



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

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SEANAD ÉIREANN

Dé Máirt, 05 Feabhra 2013

Tuesday, 05 February 2013

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

To ask the Minister for the Environment, Community and Local Government whether he is aware that the main contractor has withdrawn from the Bandon main drainage and sewerage scheme; and whether he will outline the discussions he has had with Cork County Council to resolve this issue, given that he provided the necessary funding for the scheme.

I have also received notice from Senator Deirdre Clune of the following matter:

The need for the Minister for Justice and Equality to amend the cumbersome holiday visa application system for Chinese tourists.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Justice and Equality to clarify the current position on the refurbishment of Blarney Garda station, County Cork, and the likely date when same will be completed; and, similarly, in regard to the Garda station in Glanmire, the likely date when contracts will be signed and the date when the new station will be fully completed.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for the Agriculture, Food and the Marine to refrain from the sale of any Coillte State asset whatsoever.

I have also received notice from Senator Averil Power of the following matter:

To ask the Minister for the Environment, Community and Local Government to outline the current position on the resolution process for residents of the Priory Hall development in Donaghmede, Dublin 13.

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I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for Minister for the Environment, Community and Local Government to introduce new regulations or legislation in order that he can intervene on dangerous and life threatening sites where the owner-developer is non-co-operative.

I have also received notice from Senator Mark Daly of the following matter:

The need for the Minister for Finance to clarify if Derrynane House, home of Daniel O'Connell, will remain open throughout the tourist season and if renovation works will be carried out prior to summer 2013.

I have also received notice from Senator Jim Walsh of the following matter:

To ask the Tánaiste and Minister for Foreign Affairs and Trade the efforts being made to invite President Barack Obama or Vice President Joe Biden to Ireland in June next for The Gathering which incorporates the JFK 50th anniversary commemorative events taking place at the time in New Ross.

I regard the matters raised by Senators Denis O'Donovan, Deirdre Clune, Colm Burke, Brian Ó Domhnaill, Averil Power, Fidelma Healy Eames and Mark Daly as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Denis O'Donovan, Deirdre Clune, Colm Burke and Brian Ó Domhnaill and they will be taken at the conclusion of business. Senators Averil Power, Fidelma Healy Eames and Mark Daly may give notice on another day of the matters they wish to raise. I regret that I have had to rule out of order the matter raised by Senator Jim Walsh as the Minister has no official responsibility in the matter.

Resignation of Member

An Cathaoirleach: I wish to announce to the Seanad that I have received a letter from Mr. Martin McAleese informing me of his resignation of membership of Seanad Éireann. It reads:

Dear Cathaoirleach

I write to inform you of my resignation from Seanad Éireann with effect from 04 February 2013.

I wish to record my gratitude, first of all, to An Taoiseach Enda Kenny T.D. for affording me the opportunity to serve as a Member of Seanad Éireann. My sincere thanks to you personally for your unfailing help and courtesy and to all the staff of the Seanad whose professional support I deeply appreciated.

During my time in the Seanad I dedicated myself to two main projects. The first, chairing the Inter-Departmental Committee's investigation into State involvement with the Magdalen Laundries and the second, continuing the work of bridge building between North and South.

I am pleased to tell you that the Report on the Magdalen Laundries, which Minister Shatter asked me to undertake, has been completed after some eighteen months of intensive research and analysis and is shortly to be published. It is my fervent hope that the Report will be of real public service most especially to the women concerned.

I am particularly grateful for the way in which the Seanad contributed to a number of bridge-building initiatives, most particularly its historic invitation to the Orange Order. The success of that ground-breaking initiative augurs well for the continued, steady consolidation of peace and good neighbourliness between those who share this island.

I wish you and all of my Seanad colleagues every success in your future service to the people of Ireland and to an enduring peace.

Yours sincerely

Martin McAleese

As Cathaoirleach and personally, I thank Martin McAleese for his valuable contribution to the Seanad. Critics of the House will often only measure a Senator's contribution in terms of the number of words spoken and recorded. Martin McAleese's contribution extends far beyond mere words. He was a man whose actions spoke much louder, who never sought the limelight and whose commitment and integrity in the tasks he undertook could never be underestimated.

I was privileged, as Cathaoirleach, to work with the former Senator since his appointment. One of my proudest moments was to welcome the secretary of the Grand Orange Order to Seanad Éireann. It was yet another step on the path to sustained peace and reconciliation on our island and the former Senator's commitment to the process is unquestionable. He will never get or seek the full credit for his tireless efforts behind the scenes in bringing the peace process forward and bridge building between the different groups in the North and the South.

There will be a lot of coverage today about the Magdalen laundries. Therefore, it is appropriate that we record our thanks to Martin McAleese for his work as chairman of the inter-departmental group and completing the onerous task, not only in his own dignified manner but also in a manner which showed dignity and respect to all those with whom he dealt since he undertook the role of independent chairman. He is a perfectionist and his amazing work ethic and commitment to achieve the highest results mean that he can achieve what a lesser person would consider impossible. His patience, perseverance, attention to detail and willingness to devote endless time and energy ensure he will make a success of any task he undertakes.

I am reminded of the Italian proverb which goes something along the lines of he who gives quickly, gives twice. That sums up what I want to say about the former Senator as I acknowledge his time in the House and wish him well in the future.

Senator Maurice Cummins: I join in the tributes to Martin McAleese. It is regrettable that he has had to stand down. Owing to his heavy and hard workload outside the Seanad he was not able to spend as much time with us as he would have liked. He was not a regular speaker, but he made some valuable contributions. I also compliment him on his work behind the scenes in bringing communities from all sides of the divide in Northern Ireland together. It is an ongoing process and work that he will continue. It culminated in the invitation he extended to the Orange Order to address the House, which was an important day. In the coming weeks and months we will discuss his report on the Magdalen laundries and all look forward to receiving a copy later this afternoon. He did tremendous work in that regard and should be complimented on it. I also compliment him on his work during his short tenure with us. I am sure that he has made many friends and acquaintances, people who will continue to be his friends for many years to come.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, motion re Planning and Development (Planning Enforcement) General Policy Directive 2013, to be taken without debate at the conclusion of the Order of Business; No. 2, Criminal Justice (Spent Convictions) Bill 2012 - Report and Final Stages, to be taken at 3.45 p.m. and conclude not later than 4.45 p.m.; and No. 35, motion No. 2 re Order of Business, to be taken at the conclusion of No. 2, with the contributions of all Senators not to exceed five minutes.

Senator Darragh O'Brien: I concur with your remarks, a Chathaoirligh, about former Senator Martin McAleese and those of the Leader, Senator Maurice Cummins. On behalf of the Fianna Fáil group, I express our disappointment at losing a very good colleague in Martin McAleese whom I first met when he came into the Seanad and who is a man of the highest integrity, a gentleman and a pleasure to work with. I hope the work he did that will come to fruition today in the investigation into the Magdalen laundries and the terrible blot on the State for many years will bring finality and justice to the ladies who were so badly treated by the State and successive Governments.

Martin's track record in terms of his assistance to former President Mary McAleese but also the work he did in building bridges and reaching out, in particular to the Unionist community, particularly the loyalist community which increasingly feels marginalised, even within the North, is fantastic. One of the highlights of my term in the Seanad so far was the day on which the Orange Order representatives came here and the open and frank discussion we had with them. I know that Martin worked closely with both the Cathaoirleach and the Leader of the House to ensure that happened.

We in Fianna Fáil wish Martin the very best, but I am sure it is not the last we will see of him, as I am aware he does fantastic work in Dublin City University, as well as in his role as chancellor. Earlier today I could hear a stampede from afar of failed Fine Gael election candidates and councillors looking to lobby the Taoiseach to fill the vacancy, but that is for another day.

Senator John Gilroy: Does the Senator know anyone himself?

Senator Martin Conway: Bipartisan policy.

Senator Darragh O'Brien: I wish Martin all the best.

I want to raise two items with the Leader. Last week I stated I understood, not through any announcement by the Minister for Social Protection but from a local school in Swords, that the exceptional needs payment to cover religious events was to cease in 2013. The Minister and the Department of Social Protection did not see fit to issue any advice on the matter. The Department had contacted the schools in my area to inform them that in respect of any parent who previously had received a payment up to a maximum of €242, which figure was cut to €110 last year, the payment was to cease in full. That is a fact. I have received a response to a letter I have written to the Minister which states the Department has confirmed that the exceptional needs payment will no longer cover religious events because they do not qualify as unforeseen or exceptional circumstances. Religious events such as first holy communion and confirmation, to give the two examples, do not qualify as being exceptional.

All of us are aware of the secular agenda within the Labour Party. I respect those of all

religious faiths and none and ask the Minister for Social Protection and her Labour Party colleagues to respect the fact that First Holy Communion and Confirmation are important exceptional events for those within the Catholic community. There are no payments for these events. I agree that schools should do their level best to reduce costs and that there are pressures on parents and children at these times, but I will always remember my First Holy Communion and Confirmation and cannot understand the reason the payments are to cease. I would like the matter discussed. I wonder why the Minister for Social Protection did not see fit that this should be done. That is disgraceful because what is happening is that families who cannot afford these payments on two very special days for their children will not receive any payment.

I thank the Chair for his indulgence. I draw to the attention of the House a matter which will be debated during our Private Members motion tomorrow, namely, policing and justice. I ask the Leader to raise with the Minister for Justice and Equality, Deputy Alan Shatter, the minutes of the Dublin Central area joint policing committee meeting of 10 December 2012 which note for the north inner city area of Dublin, that a directive has been issued to the Courts Service to reduce the number of custodial sentences being given for burglary crimes. It was agreed that a letter be issued to the Minister expressing the committee's objection to the directive. All of us, leaving party politics aside, would be absolutely disgusted and shocked if we found out, as per these minutes of a joint policing committee meeting in the north inner city, that a directive had gone from the Department of Justice and Equality to the Courts Service stating it should effectively reduce the number of custodial sentences being given for burglary crimes. That is not on. I want to get to the bottom of this issue and I will do so, if the Minister comes to the House tomorrow.

Does the Leader have any information on whether the Minister will take the Private Members motion tomorrow? If so, I will put the issue to him directly. If this is true, I ask the Leader to investigate the issue and I have written to the Minister today. This is a departure about which I am absolutely shocked. What is being implied is that burglary is not a serious crime. What the Department has indicated in its directive to the Courts Service is that it should go easy on burglaries and ensure there are reduced custodial sentences. I do not think any of us would be happy with that. Certainly the people of the north inner city would not be happy with the directive. I wonder whether any other area joint policing committee has received the same directive? I ask the Leader, through his good offices, to make inquiries. If this directive has been issued, it should be withdrawn immediately.

Senator Aileen Hayden: Like previous speakers, on behalf of the Labour Party group, I wish former Senator Martin McAleese all the best in his future career. I have never had many dealings with him, but he struck me as being an intelligent and dignified man who brought an enormous presence to any project in which he has taken part. I wish we had seen more of him in the House. I have every confidence the Taoiseach will appoint a person of equal ability to fill his place. Aside from his work in bringing the Orange Order before the House, it is well to acknowledge that he participated in a number of debates. Had he spent more time in the Chamber he might have caused even greater debate in the future. I am sorry we will not have his contribution as an individual.

I draw to the attention of the House that as and from 1 February, last Friday, the traditional bedsit is no longer permitted under Irish law. This follows on from regulations introduced in 2009. Fortunately, many landlords have taken the necessary steps to upgrade their accommodation. Many people have warm and fuzzy feelings about their time in college and their early years of employment and look back with some fondness on the traditional bedsit. From

my personal experience I have seen a period house divided into 17 units with three bathrooms shared by the occupants of those 17 units. One elderly lady shared a bathroom with numerous men and was afraid to leave her room after 6 p.m. to go to the toilet and had to avail of a potty under the bed. That is the reality of life for some people in Ireland in 2013. It falls on local authorities to ensure that scandal is a thing of the past.

Today marks the publication of the interdepartmental report under the chairmanship of Martin McAleese on the State's involvement in the Magdalen laundries. The issue has been in the public domain for some time. We are all keen in this House to ensure justice for the survivors of the laundries. The lives these women were forced to endure during their time in them was nothing short of slavery and it is even more shocking to think that the last Magdalen laundry closed only in 1996. While we await the launch of the report later, some facts are known. These laundries were not in the middle of nowhere similar to other institutions where children were held. They were in the middle of the largest towns and cities in the country, including Cork, Galway, Limerick and Dublin. There is evidence that what went on in the laundries was an open secret. Women and girls were sentenced by the courts to serve time in the laundries with no release date and escapees were returned by the Garda. Some women were held prisoner in the laundries for their entire lives. To cap the indignity of having their names removed from them, they were buried in unmarked graves. I do not believe that the State can walk away from its responsibility or that we can ever rest while the torture endured by the Magdalen women goes unacknowledged. As one representative of the survivors put it, "A lot of people knew but didn't want to get involved." Nothing short of a full apology by the people and appropriate compensation will be enough. I hope we will have a full debate on the report following its publication.

Senator Jillian van Turnhout: I join in the tributes to former Senator Martin McAleese and, on behalf of my group, wish him a fond farewell and thank him for his contributions. I wish him every success with his future endeavours. I also thank his assistant, Ms Catherine Butler.

We all await the interdepartmental committee report on the investigation into the State's involvement in the Magdalen laundries, on which Mr. McAleese worked. Everyone is thinking of the women today. It is part of our shameful past. Some of the survivors had, and have, intellectual disabilities and mental health difficulties, while others have disabilities as a result of their incarceration and some continue to live in institutions. When I realised they were still not being properly looked after, I wondered how much of this was about our shameful past and how much was about today. The measure of our society will be how we deal with the report. Will they get the apology and the compensation they rightfully deserve? The people will look at this carefully and each of us, individually and collectively, has a role in ensuring the voices of the survivors are heard. I trust that when the report is published at 4 p.m., we will give a voice to their suffering and will ensure justice is done, as opposed to being talked about.

I acknowledge the work of Older and Bolder which has announced that it will close on 30 June 2013. I am saddened that a strong advocacy voice such as this will cease due to a lack of funding. The organisation was funded by Atlantic Philanthropies but will no longer be able to continue after 30 June. It played a strong role in our work on the rights of older people and it provided a strong co-ordinated voice during the recent budget discussions. There are seven excellent older people's organisations under the Older and Bolder umbrella and a strong co-ordinated voice helps us as Senators in our work in advocating for change. I thank Ms Patricia Conboy and her team.

Senator David Norris: We are all aware of the extraordinary role, although sometimes played in a quiet way, of former Senator Martin McAleese and his wife, the former President, Mary McAleese. The greatest tribute we can pay him is a practical one, which is to discuss as soon as is practicable the report on the Magdalen laundries which coincidentally is being released to the survivor groups, taking into account the fact that it is important that we read the report carefully and deal with it appropriately. However, a few comments can be made in advance of the report's publication. First, the issue has been dealt with in dribs and drabs. We had to force the situation open. I pay great tribute to Professor Jim Smith, an academic in Boston, who was instrumental in this.

