



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 23 Bealtaine 2013

Thursday, 23 May 2013

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Justice and Equality to discuss the fact that there is no legislation or regulations in place to facilitate the orderly transfer of personnel bilaterally between the Garda Síochána and the Police Service of Northern Ireland and the absence of any guarantee or written provision that the personnel who opt to transfer can be assured that they may resume their positions and employment with An Garda Síochána having completed their service.

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

To ask the Minister for Health to instruct the HSE to facilitate the immediate transfer of a person (details supplied) from Abbeyleix Community Nursing Home which is wholly inappropriate to their rare condition, Kjellin's syndrome, to the more suitable and available space in St. Joseph's Home, Stillorgan, in the interest of their health and well-being and in keeping with the State's duty of care.

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

The need for the Minister for Social Protection to discuss the withdrawal of the community welfare office from Tramore, County Waterford; the impact it will have on the local community; and how community welfare services will now be provided.

I have also received notice from Senator Lorraine Higgins of the following matter:

To ask the Minister for Public Expenditure and Reform if he will facilitate the opening of Athenry Castle on 15 August for a social evening with food, which will be prepared externally, and beverages to mark Athenry twinning with Renew's, Canada.

I have also received notice from Senator Mary Moran of the following matter:

The need for the Minister for Health to address the lack of residential services for people with a disability in urgent need of residential care (details supplied).

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Keane, Whelan, Cullinane and Higgins and they will be taken at the conclusion of business. Senator Moran may give notice on another day of the matter she wishes to raise.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, statements on diesel laundering, to be taken at the conclusion of the Order of Business and to conclude no later than 1.15 p.m., with the contributions of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be called on to reply not later than 1.10 p.m.; and No. 2, Criminal Law (Human Trafficking)(Amendment) Bill 2013 - Committee and Remaining Stages, to be taken at 1.45 p.m.

Senator Darragh O'Brien: Will the Leader arrange for a debate with the Minister for Education and Skills on patronage of schools and how patronage is awarded? The week before last the Minister announced four new schools in respect of which patronage would be sought. Less than a week after that announcement, one of the patron bodies announced on its website that it had been already awarded the patronage of one of those schools. I do not propose to go into the specific detail in this regard. However, that is a fact. This does not do any service to the Minister, his Department or any of the patron bodies. I am sure the Minister would want a transparent process. Perhaps on the next occasion he is in the House time could be made available to discuss the patronage of schools and how patronage is awarded.

I have previously raised with the Leader on a number of occasions the need for a debate on adult mental health services, in respect of which I outlined the reasons for such a debate. Services in my own area are drastically under-funded and there are problems with the physical infrastructure and facilities in which patients are cared for. It is important that we have an early debate on adult mental health services. Perhaps the Leader will provide an update on that request.

The Leader might also update the House on when the betting tax Bill will come before the House. I have previously spoken about the many independent bookmakers that have gone to the wall and the many more that are struggling. Many of these are family businesses employing hundreds, if not thousands, of people across the country. There is not a level playing pitch in this area on the basis that online betting has effectively taken over and no tax is paid in this State on online bets. This means that the main firms, many of which are well known, have an unfair advantage over independent bookmakers, many of whom have been in business for generations. The previous Government delayed introducing this Bill. The Leader has previously told me that the new Bill is being prepared. It is now urgent that it be introduced, a view I know the

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Leader shares. It is urgent also in the context of the need for a review of online betting and the scourge it can be on families. The betting tax Bill will allow us an opportunity to discuss such issues in more detail. I would welcome an update on when the Bill will come before the House.

Senator Ivana Bacik: Like everybody else, I was shocked and horrified by the incident in Woolwich, London, yesterday in which a young man was killed in broad daylight in front of large numbers of people in a brutal and gruesome attack. I am sure everybody would wish to extend their sympathies to the family of the dead young man. It is a serious issue, one which raises real concerns for public safety and security in Britain. It was heartening to hear David Miliband, former Foreign Secretary, who is in Ireland today, speak of the broad range of condemnation from across British society at this horrific attack. It raises issues not alone for people in Britain but public safety and security in general.

I welcome the conclusion of the latest round of discussions on Croke Park II and pay tribute to the negotiators in the Labour Relations Commission on the enormous amount of work and long hours put in seeking to achieve a better deal which could be agreed by the unions. I pay tribute also to the unions who stuck with the process and have reached accommodations and agreements on terms. While I know we will be debating them in this House, it is worth extending a tribute to the negotiators involved.

Yesterday, other Senators sought a debate on the tax regime on foot of the reports about the hearings in the US Senate. The Minister of State, Deputy Noonan, has robustly defended the Irish tax regime as transparent and has rejected the claim of any special deal with Apple, which is welcome.

Senator Darragh O'Brien: The Senator should tell that to Senator Whelan.

Senator Ivana Bacik: We must be careful about robustly defending the Irish tax regime. It is appropriate that this issue was discussed at the EU summit yesterday. Clearly, this is an issue not alone for Ireland or any other individual country but at a transnational level in terms of ensuring transparency in tax regimes so that multinationals cannot escape their tax liabilities by seeking tax havens, which Ireland clearly is not.

Visit of Republic of Korea Delegation

An Cathaoirleach: Before I call Senator Barrett, I am sure Members of the House will join with me in welcoming a parliamentary delegation from the Republic of Korea, led by Mr. Park. You are very welcome. We hope that you have a good stay in Ireland.

Order of Business (Resumed)

Senator Sean D. Barrett: I join the Cathaoirleach in welcoming our guests from Korea. I also endorse Senator Bacik's comments in regard to the dreadful events yesterday in London, which many Irish people have made their home. We should express our sympathies to the

Mayor of London, Mr. Boris Johnson, and send our condolences to the colleagues of the murdered man.

I welcome the appointment of Ms Siobhan Talbot as chief executive of the Glanbia company. She is the first woman to head up a company on the major Stock Exchange list in Ireland.

Senator Aileen Hayden: Hear, hear.

Senator Sean D. Barrett: Glanbia grew out of the co-operative movement assiduously put together by a former member of this House, Mr. Horace Plunkett. I am sure the Leader, as a man from the southeast, will be delighted to send our congratulations to Ms Talbot on her wonderful achievement.

Senator Tom Sheahan: In light of the proposal to bring forward the budget to 15 October, I ask that the Leader invite the Minister for Public Expenditure and Reform, Deputy Howlin, to the House so that members can impress on him some ideas for the forthcoming budget. In the interests of a stimulus package, I have one idea, namely, the refit of derelict houses. Hypothetically, a 20% grant towards a €60,000 refit would cost the State €12,000. In terms of breakdown, €40,000 of the €60,000 would go on materials and the remaining €20,000 would be spent on labour. With VAT on materials being 23% and VAT on labour being 13.5% this would yield €9,200 and €2,700 respectively to the State. As such, a spend of €60,000 grant-aided by a maximum of 20% by the State would be cost neutral because, outside of PRSI payments and savings in terms of social welfare payments through the resultant jobs created, the State would recoup the grant amount provided by way of VAT. Also, the refit of derelict houses would add to our housing stock. While some might say we have sufficient unoccupied houses, there are hundreds of thousands of people on our housing lists. I believe what I have proposed would be a cost-neutral venture.

It is important the Minister comes to the House to hear the many more ideas from Senators that could be incorporated into the budget.

Senator Mark Daly: I ask that the Leader provide time for a debate on the undocumented Irish, which issue I have previously raised in the context of the current Bill going through the US Senate which will assist the 50,000 undocumented Irish citizens living in the United States. I ask that the Minister for Foreign Affairs be invited to the House to give us an update on what his Department is doing to ensure Irish people living in the shadows in the US are fully legalised. It will be a lengthy process. However, we must ensure that all Irish people living in the US who are currently undocumented are looked after. There is also provision in the US Bill for the issuance of 10,500 visas per year to Irish citizens. It is a particularly unique section of the Bill, which gives Irish citizens here a right to apply for visas to work in the US, which visas can be renewed.

Senator Denis Landy: I want to speak this morning about the situation in regard to home help services in this country. The most recent census indicates that there are 535,393 people over the age of 65 in this country, which is 12% of our population. The recent CSO figures predict that an extra 15,000 people will be in need of home help and home care services before 2026. The national positive ageing strategy launched last year states that it should enable people age with confidence, security and dignity in their own homes but in the last quarter of 2012 we find that home help supports were reduced by €8 million. After much discussion that was to be returned in the budget for 2013 but the evidence to date shows that has not happened.

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In replies to a number of parliamentary questions tabled in recent months it is clear that the budgets in some cases are below that provided in 2012. One Deputy was informed that the only way extra home help hours would be provided in his constituency was if people died.

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

Senator Denis Landy: I am calling on the Leader to request the Minister to come into the House to discuss this issue as a matter of urgency. We are getting one view of what is happening in replies to parliamentary questions but what is happening on the ground is a different matter. Hours are not being reinstated and people are suffering. We were told money was being put into the budget for the purpose of rectifying that but it has not happened. I call on the Leader to ask the Minister to come into the House to debate that matter.

Senator David Norris: I would like to ask about the human trafficking Bill because I disapprove of the practice that is growing of taking all Stages together. Since this will obviously happen I ask the Leader to make sure that it happens as infrequently as possible and if there will be an opportunity to table amendments. It is important that we should be allowed to amend the Bill, particularly in light of organ harvesting. I very much welcome that this is being included in the legislation, as I understand it. I would like to table amendments.

I agree with my colleagues who have spoken about the appalling event yesterday in London. It is unusual in the savagery of the attack and in the blatant disregard for the feelings of the public, the family and the associates of this man when the perpetrators of the crime appealed to the public to make a film and photographic record of the event. That was an utter obscenity. It is important that there has been a broad range of condemnation across the cultural and political perspective in England. That is appropriate, but I would like to think that would be paralleled by a broad range of condemnation of the murder of people by our allies in places like Afghanistan by drone attacks. That cannot be used as an excuse for the kind of barbarism we saw in London but there is no doubt that we must not have double standards. As far as I am concerned, savagery is savagery and human rights are human rights. Both are universal concepts, and we cannot just pick and choose as we always do. I condemn this outrage but I also condemn the murder of large numbers of innocent people by depersonalised mechanical attacks ordered by our allies.

Senator Catherine Noone: I attended a briefing yesterday on the issue of childhood obesity. It has been raised by a number of Senators in this House, including myself, on numerous occasions but the statistics are frightening in that one in four Irish children are now classified as being overweight, and one in ten of them are deemed to be obese. We could talk about statistics all day but that is the reality for many children. If these statistics are correct, obese children who are not treated cost our paediatric hospitals €5,164 per year. That comes to an annual amount of €500 million. It is a very serious issue. The health committee is inviting various experts to come before it but the reality is that the experts are not in the area of paediatrics. We need specific expertise from specialised paediatricians in this area.

I want to highlight Temple Street hospital's W82GO! programme, which is very effective but does not get any Government funding. It costs approximately €600 per patient per year and the people involved are managing to carry out this function without any Government funding. I call on the Health Service Executive to try to find a way to get more funding as soon as possible to deal with what is a serious problem that is on the increase, and which will do untold damage to future generations.

Senator David Cullinane: I return to the issue of corporation tax on which we did not get satisfactory responses yesterday. It is important that we have an honest and transparent debate on this issue. When people raise concerns about corporation tax it is often met with derision from certain Members of this House but I am sure everybody would agree it is important that we have an opportunity to ask questions.

I will quote from a hearing that took place in the United States Senate on 15th of this month. The head of Apple's tax operations was before the Senate committee. He stated:

Since the early 1990s, the government of Ireland has calculated Apple's taxable income in such a way as to produce an effective rate in the low single digits. The rate has varied from year to year, but since 2003 has been 2% or less.

A written response from Apple to the same committee states:

Since the early 1990s the Government of Ireland has calculated Apple's taxable income in such a way as to produce an effective rate in the low single digits, and this is the primary factor that contributes to Apple's rate. The rate has varied from year to year but since 2003 has been 2% or less.

The chief executive officer of Apple, Mr. Tim Cook, and Apple's director of tax operations both made the same comment when questioned by the US Senate.

There appears to be an anomaly or a loophole in Irish tax law which provides that a company is tax resident where its central and control management is located but not where it is incorporated. That allows some of these multinational companies to set up two companies, one which is non-resident in Ireland - perhaps in the Cayman Islands or elsewhere - and one which is resident in Ireland. It is similar to the Apple subsidiary company which was under scrutiny by the US Senate committee. That company has only three directors in Ireland. It does not have any employees. A total of €30 billion was funnelled through this company. It did not pay any taxes in this country or in the US. That is what is happening.

The biggest threat to multinational jobs in this country is that this practice is happening and that the British Government and the American Government are now watching. There is a world of difference between Apple or any company manufacturing in this country and paying their taxes but these subsidiary companies that are being set up are clearly designed to avoid paying tax. We need to have that discussion and the Minister should be brought before the House for it.

Senator John Kelly: I support the call by my colleague, Senator Landy, for the Minister for Health to come into the House to clarify the position regarding home help hours. Prior to the last budget I made it clear that my support for the budget depended on whether the Minister restored the €8 million worth of home help hours to the HSE. I got assurances before the budget, and during the budget speech, that that had happened but I understand from reading various HSE service plans for counties that the number of hours being provided by the HSE currently is the same as the number provided after the cuts were made in 2012.

11 o'clock

People whose home help hours were withdrawn in 2012 have not had them restored, and neither have home help service providers whose hours were cut in 2012. Either the money was restored to the HSE for the purpose of home help hours and was spent elsewhere or it was

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not restored. I support Senator Landy in requesting the Minister to come before the House to clarify which it is.

Senator Brian Ó Domhnaill: I also wish to raise the issue of home help hours. It is a very appropriate topic to discuss because it reflects how we treat our old people and the dignity and support they receive from the State. It is all linked to the issue of allowing elderly people live in dignity in their own homes versus the option of going to a nursing home. It is a no-brainer for the State to support home help hours. With the cutbacks in home help hours, some elderly people are forced into nursing homes, the cost of which, depending on whether they are public or private, can vary from €550 a week to €1,500 a week, with private homes generally being cheaper than public nursing homes. No old person should be forced into a nursing home. It should be a choice-based issue and so should home help support. In my county, drastic cutbacks have been made to home help hours in recent years. This is simply wrong because it is excellent value for money. Home help workers provide excellent care to the elderly and they should be supported by the State. The service should not be privatised. I am a great believer in having home help hours carried out by neighbours and friends of individuals.

Another anomaly is the issue of the carer's allowance package and the absolutely disgraceful treatment of carers, people with disabilities and our elderly by the Department of Social Protection. I raised this issue a number of weeks ago and the Leader threw it back and stated I should use my contacts in the Department. There has been a policy change in the Department and it is like a whispering campaign. Officials in the Department are told to approve only a small number of applications.

Senator Darragh O'Brien: That is true.

Senator Brian Ó Domhnaill: It is unofficial but speaking to contacts in the Department-----

An Cathaoirleach: Is Senator Ó Domhnaill looking for a debate on the issue?

Senator Brian Ó Domhnaill: The Ministers for Social Protection and Health should come before the House because if we cannot protect our elderly and disabled and those who care for them in our current difficult economic situation, then the country will be no place for old people.

Senator Terry Brennan: I wish to be associated with my colleagues who have mentioned the Croke Park agreement. I acknowledge this significant progress which has been made in the talks to date. I pay tribute to all concerned, including the union representatives and the Labour Relations Commission very ably chaired by Kieran Mulvey. I hope these talks are brought to a successful conclusion for the benefit of all concerned in the not too distant future.

