

SEANAD ÉIREANN

—
Dé Céadaoin, 3 Samhain 2004.
Wednesday, 3 November 2004.
 —

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

—
Paidir.
Prayer.
 —

Business of Seanad.

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

The need for the Minister for Finance to put in place as soon as possible a plan to prevent as far as possible the flooding of Clonmel, County Tipperary, and to introduce a scheme of compensation for residents and businesses most affected.

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

The need for the Minister for Health and Children to consider facilitating cancer patients attending Letterkenny General Hospital, who are currently undergoing chemotherapy treatment, in order that they have direct access to other services when necessary in view of the fact that, at present, these patients must first attend the accident and emergency department in the hospital and experience a lengthy waiting time.

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

The need for the Minister for Transport to give a progress update on the double tracking of the Kildare railway line and the provisions which are being made to facilitate extra car parking at Hazelhatch Station.

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

The need for the Minister for Education and Science to provide additional special language teachers for Sacred Heart national school, Hartstown, Dublin 15, which has an international pupil intake of 225 out of a total enrolment of 930 students.

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

The need for the Minister for Enterprise, Trade and Employment to carry out an urgent review of job losses in Ballinasloe, County Galway, in consultation with local task force groups and other statutory bodies with a view to directing investment in job creation to the town since it was stated to be a priority for this Government since 1999.

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

The need for the Minister for Community, Rural and Gaeltacht Affairs to expand as a matter of urgency west Offaly integrated development partnership's area of operation as part of the LDSIP to include Birr and south Offaly.

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

The need for the Minister for the Environment, Heritage and Local Government to clarify the position regarding funding for the Longford central water supply and other areas in the county where chronic water supply problems are being encountered.

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

The need for the Minister for Education and Science to make a positive decision in the case of a person (details supplied) in Dublin 24 concerning the granting of third-level maintenance support to a mature student and the need to radically access the existing scheme which works against single parents.

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

The need for the Minister for Health and Children to provide radiotherapy facilities for the south east at Waterford Regional Hospital in view of the recommendations of the Irish Society of Medical Oncologists.

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

The need for the Minister for Agriculture and Food to clarify the current situation regarding live cattle exports to continental Europe in light of the announcement by P&O Ferries if its decision to end its service on the Rosslare to Cherbourg route from 19 December 2004.

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

The need for the Minister for the Environment, Heritage and Local Government to introduce by-laws to move Eircom and ESB poles as they are a danger to users of county and regional roads.

[An Cathaoirleach.]

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

The need to the Minister for Arts, Sport and Tourism to outline the conditions which apply to the provision of grants towards public leisure centres; the number and location of applications currently being processed; and the average length of time it takes to process an application.

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

The need for the Minister for Transport to designate immediate funding to the Sligo-Dublin rail line following the disgraceful service that Iarnród Éireann currently operates.

I regard the matters raised by Senators as suitable for discussion on the Adjournment. The matters raised by Senators Mansergh, McHugh and Walsh have been selected and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

Order of Business.

Ms O'Rourke: The Order of Business is No. 1, Ombudsman (Defence Forces) Bill 2002 — Report and Final Stages, to be taken on the conclusion of the Order of Business and to conclude not later than 12.15 p.m.; No. 2, statements on the first progress report of the National Advisory Committee on Drugs (resumed), to be taken at 12.15 p.m. until 1.30 p.m. on which Senators may speak for ten minutes each; No. 3, statements on the provision of national sporting facilities to be taken at 2.30 p.m. until 5 p.m. on which spokespersons may speak for 15 minutes and all other Senators ten minutes; and No. 18, motion No. 12 to be taken from 5 p.m. until 7 p.m. There will be a sos from 1.30 p.m. until 2.30 p.m.

Mr. B. Hayes: I welcome the Adjournment debate matters tabled by colleagues opposite because they underline the Government's failings and shortcomings in recent years. Perhaps we should have the Adjournment debate at the beginning rather than the end of proceedings since there might be much more political content.

An Cathaoirleach: That is an issue for another time.

Mr. B. Hayes: You are correct, Sir.

While the US presidential election has yet to be finally determined by the declaration of a winner, it appears likely that President Bush has won a second term. Does the Leader agree that, whatever the result, America should now begin to acknowledge its historic role in the world and use its influence and power through engagement to bring about good in the world? The same com-

mitment demonstrated by the US after the Second World War, with the establishment of NATO and the very significant funding it made available to help rebuild a devastated Europe after the fall of fascism, must now be brought to bear on many parts of the world because it is the only superpower left.

We wish success to whoever becomes President after this process not only in the reunification of his country but also of the world, particularly in the context of delivering upon many vital issues. Throughout its history America has played a key role in world developments, particularly after the Second World War. The country's isolationist position after the First World War led it to withdraw into itself but it learned lessons from that because the Treaty of Versailles sowed the seeds for the rise of fascism some 20 years later. We must encourage the President to re-engage with the world and use his influence in a positive manner.

The Leader kindly informed the House that Committee Stage of the Garda Síochána Bill is imminent. When exactly is it intended to bring the Bill before the House because the Opposition needs to prepare amendments? We have already prepared substantial amendments but there are more than 400 sections in the Bill and the Leader will appreciate that a timescale indicating when Committee Stage will be taken would be helpful.

Mr. O'Toole: The people of America have spoken and have apparently decided to re-elect President Bush for the next four years, which I personally regret. Nonetheless, that is the American people's decision and they will not be too worried about my views on the matter.

Mr. Ross: Hear, hear.

Mr. O'Toole: The greatest feature of President Bush's leadership has been the West's deteriorating relationship with the Islamic world. Now that he does not have to face re-election in four years' time, we should ask the Minister for Foreign Affairs to use our influence in Europe to encourage him to restore relations and extend a hand of friendship and understanding to the Islamic world. We must recognise that people practising the Muslim faith are being treated like Irish people were in the UK when bombings were taking place there — they are all being tarred with the same brush. We need to see a more subtle and open approach to this matter.

Senator Ulick Burke and I recently stressed the importance of the House debating public private partnerships. The new Minister for Finance would be keen to have the issue discussed. We need to ensure that a political view is brought to bear on the Comptroller and Auditor General's views on public private partnerships, recognising that an auditor or an accountant has a different view of the world than a politician. I ask that this debate be held as soon as possible.

On a similar issue, it will be noted that the coffers of the State are due to increase by approximately €1.9 billion. The former Minister for Finance, Deputy McCreevy, who was a prophet too good to be accepted within his own party and who was exiled to Brussels, should at least get credit for doing what he said he would do, namely, turning around our financial position. Given the appalling state of resources in the health and education services, it would be useful to have a full debate in the House with the Minister for Finance, Deputy Cowen, on how we should spend the money that has been husbanded so well by the former Minister.

Mr. Ryan: On the issue of the vast number of matters on the Adjournment, it is time we reopened the debate on whether Members of the House should be able to table parliamentary questions which Ministers could answer in writing. It is a much more efficient procedure than that which forces many of my colleagues to wait perhaps for weeks before they can raise a matter on the Adjournment. That is a matter for another day.

On the role of the United States, the old phrase, the latter half of which I will leave unsaid, is probably true: "When the United States is good, it is very, very good ... " I remember the conflicts in Chile, Guatemala, El Salvador, Nicaragua and many other places—

Mr. Leyden: Ronnie Reagan.

Mr. Ryan: —in which brutal force was used in many cases to undermine unacceptable democratically elected governments and democratic governments. I wish the United States would fulfil a role in the world that is consistent with its own rhetoric. I wish whoever is elected President of the United States well. The world needs enlightened leadership from that country. My own views on this are fairly well recorded.

Last weekend, a most extraordinary story broke in the media about a proposed deal between the State and Eircom which, among other things, would have allowed Eircom to rip off its consumers to the tune of a 10% increase in their rates. The State endeavoured to persuade Eircom to roll out a proper broadband service in return for which it would have given the company a guarantee to protect it from the risks of the marketplace. Apparently the company declined, or else the State, perhaps at the last moment, got sense. I cannot figure out which.

The Government has floundered around for the past seven years regarding our telecommunications infrastructure. It is time we had a debate on our broadband infrastructure and, incidentally, on our transport infrastructure. It is not wonderful to boast that we have underspent on capital investment this year to the tune of nearly €1 billion. That is a disgrace in a country with such an enormous infrastructural deficit.

I call for a debate on competition policy, particularly on the agencies in the State that are supposed to protect consumers. We have watched the banking sector rip off consumers and Senator Ross has been particularly eloquent in highlighting this issue. The one shining exception in this sector, which has provided credit and support for poor people who would not have been accepted by the banks and who were wide open to the threat of illegal money lending, was the credit union movement. However, who did the Competition Authority bring to court only the credit unions? The authority had a wonderful victory last week because it found that the Irish League of Credit Unions was using its insurance business to try to support its other activities. What an achievement this is in terms of the rights of consumers. Last Sunday, some genius from the authority suggested that the GAA could be brought to court by the authority. In terms of competition, we are moving into the area of "Neverland", to use a word from the movie.

We desperately need a debate about competition in order to focus on the rights of consumers, not on the ego of the Competition Authority.

Mr. Dardis: I am sure the House will wish whoever is elected President of the United States well in the very onerous responsibilities he must carry into office. It appears President Bush will be returned, even though 250,000 ballots might not be opened for 11 days. There may be a long wait for the final result, as was the case in 2000.

This morning on radio we heard the famous words of President Kennedy when he was inaugurated with regard to what one's country could do for one. As these words are well known, I will not repeat them. He went on to say something that was perhaps just as significant, if not more so. He said the world should not ask what the United States could do for it but what the world together could do for peace. Perhaps these words are something the incoming President of the United States might think about. Perhaps he should understand that might is not always right and there is a responsibility to listen as well as to speak.

An Cathaoirleach: I gave latitude to the leaders but, as many Senators are offering, I ask them to be as brief as possible during their contributions on the Order of Business.

Mr. Finucane: The subject of the American President is very topical this morning and it appears that President Bush will be re-elected. I wish him well. Exit polls indicated that moral values were the primary issue for people. In that context, anyone who watches the national channel in this country at weekends should ask themselves a question. It appears to have become acceptable not just for Irish comedians but for Irish actors to denigrate the church and to use four letter words as a natural form of expression.

[Mr. Finucane.]

I wonder if our moral values are slipping. There is much concern about what our national channel is currently producing. I will make these views known at the Joint Committee on Communications, Marine and Natural Resources when we will have an opportunity to question representatives from the station. I would like people to reflect on what is happening in America which, to a degree, is reflected in the conservative community in this country which is becoming extremely concerned about what is taking place.

Mr. Glynn: Will the Leader invite the Minister for Justice, Equality and Law Reform to this House to discuss his proposals for the control of fireworks? It has been brought to my attention that a 14 year old boy lost a thumb and two fingers. He was one of seven young people treated in Crumlin hospital by one surgeon. The surgeon concerned was not sure how many others were treated by his colleagues. If this is reflected throughout the country, it is a very serious situation. This issue is highlighted each year but nothing is being done. The law as it applies to the use of fireworks must be strictly enforced. A young person in my local town lost an eye in these circumstances a few years ago. It is a serious matter and I would appreciate if the Leader could arrange for the Minister to come to the House and explain his proposals to stamp out this practice.

Ms White: Hear, hear.

Mr. Quinn: Since last Sunday there has been an air of depression in the country about which the Minister for the Environment, Heritage and Local Government, Deputy Roche, can do something. He is a new Minister who can make a name for himself by leading the way in having us revert to central European time instead of having to put up with darkness at 5 p.m. each afternoon for the next six months.

It is interesting that British newspapers are today referring to the introduction of a restricted, watered down smoking ban in pubs. We led the way with a levy on plastic bags and the smoking ban so let us lead the way with Ireland joining central European time so we do not lose the hour each year. We should discuss the issue with counterparts in Northern Ireland and point out the advantages. We should be willing to leave the nursery, even if nanny does not come with us. We do not need the British with us on this matter. The benefits for us are significant, so let us ensure we do something about it. The new Minister for the Environment, Heritage and Local Government, Deputy Roche, will have the country's support on this issue.

I was talking to someone from Newcastle, County Down, yesterday who informed me the area cannot receive RTE. I do not know the intricacies of the situation.

Mr. Dardis: They are very lucky.

Mr. Quinn: If we are to get the benefits of a joint Ireland operation, North and South, technology should solve this easily. It should be possible.

Mr. Morrissey: An article in one of today's newspapers outlines the report of a coroner on the unfortunate death of an elderly gentleman in north Cork who was killed by an articulated truck. The coroner reported that everything, including mirrors, was in order on the truck. However, the report recommends that additional mirrors be fitted to trucks and suggests that the recommendation be passed to the Minister for Transport. Hemispherical type mirrors should be fitted to the front left hand side of trucks so drivers can see people on pavements. This is something the haulage industry would welcome as it has been proactive in this regard. I urge the Leader to inform the Minister that we would like a consultative process on the matter given the proliferation and variation in the size of trucks on our streets.

Mr. Coghlan: In light of ongoing press speculation regarding the Great Southern Hotels Group, particularly with regard to Parknasilla, and given the Taoiseach's stated views on the matter with which I concur, does the Leader believe the sole shareholder will allow the Dublin Airport Authority to sell off the group? If there is a sell off, will it be the group in total or will properties be sold off on an individual basis?

Labhrás Ó Murchú: Yesterday, I visited a young Tipperary man, Christopher McGrath, in Gartree Prison in England. He is 27 years of age and four or five years ago was sentenced to life imprisonment for a crime he says he did not commit. I have studied the papers on the case and have met the committee campaigning for his release. After yesterday's interview I am convinced he has a strong case for an appeal. There is every indication that this is another miscarriage of justice. This is underlined by the fact that 50 MPs now support him. One of the most proactive of those is Mr. John McDonnell, the Chairman of the British-Irish Interparliamentary Body. The Department of Foreign Affairs has been helpful. However, will the Leader speak to the Minister and urge him to be more proactive on the matter? It is harrowing to see a young champion jockey with a great career before him in such a situation. He convinced me that he is innocent and we should help him. I acknowledge the great courtesy and co-operation extended to me as a Senator by the prison authorities.

Ms O'Meara: I acknowledge the work of Senator Ó Murchú as outlined.

Will the Leader arrange a debate on maternity services and on the growing crisis in the provision

of essential maternity care, in light of the comments by the master of one of the Dublin maternity hospitals? It is shocking to hear that it may be necessary to cap the number of admissions to a maternity hospital at a time when the population is increasing and when we have an increasing number of overseas workers, including women of child-bearing age.

We still do not know if the Hanly report will be implemented but if it is it will mean the closure of a number of maternity services around the country. If that happens there would be no maternity unit between, for example, Galway and Dublin. In light of this possibility, the Minister for Health and Children should come to the House and outline her policy with regard to a number of health issues, including maternity services and, in particular, the implementation of the Hanly report.

Mr. Mooney: I support Senator Quinn on the issue of the time change. In the historical context, the British imposed GMT on Ireland in the seminal year of 1916.

I understand that until then the time was variable between Cork, Galway and Dublin. This is a relatively recent phenomenon and I hope we will engage in debate on it.

As Government spokesperson on foreign affairs in the Seanad I welcome the decision of the American people. They have, at least, chosen a President, although we must await the final details. I share the view of all sides of the House that there is a time to bind wounds. America and the American people have a wonderful capacity, in a post-election environment, to bind the wounds of the nation and to support their President, irrespective of his or her political complexion. I hope a woman will be elected President of the United States at some time in the future.

Would the Leader think it useful to invite the Minister for Foreign Affairs to the House to discuss the post-election situation in America as it relates to European-American relationships, especially as Ireland is a strong supporter of the United Nations, which the present American Administration is not? In outlining to the House the international situation following the election in the United States, the Minister might also address Ireland's views on reform of the United Nations. If the United States is not engaged and involved in the United Nations, it bodes ill for the future of bilateral relations throughout the world.

I support what Senator Finucane said about the lowering of standards in broadcasting. As a parent I could not understand why listeners to "Five Seven Live" last week were subjected to the excruciating detail and graphic description of a current court case between a leading broadcaster and a bouncer. My children and I heard the report while travelling by car. I do not understand why such excruciating detail about the case had to be given on live radio when children would

have been listening. I am not being naive. The whole area of standards in public broadcasting must be examined.

Mr. Bannon: The number of Adjournment matters submitted today by Members on the Government side of the House proves that Fianna Fáil Members are not content.

An Cathaoirleach: Senator Bannon, you may raise a question on the Order of Business.

Mr. Leyden: Senator Bannon is not doing his job. He is redundant, obsolete.

Mr. Bannon: I ask the Leader to invite the Minister for Finance to the House to discuss the issue of the Government and banking institutions reducing bank charges. As many employees are forced to accept their salaries through banks it is necessary to reduce bank charges.

Mr. Leyden: It is optional.

Mr. Bannon: In the budgets of last year and the year before we saw huge increases in bank charges. The Minister for Finance should take note and reduce those charges. We should also encourage post offices and credit unions to deliver similar services to customers.

Mr. Leyden: I thank Senator Bannon for his compliment to the Government Members on our openness and transparency and on the fact that we are encouraged to bring forward issues and to resolve them.

Mr. Finucane: Senator Leyden is being confrontational.

An Cathaoirleach: Senator, please speak on the Order of Business.

Mr. Leyden: We might make the Opposition redundant, but that may be no harm.

An Cathaoirleach: Many Senators have indicated that they wish to contribute. Senator Leyden should not waste time.

Mr. Leyden: I support Senator O'Meara's call for a discussion on the redundant Hanly report. The Opposition is flogging a dead horse.

Ms O'Meara: Is it redundant. Why has that not been officially declared?

Mr. Leyden: I support Senator O'Meara's request that the Tánaiste and Minister for Health and Children should come to the House to outline her new philosophy and policies.

Mr. Bannon: Does the Government have a programme for Government?

Mr. Leyden: Some of the statements the Tánaiste has made are very welcome. She has spoken wisely about retaining and developing services in our local hospitals. A new accident and emergency unit has opened in Roscommon hospital and is doing very well.

I congratulate President George W. Bush. He has won the election with a majority of 3 million votes. This is a great achievement for him and the Republican Party. He has won the election and we should be fair about that. Let us turn this situation into a positive one for us. As far as I am concerned, it is payback time for the 10,000 undocumented Irish in America.

Mr. Norris: Shame.

Mr. Leyden: We can now discuss this matter with President George W. Bush. Last night, I spoke about it to the new Minister for Foreign Affairs, Deputy Dermot Ahern. The Leader of the House sent a message to the Taoiseach who spoke to President Bush about the undocumented in Shannon earlier this year. We have a letter to that effect. We have been very cooperative with the American Government regarding the use of Shannon.

Mr. Ryan: We certainly have.

Mr. Leyden: It is fortunate that we are in Government and the Labour Party—

An Cathaoirleach: Do you have a question for the Leader?

Mr. Leyden: Arising from the representations made by the Leader of the House and the Taoiseach to the American Government concerning the undocumented, this is an opportunity for the House to have an all-party debate on the matter. I once saw Senator Ryan on television protesting about Ronald Reagan. It shows that the members of this Fianna Fáil-Progressive Democrats Government are the best friends of the Irish people because we encourage American investment. We neither object to it nor oppose it.

An Cathaoirleach: I think the Senator has made his point.

Mr. Bannon: What did the Senator do in his own constituency?

An Cathaoirleach: Order, please.

Mr. Norris: As a graduate of the University of Dublin, Trinity College, I extend my congratulations to University College Dublin which is celebrating its 150th anniversary today. It has provided many distinguished graduates, some of whom have served in this House. The anniversary of that remarkable institution is worthy of note.

Mr. Ryan: The Senator should name a few names.

Mr. Norris: James Joyce for one. I do not have to go much further than that. If UCD had only produced Joyce it would have done its job for Ireland.

An Cathaoirleach: A question on the Order of Business, Senator.

Mr. Norris: Will the Leader investigate the possibility of the Government introducing legislation concerning work permits? There was a harrowing story on the news the other evening about two Indian gentlemen, one of whom had to send his wife back home.

Mr. B. Hayes: That is right.

Mr. Norris: The other one was in tears. They came to this country on the understanding that they would get certain jobs at certain rates of pay. The employers hold the work permits, however, and were able to use that to blackmail them into accepting a lower rate of pay. Legislation is needed in this area.

I do not share Senator Leyden's views on the presidential election in the United States. It seems as if the American people have knowingly elected somebody who stands accused at the bar of world opinion of serious war crimes, including the waging of unprovoked, aggressive war and the condoning of torture. We now know that there were 100,000 Iraqi civilian casualties, more than 50% of them being women and children. The corporate smash and grab gang are back in control in Washington. They often end meetings in American by saying, "God save America". Today, however, I would say, "God help America". They have chosen Barabbas and on their own heads be it.

Mr. Leyden: That was very biblical.

Mr. Hanafin: I warmly welcome the re-election of President George W. Bush, which presents an opportunity in many different areas. I hope that in the coming years we will see properly held elections and democratic governments both in Iraq and in Afghanistan. There are also domestic opportunities arising from the election for the United States.

An Cathaoirleach: Do you have a question for the Leader?

Mr. Hanafin: These opportunities include overturning the *Roe v. Wade* case which legalised abortion. Ms Norma McCorvey, who was "Roe" in that case, visited the Oireachtas this year. She is now an active pro-life supporter. There will be wonderful opportunities for the United States. I ask the Leader to write to the American Embassy to congratulate the new President and wish him well.

Mr. Browne: For the past few weeks the skies of every town in Ireland have been lit up like

Baghdad because of fireworks. It is time we, as legislators, got real. The Minister for Justice, Equality and Law Reform is talking about increasing fines but he is only fooling himself. It is worth nothing that in some cases the maximum fine for illegally using fireworks is €5, so the legislation needs to be updated. It is time that we legalised the sale of fireworks so that we can at least control who we sell them to, as well as controlling the quality of the fireworks involved. That is the way forward. Otherwise we will be back again next year with the same protests and the same argument, and will be none the wiser. Three years ago 19 people were injured by fireworks and it is time we regulated the market, legalised it and made it safer for everybody.

Mr. Bradford: I understand one of the matters on the Adjournment concerns flooding. While this is welcome I ask the Leader to invite the Minister of State or Minister to the House to discuss the response to such flooding. Many towns are affected including Fermoy and Mallow in my area. We need to ensure that the plans in place and on the drawing boards are activated as soon as possible and it would be helpful to have a substantial debate on the issue.

On the morning after the night before we must accept that the American people have made their decision and by a margin of approximately 3 million votes have decided to ignore the advice of *The Irish Times* and other editorials as is their entitlement.

An Cathaoirleach: That was their right. I do not know whether there was any control over the American voters.

Mr. Bradford: I concur with those Senators who have requested a debate with the Minister for Foreign Affairs at the earliest opportunity. As President Bush begins his second term, it is possible that he will re-engage with Europe. When we call on America to listen, we should also try to listen more closely ourselves. Problems exist on both sides of the Atlantic. A heated debate has taken place and the election is over. The American people have apparently made a conclusive decision. As democrats we must accept their decision. It is in everybody's interest for us to engage with the new Administration and for President Bush to work closely with the European Union leaders at the earliest possible date. An early debate would be helpful. I congratulate the President on his re-election. This is what democracy is about and we have no entitlement to question the right of the American people to choose as they see fit.

Mr. J. Phelan: I agree with what Senator Bradford said about flooding. The Minister of State with responsibility for the Office of Public Works, Deputy Parlon, should come to the House to discuss last week's flooding. While we are all familiar with large towns like Clonmel, Fermoy

and Mallow, which were severely flooded and are continually flooded, the Office of Public Works could alleviate hardship in other areas.

I wish to raise a matter frequently mentioned by Senator Glynn regarding knife attacks. Last weekend a number of serious attacks involving knives, including one that was fatal, took place in Dublin city. The Minister for Justice, Equality and Law Reform should come to the House to discuss the issue. It is now time to introduce mandatory sentencing for those found in the possession of knives, as they cannot be held for any good purpose. The Government should address this matter immediately.

Ms O'Rourke: Senator Brian Hayes, the leader of the Opposition, raised the theme of the day, the US presidential election. I expect the announcement of a result to be made shortly. The Senator asked that Americans re-engage with the world and do what they used to do well, for example after the Second World War. He hoped that that sense of reinvigoration and the need to do good could be roused within them.

The Senator also asked about the Committee Stage of the Garda Bill. By chance this morning I met the Minister for Justice, Equality and Law Reform, Deputy McDowell, and I asked him about the matter. The Bill is with the Attorney General and the Minister hopes Committee Stage can be held within a week.

Senator O'Toole raised the deteriorating relationship with the Islamic world, saying that the US should seek to improve its relations with the area, and suggested that the Minister for Foreign Affairs should come into the House to discuss this issue. He said that the situation for many Muslims is akin to how the Irish were treated in Britain when bombings were taking place.

Senator O'Toole also renewed his call for the Minister for Finance to come to the House to discuss public private partnerships. I met the Minister by chance and he recalled his conversation with the Senator and said he would come in to debate the matter. The Senator praised the previous Minister for Finance for his husbandry of the money with which the new Minister will deal, saying it should be spent on health and education. No one would disagree but it would not be appropriate for the Minister for Finance to come here prior to the budget and state how he will spend money. I cannot see that happening but knowing the Minister, he will mind the money well and spend it wisely.

Senator Ryan, paraphrasing the nursery rhyme, stated that when the US is good, it is very, very good, and when it is bad, it is awful, and he is right. He requested that the Minister for Communications, Marine and Natural Resources come into the House. I will try to arrange such a visit as there are many issues in these areas to be discussed. The Senator also renewed his call for the Minister for Enterprise, Trade and Employment to come into the House to discuss compe-

[Ms O'Rourke.]
 tion and I will try to arrange a debate on that issue.

Senator Dardis wished the US President well. He asked what the world could do together for peace, reminding us that might is not always right. That has consistently been the view of this House.

Senator Finucane pointed out that exit polls indicated that morality was uppermost in US voters' minds and questioned the moral values RTE uses as a guide. I note the channel issued an apology on Monday for a recent guest on "The Late Late Show". Senator Kerry, who was an alter boy, said he had the same moral values as the voters but President Bush was better able to capitalise on his convictions.

Senator Glynn asked about the control of fireworks. The Minister for Justice, Equality and Law Reform made a statement on the issue but I will ask him to come into the House to tell us about his plans to deal with this problem.

Senator Quinn called for a debate on the idea of adopting central European time. The Minister for the Environment, Heritage and Local Government has responsibility in that area. Senator Quinn also told us that Newcastle, County Down, cannot receive RTE and I will raise this matter with the Minister for Communications, Marine and Natural Resources.

Senator Morrissey suggested that articulated trucks should be fitted with extra mirrors and I will ask the Minister for Transport to look into that issue.

Senator Coghlan asked about the Great Southern Hotel in Parknasilla. The Taoiseach openly stated that he does not want the Great Southern Hotels Group to be sold. The Senator asked if the hotels in the group would be sold collectively or individually. If the hotels were sold together, they would not raise the amount they should raise. They should be sold separately.

Senator Ó Murchú asked about Mr. Christopher McGrath, who is currently in prison. I commend the Senator for visiting him yesterday. A petition relating to his case has been signed by 50 MPs. The Senator told us that he was treated courteously during his visit, which we are glad to hear.

Senator O'Meara called for a debate on maternity services. In a recent radio interview, the previous master spoke as if a woman could decide when to have a baby by using an on/off switch. It was a very male view. Senator O'Meara stated that journeys from Galway to Dublin would be necessary if the plan for Portiuncula goes ahead. The Tánaiste and Minister for Health and Children said she does not intend to close anything but we will ask her to come into the House to discuss the issue.

Senator Mooney referred to the post-election situation in the US and the reform of the United Nations. He also agreed with Senator Finucane about the lowering of standards in RTE, particularly in respect of a debate he heard on "Five Seven Live". "Five Seven Live" is a good show.

If one listens to it, bits and pieces will come up which one does not like and if there are children present, one can turn it off. One always has that option.

Senator Bannon cavilled about Adjournment debates but it is very healthy that all sides avail of the facility to table Adjournment matters. It is a great idea.

Mr. Bannon: I agree.

Ms O'Rourke: Why should we not use the facility we have? I hope we continue to do so.

Senator Leyden supported Senator O'Meara's call for the Tánaiste and Minister for Health and Children to come to the House. He said that if Mr. Bush is the new US President, the issue of undocumented Irish in the US should be raised again and that it is payback time. Senator Norris asked about employment permits. A Bill entitled the employment permits Bill is being prepared and is expected to be published shortly. We will look to have it introduced here.

University College Dublin is celebrating its 150th anniversary, about which many of us are delighted. Charlie Bird is to become Dr. Bird and will have to be addressed as such.

An Cathaoirleach: It is not appropriate to comment on——

Ms O'Rourke: On individuals. That is fair enough. I think it is kind of funny. I wish him well.

Senator Hanafin asked that I write to the American Embassy to offer congratulations. He is quite right in that democracy has spoken and none of us can carp about that. Senator Browne said it was time to regulate and legislate for the use of fireworks. Senator Bradford requested that the Minister of State at the Department of Finance, Deputy Parlon, come to the House to discuss flooding. He also said there were problems on both sides of the Atlantic and referred to a better relationship between the EU and the US. Deputy John Bruton will be in charge of that and I am sure he will make a success of his new job. Senator John Paul Phelan called for the Minister of State, Deputy Parlon, to come to the House to discuss flooding and for the Minister for Justice, Equality and Law Reform to come in to discuss knife attacks.

Order of Business agreed to.

Ombudsman (Defence Forces) Bill 2002: Report and Final Stages.

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

Amendments Nos. 5 and 6 are consequential on amendment No. 1. Amendments Nos. 1, 5 and

6 may be taken together by agreement. Is that agreed? Agreed.

Ms O'Meara: I move amendment No. 1:

In page 3, line 35, after “*section 6*” to insert “and where appropriate reference to a matter investigated being the subject of a complaint shall include a reference to a matter investigated by the Ombudsman on his or her own initiative in the public interest”.

