

SEANAD ÉIREANN

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Dé Céadaoin, 2 Feabhra 2005.
Wednesday, 2 February 2005.
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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
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Visit of Mongolian Delegation.

An Cathaoirleach: Before commencing, I am sure Members of the House will wish to join me in welcoming a parliamentary delegation from Mongolia in the Distinguished Visitors Gallery led by the chairman of that parliament, His Excellency, Nambaryn Enkhbayar. On my behalf and that of my colleagues in Seanad Éireann, I extend a very warm welcome and express sincere good wishes for a very successful visit.

Business of Seanad.

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

The need for the Minister for Enterprise, Trade and Employment to establish an employment task force for Sligo given that jobs have been lost in Saehan Media over the past eight months with a further 70 redundancies announced yesterday.

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

The need for the Minister for the Environment, Heritage and Local Government to state the percentage of the capital cost of new waste water treatment schemes that local authorities have to pay; the percentage used in the large schemes of Dublin, Galway and Limerick; how local authorities will fund their part of the capital cost of new schemes; and the up to date position on how design build and operate schemes are to be funded.

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

The need for the Minister for Health and Children to outline the position regarding the creation of a regional consultant position in restorative dentistry in the Limerick mid-west area.

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

The need for the Minister for Education and Science to outline the reason no plans have been advanced for the new school for children with autism in Carlow town, County Carlow.

I have also received notice from Senator O'Meara of the following matter:

The need for the Minister for Health and Children to order an urgent study into the synergistic effect on human health of the heavy metal and chemicals coming from the eroded surface of the tailings pond at Gortmore, Silvermines, County Tipperary.

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

The need for the Minister for Transport to confirm the decision that has been arrived at about increasing the height of the port tunnel and the reasons for his decision.

I regard the matters raised by Senators MacSharry, Paddy Burke and Brennan as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. Senators Browne, O'Meara and Morrissey may give notice on another day of the matters they wish to raise.

Order of Business.

Ms O'Rourke: The Order of Business today is No. 1, statements regarding the tsunami disaster in south-east Asia to be taken on the conclusion of the Order of Business and to conclude at 1 p.m. with the contributions of spokespersons not to exceed 12 minutes and those of all other Senators not to exceed eight minutes and the Minister to be called upon to reply no later than five minutes before the conclusion of the statements; No. 2, Parental Leave (Amendment) Bill 2004 — Order for Second Stage and Second Stage to be taken at 2 p.m. until 5 p.m. with the contributions of spokespersons not to exceed 15 minutes and those of all other Senators not to exceed ten minutes; and No. 21, motion No. 17 to be taken from 5 p.m. until 7 p.m. There will be a sos from 1 p.m. to 2 p.m.

Mr. B. Hayes: We on this side of the House are grateful the Leader has so swiftly organised statements on the tsunami disaster. We appreciate that the call was made last week and the debate is taking place this week.

I understand the only House of the Oireachtas to debate the libel laws in recent years is this House.

Ms O'Rourke: That is correct.

Mr. B. Hayes: The debate that took place earlier this year was successful and well-informed and we all learned something from it. Will the Leader arrange another debate on the issue of the

[Mr. B. Hayes.]
intrusion into citizens' private lives by some newspapers in particular? This is an issue we must debate.

Mr. Norris: Hear, hear.

Mr. B. Hayes: It is not an issue that relates only to celebrities and those who are in the public eye. It concerns also those who are not routinely and regularly in the public eye but whose lives are paraded on the front pages of newspapers. We need a genuine press complaints system whereby complaints regarding intrusions into privacy will be taken seriously and adjudicated upon by independently minded people.

Standards in journalism are important not only for the safety of our democracy but also to ensure that the records of the State are held on a daily basis. Where standards drop to such an abysmal level, whereby people's private lives are paraded in an unseemly fashion on a daily basis, we must cry halt as soon as we can. The House has a fine record of debating such issues and I call for such a debate. More important, the Government, in consultation with the newspaper industry, must move forward on this issue.

Mr. O'Toole: I could not agree more with what Senator Brian Hayes has said regarding the media. As Members will be aware, last Wednesday in the House I raised the issue of newspaper intrusion into private lives. The problem has got substantially worse in the meantime. I am conscious that in dealing with this matter we must be very careful. Senator Norris made an impassioned input to the recent debate on libel laws here and everything he has said has proved to be true. Last week I raised the issue of a person associated with a member of the Government, whose private life, in the words of Senator Brian Hayes, was being paraded to the public, with no interest involved.

The worst I have seen in all this concerned a young man of 29, studying in Trinity College, who got a full-page to himself in one of the Sunday newspapers, having tried to live and order his life. His only so-called crime — he has never been involved in any criminality — was that his father happens to be Malcolm McArthur. He has lived a life with that cloud hanging over him for 29 years. He and his mother have done the best for their lives. The person who wrote that article is guilty of what must be close to a criminal act. He has upset and overturned a person's life. It cannot be right nor acceptable.

When I spoke on the libel laws here I said that in my view the issue was not just the libel laws, but that in a well-ordered fair society a bipolar approach was needed and that we needed both privacy and information legislation. One is no less important than the other. In supporting what Senator Brian Hayes has requested, I ask that it be more focused on the issue of legislation to pro-

tect privacy than simply a press complaints council.

I welcome that responsible journalists also consider that something needs to be done about this matter. We should seize the initiative, have a serious and focused debate, with a recommendation from this House to the Minister for Justice, Equality and Law Reform to introduce complementary legislation dealing with press complaints, libel legislation, information legislation and, above all, privacy legislation. This is what ordinary people want and demand.

Mr. Ryan: I agree with my colleagues on the urgent need for a debate on privacy. The Houses of the Oireachtas need to send out a very clear statement that if the media cannot regulate themselves to defend people's privacy then somebody else may have to do it for them. While it is not a route I would wish to take, if the power of the media is on one side and the vulnerability of individuals is on the other side it is a function of the Oireachtas to mitigate abuse of power. If those who have that power do not find it in themselves to deal with it in a responsible way, those of us who have the duty to regulate the order of society will need to think about doing it for them, which would be a matter of great regret to me. I am not in favour of legislative regulation of the media. However, I believe we need to legislatively protect the privacy of individuals.

