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DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

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*Déardaoin, 24 Meitheamh 2004.*  
*Thursday, 24 June 2004.*  
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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

—  
*Paidir.*  
*Prayer.*  
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### Order of Business.

**Ms O'Rourke:** The Order of Business is No. 1, Central Bank and Financial Services Authority of Ireland Bill 2003 — Report and Final Stages. We try as best we can to take Second, Committee and Report Stages separately. There are no Report Stage amendments to the Central Bank and Financial Services Authority of Ireland Bill 2003, but that is nobody's fault. I am just explaining why our stay here today will be rather brief.

**Mr. Finucane:** Over two years ago, the Government announced a serious aviation policy. Will the Leader ask the Minister for Transport to come to the House? If anything, the aviation policy is something for the future rather than the present. The chairman of Aer Rianta said his dealings with the Minister are extremely difficult and he accused him of a draconian policy in regard to Aer Rianta. The legislation providing for the break-up of Aer Rianta has been published. There are serious concerns about the viability of Shannon in the future and about Cork for the next five years. I am not sure whether that is enlightened aviation policy. There is considerable concern in the Shannon area in regard to the long-term viability of the airport if it becomes a separate entity. The programme for Government pointed out that a new terminal, pier D, would be created for the 2003 tourism season. There is still congestion at Dublin Airport and we are further away from the construction of this new terminal.

Over the weekend, the media will be dominated by the visit of President Bush. There is a close association with American investment in this country and our respect for America. We should not be prevented from expressing our serious concerns about American foreign policy objectives to the Taoiseach, as President of the

European Council. We should dissociate ourselves from some of its activities, especially the torture of people which the Leader condemned. We should take into consideration what Amnesty International said recently. If the Americans are so confident that there was no torture policy — they are rushing out documents to verify that no torture policy was approved by the Pentagon — they should allow independent people to confirm whether there was, or was not, such a policy.

I would like the Taoiseach to raise with President Bush the position of thousands of Irish people who are undocumented in America. They cannot get driving licences or health care and cannot return home for a bereavement of a family member, whether it is a mother or a father. They are living in a twilight world in America. We are in a unique position on this occasion and we should appeal to the American President to do something for our people who are working in America, albeit illegally. I am sure something could be done to legalise their status.

**Mr. O'Toole:** I fully agree the topical issue of the day is the visit of the American President. We need to deal with it in a sensible way, which is not to spend too much time talking about the visit, because he is coming, but to lay out the agenda. Rather than focus this debate on whether we are insulting the American people and the American President, who is the elected President and who is coming here for a meeting which will take place regardless of whether we like it, what I and most Irish people would like to see is the Taoiseach, the President of the European Council, come away from the meeting and state the issues that were raised. I would like those issues to include the American relationship with the United Nations and its lack of support for it, the problems arising from the lack of human and civil rights in Guantanamo Bay, the International Criminal Court, the Kyoto Agreement and the point raised by Senator Finucane about Irish immigrants in the United States, which is crucial and which might make our people more sensitive to what is going on in this country. If progress can be made on those issues and if we can focus the debate on them rather than on the simple one of the visit — President Bush is coming, like it or lump it, and the meeting will take place — we should see what we can make of it. We can at least say to the American people that this is why we are concerned and these are the foreign policy issues we want to raise and to which we seek a response. This is how we can build a bridge between developed western Europe and the

[Mr. O'Toole.]

United States of America on those particular issues.

On a separate issue, the wage element of a new national agreement now appears to have been concluded, so it would be a good time to have a debate on the current national agreement. We are half way through the agreement that was negotiated 18 months ago. It focused on many issues, including control of inflation. Despite the fact that people said it could not be controlled at that point, the social partnership has addressed that matter and other issues, such as current employment and job creation. We should examine the record of the past two years arising from the last national agreement.

I also wish to bring to the attention of sceptical Members of the House the fact that I could not find any trade unionists on the list of tax defaulters that was published in yesterday's newspapers. It is a credit to the trade union movement.

**An Cathaoirleach:** The Senator has made his point, although I do not know if it is relevant to the Order of Business.

**Ms Tuffy:** I understand that Second Stage of the State Airports Bill 2004 is being taken in the Dáil today. There has been criticism of the way in which that Bill is being rushed through the Lower House without proper debate or issues being clarified. Will the Dáil still be sitting when this House debates that Bill, or will we just be treated as a rubber stamp with no opportunity to debate whether there is a case for the legislation at all? Are there any economic reasons for its introduction or is it purely part of a political agenda, not for the Progressive Democrats Party but for the Progressive Democrats within Fianna Fáil, including the Minister for Transport?