3 o'clock

Initially, the Government was not keen on taking on this issue and it still has not taken on Stanhope Street, nor Bethany Home, a Protestant institution. Why are we dealing with this issue in dribs and drabs? Why can we not come clean once and for all? Why can we not clean out this Augean stable and admit that this country was shamed by being brought before the United Nations Committee against Torture? Why can we not admit that what we had in this country was slave labour? The people concerned were forced to work. If they managed to escape, the instruments of the State, the courts and the police, brought them back. This was illegal as many of them had committed no crime at all. Some of them were just social casualties and some had been pregnant outside of marriage, which is not and should not be a crime. Many of them were not even in that category. However, they were all lumped together. No social welfare was paid for them, a criminal offence. The nuns acted illegally in not paying social welfare. The women received no remuneration and at the end of the month got a voucher that could get them a bar of soap. I find this absolutely shocking. These women are owed an apology and owed multiples of the wages they earned. I knew nothing about it at all. People say we are guilty, but I did not know it was going on. I never had as much as a handkerchief washed by them. I knew it had happened historically, but I did not realise it was going on until comparatively recently.

The second issue I wish to raise is also a matter of reproach to the political system, namely, the use of ministerial powers to advance hospital building programmes selectively in order to favour political cronies. This has been going on and what concerns me is the kind of response we got on Raidió Teilifís Éireann at the weekend when a commentator said that was why we had elected them, that was what we were paying them for and the people of Wexford and Kilkenny would be delighted. I have no doubt they will; that is very human. However, we are not charged with dealing preferentially with our political allies. There should be criteria. The people who need these services the most should get them. I am aware, for example, that Members on the Government side in the Lower House are being given selective advance information about such developments. This is wrong and corrupt. We have a Minister for Public Expenditure and Reform and I would like to ask him where is the reform in this. They should all bear in mind that when it involves public expenditure, it is not their money. It is the money of taxpayers and we are entitled to call them to account for it.

I thought it an extraordinarily brazen performance on the part of the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, when he said he would make no apology for such lobbying and would continue to do it. He introduced the name of the late Susie Long, a woman who had died because of poverty and because the medical services did not reach out to her.

An Cathaoirleach: The Senator is way over time.

Senator David Norris: I will end on that point. I would like to ask whether the family of Susie Long was consulted about her being dragged into this and used as a cover for political opportunism. I feel shamed by what has been happening and know decent Fine Gael colleagues will feel the same. I spoke in this way when there was another Government and will not cease now because the Government is made up of people I regard as my friends.

Senator Colm Burke: I join in paying tribute to former Senator Martin McAleese, not just for the contribution he made in this House but also for the contribution he made long before he came here. The first time I met him was when I was Lord Mayor of Cork. I met him a number of times during that year and he was always very much aware of the organisations and groups he and the President were visiting on the particular days they were in Cork. He had significant knowledge of what was involved and the contributions people were making at local community level. He was also very much involved in dealing with people in Northern Ireland and made a significant contribution there.

I would like to raise the issue of the ruling by the data protection agency requiring the cards containing the results of blood tests on newborn children to be destroyed. All of these cards, known as Guthrie cards, are stored at Temple Street hospital, but now all of them, from 1984 to 2002, are to be destroyed. Many medical people, including Senator John Crown, have objected strongly to this decision on the basis that these essential records could be used for research in the future. I ask that this wrong decision be rescinded and that these records be retained for future research. While the ruling of the Data Protection Commissioner may have some substance, I do not think all of the issues were considered in this case. I ask that the matter be taken up with the Minister for Health and the various Departments involved and that the decision be reversed.

Senator Denis O'Donovan: I ask the Leader for an urgent debate on the impending beef crisis that is unfolding. I am concerned that the “horse burger” phenomenon, as it is known worldwide, has become very serious and critical. The Minister said on “Prime Time” last night that he was not surprised by the most recent revelations that seem to be coming on a weekly basis. However, I was particularly surprised and the farming community was extremely concerned. All of the farming organisations are concerned about the future of the beef industry, which is a valuable component of our multi-billion euro agrifood industry. This issue needs to be discussed in this House as a matter of urgency.

I would like the Leader to find out why the initial information made available to the Minister last November was not acted on more swiftly. Why was the Garda Síochána not called in? Why was the Food Safety Authority of Ireland not more efficient in dealing with this matter? It is essential that we have a debate on it. I would have proposed an amendment to the Order of Business, but I know the Minister is away. I am not saying this to convey a threat to the Minister or anything like that. I am expressing deep concern on behalf of the farming community about where we are going. It is now a worldwide phenomenon. Originally, it was a joke that a bit of horsemeat was found in some burgers that were manufactured in this country. It is no longer a joke. I emphasise that it is doing severe damage to our substantial beef exports. As we all declare in here from time to time, the agrifood industry is the backbone of the recovery of the economy. The Taoiseach and the Minister for Agriculture, Food and the Marine should be more proactive. If Senators will excuse the pun, we are now trying to chase the horse when the stable door has bolted.

Senator John Whelan: Will the Leader see if it is possible for the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, to come before the House at

the earliest opportunity? We need to debate the issue of wind energy before any legislation on the matter is considered. When the Minister addressed the European Wind Energy Association conference in Vienna yesterday as part of Ireland's Presidency of the European Union, he set out the opportunities in the sector from 2020 to 2050. On a number of occasions, Senator John Kelly and other colleagues have raised the mounting concerns across the country - not least in the midlands - about some of the proposals that are being made. I support wind energy and renewables. It is important that we put viable and sustainable alternatives in place. It seems bizarre and inconsistent that the construction of over 2,500 turbines, each of which would be more than 185 m tall, or larger than the Spire, has been proposed as part of developments in small pockets of the midlands. All sorts of telephone numbers are being bandied around in terms of the kind of job creation there will be. It has been claimed that two or three projects will create over 70,000 jobs. Not for the world of me can I see how that is possible, even though it would be great to think that it would be so.

I commend the balanced and sustainable approach being taken by companies like Bord na Móna on cutaway bogs in places like Mount Lucas. It is important that we do not end up with another building boom, which could turn into a sort of "Con Air". Rather than having ghost estates, maybe we will have ghost wind farms dotted across the country. Perhaps nobody will be in a position to do anything about these rusting blights on the landscape. That would do huge damage to our visual, tourism and natural amenities. I ask the Leader to arrange to have the Minister, Deputy Pat Rabbitte, before the House to discuss this matter. We need to calm down the situation. We must ensure that any wind farm developments which are heavily subsidised by the taxpayer are subsidised on a value basis, that cost-benefit analysis is undertaken and that the question of sustainability is at the core of any plans or projects we put in place.

Senator Katherine Zappone: I welcome and acknowledge the journalist, human rights activist and campaigner, Orla Tinsley, who is in the Visitors Gallery today. I invited Orla to the House because I wanted to acknowledge her extraordinary leadership, as a young woman, in her presence. We are all aware of the tireless, dignified and effective campaigning she has done on her own behalf and that of all those with cystic fibrosis in Ireland. Most recently, her work and that of others has resulted in the Minister for Health, Deputy James Reilly's very welcome announcement that the Kalydeco drug will be made available to the 120 cystic fibrosis patients who can reap the extraordinary benefits of this medicine. As Mr. Tony O'Brien, director general designate of the HSE has said, the discussions surrounding the availability of this drug have raised "profound ethical and financial issues" for the State. To be sure, there are ethical issues involved. I might add that it is very welcome that policymakers and politicians acknowledge this. In fact, it is also true that all priorities related to financial issues have ethical implications for the way we recover as a society and as an economy, particularly in order that the foundations of our transformed republic might reflect that reality. Otherwise, we would be simply involved in rebuilding a political and economic model that mirrors the one that brought us to the implosion of our financial security, with the consequent risk to the well-being of most of the people.

Like most Irish people, I wondered if Orla herself would benefit from the accessibility of this drug which was assessed by the National Centre for Pharmacoeconomics in January 2013 and found to have significant benefits for those who take it. It will improve their quality of life and, given the significant improvements in lung function, it can be realistically hoped that many will be taken off the lung transplant list and be able to get back to work. I found out by tweet that, in fact, Orla was not one of those 120 with the mutation of the disease that would allow her to benefit from this treatment-----

An Cathaoirleach: Time, Senator.

Senator Katherine Zappone: I have a question for the Leader.

An Cathaoirleach: The Senator is over time.

Senator Katherine Zappone: Yet, Orla presents such an extraordinarily beautiful face of hope for those who can benefit and puts out the message that other drugs will be developed, I hope, for those who suffer with the disease. She is a hero and a leader to whom we, as lawmakers, must continue to listen.

In the light of the developments within the health sector, I ask the Leader to organise a debate with the Minister, Deputy James Reilly, to discuss future procedures for prioritising the access to new drug treatments.

Senator Paul Coghlan: I wish to be associated with the deserved warm tributes to former Senator Martin McAleese. He is an extremely courteous and kind man, quiet, effective and easy to deal with. I salute the work he did in regard to the Magdalen laundries, which often took him away from the House and involved a lot of research and analysis. I look forward to the publication of the report and, with the Leader's help, its debate in the House. As was pointed out, his greatest achievement during his time here was his work behind the scenes with people in the North and, in particular, bringing the Orange Order south for that day in the House was tremendous. It reflected well on the Seanad, but, apart from that, it was an important day in the continuing peace process and the building involved in that regard. On a lighter note, for me, as Government Whip, he never caused any difficulty in the slightest. I know he voted against us twice, but we understood that. I salute the work he did and wish him well.

I thank and compliment sincerely the Minister of State, Deputy Brian Hayes, who has responsibility for the Office of Public Works, for his instruction and decision that the spectacular ancestral home of the Liberator, Daniel O'Connell, will remain open throughout the season which, down there, has traditionally been from Easter to September. The major upgrade and construction works and the €2 million being provided for it by Fáilte Ireland are very important and long overdue. I will not criticise anyone opposite. The work will not happen during the season because people travel long distances to come and see the place. It is fair to say that Derrynane House and gardens is one of the great tourism gems. I would go as far as to say it is on a par with Muckross House and gardens in our major national park in Killarney. I thank the Minister of State for ensuring this spectacular attraction will remain open, with all of the local employment it provides. We should also remember that a major event for The Gathering is planned for that house in September. I say "Well done" and wish the work well in the winter time.

Senator Sean D. Barrett: I echo the general sentiments towards former Senator Martin McAleese expressed by the Cathaoirleach and the Leader. He was a remarkable man and the day he brought the Orange Order here as our guests was a remarkable one.

Yesterday there were leaks in the newspapers about the new format teacher training might take. It was obsessed with structures and bureaucracies and said very little about qualifications and learning. It is absolutely vital for the children of Ireland that we lose the emphasis on structures and bureaucracies. We could take as a model Finland, where a teacher should have a master's degree in a subject in order to teach it. It is also important that teacher training take place fully in the university, that any implication that teacher training is a lower academic activ-

ity than those in other parts of academe be rejected and that teacher training be integrated, because higher education's most important function is producing teachers for the next generation. I know the Minister is strongly of that view, but it appears from what was in the newspapers yesterday that bureaucracy and those obsessed with drawing lines on maps and structures were dominating the debate. It is too important for that.

Senator Marie Moloney: I add my voice to the tributes being paid to former Senator Martin McAleese and wish him all the best in his future endeavours.

I also wish to raise the issue raised recently by Senator Denis O'Donovan, namely, the fact that another factory has been identified as a source of products containing equine DNA. The Minister for Agriculture, Food and the Marine must act quickly on this matter. I know he has referred it to the special investigation unit of the Department of Agriculture, Food and the Marine and asked the Garda to join that investigation, but that is not enough to safeguard our beef industry. The industry is worth over €2.7 billion and we cannot have any negative publicity abroad that will affect our exports. I appreciate that horsemeat will not kill, but if one buys a product that says "beef", the very least one can expect it to be is beef, without any other ingredients in it. It has been determined that the ingredients came from another EU country which I expect should come under the same regulations as this country and be subject to the same checks to which Ireland is subject. We must restore and maintain consumer confidence in our beef industry and exports. That is why I am asking the Minister to act swiftly on this and not let it go on any longer. He must put this issue to bed and restore our good name abroad. If the Minister has time, perhaps he might come to the House in order that we can have a debate on the matter and find out how it could have happened again. Did we not learn anything from the beef tribunal? It is time to put this issue to bed.

Senator David Cullinane: I join previous Senators and the Leader in paying tribute to former Senator Martin McAleese and wishing him the very best of luck in whatever he chooses to do from now on. In respect of the report on the Magdalen laundries which is being published, we all need time to digest the report and look at the recommendations that will undoubtedly be in it. I very much hope these recommendations are centred on the survivors and their needs and that they get the compensation they need and the recognition they deserve from the State that wrongs were carried out. I sincerely hope this will be the substance of the report which is being launched. I also hope that in the coming days and weeks the Leader will provide the necessary time to allow Senators to engage in a full and informed debate on the report and its recommendations. We should reserve judgment on this matter until we have an opportunity to read the report.

I refer to the serious issue which has arisen in the food sector. As the Leader who lives in the south east will know, many people are employed in this sector which is of huge significance to the national economy. It is also of major significance to the regional economy of the south east. There is absolutely no doubt that the actions of a small number of rogue processors has undermined confidence in what is the food sector's very valuable and important brand of quality. It is absolutely disgraceful that certain companies have taken particular actions in order to cut costs and have thereby caused untold damage to the food sector. I join the IFA, farmers and all other interested parties in seeking answers in respect of this serious issue. The companies to which I refer were using cheap ingredients from outside Ireland as fillers in burgers in an attempt to cut costs. They did not care about the potential damage they could do to the food sector. I ask the Leader to make time available for a debate on this matter in the House in order that we might discuss the issues to which I refer and the need for tighter regulation and an increased number

of inspections in this area. We could also discuss traceability and labelling, action in respect of which many parties and individuals have been seeking for many years. In view of what has happened, it is important that we engage in a debate of this nature in the House as quickly as possible.

Senator Martin Conway: I also pay tribute to former Senator Martin McAleese, whose office is across the corridor from mine. During the past two years I have found him to be a generous and genuine individual. It was a pleasure to work with him. The best way in which we might remember Martin McAleese in this House would be by implementing, in full, the recommendations his committee will undoubtedly make. Doing so would allow us to address the serious wrong that was done over many years to the unfortunate citizens of Ireland to which his report relates. We are, as a society, facing a moment of truth with regard to how the “hear no evil, see no evil” syndrome which has bedevilled this country for many decades might finally be unravelled. The best thing society and this House can do is to ensure that the recommendations contained in the former Senator’s report are implemented in full. Furthermore, a debate on this matter should take place in the House. I suggest that, perhaps next week or the week after, time be set aside for the House to engage in a consideration of the report and its recommendations. The best way we can pay tribute to Martin McAleese is to have an in-depth discussion on this issue and, as stated, for the Government to implement the recommendations which will undoubtedly be contained in his report.

Senator Marc MacSharry: I wish to be associated with the comments made by Senator Martin Conway. I wish former Senator Martin McAleese well.