I cannot help being somewhat sceptical and quizzical that the onrush of debate about privacy in the media seems to have followed rather than predated an intrusion into the private life of a person from the media. I am more than a little concerned about this aspect. It did not seem to matter that a member of the Government, with whom I agree on nothing and who may well have political issues to address on something he did, had his private life filleted by a newspaper. Apparently his children were visited by representatives of a newspaper. It is better to have political opponents say this than to have political allies do so. What was done to that member of the Government by a newspaper was a disgrace. This was followed by the matter to which Senator O'Toole referred. Now, because a member of the media rightly took exception it is suddenly of concern. However, it is a critical issue and of concern to the least powerful, most vulnerable in our society.

I ask the Leader to ascertain why the director of the National Museum was prevented from speaking to the Oireachtas Joint Committee on the Environment and Local Government yesterday about the M3 and its intrusion into the Hill of Tara site. He was supposed to come, but apparently he was advised not to come. I do not wish to attribute any sinister motives, but we should be told.

I have spoken about what I thought were the unreasonable demands of a Chinese delegation to meet the Joint Committee on Foreign Affairs in private. I have said that it was wrong. The Euro-

pean Union's director of security, Javier Solana, demanded a similar meeting in private and it was wrong. The US ambassador apparently announced yesterday that he will meet the Joint Committee on Foreign Affairs only if it meets in private. I do not care whether the source of such requests is a tyranny or a democracy. To tell us that the representative of a sovereign state will debate the issues of the day in private only is an intrusion on our democracy. I do not criticise the committee — I criticise the governments of the countries which have decided to adopt such a policy.

Mr. Dardis: I agree with the proposition that the House should discuss defamation and the right of the individual to privacy in an era in which the media is all-intrusive. I have previously spoken about this matter. It seems to me that those who work in the media like nothing more than to write about other people who work in the media.

I was recently struck by the degree to which high-powered telephoto lenses can be used in cameras to intrude in private grief. There was an evocative picture on the front page of a newspaper when Robert Holohan was buried in Middleton. The picture, which was taken at the graveyard, spoke more than a thousand words, to use the cliché. When one turns to other pages, however, it is entirely wrong that one should find close-up photographs of people at their most vulnerable. It is wrong that photographs of them when they are devastated should be published on the front pages of newspapers. Private grief is a matter for families and should not be part of the public domain. It is just one manifestation of the malaise which has been discussed here this morning.

The Minister for Justice, Equality and Law Reform indicated yesterday that he will introduce proposals on defamation, which I am sure will come to the House in due course. The House has discussed and made proposals on the report of the Law Reform Commission on defamation. I share the view expressed by Senator O'Toole about the difference between the right to information and the right to privacy. They are two separate issues which should be treated as such. I agree with Senator Ryan that it would be preferable for the industry to regulate itself. There is no coherent commitment to respecting the rights of our citizens, however, particularly private citizens. I accept fully that in the public domain, where there is a right to public interest, there should be intrusion, just as there is sometimes intrusion into the lives of politicians. I accept that proposition. If they are not prepared to abide by reasonable norms, they will have to be regulated whether they like it or not.

Mr. Finucane: In 2002, the Government decided to issue over 14 million iodine tablets to every house in the country——

Mr. Norris: Except mine.

Mr. Finucane: ——in response to fears of a nuclear attack. The tablets are due to expire in March of this year. Perhaps the Leader can ask the Minister for Health and Children whether it has been decided to issue new iodine tablets to replace the old ones.

Mr. B. Hayes: Hear, hear.

Dr. Mansergh: There is an increased level of gender equality in the highest reaches of the public service as a result of a number of recent merited appointments, the latest to the position of Secretary General of the Department of Education and Science. We should all welcome that, even though it has taken the best part of the 30 years, since the abolition of the marriage ban, to come to pass.

Everybody agrees that immigrant labour is essential to our economy at this time. The proper enforcement of the laws governing the use of such labour should be debated again because it is an important subject.

Mr. Ryan: Hear, hear.

Dr. Mansergh: If employers are unable or unwilling to abide by those laws, we should consider withholding future employment permits in addition to financial penalties. It does absolutely no credit to us and we are all a little ashamed of it. More fundamental reforms may also be required.

Mr. Norris: Hear, hear.

Mr. Bannon: I, too, support the calls by my colleagues for the Minister for Justice, Equality and Law Reform to come to the House to debate the libel laws. We should do what we can to protect the privacy of individuals. As we know, too many lives have been destroyed by the intrusion of the press into people's private lives. The victims must carry the burden for the rest of their lives.

Will the Leader invite the Minister for Communications, Marine and Natural Resources to the House to debate the high costs of natural gas and electricity? I have called for such a debate previously. We are told these products are three times more expensive in Ireland than in Great Britain and other European countries. This will have an effect on our economy and industry and their future development. The matter needs to be addressed urgently and I request a debate on it as soon as possible.

Mr. Morrissey: Let us consider the issue of tolling and Government policy. Tolling has recently received widespread media coverage because of the increase in toll charges on the M50. I would like the House to debate the purpose and location of toll booths across the country. Only yesterday at the M3 inquiry did we hear that there will be a toll booth located on the approach road to a

[Mr. Morrissey.]

park and ride facility on the Navan road which is to accommodate 1,200 vehicles. If there is to be joined-up thinking, we cannot continue with the ludicrous practice of encouraging people to use park and ride facilities while charging them a toll to gain access thereto.

I have no objection to tolling across the country. It is part of the programme for Government and part of our road building programme. I would like to hear a wide ranging debate on the M50, traffic congestion around Dublin and how tolling can be a means to resolving our difficulties.

Mr. Quinn: A suggestion was made to me in light of the decision of the Government last week to build a new prison in north County Dublin and I would like the Leader to pass it on to the Minister, namely, that a court should be located near the prison. My mentioning this has nothing to do with the site of the complex, wherever that will eventually be, but concerns the very high travel costs that are incurred. My attention was drawn to the fact that if a prisoner in Oberstown in north County Dublin had to attend a court in County Cork, a driver and two, or possibly three, gardaí would be required to leave Oberstown at 5 a.m. or 6 a.m. to attend that court. They would not be allowed to leave again until 4 p.m. or 5 p.m. if the warrant had not been issued. The cost incurred by the State in such cases must be considerable. The logical suggestion is that a court should be built close to wherever the new prison is built.

Ms White: I wish to make three points. The first concerns Senator Brian Hayes's point on misinformation in the newspapers. In this regard, my colleagues should note that Alison Healy states incorrectly in today's *The Irish Times* that I am an investor in the new newspaper *Daily Ireland*. I am not an investor and am not receiving any money from it.