I tabled amendments Nos. 1 and 5 in the name of the Labour Party. They relate to the lengthy debate on Committee Stage which, the Minister will recall, centred on the issue of the public interest and whether in this legislation we should give the ombudsman the power to initiate an investigation where a complaint has not been made. Senator Maurice Hayes, among others, strongly supported the notion of the ombudsman having the power to initiate investigations and to be proactive.

I will not take up the time of the House rehearsing the arguments but it occurred to me that the spirit of the legislation would facilitate this type of amendment. We are trying to achieve a situation in which members of the Defence Forces have confidence in the ombudsman. It is also important that the public has confidence in the office and the role of the ombudsman. A situation could arise, for example, where something was happening within the Defence Forces concerning which a complaint would not be made, for reasons of fear or whatever, and neither would it be spoken about in public. Perhaps a whistleblower might alert the media anonymously, a situation that is not unusual. This has happened in other instances and could well occur again. RTE might broadcast a “Prime Time” documentary on the issue about which there could be significant public concern. Members in both Houses of the Oireachtas would call for an investigation, yet the ombudsman could not investigate because a complaint had not been made from within the Defence Forces, despite it being an issue of great public interest. We should by now have enough experience of tribunals of inquiry to realise that there are certain mechanisms which are important and useful. In setting up an office such as this we should ensure we do not leave out important matters.

I do not intend to create a situation where the ombudsman for the Defence Forces would have an all-encompassing role and that there would be no limitations or boundaries within which he or she might operate. My intention in these amendments is to ensure that the ombudsman has public confidence as well as the confidence of the Defence Forces. I also want to ensure that the office is not limited or constrained in carrying out an investigation where a complaint does not arise. It is clear from the debate on Committee Stage that there could be a matter of public interest where a complaint was not made and on which

the ombudsman should, nevertheless, investigate and report.

Mr. B. Hayes: I second amendment No. 1. With the permission of the House I will speak on amendment No. 2. I welcome the Minister back to the House. We recently debated this matter and the observations made by the former Northern Ireland ombudsman, Senator Maurice Hayes, were useful in that context. The Minister said he would consider this amendment and we await his views.

It is important that we give the ombudsman, who will have a key role to play in terms of dealing with all these Defence Forces matters, a free hand. We should not in any way seek to limit the way in which his or her authority can lead to a better working environment for people within the Defence Forces.

The amendment tabled by Senator O'Meara and my amendment No. 6 make provision for this issue of the public interest to which she has referred. This is not a normal working environment, as I understand it. It is difficult for people to make complaints because of the structure of the Defence Forces and the top down approach, which is inevitable and necessary in terms of giving and taking orders. We must use this and the following amendments as a means to provide the ombudsman with a free hand to decide whether he or she wants to investigate of his or her own volition a matter of public interest. Such a provision would in no way diminish the existing structures within the Defence Forces but would, if anything, add to them.

It is essential that we provide the ombudsman with the free hand to which I have referred due to the difficulty of making complaints. I ask the Minister to reconsider this matter on which we had a useful Committee Stage discussion. Whether the formulation used is Fine Gael's or Senator O'Meara's is not of particular concern to me as long as we provide the ombudsman with the same powers we provide to the State Ombudsman and the Ombudsman for Children. We do not want to create circumstances like those outlined by Senator O'Meara in which the ombudsman will not be able to respond to a matter in the public domain due to an investigative programme. That would be wrong and serve to undermine the ombudsman and his or her office. It is not the start we want to give him or her.

Minister for Defence (Mr. O'Dea): I thank Senators for their further contributions on this matter on which we had an extensive discussion on Committee Stage. If someone had a general complaint of the sort envisaged in the context of these amendments, he or she would have recourse to the ordinary Ombudsman for the public services. From what I recall of the debate on Committee Stage, Senators Minihan and Maurice Hayes stated explicitly that they did not

[Mr. O'Dea.]

envisage a role such as this for the ombudsman for the Defence Forces.

Amendment No. 1 if applied would change the definition of "complaint" in section 1. The term "complaint" could then be interpreted by the ombudsman as referring to any matter not being a matter arising from a specific complaint made to him or her by a particular individual. The ombudsman might decide to investigate such a complaint spontaneously on his or her own initiative in the public interest.

Amendment No. 5 seeks to insert a new subsection into section 4 of the Bill on the functions of the ombudsman. The new subsection would explicitly empower the ombudsman to investigate any matter where in his or her opinion an investigation was required in the public interest. There would be no need for a specific complaint to have been made and, presumably, no need to have an identifiable complainant to hand.

Similarly, amendment No. 6 proposes the addition of an entirely new subsection in section 4. The amendment is a variant of amendment No. 5. Under its provisions, the ombudsman could act spontaneously on his or her own initiative in the absence of a complaint in circumstances in which it appeared to him or her that a member of the Defence Forces may have committed an offence, presumably under military law, or behaved in a manner justifying disciplinary proceedings. I indicated on Committee Stage that it would be entirely unacceptable under any circumstances for the ombudsman to venture into suggestive preliminary opinions as to whether an offence under military law may or may not have been committed. That is not the function of the Defence Forces ombudsman but is a role strictly confined to the relevant military legal authorities at brigade or service level and at the level of the Office of the Director of Legal Services, the deputy Judge Advocate General. As the ombudsman has no legal power, competence or qualifications to attempt to make such a professional judgment in the area of military law, I must reject the three amendments.

The underlying concept at the heart of the amendments is alien to the specific role and functions of the type of ombudsman for which this legislation specifically provides. The Bill was drafted as a result of a long period of consultation with representative associations, most particularly PDFORRA. PDFORRA sought the establishment of a statutory, independent entity to which enlisted members of the Permanent Defence Forces could take applications for redress of wrongs under the Defence Act after the internal military redress system had been fully utilised up to Chief of Staff level. Where an individual was not satisfied with the response of the military authorities, PDFORRA wanted him or her to have access to an entirely independent person operating as a special statutory ombudsman for members of the Defence Forces.

This is the specific concept addressed in and fully satisfied by the Bill. It was agreed with the representative associations and secured Government approval to inform the drafting of suitable legislation. The type of ombudsman set out is the one the Government agreed to provide for in law. If made, the amendments under discussion would mark a radical departure from the original founding principles of the legislation and constitute a completely new policy framework within the legislation. An investigating authority such as that envisaged by the amendments is not in keeping with the concept agreed with the representative associations nor, moreover, with the policy previously approved by the Government. The effect of the amendments would be to create a roving inspectorate which would provide us with a very different office from that of an independent statutory entity to which an individual soldier could make an application for redress having exhausted the internal military redress procedures.

From a practical legal perspective, the roles and functions outlined in the amendments are inconsistent with numerous aspects of the legislation as drafted. The entire Bill would have to be redrafted from scratch to give effect to the concepts outlined, even if they were acceptable in principle. Section 5 deals with exclusions, which refer to the investigation of any complaint received from a complainant as defined in the Bill concerning an action. As drafted, section 5 would not apply to the ombudsman where he or she was investigating any matter not the subject of a complaint to him or her but it would apply to him or her where he or she was investigating a complaint from an individual soldier. It is an essential principle of the legislation that, subject to the provisions of the Bill, the Defence Forces ombudsman may investigate an action which is the subject of a complaint made to him or her by a specific person affected by an action. It is an essential condition, therefore, that there must be an identifiable individual complainant in place with a specific complaint about a specific action.

The proposed amendments contain provisions which depart from that basic concept. One cannot envisage how in practice the Defence Forces ombudsman could autonomously commence an investigation into an action in the absence of either a complainant or a complaint. Regrettably, I must therefore reject the amendments.

Ms O'Meara: While I thank the Minister for his reply, I do not agree with him. He said the amendments represented a radical departure from what the Government and representative associations had agreed the legislation would contain. I thought this was a House of the Oireachtas and that there was a debate taking place on the floor of this Chamber which constituted an exchange of views and an open-minded approach to the possibility of amending legislation. Why does it matter if the amendments are a radical departure? During my years in the House, I have seen radical departures in legislation which arose

from amendments. I accept that it is the Minister's prerogative to amend legislation but I do not accept that he should reject an amendment simply because it is not in keeping with what certain groups want or what has been agreed with them.

Ultimately, this is a House of the Oireachtas whose Members are charged with formulating and enacting legislation. While we are here to reflect the voices of those who are not Members, we are not necessarily here to do their bidding. As Members of the Oireachtas, it is our duty and privilege to enact legislation as we see fit. I am sorry the Minister takes the view he does. While the amendments constitute a new policy framework, the issue at their heart is very important. I would not have pursued them on Report Stage had Senator Maurice Hayes not taken the view he did on Committee Stage. Given his breadth of experience and wisdom, for which he was appointed by the Taoiseach, many Members take the view that when he speaks, we should listen. I have tabled these amendments to ensure that the legislation will be as effective as possible in keeping with my role as a Member of the House. I do not accept the Minister's reply and I will not withdraw the amendment.

Mr. B. Hayes: I understand what the Minister has said in terms of the discussions he has had with the representative body and I respect that. Senator O'Meara is correct. This is a matter for the Oireachtas. Legislation and the passage of law in our country is a matter for the Oireachtas and while we must be mindful of the discussions that take place outside the House we, as legislators, have a role to play and we have to ensure that the body of law we put in place today and the start-up we give to the new ombudsman is the best available.

I am not convinced by the Minister's arguments. What we need in the area of ombudsman, whether for the Defence Forces, regulatory authorities and so on, is a new standardised Bill that will deal in a conclusive manner with its functions. We do not have such Bill. We cannot start calling an ombudsman an ombudsman if he or she is not being given the power in place in other jurisdictions as a result of good practice built up over many years. Nothing would be lost in the legislation by the acceptance of the Senator O'Meara's amendment and mine, if anything we would gain.

I am a little concerned when the Minister said to the House that an agreement was broached which is now being put to the House and that the House must accept it as a *de facto* position irrespective of our obligations to introduce best practice into the new role. We are not taking anything away from the ombudsman, we are giving him or her something new, the kind of power he or she may need and we are giving discretion to that person to show good judgment. Inevitably the person the Government will select will be of sound judgment, have expertise in the area of

public administration and can make a distinction between an issue which is wholly erroneous and one that has to have its light shone upon it.

There is merit in these amendments because we are adding to the office of this ombudsman, we are improving it and we are not taking from it. People should not be afraid of this new role. Given the culture in the Defence Forces and the upstairs, downstairs attitude that sometimes exist, we must ensure the best possible standard is in place for everyone. I repeat the point I made earlier that this is an addition to the important role the Government has wisely introduced in this legislation. It is not a subtraction, it will not lead the ombudsman down culs-de-sac, rather it gives him or her the power to decide what needs to be looked at. There should be a standardised approach to the office of ombudsman, otherwise we do not have one. I support the amendments.

Mr. Minihan: I spoke at length on this issue on Committee Stage. I would not altogether concur with Senator O'Meara on the views expressed. This amendment as tabled by both members of the Opposition goes back to the over-civilianisation of the Defence Forces. There is a unique system within the Defence Forces involving the law of the land, military law and the military redress system. These aspects must be brought into play before a member of the Defence Forces decides to put his or her case before the ombudsman or make a complaint. I welcome that approach.

My concern — the Minister covered this — is that we will create an inspectorate for the Defence Forces. If the ombudsman does not receive a complaint from a member of the Defence Forces that has not been dealt with by the normal redress system, the ombudsman may, on receipt of such a complaint, carry out an investigation. If we go down the road of the amendment who will decide whether the ombudsman should or should not investigate?

Ms O'Meara: The ombudsman.

Mr. Minihan: Are we putting pressure on the ombudsman by the non-receipt of a complaint that he or she will have to respond to calls from politicians, the media or misinformed calls? If a complaint has to be made there is a system in place for that purpose and the ombudsman can respond to it. I am satisfied that in the Defence Forces, where the law of the land, military law and a military redress system prevails — and now an ombudsman — something would be detected by these systems and that nobody would be afraid to make a complaint to the ombudsman. Given the present military structures, I would be uncomfortable that we had an ombudsman performing the role of an inspectorate.

Senator Maurice Hayes spoke of a realm where an ombudsman operated in the absence of such systems. He was not speaking about an organisation where there was military law, military pol-

[Mr. Minihan.]
ice, a chain of command and a military redress system but on the general area of an ombudsman in Northern Ireland where one would respond to public criticisms and public issues. That is the difference. I appreciate what Senator Brian Hayes has said but in the military context the amendment, as tabled by the Opposition, would not in any way enhance the office of the ombudsman.

Mr. Leyden: I support the points made by Senator Minihan who has much experience in this field. I commend the former Minister for Defence, Deputy Michael Smith, and the Minister, Deputy O'Dea, on their discussions with the representative associations PDFORRA, RACO and others. Consultation is the strength of the Bill. The organisations worked hard to put their case to the Minister who has responded positively. It is not appropriate to discuss all those issues again when they have been agreed by the Minister, the former Minister and PDFORRA, which is representing the Defence Forces. If they and the Minister are satisfied with the Bill I am satisfied with it and the Minister should hold his line in this regard.

Mr. O'Dea: I shall make just a few points as we have exhausted the discussion of this matter. While I do not have a copy of the Committee Stage debate I recall Senator Maurice Hayes saying that he did not think it would be a good idea to have an inspectorate type role for the office of ombudsman. Senator O'Meara referred to the autonomy of the Oireachtas as the ultimate—

Mr. B. Hayes: Will the Minister give way on that issue?

Mr. O'Dea: Yes.

Mr. B. Hayes: Senator Maurice Hayes referred specifically to the case in Northern Ireland where a number of suicides occurred in military barracks. I understood him to have made the point that none of that could have been investigated and is not investigated because the same structures are not evident there. I understand the Minister's point.

Mr. O'Dea: I thank Senator Brian Hayes for that clarification. I understand Senator Maurice Hayes went on to say that if there could be a limited inspectorate role for the ombudsman he would welcome it. However, he concluded at the end of the debate that this would not be possible, that either one had an inspectorate or one did not.

Senator O'Meara said as Members of the Oireachtas we should not slavishly follow the views of representative associations. Let us put this issue in context. The Defence Forces ombudsman is for members of the Defence Forces. The pressure and movement for such an ombudsman came from people in the Defence Forces. The person will be a public servant hear-

ing complaints from members of the Defence Forces. Therefore, it seems logical that the views of members of the Defence Forces should be taken into account and should weigh heavily with the type of office proposed. We will not slavishly follow the views of any representative association, no matter how important, but they must be taken into account. I would be prepared to depart from those views and follow the line suggested if the proposed amendment were logical, practicable and an extension of or improvement on the Government's proposal. However, it is not. Rather it is a departure into an entirely new realm.

This Bill proposes to change the system of appeal in regard to military redress. The final court of appeal at present is the Minister for Defence. However, the Defence Forces want the Minister to be replaced by an ombudsman to hear complaints as the final court of appeal, with which the Government agreed. The Garda ombudsman legislation pioneered through the other House by the Minister for Justice, Equality and Law Reform created an official with a two-fold function as a final adjudicator of complaints and as a general inspector. However, the understanding in respect of this Bill was that only the former function was proposed or wanted as it was all that was practicable.

Senator Brian Hayes suggests we will not take away from or add to the powers of the ombudsman by accepting these amendments. However, the proposed amendment would dilute the power and function of the ombudsman by covering different areas and chasing different hares, as Senator Minihan suggested was the case. The people for whom we are legislating do not want that situation and neither would it be practicable or correct.

The points raised on the previous occasion by Senators Brian and Maurice Hayes in respect of suicides in military barracks and so on are valid.

12 o'clock
We are taking substantive measures to encourage and help people in the military who have complained to come forward. Early in the new year, some 200 people will be nominated in the military to whom people who have legitimate complaints can come forward. We are implementing the recommendations in the Doyle report on bullying. A new administrative direction is being given to all members of the Defence Forces. There is a confidential telephone line and we are also canvassing people who are leaving the military to give an account of their experiences to examine where we can focus to make further improvements.

In view of those developments, I am inclined to share the views of PDFORRA and the ordinary members of the military at officer and enlisted level for whom we are legislating, that this is the correct approach and one the Government proposes to maintain.

Amendment put.

The Seanad divided: Tá, 20; Níl, 31.

Tá

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

Hayes, Brian.
Henry, Mary.
McCarthy, Michael.
McHugh, Joe.
Norris, David.
O'Meara, Kathleen.
O'Toole, Joe.
Phelan, John.
Ross, Shane.
Ryan, Brendan.

Níl

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

MacSharry, Marc.
Mansergh, Martin.
Minihan, John.
Mooney, Paschal C.
Morrissey, Tom.
Moylan, Pat.
O'Brien, Francis.
O'Rourke, Mary.
Ó Murchú, Labhrás.
Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators O'Meara and Ryan; Níl, Senators Minihan and Moylan.

Amendment declared lost.

Mr. B. Hayes: I move amendment No. 2:

In page 4, lines 37 and 38, to delete "the recommendation of the Government." and substitute the following:

"(a) the nomination of the Government, and

(b) the passage of resolutions by Dáil Éireann and Seanad Éireann recommending the appointment."

We had a discussion on this amendment on Committee Stage during which I pointed out that the ombudsman, who is nominated by the Government, should go through a legal procedure in which both Houses of the Oireachtas would pass a resolution to appoint him or her. This is related to an earlier suggestion I made for a standardised form of ombudsmen throughout the country. It would be useful for the House to be enabled to make such a resolution in order that it could at least debate the appointment. The amendment is not casting aspersions on the Government or implying it would appoint someone who is not up to the job. All it is suggesting is that the mere fact that the Government nominates the ombudsman should be recognised in both Houses by a positive resolution. Let us not forget that the Government's nomination must be signed off by the President.

The Leader of the House is aware of a recommendation made in our report on Seanad reform concerning the scrutiny, rather than the vetting, of high-profile public officials. There is merit in the proposal that the House should, at the very least, pass a resolution recommending the appointee. I am interested in hearing the Minister of State's reply in this regard. Will he put on record the date on which the legislation will come into effect after it is signed by the Uachtarán?

Ms O'Meara: I second the amendment.

Mr. O'Dea: Senator Brian Hayes is correct that we discussed the issue at some length on Committee Stage. The Bill provides that the Defence Forces ombudsman will be appointed to the office by the President, acting on the recommendation of the Government. This mirrors the mode of appointment of the Chief of Staff of the Defence Forces.

The amendment requires that the person appointed to the office of Defence Forces ombudsman be appointed in a similar mode to other holders of statutory offices of ombudsman, for example, the original 1980 Ombudsman or the more recent Ombudsman for Children. These offices provide a wide range of public functions which are available to the entire body of the general public, essentially the entire national population, as regards their various functions. However, the Defence Forces ombudsman has, by definition, a much more restrictive potential

[Mr. O'Dea.]

audience and remit, namely, the serving personnel of the Defence Forces and former such personnel, subject to the provisions of the Bill.

The remit of the Defence Forces ombudsman is restricted to matters internal to the Defence Forces, subject to the provisions of the Bill as a whole. The representative association, PDFORRA, initially wanted something along the lines of the amendment but, following consultation with my officials, it is now entirely satisfied with the existing wording of the Bill. As I already stated, having respect to all points of view, I wish to leave this provision of the Bill unchanged.

On Senator Brian Hayes's point about the commencement date, I cannot give a precise date, but it is the Government's intention to commence it as soon as practicable. We will be in contact with various people in the Department to ensure this is done. The Bill can be used side by side with the new provisions on bullying and direct contact persons, etc., for people in the Defence Forces to access. As they are part of a package, we do not want to have some of the package in place while other parts will be put in place at some indefinable time in the future. It will come into force fairly soon.

I want to make it clear that I will recommend the appointment of the ombudsman in a formal way. I intend to publicly advertise the position through the normal mechanism of the Civil Service Commission. The person will not be appointed by the Government.

Mr. B. Hayes: The Minister will bring a memorandum to Cabinet recommending the appointment.

Mr. O'Dea: On the recommendation of the Civil Service Commission.

Mr. B. Hayes: There is nothing untoward about that. Given that it is such an important position, I thought it would have been more sensible to at least debate the matter. However as we have such a short time left, I will withdraw the amendment.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Amendments Nos. 3 and 4 are related and will be discussed together.

Mr. B. Hayes: I move amendment No. 3:

In page 5, to delete from and including "such" in line 10, down to and including "exceed" in line 11.

These amendments seek to ensure that the ombudsman will be appointed for a fixed term. While it is unlikely, the Bill as currently drafted provides for the possibility that the Government could reduce the normal seven year term of the ombudsman for appointments made by the President. I am surprised the Government has not set out the term in the Bill.

The second amendment seeks to ensure that the officeholder can serve for a maximum of two terms, a first term and a second term, which is normal in respect of an appointment made by the President. Both amendments are an attempt to bring consistency to the legislation in line with similar legislation such as the Garda ombudsman, the Ombudsman for Children and the Ombudsman. There is a need for umbrella legislation in this area to ensure there is consistency. The Government should not be able on a whim to set the term of this important officeholder for the Defence Forces. The appointment should be for a fixed term and a maximum of two terms. Both amendments would achieve that effect.

Ms O'Meara: I second the amendment.

Ms O'Rourke: I propose a change to the Order of Business. Report Stage of the Ombudsman (Defence Forces) Bill was to conclude at 12.15 p.m. but it will not happen because Members wish to thank the Minister. How much more time is needed?

Mr. B. Hayes: A maximum of ten minutes.

Ms O'Rourke: I propose to conclude the debate at 12.30 p.m. I am sure the Minister has some pearls of wisdom for us.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Mr. O'Dea: As I stated previously, the legislation provides for a period not exceeding seven years, with provision for a possible second and subsequent term of appointment. The proposed amendments would provide for a fixed-term appointment of seven years, with a possibility of one second term period of appointment only. The second term would presumably also be a fixed term of seven years, or 14 years in all over two terms. The proposed amendments would potentially allow an individual to serve for 14 consecutive years in total. Similar amendments were tabled on Committee and Report Stages in the Dáil. My predecessor carefully examined this issue during the Dáil deliberations on the Bill. Having considered the issue again following the Seanad debate, I cannot accept Senator Brian Hayes's amendment.

The provisions of the Bill as regards the term of appointment were drafted in order to provide flexibility in making an appointment, not least from the viewpoint of potential appointees. A suitable potential appointee might be interested in filling the position for a period of three years or five years but might not want to undertake the task for a full seven-year term. We need to retain some degree of flexibility in regard to the term of appointment. As a consequence, we also require flexibility as regards the possibility of any second and subsequent terms. In the context of the new Defence Forces ombudsman, it is important that artificial restrictions are not introduced into this

primary legislation which could in practice serve to frustrate the filling of a post by a suitable candidate for a term of less than seven years. The Bill provides that the question of the fixing of the duration of the term of appointment should be left to the instrument of appointment, subject to the term not exceeding seven years. Having examined the situation again, I believe this is the best practical operational model for the new position.

Mr. B. Hayes: The Minister has given some reassurance in that the instrument to be laid before both Houses will state the duration of the term. This person will not just be independent within the Defence Forces but independent of Government. It is important for someone who may wish to take up a post for a seven-year period and who would then want to carry the work through for a 14-year period.

The argument about consistency is also important because, if someone is appointed by the President, the appointment can be for a maximum of 14 years, or two seven-year periods. Given the Minister's commitment on the instrument, I will withdraw my amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 4 to 8, inclusive, not moved.

Bill received for final consideration.

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

Mr. B. Hayes: I thank the Minister, Deputy O'Dea, and his officials for coming to the House. It is the first Bill he has taken in his position as Minister for Defence. I welcomed the opportunity to debate with him some of the important matters in the Bill. The legislation was introduced by his predecessor, therefore, his hands were tied slightly in respect of some of the amendments.

I congratulate all the representative bodies who have worked with the Government to provide a model such as the new ombudsman. It is important for people who serve in the Defence Forces, doing such a crucial job for this country in difficult times, to know that they have someone to whom they can turn if something is untoward. This is standard and modern practice which exists in many other jurisdictions. In this regard, the Fine Gael Party examined closely the Canadian model. The model of best practice in this legislation will ensure there is fair play for all who serve in our Defence Forces and bring such pride to this country through the many important tasks they carry out.

I wish the new ombudsman every success in the challenging and difficult task facing him or her. He or she will be entering into a situation where a cultural change has taken place in the Defence Forces as a result of this legislation. We should review the legislation at some time in the future to ensure, if glitches emerge or if it is found that

the ombudsman cannot do certain things as a result of the legislation, that we can make amendments. Fine Gael is open to such an approach.

Ms O'Meara: I too thank the Minister for his work on this legislation. I also acknowledge the work of his predecessor, Deputy Michael Smith, in bringing forward this legislation in line with the commitment given, particularly to the representative bodies. I commend the Department on reflecting the needs of the Defence Forces in this regard.

This is solid legislation which provides an important and necessary framework. I wish the future ombudsman well in his or her role. I also acknowledge the work of the Department officials on this legislation.

Mr. Moylan: I welcome the passing of this Bill. I compliment the Minister and his officials on their work on the Bill. I also compliment his predecessor, Deputy Michael Smith, on his work. We must also recognise that the representative bodies made a major contribution. The establishment of an ombudsman for the Defence Forces is important. Senator Brian Hayes made an important point regarding the role of the ombudsman and suggested that the expertise required of an ombudsman may well exist in the office of some other ombudsman in the country. That expertise should be tapped and costs could be spared in the selection of an ombudsman for the Defence Forces. This is a good Bill which has been sought for some time.

The ombudsman for the Defence Forces will probably have to deal with matters a little differently than others because of the chain of command in the Army and the way in which orders are given. Issues that have caused problems in other organisations, for example, speaking in a loud tone to personnel, are part of daily life in the Army. I hope there will not be a plethora of complaints with regard to orders because of how they are issued.

I wish the Minister well and am delighted he has brought this legislation through the House. It has been on the agenda for some time. We will welcome him and any further Bills he wishes to bring forward in the House.

Mr. Minihan: I too thank the Minister for steering this legislation through the House. We have had an interesting debate which has allowed us speak on the broader issues of the Defence Forces. I welcome that because there has been a lack of effort and commitment in some areas to their promotion. This opportunity to highlight the great work they do, both at home and abroad, is therefore welcome.

I compliment the Department officials and both representative associations, RACO and PDFORRA, who approached this legislation in a constructive manner which allowed us bring forward this suitable legislation. Everyone, both in and outside the Defence Forces, must welcome it

[Mr. Minihan.]

as part of the management structure and cultural change that is taking place in the modernisation and reorganisation of the Defence Forces.

I also avail of this opportunity to mention the late John Lucey who championed this legislation. As one of those who knew John, I feel he now has a wry smile on his face as he goes for a walk across the hills, something he liked to do when satisfied with a job well done. It would be remiss of me not to mention him now.

I wish the Minister well in his new Ministry. The contribution of the Defence Forces to this country and others is unique. Nobody can put a price on the value of their contribution to the country over the years, particularly their work for the United Nations. As politicians and legislators we should not continually comment on or refer to that service without backing up what we say. The Defence Forces are going through major reorganisation which we must continue to drive and fund to the highest standard. I know the Minister will meet that challenge. It is not good enough for us to talk about the Defence Forces and their great work unless we back up what we say with genuine support. I compliment the Minister and his officials and welcome this legislation which is a good day's work for the Defence Forces.

Ms O'Rourke: I spoke on this legislation on Second Stage. I welcome the Minister for Defence, Deputy O'Dea. I feel the hand of history. Some people say that tritely. However, I remember 1989 when the wives of Army personnel disrupted the election campaign. They did have some victories and former Deputy, Brian Lenihan, returned from hospital in America and was made Minister for Defence. He set out to give rights to the Defence Forces. That period was important for the forces. I remember him telling me how difficult it was to break through the high command, so to speak, and how it did not want rights granted. How could it? It wanted to be in charge of everything and could not understand why ordinary members of the Defence Forces should get rights hitherto unknown. This legislation is the culmination of those early moves. Various instruments along the way gave some of those rights, but this legislation providing for an ombudsman is the final link in the chain.

I support the comments of Senators Minihan, Brian Hayes and Moylan, our spokesman on Defence. From time to time when contingents are going abroad we pay what some might call lip service to the forces. We speak of their bravery, skill, competence and professionalism, all characteristics of good soldiers. We should equally back up the Minister when he seeks funding from the Minister for Finance to deal with the needs of the Army.

This Minister has come into his kingdom which I know he will make his own. It may seem a Ministry in which nothing happens but matters need-

ing attention happen all the time under the surface. I have no doubt but that the Minister will bring his skill and ingenuity to bear upon his Ministry. Now that we have passed the legislation, I hope there is a speedy resolution to the matter of the employment of an ombudsman. We took our time with the legislation and gave it much consideration. I hope it results in speedy implementation. I wish the Minister well.

An Leas-Chathaoirleach: I call Senator Leyden from the Western Command.

Ms O'Rourke: I am the Western Command.

Mr. Leyden: I thank the Minister for his excellent steering of the Bill through the House and I thank his officials for their attendance. I also thank the former Minister, Deputy Michael Smith, for his involvement in the Bill. I recognise the presence in the Gallery of members of the executive of PDFORRA — Mr. William Webb, president, Mr. Gerry Rooney, general secretary and Mr. Simon Devereux, deputy general secretary. I congratulate them and the late Mr. John Lucey on his work on the Bill. Preparation of the Bill has taken eight years. This is important legislation and is the crowning glory of the executive and membership of PDFORRA. Soldiers have been well served by the excellent officer board of the association. They will be very content with the enactment of this legislation.

I support the call of Opposition speakers that the appointment of the ombudsman should be made as quickly as possible. It is urgent that the appointment coincide with the implementation of the Minister's other proposals.

I commend the Minister and the Government on the decision that the appointment will be made by the Civil Service Commission and will not be a Government appointment. This will be the case with future appointments by future Governments. This decision will ensure that whoever is appointed will be totally independent and will be at the service of the Defence Forces in a fair and honourable way. I commend the Government for this. There will be no question of jobs for the boys or girls in this regard. I wish the officeholder every success.

A lot done; more to do. Many of the day-to-day appeals and representations from members of the Defence Forces which now go to the Minister will be handed over to the ombudsman. The Minister must now carry out badly needed changes and improvements to the Defence Forces. I know the Minister will be meeting representatives of PDFORRA in a more formal way in the near future. The Minister is accessible to the representative bodies, PDFORRA and RACO. Very important issues will be coming to the Minister and he will have an opportunity to bring about major changes. I know he will make a great success of his first Cabinet position.