I wish to comment in the context of Senator Katherine Zappone’s comments regarding Ms Orla Tinsley and the new drug that has been made available for sufferers of cystic fibrosis. I would welcome a debate in respect of the processes which are used to select the patients to whom certain drugs are made available. The Access to Cancer Treatment Bill was an effort on the part of Senator John Crown and I to put in place a clear process in this regard, to ensure that, when approved by the European Medicines Agency, all drugs would be made available to all patients and that it would be a matter for the State to opt out of providing a particular drug rather than merely opting in. It was unfortunate that, during a most unruly debate on the Bill in question, Senator John Crown and I were condemned for what we were trying to achieve. As stated, I would welcome a debate on the matter to which I refer.

The main issue to which I wish to refer is the crisis within the beef industry. In the primary part of my career, I worked in the industry for many years and I was involved - at the height of two BSE crises - in exporting 35,000 cattle per year to 46 countries across the globe. In that context, I express some confidence in the industry in this country, particularly in the post-beef tribunal era. It is appropriate that the Garda has been called in, particularly if any criminality is henceforth identified. I have not yet heard anyone highlight how certain things happen within the beef industry. If beef is bought from another country, it enters Ireland under the veterinary seal under EU regulations. Containers are met and opened at a plant in Ireland by somebody with a veterinary seal. No other country in Europe has the same level of oversight and enforcement in the beef industry as Ireland. There is no processing of beefburgers, primal cuts or other products out of sight of agricultural offices. None is packed, labelled or put into a container unless it is under a veterinary seal. Therefore, what we have is systemic failure. The Leader should ask the Minister today, irrespective of whether he is out of the country, what the Commissioner for Agriculture and Rural Development is doing about this matter. Are officers of Europol attending plants throughout Poland to investigate the veterinary controls in place therein?

I know from experience that post the beef tribunal Ireland has a greater level of oversight, regulation and enforcement than any other EU country. I am not saying Rangeland Foods and Silvercrest Foods do not have questions to answer but that I would be very careful about putting the entire blame on any Irish processor or producer. Has the Minister raised this issue with his European colleagues? What is being done in Poland and the other countries involved? We have heard that Spanish, Danish and Polish sources are implicated. What enforcement is there in these countries? Have the relevant Ministers asked the police to enter the various plants? This must happen because there is a European systemic failure, not one that is specific to Rangeland Foods or Silvercrest Foods.

Senator Lorraine Higgins: With a number of my colleagues, I want to address the very serious issue of the horsemeat scandal that has gripped the country in recent weeks. Undoubtedly, it has done untold damage to the beef industry. As a consequence of what has happened, the industry is now, clearly, on its knees and at crisis point, with farmers being pushed to breaking point and a considerable number of employees, both direct and indirect, affected by what is unfolding. What perturbs me most is that this debacle demonstrates the fundamental unfairness in the application of the law in this country. Farmers are subjected to untold scrutiny and face sanctions with regard to the single payment if they breach any law, yet one meat processing plant and probably many more are clearly not subjected to the same checks and balances, despite the fact that a product unsuitable for human consumption was allowed to end up in the food chain.

It is clear that we need to avoid the kind of mantra that stipulates that if no risk is proved, there is no risk. We need to ensure rigorous testing takes place in each plant. Some commentators have tried to turn the issue into a discussion about why eating horsemeat is not a tradition in Ireland, but that misses the point. It is not a question of taste but of misleading the public. If the label states “beefburger”, the product should be beef, not 29% horsemeat, as was the case in the case of Tesco beefburgers. Since the horsemeat was not intended for the food chain in the first instance, we have no idea what was contained in it or if it was safe at all. On that basis, we need to see prosecutions taken against those who knowingly and wilfully ignored food health and safety legislation. Given the untold damage done to the industry, those with meat processing plants who also have farms should have the single farm payment stopped by the Department.

What ultimately happened was tantamount to plain greed. There has been intentional deception for gain. Someone, somewhere, in this scandal is guilty of this. It is clear that the effort to provide food on the cheap by unscrupulous processors has backfired spectacularly. What has happened has destroyed the beef industry and it is clear that our reputation is in tatters. We have tried painstakingly to build a reputation during the years. It is necessary for the Minister for Agriculture, Food and the Marine to debate the matter fully in this House in order that we can all air our opinions.

Senator Mark Daly: I welcome the news from the Minister of State responsible for the OPW, Deputy Brian Hayes, that Derrynane House will remain open this season. The Minister of State is a great believer in and follower of Daniel O’Connell, “the Liberator”, the man who was accredited by none other than William Wilburforce as being instrumental in Catholic emancipation and the abolition of slavery.

I ask the Leader to organise a debate on the forthcoming property tax. Although the Minister for Finance was present in the House to deal with the relevant legislation, the debate was guillotined and we did not get to consider all sections of the legislation. From what we hear

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and read in the newspapers, what is becoming apparent is that the shambles which will be the valuations done by the Revenue Commissioners will fall firmly on the heads of the 1.6 million people who will receive these letters in March. We were told that those who received a valuation from the Revenue Commissioners but who knew their property was worth less than the valuation could go back to the Revenue Commissioners and give a valuation. We now read that if the Revenue Commissioners send a letter giving a certain valuation and if the person pays the amount due on that valuation, the Revenue Commissioners reserve the right to go back to the person and say the house has been undervalued. Penalties and fines will be imposed on that person, even though the Revenue Commissioners will have done the valuation.

Senator Paul Coghlan: No one will make a mistake with valuation. One should know the valuation.

An Cathaoirleach: Senator Mark Daly to continue, without interruption. Does he have a question for the Leader?

Senator Paul Coghlan: Senator Mark Daly likes to mix things up.

An Cathaoirleach: Please, Senator. Does Senator Mark Daly have a question for the Leader?

Senator Mark Daly: If my learned colleague from County Kerry is making accusations, I look forward to the debate on valuations. When the letters arrive on his doorstep and the doorsteps of other people in County Kerry, I am sure the errors of the Revenue Commissioners will become apparent in regard to their valuations of people's houses.

(Interruptions).

An Cathaoirleach: Does Senator Mark Daly have a question for the Leader. He is over time.

Senator Mark Daly: The way the Government is going about this process is a shambles. This is the wrong plan at the wrong time.

Senator Paul Coghlan: The Senator would wish it to be so.

An Cathaoirleach: Please, Senator.

Senator Mark Daly: My colleague from County Kerry makes numerous interruptions on the Order of Business in regard to-----

An Cathaoirleach: The Senator is over time.

Senator Paul Coghlan: He likes to be provocative.

Senator Mark Daly: Senator Paul Coghlan likes to be provoked.

An Cathaoirleach: Quite a number of Senators have indicated they would like to speak, but they will not all be able to do so if the Senators continue on like this. Does Senator Mark Daly have a question for the Leader?

Senator Mark Daly: Will the Leader organise a debate on the property tax and the sham-

bles which is this valuation process that the Revenue Commissioners are engaging in on behalf of, and on the instructions of, the Government?

Senator Catherine Noone: Like other speakers, I express serious concern about and outrage at the most recent discovery regarding horsemeat. The farming community and the farming organisations are flabbergasted that this meat is in the country because we have so many exemplary producers. There does not seem to be any logical reason other than pure greed for these burger makers, etc., attempting to use this type of meat. It does not make any sense for them to bring in these trimmings and various meat products from other countries.

Of those who spoke, I liked Senator Marc MacSharry's line of thought on this in that we need to take an EU-wide approach to this. As he said, we have exemplary producers in this country and it does not make any sense for products to be coming in from abroad. It does not make sense for us to say we need to look at our regulations. We need to look at EU regulations. The very fact that this produce was found proves the point that our regulations are second to none and that the EU regulations are being implemented in this country. As the Senator said, this was not found to be happening in Poland. We need to have better labelling and traceability and to take an EU-wide approach to this issue. I would appreciate it if the Leader could convey our thoughts to the Minister for Agriculture, Food and the Marine in order that we might have a debate on the issue as soon as possible.

Senator John Kelly: I support the call by my colleague, Senator John Whelan, for a debate on wind energy and its future. In the past I have said that these wind energy developers can advertise 66,000 jobs to build 1,500 wind turbines while another wind energy operator will employ 10,000 to build half that amount. The figures do not add up and it is time we knew where we were going before we do untold damage to our environment. Like my colleagues, I am all for wind energy production, but the wind turbines must be set back far away from people's homes in order that life is bearable. At no stage throughout the debate on wind energy did we discuss the dangers. Last week in the United Kingdom a 30 m turbine fell in 50 mph winds when it was supposed to withstand winds of up to 130 mph. Wind turbines here are going to be 185 m tall, the same height as the Spire in Dublin. What if a wind turbine crashes? Have plans been put in place to protect people from the dangers posed by wind turbines?

The Minister of State, Deputy Jan O'Sullivan, has announced a wind energy guidelines focussed review. People have until 15 February to engage in the process and express all of the problems that they see associated with living too close to wind turbines. We must not end up being the dumping ground for the United Kingdom because its wind energy policy has led to an increase in the demand for electricity there. The United Kingdom wants Ireland to provide it with electricity, but the process will destroy our landscape.

Like other Senators, I pay tribute to former Senator Martin McAleese. I compliment him on his work on the Magdalen laundries. When the media in County Roscommon refer to Oireachtas Members for the county, they always refer to three Deputies, Senator Terry Leyden and me. They always forget that Martin McAleese also lives in the county.

Senator Michael Mullins: I join in the words of thanks and congratulations for former Senator Martin McAleese. We can say with certainty that he has done the State some service. This afternoon a significant report which uncovered our murky past will be unveiled. It is incumbent on us, as Oireachtas Members, to ensure its recommendations are implemented in full and that the people who were treated badly through the decades receive the recognition and

recompense that they deserve.

I call on the Leader to organise a debate on Irish Aid in the near future. I do so against the backdrop of a report that Ireland is considering the resumption of aid to Uganda. We will all be aware of the recent controversy where €4 million of Irish money was misappropriated, but thankfully it has been returned. There was a second incident where €110,000 was misappropriated by the Uganda AIDS Commission or there were anomalies with it. I do not advocate depriving the most marginalised people in the world of assistance, but we need total openness and transparency when it comes to aid. Irish people want to be sure the moneys expended on their behalf are properly accounted for. Therefore, the Seanad must debate the issue and ensure that there is no repeat of the recent Uganda debacle and that we have total confidence that our money is being spent wisely.

Senator Mary Moran: I express my thanks and appreciation to former Senator Martin McAleese who was a valued colleague. I was fortunate to serve with him on the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement. He worked tirelessly to build bridges between the North and South on many levels. He will be remembered for the memorable visit by the Orange Order to the Seanad last year. He will also be remembered for his outstanding work in chairing the interdepartmental committee that will publish a report on the Magdalen laundries this afternoon. We all know that the treatment meted out to the women concerned was barbaric and unforgivable. They deserve nothing short of a full apology and compensation for their distress and the appalling treatment that they endured. We have all read in recent days and all know that they were not guilty of any crime and many of them were held against their will. Recently we heard about the conditions under which they were held. I heard a poignant story at the weekend about one of the ladies who was impregnated while in the laundry. Her daughter has spoken movingly in recent days about the experience. I sincerely hope the injustice meted out to the women concerned will be rightfully acknowledged this afternoon.

Another group of women who are tirelessly waiting for justice are the survivors of symphysiotomy. The Walsh report was due to be published months ago, yet the women concerned are still waiting on that report. In cases like this, as in the case of the Magdalens, it is a double insult. We know the injustice that was done and the wrongdoing that occurred and it is a double insult when we do not do something about it. I call on the Minister for Health to publish that report without fail or to give us a definite date for its publication.

Senator Cáit Keane: I add my voice to the congratulations to former Senator Martin McAleese on his fine work on the report on the Magdalen laundries. In a short year here he leaves behind a fine legacy. I look forward to reading the report and debating it in the House and seeing its recommendations implemented.

Orla Tinsley has left the Visitors Gallery but that fine young woman has done Trojan work on behalf of cystic fibrosis sufferers. I am delighted that the drug Kalydeco has been recognised and made available to the patients. Senator Marc MacSharry said these drugs should be made available and asked how they were made available, but this particular drug will be made available to all the cystic fibrosis patients with the G551D mutation, which is the controlling criteria for the drug. Mention was made of Senators making representations. I made representation to the Minister on this drug and I am delighted it is being made available. Another new drug is coming on-stream also, but I hope that this new drug will be made available to Orla who has that gene mutation and all cystic fibrosis sufferers.

The issue of wind energy was raised. I again bring to the attention of all Members that the Leader of the Seanad, Senator Maurice Cummins, and I are organising a European-wide debate on sustainable energy and wind energy in Dublin Castle on 21 and 22 June. It will be attended by politicians from across Europe as well as our own politicians. The Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, is the main speaker, but there will be speakers from across Europe also. This entire issue will be discussed by people from academia, politicians and industry. This is the time and the place and Members should put their names down to ensure they can attend. It is part of the EU Presidency and has now been recognised as an associate event of the EU Presidency. It was instigated by this Seanad and will do a service to Ireland in terms of renewable and sustainable energy and the input to that conference from every Member will be most important.

Senator Terry Brennan: With my colleagues, I acknowledge the significant contribution former Senator Martin McAleese has made to the peace process in Northern Ireland. His was one of the most significant contributions which was made quietly in his own way and from the heart. I congratulate him on the report on the Magdalen laundries which all of us will have the opportunity to read in the near future.

I refer to the recent decision by the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, to allow insurance companies have access to the national vehicle file where details of drivers who have incurred penalties can be obtained. It is the first time that has happened and it will give insurance companies access to details of individual drivers applying for renewal policies or looking to change insurance companies. I am concerned for the impeccable driver who may have a track record for the past 30 or 40 years of no accidents and a 60% no claims bonus who suddenly obtains two penalty points for exceeding the speed limit by 5 km in a 50 km/h zone and the implications for renewing his or her policy. I ask the Leader to arrange for an urgent debate on the issue in the near future.

Senator Eamonn Coghlan: I too pay tribute to former Senator Martin McAleese. I got to know him long before we were nominated to the Seanad by the Taoiseach. We spent many an hour running around the Phoenix Park when he lived in Áras an Uachtaráin. I found him to be an honourable and decent gentleman who had time, respect and compassion for everybody who came to be in his company. He may have been a man of few words, but when he spoke we all listened to him very carefully. We listened to his analysis and to his wisdom. More important, the trust he was able to build up with the people was proved through the peace process and the building of bridges in Northern Ireland. I have no doubt that he will have left no stone unturned when we read the report on the Magdalen laundries.