I laud Trevor Ringland, who played rugby for Ireland, on his advertising campaign One Small Step, the purpose of which is to stop people using emotional words such as "Taig" and "Brit" in an effort to break down sectarian barriers in Northern Ireland. In yesterday's edition of *Daily Ireland* he stated that he wants every human being to make a little step for peace and reach out to people on the other side as part of this effort.

I cannot remember my third point.

Mr. B. Hayes: What is the Senator's third point?

Dr. Mansergh: It happens to the best of us.

An Cathaoirleach: The Senator will have a chance tomorrow.

Ms White: It was very important and I apologise for not remembering it.

Mr. U. Burke: In the past three weeks an old age pensioner suffering from Parkinson's disease was admitted to a hospital in the west. During his stay there he was infected with MRSA. It took some time for the hospital authorities to admit that the patient had been so infected.

On his discharge, the patient, who holds a medical card, was told that the best items to cure the infection were not available to him on the medical card system. Given that the infection arose in the hospital, it should be the responsibility of the hospital to provide the best and most effective remedy. The Minister for Health and Children should so direct the hospital and that should be done in all such cases nationwide.

Mr. Minihan: I join previous speakers in calling for a debate on defamation as outlined by Senators Brian Hayes and O'Toole. Yesterday, a new centre for public inquiry was announced. This will be privately funded by somebody from outside the State to investigate people in public life and institutions. I have serious reservations about the prospect of moving in that direction.

The debate should be broadened to examine this proposal. A sovereign State cannot have an organisation, funded privately from outside the State, conducting investigations, and accountable to no one.

Senators: Hear, hear.

Mr. Minihan: Who will draw up the remit of this organisation and what protections will people have? This is a serious and worrying development. I urge all those who support the institutions of the State to examine the establishment of this centre. I hope when the Leader arranges a debate on defamation that it can be extended to include such centres.

Mr. Norris: I join my colleagues in expressing concern about the behaviour of certain sections of the media. I have raised this issue on several occasions and warned that we should not be pusillanimous in facing up to these sections of the press. It is horrifying to learn that *Ireland on Sunday*, a most disreputable newspaper, described Charlie Bird as "fair game". Who are they to decide which citizen is "fair game" in a situation where there is no clear public interest? This is an unsavoury, prurient intrusion into other people's private lives, and the facts are not even right.

I am a member of the National Union of Journalists. Seamus Dooley, the Irish organiser of the union, has spoken well for the honourable trade of journalism and established reasonable standards. He deplored that kind of behaviour. It is a policy of that newspaper to ensure that no unions are involved so it is not subject to the discipline of the NUJ. This is an English practice and the newspaper is English. These standards are disgraceful.

I disagree with my friend and colleague, Senator Dardis, that the press council should be

self-regulatory. That system exists in England and it is toothless. It does not work. The council should be independent. As a journalist I laugh when I hear the media calling for independent regulation of the Garda Síochána, the medical profession, nurses — everybody except ourselves. If the principle is right for everybody else, it is right for the media also and let us not be afraid to say so.

I call for a debate on the management of our roads. I have spoken on numerous occasions about the inadequate way in which speed limits are regarded, and the fact that there are many arbitrary, capricious changes to them. To quote from *The Irish Times* of 26 January last:

The Minister [for Transport] pointed to the N11 at Loughlinstown in south County Dublin. In one short stretch of the dual carriageway, the speed drops from 80km/h to 50km/h and then back to 80km/h. “You actually find gardaí there regularly taking otherwise law abiding citizens to the side and writing them tickets,” said the Minister. “I have to say I feel it brings the whole process into disrepute and it causes a lot of ill-will among otherwise law abiding, tax paying citizens.”

The Minister knows this but we should do something about it. While he is at it, the Minister should consider the issue of speed ramps. I am happy that we should have road safety, speed ramps and the rest but there is no regulation of this area. Ramps can be built from 18 inches high to two feet high, which are a danger to vehicles.

An Cathaoirleach: Is the Senator seeking a debate?

Mr. Norris: Yes, thank you.

I wish to comment on the unfortunate day in the various committees yesterday. The American ambassador did not turn up at the meeting of the Joint Committee on Foreign Affairs, 11 o'clock of which I and Senator Ryan are members, and there was a last minute change. The committee has no compellability with respect to foreign ambassadors and must deal with them in a courteous and diplomatic way — we simply point to precedents. With regard to yesterday's meeting, we were concerned that the American Government was attempting to establish a precedent whereby its ambassador would meet with us in private. This has been strongly resisted by the committee. However, my understanding is that this was not a personal decision of the ambassador as I believe his cards were well and truly marked by the State Department. We have no quarrel with the ambassador, who has always been very courteous.

Ms Feeney: I support the calls for a debate on the libel laws, particularly the need for a press council and press complaints board. It is almost a year since I raised this matter in regard to the Club Anabel case, where irresponsible journalists

caused great upset, not alone to the families of those involved but to all those reading the newspapers. It is interesting to note that the appeals in this matter cite irresponsible journalists as part of their case.

In recent days it has become apparent that journalists writing for tabloids are using fictitious names. When one tries to check out a particular journalist, it is found that nobody of that name works for the newspaper. Journalists are putting a name to a story, spreading their nets and writing what they want. It is probably typical of everything that happens in this country that when ordinary Joe or Josephine Citizen raises some matter, or is hurt or hounded by somebody, it goes unnoticed. However, when a journalist, politician or celebrity is hounded or tracked down by journalists, we all sit up.

As Senator Brian Hayes noted, it does not matter who is hounded or hurt, the result is the same. However, as this has been highlighted by the Charlie Bird issue, we should not let the matter slip and should follow it through. I hope I will not have to ask for such a debate again in a year's time.

Mr. Coghlan: I support the call of Senator Brian Hayes and others for a debate on privacy, libel, defamation and the establishment of a press council and press complaints board.

Some Members will be aware of an increasing difficulty in the vicinity of Killarney. I previously stated in the House that the authorities, namely, the heritage division of the Department of the Environment, Heritage and Local Government, is not able to keep the deer in or the sheep out. Deer are roaming more freely and at will than ever before.

Mr. Dardis: Like the Senator.

Mr. Coghlan: It is healthy that we have such increasing numbers of the native red deer but they are invading neighbouring farms. It is becoming a serious problem given the increasing number of road accidents, as we read about recently. Unfortunately, a cull is necessary. I would like the Leader to ask the Minister for the Environment, Heritage and Local Government to ensure that any necessary cull will deal, in the first instance, with the imported sika species. We should not deal with red deer, prematurely at least. They are majestic animals and a very fine species. A former Taoiseach managed to preserve the gene pool and gave assistance in that respect on his own island property off the coast. Perhaps the State could seek other places where we could preserve the gene pool of the native red deer.

