



## SEANAD ÉIREANN

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*Dé Céadaoin, 26 Bealtaine 2004.*  
*Wednesday, 26 May 2004.*  
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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*  
*Prayer.*  
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### Business of Seanad.

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

The need for the Minister for the Environment, Heritage and Local Government to remove the ban on shooting on State owned lands.

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

The need for the Minister for Finance to outline the status regarding the proposed decentralisation to Newcastle West, County Limerick.

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

The need for the Minister for Arts, Sport and Tourism to accept and consider an application under the swimming pool grants programme from the Mitchelstown Leisure Centre Committee, County Cork.

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

The need for the Minister Finance in conjunction with Fingal County Council, to purchase Beech Park House and gardens, Clonsilla, for the benefit of the Irish people.

I regard the matter raised by Senators Browne, Finucane and Bradford as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. Senator Terry may give notice on another day of the matter she wishes to raise.

### Order of Business.

**Ms O'Rourke:** The Government wishes to make important changes to the business of the Seanad for today and tomorrow. With the permission of the Cathaoirleach, I would like to announce these changes.

The Order of Business is No. 1, a referral motion whereby the subject matter of motion No. 22 on today's Order Paper is being referred to the Joint Committee on Justice, Equality, Defence and Women's Rights for discussion — there is an explanation of it on the Order Paper — and it will be taken without debate; No. 2, a referral motion whereby the subject matter of motion No. 21 on today's Order Paper is being referred to the Joint Committee on Justice, Equality, Defence and Women's Rights for discussion, to be taken without debate; No. 3, the Health (Amendment) Bill 2004 — Second Stage, to be taken at the conclusion of the Order of Business and to conclude not later than 1 p.m., with the contributions of spokespersons not to exceed 12 minutes, those of other Senators not to exceed eight minutes and the Minister to be called on to reply not later than five minutes before the conclusion of Second Stage; No. 4, the Adoptive Leave Bill 2004 — Committee Stage, to be taken at 2.30 p.m. until 3.30 p.m.; No. 5, statements on the current situation in the Middle East, to be taken at 3.30 p.m. until 5 p.m., with the contributions of spokespersons not to exceed 12 minutes and those of other Senators not to exceed eight minutes; and No. 24, motion 19, to be taken from 5 p.m. until 7 p.m. There will be a sos from 1 p.m. to 2.30 p.m.

I will now outline the changes which I assure the House are not being made on the basis of caprice or fickleness. They concern important matters which have been conveyed to me by the Government. First, the Interpretation Bill will not be debated today; Committee Stage will be taken next week. Second, an amendment to the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunity of Witnesses) Act 1997 will be debated in the Dáil tomorrow and will be taken here subsequently. I wanted to tell Members about it today so it would not be sprung on them tomorrow. That amendment will be taken in the Dáil in the afternoon and depending on the way the time factor operates in the Dáil, we expect to debate it in the Seanad at 4 p.m. Third, a copy of the Copyright and Related Rights (Amendment) Bill 2004 was put in Members' pigeonholes this morning. That Bill will be taken tomorrow between 1 p.m. and 2 p.m. It is an urgent matter related to a James Joyce exhibition and his family's copyright.

**Mr. B. Hayes:** I understand the urgency with which the Government is bringing forward these two legislative measures. One in particular about which there has been a degree of discussion is the issue of compellability and changing the 1997 Act to allow judges to be compelled to attend a committee of the House to give evidence. While it is important the Bill is passed tomorrow, I ask the Leader to ensure it is published and given to Members as soon as possible. It is a relatively short Bill, but it is important that we receive it because it is unusual for Second, Committee and

[Mr. B. Hayes.]

Report Stages to be taken in one fell swoop. It is important that the Bill is published so that Members on all sides will have a chance to see it as soon as possible.

Last week a very positive decision was taken on the publication of whole school assessment reports, which I welcome. Will the Leader provide time, at the earliest possible juncture, to allow the Minister for Education and Science to come to the House to deal with that issue and the issue of the publication of examination results as a means of giving full information to parents? For too long in our education system parents have been left in the dark, talked down to and had insufficient rights. The publication of whole school assessments will not only help parents, teachers and school management in terms of the assessment of that school by an independent authority, but it will also help teachers. Teachers have nothing to be frightened about when it comes to the publication of these reports because it highlights the lack of resources that need to be put in place in our primary and secondary school system. I welcome the publication of these reports. This is a good day for accountability in our education system. We need a very strong voice for parents in the school system and we must ensure their voice is heard.

The Minister for Education and Science should come to the House, respond to this issue and set out his views concerning the other matter at the earliest possible time. I ask the Leader to provide time for this as soon as possible.

**Mr. O'Toole:** It is important to note that the courts cleared the publication of extracts from school reports. This does not do justice to school authorities. I hope the Minister will urge the publication of complete reports, which deal with school management, school resources, geographical problems, special needs, disadvantage and other issues. The complete report gives a clear view of what staff, teachers, principal teachers and boards of management must cope with with limited resources.

The legislation which is to be published today brings us back to the issue I raised last week. The urgency to change compellability legislation is connected to the Government's thinking on another matter, which we are not discussing. On that other matter, I have said on at least four occasions that we are making things up as we go along and we will get it wrong. This question should have been thought of a fortnight ago. I do not blame anyone and I do not oppose the legislation. I merely alert Members to the fact that someone ought to have spotted the need for this measure sooner.

There was outrage when a court case collapsed on a technicality. We will be crucified, and rightly so, when — not if — we get this wrong. Every day raises a new difficulty. I do not blame any Member of this House for that but I do not believe it will work for us. Members of the

Oireachtas will be left carrying the can because it will be the last body to deal with the issue and it is here that it will go wrong. Currently there is no determination as to how we will deal with it. I am grossly uncomfortable with what we are about to do.

I am grateful to the Leader for setting up a meeting with the Attorney General last week. We were all impressed by the Attorney General's commitment to due process, fair procedures and total probity in how we do our business. I hope his advice is listened to and acted upon.

A Member on the Government side expressed concern at the cost of telephone calls. Before that Member was elected, the House had long discussions about the selling of Eircom and that it would not result in cheap telephone calls, despite the fact that everyone on the Government side said it would. We now know that the breaking up of the three Aer Rianta airports will raise the cost of air travel. Whether or not this is a good or bad idea is a separate issue. The decision now being taken by Government will place an additional cost on passengers using the airports. This is agreed by all parties. Let us at least know what we are doing when we do it.

**Mr. McDowell:** I concur with Senator O'Toole's remarks regarding compellability legislation, which we are to see tomorrow. There is a clear issue of separation of powers here. We are aware of the reasons why the legislation must be changed but there are possible constitutional implications in that change. While we understand the reason this legislation is being proceeded with fairly quickly, it would not do any harm to wait a few days. This would allow the issue to be publicly teased while people with constitutional and legal expertise voiced a view publicly as to the implications of the legislation, which we have not yet seen. While we understand the need for the legislation, a few more days discussion would have been desirable before we do anything further. I do not see that anything would be prejudiced by allowing that. I am concerned that we will deal with the legislation in only a few hours tomorrow.

I welcome the decision in principle by Trinity College, Dublin, to increase its percentage intake of undergraduates from what it calls "non-traditional backgrounds". We have been spectacularly unsuccessful in producing a dramatic improvement in the participation of students from non-traditional, or disadvantaged, backgrounds in third level education, particularly in the universities. There is much evidence that the most successful measures have been those which seek to link colleges with particular primary and secondary schools and identify particular students who can progress. We should place on the record of this House, not least because we have representatives here of the graduates of that university——

**Mr. Norris:** I am downright impressed.

**Mr. McDowell:** —that this is a positive measure even though it is a back-handed acknowledgement of our failure to date to address this issue. That decision also raises an issue worthy of debate in this House, namely, the funding of universities in general as it clearly will have implications in that regard. There have been indications in recent years that some of the colleges have moved to increase their intake of overseas students simply because they are more profitable in terms of tuition fees. There are clear implications for all the universities, including Trinity College, if the Government does not get to grips with this issue and set out a funding mechanism for the years ahead. That issue is worthy of discussion in this House.

**Mr. Norris:** Hear, hear.

**Dr. Mansergh:** I would like the House to discuss, particularly taking account of the groups that will protest outside today, the appropriate fiscal response to the rise in oil prices to hauliers and drivers. While it would be superficially attractive to have the Exchequer act as a cushion, it would blunt the signals. There is evidence that the rise in oil prices is related to long-term supply difficulties in terms of the growth of economies in places such as China and India. It is important we are reminded yet again of the need to conserve energy and to use it efficiently.

In that regard, I congratulate the Minister for Transport on his decision to re-open the Cork-Midleton railway line.

**Mr. U. Burke:** I support my colleagues' request that the Minister for Education and Science come to this House to discuss the matter of school assessment. It is regrettable we have received only a partial report on the pilot scheme which has been in place for a number of years. It is worth noting that all partners in education welcomed participation in whole school assessment. However, it is unfair of sections of the media to isolate particular items within that report and to infer that something was wrong with any particular school.

It is further regrettable that representatives of certain parents groups cannot accept the report as a partial one and have criticised the efforts and endeavours of what has been made public. It is important that the Minister for Education and Science comes to this House as a matter of urgency to clearly outline his Department's intentions regarding what will happen with future publications.

I ask the Leader to seek assurances from the Minister for Education and Science on a related matter. Information made available today indicates a shortage of experienced markers for junior and leaving certificate examinations. We know the majority of markers will be students or recently graduated personnel. This will lead to similar situations as arose in the past of very serious inconsistencies within subject areas and

grading. It is important the Minister makes every effort to deal with this matter.

Recruitment in this area commenced last November-December. It is unsatisfactory that the Minister and his Department have left it until a few days before the examinations commence to indicate there will not be an experienced panel of markers for our junior and leaving certificate examinations. It is important the Minister clarifies the position as a matter of urgency.

**Mr. Hanafin:** I note with interest this morning the profitability of Vodafone, the largest supplier in the mobile telephony market in this country. I request a debate on the telecommunications market. The Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, is to be commended for ensuring the regulator has put in place a system whereby NVNOs will be on offer very shortly, thereby increasing competition in the market. Similar competition is being provided by Meteor and the 3G licence. I suggest that during the debate the House reminds the profit-making companies of the ethos and wishes of the people that it should not be a profitability game at any cost. I refer specifically to the type of videos that could be streamed through 3G mobile phones.

In a discussion of the telecommunications market, it is good to remind ourselves of the use made of the money raised by the flotation of Eircom. Last year, when the markets were not performing particularly well, one could not pick up a newspaper without reading that the national pension fund was down by certain amounts. Now that the markets have more than recovered and our futures have been secured again, it shows this money was spent very wisely. The Minister concerned and the Minister for Finance should be commended for their work.

**Mr. Norris:** I ask the Leader if the period allotted for statements on the Middle East could be treated in the manner of a rolling debate which the House had on a previous occasion. It would allow for the debate to be adjourned and resumed if speakers were still waiting to contribute.

I thank Senator McDowell for his kind words about Trinity College. I am a graduate and one of its several distinguished representatives in the House. Modesty being one of our principal characteristics, I am referring to the distinction of my colleagues. I am very proud of Trinity this morning. In a period of cutbacks, it is making a substantial investment in areas of disadvantage. The college is committing itself to 15% and it has contact with schools in those areas. The point was made this morning by the spokeswoman for the university that it is very important for the Government to become involved at primary and even pre-school level. All of us in this House have made that point in debates on education.

I recently visited the Marlborough Street Central Model School reading day. It is part of

[Mr. Norris.]

the Breaking the Cycle programme where the children are taken at a certain stage but they are dumped back out again. I reiterate the best investment the Government can make in education to conquer the problem of drugs, and everything else in the inner city, is to keep the programme going from primary school up to university. The first couple of doctors, vets or architects who graduate will be the role models.

I wish to raise two other matters.

**An Cathaoirleach:** Briefly.

**Mr. Norris:** I will do so as briefly as I can, but they are serious matters. I brought the first matter to the attention of the House a few years ago and the same talented young person has contacted me. He is the founder, chief executive, managing director and all the rest of a successful high-tech company. He instituted a pension scheme and he was singled out for special examination by the insurance company because of his sexual orientation, about which he was required to be open under the terms of the life assurance scheme. He was prepared to do that but he has recently been involved in a top-up scheme for himself and the other employees and he has been singled out again. The insurance company contacted his doctor with his agreement. It now requires him and his partner, who are in a stable, monogamous relationship, to subject themselves to HIV tests. This is a modestly invasive procedure. I do not think an insurance company is entitled to direct somebody, simply on the basis of their sexual orientation, to undergo this medical procedure before they are given insurance. I ask the Leader to allow time for this matter to be discussed.

My colleague, Senator O'Toole, has raised concerns about the serious legislative measures being contemplated in a rush. The question of compellability may raise constitutional issues. There is a kind of syndrome here. We have received repeated complaints about a rush in sensitive areas of which the citizenship referendum is another example. A former distinguished Member of this House, Maurice Manning, the Chairman of the Human Rights Commission, stated the referendum may in itself raise issues relating to the protection of human rights. He also complained about the lack of consultation with the Human Rights Commission or the Joint Committee on the Constitution in advance of a decision being taken and stated that the proposal had not been adequately researched or analysed.

**An Cathaoirleach:** I ask the Senator to conclude. I have given him fair latitude.

**Mr. Norris:** This is a serious issue and it should be raised in the House. The two bodies charged independently with monitoring these matters

have expressed very significant and serious concern about the referendum.

**Mr. Kitt:** I join Senator Mansergh in welcoming the announcement of approval for a rail link from Mallow to Cork to Middleton I hope a similar announcement will soon be made with regard to the western rail corridor.

**Senators:** Hear, hear.

**Mr. U. Burke:** It will be made in a week or so.

**Mr. Norris:** Who is running in that constituency?

**Mr. Kitt:** In view of the dreadful gridlock on the N17 from Claremorris to Tuam and Galway, it is urgent that decision is taken. I pay tribute to the Leader for her work in setting up a study group on the issue.

I request a debate on waste management in view of the fact that private groups are making applications for landfills at a time when local authorities have drawn up very good plans for waste management. Landfills are supposed to form part of a regional waste management policy and it is urgent that we tackle this matter.

I pay tribute to the Minister for the Environment, Heritage and Local Government for providing funding to extract gases from landfill, including the sites in Ballinasloe and, I understand, Limerick. This is a positive development. When private groups are competing with public groups on the location of landfills, it begs the question as to what rationale will apply with regard to waste management.

**Mr. Finucane:** I support Senator Mansergh's comments on the road haulage industry, which I believe will hold a dignified protest today. The industry rarely protests in front of Leinster House but it has genuine cause for concern. Haulage is a highly competitive business in which it is difficult to pass on costs to manufacturers or end users, as the case may be. In such circumstances, the sector should be closely monitored by the Government because the Minister for Finance may be required to intervene to reduce revenue from the costs of diesel in order to alleviate the financial cost and distress suffered by the haulage industry. I am interested in learning what form of intervention the Minister may make.

**Mr. Fitzgerald:** I support calls for a debate on whole school assessment for a number of reasons, mainly the ongoing media publication of selective information about the performance of schools which is the most damaging development in this area. A recent court decision, to which previous speakers referred, is a further reason to have a debate. I understand 19 pilot projects are under way in this area, mainly in primary schools but also in secondary schools. The completion of one

such project was publicised last week and pro and contra views were expressed on it.

A wider issue arises as to the right to know of parents and students and their rights to have the maximum amount of information made available to them in a balanced and constructive manner. The attitude I have encountered is that the Minister was correct to tackle this issue in the first instance because it was inevitable, given ongoing developments, that it would have to be faced. I would welcome a debate as soon as it is deemed appropriate by the Minister and the Leader so we can hear the Minister's proposals, possibly of an interim nature, as to what structured format will eventually emerge for making the maximum amount of information available to students and parents about the performance of schools. The debate should also examine how we do our business in and obtain value for money from our school structures.

Everybody welcomes the initiative announced by Trinity College, to which Senators referred. It is laudable that a college, which in the past has wrongly been referred to as exclusive, is reaching out more meaningfully to the community. It is welcome that the college is targeting non-traditional students.

DCU has introduced many initiatives in this regard since its establishment as a university. A number of centres on the north side of Dublin promote the intake of students in that category in DCU. I am glad Senator McDowell stated the Ministers must face up to the issue of university funding. The issue has been debated previously but further elaboration on it would be welcome. I look forward to the Senator's comments in this regard.

**Ms Terry:** I have sought a debate on pensions on a number of occasions. I ask the Leader to ensure such a debate is held before the summer recess. It is important in light of the irregularities that have been highlighted in one of our major banks. I would like an opportunity to point out several irregularities in the pensions industry. Senator Hanafin mentioned the Eircom flotation and stated the position has improved. People's pensions depend on the performance of their companies and some are retiring only to find their occupational pension benefits are not what they expected. Many employees are being asked to pay additional sums into their pension funds because there is a shortfall. This is one of many problems, which must be addressed, and I ask the Leader to schedule a debate before the summer recess.

**Mr. J. Phelan:** Will the Leader contact the Ministers for Agriculture and Food and Environment, Heritage and Local Government about the nitrates directive? The House had a debate on agriculture a number of weeks ago but, as is the case with many issues, no action has been taken. The proposed limit on organic nitrates under the directive is 170 kg per hectare per

annum, which is in stark contrast to the 250 kg limit proposed for most other member states, including Great Britain and Northern Ireland. Farming organisations have made a good case that the domestic limit should be increased to 210 kg per hectare per annum. Everybody is unclear as to whether the advice on the directive is being given by officials in the Department of the Environment, Heritage and Local Government, Teagasc or elsewhere. I urge the Leader to ask the relevant Ministers to ensure the proposed limit is increased in line with Northern Ireland and the rest of the EU.

**Dr. M. Hayes:** I refer to the question of transport and fuel costs. The Minister for Transport should be reminded there is a significant difference between prices north and south of the Border and he should be careful not to do something that would put industry in Northern Ireland at an even greater disadvantage and that would increase cross-Border smuggling, which is engaged in by all sorts of dodgy people.

I am also concerned that we might run into constitutional difficulties regarding the proposed compellability legislation. Last week I supported the discussion of the issues arising from a well known case by a committee of the House. The discussion has taken place and I am glad to hear Senator O'Toole's comment that it went well. However, it would be helpful if another means could be found to bring other Members into the loop to give us some idea of the proposed timetable.

**Mr. Feighan:** Will the Leader ask the Minister for Agriculture and Food to explain and intervene in the disastrous decision by Teagasc to proceed with phase 2 of the closure of many of its offices nationwide? I find it very callous that it has already taken a decision to close these offices but decided to wait until after the local elections. Will the Minister intervene to ensure these offices are kept open?

**Mr. O'Toole:** Hear, hear.

**Ms O'Rourke:** Before I reply on the Order of Business, I again ask the Cathaoirleach to allow me make a short statement. A meeting, to be held at 4.30 p.m. this afternoon, has been arranged with the Minister for Justice, Equality and Law Reform and the Chief Whip for the representatives of the groups from the Seanad who met the Attorney General last week regarding the motions on the forthcoming legislation. The meeting may also be attended by an Independent Member and Senator Maurice Hayes. This may help in the matters about which some Senators have expressed disquiet this morning.

Senator Brian Hayes asked when we would see the amendment to the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunity of Witnesses) Act 1997. It is proposed

[Ms O'Rourke.]

that it will be in the Dáil in the morning and I hope it will be available to us this evening. In any case, we will know following the meeting at 4.30 p.m.

The Senator also raised the issue of school results and the strong voice of parents who have lobbied for their publication for a long time. I, too, am concerned by the fragmented way in which some of these results, but not all, are being dealt with by newspapers and that we are not getting a whole-school result. A whole-school result stretches beyond examination results and refers to many other factors, including children's character and development.

Senator Joe O'Toole made the point that we are only seeing extracts from school reports. I, too, was glad that we could meet the Attorney General yesterday. The Senator spoke of the unknown vista that is opening up in front of us all. I agree with him in this regard. I hope that every time we receive further information and put it together, the appropriate course of action will be taken. For all us, it is still an untrodden path, which makes the matter much more difficult. There is no template to copy and on which to draw.

Senator O'Toole also referred to the breaking up of the three Aer Rianta airports. In fact, the relevant Bill was to come before us next week. We had received information from the Minister's office that the Minister wished to introduce it in the House next week. We did not receive any information to the contrary but we read in the newspaper that the Bill is not being produced this week. The Minister is correct to go slower and consider the views of all the participating parties.

**Mr. B. Hayes:** He is being forced to go slower.

**Ms O'Rourke:** No, he is correct to do so.

**Mr. O'Toole:** Is there a Government decision on it?

**Ms O'Rourke:** I am not aware of it.

**An Cathaoirleach:** The Leader, without interruption.

**Ms O'Rourke:** Senator McDowell mentioned the constitutional implications of whatever legislation will come before us. I hope we will be able to tease out this a little more this evening at 4.30 p.m.

The Senator also referred to Trinity College. The college's decision provides a marvellous injection of hope for young people. Trinity College, which could have been regarded in some misguided way as elitist, but not any more, has a strong tradition on the access programme for young people from disadvantaged areas. It is really putting its money where its mouth is and doing something very strong in this area. This morning, the representative of the college made it very clear that the college's proposal will

become a protocol with which it will continue. It is a very positive move for education.

Senator Mansergh alluded to the appropriate fiscal response to rising oil prices. If one adopts a lax or interventionist response, this sends its own message. Therefore, I hope this matter will rectify itself.

The Senator also congratulated the Minister for Transport on the Mallow-Cork-Midleton line. The go-ahead for this project had been given before I left office as Minister for Public Enterprise. However, when one is gone, one is gone, and one cannot——

**Mr. B. Hayes:** There are a few more announcements where that came from.

**Mr. Dardis:** The train was on the tracks.

**Ms O'Rourke:** Yes, the train was on the tracks.

**Mr. B. Hayes:** With the weeds.

**Ms O'Rourke:** I notice incoming Ministers want to claim credit for what is good, but if it is not good they want to shove it back. Senator Ulick Burke spoke about whole school assessment and I take his point completely. Parents and teachers know that just crude partial results do not reflect a child's progress in a school. Children develop at different rates and some develop later than others. I agree the Minister should give us his thoughts on his plan in this regard.

Senator Hanafin requested a debate on telecoms. I thank the Senator for mentioning the good use made of the €4 billion. I agree with Senator Norris in calling for a rolling debate on the Middle East. This matter was debated in the Dáil last week and it would be good to address the topic in a rolling fashion. The Senator also spoke about a person he knows — I understand why he does not want to give names.

**Mr. Norris:** I do not know him personally but have been contacted by the person several times.

**Ms O'Rourke:** This person wishes to top up his policy and has been asked to undertake a medical with regard to HIV. The Deputy Leader advises me that someone taking out a very large insurance policy waives the right to privacy in such matters. While I do not know, this seems to be the case.

Senator Kitt wants a debate on waste management and I will ask to have one. He also asked whether the western rail line will be reopened. Senator Finucane called for the Minister for Finance to play an interventionist role in easing the fuel price hike affecting road haulage business. Senator Fitzgerald called for a debate on whole school assessment. The Senator's interest in and knowledge of such matters is considerable. He also spoke about the funding of Trinity College. The funding of universities is hugely important given that they

now seem much more willing to expand and to have both a commercial role and a role of care for the disadvantaged in society.

Senator Terry asked for a debate on pensions, which we will have before the summer recess. Senator John Paul Phelan spoke about the nitrates directive. Those of us who have been canvassing in rural areas have heard this topic being raised loudly. As the Senator knows, responsibility for this directive falls between two Ministers.

Senator Maurice Hayes pointed out the North-South oil price differential that could arise were a particular line taken. He also spoke of his concerns about the pending compellability legislation, which we share. I am strongly of the view that we do not want to rush legislation. We have a fairly decent record of not doing so. However, circumstances have arisen in which both the Copyright and Related Rights (Amendment) Bill and the amendment to the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunity of Witnesses) Act 1997 must be taken in a brisk fashion. We will have to try to guard ourselves against anything untoward, which might happen.

Senator Feighan spoke about the second phase of closures of Teagasc stations. I will bring this matter to the attention of the Minister for Agriculture and Food.

Order of Business agreed to.

### **Treaty of Amsterdam: Motions.**

**Ms O'Rourke:** I move:

“That the proposal that Seanad Éireann approve the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on Attacks against Information Systems,

a copy of which proposed measure was laid before Seanad Éireann on 24th May, 2004, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 2nd June, 2004, shall send a message to the Seanad in the manner prescribed in Standing Order 67, and Standing Order 69(2) shall accordingly apply.”

Question put and agreed to.

**Ms O'Rourke:** I move:

“That the proposal that Seanad Éireann approve the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on the application of the principle of mutual recognition to confiscation orders,

a copy of which proposed measure was laid before Seanad Éireann on 18th May, 2004, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 2nd June, 2004, shall send a message to the Seanad in the manner prescribed in Standing Order 67, and Standing Order 69 (2) shall accordingly apply.”

Question put and agreed to.

### **Health (Amendment) Bill 2004: Second Stage.**

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

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Health (Amendment) Bill 2004 represents a further step in the implementation of the Government's health service reform programme, which it announced last June. It is very much interim in nature and is being enacted pending the introduction by the Minister for Health and Children of legislation later in the year to give legislative effect to the other proposals in the reform programme.

As Senators will be aware, the reform programme is one of the most ambitious change management programmes undertaken in the health service. It has its origins in the national health strategy, Quality and Fairness — A Health System for You. The strategy forms a blueprint for the further development of our health system to meet the needs of patients and deliver high quality care in the years ahead. While the current structures have served us well over the past 30 years, the strategy recognised the need to review them to ensure they were appropriate and responsive to the needs and challenges of delivering health services in the changing environment of the 21st century.

The four principles of equity and fairness, the need for a people-centred service, quality of care and clear accountability underpinned the development of the strategy. On the basis of these principles, four goals were identified to guide and shape the strategic direction of the development of health services. These were better health for all, fair access, responsive and appropriate care delivery and high performance. The strategy recognises that the health service of the future must be co-ordinated and integrated with a consistent, national approach to delivery based on clear and agreed national objectives.

Arising from the strategy commitment, three reviews of the health system were undertaken. These included the Prospectus review, An Audit of Structures and Functions in the Health System,



[Mr. B. Lenihan.]

and a review commissioned by the Minister for Finance and carried out by the commission on financial management and control systems in the health system. The reform of the acute hospital sector was being advanced at the same time by the national task force on medical staffing which issued the Hanly report. This report set out recommendations on how to plan the reduction of average working hours of non-consultant hospital doctors by 1 August 2004 to meet the requirements of the European working time directive. Its recommendations also covered planning for the implementation of a consultant-driven service and the medical education and training needs associated with the working time directive.

A main finding of the review of the health system was that the number of agencies involved in the provision of health services caused the delivery to be very fragmented. This fragmentation resulted in an overlap in the delivery of certain services and, in some instances, a lack of clarity as to who was responsible for the delivery of the service. The Government announced the health service reform programme based on the recommendations of the Brennan and Prospectus reports in June 2003. The programme's priorities are improved patient care, better value for taxpayers' money and improved health care management. The reform programme centres on an organisation of approximately 100,000 staff and a budget in excess of €10 billion. I am sure Senators can recall me pointing these figures out before.

Key elements of the programme include a major rationalisation of existing health service agencies, including the abolition of the existing health board and authority structures and the establishment of a health service executive, which will be the first ever body charged with managing the health service as a single national entity. Furthermore, a health information and quality authority will be established to ensure that safety and quality of care are promoted throughout the system while the reorganisation of the Department of Health and Children will take place to ensure improved policy development and oversight. It is also necessary to modernise the health system's supporting processes of service planning, management reporting, etc, to bring them into line with recognised international best practice and to strengthen governance and accountability across the system. The establishment of a health service executive as the first ever body charged with managing the health service as a single national entity is the cornerstone of the reform programme. On its establishment and following the abolition of the health boards and the Eastern Regional Health Authority, the executive will be responsible for the delivery of health services on a national basis.

The responsibilities of the proposed health information and quality authority will include

assisting the health service executive in the development of high-quality health information systems to enable it to plan and arrange the delivery of health services based on evidence-supported best practice.

The HIQA will also provide an independent review of quality and performance and it will be involved in promoting and implementing quality assurance programmes nationally. Its analysis will support and inform the Department in its policy development role.

The HIQA will be established as an independent statutory agency, directly accountable to the Minister for Health and Children. The reorganisation of the Department of Health and Children to allow it to support the Minister in focusing more on strategic and policy matters is also proposed in the reform programme. Following its restructuring, one of the Department's fundamental roles will be responsibility for holding the service delivery system to account for its performance. The reform programme also involves a programme of consolidation and rationalisation of 27 existing agencies, which will be subsumed by the HSE, HIQA or the restructured Department. This consolidation of service providers will help reduce the fragmentation of services in the health system and make services more integrated and easier to access for the public.

The implementation of the reform programme is now well under way. Phase 1 included a communication and consultation process; the establishment of the national project office within the Department of Health and Children; the establishment, work and output of 13 action projects; the establishment of the interim health service executive and appointment of the chairman and board of the interim executive; and the development of a high-level programme plan identifying key milestones for 2004.

A national steering committee, whose role is to oversee, monitor and steer the reform programme, has been appointed. It reports to the Minister and to the Cabinet committee on health and children on progress achieved on implementation. Its task is to drive the overall reform programme in a co-ordinated manner, involving the interim health service executive, the Department and the Hanly group, and to ensure that direction and progress are in line with the Government's decisions.

The interim health service executive, which has been established as a corporate body, has begun its work of drawing up a plan, for the approval of the Minister, for the establishment of a unified management structure for the proposed new health service executive. It will also need to plan for the smooth transition from the current structures to the new HSE structure. The interim executive is also required to put procedures in place for the development of a national service plan for the delivery of health services on a national basis and for the establishment of appropriate structures and procedures to ensure

proper governance and accountability arrangements for the proposed health service executive.

As I mentioned earlier, the Minister will be bringing forward legislation later in the year which will provide for the establishment of the health service executive to replace the Eastern Regional Health Authority and the health boards. That legislation will also provide for the establishment of the health information and quality authority. It will make provision for improved governance and accountability as well as planning, monitoring and evaluation. It will provide for the establishment of a statutory complaints framework for handling of complaints in the health services, as recommended in the health strategy. The framework will provide for greater clarity and uniformity of approach in dealing with complaints and will also provide for structured local resolution processes with an opportunity for independent review.

The Minister is conscious of the concerns expressed regarding the lack of public participation in the restructured health system. This Government takes the issue of democratic accountability seriously. The Minister has, therefore, given much consideration to the appropriate mechanisms to be put in place to facilitate opportunities for input at both regional and local level between locally elected representatives and the health service executive.

The provisions in the legislation are likely to include the establishment of a series of regional forums to facilitate local representatives in raising issues of concern to do with health services within their regions with the executive. Membership of the forums would be based on the participation of a number of nominees from each local authority. Putting such arrangements in place would ensure that the voice of local public representatives would continue to be heard in the matter of the development of health services. These arrangements will be designed to complement and reinforce the role of the Oireachtas Joint Committee on Health and Children in reflecting the views of public representatives in the ongoing oversight of the health system.

The health strategy identified the need for a more structured approach to community participation in decisions about the delivery of health services. In furthering this objective, the health boards executive, in association with the Department, issued guidelines to the health boards on community participation. These guidelines set out the principles and framework for structures for such participation. Most health boards have established consumer panels that deal with a wide range of issues such as the development and delivery of services. Two boards have also established regional advisory panels for older consumers and their carers. The Minister intends to establish these structures on a legislative basis in the next Bill. It is the Minister's intention that these structures will be in place from January 2005.