Last week I spent an evening in New York at a fundraising event for Our Lady's Children's Hospital in Crumlin where a considerable amount was raised. Those in attendance at the dinner asked why I would come to America and New York to raise funds for the hospital. The answer is that €8 million is needed to fix the new cardiac wards at the hospital. Some €5 million is needed annually to continue the children's medical research that is world renowned. It was sickening on returning home to find out yesterday that between Our Lady's Children's Hospital in Crumlin and Temple Street Children's Hospital approximately €5 million has been cut from their budgets this year. Some 180,000 children annually go through the hospital in Crumlin suffering from cancer, leukaemia, cystic fibrosis, spina bifida and so on. We have been speaking about the new national paediatric hospital for the past eight years and it will probably be another eight years before it is built. We do not even have planning permission for the new paediatric hospital which has now been assigned to the James's Street site. I call on the Leader, on

behalf of the children and their parents who are wondering why in God's name the Department is cutting €5 million from its budget, for an explanation of and the justification for these cuts.

Senator Feargal Quinn: It is 1,000 days tomorrow since the Construction Contracts Bill was passed by the House. I cannot understand how it takes so long to get things done. We have been told it is to go to the Cabinet shortly. We have been told it is ready to go before the other House again, but it is so frustrating. A Bill that was introduced in the House to do with presumed consent for organ donation was adjourned while consultation was to take place and nothing has happened since. What has happened today? It has been announced that Northern Ireland is to introduce presumed consent; in other words, it is presumed one has given consent unless one has actually denied it. One can opt out. The Bill was debated here and the debate was adjourned for further consultation and nothing has happened. It really is frustrating for somebody who comes from outside into politics and to see how long it takes to get things done in the State.

Senator Maurice Cummins: Senator Darragh O'Brien raised the question of exceptional needs payments. I am surprised such payments have been withdrawn for First Holy Communion, Confirmation and other religious ceremonies. It is a matter I will raise with the Minister.

In regard to the directive from the Department of Justice and Equality to the Courts Service on burglaries, I will certainly raise the matter with the Minister for Justice and Equality. I would find it difficult that the Department would interfere in any way with the Courts Service, but I will raise the matter with the Minister.

Senator Aideen Hayden mentioned the plight of people in rented accommodation. We will have statements on the private rented sector in the House tomorrow. The Minister of State with responsibility for housing, Deputy Jan O'Sullivan, will be present and the Senator can raise the issue then.

The Senator, with many others, raised the issue of the Magdalen laundries. The report is 900 pages long and will need to be digested by all Members. We should let a short time elapse before we have an informed debate, but I assure the House that I will arrange a debate on the report in early course. Senator Jillian van Turnhout referred to the need for justice to be seen to be done and we will debate the matter soon. I note her comments on Older and Bolder which will cease its work later in the year. Like her, I commend its administrators for the work they did on behalf of older people and the part they played in the House's public consultation some time ago on issues relating to elderly people.

Senator David Norris raised a number of issues. With regard to Ministers' trying to make representations on behalf of constituents and trying to jump people up, Members of this House and indeed the other House lobby on behalf of constituents, organisations and communities on the Order of Business practically every day and Adjournment matters are tabled and debated every day in which Members lobby on behalf of constituents.

Senator David Norris: That is not the same as using public money when they are Ministers and attempting to justify it in a brazen way.

Senator Maurice Cummins: It is going on since Adam was a boy and probably will continue to go on.

Senator David Norris: It is a damnable practice that should be stopped.

An Cathaoirleach: The Leader to continue, without interruption.

Senator Maurice Cummins: Senator Colm Burke referred to the storage of Guthrie cards in Temple Street Hospital and the necessity of retaining this information. This issue was also raised by Senator John Crown and others previously. I will find out the position in this regard.

Senators Denis O'Donovan, Marie Moloney and several others referred to the crisis in the beef industry. The investigation is focusing on the food supply chain, including the meat trader concerned and others who facilitated the purchase of this product and its transfer to users in Ireland. Every step will be taken by the Government to protect the beef industry and restore confidence. It is important for the economy that confidence is restored and I assure Members that every step will be taken to ensure the rogue traders involved in this debacle will be brought to justice soon.

I note the valid points raised by Senator Marc MacSharry on the same issue. I worked in a port for more than 20 years and I am aware of the regulations the Department of Agriculture, Food and the Marine oversees in both ports and factories in the context of the beef industry. Horsemeat is not illegal in Ireland or other EU member states, but describing it as beef is certainly an offence.

Senators John Whelan and John Kelly called for a debate on wind energy and wind farms. I spoke to the Minister for Communications, Energy and Natural Resources last week. I have not arranged a date with him yet, but I will try to get a date to have him in the House soon to discuss the matter.

Senator Katherine Zappone highlighted the plight of cystic fibrosis sufferers while Ms Orla Tinsley was present in the Visitors Gallery. I commend Ms Tinsley for her efforts in highlighting their plight. Like other Members, it is welcome that the new drug will be made available to CF sufferers. It is estimated that between 113 and 120 patients could benefit from this drug at a cost of between €25 million and €28 million. It is very important that these drugs are made available to help the people concerned live a meaningful life. We all commend the Minister for ensuring they will be made available to cystic fibrosis sufferers.

Senator Paul Coghlan raised the issue of Derrynane House. It is welcome that it will remain open during the periods mentioned. The Senator seems to be the tourism ambassador for County Kerry in this House. Every time some house is mentioned, be it Muckross House or Derrynane House, he seems to be on his feet.

Senator Paul Coghlan: It is the tourist capital.

Senator Maurice Cummins: Senator Sean D. Barrett made important points about teacher training. I noted the points made and will bring them to the attention of the Minister.

Senator David Cullinane mentioned the importance of the food sector to the economy and our strong regulation and traceability standards. It was because of our strong regulation and traceability standards that we discovered the problem of the traces of horsemeat in burgers in the factories involved. Senator Lorraine Higgins also mentioned the problems related to the beef crisis and horsemeat in burgers.

Senator Martin Conway mentioned the Magdalen laundries. We will have a debate on that issue in a couple of weeks.

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Senator Mark Daly called for a further debate on the local property tax. We had a comprehensive debate on this matter and practically had a debate on it on the Order of Business when Senator Darragh O'Brien raised it a couple of weeks ago. With regard to the assessment system, the local property tax will operate on the basis of self-assessment and self-declaration by liable persons. The Revenue Commissioners will have responsibility for administration, collection, enforcement and all other aspects of the matter and the normal Revenue enforcement and collection procedures will apply. With regard to the valuing of property, liable persons will self-assess the market value of the property and when the Revenue guidance on valuing a property is followed, property evaluations will not be challenged by the Revenue Commissioners. The initial valuation will be valid up to and including 2016.

Senator John Kelly raised the issue of wind energy. I hope we will have the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, in the House in a couple of weeks time to discuss this matter.

Senator Michael Mullins called for a debate on Irish aid. We have contacted the Minister of State, Deputy Joe Costello, who has agreed to come to the House to discuss the issue. We have not yet agreed a date, but the debate will probably take place towards the end of February.

Senator Mary Ann Moran asked about the report on symphysiotomy. I will try to find out from the Minister for Health when it will be published.

Senator Cáit Keane mentioned the conference on sustainable energy to be held on 21 and 22 February. This important conference will be attended by representatives from all over Europe, most of whom will be MEPs.

Senator Terry Brennan raised the issue of access for insurers to penalty point records. He is concerned about the implications for drivers. We will ask the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, to come to the House to clarify the matter.

Senator Eamonn Coghlan raised the issue of funding for Crumlin hospital. I will try to obtain the information the Senator requires on the matter.

I share the frustration of Senator Feargal Quinn with regard to the Construction Contracts Bill and the Human Body Organs and Human Tissue Bill which deals with organ donation and the issue of presumed consent. It is frustrating that these Bills have been introduced and passed through this House. It is 1,000 days since the Construction Contracts Bill was introduced.

4 o'clock

I do not know what is holding it up. We have been told that it may be the Office of the Attorney General. I will find out the exact position on the Bills and get back to the Senator on the matter in a couple of days.

An Cathaoirleach: Is the Order of Business agreed to?

Senator David Norris: On a point of order, the Leader referred to Members' constituencies. I have mentioned to Senator Sean D. Barrett that it is rather curious that almost all Adjournment matters refer to geographical constituencies. The Leader has said he has noticed this too. My understanding is that Senators who are nominated through the panel system represent professional bodies and so on.

An Cathaoirleach: There are no geographical constituencies for the Seanad.

Senator Maurice Cummins: I mentioned “the other House”.

Senator David Norris: I thought the Leader had mentioned both.

Senator Maurice Cummins: I mentioned “this House” and “the other House”.

Senator David Norris: I shall check the record. I thank the Leader. We do not have geographical constituencies for this House.

Order of Business agreed to.

Planning and Development (Planning Enforcement) General Policy Directive 2013: Motion

Senator Maurice Cummins: I move:

That Seanad Éireann approves the following Regulations in draft:

Planning and Development (Planning Enforcement) General Policy Directive 2013, copies of which have been laid in draft form before Seanad Éireann on 11th January 2013.

Question put and agreed to.

Criminal Justice (Spent Convictions) Bill 2012: Report and Final Stages

An Cathaoirleach: Before we commence, I remind Senators that a Senator may speak only once on Report Stage, except for the proposer of an amendment who may reply to the discussion on the amendment. On Report Stage each amendment must be seconded.

Amendment No. 1 is in the names of Senators Jillian van Turnhout and Fiach Mac Conghail. Amendments Nos. 1 to 11, inclusive, are related. Amendment No. 2 is an alternative to amendment No. 1. Amendments Nos. 4 to 11, inclusive, form a composite proposal and are alternatives to amendment No. 3. Amendments Nos. 1 to 11, inclusive, may be discussed together, by agreement. Is that agreed? Agreed.

Senator Jillian van Turnhout: I move amendment No. 1:

In page 3, line 28, to delete “12 months” and substitute “2 years”.

I note that two important amendments I raised on Second Stage and tabled as amendments on Committee Stage have been incorporated into the Bill by the Government, for which I thank the Minister. It is very important that we now have clarity about the application of the legislation with respect to multiple convictions arising out of one incident or offence. I strongly welcome the extension from 12 months to two years of the maximum applicable sentence for a relevant non-custodial sentence. I hope at a future review of the legislation that this limit

will be extended further to allow a greater number of people to avail of the clean-slate second chance the legislation aims to provide.

I thank the Oireachtas Library and Research Service for an excellent Bills Digest and conducting additional research at my request which I will be sharing with the House shortly. I also thank the Irish Penal Reform Trust for providing background information on the case studies which have helped us all and have certainly helped to strengthen my resolve in calling for the most liberal and generous spent convictions legislation possible. For me, this is not about being soft on crime or unduly lenient on offenders. It is about showing foresight and an appreciation of the long-term holistic benefits of encouraging the rehabilitation and re-integration of ex-offenders back into society.

The Minister will be aware, since my initial statement on Second Stage, that I had hoped the Bill would go further. I have tabled a suite of amendments which would see the maximum applicable sentence for a relevant custodial sentence extended from 12 months to two years. I have proposed two years as a compromise between the 12 months in the Bill and the 48 months applied under the UK legislation and now also proposed by my colleagues in Sinn Féin. I have listened carefully to the Government's rationale for holding fast on the 12 months exclusion point. It is welcome that it exceeds the six months recommended by the Law Reform Commission in 2007. Nevertheless, I maintain that 12 months does not go far enough and I will address some of the points raised during Committee Stage in this regard.

First, the Government has pointed out the UK legislation represents the most liberal spent convictions scheme in the common law world and that, in comparison to Australia and New Zealand, what is being proposed in the Bill is liberal. While this is true, it is also true that the United Kingdom has had a 40-year head start on Ireland with regard to spent convictions legislation. During this time, the UK Ministry of Justice has strived to strike the appropriate balance between public safety and reducing barriers to reintegration for those who have moved on from offending behaviour. As the Minister knows, the UK Ministry of Justice commissioned a review of the Rehabilitation of Offenders Act, which was called "Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders". This report recommended that the limitation of the spent convictions scheme to 30-month sentences was too restrictive. In response, the UK Government, through the Legal Aid, Sentencing and Punishment of Offenders Act 2012, has reformed the relevant sections of the Rehabilitation of Offenders Act, setting the limit at 48 months - four years - which is four times the limit proposed in the Bill. On the flip side, I appreciate the schemes in Australia and New Zealand are more restrictive, but I do not see any convincing argument to align ourselves with their position. We need to look at the purpose of the Bill, which is clearly set out in the memorandum as being "to assist the rehabilitation of offenders, who often experience difficulties securing employment as a result of having a conviction", and thinking how best we can achieve this aim. The key question is identifying the maximum sentence for which an ex-offender should be able to avail of second-chance legislation. Surely the more people who fall under the remit of the legislation, the greater the positive impact on ex-offenders and society at large.

That leads me to my second point which concerns the suggestion that the 12-month cut-off point covers almost 90% of all custodial sentences handed down by the courts. In the light of this figure, I sought information about the number of people who have been convicted of sentences of up to two years. No data are available for how many people have convictions of not more than 12 but fewer than 24 months. Between that one and two year figure, I tried to see what we are talking about. The Courts Service records all sentences of imprisonment up to two

years together and then breaks them down for the information based on the type of offences such as assault or theft. The data do not distinguish between sentences of up to 12 months and those of up to 24 months. Figures from the Irish Prison Service provide a partial picture of the amount of people with custodial sentences that may come within the scope of the Bill. However, these figures only look at those serving prison sentences. They are limited in their application as by definition, they exclude those who have received suspended sentences and other sanctions such as community service orders, fines and probation orders.

Taking out the sentences that cannot be spent because of their seriousness such as sexual offences and homicide and bearing in mind that the data are based on the number of committals, not the number of people or sentences, in order that if people are released and recommitted to prison in a given year, they will be counted each time they are committed, 87.2% of the prison population in 2011 would have been eligible to have their convictions spent as they were serving sentences of less than 12 months. A further 4.83% of prisoners could benefit from a spent convictions regime if a sentence of up to two years was eligible to be spent. That would bring the overall percentage of convictions covered by the spent convictions legislation to 92%. I am asking the Minister to move a further 2% in this legislation because he has said this will cover 90% and if we were to go for the two years, it would move it to 92%. It is very interesting that the Courts Service does not record the difference between one and two year sentences which sends a very strong signal that it considers them to be grouped offences. It strengthens my argument in seeking for it to be extended to two years. Such an extension is in keeping with the spirit and purpose of the Bill and would have a significant and positive impact on the lives, futures and families of ex-offenders given sentences of two years and under.

In respect of the Schedule proposed by me, the overall rationale for this part of my amendment is that the proposed rehabilitative periods of four to five years and two to four years, respectively, for relative custodial and non-custodial sentences are much welcomed improvements on the periods proposed in the Bill, as initiated. I do not intend to push this amendment to a vote. I feel strongly that in order to achieve the objective of the Bill, as set out in the accompanying explanatory memorandum, the Bill needs to be as generous as possible. I have wondered whether in taking the more conservative approach, the Government has been afraid of accusations of undue leniency and being soft on crime. I can understand the concerns given public concern over crime, the fear of crime and the impact of crime on people's quality of life. This legislation which encourages rehabilitation and reintegration of former offenders and must be implemented with a raft of other interventions such as rehabilitation, treatment and reintegration measures is a tool to make society safer and fairer for us all. A less restrictive spent convictions regime negating as far as possible against the negative, far-reaching and often discriminatory consequences for ex-offenders and their families would also reflect the qualities of compassion and forgiveness in Irish society.