Senator Aideen Hayden: I concur with Senator Norris's comments on the recording of the very brutal murder of the young soldier killed in London. I do not know whether it is true, but there is a rumour that the footage is available to be viewed on YouTube. It is wholly inappropriate and we must be very conscious of it. It is absolutely outrageous. I am not in favour of censorship but this goes beyond any concept of human dignity and needs to be addressed. This type of broadcasting cannot be permitted in a civilised society.

Will the Leader invite the Minister for Children and Youth Affairs to the House? It was announced the Garda is investigating a number of child care facilities in the Dublin region with regard to the mistreatment of children. It is the worst nightmare of parents that their child would suffer any element of mistreatment while in a care facility while they are working dur-

ing the day. This apparently has come to light on foot of an RTE “Prime Time Investigates” programme into child care facilities. I am very much in favour of investigative journalism but I find it deeply disturbing this potential mistreatment of children came to light on foot of what can only be described as trial by RTE and not by the manner in which it should have come to light, which is via the HSE and other bodies charged with ensuring children in crèche facilities are properly treated. It is an urgent matter and I ask the Leader to invite the Minister to come before the House to explain the procedures and protocols followed by the HSE and the Department to ensure children in crèche facilities are properly supervised and treated.

Senator John Whelan: I wish to add my voice to the cross-party call by Senators Landy, Kelly and Ó Domhnaill with regard to home help services. This is not a party political issue and no one in the House would not be concerned about care of the elderly. I commend the Leader on the expeditious manner in which he facilitates debates on issues raised on the Order of Business and brings Ministers before the House. This prompt manner is most helpful and I am sure he will do the same with regard to home help. Home help service providers are the hardest working people in the health service and are probably among the lowest paid. They are the poor relations and Cinderellas of the health service. With reluctance I state they are being messed about. Home help providers have been before the Labour Relations Commission 14 times in recent months. Very few people do not know at the start of a week how many hours work they have that week. This has a very stressful and distressing effect on their clients, mostly elderly people but also those who are infirm or recovering from cancer. We have been misled, and I do not say this lightly, with regard to the restoration of hours and finance for this area. It is not the first time the HSE and the Department of Health have been disingenuous in this regard. They have been massaging the figures on waiting hours-----

An Cathaoirleach: Is the Senator seeking a debate?

Senator John Whelan: I am seeking a debate. I support the call for a debate. The Minister of State at the Department of Health, Deputy Kathleen Lynch, stated a fortnight ago that she was appalled to have been misled with regard to the recruitment of staff to mental health services.

Senator Darragh O’Brien: She is responsible.

Senator John Whelan: Now we have the same craic with regard to home help services because the hours have not been restored. The hours have been cut and the service is being privatised by stealth.

An Cathaoirleach: The Senator is way over time.

Senator John Whelan: One cannot care for someone with only 15 minutes allocated services. It is absurd. We will not let go of this issue. We will pursue it until we have proper answers.

Senator Darragh O’Brien: Senator Whelan should have voted against the Social Welfare and Pensions Bill.

Senator Susan O’Keeffe: I join others in condemning the events in Woolwich yesterday. It seems in an attempt to try to break through the constant noise of violence and violent acts that a new low has been reached whereby something like this could happen in broad daylight. Of course, the perpetrators have succeeded in breaking through. As Senator Hayden stated, if

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it is the case this video is on YouTube, they have achieved what they set out to achieve. None the less we must be firm in our condemnation and I ask the Leader to send formally letters of condolence to the Mayor of London, Boris Johnson, and to the family of the young man who was so brutally murdered yesterday.

I call for a debate on the intermediate care vehicle strategy which has been around the HSE for a number of months. The acting CEO, Tony O'Brien, made reference to it on the radio at the weekend. He came before the Joint Committee on Health and Children in March. There are still many questions about how the strategy will work with a reorganisation of hospitals, the report on which was recently made public. The intermediate care vehicle strategy is quite important as it deals with ferrying patients from point A to point B. Unless the strategy is up and running, the hospital reorganisation will not be as efficient as it ought to be.

Will the Leader also ask the Minister for Health about the drugs costing strategy for children versus the drugs costing strategy for adults? If one is particularly ill, one's eligibility for drugs appears to be age dependent, in that one gets more drugs if one is younger. I seek clarification from the Minister, as the behaviour of hospitals in respect of people's ages seems strange.

Senator John Gilroy: Will the Leader ascertain from the Minister for Justice and Equality the status of the Coroners Bill 2007, which is stuck on an Order Paper somewhere? The need for a new Act has been demonstrated, as some of the provisions in the current Act hark back to medieval times. Not only is a coroner required to determine the cause of death, but inquests are also required for what are called treasure troves. That such provisions remain in effect seems anomalous at a time when resources for the Coroner Service have been reduced. A modernisation of the legislation is necessary.

Senator Michael D'Arcy: I agree with Senator Cullinane - that does not happen often - on taxation. The form of taxation is irrelevant. If tax is owed, it should be paid. This includes the household charge, which I put directly to the Senator. The role of the Revenue Commissioners is to collect taxes. They have incredibly strong powers. If there is fault, it lies with the Legislature for allowing taxation lawyers in Ireland and elsewhere to facilitate tax avoidance schemes. The IRS in the US is also powerful. Although some people claim that nothing is being done, a great deal is being done.

I agree with Senator Barrett about it being a good day, in that Glanbia is the first company to appoint a woman, Ms Siobhan Talbot, to one of the country's most senior executive roles in business.

Senator Feargal Quinn: I question the wisdom of foreign affairs and trade being joined together in the same Department. Trade is important, but when we tie it to foreign affairs, it falls behind. The Tánaiste has been criticised for not going on a trade mission for almost two years following his appointment and for devoting all of his time to foreign affairs.

Senator Darragh O'Brien: Off to North Korea.

Senator Feargal Quinn: Are we losing sight of the importance of trade by having the two areas joined together, particularly given the fact that the Tánaiste is very interested in what is happening at home and is unavailable to travel on trade visits? He is busy with foreign affairs, but perhaps we should allocate more time and attention to trade. Exports have done well in recent years, but they need more time and attention.

Senator Michael Mullins: I support Senator Sheahan's call for a pre-budget debate. I like his idea of introducing a scheme that would kick-start activity in the construction sector. Many Senators have innovative ideas that they would like the Minister for Finance to consider for the forthcoming budget.

My main reason for rising is to ask the Leader a question. In light of the deteriorating situation in Syria, will he organise a discussion on the situation with the Tánaiste and Minister for Foreign Affairs and Trade as early as possible? Yesterday, I attended a briefing given by Ms Rafif Jouejati, a Syrian activist and the official representative of the Local Coordination Committees of Syria, the umbrella body for civil society groups in Syria that want a peaceful resolution to the conflict. She painted an horrific picture. We have all read about the 80,000 or more people who had been murdered and the millions who have been displaced. She discussed the horrific and brutal rape of thousands of women, much of which was committed in front of children. She told us of how she had recently visited a camp of 17,000 people. Its sanitation comprised 40 portable toilets and it possessed a single kitchen, which attempted to provide one light meal per day to each of the 17,000.

As parliamentarians, we have a responsibility to highlight the inaction of the international community. Given the fact that we hold the EU Presidency, we must use our influence in the US and put pressure on Russia. The Tánaiste is doing everything possible to keep Syria on the agenda, but we are witnessing the worst humanitarian crisis of our time. We need to highlight this fact in the House. A further debate with the Tánaiste at the earliest opportunity is necessary. With every day that passes, more people are killed or displaced and more women are brutally tortured and raped.

Senator Maurice Cummins: Senator Darragh O'Brien raised the issue of the patronage of schools. We can try to arrange a further discussion, but we held a good, comprehensive debate on the subject only a number of months ago. The Minister attended it.

The Senator also discussed adult mental health. I assure him that we will hold a debate on the matter before the end of this session. The Minister is willing to attend, but it is a matter of fitting it into the schedule. Adult mental health could be a good subject for public consultation.

Senator Darragh O'Brien: Yes.

Senator Maurice Cummins: We might consider that at the next committee meeting on the public consultation schedule.

The Betting (Amendment) Bill is on the A list and will be republished this term. As I explained previously, it was published by the Department of Agriculture, Food and the Marine last year but has since been moved to the Department of Finance with the original Department's input.

Senators Bacik, Hayden, O'Keeffe and others referred to the gruesome and brutal murder witnessed by many people in Woolwich. I will express the House's sympathies to all concerned.

Senators Bacik and Brennan complimented everyone involved in the Croke Park II negotiations at the Labour Relations Commission, LRC. We should join in complimenting those involved. I hope for a good conclusion in early course.

Senators Barrett and Michael D'Arcy complimented Ms Talbot, the new CEO of Glanbia. I

will express our good wishes to her.

Senators Sheahan and Mullins discussed pre-budget submissions. We will arrange a debate on the matter. Senator Sheahan referred to the provision of grant aid for refitting derelict houses. He suggested that the work would pay for itself. This idea is worth considering. I hope that the Minister will attend the House to listen to Senators' suggestions for the budget.

Senator Daly called for the Tánaiste to update the House on the issue of the undocumented Irish. I will seek to arrange an update on that issue.

Senators Landy, Kelly, Whelan, Ó Domhnaill and others raised the issue of home help services. Our aim should be that our elderly people can live in confidence, security and dignity. Home help services provide that in a cost-effective way and prevent elderly people from having to go into nursing homes. There seems to be a difference of opinion as to what moneys were allocated and what was spent on additional hours. I will try to find out the up-to-date position from the Minister. I understand from Senator Landy that a number of Members in the other House have tabled questions but there has been a variance in the answers that issued. I will try to discover what the situation is and will report back to the House.

Senator Norris referred to the human trafficking Bill, and I have no problem with the point he made. Committee and Remaining Stages of the Bill remain and only six amendments are tabled. I am willing to leave it at that and not schedule Report Stage, if that is the wish of the House, and will amend the Order of Business in that regard. The reason I had tabled Report Stage was that so few amendments were scheduled but now we will only take Committee Stage.

I also note the Senator's points on human rights and the violation of those rights in many areas, such as the killing of people in drone attacks. That is another item to consider. A number of Senators have asked for the Tánaiste and Minister for Foreign Affairs to attend the House. Perhaps we can have an overall debate on foreign affairs and human rights with him. Senator Mullins mentioned Syria, an issue that needs to be debated in the House.

Senator Noone raised the issue of obesity and I note her points. A healthy living report was published only some weeks ago and the Seanad also had its own public consultation report. The House could debate both reports when the Minister for Health, Deputy Reilly, is willing to attend. I will endeavour to arrange that.

Senator Cullinane mentioned Apple and the taxation issue. I explained the situation yesterday. In respect of the testimony given by Apple executives to the US Senate committee, the Taoiseach is on record as stating:

I disagree with the comment made in the US Senate yesterday. Ireland's Corporate Tax rate is 12.5%. It has been that way for a period. The World Bank sets its effective rate at 11.8% and that applies across the spectrum. There are no differences in any areas or sector for Ireland. We do not do special deals in regard to that Corporate Tax Rate.

I am prepared to accept the full bona fides of the Taoiseach in his statement on that matter.

Senator D'Arcy also raised the issue of tax avoidance. The best way to combat such tax arrangements and avoidances is for countries to work together at EU and OECD level to implement international rules in this regard. Ireland fully supports such efforts and is an active participant in the OECD project on base erosion and profit shifting. The Government is fully

involved in the stemming of tax avoidance in this country and in Europe and we are working with our European partners in that regard.

Senator Hayden called for the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, to attend the House and clarify the issue of the alleged mistreatment of children in crèches. I will seek an update from the Minister on that matter.

Senator O’Keeffe mentioned the intermediate care vehicle strategy and I will ask about the up-to-date position in that regard. I also note the Senator’s points on hospital groupings.

There was reference to the cost of drugs for young people *vis-à-vis* the cost for elderly people. We had a lengthy debate yesterday on the cost of drugs and we can raise this with the Minister of State, Deputy Alex White, who attended and who is dealing with that matter. I will check the status of the coroners Bill for Senator Gilroy and will return to him.

Senator Quinn raised the issue of foreign affairs and trade. The Minister for Jobs, Innovation and Enterprise, Deputy Richard Bruton, has attended many trade missions even though these are not officially classified under his Department’s remit. The area of trade missions is covered in many ways, however, by the Minister’s Department. When the Tánaiste attends the House he can give an outline of his brief as it relates to trade.

I believe I have addressed Senator Mullins’s points on Syria and pre-budget suggestions.

Order of Business agreed to.

Business of Seanad

Senator Maurice Cummins: I propose the suspension of the sitting until 11.45 a.m.

An Cathaoirleach: The Leader has proposed an amendment to the Order of Business, “That the House adjourn until 11.45 a.m.” Is that agreed? Agreed.

Sitting suspended at 11.30 a.m. and resumed at 11.45 a.m.

Diesel Laundering: Statements

Acting Chairman (Senator Michael Mullins): I welcome the Minister of State at the Department of Public Expenditure and Reform, Deputy Brian Hayes, to the House and ask him to make his address.

Minister of State at the Department of Finance (Deputy Brian Hayes): I thank the Cathaoirleach for the opportunity to come to the Seanad to contribute to this debate on fuel laundering. The Office of the Revenue Commissioners, which has responsibility for the collection of mineral oil tax and for tackling the illicit trade in mineral oil products, informs me that it is acutely aware of the threat posed by illegal activity and tax evasion in this area. The most serious risk comes from the large-scale laundering of markers from diesel that is subject

to a reduced rate of mineral oil tax on condition that it is not used in road vehicles. Revenue collects some €1.1 billion annually in excise duty from road diesel. Therefore the potential for loss of tax revenue from this fraud is very significant and very real. This type of criminality also undermines the competitiveness of legitimate businesses, damages our environment, can damage consumers' vehicles and sustains organised criminal gangs who are the prime movers in this illegality.

Recognising the threat that this illegal activity poses to the Exchequer and to legitimate business, Revenue has made action against illegal fuel related activities one of its top corporate priorities and has adopted a comprehensive strategy to tackle the problem. This strategy encompasses the following elements.

The licensing regime for auto fuel traders was strengthened with effect from September 2011 to limit the ability of the fuel criminals to get laundered fuel onto the market. A new licensing regime was introduced for marked fuel traders in October 2012 which is designed to limit the ability of criminals to source marked fuel for laundering. New requirements on fuel traders' records of stock movements and fuel deliveries were introduced by regulation to ensure data are available to assist in supply chain analysis. New supply chain controls that require all licensed fuel traders to make monthly electronic returns to Revenue of their fuel transactions were introduced from January 2013. The first returns were received by Revenue in February. I understand that Revenue has initiated a process of rigorous analysis of these returns. This will support the development of a comprehensive overview of supply patterns and the identification of suspicious or anomalous transactions and facilitate robust follow-up enforcement action where necessary. This is very important and we have not had it up to now. We have had no picture of what has been coming into the country on a legal basis. Having this analysis and knowing the legal people, we will be able to see exactly the gaps that exist and which are clearly being filled by illegal activity. Colleagues will recall that this was part of a budget announcement which has come about only from 1 January this year. We are beginning to see the data on the distribution, which is crucial to tracking where the illegal stuff is.