As I said at the outset, this is interim legislation pending the introduction of legislation establishing the new structures which the Minister will be bringing forward later in the year.

The Bill provides for the abolition of the membership of the Eastern Regional Health Authority, area health boards and health boards, while retaining the authority and boards as legal entities; the termination of office of all members of the health boards and the authority from the date on which an order is made bringing the Act into operation; the assignment of the authority or boards' reserved functions to the chief executive officers or the Minister for Health and Children, as appropriate; and the amendment of existing legislative provisions regarding the acquisition and disposal of property by the health boards and the Eastern Regional Health Authority by re-introducing the need for ministerial consent prior to the acquisition and disposal of property.

The Bill amends the Health Act 1970, which established the health boards, the Health (Amendment) (No. 3) Act 1996, which deals with accountability issues and defines "reserved" and "executive" functions, and the Health (Eastern Regional Health Authority) Act 1999, which established the Eastern Regional Health Authority and the area health boards. It also amends the provision of the Local Government Act 2001 which provides for the nomination by local authorities of members to the health boards and the Eastern Regional Health Authority. I will now deal with the main provisions of the Bill.

Section 1 deals with the Title of the Bill, its collective citation and its construction. It is a normal type of section. It provides for the commencement of the provisions of the Bill by order of the Minister and it provides that different provisions may come into force on different dates. Section 2 deals with the definitions used in the Bill. Section 3 provides for the repeal of sections of previous Acts detailed in the Schedule.

Section 4 of the Bill amends section 4(1) of the 1970 Act by deleting the reference in that Act which enabled the Minister to specify the membership of health boards. The provisions specifying the membership of the boards, the application of certain rules in the nomination of members by county or city councils and the obligation to consult such councils before making regulations defining functional boundaries of the boards are being repealed.

Section 5 of the 1970 Act deals with the rules that apply in regard to membership and meetings of health boards and authentication of the board's seal. These provisions, subsections 1(d) and (e), 2 and 3 and the Second Schedule, are being repealed. Currently, the signature of the chairman or that of another member of the board is required to authenticate the seal. As a result of the removal of the membership of the board, section 5 of the Bill provides that the board's seal shall be authenticated by the signature of the

[Mr. B. Lenihan.]  
 chief executive officer and another officer authorised to do so.

Sections 6 to 8, inclusive, delete the requirements of the chief executive officer to consult or agree with the chairman or vice-chairman of a health board on any matter. These are necessary to take account of the fact that there will no longer be a chairman or vice-chairman of health boards in this interim period.

Sections 9 to 14, inclusive, make amendments to the Health (Amendment) (No. 3) Act 1996. Currently, under the 1996 Act, reserved functions of a health board are functions exercised directly by the board and the authority, while executive functions are those exercised by the chief executive officer. Section 9 of this Bill assigns all functions of health boards to the chief executive officer. Section 10 provides that the CEO must provide the Minister with any information in regard to the performance of his or her functions which he or she may request from him or her.

Sections 11, 12 and 14 make amendments to the provisions relating to the adoption of service plans by health boards and the authority and to the provisions relating to the submission of accounts to the Comptroller and Auditor General and the publication of the annual report. Section 13 assigns the board's function in regard to the appointment and removal of the CEO to the Minister.

Section 15 amends the Health Act 1947. It provides that the board and the authority must obtain the consent of the Minister prior to the acquisition or disposal of property. This reverts the legal position to the state of affairs which obtained before the enactment of the 1996 Act, which introduced an amendment permitting the boards and the authority to acquire and dispose of land subject only to general directions by the Minister. In the absence of appointed boards, there is a need for control in this area in the interim period.

Sections 16 to 24, inclusive, make the necessary amendments to the Health (Eastern Regional Health Authority) Act 1999 to abolish the membership of the ERHA and the area health boards. Sections 18 and 21 deal with the authentication of the seals of the authority and the area health boards. Section 20 assigns the functions relating to the appointment of the regional chief executive to the Minister. The functions relating to the appointment and removal of an area chief executive are assigned to the Minister in section 23. Section 25(a) assigns the functions of the authority to the regional chief executive and section 25(b) assigns the functions of an area health board to an area chief executive.

Under section 220 of the Local Government Act 2001, local authority members are empowered to nominate members to specified linked bodies. Section 220 is amended by section 26 of this Bill by deleting the inclusion of a health board, the Eastern Regional Health Authority or an area health board from the definition of

“linked body”. The effect of this amendment is that local authority members will no longer have nominating rights to health boards, the authority or to area health boards.

Section 27 of the Bill terminates the membership of all members of the boards, the authority and the area health boards from the date on which an order bringing the section into operation is made. As the terms of office of the members vary for the different categories, the purpose of this section is to ensure that the terms of office of all members is terminated at the same time.

Section 28 makes provision for work commenced by the members of the boards, the authority or an area health board to be carried on by the CEO without having to begin the process again.

Section 29 of the Bill was inserted at Report Stage in Dáil Éireann. A similar amendment was tabled on Committee Stage by Fine Gael and the Minister provided his own amendment which is now in the form of this section. This was voted on last night by the Dáil. It provides that the Oireachtas Committee on Health and Children may require the chief executive officer of a health board, the regional chief executive of the authority, or an area chief executive of an area health board to appear before it to give account for the general administration of the board or the authority. Similar provisions are included in other legislation establishing State bodies, such as the Courts Service.

As I said at the outset, this interim Bill marks a further step in the process of the implementation of the health service reform programme. Its enactment is a further indication of the Government's commitment to the delivery of a reformed health service which has as its objective the maximisation of the level and quality of care provided to patients and clients in the years ahead. It is obvious the Minister has undertaken an ambitious programme of fundamental reform on health structures in the State.

This Bill is necessitated by the fact the local elections are now due. In the absence of this legislation, the new authorities would begin the process of appointing new members to health boards. It would be pointless to do so when the Government is committed to introduce legislation to abolish these boards within the year. That is why the Bill is before the House. I commend the Bill to the House and I look forward to hearing the views of Senators.

**Mr. Feighan:** I welcome the Minister. He stated that the enactment of this Bill is a further indication of the Government's commitment to the delivery of a reformed health service, which has as its objective the maximisation of the level and quality of care provided to patients and clients in the years ahead. He went on to state that he looked forward to hearing the views of Senators.

**Mr. B. Lenihan:** I did not use the word “client”. I did not deliver that speech.

**Mr. Feighan:** It is in the leaflet handed out to us.

**Mr. B. Lenihan:** I did not use those words. I used the word “patient”. I did not use the word “client”.

**Mr. Feighan:** “Patient” is much more appropriate, but “client” is here in the leaflet.

**Mr. B. Lenihan:** That speech was delivered by the Minister for Health and Children.

**Mr. Feighan:** The Minister of State claimed he was looking forward to hearing the views of Senators. I do not think the Minister will be too keen to hear my views. Fine Gael is opposed to this legislation and I have problems with the manner in which Government legislation and reform is carried out, especially the Hanly report. In the past year there has been much confusion, bitterness and division. The Minister decided to close Ennis hospital and Nenagh hospital, but has granted them a reprieve as the local and European elections approach. What kind of Opposition does he think exists? He stated he was going full-steam ahead with all the reforms, but wavered for political expediency. People have a right to change their minds, but the Government is wrong, and it is completely wrong regarding the Hanly report. One Senator on the Government benches has already called for the report to be binned. That call should go to the Minister as the report is dead in the water.

As someone who was not involved in politics until relatively recently, I was part of that public mood that wanted to get rid of all politicians from health boards, VECs and so on. I felt politicians did not have the expertise or professionalism, or might have had an agenda, when making very serious decisions. However, when I was elected to Roscommon County Council, I sat on VECs and the county enterprise board. I took my job with great pride, enthusiasm and even impartiality. I later found out on an interview board that there were people within the system who made the decisions because they had worked with or knew a candidate, or were repaying a political candidate.

Once again with these reforms, we are leaving decisions to people within the health boards to repay favours to those who wish to climb the ladder. I do not think that is acceptable. The Minister, in trying to capture the public mood, is getting rid of politicians and I think he is wrong. We are replacing politicians with bureaucrats. Why should anyone bother to go for election any more? Should seats on a health board be given to some doctor’s secretary to speak on his behalf? Since I have seen the system from the inside, my mind has changed on this issue and I feel very strongly about it. Politics is part of everything, but

the Minister ignores the fact that there is politics in VECs and in the areas of health and education. Without an elected representative on a health board standing up for the rights of patients, we are on a downward spiral to a less efficient health system with less accountability.

There is much debate on decentralisation, while CIE and Aer Rianta are to be broken up. Many years ago, county health boards existed and were an effective model, but it was decided to abandon these and develop regional health boards such as those in the west. Now there will only be four regional health boards. I do not think that bigger is better, I prefer small, accountable health boards. We have an ombudsman for the insurance sector. We should have the same for the health sector, particularly in a system where everyone is represented. Every trade and profession has an association, union, consultants and public relations. Yet the patients and the health boards do not have anyone on their side. Unless accountability is put back into the system, these reforms will fail.

Every day I deal with constituents who are some of the 27,000 people on waiting lists for an operation or the 46,000 who have lost their medical cards. Who will speak for the people on the hospital trolleys? Who do I talk to as an elected representative? Should I tell these people not to come to see me but to go to some bureaucrat the Minister has appointed who has worked his or her way up through the health system to that position? The Minister is getting rid of democracy, and that is a dangerous route to travel.

There are 100,000 people working in the health system, which has a budget of €10 billion. The Minister is playing with people’s lives and careers and, most importantly, he is putting the patient in danger. I ask him to ensure that public representatives have a say in the health system. We are going down a very dangerous road. Fine Gael will oppose this legislation. Accountability is being lost in this legislation and in view of this it, like the Hanly report, should be abandoned.

**Labhrás Ó Murchú:** Cuirim fáilte roimh an Aire Stáit agus gabhaim buíochas leis mar gheall ar an soiléiriú a thug sé dúinn maidir leis an mBille seo. I welcome the Minister and thank him for the clarifications he has given us. He mentioned that what we are dealing with is interim legislation, the first of two Bills which will be coming before the House. The purpose of these Bills is to give legislative effect to the proposals of the reform package the Government is bringing forward on the health services.

It is right also to make the point that the health service has served us well over the past 30 years and we should salute all those who made a contribution to that service. The health boards in particular should be given credit for the work they did. They were the conduit between the service and the community, and we all realise the importance of that in this age of transparency and

[Labhrás Ó Murchú.]  
 accountability. The local authority members who served on those boards were in touch with the needs of the community. They were often able to undertake fire brigade action where that was required. The people on those boards were very committed, and they had a good knowledge of the way the service worked. Anybody who studied any of the boards over the years will realise that without them we may not have had the same observance in regard to the delivery, quality and accessibility of service, which is particularly important.

When the Minister is considering the new fora which are intended to allow input by public representatives I ask that he ensures they have teeth and that they are not merely advisory bodies which exist to question the executive. They should be given a status, which in many ways they deserve, and their expertise and experience should be availed of. In view of what the Minister of State said in his speech it is clear an opportunity exists to closely examine this proposal before we deal with the further development of the new structures being brought forward.

It is not an exaggeration to say that good health and a good health service are fundamental requirements to any society, particularly a progressive society. The health service is always a priority in public debate, as it is with the Government. However, we sometimes make the mistake of equating money with service. Over the years we have seen that irrespective of the amount of money that has been invested, there is not a commensurate return for that expenditure on the ground. It behoves a Government to ensure we get value for money, particularly when such a large amount of the total budget is expended on health. That has been a consistent demand of media commentators and public representatives over the years.

There has been much confusion in trying to analyse value for money. There are many demarcation lines within the service where people take a particular stance and where consultants, hospital management or whatever have their own agendas. I do not say that in a critical way. It is understandable but it is important that there is cohesion among all the interests because the patient, like the pupil in school, is the most important person in this debate.

We should also give credit to the religious orders which played a central role in the delivery of the health service in this country. There is not a person in this House who, over the years, has not remarked on the excellent management, including the overseeing of a medical input structure, provided by the nuns. Many would bemoan the fact that they are no longer available to us but society moves on. In any hospital I have had the opportunity of visiting, particularly in the early part of the 30 years under review, we got value for money and a professional approach.

Compassion was also always provided, an important element which should not be overlooked.

To return to the issue of quality, what we are dealing with today is totally different from what we dealt with 30 years ago. Those of us who are old enough to look back on the history of Dr. Christian Barnard will remember his work in the area of heart surgery. Many people felt at the time that he was indulging in a form of black magic yet what is happening in that area today is almost like cosmetic surgery. We all see the wonderful results which have been achieved as a result of progress in medical science but it also puts pressure on the health service because what is being offered today is many times greater than what was being offered years ago. We have to bear that in mind when we try to assess progress and what still needs to be done. It is like saying that An Post provided a much better service 20 or 25 years ago in that one could send a letter to some area of the country and it would arrive the following morning. Even in that case one has to acknowledge there is a much greater volume of mail than there was in those years. The first action we must take, therefore, is to examine the services now being provided.

Second, we have to be particularly careful in our criticism. While there must be criticism it should be balanced. Often a controversial approach is taken to many issues, particularly health. One would imagine that no hospital was delivering a good health service and yet when one talks to patients — this has been my experience throughout this debate — they invariably say that when they went to a hospital they were well looked after. They praise the medical staff and the structure. When we make reforms we must not throw the baby out with the bath water. We must look at what has delivered the service and at the commitment of those who work in it.

People have different expectations within the health service today. Nurses now take a different approach and it is not for us to say they are wrong in considering their job to be a career rather than a vocation. Everyone else has moved also. A good service is being provided but if we want to have transparency, quality and accessibility, which are the aims of Government and of the public, we must put the necessary structure in place. No service can be delivered without a proper structure and that is the position at present.

Senator Feighan was correct when he referred to confusion with regard to the Hanly report. That confusion arose when people rushed to comment on the report before they had a full understanding of what it set out to do. I am not sure that we fully understand it yet. However, as the debate proceeded people got a greater understanding of the report, alarmist headlines disappeared and the attitude of political point scoring became less prevalent. I do not blame a particular political party for that. Politicians are right to look after their own functional areas with

regard to any service, particularly the health service. Those who are proactive in a debate make a positive contribution to it. As the debate proceeded people gained a clearer understanding of what was being proposed and of the need to provide acute and specialist services where and when they are needed for all people and not just those who have insurance cover. If the Hanly report had received that type of attention early on we could have sought information, analysed the report in greater detail and indicated where corrections, if necessary, might have been made. Senator Feighan was right to say we started from a base of confusion which clouded all opportunity of extending the debate in the future.

The strengthening of governance and accountability is vital. If we continue to allocate State resources to health but cannot see a net result of that, we will have this debate all over again. The Government is right to be courageous and strong in its approach to this issue and the Opposition is right to tease the matter out and to question where we are going. However, the health system must not become bureaucratic to the point where common sense, local knowledge and individual concerns can not find accessibility.

That is why I return to the question of the proposed fora. It has been suggested to me that they might be like the advisory committees which existed in the past. Nothing which existed in the past should be revived simply for the sake of saying we have local democracy in the new system. The Minister must examine this issue very closely. There remains an opportunity for flexibility. I recently attended a seminar on this issue in Tipperary where the issue of local authority representation in the health service was discussed. It was clear that local authority members were not interested in jobs for the boys or in holding on to what they had. They were principally concerned with having the necessary expertise and with delivering on their responsibilities exceptionally well. They were determined that local representation would be an ingredient in any future reform.

I wish the Minister well in what he is trying to achieve and reiterate the four points which have been mentioned: better health for everyone; fair access; responsive and appropriate delivery; and high performance. If we keep within those four guidelines it will be possible, with the constructive and positive help of everyone, to get this right once and for all.

**Dr. Mansergh:** I welcome the Minister of State. We all have an interest in the successful implementation of the national health strategy. I agree with my colleague, Senator Ó Murchú. Despite what I read about problems in the health service, the experience of those close to me has been, on the whole, good. They have not experienced the health service as the lurid disaster area depicted in the media. Nonetheless, I accept there are serious problems and pressures, which are particularly heavily concentrated in the

greater Dublin area. We need to remember that the population of the country has increased from little over 3 million in 1971 to almost 4 million today.

I have mixed feelings about the abolition of the health boards. Their establishment was one of the pieces of genuine decentralisation, in the sense of devolution, we have had. We are now saying that has not worked efficiently and we must have a centralised delivery system. I have concerns about that. Some of the controversies which have arisen are due, in part, to a resistance to centralisation. This is so in the case of Cavan/Monaghan/Dundalk and of radiotherapy services in Waterford, for example.

When we talk about the health services we talk in terms of delivery but we must also think about the people who are in receipt and need of services. We must not simply consider efficient management from the point of view of the providers of the services. We must also look at the service from the point of view of the patients who need care. I recently attended a meeting in Carrick-on-Suir which discussed the pressing need for a radiotherapy centre in Waterford to serve the south east region. Today's newspapers contain a report of the very different outcomes for cancer patients in different parts of the country. This must have something to do with proximity and access to services. The journey from Waterford to Dublin takes a minimum of three or four hours by car. A patient must spend an entire day coming to Dublin for a radiotherapy treatment which takes between a few minutes and an hour. Cancer patients are not, in the main, particularly well and this journey puts considerable strain on them.

From the point of view of efficiency of delivery and throughput, I can see why this service should be centralised in two or three places. However, we must look at the service from the point of view of the patient. The South-East Regional Authority has suggested that a new look needs to be taken at the Waterford radiotherapy issue and I am totally in support of that suggestion. When I was still working in Government Buildings but heading in the electoral direction, I had an argument with a former adviser to the Minister for Health and Children. When I told him I supported the Waterford radiotherapy centre he replied that I was sounding like a county councillor. I respect county councillors and so did not take that as the insult that was, perhaps, intended.

There is a disadvantage in downgrading democratically elected representatives. I agree with Senator Feighan that local representatives have not treated decision-making on a highly partisan or biased basis. My experience has been — I can only speak for the South Eastern Health Board area — that public representatives want to do the best job for people in their area. Obviously, there are sometimes arguments about what should be prioritised and where best to locate facilities. I am not happy about moving

[Dr. Mansergh.]

elected representatives from a co-decision making function to a purely advisory one. I agree with Senator Ó Murchú and others that the issue needs further consideration.

A particular problem for health boards has been the issue of resources. A lively debate is currently ongoing in Tipperary regarding the allocation of resources for the completion of Clonmel hospital and the knock-on effects of that for Cashel. It is easy to believe, when one has a problem in any area of Government, that if one changes the structures or the name of the Department, one is somehow solving the problem. Sometimes that works. However, if something is not working one may have to try another way of dealing with the problem including trying new structures. Very often changing structures is a cosmetic panacea which does not get at the real problem.

I am a little sceptical about what is being proposed. We have to try it because the current system is not working. I implore Ministers not to accept uncritically the mania for centralisation. Patients want facilities that are reasonably close and accessible to them. Cancer patients, in particular, are entitled to such services. We must rethink the issue of providing only a few centralised facilities which deal too much from the point of view of the medical professionals and not enough from the point of view of the patients who need the services.

**Mr. P. Burke:** I, too, welcome the Minister of State. The Government is losing the run of itself in terms of this legislation. The Government has, over the past number of years, completely changed how local authorities perform and should take a closer look at what happened in that regard. The new systems introduced were to make local authorities transparent and more accountable. I do not believe they are any more transparent. The new systems created more tiers of bureaucracy which make it harder for the public to find out where to go, what is being done and how it is being done. The legislation before us is, in my view, more of the same.

I cannot understand the logic of a Minister giving the go ahead to legislation to be implemented in 2005 to radically overhaul the health services. In that regard, what the Government is actually saying is that the Department of Health and Children, which has overall responsibility for the health boards, has not performed its duties over the past number of years and that health boards have not been accountable for the past 30 years. Health boards have performed well and have carried out their duties. However, some tightening up is required and better structures could be put in place for health boards by way of resources. Many health board problems arise due to a lack of resources.

The health system in Ireland is one of the least resourced in the European Union. The

Government will say it is investing billions of euro every year in the health service, that it is a black hole, is eating up all the money and that something has to be done. We know something has to be done. Waiting lists have increased and now stand at 27,000 and rising. What the Minister intends to do will not alleviate the waiting lists.

This legislation is window dressing. The Bill proposes the establishment of local area advisory committees. Who will they advise? Who will listen to them? Members of the previously established SPCs were frustrated because advice or decisions made by them were not taken on board. The same will be true of the proposed local area committees which will not be able to make decisions but will only give advice, 90% to 100% of which will not be taken on board because the system, when commenced, will be run by bureaucrats. The Bill proposes the putting in place of a bureaucratic system.

I cannot understand why the Minister wishes to remove public representatives from health boards. In all the years in which I have served in public life, I have not come across a case of a public representative putting his or her interests first. The Minister is, in that regard, handing over the making of decisions to vested interests. He proposes to appoint people involved in health care areas, many of whom may have vested interests. Currently, many doctors who are members of health boards put forward their interests. I have never witnessed local authority members putting their own interests before those of the public. They have always put the public first. The Minister should take another look at this issue. Nobody will listen to the proposed advisory committees. The previous system included public representatives who were at the heart of the decision-making process. Unless those appointed by the Minister are involved in that process, they will lose interest and will not put any enthusiasm or drive into the work they are supposed to do. I ask the Minister to take another look at this issue.

The vast majority of appointees to health boards by various Governments over the past 30 years were public representatives. One has to ask why that is the case. Obviously, the Minister of the day correctly believed such people had a contribution to make to health boards. Such people did have contributions to make. I am sure if one looks back on health board records one will find that in many cases public representatives made huge contributions to their particular health board.

This is window dressing by the Government to buy time. I ask the Minister to examine this legislation. We all appreciate that something must be done to alleviate the crisis in the health service. The Department has not carried out its duties. Proper resources should be put in place as the management exists within the health board system. The strengthening and resourcing of the current system along with a little rationalisation would go a long way to help solve the problems.

**Mr. J. Walsh:** Ba mhaith liom fáilte a chur roimh an Aire Stáit don díospóireacht tábhachtach seo. There is no topic that has been given such attention over the last decade as health and much ink has been used on the subject of health issues. This is not just an Irish phenomenon. It occurs in our neighbouring island and countries in mainland Europe. It is obvious for many reasons that where there is an ageing population, such as in Europe, people have a greater interest in ensuring health sector services are of the highest standard.

There has been a significant investment in the Irish health services since 1997. Expenditure has increased from €3.5 billion in 1997 to €10.2 billion this year. Not everybody would agree that the improvements in the service have been commensurate with the very significant increase in expenditure. Some of the criticisms are unduly focused on hard cases. The comments made by a number of Senators reflect the general opinions of those who use the health services. In general there is an overwhelming satisfaction with the service provided, particularly in the hospitals. That is not to say there is not the occasional criticism. Last year over 1 million in-patients were treated in our hospitals and the number of those treated since 1997 has increased by 200,000.

The numbers employed in the health services have increased significantly, from 68,000 in 1997 to 95,800 last year, a 40% increase. Much of the problem stems from the many vested interests in the health services and in the administration of the health services. This was a structural fault in the regional health boards.

The national treatment purchase fund is a very worthwhile initiative by the Minister for Health and Children. Approximately 11,000 patients who were on the waiting list since 2002 have been treated under the scheme.

**Mr. U. Burke:** How many more were added?

**Mr. J. Walsh:** It must be noted that not all consultants have embraced the scheme because they believed it would impinge on their level of income. This has emphasised that the issue of vested interests must be tackled as a priority. However, the vast majority of professionals working in the system provide excellent care and service to their patients.

If we value our republican ethos, we cannot allow a situation to continue where consultants who are contracted to provide care to the ratio of at least 80% public patients and 20% private have moved to a skewed position of 60% to 65% public and 35% to 40% private. Considerable incomes can be earned because of the skewing of the system. It demonstrates a structural failure which needs to be addressed. Priority for hospital treatment must be based on medical need and not on the ability to pay. I wish the Minister well in his deliberations with the consultants to establish new contracts and to employ consultants who will be dedicated to public service.

The Bill deals with the change in the structure of the health boards. I acknowledge the points made by other Senators that a significant contribution has been made by both local and national public representatives who were part of the health board system. In the early days of the State, county councils administered many of the health services, including the management of the hospitals, and were then replaced by the regional structure of management.

The Brennan report recommended that the health board structure should be retained, although their number and functional areas should be reviewed to safeguard the need for local democratic representation. One of the major reports on which the future of the health service is based recognised the benefit of that local input and the necessity to ensure it continued in the future. Much emphasis has been placed on the Hanly report, commissioned to deal with the working-time directive. In view of the implications of the directive, Hanly's remit went much further than the narrow remit given at the outset.

I agree with Senator Mansergh that the Hanly report may not have been properly digested by everybody and therefore much of the criticism is misguided. A balance must be achieved. This is the era of specialisation. Most sensible people will accept that it is neither possible nor affordable to have the full range of every specialist service available in every hospital. However, some recognition must be given to the practicalities of certain situations.

Both Senator Mansergh and I are from the south-east. He spoke about people from the area travelling to Dublin for radiotherapy treatment of five or ten minutes a week which adds to the stress of the illness. That facility will be available in certain strategic locations and there is a compelling argument, because of our situation in the south-east, for a facility to be located in Waterford hospital.

The organisation chart of the new health board structure shows the Minister and his Department at the head. The Health Services Executive Board and its chief executive is on the next level followed by the national hospitals' office which will manage the acute hospitals sector, which I regard as a good initiative, and the regional health offices are on the next level. From a corporate governance point of view, a board at national level in control of an expenditure of €10.2 billion is unlikely to be able to exercise the influence required of a board of directors. A company of that magnitude would have subsidiaries and subsidiary boards. If the health areas are to be reduced to four, there is a strong argument to be made for revisiting the proposals. Instead of executives reporting to executives, each area should have a board with some local input of a specialist nature, but not including those with a vested interest, and some public representatives.



[Mr. J. Walsh.]

I welcome the regional health forum which is a good initiative. It would be preferable to reintroduce local health committees at county level because public representatives will, in the main, be interested in what happens in their own functional area. I am sure other Senators will echo my comments as regards their counties. My interests are Wexford General Hospital, St. John's Hospital and other hospitals in the county as well as the regional hospital in Ardkeen. This should be recognised in the new structures.

I will make two points regarding the success of the health reforms. First, it will be incumbent on all stakeholders to adopt the role of interested participant, rather than pursuing vested interests, if we are to achieve the best possible service for the patients they serve. Second, people, through taxation, fund the health service and are, accordingly, entitled to representation at all levels to ensure an effective input into the provision of such services. The Minister will discharge this role at national level but councillors, given their representational role, wealth of relevant experience and historic contribution since the foundation of the State, must be given a meaningful input into all areas of the health services at regional and county level. This is an imperative for the successful implementation of the health reform programme.

**Mr. U. Burke:** Will the Senator vote against the Bill?

**Mr. McDowell:** I am fascinated by the comments of Fianna Fáil Party Senators. Briefly looking over the report of the Dáil debate, the capacity of colleagues to speak one way and vote in the opposite direction immediately afterwards, within less than an hour in this case, is remarkable.

**Mr. J. Walsh:** That is parliamentary democracy.

**Mr. McDowell:** It is not parliamentary democracy. One either represents taxpayers or one does not.

**Mr. J. Walsh:** That is the type of parliamentary democracy we have.

**Mr. McDowell:** The Senator will tell local councillors throughout the country that he did the business by them when in fact in 45 minutes he will vote to abolish their role on health boards. I cannot see how that can be called democratic.

**Mr. J. Walsh:** I did not use the word "democratic". I referred to "parliamentary democracy".

**Mr. McDowell:** It is parliamentary democracy *à la* Fianna Fáil.

**Mr. U. Burke:** It is deception.

**An Leas-Chathaoirleach:** Allow Senator McDowell to continue without interruption, please.

**Mr. J. Walsh:** The Labour Party would know that better than any other party.

**Mr. McDowell:** I suspect I have more sympathy with the purpose of the Bill than most of colleagues who have spoken. There are genuine difficulties with local health boards and the way in which they have discharged their duties over the years. I do not lay the blame specifically or exclusively at the health boards' door because they have an impossible job. They have been asked to administer a system and be responsible for the local delivery of services when all the decisions that matter are taken by the Department of Health and Children.

There has been a growing tendency in recent years, partly for understandable reasons, for the Department to micro-manage, to the extent of deciding budgets on a local basis, not just specifically for health board hospitals but also for non-health board hospitals. It has become impossible, in the absence of an independent funding mechanism, for local health boards to make genuinely independent decisions which do anything other than reflect what the Department wants them to do. While they have not become redundant by an stretch of the imagination, they have been less than fully efficient in doing what they were set up to do.

The Bill does not abolish the health boards, it removes them without removing the sub-structure underpinning them. The decisions previously taken by elected members and members representing professionals will in effect be taken by the chief executive. The Minister will argue that this will only be the case for six or nine months or the time it takes to establish a national structure. This may well be the case but it strikes me that the decision to take this action now and follow it with further legislation at a later, unspecified date is typical of the way we do things here. It is like abolishing local authorities by effectively removing local councillors and leaving all power in the hands of managers, while leaving the whole local authority sub-structure in place. We are taking the easy option by removing the elected members and professional representatives and leaving everything else in place. By virtue of the action the Minister will succeed in taking today, an unsatisfactory system will become even more unsatisfactory.

While reading through a file on health in my office this morning, I noted the remarkable number of reports published on the health service, even in the past three or four years. The trio of recent reports was preceded by the value for money report by Deloitte & Touche, the bed capacity report and the medical personnel report.

The plethora of recent reports on the health service, many of which have much to recommend them, were drawn together before the previous

election in the national health strategy published by the Minister for Health and Children, Deputy Martin. My party is on record as supporting a great deal of the national health strategy, including the planned reorganisation of structures. Since its publication, however, we have only had the easy bits. It is not too difficult to change the organisational structure, particularly when it involves abolishing rather than establishing bodies. It is difficult to deliver additional capacity or funding and specific strategies intended to deal with particular types of illness. The Department and Government have been peculiarly deficient in that regard.

In some ways the national health strategy document was a departure from what most civil servants would regard as common sense in so far as it has seven pages of specific dated targets, something civil servants prefer to avoid. Unfortunately, the document makes very sad reading. I was struck by Senator Jim Walsh's reference to the public private mix, which is specifically addressed in recommendations 89, 90 and 91 of the national health strategy. They refer, for example, to seeking greater equity for public patients in a revised contract for hospital consultants. We still await a revised contract. They also state that the rules governing access to public beds will be clarified. While this may have happened, I am not aware of it. They then refer to taking action to ensure that admission to public patients for elective treatments is managed in a particular manner. If anything, the problem identified in the strategy of private patients using designated public beds is getting worse, as we know from a report produced just a few months ago, yet nothing has been done to address it.

My point is simple. We have a great number of reports, many of them good, including one recommending that bed capacity be increased by 3,000 in the next seven years, but nothing is being done. The reality is that where political will was required and recommendations needed to be cleared with the Department of Finance, the Minister or Department have failed to do so, not because of any lack of political will on their part but because of a lack of will on the part of the Minister for Finance and Government as a whole. I see nothing to persuade me that this position has changed. As a result, we will end up in a typically Irish position in which we simply rejig the structures, while failing to do address all that underpins them, including in particular the need for greater capacity and investment.

I acknowledge there is a difficulty with local health boards, that health professionals see themselves as representing what are sometimes called vested interests and that at least some of our colleagues in the county councils have not taken their positions as seriously as they should. Having said that, there is an unquestionable need for a forum to be established to allow the views of patients to be represented at board level or addressed to the people who make the decisions

about funding in the health service and the administration of the health boards.