I am aware of research conducted by the Home Office in the UK into reconviction rates. This research suggests that if an individual has not reoffended in the first two years post-conviction, he or she is at equal risk of future offending as someone with a previous conviction. This finding is in keeping with the fact that in UK legislation the conviction-free or rehabilitative period at the lowest end of the offending scale is two years. The length of time required for rehabilitation must be proportionate to the seriousness of the offence committed, but it should not be so long as to constitute an additional and disproportionate punishment. It has been very clear on Second and Committee Stages that all of us in this House welcome and support this legislation. The amendments I am putting forward allow us to go a little further and give more

people an opportunity to go for that pathway of rehabilitation and having a second chance and a new start in life. That is why I urge the Minister to consider increasing the limit for an excluded sentence from 12 months to two years. I have examined the figures and I am of the view that if the changes I have suggested were accepted, 92% would be covered by the legislation. I ask the Minister to give some in-depth consideration to this matter.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Go ginearálta, táimid i bhfábhair an Bhille seo agus táimid ag teacht, don chuid is mó, leis atá an Seanadóir van Turnhout ag cur chun cinn, ach amháin go bhfuil muid ag caint faoi 48 mí, seachas 12 mí.

We are recommending, very much in line with what Senator Jillian van Turnhout stated-----

An Leas-Chathaoirleach: Does the Senator wish to formally second the amendment? It must be seconded at this point.

Senator Trevor Ó Clochartaigh: I formally second the amendment.

We have put forward a number of amendments which are very much in line with what Senator Jillian van Turnhout has outlined. One of our amendments suggests that lines 31 to 33 on page 5 of the Bill be deleted and replaced with the following formation, namely, “(a) of imprisonment for a term of more than 48 months, irrespective of whether that sentence is suspended in whole or in part”. As the legislation stands, only those who have had a custodial sentence of less than 12 months imposed can have their convictions deemed spent. We are opposed to this and are thus seeking an amendment to extend the period to 48 months. On Committee Stage we stated that it should be 30 months, but we have revised the figure upwards on the basis of the submission of the Irish Penal Reform Trust, IPRT, on the legislation. The period in Britain and the North is 48 months and it is important that we should have consistency, as far as possible, between North and South. The Good Friday Agreement requires equivalence in terms of human rights protections and this is also a consideration, particularly as the legislation before the House relates to the right of prisoners to be reintegrated into society.

There has been a solid system of spent convictions in Britain for 40 years since the enactment of the Rehabilitation of Offenders Act 1974. It was only on the basis of experience that the British extended the period to 48 months. This is because they were of the view that 30 months was too restrictive. However, we are only considering a period of 12 months in this regard. There is no public safety issue discernible in this instance and we are of the view that the proposed period is too restrictive.

The primary purpose of the Bill is to ensure minor offences will not follow an individual for his or her life or hinder a person in gaining employment. Getting people into gainful employment is crucial in the context of tackling recidivism and offers an incentive to individuals to prove they are reformed and can return to being productive members of society. It, therefore, offers people an incentive to avoid crime. As the IPRT has highlighted, this limit could be raised without any risk to public safety or of diminishing the punishments handed down by the courts.

The idea of spent convictions is to ensure rehabilitation. We must support successful efforts to move on from offending behaviour by removing barriers to participation in employment, education and other aspects of daily life. The barriers to which I refer are real. Studies indicate that 48% of employers would not take on somebody with a criminal record. A survey carried out by the Small Firms Association shows that between 76% and 87% of firms would not em-

ploy an ex-offender. In such circumstances, it is not easy to achieve reintegration. As Senator David Cullinane highlighted on Committee Stage, the Minister has improved on the original, restrictive form the Bill took. The period should be extended further. While not neglecting the fact that these sentences could be the consequence of serious offences, they could also be the outcome of offences which would not indicate that those who committed them are an ongoing threat to the public. Very often, such people do not pose such a threat.

On Committee Stage, the Minister of State, Deputy Kathleen Lynch, who was standing in for the Minister, stated the Government was not prepared to go further than the maximum 12-month custodial sentence. That is regrettable and I urge the Minister to reconsider the position. The Minister of State indicated her view that the British legislation is the most liberal in common law jurisdictions. However, the IPRT has emphasised that such comparisons are not particularly useful. Australia is a federal state with no uniform approach to crime, punishment or the reintegration of offenders. New Zealand makes greater use of restorative justice methods, thereby offering offenders a second chance very early on in the criminal process and ensuring that prison is seen as a sentence of last resort only. While civil law systems are legally distinct, the principles and policy objectives are the same nonetheless.

According to a 2009 research report by KPMG entitled, *Disclosure of Criminal Records in Overseas Jurisdictions*, which dealt with expungement schemes, in countries such as France, Germany, Finland, Denmark, Sweden, Spain and Italy, the individual who is the subject of the criminal record search is generally the only person allowed to request the information. The report also states the European emphasis, particularly in France, is more on an individual's right to be forgotten than on the employer's right to know, which is the common law model that has inspired the Irish approach. There are similar approaches all over Europe. I ask the Minister to consider this point and to accept our amendments. My colleague, Deputy Pádraig Mac Lochlainn, will be considering an amendment to the effect that the definition of "relevant non-custodial sentences" in section 1 of the Bill will include all sentences which are suspended in whole and which are not subsequently revoked. There is a clear point to be considered in that regard in that these sentences have been suspended for a reason. However, that issue can await further discussion on Committee Stage in the Dáil.

If we truly believe in the ability of the prison system to achieve any form of rehabilitation we need to ensure that prisoners can reintegrate in cases where they are not a threat. Employment is absolutely central in that regard. It is crucial to ensure the reintegration of former prisoners who have genuinely sought to improve their lives on release. Our amendment No. 3 states:

In page 4, to delete lines 2 to 38 and substitute the following:

““relevant custodial sentence”, in relation to a person convicted of an offence, means a sentence or sentences of imprisonment for a term of 48 months or less imposed by a court on the person in respect of the offence (whether or not a fine is also imposed on the person in respect of the offence) and includes—

(a) a sentence in respect of the offence that is imposed concurrently with another sentence or sentences of imprisonment provided that the longer, or the longest of the sentences is 48 months or less,

(b) a sentence that is imposed consecutively with another sentence or sentences of imprisonment provided that the total period of imprisonment is 48 months,

(c) a sentence of imprisonment for a term of 48 months or less, the execution of a part of which is suspended by the court,

(d) a sentence of imprisonment for a term of 48 months or less, the execution of a part of which is suspended for a period specified by the court but which suspension is subsequently revoked in whole, or in part by the court,

(e) a sentence of imprisonment for a term of 48 months or less, the execution of the whole of which is suspended for a period specified by the court but which suspension is subsequently revoked in whole or part by the court;

(f) a sentence of imprisonment for a term of 48 months or less, the execution of the whole of which is suspended for a period specified by the court and that suspension is not subsequently revoked in whole or in part by the court.”.

This has the same effect as the previous amendment in that we are making the same argument in this case. It will help people to have the opportunity to get their lives back on track and to enter the workplace. Tá súil agam go mbeidh an tAire ábalta na moltaí seo a thógáil ar bord agus glacadh leo le gach dea-mhéin, agus tá súil agam go dtógfaidh sé ar bord iad sa reachtaíocht.

Senator Averil Power: I welcome the Minister to the House. I support the general comments by Senators Jillian van Turnhout and Trevor Ó Clochartaigh. The Bill is a major step forward and a positive initiative to give people a second chance. It will ensure people are not left for a lifetime with a minor offence hanging over them, making it difficult for them to access employment. Some very good points have been raised by speakers about whether we are even at that stage. However, it is a progressive initiative. As Senator Jillian van Turnhout said, we need to learn from the English system which has been in place for a long time. We need to ensure the balance is correct.

I refer to section 15 of the Criminal Justice Act 1999 which provides for very severe penalties for possession of drugs. A young person in his or her late teens or early 20s may have been charged with possession of drugs but may then turn his or her life around. I know people who have gone to great lengths to do so. Extra rehabilitation programmes are available in my own area. I presented certificates last year at the Laneview programme in Darndale to people who have spent serious time in prison. They got into trouble with drugs and their lives spiralled out of control. Now they have taken steps to turn their lives around. They have joined education and work experience programmes in an effort to build a better life for themselves and for their families. I agree it is better for all of us and safer for society as a whole if people are supported and are given the opportunity for rehabilitation and a second chance. I am concerned that a person who may have served a prison sentence for a drugs offence but is able to prove that he or she has not been in trouble for a long time may fall foul of the 12 month limit in this legislation. I raise the same issue and seek the Minister’s guidance on it. Does he genuinely believe the balance is right? I am not sure about the four year proposal, but the two years proposal appears to be very reasonable. The statistics given by Senator Jillian van Turnhout that support that proposition are also reasonable. I look forward to the Minister’s response.

Minister for Justice and Equality (Deputy Alan Shatter): I thank Senators for their contributions and accept that they are anxious to ensure this legislation has the intended effect.

I am also conscious that as this is our first time to enact legislation in the State on spent convictions, we must be careful how we deal with it and ensure we approach matters in an appropriate way.

It has been suggested Northern Ireland has applied the UK regime. It has not. Not only has it not applied it, but I also understand there is no intention of applying it. It is not the case, therefore, that in Northern Ireland the timeframes which have been articulated as being applicable in England are also applicable there.

The Government gave a great deal of consideration to the length of custodial sentence to be covered by the Bill. I discussed this issue on Second Stage. It is dealt with primarily through the definition of “excluded sentence” and “relevant custodial sentence” in the Bill. With regard to the length of sentence to be covered or the length of time a person must wait before a conviction becomes spent, there is no absolute answer or piece of research which states a specific and the only way to go. As is clear from the brief survey carried out by Senator Jillian van Turnhout, there are different provisions in place in different parts of the world. I could spend some time detailing the variety of provisions in other jurisdictions that have not yet been mentioned.

I respect the sincerity of Senators in seeking to refine the proposal made in the Bill. I realise they genuinely wish to ensure the Bill will be of the greatest possible benefit to those it aims to assist. That is also my objective. However, it is worth going back to the beginning to outline how we arrived at the 12 month limit on the length of custodial sentence. The genesis of the spent convictions legislation dates back to the Law Reform Commission report of 2007 which was based on the usual high quality research and analysis that characterise the work of the commission. It found that in most Australian states only sentences of six months or less were covered, while in New Zealand custodial sentences could never be spent. In other countries such as Canada a person must apply to the courts to have a conviction declared spent and there is no automatic granting of the order.

The Law Reform Commission report was written at a time when the United Kingdom allowed sentences of up to 30 months to be spent. I understand that is the provision in place in Northern Ireland. The Law Reform Commission recommended that in the case of Ireland only sentences of six months or less should be covered and advised against an application based system. An automatic system is provided for in the circumstances detailed in the Bill, without the necessity of persons reverting to the courts. The Government gave much thought to the balance to be achieved. There are two variables when considering the question of sentences - the length of sentence covered by the scheme and the length of time before the sentence can become spent. The Law Reform Commission report recommended that sentences of up to six months or less be covered and that an offender who was sentenced to six months imprisonment wait seven years before the conviction could become spent.

The Government decided to err on the side of generosity. Where the length of sentence to be covered was concerned, it settled on a figure of 12 months, double the duration recommended by the Law Reform Commission. A consideration for the Government in settling on the figure of 12 months was that it was the maximum sentence that could be handed down at District Court level, an important fault line between serious and less serious offences. With regard to the waiting periods, the Bill also went further than what the commission had recommended. I tabled amendments on Committee Stage which was dealt with by the Minister of State, Deputy Kathleen Lynch, in the House last week which reduced the waiting periods further. The waiting period of seven years recommended by the Law Reform Commission in the case of a six month

sentence is now four.

The case for covering longer sentences put forward by Senators is based on some suggestion the Government's approach is conservative. The Government's approach is conservative only if compared to the recent reform in the United Kingdom. Even then, the charge of conservatism is open to question. I seriously challenge it. In reality, what we are proposing is liberal by comparison with measures in the rest of the common-law world and the recommendations of the Law Reform Commission. Even in regard to the United Kingdom, there is evidence that suggests its sentences are longer and that its 48-month threshold covers only a marginally higher proportion of prisoners than our 12 month limit.

Some 75% of prisoners committed to Irish prisons are serving sentences of six months or less. According to the UK Ministry of Justice's offender management statistics quarterly bulletin, for the third quarter of last year, just 50% of prisoners in English and Welsh prisons had been sentenced to six months or less. Therefore, there is a 25% difference in that context. Some 89% of those received in prison in England and Wales had been sentenced to four years or less, whereas our 12 month cut-off would have covered 86% of committals to Irish prisons in 2011. If one is examining the proportion to which there is a possibility of a conviction being spent, one will realise there is almost a state of concurrence between our system and that in the United Kingdom. The UK courts have a different sentencing policy and, at the lower end, it appears they impose higher sanctions than ours. Our proposal is not a conservative approach that some have claimed it to be. It is liberal and generous and stands comparison with what most will agree is the most liberal regime in the common-law world, namely, that of England.

The Government is not prepared to accept amendments Nos. 1 to 10, inclusive, for the following reasons. The Bill is already finely balanced between the sentences that are excluded and the waiting period before sentences become spent. The 12 month limit aligns the Bill with the jurisdiction of the District Court which deals with less serious summary offences. The 12 month limit on sentences covers 86% of committals to Irish prisons and stands fair comparison with the regime in England and Wales. Most common-law countries cover shorter sentences and have far longer waiting periods. The proposal is balanced, fair and generous.

As Minister for Justice and Equality, I must be conscious that a sentence that is serious enough to warrant trial by jury is one that should not be readily spent. There are various reasons for this. We could have an interesting debate in this House on whether the objectives of penal policy are rehabilitative or reforming, and whether they serve as a deterrent. I am also conscious that the criminal justice system must be accepted by the wider community. It sees deterrents as comprising an important objective, in addition to the objectives that we in the Houses all want to see, namely, less recidivism and people emerging from prison concluding, for one reason or another, that continuing with a life of crime is not necessarily good for them and that it is clearly bad the community. There has to be a deterrent. If people feel a very serious crime will be wiped off the record within four or five years such that they can then get on with their lives, they may feel that the consequences will not really be that drastic if they are caught. This reduces the level of deterrence. It could create problems in circumstances where convictions are spent and where one is offered employment by well meaning individuals who know nothing of one's background and who find that background concealed from them. It is a matter of achieving a balance and there is no monopoly of wisdom.

Amendment No. 11, in the names of Senators Jillian van Turnhout and Mac Fiach Conghail, is consequential on amendments Nos. 4 to 10. I am not in a position to accept it either. Since

this is new legislation, since no such legislation was enacted successfully by a previous Government and since we have not had experience of it working, it is important that we do something different from the Law Reform Commission said and ensure that it applies generally to those who may find they would be sentenced in the District Court. As we know, the Circuit Criminal Court may impose a sentence of one year or less. It is not compulsory that it impose a sentence.