An Cathaoirleach: The Senator is seeking a debate and he need not go into detail.

Mr. Dardis: You must not cull the Senator, a Chathaoirligh.

Mr. Coghlan: I ask the Leader to use her good offices in that respect.

Mr. B. Hayes: The cull happened last June.

An Cathaoirleach: Order, please.

Dr. M. Hayes: I support Senator White in lauding the work of Trevor Ringland, which is very commendable. As an average run-of-the-mill “Taig”, I would be even more offended by being called a “Tadhg”.

As regards the earlier calls for a debate on the libel and privacy laws, as a director of Independent Newspapers I want to declare an interest. I support the request for such a debate. I have been working with a group which includes the National Union of Journalists and publishers in developing proposals for adjudication by independent people, but not by political appointees. The group is anxious to talk to the Minister and is also anxious for legislation. In having a debate, we should also press for legislation so that it does not get pushed back on the list of priorities.

I too was surprised by the withdrawal of Dr. Wallace from helping the debate on the M3. It is a strange situation where the senior professional advising the public is not allowed to help the House. We should think of the view we would take if the chief medical officer was not allowed to talk on a matter of public health. It is regrettable.

Mr. Feighan: I join my colleagues in seeking a debate on the libel laws. We have acknowledged that over the years many people in our own profession spent most of their time going to the newspapers instead of trying to resolve issues on the ground. Unfortunately, the situation has come full circle. A debate would help to clarify many of the issues.

I ask the Leader to invite the Tánaiste and Minister for Health and Children to attend the House. The Minister should either clarify or deny that the hospital transport service, which has been very successful over the years in bringing patients to and from hospital appointments, has now been withdrawn. I am led to believe that currently in the Western Health Board region, as it was, word has come from the Minister that only cancer patients or those on dialysis treatment will be able to avail of the free transport service. It is causing great hardship for many patients. I am aware of elderly people who had to pay over €80 for taxis to attend hospital. This is unfair and unjust. The Minister should attend the House to resolve these issues.

Senators: Hear, hear.

Mr. Glynn: I support the call for a debate on the libel laws. Much has been said both inside and outside the House, and especially by the media, about the freedom of people in both Houses to say what they feel they can say — in other words, they are referring to the privilege enjoyed by

elected Members of the Oireachtas. It would appear, however, that total privilege pertains to certain sections of the press and that whoever is hurt in the interim is of little consequence to the people concerned.

On a number of occasions, I have called for a debate on bullying in schools and I realise that such debates have taken place. I would welcome another such debate since much new material has come to light in recent months.

It has been brought to my attention by a number of motorists — I have observed it myself — that while we all welcome people taking exercise, the wearing of reflective armbands by people out jogging is not sufficient because if they are wearing a top it may fall down over the armbands and they are not seen by motorists. It would be desirable if it were mandatory to wear a reflective vest.

Ms O'Rourke: Before I reply I wish to inform the House that a former Senator, Gordon Lambert, has passed away. The House will express sympathy tomorrow. I mention it now to give Senators an opportunity to prepare their contributions.

Senator Brian Hayes, Leader of the Opposition, asked for a debate on libel laws and standards in journalism. It is ironic that it took the invasion of the privacy of a member of the media to heighten the debate. The person in question was quite right to raise the issue because his privacy has been invaded. We could have bleated on forever and the issue would not have reached the level of coverage it reached when the other matter arose.

It is an outrage if anybody's privacy is invaded, whether the person is in public or private life. Such invasion is prurient and wrong. It belittles people to have their private lives laid out so that papers will sell, and that is what this is about. We had a debate on defamation in this House nine months ago. Now that the Minister is preparing proposals we should seek a further debate.

It is amazing that whenever we debate the issue of privacy and intrusion into people's privacy, it is linked to an expansion of the libel laws, which newspapers require. It do not know that that is necessarily an appropriate *quid pro quo*.

Mr. Norris: Exactly.

Ms O'Rourke: It certainly merits a debate in the House.

Senator Joe O'Toole also raised the issue of intrusion into personal privacy by newspapers. The experience of the young man, details of whose private life were highlighted yesterday, was appalling. He was clearly a mature student, aged 29, but had got himself together and was going to Trinity College, and details of who he was and his parentage and so on were published in the papers. It is cruel. It is like putting people on a spit and turning them, and raking in the money when the papers sell.

Senator Brendan Ryan stated that he is strongly against the idea of regulating the media. However, he also states that if they will not regulate themselves, regulation will have to be imposed through legislation.

Senator Ryan asked why the director of the museum was barred from attending a meeting of the Joint Committee on the Environment and Local Government.

Senator Dardis also raised the issue of privacy, defamation and the right to information. We are not trying to cocoon ourselves and prevent anybody writing anything about us. However, invasion into private life is wrong because writing about what people do in their private relationships is not in the public interest. I feel very strongly about this attack on people's dignity and self respect.

Senator Finucane changed tack and asked whether another batch of iodine tablets was due to be delivered. I cannot remember whether I got the first one.

Mr. Finucane: I got them and I noted they will go out of date at the end of March.

Ms O'Rourke: Will they be past their sell-by date?

Mr. Finucane: Yes.

Ms O'Rourke: Senator Mansergh stated that the gender imbalance in public appointments is beginning to thaw. Although I will not mention her name because it would not be correct to do so, we wish the new appointee to the post of Secretary General at the Department of Education and Science the best of good luck.

The Senator also sought a debate on immigrant labour laws. This matter was raised before Christmas at the time when a book worth debating was published by a group here. I will seek that debate.

Senator Bannon asked that the Minister for Justice, Equality and Law Reform, Deputy McDowell, come into the House to debate the privacy issue, and that the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, come in to debate the price of gas and electricity. Senator Morrissey called for a debate on tolling and the inappropriate siting of toll plazas on a particular road. Such a debate would be welcome. We have a toll expert here, Senator Ross.

An Cathaoirleach: He is not here now.

Ms O'Rourke: He should be here.

An Cathaoirleach: He will be sorry.

Ms O'Rourke: For whom the bell tolls. A debate would be worthwhile. Senator Quinn suggested that a court should be included in the new prison complex, which seems sensible. I am indebted to my colleague, Senator Leyden, who

has informed me that a new courthouse was built and is operational outside the gates of Castlereagh prison. I thank the Senator for that information.