There is an intensified targeting, in co-operation with other law enforcement agencies on both sides of the Border, of fuel laundering. That has been ongoing. There has been an intensified targeting, in co-operation with colleagues on the other side of the Border, of the illicit sale of laundered products. This involves a concentration on building intelligence, gaining an understanding of the supply chain, applying analytics to available data, embarking on a strategy of closing down stations that were in breach of legislation and-or regulations, and working collaboratively with other law enforcement agencies on both sides of the Border. One of the objectives is to cause maximum disruption to laundering plants and networks and to prevent trading by stations that are operating outside the law.

Following discussions with HM Revenue and Customs, HMRC, in the UK on regulatory measures to tackle the problem, the two Administrations signed a memorandum of understanding in May 2012 on a joint approach to finding a more effective marker for use in both jurisdictions, and an invitation to make submissions was published in June 2012. By the deadline in November 2012, 12 submissions had been received and these are currently being evaluated. The problem up to now is that the marker employed has allowed laundering to exist. If we can get ahead of that with new technology and ahead of the criminals, we can reduce criminality levels. Both HMRC and the Irish Revenue are working on a collaborative basis and we are examining submissions to see how we can overcome the marker issue. If we can solve that problem and get ahead of the criminals, we will be nine tenths of the way to addressing this problem.

Revenue's enforcement strategy in the fuel sector has already yielded results. Between 2010 and yesterday, Revenue officers detected and closed 28 oil laundries, not including the oil laundry detection made yesterday morning, which I will refer to separately, and seized 620,000 litres of oil, together with 12 oil tankers and 60 vehicles. Additionally, almost 2 million litres of fuel, held for commercial purposes, were seized during that period. Revenue shut down 32 filling stations in 2011, either because they did not have a licence or were in breach of licensing conditions. Revenue closed a further 57 outlets in 2012 and seven to date this year. Almost 90 stations have been closed down between 2011, 2012 and the first part of this year. A sizeable number have been detected and closed down, and it illustrates the scale of the problem we are facing.

Regarding the detection made yesterday, officers from Revenue's customs service supported by the regional support unit and local gardaí uncovered an oil laundering plant in Drumacon, County Monaghan, with the capacity to launder over 15 million litres of fuel per annum with a potential annual loss to the Exchequer of over €8 million. The laundry was uncovered following an intelligence-led surveillance operation. A forklift, six vehicles and ancillary equipment were seized from the plant. In addition, seven tonnes of toxic waste - the by-product of the laundering process - were also seized. In a connected search of a commercial yard in Longfield, a tanker with 20,000 litres of fuel, a trailer with a concealed tank and 68 bags of bleaching earth were also seized. Investigations are ongoing. Not only is this the result of intelligence, the officers from Revenue, the Garda Síochána and the officers in HMRC on the other side of the Border with the PSNI are working in very difficult conditions. They face threats and intimidation. Closing down these facilities is difficult, hard work. I express our deepest appreciation of the work of the Irish Revenue and HMRC who do this on a daily basis. In many cases these are local people who have to take on this criminality and they deserve our support and thanks in their work.

Stringent penalties are prescribed for offences relating to mineral oil smuggling and laundering. For example, a person convicted on indictment of an offence of evading or attempting to evade excise duty can be sentenced to imprisonment for up to five years, or a fine, or both. Following a substantial increase introduced by the Finance Act 2010, the fine is an amount not exceeding €126,970, or, where the value of the goods is more than €250,000, an amount not exceeding three times the value of those goods. I believe that these penalty provisions permit the courts to impose sentences reflecting the seriousness of this criminal activity and deterring involvement in this form of crime.

The problem of illegal activity in the fuel market is unquestionably a serious one, and the extensive enforcement action that is being carried out on an ongoing basis highlights the Government's commitment to combating it.

12 o'clock

The legislative steps that have been taken, together with the work on development of a more effective fuel marker, will provide important new support for this action and will serve to enhance its effectiveness.

The Minister for Finance and I, as well as colleagues in Revenue, greatly appreciate the interest taken in this House, led by Senator Jim D'Arcy and others, in highlighting this issue on a frequent basis and rightly calling the Government to account, which has led to this important debate today. We appreciate the opportunity to put this information on the record of the Seanad

in order that the public, through Members and colleagues nationwide, are aware of the seriousness of the problem, the measures that have been taken and of the work that is under way. It is important that the public be fully supportive of this work as the Government does its best to close down what is a dreadful crime that affects the life of this country.

Senator Thomas Byrne: Ireland currently faces an epidemic of illegal diesel. There is a huge problem with the sale of illegal diesel, and figures suggest at least 12% of all diesel in Ireland is sold illegally. When one goes to a garage, unless one knows it is wholly owned by one of the major oil companies, one is never 100% certain whether there is some illegal diesel in the tanks. This is not a victimless crime but has many victims. Fuel costs are at record levels, which is a separate but related issue. However, the victims of this crime include the Exchequer, which funds public services, as well as individuals whose cars are seriously damaged because of this activity. This matter has become so serious that in certain towns in the north east, rumours abound that all the garages are to be questioned. These rumours will persist until this problem is tackled and people realise there is no more illegal diesel in the system. I certainly will not make allegations on the floor of the Chamber because I do not have the evidence, but this suspicion certainly exists and public confidence in the market for petrol and diesel, particularly the latter, is at an all-time low. On the one hand, people do not know what is in the product, and on the other, they believe the product they are getting is too dear in any event.

I do not believe there will be a truly competitive market in motor fuels in Ireland until this problem is solved because when one sees a cheap price, one does not immediately or necessarily decide to buy it because it is cheap. While I acknowledge many people do because of the economic situation, others question that price and believe they should be paying a higher price because the fuel in question may be problematic. I believe some major fuel companies are profiteering on the basis of this fear, and that will not be rectified until the problem is solved. They can keep the price up because one feels confidence in going to them, as one is certain the fuel they offer is okay. However, this does not apply everywhere either, because there are even rumours in respect of major brands, of a little tip going in in the middle of the night. Members certainly hear such allegations regularly, and were I to receive any genuine allegations in that regard, I certainly would go to the Revenue Commissioners with them. However, the gangs involved in this activity must be pursued ruthlessly, and Fianna Fáil will give the Government every encouragement to do that.

The system described by the Minister of State regarding the electronic recording of what is coming in and out of the market will be critical. Nothing really will happen until the exact supply chain throughout the country is ascertained. The Exchequer is losing at least €120 million per year, the Minister of State may have had a different figure, but that equates to approximately 5 cent per litre of fuel. This is what this loss is costing motorists in additional taxation. Moreover, Louth County Council, unfortunately, is obliged to pay too much money, and I am familiar, as are Senators Jim D'Arcy, Brennan and Moran, with the costs it must bear in this regard. As I understand it, that money ultimately comes from central government, but it acts as a significant brake on resources and is to put down a criminal racket. The problem is that until the ins and outs of the supply chain and what actually is being sold are known, there will be no confidence anywhere. There is suspicion about almost all garages. For instance, there is a town in the north east in which I am told there are two garages that are wholly owned by a fuel company and people can have confidence in going there. However, I am told there are other garages that are wholly owned by other reputable fuel companies about which one simply cannot be sure. Until these measures are put in place, such rumours and suspicions will continue

and there will not be a functioning market in diesel or indeed in petrol. There also is the general criminality associated with the ongoing intimidation, whereby people are being forced into accepting late-night deliveries. This also is taking place and such deliveries are not merely being accepted on a voluntary basis.

Fianna Fáil supports the Government and encourages it to do everything it can to implement these measures. There is a much wider debate to be had about the price of fuel, as people undoubtedly are being ripped off at all levels of the supply chain. I am glad the European Commission is investigating this matter at that level but I believe it must also be investigated on the forecourts. In the Meath East there are approximately four of what I call motor fuel markets in which the prices are similar. It is highly competitive in one market, is cheaper than most other places nationwide and they are all reputable stations. However, it is not as competitive in other parts of the county. There are reasons for this and they are anti-competitive in nature. However, until the diesel laundering issue is solved and until people can be confident in what they are actually buying, they will be unable to make a judgment about the price. At present, they feel confident about paying a higher price in the hope that the product is good. This is wrong and the public is being ripped off in this regard, even if people are getting a good product.

Fianna Fáil sought a rebate system and proposed that duty rates between agricultural fuels should be equalised, with a rebate for agricultural fuel users. This could save the Exchequer more than €100 million per year, but of course it must be done on an all-Ireland basis. Members are due to meet representatives of the agricultural community later today - I hope I do not miss that meeting as some people consider it to be more important than debates in this House - and they perceive that proposal as entailing more paperwork for the farming community. Nevertheless, something must be done to turn the existing market into a proper, functioning motor fuel market in which people can have confidence in the product and in the price of it.

Senator Jim D'Arcy: I welcome the Minister of State back to the House and acknowledge the great work he is doing to deal with this criminal activity, which is a national issue located on the Border. Anyone who thinks that laundered diesel is only sold in the Border counties misunderstands the position. While the plants may be located in or around Border counties in the main, there is a national distribution network of what I believe are small, independent suppliers that are delivering loads of laundered diesel to places as far apart as Tralee, Tipperary and Galway. This criminal activity is extremely difficult to stop because the perpetrators appear to be always one step ahead of the authorities. Activity appears to have lessened thus far this year, however, if one is to go by the amount of diesel sludge dumped in County Louth, which is less than in the comparable period last year and substantially less than the peak levels experienced in 2011.

It might be useful to read out some statistics from 2005 to 2012 on diesel sludge recovered in County Louth. The tonnages recovered in 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012 were 157 tonnes, 149 tonnes, 69 tonnes, 125 tonnes, 71 tonnes, 186 tonnes, 868 tonnes and 615 tonnes, respectively. These figures provide Members with a picture of how this criminal activity has been developing. Finds of diesel sludge are down a little this year. This time last year there were 272 tonnes of diesel sludge and there are 241 tonnes this year. The increase is due to the 90 tonnes discovered in Carrickarnon at the Border two weeks ago. That is a well-known dumping place for diesel sludge. We might treat the statistics and the recent reduction with a little caution as the launderers might have found a new way to dispose of sludge. The activity increased again in May this year. That is not to say there is not great work going on,

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as the Minister of State indicated, in very difficult conditions by the Revenue Commissioners, the Garda and the Customs and Excise who are very brave people who confront this criminal activity fearlessly and rigorously.

I concur with the Minister of State's welcome of the discovery this week in Drumcahon, Castleblaney. The diesel laundering plant there resulted in an estimated €8 million in lost revenue to the State each year. Enforcement is an important part of the fight against laundered diesel. I again pay tribute to those who work in enforcement.

The Minister of State referred to the new licensing regulations. In the coming months he will be able to track all diesel movements and identify who is legal and by a process of elimination who is acting illegally. That is excellent news. I urge the Minister of State to keep us informed of progress in that regard through press releases or other means. It is important that people know what is going on because they are opposed to what is happening.

I would like the new licensing regulations to apply also in Northern Ireland. The Minister of State is aware that I have spoken on the issue with Mr. Danny Kennedy, MLA, Minister for Regional Development. The Minister of State has also spoken with him. Mr. Kennedy is keen to increase the level of co-operation between the two jurisdictions. I hope we can meet soon to further co-operation. Could the Minister of State indicate whether it would be possible to introduce equivalent legislation on laundered diesel in both jurisdictions?

The general opinion on the matter is that the most effective solution is a new marker which would be more difficult to remove. I am aware that scientific research is ongoing and I urge that the priority of the work would be upgraded so that we could finally eliminate this environmental and economic scourge which is costing the State dearly. We do not know the ultimate cost of fuel laundering but it costs the State in excess of €100 million in lost revenue each year. I congratulate the Minister of State on his response to the problem we face and encourage him to keep up the good work.

Senator Feargal Quinn: The Minister of State, Deputy Hayes, is very welcome. I thank him for explaining to us what is going on and the response to it. He provided us with interesting figures. As Senator Jim D'Arcy said, we are keen to encourage him to continue with the work.

The issue was first brought to my attention approximately three years ago by a garage owner who was so frustrated at a competitor who was undercutting him. Having been clearly identified as selling at a price that was way below what he could possibly have afforded, he was closed down but opened up again within 24 hours. The frustration of legitimate garage owners is evident. As Senator D'Arcy said, fuel laundering is not just limited to the Border areas. We thought it was confined to such areas but that is no longer the case. I am aware of a problem in Tipperary and Dublin and Senator D'Arcy referred to Tralee and elsewhere.

I have raised the issue on several occasions in the past year. The amount of criminal activity, especially around the Border area, but not confined to it, is something we must address as a matter of urgency. It is good to hear the Minister of State's heart is in the right place but we need action. It is a fact that the State is losing millions of euro. Senator Byrne referred to a possible sum of €100 million. It is rumoured that the loss is between €100 million and €200 million per year, which is a significant amount.

An example is worth mentioning to outline a motivation for the crime. There are 35,000 l in a tanker of diesel. The profit from a full tanker, bought legitimately, is approximately €1,500.

However, the profit from a tanker of imported diesel without paying the VAT is approximately €16,000. Punishment appears to be severely lacking. I referred briefly to a garage owner being concerned about a competitor. We appear to be severely lacking in appropriate action. My attention was drawn to the fact that one garage owner who was found with illegal diesel on his premises was fined just €3,500 and was instructed to close for 24 hours. Some garage owners who have been instructed to close for 24 hours are often open again within the 24-hour period. One could ask whether the punishment is adequate. It might be the case that the legislation is in place but it is not being enforced. We must examine how to redress the situation. The cost to the State is significant, as is the cost to individual garage owners who are trying to compete with such activity. It is such that it is making a mockery of legitimate trading in this country. How can legitimate traders survive in such an atmosphere?

Let us examine possible solutions. Other countries in the EU subsidise farmers for diesel use but in a considerably different way. Our current system only encourages criminality in diesel laundering and forces legitimate companies out of business through unfair competition. We are one of the few countries that use a system of colouring diesel to distinguish between diesel on which duty is paid and agricultural diesel. I firmly believe that we need another solution. It must be possible to come up with one. In the case of technology for counterfeit tobacco there is a new app which everyone could handle. I do not refer to diesel in this case but the app allows one to test a packet of cigarettes to find out whether it is counterfeit or if duty has been paid on it. I accept that it is legitimate in the case of cigarettes to bring them in for one's own personal use but the amount of illegal sales of such cigarettes is significant. Likewise, there must be a technological solution in the case of diesel also.

I agree with the Minister of State that we need a cross-Border approach. However, there is an obvious difficulty precisely because of the Border. We must bear in mind that the dye can be removed from agricultural diesel by washing it. The simple answer, which is often the best one, would be to allow farmers to buy normal diesel and to make a subsequent claim for the amount they use for agricultural purposes. Farmers might be concerned about such a system but as Retail Ireland highlighted, the rebate scheme's design should guarantee no cashflow loss to farmers, and to minimise paperwork the scheme should be linked to another regular agricultural payment scheme. It said the operation of the rebate scheme should be outsourced by way of a tender competition, thereby ensuring that it is administered not only at the lowest possible cost but at a small fraction of the current loss. Retail Ireland also called for the duty rates on agricultural fuel and motor fuel to be equalised in an effort to remove the profit margin attractive to diesel launderers. It said that a rebate system should be introduced through which agricultural fuel users could claim back duty paid. I concede that difficulties attach to such a solution but it is a better one than the current system. We do not have an answer at the moment but it must be possible to employ technology to that end. I understand the Revenue Commissioners are consulting with the UK on the introduction of a more effective diesel marker. I would be interested to hear whether progress has been made on the issue. Could the Minister of State indicate how far we have got in that regard? This is not the time to talk about the problem; we need action at this stage. It is a serious problem that is causing and attracting criminality in an area where we can do something. I am not sure what the technology is but there are a few solutions and the Minister clearly has his heart in the right place. Enough people are saying we must do something about this so the Minister has the support not just of the House but of every legitimate trader in Ireland.