We need to gain experience of how this legislation works, to see it settle down, to monitor how it works, to have some sense over a period of years of whether the fact that convictions become spent after a particular period results in individuals returning to criminality and of how acceptable it is to employers. For a whole range of reasons which I have given, I am sorry to say I cannot accept the amendments tabled. I hope Senators will welcome the fact that this is a fundamental reform in our criminal law which is designed to facilitate people in getting back an additional bit of their lives, that is, their reputation, after experiencing a prison sentence but then behaving themselves by not being convicted again for a period of time. This will effect a fundamental change and we need it to bed down and be acceptable to the wider community. This may be an issue that may have to be revisited in five or six years time after the legislation has been enacted when there is a sense of how it is working in practice.

Senator Martin Conway: I acknowledge what I consider to be ground-breaking legislation. Senators Jillian van Turnhout and Trevor Ó Clochartaigh have done an amount of research on their amendments. It is interesting to hear about the contrast with the position in the United Kingdom where legislation has been brought forward recently which is, as the Minister has said, the most liberal. Ours is also liberal. I agree with the sentiments expressed that we have taken ground-breaking steps, but further steps will be taken. For now, we need to bed down this legislation.

The Fine Gael group has tabled a motion on the issue of restorative justice which will give the House the opportunity to have a comprehensive debate on it and its benefits. The pilot schemes in operation in south County Dublin and County Tipperary must be acknowledged. A lot of work is being done on the issue of restorative justice, a concept the Government could develop.

I commend the Minister for bringing this legislation forward and, I hope, getting it through the Houses. I also commend the officials who have been involved in its drafting and assisting the Minister in that regard.

Senator Jillian van Turnhout: All of us who have spoken have acknowledged that this is ground-breaking legislation, the fact that it will impact on so many people and their families and give them a second chance. As I have no doubt that if the Minister was in our position, he would try to push it that little bit further, I ask him to look at our amendments in that light. I have looked at other common law countries and certainly agree with his comparison. It is very difficult in that we cannot compare Ireland to civil law countries, but if we look at our partners in the European Union and having a consistent policy on giving offenders a second chance, this is not the most liberal and we could go a little further to give people a second chance and the opportunity to have a clean slate.

It is welcome that the Minister has said we need to put the legislation in place and monitor and evaluate it to see whether we can go further. I am very happy to share my research and figures in this regard. It is very interesting that the Courts Service does not distinguish between figures in the under two years category. There is something in this, which was partly my reason

for choosing the period of two years in my amendment. Will the Minister look again at this issue before he brings the legislation to the Dáil? I will not press my amendments today because I want to show my utmost and fullest support for the legislation. Equally, I have tried to think of the people who are caught outside of the loop. As I said, it ranges from the 90% to 92% and I want to push it a little further in order that we would include up to two years. As I support the legislation, I will not press my amendment. I am aware that the legislation must go through the Dáil and ask the Minister to give it consideration.

Amendment, by leave, withdrawn.

Senator Maurice Cummins: I propose an amendment to the Order of the Business that we conclude Report Stage at 5 p.m. because we started 20 minutes late.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Amendment No. 2 not moved.

Senator Trevor Ó Clochartaigh: I move amendment No. 3:

In page 4, to delete lines 2 to 38 and substitute the following:

““relevant custodial sentence”, in relation to a person convicted of an offence, means a sentence or sentences of imprisonment for a term of 48 months or less imposed by a court on the person in respect of the offence (whether or not a fine is also imposed on the person in respect of the offence) and includes—

(a) a sentence in respect of the offence that is imposed concurrently with another sentence or sentences of imprisonment provided that the longer,

or the longest of the sentences is 48 months or less,

(b) a sentence that is imposed consecutively with another sentence or sentences of imprisonment provided that the total period of imprisonment

is 48 months,

(c) a sentence of imprisonment for a term of 48 months or less, the execution of a part of which is suspended by the court,

(d) a sentence of imprisonment for a term of 48 months or less, the execution of a part of which is suspended for a period specified by the court but

which suspension is subsequently revoked in whole, or in part by the court,

(e) a sentence of imprisonment for a term of 48 months or less, the execution of the whole of which is suspended for a period specified by the court but

which suspension is subsequently revoked in whole or part by the court;

“relevant non-custodial sentence” in relation to a person convicted of an offence means a sentence imposed by a court on the person in respect of an offence that is not a custodial sentence and is not in addition to a custodial sentence and includes—

(a) a sentence of imprisonment for a term of 48 months or less, the execution of

the whole of which is suspended for a period specified by the court

and that suspension is not subsequently revoked in whole or in part by the court,”.

Question, “That the words proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

Amendments Nos. 4 to 11, inclusive, not moved.

Bill received for final consideration.

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

Minister for Justice and Equality (Deputy Alan Shatter): I thank Members of the Seanad for the detailed consideration that they gave to the Bill and the time that they clearly spent on it, but that is not the right word in the circumstances. I thank them for the time they have taken to table and consider amendments which is always a helpful and useful exercise. I hope it is understood that I listened. As a consequence of the debate that has taken place, Members will know that there have been some changes made to the Bill. I look forward to taking the Bill to the Dáil and hope it will be enacted in the not too distant future.

Senator Jillian van Turnhout: I thank the Minister for this historic legislation. It was long promised, but he has delivered. This legislation on spent convictions will bring us into line with our European partners. I know that the Minister has played a strong role and hand in ensuring we have a rehabilitation system and restorative justice. The legislation is testimony to this and I support it. During the debates in the House on Second Stage, Committee Stage and today on Report Stage we have shown how we can constructively engage in dialogue. Equally, I pay tribute to the Minister for engaging with us in that dialogue and trying to tease through the arguments to ensure we have the best legislation. I greatly appreciate that when he attends, he engages extremely constructively with us, for which I thank him.

Senator Averil Power: I thank the Minister, but I acknowledge the work that was done by his predecessor, Dermot Ahern, who initiated work on the legislation. It is the Minister who brought it through the House today. This is important legislation which will make a big difference to people who have made mistakes but who have worked hard to turn their lives around and deserve a second chance. It is great to pass legislation that is so progressive and important. It will make a difference to people who have worked hard and deserve a second chance.

Senator Trevor Ó Clochartaigh: Ba mhaith liomsa, chomh maith, buíochas a ghabháil leis an Aire as ucht éisteacht chruinn a thabhairt dúinn ar na céimeanna éagsúla den mBille. I also note that the Minister said on Report State that he would reconsider the Bill as it went into force and was practised, particularly the length of time involved. I welcome his comments and I am sure that he will, if he sees a need during the course of time, review the length of time involved in the case of spent convictions. Fáiltímid roimh an reachtaíocht mar tá sé ag teastáil go géar.

Question put and agreed to.

Order of Business: Motion

Senator David Norris: I move:

That Seanad Éireann hereby declares that the Order of Business of Seanad Éireann, save in exceptional circumstances, shall take precedence over other business of the Oireachtas and that consequently Senators shall not attend meetings of Committees of the Oireachtas until the Order of Business is concluded in the House.

I welcome the opportunity to discuss this motion which states Seanad Éireann hereby declares that the Order of Business of Seanad Éireann, save in exceptional circumstances, shall take precedence over other business of the Oireachtas and that consequently Senators shall not attend meetings of committees of the Oireachtas until the Order of Business is concluded in the House. This can be seen as largely a technical motion and five minutes for each of us is probably sufficient. It is a technical motion, but it goes to the heart of our democracy and the respect in which this Chamber is held. I say this having spent a continuous 25 years here and having seen the proliferation of committees. They deal with this matter in a variety of ways, but for quite a number of years I have continued to raise this matter. I will give a couple of examples.

What has happened is that in the past the other House was facilitated all the time and arrangements made such that there would be no conflict with important and significant business in Dáil Éireann and that is appropriate. They also make arrangements such that Ministers who are speaking to committees and Members of the Dáil are allowed to leave to take part in a vote. Often, particularly if a Minister is involved, the operations of the committees are suspended. No such courtesy has been traditionally afforded to the Seanad. I have had to raise the issue on a number of occasions where I have been attending committees. In the past I was a prominent member of two committees which met with considerable regularity and I had a very good track record, as most of my colleagues did. We frequently found that, for example, the Order of Business was at 10.30 a.m. and the committee was scheduled to meet at 10.30 a.m., but if we protested, it might be moved to 10 a.m. which made no difference because we had scarcely got through the reading of the minutes and matters arising and even a starting time of 9.30 a.m. was not much use. Other days such as Mondays and Fridays were, perhaps understandably, excluded from the rota because they would inconvenience party members who wanted to be in their constituencies.

Another series of matters needs to be examined. The Seanad is required to take a role in these committees. During my parliamentary career the number of committees has increased dramatically and the activities have increased. It is not the fault of the Seanad if, for example, there are not sufficient rooms or appropriate places available for committees - that is a question that should be dealt with by the Oireachtas commission. However, we are required to be there because the committee cannot be quorate without a Member of the Seanad and this can cause difficulties. For many years I have facilitated them and I found I was running from one place to another and back down and not getting either piece of work done properly.

I will take two examples from 2006. The first dates from 27 June 2006 when Mr. Tom Hyland who played such a significant role and with whom I co-operated and this House played a very valuable role in assisting the oppressed people of East Timor. We discussed this issue at the Joint Committee on Foreign Affairs and Mr. Hyland who is not only a colleague of mine but an old personal friend whom I had not seen for some time was making a very important submission and I was asked to speak. The Chairman facilitated me by allowing me to be the

first speaker, even though I was not part of the party rota. I was grateful for this and most of the time the Chairman and the staff would attempt to facilitate us. It is not individuals who are wrong, it is the system. However, I have to say this. I appreciated the Chairman's graciousness in allowing me to contribute first. I accept that we all have difficulties with regard to speaking on the Order of Business and I am sure the Chairman and committee officials will try to ensure the Seanad is not disadvantaged. I apologised to Mr. Hyland for having to leave to attend the Order of Business before I could hear his reply with which I would catch up in the published report. I had to be discourteous and did not hear his reply. I did not have an opportunity to return to the committee and contribute in a dynamic way to that debate which was part of my central political concerns, but I felt my first obligation was to the Seanad.

The second example, one of many, concerns the Order of Business on 3 October 2006. I said:

It is ironic that the House's consideration of the Road Traffic and Transport Bill 2006 coincides, as I understand it, with a meeting of the Joint Committee on Transport. It is a pity that Members are disadvantaged by not being able to be part of the deliberations of that committee. Meetings of that committee are often scheduled to coincide with the Order of Business in this House. There should be a rebellion - Senators should make it clear that they will not attend unless this matter is examined and rectified.

Acting Chairman (Senator Averil Power): I remind the Senator that he has exceeded the time limit of six minutes.

Senator David Norris: I beg your pardon. I will finish with one final sentence. I encouraged and incited my colleagues to rebel, but they would not do so. There was always one quivering who could not wait to rush down to be the good boy or girl who validated the committee. We have the power to put manners on them and increase their respect for us. I wonder if this would be good because, constitutionally, committees cannot meet without us. If we were to hold that gun to their heads, they might treat us with a great deal more respect.

Senator Feargal Quinn: I second the motion. Senator David Norris was showing off when he said he had been a Member for 25 years. It was my 20th anniversary as a Member last Sunday. I have experience of working on a number of committees, of which one of the most useful was the Joint Committee on Finance and the Public Service, on which I sat during traumatic times. If some of us are to blame for what went wrong during that time, I have to take responsibility. Senator David Norris is correct that the recognition of what the Houses do has changed because of the work done by committees. I also served on the Joint Committee on European Affairs. Currently, I sit on the Joint Committee for Jobs, Enterprise and Innovation and convinced my colleagues to meet at 1.30 p.m. every Tuesday rather than 2 p.m. or 2.30 p.m. This meant that when the Minister for Social Protection appeared before the committee earlier for a discussion on tackling the unemployment problem, I had an opportunity to put a number of questions to her. However, I had to wait until she had made her presentation and replied to others before I could put my questions to her, which was not until 3.15 p.m. I could not leave the meeting without asking them. I waited for the replies and then ran to the House to participate on the Order of Business with only seconds to spare. That is a typical example of what happens almost every Tuesday. The reason the committee meets at 1.30 p.m. is to facilitate Senators.

Senator David Norris's point is correct, but I am not sure how we can solve the problem. Perhaps the solution is for the House to meet on Mondays and Fridays also. I hope Seanad reform will take place. Senator Katherine Zappone will introduce a Bill in this regard in the next few weeks and it is hoped we will be able to say a number of changes can be made without holding a referendum. We can do this through legislation rather than amending the Constitution and could earn huge respect for the House. However, if we cannot attend committee meetings and the Order of Business, the onus will be on us to make sure we do something about the matter. Senator David Norris has pinpointed the issue and the solution is in our own hands. If we avoid quislings, we can say we will not allow the committees to meet, unless they do so at a time that enables us to attend the Order of Business in the House. I recognise that somebody could ask why we should miss business other than the Order of Business to attend meetings. However, the Order of Business is crucial in the context of what happens on the day in question, as well as on other days, because the Leader listens attentively and endeavours to bring Ministers to the House to handle the topics raised by Members.

This is a worthy motion. The solution should be in our own hands, but, as Senator David Norris said, the issue is how we handle the issue. We should say to the committee convenors that they have to schedule meetings at a time that enables us to do our primary job in the House and that if they do not do this, we will not attend. Meetings cannot commence until at least one Senator is present. I, therefore, support the motion. Senator David Norris has done the House a great service in tabling it and it is worthy of support.

5 o'clock

Senator Maurice Cummins: I commend Senators David Norris, Feargal Quinn and Sean D. Barrett for tabling the motion, with which I fully agree. This House has been demeaned by Members raising an item on the Order of Business only to run out of the Chamber immediately to attend a committee meeting. That happens in the case of quite a number of Members, some of whom are courteous enough to apologise to me that they have to attend a committee meeting. It is neither good for the Seanad nor the committee to be disrupted in such a fashion.

Both Houses should reform to allocate one week in four to committees and not have committee meetings when both Houses are doing their business. However, that is not my call and I have no say in the matter. As Senator Feargal Quinn said, if we had the full co-operation of Members, joint committees could not commence without a Senator being present for purposes of having a quorum. The Seanad has to flex its muscles in this regard.

I am fully in favour of the motion. If it is passed today, by the end of the month we should notify the Government Chief Whip and committee Chairmen to allow them to change committee business so as not to hold meetings during the Order of Business in the Seanad. I will suggest committee business not continue between 2.30 p.m. and 4 p.m. on a Tuesday and 10.30 a.m. and midday on a Wednesday and Thursday. This would include committee meetings that begin at 9.30 a.m. and 10 a.m. on a Wednesday and Thursday because it would lead to Senators having to leave to attend the Order of Business.