Mr. B. Hayes: Senator Leyden should not rub it in.

Mr. Leyden: The Minister will make a great success of his position. I am aware of his ability and also recognise Deputy Michael Smith's achievements in this regard. I congratulate the Minister, his officials, PDFORRA, RACO, other representative organisations and all concerned.

Ms O'Rourke: Senator Leyden will get the nomination.

Mr. Cummins: I thank the Minister, the former Minister and their officials for bringing this legislation to the House. Senators have done everything possible to ensure the early passage of the Bill. I hope the Minister's commitment to an early commencement date will be honoured and that the office of the ombudsman will be in place as soon as possible. I compliment everyone involved in the passage of this legislation.

Minister for Defence (Mr. O'Dea): I thank Senators from all sides of the House for their extraordinarily kind remarks. I am quite overwhelmed and I thank them very much.

Ms O'Rourke: The Minister was never overwhelmed.

Mr. O'Dea: I also thank Senators, particularly Government and Opposition spokespersons, for their extremely constructive contributions. I was impressed by the contrast between the reality of an operational military situation and the ordinary civilian employment setting. These are two entirely different situations and the Bill had to be finely honed to achieve that balance correctly. I believe we have done the best possible job in this regard.

I thank the representative organisations for their constructive input into the legislation. Reference has been made to the independent role of the ombudsman. I took the decision that the Government would not appoint this person but that the appointment would be made the Civil Service Commission. My recommendation was readily accepted by the Government. As Senators Leyden and Minihan have said, this person will represent the Defence Forces. We are creating an ombudsman for the members of the Defence Forces. There will be no question of a political appointment. The ombudsman will be entirely independent in the performance of his or her duties.

In conjunction with the other reforms in the Defence Forces this Bill will make a real difference. I thank everyone for their contributions to the debate.

Question put and agreed to.

Report of National Advisory Committee on Drugs: Statements (Resumed).

An Cathaoirleach: As Senator Frank Feighan, who was in possession, is not here I call Senator White. The Senator may speak for ten minutes.

Ms White: I welcome the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, to the House and I wish him every success in his continued work in his Department.

On page 26 of the report of the National Advisory Committee on Drugs, I read of a three source study of opiate or heroin use in Dublin. This study was carried out between 2000 and 2003. Three data sources were used — the central drug treatment list; the national Garda study on illicit drug use and related criminal activity; and the hospital inpatient inquiry database.

Overall, it is estimated that, in 2001, 14,450 people were using heroin in Ireland. When the figures for Dublin only were extracted and the statistical technique reapplied they showed that 12,456 people were using heroin, aged between 15 and 54. This compares favourably with the 1996 figure of 13,461. Most important, a significant change is apparent in the age profile of heroin users. Fewer young people aged between 15 and 24 are using heroin. This phenomenon needs to be further investigated. One reason for this is that in recent years there has been an increase in the drug treatment services provided by health boards and drugs task forces which has facilitated the opening of community-based services for drug users. We all hope this trend will continue among young people. It is important that a follow-up study should take place on the use of heroin in Ireland.

A new drugs trend monitoring system has been established to help support the National Advisory Committee on Drugs. This is to meet the objectives set out under the programme for Government and the national drugs strategy regarding the identification of new drug trends, including drugs such as heroin, ecstasy, cocaine and cannabis. The aim of the drugs trend monitoring system is to identify trends, including the availability of new drugs, as well as new patterns and combinations of drug use. The emphasis in the drugs trend monitoring system is on tapping into drugs trends at an early stage of their life cycle. This will be achieved through a network of trend monitors among frontline workers and a media monitoring system which will allow the National Advisory Committee on Drugs to monitor drug seizures, drug-related court cases and local drug issues.

The first drugs trend monitoring system results will be given to the Government in 2005 and will be repeated annually. The good news is that there has been a drop in the number of 15-24 year olds using drugs. It is important for the young people in the Gallery to hear that fact. Help is available to assist people caught up in drug abuse in order

[Ms White.]

to get them off drugs so their lives will not be debilitated.

The former Minister of State, Deputy Eoin Ryan, introduced the report of the National Advisory Committee on Drugs, which we are debating today. It is important for school teachers to get their hands on this report so they will know exactly what is happening.

An Cathaoirleach: It is not in order to address people in the Gallery.

Mr. O'Toole: I am glad of the opportunity to say a few words on the drugs issue. The report is somewhat disappointing in that it is simply an outline of the work to be done. It is neither a plus nor a minus. The National Advisory Committee on Drugs has outlined an important programme of work and I wish it well in accomplishing that programme. It is good to know from this interim report what the committee has set out to do and is doing. The real meat of it will be when the committee completes the reports to which Senator White referred.

It is important to distinguish between the demand for drugs and their supply. The idea that we will ever solve the drugs problem by dealing with the supply line, by having more gardaí and customs officers at ports, is unrealistic. We have as much chance of stopping drug abuse through the supply area as we have of stopping the sale and use of fireworks. While fireworks are illegal they are still freely available and the same applies to drugs.

The drugs problem is about demand. Some very sensible matters are raised in the report. One issue is that school authorities should be supported in ensuring the inclusion of drugs programmes in every school. Fifteen years ago, the European Commission advised — it was not a directive — that every school in the European Union should have a teacher skilled in dealing with drug abuse issues. Looking around, there are certainly three teachers present in the Chamber as I speak. The Minister of State should be aware, however, that there is no point in telling schools to do such a thing. Thankfully, the vast majority of teachers would not know the difference between talcum powder and heroin. Long may that continue to be the case. The idea of dumping the solution to the drugs problem on teachers and schools is no way to approach this issue. Investment in training is required before the matter can be tackled in schools. I want to issue a caveat: it is grossly unfair to expect schools to do something about drugs unless somebody takes the time to train teachers out of school and make sure they are aware of the up-to-date situation.

The report we are debating refers to research on methadone treatment being done through the use of buprenorphine, which is a new development. The last time we discussed this issue, the Minister of State was filling in for another Minister, and it was all to do with methadone treat-

ment. These are social issues but there is a lack of honesty in the way we deal with the drugs situation. Why are we not honest with young people, telling them that heroin does not kill instantly? It can be fatal and can destroy lives. Tobacco is every bit as addictive as heroin, although not as dangerous. In the long-term, tobacco may have as bad an effect on a person's health, but not immediately.

Ms White: Yes.

Mr. O'Toole: More than one third of all crime is drugs related, which is due to the supply end of the problem. As well as methadone treatment units and new ways of dealing with people who are trying to come off heroin, there is also a case for using heroin as a treatment. The last time I mentioned this, the Minister of State looked aghast at me but there are well researched and documented cases of heroin addicts being maintained on heroin medically by doctors. They continued to live in their communities doing their jobs. I do not like the idea and I am certainly not putting it forward as something we should jump into, but if it is a method that keeps a certain control over society and allows people to make a contribution without them falling into the gutter, then we should examine it.

In my office I have an advertisement, dated 1910, for a very prominent drugs company which is still selling medicines and is one of the top ten such companies in the world. The 1910 advertisement was for a great new cure for influenza, coughs and other ailments, called heroin. In the early years of the 20th century, the company was marketing heroin as a curative drug. It demonstrates where research leads and how such a drug might have a positive side. I do not know, however, and I am not for one moment advocating that heroin should be decriminalised and made freely available. However, we need to have more information about it.

The drugs problem is a contradiction in terms. The Minister of State would know from his own constituency, better than me, that it is a community and social problem. The vast majority of heroin addicts come from the same socio-economic background as the majority of our prison population. While that is not so in all cases, we must make the necessary investment in social and community spheres.

The problem is also about self-esteem. People who resort to taking drugs have low self-esteem, lack self-confidence and do not enjoy success in their lives. We must examine the problem in terms of such people's backgrounds, environment and how they live their lives. Sports infrastructure is important in this respect and I will reiterate this point later today during statements on the provision of national sporting facilities. We cannot invest too much money in getting young people involved in sports and outdoor activities generally. There is always a great debate over the money we give to the GAA. However, if we had

to pay for what the GAA provides to every small community, and estimated the displacement cost of the crime prevented by engendering all that positive activity and a sense of people's place in their local communities, we could not buy it.

Due to the nature of the human race, most of the investment is in competitive sports which involve physical contact. However, the Minister of State should consider the fact that the young teenager who is drawn into drugs is not attracted to contact sports and may not be physically strong. Therefore, we also need to invest in other positive outdoor pursuits to ensure there is a place for everyone.

I ask the Minister of State to do pursue such a policy. We can then consider the aspect of family support, which is crucial. The interim report makes reference to looking at the importance of family support. Nothing is more important. The input by schools will only be for a few hours per day whereas family input will be for 17 to 19 hours per day. The same is true for the community. We need to consider what is going wrong and how we can steer people away from the problem at that level.

The interim report makes a sensible suggestion regarding how we respond to the use of drugs, which I ask the Minister of State to consider. I believe he made some comment on it recently. One of the recommendations from the completed research in the report states: "A distinction should be made between the preventative measures aimed at occasional and experimental use of cannabis and that of the prevention of problem-use of other illegal substances, which are associated with deprivation." This is the reality. Let us not spend all the time of police and task forces on a handful of youngsters experimenting because that will happen anyway. If the experimentation becomes constant use it is a different matter and a call must be made.

Cannabis is a dangerous substance, as is tobacco. Tobacco, cannabis and alcohol are regarded as gateway drugs and users may move on to other drugs. We must recognise that not everybody who experiments with cannabis will become a regular user. Similarly, they will not necessarily move up the line. The same applies to so-called recreational drugs, such as ecstasy and others of that genre. Users of these drugs will not necessarily move on. Unfortunately, perhaps, those drugs have become part of the culture of the day. We must take responsibility for some of that. We have created a climate in which this is now the social norm. We must all — not just the Government and families — accept some share of the blame in this regard.

I compliment the Department of Community, Rural and Gaeltacht Affairs on its new aggressive, assertive, highly-focused and very effective campaign on the use of cocaine, which is a dangerous drug. It is a killer and is as dangerous as heroin. The idea that it is a drug that can be used at weekends for recreation and forgotten about afterwards is inaccurate. It is highly

addictive and many people are drawn into its use on the basis that they can take it on a night out and put it behind them. Unfortunately, many people are sucked into it, become dependent and addicted, and their lives are destroyed.

We need to be aware that a huge abuse of cocaine is taking place in this city. The action taken by the Department has been very important and I hope it produces results. This is the kind of approach that should be taken. It is not about telling people: "Don't do it; there's a risk." We know there is a risk, which will attract young people. The reality of cocaine is that those who begin to use it tend to be mature people with considerable excess money who should have more sense. However, in taking the drug they are making one more attempt to find a new life experience, which is sad. It is wrecking lives, families and businesses.

The solution must start with self-esteem. The problem lies with people with a very poor self-image, who have little success and feel there is nothing in their lives for them. People revert to drug use when they leave prison or even when they go into prison. They often go back on drugs again following a difficult detoxification process. This is because the circumstances that lead them to use in the first place bring them back to drugs afterwards. For this reason rehabilitation support structures are equally important. We should at least hope that those who have been through detoxification and have kicked the habit for any period get all the support necessary to ensure they do not go back to drug use.

I congratulate the Minister of State on his new post. I hope he will make a success of it. He will put energy into it. I would like to be associated with the comments of Senator White regarding Deputy Eoin Ryan during the period he spent as Minister of State with responsibility for addressing the problem of drugs. He did a superb job. I do not say this in any patronising way. He gained the confidence of people. I saw him in the north side of the city on many occasions dealing with community groups that welcomed him in a way that most politicians are not normally welcomed in such situations. Spending time with the various groups dealing with drug addiction and abuse within the inner city in particular is well worthwhile and gives credibility to the role of the Minister of State. I wish him well.

Ms Ormonde: I welcome the Minister of State and wish him well in his brief. I have listened to him debating this matter. He has great empathy for the subject. Today we are holding a timely mid-term review of how the strategy is working. The survey on the prevalence of different types of drugs is useful as it is important to have the facts. We may have to revamp our strategy based on the kinds of drugs and the mix of drugs being used. The emphasis seems to be changing and cocaine appears to be the most offensive in the way it destroys people mentally and physically. As this strategy will run until 2008, we need to

[Ms Ormonde.]

consider how to upgrade it for the next few years. It is worth taking stock every few months.

Having read the input of the Minister of State, we appear to be focusing on four pillars: the supply of drugs, their reduction, prevention and treatment. The answer to the question of where we go from here can be found through research. In his contribution, the Minister of State highlighted prevention, with which I am familiar from my other work as a teacher in a deprived area. I was able to detect the source of the problems. Considerable concentration needs to be placed on training professional people to detect the problem, which will help with prevention particularly among young people. We can all spot such people in a classroom through their characteristics.

Special in-service training should be given to those teachers. Not every teacher is good at this. It is not possible to simply give guidelines to all teachers in a staff-room. Certain teachers are excellent at spotting what is wrong and noticing the dysfunctional backgrounds of families. This is where it breaks down. It is important that the Department of Education and Science along with the Department of Community, Rural and Gaeltacht Affairs should have in-service programmes to update teachers.

Social and personal health education is working well in the school context. However, students pull down the shutters when they leave school in the afternoon and go into a different environment. The programme cannot be implemented in isolation, it must be school and community-led. It must start from the bottom up and there is no better place to do that than the local drugs task force. We should revamp them to attract people who will be anxious to work closely with the schools so we can spot the problem before it becomes serious.

The health boards have a role to play. The changes in health board structure will have to be taken into consideration because everything else will change accordingly and we must look at how the system will work from now on. The concept of an awareness programme exists but there is no sign of it on television or radio. Such a programme would form part of the prevention effort.

This is a complex area, taking in health boards, the Department of Education and Science, community programmes and FÁS. In the process of delivering programmes, there can be such an overlap that the message is lost and we must streamline the next phase to ensure that does not happen. Great work is being done but we should tidy up certain areas, something the community would welcome.

People have grown tired so we must motivate the community leaders. The approach to one area with one particular drug problem is not necessarily suitable for another area with a problem with a different drug. People must be invigorated

by allowing them to deliver programmes that work.

Young people have a role to play, as do parents. The home school liaison programme has grown tired. Teachers in the area were out visiting parents once a week but then it fell to once a month as people became lackadaisical. The programme should be re-examined because it was very helpful in detecting dysfunctional family backgrounds. Youngsters with low self-esteem could be suffering as a result of alcohol in the home and teachers are the best at spotting that, particularly at primary level. I hope those on the board of the national advisory board to the home school liaison programme will take on these issues. Small is beautiful, however, and if the local scene is handled properly, success will come from the bottom up. If the community works together in a street where the problem is spotted, it should be possible to prevent it from becoming serious.

The health boards are involved in treatment but different treatments are required for different drugs. How do we go about rehabilitation? Are there enough programmes to absorb people? Certain personalities may not fit into some programmes, with shy children being placed on unsuitable community employment schemes. People must be in the right programme to give them their confidence back because if they feel they are making a contribution, this is a first step back to health. Programmes must be suitable in order that the former user feels good and recognises why he or she took drugs. Child care facilities are also needed because often there are problems when the drug user has children. This is another area we should examine in the coming years. Great work is being done but it is always worthwhile revisiting the programme to see if we can improve it.

I compliment the gardaí on the great work they are doing in preventing drugs coming into the country. Customs officers and gardaí are keeping watch around the coasts and have made many seizures.

Prevention and treatment are vital and if we revamp these areas, we will be successful. The Minister of State is doing great work; I read the report today and the survey contained therein was excellent. We must motivate new leaders to re-energise the local scene and involve parents, teachers and the community. We must ensure FÁS has programmes that will suit the different personalities of people coming off drugs. I look forward to the Minister of State coming into the House a year from now to see what progress we have made.

Mr. Ryan: This is an important issue, although I see it differently from other people. We must focus on where this is a problem and keep a perspective on the general issue of the use of illegal substances. Some communities have been devastated by one particular drug but a significant proportion of our young people are at least occasional users of an entirely different drug.

However politically difficult it may be, anyone who has worked in or been involved with primary education knows that by inserting the word “drugs” into the title of a meeting, there will be standing room only, whereas, if “illiteracy”, “alcohol” or “tobacco” are inserted, only a small percentage will attend. We must restore that perspective.

I teach in a third level institution with a daily population of almost 10,000 young people between the ages of, perhaps, 17 and 22 or 23. From talking to those who provide support for those 10,000 young people, one finds there is drug use, particularly of cannabis and, to a degree, ecstasy. However, personal or other problems, serious emotional distress or physical harm as a result of such drug use are rare enough.

What concerns me and many others, is the prevalence of alcohol misuse among relatively affluent and well-educated young people. I am concerned that the number of people under 25 years of age presenting at hospitals due to physical or other harm done to themselves because of habitual abuse of alcohol, and not because they are drunk, is going up quite dramatically. In terms of the impact on our society, I still retain the view that alcohol will end up doing far more harm in society generally. I fully accept there are areas in our society where one drug has had a devastating impact and I will come to that issue. It is a reproach to us all that this blight was allowed to descend on very poor communities with the perception in those communities of indifference on the part of the rest of us. Nevertheless, it is important to keep a perspective.

I am increasingly impatient with any attempt to talk generically about drugs as diverse as cannabis, ecstasy, cocaine and heroin. The only thing they have in common is that they are illegal. In any spectrum, however one views it — this is not an argument about legalising it or otherwise — cannabis is more like alcohol than heroin in terms of its effect and medium and long-term consequences. The national advisory committee commissioned a quite detailed study on the impact of cannabis. It took me a while to dig it out because its website was a bit peculiar this morning, but the report is a remarkably balanced document which everybody who feels they want to make categorical pronouncements about the impact of cannabis should read.

I would not encourage any young person to start to smoke cannabis at 17, 18 or 19 years of age. I would prefer if young people did not start to drink until they were older than that, until they were a bit more rooted in the ground and in the world and had the maturity to deal with any kind of mood altering substance. Let us not be under any illusion — alcohol alters one’s mood, consciousness and perceptions every bit as much as cannabis. Let us not argue about medium or long-term difficulties.

The report the NACD commissioned on the impact of cannabis is extremely nuanced and well-balanced and is a fine piece of work of which

we should all be aware if we are to make pronouncements about this. It is very difficult to convince literate, educated young people that the same approach should be applied to them if they are occasional users of cannabis as to somebody who is an occasional user of cocaine or heroin. We are in the unique position where, for the first time in history, young people are probably better educated, more informed and more knowledgeable about many issues than the previous generation. We need to get a perspective on all of this.

We must get away from absolutism, whether absolute permissiveness or absolute prevention. We must look at what works to achieve the appropriate result. We want what works to minimise the human harm that results from the use of mind altering substances, whether profoundly addictive like heroin or debatably addictive like, perhaps, consistent use of cannabis. We need, therefore, to begin to talk about these substances. I would not be happy if there was any possibility that a young person could end up with a criminal record simply for having in his or her possession a small quantity of cannabis. Whatever lesson we are trying to offer society, criminalising individuals who possess small quantities of cannabis is a lesson which will suggest to young people that the older generation, the Garda and others are not in touch with the realities of life. I do not have a simple solution to this because decriminalisation can draw in people from outside the country, as has been the experience in the Netherlands.

By and large, the Garda operates a sensible, pragmatic approach to this issue which it operated even 30 or 40 years when I was a student. What concerns me, and people who have spoken to me, is the belief that the pragmatic policy that might be used *vis-à-vis* bright young students from Foxrock or Montenotte where I live in Cork might not be the same as that used in respect of a 16 year old from Farranree or Togher in Cork or the inner city of Dublin. Similar approaches should be used as it is just as wrong, or probably worse, to destroy the life prospects of such a youngster. There is an issue of perspective.

On the question of what works, I had the good fortune of spending a few days with Deputies Gregory, Durkan and Carey, with whom the Minister of State, Deputy Noel Ahern, is well acquainted, in St. Gallen, Switzerland, before the last election looking at a heroin prescription programme. Despite whatever emotional, hysterical headline one could generate, everybody we met, including public administrators, medical practitioners and the police, all felt it was a successful part of a harm reduction response to heroin. I do not want to spend my time outlining or boring the House with the details of it but as far as those people were concerned, it met a specific need. We met heroin addicts who were working and holding down normal jobs and who called into a clinic once a day and paid three Swiss francs for a supply and a clean needle. The irony was that the best quality heroin in Europe was being delivered

[Mr. Ryan.]
to these clinics by the police in St. Gallen because of the need for security. However, it seemed to work.

One could easily be walked into saying we should do the same. Our professionals, rather than politicians, need to continue to look at what works to minimise harm and minimise the risks to the life prospects of young people, where it works and on what we should focus. It is not helped by any type of blanket approach. At a meeting in a secondary school in which I was involved, a very concerned parent asked a senior Garda officer when parents should worry that their son or daughter is on drugs. That is a legitimate question which is difficult to answer. If one's son or daughter is smoking cannabis once a fortnight, one will probably see no signs of any harm, if that is all he or she is doing. However, the garda in question, perhaps excessively, warned about teenagers becoming somewhat withdrawn, not paying as much attention to personal hygiene as formerly, changing their style of dress, etc. One mother with two or three teenage children said to me afterwards that this was the best description of a teenager she had heard in a long time. It involved a whole succession of indicators that are probably identifiable in some cases with the beginnings of a drug use habit, but are also characteristics of a large number of teenage children as they go through various phases. We need to be sure we are not frightening parents into believing that every time they have an awkward, sullen, withdrawn son or daughter walking into his or her room and not talking, the most likely cause is drug abuse. The chances are that the most likely cause of such behaviour is the fact that they are teenagers in the first place.

We need to realise again and again that, by and large, young people are bright, well-informed and wary of authority which to them does not appear to be honest. Listening to young people, including my own children, they assure me, as all children assure their parents, that they would never touch illegal substances. How many children tell their parents the opposite? I choose to and do believe they are telling me the truth. However, they say many of their friends would be singularly unimpressed by most of what is said to them because it comes from older people. They are sceptical as to whether these older people know any more than they do. There is a large amount of peer to peer work to be done, perhaps by young people who have had a serious drug abuse problem and have managed to deal with it.

In conclusion, I believe there are two different issues to be dealt with. One is the recreational use of substances varying from cannabis through cocaine. I do not agree with Senator O'Toole. Cocaine in this country is predominantly a drug of affluence rather than one of poverty, although I am sure there are poor people who use it. However, if we did not have the extraordinary prevalence of endemic poverty among some communities in this country, the risk of people turn-

ing to heroin as an outlet from that misery would be spectacularly reduced.

I recall Deputy Gregory talking about the fact that all through the 1980s it was impossible to get the authorities to deal with the selling of heroin in inner city communities. There was always a belief that they were targeting the big people and it could not be done. Eventually the Concerned Parents Against Drugs body was set up. As Deputy Gregory informed me, the prompt conclusion was that suddenly there was no shortage of gardaí to mind the concerned parents because it was alleged they had subversive links. Many people legitimately asked Deputy Gregory how it was possible for the authorities to find enough gardaí to control the concerned parents when they were trying to do something about drugs, but could not find any to do something about the drugs problem beforehand. I believe it is an omission from all drugs policy not to realise that the elimination of scandalous levels of income and educational inequality in this country would together do as much to reduce the risk of serious damage from drug misuse as all of these welcome initiatives together.

Mr. Browne: I congratulate the Minister of State on his reappointment. However, based on results I believe he was lucky to be reappointed. The Government is extremely vulnerable in this area. The figures speak for themselves. We cannot blame the Minister of State for the drug problem. However, the main responsibility of the Government and the Minister of State is, in the first place, to allocate funding to the organisations and then ensure they use it properly and are adequately resourced. He has failed miserably in that area, as has the Government collectively. Figures revealed by the Health Research Board now show that the use of heroin in counties outside Dublin has increased fourfold.

Mr. N. Ahern: That is not correct.

Mr. Browne: Those are the figures we have been given.

Mr. N. Ahern: The Senator should get his facts right.

Mr. Browne: The drugs task force and regional services are under-resourced. I understand they have been given budgets, but mainly for administrative purposes and not necessarily the funding they require to carry out necessary works. The Government promised to spend €2 billion on the RAPID programme. In my own constituency Graiguecullen and Tullow Road in Carlow benefited from that programme. However, the figures we were given last month indicate that only €10 million was spent out of the €2 billion, equivalent to 0.5%. It is one matter to speak of a budget, and another to give it to the groups concerned. I was amazed to learn that the crime figures released in July show a 30% drop in the

number of convictions for drug supply and sales. That means either the sale and supply of drugs has decreased or, more likely, that the gardaí are not catching people. I know for certain that in Carlow the sale and supply of drugs has not decreased by 30%.

Mr. Brady: Or else the strategy is working.

Mr. Browne: If anything, the sale and supply of drugs has gone up. That is proved every week in the newspaper where the local judge is continually talking about the drug problem in Carlow. I hear it myself. Gardaí in Carlow tell me that drug addicts are injecting themselves in the eyeball. Their veins are so badly damaged in other parts of the body that they get some type of buzz from using the drug in this way. In one instance I was told by a garda that the dealers in Carlow town are so terrified of their customers they opted to turn themselves into the Garda station for protection. This is hard to believe but I have been told this directly by gardaí who requested me to raise the matter at national level in the Seanad and ask that the necessary resources be given to them. They literally cannot man the station at the moment.

Ten regional drug task forces were set up nationally as promised under the national drugs strategy for 2001-08. In reality they have achieved little on the ground. In 2003 and 2004, budgetary allocations to the regional drug task forces were only sufficient to cover administrative costs, approximately €60,000 per task force area. That means there are still no active drug prevention programmes in most areas outside Dublin. Senator White earlier alluded to the fact that there are now almost 14,500 heroin users in the State, with nearly 12,500 in the Dublin area alone. The use of heroin in the counties outside Dublin, including Wicklow, Carlow, Meath, Longford, Westmeath and Louth has increased fourfold since 1997. That was reported last year in *The Irish Times* and was not refuted.

The Merchants Quay drug centre, which is the largest voluntary drug centre in the State, has suffered a cut in funding. Despite the use of its services by increasing numbers of heroin addicts each year, the centre's funding has not increased since 2001. There are just 200 residential treatment beds for over 15,000 heroin addicts in Dublin and a 15-week wait for detoxification beds in the James Connolly Memorial Hospital in Blanchardstown. The ratio of councillors to addicts remains very low at State centres. Of the 15,000 heroin addicts in Dublin, 50% are not receiving any treatment.

The failure by the Government to honour its commitment to provide an extra 2,000 gardaí is clearly having an impact in this area. The commitment should have seen the appointment of 400 new gardaí per annum, on which basis approximately 1,000 members of the force should have passed out over the two and a half years since the election of the Government. That this has not

happened is having a significant impact on the fight against drugs.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

National Sports Facilities: Statements.

Minister for Arts, sport and Tourism (Mr. O'Donoghue): I welcome the opportunity of discussing the very important matter of sports facilities. All of us here today have experienced an incredible sense of pride and achievement at Ireland's many international successes in various sporting activities. Visitors to this country often remark on the intense and widespread interest in sporting events at international, national and local level, not least in our Gaelic games. What a wonderful sense of occasion it was to witness Ireland's comprehensive win against Australia in the international rules series ten days ago in a packed Croke Park. In the past week there have been magnificent victories by the Connacht, Leinster and Munster rugby teams against teams from Wales, France and England.

When taking office in 1997, the Government recognised the importance of sport and appointed the first Minister with responsibility for sport to the Cabinet. The Government continues to believe in the value of sport and the contribution it can make to our society, for individuals and for communities. The past seven years have seen a dramatic increase in Government funding for Irish sport, from €17 million in 1997 to €113 million in 2004, with a total of over €610 million in Government spending on sport to support the development of a new sporting infrastructure and to support a range of sporting programmes.

The success of any nation in sporting contests can be traced back to the availability of top quality facilities supported by a range of programmes aimed at increasing participation and improving standards of performance. Last January, the Government agreed to provide €191 million towards the cost of a new stadium at Lansdowne Road — that decision gave life to the Lansdowne Road stadium project. Today I can say with confidence that the project is well under way and that the three partners involved have formally committed to the project with the signing of a formal legal agreement in September to bring the plans to conclusion. This agreement provides for the procurement and building of a stadium and the availability of this stadium as a sporting facility, which we expect will be completed by December 2008. A project director, who brings a wealth of experience with him, has been appointed by the IRFU and the FAI and he will oversee the project.

The development of the new Lansdowne Road stadium will involve a 50,000 all-seated stadium which will be built on the axis of the existing stadium. The estimated cost of this project is just under €300 million and approved Government support will provide €191 million over five years.

[Mr. O'Donoghue.]

The stadium will meet all the current international standards for rugby and soccer and the pitch area will be of sufficient size to accommodate Gaelic games. It is anticipated that the application for planning permission will be lodged late in 2005 and it is hoped to commence construction of the new stadium in the second half of 2006. Ireland's international rugby and soccer squads will have a platform on which they can showcase themselves and Ireland to the world and from which they can develop and build on the progress they have already achieved.

The commencement of the work at Lansdowne Road, together with the completion of Croke Park, will at last place Irish field sports on an acceptable footing regarding the standard of sports facilities that are available in other similarly developed economies. Together, these two admirable projects bring stadium facilities in Ireland into the 21st century.

When I announced a few weeks ago that the Government had agreed to provide a further and final grant of €40 million to the GAA over the next two years towards the cost of the redevelopment of Croke Park, this brought the total Exchequer contribution to €110 million towards the €265 million cost of the whole project. At the time of this announcement I paid tribute to the immense contribution to sport which has been made over the years by the organisation and the many men and women who have given of their time and effort to Gaelic games on a voluntary basis. The GAA is largely an amateur organisation and yet has been extremely professional in its approach in taking the lead to develop its sporting infrastructure at all levels, which I have been happy to support.