Senator Jimmy Harte: Smuggling in the Border areas has been going on since the Border

was established. Some people have made a lot of money out of it and criminals have used it to enrich themselves. That is still ongoing and will continue until we devise a solution. The thinking behind this is that diesel costs 50 cent per litre less for farmers who do not use the public roads. It is a logical way to look at this. If they are not using the roads, they should not be charged. If there was no dye in the diesel on both sides of the Border, however, this would not happen.

The rebate system should be looked at. I understand from the farmers and the IFA that they would not be keen on this because it might lead to a cashflow problem. The Minister should consider a farmer's previous year's usage of fuel and base it on that. If he spent €5,000 one year, that would be taken as the amount he would use the following year and he would pay a monthly amount based on that. If, however, we brought in a rebate scheme, he would get a monthly grant. At the end of the year he could reconcile the figure and most farmers could be accurate on how diesel they would use. That would take a lot of criminals out of the game. Some farmers would be down a few euro and some would be up a few euro but the genuine farmer would see this as a way forward. It is not just a fly-by-night doing a turn for someone by getting cheap diesel. It is an ecological and criminal problem. If the opportunity exists, these gangs are always ahead of the pack. The Revenue Commissioners only have so many resources and these guys are always thinking ahead. We know who they are and the community is aware who is doing this. With the economy at the moment, people are under stress and in the case of a small haulage company, it might be the difference between surviving and going under if it can get diesel 50 cent cheaper. That is contributing to the problem, however, because it keeps the criminals going.

I ask the Minister to engage with the IFA and the fuel retailers on this. There is a cross-Border element to this so it must be a 32 county solution or we will be back to square one. There is fuel laundering along the Border from Derry to Dundalk and now as far south as Dublin. As Senator Quinn said, there is a massive opportunity for people to make huge profits on a single tanker of diesel.

We should not allow anyone to get away with this. I know of a case in Donegal where the garage owner was convicted but the garage continued to operate and everyone knew where the money was going and where the diesel was being laundered. People thought he had got away with it. Some garages reopen the day after being raided. These people are willing to lose the cost of one day's trading for the massive profits. We do not know how much they have made and the money is probably being laundered by dissident republicans and being put back into drug dealing.

The solution must be tight. We must look at a rebate system that would suit everyone, would give farmers the comfort that they are not out of pocket and make the criminals aware the Government and the Executive in the Six Counties are serious about sorting out the problem.

Senator Mary Moran: Diesel laundering has traditionally been associated with the Border, but we know that it reaches into and damages many sectors of society. The practice is moving southwards so it has become a national problem and can no longer be categorised as simply being a Border problem.

Being from County Louth, I would like to speak about how this issue affects the county. Louth has been dealing with diesel laundering for many years and had to bear the large cost. In May 2010, almost 10,000 litres of toxic diesel sludge, the by-product of washing the diesel, was

found in four different locations in the county. This cost the county council €10,000 to clean up. Three more diesel laundries were uncovered in October of 2012, one of which could have cost the State €9 million in lost revenue. This raid uncovered 40 tonnes of toxic waste, which is extremely worrying for the people of Louth. I do not want even to imagine the environmental or health ramifications of this toxic waste entering the water system. In 2011, Louth County Council estimated the cost for cleaning up toxic diesel waste was €1 million. There is huge demand elsewhere for this money.

Incidents like those have occurred regularly and have for many years cost the taxpayer and legitimate local businesses. I do not need to go into the facts and figures for the House to know local businesses are struggling, but I find it appalling that it is estimated that one in ten garages is selling laundered diesel. This places a massive burden on the legitimate proprietors and unsuspecting consumers. My husband is in the motor trade and he will frequently get a call at weekends or late at night. The first question he asks is where the person bought their diesel. Depending on the answer, he can tell them what the damage will be to the car. Laundered diesel wreaks havoc on cars, with repairs costing anything between €1,500 to €16,000. In 2012, the Society of the Irish Motor Industry recorded a sharp rise in vehicles experiencing damage due to diesel fuel laundering. We must urge people to remember it is too good to be true if they believe they are getting a great deal on their fuel. The economy is stabilising but we must provide support for legitimate diesel traders and business people. We must allow them to practise unhindered by criminals and not to get a bad reputation on the strength of one unscrupulous garage owner.

I commend the Garda Síochána and the Revenue Commissioners on the recent raids. I spent much of my teaching career in County Monaghan and officials from Customs and Excise were always very efficient when stopping cars. I did not always enjoy being stopped on the way home, but very often they were very efficient. There are, however, many windy roads that cross the Border and it is easy to slip across and back. Each raid and arrest helps to restore another element to the legitimate business undertaken by honest people every day. We must stay vigilant, however, and not allow others to pick up where these criminals left off.

The Government has realised the scale of the problem and produced new orders in the Finance Act 2012. Under the Act, Revenue has further powers to vary the mineral oil licence and introduce a registration scheme for marked oil products, which will assist the Revenue Commissioners in identifying where the laundered fuel is entering the market. Those within the industry have made efforts to complement this legislation by introducing a quality insurance logo to show consumers that the diesel and the retailer can be trusted. The Revenue, Garda Síochána and customs have detected more diesel laundries in the lifetime of this Government than in the period from 2006 to 2009. The Government has made significant strides in dealing with the problem, as evidenced by previous legislation and the increased number of raids on diesel laundering plants. I thank the Cathaoirleach for his patience.

Senator Brian Ó Domhnaill: Tá lúchair orm an deis seo a bheith agam labhairt ar an ábhar seo.

The Minister of State will note there is cross-party support for Government efforts to deal with diesel laundering. The trade in illicit products, from fuel and tobacco products to alcohol, is a scourge on society. Fuel laundering has become rampant, in no small part as a result of increases in fuel prices. I welcome the advances made by the Revenue Commissioners. While we are sometimes critical of the Revenue in certain areas, it enjoys the full support of the

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Oireachtas and citizens in gathering intelligence and taking on the criminals involved in fuel laundering. Recent successes include raids on a fuel laundering plant in County Monaghan and a number of arrests in Dublin. Diesel laundering is also taking place north of the Border, including south Armagh.

I understand the annual cost of diesel laundering to the taxpayer is between €120 million and €150 million, although the figure could be much higher. This activity also has consequences for consumers who purchase laundered fuel in the belief that they are getting value for money. While they may be able to buy fuel at a lower price than that available at legitimate fuel suppliers, I know an individual in County Donegal who had the engine of his car wrecked as a result of buying laundered diesel.

Fuel laundering is a scourge. Former paramilitaries who were involved in so-called republicanism and loyalism in the past are involved in it. These people are what I would describe as “financial republicans” and, as I am sure Sinn Féin Senators will agree, they deserve to face time in jail for stealing from citizens revenue that would be otherwise used to fund critical health services, services for people with disabilities and so forth. Diesel laundering is an unacceptable activity.

Against a background of rising fuel prices on the legitimate market, Revenue must be fully supported in its efforts to thwart the sale of cheaper laundered diesel. Additional steps must be taken and I am aware that proposals have been made following consultations between Revenue and Her Majesty’s Customs in the North. These are being considered in the Department of Finance and include the option of refusing to provide rebates unless paperwork is provided. It is likely that some changes will be introduced as a result of the consultations. Perhaps consideration will be given to Senator Harte’s proposal that farmers be allocated a supply of cheaper diesel calculated on the basis of their activities or consumption the previous year, with additional amounts above a certain threshold to be provided only where further paperwork is produced. All options should be on the table given the amount of money and criminality involved in the business and the manner in which the crime of diesel laundering has escalated in recent years. A joined-up approach should also be taken to the trade in illicit tobacco and alcohol. Large containers of alcohol from France are making their way via Belfast to stores in the Republic and causing all sorts of social problems.

The Government deserves the support of the Oireachtas in dealing with this issue. I look forward to the public consultation. Perhaps the Minister of State will provide a timeframe for the completion of the consultations. Perhaps he did so in my absence for part of this important debate, for which I apologise. Unfortunately, I had to attend another meeting.

Senator Jim D’Arcy has raised the issue of fuel laundering on many occasions. The trade in illegal fuel must be stopped. The Judiciary has a responsibility to ensure that those who are brought before the courts for engaging in diesel laundering face the full rigours of the law. They deserve to spend time behind bars because the gravity of the crime merits a serious custodial sentence. There would be no fuel laundering in an ideal society but we do not live in an ideal world. As such, we must try to keep the escalating problem of diesel laundering to a minimum.

Senator Tom Sheahan: I welcome the Minister of State to the House. Mar a déarfai, ní mar a shíltear a bhítear. The difference in the price of diesel charged at fuel outlets in County Kerry can be up to 10 cent. People can draw their own conclusions from that. Last week, I purchased fuel at a garage in Limerick on my journey home. On Monday, my car started to

shudder and when I visited my mechanic he asked whether I had bought diesel at the outlet where I normally buy it. When I informed him that I had bought it in Limerick he told me that was the problem and asked me to fill the tank at the supplier where I always buy diesel. I did so and this appears to have rectified the matter. I hope there has not been any serious damage to the engine. This happened to me as recently as last week.

The Minister of State noted the fines that have been imposed for fuel laundering. The best way to address this issue is in the courts. The fine in cases where the value of the goods seized is more than €250,000 may be up to three times the value of the goods. The way the buckos involved in diesel laundering appear to operate is that they will use one tanker at a time to ensure the value of the goods remains under the €250,000 threshold. If they are caught, the sentences or fines they receive will not be as significant as they would be in the case of a larger operation. The Legislature should increase fines and sentences for diesel laundering.

Senator Moran outlined the way in which her husband, who is in the motor trade, is dealing with the issue. Greed is the reason for diesel laundering. If a garage is found to be selling laundered diesel, it should be shut down and the owner never again be permitted to hold a licence to sell fuel. This is a worthwhile debate but we, as legislators, must take steps to crush those involved in the trade in illicit fuels. While Revenue is doing an excellent job, the Oireachtas must support the efforts it and the Garda Síochána are making to stamp out this activity.

Senator Sean D. Barrett: I welcome the Minister of State. As previous speakers stated, he has the unanimous support of the House in dealing with this form of criminality. Senator Jim D'Arcy has been the Minister of State's ally on this issue at all times and has represented his interests in this matter very well in the Seanad. He will not let this issue be long-fingered. It has been going on for a long time. A total of 157 tonnes were found in County Louth in 2005, rising to 868 tonnes in 2011. I worry about the marker as a solution because if criminals can remove the existing marker, they will be able to remove the new marker. I do not know what time advantage will be gained. The criminals will have their own scientists and technologists and so on.

Looking at this from a different perspective, and Senator Quinn had some interesting thoughts on the issue, there has never been a tax that people will not try to avoid. There has never been a subset of people who will not try to qualify for exemptions. This could be rule No.1 in the Department of Finance and should be pinned up on the wall there. This is an agricultural subsidy, as I understand it, which people are seeking to drain off into other areas. Is there a possibility, as hinted at by Senator Quinn, that we could subsidise agriculture directly? This might be the time for a discussion of this issue, given the levels of criminality referred to by my colleagues here. There is an extremely good relationship between the Minister for Agriculture, Food and the Marine, Deputy Coveney, who was in this House last week to discuss the fodder crisis and how his Department has gotten to grips with it, and the farming sector. In that context, could we change to a different way of assisting farmers which would not involve the loss of income on anyone's part, as Senator Moran stressed? At the moment, this form of assisting agriculture is leading to horrible criminality. Even if it was not criminal, it is promoting the use of a product, by lowering the price, which product is in scarce supply anyway. This should be an era of energy efficiency but the criminality dwarfs that.

When the legislation to provide the exemption was originally brought through the Houses, the intention was not to promote criminality or to reward farmers with a subsidy which encouraged them to use more fuel rather than less. How do we help farmers, especially those on low

incomes, without reducing their incomes? Direct payments or income supplements, weighted towards low-income farmers could be the way to go. If there are diesel tax rebates for million-aire farmers, that does not particularly concern me at the moment. This is a serious problem and I join the Minister of State in commending the PSNI, the Garda Síochána and both sets of customs officers who have to deal with this problem. Did we create this criminality by a badly designed scheme to subsidise agriculture? While we do not want to deprive farmers of anything, we need to use the combined intelligence of the Revenue Commissioners, the Department of Agriculture, Food and the Marine and the Department of Finance to change the system so that farmers are not worse off but the criminals are substantially so.

Senator Terry Brennan: Cuirim fáilte roimh an Aire Stáit. Diesel laundering is an issue which I and other colleagues have raised in this House on numerous occasions. Indeed, it is one of the first issues I ever spoke about in the Seanad over two years ago. Diesel laundering is an illegal operation to remove the marker dye from cheaper agricultural diesel and to sell it on as road diesel. As others have said, substantial profits are to be made from this illegal activity, which results in an extensive loss of revenue to the Exchequer and high clean-up costs for local authorities, particularly in Border counties. In my own county of Louth, for example, the local authority has spent in excess of €8 million over the past ten years on collecting, dispatching and forwarding the sludge to Germany for disposal. Those costs were recouped from the Department of the Environment, Heritage and Local Government, but imagine what we could do with that money. We spoke this morning in the House about home help and the need to increase the number of home help hours available. A sum of €8 million would make a significant contribution in that regard.

The problem in Border areas is historic but there is also evidence that the activity is now spreading to other counties, including Meath, Westmeath, Offaly, Galway, Roscommon and Kerry. Indeed, earlier this week a diesel laundering plant was discovered for the first time in Dublin. This plant had the capacity to process more than 2.5 million litres of fuel a year. It is, to my knowledge, the first discovery of a diesel laundering facility in our capital city, which had the capacity to lead to the potential loss of €1.75 million in revenue to the Exchequer. The plant used an unsophisticated method of fuel laundering which involves filtering the fuel through cat litter. I had to read the article in the newspaper twice, to be honest. One wonders what quantity of cat litter is required and where it comes from. As Senator Barrett has said, the launderers have their own scientists among them.

On the enforcement front, action is taken at all stages of the fuel supply chain, tackling both those involved in laundering and the sellers of laundered fuel. In this work, Revenue is supported by well-established structures to ensure very close co-operation between all relevant agencies, north and south of the Border. Indeed, the Minister of State referred to that close co-operation in his opening remarks. The cross-Border fuel fraud group brings together representatives from a number of agencies, including An Garda Síochána, the PSNI as well as the UK and Irish revenue authorities. There has been excellent co-operation between all agencies in identifying and investigating those involved in this fraud.

While there has been considerable success in detecting and closing fuel laundering plants, it is recognised that this approach will not solve the problem on its own. Fuel launderers need to be denied access to marked fuel for the purposes of laundering. They also need to be denied access to a market for their laundered fuel. In addition to the ongoing enforcement action, legislative changes that will enable more effective controls in this sector have been put forward in this year's Finance Bill and are to be applauded. These will lead to the introduction of new

licensing requirements for marked fuel traders. The new arrangements will, for the first time, require any person dealing in marked fuel to hold a licence for that purpose. The granting of a licence will be subject to tax clearance requirements and the applicant will have to show Revenue that any conditions subject to which the licence may be granted will be complied with. Revenue will be empowered to revoke a licence if any of the licence conditions is breached.