When there is a vote in the Dáil, the committee sitting is suspended but not when there is a vote in the Seanad. This shows complete disregard for this House. I am certainly open to change, particularly if it would assist the workings of this House and how Members are elected. We have a long battle ahead of us. There will be a referendum on the future of the Seanad. Prior to this, it would be only right and proper for us to outline to the people the changes we

envisage in how Members are elected, the number of Members and so on. I am sure this will be included in the Bill that will be introduced and on which we will have a lively debate.

I commend the motion to the House and hope it will be a catalyst for change and help the committee system.

Senator Marie Moloney: I thank Senators David Norris, Feargal Quinn and Sean D. Barrett for bringing forward the motion. Far be it from me to tell Members what to do as I am only here a wet week compared to other Members, but it surprises me that this matter has not been dealt with after 25 years. It is most annoying to watch a Member raise a matter on the Order of Business and not stay on for the reply. At one point, the Leader decided not to respond to those who did not stay on in the Chamber for his reply. I agree with this because whenever I raise a matter on the Order of Business, I make sure I stay for the reply. If I cannot do so, I will not raise the issue I want to raise. Looking around as we discuss this important issue, I note there is a very poor attendance.

I do not want to undermine the work of the committees as they have an important role to play. Recently, a committee was able to reverse the decision to close down the Coast Guard stations at Valentia Island and Malin Head. It is most annoying when a committee will suspend a sitting for a Dáil vote but not for a Seanad vote. As well as this, Deputies get to speak first, even if they walk in half an hour into the meeting, while a Senator must wait until the end, even if he or she is the spokesperson on the matter under discussion. I have often waited for my opportunity to contribute at a meeting only for a vote to be called in the Seanad meaning that I miss my turn. The sitting should be suspended when there is a vote in the Seanad. That is the very least that should be done.

The motion will send a message to the committees that Senators have a function and are as every bit important as Deputies. I hope they will take on board the fact that we are now flexing our muscles by giving precedence to the Order of Business in this House over any other business. I again thank the Senators for tabling the motion which we on this side accept. I hope it will reap rewards.

Senator Michael Mullins: Like Senator Marie Moloney, I am a novice around here. I am surprised that such influential Members as Senators David Norris and Feargal Quinn and the Leader have not been able to crack this issue during the years.

Senator David Norris: We were waiting for the Senator.

Senator Michael Mullins: At the first committee meeting I attended I noted it was going to clash with the Order of Business. My first priority is to attend to the business of Seanad Éireann. As a Government Senator, there is an obligation on us to be in the Chamber to ensure the Order of Business is conducted. When committee meetings are being scheduled, why is it not ensured that they will not clash with the Order of Business? All Senators want to contribute constructively as they can to committees. We also want to ensure we do not neglect the business of Seanad Éireann to which we have been elected.

I support the motion tabled by Senators David Norris and Feargal Quinn. I have sympathy for those trying to order the business of the Oireachtas. There are so many committees engaged in much activity. The fact that the Houses of the Oireachtas sits three days each week means much of the business has to be crammed into those three days. Seanad Éireann is regarded as a second-class Chamber. As previous speakers have said, rightly, when there is a vote in Dáil

Éireann, the committees are suspended. Everyone goes to vote and business recommences when it is over, but a similar provision is not in place when there is a vote in Seanad Éireann and that is not correct.

I support the call by Senators David Norris and Feargal Quinn for the Oireachtas to examine how committees are organised and to ensure there is no clash with the Order of Business. I am also a member of the particular committee referred to by Senator Feargal Quinn. In addition, we have our Senators' meeting at 1.30 p.m. on a Tuesday and this causes another difficulty for myself as a member of that committee. I would prefer an arrangement - I imagine it is quite possible - whereby in several weeks time Members will be able to attend the Order of Business and participate fully in the committees to which they have been nominated. We are simply asking for a little fair play and consideration and I believe it is possible to do this if the will is there. I call on the Chief Whip and everyone else involved to ensure Members can be facilitated to serve on committees to their full capacity.

Senator Colm Burke: In fairness, the committees have made a valuable contribution to debate. The Leader has suggested holding committees on one week in the month and this is something we should seriously consider. The best evidence for this was when we sat for three days in the Joint Committee on Health and Children to discuss the A, B and C v. Ireland and the X cases. The reason it got such public interest was that we were not competing for media time with either the Seanad or Dáil Éireann. I was amazed at the number of people who tuned into those three days of debate and, in fairness, the three days were used effectively to get information to the public. A lot of information is available at committee meetings, but it is not getting to the public because we are competing for media space with the debates in the Dáil and the Seanad at the same time. This is something we should consider when we are looking at the whole structure in the future.

In the European Parliament there is one hour in the day for voting between 12 p.m. and 1 p.m. and each vote takes 30 seconds. I have made this argument previously. In a short period they can go through anything up to 200 votes. This is something we should consider as part of any reform. It is relevant not only for this issue but for other issues also with regard to how we can make more use of the time we have. Things are moving a good deal faster now than they did 25, 30 or 40 years ago and we need to move with the times and deal with how we use our time.

One thing we should consider is how we vote because when the bells for voting go every 15 or 20 minutes-----

Senator David Norris: I do not think I could survive 200 votes per minute. The g-forces would be too much for me. I am far too elderly. It is unconscionable to move at 200 mph.

Senator Colm Burke: It is something we should at least consider when we are discussing overall reform. I agree there is no point as it stands. The Order of Business is held for one hour between 2.30 p.m. and 3.30 p.m. on a Tuesday and for one an hour between 10.30 a.m. and 11.30 a.m. on Wednesday and Thursday mornings. Those three hours should be preserved for the Order of Business. Committees should not be held at these times and we should not be competing with these times. It is something to consider. I also believe the Leader's proposal should be considered at this stage also.

Senator Sean D. Barrett: I agree with everything that has been said by everyone here-

tofore. I understood this was the position before because when I was here first the usher told me at a committee meeting that the Seanad had gone into session. I was more or less told to come up to the Chamber and I was delighted to do so. The House should have precedence over committees because it deals with vital national issues. The committees operate well but on a departmental or sectoral basis. We should be here and I agree with the remarks of the Leader, Senator Colm Burke and everyone on the other side of the House, although I do not think of them as being on the other side. The House operates as a very good debating chamber and it should not be overshadowed by committees. I imagine the Chairmen will agree when this class of fixtures is presented to them. I commend Senators David Norris and Feargal Quinn for proposing the motion.

Acting Chairman (Senator Averil Power): All Senators who have indicated have spoken.

Senator David Norris: Let the record show there is unanimous agreement for the motion.

Acting Chairman (Senator Averil Power): There is cross-party agreement.

Question put and agreed to.

Acting Chairman (Senator Averil Power): When is it proposed to sit again?

Senator Maurice Cummins: Ar 10.30 maidin amárach.

Adjournment Matters

Garda Stations Refurbishment

Acting Chairman (Senator Michael Mullins): I welcome the Minister of State at the Department of Justice and Equality, Deputy Kathleen Lynch, to the House.

Senator Colm Burke: I thank the Minister of State for making time available. Since she is from my constituency, she will be aware of the issues I am raising relating to Blarney Garda station and the station in Glanmire. My understanding is that tenders were invited and have been received for Blarney Garda station. Given that there are some changes in the way we are organising the deployment of gardaí throughout the city and county, the refurbishment of the station is an important issue for Blarney. The station was damaged and my understanding is that tenders were submitted. I am interested in the timescale in respect of the signing of the contracts, the time period it is likely to take to carry out the work and when we can expect to have gardaí back in the station.

The second issue relates to Glanmire where, as I understand it, there is a proposal for a totally new station. My understanding is there has been some delay in the process. It might be helpful if there was clarification, especially for the local community. This area has grown a good deal in the past 15 or 20 years. There is a large number of houses there now but there is also a large young population. There is a need to have some certainty with regard to what is proposed for the Glanmire area.

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): I thank the Senator for tabling this issue which is of unique interest to both of us because we

come from the same constituency. I beg the indulgence of Members because there is a Topical Issue in the Dáil which I must deal with. It is fourth on the list and they have already started the debate. I am desperately hoping to get there for it, but obviously I will stay while I can.

The Minister has asked me to thank Senators for raising these matters. The programme of refurbishment and replacement of Garda accommodation throughout the country is determined on the basis of accommodation priorities established by An Garda Síochána. The provision of Garda accommodation, including refurbishment works, site purchases, the provision of new buildings and the examination of potential sites for the location of Garda stations, comes under the remit of the Office of Public Works, which has responsibility for capital expenditure on Garda accommodation. Accordingly, Garda accommodation projects are progressed in the context of the availability of funding within the OPW Vote and in the light of the priority attached to each project by the Garda authorities. In that context, the Minister has been advised by the Garda authorities that significant progress has been made in resolving the accommodation issue at Blarney Garda station. The Minister has also been informed that the tender process for the redevelopment of the station has been completed and that, subject to all necessary legal requirements being completed, refurbishment work is expected to begin in the coming weeks. The proposed refurbishment works include the complete renovation of the existing building and the provision of additional accommodation through the construction of a new three storey extension. The progress that has been made in respect of the Blarney station is significant and the Minister looks forward to the completion of the relevant works as quickly as possible.

With regard to Glanmire Garda station, the Minister has been informed by the Garda authorities that, following advertisements placed by the Office of Public Works, a suitable premises for a new Garda station for Glanmire has been identified. The Minister has also been informed that issues concerning the purchase of this site are the subject of ongoing legal correspondence. Accordingly, he is not in a position to offer any further comment on the matter. The Senator will appreciate that the provision of a new Garda station for Glanmire is a project to which both the Garda authorities and the Office of Public Works attach a high priority. The Minister has asked me to confirm this is also his view. That is good news for both areas.

Senator Colm Burke: I do not want to go into the issue with regard to the station at Glanmire, but I received a memorandum expressing concerns about the delays in dealing with the legal issues. I will convey that memorandum to the Minister. This matter has dragged on a bit and should be resolved and brought to a conclusion in order that we may get on with the job of getting the station built.

Deputy Kathleen Lynch: I will make further inquiries as to how the difficulties can best be resolved.

Senator Colm Burke: I appreciate that and thank the Minister of State for setting time aside for this debate.

Visa Applications

Senator Deirdre Clune: I am glad to have the opportunity to raise the issue of visas for Chinese visitors to this country, whether for business or tourism. This issue was raised at the Oireachtas Joint Committee on Foreign Affairs and Trade last week when the CEO of Asia Matters made a presentation to the committee on the potential for tourism and trade in Asia, and

China in particular, in areas such as financial legal services, innovative technologies and food and drink technology. We were made aware of this last year when we had a visit from the new Premier of China to this country last year. There are also opportunities and huge potential in the areas of education, tourism and culture.

China is the fastest growing economy in the world and will soon become the world's largest economy. It is home to an estimated 535,000 high net worth individuals who will travel. The United Nations world tourism organisation has said that travel expenditure by Chinese people last year was €58 billion, making it a very important market for us. I acknowledge the fact that last year the Taoiseach extended the visa waiver scheme for Chinese tourists visiting Ireland until October 2016. This scheme allows Chinese visitors staying in the United Kingdom to come to Ireland without the stress of having to apply for an additional visa. However, the UK system is cumbersome. It involves a nine page form being filled out, a visit to an immigration office in China - these offices are not widely available - the taking of fingerprints and eye scans. The system is quite cumbersome and the visa costs £80, 50% higher than for the Schengen countries.

We should consider the number of Chinese people visiting Europe each year. Some 600,000 visit France, 400,000 visit Germany and 200,000 visit the United Kingdom. Those who visit France and Germany are in the Schengen area and can travel freely within that area. A campaign taking place in Britain currently highlights the fact its visa system for Chinese visitors is cumbersome. It does not serve us well. We need to stand on our own in this regard. It was recommended at the committee last week that Ireland should be the first country to introduce a 90 day visa for all Chinese visitors. The days of believing all these people want to do is come here and stay forever and dodge the system are gone. We should recognise that people genuinely want to come here to do business and they are very important for us.

The Minister will be aware that Professor Fan Hong, the director of the school of Asian studies in UCC, has strong views on the issue of visas and of how difficult and cumbersome obtaining a visa can be for visitors. This is an issue we have the potential to resolve. We should be putting something in place that benefits us directly.

Deputy Kathleen Lynch: I thank the Senator for the opportunity to outline, on behalf of the Minister for Justice and Equality, the numerous positive developments that have taken place with regard to the Irish visa regime since the Government came into power, in particular the developments relating to China.

The available evidence indicates that visitor numbers to here from China grew by 26% last year. Such a significant rise in business would not suggest there is a major problem with the manner in which the necessary paperwork is processed. The Minister is advised that the checking procedures and processes in place are at least on a par with the United Kingdom, with whom we share a common immigration area, and less onerous than those in place for many other EU member states. Clearly no system is perfect, particularly a system which relies to a large extent on the supporting information supplied in order to risk assess applications. If the Senator has a particular case in mind or has suggestions which would further improve the situation, while at the same time maintain sensible immigration checks, the Minister would be glad to receive them from her.

The commitment of the Government to the facilitation and growth of visits to Ireland from China is shown by the fact that the Irish naturalisation and immigration service of the Department maintains a dedicated visa office in Beijing. This office processed approximately 6,000

visa applications in 2012, with an approval rate of 94% which compares very favourably internationally. Application guidelines for all visa categories are published on the Irish Embassy website in English and Chinese. Chinese nationals who wish to travel to Ireland as tourists have a number of options available when seeking to apply for a visa to Ireland. They can apply as part of an approved destination scheme, ADS, group tour, for an individual tourist visa or for a visit visa, which is normally used for visiting family members. Several measures have been introduced in the past number of years to encourage this type of tourism to Ireland, resulting in an ADS visa being now one of the most straightforward and quickest Irish visas to obtain, with processing times of less than three working days normally.

In recognition of the growing numbers of affluent and independent tourists from China, a scheme to enable independent Chinese travellers to come to Ireland was introduced in November 2011. The category was formally launched by the Taoiseach during the course of his official visit to China in April 2012. The visa application requirements for independent tourists are minimal and I am informed that Tourism Ireland has welcomed this initiative. This category of visa application is processed within ten working days.

As a further demonstration of our commitment to the Chinese market, the Government launched, with effect from 1 July 2011, the first ever Irish short-stay visa waiver programme. The programme was designed to boost tourism and business, especially from emerging markets, and it applies to holders of UK short-stay visas from 17 selected countries, including China. It also allows tourists in possession of a UK visa to travel on to Ireland without the need to apply for a separate Irish visa. The Government decided in March 2012 to extend the programme until the end of October 2016. This programme has led to a significant growth in the number of visits to Ireland from China. According to Central Statistics Office figures, in the 12 months following its introduction, the number of trips from China increased by over 26%, from 12,314 to 15,572, an extra 3,258 visits. This demonstrates the positive impact of the Government's initiative. In addition, with effect from 1 August 2012, a more liberal multi-entry visa regime for Chinese business travellers and regular family visitors was implemented. This regime compares favourably with the approach taken by our nearest competitors. For example, it allows qualifying businessmen to get a three-year multi-entry visa for €100, which compares with the \$180 charge imposed by the USA for the same duration. All of these initiatives demonstrate that the Government is pursuing an ongoing and creative approach to the development of a visa system that facilitates tourists who wish to come from China to Ireland, rather than putting obstacles in their way. I agree with the Senator that we must insist on getting our share of the huge market emerging in China. We must not put obstacles in the way of Chinese people who wish to visit this country.