I am not convinced that the regional fora to which the Minister refers will have this affect. We all know that health professionals, the people who deliver the service, and those involved in the executive side in deciding how a service will be delivered, will only listen to representatives of patients and local elected representatives if they must. This will require a structure to be established that would still allow a measure of decision making to be taken by elected representatives. As others have noted, if there is a better way to do this than having local councillors on such a body, I do not know what it is.

It is incumbent on the Minister when he refers to accountability, as he continues to do, to spell out in realistic terms how it can be delivered in a manner that makes sense. There is no sense in setting up a regional forum to meet quarterly, if people collect their expenses and express views which are discounted within minutes or hours of the meeting. We must have a forum with teeth to underpin the structure the Minister envisages. Nothing of that nature is in place.

I support the general thrust in the health strategy to reduce the number of agencies, approximately 57, involved in the health service as a whole. All of us accept there are too many and there is a need for not only a central policy making body, but also greater streamlining down the road. The Minister has suggested a reduction in the number to the low 30s or high 20s and that would be sensible. However, it must be ensured the baby is not thrown out with the bath water. The Minister should not rationalise for the sake of saving money. Given the way the Department of Finance has captured the health strategy and is dictating in financial terms the way in which it should be implemented, I am pessimistic because it will be implemented in a way that will ensure certain financial rather than health outcomes and that will be a tragedy.

The Minister has little time left in which to salvage the credibility of the health strategy. Significant promises made during the last general election campaign relating to the abolition of waiting lists by May 2004 and increasing the number of medical cards by 200,000 have been broken, but most of us knew that would happen. However, many other commitments which are to be met further down the line were made. A number of these, for example, setting up primary care teams, are even more important but they are running into the sand primarily because money is not being provided but also because the political will is faltering and a number of vested interests are busy obstructing the strategy. It is important that initiatives such as the setting up of primary care teams are driven not only by the Minister for Health and Children and his Department, but also by the entire Government and the Minister for Finance, in particular, who ultimately has a

[Mr. McDowell.]

veto on such strategies, regardless of whether we like it.

Much of the strategy is good but there are plenty of reasons to be concerned regarding the process and pace of its delivery. It is in all our interests that the strategy should be delivered. Many of us will have canvassed over the past while. There is an increasing sense of desperation among people who depend on the health services. They do not believe the delivery of services can be improved and, unfortunately, that, in turn, has led to a belief that money spent on them is wasted. That is a profoundly wrong view. It is possible to examine the past seven years and beyond and point to successes in addressing issues concerning older people and people with disabilities and, for example, reducing the cardiac waiting lists. It is important that we in Opposition as well as members of the Government highlight where investment has paid off in terms of better services. However, unfortunately, the successes are being seriously compromised by a failure to deliver on so much more and by an insistence for political, cynical and opportunistic reasons on talking up promises, a number of which are not deliverable.

During the 2002 election campaign, following the publication of the Fianna Fáil manifesto which promised the abolition of waiting lists, I was asked whether the Labour Party would match it. We were in Opposition and we felt it would not be honest or serious to give people hope and set a target that was not achievable. The Government has played cynically and opportunistically on people's hopes and, by dashing them, it may have done serious damage in terms of the ability of future Governments to invest for the future and to achieve the political will and agreement of the electorate to do so. Health boards have problems and the legislation will not resolve them. However, a mechanism for local decision making is needed for the delivery of services.

**Ms White:** The Health Act 1970 relates to the scope and level of activities mandated to health boards. These have increased and that is why the legislation is necessary. During the interim period, individual health boards have evolved at various paces, resulting in considerable variation in their organisation structure, practices and efficiencies. Legislation had to be brought in because of the variation in population growth in different parts of the State.

However, I refer to the future role of elected representatives in regard to health boards. The Prospectus report is among the reports on which the Minister has based the legislation. It states: "In our opinion, democratic input in best represented at regional level through twice yearly meetings between Oireachtas Members in their respective regions and the director of the regional health organisation." When county council members read this statement, they got their act

together and were ably led by Councillor Jack Burke. They visited the Oireachtas last October.

**Mr. U. Burke:** Will the Senator let them down?

**Ms White:** A delegation of councillors met Fianna Fáil and Fine Gael Senators and we were asked for help in maintaining a role for elected representatives in the new health service structures. This is a cross party issue.

**Mr. U. Burke:** The Senator is spreading the blame.

**Ms White:** All councillors and parties are in agreement on this point.

**Mr. B. Lenihan:** And all the panels in this House, no doubt.

**Ms White:** Yes. I got to know Councillor Jack Burke over the past six months and he is an impressive man. He knows how to instigate action. He was ably assisted by Mr. O'Connor, the chief executive of the Association of Health Boards, and they lobbied the Minister intensively.

I am happy, following the Minister of State's contribution, that a role will be provided for democratically elected representatives. He stated: "The provisions in the legislation are likely to include the establishment of a series of regional fora to facilitate local representatives in raising issues of local concern in relation to health services within their region with the executive. Membership of the fora would be based on the participation of a number of nominees from each local authority." However, the Prospectus report states that Oireachtas Members will be the democratic representatives on behalf of the national treasury to make the health service efficient.

Councillor Crowe, a Fine Gael member, Senator Ó Murchú and myself participated in a conference on the proposed changes to the health service, which was organised by Councillor Niall Dennehy in Clonmel earlier this year. Together with Councillor Seán MacCarthy, we spoke passionately about the need for representation at the micro level. Such representation may not be as extensive as in the past but Councillor Jack Burke and his fellow local authority members agreed there must be change. Everything must change on a constant basis. However, I am optimistic the Minister of State's statement will address their needs, although not completely, as they would prefer the continuation of the *status quo*. I am happy the recommendation by the consultants that Oireachtas Members only will provide the democratic input will not be accepted by the Minister and the regional fora will comprise local authority members.

**Mr. U. Burke:** The Senator reneged on her councillor friend.

**Ms White:** The regional fora will comprise county council members.

I congratulate Councillors Jack Burke and Niall Dennehy for going to the trouble of having a conference, chaired by Senator Ó Murchú and in which I participated. Councillor Seán MacCarthy made the point that, at this level, 95% of the issues concern people. It is down to the micro level. The councillors are available 24 hours per day, seven days per week, to meet the people and interpret their needs. I am happy the Minister will compromise. I hope Councillor Crowe will also be happy because he made a fabulous speech in Clonmel.

**Mr. U. Burke:** He must have been number one the last time.

**Ms White:** The bottom line is that lobbying by the Association of Health Boards was not let slip through because those concerned were on the ball. Our job as Senators was to help county councillors in what they were trying to achieve because they came to us and asked for help. I raised a matter on the Adjournment advocating that they be given a meaningful role. I am optimistic that it will work out successfully.

**Mr. U. Burke:** I welcome the Minister. I certainly do not envy him his task of delivering this legislation, which is effectively abolishing the health boards. For most people, this means further centralisation of the health services. If we are to have one central executive delivering the health services for the whole country, it will be a retrograde step. If there is a service more in need of decentralisation, it is the health service.

I have been a member of the Western Health Board for many years.

**Mr. Leyden:** And a good one.

**Mr. U. Burke:** The most important matter is that we recognise that the very many personnel within the health boards were top class in delivering the services. The Minister of State referred in his contribution to the strengthening of governance and accountability across the system. Surely this raises a question regarding the governance of the health services at local level and accountability. The Minister stated we must make changes in this area, but one must ask what is wrong with the current system.

Many speakers have said money is being invested but that they do not know where it is going. It is the responsibility of the Government to know where it is going and what it is being spent on. Therefore, the Minister has failed to recognise that he has a responsibility in regard to the failure of the system. The only thing he has done in response to some people or some sections of the media is to remove public representatives from the health boards and claim this will ultimately lead to a proper health service.

What has happened in recent years under the Minister's governance? Despite the fact that we were promised the elimination of waiting lists for health services in every area, whether it be in the public or private sector, they have become longer. One might argue that we have a system in place whereby we can send patients abroad where we can buy treatment for them. However, many people at the coalface contend this is wrong because we would have the necessary facilities if only they were organised. The Government has failed to organise them at a low level. If one went into an accident and emergency unit in any hospital, one would note the level of organisation. There is nobody in control to manage the needs of people in this area and consequently the nursing staff have to take all the abuse.

Are we now contending that we will have the desired response if we establish a senior executive that will operate at a distance? Consider all the reports, one of which was mentioned by Senator White and which is supposed to be the absolute gospel dictating how things are to be done. The strategy entitled Quality and Fairness — A Health System for You, published a few years ago, was launched in a blaze of glory. It was to contain all the answers and it was touted that every ill in the health system was to be eliminated within a short time. Within 12 months, however, there was a total withdrawal from that policy document in favour of the Hanly report, which proposes the very opposite to what the former document proposed for the delivery of health services.

There is no doubt that under the Minister for Health and Children, we are leaderless and rudderless, and there is a total absence of any coherent policy to deliver the service needed on the ground. I do not believe any measures in this Bill will change that.

**Mr. Leyden:** What are the Senator's policies?

**Mr. U. Burke:** Senator Leyden's policies while chairman of the health board, and while Minister of State for that matter, were such that he squandered time, effort and resources.

**Ms White:** Senator Ulick Burke is jealous.

**Mr. Feighan:** Outrageous.

**Mr. U. Burke:** When he was chairperson, he was pushed aside because of what was regarded as his parochialism. That is neither here nor there.

**Ms White:** All politics is local.

**Mr. U. Burke:** Consider the health service area I know best, the Western Health Board area. The purchase of Portiuncula Hospital in Ballinasloe was a good measure.

**Mr. Leyden:** I signed the contract.

**Mr. U. Burke:** It was welcomed by all, both at local and national levels. However, what has happened in the interim? The Hanly proposals now encroach and we are to have downgrading. We have been told by local politicians in the heat of the election campaign that the hospital will not be closed. Nobody, including Mr. Hanly, ever said it would be closed but we are to have downgrading and the Minister of State seems to believe this is necessary because he is nodding in agreement with me.

**Mr. Leyden:** We bought the hospital. I signed the contract.

**Mr. U. Burke:** Furthermore, consider the closure of the Bon Secours Grove Hospital in Tuam. We were told by none less than the Taoiseach at a public meeting in Tuam that this hospital would be up and running by 2005 and would be a fully upgraded community hospital. However, there are now chains on the gate. One cannot even have a carpark in the grounds.

What are we to do with the health board properties throughout the country? Each health board has many land resources, associated mainly with the psychiatric hospitals and other properties.

**An Leas-Chathaoirleach:** The Senator has one minute remaining.

**Mr. U. Burke:** That is a pity, a Leas-Chathaoirligh.

**Mr. Feighan:** The Senator is only getting going.

**Ms White:** The Senator should make his point now.

**Mr. U. Burke:** What do the Minister and Department intend to do with the vast amount of property of the health boards? Are we going to force the health boards to sell it, grab the money and invest it in other areas? If the moneys from the sale of these properties are not invested in the health services locally, it will again be robbery by another Minister.

The double-speak of the Minister of State and the Government Senators is loud and clear in all instances.

**Mr. Feighan:** Whatever you are having yourself.

**Mr. U. Burke:** Senator White has asserted that all the local councillors are glad to be off the health boards. She has told them it is sure that there will be one or two jobs for the boys or whatever it might be. They are quite content but the Senator should wait until the next election when she will have to state how she reneged on them. Today she is going through the lobbies to deny them access to the health services.

None of them is so vociferous. They stayed away from the topic. The Senator will have to answer directly to them in the very near future.

**Ms White:** I am afraid of nothing.

**Mr. U. Burke:** Along with my party I am totally opposed to this legislation, which represents a retrograde step. We have no notion as to what are the Minister's intentions. We will abolish a structure without replacing it. We will have absolute chaos in the health services. This is further chaos for those in greatest need and the patient will be forgotten.

**Mr. Moylan:** I wish to share my time with Senator Leyden.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Mr. Moylan:** I welcome the Minister of State. Public representatives who have served on health boards have expressed serious concern about the Health (Amendment) Bill. I served on the Midland Health Board for 20 years, including a spell as chairman. I enjoyed my time and felt we had a good board even though I know there are health boards responsible for much greater populations than that which is served by our board. Great credit is due to the local authority members elected to health boards who have served the country well. They worked on many visiting committees, land purchase committees and farm review committees. In my time the visiting committees played a major role in ensuring everything worked well on the front line, where staff worked and patients were cared for.

Huge improvements have taken place in mental institutions, which I welcome. People were always happy that their public representatives were in a position to visit such institutions and ensure that their relatives were being cared for in the best possible manner. I am concerned that this may now change. The voice of the people must be heard on the new health executive through their local public representatives. Action needs to be taken on this matter. I have fought this issue vigorously through my party and I will continue to fight it when the new legislation is passed.

Health boards had annual service plans and got their allocation from the Department. They ensured they lived within the service plan and everything was 100% above board. At local level there was very good hands-on involvement by public representatives who did an excellent job for so long. I am disturbed when we create good facilities for patients that are not fully utilised. In my home town, we built an age care unit for 90 patients with 40 due to move in immediately. This is being delayed because staff, who are working in very bad conditions and who fought for so long to get a new unit, as a result of some union

problem want €4,000 to move 300 m up the road. That is very wrong in the context of care for patients in the health board area that I represented for so long.

The Health (Amendment) Bill represents an interim measure that must be taken. We look forward to the Bill that will define the future role of local public representatives.

**Mr. Leyden:** I welcome the Minister to the House, but I do not particularly welcome the Bill. While there is no doubt that change was needed, the proposed rationalisation represents throwing out the baby with the bath water. I was a member of the Western Health Board from 1992 to 2002 and was chairman when we bought Portiuncula Hospital and the Bons Secours Hospital in Tuam. We built a new accident and emergency unit in Roscommon and upgraded all the wards. Everything was going extremely well and the situation was never better.

**Mr. Feighan:** Then they got rid of the Senator.

**Mr. Leyden:** The removal of public representatives from health boards is a retrograde step. They have been blamed by the media for the ills of the health service when in reality they were not responsible. They supported the operation of the health boards in a most effective way. For example, Councillor Tim Quinn in Belmullet fought for his local hospital and got it upgraded to incorporate a better screening system. No more voices will come from Belmullet, Achill or Roscommon under the new structures, which will be a big disadvantage.

I welcome that the Minister of State said local authority members would have a consultative role. I was very impressed with Quality and Fairness — A Health System for You, which represented very good structural change. However, there has now been a very radical change in this regard. The national treatment purchase fund scheme has made a huge difference to waiting lists. It has represented a radical and helpful change.

I take this opportunity to express the admiration of the people for the public representatives and other professionals who served on health boards since the 1970s. They were unselfish in their approach and made a major contribution and we record their passing today with this Bill.

I wish to say to Fine Gael, the small Opposition party, that it—

**Mr. B. Hayes:** The biggest Opposition party.

**Mr. Leyden:** —has no policies. How cynical it was of Fine Gael to call a public meeting under the guise of an independent public meeting attended by its party leader.

**Mr. Feighan:** It was an independent public meeting addressed by the leader of Fine Gael.

**Mr. Leyden:** It has no alternative policies.

**Mr. Feighan:** If the Senator was interested, he should have come to the meeting.

**Mr. Leyden:** I am opposed to the Hanly report, which I believe will not be implemented in respect of accident and emergency units.

**Mr. B. Hayes:** Captain Pugwash.

**Mr. Leyden:** Jimmy White, the snooker player, recently collapsed and was brought to hospital to have his appendix removed, which shows the effectiveness of the hospital. I will only take lectures from Fine Gael when it produces an alternative. It has no policies or ideas and is defunct. Farewell to the health boards and good luck to them.

**Mr. B. Hayes:** Voltaire is back from the grave.

**Mr. Leyden:** I regret their departure and I hope that public representatives will be given a voice on any new structure put in place. That is our call on behalf of all those standing in the local elections on 11 June.

**Mr. B. Hayes:** That was fascinating.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I thank Senators for the great interest—

**Mr. Feighan:** And passion.

**Mr. B. Lenihan:** —they have shown in this measure. Not for the first time we have had a very vigorous and interesting debate on the health system. Senator Feighan opened for the Opposition by referring to the Hanly report. The Bill has nothing to do with that report, but arises from the Prospectus report, which recommended the changes we are now beginning to implement through this legislation.

**Ms O'Rourke:** With the approval of the Leas-Chathaoirleach, I wish to propose a variation to the Order of Business agreed this morning, which stated this debate would conclude at 1 p.m. I propose that the debate conclude at 1.10 p.m.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Mr. B. Lenihan:** The Prospectus report recommended very far-reaching changes in our health structures. In a House in great part elected by local representatives it is understandable that concerns have been expressed on all sides at the prospect of eliminating the local councillor as a key feature in securing accountability in the health system. Senator Mansergh highlighted this concern and I reply to him by asking him to

*1 o'clock*

[Mr. B. Lenihan.]

consider the historical position regarding the organisation of our health services.

We started with the poor law unions in the 1830s and the original health services were organised on a poor law union basis — a sub-county unit — and certain elementary services were introduced through that structure. We then moved to a county-based system at the foundation of the State with the services centralised on a county basis. In 1970, the then Minister for Health, Mr. Erskine Childers, introduced the current health board system we all know and love so well as it was found that the county was inadequate as a unit. While I am not making judgments about the Hanly report or any other issues, the county as a unit was not sufficient. Prior to the 1970 Act, many local authorities had already formed joint county boards to administer particular hospitals and health services. As the county was seen simply as being too small a unit, we adopted a regional approach in 1970.

There have been significant social changes in the 34 years since. Communications, medical technology and the nature and character of our social services have changed a great deal. It is understandable to adopt a unified approach to the administration of the health system in a state with a population of only 3.7 million. There are many single health authorities in other parts of the world which cater to populations well in excess of 3.7 million and there is a solid intellectual case to be made against fragmenting the organisation and delivery of services across eight health boards. People in public life will be well aware of obvious examples of problems in this regard. Whether medical card guidelines can be waived and a special or exceptional case made rests ultimately with the discretion of the chief executive officer of a health board. Is it right from the point of view of the citizen that his or her entitlement to a medical card should be dependent in exceptional cases on the discretion of an executive officer who may follow a different set of criteria to those followed by his or her seven peers? Clearly, it is not and the public does not understand why this practice obtains.

It is clear that there has been a revolution in hospital management and practices with significant increases in the costs borne by the Exchequer to provide services. That is as it should be. If one considers hospital services in their totality, it is clear that there is a significant degree of interdependence. To maintain that a health board area has a self-sufficient hospital service is to state the unreal given modern medicine as it obtains in Ireland today.

I do not make judgments on the Hanly report as that is a debate for another day. Senator Leyden expressed his views on the report very clearly and I do not want to go down that road

now. This Bill is not about the Hanly report, it is about how we organise the health service.

Almost every Senator said there must be a real and proper role for local authority members in the context of the delivery of health services. I agree with them. It must be remembered that health service funding is borne by the Exchequer and he who pays the piper must be allowed to call the tune. There must be some form of central direction in a system where the funding is being provided from the Oireachtas. However, the size and complexity of the system, the vast numbers of staff deployed and the significant range of health and social services provided make it essential to ensure that local authority members continue to have a real contribution to make to the assessment of delivery. The Minister subscribes to this point of view. Senator White outlined how he was brought around to it in the course of her contribution. Continuing input from local authority members is one way of ensuring accountability in the system in a very important way.

I hope Senators will forgive me for not responding to every contribution in turn. I have replied in a general sense to the points which have been made. It is important to note the issues raised about complaints and an ombudsman. The statutory framework for complaints will provide for an appeals system. If a complainant is not satisfied, he or she will have a right to appeal to an ombudsman. This system is part of the provisions the Minister envisages. I join Senator Ó Murchú in paying tribute to those who served on health boards and did a great deal of public service down the years. The issue is to refashion the system through the measures we are considering today.

Senator Paddy Burke expressed concern about the increased powers of health board management. Under this temporary legislation, health boards will be accountable to the Minister. There is real accountability. Senator Ulick Burke expressed the view that the Bill represented a retrograde step and ran contrary to the need for greater decentralisation. We have decentralisation. The Hanly report will not be used as a threat to local hospitals. Local hospitals and community care facilities are decentralised organisations as they stand. However, given the large amount of public money being spent, we must ensure overall accountability and transparency in the health area. That is what the public is telling us and what we are learning from examining the sector. It is the basis of the Minister's reform proposals.

I take the strong message of today's debate that Senators are anxious that local authority members should continue to have a real input in the analysis and questioning of the delivery of health and social services at local level.

Question put.

The Seanad divided: Tá, 24; Níl, 13.

Tá

Bohan, Eddie.  
Brady, Cyprian.  
Brennan, Michael.  
Callanan, Peter.  
Dardis, John.  
Dooley, Timmy.  
Fitzgerald, Liam.  
Hayes, Maurice.  
Kett, Tony.  
Kitt, Michael P.  
Leyden, Terry.  
Lydon, Donal J.

MacSharry, Marc.  
Mansergh, Martin.  
Minihan, John.  
Moylan, Pat.  
O'Brien, Francis.  
Ó Murchú, Labhrás.  
O'Rourke, Mary.  
Ormonde, Ann.  
Phelan, Kieran.  
Scanlon, Eamon.  
White, Mary M.  
Wilson, Diarmuid.

Níl

Bradford, Paul.  
Browne, Fergal.  
Burke, Paddy.  
Burke, Ulick.  
Cummins, Maurice.  
Feighan, Frank.  
Finucane, Michael.

Hayes, Brian.  
McDowell, Derek.  
O'Toole, Joe.  
Phelan, John.  
Ross, Shane.  
Terry, Sheila.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators U. Burke and Feighan.

Question declared carried.

**An Cathaoirleach:** When is it proposed to take Committee Stage?

**Ms O'Rourke:** Tomorrow.

Committee Stage ordered for Thursday, 27 May 2004.

*Sitting suspended at 1.20 p.m. and resumed at 2.30 p.m.*

### **Adoptive Leave Bill 2004: Committee Stage.**

Sections 1 and 2 agreed to.

#### SECTION 3.

**Ms Terry:** I move amendment No. 1:

In page 4, line 17, after "placement" to insert ", or earlier by agreement,".

This amendment seeks to make the Bill more user-friendly and clear. There may be circumstances in which it would be better for both parents and employers to begin adoptive leave just before the placement date. The provisions of the Bill in this regard are rigid. The amendment seeks to provide some flexibility so that, where there is agreement on all sides, adoptive leave may be taken earlier. As I explained previously, adoptive parents must make preparation for their baby in the same way as natural parents. While the circumstances are different, if there is to be full equality, as the Minister said on Second Stage, provision should be made for adoptive parents to prepare for their baby in the same way as natural parents. Where possible, two weeks leave should be provided before adoptive parents get their baby. This may not always be possible

because sometimes adoptive parents get just one day's notice that they are getting their baby. Where there is time for that preparation, parents should be given an opportunity to inform their employer. Employers should know that parents are entitled to take this time off. I ask the Minister to accept my amendment.

**Mr. J. Walsh:** While the amendment might appear plausible, the Bill is a fairly significant step forward for adoptive parents. It will bring them into line with natural parents in this area, which is a good initiative. However, we must also be mindful of maintaining a balance. It is an imposition on employers, particularly on small employers, which must be recognised. Building into the legislation such a proposal could give rise to difficulties. There is a difference between an adoptive parent and the natural parent who bears the child. When it comes close to the birth of a child, it is probably prudent that parents should be able to take leave. The same does not apply in the case of adoptive parents. While I am aware that people travel abroad and so on, I am not sure it would be wise to move in this direction.

The Bill is a major step forward but we must be mindful of the balance that must be maintained. We have embraced much of the social legislation coming from Europe, which imposes responsibilities on employers. It must be recognised that there are other states and economies within Europe who have secured derogations and have not embraced these social changes to the same extent. We must be mindful that everyone, including adoptive parents, should be treated fairly. I am not sure the argument is sufficiently strong to make the change sought.

**Minister for Justice, Equality and Law Reform (Mr. M. McDowell):** The Adoptive Leave Act



[Mr. M. McDowell.]

1995 requires that adoptive leave may only be taken from the date of placement. The purpose of the legislation is to provide an entitlement to leave from employment for adopting mothers, equivalent to that of maternity leave entitlement available to natural mothers, so that both natural and adoptive mothers, and children, can benefit from the full-time care and attention of the mother from the first 16 weeks after the birth or placement.

A limited period of maternity leave must be taken before the birth, but it is not preparatory to the birth. The leave is provided to a mother in the last stages of pregnancy for health and safety reasons, which does not apply in the case of adoptive parents. It is not provided so that one can go out and buy a pram and so on. It is provided because it is thought that, coming up to the onset of labour, there are significant health and safety implications for employers.

While I agree there should be no invidious discrimination between adoptive and non-adoptive parents, the fact is that there is a difference. The need for the two week health and safety margin prior to the end of a full-term pregnancy is in the interest of the mother. In the event that an adopting mother requires time off pre-placement for familiarisation purposes, she can take some or all of the eight weeks additional unpaid adoptive leave prior to placement in accordance with section 8(5) of the Adoptive Leave Act 1995, while retaining the right to take all of the paid adoptive leave after placement. It is therefore possible to take an unpaid period off, two weeks prior to a placement. What would someone be doing in those circumstances? If the child is not placed, I imagine that the person would simply be making domestic arrangements such as buying baby goods. It is hard to see the analogy between the two week period for health and safety reasons and the period prior to placement. If there was a genuine reason someone in those circumstances wanted to take a week off, they could do so but the leave would be unpaid. There is always a risk, right up to the date of placement, that an adoption may not take place. In that context, what are we doing? Every pregnancy has its risks but they are not the same. The health and safety issue at the end of pregnancy is there regardless of risk; in fact it is maximised if there is risk.

I agree with Senator Jim Walsh that this is being done at the expense of employers, including small employers who have to carry significant costs at present. This country is struggling to remain competitive. I was looking at figures on growth in Irish wages in recent years compared with other countries in Europe and we are way ahead of them. I do not want to put an additional obligation on small and medium sized employers to furnish two weeks paid leave prior to an adoption. The analogy with pregnancy does not hold water. In the circumstances, I am not disposed to accept the amendment.

**Ms Terry:** I will take on board what the Minister has stated before Report Stage. I was about to take exception to Senator Walsh's comments that this was an imposition on employers. I was even more surprised that the Minister endorsed what he said.

**Mr. J. Walsh:** It is a financial burden.

**Ms Terry:** At this stage, when we are dealing with equality issues, we should not even be mentioning such ideas. A very small number of people adopt children each year. Any privileges that are extended to them are done so by right. We should not speak of this as an imposition on employers, it is a right. Employers have to accept that and I take exception to the tone of language employed here when dealing with an equality issue. We do not speak about the imposition on employers when granting leave to pregnant women. In the same way, we should seek to obtain equality between natural parents and adoptive parents.

Amendment, by leave, withdrawn.

**Mr. J. Walsh:** Can I speak on the amendment again?

**An Cathaoirleach:** The amendment has been withdrawn.

**Ms Terry:** I move amendment No. 2:

In page 4, line 18, to delete "16" and substitute "18".

We should have taken amendment No. 2 with amendment No. 1 because it reiterates that the leave period granted to adoptive parents should be 18 weeks. In view of the fact that I am reconsidering whether the two weeks prior to placement should be granted, I will withdraw the amendment.

Amendment, by leave, withdrawn.

**Ms Terry:** I move amendment No. 3:

In page 4, line 19, after "period" to insert "shall be reviewed annually and".

I welcome the fact the Minister has the power to extend the period of adoptive leave. If this is to be properly utilised, the Minister should be obliged to review the period from time to time. In this amendment I propose that he should review it on an annual basis.

**Mr. J. Walsh:** The amendment is unnecessary because the Bill states the minimum period may be extended by order by the Minister. It therefore provides ministerial discretion to do that at any stage and not just annually.

I want to comment on this and other legislation as an imposition on employers. This is a progressive measure as it recognises the role of adoptive parents for the first time. It equates

them with natural parents, which is a good development. However, there is a cost factor involved for employers. We need to be mindful of legislation which impacts on small businesses or even large businesses. Our competitiveness is crucial to the economy and if business is not succeeding, people will not retain their jobs regardless of whether they are natural or adoptive parents. It is easy to be Santa Claus in this House when most revenue raised emanates from workers and employers.

**An Cathaoirleach:** With all due respects to the Senator, the provision to allow the Minister to review the period of adoptive leave annually is no imposition on employers.

**Mr. J. Walsh:** The rug was taken from under my feet when two amendments were withdrawn. This was the earliest opportunity I had to get back to my point.

**Mr. M. McDowell:** Reviewing statutory periods such as adoptive, maternity or parental leave, is a matter for consultation and negotiation, usually by Government with the social partners through the partnership process, where the views of all relevant stakeholders are taken into consideration. The current social partnership agreement, Sustaining Progress, includes a Government commitment to amend the Adoptive Leave Act 1995, and to implement the appropriate recommendations of the maternity review group. This group was established under the previous social partnership agreement, the Programme for Prosperity and Fairness. It would not be adequate to put in a requirement for annual review in these circumstances.

Senator Terry is free to claim that where equality is concerned, costs cannot be mentioned, but I do not agree with that proposition.

**Ms Terry:** The Minister should not take my comment out of context.

**Mr. M. McDowell:** I do not agree with that proposition. The purpose of the Bill is simple. It is to give adoptive parents the same amount of time to bond with their child as natural parents have for their children. The two extra weeks to which we referred is not bonding time. They were given as a health and safety measure in the context of employment. The health and safety consideration simply does not exist for adoptive parents and before equality becomes a religion, we have to work out whether we are talking about equal or analogous situations.

**Mr. D. McDowell:** Can I make a contribution?

**An Cathaoirleach:** We are on amendment No. 3.

**Mr. D. McDowell:** I appreciate that.

**An Cathaoirleach:** It is about reviewing it annually.

**Mr. D. McDowell:** I am clear about the general nature of the amendment but if I could make one point it will save me trying to find some other excuse to make it later. It does not refer specifically to the issue of equality the Minister talked about but another issue of equality, that is, as between both parents. It appears there is a difference in essence between adoptive leave and a mother getting leave in the case of a natural birth. It is clear there is not the same physical element of the need for recovery on the part of the mother as there is in cases of natural birth. This was an opportunity for greater equality in terms of the breakdown of the leave as between both parents or an allowance could have been made to allow the adoptive father take a greater proportion of the leave that has been allowed and which I understand must be taken by the mother. I am sorry that opportunity was not taken in the Bill.

**Ms Terry:** The Minister will be obliged to review this matter from time to time. I was simply trying to make it an obligation to review it annually. That was not too much to ask but I will withdraw the amendment.

Amendment, by leave, withdrawn.

Section 3 agreed to.

Sections 4 and 5 agreed to.

#### SECTION 6.

**Mr. D. McDowell:** I move amendment No. 4:

In page 5, to delete lines 20 to 26 and substitute "period of 8 weeks."

I apologise for the absence of my colleague, Senator Tuffy. She is unwell but I hope she will be here later.

The amendment seeks to amend the provision covering cases where the mother dies during the course of the leave. As I understand the existing provision, the adoptive father simply takes over the remainder of the leave that would have been available to the mother. I am not sure whether that makes a great deal of sense in the circumstances. We are looking to facilitate the father in doing the bonding that the mother was not able to do, to use the Minister's words. It appears reasonable in the circumstances that, irrespective of when during the course of the leave the mother dies, the father would be entitled, at a minimum, to the full eight week period as opposed to just filling in the remaining period that would have been available to the deceased mother.