Steps are also being taken, in close co-operation with the UK authorities, to acquire a more effective fuel marker. Revenue is planning to go to the market shortly with the UK authorities to seek a new marker. A good deal of preparatory research has been undertaken here and in the UK, and the Government expects to proceed with this project shortly. I ask the Minister of State to comment on the status of that project.

The problem of fuel laundering and smuggling is a serious one and the extensive enforcement action that is being carried out on an ongoing basis highlights Revenue's commitment to combating it. Added to the loss of revenue to the Exchequer is the damage done to our environment by the reckless disposal of diesel sludge and by-products from laundering. Scenic areas in my own county of Louth seem to be some of the most strategic places for the launderers to dump these substances.

Motorists normally buy laundered diesel without knowing it. It is entirely possible that I have bought some myself and perhaps the Minister of State has also done so. The chemicals used in the laundering process mean that the protracted use of laundered fuel will damage one's engine. One suggestion made by the legitimate fuel industry is worth pursuing. Agricultural diesel, which has been coloured with a green marker, is for use by farmers and others for off-road machinery. Why do we not cut off the criminal industry at source by getting rid of green diesel completely and instead introduce a rebate system, as mentioned by Senator Barrett and others? Farmers and genuine users of green diesel could then just buy the normal diesel and be compensated for the difference by claiming it back in their tax returns.

Acting Chairman (Senator Michael Mullins): I must stop the Senator there.

Senator Terry Brennan: Táim beagnach críochnaithe. Tá an chuid is fearr le rá agam anois. What are the difficulties in having one type of diesel? Has this been considered? It might mean some more administrative work and some initial inconvenience in terms of cash-flow, but with €150 million being lost to a thriving criminal industry, a considerable amount of money is available to get such a scheme operational.

Acting Chairman (Senator Michael Mullins): I gave the Senator a fair bit of leeway.

Senator Terry Brennan: Níl móran le rá agam.

Senator Kathryn Reilly: I will be brief as most of the issues have been mentioned and there is no point going over old ground. Diesel laundering is a serious crime. As Senator Byrne said, it is not a victimless crime and it significantly impacts our communities, businesses and the economy. I commend the Criminal Assets Bureau and the Revenue Commissioners on their significant successes. CAB is a vital element in combating criminal gangs and going after what these people hold most dearly, which is their money.

Many contributors spoke about North-South co-operation. Has the Minister of State met his counterparts to explore, even tentatively, the beneficial impact of harmonising excise duty and diesel prices on both sides of the Border and what impact that could have on diesel smuggling?

As the issue of the rebate has been already discussed, I will not raise it.

The Minister of State mentioned that 96 stations had been shut since 2011. He referred to building intelligence and a strategy of closing down stations. Many people would be aware of stations that could be selling laundered diesel through their experience of damage having been done to their cars. How can such people blow the whistle on stations they believe are selling laundered diesel. Many car mechanics are pointing to problems caused to cars by using laundered diesel. How can an ordinary person report a suspicion in order that the authorities can clamp down on it? That is important for ordinary people who are victims.

It is affecting ordinary car owners. It is becoming the rule rather than the exception that people, especially those in rural areas, are suffering damage to their cars. As Senator Byrne said one can never be sure from where the diesel being bought came. Is there any avenue for eventual compensation open to people whose cars have been damaged? While there may be issues relating to proof, could they go after the petrol station owners? Does the Minister of State envisage any such scheme in the future?

Obviously the submissions for a more effective marker are being evaluated. What is the timeframe for the analysis of this and the publication of results? Senator Moran spoke about Customs officers. I have been driving since I was 17 and have never been stopped by Customs officers. Now that I have said that I have probably jinxed myself-----

Senator Jim D’Arcy: The Senator has an honest face.

Senator Kathryn Reilly: ----- and when I am in a rush I will probably get stopped. Twitter, Facebook and other social media give warnings about the location of speed cameras meaning that people will use the back roads. If Customs officers are planning an operation on a particular road, could some of the minor roads around it also be checked in order to pick up all the people? If not, people will find out that there is a check on, for example, the N3 and then bypass that road.

Senator John Crown: I will probably be ruled out of order and asked to sit down because I will stray from the issue. The issue before us today relates to laundering and smuggling. A much more important issue relating to smuggling was apparently discussed at a meeting of three of our senior Ministers, including the Taoiseach, on 7 May with three representatives of the tobacco industry. The story came out in today’s newspapers. The Taoiseach, the Minister for Finance, Deputy Noonan, and the Minister for Justice and Equality, Deputy Shatter, met representatives of Japan Tobacco International, John Player and PJ Carroll. Clear guidelines prevent lobbying by the tobacco industry of Government representatives - the 2004 United Nations directive. I raised this in the Joint Committee on Health and Children this morning and raise it again here. Was the Minister of State aware of it? Was there a collective Government decision that this was acceptable? Has this been reported back? Do we know the agenda of the meeting and who organised it?

A certain amount of circumstantial evidence would suggest there is a potential interweave between current and former members of Government and of the Minister of State’s party with people who have been involved in advocacy and lobbying on behalf of the tobacco industry. Were any of these channels explored in setting up this meeting?

We should have no business meeting representatives of the tobacco industry under any circumstances. There is no agenda item we should ever discuss with these people. The only

thing we should tell them is that we intend ending their industry and making it extinct by making it illegal to do commerce in tobacco at some stage in the future. We should advise them to considering divesting, learning new skills, retooling their factories, and telling the farmers to grow something else in a world that is desperately short of food and does not need tobacco. Furthermore, sitting down and doing the arithmetic would show that our State would be richer. If tomorrow morning tobacco disappeared, the Exchequer would be richer and our country would be a richer place.

We need an explanation from the Department of Finance because apparently the primary purpose of the meeting was to discuss smuggling, although it is being reported that it strayed into inappropriate lobbying by the industry against very worthwhile initiatives being taken by the Minister for Health, Deputy Reilly, in another branch of Government to try to row back the access to and sales of tobacco, particularly to younger people, by introducing plain packaging, and banning menthol and roll-your-own tobacco. It has been reported today that there was lobbying against these initiatives and that the meeting strayed far beyond the discussion on smuggling. I am beside myself with rage about this.

Deputy Brian Hayes: I can see that.

Senator John Crown: It is clearly inappropriate and we will need explanations in coming days as to how this was allowed to happen.

Deputy Brian Hayes: I can see the good Senator is beside himself and has worked himself up into a frenzy on the issue.

Senator John Crown: The Minister of State should see the frenzy when it happens.

Minister of State at the Department of Finance (Deputy Brian Hayes): As Hamlet said, “Seems, madam! Nay it is; I know not ‘seems.’” The issue under debate today relates to diesel laundering and I am not sure about the matter to which the Senator refers. I have not heard about the matter he mentioned if it was referred to previously today. It is not particularly unusual that people with a view on illegal goods on sale in this country would make that known to the Government.

Senator Thomas Byrne: It has not happened in decades.

Deputy Brian Hayes: The Senator should hang on. I have not been given notice on this. I would advise the Senator to table a motion on the Adjournment or raise it in the normal way. I have not heard of that meeting. If there was a meeting, I do not believe it is exceptional. The issue of cigarette smuggling is well known and the Government has a view on it. I do not believe it is an exceptional issue. However, there is a way to raise the issue and I encourage the Senator to do so and get a full statement from Government accordingly.

I thank colleagues who have contributed to this useful debate. In particular I thank Senator Jim D’Arcy and others who have repeatedly raised the issue over the past two years and have sought to bring public profile to it. Senator Byrne is absolutely right in saying this is not a victimless crime. We need to work with the HMRC authorities in Northern Ireland to see this as an all-Ireland issue. Even though many of these laundering operations are located close to the Border, as colleagues have said, this is a nationwide problem resulting in the loss of tens if not hundreds of millions of euro. It is impossible to estimate the lost revenue to the State. However, it would not be wildly wrong to suggest it might be €100 million. No one knows exactly

because it is an illegal activity that is impossible to quantify.

1 o'clock

In terms of trying to bring the debate to some conclusion and what are the net issues, Senator Quinn put his finger on it when he asked about how the courts are operating the very strict new penalties we have put in place as a consequence of changes made in the Finance Acts in recent years. For the information of the House, in 2011 there were four convictions for these offences, with fines of between €7,500 and €10,000 and 16 people were arrested in the course of fuel laundering operations, in respect of which files have been sent to the Director of Public Prosecutions. I understand cases are being pursued in regard to five of those convictions. In 2012, there were two court convictions for laundered oil offences, with a fine of €2,500 imposed in one of those cases and a two-year suspended sentence imposed in the other. The question that arises based on that information is, are the penalties provided for in legislation being imposed? That is an issue for the courts. I do not wish to criticise the Judiciary in that regard, except to say that there is a public issue of concern. The Oireachtas has responded by way of additional penalties and there is now a responsibility on the courts to impose those penalties in the set of circumstances faced by them on a daily basis.

Senators Barrett, Quinn and Harte posed the question of whether the imposition of a ban on green diesel and the introduction of a rebate system would rid us of this type of crime overnight. The new system of licensing people in the first instance, and in the second requiring them to make monthly returns by e-mail in terms of what they are or are not using, will indicate pretty rapidly whether or not this is having an impact. If it is not having an impact, we will then have to look at the rebate issue and a ban on green diesel. I suppose there would be financial issues arising, including how much would it cost, how open ended would it be, to whom it would relate and if it would be based, as stated by Senator Harte, on a previous year's return. We will soon find out whether our licensing and monitoring provisions, which have effectively been in place since the middle of last year, are having an impact on the ground. We now know for the first time what is coming into the country. There are two ports in the country through which this diesel is being brought in. We now know how much is being brought in and how it is being distributed, which information we did not know up to now. We will now get a legitimate picture of how much is being distributed. That is important.

Senator Barrett is correct that the criminals have been one step ahead of us thus far. We have received 12 submissions from interested parties who believe they have the technical solution, by way of a new marker, to this problem. However, as Senator Barrett rightly stated, the criminals will be only seconds away from making redundant any new marker established. If we are not successful by way of the new operational memorandum imposed between North and South, we will have to look at this again. It is an open question as to whether or not it will work in the fullness of time.

I regard all of the contributions made today as very useful. I will forward a copy of the transcript of this debate to the Revenue Commissioners and Customs to highlight to them the issues raised. This is a matter under ongoing operational review and closely monitored by the Irish Government, HRMC and the Northern Ireland Executive. I have met already with officials from Northern Ireland and hope to meet shortly with the relevant Minister. The Minister, Deputy Noonan, is in ongoing contact with the Northern Ireland Minister, Mr. Wilson, on this issue. Senator Reilly is correct that there is a need for greater profile around this. It is akin to the argument made when the Criminal Assets Bureau tried to seize a building, namely, com-

munities worse affected by drugs need to know that the proceeds of the crime have been used for useful projects in those communities. There was some public profile around the Criminal Assets Bureau. Senator Reilly is correct that we also need a profile around this. We need to modernise how we get that message out, particularly when convictions are secured. As stated by Senator Byrne, this is not a victimless crime and people need to know that those involved will be brought before the courts. The criminals also need to know that if they get involved in this activity they risk prosecution.

As far as I am concerned, the Government is on top of this problem. We continue to work closely with all agencies on how to resolve it. This debate has greatly helped the public profile of this issue in terms of trying to tackle it on a multifaceted basis.

Sitting suspended at 1.05 p.m. and resumed at 1.45 p.m.

Criminal Law (Human Trafficking) (Amendment) Bill 2013: Committee Stage

Sections 1 to 3, inclusive, agreed to.

SECTION 4

Acting Chairman (Senator Marie Moloney): Amendments Nos. 1 to 5, inclusive, have been ruled out of order because they involve a potential charge on the Exchequer.

Amendments Nos. 1 to 5, inclusive, not moved.

Senator Jillian van Turnhout: I want to speak on section 4.

Senator Trevor Ó Clochartaigh: Can we speak on the section?

Acting Chairman (Senator Marie Moloney): Amendment No. 6 is out of order as it is not relevant to the subject matter of the Bill.

Amendment No. 6 not moved.

Question proposed: "That section 4 stand part of the Bill."

Senator Jillian van Turnhout: I wanted to speak on section 1 but I will move on.

On section 4, I was fully supportive of the amendments from Sinn Féin. The House has ruled them out of order but perhaps they could be examined by the Minister and brought in by the Government because they are important.

The administrative arrangements for the protection of victims of human trafficking are set out in the Department of Justice and Equality's policy statement, Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking. Since this is the first time forced labour will be defined in Irish law, there has been no formal identification of victims as victims of trafficking for forced labour, and no prosecutions have been brought forward. Currently, when a victim leaves their exploitative workplace they are known as a potential victim of human trafficking and are granted, if required, hostel accommodation in direct provision centres and a weekly allowance of €19.10.

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I do not need to elaborate further on this point other than to say the Minister of State is well aware of my concerns about the legality of the direct provision system and the payments under the administrative scheme. Potentially, victims are given basic access to health care and access to counselling for trauma, if necessary. Until the victim is formally identified by the Garda National Immigration Bureau, GNIB, on the basis of reasonable grounds, which is a relatively low test, as a person suspected of being a victim of human trafficking they are not entitled to a reflection and recovery period or a temporary residence permit. A reflection and recovery period is critical because it allows an alleged victim to recover and ensures the victim is not subject to removal proceedings. That has not been granted in any of the recent cases that have been worked on by Migrants Rights Centre Ireland. The victim is left with a tolerated status in the State but there are no specific timeframes of security that a reflection and recovery period or residence permit would give. The difficulty is that it can take up to two years to get a decision to establish whether a person is a suspected victim of human trafficking. During this time the person is left in virtual limbo in a direct provision centre. The Migrant Rights Centre Ireland is dealing with six cases in which potential victims have been waiting for more than 18 months for a decision. I am not speaking about theory; I am speaking about six real cases. S is the victim of forced labour and trafficking who made an official complaint to the GNIB in August 2011. She is still waiting for a decision in her case. She lives in a direct provision hostel and her undocumented immigration status is tolerated and she will not be removed from the State. She suffers from poor health and is unable to afford the many trips to the hospital she requires and her medication.

I understand the immigration arrangements for the protection of victims of human trafficking will be put on a statutory footing in the Immigration, Residence and Protection Bill 2010 which is stalled on Committee Stage in the Dáil. Will the Minister of State confirm this and indicate to the House when the Bill will proceed? Is it the Government's intention to bring its practice in line with our legal obligations as set out in a Council framework decision of 19 July 2002 - 11 years ago - on combating trafficking in human beings and the Council of Europe Convention on Action against Trafficking in Human Beings 2005? I asked these questions on Second Stage and I am asking them again because I am still waiting for an answer. The uncertainty of the timeframe for the Immigration, Residence and Protection Bill is the reason I support Sinn Féin's amendments to incorporate into the Bill the provisions of the anti-trafficking directive relevant to assisting, supporting and protecting victims of human trafficking. I will be interested to see the impact of the new definition of forced labour in Irish law on the forthcoming employment permits Bill which is in the legislative programme.

Senator Trevor Ó Clochartaigh: Although I accept the ruling on the amendments, more seasoned parliamentarians than me have suggested that sometimes when a Government does not want to accept amendments it uses the ruling it might have a budgetary-----

Senator John Gilroy: The word should be "cynical" and not "seasoned".

Senator Trevor Ó Clochartaigh: I chose the word "seasoned".

Senator John Gilroy: The word "cynical" is more appropriate.

Senator Trevor Ó Clochartaigh: Perhaps Senator Gilroy would like to read my notes. I am well able to speak for myself.

Acting Chairman (Senator Marie Moloney): The Government has no input into ruling

amendments out of order.