Senator Deirdre Clune: I repeat that it is not as easy to get a visa to enter the United Kingdom, with which we have certain ties, as it is to get a visa to enter other European countries. As I said, that can be a hindrance for us.

Water and Sewerage Schemes

Acting Chairman (Senator Michael Mullins): I welcome the Minister of State, Deputy Fergus O'Dowd.

Senator Denis O'Donovan: I thank the Minister of State for coming to the House to take this matter.

The people of Bandon are devastated that SIAC has walked away from the main drainage and sewerage scheme in the town. Even though there was major disruption in the town during these works, very little of the contract was executed. I wonder when a new contractor will come to take SIAC's place. When the consultants who had been appointed decided to pull out of Ireland, a short time after the appointment of SIAC, it meant that SIAC had to deal directly with Cork County Council. It appears that severe difficulties came to the surface within weeks of this development. The main drainage and sewerage scheme is under the auspices of the Minister for the Environment, Community and Local Government. The imparting of funds to Cork County Council means it is now in charge of the project. Consequently, I ask the Minister to take charge of the contract and this operation.

Since 2009, the people of Bandon had been lobbying strongly for interim gravel removal to take place during the summer months outside the fisheries embargo, that is, from 1 May to 30 September each year. The businesses and residents of Bandon are convinced that this approach has been of assistance during times of heavy rainfall. There have been seven serious incidents in recent years, in addition to the major flooding that occurred on 19 November 2009, when over 250 commercial premises and private houses were flooded. In some instances, the water level rose to between 2 m and 2.5 m.

The main overall factor is that Bandon has been shamefully neglected for over 30 years. This applies to previous Governments also. The town allocates plenty of money to Cork County Council in rates, but it has very little to show for it. Some important questions need to be posed. Why did Cork County Council award a €7.5 million project to a €2.5 million bidder? It sounds ludicrous and ridiculous. We understand it was subcontracted again. Why was that done? It might have been the lowest tender, but the Minister of State knows that alarm bells would ring straight away if a project in his territory which had been costed at €8 million was put out to tender at €3 million. That is what happened in this case.

Cork County Council was dealing with the contractors after they had moved in. When they realised within a few weeks that they could not make a go of it, they pulled out. The scheme has been knocked back for several months as a result. It is possible that the delay will extend to well over one year. How is it possible for the collapse of a scheme that was being publicly funded and is of such importance for the town - local people have been waiting for it since 1992 - to be a matter of such secrecy? Nobody has answers. The local town council is doing its best. Officials at managerial and senior engineering levels in Cork County Council have gone silent when questions have been raised about what has gone wrong. A public inquiry of some sort within Cork County Council is almost warranted to see what has gone wrong.

Obviously, it did not help matters when a huge amount of interference, in the form of major stoppages and delays, was caused by the archaeological department. At one stage, this separate department advocated putting a kink in a pipe to place it under the Bandon wall, rather than through the wall, as other service providers have done. I refer to an area under the road near Allen Square. We all appreciate the significance and importance of the past and the heritage of Bandon town, but it seems to have been forgotten that Bandon is fighting for its very survival. Some businesses are barely hanging on by the skin of their teeth.

When I visited the town in recent weeks, I met some members of the flood committee, all of whom are volunteers. The people in question cross all political divides. My colleagues in other parties are fighting hard for this project also. The flood committee has been on high alert, sometimes until 3 a.m. or 4 a.m., as its members have waited to see whether the water level on

the River Bandon will subside. It sometimes reaches the level of the footpath. In one case, all of the items in a shop have to be shifted from 1.5 m down in case the premises floods and items are lost again.

The other big factor is that most of these properties will not get insurance. I know the Minister of State is here to deal with the sewerage scheme. The flood relief programme should be allied to this scheme. I often wonder why there is no joined-up thinking. I met the Minister of State with responsibility for the OPW, Deputy Brian Hayes, when he visited the area in connection with another project a few months ago. They are being undertaken in tandem, but there is no joined-up thinking. They should work together. Overall, it will probably take three or four years before this job is completed. It is absolutely ridiculous. Somebody should put the squeeze on Cork County Council - I know the Minister of State will probably not do so - to find out what went wrong.

Why was the contract awarded in this manner? Why is there such a big delay? It is not fair that the people of Bandon should have to suffer and worry this year and probably next year also. We have very high flood levels and an increasing amount of water is falling. There is deep concern and worry. I met someone about two weeks ago who told me that many people could not sleep when there was a flood alert. They stay awake all night until they know the flood waters have subsided. It is an ongoing worry. The problem was probably not as acute 20 years ago. These schemes have become more important as rainfall levels have increased.

I hope the Minister of State will have some positive news for me and I am not in any way trying to throw nasty aspersions at him. I am just saying something went radically wrong in this case. The Minister for the Environment, Community and Local Government, Deputy Phil Hogan, or somebody else should get a handle on it. I think the Minister is in charge of Cork County Council and answers should be given to the people in Bandon who are not getting the answers they require. They are being left in the dark. They are being drip-fed information on a need-to-know basis, which is not good enough. There should be an overall plan. The people of Bandon deserve more than they have been getting for the past few years.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): I thank the Senator for bringing this matter to the attention of the Department. I am responding to the debate on behalf of the Minister for the Environment, Community and Local Government, Deputy Phil Hogan.

Contracts for a wastewater treatment plant and a network upgrade for phase 2 of the Bandon sewerage scheme were included in the 2010-13 water services investment programme of the Department of the Environment, Community and Local Government as being among the contracts to start during the life of the programme, at a current estimated cost of €13 million. The network upgrade element of the scheme comprises the provision of storm and foul sewerage works in Bandon town and its environs. The new sewerage infrastructure will lead to the separation of storm and foul flows in the existing combined sewerage system and provide for increased foul wastewater collection facilities. It will also provide storm sewerage infrastructure for low-lying areas of the town. As the Senator said, such areas experience flooding from the River Bandon during times of high flow. The Bandon Estuary downstream of Innishannon is a designated sensitive area under the urban wastewater treatment directive. The proposed scheme will ensure foul wastewater is collected to the best practical level and transferred for treatment to the existing wastewater plant.

On 8 June 2011 Cork County Council submitted revised contract documents for the network element of the scheme to the Department. These contract documents were approved by the Minister on 29 August 2011. Following the tender process, Cork County Council submitted a funding proposal of €3.9 million to enable it to award the contract to the most economically advantageous tenderer. The Minister approved funding for the contract on 22 February 2012, Cork County Council awarded the contract in March 2012 and the contractor commenced preliminary work in March 2012.

The Department was notified of contractual issues in August 2012. Subsequently, the matter was referred to conciliation and a conciliator was appointed. Conciliation meetings took place between the parties in September and October 2012 on the principle of four of the disputed issues. The contractor and the council agreed to the termination of the contract by mutual consent and a commercial settlement was agreed between the parties. The Department raised no objection in principle to the settlement but requested clarification on a number of issues. These clarifications were submitted to the Department on 10 December 2012.

A new consulting engineer has been appointed as consultant to complete the project and is preparing contract documents for the scheme to complete all outstanding works. It is anticipated that the contract will be tendered in the first quarter of 2013 and the work will recommence in the third quarter of 2013.

Senator Denis O'Donovan: I thank the Minister of State for his response. He has been very careful not to put too much of a thumb of blame, so to speak, on Cork County Council, to specify the reason the contractor pulled out or to say why the contract was awarded. As I said, the contract was valued at a sum in excess of €7 million. As a previous member of Cork County Council, I am deeply concerned that despite the council having failed to deliver this project in the past 12 to 18 months, a similar situation could recur.

The cheapest is not always the best. I am very concerned that we will have further problems. The most important point is that the ratepayers and ordinary people of Bandon, whose homes are being flooded, are not being informed in an open and transparent manner, as they are entitled to be. The fear, the worry and the misinformation that has sometimes been put abroad must be brought out. There is a commitment that the contract to complete the works will commence in the third quarter of this year. I hope it does because, if it does not, outright war will break out in Bandon, people will not pay their rates and they will start marching. The people of Bandon town and its environs are a very patient bunch. To be honest, they deserve a lot more than they have been getting.

I put a lot of the blame on Cork County Council. While the Minister, Deputy Hogan, is the overseer, it was ludicrous for the council to award a contract, when anyone with a small bit of common sense would have known the contractor could not fulfil the contract for the price given, which was about a third of the overall cost. It does not add up.

Deputy Fergus O'Dowd: I will bring the views expressed by the Senator to the attention of the Minister. I want to say clearly that all county councils have procedures for asking questions and the interrogation of officials in regard to any issue. What I would do, if it was in my county, is contact the county manager, get a meeting with the officials and get the facts on the table. If as the Senator alleges, Cork County Council is not being transparent or accountable, he should kick up a stink over that with Cork County Council. There is also the issue in regard to costs. If the council does not provide the Senator with the documents he seeks, it should do

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so because, under the Freedom of Information Act, it is obliged by statute to provide him with whatever it believes it can provide. The history of this matter is obviously of deep concern to the Senator and his constituents. He is entitled to get that information in whatever way he can, using the democratic mechanisms that are in place, including his position as a Senator, through his councillors and so on.

The ultimate question is what is happening now. A consultant has been appointed and it is anticipated that work will commence in the third quarter of this year, which will I hope help to alleviate the problem in regard to the high winter floods that may occur later in the year.

Sale of State Assets

Senator Brian Ó Domhnaill: The matter relates to the proposed sale of the harvesting rights of Coillte. This arises under the EU-IMF programme which asked the Government to consider selling some State assets to realise a profit for the State. However, Mr. Peter Bacon's report in this regard is now complete and available to the Minister and, in my view, shows it does not make any sense to sell a perfectly profitable State asset that employs close to 12,000 people and controls some 450 hectares of forest.

I have read some, though not all, of the Bacon report. Mr. Bacon was employed on behalf of the Department of Agriculture, Food and the Marine. It is clear from his findings that this does not make sense. The Minister for Agriculture, Food and the Marine is on record in the Dáil as stating in November last that the potential sale of the harvesting rights of Coillte over an 80 year period would potentially raise €400 million to €500 million, although this has not been fully costed. I am not sure if that is dealt with in the Minister of State's response today, but the Minister is on record as saying it. However, the Bacon report clearly shows that in order for the sale of the harvesting rights to make any financial sense, it would have to raise at least €1.3 billion; therefore, there is obviously a major difference, although it is open to the market to decide what the cost will be.

By selling the harvesting rights of Coillte, they are effectively being transferred into private hands. Coillte is a very profitable semi-State organisation that made profits of between €15 million and €20 million last year and a similar amount the year before. We should not go down the road of selling this profitable asset which we should keep in State ownership. The Bacon report would clearly seem to rubber-stamp that position. In the light of the Bacon report, is the Government reconsidering its position or has the report been fully assessed yet?

It is clear from reading the report that Mr. Bacon is suggesting the sale of the harvesting rights would have a number of major impacts, for which the costs can be estimated, and he has estimated those costs at approximately €1.3 billion. If we were not to realise that amount in the sale, not only is the Government relinquishing a major State asset, but it is also jeopardising 12,000 jobs within Coillte. It would also have a major effect in my own county of Donegal, where Coillte plans to sell a large area of forestry outside Ballybofey, a plan that is meeting huge local discontent.

I call on the Minister and the Government to cease any sale of any Coillte resources in the light of the Bacon report, which is very clear. I have written to the Chairman of the Oireachtas agriculture committee, Deputy Andrew Doyle, suggesting the committee carry out a full and comprehensive analysis and meet all of the stakeholders before any decision is taken. The Min-

ister of State may have some news in this regard.

Deputy Fergus O'Dowd: Gabhaim buíochas leis an Seanadóir as ucht an t-ábhar seo a ardú inniu. I am taking this matter on behalf of the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney.

Coillte was established as a private commercial company under the Forestry Act 1988, with the two shareholders being the Minister for Public Enterprise and the Minister for Agriculture. As the Senator is aware, the Government decided in the context of the State asset disposal programme that a concession for the harvesting rights to Coillte's forests be put forward for sale. This is but one element of the State asset disposal programme as decisions were taken in regard to other commercial state bodies. My colleague, the Minister for Public Expenditure and Reform, made a comprehensive statement to the Dáil in October 2011 about the sale of State assets, which gives the overall background. As responsibility for Coillte falls within the Minister, Deputy Simon Coveney's remit, I will update the House on his behalf as to Coillte's element of the programme.

Further to the Government decision that a concession for the harvesting rights to Coillte's forests be put forward for sale, the NTMA, via its NewERA unit, has been actively engaged with Coillte, the Department of Public Expenditure and Reform and the Department of Agriculture, Food and the Marine to examine the financial and other implications of a potential transaction.

Substantial work has been undertaken to date on the identification of the forestry assets involved, the determination of their value and the consideration of a number of issues associated with the proposed sale of the harvesting rights. Some of the issues identified so far include public access to recreational land, the possible impact on the timber industry, environmental and social impacts and consequential implications for the company and levels of employment. I assure the House that a comprehensive analysis has been carried out of all relevant issues.

Consultation has also formed part of the consideration. NewERA, the Department of Public Expenditure and Reform and my Department have met interested stakeholders, including, on 25 January, the Coillte group of unions, to discuss their position on the sale of the harvesting rights. NewERA also met representatives of the Irish Timber Council last July to discuss the implications of any sale of Coillte felling rights for the sawmill sector. In addition, environmental and sports bodies have also given their views to the Minister and the Department of the proposed sale. At the meeting with the Coillte unions on 25 January a copy of the report, Assessment of the Consequences of the Proposed Sale of Coillte's Timber Harvesting Rights, which was commissioned by IMPACT, compiled by Peter Bacon and Associates and published on 10 January was received. It is being analysed and a further meeting with the unions is to be held in due course.

NewERA is providing financial advice for the Government on this process on the basis of a comprehensive and detailed analysis. As the Senator will appreciate, the issues involved are commercially sensitive and NewERA is not in a position to comment publicly on them. All transactions managed by it, at the request of the Government, as part of the State asset disposal programme, including any sale of Coillte harvesting rights, will be conducted in a transparent manner in line with EU and-or national regulatory and legal guidelines for sales of assets.

The Government is very much aware of the economic and social benefits of forestry. This is evident from both the maintenance in 2013 of funding for the forestry programme and the

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important contribution Coillte makes to the supply of timber to the sawmills, in the provision of forest recreational activities and valuable tourism attractions and in the maintenance of the State's forest estate. The outcome of the overall analysis will be considered by the Government on its conclusion. This entire process is very complex and it is not possible at this stage to pre-empt the outcome of the analysis and its possible consequences for the future of Coillte. I reiterate that the Government will proceed with caution in this matter and that, as yet, no final decision has been taken.

The Seanad adjourned at 5.55 p.m. until 10.30 a.m. on Wednesday, 6 February 2013.