaeilge. Chaill an Stát an cás san Ard-Chúirt ach bhuaigh sé é sa Chúirt Uachtarach. Cé gur chinn an Chúirt Uachtarach nach raibh dualgas ginearálta bunreachtúil ar an Stát ionstraimí reachtúla a aistriú go Gaeilge, is fiú a thabhairt faoi deara go dúirt an Chúirt freisin go bhféadfadh saoránach aonair fós a bheith i dteideal leagan Gaeilge a iarraidh d'ionstraim ar leith i gcás ar leith.

Chinn an Rialtas deireanach ar aonad aistriúcháin a bhunú sa Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta, mar a bhí, le haire a thabhairt do cheist na n-ionstraimí reachtúla le linn dá achomharc a bheith os comhair na Cúirte Uachtaraí. Ag glacadh san áireamh comhairle ón Ard-Aighne ag an am, cinneadh leanúint ar aghaidh le cur chuige an Aonaid seo, ainneoin an chinnidh sa Chúirt Uachtarach, go háirithe i gcomhthéacs stádas na Gaeilge ag leibhéal an Aontais Eorpaigh. Aithníodh ag an am, áfach, go raibh brú nach beag ar acmhainní an Stáit. Sa chomhthéacs seo, deimhníodh go gcaithfí an polasaí seo a bhrú chun cinn ar bhealach tomhaiste céimnithe a chuirfeadh acmhainní an Stáit san áireamh.

Cé go bhfuil an Rialtas seo i bhfách i gcónaí le haidhm an pholasaí seo, d'aithin muid chomh maith go raibh an scéal imithe in olcas go mór maidir le hacmhainní an Stáit. Sin an fáth ar chinn muid na seirbhísí aistriúcháin a lonnú in áit amháin, i dTithe an Oireachtais, mar chuid den chuíchóiriú atá muid ag iarraidh a dhéanamh ar sheirbhísí an Stáit go ginearálta. Tá súil agam go dtuigeann an Seanadóir go bhfuil loighic ag baint leis seo. Ar an gcéad dul síos, ba iad na Tithe a bhí ag aistriú na reachtaíochta ó bunaíodh an Stát. Ar an dara dul síos, tá

[Deputy Dinny McGinley.]

deimhnithe sa reachtaíocht cheana gurb é Coimisiún na dTithe atá freagrach as Achtanna a aistriú. Nuair a chuirtear san áireamh an oiread taithí agus saineolais atá carntha thar na blianta ag Rannóg an Aistriúcháin i dTithe an Oireachtais, is léir go luíonn sé le ciall is le réasún go mbronnfaí cúram na n-ionstraimí reachtúla uirthi go hoifigiúil chomh maith, go háirithe i gcúinsí reatha eacnamaíochta an Stáit.

Tá súil agam gur léir don Seanadóir faoin am seo a chasta is atá ceist na n-ionstraimí reachtúla. Toisc an stair seo, is deacair freagra cruinn beacht a thabhairt ar a chuid ceisteanna. Féadfaidh mé a dheimhniú don Teach seo, áfach, go bhfuil an Rialtas seo an-chinnt go gcuirfear réiteach i bhfeidhm anois, a bhuíochas leis an Bhille atá luaite agam, a bhfuil sé mar sprioc aige a chinntiú nach mbeimid sa riocht seo amach anseo.

Ar ndóigh, mar a thuigeann an Seanadóir, beidh deis againn, nuair a bheidh an reachtaíocht sin á plé sa Teach seo, na cúrsaí seo uile a chíoradh go grinn.

Senator Trevor Ó Clochartaigh: Níl mé sásta leis sin, beag nó mór. Níor tugadh freagra ar an gceist a chuir mé. Tuigim go bhfuil an tAire Stáit ag rá go bhfuil reachtaíocht nua ag teacht isteach ach an cheist a chuir mé ná cad iad na Billí nach bhfuil aistrithe, cé mhéad acu atá ann, cénuair atá sé i gceist sin a dhéanamh agus cé mhéad cás a caitheadh amach as na cúirteanna de bharr nach raibh na Billí aistrithe go Gaeilge. Ba chóir go mbeadh an t-eolas bunúsach sin againn. Is cosúil go bhfuil an Rialtas ag dul timpeall ar an gceist a chuir mé anseo mar is dócha go bhfuil go leor leor Billí fós le haistriú. Ní ghlacaim gur tugadh freagra ar bith ar mo cheist. An bhféadfadh an tAire Stáit dul ar ais agus labhairt leis an Aire Dlí is Cirt agus Comhionannais le fáil amach cé mhéad Bille nach bhfuil aistrithe go Gaeilge fós agus ar caitheadh amach mórán cásanna as na cúirteanna de bharr nach raibh leagan Gaeilge den bhun-Bhille ar fáil?