**Mr. M. McDowell:** This amendment would effectively grant an adopting father a minimum of eight weeks' additional adoptive leave and

[Mr. M. McDowell.]  
would be inconsistent with the leave provisions applicable to natural fathers in similar circumstances. In the context of its review, the maternity working group considered the periods of maternity leave available and made recommendations to increase both maternity leave and additional maternity leave by four weeks each. These increases were immediately implemented in March 2001 and were simultaneously applied to adoptive leave and additional adoptive leave. The increased leave provisions are also available to bereaved fathers in certain circumstances, depending on the date the adopting mother dies. However, the group made no recommendation to increase fathers' leave in the manner prescribed by Senator Tuffy and Senator McDowell. I am not prepared to accept an amendment which would provide in some circumstances a right to a significantly greater period of leave.

This matter has been the subject of a review group. This review group has emanated from and been conditioned by partnership talks, and I do not at this stage propose to unilaterally, to use Senator Walsh's phrase, get into Santa Claus mode and begin to add on extra bits which were not part of the balanced package agreed by the social partners.

**Mr. D. McDowell:** I am disappointed and a little surprised by the Minister's attitude. I have never known him to bow down quite as low at the altar of social partnership previously. Indeed, had I known he would take this approach I am sure we could have come up with some of his past rosy quotes on social partnership.

On a more serious level, this amendment is very narrow and would refer to a relatively small number of adopting parents. While not expecting the Minister to accept it today, the least we could ask him to do is to consider it again. I understand the Bill has to go through the Dáil and perhaps he might have a look at it in the meantime. I cannot imagine the cost implications would be great, nor can I imagine that either of the social partners would have a major objection to it. It is a matter of some detail.

Amendment, by leave, withdrawn.

Section 6 agreed to.

## SECTION 7.

**An Cathaoirleach:** Amendments Nos. 6 and 7 are alternatives to amendment No. 5 and amendments Nos. 5 to 7, inclusive, can be taken together. Is that agreed? Agreed.

**Ms Terry:** I move amendment No. 5:

In page 5, line 35, after "meetings" to insert " , including any overseas meetings, familiarisation visits, interviews or assessments,".

This section, and indeed the Bill, takes no account of parents who adopt children from outside the country. That is the position for most adoptive parents due to the small number of babies that are put up for adoption here. Increasingly, parents have to go abroad to adopt their child but the current wording of the Bill does not recognise that fact. While I welcome the fact the Minister is providing time off work without loss of pay for parents to attend pre-adoption classes and meetings, he is now making that provision even more strict by saying these meetings and pre-adoption classes have to be held within the State. That is going even further than the initial proposal.

I made the point the other day that we should be making provision for people who have to travel to these countries and make arrangements to visit the orphanage or wherever they have to go, which takes time. In some countries there is a requirement on parents to spend a number of weeks in the country before they can leave with the child but there is no recognition of that in the Bill. The inclusion of the Government amendment in the Bill is making that provision even stricter. Without the Minister's amendment one could argue that they have to attend a meeting outside the country but it will now be impossible to do so. I ask the Minister to withdraw the Government amendment and leave the wording as it was but accepting my amendment would give recognition to parents who have to leave the country. People will not abuse this measure. We are talking about a small, special group of people who find themselves in this position.

My amendment No. 6 also refers to the fact that parents have to inform their employer of such meetings and classes. That appears to be a small-minded requirement. If parents have to travel to meetings outside the country it will take some time and I understand why that should be vouched, but I ask the Minister to make the Bill more relevant to the people we are trying to help and not to keep it in the dark ages, which will not be helpful in the long term.

**Mr. D. McDowell:** This amendment is of some importance. Until a few years ago, the process of foreign adoption was relatively swift, and in some countries too swift. The Irish authorities have been to the fore in insisting the procedures in countries such as Russia and China, for example, are brought more in line with what we regard as being acceptable. As the Minister well knows, Irish law is quite rigid on this matter in that they have to be broadly similar processes, for example on issues such as finality. One of the results of this is that there are now lengthy processes in place for couples who want to adopt a child in parts of the former Soviet Union, which can easily entail them staying there for a week or two, and frequently more than once. We know well the difficulties in getting by the clearance processes operated by our health boards, and the

additional trauma that is imposed by having to stay in fairly inhospitable parts of the world. The least we can do is offer this measure of legislative support to those individuals, ensuring they do not face additional difficulty in getting time off work and so on. I do not suppose it is terribly relevant but I agree with Senator Terry when she says it will not be abused. Very often children are adopted in countries where one would not choose to go on holiday, for example, Siberia or parts of China—

**Mr. J. Walsh:** Why not?

**Mr. D. McDowell:** —unless one had a sense of adventure which went beyond mine. We are not talking about Tuscany or the south of France but inhospitable parts of the world where people are obliged to spend time — they do not do so by choice — in a tortuous process, the result of which is not certain, in order to comply with the proper requirements of those countries. I urge the Minister to give serious consideration to this amendment. If he is not satisfied with its formulation, he might come back with a similar amendment at a later stage.

**Mr. M. McDowell:** As Senator McDowell is surprised at my obeisance to social partnership, I am delighted that China and Siberia are off his holiday destination list. It is amazing what has happened since the collapse of Communism.

We are dealing here with a matter of some significance. Section 7 puts a new section 11A into the Act. It allows that “an employee shall be entitled, in accordance with regulations made by the Minister, to take time off from work, without loss of pay, to attend any pre-adoption classes and meetings which the employee is obliged to attend”. If this facility is to be extended to trips to places, such as India, and other places where adoptive children are available, it could impose a huge cost on an employer in addition to the cost of adoptive leave. It could be a colossal blow to a small firm if an employee were to go twice to India for pre-adoption meetings and then take 16 weeks adoption leave. That would be an enormous expense to an individual employer. We cannot continue to load such obligations onto employers.

Would-be adopters who travel abroad to adopt children are making a considerable sacrifice on occasion, but it is important that they do so. It is important that they understand the society from which they are bringing a child home to Ireland to adopt. However, it is not fair to say to a small or medium sized employer that he or she must foot the bill, to the extent of paying wages throughout the period, for a three week trip to one of these countries. That is not reasonable. Unpaid leave for potential adoptive parents would be one thing but that is not what is being suggested. A small and medium sized employer, who is under pressure and is dealing with

competition from other companies, cannot be expected to give paid leave for two trips, perhaps six weeks in a year, plus another 16 weeks if it comes to an adoption, which is not certain in these cases. That would be a significant penalty for an employer.

The measure I propose is reasonable and fair to both sides in the equation and is supportive of adoptive parents. The suggestion that employers should pay for what could be lengthy periods abroad is not acceptable.

**Ms Terry:** It is neither reasonable nor fair not to provide some leave. I may be asking for too much but there should be some recognition of the difference between adopting a child and the birth of a child to natural parents. I ask the Minister to consider this amendment before the next Stage. Perhaps we should be talking about unpaid leave.

There must be a recognition of the situation as it exists today. Does the Minister or his officials know how many children have been adopted in Ireland, the number who have been adopted by Irish parents abroad and the number of Irish adoptions? We need to get those figures so that we can see how many people are required to travel abroad to secure an adoption and how many visits that entails. To leave matters as they stand is much too restrictive and is not of benefit to adoptive parents.

Progress reported; Committee to sit again.

#### **Visit of Saudi Arabian Ambassador.**

**An Cathaoirleach:** I welcome His Royal Highness, Prince Turki Al Faisal, Ambassador of the Kingdom of Saudi Arabia to the United Kingdom and Ireland, who is present in the Distinguished Visitors Gallery with his secretariat.

#### **Adoptive Leave Bill 2004: Committee Stage (Resumed).**

##### SECTION 7.

Debate resumed on amendment No. 5:

In page 5, line 35, after “meetings” to insert “, including any overseas meetings, familiarisation visits, interviews or assessments.”

—(Senator Terry).

**Mr. D. McDowell:** Perhaps we have cause to be grateful that the Minister is bound by social partnership because the argument he has used could be deployed against providing any measure of adoptive leave at all. It could be used against providing any measure of leave or holidays. It could certainly have been deployed against the extension of paid and unpaid leave introduced following the review a number of years ago.

We now have a total of almost six months leave, paid and unpaid. Some is paid by the State, frequently topped up by employers. I am sure

[Mr. D. McDowell.]

Senator Terry would be happy to limit the addition of leave to a maximum of two or three weeks to cover the possibility of having to make foreign trips in order to complete the legal process of adoption. That would hardly place an undue burden on an employer.

People do not make these visits wilfully. Adoptive parents would be happy to complete this process in a day or two if they could. They are obliged, because of the legal procedures properly insisted upon by Ireland and the country from which the child is being adopted, to go to there for a couple of weeks. Adding this period to the six months leave already provided for would not impose the type of burden to which the Minister referred.

Senator Terry's question is important. I do not have up to date figures for adoptions in Ireland and for adoptions by Irish parents abroad. It would not surprise me to learn that the proportion of adoptions which takes place abroad is high. If we are introducing a measure which is intended to improve the lot of adoptive parents we should not exclude the large percentage of them who go abroad to adopt children, at least as regards this provision. If the Minister has those figures I would be interested to hear them.

**Mr. J. Walsh:** It is amazing what one can draw up on to support an argument. A short while ago Senator Terry made a strong case for equality between adoptive and natural parents. She now argues for inequality. She asks that people who are adopting children be allowed time off work for overseas meetings, familiarisation visits, interviews or assessments.

**Ms Terry:** They are all part of the adoption process.

**Mr. J. Walsh:** How could such a system function practically? Adoptive parents will travel abroad for genuine reasons, but how could an employer control a system which allows an employee to travel anywhere in the world to examine adoption systems and see if he or she could adopt a baby? Such a system would be wide open to abuse and would be uncontrollable.

This is not a serious amendment. Next week we may be presented with a proposal to bring the rights of natural parents into line by obliging employers to give paid leave to people who want to go on conception holidays. The mind boggles. We must be practical. Until now, adoptive parents have had no paid time off.

**Ms Terry:** They have had time off.

**Mr. J. Walsh:** The Minister is bringing their rights into line with those of natural parents. This is a progressive measure. It is not necessary to go beyond that point.

It is open to employers to give adoptive leave. Many employers do so, by agreement with their

employees, if they can afford to do it. However, we must be mindful of the many employers who have neither the financial nor the human resources to take on additional obligations and impositions.

The Bill is a progressive measure and we should support it, but common sense must be applied. The measures taken by the Minister are common sense. The Opposition's proposals have no connection with reality.

**Mr. D. McDowell:** There is a temptation to chuckle, as some did, when Senator Walsh makes certain comments. Many adoptive parents would find offensive the notion that they go away to enjoy a few glasses of Chianti while checking out India, China or Siberia and considering whether they might like to adopt a child. That is not the way it happens. Adoptive parents undergo a serious, lengthy and tedious procedure in their dealings with authorities in these countries. They then have to undergo a process of familiarising themselves with the legal system and perhaps meeting the child and with individuals, the equivalent perhaps of our social workers, who check them out. That is no holiday. The notion that a person wishing to go to India on holidays would tell his or her boss he or she was going there to check out adoption procedures is unfounded. It does not happen that way.

**Mr. J. Walsh:** Not at the moment.

**Mr. D. McDowell:** People in this type of situation do not consider it funny. Those who opt for foreign adoption are frequently people who have tried to adopt Irish children or to have children naturally. The notion that people would choose to say they are going to a particular country to find out about foreign adoptions as an excuse to go on a holiday is offensive. While I know Senator Walsh did not intend his remarks to be taken that way, they could be interpreted that way by some people.

I sense the Minister is minded to refuse this amendment. However, perhaps he might provide us with the statistics in terms of the number of foreign adoptions *vis-à-vis* Irish adoptions.

**Mr. M. McDowell:** I am minded to refuse the amendment. Whatever merit such a scheme would have and subject to whatever controls would have to be put in place, there is no reason in the world to suggest an employer should bear this cost. It is one thing for the Labour Party or Senator Terry to suggest the Exchequer should fund exploratory visits abroad with a view to adoption. However, it is difficult to tell small and medium sized business employers that they must bear the cost of paying the wages of such a person and his or her replacement because legislators who were not party to the agreement on which this Bill is based believe it would be a nice thing to happen from the point of view of would-be adopters. The amendment suggests that rather

than put our hands in our pockets collectively, the employer should bear the cost involved.

Senator McDowell is correct in that at present there is no suggestion that people tell their employer they are off to a far and distant land with a view to adoption to disguise they are going on holiday. However, if one had a system whereby the employer was obliged to pay for such investigative time off, he or she would then be legitimately entitled to seek proof of the process and to ask, based on the fact that he or she is obliged to pay for such time off and for the employee's substitute, how long it will take the person to familiarise himself or herself with India and so on. I do not believe that is a reasonable course of action to propose.

**Mr. D. McDowell:** What does the Minister believe is reasonable?

**Mr. M. McDowell:** The amendment is not reasonable. We cannot visit on employers running small companies in competition with others, in addition to the liabilities such competition imposes, an obligation to bear the expense of an employee and his or her substitute while the employee in a year prior to adoption makes a number of visits abroad for a number of weeks each time. If we want to go down that road, the matter will have to be dealt with in social welfare legislation. With the greatest of respect, the issue has nothing to do with adoptive leave legislation.

Senator Terry and Senator McDowell asked for figures on adopters. I do not have with me figures which apply to all adoptions. The information I have is Department of Social and Family Affairs adoptive benefit statistics since 1995. Not everybody in receipt of foreign adoption benefit is covered. The number of adoptive benefit recipients were: 1995, 52; 1996, 45; 1997, 64; 1998, 88; 1999, 110; 2000, 105; 2001, 110; 2002, 215; and 2003, 183. The number has grown by a multiple of three or four since 1995. I do not believe, for the reasons I mentioned, that is the full picture.

**Ms Terry:** How many are foreign adoptions and Irish adoptions?

**Mr. M. McDowell:** I do not know.

**Ms Terry:** That is important information.

**Mr. M. McDowell:** I presume the statistics do not differentiate between the two. I am unable to give that information to the Senator.

**Ms Terry:** That information is relevant to today's debate.

**Mr. M. McDowell:** Yes, it is, and my next point is also relevant to today's debate. I can understand a proposal that the Exchequer subsidise trips abroad for the purpose of adoption if that proposal is to be part of the social welfare

system, be it wise or unwise bearing in mind the other areas to which the money could be addressed. What I do not understand is a proposal that we should decide the employer is to be liable for such trips plus the expense of a temporary employee. That is not fair or reasonable. It is not a fair incident of employment that it be done at the employer's expense.

**Ms Terry:** It is important we are given the statistics regarding the number of foreign adoptions *vis-à-vis* Irish adoptions. It is obvious from the statistics given that the number of adoptions has grown considerably since 1995. However, very few Irish babies have been adopted into Irish families since 1995 because, thankfully, mothers in difficult situations are now able to keep their babies. The increase in the number of adoptions must refer to foreign adoptions. That must be the case because we know, anecdotally, that there is not a great number of Irish babies available for adoption.

Perhaps the amendment seeks too much and in that regard could be looked at again. However, I would have expected a recognition from the Minister of the large number of foreign adoptions taking place. I have used the word "large" although that cannot be confirmed today. Perhaps before we meet again the Minister will confirm how many foreign adoptions have taken place. I agree with many of the points made by Senator McDowell.

In listening to this discussion some of the things said — I include the Minister in that regard — have set me back 20 years. I was not a Member of this House then and obviously do not remember what was said when issues such as maternity leave and other entitlements given to women to encourage them back into the workforce were being discussed. I accept such entitlements are given at a cost. We also have to accept that somebody has to bear the brunt when dealing with families and children. In trying to strike a balance between the cost of such entitlements to parents and employers, we must also recognise that this is something we have to do. I will look again at this issue before Report Stage and hope also the Minister will reconsider it to see if a compromise can be reached.

We spoke earlier of the two weeks pre-placement provision. Perhaps such time could be used to allow parents take unpaid leave to do the necessary work for completion of the adoption.

The Minister is not giving due recognition to foreign adoptions.

**Mr. J. Walsh:** I refer to Senator McDowell's comments. He acknowledged that I did not intend to be critical of adoptive parents and their present practices. Not alone did I not intend to be critical, but I did not say that. Senator Terry was present in the House and I am not sure if Senator McDowell was present when in the debate on Second Stage I fully recognised the role played by adoptive parents in society. I

[Mr. J. Walsh.]  
 acknowledge the points made by the Opposition that more adoptions will be of children from overseas. The amendment proposes time off work for anyone who informs his employer he is travelling abroad to familiarise himself with adoption procedures abroad or for adoption interviews or assessments. This will be wide open to abuse and I have no doubt it would be abused. It would be very bad law and it would be very easy for this House to impose that provision on employers. Nobody could deny it is an impractical issue which could not be controlled. This House should not make such laws.

There is an issue of equity between adoptive and natural parents. The proposal in the Government amendment is one which can at least be controlled. The time off allowed can be validated and verified by employers. Many parents of adopted children have travelled abroad at a cost to themselves. Any State grant should be given subsequent to rather than prior to the adoption. Many social welfare regulations are abused by certain sections. We should not pass laws which we regard as being wide open to the possibility of abuse. I oppose this amendment and I see no merit in it.

**Mr. D. McDowell:** I wish to say a final word on the matter. I will not revisit the issue with Senator Walsh. There is another point that should be made. Foreign adoption as an option is really only available to people who have some measure of means. It is in most cases pretty expensive although most of that expense is not something that is imposed by this country or has anything to do with it, good, bad or indifferent; it is imposed by the authorities in the country where the adoption is taking place. Foreign adoption is a significant financial burden. We have a responsibility to do what little we can to ensure that childless couples wishing to adopt abroad and who are not as moneyed as those who currently do so, will have some little benefit conferred upon them. At the very least we should not actively put hurdles in their path.

It will come as no surprise to the Minister that I disagree with him about imposing the cost on employers. We should not become bogged down on this issue now. When an employer takes on an employee, he does not just take on the responsibility of paying for work done; it is a longer and more complicated contract than that. That is what the panoply of our welfare legislation for the past 30 years is all about. The Minister and I would disagree on that and certainly on how the cost should be imposed, but that is not really the point.

The central thrust of Senator Terry's amendment should not be lost. Adoptive parents or putative adoptive parents should at least be entitled to time off, at the very least on unpaid leave. I urge the Minister to consider this proposal between now and Report Stage and before it comes before the Dáil.

**Mr. M. McDowell:** I sometimes wonder how any of these things would work in practice. I know that would-be adopters of foreign children make considerable sacrifices, sometimes unsuccessfully, to go to places and return with nothing or return with arrangements which have fallen through or whatever. I do not underestimate the sacrifices they make and I salute them. However, I am not dealing here with a clause of the social welfare legislation to create a new allowance for would-be adopters equivalent to a kind of pre-maternity allowance for a natural couple. This amendment proposes to make it part of the contract of employment that the employer must pay the wages of employees if they travel abroad for periods of time which could be weeks on a number of occasions and employ someone to stand in for them. That is a serious issue from the point of view of an employer.

I throw into the equation, if I may, that this would apply to reasonably well-to-do people on reasonable salaries. An individual who was making his or her way as, for instance, a self-employed painter, would have none of this. The Exchequer would say, "We do not do that kind of thing; we only do it for employees and we are only concerned with making employers liable. We do not give any help ourselves to people who are either out of employment, on the one hand, or alternatively, self-employed on the other." We should remember the realities.

I agree that self-employed people have some advantages in the way things are in this country but one of the disadvantages is that if they decide to go to India to adopt a child, not merely in many cases is it entirely at their own expense, but it is at grave risk to the viability of their business and the like. Likewise, for people who are not in employment, this provision would be of no assistance to them. An unemployed couple who want to adopt a child would be in the worst of all positions because they would be given no assistance from the State and see better-off people having as an incident of their employment a significant subsidy to go abroad on visits preparatory to adoption.

This is a case of a bridge too far. It may well be, as Senator Terry hints, that in ten year's time, someone will read my speech and say this was a little flint-hearted and flint-faced of me. However, I am here in my own time, talking about my own time and talking about employers and employees of my own time.

**Mr. D. McDowell:** The Minister would regard that as a compliment anyway.

**Mr. M. McDowell:** I remind Senator Terry to think back 20 years ago to 1983 to 1984 when this country was going through one of its worst crises ever with mass unemployment and emigration, huge taxation and the IMF knocking on our door. They were not exactly halcyon days. The success of the economy has improved things immensely

and has created the leeway in which we can have minimum wages of €7 an hour. All the advances we have made in large measure are based on not losing the run of ourselves and not making employment something that is highly taxed and highly expensive in international terms. We need only look back 20 years to see how employment can be driven from the economy and how people can be driven out of employment and onto welfare if the system does not keep some handle on basic economic realities.

Amendment, by leave, withdrawn.

Amendment No. 6 not moved.

Government amendment No. 7:

In page 7, to delete line 7 and substitute the following:

“meetings to be attended.

(4) References in this section to pre-adoption classes and meetings are references to such classes and meetings held within the State.’”.

**An Cathaoirleach:** This amendment has already been discussed with amendment No. 5.

Amendment put and declared carried.

Question put: “That section 7, as amended, stand part of the Bill.”

The Committee divided: Tá, 26; Níl, 16.

Tá

Bohan, Eddie.  
Brady, Cyprian.  
Brennan, Michael.  
Callanan, Peter.  
Daly, Brendan.  
Dardis, John.  
Dooley, Timmy.  
Fitzgerald, Liam.  
Glynn, Camillus.  
Hanafin, John.  
Kett, Tony.  
Kitt, Michael P.  
Leyden, Terry.

Lydon, Donal J.  
MacSharry, Marc.  
Mansergh, Martin.  
Moylan, Pat.  
O'Brien, Francis.  
Ó Murchú, Labhrás.  
O'Rourke, Mary.  
Ormonde, Ann.  
Phelan, Kieran.  
Scanlon, Eamon.  
Walsh, Jim.  
White, Mary M.  
Wilson, Diarmuid.

Níl

Bannon, James.  
Bradford, Paul.  
Browne, Fergal.  
Burke, Paddy.  
Burke, Ulick.  
Coghlan, Paul.  
Cummins, Maurice.  
Feighan, Frank.

Finucane, Michael.  
Hayes, Brian.  
McDowell, Derek.  
Norris, David.  
O'Toole, Joe.  
Phelan, John.  
Ross, Shane.  
Terry, Sheila.

Tellers: Tá, Senators Dardis and Moylan; Níl, Senators U. Burke and Terry.

Question declared carried.

Progress reported; Committee to sit again.

### Middle East Conflict: Statements.

**Minister of State at the Department of Foreign Affairs (Mr. T. Kitt):** I am pleased to have the opportunity to address the House on this subject. The violence and loss of life in the Middle East have been of major concern to the international community for a number of years past. This region is beset by a number of conflicts and sources of tension. I propose to deal only with the more prominent among those issues.

The events of the past few days and weeks have underlined, once again, the tense and dangerous situation created by the Israeli-Palestinian confrontation. There has been no visible progress

in advancing the peace process. On the contrary, violence continues unabated and the number of casualties increases with every passing day.

The Government has expressed grave concern at the deterioration in the Gaza Strip. The current violence demonstrates the futility of trying to resolve this conflict by military means and the need for an urgent resumption of negotiations. I call on both sides to take the essential first step of declaring a reciprocal ceasefire under the supervision of international monitors as a prelude to renewed political negotiations. I also condemn terror attacks on Israel, as well as statements inciting violence, and I call on the Palestinian Authority to take immediate action against terrorists.

The European Union recognises Israel's right to protect its citizens against terrorist attack. We have often stated our belief that no cause can



[Mr. T. Kitt.]

justify the terrorist atrocities against innocent civilians carried out by Hamas and other organisations. Nevertheless, the Union is opposed to extra-judicial killings. Far from ending terror, they can only inflame the situation. Equally, terrorism does nothing to advance the Palestinian objective of a state of its own. On the contrary, terrorism and especially the horrific suicide bombings inflict immense harm upon the Palestinian cause.

Another problem which needs to be tackled is the security fence being built by Israel where it crosses occupied territories. The Union has called on Israel to stop and reverse construction of the fence as well as settlement activity. The Union has also addressed the questions raised by Israel's proposed unilateral evacuation of Gaza. We see in this both a danger and an opportunity. The danger is that, if this withdrawal is not properly orchestrated, it could lead to chaos, further bloodshed and the weakening of the Palestinian Authority.

The opportunity is that a properly managed withdrawal, involving the co-operation of the international community, could represent a significant step towards implementation of the roadmap. The Union has identified a number of elements which will be necessary for a successful withdrawal. In particular, it should take place in the context of the roadmap and it should be a step towards a two state solution. Above all, there must be no question of Gaza first and Gaza last.

The Union insists that a viable Palestinian state must be based on contiguity of territory within agreed borders. It is also clear that any revision of the Gaza proposal must be based on a total withdrawal if it is to attract international support.

A particularly crucial meeting of the quartet took place in New York on 4 May. It came at a time of great uncertainty following a lengthy period of quartet inactivity. The Bush-Sharon exchange caused understandable anxiety. All this resulted in a recognition of the need to restabilise the situation. This could only be done by strongly reaffirming the basic principles underlying the peace process. The European Union expressed its position at the Foreign Ministers informal meeting at Tullamore in a major affirmation of EU principles. All the essential principles are maintained and confirmed in the quartet's New York statement.

First, the quartet reaffirmed its commitment to the two state solution. This is defined as a viable, democratic, sovereign and contiguous state in the case of Palestine. It stated there must be a full Israeli withdrawal and end of occupation in Gaza. It placed this firmly within the two state vision and the roadmap. It reaffirmed President Bush's call for an end to the occupation that began in 1967 through a settlement negotiated between the parties. It stated explicitly that no party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiation and agreement between the

two parties. The quartet further stated a final settlement on issues such as borders and refugees must be mutually agreed by Israel and Palestine and must be based on the relevant resolutions and principles.

In other parts of the statement the quartet set out a wide range of measures they expect Israel and Palestine to take. It also called on the Palestinian Authority to take immediate action against terrorism. Israel, for its part, was called on to exert maximum efforts to avoid civilian casualties and to exercise its right of self-defence within the parameters of international humanitarian law.

The position of the European Union is quite clear. It is committed to a negotiated agreement resulting in two viable, sovereign and independent states, Israel and Palestine, based on the 1967 borders, living side by side in peace and security. We see this as taking place in the framework of a comprehensive peace in the Middle East. The European Union will not recognise any changes to the pre-1967 borders other than those arrived at by agreement between the parties. A comprehensive peace must, of course, include Lebanon and Syria.

The roadmap brings together all the elements that are essential to reach an agreement. Unfortunately, neither side has acted with sufficient vigour to implement the roadmap. It would appear that it is too difficult to carry out all the measures envisaged in the first phase at one time. This is why the European Union has suggested that a number of smaller steps be taken. They must, however, be significant and, although small, concrete and visible. These steps should include meaningful security measures that begin to prevent acts of terrorism against innocent civilians. They should include meaningful measures to ease the suffering Palestinians face in their daily lives and they should be accompanied by a complete ceasefire between the two sides. These steps would mark a beginning in the implementation of the first phase of the roadmap. They would aim at building the necessary confidence and political will needed to permit the carrying out of all the measures contained in the first phase. The process could then move on to the second and third stages and culminate in the establishment of a Palestinian state.

We also look forward to an early meeting between the Israeli and Palestinian Prime Ministers. We realise that one meeting cannot solve all problems. Nevertheless, we believe this meeting should have a substantive outcome that would pave the way for further significant progress. It is of vital importance that action be taken now so as to prevent the opening of a political void that would further undermine the chances of moving forward in the peace process.

A further major problem besetting the region and which has broad international consequences is the very worrisome situation in Iraq, which is of huge concern to us all. The European Union's

position on Iraq has consistently been one of support for the restoration of sovereignty to the Iraqi people. The Union believes a strong UN role is essential for the success of reconstruction efforts. We look forward to the transfer of sovereignty in Iraq to an interim government at the end of June and to future national elections, with a vital and growing role for the UN endorsed by the United Nations Security Council.

The European Union has condemned all violence and terrorist attacks. We have expressed our concern that the current campaign of terrorist violence is both leading to significant loss of life, especially among civilians, and is impeding the path to political progress and economic reconstruction in Iraq.

**Mr. Norris:** Is the Minister of State speaking about the Americans?

**Mr. T. Kitt:** The European Union has also condemned the assassination of the Chairman of the Iraqi Governing Council. We further condemn the kidnapping and brutal murder of hostages, in particular the appalling and barbaric murder of Mr. Nick Berg. I have also expressed my deep concern at reports that some 40 people were killed by US forces in an incident last week, the circumstances of which have still to be clarified.

The Taoiseach, the Minister for Foreign Affairs, Deputy Cowen, and I have reiterated our abhorrence at the mistreatment of prisoners in Iraqi prisons time and again. Ireland also made known its concerns directly to the authorities in London and Washington when the allegations of abuse first came to light.

The European Union has, in very clear language, strongly and publicly condemned any instances of abuse and degradation of prisoners in Iraq as contrary to international law, including the Geneva Conventions. The 25 member states of the Union did so together with our eight Arab partners at the Euro-Mediterranean meeting of Foreign Ministers held in Dublin on 5 and 6 May. This was the result of an Irish Presidency proposal. At the same time, we acknowledged the commitment of both governments to bring to justice those responsible for such abuses and also their commitment to rectify any failure to adhere to international humanitarian law.

The EU Council of Ministers, acting upon the initiative of the Irish Presidency, repeated this condemnation in conclusions following its meeting on 17 May and again following the meeting with the Gulf Arab states on the same day. I note there is already an independent international report into the human rights situation in Iraq being prepared by the UN High Commissioner for Human Rights, and I have every confidence this highly respected UN office will carry out its task objectively and impartially.

The transfer of sovereignty to an Iraqi interim government is due to take place in a matter of weeks. Many important provisions have yet to be

clarified. The United Nations is playing a vital role in all of this.

A new draft Security Council resolution is under debate in New York. It contains a number of elements, the most important of which are as follows: it endorses the formation of a sovereign interim government of Iraq that will take office by 30 June 2004; it welcomes the commitment of the occupying powers to end the occupation by 30 June 2004 when the interim government will assume responsibility and authority for governing a sovereign Iraq; and it provides for the convening of a national conference and the holding of direct democratic elections no later than 31 January 2005. A transitional national assembly will have responsibility for drafting a permanent constitution for Iraq under which democratic elections to a national government will be held.

The draft outlines in more detail the role for the UN in Iraq, including assisting in the convening of a national conference to select a consultative council and advising on elections; promoting national dialogue and consensus building on the drafting of a national constitution; advising the interim government of Iraq in the development of effective civil and social services; contributing to the co-ordination and delivery of reconstruction, development and humanitarian assistance; and promoting the protection of human rights, national reconciliation and judicial and legal reform.

The draft resolution then reaffirms the authorisation for the multinational force established under Resolution 1511 and provides some detail on the role of the force. It decides further that the mandate for the multinational force shall be reviewed after 12 months. It makes clear that the interim Iraqi government will control oil revenues and enables it to discuss Iraq's debt with international financial institutions.

There is no doubt there are difficult questions to be addressed by the Security Council in looking at these various issues. It is clear the most difficult question concerns the ending of the occupation and how that relates to the security issue. In other words, decisions will have to be taken on the future role and structure of the multinational force in Iraq and the relationship it will have with the interim Iraqi government to which sovereignty will be transferred on 1 July.

The text now before the Security Council is a draft and discussion has only begun. It is clear that, as is normal, there are differences between the permanent five members as to how exactly the issues should be resolved. The Irish Government will welcome any resolution that gains the requisite support and satisfies the concerns of the UN on its mission in Iraq. It must also, of course, be in keeping with the goal of seeing the earliest possible restoration of sovereignty of Iraq to a democratically elected Iraqi government.

[Mr. T. Kitt.]

The European Union is committed to playing a significant role in the political and economic reconstruction of Iraq within the framework of the relevant Security Council resolutions. At the Madrid donors' conference, the European Union pledged €700 million until the end of 2004. The European Council will consider a medium-term strategy for Iraq at its meeting in June. We wish to see a prosperous, stable and sovereign Iraq whose territorial integrity is preserved. This will be essential for stability in the region and beyond and we will continue to work with the international community to achieve this objective.