Senator Trevor Ó Clochartaigh: I stand corrected.

Acting Chairman (Senator Marie Moloney): It is a procedural office.

Senator Trevor Ó Clochartaigh: I was only quoting my more seasoned colleagues-----

Senator John Gilroy: More cynical colleagues.

Senator Trevor Ó Clochartaigh: -----who stated that at times when they hear something has been ruled out of order for budgetary reasons it is possibly because the Government does not want to take them on board.

I would like to outline the issues we have with the section and perhaps the Government will take them on board when considering legislation. I know the Minister of State takes a very deep interest in this area. As Senator van Turnhout stated, we are very concerned about it. It is possible that on Report Stage the Government may bring forward changes. We are concerned about the need to include the establishment of cross-sector multi-disciplinary teams including State bodies, such as the Garda Síochána and the Irish Naturalisation and Immigration Service, INIS, voluntary bodies and NGOs which develop and monitor human trafficking policies and other such bodies the Minister deems appropriate with a view to putting in place a more effective and responsive national referral mechanism. We do not propose this to add a cost to the State; we suggest it as good practice.

Ireland has been found wanting in the identification of victims of trafficking by the OCSE and the US Trafficking in Persons report. What we suggest does not offer resolution to this outstanding and repeatedly raised issue. Failure to adequately identify victims has led to confusion about the levels of trafficking in Ireland and we have a very low rate of prosecution. The Government needs to outline how it plans to improve victim identification with a view to improving support for, and protection of, victims and to prepare witnesses for criminal prosecution.

The bulk of the amendments ruled out of order are based on EU directives and are broadly in line with the legislation pertaining in other jurisdictions in the EU. A multi-disciplinary team, such as the one I mentioned earlier, needs to include key stakeholders and NGOs as well as stated bodies. Sinn Féin believes we need an effective and responsive national referral mechanism for the identification of victims. Our key concern must be for the victims of trafficking and not simply prosecuting those responsible, although this is important. We believe we are dealing with a very weak framework for victim identification and this has been flagged to us by the Immigrant Council of Ireland. It also illustrates the fact that while Ireland may have achieved agreement on the common European asylum strategy we are failing in many parts of the strategy, and many Irish victims of trafficking and asylum seekers will not benefit because many aspects of the key directives and regulations are absent.

It is important to ensure assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings. This is a basic human need we feel must be addressed in the legislation. Perhaps the Minister of State can examine this also. Will the Minister of State also ensure a person is provided with assistance and support as soon as the DPP has reasonable grounds to believe the person might have been subject to any of the offences referred to in sections 2 to 5, inclusive, of the Criminal Law (Human Trafficking) Act 2008?

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We also call on the Minister of State to examine the legislation to ensure assistance and support for victims are not made conditional on a victim's willingness to co-operate in the criminal investigation, prosecution or trial and that assistance and support measures under paragraphs (a) to (c) shall be provided on a consensual and informed basis and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance as well as necessary medical treatment including psychological assistance, counselling and information and translation and interpretation services, where appropriate.

We also ask the Minister of State to examine the legislation in light of the fact that victims should be made aware of all protections available to them at domestic and European level, including entitlement to a reflection and recovery period and the minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and minimum standards on procedures for granting and withdrawing refugee status under EU legislation. We hope the Minister of State will be able to deal with the supports and assistance provided to victims after criminal proceedings have concluded as the EU directive requires. This is what we call for in this regard.

Another issue with the section, of which we would like the Minister of State to be cognisant and on which perhaps she could table Report Stage amendments, is with regard to ensuring specific and appropriate supports and protections are in place for victims with special needs, in particular with regard to pregnancy, health, disability, mental or psychological disorders or a serious form of psychological, physical or sexual violence which may have been suffered and to be cognisant of the specific supports which would need to be made available through ministerial orders. We note Ireland has failed to outline any procedures for victims of trafficking with special needs, including those with disabilities, health issues, pregnancy or trauma from physical, mental and sexual abuse. The failure to identify a list of such special needs arrangements is a matter of great concern and it is a shortfall in the Bill.

We also want the Minister of State to be cognisant of, and perhaps reflect on, authorising the beneficiaries of international protection including victims of trafficking under sections 2 to 5, inclusive, of the Criminal Law (Human Trafficking) Act and the provisions of the Bill to engage in employed or self-employed activities subject to rules generally applicable to the profession and the public service immediately after protection has been granted, and to further ensure activities such as employment-related education opportunities for adults, vocational training including training courses for upgrading skills, practical workplace experience and counselling services afforded by employment offices are offered to such persons under equivalent conditions as nationals. This is a very important issue. Ireland is one of only two EU member states, the other being Denmark, which has failed to ratify the 2003 EU directive on the minimum standards for the reception of asylum seekers. The reception directive lays down the minimum conditions for asylum seekers and provides they must be allowed work after a year of waiting for a decision or before. Asylum seekers in Ireland are not permitted to work in any capacity pending the resolution of the claim regardless of how long it takes. Senator van Turnhout and I have highlighted previously the issue of direct provision, and our misgivings about this system are very much connected to this.

Some legal scholars have identified the situation in the UK which ratified the directive but in doing so excluded subsequent asylum seekers from accruing any right to work. In the case of *R (on the application of ZO (Somalia) and others) v. Secretary of State for the Home Department*, the UK supreme court ruled this exclusion was unlawful. It is clear therefore that despite

not being subject to the requirements of the directive the Irish Government remains bound by Article 8 of the ECHR in respect of immigration policy.

2 o'clock

Excluding asylum seekers from seeking work is wrong, unjust and a clear breach of human rights. The Minister of State should take this point on board in her deliberations ahead of the next Stage.

The Bill should ensure that victims of human trafficking have access without delay to legal counselling and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation should be free of charge where the victim does not have sufficient financial resources.

The legislation should ensure that the victims of human trafficking receive appropriate protection on the basis of individual risk assessments by having access to witness protection programmes or other similar measures that the Minister may deem appropriate. Without prejudice to the rights of the defence and according to an individual assessment by the competent authorities of the victim's personal circumstances, the Minister should ensure that victims receive specific treatment aimed at preventing secondary victimisation by avoiding, in so far as is possible and in accordance with the grounds defined by national law and the rules of judicial discretion, practice or guidance, the following: unnecessary repetition of interviews during the investigation, prosecution or trial; visual contact between victims and defendants, including during the giving of evidence, such as interviews and cross-examinations, by appropriate means, for example, the use of appropriate communication technologies in the giving of evidence in open court; and unnecessary questioning concerning the victim's private life.

It is Sinn Féin's opinion that the State fails to outline measures to prevent secondary victimisation, by which people who have been trafficked are forced to relive their ordeals by repeatedly giving accounts of their experiences. As required by the EU directive, the Government needs to outline what measures and protocols will be put in place to ensure that victims do not need to recount their ordeals numerous times.

Our amendment, which has been ruled out of order, was based on the detail of EU directives. Will the Minister of State take these points on board in her deliberations? The EU expects us to legislate to avoid such dangers. Many governments have already done so.

We also call on the Minister of State to outline actions along the lines of those we have suggested. The trauma of trafficking and related abuses can be severe enough without being forced into unnecessary lines of question, enduring the aggressive approach taken by lawyers and reliving their experiences. What supports will be provided to victims after criminal proceedings have concluded? The EU directive requires such. We would welcome commitments that outline the types of supports and timelines for their provision.

We call on the Minister of State to address a further issue under this section. The State should become a signatory to and ratify the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on or before 1 September 2013. The Minister of State might make the case that there is no need to legislate to ratify international conventions, but doing so would give us an opportunity to consider the issue. In one sense, the State is being hypocritical, in that it has been quick to accept credit for advancing

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the Common European Asylum System, CEAS. The Minister for Justice and Equality, Deputy Shatter, has stated that completing it will be an important milestone towards ensuring the consistent and equitable treatment of asylum seekers irrespective of the member state in which they present their asylum applications. In 2012, 327,345 asylum applications were received in the EU, an increase of 7.8% on the previous year. The Minister also stated it was important that the Union had a system that ensured that procedures for processing applications were fair, effective, robust and not open to abuse. He was pleased that the Irish Presidency of the EU had been able to advance discussions with the European Parliament and that it was hopeful of reaching an early agreement on this basis. It is all very well for the Government to be happy about what it has achieved but our approach at home has generally been different, in that we have not ratified the legislation.

When victims of trafficking into Ireland are rescued, they often seek asylum here but are denied the right to work. We have long called for asylum seekers to be given the right to work. This is necessary to bring us into line with EU law. Around the globe and undoubtedly in Ireland, significant numbers are trafficked to work in the agricultural and catering industries. I commend Migrant Rights Centre Ireland, MRCI, for its excellent work in exposing these practices but the extent of trafficking for forced labour remains under-recognised. The Government could take a significant step towards ending this practice by signing and ratifying the international convention to which I referred. It has been in force since June 2003 and is the only core UN human rights treaty that the State has not signed. The previous Government, in defending its refusal to sign, hid behind the common travel area. Anyone who has tried to enter the State from Britain in the past six or seven years knows that the common travel area is dead in the water. Ours is one of the few states yet to ratify the convention, which would offer a great degree of protection to migrants and asylum seekers.

This has been a comprehensive statement on the section but I hope the Minister of State will take on board these issues in good faith. They have been raised with us by people who work in this field on a daily basis. We hope that the Government will table relevant amendments to the next version of the legislation.

Senator Cáit Keane: I welcome the Minister of State to the House. Trafficking for the purpose of sexual or labour exploitation is an important issue. I welcome the Bill. It is limited, in that it concentrates on the Directive 2011/36/EU on forced begging for the purpose of criminal activity and does not address every trafficking issue. I congratulate the Minister of State on advancing this Bill, but we would welcome more. Perhaps she will outline where we can go from here.

This month's findings of the EEC report show that human trafficking steadily increased from 2008 to 2012. This is cause for grave concern. According to this or another report that I have read, the money earned from trafficking is second only to drug money. This significant problem is worsening.

Recently, I attended a seminar of Parliamentarians Against Human Trafficking hosted by the Lithuanian Parliament. Parliamentarians from across Europe are working to establish a network of parliamentarians and non-governmental organisations to work together on this issue. Trafficking is country-to-country; it is not stationary. The purpose of the seminar was to examine how national governments could better help victims and how this initiative, which has attracted 21 EU countries and more than 100 parliamentarians, could be sustained. I am trying to initiate such a group in our Parliament, in which regard I will work with non-governmental

organisations.

I also attended a meeting of the British-Irish Parliamentary Assembly. Its committee D is working on a report on trafficking. It will take evidence in Dublin next month and we will publish a report at the end of the year.

Another EU-funded initiative is the development of an EU-wide mapping and data collection system to ensure that common benchmarks are used throughout Europe. Each country speaks a different language. I am not referring to English, French or German, but to the terminology used when tracking traffickers. The new system was discussed. I was disappointed to learn that, when the EU made a call for countries to participate in the pilot project, Ireland did not partake. We have missed out on the initial stage of this brilliant project, but I have been told that we can have observer status and join later. Will the Minister of State follow up on this matter? I have the Portuguese contact details, as Portugal is the lead country. We need to be involved in this pilot.

While the Bill is welcome and I congratulate the Minister of State, I have a number of concerns. Senators van Turnhout and Ó Clochartaigh have raised a few of them. We must walk before we run. The issue of support for victims following criminal proceedings is to the fore. For example, they might not be able to speak the language. A timeline should be put in place for the development of supports. Will the Minister of State work towards this?

The OSCE and US trafficking in persons report found Ireland wanting in terms of the identification of trafficked victims. The Bill does not offer a resolution to this outstanding and repeatedly raised issue. Failure to identify victims adequately has led to confusion about the level of trafficking in Ireland. Our prosecution rate is dismal. Throughout Europe, prosecution rates are low even where the level of trafficking is known. The Minister of State might consider developing a timeline. This Bill does not address everything but we have to work at other issues that were outlined. Unfortunately, there is a lack of safe accommodation in this country for victims. Other areas of trafficking that do not receive attention, namely, special needs and secondary victimisation, were brought to our attention by the Migrant Rights Centre and were mentioned in this House by Senators van Turnhout and Ó Clochartaigh.

There is a final suggestion, one that has been recommended for consideration by the European Union, namely, the appointment of a trafficking rapporteur, such as other countries have. I would like to see Ireland go down that route. Perhaps the Minister of State might comment on the possibility of our achieving this. I would like to hear “when” rather than “if”. That issue was also discussed at the recent seminar I attended. Other countries have successfully introduced the position of national rapporteur on trafficking.

It all comes back to co-ordination, a point I consider as I look at the various groups that have been in contact with me at different times in recent years - the Irish Refugee Council, Ruhama, Doras Luimní, the International Refugee Centre, Amnesty International, Stop Sex Trafficking, Children’s Rights Alliance acting to prevent trafficking, and Turn Off the Red Light. There are so many organisations working in the area and some co-ordination between them and a rapporteur would be good for the country’s action against trafficking. We talk very often about sex trafficking but there is also a great deal of trafficking in labour.

Senator David Norris: I am very glad to see the Minister of State, Deputy Kathleen Lynch, once again ensconced with us. I wish to put on record my gratitude to the Leader of the House.

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On the Order of Business I made the point that I would be unhappy if the Bill went through all Stages today because I wished to table some amendments for Report Stage. I will indicate these shortly in order that the Minister of State can consider them, but before I do so I must comment on the splendid example of lateral thinking given to us by Senator Ó Clochartaigh. I looked through the amendments and noted that every one of them had been ruled out of order for various absurd reasons. However, the Senator managed quite brilliantly to bring in the substance of every amendment. I agree with every word he uttered.

This indicates the utter folly of excluding the Seanad from having anything whatsoever to do with any proposal that costs money, however small the amount. When the Government's devious and anti-democratic plan to hatchet out half the Oireachtas collapses, as I am convinced it will, I will look for another referendum, this time to increase the powers of the Seanad to allow us to be free from this kind of nonsense. Although I can accept there may be some possibility of sustaining an argument that there would be a charge if we established boards for this, that or the other, perhaps the Minister of State might explain why states should not become signatories to and ratify the International Convention on the Protection of Rights of all Migrant Workers and members of their families. What are the expenses involved in ratifying a convention? It is a load of complete nonsense and an insult to the dignity of this House.

Acting Chairman (Senator Marie Moloney): May I correct the Senator? That was not ruled out of order because of the cost but because it was not relevant to the subject matter of the Bill.

Senator David Norris: I see. I thank the Acting Chairman. I was misinformed in that case. However, my point survives. I have had things ruled out without explanation. One can sustain an argument that any amendment of any kind will create a cost on the Exchequer because plainly it does, even if one is reduced to saying there is a cost involved in printing the actual amendment. It is nonsense.

Let us pass on to the substance. I will not be long. I inform the Minister of State that, unfortunately, I must be somewhere else but I will read her reply with great interest. I do not mean to be rude. If I leave the Chamber I hope she will forgive me.

I would like this legislation to be expanded in a number of ways. I acknowledge that apparently this Bill is simply the implementation of various EU directives. It is really a kind of tidying-up exercise and therefore a short Bill. I am disappointed it is so limited, however. For example, it seeks to criminalise activities that constitute an offence in this country or an activity that takes place in a place other than the State which constitutes an offence under the law of that place. Why is this to be so only if the action constitutes an offence in the law of a certain place? There are actions outrageous to human rights that may very well not conflict with state laws. Why do we not have the Bill stating the offence to be one that constitutes a felony or a serious crime under the law of this land?