However, while it is a source of satisfaction to see the redevelopment of two great stadia in Dublin with such historical significance, much remains to be done to bring Ireland's national sporting infrastructure in line with our European neighbours. It was in this context that the Taoiseach articulated his vision for a campus of sporting excellence to be developed at a 500-acre site in Abbotstown, County Dublin. In January 2004 the Government reaffirmed its commitment to the development of a sports campus at Abbotstown. A phased and prioritised programme to deliver the component elements of the campus is being developed by Campus and Stadium Ireland Development Limited. The campus is capable of accommodating the requirements of sporting organisations for high quality pitches and training and administrative facilities for both amateur and ranking team sports. This should be of benefit not only to major sports organisations but also to some of our smaller sports whose need for modern facilities are important.

The campus will likely also include medical and training support for elite athlete development and, eventually, an indoor sporting arena. It is expected that elements of the development would

attract private sector investment. The Department has been working with Campus and Stadium Ireland Development Limited to secure a developmental plan for a campus of sports facilities at Abbotstown. Proposals for the development of a sports campus at Abbotstown have now been received and I intend to consider them in consultation with my Government colleagues.

The first element of the Sports Campus Ireland project was the development of a National Aquatic Centre, which was completed at a cost of €71 million and opened in March 2003. The centre, which is one of the largest indoor water facilities in the world, encompasses a 50 m. swimming pool; a 25 m. warm up pool which is also a diving pool; a major leisure water area for family entertainment; and spectator facilities for national and international competitions. With over 1 million visitors in its first year and the location of many community programmes engaging primary schools, older adults and programmes for the disadvantaged, the National Aquatic Centre has already proven its worth as a valuable community and national recreational facility. However, it is important to note that it also provides state-of-the-art swimming training facilities for Ireland's elite swimmers and has also been used by the British Olympic diving team in training for the Olympic Games.

In December 2003 the European Short Course Swimming Championships were hosted in Dublin at the National Aquatic Centre where 19 European records were set, putting Dublin and Ireland on the map in terms of hosting international swimming competitions. This followed on from the impressive arena playing host to the largest sporting event of 2003, with the aquatics competitions of the memorable Special Olympics World Summer Games being held there. The first time ever located outside the USA, this competition was an international success made possible by an enormous volunteer effort and a united effort among community groups, sports bodies, private companies and the Government. My Department provided funding and helped towards the cost of improvements to some of the sports facilities used for athletics at Morton Stadium and soccer at the AUL facility in Clonshaugh. The games demonstrated that Ireland is a perfect venue for hosting major sports events. Other events such as the women's world hockey cup, the European men's hockey cup and the World Cross Country Championships have enhanced our reputation for hosting such events.

Since 2002, more than €1.2 million has been allocated to the ongoing development of the national hockey stadium at Belfield. This will ensure that we have a national hockey stadium that meets with the highest international standards in time to host the 2005 European Nations Cup. This will be a facility deserving of our national team, which won the four nations Celtic cup in June.

As the House knows, hosting an international sporting event brings many advantages. Not only is it a source of pride to us all but also to our competitors who can enjoy the support of a home crowd when competing on the world stage. One need only witness Portugal's best performance in a major championships in Euro 2004 this year or South Korea's World Cup heroics before a home crowd in 2002. Hosting a major sporting event brings with it media exposure and coverage that cannot ordinarily be bought at any price. Such publicity is invaluable to a country such as Ireland, which depends so much on its tourism product. How many times have we seen the beauty of Ireland displayed the world over through coverage of prestigious golf tournaments held here with the assistance of Fáilte Ireland?

The year 2006 will see the biggest golf tournament of all, namely, the Ryder Cup which will be held at the K Club. It will be televised to approximately 700 million homes in no fewer than 42 countries with 47 stations broadcasting the event, including potential new tourism markets in Eastern Europe and China. In terms of its impact on visitor numbers alone, some 200,000 golf tourists generate revenue of nearly €200 million annually for Irish tourism. The exposure arising from the Ryder Cup match will enhance further Ireland's standing as a top quality golf destination.

The added benefit of hosting an international sporting event is the effect it can have in engaging ordinary people in the excitement and passion that sport brings out in us all. Witnessing our own teams and athletes competing at the highest level acts as a catalyst for promoting and encouraging people, especially the young, to participate in sport. This is especially true when we can see it first hand. One need only look at the recent successes of Munster and Ulster in the European rugby cup and the excitement generated around Leinster's home games in Donnybrook and Lansdowne Road, to understand why rugby is enjoying a surge among young people these days who want to play and emulate their heroes.

That is why the Government is committed to continuing with the important work started in 1997 by investing in the development of sports facilities to cater for our top class athletes and also for those inspired by them to take part in sport at whatever level they choose. The national lottery was established to provide funding for, among other things, the development of a sporting infrastructure throughout the country. The development of a quality infrastructure is crucial to the future of sport in Ireland. In this context, the national lottery funded sports capital programme, which is administered by my Department, plays an important role. This programme is the primary vehicle for promoting the development of sports and recreational facilities in Ireland and provides funding in respect of local, regional and national projects.

Through the sports capital programme, we have significantly improved the quantity and

quality of sporting facilities throughout the country in recent years. The programme has, since 1997, allocated funding of almost €331 million to more than 4,200 projects to provide badly needed facilities and equipment in virtually every parish, village, town and city. The value of sport and recreation to the nation cannot be over emphasised. It raises our health and fitness levels, provides a means of keeping young people away from crime and drugs, helps to give us a sense of pride in ourselves and enhances our lifestyles.

In keeping with Government policy, the allocations under the sports capital programme reflect special priority for the development of sports and recreational facilities in areas designated as disadvantaged, that is, RAPID, CLÁR and local drugs task force areas. In the four year period to 2004, 1,266 projects located in areas designated as disadvantaged have been allocated funding of more than €121 million under the programme.

In addition to meeting many of the requirements for sport at a local level, my Department's sports capital programme has also funded numerous world class regional and national sports facilities. These facilities are essential for increasing participation levels in sport, for improving standards of performance at national and international level, while also meeting local needs. These have included major projects such as Croke Park, the National Boxing Stadium in Dublin, the new 50 m. swimming pool at the University of Limerick, the new National Rowing Centre at Inniscarra, County Cork, Ireland's new golf academy in Maynooth and Tennis Ireland's new national centre at Glasnevin, Dublin. In considering applications under the programme each year, my Department engages in a process of consultation with the Irish Sports Council and the main governing bodies of sport in regard to the prioritisation of projects to be funded. In 2004, for example, special consideration was given to national hockey and cricket facilities here to host international tournaments in 2005.

Ireland's remarkable victories in cricket against Zimbabwe last year and against the West Indies this year has given a new vigour to cricket in Ireland. The year 2005 sees Ireland hosting the ICC Trophy with the first rounds of the 2005 trophy being played in Belfast and the playoffs, semi-finals and final in Dublin. The ICC Trophy gives the opportunity for the lesser nations to compete on the cricket world stage and also means that the top five finishers gain qualification for the next cricket world cup in the West Indies in 2007. In recognition of the importance of this tournament, 11 cricket clubs were allocated grants this year in connection with the hosting of the International Cricket Council Trophy in 2005, in addition to funding allocated in respect of cricket's national indoor centre located in Balbriggan. The purpose of these grants is to assist clubs in improving their facilities and bringing them to a standard suitable to host such a prestigious event.

[Mr. O'Donoghue.]

The sports capital programme also grants funding to develop regional sports centres all over Ireland. Grants have been provided in recent years to such projects located in Athlone, Bray, Navan, Waterford and many other towns. Many of these facilities are also being part funded through my Department's local authority swimming pool programme, which has been in operation since 1999. Under this programme, grants of up to €3.8 million are made available towards either the refurbishment of existing pools or the provision of a new pool, subject in both cases to the total grant not exceeding 80% of the eligible cost of the project or 90% for projects located in designated disadvantaged areas. Since 2000, 55 swimming projects have been dealt with under the programme. A total of 14 swimming pool projects have been completed — the most recent in Finglas in Dublin, Grove Island in Limerick, Ballinasloe and Clounalour and these modern and well-equipped facilities are open to the public. Further swimming pool projects are underway in eight locations around the country in Clonmel, Tuam, Ballymun, Cobh, Drogheda, Ballyfermot and Youghal. A sum of €28 million has been spent on this programme between 2000 and 2003 with a further provision of €15 million in 2004.

Notwithstanding the substantial funding invested in the provision of sporting and recreational facilities in recent years, the Government, as stated in the programme for Government, is committed to building facilities locally and nationally. To assist in the identification of new facility requirements we will put in place along term strategic plan for sports facilities. The first step towards developing such a strategy is a review of the existing sports capital programme under the Department's expenditure review programme.

The impact of sport extends far beyond the playing pitches and athletic grounds. It has obvious benefits in promoting health and fitness, self-esteem and personal well being. Nowadays, it has a growing commercial and economic significance. Sporting achievements provide a morale boost for the country at large, focus international attention on our country and promote our image as an attractive place to visit and invest in. In this context, I want to ensure that ordinary people everywhere in this country have every opportunity to engage in the sport of their choice — from the young in body to the young in spirit.

Sport is something worthwhile which everybody can pursue — male and female, young and old, rich and poor. It has no age, gender or class barriers. I intend to ensure that the best climate is created to encourage people to participate in sport, that the best facilities are provided to enhance people's enjoyment of sport and to help create a sporting structure which helps to ensure maximum participation in sport. Sport is for all. I look forward to hearing the contributions from Members of the House.

Mr. Feighan: I welcome the Minister to the House. I see quite a bit of him on the circuit opening pitches and so on at various events.

I am very interested in sport and local communities. In the late 1980s, my local soccer club, Boyle Celtic, applied for funding through the national lottery. The club was the second on file to apply for funding from the proposed lottery grants. The club received a very generous contribution of €20,000, which certainly helped to enhance its facilities and secure a base for the young people of the area. It was very unusual at the time for clubs to own a soccer pitch. The club had one senior team but now has two senior teams and five under age teams. Over the years, the club has been very proud to supply players to play for Sligo Rovers. One player has played in the English premier division. Without the funding, we certainly would not have done so well. However, lottery money has not always been put to the best use.

We talk of the national self-confidence that resulted from the Celtic tiger, but the Jack Charlton era certainly led to great self-confidence and goodwill among Irish football supporters and people of every country those supporters visited. In 1988 the Irish team went to Germany with approximately 10,000 supporters and we did not believe we would do so well. We had a tremendous result and beat England by one goal to nil. This instilled in us self-confidence in the fact that this country was as good as any other. While travelling around Germany for two weeks, I noted that all the Irish felt that the Germans liked us and that we had something to offer, including a sense of humour and fun. We were innocent regarding many matters, football especially.

During the World Cup in Italy in 1990 and the various qualifying rounds for the World Cup held in the USA in 1994, the Irish team travelled to virtually every country in Europe and all of these countries have grown to like us. This also made us self-confident and made us feel we were as good as any other country. The Jack Charlton era — the FAI era — certainly helped this country to grow up. We have done it through football in the most amusing and incredible way.

Consider the local and provincial teams. The Minister, as a Kerryman, knows the Kerry team exudes much confidence. If one's team is doing well and one is winning All-Ireland finals every second year, it is very easy to walk around with a swagger. When Leitrim won its first Connacht championship for many years in 1994, self-confidence was certainly instilled in the county, which borders Roscommon. Masonite, a major factory, located in Carrick-on-Shannon mainly because its representatives visited the town during the celebrations and saw a community that was united and very pleasant. The Minister rightly stated that sport transcends many barriers. The payback can sometimes be very undervalued.

Croke Park would certainly be a credit to any amateur organisation. Mr. Sean Kelly, president of the GAA, was before an Oireachtas commit-

tees last week. It was good to see an enlightened individual such as he, who has a clear vision of the role of the GAA and of sport, express an interest in sport for all. Sport should not be as competitive as it is but should be enjoyed by all. Everybody should have the right to play sport.

I note from the Minister's speech that he agreed to provide €191 million towards the cost of the new stadium at Lansdowne Road, which is estimated to amount to €300 million over five years. I welcome the funding which has certainly given life to the project although it has been made available many years too late.

The failure to assist in providing appropriate stadia for soccer and rugby has been a major downfall of the Government. Its waste of money to date through indecision and incompetence in the pursuit of one possible stadium to the exclusion of many other options has certainly not been a help. Persistent Government meddling in the stadium development plans of the FAI and the IRFU has meant that we do not have a proper stadium for these organisations' games. The Government should take some, if not much, of the blame for this.

Two years ago, we went through the charade of being told we had a great chance of hosting the finals of Euro 2004. The Oireachtas played a game against the Scottish Parliament in Trinity College and we were all enthusiastic. While not wishing to sound negative, I believe this was one of the greatest charades ever. People were brought to a stadium and as good as promised that it could be used as a venue, although I believe the Government knew it would not be open. The people were brought around the country in a so-called white van, thereby increasing the hopes of many people, including ourselves.

The total Exchequer contribution to the redevelopment of Croke Park is €110 million. The cost of the total project amounts to €265 million. I am certainly not saying the Exchequer contribution was not money well spent but some conditions should have been applied to ensure that the Taoiseach did not end up in the embarrassing position in which he seemed to be meddling in the GAA's affairs.

The Minister referred to witnessing Portugal's best performance in a major championship in Euro 2004 and South Korea's World Cup heroics before a home crowd in 2002. Would we not love to see Ireland in such a position? We are now in an embarrassing position in which we may have to go to Old Trafford, Celtic Park or Anfield. We should not be in this position as we have had seven years to plan ahead. Planning permission for the Lansdowne Road project will be sought in 2005 and the grounds may be finished in 2008. We are relying on the goodwill of that great amateur organisation, the GAA, to open its doors to allow a soccer international to be played in its stadium. This is not good enough and is undermining all the good that emerged from the Jack Charlton era.

Consider what has been happening in the FAI in recent days. Politics are possibly being played in the organisation but I do not know. I do not want to stand on one side or the other. I am not getting involved in its internal affairs by saying that in order to generate confidence among the sporting public, the Government should report on the implementation of the recommendations of the Genesis report as a matter of urgency. We cannot be putting money into sport once again without any reassurances that the report will be implemented. The Genesis report, which was accepted on all sides, was a reasonable, measured and progressive report on the future of association football in Ireland and its recommendations should be implemented.

In the early 1980s, cycling's Nissan Classic came to my area. Considerable expenditure was put into the area but sometimes we over-emphasise the value of these tournaments.

3 o'clock The Minister has fallen into this trap and in 2006 the biggest golf tournament of all, the Ryder Cup, will be held at the K-Club. It will be televised to more than 700 million homes in no fewer than 42 countries, with 47 stations broadcasting the event, which will provide potential for new tourism markets in eastern Europe and China. We have witnessed a great deal of hype about many of these events. They have been of benefit but I am sure millions of Chinese will not be coming here because they saw the Ryder Cup. These events are helpful but they should not be sold like products at a bazaar; they will not change the tourism potential of the country. Exposure from the Ryder Cup will further enhance Ireland's standing as a top quality golfing destination, but we should not oversell it.

Reference was made to funding of €331 million for more than 4,200 projects. Many of the projects have helped young people and kept them away from crime, and sport raises our health and fitness levels. Three weeks ago I was fortunate to play on a new astro-turf facility, which the Government generously supported. However, we should examine the manner in which these grants are provided because it is more than about providing facilities from a Government slush fund. If Fine Gael were in power, perhaps it would be a slush fund for that party. The same might apply to the Labour Party or the Green Party. Checks should be carried out on projects that receive funding. We can all be parochial, but the provision of grants appears to favour current Ministers' local areas. While one can never overspend on sports facilities, perhaps we should redress the perceived imbalance which exists. It might be better to take away responsibility for such funding from the ministerial portfolio.

One issue with which I have great difficulty is the sports capital programme, which provides funding to regional sports centres throughout Ireland. I am aware that state-of-the-art facilities have been provided in Bray, Navan, Athlone and Waterford. I am proud of the swimming pool which has been provided in my area in

[Mr. Feighan.]

Roscommon. However, Deputies and Senators from other towns still await facilities. Funding of up to €3.8 million is available. Some 55 swimming pools have been dealt with under the programme and 14 swimming pool projects have been completed. If one lives outside the loop of a county town, it will be nine, ten or 12 years before state-of-the-art facilities are provided.

The Minister said that ordinary people throughout the country should have an opportunity to engage in the sport of their choice. My sport of choice is swimming but if I must drive 27 miles or 30 miles on dark and cold winter nights, it will not be my sport of my choice. I will put on a track suit and walk the roads of Ireland like everyone else. It is everyone's right to have facilities of an equal standard. Some €3.5 million would be money well spent on a sports centre in towns in north Roscommon such as Castlereagh, Boyle, Strokestown, Ballaghderreen and Carrick-on-Shannon where there are no proper sports facilities. Various Departments could be involved. Money is being misspent and we are not getting value for money. A school in my area is receiving €700,000 or €800,000 to refurbish the gymnasium. The former Minister for Education and Science, Deputy Noel Dempsey, said that we should get value for money. I suggested involving the health board, the Department of Education and Science, the Department of Arts, Sport and Tourism and the county council, each of which could provide funding for a decent facility, not a soccer pitch, GAA pitch or tennis club here and there. There could be €3 million or €4 million state-of-the-art facilities and centres of excellence in each town with a catchment area. The current catchment areas are too big. This would be money well spent and it would save the Exchequer money.

Ireland has the highest rate of heart disease in the EU, with the disease claiming almost 14,000 victims each year. Some heart disease is preventable. It often begins in childhood and accelerates because of bad lifestyle and diet. The Government should provide funding for health and leisure centres, not just in major growth centres but in towns with a population of 2,500 or 3,000 people which need the facilities. I am not prepared to spend an hour driving 27 miles for a 40 minute swim because it would take too much time. As has been said, a lot has been done but a lot more must be done.

Mr. K. Phelan: I welcome the Minister of State, Deputy Batt O'Keeffe, to the House. I did not get an opportunity in public to wish him well in his new portfolio. I have no doubt he will do an excellent job. I wish Senator Feighan well in his new position as spokesperson on arts, sports and tourism. There is more to Ireland than Roscommon when it comes to sport but I will leave it at that for now.

I am pleased to be able to speak here today on the subject of our national sporting facilities. We

have a wonderful sporting tradition in each townland, parish, village, town and city. No matter where one travels throughout the country, sport plays a huge part in the lives of young and old people, whether as participants, supporters, trainers, coaches or managers. Even though the debate is about national sporting facilities, we cannot talk about these facilities without addressing local sport and local sporting organisations. In recent years, I have been pleased to see the amount of money the Government has put into local sport and community organisations. I am chairman of Rathdowney GAA Club in Laois. We are well aware of the role the GAA and other local sporting organisations play in the life of rural Ireland. In many areas of the country there are little or no sporting or recreational facilities apart from those provided by the GAA.

While on the subject of the GAA, I would like to say a few words on an important matter. Croke Park is one of the finest sporting stadiums in the world. Each time I attended Croke Park, I was struck by the quality, size and comfort of the stadium. GAA members can be proud of their stadium, which is a monument to the men and women who run the GAA as a voluntary organisation. It is also a monument to the men and women who have gone before us who laid the foundations for one of the greatest and most successful voluntary organisations in Ireland, if not in the world. The men and women who set up the GAA were very forward thinking and took great risks. When Peter Quinn served as president of the GAA, he took a huge risk in making plans for a dramatic expansion and redevelopment of Croke Park. We are seeing the benefit of this vision today when we look at this fine stadium on Jones Road. However, Croke Park lies idle for most of the year, which is a major financial burden on the GAA. I have no problem saying that rule 42 is out of date. Rule 42 belongs to history and should no longer be the central issue. I do not support those who engage in GAA bashing as I am a proud supporter and member of the GAA. However, times have changed and so must the GAA. A ban on so-called foreign sports is no longer relevant. People in the association who refuse to discuss this matter live with their heads in the sand. They argue that the association is in competition with other sports and should not hand over its stadium to them.

We will be the laughing stock of European soccer and rugby soon when we have to send our international teams to stadiums in places such as Liverpool or Glasgow to play their matches because senior GAA officials refuse to allow discussion on the matter of opening up Croke Park. There is nothing patriotic in this and nothing to be gained from forcing our national sports stars to play their home international games on foreign soil. If American singers, for example Neil Diamond or Garth Brooks, can hold concerts in Croke Park or American football can be played there, why can people such as Roy Keane, Damien Duff, etc., not line out in their green jer-

seys for their country in the finest stadium in the land? GAA clubs exist in America, London, Australia and many other places. If the sporting authorities in these places throughout the world were to adopt the same attitude as the GAA here, it would be next to impossible for these young GAA clubs to become established. I would like to see the GAA face reality and fully debate rule 42 with its members.

To return to the main issue, this Government has worked hard to improve sporting facilities across the country and the Department of Arts, Sport and Tourism has allocated significant funding under the national lottery funded sports capital programme. One of the main Government policies on the development of sport and recreation facilities is increased participation, particularly in disadvantaged areas. The sports capital programme is the primary vehicle for supporting the development of such facilities for voluntary sporting organisations at local, regional and national levels. Grants are allocated towards projects such as multi-purpose sports halls, athletics stadiums and Gaelic, soccer and rugby pitches.

Since 1998, the sports capital programme has been the catalyst for the delivery of modern well-equipped facilities in all counties. It has provided grants to the value of over €321 million to 4,250 projects throughout the country. I am confident the Government is doing a wonderful job in the promotion of sport and the provision of sports facilities where needed. Much more can be done at local level to continue promoting sport and recreation. Doctors warn us that society has become less active and that the dangers from obesity and illness have increased. Therefore, we must continue to support every organisation that tries to promote sport and involve young and old in exercise. If we do this, the health of the people will remain good.

In January of this year, the Minister announced a €191 million package towards the construction of the new Lansdowne Road stadium for which the IRFU, the FAI and the Government have drawn up wonderful plans. I look forward to seeing the stadium completed on time and on budget. Both the IRFU and the FAI should be complimented on the manner in which they have come together to pool their resources in the interest of sport as a whole. The Government will not be found wanting in its desire to see the stadium open in December 2008.

Perhaps we should take a leaf from the GAA's book with regard to building a world class stadium. We can learn much from it. In planning the new Croke Park it planned for the future and built to the highest standards. Many critics at the time described the Croke Park plans as pie in the sky or over the top. However, the GAA carried on with them and tribute must be paid to people like Peter Quinn who had the vision to see the project through.

I regret the Abbotstown development did not go ahead. We will regret this in the years to come.

Senior members of some political parties objected to the plan and felt it should not go ahead.

I thank the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, who has done a fantastic job. He has been a great sports Minister and has invested significant funding in projects throughout the country. Anybody who visits O'Moore Park in Portlaoise, in my county, can see how the funding has resulted in one of the finest sports stadiums in the midlands. We are proud of that stadium. However, it would not be there but for the funding provided by the Minister.

I thank the Minister for coming to the House today and I also thank the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, for attending.

Mr. O'Toole: I wish to share my time with Deputy Paddy Burke.

Acting Chairman (Mr. Feighan): Is that agreed? Agreed.

I take this opportunity to welcome a former Senator, Farrell McElgunn from Carrick-on-Shannon, to the Gallery. He is welcome.

Mr. O'Toole: I welcome the Minister of State to the House. It is always good to see a man of ability welcomed to the top in Fianna Fáil. He should ensure he is not exiled to Brussels, like another good man who left a while ago.

On a serious note, I am delighted this debate is taking place and that it is the broad issue we are discussing. I too regret that we have not gone ahead with the construction of a stadium at Abbotstown. It is a mistake not to have done so. The Abbotstown issue is a classic example of an idea that was run and led by the media. If it was a problem of size, we could have dealt with it. If it was a problem of costs, it could have been built on a phased basis. It was a mistake to withdraw from the project.

I want to examine the issue of national sports facilities in a number of ways. As a Kerryman, it is delightful for me to see a Kerry Minister come here and say that he is committed to ensuring that hockey and cricket do well, as well as Gaelic games. This is a reflection of the broadminded education in sport we received in that part of the south west.

Mr. B. O'Keeffe: Also the education in north County Dublin obviously.

Mr. O'Toole: It shows the development from populist sports to minority sports — a hugely important structural organic development. The most popular sports around the country are Gaelic games. If someone tried to quantify the cost or value of the commitment in terms of social capital, time, community bonding, sense of place, saving from delinquency and encouragement of

[Mr. O'Toole.]

health, no amount of money could pay for what the GAA has given to this country. That is a fact and I welcome any opportunity to defend the Government's investment in Gaelic sport. I do not defend it because it is Gaelic sport, but because it is the most successful and widespread organisation in the country. It is in every corner and parish and has cultivated a sense of place, pride and respect for an area. We must recognise that fact.

In similar terms, we must support the two great field games of rugby and soccer where they are important and popular. The mark of true sports people is that they are interested in all sport. I never met a Kerry inter-county Gaelic footballer who did not have an interest in golf, rugby, soccer, racing and almost any other sport. They are prepared to attend and take an interest in these other sports. This is the core of the issue and it is very important.

I want to move from the current big debate to the organic steps towards which we should be looking. We know where we stand on the big games and I have said what I have to say with regard to proper facilities of an international standard for our major field sports. However, the new development over the past ten years has been the major investment in sports such as canoeing, hockey and cricket. These are important. The fact that a young Irish lad is being sought after to play international cricket for England is something we never thought we would see happen. This should be recognised.

We must also look at sport on the basis of age. Our population is facing problems of obesity, diabetes, heart disease and so on. The sports I have mentioned are played by true athletes who are on the top of their game and to whom we all look up. However, participation must begin at a young age. Every primary school should have a PE hall or access to a PE facility. In some cases local football clubs make their facilities available to nearby schools but in too many cases games cannot go ahead on wet days. Lack of participation by young people in sport will lead to health costs in the future. This issue has been widely debated.

The question of participation in sport by older people has not been so widely debated. Most people give up sport when they reach a certain age and the only sport then available to them is golf. There is nothing wrong with golf if that is what people want to do. However, we should not forget walking, trekking, fishing, boating, canoeing and other sporting activities which older people can enjoy. The Department of Arts, Sport and Tourism, in conjunction with the Department of Health and Children, should recognise the value of investment in sports which draw older people into active involvement in sport. We should put greater investment into water based sports such as angling, fishing and so on.

Some years ago when we discussed the development in Abbotstown it was proposed to have four segments in the development. There

was to have been a stadium, an aquatic centre and the headquarters of various sporting bodies. The fourth part was to have been a centre of excellence where people who excelled in their sport at a young age could attend school in the centre of excellence. These young people would develop their skills and talents while being educated. This facility would have provided a role model to young people who would see that young talented people also have a space in which to operate.

We need a sporting investment from the most popular through to minority sports and those in which older people can participate. The most popular sport in the United Kingdom is not soccer but fishing. More people engage in fishing in the UK than in any other outdoor sport or activity. Fishing is also popular in Ireland. It should be recognised as an activity which takes people out into the open air and helps them appreciate their surroundings. It is as important and valuable as playing for the local senior hurling or football team. We must not ignore sports such as fishing, especially when we can develop them in Ireland. We must develop the popular sports, minority sports and sports for young people and elderly people. People should be able to participate in sport for as long as they are alive. This is not difficult to do. It is simply a matter of having a positive view on ageing and on the aged and of making facilities available.

Last summer, on a river bank in France I saw a wheelchair accessible fishing spot. Such facilities may be available in Ireland but I have never seen one. It would not be difficult to develop them in Ireland, particularly in the Leas-Chathaoirleach's county of Roscommon where roads often run very close to rivers.

We must encourage the total involvement of the population, of all ages and of all levels of talent, in sport and outdoor activities. We should have schools of excellence, we should encourage competitive sports for excellent athletes and young people. Older people and people with disabilities should be involved in sport and PE facilities should be provided for all primary schools. Finally, we should revitalise the Abbotstown proposal.

Mr. P. Burke: I thank Senator O'Toole for sharing his time with me and I welcome the Minister of State to the House. I acknowledge the contribution of the GAA in the provision of sporting facilities in every half parish in the country.

There should be greater interaction between the Minister for Arts, Sport and Tourism, the Department of Education and Science and the planning departments of local authorities. The Minister with responsibility for sport should have an input into county development plans. He should be asked to say what facilities should be provided within a given area where rezonings are taking place and he should provide a template for those areas. Such a template would be of great assistance to local authorities and local authority

members in formulating county development plans.

The Minister for Arts, Sport and Tourism should also have an input into the Department of Education and Science in bringing together the sporting facilities of more than one school or college in a town. Every college in the country is trying to provide sporting facilities for its students. These facilities could be provided jointly and used by more than one college in common. Specialist sports instructors could also be shared by a number of colleges within a given town or area.

We should also have a template for swimming pools. I cannot understand why every local authority in the country is designing swimming pools. Why can a template not be provided for each local authority which could then raise the necessary funds and build the swimming pool? It is ridiculous that every local authority is drawing up individual plans for swimming pools.

I did some hill walking this summer. This sport is on the increase in Ireland and could be greatly enhanced with a little funding. We have wonderful walks in Ireland. These could be advertised and funded and facilities provided for those who wish to participate.

Mr. Morrissey: With the permission of the House I will share my time with Senator Brennan. I thank the Minister of State for coming to the House and for the paper he has delivered. It contained very little with which any Member could quibble. Indeed, I am pleased to hear the Minister make a commitment to carry out an audit of sports facilities throughout the country. One of the purposes of that audit, once completed, would be to avoid duplication in the future development of sports facilities. In that context, I take issue with Senator O'Toole's comment that he would like the Abbotstown facilities to be revitalised. He stated he wants another national stadium built at Abbotstown. A forward-looking management plan has been put in place for Lansdowne Road, however, whereby the major sporting organisations have signed a contract to work together. We will have to adopt the same approach to stadia across the country. I hope the audit to which the Minister referred will avoid duplication and ensure such co-operation between sporting bodies in the future.

I would remind Senator O'Toole that as recently as last week it appeared that the metro will not be delivered for Dublin. One of the basic components of the Abbotstown development was that we would have a metro system by 2007 or 2008. That will not happen now. If the Abbotstown plan were to be revitalised, therefore, it would have to be done in the knowledge that there will be no fast-track public transport system to the area. The metro was the benchmark by which the plan was written and the bedrock upon which it was to be built.

Like many Members, I am a supporter of the GAA and of sport in general. One could say that

public debate now comes down to who played well last night and what team formation will play tonight, rather than what took place in the Seanad or the Dáil. We are all aware of the feeling of satisfaction when we see our national sporting representatives performing well abroad. Our sporting fans are a source of pride and joy when they travel overseas to international fixtures. For that reason I want to see fans accommodated in world-class stadia here, which will be the case at Lansdowne Road.