Senator White wished to point out that incorrect information was published about her; she is not an investor in the new daily newspaper, *Daily Ireland*. Trevor Ringland said we should each make one small step per day to bring about peace and extend the hand of friendship.

Senator Ulick Burke raised the matter of the pensioner who contracted MRSA in hospital and was later told the medical card did not allow for the best treatment. He said it should be a policy of hospitals that if a person contracts MRSA in hospitals, he or she should then get the best of treatment.

Senator Minihan recounted an interesting item in the newspaper, which I invite all Members to read. I do not know what one might call it. A private investigative body is to look at all aspects of Ireland but I would like to know its terms of reference. While one would welcome investment in Ireland the gentleman who has the dollars has made very significant investments in universities, particularly in the University of Limerick where he has invested \$11 million, and also in the peace process. I am wary of this investigative body if it does not say what it will look it, and I am particularly wary of the staffing arrangements.

Senator Norris said that *Ireland on Sunday* had described Charlie Bird as "fair game". I read that comment. I do not think so. When Charlie Bird investigates we may think he is intrusive but it is always about a public matter which is of interest.

Mr. Norris: I am in my love nest.

Ms O'Rourke: Who is the Senator's companion?

Mr. B. Hayes: The red deer.

Mr. Coghlan: He is roaming freely.

Ms O'Rourke: Senator Norris raised the issue of the management of roads and speed bumps and also the fact that the American ambassador did not turn up yesterday. He was told not to attend.

Senator Feeney raised the issue of libel laws and privacy. She had raised the matter previously relating to the Anabel case. I will seek to have that debate next week. The Minister for Justice, Equality and Law Reform, Deputy McDowell, may seek to ventilate his ideas which would be good. Senator Coghlan raised the issue of deer, sheep and the culling of deer which he considers necessary. He suggests that the Department of the Environment, Heritage and Local Government should deal first with the imported deer. Senator Maurice Hayes called for legislation in the area of privacy and behaviour. I think the time is ripe to do so. This issue should be moved on sharply and smartly, otherwise we are all diminished. He also said he was surprised by the

[Ms O'Rourke.]

withdrawal of Dr. Wallace from assisting at the Joint Committee on the Environment and Local Government. Senator Feighan raised the issue of the libel laws. He raised also the issue of the withdrawal of the hospital transport service except for cancer and dialysis patients. I do not know if that is the case. I am sure it is not but I will inquire. Senator Glynn asked for a debate on the law of libel and total privilege and on bullying. We are hoping to have the Minister for Education and Science come to the House soon. I will request that the subject be included in her remarks.

Order of Business agreed to.

Tsunami Disaster: Statements.

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I welcome the opportunity to make a statement to the House. It is almost impossible to find words to adequately describe the tragic events that unfolded on the morning of 26 December 2004. We have all been shocked and humbled by the sheer destructive power of nature and the enormous loss of life involved which to date is estimated at close to 300,000 people. Over 2 million people have been displaced and entire communities have been wiped out. Families have been destroyed, children orphaned and parents are grieving for their missing children. Livelihoods and whole communities of friends and neighbours have been washed away leaving those who survived with nothing but the rubble of their shattered homes and the memories of an awful day which has changed everything for everyone.

Ireland has not escaped the tragedy. Our thoughts and sympathies are with the families and friends of Eilís Finnegan and Conor Keightley who lost their lives in Phi Phi in Thailand. The families of Lucy Coyle and Michael Murphy still continue their lonely wait. There is little Ireland or the international community can do for those who have perished except to offer our most sincere sympathies to the families.

There is much that Ireland can do to help those who have survived these terrible events. Our focus and that of the international community must now be to assist these countries and communities in their recovery effort, not just in the short term but over the difficult months and years ahead as they begin to rebuild their lives.

Over the past month there has been an extraordinary demonstration of sympathy and solidarity and an unprecedented expression of generosity across the world. While the power of nature has been devastating, the power of the human spirit to respond with compassion has been astonishing.

As both the Taoiseach and the Minister for Foreign Affairs stated in the Dáil, Ireland responded immediately to news of the disaster on St. Stephen's Day. The Government was one of the first governments to respond in the immedi-

ate aftermath of the earthquake and the tsunami. On St. Stephen's Day, it pledged €1 million to the relief effort. This amount was doubled two days later when the scale of the disaster became more apparent. On New Year's Eve, the Taoiseach and I announced an increase in the funding to €10 million. Within six days of the disaster, funding for immediate relief increased from €1 million to €10 million.

Following the recent visit of the Minister for Foreign Affairs, Deputy Dermot Ahern, to the region, the level of funding has now been increased to €20 million. I considered it useful to arrange a meeting on 4 January between the key aid agencies and the Taoiseach and the Minister for Foreign Affairs, Deputy Dermot Ahern. This was an important meeting and was a key signal to the public which prompted a generous response to the appeal for funds. The public responded accordingly to the display of unity by the Government and NGOs, acting as true partners in the face of this terrible tragedy.

On St. Stephen's Day a crisis centre was established by the Department of Foreign Affairs to provide assistance to families and friends of Irish people caught up in the affected region. The centre's work was augmented by staff from our embassies in the region who worked in Phuket, Thailand, and Colombo, Sri Lanka, to assist in locating and helping Irish people affected by the tragedy. The Garda also assisted greatly in this endeavour and a Garda team travelled to Phuket.

The Government has made clear that of the €20 million pledged for the tsunami disaster, €10 million is additional to the overall aid budget and the remainder will come from Development Co-operation Ireland's emergency humanitarian fund. The fund is deliberately designed to be flexible to respond to disasters of this kind wherever they occur. This is the largest amount Ireland has ever pledged to a single emergency.

Ireland's assistance is targeted at the most vulnerable populations in the affected region. The key sectors being addressed are food assistance, shelter, livelihood rebuilding, care and protection of children, water and sanitation. I have approved approximately €9.5 million to date in response to requests from people on the ground seeking assistance and funding.

As in all natural disasters the most immediate response in the vital first few hours is from the affected communities, which achieved a considerable amount in appalling circumstances. The Red Cross, because of its presence on the ground and its preparations for sudden disasters, played a vital role in providing immediate relief. Ireland, through its official aid programme, Development Co-operation Ireland, has a strong partnership with the Red Cross designed to assist the organisation to build local capacity in advance of disasters.