I understand the Seanad was also anxious to debate the current situation in Iran and therefore I will make some brief comments on it. For many years, the European Union has been trying to develop its relations with Iran. It has pursued dialogue with the Iranian authorities, intended to explore areas of disagreement and concern and to bring their two positions closer together wherever possible. The principal areas are human rights, terrorism, weapons of mass destruction and the Middle East peace process.

The European Union has particularly welcomed and supported the reform efforts conducted by the Government of President Khatami. It has, however, noted with regret that successes achieved earlier in his term of office have not always been sustained. Two areas in particular stand out. In recent months there has been a number of worrisome developments regarding Iran's nuclear programme. The International Atomic Energy Agency has noted a series of serious shortcomings. While Iran has made some effort to move to meet these concerns, there are still several outstanding questions that must be fully cleared up if the international community is to have confidence in Iran's declared position that its nuclear programme serves only peaceful purposes.

The European Union strongly urges Iran to cooperate fully and proactively with the IAEA to resolve all these questions in a spirit of transparency. We hope Iran will comply fully with the provisions set out by the IAEA board of governors at their meeting in March. The EU considers it very important that Iran meet its commitments within the agreed timeframe.

The other major issue of immediate concern relates to human rights in Iran where what limited progress has taken place has resulted in little overall improvement in the observance of human rights. Widespread abuse persists and I call on the Iranian authorities to act immediately to bring Iran into line with internationally mandated standards of behaviour.

I repeat the European Union's deep regret and disappointment at the interference by the Council of Guardians in the recent Majlis elections. We believe that this interference is a setback for the democratic process in Iran. We hope that Iran

will soon return to the path of reform and democratisation.

It is most important for all those directly involved to be aware of the linkages between these different problems. Action taken in one area has implications for the evolution of events in other areas. Nothing can be dealt with in isolation and what is done today will have its repercussions in the future. None of these problems is intractable. In every case, there is a way forward and we must not give into despair. The solutions will require a large measure of courage, wisdom and determination. We in Ireland, both nationally and as a member of the European Union and the wider international community, will use all the possibilities open to us to assist in the work of building peace and reconciliation in the region.

**Mr. Bradford:** I welcome the Minister of State. I hope this will be the first of a number of debates on this broad issue. The matters raised in the Minister's opening contribution are profoundly important to the European Union and to this country. The matter needs regular airing among the Members of the Seanad. Since we last debated this topic, the situation in the entire Middle East and not just in Iraq has become profoundly more dangerous and serious not only for the unfortunate people of the region, but also for stability and order throughout the world. There is a strong onus on us in this House, the Government and the European Union to play a leading role in trying to bring balance and some degree of harmony to the region.

In our earlier debates we spoke about the role being assumed by the United States as some type of world policeman. That role has not worked. We can now see the job of international policing is one for the United Nations and cannot be done by one country alone. The European Union must now take the lead in this debate. We in the European Union and in this country can bring the balanced, fair and reasoned perspective that is required in this ever increasing gulf between, on the one hand, the United States and, on the other, the various governments of the Middle East. The European Union has a crucial role to play.

When we debated the Israeli-Palestinian conflict some 12 or 18 months ago, we had high hopes for the roadmap process. We recognised it was a difficult route and there would be many difficult twists and turns on the road. Unfortunately, the type of progress for which we had hoped simply has not happened. I appreciate that international focus has been on Iraq rather than the broader Middle Eastern problem. Europe must play a leading role in trying to return political focus to the ongoing conflict between Israel and the Palestinians.

It is possible to admit without fear of contradiction that the United States has never been neutral in regard to Israel and has been unable to play the role of referee. The political influence the state of Israel can bring to bear on

4 o'clock

the United States is of such significance that the United States alone cannot play the role of referee in the Middle East. There is a huge role for us and a huge opportunity not just for this country, but also for the European Union to take a much more serious hands-on approach to the issue.

In so far as we can, we must return the debate to the roadmap. We all recognise the right of the state of Israel to exist. However, we must equally recognise the right of the Palestinian people to their own state with defined borders so that its people can live not behind a wall of division, which is being built at present, but behind a reasonable cordon of peace and security.

It is a matter of great concern to see the building of the security wall by the state of Israel. In 1989, the people of Eastern Europe brought an end to the Cold War and its physical manifestation when the Berlin Wall was knocked down. We thought we had seen the last of such crude devices of division. However, this security wall is a new Berlin Wall with all the negative influences that it will bring to bear. We have seen the cost of walls across the centre of Europe. We saw the failed policy of plantation in this country and we must recognise that this security wall represents almost an Israeli version of an Ulster plantation. It cannot and will not work. We must lead the way in arguing for the end of that type of politics.

This debate on the Palestinian and Israeli situation requires much more time than I have available to me. I ask the Minister of State to ensure the European Union gives a new focus to this issue and goes back to what we thought was the starting point last year, namely, the roadmap, and tries to work towards a solution in that context.

While perhaps the images we have seen from Iraq in recent weeks and months have not been surprising, they are truly depressing and absolutely appalling. The number of troops and civilians being killed is rising on a daily basis and the bloodshed at the wedding party last week was yet another of the many low points that have been inflicted on the people of Iraq in recent times. On the other side of the equation, we saw the Internet pictures of the barbaric beheading of the American citizen, which shows how depraved the whole situation has become. Our political focus must be on trying to assist in bringing some order and peace to where there is nothing but chaos and disorder at present.

The conflict in Iraq is an appalling tragedy for the people of Iraq and, from a political perspective, it has very seriously damaged the international standing of the United States and, perhaps to a slightly lesser extent, the United Kingdom. Above all, it has harmed the status of the United Nations, which has been seen as almost powerless to intervene. We must ask ourselves where we go from here and what we can learn.

In the debates we had last year the House was unanimous in stating that moving away from the path of the United Nations would be a tragic route, as it has proven. My party, along with all parties in this House, strongly argued last year for the need for the United Nations to have a primary role and that unilateral action being taken outside the ambit of the United Nations was a very dangerous move. Sadly, that has proven to be the case. We in Fine Gael did not state we were opposed in all circumstances to military action in Iraq. However, we constantly stated that only the authority of the United Nations could bring about the circumstances where such action could take place.

Fine Gael continues to maintain the stance it articulated during last year's debate. Unilateral action against the state and people of Iraq is not acceptable. Any action should have multilateral support and be the subject of UN Security Council authorisation. We spoke of the weapons inspectorate and debated the issue of weapons of mass destruction the existence of which was, according to the USA and British Governments, the primary motivation for the intervention in Iraq. Many of my colleagues voiced the opinion that those weapons would not be found as they did not exist. Nothing which has happened to date suggests this argument was incorrect. It is now most unlikely that weapons of mass destruction will be found in Iraq. Perhaps they never existed. I have had a personal difficulty during the course of this conflict with the fact that the premise for invading Iraq was founded on arguments which did not stand up.

We all concede that there was an absolute necessity to help the people of Iraq to change the regime of Saddam Hussein. There was unanimous international backing for any reasonable measures which would have brought about his removal. Such measures should properly have been the responsibility of the United Nations rather than an individual state. It is deeply disappointing that in bringing about the removal of Saddam Hussein and creating circumstances in which the Iraqi people may be able to carve out a future for themselves, the result has been daily chaos, confusion, murder, maiming and killing.

We must ask where we should go from here. I agree with the Minister of State about the absolute need for progress in returning authority to the people of Iraq. Only the people of Iraq can decide their future. It is essential that the deadline set for the creation of an interim administration is met. By midsummer, the people of Iraq must be playing a leading political role in their own affairs. It is essential that the deadline for full, direct elections is written in stone and met in January 2005. Over the past few days, we have seen again an apparent division between the pronouncements of Prime Minister Blair and Secretary of State Powell. We must demand in this House that political authority is vested in the people of Iraq at the earliest possible stage.

[Mr. Bradford.]

I record my absolute distaste at the images we have been seeing and the stories we have been hearing of prisoner abuse in Iraq. It is not good enough to say that what we are hearing and seeing is minuscule by comparison with the activities of Saddam Hussein's regime. That is no excuse. If the international community, the United Nations and the rule of law are to mean anything prisoners, be they in Iraq or elsewhere, must be treated with dignity and respect. The United States of America and Britain are letting themselves down by permitting the ill treatment of prisoners.

**Mr. Lydon:** A debate on the Middle East presents a wide ranging brief. We could discuss Iran, Iraq, Jordan, Israel, Palestine, Syria or Lebanon. For the most part, Senators will wish to refer to Iraq and what I call the Holy Land.

We hear continually of Israeli over-reaction. When a group of Palestinians blows up a bus, kills ten people or blows up a building and the Israeli response is gunships and tanks, it is classed as over-reaction. To understand, we must examine the context. Israel was formed after the Second World War by Jews. Through fighting, they formed the new State of Israel, which Ireland was one of the first countries to recognise. Palestinians were displaced and many are for the third and fourth generations living in refugee camps in horrible conditions. There are difficulties preventing the Israelis from giving land back to the Palestinians and allowing a self-governing, separate state of Palestine to exist. There are Palestinian groups like Hamas and Islamic Jihad which do not want separate states of Palestine and Israel. Their sole *raison d'Être* is the complete destruction of the State of Israel. We need only think of the Six Day War, the Palestinian attack at the 1972 Olympics, hijacking and suicide bombing, all of which serve merely to reinforce Israeli fears. They see themselves surrounded by enemies on all sides.

It is often asked why the Israelis do not accept United Nations Security Council resolutions. Israel is not simply a secular state. It is the only Jewish state and its inhabitants see themselves being continually outvoted by Christian and, especially, Muslim states. I spoke to a number of people from Israel who expressed very little confidence in the UN. One can imagine what the scenario would be if Ireland were the only Christian state with all others being either Jewish or Muslim and was constantly voted down at the United Nations. Israel may be wrong on this point, but its point of view must be understood. It sees itself as a state with only one ally, the United States of America. Israel can only continue to exist because of the in-flow of subsidies from the USA and funds from Jewish organisations around the world. As long as the USA supports Israel, there will be no change of policy.

Israel is a good ally of the USA. It has nuclear weapons, the world's third largest air force and it supports the USA in the area. In turn, the USA supports Israel. The only way forward is to adhere to the road map which was agreed some time ago. While we should support a withdrawal from the occupied territories, Israel's security must be guaranteed by the USA impartially while international support for Palestine is guaranteed without supporting terrorist groups. I have visited the region many times. It is very difficult in Ireland to appreciate the role of religion there. It has a profound effect. It is not the case, as it is here and in other countries, that people worship on a Saturday and Sunday before simply heading home.

Some two years ago, the then Archbishop of Canterbury, Dr. George Carey, gathered together important figures from the Christian, Jewish and Muslim faiths who met for three days at Alexandria. Among those present were the Latin Patriarch Michael Sabbah, two archbishops representing respectively the Greek Orthodox and Romanian Patriarchs, the Anglican Bishop and the Greek Malachite Bishop of Galilee. Rabbi Michael Melchior, the then Deputy Foreign Minister of Israel, led a delegation composed of five other rabbis including the Chief Rabbi of the Sephardi, Eliahu Bakshi Doron. There was also a Muslim delegation composed of the Chief Justice of the Sharia Courts Sheikh Taisir Tamimi and Minister of State for the Palestinian Authority Sheikh Tal El Sider and two others. In the concluding declaration, to which the highest Muslim dignitary in Egypt, the Grand Sheikh of Al Azhar University in Cairo was one of the signatories, a commitment was made to re-establishing real peace in Jerusalem and the Holy Land and ending violence. Violence must be opposed by all people of good faith who are called upon to oppose incitement, hatred and misrepresentation. The declaration has had an effect and note has been taken of it.

We must insist on an unequivocal condemnation of terrorism whatever the source and denounce the unjust, humiliating conditions imposed on the Palestinian people as well as the reprisals and retaliations which serve only to increase feelings of frustration and hatred. There must be respect by all parties for the UN resolutions; proportionate use of legitimate means of defence; and the duty of the parties involved in the conflict to protect the holy places which are so important to the three monotheistic religions and for the heritage of all mankind.

All the talk in recent weeks has been about the horrible pictures of US soldiers torturing, humiliating and sexually abusing Iraqi combatants and civilians. Why are we so shocked about this? It is because we do not expect this sort of behaviour from the world's greatest democracy. However, let us think back to Vietnam — was it not much the same? Some 10,000 people were massacred at Hue by the Americans. Some 58,000 Americans lost their

lives in Vietnam, along with 3.5 million Vietnamese — for what, I do not know. In the My Lai massacre, American soldiers went into a village and shot the men, raped women and teenage girls before shooting them, bayoneted babies and then sat down and had their lunch among the mayhem. This was captured on video. Things are no different now.

The Nazis, when they went into Russia, hung people from lampposts and put old people out in the cold. Then, when the Russians went into Germany, they raped German women. We must also remember Pol Pot in Cambodia and the Pinochet regime in Chile, which was supported by the USA. There are no differences among any of these regimes. The list is endless — Suharto, Pinochet, Marcos and Saddam Hussein were all supported by the West, particularly by the USA. They were supplied with arms; there was an international outcry, then civil war, followed by reconstruction contracts.

As I have said before, if Iraq produced bananas rather than oil we would have seen no war. I was one of the people who said the war was unjustified in the first place. I said this because I know that war brutalises people. We should not be too shocked when we see pictures of the results. The UK was found guilty in the European Court of Human Rights of having tortured republican prisoners at Castlereagh. The French tortured the Algerians. Anyone who has been on the Champs Elysées on Bastille Day will have seen the French Foreign Legion wearing big leather aprons and carrying hatchets. If one does not know what they are for, one can use one's imagination. Torture has also occurred in Turkish jails.

Torture is synonymous with dictatorial regimes and war. We must state this clearly. War brutalises people. Soldiers are trained to kill. It is difficult to kill a friend or someone who is similar to oneself, but somebody who is totally different can be thought of as subhuman and is easy to kill. It is easy to kill or torture gooks, wops, slit-eyes, Jews or Arabs. The more different they are, the easier it is to hurt them. If they are subhuman, one can extract information and humiliate them through torture. All armies have reported cases of rape, including the British in Cyprus and our own Army in certain cases abroad. During the Civil War, a few Free State soldiers blew up nine republicans at Ballyseedy by tying them to a mine. Even our own Government at that time ordered that 77 people were to be executed in retaliation for assassinations. That was a peculiar action for a Government to take. It is the same everywhere. Before the American soldiers went into Kuwait they were shown four hours of hardcore pornography, after which they buried alive thousands of conscripts.

None of this can be justified, but it is understandable in the context of war. We must respect human dignity, but at the same time we must try to understand what is happening and not be hypocritical. Let us not try to blame the

American soldiers who are indoctrinated into blind obedience, with their cries of “Sir, yes Sir!” and “Unit, corps, God, country.” These soldiers are not conscripts; they are mostly volunteers. They offer their lives for what they believe in. It is their political masters who deserve the blame. These are the people who want war to secure oil resources, to reward contracting companies for campaign donations and to reward arms manufacturers over and over. That is the real problem in the Middle East. Regimes are supported until they are no longer useful. Where did Saddam Hussein obtain his arms? He got them from the French, the Americans, the British and others.

These soldiers have been torturing people, but they are torturing themselves as well. We must try to understand that they are brutalised by war. We must condemn war and condemn particularly the people who cause wars, while trying to stop them. We cannot solve the Middle East problem without the co-operation of the USA and Mr. Bush. I would love to meet the American President when he is here and say a few things such as this to him. In some ways I admire Mr. Bush, but there are other things about him that I abhor. I do not suppose I will meet him but if I do I will certainly say these things to him. The European Union, in formulating its defence policy, will undoubtedly come into conflict with the USA at times.

We cannot give up on the Middle East, just as we cannot give up on anything in this life. We must keep on trying. We must use whatever means we can, including religious means, conferences and meetings. As the Minister of State said, we must speak out against what is happening in the Middle East. The Minister, Deputy Cowen, did this recently, but he did not please anybody, particularly the Israelis. He told the truth. In the matter of allegations of torture in Iraq, we must not focus all our attention on the soldiers, but we must concentrate on the political masters who sent them there. This is the real problem. It is only with their help, particularly that of the USA, that we will be able to solve the crisis in the Middle East.

**Mr. Norris:** The Minister of State is a decent and intelligent man, but his speech was pretty poor. It was timid, pusillanimous, apologetic and lickspitting to the Americans. I was astonished at the sequence of ideas. There was a general expression of concern about the level of hostilities in the Gaza Strip, which is entirely due to the Israeli invasion of that area, and a gesture towards a reciprocal ceasefire under the supervision of the international model. Why does the Minister of State not take the bull by the horns and admit that to protect the human rights of people who are being shot like rabbits every day of the week, Israel must accede to the requests for international observers to be brought in immediately? We must have some idea what is going on. Did the Israelis not bulldoze Rachel

[Mr. Norris.]

Corrie into the ground? Did they not shoot an unarmed reporter, James Miller? There was hardly any protest about this. Why was that?

The Minister of State also condemned attacks on Israel and called on the Palestinian Authority to take immediate action against terrorists. He must know this is rubbish. I have been there and I presume he has too. I have seen the devastated police stations. The Israelis have deliberately destroyed the infrastructure. The Palestinian police are not even allowed to wear uniforms when they are directing traffic. They have no means of controlling terrorism. The Minister of State also referred to Hamas. Hamas was established by the Israelis in order to impinge on the Palestinian Authority. It is coming back to haunt them now, sadly, at the expense of innocent Israeli lives.

The Minister of State referred to the security fence. That is an interesting use of language. I wonder whether he has seen it. It is a wall. I have been there. It horrifies me because it reminds me of the ghetto wall in Warsaw. On one side it is a nice, pretty wall with murals, about a quarter of the height it is on the other side. I know something of the distress of the people living there, as do many Israelis, who would be disgusted by the timidity of the Minister of State's speech. This disgust would be shared by groups such as Physicians for Human Rights — distinguished doctors who queue outside the ghettos, waiting their turn in the rain to go in and treat Palestinians because they do not agree to the suspension of their human rights.

The Minister of State reaffirms the calls of Mr. Bush for an end to the occupation. I do not remember any such calls, but that is what should be done. Israel should withdraw to within its 1967 boundaries and obtain guarantees from the surrounding states. The one place where settlements cannot be satisfactorily dismantled is in Jerusalem, because it is so organically embedded in its surroundings I do not see how it could be done. However, Israel should sow the seeds of peace with an act of generosity, unlike what happened at Taba. It should agree that instead of demolishing these buildings it will make them available to its Palestinian cousins.

Many European countries which were involved in the Holocaust against the Jews, which was a shameful crime, should help to subsidise the building of decent neighbourhoods for the people displaced from these settlements.

In the Minister of State's attempt to do a balancing act, he has not done a service to this House. He referred to Nick Berg, which was an horrific appalling occurrence for his unfortunate family. They blame the United States Government because he was arbitrarily arrested by United States forces and detained there, but they made no attempt to guarantee his safety on the way out. Perhaps he was set up. His family feels aggrieved at the Bush Administration for what happened.

The Minister of State expressed his deep concern at reports that some 40 people were killed by US forces in an incident last week, the circumstances of which must still be clarified. I can clarify them for him. It was a wedding. There is contemporary video and eye-witness accounts that it was a wedding. The people killed who have been identified included children and one of the best known entertainers in Iraq, who was performing at the wedding. That imbecile general said he does not know why people would go 40 miles into the desert. Many of these people are called Bedouin and they do it regularly. I have visited the area and I know a little about it. It does not need to be clarified. What awaits to be clarified is the fact that the general said he had nothing for which to apologise. He said he would not apologise for his troops because nasty things happen in war. They certainly do when an army is out of control and the tone is set by the commander and chief, President George Bush, who is personally implicated in the whole mess, particularly in the use of torture.

Last summer, I read an analysis of American foreign policy by Gore Vidal who said the sweetest four words in the English language were "I told you so". They are not; they are the bitterest because some of us on all sides stood up here during the debates and warned what would happen in the Middle East. However, we are impotent and make no impact. It is dreadful to experience standing by and seeing what one forecast happening. We should recall the language used by the soldiers during the war such as "Iraq is a disease and we are the cure", which is sinister, and "I got that chick", when a woman civilian was killed.

This all came about because President Bush decided unilaterally and arbitrarily to suspend the Geneva Conventions as they operate in particular areas and for particular groups of people. He has no authority to do so. He set about systematically and deliberately to undermine the rule of law in areas of human rights, destroy international conventions in these areas and deprive people of the very basic human rights. He is directly responsible. I will quote from an article in the weekend review in *The Irish Times* on Saturday, 15 May 2004, which states:

In some cases, such as determining whether a US citizen should be designated an enemy combatant who can be held without charge, the president makes the final decision, as Alberto R. Gonzales, counsel to the president, said on February 24th in a speech to the American Bar Association Standing Committee on Law and National Security.

It could not be clearer. The President's finger prints are on this gun, which is not smoking — it has actually fired a fair few bullets at this stage. That makes the man a war criminal.

They call Guantanamo "Gitmo". The personnel from Guantanamo were transferred within the last year to Abu Ghraib prison with

instructions to “Gitmoise” the situation there. What we have are people torn to pieces by dogs, people covered in their own excrement, people forced to fish food out of a lavatory bowl and people forced into humiliating images of copulation in front of female officers. The most disturbing of all is a pretty young “bimbo” in her 20s, with her head resting on the ground and her two fingers up in a victory salute beside the corpse of a man who had been battered to death. This is not far from the Nazis, but should this surprise anyone who knows of the Bush family’s connections with the Nazi party in the 1920s? This is worrying.

I honour Deputy O’Donnell who spoke for all of us when she said in the Dáil that the United States has been shamed by what has been happening. However, there is no shame in President Bush. This is a man who corrupts language. There was no condemnation from Bush when they shot rockets from a helicopter at an unarmed, slowly-moving civilian group of peaceful demonstrators. President Bush reaffirmed backing for Israel as a courageous ally. This is the man who described Ariel Sharon, the man responsible for Sabra and Chatila, as a peacemaker. He appears to be either deliberately dishonest or completely disconnected from reality.

We must examine some of the other personnel like General Boykin, who is the Under-secretary of Defence with responsibility for intelligence. His ideas are interesting. He was one of the people sent to “Gitmoise” Abu Ghraib. In the past year, he staged a travelling slide show around the United States displaying pictures of Bin Laden and Saddam Hussein. He is quoted as saying, “Satan wants to destroy this nation, he wants to destroy us as a nation, and he wants to destroy us as a Christian army”. He preached they “will only be defeated if we come against them in the name of Jesus”. As a Christian who goes to church every Sunday, I am revolted by this and I object strenuously to this barbarian invoking a religion whose basic tenet he does not understand because it is about love and turning the other cheek against violence. How dare they abuse the religion to which the majority of people in this country, including Catholic, Protestant and so on, belong.

In regard to Israel, I am a friend of Israel and will remain so. However, I feel betrayed as that wonderful dream has been betrayed. I stand with the really courageous people of Israel, the 29 air force pilots who refused to bomb because they knew it was against international human rights protocols, including the physicians for human rights and my former partner, Ezra, who goes every Saturday to Hebron to protect his Arab cousins — the Jews are cousins of the Arabs. Tommy Lapid, whom I know but do not personally like very much, who was a victim of the Holocaust, said in the Knesset at the beginning of this week that the pictures of the demolitions in Gaza and elderly women

wandering around reminded him of his grandmother and her experiences in Hungary. That is from the horse’s mouth, which is what we should listen to.

What should we do? Instead of this vague, wishy-washy sentiment about looking for stability, peace, democracy and all this blabber, why not do the one thing we can in our current position, and it is not a boycott? I do not agree with a boycott, which has a nasty aura and a nasty smell about it in this country because it is so personally motivated. It would become a cover for anti-Semitism and it would be a pin prick. We can do something much more serious, which is to examine the human rights protocols attached to the association agreement between the Israel and the European Union. When there are situations where people are being picked off like rabbits, including men, women and children, and there is utter abuse of human rights in Israel, if the human rights protocols are to mean anything and are not just a cosmetic decoration, when else should we operate them other than when Ireland is in the driving seat? This is what I am calling for, not an easy sentimental boycott which will do nothing except release anti-Semitism, which I deplore. We must use the instruments in the treaty itself.

This is a terrible situation, for which the Americans are largely responsible, not just in Iraq but also in Israel because it is under the shadow of the criminal regime in Washington that Sharon operates. It is by this that he is protected.

Even if one accepts American motivations, it has still been disastrous. They set out to look for weapons of mass destruction, yet not a single thing was found. We all said that would be the case but they would not listen. They frustrated Mr. Blix and the inspectors. They then forged a completely nonsensical relationship between Saddam Hussein and al-Qaeda. There were no members of al-Qaeda in Iraq at the time but there certainly are now. There was a secular state run by a tyrant that the Americans had placed in power, but at least it was run efficiently. There is now a shattered society and the possibility of a civil war. People are up in arms and I do not blame them.

There is now the real possibility of a fanatical Sharia regime. This was done at the behest of whom? Some very interesting material was released over the weekend which suggested that they were used like cats’ paws by Iranian intelligence. It suggested that Ahmed Chalabi misled them deliberately and fed information to the Iranians so that the Americans could be used by proxy to knock out Iraq in the interests of Iran. This is the type of moral, intellectual and spiritual imbeciles with whom we are dealing. The visit of President George W. Bush, a known war criminal, is a disgrace to this country and I do not want to meet him. I would only like to meet him on the way out of Shannon, through which some of the torturers have probably moved.



[Mr. Norris.]

I passed some information to the Leader of this House about Canadian citizens who were grabbed in JFK airport by the CIA. They were shackled, interrogated, placed on private planes and exported to Syria to be tortured, yet the US is simultaneously and hypocritically denouncing Syria. I named these people and we now have even more information in reports from Amnesty International. These reports make it clear that the UK and the US are without moral leadership or any vision. This small country, with a pivotal position in Europe, should not be allied to nations that are morally bankrupt and are on the way to imitating the excesses of the Nazis in the 1930s.

**Mr. Minihan:** In speaking this evening on the broad issue of the current situation in the Middle East, I would like to address the situations in Iraq and in Israel and Palestine. In my opinion, both situations warrant a debate in their own right.

There have been many changes in Iraq over the past few months and we can look at these in terms of the glass being half full or half empty. Treatment of prisoners is a serious issue but more importantly it is a sign of the attitude of the US towards Iraqis. Simply put, is it a case of "do as I say, not as I do"? The pictures of prisoner abuses are damning and bring shame on the US Administration, but we must await a reasoned response. It is difficult to see how there can be a reasoned response but natural justice states we afford the right to response before we pass final judgment. War by its nature records outrages and bad events will occur. The US will be more closely judged on how it deals with these events than the events themselves. The international community will not accept junior ranking scapegoats.

Bad soldiers do not reflect the ethos of a professional army. Such soldiers have to accept responsibility for their own actions. Obeying an unlawful order is not a defence to a charge of a war crime. In my opinion, the perpetrators of these crimes fall into one of three categories. They are either rogue elements, covert operations by a combination of military and civilian personnel or political directives. The chain of command has to be clearly identified and those responsible have to be held accountable and prosecuted regardless of how high it goes, even if it is to the heart of the Bush Administration. Final judgment will be measured on who is held accountable.

From a military aspect, all professional soldiers are trained in all aspects of the Geneva Convention, in particular, Article 144 and how it is applied to POWs, the civilian population, the wounded and the sick. The failure of the US to sign up to the International Criminal Court is a weakness in its foreign policy and leads one to suspect that the Americans have different rules for themselves.

There is a weakness in not providing an international forum to debate this issue. The obvious forum is the UN, but due to the power of veto within the UN system, this forum is flawed. I welcome the draft resolution placed before the United Nations but have some reservations about the US interpretation of its future role. It will have to work in conjunction with the civilian authority and this plan will fail if it continues to operate under independent authority. The British Government seems to be adopting a more conciliatory approach on policing and future operations in accepting the primacy of the Iraqi provisional Government. I hope negotiations will lead to the adoption of a workable resolution that can win the support of the international community. Recriminations serve no purpose. The international community has to come together to ensure the future of the Iraqi state and its people.

I believe President Bush's visit to Ireland should go ahead. We will meet him in our capacity as President of the EU, representing 500 million people, and we have to accept the responsibility that comes with that office. Having said that, we should avail of the opportunity to tell the president of our concern over prisoner abuse and that future US operations would go ahead only with the Iraqi provisional government's approval.

Confidence among Iraqis in international assistance can only be built by co-operation and not domination. Much has been achieved in this regard. There has been a national distribution of over 12,000 tonnes of medicine and supplies and all 240 hospitals have reopened. Health spending is 26 times greater than under the previous regime and child immunisation rates have increased by 25%. The pre-war potable water supply of 12.9 million litres has been doubled. Tens of thousands of Marsh Arabs have now returned to their ancestral home. All of Iraq's universities have been refurbished. School attendance is up 10% on a year ago. The number of departures of daily commercial aircraft is 100 times higher than before the war. Many of the 4.5 million Iraqi exiles have returned and are setting up major business enterprises. The country has now directly elected new town councils that cover 90% of the population. The World Bank estimates that if the unrest can be quelled, Iraq's *per capita* income will rise by 33% this year and gross domestic product by 60%. These are real achievements by any measure. If such calm is to become widespread, all available assistance must be given to the new Iraqi government between 30 June 2004 and the general election in January 2005.

Regarding the situation in Israel and Palestine, I believe in the right of the Palestinian people to self-determination. I believe in the state of Palestine and also in the state of Israel. I condemn all acts of terrorism, be they ideological or state-sponsored. The difference between a state and a group of fundamentalists is that a

state has to work to a higher and more principled standard. We have to be accountable and responsible for our actions. It is easy for us to focus on prisoner abuse in Iraq, but we should not lose sight of the abuse of the Palestinian people, whether they are prisoners or the civilian population. We should not lose sight of the human rights abuses that have taken place in that country. Senator Norris spoke accurately of certain abuses. I personally witnessed Palestinian bodies laid at border crossings to terrorise the Palestinian people crossing the border and to warn them what might happen to them.

As far as the international community is concerned, Israel seems to work to a lower standard. We all acknowledge and condemn the atrocities against the Jewish people, and some more than others must hang their heads in shame for standing idly by, but that does not give us the right to allow Israel to operate to a lower standard. Both sides blame the other for each outbreak of bloodshed. Palestinian suicide bombers have killed and wounded scores of innocent people and the Israelis are clamping down on the Palestinians, launching assaults against what they believe are terrorist cells and claiming innocent lives in the process. Living conditions in the Palestinian territories are atrocious. Israeli settlers on Palestinian land now number more than 250,000. The construction of a security fence, which is more a wall isolating Palestinians, has torn the US roadmap for peace into shreds.

Edmund Burke once said, "Never despair, but if you do, work in despair". That was never more appropriate than in this case. Evidence would suggest that some members of the Palestinian Authority, and Palestinians generally, would accept the existence of Israel within its pre-1967 borders. We often see spokespersons for this point of view in the media whenever Israel commits an atrocity. Their argument is that they are reasonable people and if Israel would only leave them alone, they could all live in peace side by side. Many of those spokespersons are honest in their views. They genuinely believe they can live in peace with Israelis but while they are probably in the majority, a significant minority will never accept that solution.

Whether influenced by years of Israeli aggression or believing, as many did in 1947, that a Jewish state should never exist in Palestine, a sizeable minority would welcome the extinction of Israel. A majority of that sizeable minority would never do anything overt to overthrow Israel but their tacit support gives succour to those militants who are willing to take more active measures. If those dispossessed of their land within the pre-1967 borders of Israel were allowed to return, perhaps some would change their opinions, although the militants will never change.