For example, I wish to table amendments on organ harvesting. I do not believe we have covered that matter, which continues. It is trafficking, not in human bodies but in parts of human bodies. In the case of China, for example, we know that wealthy people in India, the United States, or wherever, will pick up a telephone, make an appointment in hospital No. 1 in Shanghai and order a liver. There may be a whole raft of, say, 500 people in different prisons and a compatible liver will be found in prison No. 423. The authorities will do away with that person, keeping him technically alive until the liver is extracted, and then deliver the organ to

be transplanted. That is barbarous and is a form of trafficking.

The other matter I wish to raise relates to human trafficking. We have much difficulty with the question of when human life begins. I would like to open the other end of that discussion for scrutiny. When do the rights attaching to the human person cease? We heard a lot of palaver about the bog bodies in the National Museum and were told we should give them a Christian burial. People did not know whether these were Christians at all but were determined to give them a Christian burial, which was nonsense. We have had the gruesome spectacle - against which I protested in this House - of an obscene exhibition of the naked bodies of people who may very likely have been murdered in China. I do not ask for this to be banned, although I would love to see it banned because it is disgusting. The people in question and their families had no right to object.

There is a simple way around this. No certificates were ever shown to prove where the bodies were acquired, but there is a very strong suspicion about their origin. Getting a DNA sample is very simple and does not damage the product, which is probably the way the originators see these unfortunate people who are dead. To get permission to mount an exhibition of human cadavers the proprietors of such an exhibition should be required to give a DNA sample to the Irish authorities in order that the relatives who may wish to claim these bodies, and who have a right under international law to do so, will be able to identify them. We should not have unidentified cadavers who were probably the victims of extreme human rights abuse having their lives taken because they were Tibetan, Falun Gong or whatever, or because they were criminals. It is not appropriate to have this kind of exhibition, which I consider to be part of human trafficking.

I am very glad of this opportunity and am happy and grateful that we were allowed a further opportunity to discuss this and to table amendments. I commend to the Minister of State the substance of the amendments tabled by Senator Ó Clochartaigh. I did not hear the earlier arguments and so cannot comment, but I imagine I would have agreed with them. I agree with Senator Ó Clochartaigh that it would be most helpful if the Minister of State were able to look over these and see which, if any of them, she would be able to support by way of Government amendment. That can create a cost on the Exchequer if it likes.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I commend those who contributed to the wide-ranging debate we have had. It is always very interesting. I take up Senator Norris's points, although it is not a case that the last shall be first, because I do not go along with that. This Bill does outlaw trafficking in human organs. It also outlaws forced labour. This technical wide-ranging Bill is to be welcomed. I acknowledge that the majority have welcomed it. We must put in place a mechanism to ensure we are in compliance with the EU directive.

In response to Senator van Turnhout's question, I do not have an answer but I will ensure that the Senator gets it.

In relation to a national rapporteur or equivalent, the EU provides for the establishment of a national rapporteur or an equivalent mechanism and according to the directive it does not have to be independent of government. The anti-human trafficking unit of the Department of Justice and Equality currently carries out the relevant tasks provided for in the directive and it is proposed that the anti-human trafficking unit, for the time being at least, will be designated the equivalent mechanism in this regard. This provision is in line with the practice of the majority of member states. It is an interesting point and I am sure that in the future it will morph into

something else.

I am pleased to be in the Chamber in place of the Minister for Justice and Equality, Deputy Shatter, who cannot be present today. When I was here on behalf of the Minister, we had a very interesting Second Stage debate and that is the reason I am familiar with the Bill. I was a bit surprised to hear Senator Norris asking that trafficking in human organs be outlawed. However, I know he was present during the Second Stage debate and is interested in this legislation.

I wish to remind Members that the Criminal Law (Human Trafficking) (Amendment) Bill 2013 is a criminal law measure only. To go to the heart of the amendments tabled by the Senator, this directive does not address measures concerning, for example, the identification of victims or assistance and support for victims. These measures are already in place and Members will appreciate that responsibility for assisting and supporting victims stretches beyond the remit of the Minister for Justice and Equality. The HSE, in particular, plays a significant role in assisting victims, including victims who are particularly vulnerable. I take cognisance of the points made, however, as the person is not yet at the centre of the process, our interaction is not yet at the point it should be but I think we are getting there.

The Bill amends the Criminal Law (Human Trafficking) Act 2008 to address outstanding criminal law measures in the 2011 EU directive - the directive updated and repealed a framework decision adopted in 2002. Most of the criminal law measures in the directive have already been implemented by the 2008 Act, which transposed the relevant provisions in the framework decision. As I mentioned on Second Stage, and it is worth repeating, a small number of matters are still being considered, in particular, issues relating to the video recording of child interviews. The use of child interviews as evidence in criminal proceedings is being examined and it was not possible to table the official amendment today. However, these amendments will be brought forward as soon as possible in either the Seanad or the Dáil. I hope it will come forward in this Chamber but I will have no control over it. It will be a matter for the Chair in both Houses. I think these issues can be dealt with at that stage.

Senator Jillian van Turnhout: During the Second Stage debate I asked for the Minister of State's assurance and the definition of forced labour as intended by the convention and as understood in international jurisprudence. With respect "offering oneself voluntarily" means fully informed and free consent throughout the worker's service period. Will the Minister of State confirm that for the record? It is very important for those in the sector that this is the definition that is intended.

Deputy Kathleen Lynch: I think we dealt with this at the last session. At that stage, and I confirm it again, it is informed consent, which is of major importance. If I could find it quickly, I would.

Senator Jillian van Turnhout: Fully informed and free consent.

Deputy Kathleen Lynch: It is quite clearly there.

Senator Jillian van Turnhout: I thank the Minister of State.

Senator Trevor Ó Clochartaigh: I accept the Minister of State's explanation on the reason she has not acceded to the issues we have raised but at the same time I reserve the right to bring forward amendments on Report Stage that would reflect our thoughts.

We have discussed the financial impact that might accrue from the potential amendments we put forward but are there any repercussions that might come home to roost if we do not fully ratify EU Directive 2011/36 as quickly as possible? We have seen from other EU directives that are not fully complied within a certain time period, that we have been taken to court in Europe as a result. There have been serious implications for the State.

As regards Directive 2011/36/EU will there be repercussions if the opportunity is not taken to take on board the full measures that are in question?

My next point probably strays into the Minister of State's area of competency and responsibility. The Minister of State states the Bill is focusing in particular on the criminal law aspects of the issue. Will the Minister of State outline if she is comfortable with the legislation that is available in the other areas, particularly for supporting people who have been trafficked here and have serious special needs by way of disabilities, or mental or physical disorders?

I think I have asked this question before. A number of people who are trafficked end up in the direct provision system. Is the Minister of State concerned with the system of direct provision as it is currently constituted? The system houses many of these victims and is dealing with people who are trafficked but does not take account of the issues we have raised about people being allowed to work and their mental stability and so on. Is the Minister of State concerned as the Minister of State with responsibility for the area of mental health that the direct provision actually compounds their situation in many ways, as has been flagged in report by the Irish Refugee Council, the Immigrant Council of Ireland and so on?

Why is the Government stalling on ratifying the international convention on the protection of the rights of all migrant workers and members of their families? Why is the Government not taking the opportunity to fully ratify it at this stage with this Bill or another piece of amending legislation?

Deputy Kathleen Lynch: If one is a member of club and does not abide by the rules, there are always consequences and yet there is always the possibility that we will be sanctioned and fined but I am never certain that is the real reason one should do something. The consequences in terms of this are that there will be people who will not have the protection that we can afford them. I means that is where we need to be at. We need to do this urgently. We need to do it to ensure that the people that we are charged with protecting will have that protection. That is the reason we should do it. One should never do something other than for the right reasons.

Of course there are other sanctions. Yes, we have been sanctioned and fined for non-compliance. I am sure that if we did not do this, we would be sanctioned as well. The reason we should do it is to ensure that people have complete protection.

In relation to people with disabilities who are trafficked not in the same numbers but then again in the same proportion as other people, as I said at the last sitting the HSE has to take into consideration the overall needs of the person it is dealing with. If that person has a disability, whether it is physical, intellectual, visual or in the area of mental health, the HSE is obliged to deal with that issue as well. That is taken into account. It is not as if we separate people out. If one such person has been trafficked and has a disability and is in difficult circumstances, where communication is an additional problem, the HSE has to manage that situation. That is its job. What was the other question?

Senator Trevor Ó Clochartaigh: Is there concern about the system of direct provision?

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Deputy Kathleen Lynch: I am not certain I will give a full answer on that here but I have never been more than honest and upfront with people. It cannot be good for a person to live in circumstances like these for a prolonged period. Perhaps we need to do a bit more work and I know certain organisations have already done some work on the effect on people's mental health of living in confined or overcrowded spaces over long periods. We all know the overarching evidence in the area. Those circumstances cannot be good for anybody.

Senator Trevor Ó Clochartaigh: What about the stalling on ratifying the international convention on the protection of the rights of all migrant workers? Why is the Government holding back in that respect?

Deputy Kathleen Lynch: Ireland, in the distant past and probably in the future, has and will be slow to ratify agreements without having everything in place first. That has always been the case. For example, I am responsible for the disabilities area and it is not until all the ducks are in the row that such action is taken. We have found in ratifying international conventions that many countries rush to ratify but when they are called to account afterwards, there are failures in the systems that must be in place to support the ratification. Whether Fianna Fáil or anybody else has been in government, I have always agreed with that approach, as all the mechanisms should be put in place before ratification instead of being found wanting when it comes to supports.

Question put and declared carried.

Title agreed to.

Bill reported without amendment.

Report Stage ordered for Tuesday, 28 May 2013.

Acting Chairman (Senator Marie Moloney): When is it proposed to sit again?

Senator Cáit Keane: Next Tuesday at 2.30 p.m.

Adjournment Matters

Services for People with Disabilities

Senator John Whelan: I am glad to welcome the Minister of State, Deputy Kathleen Lynch, to the House, and I am pleased that she is taking this matter on behalf of the Minister for Health. Over the past two years we have raised many issues in the House, particularly health and social matters, and none can really be classed as more important than another. Nevertheless, I am convinced that I have raised nothing more important than this case. I am not abusing privilege or protocol as it is a matter of public record and I have the permission of the family as I do not want to speak around the issue. The person affected is Mr. Michael Malone, Shanahoe, Abbeyleix, who for 14 years-----

Acting Chairman (Senator Marie Moloney): The Senator should not name individuals in

the House but he can give the details to the Minister of State afterwards.

Senator John Whelan: I take the point and I do not mean any disrespect in that regard. The case pertains to a man to whom I can relate in a personal capacity as he is only 48 years old, which I would regard as very young. For him to be confined to a nursing home for the past 14 years is distressing to me and his family. He has a caring and loving family and his siblings do everything possible for him, although both parents have, unfortunately, passed away. The man has a rare disorder called Kjellin syndrome, which is complicated by a number of other related conditions. The man has been wheelchair-bound since he was 23, and he suffers from deafness and other complications arising from the condition.

The Minister of State will agree that we have a duty of care and responsibility to our citizens. We spend much time here and elsewhere talking about depression, social inclusion, independent living and the importance of people having fulfilled lives, where possible. In this regard I am desperately reaching out and raising this matter as a last resort on the floor of the Seanad. I do not like doing it with individual cases but the family has, unfortunately, hit a dead end in their interaction with the HSE, which is being obstinate in the extreme. It is taking a poor position, to say the least, in this case.

It is clear that this man can live a fulfilled life with peers but he must be transferred urgently to the St. Joseph's home for the deaf in Stillorgan, which has capacity. That has been confirmed by the facility. It would be an ideal location for the man to make a recovery and live an engaging life, as he would be safe among peers with a good quality of life and independence. Otherwise, I fear his condition will deteriorate and he will slide back into needing further care and assistance. It is inappropriate to say that at 48, the man is in a nursing home. I hope the Minister of State will give me and the family some hope for optimism in her reply on behalf of the Department.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I thank the Senator for raising the issue, although I am not certain we can resolve it today. I am sure it will not be the end of it. I know the Senator is referring to the circumstances of a particular case and I am informed that the HSE is in discussion with the individual and family to identify the services best suited to his particular needs. At Abbeyleigh community nursing home, the individual's medical and nursing needs are supported and his case is reviewed every three months by the local doctor, or more regularly if required. The individual's social inclusion in the local community is also facilitated. In early 2013, the family requested the possibility of a transfer from Abbeyleigh Community Nursing Home to St. Joseph's House, Stillorgan, citing its more specialist services and more appropriate age profile. A meeting was facilitated between the individual, his family and local HSE staff to consider the options.

There are a number of factors for consideration before any transfer can be progressed. These include clarification of the individual's needs, the availability of necessary resources within the local midlands social care budget allocation and ongoing discussions between the HSE and St Joseph's House, Stillorgan as to its future service model, in the context of the congregated setting report. Local staff within the HSE continue to engage and be available to the family for liaison and update as to ongoing options for this individual.

There has been a strong move by the State over many years to ensure people with disabilities have choices and options. In response to public policy and investment, the number of people in congregated settings, or settings with ten or more people living together, has been declining. A

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number of centres have already made arrangements to enable persons with a disability to move to the community. The United Nations Convention on the Rights of Persons with Disabilities also sets out clearly, in Article 19, that people with disabilities should be supported to live in the community rather than institutional settings or segregated from the mainstream of the community.

In 2011 the Health Service Executive, HSE, following extensive consultation and international research, launched a new model of residential supports for people with disabilities. The report, entitled *Time to Move on from Congregated Settings*, found that, notwithstanding the commitment and initiative of dedicated staff and management, a significant number of people were still experiencing institutional living conditions where they lacked basic privacy and dignity and lived their lives apart from their communities and families. The report outlines a strategy for community inclusion which is in line with national and international policy. The HSE proposes to work with agencies such as St. Joseph's House over the coming years to deliver this new policy. Decisions on future admissions to St. Joseph's House will be made within this context. In the case of this individual we will contact the HSE in that area and I am sure a solution can be found.

Senator John Whelan: I thank the Minister of State for her reply. I am a little heartened that she went off script because up to that it was the standard HSE position, which sets the alarm bells ringing for St. Joseph's House and which seems to be on the way to being phased out. I understand the policy. It would be great if everybody could be cared for in their own homes and in a non-institutional setting. With no disrespect to anybody, nobody can tell me a nursing home anywhere, no matter how good it is - and the nursing home in Abbeyleix is good - is a place for the last 14 years for a wheelchair-bound 48 year old man who has a lot to offer and a lot of living left to do.

The Minister of State is correct that this is not the end of it. I am taking this as a special case and will hold the HSE responsible for the neglect of this man if it does not intervene and take heed of the Minister of State's intervention. I welcome the Minister of State's commitment that a solution suitable to this man and his family can be found. Otherwise we are looking at a life sentence in institutionalised care which is inappropriate to his condition, needs, entitlement and right to a healthy, long and fruitful life which can be as independent as possible and with as much fulfilment and growth as possible. His condition is declining and regressing due to the inappropriate setting. He needs to be among his peers in a setting of special care which can address his condition, the syndrome he has and his deafness.

I am grateful, as always, for the personal input from the Minister of State and the compassion she indicates. I urge her to intervene and bring forward her own input to this with the HSE so this man can look forward to the coming weeks, months and years ahead with some optimism. Despair surrounds him, languishing as he is in an inappropriate setting of a nursing home at this young age.