Emergency preparedness is a vital component of effective emergency response. The public often lose sight of this fact in the zeal with which they demand action when an awful tragedy or emer-

gency of this nature occurs. While individuals frequently want to help or even travel to the region affected, the most important response to a disaster of this kind is that of local people. The work of our aid programme on an ongoing basis is to fund the Red Cross and United Nations to build capacity in developing countries to ensure local people, as opposed to people travelling into regions affected by disasters, provide the immediate response.

The Irish agencies and their partners in the region have responded, as on many occasions in the past, to this major challenge. The life-saving work being done by members of Concern, GOAL, Oxfam, Trócaire, Christian Aid and other organisations is worthy of the extraordinary public support of so many people here at home.

The importance of the role of the United Nations system in providing help directly, co-ordinating action on the ground and planning for future protection and early warning systems cannot be overstated. The lead of the United Nations will be critical as the emphasis shifts to longer term recovery and reconstruction programmes. The tsunami disaster, more than anything else, has underpinned the centrality and importance of the UN system in global matters.

The priority now for all donors, UN agencies and NGOs is to carefully co-ordinate their efforts with nationally devised plans which reflect the views and concerns of local communities and people. It is clear the recovery of the region will take years and the Government is determined that Ireland's role in rebuilding the region and relieving its suffering will continue long after the cameras have left. While the generosity of the public has been considerable, the Government's contribution will continue long after private donations from ordinary citizens dry up and attention switches to other issues and causes.

To this end, we will send Mr. Chris Flood, a former Minister of State and the current chairman of the advisory board of Development Co-operation Ireland, as a special envoy to the region. Mr. Flood will visit the region and speak to key UN agencies and NGOs which are in receipt of Irish funds. He will monitor progress to ensure maximum effectiveness of Irish funding and will be assisted by the emergency and recovery section of Development Co-operation Ireland. The reason for this is simple. At the start of the crisis, the public spontaneously showed its generosity in response to the obvious tragedy and disaster. In parallel, concern has arisen across the globe that money and assistance should reach the target recipients and be spent in the correct manner. Mr. Flood will be involved in ensuring that this is the case and that the public receive the necessary reassurance in this regard.

The Government sent a technical team, mainly comprising officials from Development Co-operation Ireland, to the region to carry out an assessment of the most pressing needs and the key challenges which lie ahead. The team has now returned and its recommendations are being

examined by myself and officials. The team's report will guide Mr. Flood's work over the coming months. As a result of one of the recommendations, it is noteworthy that Ireland has provided the services of a number of skilled personnel from the Defence Forces who are working with the United Nations in Sri Lanka.

At European and UN levels, we will drive the issue of independent monitoring of assistance. We want to ensure pledges made internationally are followed up by delivery on the ground. I have requested the OECD, through the chairman of the development assistance committee, Mr. Richard Manning, to offer assistance in monitoring the delivery of pledges. Members would be aware that following previous disasters, such as that in Bam and the flooding in Mozambique, there were very serious concerns at an international level that pledges and commitments entered into by sovereign governments and states were not followed through in terms of donations. To that end and on my way to the Indian Ocean to a conference attended by a number of countries affected by the tsunami, I visited Mr. Manning in Paris and raised this specific point, that is, the need to track and monitor international donations so that recipients receive the money. As Members know, there are unscrupulous countries which, in the past, were prepared to pledge in a showy way but not deliver when the delivery was expected and required.

The EU has an important role to play in regard to this disaster. Earlier this week, EU Foreign Ministers met and approved an action plan developed by the EU Presidency. The plan is designed to better co-ordinate available EU resources at all levels to provide more effective follow up to the tsunami and possible future similar disasters. Ireland fully supports the action plan.

While at present we are all quite rightly concentrating on south Asia, funds are not being diverted away from other parts of our aid programme. Our long-standing focus on the eradication of poverty in the world's poorest countries, particularly in Africa, will not be diluted by the effort and spending we have engaged in to date.

Emergency assistance is a small part of our overall assistance programme. Of the total of €545 million we will spend this year on development assistance, over three quarters of our spending will be directed at long-term programmes in the poorest countries in sub-Saharan Africa. This has always been the focus of our aid programme and this year will be no different.

The events of St. Stephen's Day have shown both our shared vulnerabilities and our linked destinies as an earthquake in one continent has left families devastated in every continent. Rarely has the world witnessed such a sudden and appalling disaster. I say witnessed because with the speed of modern communications, this shocking tragedy unfolded in the homes of millions of people throughout the world over the Christmas

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 period. It has united people as nothing else could in shared feelings of grief and sympathy.

There is a common thread of poverty and vulnerability between many of those affected by the tsunami and those struggling against grinding poverty in Africa. The extraordinary response of the Irish public is clear evidence that the people care about those who are less well off than themselves. As a public representative, that is heartening to see and I think all public representatives would share this affirmation of confidence. So often over the past few years, because of the boom in our economy, many people have tried to assert that the Irish value system has been lost with affluence and prosperity. The example of the tsunami and the volunteerism we witnessed during the Special Olympics suggests that we have not lost our values.

If one looks back to 1984 when Live Aid occurred, this was a country of mass unemployment and emigration but it is now a society of high employment and immigration. The value system has not changed in 20 years and the people remain robust in their solidarity with people who are in difficulty and remain generous. We were both a generous and welcoming nation during that period despite the huge disparity in income terms.

The Government is committed in the fight against poverty and the reduction of vulnerability across the world. The past four years have seen a greater increase in our ODA programme than at any time since the programme's foundation in the 1970s. Despite intense pressure on Government finances, the growth in our ODA programme in recent years is without parallel in any other OECD member state. Over the next three years, we will spend a minimum of €1.8 billion on aid to the world's poorest countries and most vulnerable people.

The Government remains strongly committed to achieving the UN target. The issue of how best to meet the UN target and in what timeframe is actively under ongoing review. In the coming months, Development Co-operation Ireland will launch a consultative process which will lead to a White Paper on development assistance. All interested stakeholders will be asked for their views.