As with Palestinian opinion, Israeli opinion is divided and falls within two blocs. Those of a Labour persuasion would probably welcome an

agreement provided Israel's safety within its pre-1967 borders could be guaranteed, while there are those who would broadly support it. Likud will never accept the abandonment of the West Bank. All this may be academic as it is unlikely Israelis will be granted safety within their borders. Taking as a premise that safety will be granted, however, how do we persuade the Likud supporters to relinquish the West Bank?

There is no doubt that the future of the Israeli-Palestinian conflict needs international approval. The problem that arises concerns who will be the honest broker. It cannot be the US, given its influence, and Europe is viewed as being pro-Arab. We have to find common ground and it is only when the international community comes together and moves forward that we can hope there will be a successful resolution of this conflict.

**Ms Ormonde:** I will be brief because we are running out of time. I wish to share my time with Senator Kitt and Senator Leyden.

When the invasion of Iraq began, I was one of those who advocated it. At dinner tables I spoke at length to many people who were against the invasion of Iraq, but I have come full circle in my thinking on it. I am so disappointed with the United States Administration. It has lost my confidence and I believe it has lost the confidence of every man and woman in the western world. I do not know how we will get out of this situation. After the horrific pictures that appeared on our television screens over the past few months, how could anybody trust the United States with the peace process and the transfer of sovereignty in Iraq? I do not believe a solution can be found. I only hope the United Nations can come in and not be hijacked again by America. I hope it can find a resolution to this situation because that is our only hope. I ask the Minister of State to disinvolve America and the political strategists who hijacked this issue and got nothing out of it. We do not have thinkers at that level, and I am happy to put that on record.

I am against what is happening in Iraq. We are now replacing one tyranny with another. That is the result of putting in place an administration which never thought through this process. The pictures of the beheading of a man in the past week made me sick and I am sure every man and woman on this side of the world felt the same. I will be saying at every opportunity available to me that I am very disappointed with America.

**Mr. M. Kitt:** I welcome the Minister of State. I am disappointed and saddened by what is happening in Iraq. I am not as hopeful as Senator Minihan about the progress in Iraq, although I realise progress has been made in the area of education. I visited Iraq 15 months ago and I try to keep in contact with Iraqi people here who tell me about the circumstances of their families in Iraq. There is a major breakdown in law and order and when that happens, every other issue

[Mr. M. Kitt.]

has to be put into perspective. I am talking about issues such as the poor electricity and water supply, the inadequate sewerage system and so on. There is an irony in people queuing for oil products in a country which is so rich in that resource. Now is the time to restore sovereignty to the Iraqi people, which has been spoken about by the Minister and the Government, and keep in contact with the United Nations Security Council to ensure matters improve. I am told that normal currency is not worth anything in Iraq and that one needs dollars to survive. The oil for food programme, of which we were so proud, has been undermined by what is happening in Iraq.

I condemn what is happening regarding the humiliation of prisoners. We have seen such practices in Palestine and eastern Europe with the trafficking of people, particularly women. I understand information will be made available to us in the coming days on many more examples of humiliation in the prisons. I hope we get back to the question of the role of the United Nations and make a strong case, as we did in Washington and London in respect of the humiliation of prisoners. We must ensure that sovereignty is given to the Iraqi people and that they are allowed get on with their lives.

**Mr. Leyden:** I welcome the Minister of State, Deputy Tom Kitt. I also welcome Mr. Ali Halimeh, the Delegate General of the Palestinian Authority, who is in the Visitors Gallery. He is working closely with all of us to try to bring justice to the Middle East.

I take this opportunity to again condemn the activities of the Israeli Government and the atrocities it carried out in Rafah last week, which resulted in ten people being murdered and 40 injured. Israel is constantly carrying out atrocities in the West Bank and the Gaza Strip and it is time we took serious action in that regard.

I call on the Minister to review the European Union agreement with Israel, which was signed in 1995. That agreement gave preferential treatment to Israel to export their products to the European Union and it is now one of the major exporters to the EU. That action is in the hands of the Irish Government, as President of the European Union, and I ask the Minister to consider intervening at this time. Article 2 of that agreement states that relations between the parties, as well as all the provisions of the agreement, shall be based on respect for human rights and the democratic principles which guide their internal and international policy and constitutes an essential element of the agreement. The Israeli Government has broken that agreement and it should be reviewed and renegotiated.

The Irish people have a right to boycott all Israeli products and goods because Israel's illegal activities indicate that it does not have any respect for human rights. As many as 3,500

Palestinians have been murdered in the last three years.

I also condemn suicide bombings, which have ceased for some time. President Arafat and the Palestinian Authority do not support the activities of Hamas or Islamic Jihad but those organisations are thriving as a result of the atrocities which are being carried out.

This is a David and Goliath situation, but David will win in the long term and Palestine will be recognised as an independent state. Ireland was one of the first countries to recognise Palestine. The late Mr. Brian Lenihan, as Minister for Foreign Affairs, was the first European Foreign Minister to recognise the self-determination of the Palestinian people. We have a proud record in this regard and we continue our support for Palestine and for the rights of the Palestinian people to self-determination.

Debate adjourned.

### Housing Provisions: Motion.

**Ms Tuffy:** I move:

That Seanad Éireann recognises, in the light of the fact that:

- in the last seven years house prices have trebled from the average price of a new house at €97,000 in 1997 to over €300,000 in 2004;
- according to local authority housing strategies, almost half of all new families cannot afford to buy a house;
- numbers on council housing lists have doubled from 26,000 in 1996 to over 60,000 now;
- there are twice as many homeless as there was in 1997;
- in relation to the 10,000 affordable houses agreed by the Government after the 2002 election that not one sod has been turned;
- the report of the Commission on the Private Rented Sector has not been implemented four years after publication; and
- the first-time buyers grant has been abolished and no measures put in place to address the disadvantaged position of first-time buyers in the housing market

the Government has failed dismally in its housing policy and should resign from office.

I move this motion on behalf of my Labour Party colleagues and fellow Senators. When I submitted this motion, in the final sentence I proposed that the Government be evicted from office. That wording has been changed, which is a pity. I have heard worse language used in the House.

The Government's housing slogan could be, "A lot said; nothing done". Shortly before the local elections of 1999 the Government made an announcement regarding affordable housing. This caused much excitement and I received many inquiries on the matter. I got the relevant documentation from the Department and forwarded it to people who were interested. We awaited this great new initiative. In fact, no action followed the announcement until last year when three affordable housing units were built in Lucan. This was the first delivery of affordable housing in Lucan under the 1999 initiative. I accept that the local authority shares responsibility for the provision of affordable housing but the local authority in my area is controlled by Fianna Fáil, as are councils in many areas, so that party bears a dual responsibility. Affordable housing is being provided in Lucan this year but the provision is limited. Only 33 houses are being built in Lucan at present and they are taking a long time to build.

Sustaining Progress promised 10,000 affordable housing units but nothing has come on stream in that regard. It was a mere promise. Promises of this sort are simply spin, designed to get the public and the media excited for a short while, but very little comes into effect.

In Dublin, 50% of new families can no longer afford to buy their own house. The Government has made provision for 20% of all new housing development to consist of affordable or social housing. Local authorities have imposed lesser requirements and the Government has even allowed developers to buy their way out of these reduced planning conditions.

Within the lifetime of the last Government, the Minister for Finance did a U-turn with regard to the capital gains tax provision which forced developers to build on re-zoned land. Last year, the Government abolished the first-time buyer's grant. While the amount of the grant was small it gave first-time buyers some advantage over other players in the property market. Unlike buyers who are moving from a previous home, first-time buyers have no equity in a house which they can use in buying a house. Investors can often use tax breaks and incentives to write-off the full price of a house. The abolition of the first-time buyer's grant showed where the Government's loyalties lie, despite its protestations to the contrary.

The All-Party Committee on the Constitution, of which I am a member, recently produced a report on property rights. The Taoiseach made a major media announcement of his referral of the question of property rights to the committee. The report has been published but I see no sign of Government action on it. Will this report join so many others on a shelf somewhere?

This motion points to the Government's failures. A similar motion tabled by my Labour Party colleagues in the Dáil this evening sets out what the Government needs to do in this regard. I ask the Minister and Government to make a radical intervention in the housing market instead

of making announcements and holding press conferences.

Members will be aware from the All-Party Committee on the Constitution report that there is no impediment, legal or otherwise, to the introduction of legislation to cap the price of building land. Other measures can also be taken in that regard. A great deal of work went into that report. It includes inputs from across the political divide and contains a substantial section on the dynamics of the property market and the legal basis for taking action on the housing crisis in terms of the price of land. There is no reason the Government cannot come forward with proposals to introduce such a measure.

The report also mentions the capping of the price of land. The Taoiseach recently referred to a clause in the report which states the cost of housing is not primarily influenced by the price of land. It is important the Taoiseach does not misunderstand what the word "primarily" means in that context. The All-Party Committee on the Constitution received advice from many experts. The price of a house may affect the price of land but the price of land then determines the price of housing and other land. That is the reason the capping of the price of land is an important measure. It would put in place a check to prevent developers making enormous profits from ever increasing land prices.

Many other measures could be put in place. The Labour Party manifesto points out that the number of council houses built in the lifetime of this Government is paltry compared with the number built by Labour or previous Fianna Fáil Governments when in office. South Dublin County Council built approximately 600 council houses in the past five years. There is an ever increasing number of people on that council's housing list.

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Why did they not build them?

**Ms Tuffy:** That is a question which Government must answer. South Dublin County Council is controlled by Fianna Fáil. The majority of members are Fianna Fáil councillors.

**Mr. N. Ahern:** That is news to me. I am delighted to hear we have such influence in that part of the city.

**Ms Tuffy:** Fianna Fáil is in the majority on most councils. The Government needs to do more than provide county councils with money to deliver council housing. Much more needs to be done. Councils must also receive back-up in terms of resources to deliver such houses.

One of the Government's most promising provisions was the Planning and Development Act which required developers to provide a certain amount of social housing. However, the Government has not held firm in that regard. It

[Ms Tuffy.]  
is unable to stand up to developers and the type of people who attend the Fianna Fáil tent at the Galway races and to make them understand that this is a permanent provision on which they will have to deliver.

**Mr. Bannon:** Hear, hear.

**Mr. Kitt:** One can get into the Galway races for €15 via the normal entrance.

**An Leas-Chathaoirleach:** Please allow Senator Tuffy to continue without interruption.

**Mr. McCarthy:** That applies to Fianna Fáil politicians from Galway.

**Ms Tuffy:** I call on the Government to act upon the All-Party Committee on the Constitution report and to take whatever action is necessary in that regard, including the introduction of a cap on the price of land, the building of the promised 10,000 affordable houses so people do not have to wait ten years for a house as was the case for many people in the past and the introduction of measures to ensure developers are forced to pay extra tax if they hoard development land.

I also ask that the Government do something for first-time buyers who are greatly disadvantaged in the housing market. The Government took away from them the one provision which provided them with a little help in acquiring a home.

**Mr. McCarthy:** I second the motion. I welcome the Minister of State to the House and look forward to this debate. I served for four years on a local authority the majority of members of which were Fine Gael, Labour and Independent councillors. The housing record of that local authority was somewhat exemplary when compared to South Dublin County Council's record.

When I entered public life at the age of 22, some five years ago, one of the single biggest issues primarily affecting young people was housing. Many classes of people are included in the bracket of those finding it difficult to obtain housing of some description, including those with means and, unfortunately, many of those without means. This is particularly true of young people living in areas of west Cork such as Schull or Goleen, areas of high tourist attraction in which real estate is more expensive. Young people in those areas are faced with having to pay from €300,000 to €350,000 for a house. That is beyond the threshold of many young couples and results in a huge demand for local authority housing.

Many good schemes are being administered through the affordable housing scheme, such as the serviced sites scheme. It is a good scheme whereby the local authority subsidises a serviced site, accepts applications, interviews applicants, assesses the applications on merit and then releases the sites for a nominal fee to the

applicants. That scheme has provided many young couples in my constituency with a home. It has allowed them, within financial reason, to build a home for themselves. It is a good scheme on which I would like to see more emphasis in terms of national Government policy. Often, there is a category of people in the middle which is considered too well off to qualify for council housing and who cannot afford to build a house of their own. In that regard, this scheme works quite well.

The Government, under Sustaining Progress, is committed to building 10,000 additional affordable houses each year. That commitment was a fundamental aspect in the negotiation of a very difficult deal and was a particular requirement of trade unions which represent so many workers. Unfortunately, to date not one block has been laid and not one sod has been turned.

**Mr. N. Ahern:** That is not true.

**Mr. McCarthy:** That is the position even though the Government which gave a specific commitment on this issue to one of the strongest organs of representation in the country. It is disappointing because there is a great deal of merit in that concept.

In the past couple of years, in particular the past seven years which correlates with the term in office of the current Fianna Fáil-Progressive Democrats Government and its predecessor which was not as mean, house prices have increased by nine times the rate of inflation. That is worrying. In 1997, people could buy a house in Dublin for between £90,000 and £98,000. Now, the minimum price is €300,000 to €350,000. That creates enormous difficulties and great social problems. History has recorded that people went out to work early in the morning and returned well after midnight. That was part of the French Revolution, a damning indictment of any society. Yet, in the post Celtic tiger era things are pretty much the same. Young couples are getting out of bed early, dropping children to childminders, if they can get one at an affordable rate, or family relatives at 6.30 a.m. or 7.30 a.m. and are not returning until late in the evening. That is just to provide a basic standard of living. The bulk of the effort is put into paying a mortgage. What kind of society allows that to happen?

Quality of life is an issue of concern to people. One of the most fundamental rights in this country is the right to own one's home, the right to have a house. A worker working 16 or 18 hours a day, all daylight hours, to provide means to pay for that home, is a sign something is seriously wrong. It affects family and social life and is a shocking indictment of any society.

There are ways to deal with this issue. The All-Party Oireachtas Committee on the Constitution worked very hard and delivered a fine report on house prices. I ask the Minister of State to state the Government's intentions regarding the

report. We have a duty to our fellow citizens to ensure that the report, which addresses these issues in an appropriate manner, should be implemented in full. The Kenny report published a number of years ago made some similar sweeping recommendations. It is important these reports should not gather dust on a shelf but are read and implemented and have a meaning for people. An infrastructure should be put in place to ensure that young people can be housed.

On the question of the administration of schemes there is an unhealthy discrimination against the single applicant, in particular the single male. I am aware it is down to the local authorities and the decision-making powers lie with the county manager. The Minister of State can do little about the matter but it should be examined. A good scheme existed in my home town, Dunmanway, whereby the county manager decided that eight two-bedroom bungalows would be allocated to single, elderly applicants, slightly older adults, to be politically correct. It was a good scheme. People who had been on the waiting list for eight or twelve years were finally accorded their one objective in life. They were people who could not afford to buy or build and were living in very bad conditions of accommodation. They were finally allowed a house. This decision was as a result of much debate and ongoing begging and beseeching on the part of the officials. An infrastructure should be put in place to ensure equity in the allocation of housing units.

The bulldogs of greed and bastions of selfishness, the greedy developers, are holding onto prime development land. That is one of the significant contributing factors to the escalation of house prices in this country in recent years. A select number of people have this land and are effectively sitting on it. It affects supply and demand, which impacts on house prices.

There has been good co-operation between the Minister of State's Department and voluntary housing associations. A good number of schemes have been produced by voluntary housing organisations. Subsidised land or land purchased by the Department is handed over to them and they build houses at affordable rents. There may be issues in individual areas but, generally speaking, it lets the local authority off the hook. There should be a combined housing policy between voluntary housing associations and local authorities. The local authority in my area can look at the list, vet the candidates and agree the allocation of such houses. It sometimes allows the local authority to concentrate less on a particular type of applicant, knowing that the voluntary housing association may look after that category of applicant.

**Mr. N. Ahern:** What is wrong with that? It is allowing people to get involved in the community.

**Mr. McCarthy:** I agree there is nothing wrong with it but it should not allow local authorities off the hook from looking at the particular type of candidate directed towards the house in the affordable housing scheme. There are significant differences regarding allocations, in some cases they are huge. I appeal to the good conscience of the Minister of State to, for God's sake, stop allowing this situation where house prices are crippling people. He should think of the many thousands of people who are going to the polls on 11 June who are living in sub-standard accommodation and who can barely afford rent in some sectors. Some have been deprived of their rent allowance by the Minister of State's ministerial colleagues. I ask the Minister of State to vote for this motion with his colleagues on this side of the House.

**Mr. Kitt:** I move amendment No. 1:

"To delete all words after "Seanad Éireann" and substitute the following:

"acknowledges the achievements of the Government in

- increasing housing supply as the key response to the broad range of housing needs and demand;
- achieving the 9th successive year of record housing completions involving the addition of 68,819 new houses in Ireland in 2004;
- continuing to develop measures to address affordability;
- increasing the share of the housing market going to first-time purchasers and introducing a number of measures to support first-time buyers;
- bringing forward the Private Rented Tenancies Bill 2003;
- putting in place a strong social and affordable housing programme involving investment of some €1.8 billion in 2004;
- progressing the commitment in the *Sustaining Progress* partnership agreement to the delivery of an ambitious scale of affordable housing through the Affordable Housing Initiative and Part V of the Planning and Development Acts 2000 to 2002 and to reviewing the effectiveness of programmes designed to assist low income groups, including those with social and special housing needs;
- introducing and resourcing an Integrated Strategy on Homelessness; and supports the continued actions by the Government to increase housing supply, and focus public expenditure on responding to the needs of low income households and those with special

[Mr. Kitt.]

needs through a broad range of targeted initiatives.”

I welcome the Minister of State to the House and congratulate him on his work. He is Minister of State with special responsibility for housing, among other responsibilities. He has been doing a very good job in achieving a record level of housing output and it is very evident if one drives around rural Ireland, which is the area I know best. I hope the Government continues to build on that success. The Minister's draft guidelines on one-off housing have been very helpful and have helped local authorities to develop county development plans in the confidence there will be sound and more realistic policies for those who wish to build houses in rural Ireland.

The amendment to the motion states that 2003 was a very successful year for housing output with 68,819 housing completions, an increase of 19.3% on 2002. Housing output in Dublin has reached record levels with 14,394 built last year. In the greater Dublin area, the figure was 22,852 units. Since 1997, over 356,000 houses have been built nationally. I hope the focus of the Government will remain on continuing the highest possible level of housing supply because the demand is very strong. By doing so, the Government will bring moderation to the rate of increase in house prices.

I have a particular liking for the programme of serviced land initiative. This initiative and the more efficient use of housing land can help to achieve the desired result of more houses. Two villages in County Galway, Kilkerrin and Dunmore, which is a town rather than a village, have been included in the Minister's programme for serviced land initiative funding. The tenders are already with the Department of the Environment, Heritage and Local Government. I hope that under the new design-build-operate system, those schemes will be up and running before the end of 2004. This initiative, together with the rural towns initiative, will ensure the infrastructure is in place to create more housing.

One of the biggest problems in towns is the lack of sewerage facilities. If more sewerage schemes were built in small towns and villages at a cost of between €1 million and €1.5 million, a relatively small amount, we would have infrastructure for housing. Similarly, improvements are required in water schemes in some towns where water supply is not adequate.

The rate of house price increase referred to by previous speakers remains a problem although it has moderated since the late 1990s. Six years ago, in 1998, house price increases peaked at 40% per annum. The Government is seeking ways to improve the situation. I am encouraged by the various schemes introduced by the Department of the Environment, Heritage and Local Government, including the social and affordable housing schemes, for which I hope funding will be maintained. I understand the needs of 13,000 households will be met under the schemes

compared to 8,500 in 1998. We need strong social housing programmes to meet the needs of those unable to provide for their housing needs from their own resources. In 2003, local authorities completed or acquired almost 5,000 units.

We need to support the voluntary and co-operative housing sector which provided 1,360 units in 2002, a record output for the sector. In 2003, its output continued with more than 1,600 units provided, more than double the output of 1997. Just before Christmas 96 houses were completed in Tuam in the biggest ever scheme, consisting of a mix of a council social scheme and a voluntary scheme. While I was glad this very nice estate was completed in good time, I noted with interest that the 48 local authority houses were allocated before Christmas, whereas five or six houses on the voluntary side have not yet been allocated. It is difficult to understand the reason for this and I have tried my best to find out. While the postal strike in Tuam probably did not help, it is now late May and we must ensure the remaining houses are allocated.

I commend the Office of Public Works on the considerable work it has done with regard to land in the ownership of State bodies. It has identified many areas of land which could be used for housing, one of which is on the Finglas Road in Dublin. The health boards have land in areas outside Dublin and some Land Commission land is still available. The possibility of providing housing on State lands needs to be examined.

The Residential Tenancies Bill before the Dáil will result in a major improvement in the current position by placing the Private Residential Tenancies Board on a statutory footing. I hope the legislation will be enacted before the summer. I also welcome the Government's action on homelessness.

Traveller accommodation has given rise to considerable difficulties and I do not underestimate the challenges in this area. I ask the Minister to promote the Traveller accommodation programme more vigorously and ensure more units are built.

Sometimes repairing houses is as important as building them. It might not sound as good if the Department was to state it had repaired 68,000 houses — it would prefer to say it had built 68,000 homes — but let us not forget that we need to repair houses for the elderly and people with disabilities. I hope the Government will do so.

**Mr. Bannon:** I fully support the motion. Only the week before last, I and my party called for the resignation of the Minister for the Environment, Heritage and Local Government due to the appalling waste of public money on the electronic voting fiasco.

**An Cathaoirleach:** We are not discussing electronic voting. The Senator should confine his contribution to the issue of housing.

**Mr. Bannon:** I support the Labour Party's call on the Minister to resign as he and the Government have failed miserably to produce a sustainable and viable housing policy. The Minister and the Minister of State, Deputy Noel Ahern, arrogantly wasted money, which would have gone a long way in the area of social and other housing, on a white elephant.

**An Cathaoirleach:** The Minister should note that we are discussing housing.

**Mr. Bannon:** I am not the Minister just yet.

**An Cathaoirleach:** The Senator may well have ambitions.

**Mr. Bannon:** The current Government should be ashamed of its record on social housing. It has continually failed to meet its commitments to social housing under the national development plan, leaving more than 60,000 people on local authority waiting lists and at least 5,000 people homeless, sleeping in bed and breakfasts and on our streets. Time and again, on the Order of Business and other occasions, I have pointed out that within a radius of 200 m of the House one will see people sleeping in alleyways and on the street. This is a major blight on the record of the Minister and the Government.

According to the St. Vincent de Paul Society, the age and gender of people who are becoming homeless has substantially altered in recent years, with more women and young people seeking advice. There has also been an increase in the number of two parent families experiencing homelessness, indicating that the direct structural effect of the price of accommodation on homelessness is increasing.

In line with the Government's shameless and relentless targeting of the less well-off in our society, house buyers who have already lost the first-time buyer's grant now face punitive levies, which result in many of them being priced out of the housing market. This problem is evident irrespective of location and is being raised continually on our canvass for the local and European election campaigns.

To paraphrase the well known saying that an Irishman's home is his castle is to present a picture of permanence and prosperity. For many in the rental sector, however, their accommodation is far from a castle and they are far from having security of tenure. In many cases, they are subject to the whims and financial greed of some unscrupulous landlords, mainly supporters of the Fianna Fáil Party. I note the presence of Senator Brennan who recently left the Fianna Fáil Party because he could not put up with its cronyism.

**An Cathaoirleach:** We are not discussing the Fianna Fáil Party. The Senator should confine his comments to the motion.

**Mr. Bannon:** May I speak?

**An Cathaoirleach:** The Senator must speak to the motion and I will correct him if he chooses not to, which is what I am doing. He is wasting his own time by not speaking to the motion. That is the position.

**Mr. Bannon:** Those at the mercy of the private rental sector have suffered the effects of a system in chaos, which is still not regulated 100 years after the rights of tenants on the land were first established. It is a blight on the Government's record. Those trying to get a foot on the property ladder are finding it impossible because of stealth taxes imposed by the current Fianna Fáil led Government. Approximately 45% of the cost of a house now goes to the Government in tax revenue.

The Fine Gael Party has a radical plan to help 70,000 first-time buyers, those who have been crippled by the exorbitant taxes imposed by the Government, to make home ownership a reality. These plans will result in first-time buyers benefiting from the abolition of stamp duty on second hand homes up to the value of €400,000. This will mean that a first-time buyer purchasing a second hand house costing €350,000 would save approximately €14,625.

We have proposed an SSIA type scheme to help young people who are saving for a deposit for a new home. Under this scheme, first-time buyers will receive one euro for every three euro saved, provided these savings are used to purchase a house. No tax on interest will apply and the potential house purchaser will be required to show regular monthly savings for a minimum period of two years. The scheme will be applicable to both new and second hand houses. A frontloading of mortgage interest relief will help the buyer in the early years of mortgage repayments, giving first-time buyers help when they most need it.

As Senator McCarthy stated, since the Government parties took power, the price of a home has trebled from an average price of €97,000 in 1997 to more than €300,000 currently. This has resulted in home ownership becoming impossible for many young people who find getting a foot on the property ladder beyond their financial limits. The Government has consistently failed to tackle the housing crisis and has shamefully reaped a taxation windfall from the surge in new house prices. The Government netted more than €5 billion from taxation on new homes in 2003.

Fine Gael is committed to bridging the affordability gap, which is preventing people who have incomes from owning their own homes. Innovation, not taxation, will help to realise the dream of home ownership. A string of broken promises has followed the 2002 general election. The Government promised 10,000 affordable houses but has not delivered one.

The Taoiseach stated at the Fianna Fáil Ard-Fheis that developers who hoarded land would be dealt with through legislation and other means.



[Mr. Bannon.]

These are empty words, given that Fianna Fáil cronyism has resisted all attempts to free up land. The construction industry has strong friends in the party and the undisputed riches amassed by “rezoners” and speculators have been added to by the party halving their capital gains tax liabilities while young people struggle to pay a mortgage. Land owning friends of Fianna Fáil continue to hoard land banks without fear of action by the Government.

I would like to highlight the alleged shameless remarks of the Minister of State regarding the disabled person’s grant scheme, which is a worthy scheme.

**An Cathaoirleach:** The Senator’s time has concluded.

**Mr. Bannon:** The Minister of State has raised concerns among people with disabilities who need financial assistance to adapt their homes. He is reported to have said the disabled person’s grant scheme was in need of reform because “some counties approve too many grants.” What does he mean by this? Does he mean some grants should not have been approved?

**An Cathaoirleach:** The Senator has exceeded his time.

**Mr. Bannon:** I am entitled to conclude. The Chair interrupted me.

**An Cathaoirleach:** The Senator had eight minutes. He is out of order.

**Mr. Bannon:** The Chair interrupted me unfairly. I am entitled to my time. Is this dictatorship at its best?

**Mr. Brady:** That is unparliamentary language.

**An Cathaoirleach:** I ask Senator Bannon to withdraw that remark.

**Mr. Bannon:** If it suits the Chair, I will withdraw it.

**An Cathaoirleach:** The Senator should resume his seat.

**Mr. Bannon:** I am disappointed.

**Mr. N. Ahern:** I am pleased to address the House in support of the amendment. I would like to set out, once again, the main elements of the Government’s approach to housing and update Members on the positive effects this approach is having.

A similar motion is being debated in other House later. I thank the Labour Party for giving the Government and myself an important opportunity two weeks prior to the local and European elections to outline the positive progress we have made. Our record is second to

none and my contributions to both debates will demonstrate the Labour Party motions were not well thought out. I am heartened that the party used Private Members’ time in both Houses to raise the housing issue. I feel good because if this is the most significant issue its members have encountered on the doorsteps, things much be much better than a number of commentators thought. This is a positive motion by the party.

Housing remains at the top of the Government’s agenda. Despite unprecedented demand for housing, fuelled primarily by rapid economic growth and demographic changes, we have a proud record of achievement in delivering housing across a broad spectrum of housing needs. The Government is focused on maintaining a high level of housing supply to meet the strong demand and to moderate house prices in this way.

The economy has been booming for the past seven or eight years. The recent census data highlighted a population increase of 8% or 270,000 between 1996 and 2002. The population has not increased to that extent in any other country in the world. A negative side effect of the booming economy has been the return of many emigrants while the number of family units increased by 14% during the period of the census. A greater number of housing units are needed in comparison to ten or 20 years ago but this would be the case even if the population was not increasing.

**Mr. Bannon:** The Government should tackle it.

**An Cathaoirleach:** The Minister of State, without interruption.

**Mr. N. Ahern:** There is evidence that measures introduced by the Government to boost supply, including significant investment in infrastructure, improving planning capacity and promoting increased residential density, are having a positive effect. Last year was the ninth consecutive year of record house completions with 68,819 units being built, an increase of more than 19% on 2002 and more than 10.5% in the Dublin region. However, figures do not always convey the context.

**Mr. Bannon:** Action is needed, not figures.

**An Cathaoirleach:** The Minister of State, without interruption.

**Mr. N. Ahern:** The number of house completions hovered around 25,000 in the 1970s, 1980s and early 1990s. A total of only 22,000 were built in 1993. An increase from 22,000 completions to almost 69,000 is incredible.

**Mr. Cummins:** What about social housing?

**Mr. Bannon:** In 2002, 10,000 affordable houses were promised but the Minister of State has not delivered a single brick.

**An Cathaoirleach:** The Minister of State, without interruption.

**Mr. N. Ahern:** The EU publishes an index of the number of new houses built per year per 1,000 head of population. Ireland is at the top of the league with 17 new dwelling units per 1,000 head of population annually. Portugal builds under ten while the UK builds one and Sweden builds three annually. We are miles ahead of every other member states because housing output has been enormous. We are racing to stand still because of the significant demand that has resulted from economic expansion and the return of large numbers of emigrants who left when the country was not doing well 20 years ago. Those who left were in their early 20s and lived in their parent's homes prior to emigrating. They then returned with families in need of new homes, resulting in significant pressure on housing. However, the increase in housing output has led to great progress in this regard.

The rate of house price increase is a problem. However, affordability is also a problem. Affordability comprises price, income, tax and interest rates. The cost of a house may have increased by 300% in ten years but one must examine what percentage of a couple's net disposable income was spent on mortgage repayments in the early 1990s compared to 2004.

I accept that house prices have increased and that houses are less affordable than they used to be, but it is very marginal. The problem is worse in Dublin than it is in the rest of the country. While house prices may have risen by 300%, the affordability index indicates that this does not mean they are three times less affordable.

When there is a booming economy, as we had in recent years, demand for houses always increases. When there is a recession, which often happens, usually when Fine Gael and Labour are in power, there are lashings of houses.

*(Interruptions).*

**Mr. Bannon:** The Minister of State is very hypocritical this evening.

**Mr. N. Ahern:** There are always plenty of houses during recessions and there are plenty of bargains if one has the money.

**Mr. Bannon:** I will bring the Minister of State to elderly people living in sheds. He has cut the disabled person's grant.

**An Cathaoirleach:** Allow the Minister of State to continue.

**Mr. N. Ahern:** The point I have made is that 270,000 people have come into the country in recent years. This has put pressure on the supply of houses. I believe it was said in the Dáil last night that many 31 year olds are living at home with their parents who cannot get rid of them because they cannot afford to buy a house.

Twenty years ago, they were not living with their parents because they were not in the city. They were in America, Australia or elsewhere. Meaningless statistics are now being circulated, indicating that there are more 31 year olds living at home with their parents. That is the case, but are their parents not delighted that they are in the country, given that they could not have afforded to stay here 20 years ago?

Market commentators including the Central Bank are predicting that, over the coming years, the greater balance in the housing market due to increased supply will have a dampening effect on house prices. We are committed, through various measures, to boosting the supply and ensuring that demand for houses is met in a sustainable manner.