Deputy Kathleen Lynch: The solution that will be found may not be in St. Joseph's House. Any solution that will be found will be with the help of the HSE. They are the people at ground level who deal with this on a day-to-day basis. Maybe there is a different solution but I will definitely talk to them.

Community Welfare Services

Senator David Cullinane: I welcome the Minister of State to the House. The motion I tabled today is very specifically regarding the closure of the community welfare office, CWO, in Tramore, County Waterford, but there have been closures elsewhere in Waterford as well. The CWOs in Tramore and Cappoquin in County Waterford are to close but we are also going to see the closure of clinics in Dunmore East, Kilmeaden, Portlaw and Clashmore. We are seeing a withdrawal of community welfare services from small towns and rural villages and areas in County Waterford.

The Minister will know the individuals who avail of benefits under the community welfare services are those on the lowest incomes or social welfare. It is regrettable, unfortunate and wrong that the Government is closing down services available to those people in their own areas. It is forcing them to travel into Waterford city for appointments to see community welfare officers at a time when it is almost impossible for people in Waterford city to get an appointment with a community welfare officer because of the very narrow time slots available in the first place. The Government is going to make a difficult situation for people in Waterford city even worse by adding to the list of people who seek appointments with the community welfare officers.

The Government is closing down a service to people in rural areas. This is not just about CWO services. Many small villages and towns are losing post offices and Garda stations, there are issues around schools and now we are also taking away one of the vital services for those communities by closing the offices or by removing the clinics. It is not good. I attended the Convention on the Constitutional at the weekend and it was discussing electoral and political reform. One of the issues discussed in the context of reforming the system was the notion of localism and clientelism. One of the reasons we have a very high level of localism and clientelism in this State is that people are not getting a good service from the community welfare officers or from the social welfare system, not because the community welfare officers are not doing their jobs - they are - but because resources are so thin that they are not in a position to provide the public interface with people that they should.

People cannot get access to their community welfare officers or social welfare offices. If they try to contact any of the numbers they cannot get through. They leave messages but get no response, get deeply frustrated and they are forced to come to their politicians to get information from them. We are disempowering citizens. By closing these clinics and offices we are disempowering them even more. Worse than that, it will have a very negative impact on those rural villages and small towns which are already suffering. There must be a re-examination of this because, again, it will be dressed up as creating efficiencies and centralisation. In reality this is about more cuts, saving more money, and as a consequence, we are drawing services from the lowest paid in society and people on benefits who need to be able to talk directly with community welfare officers or social welfare officers to get information.

That is the context in which I am putting this motion down today and the question I am posing to the Minister. What is the rationale for closing those offices and clinics? Does she agree it will inconvenience people in those areas? Does she agree it will have a negative impact on people on low incomes and social welfare? Does she agree that those small towns and villages are already suffering from a reduction in services? Does she agree this is a retrograde step, as I am sure the people who live in those towns and villages find it?

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I am taking this Adjournment matter on behalf of the Minister for Social Protection,

Deputy Joan Burton.

The Minister is conscious of the need to provide efficient and effective customer-facing services at local level for clients of the Department. As part of the relocation of community welfare services to Waterford, the frequency of clinics is being increased from three to four days per week and the number of staff available to these clinics will be increased, giving clients improved access to services there.

Staffing needs for all areas within the Department are continuously reviewed to ensure the best use is made of all available resources with a view to providing an efficient service to those who rely on the schemes operated by the Department. This includes meeting commitments under the Pathways to Work programme to provide opportunities, support and assistance to approximately 415,000 people on the live register by intensifying the Department's level of engagement with people who are unemployed and, in particular, those who are, or become, long-term unemployed.

It was in this context that a decision was made to relocate community welfare services from Tramore to Waterford following the retirement of a staff member. The relocation will take effect from 17 June 2013. In the interim, services in Tramore will continue to operate as heretofore. A key factor influencing the decision is the objective of ensuring continuity of service in the event of any future staff absences which would otherwise negatively impact on the quality of service. An important factor taken into account in the reconfiguration of services was the good public transport service from Tramore to Waterford, with a frequent bus service passing the existing community welfare service offices in Waterford and the main offices of the Department. There is also the facility for clients who are unable to travel to Waterford, for example, due to illness, to telephone the community welfare service in Waterford and discuss their case and, if required, the officer may arrange a visit to the client's home.

The relocation of a service coincides with a greater integration between the community welfare service and other locally based staff of the Department. This process will be further enhanced by the roll-out of a full Intreo service to Waterford later this year. I am aware from the launch in Sligo, which I attended with the Taoiseach, that the Intreo service is a fantastic facility. One should visit one of the offices. It interfaces with the unemployed and meets employers. It is a one-stop shop for people who are seeking work.

It should be noted that claims for supplementary welfare allowances are currently processed within a number of days where all the required documentation is in place.

Senator David Cullinane: With respect, as the speech was written for the Minister of State I cannot blame him. If the issue was not so serious, the response would be funny. Justifying closing the offices and withdrawing the services on the basis that there is a bus service from Tramore to Waterford does not take into account the cost and an inconvenience involved in getting that bus. It does not just take a couple of minutes to jump on a bus and get there if one has children and responsibilities and if one is working. Life is being made more difficult for people in Tramore and other areas in Waterford to access to those services. To suggest that people can telephone their community welfare officers and get through is laughable because that is not the reality. People telephone the community welfare officers but get no answers. They leave messages which go into a black hole and there is no response back. That is the reality for the majority of people with whom I deal. That is the reason they end up coming into our clinics for us to get the information because they cannot get it themselves. Those individuals are being disem-

powered by closing these services. That the closure is justified on the basis of a bus service is laughable. However, it is not funny. It is a serious issue, as the Minister of State would accept.

I would agree with the Minister of State on the idea of a one-stop shop for social welfare and community services because we need to get away from disempowering citizens to empowering them. In Britain there are one-stop shops where one can discuss the details of one's case and get the information without approaching somebody else to get it. That is the type of system towards which we need to move. I repeat what I said earlier. This is a retrograde step for the people who live in those towns and villages.

Deputy John Perry: I thank the Senator for raising this important issue. Speaking from the experience in County Sligo where an Intreo office has been opened, the demographics of the county are huge. We have a one-stop shop facility where the staff are very focused on the unemployed and it is a complete transformation. An unemployed person can walk in and get matched up with employers. I will certainly ask the Minister to roll-out the Intreo office as quickly as possible to Waterford because it is an enhanced service where people find the facilities. We have outreach offices all over the region but we have an enhanced centralised service in Sligo. Although it is a pilot scheme, it is extraordinarily successful. The way to solve the problem is through the roll-out of an Intreo office, with which the Senator would be impressed, which would more than compensate for the duplication of offices in rural areas. It means that if people have an idea or concept or want a job opportunity, they can go to the one-stop shop which is based on state-of-the-art technology. That would be less imminent in Waterford.

Architectural Heritage

Senator Lorraine Higgins: I thank the Minister of State, Deputy John Perry, for taking this matter on the Adjournment. It relates to the opening of Athenry medieval castle for the use and benefit of the people of Athenry who want to host a social evening at the castle to mark a twinning event in the town on Thursday, 15 August 2013.

Athenry tourism committee has been working extremely hard since its inception to revive the tourism industry in Athenry. At a time when many commercial units have closed and unemployment has increased, I like to see its verve and enthusiasm for this type of project in order that it can encourage people to visit the historical and medieval town. The committee has gone to great lengths to revive tourism in the area. This would be a welcome departure for the town which has suffered badly.

On 15 August 2013, Athenry is twinning with the Canadian town, Renew, in Newfoundland, the home town of the Canadian ambassador, Mr. Loyola Hearn. Much work has gone into the project to bring it to fruition. I have been involved with the committee. The list of dignitaries on the day will include the Canadian ambassador and his wife, Mrs. Maureen Hearn, Pete St. John, the songwriter who wrote the "The Fields of Athenry", Dr. Hadyn James of the Welsh Rugby Choir, Mr. Don McNeil, chairperson of the Ulster Canada initiative, Mr. Michael Blanch, chairperson of the Commemoration of Irish Famine Victims, members of the county council, local representatives and members of the community. It is intended to have a live link-up with the residents in Renew, and it is widely felt by the committee and members of the community in Athenry that it is necessary to show off the very best of what Athenry has to offer as a means of stimulating further tourism and economic activity.

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Athenry is a medieval town with a medieval castle but it has not been used previously on such occasions. The tourism committee considers that a medieval style banquet to cater for approximately 50 people would augur well and that the castle would be the ideal venue for this momentous occasion. It is the first time that Athenry has been twinned with a town outside Europe and it is a big deal. That we have the support of the Canadian ambassador is welcome. As I have stated, there is no question of food being prepared in the castle but merely brought in by outside caterers. Therefore, there should be no difficulty with health and safety or environmental issues. On that basis the committee has asked me to raise the matter in the House because it feels the event should take place in the castle.

I welcome the opportunity to put the matter to the House and look forward to the Minister of State's reply.

Deputy John Perry: I compliment the Senator for raising a fantastic idea. I compliment everybody involved in community regeneration and tourism because it is all about the empowerment of communities. The date of 15 August is very important as it is my birthday and I might even join in the celebrations that day.

Senator Lorraine Higgins: We will extend an invitation to the Minister of State.

3 o'clock

Deputy John Perry: Athenry Castle dates from the early 13th century. It was constructed originally by the de Bermingham family and survived until the 1640s when it was effectively destroyed by Cromwellian forces. The castle is a national monument and one of 70 heritage sites where the OPW provides guide services to visitors. Last year an impressive total of 9,455 people visited the castle. The OPW is keen to see the figure increase and attract more footfall. The Senator should know that we are anxious to encourage more visitors and events at the castle, particularly during the year of The Gathering.

Last year the Minister launched the community involvement initiative which hopes to involve local communities and groups in heritage sites under the care of the OPW. Difficulties will arise with individual suggestions from time to time. The OPW is committed to directly engaging with local communities on the use of all of these sites but that can only happen when a proposal is suitable, safe and sustainable. The event proposed by the Senator involves serving food and drink, presumably including alcohol, to up to 80 guests in suitable large areas in the castle. The national monuments service of the OPW has informed the Minister that the castle is unsuitable for the proposed event.

The keep at Athenry is the principal area available. Access can only be gained via a narrow external staircase on the outside wall of the building. Were the event to be held at the location, guests and food service staff would potentially have to negotiate the same route at the same time. This would be fraught with some difficulty and inconvenience and is totally impractical. The toilets would be located just off the reception area on the ground floor. They would be difficult to access easily and confusion and congestion on the stairs would inevitably result.

The other area that might be considered suitable is the undercroft or basement area. It poses difficulties in terms of its confined nature and lack of circulation space once furniture is installed. The area also lacks heating and lighting and mitigates against the undercroft being used for an event such as the one suggested. The OPW has suggested that installing temporary heating, power and lighting would ruin the ambience that the promoters seek to create, would

create a hazard and would not lead to a successful event.

Most crucially, from the point of view of safety, the undercroft area at Athenry does not have an adequate fire escape for the event. The space is unfurnished and essentially empty. It does not present a similar difficulty for groups of tourists that are led by an OPW guide during the daytime. It would be an entirely different prospect were there need for an emergency evacuation of a large group of people unfamiliar with the building and having to navigate to a remote exit around furniture, temporary power cables, heating units and other obstacles.

I can see the attraction in having the event at Athenry. I can assure the Senator that the OPW is aware of what the sponsors want to do. With that in mind, the OPW has adopted a creative approach and may have come up with a satisfactory solution. Instead of using the castle as the focal point for the event, for which the OPW believes the castle is completely unsuitable, the building should be used as a backdrop. The event could be staged in the grounds of the castle. Perhaps a marquee could be erected for the evening. Catering and services could be provided, and the whole physical logistics could be managed professionally and safely, by any number of event planners. The castle would be a stunning backdrop for the evening. It could, for example, support the event by providing toilet facilities and guided tours. The OPW could, in this scenario, keep the castle open late on the day and provide guided tours for guests either before or after the dinner event. This may not be what the organisers had in mind. However, when they analyse the pros and cons of both proposals, they will conclude that an event in the castle would be fraught with difficulties for the reasons that I have suggested. There is a level of expense associated with hiring a marquee, etc. Inevitably, there would be similar costs involved in setting up temporary light and power and providing furniture, etc., for diners in spaces within the castle walls.

In order for the proposal to be brought to fruition the organisers need to have a deeper engagement with my officials on matters such as risk management, stewarding, insurance requirements, etc. Opening the site later would mean the OPW would have to pay for extra staff, overtime, etc., and such matters must be addressed. These are details that can be worked out with co-operation. I invite the Senator to engage with the organisers and to give the OPW a revised proposal, perhaps along these lines. I can assure her that Department officials will be happy to work with them to ensure a successful and enjoyable event that will showcase Athenry Castle and the town in a very positive and exciting way.

Acting Chairman (Senator Marie Moloney): I shall allow Senator Higgins to ask a supplementary question.

Senator Lorraine Higgins: I welcome the response of the Minister of State and the approval to open the castle for the event, albeit in limited circumstances. This is the first time that the people of Athenry have sought its opening so I expect that every effort will be made to facilitate them. I welcome the suggestion of guided tours and the possibility of a marquee being allowed on the grounds of the castle and within the curtilage of the site. That is great news for the Athenry tourism committee. A marquee means that some expense will be incurred.

I had hoped that the Minister's answer would not amount to a constructive refusal to open the castle. A number of concerns were outlined and a request made for "a deeper engagement with my officials on matters such as risk management, stewarding, insurance requirements", and bringing in extra staff. I hope that the Minister will work with us to ensure that the event goes ahead and is a complete success for the people of Athenry. This is the first time that the

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people of Athenry have sought the opening of the castle to showcase it on a national and international scale. Everything should be done to market it on an international scale and to ensure that the enthusiasm and the verve shown by its people will be facilitated by the Department.

Deputy John Perry: I can assure the Senator of that. The Minister of State, Deputy Hayes, stated in the reply that this was a unique opportunity and a fantastic idea. Ballymote Castle dates back to the 1300s and a similar event was held there using a marquee adjoined to the castle. The main requirement for Athenry Castle involves the logistics of hiring a marquee and installing facilities which are important for public liability cover. If it is a community-based limited company then there should be no problem extending insurance to meet the concerns of the OPW. Obviously the OPW will have its own insurance for guided tours. The event will not create more barriers to providing guided tours through the castle because there will be no catering facilities provided within the castle. The event has received the *imprimatur* of the Government and the Minister to ensure that the day goes ahead successfully. The clear message to the committee is that the castle is theirs to use as a facility. The committee must sit down with the officials and work out the logistics in a business like manner. We have not given ten reasons it cannot be done. We have given one reason it is available. Clearly, it is up to the committee to engage with the Minister and work with officials to work out what is required in order to make the event possible. I suggest that the Senator and the committee move on that straight away.

Senator Lorraine Higgins: I commend the Minister of State for his enthusiasm for the project that will take place on his birthday, 15 August. The people of Athenry will welcome him wholeheartedly to the town.

Deputy John Perry: I may take the Senator up on her offer.

Senator Lorraine Higgins: Will the Minister of State ask his colleague, Deputy Hayes, to supply my office with a contact name in order to avoid unnecessary delays and get the project moving in the right direction immediately?

Deputy John Perry: I have no further input. I thank the Senator.

Acting Chairman (Senator Marie Moloney): I thank the Minister of State and the Senator.

The Seanad adjourned at 3.10 p.m. until 2.30 p.m. on Tuesday, 28 May 2013.