Overall, in terms of overseas development, Ireland is in good standing internationally. During his visit last year, Kofi Annan told me that Ireland is viewed as a model UN country both in terms of the contributions it makes at UN level and its role in development matters. Ireland is a key partner of key UN agencies such as UNICEF and the World Food Programme. Indeed, we are among the largest donors in the world to these agencies. Only yesterday, the president of the World Bank, James Wolfensohn — a president who has refocused the bank towards a poverty reduction agenda — stated that Ireland was a remarkable example to the world in terms of the response to the tsunami and in relation to

development matters and issues generally. It is worthwhile quoting Mr. Wolfensohn because of his stellar reputation in development circles. In an interview on "Morning Ireland", Mr. Wolfensohn stated:

. . . and I must say here, that I am deeply impressed by what Ireland has done. I mean quite apart from your Government contribution of €20 million, the public has come up, as I understand, with €50 million. And so this €70 million from a country of 4 million people is quite remarkable, and I was able to tell the Taoiseach tonight how much of an example Ireland is, and also to talk to the Finance Minister and the development Minister, because your country has shown tremendous capacity and a tremendous heart, and I think the Irish people are to be congratulated on your approach to development.

I put great stock on a recommendation, endorsement or validation of that kind. That validation reflects on all of us in this House, both Government and Opposition, but, more than anything else, it reflects well on the public which has maintained a strong sense of the value system in which it was inculcated early on. It is still there and it is a matter of great pride for me that the public responded in this fashion.

Mr. Bradford: I welcome the Minister of State and thank the Leader for organising the debate. I congratulate the Minister of State on his involvement in this issue and commitment to try to bring some degree of relief and hope to a sad and stricken region. It is also fair to say that this is not a party political issue and we, on this side of the House, must be big enough and realistic enough to give credit to the Government and, in particular, the Minister for Foreign Affairs, Deputy Dermot Ahern, for his decision to visit the region. On occasion some of these ministerial visits, while perhaps well-intentioned, end up as little more than photo opportunities. However, this occasion was different and from speaking to some of the representatives from the aid agencies, the Minister's visit was a watershed. Not only did it bring the Minister closer to the problem, it will help him to outline future Government policy in regard to development aid.

I note the Minister of State said that Development Co-operation Ireland will launch a consultative process leading to a White Paper on development assistance and that it will look for submissions. That is important because it is not only a question of how much money is spent. To date, €70 million has been spent — €20 million from the Government and €50 million from the public. Some €70 million is an outstanding contribution by Ireland to the tsunami relief fund. As we go forward, we must look more closely how this money and other moneys are spent to ensure we are doing the right thing in the right way.

This disaster was seen almost live on television. In the era of Sky News on which everything is

seen almost instantly, it brought the tragedy into every home the day after Christmas Day. We have not seen or experienced a tragedy on this scale in generations. The graphic nature of what we saw touched everybody and caused the outpouring not only of sadness and sympathy, but of financial assistance, which we must welcome.

I welcome the fact the Government has now pledged €20 million. I am satisfied with what the Minister and the Government have said in that this is additional money and it is not a case of robbing Peter to pay Paul. It is important other aid projects to be funded in 2005 by the taxpayer through Ireland Aid receive the necessary moneys. I am satisfied this is a separate allocation for south-east Asia.

I congratulate the Irish public on the donation of more than €50 million. In almost every area there has been some degree of fundraising to bring hope and help to those stricken by the tsunami. Hundreds of thousands of clubs and organisations have taken part in these efforts. This is positive in two respects. First, it means that urgently needed money is raised and will be spent effectively in the coming months. The second benefit is that it helps people, if only for a brief time, to reflect on this type of tragedy, what needs to be done to ensure it will not happen again and the actions that must be taken on the world stage to bring about the necessary economic and social changes to give people of this and other poorer regions a proper basis for a new start.

I hope a consequence of this dreadful disaster is that we will not only pour money into rebuilding lives and regions in the short term but will also plan for the future by thinking seriously about putting in place, through various world agencies including the World Bank, the financial underpinning required by these countries. This will allow such regions to survive a similar disaster and to attain a sound economic future upon which to build. This is an objective towards which we must strive.

I am pleased the Minister of State's former constituency colleague and former Minister, Mr. Chris Flood, has been appointed as a monitor in the affected region. This is an issue I have taken up at Oireachtas committee meetings in recent weeks. As a country and a Parliament, we send monitors across the globe to monitor democracy by ensuring that elections are conducted in a proper fashion. It is also important that we monitor how Irish money is spent. The issue here is not the concept of value for money because every euro spent in south-east Asia is producing some positive effect. However, we must monitor expenditure to ensure it is being put to best effect and is producing a long-term result.

In congratulating the Minister of State and his Government colleagues on selecting former Deputy Flood for the role of monitor, a former colleague of mine with an exemplary record of public service in the Oireachtas and who was

always prepared to take a brave rather than a popular stand, I hope we can persuade our EU colleagues to take similar action. A significant amount of EU money is being poured into the aid programme. Every country should have a monitor in place from whom we can receive information as to how operations can be improved. There is no perfect government or system and no perfect way of spending money. However, we can learn from the reports sent back by Mr. Flood and others. I hope the Minister of State will put this suggestion to his EU colleagues.

I have also suggested, though not with the same degree of success enjoyed by my monitoring proposal, that we must think more seriously about regionalising our aid. It is important that the moneys we collect and spend continue to grow. However, I wonder about the impact of spreading aid money significantly across the globe. Should we try to concentrate it more into a country or region where there would be a hands-on Irish approach by means of which, as a country and as a Parliament, we could forge close links with a specific area, whether a country, region or network of cities or towns? I do not refer to a simplistic type of twinning arrangement but rather to the approach taken by Development Co-operation Ireland, for example, which has tried to concentrate much of its programme in a small number of countries.

We will not solve the world's problems. This is one of the interesting points to emerge from our meetings with aid agencies. We have a moral responsibility to respond to issues such as this but this State cannot be expected to provide the answers to all problems. The donation of €70 million is major from an Irish perspective, equating to probably the highest *per capita* contribution internationally. However, it is a drop in the ocean in terms of what is required. We must ensure our aid donations produce positive results in the long term.

I congratulate everybody involved in the positive, progressive and appropriate work done to date. However, we must take a forward-looking approach. Today's crisis is often tomorrow's story in the history books. We must keep the overall problem in mind so that a region is not merely assisted in the short term but that we plan a better future for the millions of people living in that area.

It is important not to lose sight of the other ongoing problems in the world and in the African continent in particular. As I have said in this House on several occasions, it remains an absolute tragedy and political disgrace that Sudan is allowed to continue as it has been heretofore. There had appeared to be progress in recent weeks but this progress seems to have stopped. We have become very taxed in this House over Iraq and other issues. Meanwhile, a problem of greater proportion, where larger numbers are dying and under daily threat, is not receiving the political attention it deserves, particularly on the

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part of the United Nations. I ask the Minister of State to keep this issue at the top of his agenda.