Deputy Dinny McGinley: An Billí nó ionstraimí atá i gceist ag an Seanadóir?

Senator Trevor Ó Clochartaigh: Táim ag caint, mar shampla, faoin mhuirear teaghlaigh. Má thógtar duine chun cúirte an féidir a rá nach bhfuil leagan Gaeilge den Bhille ar fáil, más Bille nó ionstraim a chuireann i bhfeidhm é. Ba chóir go mbeadh an Bille agus an ionstraim reachtúil a théann leis ar fáil i nGaeilge. Cad iad na Billí atá achtaithe nach bhfuil ar fáil trí mheán na Gaeilge agus cé mhéad cás a caitheadh amach as na cúirteanna mar thoradh air sin?

Deputy Dinny McGinley: B'fhéidir go mbeadh sé níos fusa uimhir na mBillí a fháil ná uimhir na n-ionstraimí. D'fhéadfadh an-chuid ionstraimí a bheith ann. Táimid ag dul siar breis 30 bliain agus tá obair uafásach ann chun sin a dhéanamh. Tá sé faoi gach Roinn a cuid ionstraimí féin a aistriú. Ní raibh muid ábalta cuntas cruinn a thabhairt air sin ach nuair a bheidh an Bille fríd, beidh sé ar bhonn reachtúil agus beimid ábalta dul ar aghaidh. Mar a dúirt mé, b'fhéidir go mbeimis in ann uimhir na mBillí a fháil ach bheadh sé beagnach dodhéanta ag an phointe seo gan an-chuid oibre a chur isteach ann cad é an méid ionstraimí nach bhfuil aistrithe. Tuigim gur mhaith leis an Seanadóir fáil amach ach an tsuim atá agam as seo amach go dtí go mbeidh an Bille achtaithe, gur féidir linn bualadh ar aghaidh.

Senator Trevor Ó Clochartaigh: Sin an cheist a chuir mé: cé mhéad Bille atá i gceist?

An Leas-Chathaoirleach: Glacaim nach bhfuil an Seanadóir sásta ach caithfimid dul ar aghaidh chuig an chéad rud eile.

Medicinal Products

Senator David Norris: The fascinating dialogue between the Minister of State, Deputy Dinny McGinley, and Senator Trevor Ó Clochartaigh in which the Leas-Chathaoirleach intervened was one of the most interesting and fluent exchanges I had heard in the Irish language for many a long day. I doubt such has been heard in the Dáil for quite a while either, which is another good reason to keep Seanad Éireann going. Let it be recorded that the Minister of State nodded.

I raise a poignant case involving the death of a young man who was a constituent of mine, albeit not one personally known to me. His mother had, however, written to me on a number of occasions about various matters and I know the family is a fine one. The young man in question did not want presents for his 21st birthday; he wanted everything to be given to the Society of St. Vincent de Paul. He had also helped out with the homeless and was completely against violence, even when it had been visited upon him. Despite this, in August 2009 he killed himself and another young man. The reason, his mother believes, is that he was having emotional difficulties which she described as a broken heart. While I presume it was a romance that did not work, I simply do not know the circumstances. In any case, she took her son to the doctor who prescribed anti-depressants. After 17 days on the drug citalopram he took the dreadful action mentioned. His mother enlisted the support of a leading Irish authority, Professor David Healy, who has given evidence in trials in the United States and is a world renowned authority on the relationship between certain anti-depressant drugs known as selective serotonin reuptake inhibitors, SSRIs, and suicide and homicide. He gave evidence to the Coroner's Court that in his opinion the drug had caused the young man in question to become suicidal and homicidal. A number of other Irish academics, whose names I will give subsequently, have come to the same conclusion.

That SSRIs have the potential to cause suicide and homicide is acknowledged in the United States where the relevant patient information leaflet lists these side effects. Unfortunately, the patient information leaflet in Ireland does not include such a warning. Whereas the Canadian leaflet includes a five page black box, the Irish leaflet contains absolutely nothing. I ask that a question be raised about a conflict of interest between the Irish Medicines Board and the interests of the patient in question. The IMB which has links with drug companies continually refers to the European Medicines Agency, a body which is under inquiry because of its conduct with regard to various drug companies.

It is important to note that the jury at the inquest into the death of the young man in question returned an open verdict, in other words, it did not return a verdict of suicide. The drug in question only has a particular effect on specific individuals. While I do not deny it has an anti-depressant effect on some people, a minority experience severe trauma as a result of taking it and this can lead to totally uncharacteristic violence.