**Mr. Bannon:** When will the Minister of State deliver the 10,000 affordable houses that were promised in the run-up to the last general election?

**An Cathaoirleach:** The Minister, without interruption.

**Mr. N. Ahern:** The Labour Party mentioned the abolition of the first-time buyer's grant. Its abolition demonstrates that the Government is prepared to take difficult decisions for the public good and to ensure a sustainable match between Government sources and expenditure.

**Mr. Bannon:** It squandered €60 million in taxpayers' money on e-voting.

**Mr. N. Ahern:** The first-time buyer's grant was of great benefit when it was first introduced. It is gas that even people at political level said it was not worth a damn and was only going into the builders' pockets, yet people screamed when it was abolished. However, we still do much for first-time buyers.

**Mr. Cummins:** Tough decisions are geared only towards one section of the community.

**Mr. N. Ahern:** The mortgage allowance was extended to seven years in the budget 18 months ago.

**Mr. Bannon:** The Government introduced development charges that affect every young person building a house. They are paying over €7,000—

**An Cathaoirleach:** Senator Bannon should recognise that he has already spoken and allow the Minister of State to continue without interruption.

**Mr. N. Ahern:** There are stamp duty exemptions for new homes and there is a staggered system for stamp duty on second-hand homes. The rent-a-room scheme, which allows an owner-occupier earn up to €7,620 per annum tax

[Mr. N. Ahern.]  
free, was introduced. There is a site subsidy for affordable housing. Those who received the first-time buyer's grant of €3,800 felt it was of great benefit, even if it involved using it for curtains and carpets. Almost as much is being spent nowadays on site subsidies for affordable homes.

**Mr. Cummins:** Did the Government build any of them yet?

**Mr. N. Ahern:** This initiative is much more focused in that it is targeted at those of a particular income bracket. The first-time buyer's grant was all over the place and one got it whether one was a normal working class person, a co-applicant as one of a couple or a high-flying barrister. The site subsidy for the affordable homes, which is now costing over €20 million per year, is much more focused and is targeted at those who are under pressure and in a particular income bracket. I am very pleased at the way in which it is working out.

**Mr. Bannon:** What is focused?

**Mr. N. Ahern:** However, the Government continues to provide for the first-time buyer. In budget 2003 we targeted the relief, as I stated. Moreover, data available to my Department also shows that first-time buyers continue to have a significant presence in the housing market. The Central Statistics Office states that over 50% of house purchasers since 1996 were first-time buyers. This is still regarded as a huge percentage.

The Government has not been found wanting in responding to increasing levels of housing need. Social and affordable housing output has expanded very significantly. Last year saw the delivery of the highest level of output under the range of social and affordable housing measures for over 15 years. The social and affordable housing needs of in excess of 13,600 households were met. The number of families or persons on the housing list is 48,000 and doubling it will not make it real.

**Mr. Cummins:** That is another massive figure.

**An Cathaoirleach:** Order, please.

**Mr. N. Ahern:** The figure of 48,000 is official. The needs of 13,600—

**Mr. Bannon:** The Minister of State is inviting comment.

**Mr. N. Ahern:** —of these were met last year. The budget, Exchequer and non-Exchequer, for social and affordable housing in 2004 is €1.884 billion, which represents an increase of 5.4% on the previous year. Inflation is running at just 1.7%. This additional funding will allow us to consolidate the very significant progress made in recent years and to maintain a very high level of commitment to social and affordable housing.

On the provision of local authority housing, the Government has been very conscious of the increased level of social housing need. As I stated, the last official figure for those on local authority housing lists was 48,413. I agree with Senator McCarthy that if one analyses those on the list, one will find that 32% of them are single. Some 30% more are lone parents with one child and the remaining 40% comprise traditional families. When one considers the numbers, one is not comparing like with like because one would not have had this many single people on the list in the past. They would not have been eligible. Until about ten years ago, the only single people that were ever eligible were senior citizens. Now, however, we allow others on to the list.

I agree that local authorities are very slow to adapt to the new circumstances. They will talk to one and tell one the make-up of the list, yet they will send in their plans for 20 new houses and revert back to the same traditional 20three-bedroom semi-detached houses. Local authorities look at the list and know who is on it. The plans that are submitted should have regard to local need and should not just refer to traditional three-bedroom semi-detached houses.

As I said, 32% of those on the list are single, many of whom are men, including separated men. We are not catering adequately for them. We are inclined to allow the private rental market look after them. Local authorities should be more innovative and recognise what is at stake. I agree with the Senator's point in this regard.

I have asked local authorities to put in place five-year action plans covering their full range of housing programmes. These plans, to be agreed with my Department, will ensure that a fully strategic approach is taken by local authorities and ensure that they avail of the certainty provided by multi-annual expenditure programmes. Last year, local authorities, on their own, completed or acquired 4,972 housing units. This is an indication of how they have successfully accelerated their programmes to meet existing demand.

Furthermore, the voluntary sector was mentioned. In this regard, over 1,600 units were provided last year. Many of these concern some of the newer, bigger housing associations, but about half of them are very small housing associations from around the country which are providing for the elderly and those with special needs. They are receiving a grant of 90% or 95% from the Department and they are doing some very useful work. This allows local communities do their bit to help the elderly or those with special needs.

The affordable housing scheme is working. Over 9,500 households have benefited from the shared ownership and affordable housing schemes in the past four or five years. This number is increasing as more affordable housing units come on stream as a result of agreements under Part V of the planning Act.

However, no magic wand can be waved to give a quick response on the housing issue. Senator Tuffy mentioned the 1999 local authority scheme. Last year more than 1,500 people got affordable homes under that scheme. It takes a couple of years to get anything done on housing. However, that is now very valuable.

I have been around the country and was in Westmeath a few weeks ago where the best of affordable three-bedroom houses were selling for €122,000 to €125,000. Even three miles from here in my constituency in Finglas, two or three weeks ago I opened some affordable sites, where a number of small infill units on local authority land were selling for €150,000 to €200,000, which represents very good value. The same is true of South County Dublin and Fingal. These houses are for people earning less than €32,000 per annum.

Work is progressing on the new affordable housing initiative under Sustaining Progress. The Government made two announcements in July and December 2003. There is no point in people trying to make every number sound big and trying to claim these announcements were made two years ago or were in our programme for Government when they were not. In July and December last year we released various tracts of State land in Dublin, Kildare, Meath, Cork and Waterford. With these sites and what will come under Part V of the planning Act, the sites announced to date will give 6,100 affordable units. However, they will take time to come on stream.

**Mr. Bannon:** Fianna Fáil did not mention that in its manifesto in 2002.

**Mr. N. Ahern:** Any builder in the midlands, or wherever the Senator comes from, will tell him these cannot be built overnight.

**Mr. Bannon:** Fianna Fáil lied to the people in 2002.

**An Cathaoirleach:** The Senator should allow the Minister to continue uninterrupted.

**Mr. N. Ahern:** It takes a while for a developer to complete building on a site. It is not true to say no sod has been turned. The Taoiseach was in Finglas a month or six weeks ago to turn the sod on a site that will contain 166 affordable units, based on the terms of Sustaining Progress.

**Mr. Bannon:** Has the Minister of State gone outside the Pale yet?

**Mr. N. Ahern:** I was down in the Senator's county a while ago.

**Mr. Bannon:** When was he there?

**Mr. N. Ahern:** Does the Senator not remember me? He was very nice to me the day he brought me down.

**An Cathaoirleach:** The Minister of State should continue and he should be aware that he has only five minutes left to speak.

**Mr. Bannon:** We would look after the Minister of State if he came with a chequebook.

**Mr. N. Ahern:** Work on the site in Finglas with the 166 affordable units, based on the terms of Sustaining Progress, has started and I look forward to seeing that progress. Shortly we will seek expressions of interest for the development of the sites at the Jamestown and Infirmary Roads in Dublin. It takes time to plan and deliver housing. I assure the House that we are fully committed to delivering on the initiative and will continue to work to maximise output from the various projects being progressed.

Very good work is being done to address the issue of homelessness. In 1999 we provided approximately €12 million to address this issue and this year we will provide €51 million. I believe Senator Bannon is from Longford where I opened a homeless unit for 21 people. Only one person stayed the night we were there, but that is beside the point.

**Mr. Bannon:** The Minister of State must come in the dark of the night.

**Mr. N. Ahern:** The problem is worse in Dublin. Some 1,000 additional emergency beds have been provided in recent years. The problem is no longer with emergency beds, as beds exist for anyone who wants one. The bus run by the city council goes around every night and homeless people are offered such beds. Depending on the weather many people will take the bus one night and not another. The challenge now is to move people out of such emergency beds and into transitional accommodation and then into local authority or independent living houses.

Many people can get their lives together and live in such houses if given a second chance. However, some of them who have addiction problems and others who, sadly, have mental health problems need a form of sheltered accommodation and would not be able for a house or a flat even if given one. However, if we continue with the level of funding aimed at homelessness, we could move many of them back into good independent living accommodation.

The private rented sector was mentioned. Report Stage of the Residential Tenancies Bill 2003 will be taken in the Dáil shortly and I hope it will be taken here in a few weeks. I accept this has been a long time coming and that tenants have had a bad deal for many years with little protection from the law. However, the Bill is very balanced and, after six months as a tenant, gives the right to a four-year lease. It will allow tenants and landlords to go to the new private residential tenancies board rather than the expensive route through the courts. I expect that Bill to come before the House in a few weeks and I would

[Mr. N. Ahern.]

greatly appreciate Senators' co-operation on that matter as it has taken a long time to pass through the Dáil.

We will spend €1.88 billion this year. We are doing our very best on social and affordable housing. If we can maintain the level of house construction — private, social and affordable — in the region of 60,000 to 68,000 for a few years, we should be able to meet the demand that exists. However, it very much depends on how the economy performs and whether more people come into the country or whether we revert to what happened in previous eras when half the people emigrated in their early 20s. The demand for housing and the general economy are linked.

I thank the Senators for the opportunity to debate this. I realise that prices remain high. However, based on the percentage of income used to pay mortgages, houses are affordable. I agree there would be many tears if interest rates went back up to the levels they were ten years ago and it bothers me that the dividend from much reduced interest rates has not been passed on to buyers. The builder or developer has taken that entire dividend. Based on the report of the All-Party Committee on the Constitution, we must look at the land issue. We have had the Goodbody report and the National Economic and Social Council—

**Mr. Bannon:** The Minister of State has been talking about that for three to five years and has done nothing about it. It is in his court to deal with it.

**Mr. N. Ahern:** I find it sad that when I try to give information, people do not hear. Some 68,819 houses were built last year, which is an enormous amount.

**Mr. Bannon:** The Government is cutting the disabled maintenance grant. Where are the social houses that were promised?

**Mr. N. Ahern:** We are spending €1.88 billion, an enormous amount, and I want to keep that going. The needs of approximately 13,000 people on the housing list will be met this year. If we can maintain that for a few years, we will break the back of the problem.

*(Interruptions).*

**An Cathaoirleach:** I ask Senator Bannon to desist from interrupting, which does not project a good image of debate in this House.

**Mr. Cummins:** I congratulate the PR people in the Department of the Environment, Heritage and Local Government, who are doing an excellent job in painting a good picture of the policies the Government is pursuing. However, even they cannot cover up the policy failures in the housing area. It is not possible to make a silk purse out of a sow's ear.

**An Cathaoirleach:** The motion is on housing.

**Mr. Cummins:** I am referring to housing. The abolition of the first-time house-buyer's grant set out the stall for the Government. I heard the Minister say that Governments must make tough decisions. However, the Government always seem to make the tough decisions that hit the poor and vulnerable, and those trying to get on the housing ladder. Those are the types of tough decisions the Government has made. The cuts in social welfare payments and the first-time house-buyer's grant show the types of people the Government is targeting.

We should also consider the development levies now charged by local authorities. That is another nail in the coffin of young people trying to put a roof over their heads for the first time.

The Government increased VAT charges on houses which places another burden on hard-pressed young people who are trying to put a roof over their heads. The Government favours developers and speculators with an array of tax incentives rather than first-time buyers, which it appears to have deserted. Fine Gael has outlined a comprehensive and realistic policy which is targeted at first-time buyers and other housing matters.

**Mr. Bannon:** It is a fine document.

**Mr. Cummins:** Senator Bannon has outlined realistic policies, the implementation of which would make a real difference to people by helping them to buy their first homes. Fine Gael is often accused of not having policies of its own, but we have policies in this area which are realistic and would prove helpful. I hope the Government will adopt some of them.

In 1996, the last full year during which Fine Gael was in office, the average price of a house in Dublin was €88,000. Nationally, the average price of a house was €75,000. Today, the average price is €304,000 in Dublin and €236,000 nationally as outlined in the housing statistics bulletin.

**Mr. N. Ahern:** It is a question of interest rates. The key is affordability.

**Mr. Cummins:** It is beyond me how young peoples can afford mortgages in this day and age. Even if both partners work, it is difficult and sometimes impossible for many to purchase a property. This is a damning indictment of the policies the Government has pursued.

The Minister of State said that funding in the homelessness sector had increased from €12 million to €51 million, which is welcome. However, our policies are still failing. We have only scratched the surface in terms of tackling homelessness. As has been stated, one need only walk 40 m or 50 m from the gates of Leinster House any night of the week to see people living rough and sleeping in doorways. I ask the

Minister of State what the Government is doing about it.

**Mr. N. Ahern:** A bus comes around for them.

**Mr. Cummins:** The housing statistics bulletin for 2003 states there are 5,600 homeless people. The Simon Community, which does wonderful work, claims this figure is a gross underestimation.

**Mr. Brady:** There are no figures.

**Mr. Cummins:** It is an absolute disgrace that in spite of the unprecedented boom and growth the country has experienced, there are twice as many homeless persons as there were in 1997.

**Mr. Bannon:** It is another example of neglect by Government.

**Mr. Cummins:** The Government has failed miserably to address housing supply. In the 2002 programme for Government, which seems to be ignored wherever possible, there is a commitment to assisting the voluntary housing sector to ensure that 4,000 accommodation units per annum are provided. As the Minister of State said, just over 1,500 units were provided in 2003.

**Mr. N. Ahern:** The figure increases every year.

**Mr. Cummins:** It was another lie and another broken promise. The programme for Government was probably the most deceitful document ever inflicted on the people. It surpassed even the 1977 Fianna Fáil manifesto which plunged the country into near bankruptcy.

**Mr. N. Ahern:** The supply of accommodation units increases every year. The Senator should look at the graph.

**Mr. Cummins:** The 1977 manifesto and the 2002 programme for Government are much of a muchness and a disaster for people on low incomes.

**Mr. Brady:** At least they have jobs.

**Mr. Cummins:** The Government's social welfare policy features 16 cuts which hit the same people. The Government prefers to look after developers and the people who benefit from tax incentives.

**Mr. Bannon:** It is cronyism again.

**Mr. N. Ahern:** I would not know. I have never met any of them.

**Mr. Cummins:** Minister, a wide range of measures is required to address the affordability gap.

**An Cathaoirleach:** It is the Chair you should be addressing rather than the Minister of State.

**Mr. N. Ahern:** That is right.

**Mr. Cummins:** As long as people listen to what I have to say, I do not mind who I address. The affordability gap prevents double-income couples buying their own homes. We must find innovative ways to tackle supply and demand issues. We require proper planning and priorities to be laid down to tackle the housing crisis. The Government is stale and lacks a clear policy to tackle these problems.

**Mr. Bannon:** Hear, hear.

**Mr. Cummins:** The Government's housing policy record is absolutely deplorable and can only be considered an attack on the poor and the middle classes. People buying holiday homes and investment property appear to be a greater priority for the Government. There were 26,000 people on the housing list in 1996. The Minister of State says there are now 40,000 people on the list, but my figures indicate there are up to 60,000. This is the result of the Government's policies.

There is quite a number of areas I would like to address, but time does not permit. The remedial works scheme is in place to benefit run down housing estates but we have been waiting in Waterford for finance for a number of projects. While the projects which have been completed over the years are a credit to everyone involved, we need more money to deal with remedial works.

**Mr. N. Ahern:** Are the plans in yet?

**Mr. Cummins:** The plans for estates in Ballybeg, Lisduggan and Larchville are before the Minister of State and the money is needed. If we get the money, we will do the work.

The Government was remiss in attacking local authority policies. The local authority on which I sat for 20 years had useful, innovative policies at all times to accommodate people on the housing list. That has been the case with the majority of local authorities. The policies the Government is adopting are doing nothing, especially for people who are trying to get on the property ladder for the first time.

**Mr. Brady:** I second the Government amendment and welcome the Minister of State. I was delighted to see his personal involvement in the pulling down of the Ballymun flat complex where he wielded a sledgehammer.

**Mr. McCarthy:** Was he wearing his hard hat?

**Mr. Brady:** It is a flagship project and a fine example of the success of the Government's housing policy.

**Mr. Bannon:** The Government has no policy.

**Mr. Brady:** Fine Gael would rather talk about anything but housing. The Minister of State has pointed to some of the causes of the problems in this area. There is unprecedented demand for housing, the population has increased and demographic changes have occurred. The change in people's incomes must be taken into account as must interest rates and the choices people make now. We must also consider the changing nature of what constitutes a family. Senator McCarthy mentioned single people. There are changes happening with which we must keep up. The Government has been successful in accomplishing this through huge investment, as the Minister of State has pointed out.

This is the ninth successive year of growth in the housing industry. I see it every day in the area of Dublin in which I work. Dublin's north inner city in particular has seen unprecedented building of social, affordable, sheltered and private accommodation. There is a complete mixture across the board. The Minister of State is particularly aware of the Respond housing co-operative at the East Wall where some 150 units of social and affordable housing have been developed. The St. Pancreas development turned the blackspot at St. Joseph's Mansions in the north inner city into a flagship project. People come from all over Europe to see it and Dublin City Council uses it as a model.

The supply of housing influences prices. During the period of exceptional growth which this and the previous Governments presided over, demand has grown almost in direct proportion to the increase in people's spending power. Low taxes, low interest rates and almost full employment are bound to put pressures on the system. Previous speakers mentioned the 1980s. I bought a house in 1980 and my wife and I both had to work to be able to afford it. In fact, I had to take a second job. Things have not changed. Some studies have shown that when incomes, tax rates and inflation are taken into account, house prices have remained the same in relative terms. The Opposition appears to disregard this point. Even now, first-time buyers account for a sizeable proportion of the housing market.

We come from a culture in which home ownership has always been important, but that is changing. The most startling figure in the Central Statistics Office survey shows that 62% of home owners owe nothing on their houses. They own their houses fully. Why is it a surprise, when there is such growth in the country, that people are looking for investment properties? With 62% having no mortgage on their houses, why would they not do so? This phenomenon should not be a surprise to anybody.

The Minister of State also pointed out that the supply of building land and the identification of sustainable sites is crucial for the future. This has been taken into account. He also mentioned the all-party committee and the suggestion regarding compulsory purchase orders plus 25% on land. I endorse this move.

If Senator Bannon had been at the meeting of the Joint Committee on the Environment and Local Government yesterday he would know that the three groups representing the homeless which attended, including the Homeless Agency, the Society of St. Vincent de Paul and Threshold, congratulated the Government on its policies and strategy. They said they are working to reduce homelessness. The most startling change that has taken place, particularly now that there are many voluntary housing organisations, is that these groups are now considering prevention of homelessness and working on the end of the cycle of homelessness, in which people can move on to permanent sustainable housing, whether provided by the local authority or privately. There is now much co-operation among local authorities, health boards and the private rental sector. The Residential Tenancies Bill will be warmly welcomed by all the voluntary agencies.

The statistics of the Homeless Agency indicate that more than €60 million has been spent in this area. In 2000, we spent €8 million on homelessness in general. We will spend €24 million in 2004. That is a massive increase. Even the voluntary agencies involved must accept that the strategy that is being followed, while it will be reviewed, has to a large extent worked. The ultimate aim of the strategy was to eliminate homelessness by 2010. All the agencies involved accept that we have made major progress in this area. There is more work to be done at the beginning and the end of the cycle, but these problems are being tackled.

Listening to some of the comments made earlier, one might imagine that developers are invaders from outside the country—

**Dr. Mansergh:** Vikings.

**Mr. Brady:** —who are coming over the walls or swimming across the sea to rape and plunder the country. In many cases these developers are indigenous people. Often they are private citizens in rural areas who have done well and decided they want to get into this area. We hear evidence of the hypocrisy of some members of the Opposition when they object strongly to one-off housing and at the same time complain that there are not enough houses. I commend the Minister, who is doing an excellent job, and wish him all the best.

**Mr. J. Phelan:** I support the Labour Party motion. I am glad to have the opportunity to discuss this important issue in the Seanad this evening. I was surprised by many of the contributions from those on the Government side, particularly that of the Minister of State. I did not realise he was as out of touch as he is clearly. I listened to his attempts to explain, incredibly, that the affordability gap is not as bad as people think. The Minister should try to explain that to a young couple, in this city or elsewhere, who are working every hour God

sends to provide money to pay a mortgage so they can get onto the property ladder. Their recreational time with their families has been dramatically cut over the past five or six years. The Minister should explain to them that the affordability gap is not as dramatic as people think. He has clearly lost touch with the real world. The big issue about which I hear on the doorsteps during the local election campaign is the affordability of housing.

I am one of those who intends to buy a house over the course of the next few years. There are thousands of people, however, who are not as fortunate and do not hold a position that enables them to afford to buy a house. The Government, over the past seven years, has failed miserably in every attempt to make housing more affordable. It has intervened in the market in several different ways and each intervention has failed. The problem has got worse rather than better. When the Minister of State claims there is no affordability problem, he is clearly wrong. If he does not understand and accept that, he should not be in his current position.

I am delighted to support the Labour Party motion. Housing is the single biggest issue that affects younger people. I am conscious of the fact that over the past few months, local authorities the length and breadth of the country have raised development levies across the board. This is a further tax on people who are trying to provide their own homes.

**Mr. N. Ahern:** The councils are not doing it.

**Mr. J. Phelan:** A few months ago when the issue of development charges first arose, I listened in absolute amazement to the Minister, Deputy Cullen, say that this was an attempt by the Government to get something back from the developers and invest it in local communities. Was he seriously suggesting that developers would end up out of pocket, that they would not pass on these charges to the people buying the houses? It does not make sense. If the Minister expects people to believe that, he is sadly mistaken and this will be made clear to him in the near future.

A scandalous situation has arisen over the past few months. In my county of Kilkenny, development charges have increased from €1,200 per house to anything from €5,000 to €8,000 per house. That is a significant new tax on people who are trying to provide their own homes. It has been implemented in Kilkenny, and most other parts of the country, by local authorities controlled by Fianna Fáil. In Carlow the levy has been increased to a level that is lower than the old scheme in Kilkenny, but the Carlow council is controlled by Fine Gael and the Labour Party with the help of a few other people. If this can be done in County Carlow, why can it not be done in County Kilkenny?

Other speakers mentioned the abolition of the first-time buyer's grant. In the overall context this

was not a large amount of money, but many people used it to defray costs and to help furnish their houses. At the time of its abolition the Government used the excuse that this money was simply going into the back pockets of developers and that taking the grant away would not affect buyers, but it clearly has done so. We have not seen the knock-on decrease in the cost of new homes that we would expect if we followed the Government's logic.

As a younger person who is in the process of buying a new house, I represent a sector of society that has been completely neglected over the past seven years. In that period the cost of an average house has more than trebled. There has been no recognition by Government, either locally or centrally, of the problem faced by that sector of society. I am very pleased that the Labour Party tabled the motion, which I support. I wish sincerely that the Minister of State and Government Senators would open their ears and minds and accept there is a significant problem. Instead of making grand statements and big promises about 10,000 affordable units, which they did prior to the last general election, they should get down to the nitty gritty of providing real comfort for people who are trying to get their foot on the first rung of the property ladder.

**Mr. Brennan:** I welcome the Minister of State. We should not underestimate what has been achieved in the construction industry in the past ten years. At a time when 69,000 houses were built, the fastest rate in Europe, one sixth of all houses and apartments were built in the past seven years. A decade ago, we were building 20,000 houses. Currently, there is a very modern housing stock, which means much has been achieved. Reference was made to local authorities at a time when we are building 5,500 units per annum while the voluntary sector is building 1,600 units per annum. Note should be taken of this.

The Minister of State has made provision for a five-year action plan at local authority level. I welcome this at a time when development charges have been introduced. It is important to ensure houses are built at affordable prices. There is a golden opportunity in this regard where development plans have been adopted by local authorities. If local authorities had the option of purchasing land at affordable prices, it would be very beneficial to first-time buyers. We also recognise that 50% of houses built since 1996 have been for first-time buyers. If there are any options, they will have to include control over the price of land. I ask the Minister of State to look at this, in conjunction with local authorities, to control the price of land within towns and villages so that public-private partnerships can meet the housing needs of all sections of the community.

**Dr. Mansergh:** I welcome the Minister of State and express my respect for his commitment to this area of policy. I know from a previous



[Dr. Mansergh.] capacity and having attended many meetings where housing policy was discussed what an important part of the Government's agenda it has been for several years.

There has been a certain amount of trial and error. One must decide whether the best course is to interfere with or encourage the market. The outstanding success has been the increase in output. I recall in 1981 that an output of 29,000 houses was considered a great achievement. Last year, the output was 68,000 houses. This is a huge increase, even from 1997, when 38,000 houses were built. We can see houses being built throughout the country. House ownership *per se* is not the sole solution to the housing problem. There has been considerable growth in private renting as an alternative option. Work must continue in this policy area. The motion gives the impression that no social affordable housing is being built, which is not true. I visited a housing estate in Carrick-on-Suir recently where I was shown a very fine affordable housing development.

While emphasis is often put on building new accommodation, it is also very important — this has been referred to by some of my colleagues — to refurbish existing housing which may be basically sound but needs upgrading. Sometimes amenities such as alleyways have been built, which create law and order problems at night. More resources should go into consolidating and improving what we have. We know from public housing which was built as far back as the 1930s — I am also talking about much more recent housing——

**Mr. Bannon:** The Government cut the disabled persons grant and the essential repairs grant in the past two years.

**Dr. Mansergh:** Work is being done. To return to Carrick-on-Suir, last week when opening a very fine public housing development, the Minister announced a big refurbishment scheme for older estates. All I am doing is underlining the importance of resources so that people can be proud of where they live. Most of these houses were pretty solidly built in the beginning but some money should be spent on them. In some cases people who bought their houses will spend money on them and in other cases there will be assistance from local authorities. In either case, there should be an emphasis on improving the standard of these houses. In some cases, demolition may be necessary, as in the case of Ballymun, but in other cases, refurbishment may be just what is needed. It has a wider importance than just housing. It is also about the quality of life, law and order and simple things like public lighting in these areas. The problem is that sometimes different branches of local authorities are responsible for different aspects of housing.

This is an issue on which we need to reflect. It has become a very steep mountain for young

people — I know this from my own children — to get into the housing market, which is particularly acute in the Dublin area. I do not think simplistic solutions will help. Reference was made to the first-time buyer's grant. When it was introduced in 1981, it may have provided a boost and encouragement to purchase a house. However, this had long since become absorbed in the price of the house. I heard a suggestion recently that there should be stamp duty concessions for first-time buyers. Speaking as the finance spokesperson, I would regard this as a gimmick.

**Mr. Bannon:** It is not a gimmick.

**Dr. Mansergh:** It appears to make houses affordable but it could easily get swallowed up in the price. The Exchequer will be poorer but buyers will not be better off.

Reference was made to development levies. We must be realistic. None of us wants to see exorbitant development levies but there are costs associated——

**Mr. Bannon:** The Government introduced them in the past 12 months.

**Dr. Mansergh:** ——with the building and development of housing. It is not just the house but the surrounding area, the streetscape etc. that need to be considered. Funding must be provided for this. If that is not going to be done through a development levy, could the Senator please tell the House what other form of taxation will provide the money?

My final point concerns anyone of my generation who is a homeowner. We have seen an appreciation of the value of property in the last decade that we neither want nor need. There is a redistribution of wealth from the younger generation to the older generation which does not need it. Investors are important to the market but professional people who buy property after property and collect rents they do not need drive up the price for young people. I would be happier if some of the incentives we are offering to high income people, whose tax rate has been brought down to 42%, were abolished in 2006 as has been promised. We do not need to give incentives to people to purchase more properties and artificially boost prices so that house prices are beyond the reach of ordinary people. There is a social problem and I am concerned that policy is too favourable to the possessive classes and unfavourable to those who want to get on the property ladder. We need to achieve a soft landing because if things go too far, they will fall back. How we achieve that is an issue that needs ongoing reflection and I am sure that the Government is doing that.

**Mr. P. Burke:** I welcome the Minister. The motion says it all on the housing policy in the country. The Minister should accept the motion before him. Part of the amendment makes no

sense at all. The motion states that according to local authority housing strategies, almost half of all new families cannot afford a house. Numbers on council housing lists have more than doubled from 26,000 to 60,000 families. There are twice as many homeless today as there were in 1997. That is an indictment of the Government. The Minister has the audacity to table an amendment which states that Seanad Éireann acknowledges the achievements of the Government in increasing the share of the housing market going to first-time purchasers and introducing a number of measures to support first-time buyers. What has the Government done for the first-time buyer? It has abolished the first-time buyer's grant, introduced development charges nationwide and increased VAT by 1%. Those three actions have imposed a huge burden on first-time buyers. The 1% VAT adds a huge cost to houses. The development charge can sometimes be in excess of €10,000 per house and the first-time buyer will have to pay that like everyone else in the absence of the first-time buyer's grant which the Government abolished. Can the Minister explain what the Government has done for first-time buyers? This Government has carried out a retrograde step and has drastically increased house prices for the first-time buyer.

The Minister replied earlier to Senator Tuffy to explain why some local authorities are not providing sufficient housing. He wondered why the local authority did not build more houses. From my experience as a member of a local authority, it can only build or buy the number of houses allocated to them by the Department. In some cases, that number is far too small to meet the demand from the authority's housing list. It is unfair to suggest that the local authority provide more housing when it is not allowed to do so by his Department.

**Mr. N. Ahern:** I was referring to a particular local authority.

**Mr. P. Burke:** In some cases, the impression has been given that the blame lies with the local authorities. In most cases, the blame lies with the amount of funding and the amount of start-up houses that are provided to local authorities. The Department of the Environment, Heritage and Local Government had previously said that it would get tough with local authorities that were not providing housing in sufficient numbers and might reallocate the houses to other local authorities. I do not know of any local authorities that got reallocated extra start-up houses. The Minister cited an authority that fell short in its allocation. Was the shortfall given to other local authorities as extra start-up houses?

**Mr. N. Ahern:** I could show the Senator the figures.

**Mr. P. Burke:** I would be delighted to see them. I am sure he has nothing to hide. I know for

certain that my local authority did not get any extra start-up houses and I was involved in two developments.

Essential repair grants are causing much confusion in some local authorities, particularly the disabled person's grant. In this case, the health board carries out an assessment for the local authority and the medical adviser has to carry out an inspection. In some cases disputes occur between the health board and the local authority. The person looking for a grant is the loser in all of this. It is deplorable that health boards and local authorities cannot sort out their differences on the costs involved in the assessments of houses for those who seek a disabled person's grant. Inadequate funding is provided for essential repairs grants and the disabled person's grant. This is an area where much investment could be made as there is some housing that could be improved with a little funding and this would increase the local authority housing stock.

The Minister should accept the motion tabled by the Opposition. His own amendment should be amended to exclude reference to first-time buyers. Over the last seven years, his Government has let down those who want to buy a house for the first time. They are now paying top dollar for small houses and apartments. They scrounge and scrape to try to provide a home for themselves and their families. Their parents and, in some cases, their grandparents have to act as guarantors for them regarding the provision of a house.