As regards this week's visit to Ireland by US President George Bush, I read in today's newspapers about the planned joint EU-US statement. This statement should include a condemnation of the illegal and unjustified war against Iraq by the US and the subsequent actions that have taken place, to which other Senators referred, including the illegal treatment of prisoners at Guantanamo Bay.

**Mr. Leyden:** I support Senator Finucane's point regarding the forthcoming discussions between the Taoiseach, as President of the European Council, and the American President. We must consider the undocumented Irish citizens in the United States to whom we have a responsibility. There could be 10,000 such people in the

United States of America and we must be conscious of them. Those who will march against President Bush seem to have little regard for the effect their actions will have on undocumented Irish people who are residing unofficially in America. As Senator Finucane said, they cannot get home to attend a funeral, a wedding or to celebrate the birth of a niece or nephew. Yesterday, I referred to a mother in County Roscommon who has three daughters in America. She asked me to raise this issue in the House, so I am taking this opportunity to do so.

Will the Leader convey what I would like to think is a unanimous request by this House for President Bush to consider the position of undocumented Irish citizens in America? He will not decide on it tomorrow but I ask the Leader to arrange for such a debate next week. In that way, the House can formally request the American Government to make an arrangement similar to the Morrison visas for undocumented Irish citizens in the United States. We will be doing a great service to those people in making such a request to the American authorities. I do not expect any such decision from tomorrow's meeting, but the relationship between the Taoiseach and President Bush will continue to be cordial so the Taoiseach will be in a strong position to make such a request.

I have two brothers in America and many other relations, but I want to make the regularising of the undocumented Irish an election issue in the United States in November.

**Mr. U. Burke:** Will the Senator be campaigning?

**An Cathaoirleach:** We cannot do that in this House, Senator.

**Mr. Leyden:** There are 42 million Irish Americans who have a say.

**Mr. Minihan:** Is the Senator a candidate?

**Mr. Leyden:** Not yet.

**Mr. U. Burke:** The Senator would want to get his injections in order before he goes.

**Ms Terry:** Last night on the television news we saw horrific pictures and heard about the growing number of children who are being trafficked from eastern Europe to this country. It is a matter of serious concern. While legislation is in place to combat such trafficking, it is obviously being breached if large numbers of children are being brought here illegally. The Minister for Justice, Equality and Law Reform should examine this

situation to see what can be done to ensure that these very young children, aged from seven upwards, will not be abused in this way. We must do something to stop the trafficking at source and ensure that families are not pressurised to sell their children into slavery. It is abhorrent to think that we, as a country, would have any part in this, so I ask the Leader to see what the Minister can do about it.

**Dr. Mansergh:** I support Senator O'Toole's request for a mid-term debate on the wage agreement element of the social partnership. He is right that, despite a great deal of scepticism, the last agreement has succeeded in bringing to below 2% an inflation rate that had touched 7%. That is a great tribute to all concerned. We are now facing new inflationary pressures so we need to watch the position carefully. If anyone is worried about excessive neo-liberalism, social partnership is the greatest bulwark against it.

I support what Senator Leyden and Senator Finucane said about undocumented Irish in the United States. However, I would like to say something that is uncomfortable for me and for all of us — we need to think with compassion about the situation of undocumented asylum seekers in this country.

**Mr. U. Burke:** Of course we do.

**Dr. Mansergh:** There needs to be some consistency.

**Mr. Leyden:** I agree.

**Mr. Ross:** I will continue that debate with Senator Mansergh on another day, presuming that permission for the debate is granted.

**An Cathaoirleach:** We do not have debates on the Order of Business.

**Mr. Ross:** I am postponing it, that is the point, a Chathaoirligh. I notice you allowed a certain amount of latitude to Senator Mansergh, which I will not require from you today.

Where is the Minister for Transport? I see him on television opening stations down in Cork, but I never see him in the House, although one sees him in the Dáil. I would like a debate on the transport system. Will the House have an opportunity to debate the State Airports Bill 2004 before the summer recess? We have been seeking a debate on this issue for a long time and it seems that, for some reason, the Minister for Transport is ducking an appearance in the House.

It is noteworthy that Dublin Airport is a complete and utter shambles, which is not a coinci-

dence. It is because of the shenanigans that are going on — I am not taking a partisan view on this — between the chairman of Aer Rianta, the Minister for Transport, the unions and the board. Extraordinary alliances are being formed to frustrate the apparent wishes of the Government. In the meantime, we have complete paralysis at Dublin Airport and paralysis of the aviation system. During her term as Minister for Public Enterprise, the Leader of the House was criticised for not doing anything about the airport's difficulties. In light of what has happened since she departed office, however, that criticism is totally unfair because nothing has happened whatsoever. We do not know whether we are getting pier D, a second terminal or anything else. In the meantime, Dublin Airport is a shambles. I suggest that if anyone in this House wants to punish President Bush, he or she should ask him to fly into Dublin rather than Shannon this weekend because it would expose the real difficulties we face.