After the inquest, the manufacturer of the drug stated on an RTE news programme that its drug could not have caused the events and that there was no evidence to support Professor Healy's claim, despite the fact that it had a kind of "Dear Doctor" letter stating side effects could include self-harm and harm to others, also known as suicide and murder or homicide. The College of Psychiatry of Ireland dismissed the views of Professor Healy as speculative, despite the drug manufacturer accepting the existence of the side effects of self-harm and harm to others.

The drugs in question can cause people to become uncharacteristically suicidal or extremely violent; the facts are known. I, therefore, ask that the issue of a conflict of interest be examined

[Senator David Norris.]

to get at the facts, to establish by investigation what is the impact of the drugs and ensure there are adequate warnings placed before patients in order that they and their doctors will know there is a possibility of side effects. I refer to two learned articles which may be of assistance: *Anti-Depressants and Violence: Problems at the Interface of Medicine and Law*, by Professor David Healy *et al* in *PLoS Medicine* which can be downloaded from the Internet, and *Suicidality, Violence and Mania caused by Selective Serotonin Reuptake Inhibitors, SSRIs: A Review and Analysis*, by Peter R. Breggin in *The International Journal of Risk and Safety in Medicine*.

While I am aware that the Minister of State, like myself, is not a qualified doctor and that this is not his particular area of responsibility, I would be grateful if he would bring the matter to the attention of his colleague in government, the Minister of State, Deputy Kathleen Lynch, and ask her if she would be willing to receive a deputation, including the bereaved mother of this wonderful young man. From everything I have learned about him, I wish I had had the opportunity to know him because he seems to have been an adornment to this planet.

Deputy Dinny McGinley: Gabhaim buíochas leis an Seanadóir Norris as ucht an t-ábhar seo a ardú inniu. Perhaps the Senator might be good enough to convey my condolences and sympathy to the mother and family of the unfortunate young man to whom he referred.

Selective serotonin reuptake inhibitors, SSRIs, are anti-depressants available on prescription only. They are licensed for use in Ireland and across the European Union for the treatment of depressive disorders and some anxiety conditions. It is estimated that at any one time more than 450,000 people in Ireland experience depression. Young people, in particular, can find it hard to cope with depression and one in ten adolescents experience a depressive episode. Untreated depression can have a fatal outcome. Anti-depressants, when used properly, are effective in the treatment of depression and lead to a reduction in suicidal thoughts. According to the College of Psychiatry of Ireland, approximately 3% of Irish adults use anti-depressants. It is important to note that, in addition to the significant health benefits of medicines, all medicines carry some risks. People taking anti-depressant medicines may also experience adverse effects.

The Irish Medicines Board is responsible for the licensing and safety and monitoring of medicines in Ireland. In conjunction with medicines authorities in other member states, it continuously monitors the safety of medicines in a collaborative way and takes actions, as necessary, to ensure medicines continue to have a favourable benefit-risk profile for patients. As part of the system of monitoring medicines' safety, it has a spontaneous reporting system by which health care professionals and patients can report suspected adverse reactions to medicines. It also reviews, approves and continuously updates the product information and package leaflet of medicines to reflect the current state of knowledge of each medicine and the risks associated with its use. All new and emerging safety data are assessed by it in conjunction with EU medicines authorities.

Unfortunately, depression can be associated with an increased risk of suicidal thoughts, self-harm and suicide in some patients. This risk persists until significant remission of the depression occurs. It has been known for some time that there is a potential risk of suicide related behaviour, particularly in the early stages of treatment with anti-depressants. The approved product information for anti-depressants specifically highlights the need for careful monitoring of patients with suicidal thoughts following initiation of treatment.

In 2008 a comprehensive review of the safety profile of SSRIs was undertaken at European Union level by EU medicines authorities. During this safety review the existing warnings con-

tained in SSRI product information were further strengthened throughout Europe and manufacturers of SSRIs were obliged to update the product information on all SSRIs. The new updated warnings were communicated by the Irish Medicines Board to health care professionals.

While anti-depressants play a central role in the treatment of depression, patient safety must be paramount. The Irish Medicines Board actively monitors the safety of medicines, including SSRIs, on an ongoing basis and does not hesitate to issue safety warnings and update information, if required. At European level, new legislation will be implemented later this year which will include a range of new measures to improve patient safety such as improved systems for monitoring the safety of medicines and patient reporting of adverse reactions. The purpose of the legislation is to ensure the system of monitoring medicines safety in Ireland and throughout the European Union is as responsive as possible to the emergence of new information on medicines safety in order that patients continue to have access to safe and effective medicines.