I compliment the Government on the magnificent contribution it is making by way of allocating grants for sporting endeavour across the country. In my own housing estate, for example, grants have been made available for all-weather sports surfaces. However, co-operation is required between various sports clubs in sharing such all-weather facilities. It is not fair for one club to claim that since it received a grant it will have the exclusive use of such a facility. We must be imaginative and forward looking, as is the Lansdowne Road proposal. In that case, major sporting organisations are offering to work together in their future use of the modernised facility.

One aspect of the Sports Campus Ireland project was a school of sporting excellence, which should be developed now. Initially, we should review the current state of Irish sport, both nationally and internationally. We must review the Irish Sports Council's strategy, along with our international sports performance and the current weaknesses in that strategy. We should also examine the position in other countries which have developed schools of excellence, such as the United Kingdom, the Netherlands, France, Germany and Italy. The Department of Arts, Sport and Tourism should embark on an examination of schools of sporting excellence in those countries to see how they were developed.

In addition to examining the research that has been undertaken on sports facilities in those countries, we must aim to develop a world-class performance programme for our elite athletes who require support. It is difficult enough for such athletes to win sponsorship but it is even harder for them to retain it through consistently good performances. The Government must invest in a new, independent high performance centre along the same lines as the school for sporting excellence, which was envisaged for Abbotstown.

As one of the original objectors to the Abbotstown proposal, I think the case against it has been made more than adequately now and the taxpayer has been spared the expense. The debate on Abbotstown should now be put to bed. We must move towards providing a school of sporting excellence for our elite athletes, in addition to local sports facilities, by investing the money that would have been wasted on building another 80,000-seat stadium. I urge the Minister to embark upon such an investment plan.

Mr. Brennan: I welcome the Minister of State, Deputy Killeen, to the House and congratulate him on his appointment. I wish him well for the future. I recognise the work of the Minister, Deputy O'Donoghue, and his Government colleagues in approving sports funding under the national lottery as part of the programme for Government. It is nice to see all sporting codes availing of grants. I would like to think that the grants provided to the Gaelic Athletic Association for the development of Croke Park were in recognition of that organisation's provision of a world-class stadium. The GAA provided sports facilities around the country long before the introduction of sporting grants and the recent earmarking of funds for the GAA was also in recognition of that fact. The use of the playing facilities at Croke Park is a business proposition that will be sorted out in the near future.

Much has been said about the allocation of sports grants to parishes throughout the country. It should be said, however, that the committees that earmarked such developments comprise members of political parties and of none. The Government has rewarded that community effort by providing such facilities at local level. Charges have been levied to provide certain local facilities in towns and villages under development plans outlined by community groups in conjunction with local authorities. It is important to work together to provide social facilities of which we can be proud. I congratulate the Minister of State on his performance.

Mr. Ryan: I listened with interest to the Minister's speech. There is not much point, however, in rehearsing the history of a member of the minority party in Government who talked about the Ceausescu-style project in Abbotstown. I have always been somewhat ambivalent about these allegedly Ceausescu-type projects. We should have had decent cost estimates, which we rarely have, at the beginning of the debate, as distinct from fudged, guessed and sometimes, I suspect, deliberately distorted estimates. We have a culture in a large part of the public sector whereby one will only get approval for something if one keeps the price low. Once approval is obtained, however, it appears that it was never really going to cost that much. It is never said, of course, and at the Committee of Public Accounts people will deny that it was ever the case.

I heard the Minister of State responsible for decentralisation explain that the delays envisaged in that programme — which were not originally envisaged — were due to the need to deal with such matters through proper EU procedures. This begs the question as to whether the Government did not know when it made the original announcement that it would have to operate through EU procedures. I do not make this as a political point. I am saying we have put ourselves into a culture where we seem to believe the necessary way to deal with funding in the public sector is to underestimate, leave out a bit, get

through the filters of the Department of Finance, get started and then claim the job cannot be finished without additional money. This arose at PuncHESTOWN and was evident in the gradual mushrooming of the cost of the huge original project at Abbotstown.

There were interesting and serious questions about the location, costs, etc. of the Abbotstown project. However, the principle of a prestigious world quality campus and stadium never seemed as outrageous to me as some in my party and others suggested. The Taoiseach might have let his sense of his own position in history run away with him somewhat. This does not get away from the fact that there was much to be said of it in principle. We still embarrassingly perceive ourselves as an impoverished country that could not be expected to have the facilities other countries have, but we could and we should. However, we will not get them without spending money on them.

This country needs and deserves to get such national sporting facilities for reasons articulated by the Minister, which I share. I believe one of the necessary, but not sufficient, conditions for sporting success is to have good facilities and the sense of being involved. I am glad the project in Lansdowne Road is now apparently going ahead. However, I have huge questions and reservations about the way of one of the two organisations directly involved carries on its business. As the House has rules about mentioning outside bodies, I will restrain myself.

I will put it in a positive sense. Many of us would have seen the IRFU as the definition of a fuddy-duddy organisation run by men in blazers who had lost contact with reality years ago. However, the way it adjusted to the extraordinary change in the culture of rugby and its ability to show flexibility and imagination, for example in the decision to have four serious professional teams — the four provinces — showed a capacity to deal with the world as it was changing, which the GAA has also shown. My omission of reference to another organisation is sufficient commentary on it without breaking the rules of the House.

Acting Chairman (Mr. Dardis): The Senator may mention organisations; we are only worried about individuals.

Mr. Ryan: With that invitation, let me say that the FAI must be the definition of incompetence in running a sporting organisation. We have had the mystery of how stadia appear and disappear. How many headquarters has soccer had in Cork? At one stage what is now the second GAA pitch was the headquarters of the most prestigious team. It then moved to Turners Cross. Afterwards it moved to what is now the dog track and then it moved back again. I am horrified at the number of chief executives the organisation has had. I believe it is seven.

I am worried about the stewardship of the national stadium with that apparent level of inability to do anything in a coherent fashion. A native of the city in which I live, when he finally broke the silence, pointed out that on international duty the players travelled in economy class and the important people travelled in business class. It is not so much a question of who travelled in which class. However, the idea that a sporting organisation could believe that was a reasonable way to do business suggests a lack of connection with reality and with proper management. In that context I am concerned about the management of the proposed new facility at Lansdowne Road.

The contrast between that and the extraordinary foresight of the GAA is stark. The GAA decided to proceed with the development of Croke Park before it had a guarantee of a cent of public money. It proceeded because it knew it faced only two routes: backwards or forwards. Instead of spending years agonising, it decided to have faith in the future and proceed. The development of Croke Park was an extraordinarily high-risk project which the GAA took on with great courage and for which it deserves to be commended unequivocally. Let us not have a rider saying, "But now it should..." I believe it is in the GAA's own commercial interest to rent Croke Park to other organisations on a commercial basis.

However, I can fully understand the reasons some in the GAA have reservations about doing so. We need to consider the historical role of the three biggest football-playing organisations in the State, from where they come and their previous associations. I grew up in a home with clear perceptions about each of the organisations and who played different games. While I am thankful that is now history, a clear perception and feeling existed about the matter.

In many ways I would be defined as the ultimate urban liberal. Urban liberals should lay off the GAA, which represents a soft target for people living in south Dublin in particular. I remember a prominent rugby player who lived in north Dublin. He stated in a radio interview that he travelled from where he lived in Malahide or Ballybrigan to a certain well-known rugby-playing school in the centre of Dublin. Until he was almost 30 years of age he did not even know of the existence of Croke Park and even less what games were played there. There is an element in our society, which from that level of lack of knowledge — I will avoid using more pejorative terms — has decided that it must pronounce on the GAA.

I mentioned this matter on the Order of Business this morning and will repeat it at greater length now. We got to the ludicrous position last week where, first, an eminent academic lawyer, who is entitled to whatever opinion he wishes, suggested that the GAA might be in breach of EU and Irish competition law. He was followed by a senior official of the Competition Authority

who offered similar views. This is getting into the realm of the ludicrous. The only thing that could follow would be an insistence that the Roman Catholic Church would be obliged to allow any other religion to use one of its churches for fear of abusing a dominant position. It is ludicrous to try to say that an amateur sporting organisation, run on an entirely voluntary basis at local level with players and referees who are unpaid, is somehow the subject of competition law that is meant to deal with the machinations of ruthless multinationals.

I believe the GAA acts in its own interest. I also believe that if stupid urban liberals have the wit not to make pronouncements we will not be short of a venue if Lansdowne Road is not available for major internationals. Many sensible people in the GAA are interested and do not want to see any national team having to play home games outside the country. However, it is counterproductive and wrong to suggest the GAA is under some moral or legal obligation to have others decide who it should allow use its stadium.

There are logical inconsistencies in the approach taken by the GAA. Why international boxing should be acceptable and not soccer, and why a game played under a compromise set of international rules should be acceptable and something else not is entirely open to intellectual debate. While it may be entertaining to discuss over a pint, it is not the issue. The issue is the sovereign right of a sporting organisation to decide how its stadium is used and understanding that it will not accept Government funding with explicit or implicit conditions attached.

In his speech the Minister correctly expanded beyond the question of large stadia in Dublin to sporting facilities nationally. He spoke at length about the Ryder Cup which is to be held in Ireland in two years' time. Like everyone else, I am delighted it will take place here. However, in terms of investment in sporting facilities for use by the Irish people, I have reservations about the scale of proliferation of golf courses — they seem to have a capacity for reproduction that only rabbits can exceed. Golf courses by their nature are usually in areas of considerable amenity value. The Old Head of Kinsale Golf Club, one of the most prestigious judging by its charges, has prevented traditional public access to one of the most scenic seaside areas in County Cork. It is a matter of friction that the company that developed it was granted planning permission on condition that public access continued. The company then went to the High Court and, ultimately, to the Supreme Court. Having previously accepted the planning conditions, it contended that some of them were impossible and, sadly, the courts agreed with it. The right of the public to cross the course to go to the amenity area that was always open to them — although there was no right of way — has been taken away. It is extraordinary that we develop sporting facilities that are elitist and in the process remove rec-

[Mr. Ryan.]

reational opportunity from people, barring them from quasi-sporting facilities they would have had otherwise.

Fundamentally, we still do not spend enough money on sports facilities. If I swim in a public swimming pool for an hour three times a week, I will spend more in a year than I would pay in membership for a private swimming pool that I could use all the time. That issue must be addressed by those who believe in public access to good quality sporting facilities. The costs are prohibitive in public facilities and the private facilities are beyond people's reach because of the initial sum involved. If we are to deal with the issues of restless youth and underage drinking, part of the solution is old fashioned: very few young people who are actively involved in sport get themselves into serious trouble during those dangerous years between 13 and 20. For that reason alone, it is worthwhile investing far more in sports facilities.

Dr. Mansergh: I largely agree with the sentiments of Senator Ryan.

Mr. Ryan: I will rewrite my speech.

Dr. Mansergh: This Government has shown a tremendous commitment to sport. The role of the Government is to support voluntary and community efforts because there are areas which do not need public support. I do not want to be partisan but there are politicians who only open their mouths on this subject to criticise Government funding for one or other branch of sport or a proposed facility, appealing mainly to the armchair critics whose attitude to exercise is to lie down when they feel it coming on until it goes away.

The sports capital programme is of benefit throughout the State and since I became a public representative I have enjoyed meeting sports clubs that are making applications. Any sporting organisation that has a well thought out project and that can raise the necessary funding on its side stands a good chance of being successful. I recently had the pleasure of opening some beautifully refurbished tennis courts in Tipperary which are often used by local schools and the community. Just across the way from them is a site where decentralised offices will be located so the tennis club may have many more members in the near future.

Mr. J. Phelan: With the emphasis on the word "may".

Dr. Mansergh: Decentralisation started in Tipperary last week. The Minister for Justice, Equality and Law Reform came to open the Private Security Authority.

Mr. Ryan: Hopefully the Minister will be decentralised to Tipperary.

Dr. Mansergh: The project is already flying in Tipperary and I hope it will come to the Senator's part of the country soon.

It is amazing to think back to the days of Jim Tunney 23 years ago, when the first sports programme amounted to a few hundred thousand pounds, and the way it has grown since. Senator Ryan mentioned surprise references in the Minister's speech to cricket clubs, demonstrating that the programme is very pluralist when it comes to need.

I welcome the flagship projects, Croke Park, which is a source of great pride to the GAA, and the Lansdowne Road redevelopment. I differ from some speakers on international games. Visitors like coming to city centres so I was never hugely enthusiastic about bringing them a long way out of the city centre. There is merit in Abbotstown, however, because it will not duplicate Croke Park or Lansdowne Road and can concentrate on the other things a national stadium should provide.

I agree with Senator Ryan in that I get irritated when people lecture the GAA about what it should do, simply because it is so counter-productive and serves only to get people's backs up. Nevertheless, there is a case for cultural cross-fertilisation. It is as much about the GAA playing in Lansdowne Road as it would be about rugby or soccer on a few occasions using the facilities at Croke Park. The GAA has nothing about which to be defensive. It is a highly successful organisation. It is more pronounced in the North than it is here and for very understandable historical and political reasons but I do not like what I would call echoes of a *kulturkampf* which belong to a different era — a sort of cultural struggle with one outlook and national identity pitched against another. I even heard a colleague in the Seanad refer to garrison games and seeming to mean it with all seriousness. I hope we have got beyond that era. As one GAA county manager said, sports are not rivals of each other. Their main rival is apathy and couch potatoism. They are allies rather than rivals in many ways.

I agree with Senator O'Toole about the need for more sports facilities to be made available to schools and for sport to be more clearly integrated into the school curriculum. They do not necessarily have to be on site; they can be nearby or over the wall. People should share and use the facilities available in an area. Apart from anything else, we constantly hear about the danger of obesity.

There is a relationship between sport and tourism which is reflected in the Minister's responsibilities. We in this country have the advantage of space. Many facilities are available to us at reasonable cost. If one gets involved in sports here, one could get very wet given the climate. However, one can get warm without melting in a sweltering heat.

I agree with Senator Ryan about the Old Head of Kinsale. It is wrong that natural facilities should be closed off primarily for commercial

reasons and, perhaps to a degree, for security reasons. There should be a right of access to major landmarks in the State. There should be a national policy preventing, and the planning authorities should not permit, places being completely closed off.

We are coming towards the end of the financial year. Exchequer finances are in exceptionally good order. If there are particularly worthwhile but not too expensive capital projects in the sporting or other areas which do not have ongoing current expenditure implications, the end of the year is a good time to include or accommodate one or two of them without upsetting this year's budget or next year's budget calculations. This is especially the case in view of the capital underspend.

Mr. McHugh: I welcome the Minister of State, Deputy Seán Power, and, somewhat belatedly, congratulate him on his new post. The Minister of State, Deputy Batt O'Keeffe, and himself must have been contemplating and working behind the scenes around this time last year.

Mr. S. Power: I thought that was a secret.

Mr. McHugh: I wish to make a few points on sports capital projects in County Donegal. When Deputy McDaid was Minister for Tourism, Sport and Recreation he delivered, which I acknowledge. The people of County Donegal will always acknowledge that during his tenure as Minister, they did well in getting a substantial amount of funding for voluntary organisations at grassroots level ranging from snooker clubs to Gaelic clubs to soccer clubs to boxing clubs. It is much appreciated in that part of the country.

A sports complex was sanctioned in Letterkenny and funding is pending. I hope the project will not become a white elephant because it is an ambitious one which will require a substantial amount of money. It is not at the tentative, early stages. Much of the work has been done by Letterkenny Urban District Council and a lot of the negotiations have taken place. However, we await money, which is a problem.

I am being parochial when I refer to another ambitious project which tried to get off the ground a few years ago. Paul McGinley, an ambassador for this country and a member of the recent and previous Ryder Cup team, and a group of his colleagues tried to develop a golf course not too far from my home town. The syndicate involved came up against a number of obstacles which were blamed on the EU. There is still the possibility of negotiation and if there was a golf course with Paul McGinley's name attached to it, it would do well and would generate tourism.

Senator O'Toole referred to sports on the school curriculum. While we could dwell too much on the physical infrastructure — the sports complexes — which are needed for sports such as football, soccer and swimming, it is important we

do not miss out on opportunities for adventure sports. We are surrounded by water. I was born two miles from the sea but I do not surf, sail, canoe or participate in any water sport. That is due to the fact they are not done in schools because the resources are not available. It is embarrassing to find people from Belfast coming down every weekend to participate in these sports. The facilities are available in the North for people to engage in and to develop these skills. Adventure sports include not only water sports but hill walking, mountain climbing and abseiling. We have the natural physical infrastructure. We should develop a whole range of facilities and services to engage young people in these sports.

My colleague, Senator John Paul Phelan, has referred to obesity as the new buzz word. We could talk about it until the cows come home. The solution is to engage people in natural, cost-efficient outdoor activity in their own backyard. The only obstacle young people in Letterkenny find is that they do not have youth leaders, workers or bus services to take them five miles out the road to the outdoor pursuit centre. It is an excellent centre that works within limited budgets. In the past two summers it has been trying to develop sailing for local people in rural areas of Donegal. The centre is about drive and capacity and working to get resources to encourage young people to engage in natural activity outdoors that will get them out of the house and away from the Nintendo. I know we do not have many facilities for white water rafting or such like, but this is something that is great craic, good fun, with a good buzz, a natural and healthy pursuit. There is no reason we should not encourage young people to follow the example of the Minister of State, Deputy Seán Power, who is with us at the moment.

On a final note, I agree wholeheartedly with the debate on the GAA. Mr. Seán Kelly, that organisation's president, attended a committee meeting of the Houses last week. He was upfront and completely honest about what the GAA is doing. It is the backbone of voluntary activity in this country, in terms of getting young people out of doors and involved in sport. The debate should not degenerate into a discussion about whether Croke Park should or should not be opened up. The GAA has traditionally been among the top three organisations in this country, along with the church and another body whose name I will not put on record here, but which might be relegated—

Mr. Moylan: Fianna Fáil.

Mr. K. Phelan: Fianna Fáil.

Mr. McHugh: The GAA is quite capable of looking after its own shop and should not be interfered with. In time, matters will evolve. Mr. Kelly even put it on record that in time we will be looking at a situation in which Croke Park will be open to other sports.

[Mr. McHugh.]

I asked the GAA president about the proposed stadium in Northern Ireland currently being mooted. It is important that we remain closely involved in that project. If we are talking about an all-Ireland strategy, cross-Border ministerial councils, etc., we should have an input into that sports stadium in Northern Ireland; we should be part of that as well as the United Kingdom.

Mr. Kitt: I welcome the Minister of State and congratulate him on his appointment. I also welcome this debate which is relevant to the health portfolio. A great deal has been said already today about the drugs strategy. People often inquire about attractions for young people in the sporting sphere and experts always say that if there are enough sport opportunities around, people will not become involved in drugs and other antisocial activities. I am glad the Minister, Deputy O'Donoghue, talked about some of the great successes in recent times. He mentioned Ireland's win in the international rules series against Australia and the great wins of the Connacht, Leinster and Munster rugby teams. We are becoming somewhat international, also, in sport. What used to be called the Railway Cup or interprovincial championship final was played in Paris this year and last year the hurling final was played in Rome. That is a welcome development. It is certainly good for the players that they should be offered such an incentive for winning those series.

The point that was made about young people, at the start, is important, in particular Senator O'Toole's argument for a PE hall in every school. I strongly support that, but I am always disappointed when I approach the Department of Education and Science on the subject of physical education or a PE hall. One will be told about the large number of schools that need classrooms, the waiting lists for resource teachers, special needs assistants, etc. It would be useful to again put the emphasis on the need for PE halls in our schools, which obviously could be used for the community as well. It is most important, particularly in rural areas, to have that facility available for everybody.

It is important that people have access to swimming pools and do not have to travel long distances to avail of such facilities. In County Galway we are particularly lucky, both in Galway city and in Ballinasloe where a leisure centre has been completed. The construction of a pool is under way in Tuam and there is sanction for a swimming pool in Loughrea. That is an important development in the second largest county in Ireland. There is also the issue of sporting grants, as mentioned by other Senators. I have a list of 34 projects sanctioned in County Galway this year for sports grants, ranging from €8,000 to €280,000. Every year hundreds of applications are rejected for one reason or another. Some get high marks but do not get above the magic figure. I often wonder why those projects are not among

the first to be looked at when the next set of applications is made. To my mind they are among the most deserving. I am disappointed every year to see the same projects being rejected, despite people having learned in the process. Such projects should be examined and perhaps their promoters should not have to reapply as the same application will be submitted, particularly if there are two in one year.

I have looked at the marking of these applications and go along with the system as laid down. Reference is made to the parent bodies of particular sports, whether it is the IRFU, the GAA or the FAI. They appear to have a major say in whether a particular project will be successful or not. Take, for example, the town of Tuam, if I may be parochial. Tuam stadium is regarded as the home of football as far as we are concerned in north County Galway. Some years ago, when I was a Member of the Dáil, I brought the local committee to meet the then Minister of State with responsibility for sport, Deputy McDaid, who provided £100,000 for the stadium. Obviously, more funding is needed for that particular stadium. In the most recent application, we are told that the GAA has decided there will be premier stadiums in each county or province. Pearse Stadium in Galway is number one and basically no other project will get funding until that has been completed. I do not believe it is fair or proper that such waiting time is allowed by way of assessment. The same is true as regards the IRFU and the FAI, but there are, naturally, more GAA stadiums around the country than soccer or rugby pitches.

A number of sports were mentioned by the Minister of State as being suitable for development for older people throughout the country. Golf is not the only such sport. I notice golf clubs are not getting much support in recent years because they are being in told, in effect, that they should look after themselves. That might not always be valid where the elderly are concerned. However, the Minister of State has also referred to other sports.

It is a source of disappointment that we did not proceed with a national stadium either at Abbotstown or another location. A national centre would have provided a site at which minority sports could be accommodated. Senator Morrissey said there might not be a metro service to Abbotstown, but a very small number of people arrive at Croke Park on the railway from Galway.

Mr. J. Phelan: Very few Galway people go to Croke Park lately.

Mr. Kitt: We have a ladies' football team whose members are all-Ireland champions and a few players on the international rules team. I have been a strong supporter of the idea of a national stadium and it never mattered to me where it was located. If it was to be Abbotstown that was well and good. We should be blunt about describing

the circumstances in which we now find ourselves as a mess. What will happen with the remaining World Cup qualifying games while Lansdowne Road is being developed? It will be disappointing if we have to travel to Great Britain or another part of Europe to play our home games. I agree with other speakers who have said that without telling the GAA what to do, we must hope Croke Park will be opened to accommodate some of our soccer and rugby matches.

A trend I have noticed in recent years involves the lack of democracy in some of the bodies under discussion. It is very evident in the tendency of player power in the GAA — it does not involve the Minister of State — to push to take over in some counties. Cork was the first county in which players made this move and it looked as if they had a very good case. The Cork team are all-Ireland champions, which, I suppose, allows the players to justify what they did. Cork's was just one of many teams of players who felt they were not being treated fairly. Players have also used their power in the context of the appointment of managers and selectors in Offaly and other counties. This trend brings into focus the way in which certain organisations operate.

It is important to get young people interested in sport and it would be disappointing if the management involved at under-8 and under-10 level were not doing its job properly. The Department of Education and Science has published an excellent document on staying safe in sport which should be circulated to all sporting clubs. Sport should be a matter for the Department of Education and Science to discuss and not simply with reference to the question of winning for the sake of being the best in a county or parish. This is an important issue of which we should not lose sight. That sport is not simply about winning a medal or cup, but also about taking part, is something we recognise to a great extent. We must give credit to the sporting bodies which organise voluntarily the training, challenge matches and championship games which take place throughout the country at weekends and even midweek.

I thank the Chair for allowing me to say those few words and I thank the Minister of State for coming to the House. The issue under discussion is strongly related to health, whether it is sport for the young or the elderly. I hope we can find ways to look after minority sports which appear to have been forgotten. It is of great regret that the national stadium did not proceed as that was where minority sports could have been given a home and developed.

Mr. J. Phelan: I welcome the Minister of State, Deputy Seán Power, to the House on this, the first occasion on which I have had the opportunity to do so. I am delighted by his appointment. It is good to see a Member of the Oireachtas soccer and rugby teams in the Seanad to listen to a debate on sport.

I was interested to learn that Senator Mansergh had always been opposed to the building of what

became known as the Bertie bowl at Abbotstown. By contrast, Senator Kitt expressed his disappointment that it did not proceed. However, I fully agree with Senator Mansergh that the provision of sporting facilities like a national stadium in existing urban areas is much more desirable than building them on the outskirts of cities. Where the infrastructure is already in place, it should be utilised. Croke Park is a credit to the GAA and I look forward to the provision of a state-of-the-art facility at Lansdowne Road.

I am a member of several sporting organisations. Sadly, I am a junior B hurler as I no longer get the chance to train as much as I did. I am also involved in what someone described earlier as “garrison games” and play a bit of rugby when I get the chance. I share Senator Mansergh's opinion on the argument that sporting organisations compete with each other. The real opponent is apathy. Every organisation tries to get as many younger people as possible involved in sporting activity.

Several speakers mentioned obesity and health. Obesity is the buzz word of the past few months and it is supposed that we all suffer from the problem or are close to doing so. All kinds of reasons as to why this is the case have been suggested. None of us can deny that young people have become less active and involved in sporting activity than was the case ten or 15 years ago. There are a number of reasons for this. New developments are built in Dublin and rural towns which fail to provide sufficient green space and recreational areas for younger people. We are also confronted with the problem that parents are afraid to let their children out on the street and want to know where they are at all times. This is due to many issues which have emerged in recent years. The way to counteract these problems is to ensure we provide national sporting facilities which are safe, secure and state of the art.

There has been a significant increase in spending on sporting facilities in the last years. However, there have also been concurrent significant increases in the cost of providing such facilities. An example is the often mentioned Bertie bowl with which the Chair's colleague, the Minister for Justice, Equality and Law Reform, was very preoccupied in the run-up to the last general election.

Acting Chairman (Mr. Dardis): The Senator should not refer to the Chair in a party political sense.

Mr. J. Phelan: I apologise. I refer to Senator Brennan's colleague, the Minister for Justice, Equality and Law Reform, who, in the run-up to the last general election, used highly emotive terms in reference to the building of the Bertie bowl. Despite his choice of language, much of what he said was correct. A great deal of money was spent in Abbotstown which will bear no fruit. The millions of euro involved would have accomplished a great deal for sporting bodies and

[Mr. J. Phelan.]

community groups in Dublin and elsewhere had they been invested otherwise. The Government should learn a lesson from this significant waste of money.

Senator Kitt referred to the provision of sporting facilities in regional towns. In most towns, the GAA is the single most significant provider of facilities for the playing of field sports. I am proud of the fact that Nolan Park in Kilkenny is now a 30,000 capacity stadium which has been developed through the hard work of local GAA members and the foresight of those who run the county board. It is a credit to them and the ordinary members of the organisation in the county.

An emotive issue in County Kilkenny recently was that of playgrounds. While it may not relate specifically to national sporting facilities the provision of playground facilities for younger children has not been up to standard over the past ten or 15 years. In a recent survey, County Kilkenny was found to have no council-provided or council-supported playgrounds. While commitments have been given that this will change, it is a fairly damning statistic. There are not enough playgrounds to encourage toddlers and slightly older children to get active with a view to becoming sports people in later life.

In recent years a good deal of money has been spent and I question the value for money aspect of many schemes. We have seen examples in certain parts of the country of clubs with limited numbers of members being allocated vast sums of money. There is a need for a review of how resources are allocated.

Senator Kitt referred to projects that fall just outside the funding requirement for a particular tranche and have to reapply. Where a project is close to qualifying in one round of funding, it does not make sense that the same application would have to be resubmitted a few months later. Those applications could be carried over to the next round of funding to be announced, thus alleviating much of the duplication that occurs in the system.

I conclude with an example given by a resource teacher in a small part of south Kilkenny, close to Waterford City, called Slieverue, which is often referred to because Waterford City council is continually trying to seek a boundary extension into County Kilkenny.

Mr. Cummins: Perhaps we will get it yet.

Mr. J. Phelan: Not an inch. I spoke with the resource teacher in Slieverue who, during the week, was supervising one of the breaks in the yard. The schoolyard consists of a basketball court and a small amount of ground around the edge. There were three soccer matches and a basketball match taking place at the same time in that basketball court in Slieverue national school which caters for 300 or 400 pupils. I agree wholeheartedly with Senator O'Toole who emphasised the necessity to provide facilities for schools

throughout the country. Special emphasis should be placed on the provision of sporting facilities in primary schools whether it is extra ground for a soccer or hurling pitch or a multipurpose room that allows for PE indoors. This is a facility in which the Government should invest as there is much to be gained in terms of improvements in people's health etc.

Mr. Kenneally: I welcome my good friend the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, back to the House. I am glad of the opportunity to participate in the debate. It would be impossible to speak about sporting facilities in Ireland without raising the vexed question of Croke Park. I am not going to tell the GAA what it should or should not do — that is not my business — but, like most, I have a view on it and am as entitled to my opinion as anybody else. My view is that Croke Park should be opened up. I know the Cathaoirleach would disagree with me on that but we will have to agree to disagree.

An Cathaoirleach: I need not say it.

Mr. Kenneally: The Cathaoirleach does not have to say it, as he has already said so. A few years ago I recall a game of American football in Croke Park and games cannot get more foreign than that. Therefore a precedent has already been set for those type of games being played there. It will be detrimental if an Irish soccer team or an Irish rugby team has to play abroad because no grounds are available in Ireland; that will be a sad day. If the GAA were in a position at that time to provide the facilities and did not, it could be a PR disaster. One wonders why anybody should help the FAI when one sees the mess that organisation is in. Another chief executive has resigned today after 17 months and the previous person did not last too long. It changes its chief executives more often than Fine Gael changes its leader.

Mr. Cummins: Very good.

Mr. Kenneally: What is going on over there is ridiculous and one wonders why one should help such an organisation.

Mr. U. Burke: The Senator is coming back into his own again.