The Minister of State has had two reports carried out by some eminent people but those reports did not do anything to help the housing crisis. In some respects the Bacon report was a retrograde step in that it allowed a great deal of money to go out of the country when it could have been used to build extra houses here. Some drastic action needs to be taken.

I understand the Minister will ask each local authority to put in place a five year plan but if he reads the motion before the House he will see there is no need for a five year plan. It is clear the amount of housing that is needed. A total of 26,000 housing units were needed in 1996. We need 60,000 housing units now. We do not need any five year plans to be aware of the extent of the current need for housing.

**Mr. Moylan:** I welcome the Minister of State to the House and congratulate him and his Department officials on their work over the past few years regarding the development of housing.

I support the amendment. As one who served on a local authority for many years I find it difficult to read the motion. Listening to the various speakers I am conscious that no one in this House or in any local authority would say they do not want more money to build more houses, but credit is due to the local authorities and the Department for the quality housing they are building. Not only should we commend the

[Mr. Moylan.]

quality of the houses being built, but also the way local authority estates are now built, with good footpaths, road and lighting. That good infrastructure did not exist in the past when many housing estates left much to be desired.

In the past, it was the norm for local authorities to build mainly three-bedroom houses but they were not suitable for the demands of single girls with one or two children. Smaller type houses were required. The Minister's Department and the local authorities set about changing that and affording those people an opportunity to acquire a smaller house more suitable to their needs.

The Minister also provided for the building of a number of houses for the elderly in our towns and villages. There is not a town or village which does not have such housing and many elderly people are still living in them. If the Minister had not taken that step and delivered that type of accommodation, those elderly people would be in various institutions throughout the country. We have to recognise that measure.

Local authorities are building houses of high quality, with central heating and double glazed windows. Those houses are on a par with any house being built in the private sector. In my own county we opened a number of estates over the past few weeks. Thanks to the Minister's help by way of grant aid, we were in a position to provide those quality houses for the tenants who were delighted to acquire them because they now have a good environment in which to bring up their families.

Over the past number of years local authorities have been in a position to purchase existing houses in estates at reasonable prices. With a small amount of expenditure they were brought up to the appropriate standard and reallocated to families.

We now have a situation where more people work. We are all canvassing for the local elections but we have to ask ourselves if we can canvass during the day, with many families out working. When we used to canvass in the past very few people were out at work. We would knock on a door and a woman would come out and tell us that some members of the family were looking for jobs. That is not the case now. Young couples are now in a position to buy houses for their families and in many cases they have done so.

I hope the Department and local authorities will look more favourably on what has been going on regarding the provision of private sites. Such sites are provided at affordable prices to young people on the housing list to build their own houses. That has happened in a number of areas throughout the country but I hope that provision will be extended in our villages and towns.

The Minister has given a substantial amount of money to local authorities to provide accommodation for Travellers. There are problems in that area but a look back at the record will indicate that almost every local authority failed to spend its allocation to provide

accommodation for Traveller families, whether in halting sites or group housing. We must ensure that local authorities take on that issue. It may not be popular to provide such accommodation in locations where people object to it, but local authority representatives are elected to take the tough decisions—

**Mr. Bannon:** A halting site for Banagher.

**Mr. Moylan:** —and put those families in proper accommodation. The day is gone when Travellers have to live on the side of the road and the Minister has made a good deal of money available to local authorities to address that problem.

On the Respond-type development that has taken place throughout the country, my concern is that the tenants are unable to buy those houses. There is a major movement of tenants in and out of those schemes and that must change. The only way to ensure tenants have pride in their family homes is by allowing them to buy those houses and we must change the system to allow that to take place.

The disabled person's grant is affording many people, who otherwise would be in institutions, to remain in their homes. Not much money was available to local authorities to address that in the past. We never get enough money but more people are now availing of that grant to ensure their elderly relatives can be placed in suitable accommodation or refurbish their house to enable them to stay in their own communities.

We must recognise the contribution the Minister has made regarding water and sewerage extensions in our towns and villages which allows more housing to be built and gives people the opportunity to build in those locations.

Regarding social and affordable housing, it is only now that those houses are coming on-stream throughout the country. Much of the previous housing that was built had planning permission granted and we now see the benefit of those houses for the many families who can partake in those schemes and where builders are providing houses at an affordable cost.

We hear many people complaining about the removal of the first-time buyer's grant. The first-time buyer's grant had outlived its usefulness

because of the increase in the cost of houses. Very few houses in rural areas came under the requirement of 1,300 sq. ft. to qualify for grant aid. Most of them were in excess of 2,000 sq. ft. or 2,500 sq. ft. of floor area, almost double the size of what was required to qualify for grant aid.

The Opposition has hit the Minister hard in a number of areas. I was a member of a local authority which was ordered by a coalition Government, not led by Fianna Fáil, to sell land we had bought for housing in our county.

**Mr. Brady:** Disgraceful.

**Mr. Moylan:** When Fianna Fáil returned to Government we had to try to buy back land to increase the council's stock of housing land.

**Mr. Bannon:** Was that under Jack Lynch or Charles J. Haughey?

**Mr. Moylan:** A coalition Government led by Fine Gael ordered local authorities to sell off land for housing and then to put it back into housing to try to make out they were going to build more houses. Senator Bannon was a member of the local authority at that time.

**Mr. Bannon:** Charles J., I think.

**Mr. Kitt:** It was the Labour Party's fault.

**Mr. Moylan:** No one could support the Labour Party motion, given the progress made and developments carried out under this Government. I compliment the Minister of State as a practical, commonsensical Minister of State with responsibility for housing. He has done more in the last few years than was done in the previous 20 years.

**Mr. Bannon:** The Government has cut the disabled person's grant.

**Mr. Kitt:** The Government spent €7.5 million on services for the disabled.

**Mr. Bannon:** Cuts, cuts and more cuts.

**Ms Tuffy:** The Minister of State said that one month ago, the Taoiseach turned a sod on a site on the Finglas Road. How many times will that sod be turned and in how many election campaigns?

**Mr. Bannon:** Hear, hear.

**Mr. Brady:** Only once.

**Ms Tuffy:** How many times will that site be used in the future? I am reminded of the time the Minister for Education and Science came to my constituency at the beginning of an election campaign and opened an entrance to a secondary school.

**Mr. Bannon:** They even open cow sheds down the country.

**Mr. Brady:** The Labour Party would never do anything like that.

**Mr. Bannon:** Are they admitting it now?

**Ms Tuffy:** Many projects in my constituency are being opened or launched for the second election in a row. This practice should be banned. One should only open or launch something once. I do not think someone who has been on a housing list for eight years or is falling further and further from the possibility of buying a house will be relieved to hear that the Taoiseach has turned that sod.

The Government amendment and the speech of the Minister of State have not addressed the failures pointed out in the Labour Party motion. The amendment is a work of fiction. There is no action behind the words. The Minister claims credit for the output of private houses. It is as if the Government had built the houses with the developers. The Minister of State said "we are building" so many houses per year, as though the Government and the developers are a single entity.

**Mr. N. Ahern:** The Government encourages the planning system and the servicing of land for housing.

**Ms Tuffy:** This is, of course, the correct interpretation. It is no wonder the Government is so reluctant to take on the developers. The housing market is going along nicely and the rate of building is up, but this is little consolation to the many people who cannot afford to buy the houses that are being built.

The amendment refers to the Government's "continuing to develop measures to address affordability and progressing the commitment under Sustaining Progress". These are statements about doing nothing. The turning of a sod is a similar gesture. It is just electioneering. We need action. The Government must take on the developers and build badly needed social and affordable housing itself.

The Minister of State thanked the Labour Party for giving him an opportunity to outline his so-called progress to the electorate but at the same time he was very dismissive of the housing problem. I hope the electorate sees this for what it is. It is talk and not much more. The Government is denying many young people the basic right to provide a roof over their heads.

I hope the electorate will, in the words of my draft motion, evict the Government from office for its failure to address the housing problem.

Amendment put.

The Seanad divided: Tá, 28; Níl, 15.

Tá

Bohan, Eddie.  
Brady, Cyprian.  
Brennan, Michael.  
Callanan, Peter.  
Daly, Brendan.  
Dardis, John.

Dooley, Timmy.  
Fitzgerald, Liam.  
Glynn, Camillus.  
Hanafin, John.  
Kett, Tony.  
Kitt, Michael P.

Tá—*continued*

Leyden, Terry.  
Lydon, Donal J.  
MacSharry, Marc.  
Mansergh, Martin.  
Minihan, John.  
Morrissey, Tom.  
Moylan, Pat.  
O'Brien, Francis.

Ó Murchú, Labhrás.  
O'Rourke, Mary.  
Ormonde, Ann.  
Phelan, Kieran.  
Scanlon, Eamon.  
Walsh, Jim.  
White, Mary M.  
Wilson, Diarmuid.

Níl

Bannon, James.  
Bradford, Paul.  
Browne, Fergal.  
Burke, Ulick.  
Coghlan, Paul.  
Cummins, Maurice.  
Feighan, Frank.  
Finucane, Michael.

Hayes, Brian.  
McCarthy, Michael.  
Norris, David.  
Phelan, John.  
Ross, Shane.  
Terry, Sheila.  
Tuffy, Joanna.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators U. Burke and Tuffy.

Amendment declared carried.

Motion, as amended, put and declared carried.

### Business of Seanad.

**An Leas-Chathaoirleach:** The Leader wishes to make an announcement regarding tomorrow's schedule.

**Ms O'Rourke:** Changes were made this morning to tomorrow's schedule, but urgent legislation will come before the House tomorrow. While a revised schedule will be available tomorrow I am conscious of Senator's wishes to give some thought tonight to what they will do tomorrow and, in that regard the schedule shall be: 10.30 a.m. Order of Business; 11 a.m. to 12.30 p.m. Child Trafficking and Pornography (Amendment) Bill 2004 — all Stages; there will be a sos from 12.30 p.m. to 1 p.m.; 1 p.m. to 2 p.m., Copyright and Related Rights (Amendment) Bill 2004 — all Stages; 2 p.m. to 3 p.m., Health Amendment Bill 2004 — Committee Stage and, 3 p.m. to 4.30 p.m., Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004 — all Stages. The debate on Seanad reform will take place next Wednesday and two and a half hours will be allowed for it.

**Mr. B. Hayes:** I thank the Leader for her statement. However, it is important to make the following point to the Government side. Two emergency pieces of legislation will tomorrow be brought before this House. It is vitally important that Members on all sides see the published Bills before they are brought to the House. I understand the time constraints are difficult because the matter has just been determined in the past half an hour. It is important—

**An Leas-Chathaoirleach:** I appreciate it is important, but it is a matter for the Order of Business.

**Mr. B. Hayes:** All Members should see the Bill as published. We have a constitutional duty to see legislation. The Government has an obligation to ensure the Bills are presented to all Members.

**An Leas-Chathaoirleach:** The Leader was merely being helpful to the House.

**Mr. B. Hayes:** I appreciate that.

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

**Ms O'Rourke:** Tomorrow at 10.30 a.m.

### Adjournment Matters.

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### Shooting Regulations.

**Mr. Browne:** I welcome the Minister of State to the House. I ask that the ban on shooting on State lands be removed. I have no direct interest in that area but I believe everyone is entitled to fairness, no matter what group is represented. This Government has not been fair to the National Association of Regional Game Councils.

The Minister for the Environment, Heritage and Local Government, Deputy Cullen, has treated the organisation with complete contempt. He has not replied to correspondence and reluctantly agreed to meet the group to discuss a report on the matter which was jointly published by the Department and the NARGC. A person attending the meeting travelled all the way from Buttevant in County Cork that morning. The Minister had not even read the report; he had only glanced at it. Deputy Brendan Smith, a

Deputy for Cavan-Monaghan, was sent to speak at the NARGC national conference. He gave a clear commitment that the ban on shooting would be rescinded and shooting on State-owned land would be allowed on a trial basis.

The Minister, Deputy Cullen, then did a magnificent U-turn, of which he is well capable, on 9 January 2004 and climbed back from that decision. He misled the Dáil by saying the reason for the U-turn was because he was not aware of the small percentage of land involved which is approximately 1% of the total land in the country. That is a lie because he knew it and earlier correspondence proves he knew. It is also very disingenuous of the Minister to use that figure of 1% as it is obvious that shooting could not be permitted in urban areas. If the amount of State land is taken as a percentage of land which in theory could be used for shooting, the percentage is much higher. Many shooting clubs are discovering that the amount of land available to them is becoming smaller. Many land banks are being bought up by the State. One gun club in north Tipperary lost 75% of its shooting territory recently.

There is no scientific basis for the ban. A report drawn up by the Heritage Council did not recommend any change in the long-standing policy of not hunting on national parks and wildlife lands. That report has been scientifically discredited in two instances. The people involved in that report were proven to be in the anti-hunting lobby. There were a number of problems associated with that report. An active anti-hunting activist in the United Kingdom acted as an adviser to Mr. Foster, the first UK MP to introduce in the British House of Commons a Bill to ban hunting. Many of the organisations consulted by the consultants enjoyed anonymity in the report. They consulted with the Irish Council Against Blood Sports, whose contribution was solely an anti-hunting platform. The consultants read statements to support the scientifically, legally and factually incorrect recommendations that there should be no relaxation in the current policy. No one at the Heritage Council saw fit to check the statements.

The report mentioned some international agreements banning shooting on State-owned lands. That argument has been disproved as there is no international law forbidding shooting on State-owned lands. Another report was drawn up by an independent scientific group made up of representatives from the NARGC and three scientists nominated by the Minister. The group produced a report on 18 June 2002. It was very clear there was no justification for a blanket ban on hunting on State-owned lands. It further concluded there are no international agreements which prohibit the Minister from allowing hunting on State-owned lands.

Shooting is allowed on lands owned by Coillte. As far as I am aware and the Minister of State

may clarify this, no record exists of any shooting-related accidents. Hunters operate very successfully and safely on the Coillte-owned lands. The argument about safety issues is not valid.

The Government should honour its commitment to consider the reversal of this ban, even on a trial and limited basis. The safety of the public in national parklands must be guaranteed. I suggest designated areas to which the public would not have access. Nobody is looking for new shooting rights but rather to ensure the current shooting arrangements can be extended, especially on newly-acquired State lands. There is no scientific evidence to support the report. One scientific group suggests it is natural for hunting to take place in order to conserve wildlife. People involved in hunting probably do the most to ensure there is a continuous supply of wildlife and to protect it.

The Minister comes from a rural background. I am surprised he has allowed this issue to come to such a head. I urge him to consider immediately honouring the Government's clear commitment given by Deputy Brendan Smith at the recent conference, which was obviously sanctioned by the Minister, that it would allow shooting on State-owned lands on a trial basis. The NARGC deserves better treatment than it is receiving at present.

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. Gallagher):** There has been a long-standing policy of not allowing hunting on State lands acquired and managed for nature conservation purposes. The reasons for this approach are twofold: to protect the safety of people visiting and using national parks and to avoid compromising the nature conservation status of these lands. In 1999, the then Minister for Arts, Heritage, Gaeltacht and the Islands requested the Heritage Council to review the existing policy of no hunting on national parks and wildlife lands, taking into account the implications for wildlife conservation, sustainability, the interests of recreational users, potential impacts on the amenity value of the land, European and international policies and relevant issues of public safety.

The Heritage Council recommended the current policy of not allowing hunting on State lands acquired for nature conservation purposes and managed by the National Parks and Wildlife Service should be maintained.

**Mr. Browne:** That report was discredited.

**Mr. Gallagher:** Following the advice issued by the Heritage Council and at the request of the National Association of Regional Game Councils, NARGC, the previous Minister agreed in early 2002, without prejudice, to a joint examination by a scientific group, comprising

[Mr. Gallagher.] officials of the Department and nominees of NARGC, of the question of permitting hunting on State lands, from a scientific perspective only. One of the conclusions of the scientific group's report was that there are no scientific reasons for an automatic ban on hunting in national parks. The Minister gave careful consideration to this assessment, as well as to the earlier advice from the Heritage Council, in making his final decision on this matter earlier this year. This decision was to continue the prohibition of hunting on lands managed by the National Parks and Wildlife Service. The reasons for the Minister's decision extend beyond the considerations of species sustainability addressed by the report of the scientific group and involve issues of amenity for the wider public, conservation of habitat for other non-quarry species and public safety. National parks and wildlife lands have been acquired, generally through the investment of public funds, for the purposes of protecting nature and providing refuges and breeding habitats for wildlife and for the enjoyment of these natural heritage assets by members of the general public. It cannot fairly be claimed that it is unreasonable to prohibit on these lands activities which are inconsistent with the purposes for which the lands were acquired and for which the National Parks and Wildlife Service is managing them.

**Mr. Browne:** Those who hunt also make a contribution.

**Mr. Gallagher:** It is also the case that the lands in question amount to only approximately 1% of the land area of the State, while extensive facilities for hunting are available on Coillte lands, as the Senator pointed out, privately owned land and foreshore.

The Minister also had to take account of considerations of public safety and confidence and of the potential exposure of the State to claims for damages by persons harmed or otherwise adversely affected by hunting on National Parks and Wildlife Service properties. Hunting on these lands could result in disturbing non-quarry species and their habitat, thereby reducing the value of the sites as reserves and refuges for wildlife generally.

We approached this matter with an open mind but on reviewing all the pertinent issues, it was concluded that in regard to National Parks and Wildlife Service managed properties, it would not be in the general public interest to change the current total prohibition on such shooting.

On the issue the Senator raised concerning Deputy Brendan Smith, I confirm that information was erroneously supplied from my Department to the Deputy in October 2003 indicating that consideration could be given to permitting some hunting on State lands on a pilot basis. This information preceded the Minister for

the Environment, Heritage and Local Government, Deputy Cullen's consideration of and decision on this matter, which was assisted by senior officials of the National Parks and Wildlife Service and concluded in January 2004.

### **Decentralisation Programme.**

**Mr. Finucane:** I have raised the issue of the necessity for decentralisation projects for Newcastle West in the other House on many occasions and I do not intend to elaborate the reasons I believe such projects are required. The Minister announced in the previous budget that Newcastle West, as well as many other locations, would benefit from a decentralisation project. The Department of Finance was considered for Newcastle West, Kilrush and Listowel and I understand 60 jobs were envisaged for each location.

The area has a tradition which would benefit the Collector General's office because a triangle embracing Ennis, Limerick and Nenagh have already successfully benefited from decentralisation in the past. I assume it would be natural to extend the process further to the three locations and, as such, we welcome the announcement.

The announcement was, however, made in the previous budget. I am aware that officials, presumably from the Office of Public Works, recently visited Newcastle West to view the facilities available in the area and I have no doubt they will have been extremely pleased because massive housing expansion means that the area has all the required goods and services, particularly access to a national primary route which has considerably improved. The town, therefore, has many natural advantages for people who want to relocate.

The question I have been asked at local level with regard to decentralisation, an issue which has been bobbing around for many years, is when it is likely to happen. I hope the Minister of State will give the House an indication of its timing, rather than a general thesis on the whole decentralisation process. When is decentralisation to Newcastle West likely to take place?

Is the Department of Finance satisfied that sufficient staff are willing to move to the area? I have no doubt that when it researches the matter, it will find that this is the case. Recently, when I made inquiries on behalf of a person working in the Department in Dublin who was anxious for a transfer, I found she was well down the list of people who wanted to transfer. This indicates that enthusiasm to move is strong at certain levels. Will the Minister of State indicate when decentralisation to Newcastle West is likely to occur? As Kilrush and Listowel were part of the same group of towns, the answer will also apply to these locations.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** In his budget speech of 3 December 2003, the Minister for Finance announced the Government's decision to relocate more than 10,000 civil and public service jobs to 53 centres. Included in that announcement was the decentralisation of 50 posts in the Office of the Revenue Commissioners to Newcastle West. The inclusion of Newcastle West along with Kilrush and Listowel will complement the already very strong Revenue presence in the mid-west region and will further the cluster which has worked so successfully and is now being emulated by other decentralised Departments in different parts of the country.

Fifty posts are being decentralised to each of the three towns and these will add to more than 900 posts decentralised between 1992 and 1996, 550 in Limerick, 200 in Nenagh and 150 in Ennis. The clustering of the newly decentralised Revenue posts provides opportunities for the Office of the Revenue Commissioners, civil and public servants and local communities.

I am advised by the Revenue Commissioners that they propose to take the opportunity provided by decentralisation to consolidate and relocate further functions within the mid-west region. For example, it is planned that all the Collector General's debt management functions currently in Dublin, apart from a small number of staff retained for insolvency work, will be decentralised to the region. This will cluster the debt management expertise of the Collector General's office in its headquarters in Limerick and its offices in the towns of Nenagh, Kilrush, Listowel and Newcastle West.

The relocation of 150 posts to three proximate towns, close to the existing presence of more than 900 Revenue staff, will be of immense benefit to the civil and public servants concerned. The units are large enough to provide opportunities for career development in each of the new locations, while the proximity of the new and existing Revenue locations will increase opportunities for regional promotion, training and development and mobility.

With reduced commuting times and, consequently, more time to spend with families and friends, staff can also look forward to an improved quality of life. The local communities will also benefit economically and socially and the moves will help to redress the regional imbalance in public sector jobs. The towns and their surrounding areas will benefit economically from the spending power of these new jobs and the participation of the new staff and their families in community life. The latter will range from additional pupils in schools to participation in local community sports clubs, cultural and community groups and other activities.

As Senators will be aware, the Revenue Commissioners have previously decentralised

very successfully, notwithstanding the many concerns expressed at that time about the risks involved. The previous decentralisation involved the relocation of most of the tax collection and debt management division of the Revenue Commissioners. The moves took place smoothly with no disruption to service or Exchequer receipts.

The Revenue Commissioners are preparing their own decentralisation implementation plan, including the move to Newcastle West, for submission to the decentralisation implementation group. I am advised by the Revenue Commissioners that they are encouraged by the level of interest expressed in decentralisation from Revenue staff in general, and in Newcastle West in particular. It is hoped that this level of interest will be reflected in the outcome of the central applications facility, launched on 12 May 2004. An analysis of the initial applications will be available to the Government's decentralisation implementation group in July and the outcome of the central applications facility will inform the decision on the decentralisation of Revenue posts to Newcastle West.

The Office of Public Works received a number of proposals for property in Newcastle West in response to an advertisement. These proposals are being evaluated and a decision will be made shortly on the most suitable site. The OPW does not envisage difficulties in obtaining suitable property in Newcastle West.

I have every confidence that the Revenue Commissioners commitment to the current decentralisation programme will lead to a smooth relocation and successful outcome, again, on this occasion. The decentralisation of 50 Revenue posts to Newcastle West will happen and will bring benefits to all concerned, not least the community of Newcastle West.

**Mr. Finucane:** That was a reasonably favourable reply as Adjournment Matters go.

### Swimming Pool Projects.

**Mr. Bradford:** I welcome the Minister of State to the House. I am disappointed the Minister for Arts, Sport and Tourism is not present but I understand he is attending another function. Based on my experience in the Oireachtas, I am aware of how Adjournment debates work. The reply is prepared before the debate even takes place. However, I took the trouble to fax details of the issues I wish to raise to the Minister's office earlier and I hope they have been taken on board in the reply that has been prepared.

I refer to the need for the Minister to respond to an application by a community group from Mitchelstown, County Cork, under the swimming pool projects scheme. It has been fundraising to build a leisure centre for several years. The Minister will also be aware, on the basis of various representations, that the group has been



[Mr. Bradford.]  
uniquely successful in its efforts and has, to date, raised in excess of €2.3 million towards the project.

The provision of a state-of-the-art leisure complex incorporating a swimming pool, fitness suite, outdoor all weather training pitches, etc, is considered critical to the future well-being of the town as well as supplying much needed infrastructure for the local population. The Mitchelstown group sought funding of €3.8 million under the Swimming Pool Programme, 2000-2002, to complement its own fundraising successes. Despite representations from the group, fully supported by Members of the Oireachtas, including myself, and local authority members, the Minister is not prepared to accept a valid application for funding for the project was made on the basis that a written submission had not been received when the scheme was suddenly closed to further applications in July 2000.

However, when a delegation led by Deputy Ned O'Keeffe, myself and members of Cork County Council met the then Minister for Tourism, Sport and Recreation, Deputy McDaid, in March 2001, he absolutely accepted the validity of the Mitchelstown application and assured us that it would be considered. He could not indicate the outcome of the application but the only condition he laid down was that we should seek a written assurance from Cork County Council that it would support the project. Support was willingly offered by the council and county manager and it was confirmed by letter dated 16 July 2001.

The status of the project is as follows. A site has been bought; full planning permission has been obtained on this town centre site adjacent to shopping and schools; and more than €1.6 million has been deposited by the leisure centre committee in the bank. The project has recently been professionally costed at €5 million plus equipment costs of approximately €200,000 and, therefore, the provision of the grant is essential to the success of the project.

Two feasibility studies have been carried out to verify its viability. Originally one was done by Gaynor Leisure and, more recently, one was conducted by BDO Simpson Xavier, which cited its location near schools and the town centre as excellent. Since then Tesco Ireland has opened a retail centre beside the site and the group has submitted an expression of interest in supplying a site for the decentralised head office of Bus Éireann.

Mitchelstown has been badly hit by job losses in recent months, as its sole major employer, Dairygold, has been forced to rationalise its operations. Against this background, various business and community groups recently came together to develop a plan to reposition Mitchelstown as an attractive location for new industry and inward investment. This plan

identified the leisure centre as critical to the image of a forward looking town.

This proposal is being made by a town that recognises the need to improve its image and its facilities to ensure it prospers in the future. The former Minister for Tourism, Sport and Recreation, Deputy McDaid, recognised the merits of the project and, in particular, the achievements of the Mitchelstown community group in raising an extraordinary amount, which reflects the community spirit and self-help attitude that prevails in the town.

I appeal to the Minister of State to look favourably on the validity of the application. If politics is to mean anything, when a Cabinet Minister makes a commitment to a community group, a county manager and Oireachtas Members that an application is valid, it should be taken on board. Governments can change and Ministers can come and go but, since the commitment was given, no adjudication has been made on any application and, therefore, the scheme remains open. The commitment was given freely and openly by the former Minister and I ask the Minister of State to honour it by including the Mitchelstown leisure centre project in the programme and allowing it to be considered for grant aid.

**Mr. N. Ahern:** I acknowledge the Senator's comments but I have been furnished with a long response, which is technical, and I do not know whether it contains good news. I also acknowledge his statement regarding the previous commitment and I will convey that to the Minister.

The aim of the programme is to assist local authorities in the provision of new public swimming pools or in the refurbishment of existing pools. Grants of up to a maximum of €3.8 million are available towards the refurbishment of existing pools or the provision of new pools, subject in either case to the total grant not exceeding 80% of the eligible cost of the project or, in the case of projects located in designated disadvantaged areas, 90% of the eligible cost. Support is available towards the cost of the swimming pool, toddler pool, sauna and steam room.

The closing date for receipt of applications under the current round was 31 July 2000. The position in regard to Mitchelstown, according to the Department, is that eight projects were submitted by local authorities after the deadline but could not be processed as they were received after the final date for submission. These projects were located in Douglas and Mitchelstown, in Cork city and county respectively, Kells and Trim in County Meath, Roxboro in Limerick city, Portnoo in County Donegal and Cloghran in County Dublin. One replacement project in Monaghan town was accepted into the programme after the closing date, as an

exceptional measure, because the local authority pool closed for safety reasons in 2001.

There are 55 swimming pool projects in the programme, of which 13 have been opened or have completed construction work. These are in Arklow, Courtown-Gorey, Dundalk, Ennis, Enniscorthy, Monaghan, Navan, Wicklow, Roscommon, Tralee, Ballinasloe, Finglas, County Dublin and Grove Island in Limerick. Five projects are at construction phase, in the Regional Sports and Leisure Centre, Tralee, Clonmel, Tuam, Churchfield in Cork city and Ballymun in Dublin. In addition, 37 other applications are at various stages in the process, with four at tender stage, 18 at contract document stage and 15 at preliminary report stage. Due to the long lead time associated with such projects, it can take time for projects to proceed through the various stages of development. However, despite the long lead in times, significant progress is being made.

Notwithstanding this, because of the large number of pool projects still being processed, it is not proposed to re-open the pool programme. However, the Department is carrying out an expenditure review on the swimming pool programme, which is expected to be completed by 30 June. This review will examine, among other things, how the programme has worked to date, the benefits which have accrued to the areas where pools have been built, the levels of funding required to honour existing commitments, how these commitments can be managed within the confines of available funding and any amendments required to ensure effective and efficient delivery of the programme. On completion of this review, the question of reopening the programme can be considered. Should it be decided to reopen the programme, the application in respect of Mitchelstown will be revisited.

I will recall for the Seanad the administrative procedures in force under the current programme so that there is full appreciation of what is involved before a decision is made on the allocation of moneys under the programme. Following the submission and approval of an initial feasibility study, a swimming pool project must complete four distinct stages, which are outlined in the report.

Regarding Mitchelstown, it will be of interest to the Senator that where a project is being undertaken by an organisation other than a local authority, the proposal must be considered, supported and submitted by the relevant local authority. Before supporting a project, the local authority would have to be satisfied that the proposal was viable, that the balance of funding required to complete the project was available and that the project, when completed, would have satisfactory public access.

It is vital that the promotion of sport generally and the development of facilities such as

swimming pools are carried out in a strategic and focused way. This means establishing priorities, avoiding overlaps and ensuring maximum public access to available facilities. I am anxious that the investment of taxpayers' money by the Government provides value for money by ensuring that attractive, viable facilities are built. The funding provided for 2004 by my Department, amounting to €63 million in respect of the sports capital programme, €30 million in respect of the Sports Council and, in this context, €15 million in respect of the local authority swimming pool programme — an increase of 67% on the previous year's expenditure — demonstrates that the Government's commitment to sport and leisure provision is being sustained.

Did the Senator send in full details of the meeting at which he said a commitment was made by the then Minister, Deputy McDaid?

**Mr. Bradford:** Yes.

**Mr. N. Ahern:** I can only report back to the Minister on what the Senator is saying about the expenditure review that is currently taking place to see if one more application can be considered after the deadline. However, there is still a large list of applications from 2000 that are at various stages of planning. It would seem that it will be some time before others are seriously pushed up the list. However, I note what the Senator is saying and I will report back to the Minister.

**Mr. Bradford:** This is one of the unusual cases in which a very fair commitment was made in good faith by a Minister to a committee. The only condition he laid down at that meeting was that Cork County Council had to provide written support for the project. That support was immediately forthcoming. We were advised that this was all that was required. We specifically requested the Minister to let us know whether he considered the application to be valid.

**Mr. N. Ahern:** Was this a meeting to overcome the fact that the application was late?

**Mr. Bradford:** He assured us the application was considered valid. Another issue, of which the Minister might not have been aware, is that the scheme ended rather suddenly. It was to remain in place for two years but was shut off midway through.

**Mr. N. Ahern:** Are the minutes of this meeting available?

**Mr. Bradford:** The then Minister, Deputy McDaid, was accompanied by a team of officials on the day. One member of the delegation asked him if he would assert the application's validity in writing and he stated he was quite willing to do so. I recall one of his officials stating he should

[Mr. Bradford.]  
not do so there and then. Caution may have been displayed by the officials but the political master, Deputy McDaid, assured everyone that the application was valid and that money was available for the project.

I thank the Leas-Chathaoirleach for allowing me to respond to the Minister of State. An absolute commitment was made in respect of this

issue by a Minister. I hope some facility can be put in place to allow that commitment to stand as a political act of faith.

**Mr. N. Ahern:** I will speak to the Minister.

**Mr. Bradford:** I would appreciate that very much.

The Seanad adjourned at 7.55 p.m. until 10.30 a.m. on Thursday, 27 May 2004.