Senator David Norris: I thank the Minister for his gracious reply and, in particular, for his words of sympathy to the mother of the young man, which I will certainly pass on with a copy of his statement. I wish to comment briefly on the statement, in particular the Minister of State's remark that the IMB "has a spontaneous reporting system by which health care professionals and patients can report suspected adverse reactions" and that it is continuously monitoring. This simply has not worked. In fact, it has been useless. As I understand it, the IMB has not even replied to this woman.

I want to further put on the record that the assistant State pathologist, Dr. Declan Gilsenan, has expressed very considerable concern in this area and lent his full weight to it. He said he has seen too many suicides among people who had started taking these drugs and, in his considered view, the evidence was more than anecdotal and he was hoping to raise the matter directly with the Minister of State, Deputy Kathleen Lynch. This adds strength to the case, which has the support of Dr. Gilsenan, Professor Healy, Dr. Pat Bracken and Dr. Terry Lynch. I would be grateful if the Minister of State, Deputy McGinley, would draw this to the attention of the Minister of State, Deputy Kathleen Lynch. Perhaps she may be prepared to see a delegation.

Deputy Dinny McGinley: I appreciate the Senator's deep knowledge of this drug. His comments will certainly be brought to the attention of the Minister of State, Deputy Kathleen Lynch.

Senator David Norris: I am very grateful.

Senator Thomas Byrne: Tá mé an-bhuíoch don Leas-Chathaoirleach as ucht an díospóireacht seo a roghnú ar an Athló, díospóireacht a bhfuil an-thábhachtach, i mo thuairimse.

I raise the specific issue of narcolepsy which has been diagnosed recently in at least 32 children in Ireland who received the Pandemrix vaccine at the time of the swine flu epidemic. Narcolepsy is a malfunction of the sleep-wake regulating system in the brain. There are thought to be 2,500 sufferers in Ireland but there are at least 32 persons in Ireland who have developed it since the swine flu epidemic and the administration of the Pandemrix vaccine at that time. The symptoms include excessive sleepiness during the day time — so-called sleep paralysis — micro-sleep, where the person continues to function even though asleep, and night-time wakefulness. There is a further condition called cataplexy, which is the sudden loss of muscle control and is very dangerous for people who might want to engage in activities such as driving

[Senator Thomas Byrne.]

or normal day-to-day business. There is also a syndrome known as sleeping beauty syndrome, which is very frightening. One can imagine from its name what is entailed.

At the time of the administration of the vaccine, studies were carried out in the Scandinavian countries plus Finland which identified some causal links between the vaccine and narcolepsy, which is having a terrible effect in particular on young people in Ireland. I know at least one of the families involved in this issue and know it is literally a living nightmare for them.

There are many medium-term and long-term issues to be addressed. While I will not deal with them all today, I put the Minister for Health on notice that I intend to raise this on an ongoing basis. I wish to focus on two issues that arise for the families concerned. First, a study is currently being carried out by the Department of Health — it is referred to as an inquiry, although I am not sure of its exact status — with regard to the causal links between Pandemrix and narcolepsy. We understand this study is about to be completed. What the parents want as soon as possible is for the report to be released at least to them so that, if there is valuable information in that document or reference to research of which the Department has become aware in recent months, it would be made available to the families in the hope that a better situation for their children may result.

Second, the families want to know what efforts are continuing at a pan-European level in terms of examining further the causal links and the treatments that are available. At present, only two treatments are available, namely, ritalin and Provigil. These are both essentially stimulants to keep children awake and are not cures for the disorder. They temporarily deal with some of the symptoms that arise, as I understand it. The families want to know from research at pan-European level in regard to rare diseases, which we debated in the House some weeks ago, what efforts are under way. This problem has arisen throughout Europe and we will not solve it on our own.

The families involved want one point person to deal with in Departments. The families were offered medical cards, for example, and most have availed of this. Initially, however, the staff in the medical card section did not seem to know about this offer and people were refused medical cards even though they had been promised. While I understand this has been addressed, other issues arise, in particular in regard to the Department of Education and Skills and how these children are dealt with at school. As the Minister of State can understand, if children have the symptoms I have described, it is very difficult for them to continue their ordinary day-to-day activities, which mainly involve school at their current ages. They want one point person, preferably in the Department of Health but one who can also speak to the Department of Education and Skills, to whom they can bring all the issues, which would be helpful. These people are going through something that has not been gone through before and deserve further help.