**Mr. Bradford:** I concur with my colleagues who referred to the status of undocumented Irish people in the US. A decade or so ago, we thought this problem had been resolved by means of the tremendous progress made with the Morrison and Donnelly visas and other initiatives taken by the US authorities. However, it now appears from information available to us that a sizeable number of undocumented Irish people are living in the US and it is appropriate that, during the visit of President Bush, the Taoiseach and his Ministers raise the matter with him. I appeal to the US authorities to respond positively to such requests as they have done heretofore.

It is difficult to open a newspaper, listen to a radio programme or watch a television programme without encountering anti-Bush sentiment. This is noted in the US, perhaps wrongly, as anti-American and, in that context, we must acknowledge that this House has appealed to the US authorities to deal with the status of illegal Irish immigrants given that tens of thousands of Irish people still seek employment and a new future in the US. We must try to keep that fact in context when we are dealing with the bigger issues of US foreign policy and Ireland's relationship with the US, which has been our greatest international friend. We can have policy differences but we must consider them in the context of which countries have stood by us over the years.

**Ms O'Rourke:** We stood by America too.

**Mr. Quinn:** I regard myself as one of the better complainers around the world and have learned

[Mr. Quinn.]

how to do it well. I ask myself what I want to achieve if I have a bad meal in a hotel or elsewhere and I only complain when I want to help someone to achieve something. In that context, Senator O'Toole referred to President Bush's visit, about which we must set out what we want to achieve. The better way to complain is by being rational and reasonable, accepting the other party's points and problems and placing on the agenda the issues we wish to address, namely, undocumented Irish people in America and so on. I would also add the question of free trade around the world. US subsidies, particularly for agriculture—

**Mr. O'Toole:** And steel.

**Mr. Quinn:** —and steel, make it almost impossible for the Third World to develop. These are the areas which can be addressed in the quiet atmosphere of County Clare rather than by protesting loudly on every occasion. We should approach the visit by setting out what we want to achieve.

The Cathaoirleach allowed me an Adjournment debate some months ago, in which I declared that all I wanted for Christmas was two new High Court judges. In that context, I congratulate the Minister for Justice, Equality and Law Reform, who appointed three new High Court judges yesterday, for which I take credit as a result of raising the matter.

Yesterday, I accused the Government of having done nothing about charitable collections in recent years. I was incorrect because the Children's Act 2002 has provided legislation to stop children from begging since then. However, at a conference in Cork last weekend, it was pointed out that people did not realise that this means our children and grandchildren are no longer able to collect apples, nuts and sweets at Hallowe'en.

**Mr. O'Toole:** Perhaps they can buy them in the supermarket.

**Mr. Quinn:** Let us make sure that the heavy handed approach we have seen in respect of clampers and other regulations is not taken in regard to children at Hallowe'en this year.

**Ms O'Rourke:** Senator Finucane, the Acting Leader of the Opposition, requested a debate on airport policy, particularly in respect of the ongoing viability of Shannon and Cork Airports, for which he fears. He also referred to the congestion at Dublin Airport which I will address when I reply to Senator Tuffy's question on the matter.

Senator Finucane also raised the Taoiseach's approach to EU foreign policy objectives and undocumented Irish people in the US. I conveyed Senator Leyden's request in that regard to the Taoiseach's office yesterday and I will return to it in more detail. I thank the Senator for raising the matter again.

Senator O'Toole also referred to US relations with the UN and to Irish immigrants in the US. He sensibly made the point that, now that President Bush is coming to Ireland, we should try to have an input into the agenda. The Senator also requested a debate on social partnership, which we will try to arrange. The Taoiseach suggested in a letter to the reform group that he wishes to see social partnership scrutinised in detail. In that context, I wrote to the Taoiseach reminding him of that fact and requesting that the issue be debated in this House. Senator O'Toole also correctly pointed out that there are no trade unionists on the recently published list of tax defaulters.

Senator Tuffy asked about the position of the airports Bill. My office received a communication yesterday stating that the airports Bill was to commence in the other House this evening and will be taken again next Tuesday before coming to this House. The difficulty with this late communication is that the House has been told we must deal with a series of Bills, such as the important Residential Tenancies Bill 2003, the Water Services Bill 2003 and the dormant accounts (amendment) Bill as well as five or six others. Nonetheless, I assure the Senator that the airports Bill will not be rushed — I do not see why it should be. The Senator also referred to the agenda of the meeting between the Taoiseach and President Bush.