Mr. Kenneally: Somebody rightly made the comment that the GAA is an amateur organisation run by professionals and the FAI is a professional organisation run by amateurs. That was proved today. In light of what happened in Lansdowne Road, I was a strong advocate of the Abbotstown project and I was disappointed when it did not proceed. While the stadium aspect is not going ahead the National Aquatic Centre is completed and many other sports facilities are being developed there. I regret the Lansdowne Road Stadium project will take so long but I realise there are difficulties with planning and so

on. I wish we could make a decision, get on with the work and put the facility in place but, obviously, there will be delays and appeals and there is nothing we can do about that.

One of the great successes in recent years is the capital sports grants programme because of the amount of money the Minister has to expend, which has been increasing substantially. I remember when it commenced as will many other Members. At that time it was under the Department of the Environment, Heritage and Local Government. The amounts allocated to various organisations ranged from £3,000 to £10,000. The amounts were small but the organisations were delighted to get the money because no other similar source of funding was available to them. We moved on from there when it was realised that substantial funding was required if the proper facilities were to be put in place and significant funding is now being provided.

There are now proper facilities in practically every parish in Ireland. When I played sport, I remember changing in ditches and under trees whether it was freezing cold or raining. Whenever I remind my son of that he only laughs at me but that was the reality. I played a good deal of basketball but a proper hall with the correct dimensions was not available to us. That was true not only of Waterford but of everywhere but today facilities have improved enormously. If we get our young people to play sport they are less likely to become involved in antisocial behaviour, with which anyone who has been involved with running teams will agree.

I am not sure of the status of the so-called "sunset clause" introduced some years ago, whereby the money for projects which did not proceed as planned was withdrawn. Will the Minister clarify the position in that regard? Discipline must be introduced to the system. If a body is allocated money, it must be spent within the time specified, otherwise it should be taken back and reallocated to the myriad organisations which would be delighted to get their hands on it.

Greater priority should be given to organisations located in RAPID areas. If we are serious about tackling the problems in such areas we must provide as much help and support as possible. The sharing of facilities should also be prioritised by this scheme. In rural areas particularly, GAA and soccer clubs often fundraise for their different needs while community councils in the parishes simultaneously fundraise for multi-sports halls. The different fundraising groups tend to hit the same people over and over again, which is nonsensical. A system should be put in place to pool the resources of the community and priority attached thereto by the Department in the context of any applications. Soccer pitches and GAA pitches are different sizes and can be separate but there is no reason dressing rooms, showers, toilets and halls cannot be shared. I would like to see an emphasis placed on this, not only in rural areas but also in expanding urban areas in towns and cities which await new facilities.

Senator Cummins will agree with my delight that the Government's support of the Waterford regional sports centre to which €5.1 million has been allocated in recent years. Criticism was made earlier that the money had not begun to be spent. Nonetheless, it is a significant sum which will be used to support a number of clubs including soccer, athletics, basketball, badminton, tennis and so on. This is one example of where facilities are shared. While researching for this debate, I discovered that this practice has occurred in Dublin. For example, Templeogue United and St. Jude's GAA club received a grant to provide a shared all-weather playing facility. That is the way in which we should proceed and such a practice should be encouraged and accorded priority.

Horse and greyhound racing are sports close to the Minister's heart in respect of which facilities have improved tremendously in recent years. For example, the horseracing track in Tramore has developed considerably. Although this small track is not on the scale of the Curragh and Leopardstown, it is nonetheless marvellous that such facilities are developing. The Minister appeared to have some success the night he visited Waterford greyhound stadium in which fabulous facilities for dining out are provided. People do not even have to leave their seats to place a bet. Although I am not a great fan of greyhound racing, I attended the track recently with a regular patron. When he looked around, every table was full and he informed me that he could not see a single regular greyhound meeting patron. The facilities are encouraging more people to attend such meetings.

Sometimes it is shortsighted to criticise the grant aid which is made available in these areas because the horse racing and greyhound racing industries support a huge number of jobs. I commend their work and compliment the Minister on improving sporting facilities throughout the country. I hope this momentum will be maintained.

Mr. Cummins: I wish to share time with Senator Ulick Burke.

An Cathaoirleach: Is that agreed? Agreed.

Mr. Cummins: I welcome the Minister to the House. The Government's policy in respect of the provision of sporting facilities in recent years is a shambles, which fact everyone recognises in cases such as the Bertie bowl, Abbotstown and so on. The amount of money spent on consultants, land purchase and so on is appalling as many local sporting facilities could have been provided with the wasted money.

I will not criticise the GAA for not allowing Croke Park to be used for other sports because it will happen in time. Moreover, I compliment the reasoned leadership shown by the GAA president. I hope the GAA decides to allow the stadium to be used, otherwise, when national teams play soccer or rugby they could be forced to play their games outside the country, which

[Mr. Cummins.]

would be a crying shame. I agree with Senator Kenneally that such a situation would not make for good PR for the GAA.

I am happy that the FAI and IRFU have now decided to undertake the necessary redevelopment of Lansdowne Road with Government assistance. If the FAI had been allowed to proceed with Eircom Park, it would have been up and running as a viable proposition at this stage. However, because of all the promises made about Abbotstown, the association did not proceed. As a former president of the schoolboys and youth committees of the FAI, it saddens me to see the state of the organisation after today's announcement. There appears to be more politics within the organisation than exists in this House at times. The association needs to get its act together and I hope that happens sooner rather than later because people's patience is beginning to wear thin.

Quite a sum of money has been made available in recent years for local facilities for which I commend the Minister. Senator Kenneally referred to the sports centre in Waterford, to which a sizeable grant has been allocated. However, the local authority must also come up with a few million euro. Facilities are shared between soccer, GAA, pitch and putt, a multipurpose sports hall, tennis courts and so on and are provided by the local authority for all sections of the community. Where local authorities provide such shared facilities, almost the entire grant should be made available to allow them to get on with their business and put in place necessary projects for all the people. There is too much bureaucracy involved in the allocation of grants to local sports clubs and I hope it will be reduced in some way. Obviously, from the Department's point of view, there must be transparency, openness and accountability.

We must all aspire to promote sports of all codes. Sports organisations, particularly those working with children at local level, and schools are to be complimented. We can all talk about the national organisations but the people working with young people and marking the pitches are the unsung heroes and we should assist them in every possible way through the provision of grant aid for their local clubs and facilities.

Mr. U. Burke: I thank Senator Cummins for sharing his time and I welcome the Minister to the House. Having listened to the debate so far, it is clear that there are two dominant views. The first concerns the provision of sports facilities at national and international levels, and the other concerns their provision at community level. The greatest and most important aspect of sport is participation. It is important to have the widest possible participation at community level.

Over the years, many fine community buildings and complexes were provided at community level, both in urban and rural areas. The funding was largely raised by communities themselves

and coupled with lottery funding supplied by various Ministers. The majority of these facilities are lying idle or are under-utilised, not because of a lack of interest in their utilisation but because of prohibitive insurance rates demanded by companies to provide cover for the trustees. The people lumbered with trusteeship of sports facilities cannot risk being uninsured because of the personal nature of the risk. The Minister should consider making grant aid available to pay insurance costs so community facilities could be made available at local level to various sports organisations and young people, be they from national or second level schools, bearing in mind that many national schools, and perhaps some second level schools, do not have any gym facilities except for a short period during the summer months. If this were done, many people would have far greater access to sports facilities.

The GAA has been mentioned more than any other sports organisation. It has provided facilities at national and community levels and is to be commended for doing so. Without its having done so, many children and adults who participate in our national games would not have sports facilities. Resources have been diverted downwards to provide facilities that did not exist some years ago.

It is a terrible tragedy that the Department of Education and Science did not spend the money that was available to it. If part of that money had been spent on the provision of facilities at national school level as part of a combined or group effort, younger people would have much greater access to sports facilities.

The Minister, as a former Minister for Justice, Equality and Law Reform, will realise that crime can occur if young people do not have the opportunity to vent their energies through participation in some sport or activity other than lying around waiting for something to happen.

Mr. Dardis: There is nothing new in recognising the value of sport in society. The Romans used the phrase "*mens sano in corpore sano*", a healthy mind in a healthy body. This is as true today as it was when first used and maybe even more so. It is important that young people and adults play some kind of sport and this is why all sports should be promoted by the Government. There is an important health dimension to be considered and this has been recognised by successive Governments, including the current one.

Senator John Paul Phelan made an important statement on the provision of playgrounds. Over the course of several years, I engaged in a campaign in Kildare County Council to expand the provision of playgrounds. Some have been provided but county councils in general have been very lackadaisical in this respect. I encountered all sorts of excuses for not doing a job that should be done, including the cost of insurance.

We can compete at the very highest levels internationally in many sports. We do so successfully in golf, racing and other equestrian sports,

rugby, cycling, soccer and even angling, which I regard as a sport. One of the great success stories, which many sports organisations could consider with a view to furthering their own activities, concerns the provision of facilities at greyhound racing tracks. It was achieved very simply through the provision of a basic model at each track. In other words, the facilities are very similar at many of the tracks and the size tends to be the same everywhere. Sports organisations should learn that a standard plan can be implemented at all facilities. Everyone involved in the greyhound racing developments has done a wonderful job. The chairman and Minister must be congratulated. It is a model for other sports.

During the summer there was much talk about the Olympics. I noted almost daily that RTE correspondents were almost disappointed if there was not another failure about which to complain. It must be said that those who get to the Olympics achieve a remarkable goal and are among the world's elite, yet we are disappointed if they do not win a gold medal. I suppose this says something about our expectations. It is wonderful if one of our athletes gets to the Olympics and I know the Olympic Council of Ireland and the Minister are working to this end, but we need to have a sense of proportion.

The almost daily announcements on RTE about the failures of our athletes occurred because it had built them up in the first place. This is unfair on the athletes and everybody associated with them. Some of the greatest athletes in the world became such by running up and down sand dunes in New Zealand, for example. They did not need stadia or facilities. Bearing this in mind, consider the Ethiopians and what one Christian Brother was able to do with athletes in Kenya.

I agree with Senators Ryan and Mansergh that people are too liberal in telling the GAA what it should do. We should not tell it what to do but we are entitled to have a view. It is up to the organisation to make its own decisions but it would be marvellous to see Ireland stuff England in rugby in Croke Park. Even Michael Cusack would get up and applaud it. That is what I want to see. It would be most unfortunate if an Irish team were forced to play in Cardiff during the reconstruction of Lansdowne Road, not only from the sporting point of view but also from the financial point of view.

National Car Testing Service: Motion.

Mr. P. Burke: I move:

That Seanad Éireann

acknowledges the widespread public concern relating to the operation of the national car testing system since it was introduced in January 2002;

believes that it is now time, mid way through the life of the existing NCT contract to re-examine the operation of this contract;

notes that there is an unequal distribution of testing centres nationally, with only three out of 43 NCT centres based in Dublin, despite having one-third of all registered cars in the State;

notes also that there is only one provider of the NCT service; resulting in unnecessary bureaucracy and lengthy delays for those waiting to avail of car testing services;

calls for a greater ease of access and a greater choice of service providers of the National Car Testing Service for Irish motorists than is currently available; and

calls for the introduction of greater competition into the car testing market by permitting State licensed garages to operate the NCT for fixed periods.

I welcome the Minister of State to the House and wish him well in his Ministry. I also welcome the opportunity to speak on this important motion. I hope there will be a good debate. Given that one in two cars fails the NCT test, I also hope the Minister of State will accept all or part of the motion. I am disappointed at the Government's attitude in proposing an amendment because it is an issue which is discussed in every pub and church ground throughout the country.

The motion has at its core a motivation to improve the current national car testing system. The NCT system is a valuable and worthwhile service, which has done much to improve the condition of cars on our roads. From an environmental perspective, it plays a significant role in regulating car emissions and has contributed significantly in helping to reduce the level of toxic emissions. The mere existence of the test has encouraged the motoring industry to strive to manufacture emission-reducing cars.

However, whether one supports or rejects the need for the NCT, its existence is premised on the need to fulfil an EU directive which compels Ireland to have a national car testing system. Fine Gael totally supports the necessity for a car testing service but we are unhappy with the way the service currently operates. In this regard, the decision to table the motion does not come from a party political perspective but is an attempt to articulate the concerns held by the public in connection with the existing car testing system. We are attempting to come up with a worthwhile solution which will alleviate the public's concerns.

Each week I and my colleagues in Fine Gael receive countless complaints from all corners of Ireland about the existing car testing service. I am sure Fine Gael is not alone in this regard and that Members from all parties, and non-party Members, can testify to being made aware of the significant public dissatisfaction through the numerous representations and correspondence they have received from constituents. The most obvious concern has been the failure rate. The latter appears too high and I make no bones about saying so. One in two cars fails the test.

[Mr. P. Burke.]

When this service first began in 2000, it was stipulated that pre-1992 cars should be tested. Given their age, when such cars were subject to testing it was likely and credible that the rate of failure would be high. In more recent years cars presenting for testing have been newer and are often only four years old, but instead of the failure rate reducing, the rate has crept higher. This makes no sense.

There is no doubt that the number of older cars on our roads has fallen dramatically. All one needs to do to confirm this is to look around and see that the majority of cars on our roads have a 00 to 04 registration. One reason for this is the growth in prosperity which has allowed people to upgrade their cars or purchase new ones more often. A further reason is the car test and the fear that older cars will fail it, which has made older second-hand cars less attractive to potential buyers. The scrappage package brought in some years ago by former Minister, Deputy Quinn, also assisted in the reduction in the number of older cars.

When all these factors are considered, the failure rate in the car test makes no sense. In 2001, 35% of cars failed the test. Up to 2004, 50% of all cars presented for the test failed. The figures do not add up. I have been told that 90% of cars pass on their second test. However, it is still worrying to know that one in ten of all cars nationally is subjected to third or subsequent tests. The most valid comparison we can make is with our counterparts in Northern Ireland where almost 80% of all cars tested pass first time. I see no reason we cannot achieve similar rates.

Our high failure rate needs to be explained. The big problem is the damage inflicted on public confidence in the system. Public suspicion and anger towards the service have festered. To be fair to the public, it initially embraced the idea of a car testing service in a fair and open-minded way. However, the public mood has waned. Now, most people have tales of dissatisfaction. We have all heard stories about the car that was fully pre-checked but still failed. We have heard about the car that failed in one test lane but passed in another in the same testing centre and the tale of the motorist who did everything bar seeking divine intervention, but still failed. The net effect of the high failure rate has been to cause many people to lose faith in the system while the worst result is the enormous financial burden placed on the motorist, a car test fee of just under €50 and a pre-test fee of €27. This is just the tip of the iceberg.

Many people purchase a package from their local garage known as a pre-NCT check. This service can cost approximately €100 and is offered by a number of garages around the country. Mechanics check the same areas tested by the NCT testers to identify problems which could be used by testers to fail the motorist. The service is expensive, but if the garage mechanic spots problems, the motorist may end up paying more to

have the faults repaired. Last week my Fine Gael colleague, Deputy Olivia Mitchell, received a complaint from a motorist who paid €100 for a pre-NCT test, €400 to have the problem discovered fixed and then failed the NCT test. The motorist then paid a further €100 to have the problem fixed and took another NCT test and failed again. He is now over €600 out of pocket and no further on.

The Fine Gael motion attempts to find a solution to some of these problems. It identifies and addresses a central difficulty, namely, the uneven distribution of testing centres nationally. This problem concerns the Dublin area in particular and also my area, County Mayo, a vast county where some people must travel 50 or 60 miles to a test centre. Dublin, despite having one third of the number of cars registered in the country, only has three test centres. The problem must be addressed in order to give Dublin residents greater access to and availability of test centres.

This motion proposes a radical change in the current structure of the car testing service. Fine Gael calls for a move away from the current system whereby the contract for the car testing service is awarded to one private operator who centralises the service in a number of privately operated test centres to a system that mirrors the UK model. In the United Kingdom garages receive, following on from a set of terms and conditions, licences to run, operate and provide national car testing services. Opting for this style of car testing would provide motorists with greater choice, flexibility and availability. Although the Department of Transport awards the contract, the current system is, by and large, far removed from the Department as all auditing of the operation and functioning of the contract are carried out externally and removed from the Department and its officials. This is not the route to take. It is time for a change.

In the United Kingdom over 18,000 garages offer the car testing service. They are monitored and instructed by the vehicle inspectorate. Arguably, this might not have been possible in Ireland before now. However, forthcoming legislative changes provide the Government with the ability to take more direct control over the functioning of the car testing service. The Driver Testing and Standards Authority Bill 2004, currently on Second Stage in the Dáil, proposes to establish a new agency to regulate the driving test system, driving instructors and vehicle registration. The latter aspect is important as it allows the Department of Transport to reclaim supervision of the car testing service through the new authority. With the new authority supervising the national car testing service, there is no reason we could not make the move to allowing licensed garages to provide such services.

The Department of Transport has promised a mid-term review of the NCT service which will take place in 2005. We welcome that review. The Minister has indicated that this process will include a public consultation phase. I hope this

will not just involve an advertisement being placed in local newspapers, but that a proper consultative process will be put in place around the country. Valid reasons for change should be taken on board and current difficulties faced by people should be considered in the process. I welcome the process which is to be in place in January.

I do not have time to outline some issues, but I will use the time I have for summing up later to further the cause of this motion. I hope the Minister takes this motion on board. I see no reason for an amendment to it and hope we can agree on this tonight.

Mr. Finucane: I second the motion. As the Minister is aware, an active lobby has emanated from County Limerick as a result of frustration with regard to this issue. I participated in a parade to the local driving test centre in Abbeyfeale and I understand that several other marches have also taken place and have been successful in highlighting the issue.

The issue was taken up as a result of extreme frustration with regard to the NCT test, in particular the high failure rate. In many cases people were bitter and annoyed because of being failed on basic matters such as number plates. A number plate might be dirty or the name of the county in Irish might not appear on it. The number plate requirements are not NCT regulations. They have been laid down by the Revenue Commissioners. I often wonder if this has been made clear to motorists undergoing the test.

Motorists have been failed on petty issues. Everyone I know who goes for the national car test first takes his or her car for a full comprehensive service, which can cost between €300 and €600, or more if the car needs major repairs. Having expended that amount of money and gone through a preparatory NCT, it is extremely frustrating to be turned down. NCT preparatory work can cost as much as €60 in a garage. We all know motoring is very expensive.

The national car test was introduced in 2000 and the contract was granted for ten years. Many people perceive the NCT as a monopoly. The Minister of State will say there was competition, tenders were evaluated and the contract was granted to a single operator. That operator has had the contract for five years and it is due for review next year. The Minister will then hear various observations and he will discover the extreme frustration of motorists. Many people see the NCT as a money making racket.

Mr. B. Hayes: Hear, hear.

Mr. Finucane: In its four years of operation, the NCT failure rate has risen every year. In 2001, 62% of cars passed the test first time. In 2002, 53% of cars passed first time. In 2003, 52% passed first time and in 2004 the figure was 51%. As the objective of the NCT is to improve

car safety, one would have anticipated a reduction in the failure rate over four years rather than an increase. Earlier tests result sheets contained a column headed "Fail Advisory". In 2003 the "Fail Advisory" column disappeared and cars either passed or failed on the various aspects of the test. This is why the failure rate has risen.

Has the Minister of State ever heard a coroner state that a road fatality occurred because the Irish language did not appear on a car number plate? It is ridiculous to fail a car on that point. In only 1% of cases can a car accident be attributed to safety factors. We are all in favour of safety elements in cars but in this case pettiness has gone daft.

When the Minister reviews the NCT next year he should contrast our system with that in the United Kingdom. In Great Britain and Northern Ireland, designated garages are licensed to administer the equivalent test. Their success rate is higher than ours. In Northern Ireland, 78% of cars pass first time round and only 22% require a retest. In Ireland, in 2004, 49% of cars required a retest. In many cases in Northern Ireland and Great Britain a tester will give a motorist a chance to do a retest without an extra charge if it is done in a short period of time. Many such free retests involve aspects of the test which used be covered by the fail advisory which is now not available. In Northern Ireland there are approximately 30 aspects of the test where a car can pass even though minor adjustments are required.

Last June's European and local elections showed that the electorate is fed up with the layers of petty regulations. They are told they must not do this, that or the other. Their cars must pass minor tests. The windscreen washer must be full of water and working correctly and there must be no deviation in the foot pedals. People are sick and tired of this .

Mr. B. Hayes: Hear, hear.

Mr. Finucane: Motorists have the added burden of motoring costs. According to Automobile Association figures, it now costs €10,383 to run a small family car for a year. Road tax for a 1.8 litre car is just under €500. The same Revenue Commission which dictates that number plates must include Irish charges €500 in tax. Insurance for a 30 year old male driver is approximately €1,000 while in Britain the equivalent figure is approximately €650. When one considers these burdens and motoring charges, one can appreciate the level of frustration felt by motorists.

The Minister has a chance to look at this problem objectively when he reviews the contract next year. He must be fair to the motorist. He should analyse the British system. If the system is working in Northern Ireland and has a better success rate we should pick from their ideas and modify them in order to be fairer to the motorists who are doing the test.

Mr. Dooley: I move amendment No. 1:

To delete all the words after “that” and substitute the following:

Seanad Éireann

notes that the contract between the Minister and the National Car Testing Service, NCTS, requires NCTS to meet specified performance standards with respect to premises, test equipment, staff, test arrangements, facilities management, information technology, customer service and public information;

notes that failure to meet the specified performance standards renders the company liable to substantial financial penalties;

acknowledges that the company has not been liable to any such penalty since testing commenced on 4 January 2000;

acknowledges that NCTS's consistent good standards of customer service are evidenced by the results of independent surveys of NCTS customers;

notes that at the Minister's insistence the contract signed by the Minister and NCTS in December 1998 provides for a mid-term review of the car testing operations by the Minister;

acknowledges the Minister's intention to carry out a detailed examination of all aspects of the service as part of the mid-term review;

notes that a public consultation process will be an integral part of the mid-term review commencing in January 2005;

recognises the Minister's commitment to oversee the implementation of any changes identified as worthwhile in the mid-term review;

acknowledges that the standards of service, including waiting times for test appointments and for tests and retests in the Dublin area compare favourably with those enjoyed by NCTS customers elsewhere in the country and further acknowledges that Dublin test centres are strategically located so that car owners have ready access via a modern road network to high volume purpose-built facilities that deliver the customer service and other performance standards set out for NCTS in the contract with the Minister;

notes that in 1996, the then Government determined that a single contractor was the most appropriate form of service provider to carry out car testing in Ireland and notes additionally that that decision was well grounded by reference to subsequent experience of the NCTS with respect to

test integrity, best practice and value for money;

registers that the distribution of testing centres through the country that results in over 90% of car owners driving no more than 30 miles to their nearest centre, strikes a fair balance between customer convenience and the amount of the test fee, while leaving customers free to decide at which test centre to have their cars tested;

recognising:

that competition in car testing would be meaningful only on the basis of differentiated test fees or testing standards;

that variations in testing standards would constitute a substantive road safety risk and;

that competitive pressure for test fee variations would place unsustainable pressure on testing standards;

acknowledges that a single contractor appointed on foot of an international competition run in accordance with EU procurement law to test cars to a common set of performance standards is the most cost effective service delivery model for car testing at the present time and;

acknowledges the company's ongoing commitments to delivering the car testing service to the highest standards of test integrity and customer service, while making important contributions to road safety, to environmental protection and to the economy locally and nationally.

I welcome the Minister of State, Deputy Callely, to the House. This is his first visit to the House in his new role of Minister of State at the Department of Transport. If he brings the same level of enthusiasm and vigour to this job as to his previous Ministry we will expect great things of him.

It is important to reflect on some of the points raised by Opposition Members. The national car test was introduced in order to implement the requirements of an EU directive. That is why the NCT system was put in place. National Car Testing Service Limited was awarded a contract to test cars on behalf of the State for a period of ten years from January 2000.

The Private Members' motion makes reference to the widespread public concern relating to the national car testing system. While issues have been raised with regard to the system, I am concerned that charges might be made against the company because I believe it is doing its job as set out in the contract agreed with the Government. I am surprised by some of the comments made by Members and by the text of the motion.

As Senator Finucane has said, there is concern regarding the move from fail advisory to fail. Much of this concern results from the way the system was established from the beginning. A series of issues surrounding the feasibility of car testing was identified and those which were critical were introduced immediately. A change in driving culture was encouraged and the need to assist people in accepting the move to the new testing procedure was recognised at the outset. It was decided that certain elements would be phased in over two or three years. People are aware of that and its success has been borne out in many cases.

Senator Finucane referred to the 50% failure rate. I know of many people who no longer take their cars for the pre-test. They are more likely to take the NCT and to let the NCT people identify the problems which need resolution. They find this a cheaper method of identifying their cars' problems and they can then go to a garage and have the work completed in line with the findings of the NCT service.

It is clear that may be one of the reasons for the higher failure rate. I would raise question marks about the lack of consistency in some of the pre-NCT tests that are being undertaken by garages. It raises more questions about the garage that carries out the pre-NCT test than it does about the people operating the NCT centres.

The motion refers to allowing a series of garages to provide the NCT test. Given the concern about the lack of consistency, there is potential for a uniform approach to the test. Without such uniformity, the system will collapse. We have regularly debated the lack of consistency in the planning process because planners are allowed to make individual decisions. If we moved away from the current model and delegated responsibility to local garages in order to make it easier for people to do the NCT test, I would be concerned about a loss of consistency. There would be no benchmark against which to operate.

Road safety was a critical part of the NCT's introduction. It was the primary driver behind the EU directive which set the car testing process in train. Many of us are regularly on our feet in the House talking about a weekend of carnage on the roads. We must concentrate on identifying better testing methods in garages which must have the necessary technology to ensure they are properly qualified to operate pre-NCT tests. We must focus our attention on the garages' capabilities in this regard. During the week I had to deal with two car headlights which had blown. I called into a well recognised garage to get the bulbs replaced but the service was appalling.

Mr. B. Hayes: At least the Senator could take his car elsewhere. There is no competition with the NCT.

Acting Chairman (Dr. Henry): Please allow Senator Dooley to continue without interruption.

Mr. Dooley: There is a difficulty with competition in terms of the benchmarking of a service. It took a young fellow about three quarters of an hour to change two bulbs. My concern is that garages are offering a service described as a pre-NCT that will solve all problems. A driver may pay a fixed fee of €100, €150 or €200 for an overall inspection and if there is anything seriously wrong he or she must pay extra. That is what is infuriating so many motorists who pay a garage but then fail the NCT test. It is a reflection on garages who are not offering a genuine service to customers. It is natural for drivers to become infuriated if they are going to and from a garage after failing the NCT. I am concerned about those who are supposed to be resolving the issues but are not doing so. Let us not shoot the messenger. As far as I am concerned, the messengers are those who are carrying out the NCT. The idea of competition in this regard is completely hair-brained. If two people are to compete as a regulatory authority, will we establish competition in the Food Safety Authority? Will we set up different branches or competitive environments within the regulatory sector? That would be outrageous

Mr. Bannon: Fianna Fáil is brilliant at setting up committees. There are 120 in the area health boards alone.

Mr. Dooley: We know what Senator Bannon would do if he was involved but we will not get into that.

Acting Chairman: Senator Dooley without interruption.

Mr. Bannon: They forget about putting the patients first.

Mr. Dooley: He would have us all back in an ass and cart but we will not worry about that.

Mr. Bannon: It is the same with cars.

Mr. Dooley: Customer service is an essential part of this issue.

Mr. B. Hayes: Senator Dooley is in favour of a Soviet-style approach — a command-type economy.

Mr. Dooley: Yes, command and control. Customer service and customer satisfaction are essential to the NCT service and that is required by the contract. The NCT has a customer service charter and operates an appeals procedure for dealing with customer complaints.

Mr. B. Hayes: God almighty. To whom can one complain?

Mr. Dooley: The level of complaints is small relative to the volume of cars tested. Like other Senators, constituents have regularly brought complaints to my office or have contacted me by

[Mr. Dooley.]

telephone. However, when one teases out the problem, they are not complaining about the service delivered by the NCT but about the fact that their cars failed when they thought everything was in order. That is a reflection on the person who told them everything was in order.

Senator Finucane raised some issues that were dealt with by the Minister in the past. One case concerned whether the colour of a bulb was orange or red. We need to examine such cases. I look forward to the Minister's review which will tighten up such procedures. The Minister has indicated clearly that there will be public consultation on this matter. It would be useful for the Joint Committee on Transport, of which the Leas-Chathaoirleach and I are members, to carry out some hearings on the NCT system. We could invite people with specific ideas to appear before the committee, thus ensuring a proper debate on the matter.

Mr. Norris: I welcome the Minister of State to the House. I also welcome the introduction of the national car test system which is very important I can see its merits increasingly as I have another little house in Cyprus, which has just joined the European Union. The condition of vehicles there is appalling. They never seem to service them because black diesel smoke pours out, even from fairly modern vehicles. One would need a gas mask to survive some of the older vehicles, particularly those used during the wine harvest. One can see the effect of widespread pollution on the island. It is more or less the way we were 15 or 20 years ago. I used to see the same old battered vehicles belching out smoke. It is financially painful to deal with this matter because people must ensure their vehicles are up to scratch but it is a good thing.

I take it there is no parallel to the national car test for commercial vehicles, specifically buses. I would be interested to know if there is because, if so, I do not know how any bus manages to pass it. It is about time such a test was introduced. Bus Éireann's vehicles are bad enough but the hackney buses that go around with tourists aboard, including tour buses and ghost bus, are old, cranked out CIE jobs that have been off-loaded by Dublin Bus. Many of them cause serious pollution. If we are serious about the impact of vehicles on the environment those buses should be taken in for testing, as should other commercial vehicles. Many commercial vehicles produce a great deal of dangerous and unpleasant emissions. I am not sure to what extent they are tested. If they are being tested, the system is most certainly not working. Any observant person going around the city of Dublin could testify to that fact.

Senator Dooley made a good, constructive speech but there was one point with which I did not agree. That was the idea that if people ask a garage to check their car before the NCT, it is a reflection on the garage if the car fails. That is

not always the case, however. I have a very good fellow who looks after my car.

Mr. Dooley: Can the Senator give me his number?

Mr. Norris: I will but he specialises in Jaguars. My Jaguar is a very old one that I got for next to nothing.