Many other issues arise. The families have set up an organisation called SOUND and they have been making a lot of sound about this. At present they are willing to work with the Government but they are anxious to have some contact from the Department in regard to the studies that are ongoing.

At the outset I quoted from an *Irish Examiner* article of 25 February. While I do not have the name of the journalist, I hope I can put it on the record as I quoted directly from her article, although I must return to my office to get her name. The article certainly explains the situation very clearly and in depth.

That is what I have to say at this stage. I put the Minister on notice that the parents involved are banding together in a representative body, as they should do. They intend to make noise about this and to do the best for their children. We would not expect anything less.

Deputy Dinny McGinley: Gabhaim buíochas don Seanadóir as ucht na ceiste an-thábhachtach seo a árdú agus an seans a thabhairt domsa é a thógáil ar an Athló.

As Senators are aware, the H1N1 influenza pandemic alert was issued by the World Health Organization in 2009. As part of the response, two pandemic vaccines were provided in Ireland, Pandemrix and Celvapan. Subsequently, the Irish Medicines Board, IMB, reported two confirmed cases of narcolepsy in people who had been vaccinated, and it was agreed the Health Protection Surveillance Centre, HPSC, would work with the IMB and clinical experts in narcolepsy to examine the Irish data. The HPSC conducted a retrospective population-based study and submitted a report to the Department of Health in February 2012.

The parents of those affected have formed a group, Suffers Of Unique Narcolepsy Disorder, SOUND. The Minister has already met SOUND and is available to do so again. SOUND has raised the issue of obtaining international expert advice on this matter and the HSE has agreed to facilitate this request. SOUND is obviously concerned about the possible effects which a diagnosis of narcolepsy may have on their children's education. Officials from the Department of Health, the HSE and the Department of Education and Skills have been meeting SOUND to address the parents' concerns. There will be ongoing contact between the Department of Health and SOUND and I understand a further meeting will take place in approximately six weeks. Two members of SOUND sit on the HSE serious incident alert group which is managing the issue.

I want to draw to the House's attention the additional supports being put in place, as follows: senior officials from the Department of Health met with their counterparts in the Department of Education and Skills to brief them on the report and to discuss the possible educational supports which may be required for the children affected; the HSE will assign a named individual as a single point of contact where families' service issues can be addressed; a case definition has been agreed by clinical experts; the HSE will begin a multidisciplinary needs assessment of the children affected by requesting primary care physicians or specialists to refer to a nominated lead in each of the four regions — the regional leads have been appointed and the assessments will begin shortly; the multidisciplinary assessments will allow appropriate health and educational supports to be put in place for affected children and adolescents — those about to undertake State examinations will be prioritised; and the multidisciplinary assessments will be repeated every two years to assess the changing needs of those affected.

The Department of Health will consider all other possible supports which may need to be put in place for those affected. The possibility of having narcolepsy-cataplexy classified as a disability has been raised with the Department of Health and the issues involved will be examined prior to any proposals being formulated.

The Minister for Health is preparing a memorandum for Government which will set out the full response to this issue and will detail the supports for the affected children, adolescents and their families. It is intended to submit it as soon as practicable.

I want to assure the House that the Minister is treating this issue as a matter of priority as he is aware of the difficulties which both the children affected and their parents are experiencing.

Senator Thomas Byrne: I want to raise a number of issues on the record. As I stated, I intend to raise this repeatedly because this is a developing situation.

In the experience of my constituent no contact has been made between the Department of Education and Skills and the school involved. I am sure there will be direct contact in that regard with the Department of Education and Skills in that the schools received no advice in that regard.

The single point of contact in the HSE in terms of medical services is important, but it is also necessary between the Department of Health and the Department of Education and Skills from a policy point of view in terms of the information that is sought from across Europe. I do not know whether there are any Ministers of State serving the two Departments anymore. The HSE has agreed to facilitate the request on that pan-European issue, but I want to see more happening on it because there are procedures in place, as I understand it, from a debate here on rare diseases.

I do not think there has been mention of a document to issue shortly, apart from the memorandum to Government. What is of immediate practical concern, apart from the medical treatment, is that any information the Government has that could be of help to the individuals would be provided. We can understand legal advice and such information is not an issue, but if there is information within the Department that can be of assistance, then the parents want to know about it at the earliest opportunity.

An Leas-Chathaoirleach: In fairness, it is up to the Minister of State. He has given a response. Senator Byrne wanted to put that on the record, maybe for a future debate. I thank the Minister of State for coming to the House.

The Seanad adjourned at 5.55 p.m. until 10.30 a.m. on Wednesday, 28 March 2012.