Senator Leyden also referred to undocumented Irish people in the US and suggested that the House propose a joint motion. Let us see if our points reach the Taoiseach's office first and then decide how to proceed. Will the Senator tell us when he intends to travel to the US to run for election and we will support him?

**Mr. Leyden:** I will be campaigning.

**Mr. O'Toole:** It is the anniversary of the Senator's name and shame campaign.

**Ms O'Rourke:** Is the Cathaoirleach aware that they have great regard for Senators in the US? They are mad about them.

**An Cathaoirleach:** I have known that for a long time.

**Ms O'Rourke:** Senator Terry referred to the trafficking of eastern European children into Ireland. I did not see the television programme to which she referred but will ask the Minister for Justice, Equality and Law Reform for his views on the matter.

Senator Mansergh also requested a debate on social partnership, bearing in mind the recent high inflation rate of almost 7%, which has recently fallen but is in danger of increasing again, although it is a bulwark against neo-liberalism, which I think is a coded message.

**Mr. Ross:** Hear, hear. The Leader has got it in one.

**Ms O'Rourke:** I accept that neo-liberalism has been in the news recently. The Senator also asked that when we refer to undocumented Irish people in the US, we should examine the position in Ireland and address the need for a resolution of the issue of undocumented immigrants in Ireland.

Senator Ross asked if I could find the Minister for Transport. That is quite impossible because, as the phrase goes, "they seek him here, they seek him there, they seek him everywhere".

**Mr. Ross:** The Leader would need to use a telescope.

**Ms O'Rourke:** However, I presume the Minister for Transport will be in the House to take the airports Bill. The Senator referred to what he called "the shambles" in Dublin Airport. In that context, I travelled to Rome on a social visit on Friday with a couple of friends from Athlone. We went out on time and got to our aeroplane quickly and returned on Monday night on time. There was no congestion at Dublin Airport either going or coming. I understand the Senator came through it on Monday and that he had a safe and clear passage. Given all that I cannot let go the statement that there is shambles at Dublin Airport. There is not.

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

**Ms Terry:** Did the Leader fly with Ryanair?

**Ms O'Rourke:** No, I never do. I have a policy on that matter. That is true.

**An Cathaoirleach:** That is not an appropriate question. There should be no questions to the Leader when replying on the Order of Business.

**Ms O'Rourke:** Exactly. I thank the Chair for standing up for me. Those type of questions upset me. Senator Bradford raised the undocumented Irish. I take his point. We all cherish and relish

our relationship with the US but that does not stop one having one's criticisms.

**Mr. Bradford:** It does not sound like that.

**Ms O'Rourke:** Why should it? We are not all patsies. I take Senator Quinn's point about the agenda which was well raised by his colleague. The Senator thanked the Minister for Justice, Equality and Law Reform for appointing three new High Court judges. As the Senator said that was all he wanted for Christmas. Christmas has come early.

Order of Business agreed to.

### **Central Bank and Financial Services Authority of Ireland Bill 2003: Report and Final Stages.**

Bill received for final consideration.

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

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I thank the House for the consideration given to the Central Bank and Financial Services Authority of Ireland Bill 2003. When I piloted the previous Central Bank legislation through the House last year there was considerable scepticism on whether this measure would appear. It was promised at the time and it has now been delivered. Great credit is due to the officers in the Department of Finance for the speed and expedition with which they devoted themselves to the preparation of this legislation. It is important to put the consumer protection element in place. That has been done. I am pleased the Bill has been well received in both Houses. A considerable amount of work was done on it in the other House and because of that its consideration in this House was somewhat briefer. The Minister met some of the Opposition concerns in the other House. I thank Senators Phelan and Mansergh and the other Senators who participated in the debate.

**Dr. Mansergh:** I thank the Minister of State for bringing the Bill through the House. That its passage has been fairly expeditious should not disguise the fact it is important legislation from a consumer point of view and is vital to the health of financial services, international and domestic, in terms of high standards being maintained. We have a great interest in that both as consumers and as a country that is host to a major financial services centre. I thank the Minister and his officials for helping the Bill on its passage.

**Mr. J. Phelan:** I concur with what Senator Mansergh has said. This Bill is noteworthy for its improvements in the consumer protection area, in light of recent issues that have arisen with certain members of the commercial banking sector in Ireland. I welcome its passage. Senator Ross spoke at length about increasing the fines applicable under the legislation but it is a significant step in the right direction.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to sit again?

**Mr. Minihan:** Next Tuesday at 2.30 p.m.

The Seanad adjourned at 11.05 a.m. until 2.30 p.m. on Tuesday, 29 June 2004.