Mr. Dooley: So is my Cortina.

Mr. Norris: I can put the Senator in touch with him, however. He will sell the Senator a car first and will then service it for him. The last time I went for the NCT my car was not a total failure but it did not pass first time. The reason was there was a small rubber nipple less than a quarter of an inch in diameter missing from underneath the back seat of the car.

Mr. Dooley: How would it get lost?

Mr. Norris: I do not believe I could blame my serviceman for not finding that problem. While it seemed niggling, perhaps NCTS was right. I have found the staff at the car test centres to be very courteous and helpful. I spoke to the tester and suggested it seemed to be pretty pettifogging. He told me that theoretically exhaust fumes could come into the car and gas me, which seems pretty unrealistic. I am merely making the point that it is not always the garage's fault. Some of the criteria used are very petty.

Mr. B. Hayes: Yes.

Mr. Norris: On Joe Duffy's radio programme I heard about somebody whose car had failed the test because the "L" learner's notice on the back window was deemed to have been made of the wrong material — the driver had made it himself. I do not believe that is a threat to anybody's safety. The test should be focused on issues of safety.

I put my cards on the table and I make no apologies in saying I have a vested interest in this matter as it happened to me. When I bought my lovely old Jaguar motorcar for €500, I discovered the previous owner had neglected to have it tested. When I had it tested it was passed as being mechanically competent for two years but I only got a certificate for six months, which punished me. This is not fair and bears no relationship to the safety issue or the responsibility of the owner of the car. As all owners are now registered, if the authorities want to go after anybody they should go after the previous owner of the car. It is not my fault that the fellow did not have it tested. Perhaps I should have checked; I do not know. However, this is not just and is stupid. It is a waste of everybody's time to retest the car after six months when NCTS knows perfectly well that it is safe for two years.

Mr. B. Hayes: It is about money.

Mr. Norris: My cynical friends on the same side of the House are making rubbing gestures with forefinger and thumb suggesting it is about money. I would hate to think that was the case. Some of the reasons for failure are just niggling and sometimes do not reflect the safety issue and the welfare of people on the road. If a car is tested and found to be roadworthy it should be deemed to be roadworthy for the two years. There is no point in punishing the person who buys a second-hand car; it is simply not fair or just. I have also made the point about buses and lorries. Car testing is a very welcome development. I notice that 51% of cars passed up to September. While this is not a very impressive figure, when they were retested 90% of them passed, which is good and shows the system is working.

Mr. Wilson: I welcome the new Minister of State at the Department of Transport to the House. As Senator Dooley said earlier, if he is half as good in this Department as he was in his previous role we are in for a treat. I take the opportunity to congratulate the two Senators opposite me, Senator Paddy Burke and Senator Finucane, on their promotion to being spokesmen on transport.

Mr. B. Hayes: We are shuffling the team.

Mr. Wilson: It is because it is such an important area that Senator Dooley and I are spokespersons for our party. The national car test was introduced on 4 January 2000. Ireland was one of the last countries to comply with the EU directive, which made car testing compulsory in EU member states. The NCT is aimed primarily at improving road safety and enhancing environmental protection. National Car Testing Service is operating this service on behalf of the Government and is committed to providing the highest standards of customer service. The national car test is conducted at 43 purpose-built NCT centres nationwide. These are now open seven days a week in most areas.

Car testing was introduced in Ireland to improve road safety and environmental protection. Some people have asked why NCTS was selected as the company for the job. Like all State contracts a competitive tender process was undertaken by the then Minister for the Environment and Local Government and the contract for the development and operation of the new car testing service in Ireland was awarded to the NCTS, which submitted the lowest and best tender. Part of the contract between the Government and the company was for it to design and construct a fully integrated network of dedicated, purpose-built national car test centres around the country, which all have the same appearance regardless of location.

The testing system is computer-controlled and highly automated and provides maximum test security and accuracy. National car testing makes sense and despite what people say about it, it is

working and is of benefit to the whole country. Road safety improves as it tests the roadworthiness of motor vehicles and identifies any defects, such as faulty brakes, unbalanced wheels, worn tyres, faulty lights etc. These defects must be repaired and the car must pass a retest before the car owner will be issued with an NCT certificate. Some people have experienced considerable delays in getting a retest. This issue needs to be addressed and I ask the Minister of State to investigate the matter.

All of us who use the roads on a daily basis are reassured to know that the cars, which share the road with us, are safe and not a danger to ourselves or fellow drivers. The NCT is good for the environment. We all know that properly run and reliable cars have lower emissions and use less diesel or petrol, which are a source of air pollution producing a negative effect on the environment and public health.

Over the past year or so I am thankful we have seen a significant reduction in the cost of car insurance and the NCT has played its part in this. The NCT is also playing an important role in improving safety on our roads and I hope this will continue. Better-run cars will reduce breakdowns and other problems.

Specifically on the amendment tabled by the Leader, I believe the contract signed between the Minister and National Car Testing Service is a solid one. Specific safeguards have been put in place so that the company meets the standards the Government wants. These safeguards range from the quality of premises right through to the quality of customer service and staff. It is worth noting that if these standards are not met to the satisfaction of the Government, then the company will find itself liable for financial penalties. Since the commencement of the service in January 2000 the company has not been fined. I am happy in the knowledge that if the company is not doing its job it will be sanctioned. In January a mid-term review of the NCT service will commence with a public consultation process in which we the users of the NCT service will be able to outline our concerns on all aspects of the service.

The Fine Gael motion as laid out today is somewhat misguided and badly thought through.

Mr. B. Hayes: Only somewhat misguided.

Mr. Wilson: Fine Gael's call for competition in the car testing process is a bit like saying that we need competition in the area of speed cameras. It just does not make sense. The national car test is a vital part of the overall strategy to reduce accidents on our roads. Safer cars mean safer roads. We cannot have a variety of safety standards or it will descend into a farce. It is interesting to note that Fine Gael has done a spectacular U-turn on this subject. In 1996 the rainbow coalition decided that there should only be one contractor for the NCT.

Mr. B. Hayes: The Senator is wrong.

Mr. Wilson: According to the motion, Fine Gael want to turn its back on what it agreed back then.

Mr. B. Hayes: Will Senator Wilson admit the Government's mistakes?

Mr. Wilson: Absolutely.

Mr. B. Hayes: We are much more humble than Fianna Fáil.

Mr. Wilson: I am glad the Senator is admitting he was wrong then.

The delay in re-testing is unacceptable and must be addressed. I was also surprised to learn that someone without an NCT certificate can tax his car. If a person without a certificate cannot tax his car, it will make it more obvious to the authorities that he has not passed the NCT. Gardaí at checkpoints check the tax disc but they should also check the NCT certificate.

Recently I was told of a case where a taxi driver took his car through the NCT test for public service vehicles. Three months later he changed his mind about working in the taxi service and wanted to change the car back to a private vehicle. To my astonishment, that person had to undergo another NCT test to change from a public service vehicle to a private vehicle.

Mr. Bannon: The Senator should support the motion.

Mr. Wilson: I thank the Minister for attending this evening and wish him well in his job. I also thank the Opposition for tabling this motion.

Mr. Ryan: I welcome the Minister to the House. I tend to forget to do that and end up apologising afterwards. It is just my scatter-brained way of doing things.

The core of the issue is identified in the Government amendment to the motion that mentions the centres in Dublin. It takes some nerve to say that people in Dublin have, "ready access via a modern road network to high volume purpose-built facilities." It takes neck to pretend that it is easy to get from anywhere to anywhere in Dublin in its present, permanent traffic jam. I sometimes leave Cork at 6 a.m. to drive here and I have a pleasant journey until near Dublin. This modern car network conveying the citizens of Dublin effortlessly to the three NCT test centres is a figment of the Fianna Fáil Government imagination and bears no relationship to reality. The Dublin road network is an incoherent mess and will remain so for at least another ten years. It is not normally part of my brief to act as an advocate for Dublin. Senator Brian Hayes is more than capable of doing that and he would be upset if I stole a headline about it.

Mr. B. Hayes: I do not get upset after 5 p.m.

Mr. Ryan: NCT testing is like speed cameras and clamping for parking offences — they are all good ideas to which no one could sensibly take exception. The truth is, however, that in each case there has been an accumulation of anecdotal evidence of individuals in NCT services or clamping acting in a manner calculated to provoke outrage among the public.

I am at a loss to understand why a brand new car, public service vehicle or not, should need an NCT test before it can be used. Apart from the ludicrous situation mentioned by Senator Wilson, there is an entitlement to presume that a new car is safe. I was told by a taxi driver that a brand new Mercedes failed the emissions test at an NCT centre, and, when it was investigated, it was discovered the analytical equipment had not been cleaned for three months and the car passed once it had been cleaned. Small garage owners tell me they use the same analytical equipment as the NCT centres to test the emissions from customers' cars, which then go to those centres and fail the emissions test.

That leads me to believe that something is wrong, that the test centres need to generate volume and turnover to keep the revenue stream flowing. The NCT was introduced in the early days of the economic boom and there was an assumption about the future of car ownership that included provision for a larger proportion of older cars. The country then went on an orgy of car buying between 1997 and 2000, when huge numbers of cars were purchased. Was it then the case that the NCT was not getting enough business and had to introduce tighter standards? Things that were precautionary suddenly became reasons for failure — a bulb that was unaligned would lead to another €30 charge to have someone check it had been adjusted.

When I have had cars tested, the quality of customer service in NCT centres is very good. They are well run, clean and hospitable places. They contrast with my recent experience in a driving test centre where the largest sign displayed stated that there were no public toilets. The greatest irony about these driving test centres is that whoever accompanies the person being tested cannot wait for him or her in the centre. Provisional licence holders who are legally obliged not to drive on their own are tested in a centre where the person who is supposed to be with them cannot wait. The person cannot get into the car with the tester either so he or she is supposed to go for a walk or not come at all. The contrast between customer service in NCT centres and in a driving test centre is painful. Someone lost the plot and forgot customers are at the receiving end of this service.

The NCT service is looking for reasons to justify itself but I am unconvinced that many accidents have occurred because three year old cars were unsafe. I unequivocally accept that until the NCT was introduced, this State was awash with cars that should not have been allowed to drive in a field not to mention a main road but we have

totally changed the stock and quality of cars on the roads. We must ensure the NCT is not simply ratcheting up standards to keep the revenue stream flowing and is doing what it is supposed to — making sure cars are safe and environmentally clean. If they are insisting on standards in excess of that, they are not doing what they are supposed to do. Without too much enthusiasm, because the NCT centres do a reasonable job, I will support the motion.

Mr. B. Hayes: I am glad to speak on this motion and I welcome the Minister of State. I refer to the amendment to the motion, a Dead Sea scroll-type amendment, which came from the Department. The amendment notes, “that the contract between the Minister and the National Car Testing Service requires NCTS to meet specified performance standards.” It goes on to refer to a number of items. Who determines them? The Minister of State knows the last PricewaterhouseCoopers’ annual report published was for 2001. His Department has not published the 2002 and 2003 reports of independent auditors on the testing regime. Will the Minister of State give a commitment to publish them? What is the Department hiding? Why are these annual reports not in the public domain to allow him to make these fantastic assessments that the NCT’s performance is fascinating and customers are delighted with the service? Why has the Department not published the reports? The Minister of State should justify the nonsensical claims in the amendment by publishing the reports. He should give that commitment to the House as it would serve some useful purpose. The Minister of State’s predecessor published it in 2001 but it has not been published since. That is why the public is asking questions of us and of Members opposite concerning the operation of this licence.

Although he is not right about many things in life, Senator Wilson is right that we have changed our position on this issue. The rainbow Government took the wrong decision in respect of granting this licence to one operator. We made a mistake and if those on the other side of the House admitted mistakes on a continuous basis, politics would be in a much better state. I listened to Fianna Fáil’s Soviet-style spokesperson, Senator Dooley, who seems to think it is impossible to have competition in this area and to have other operators. The United Kingdom has had competition for years. Is anyone suggesting it is some type of basket case in terms of the cars that are on the road there, including Northern Ireland?

There is competition in many other types of public utilities. I think Senator O’Toole made that point on the Order of Business. We have given a licence to a public monopoly. That is bad public policy. We would not do it in other areas; we would not allow one operator to operate a service. Why is it the case in the performance of this important function, of which I am in favour? We need to revisit this issue and to adopt the type of approach in place in the United Kingdom. It

leads one to the conclusion that we need to reform this area, and I hope our motion will achieve that aim.

The test criteria should be adopted purely on safety considerations. When the initial test was put in place, if one failed in one area, one was told one did not have to resubmit one’s car but that it would have to be resolved by the time the next national car test was done two years later. Cars involved in accidents are not three or four year old cars; they are super-duper, high-speed cars which can reach 120 mph because of the non-sensical drivers behind the wheel. By and large, it is not older cars that are involved in accident. I have seen no evidence to date to point me in that direction.

I refer to the fail advisory system. That is a Government decision and has nothing to do with the franchisee in fairness to it. The Government continues to put more pressure on the consumer by ensuring new categories of items on which one’s car can be failed. That is the Government’s fault and we must respond to the concerns of people.

Will the Minister of State, who is a new one in the Department, consider abolishing the charge for a second or subsequent test? If one gets one’s car serviced and fails on a particular aspect, there should be no charge to come back two weeks or ten days later to have that aspect assessed again. A further charge is unfair and creates the impression that it is a financial racket. By and large, those with older cars are not wealthy people.

I should have declared a vested interest at the start of my contribution. My car, which has a 1998 registration, failed three months ago. The reason it failed was that there was a slight problem with the way one of the back wheels was put on. I appealed the decision to the company and said it was most unfair that I had to bring the car back one week later to show the wheel had been put on correctly. In the letter sent to me, my name was in different type to the body of the letter which led me to the conclusion that the company gets loads of these letters of complaint and that it simply inserts the name of the person on the letter and sends out a standardised reply. The reply I got did not deal with the complaint I made. One does not appeal to an independent third party but to the company — the only company, the Soviet-style monopoly Senator Dooley recommended to the House. We need to introduce some reform in this regard.

Mr. Dooley: If Senator Brian Hayes had the wheel on right, he would have been fine.

Mr. B. Hayes: There is a way forward. If there was some competition in the area, it would help greatly. We also need some transparency in the way this system works. There is little public confidence in it. I ask the Minister of State to give an assurance to publish the 2002 and 2003 reports rather than keeping them in the Department under lock and key.

Mr. O'Toole: I welcome the Minister of State and wish him well with his new responsibilities. He was quick off the mark in writing to all of us to outline his responsibilities and how he might help us.

Speaking very disinterestedly from a party political point of view, I think it was outrageous to amend the motion. I know Senator Dooley has a job to do and he does it very well but this is a most none-threatening motion. If there had not been an amendment to it, I would have said Fine Gael had gone soft in terms of the motion it tabled.

Mr. Dooley: We know the real motivation for it was Senator Brian Hayes's wheel.

Mr. O'Toole: Anecdotally, everybody could bear witness to the points Senator Brian Hayes made. There is not one of us who has not received a formal complaint from a driver or who has not met or knows somebody who has been through the system.

Everything about the car testing arrangement is quantifiable, measurable and recordable. Every day people get houses, boats and aeroplanes surveyed. People survey them and do an audit of the defects, the things that need correction or of the difficulties. They sign their name at the bottom of the audit and, like an auditor writing off on company accounts, their reputation is based on those facts and they are subject to checks themselves. There is no reason the car testing system should be organised in a monolithic way, as at present. There is nothing particularly wrong with it but there is no reason for it.

I pass the car testing area off the Ballymun exit most mornings. The amendment to the motion states that car owners have ready access via a modern road network. That is cynical. I am going to cut it out as it is the best quote I have seen in an amendment for a long time. Whoever wrote it must have been having a joke and said he or she would drop the Minister in it. It is like a piece of script from "Scrap Saturday", that is, the modern road network which can take us up the M50 whistling away.

People who are properly qualified should be able to do these tests. I can go into hospital and undergo a CAT scan or get a stress test, which is ten times more complex than a car test, and get a complete read-out on everything that is being done. There is no reason why motorists should have a choice of only three places in Dublin. They should be able to use their local garage.

It is not just a case of the local garage *per se*. It must involve somebody, such as a consulting engineer, who is qualified and is recognised as being able to survey a car and reach a conclusion. If a situation is reached, as in the case outlined by Senator Brian Hayes, where the tester says he or she cannot sign the test certificate because a wheel may be incorrectly sitting in its hub, the motorist may be asked to come back the next day with the mended part when the vehicle will then

be approved. There is nothing wrong with that. It is as it should be.

Our objective as parliamentarians — I include the Minister of State in this — is to ensure that cars are safe on the road. I see no reason that this has to be done on any basis other than the House being assured that whoever signs off on a car is trustworthy, dependable and qualified. It is being said, in effect, that a garage is not going to sign off on its best customer. However, the test must be backed up with a paper printout of everything that is done. Every part of the process is recordable, such as emissions, where the lights are hitting off the wall and difficulties with tyres, for example, depth of thread. All this data is available and may be printed. It should be a requirement that the printout must accompany the certificate. There is no reason this could not be done. It would not have the effect or impact of people signing off incorrectly. Faulty items would have to be corrected before they were signed off, and this must be done, regardless of the relationship a customer might have with the garage.

The current situation may continue, but I do not see why it should be restricted to that. Take boats and aeroplanes as an example. Insurance companies will insist that there is a detailed surveyor's report accompanying a boat or plane when it is being insured. This report must cover particular parts, as required. It is the same as undergoing a stress test, CAT scan or various examinations that have to do with parts of the body. All the findings are available, whether they are right or wrong and a printout is made available.

The car test is not a judgment call, it is a measure. It is not, for example, somebody expressing an opinion on whether a wall will last 30 years as there is a problem with the way the binding was done at the top. In this situation everything is measurable and therefore recordable. If it is recordable it cannot be falsified. That is the reality and it is what we should be looking at. We should seek to simplify, not eliminate. There are easier ways to do this so that people would not have to travel over half the county or city or down the M50 through that fantastic network of roads. I ask the Minister of State to consider that.

I want to place on the record one more time what I believe to be the funniest line we have heard here since the start of the new session a few weeks ago. I would like every driver in Dublin to listen to it. Somebody is having a go at the Minister of State and he should put the boot in when he returns to his office. According to the Government we are supposed to acknowledge, and I quote: "that Dublin test centres are strategically located so that car owners have ready access via a modern road network to high volume purpose-built facilities...". That is great. I thank the Minister of State.

Minister of State at the Department of Transport (Mr. Callely): I thank the Members of the

House who have so far contributed to the debate. I assure the Members on both sides that I have heard what has been said. I will take the issues that have been raised on board and will now try to respond quickly to some of them.

I tabled the Government amendment, along with the Leader of the House and I am happy with its content and the wording of it. I thank the officials in my Department who assisted.

Mr. O'Toole: They have got the Minister of State under control. He should be careful.

Mr. B. Hayes: It is only the Leader's name that appears on the amendment.

Mr. Callely: I would like to respond to Senator O'Toole's comments. If we are to look at what we are doing in the city of Dublin as regards the road network, it does not take a rocket scientist to figure out that the work that has commenced over the last five years is amazing.

Mr. O'Toole: I acknowledge that.

Mr. Callely: I am pleased the Senator is acknowledging it.

Mr. O'Toole: I am concerned about the current situation.

Mr. Callely: Those involved in the process are genuinely trying to resolve some of the difficult issues presented by a capital city, enjoying such an economic boom as has Dublin for a number of years, and accounting for people with disposable incomes who have second and third cars at a time when the infrastructure between the canals has not changed. This has given rise to a problem. While it should be acknowledged that roads can be built out of the city, we should not complicate the congestion problems by utilising the good road structures that are being put in place to deal with some of the other issues. Sometimes the issue of traffic congestion within an existing infrastructure gets complicated by some of the good work being done. I am pleased that Senator O'Toole is acknowledging what I am saying.

I should be interested to know the type of debate we would be having if we adopted self-regulation correction stations, that is, where one's vehicle is corrected in the same station and one comes out with a certificate. None of us has a crystal ball, but there were good reasons for having independent NCT test centres that would not identify and repair the problem, take the money from the customer and issue the certificate. I see Senator O'Toole is acknowledging what I am saying.

On the question of the integrity of the garages, while there are people who would put their hands up, there are garages, such as SIMI members, which comply with standards. I have been in one recently and I have seen ordinary garages with the requisite testing equipment. Nevertheless, I

understand that not everything appears on the printout and I do not believe——

Mr. O'Toole: I made the point that it could.

Mr. Callely: That may be so but at present there are visual checks involved.

Mr. O'Toole: It is like the traffic, which is not flowing properly. We just acknowledge——

Acting Chairman: The Minister of State must be allowed to speak without interruption.

Mr. Callely: Senator Brian Hayes raised a large number of issues associated with the NCT. He said the accident record — I would like him to let me have the statistics — bore no relationship to the age of the vehicle.

Mr. B. Hayes: I asked the question of the Minister of State.

Mr. Callely: I apologise. I thought his point was that the accident record bore no relationship to the age of vehicles. That is not the information I have available. As regards the question of service and fail and the fact that the recheck should be free, I understand that less than 50% of all retests are charged. That means over 50% are free.

Mr. B. Hayes: Should it not cover everything?

Mr. Callely: I am not going to respond to every individual point made, so I ask Senators to be mature and responsible about this debate and not cherrypick. People may decide to continue to return to a test centre to discover every problem their cars have, but there is a system in place. If no work involved, it is free and if there is work involved, a charge applies. The last report was published in 2001 but I have been in the Department for only three weeks. I understand reports were also published in 2002 and 2003 and I commit to the House that they will be published by the end of this month. If they can be published more quickly, they will.

Senator Ryan raised many issues and made particular reference to the age of vehicles. He queried whether three year old cars were unsafe. To my surprise, cars which are less than one year old may require remedial action. Cars with high mileage may require tyres, for example. I am not sure what Senator Ryan meant by his reference to three year old cars.

I thank Senator Wilson for his kind comments and constructive contribution. The car tax requirement initially in place was dropped due to the backlog which arose from an industrial action. We can apply restoration if desired. The level of tax compliance is approximately 94%, which is quite high, and we are not sure it is necessary to reintroduce the requirement. Should it prove necessary to do so, I will certainly take on board Senator Wilson's point.

[Mr. Callely.]

Senators Norris and Ryan mentioned public service and commercial vehicle testing for which criteria exist. I am not sure that if we were to embark on a discussion of six month certification and the purchase of a second-hand vehicle, we would wish to excuse a person who bought an old car and failed to ascertain whether it had an NCT certificate. It is unlikely we would decide that someone else should be responsible for the neglect of the purchaser. Is it not part of the NCT process to ensure that one is satisfied the vehicle one buys meets with safety requirements? If I bought a car, I would like to know it had an NCT certificate. If a car should have acquired an NCT certificate 18 months previously, is it reasonable that the person who presents it at a centre should receive a test for a full two years? Should we not put structures in place to which everyone should adhere? If asked, the House would concur with this suggestion. There is a structure in place.

While compulsory roadworthiness tests exist for commercial vehicles, like Senator Norris I have noticed black diesel smoke coming from some. Now that I am in this Department, it is an issue I might be able to follow up on.

I thank Senator Dooley for his kind comments on my commitment and his constructive input. Senator Finucane raised the issue of number plates which deserves mention. The Senator referred to a money making racket, a phrase which can be used about anything. It is not a fair reflection of the reality. If there were a number of serious accidents where cameras had failed to capture a registration plate and the excuse given was that certain criteria had not been met, there would be a different debate in the House. A demand would be made as to why a requirement was not included in the national car test or stipulations made by the Garda. The Revenue Commissioners and the Garda are anxious to ensure that the criteria which apply in the national car test are in place. The requirement is in place to meet the standards set by both organisations.

Senator Paddy Burke referred to the failure rate. Senator O'Toole expressed disappointment with the Government amendment and said one out of every two cars fails the national car test, which is a very high rate. While the failure rate has settled at approximately 50%, one must consider those whose cars do not pass the test. Not everyone gets his or her car serviced before taking it to a test centre. Some people openly admit that they take cars to test centres to find out what is required for them to pass the test at which point the car is taken to be repaired before being retested. If one puts matters in perspective, it is fair to comment that car owners use the national car test as a diagnostic mechanism to the same extent as they use it to acquire a certificate.

People call for more test centres and greater competition and cite the example of the United Kingdom. According to figures which have been brought to my attention, while the test costs €48 in Ireland, it costs €62 in Britain, which has been

the subject of approving comment. Some people cherrypick and call for the British system at the Irish price. Comparisons are available. In Germany the test costs €90, in Holland €100, in the Czech Republic €63 and in Spain it is €60.

The national car test is the result of an EU directive which provides for mandatory testing. The scope of the test and the items to be examined are set out in EU law. Ireland was one of the last member states to introduce compulsory car testing. In 1996, a range of options for the introduction of car testing was considered by the rainbow coalition Government including the direct provision of the service by the State and the introduction of a test similar to that in place for commercial vehicles which is carried out at a number of approved garages. The introduction of the latter system would have required the appointment by local authorities of private garages to carry out testing. The rainbow Government decided the test should be carried out by a single contractor operating as a dedicated car testing organisation. Public private partnership involving a single organisation was considered to offer the most efficient and cost-effective way to provide motorists with a car testing centre of the highest quality. That is a fair assessment in hindsight. The party sponsoring tonight's motion was in Government when the decision was made.

Following an internationally advertised public tender competition run in accordance with EU procurement procedures, National Car Testing Service Limited was awarded the contract to test cars on behalf of the State for a period of ten years from January 2000. Under the terms of the contract, the company is required to meet a range of specific performance standards in the areas of customer service, premises, test equipment, staff, test arrangements, facilities management, information technology and public information. These standards are designed to ensure test integrity and a high level of customer service. Senator Ryan commented kindly on customer service provision. The contract provides for the imposition of financial penalties on the company for failure to meet the specific performance standards and for the termination of the contract where the degree of non-performance is very serious. The question of penalties has not arisen to date as the performance of the company has been up to standard since testing commenced in January 2000. I am at a loss to understand the claim in the motion that there has been widespread concern about the car testing scheme since it was introduced. This is not so and flies in the face of the facts. The reality is that any of the independent surveys undertaken to assess customer satisfaction with the service show the ratings have been positive. They have consistently recorded results that have exceeded the performance levels required under the contract. From listening to radio chat shows and idle talk, whether at the street corner or the pub bar, and I am aware of the comments made House, they all focus on individual incidents and-or issues.

The most recent NCT survey results show a customer satisfaction rating of 85%. I will publish those figures and place them in the Oireachtas Library as soon as possible. The idea that the number of test centres for a city or county should be such as to reflect the proportional strength of car ownership for that city or county does not stand up to scrutiny. I would be delighted to hear the debate should we have only one test centre in County Cork or wherever as people would complain they had to travel miles to a test centre.

We should look at the success of the 43 test centres, unless the mover of the motion wants to identify test centres in his constituency or in other regions he may wish to close, and deal with the scenario that would develop. From the point of view of convenience for the public and the commercial viability of the scheme what we have in place is adequate but it should be monitored and kept under review.

The one certainty from linking the number of test centres to the county spread of car ownership would be an increased cost base with test fees having to rise substantially to meet higher overheads required to run and manage the extended test centre network. It is clear the proposers of the motion, with their simplistic approach to the location of test centres, have little understanding of the car testing service from either the customer service, operation or commercial perspective as the statistics and the facts are clear.

Under the contract the NCTS is required to provide a network of test centres nationally, with each test centre being located within 30 miles of 90% of the car owners for whom it is the nearest centre. A test centre must be within or close to a large town and be served by a national road. In other words, the convenience to the customer is paramount. The company has met these requirements and operates 43 test centres. Test centres are generally purpose built facilities involving a range of test lane configurations. The test centres network comprises one test centre with nine test lanes, one with six, one with five, one with four, four with three, 14 with two and 21 with one. The test centres with the most test lanes serve the regions with the greatest demand. Given that the service is remunerated solely from the fees paid by customers, I am satisfied the network of test centres operated by the NCTS strikes a fair balance between customer convenience and the amount of the test fee.

The standard of testing in Dublin is comparable with the rest of the country. The Dublin test centres at Northpoint, Fonthill and Deansgrange with nine, six and five lanes, respectively, are the largest in the country, which is not surprising given it is the region with the highest number of cars registered in the State. These strategically located multi-lane test centres on the north side, south side and west side of the city are served by a modern road network which makes them easy to get to for car owners. There is no question that the service provided to Dublin motorists by the NCTS is anything less than what is required

under the contract or is inferior to that available to car owners in other regions. There might have been some justification for the motion were it the case that car owners were experiencing delays in getting appointments for tests or retests. However, that claim, to which a number of speakers referred, is unfair. There is no unnecessary bureaucracy or lengthy delays for tests.

The National Car Testing Service is one of the least bureaucratic organisations one could encounter. It has been designed and developed with a commitment to high-quality customer service at its core, and one speaker acknowledged that fact. The facilities provided for the booking of tests are extensive and user friendly, covering the making of bookings in person, by post, telephone, fax, e-mail or on the Internet. The flexible opening hours operated by test centres make it possible for customers to arrange a test outside normal working hours and days.

On the day of the test all one must do is turn up with the vehicle on time for the appointment with the vehicle registration certificate and the test fee. In less than an hour after arrival, the customer is on his or her way again having had his or her car tested, having been briefed by the inspector on the outcome of the test and given the test report and an NCT certificate if the vehicle passed the test.

The procedures for handling complaints and appeals by customers dissatisfied with the outcome of a test or with some aspect of the service, are straightforward with a minimum of form filling. The existence of procedures for processing complaints and appeals is widely promoted by the company. They are mentioned in the communication sent by the company to customers and are outlined in detail in a notice displayed prominently in every test centre. In addition, NCT inspectors also inform customers of their right to process grievances under this machinery when advising them of the outcome of a test.

The company is contracted to meet rigorous performance standards for test appointments. They must ensure that the average waiting time for test appointments at any test centre is not greater than three weeks, subject to a maximum waiting time of four weeks for any individual booking. Besides leaving itself open to sanctions for failure to meet the service performance standards, the company is obliged to conduct tests free of charge where it cannot offer a test within four weeks of the booking. Last month the national average waiting time for a test was 4.1 days, in Dublin it was 2.5 days. For retests the national average waiting time was 2.6 days while in Dublin it was 1.8 days. These figures speak for themselves and clearly demonstrate——

An Cathaoirleach: There are other speakers offering and the Minister of State's contribution has exceeded 20 minutes.

Mr. Callely: I understood when I asked if there was a time limit——

An Cathaoirleach: According to Standing Orders the Minister of State has 15 minutes.

Mr. Callely: I was told there was no time restraint.

An Cathaoirleach: If you were not told I will allow you a few minutes.

Mr. Callely: My Department monitors all aspects of the operation of the NCTS to ensure it delivers a car testing service to the required standard. To assist the Department in the function, a supervision services contractor has been engaged. The supervision services contractor is a consortium involving the AA and Pricewaterhouse-Coopers who have all the available engineering, financial, legal, IT and operational expertise and it is working to an agreed programme with the Department. I will not dwell on the actual programme.

The model of service provision lends itself to tighter and more effective monitoring and supervision and gives my Department an opportunity to intervene at the first sign of a departure from any performance standard in the operation of the service. I invite any Member to draw to my attention, on any occasion, where they consider that should be applied.

The contracting out of the car testing service does not mean the State has removed itself from this important area and left it to the NCTS to provide the service as it sees fit. My Department remains in control and is responsible for overseeing the car testing service. In carrying out the service on behalf of the State the NCT does so in accordance with the contract it has with the Minister, for which I have responsibility, which requires that it is delivered in conformity with specific performance standards. In the short time I have been in the Department, my understanding is that the service is working well as borne out by the performance indicators and it enjoys an extremely high level of approval from users. I am not complacent about the need to ensure the car testing service is delivered to the highest standards. In this regard the contract provides for a review of the service by the Minister after the passing of the midpoint in the life of the contract. The purpose of the review is to appraise the performance of the NCTS to date and assess a range of strategic issues such as the location and number of test centres, the content of the test, the quality of the service provided to car owners and any other issues which may arise.

I am pleased to inform the House that the review will commence early in the new year and will be completed in 2005. It will have a public consultation dimension and the outcome will be published. The question of making any changes in the service will be considered in light of the outcome of that review. I do not rule anything in or out of the review. Rather, I will drive it and everything will be up for consideration. I have outlined to the House the reality that the car test-

ing service is a professional, efficient and first rate service given that the NCTS is on its first review.

I am satisfied that the NCTS is delivering the service to the standards of test integrity and customer service. This view is not based on perception or on a hunch but is supported by hard facts such as the minuscule levels of complaints. For example, just 961 complaints were received in 2003 representing less than 0.1% of the 934,500 tests and retests conducted that year and there have been consistently high customer service rating scores in the independent surveys.

The systems and controls which were put in place in respect of the service as part of the contract ensures that I am aware of the state of the service at any given time and in a position to exercise my regulatory functions in whatever ways are necessary should the circumstances so arise. I will be happy to exercise these if any Member brings to my attention the need to do so. A newspaper report about a problem a customer had with an aspect of the NCT in Abbeyfeale has been brought to my attention about which, if it is true, I have serious and deep concerns and will request a full report.

Mr. Bannon: I presume the Opposition will be granted extra time given that the Minister of State was afforded 25 minutes.

An Cathaoirleach: The Senator will get eight minutes.

Mr. Bannon: I welcome the Minister of State to the House and wish him well with his new portfolio. I met him on many occasions when he was Minister of State at the Department of Health and Children with responsibility for older people.

Mr. Dooley: He looked after the Senator well.

Mr. Bannon: I commend him on the many hospitals and institutions for the elderly he visited during his term as well as the many promises he made which were not delivered upon because of the senior Minister's cutbacks in that Department.

An Cathaoirleach: This is a debate on car testing rather than health.

Mr. Bannon: I fully support this motion tabled by Fine Gael in light of public concern about the operation of National Car Testing Service Limited which is midway through its contract. Who will test the tester and assist it as a whole other than the controversial 1,000 car "spy" operation which is in place? It is imperative that the anomalies causing countrywide concern and public disquiet are eliminated quickly. I was surprised to hear the Minister of State say he was at a loss to know why the motion referred to such public concern.

Mr. Callely: I said I was surprised at the reference to such concern being widespread.

Mr. Bannon: There is widespread concern, which is yet more evidence that the Government is not listening to the people; this has been proved decisively at the local and European elections when Fianna Fáil and the Progressive Democrats were rebuffed.

Mr. Dooley: The Senator has a selective memory about elections.

Mr. Bannon: The Minister of State referred to independent surveys which were undertaken to assess customer satisfaction with the service, the ratings of which he described as overwhelmingly positive. These surveys must have been taken within the Fianna Fáil Party among the diehard supporters because the luke warm supporters are no longer with the party.

Mr. Dooley: They are not with the Senator's party either.

Mr. Bannon: The system has become overly bureaucratic and does not appear to be answerable to anyone, with decisions differing from station to station and causing great inconvenience to the public. Hardly a day goes by when SGS is not in the Labour Court due to breakdowns in employer-employee relations in various centres throughout the country. The Minister referred to Abbeyfeale and Limerick but similar situations have arisen in Tipperary, Dublin and Longford. This is because some of the Irish people who operate the systems are unhappy with what they have to go through at the centres. The Department has evidence of this because genuine, decent, honest people wrote to the Department informing it that they felt hard done by.

The inspection list for the NCT now contains minor items which could lead to test failure, including a scrape in the paint, in regard to which I have evidence. How can anyone contend that such a situation could be labelled a road safety issue?

Dr. Mansergh: It could cause rust.

Mr. Dooley: It could cause water on the driver's brain.

Mr. Bannon: Fine Gael has proposed that the current structure involving designated NCT centres should be abolished. While almost one in three cars in the State is registered in Dublin, just three of the 43 centres are in the capital. Under our proposals, motor garages would be licensed to carry out the NCT procedure after satisfying clear quality control measures and would be subject to review at licence renewal time and at regular intervals during the period of the licence. Comparing the number of cars in the city and the designated centres to test them proves there is a strong need for real reform of the system which, while primarily penalising Dublin car owners, also affects motorists countrywide.

The Department of the Environment, Heritage and Local Government is negligent because it does not produce sufficient information regarding

the operation of the national car test. I am delighted that the Minister of State has informed the House that he will publish reports before the end of this month. A requirement of the contract was that the operators of the NCT would produce an annual report to the Department of Transport. However, since the 2001 report relating to 2000, no report has been released, increasing public scepticism and disquiet.

It is strange that the numbers of cars failing the test increases annually. Perhaps the Minister of State could explain this disturbing progression which has major financial implications for motorists. Forging out €48.40 for a test which can be failed for a minor infringement such as having a coat or books in the car boot, a scrape on the paint work or a seat belt under a seat, is farcical. I have evidence that a woman who delivered her children to school, one of whom pushed the seat belt between the rear seats, was sent home as a result and required to do a retest. This is unacceptable in this day and age. Those complaints should be investigated by some sort of tribunal. The company should not investigate itself as is the case now.

Mr. Callely: I invite the Senator to bring evidence of such a nature to my attention.

Mr. Bannon: As has been proven, the condition of a car is totally insignificant in road accidents. The National Road Safety Council cites a statistic of less than 1% so it could be concluded that the NCT is not influencing the reduction of road fatalities.

National car testing became compulsory as a result of an EU directive and was introduced in Ireland in 2000 resulting in cars more than four years of age being subject to testing. The current contract was awarded to SGS and is subject to a review in 2005 which will include the public consultation period promised by the Minister of State. I hope that will come on stream. Under EU regulations, the test includes brakes, exhaust emissions, wheels and tyres, lights, steering and suspension, chassis and under-body, electrical systems, glass and mirrors, transmission, interior, fuel system and miscellaneous items.

In the term "miscellaneous items" we can see the nub of the motorists' problem. It is open to interpretation, as I am sure the Minister of State will agree. What one centre regards as a small, unimportant paint scrape could result in failure in another. This has happened.

As I stated, the failure rate is increasing annually. In 2001, 62% of cars passed first time round. In 2002, the figure was 53%.

An Cathaoirleach: The Senator should conclude because other Senators are offering.

Mr. Bannon: In 2003, 52% of cars passed first time round and, in 2004, 51% passed first time round.

An Cathaoirleach: I call Senator Mansergh.

Mr. Bannon: It would appear to be self-evident——

An Cathaoirleach: The Senator's time has concluded. I call Senator Mansergh.

Mr. Bannon:——that either the cars are deteriorating or, as seems more likely, the criteria are being extended to a nit-picking level.

Dr. Mansergh: I welcome the Minister of State and particularly his vigorous defence of the NCT service. I only wish that the driver testing system was a fraction as efficient. I have some experience of the national car test having twice put my car through it. I find that if one makes an appointment the staff are ready to deal with one's car when one arrives, if one arrives on time. The staff are polite and efficient. It is true that improvements may have to be made.

An example was given in the debate of a seat belt that was not functioning. That is quite a serious fault and there is much evidence that if one is not wearing a seat belt in the event of an accident, one is far more likely to suffer an injury. A malfunctioning seat belt results in a quite legitimate disqualification. To be frank, one might query whether one should have to change a number plate that is not bilingual, for example. On the other hand, what better way is there of ensuring that the State regulations on motor cars are enforced?

There is some expense associated with the system. As has been said, the NCT service was introduced under an EU directive. It probably should have been introduced 15 or 20 years previously. I suppose we were tolerant of people driving old bangers in a state of bad repair but the problem was that, in being soft on them, we were probably being very hard on those who suffered death and injury in road accidents as a result. That is not to mention the environmental pollution caused by such vehicles.

I heard it suggested that, as an alternative to the national car test, one's local garage could do the testing. This is like saying the class teacher should mark a student's leaving certificate examination. This seems to be a totally unworkable solution.

(Interruptions).

Mr. U. Burke: A cheap remedy.

An Cathaoirleach: Senator Mansergh, without interruption.

Dr. Mansergh: If the system is to work properly, there is a need for an objective test by——

Mr. U. Burke: The Senator gave a bad example.

Dr. Mansergh:——a body with whom one has no contractual or customer relationship. I do not know about the experience of my colleagues on this side of the House in this regard, but I do not receive mailbags full of complaints. People accept the system just as they accept many other

measures to ensure better road safety. One should remember that the number of cars on the roads has grown exponentially while the number of accidents, while still far too high, has remained static or fallen slightly.

If we are interested in the environmental safety of this country, we should be supporting the national car test. Particular matters that come to light should be considered if necessary, but the basic system is good. If most of the public administration in this country worked as well as the national car test, we would all be doing very well indeed.

Senators: Hear, hear.

Mr. U. Burke: Senator Mansergh will soon be back for another test.

Dr. Mansergh: Yes, next year.

Dr. Henry: I welcome the Minister of State to the House and congratulate him and his officials for doing something for the environment by publishing his speech on both sides of the paper.

Women also have to get their cars tested but male members of the family frequently become involved. I might as well be looking into a bush as into the engine of a car. I totally support the car testing initiative, not just as a driver and a passenger but also as a doctor. It has been very important in reducing fatalities in accidents.

Many Senators have raised the issue of one's having to go for a retest for very minor matters. It is not just a question of the money involved. I was interested to hear the Minister of State say that 50% of the retests are not charged for. Time is a considerable issue, especially if one has to get a male member of the family to take the car for its retest. As everyone knows, a man's time is far more valuable than a woman's.

Dr. Mansergh: Not at all.

Dr. Henry: That goes without saying. Considerable fines should be imposed if very minor faults are not fixed at the time of retesting. Will the Minister of State take this on board? It is a question of the time involved in retesting and not the small matter of what one has to get fixed.

Mr. P. Burke: I welcome the statements of the Minister of State but he should note that it is the inconsistencies that have really infuriated the public. All Senators, including those

7 o'clock on the opposite side of the House, have had genuine representations made to them by angry people who have been let down by inconsistencies in the system. In most cases, they pertain to small matters. If the Minister of State were to accept the motion being put forward by this side of the House, it would help in this regard.

I have come across a few cases that I have not had time to outline in my proposal. The owner of a car whose number plate bulb is not working will be charged for a retest in one case and not in another. In the latter case, the staff at the centre

will simply ascertain whether the bulb has been replaced. This is an inconsistency. If a car is failed for having a worn tyre, it is put up on a ramp in some retests, thus incurring a charge, and in other cases the mechanic simply makes sure the tyre has been changed and passes it without charging. This is also an inconsistency.

There are only two places to which people from Belmullet in my county can go to get their cars tested, namely, Westport, which is 60 miles away and Ballina, which is 45 miles away. If a motorist has his car tested at 9 a.m. and is told it will pass if he gets new wipers, he goes immediately to the nearest garage to get them only to discover that his car will not be re-examined until after 4 p.m., in spite of his being 60 miles from home. Such motorists are forced to sit around all day. Something could be done in such cases.

It has been brought to my attention that some testers comment unfavourably on work that has been carried out by garages. This is inappropriate. It has also been brought to my attention that some operators advise people of garages in which to have the repairs carried out; this too is inappropriate. I hope the Minister of State will examine these issues.

Mr. Callely: I will be happy to do so.

Mr. P. Burke: Senator Brian Hayes alluded to the PriceWaterhouse Coopers report, which I am pleased the Minister of State gave an undertaking

to publish at an early stage. It would have been much better if we had the report for this debate.

Mr. Callely: As I am only in the Department three weeks, it is the earliest date I can publish it.

Mr. P. Burke: I appreciate that. Arising from the implementation of the final phase of the NCT which took place on 15 September 2003, failure on any test item became a reason for refusal of a test certificate. The Government decided at that stage to assess the operation and the new arrangements that were put in place. The Minister, Deputy Brennan, agreed to report on the matter, but it has not materialised. I hope the Minister of State will publish the report and that he will make available at the earliest possible date the further report which was to be compiled after September 2003. He must act on the inconsistencies in the NCT throughout the country.

Senator Brian Hayes alluded to the lack of testing centres in Dublin. While I am not *au fait* with the testing facilities in Dublin, I take his point that it needs more test centres. The proposal in the motion should be examined. Changing to a licensed garage testing system offers the best chance of securing a balance between fulfilling the requirements of a car testing service and ensuring public confidence in the service. I hope the Minister of State will take into account the two reports and the inconsistencies involved and that he will report to the House at the earliest possible date.

Amendment put.

The Seanad divided: Tá, 31; Níl, 17.

Tá

Bohan, Eddie.
Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Daly, Brendan.
Dardis, John.
Dooley, Timmy.
Feeney, Geraldine.
Fitzgerald, Liam.
Glynn, Camillus.
Kenneally, Brendan.
Kett, Tony.
Kitt, Michael P.
Leyden, Terry.
Lydon, Donal J.
MacSharry, Marc.

Mansergh, Martin.
Minihan, John.
Morrissey, Tom.
Moylan, Pat.
Norris, David.
O'Brien, Francis.
O'Rourke, Mary.
Ó Murchú, Labhrás.
Ormonde, Ann.
Phelan, Kieran.
Ross, Shane.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

Níl

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

Finucane, Michael.
Hayes, Brian.
Henry, Mary.
McCarthy, Michael.
McHugh, Joe.
O'Toole, Joe.
Phelan, John.
Ryan, Brendan.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators P. Burke and Cummins.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Seanad divided: Tá, 30; Níl, 18.

Tá

Bohan, Eddie.
Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Daly, Brendan.
Dardis, John.
Dooley, Timmy.
Feeney, Geraldine.
Fitzgerald, Liam.
Glynn, Camillus.
Kenneally, Brendan.
Kett, Tony.
Kitt, Michael P.
Leyden, Terry.
Lydon, Donal J.

MacSharry, Marc.
Mansergh, Martin.
Minihan, John.
Morrissey, Tom.
Moylan, Pat.
O'Brien, Francis.
O'Rourke, Mary.
Ó Murchú, Labhrás.
Ormonde, Ann.
Phelan, Kieran.
Ross, Shane.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

Níl

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

Finucane, Michael.
Hayes, Maurice.
Henry, Mary.
McCarthy, Michael.
McHugh, Joe.
Norris, David.
O'Toole, Joe.
Phelan, John.
Ryan, Brendan.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators P. Burke and Cummins.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Ms O'Rourke: At 10.30 a.m. tomorrow.

Adjournment Matters.

Flood Relief

Dr. Mansergh: With the permission of the House I will share my time with Senator Labhrás Ó Murchú.

I welcome the Minister of State to the House. The floods in Clonmel last week, only a few years after the previous flooding, show beyond doubt that a flood relief scheme is a serious and high priority. I welcome the prompt visit of the Minister of State at the Department of Finance, Deputy Parlon, to Clonmel after the flood.

The problem was not confined to the quays. The town itself was almost cut off and the N24 was under a foot of water. There is an assurance that a scheme is being prepared and will be brought forward as a matter of priority. I stress the need for the local community, particularly the business community, to be given regular infor-

mation about progress, particularly as a previous scheme was stalled. A letter was sent by the Office of Public Works only a fortnight before the recent flood about progressing the scheme but the matter has now become a higher priority.

Will a longer term issue arise as a result of global warming and will there be a need in the future for a barrage to prevent spring tides coming upriver and meeting large amounts of flood water coming from the mountains?

Compensation is important and I welcome the Minister's announcement regarding the Red Cross. However, this only relates to individuals and not to businesses. Today's edition of *The Irish Examiner* contains a report of a garage which lost a couple of dozen cars. The garage owner moved the cars but not far enough and suffered a loss of approximately €400,000. I spoke today to someone who works in a carpet business and who has lost €20,000. The losses suffered by businesses, which are quite uninsurable, need to be examined in addition to compensation to individuals.

Labhrás Ó Murchú: I compliment Senator Mansergh on raising this matter and thank him for sharing his time with me. I join Senator Mansergh in complimenting Deputy Parlon on

his prompt response in meeting the people of Clonmel and seeing the difficulties at first hand.

I too am familiar with the difficulties which Clonmel has experienced in the past and is experiencing once again. It is sad to watch people being interviewed on television and to see the devastation they are suffering in their homes. It is bad enough to have such a thing happen on one occasion but its repetition is very discouraging. I am not sure I agree with the insurance companies. They cannot expect to make profits all the time. It is suggested that insurance cover might not continue when there is repetition and no corrective action has been taken.

It is important to identify the cause of the flooding. There are several theories and various forms of remedial action are being suggested. However, having suffered flooding on so many occasions we should have more answers at this stage. Owing to climatic changes, we must take it for granted that flooding will recur sooner rather than later.

I am glad the Minister of State is here this evening to respond to this matter. It is important to engage with the community and local authority and to do so urgently.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Ba mhaith liom mo bhuíochas a ghabháil le Seanadóirí Mansergh agus Ó Murchú as an cheist seo a ardú.

I am delighted to be able to outline the Government's position to the House and apologise for the absence of my colleague, Deputy Parlon, Minister of State at the Department of Finance who is abroad at an EU ministerial meeting.

Following severe flooding in Clonmel in the late 1990s a flood relief scheme was developed by the OPW. The scheme was publicly exhibited, as required under the Arterial Drainage Acts, in December 2001 and January 2002. Concerns were raised by Waterford and South Tipperary county councils that there might be contaminated material in the river bed, which was due to be dredged as part of the alleviation measures and which would therefore have major environmental implications.

As a result of these concerns, the proposed scheme was re-examined and a revised scheme was proposed earlier this year. This scheme included the use of demountable defences, which have developed greatly in the last few years. The revised scheme has the advantage of not requiring dredging of the river, along with increasing the level of protection against flooding from a one in 50 to a one in 100 year level.

In April of this year the Minister of State, Deputy Parlon, attended a meeting with the elected members of the borough council where he outlined the revised scheme and the way in which it was to be implemented. It was explained

to the members that it was hoped to implement the scheme in a phased manner over a period of four to six years, depending on available funding. It will be necessary to have a formal public exhibition of the scheme, as required under the Arterial Drainage Acts. This will allow the local authority, local residents, businesses and any other interested parties to view the proposed scheme and make any observations on it if they wish. The OPW intends to hold the exhibition as early as possible in 2005. The Minister of State, Deputy Parlon, has asked OPW officials to examine the possibility of bringing this forward in light of the flooding last week. They are looking into that possibility but they have indicated that the timetable is already tight.

Subject to a successful public exhibition, the next step is to submit a scheme to the Minister for Finance for confirmation in accordance with the Arterial Drainage Acts. Detailed design and construction will follow, subject to availability of the necessary funding. The Minister of State, Deputy Parlon, has already indicated that funds are available for cleaning works to try to improve conditions in the river pending implementation of the full scheme. OPW officials are urgently reviewing the works proposed in light of the experience of the flooding last week to ensure that the most effective possible use is made of those funds. It is intended that those works will proceed as soon as possible.

The scheme envisaged for Clonmel will require the development of a flood warning system. The OPW has already begun the development of the system. It is intended that installation of the necessary data-gathering equipment will commence in the next two months. It is expected that a preliminary model of the flood warning system will be developed by June 2005. This model will require further calibration and an active flood warning system will be available in 2006.

The Government yesterday approved a humanitarian aid package to relieve hardship arising from the flooding of people's homes as a result of this severe rainfall. The purpose of the scheme is solely to provide humanitarian assistance to relieve hardship and is not intended to provide compensation for loss. All areas throughout the country affected by last week's flooding will be considered in the scheme.

OPW officials met with representatives of the Irish Red Cross Society this morning to progress the matter and details of the scheme will be announced as quickly as possible. All applications for humanitarian aid will be dealt with on a strictly confidential basis in accordance with the IRCS's fundamental principles of impartiality, humanity, independence, neutrality and voluntary service, as well as its wide experience in disaster relief both nationally and internationally. The IRCS has considerable professional experience in dealing compassionately, impartially,

[Mr. T. O'Malley.]
effectively and in a timely fashion with the disbursement of such humanitarian funds.

Hospital Services.

Mr. McHugh: I have been approached by relatives of cancer patients in Letterkenny and relatives of people who have since passed away. The oncology unit in Letterkenny General Hospital is second to none. There is a dedicated, professional team in place there under the stewardship of Dr. Karen Duffy and Mr. Chris Lyons. However, there is a problem with regard to the fast-tracking of cancer patients for emergency services. For example, a patient with breathing difficulties as a result of lung cancer would have to go through casualty, queuing along with other patients there.

As a qualified pharmacist, the Minister of State will be aware that on a Saturday night every type of patient can appear in hospital, as a result of car accidents, drink-induced injuries and even minor domestic injuries. I am calling for a separate channelling system for cancer patients who constitute a very vulnerable group. They are most susceptible to infection, including the winter vomiting bug. They and their relatives believe it is not appropriate for them to have to sit in casualty for up to three or four hours. It is not humane and is not in line with best practice for the treatment of cancer patients.

The kernel of the problem, which was acknowledged by staff at the oncology unit in Letterkenny yesterday, is bed capacity. That is a problem throughout the country, not just in Letterkenny. Nationally, bed capacity is operating at approximately 105%. Ideally it should be at 90% with a 10% bed space available for emergency cases, whether cancer patients or others.

This is a sensitive area as the Minister of State knows due to his medical expertise, which is much greater than mine. I wish to convey the sentiments and feelings of the people who have been affected by this situation. Their relatives have spent time waiting in casualty, sometimes for up to four or five hours, although they are only awaiting consultancy services for breathing difficulties or minor bowel surgery.

Time is precious enough for cancer patients. I have received repeated representations from a daughter who had to sit with her father for five hours in casualty two weeks before he passed away. That is not good enough and I know the Minister of State also does not believe it to be good enough. Bed capacity is the problem so I am seeking some form of intervention to allow cancer patients to be treated as a separate group. Hopefully, in the short to medium term they will not have to wait in casualty for emergency services.

Mr. T. O'Malley: I thank Senator McHugh for having raised this matter on the Adjournment. I welcome the opportunity to address the issues raised about the delivery of cancer services at Letterkenny General Hospital. Currently, patients under active cancer treatment at the hospital are encouraged in the first instance to contact the oncology day case unit. During normal working hours from Monday to Friday, these patients can be seen and dealt with in the oncology unit. Outside of normal working hours and at weekends, it is necessary for those patients who develop complications to access the hospital services by going directly through the emergency department.

I can assure the House that oncology patients who attend at Letterkenny General Hospital receive appropriate care and follow-up treatment. Patients suffering from cancer sometimes develop non-cancer related problems. The safest and most appropriate place to deal with these non-cancer related problems is the emergency department at the hospital where dedicated teams are available on a 24-hour basis to diagnose and treat these conditions.

Last year, approval was given to the North Western Health Board to proceed with the planning of an extension to the accident and emergency Department at Letterkenny hospital. A design team has considered a number of options for this development and a proposal has been made to the Department, which is currently being considered. In addition, a new 11-bed oncology in-patient unit at the hospital is at design stage. This will ensure that cancer patients who have treatment-related complications will be able to access a dedicated unit on a 24-hour basis at the hospital. It is expected that construction of this ward will commence shortly.

Substantial developments have taken place in recent years in the development of a comprehensive cancer policy. I am pleased to have the opportunity to outline these developments and, in particular, the extensive investment programme which the Government has undertaken under the national cancer strategy.

Oncology services at Letterkenny General Hospital have undergone significant developments in recent years with the appointment of both a consultant oncologist and a consultant haematologist together with support staff. These appointments have greatly enhanced the services available to cancer patients at the hospital. The establishment of the new inpatient ward will further enhance services there.

Since 1997 additional cumulative funding of €38 million has been made available to the North Western Health Board to support the development of cancer treatment and cancer care services. This investment has resulted in the appointment of an additional eight consultant posts in specialities such as medical oncology, histopathol-

ogy, haematology and surgery and the appointment of an additional 15 cancer care nurse specialists across the region. These investments have resulted in significant improvements for oncology patients. The North Western Health Board is also preparing an improved plan for the organisation of symptomatic breast disease services in the region.

The key goal of the national cancer strategy 1996 was to achieve a 15% decrease in mortality from cancer in the under-65 year age group in the ten year period from 1994. The independent evaluation of the strategy carried out by Deloitte, demonstrated that this figure was achieved in 2001, three years ahead of target.

The total additional cumulative investment in cancer services nationally has been approximately €550 million since 1997. This investment has enabled the funding of 104 additional consultant posts, together with support staff in key areas such as medical oncology, radiology, palliative care, histopathology and haematology throughout the country. An additional 245 clinical nurse specialists have also been appointed in the cancer services area. The benefit of this investment is reflected in the significant increase in activity that has occurred.

Improving cancer care is a major priority of the Government and health service providers have broadly recognised the significant changes that have taken place in recent years in improving cancer care. Between the periods 1994 to 1997 and 1998 to 2000 overall relative survival from cancer increased from 48% to 50% in women and from 38% to 44% for men. For women, there were improvements in survival for the four commonest cancers: breast, lung, colorectal and lymphoma. For men, survival improved for almost all cancers, notably for cancer of the prostate and stomach as well as for lymphoma and leukaemia.

I again confirm the Government's commitment to the development of cancer services in the north-west region. All of the developments outlined earlier will bring substantial benefits to people living in the north west. The Government will continue to work with the management of health services in the region to ensure that the best service possible is available to all those suffering from cancer.

Rail Network.

Ms K. Walsh: I would like to ask the Minister of State for an update on the project to install double tracking on the Kildare line. Have any provisions been made for car parking at Hazelhatch Station?

Minister of State at the Department of Transport (Mr. Callely): I thank the Senator for this important issue. I am pleased to say I have some good news. Major increases in capacity are being

planned by Irish Rail along a number of lines, in particular the Dublin-Kildare rail corridor. Originally Irish Rail's ability to meet growing demand along this very busy route was limited by platform capacity at Heuston Station, and track capacity and platform lengths along the line. The Heuston redevelopment project, completed early this year, involved increasing the number of platforms from five to nine, upgrading the signalling system and increasing the station's capacity to accommodate additional mainline and commuter trains. This project cost €107 million.

In 2003 and 2004, Irish Rail also took delivery of 80 new diesel railcars, many of which are currently deployed along the Kildare corridor with an increase in capacity of 130%. A further 36 are due to be delivered in 2005 and will go into service in December of that year. These will also be used to extend capacity on the Kildare corridor. Track capacity along the Kildare corridor has been, and still is, limited for a number of reasons. These include the fact that the line is only double-tracked; the different speed characteristics of the intercity and commuter trains using the route; the length of platforms at some intermediate stations; and the lack of a turn-back facility.

Irish Rail has addressed some of these constraints already. Platform extensions at Sallins, Newbridge and Hazelhatch have been completed this year along with the turn-back facility at Newbridge. These new arrangements allow Irish Rail to accommodate longer trains and achieve a quicker turnaround of commuter trains without conflicting with intercity services.

The next step is to quadruple the Kildare rail line as far as Hazelhatch. My Department has recently received a business case together with a socio-economic cost benefit analysis of the proposed project from Irish Rail. The anticipated cost is approximately €400 million. I also met representatives of Iarnród Éireann to discuss this among other topics and the case is being pushed. My officials will now carry out a detailed examination of the proposals and make a recommendation to me.

The project involves the quadrupling of a critical section of track between Inchicore and Hazelhatch. This will separate intercity and outer suburban rail services to meet the growing requirements of both commuter and intercity business, and the provision of a number of new and relocated stations to maximise local accessibility to rail services. Following Government consideration of the proposal, the next stage involves the submission of a draft railway order by Irish Rail and associated documentation, such as the environmental impact statement. It is expected that a public inquiry into the proposal will be held during 2005.

Hazelhatch Station will be upgraded as part of the overall Kildare route project. Plans for the station include a new entrance off a new link road

[Mr. Callely.]
from Elmhall to the Celbridge side of the station, incorporating a roundabout; and a park and ride facility with 396 car parking spaces, incorporating taxi rank, three bus lay-bys and bus and cycle shelters. The station building will be revamped to be fully manned and will have improved customer waiting areas, toilets and high quality customer services. Substantial changes for the better are

planned for this important station. I will work with my officials and the service providers to drive this project forward.

Ms K. Walsh: This is good news for Celbridge and the surrounding area.

The Seanad adjourned at 7.50 p.m. until 10.30 a.m. on Thursday, 4 November 2004.