Dr. Mansergh: I warmly welcome the Minister of State on his first visit to the House on development matters. This time of year in this part of the world is never all that cheerful but a pall has been cast over the beginning of this new year by probably the worst instant natural disaster that has occurred in our lifetime. The Minister of State has quoted the latest figure of an estimated 300,000 people killed in a matter of two or three hours. Our sympathies go to the Irish families affected but also to those inhabitants of what are generally poorer parts of the world.

In previous times it was said that natural disasters were evidence of God's anger at humankind. One commentator has observed that nowadays we are more likely to hear environmental doomsters pronounce that such occurrences are punishment for our environmental mistreatment of the earth. Nobody can make such a claim about this disaster, involving a natural earthquake which has nothing to do with the interventions of man.

However, because these types of disaster can occur in different parts of the world, there is a duty on us to take the preventative measures that will mitigate them. The absence of any type of early warning system contributed greatly to the level of casualties in this instance. This is something that must be corrected and will not even involve excessive expense. This applies to situations in other places, for example, the issue of building standards in Turkey in view of the risk of earthquakes in that country. Every area that is vulnerable must look to the way in which it plans housing development and so on to ensure the best possible protection against such occurrences in the future.

It does the country and the Government great credit that there was a tremendous outpouring of help, with €20 million coming from the Government and €50 million — the figure is probably still rising — from the public. The Minister of State said that the extraordinary response of the Irish public is clear evidence that the Irish people care about those who are less well off than themselves. I hope this will be quoted at the Cabinet table the next time allocations for overseas development aid are discussed.

The diplomatic service, to which in the distant past I once had the honour to belong, acquitted itself outstandingly on this occasion and showed that we have a superb public service which even during what is a holiday period pulled out all the stops to provide maximum help and information. When it was necessary to speak on a daily basis to the media, which is not perhaps very usual, public servants acquitted themselves exceptionally well. I ask the Minister of State to pass on the congratulations of this House to all those involved. While no one would wish that a disaster should occur, there is probably no disaster from which some good cannot subsequently be extracted.

One of the effects has been to mainstream overseas development aid in a way that it was not beforehand.

The Minister of State spoke about producing a White Paper. I remember working in the mid-1990s with former Deputy Ray Burke, who is now in another place, on an interim target for overseas development aid, which was to be 0.45%. I regret that possibly because of very high growth in the intervening period, we have yet to achieve that target. Professor Jeffrey Sachs, the special envoy for the millennium goals, in an interview with the *Frankfurter Allgemeine* on 20 January, stated that the rich countries, of which Ireland obviously is one, should in the immediate future set aside 0.5% of GNP for overseas development aid. In the period between now and 2007 we should certainly not settle for anything less. While we all would have preferred to be even further ahead, that would be both a defensible position and represent substantial progress.

I reiterate a point I have made a number of times in this House. In an interview with *The Irish Times* on 12 January, the Minister for Foreign Affairs said that the emergency aid would likely focus on Sri Lanka, a country I visited in connection with its peace process two or three years ago. I would very much like to see us take on the challenge of making Sri Lanka an overseas development aid country that we help. It is a relatively small island, obviously with a much larger population than Ireland, which has divisions and a conflict not totally dissimilar from ours. While I realise that we have already encountered difficulties and obstacles in getting aid to the Tamil area with the agreement of the government, we should not be deterred and should take on the challenge.

The Minister of State said that the Government was determined that Ireland's role in relieving the suffering and rebuilding the region would continue long after the cameras had left. Sri Lanka has no special relationship with the United States. The United States takes a very limited interest in Sri Lanka, whereas it takes significant interest in Indonesia, the Philippines, etc. We need to focus on this area. I very much welcome the appointment of Chris Flood as Irish tsunami aid envoy. I can think of no better choice given his track record in dealing with deprived and marginalised people at home. In years gone by I had the opportunity to visit one or two of our overseas development aid projects with the Taoiseach. We have a healthy concentration on the basics and essentials of life, which is very good.

Our young people in particular travel considerably. They should not be deterred by what has happened from travelling to these regions. It is very unlikely that something of this sort will happen again in the near future. Some of these places depend absolutely on tourism. My daughter is planning to go there in the summer. I hope that young people and people of all ages will travel to that area as this would be another way to show some solidarity.

Dr. Henry: I wish to share my time with Senator Norris.

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

Dr. Henry: I welcome the Minister of State to the House and I welcome some of the points in his speech. It is very important that the delivery of aid will be monitored by the UN and that we will give assistance in this. While promises were certainly made regarding the Iranian earthquake in Bam, apparently only one fifth of the money promised turned up. I am extremely glad that the Government did not attempt to send the Army into any of the countries as some people had proposed. This would have looked very imperialistic and most of those countries have very fine armies. To send a small number of specialist personnel from the Defence Forces was much wiser. I am also very glad that we are co-operating fully with UNICEF and the World Food Programme.

I ask the Minister of State to co-operate with and encourage UNFPA in assisting maternity services in these countries. I was extremely distressed to discover that many of the deaths are due to tetanus. A very high percentage of people in the affected countries have not been vaccinated. Death by tetanus is appalling. We had done very well in reducing maternal mortality and neo-natal tetanus by helping UNFPA to distribute its birthing packs, which only cost approximately 25 cents. They consist of very simple things like a clean blade to cut the umbilical cord, clean tape with which to tie it and a clean piece of plastic on which the woman can give birth. The Minister of State should ask whether such equipment has been sent to the region in sufficient quantities, as pregnant women will give birth when the nine months are up. It would be terrible to think of losing so many women and babies due to tetanus. I had never thought of tetanus being a major problem in such a situation. However, with all the filth in which people are lying, it was bound to become a very serious problem.

I was very glad to hear the Minister of State say that aid to sub-Saharan Africa will not be cut. As he knows, that is very important to me. I have written to the Minister of State to ask if we could do something for Somalia, which is right beside Ethiopia, in which we have such very good programmes. I gather that President Museveni is trying to be as helpful as he can regarding the situation in Somalia. The newly created government in Somalia has asked for help and to date, as far as I can gather from the Internet, the response has come from South Africa, which has been very good, and a United States organisation, CARE. Further down the coast in Kenya and Tanzania, the Chinese are helping. Given that we have such good programmes right beside Somalia, we should be able to do some more. Just a few hundred people died in Somalia, as far as we know, but it has suffered from war, four years' drought

and torrential rains. We should try to do something for its newly established Government if we can. I ask the Minister of State to include such concerns on his list. Somalian fishing boats have been destroyed just as much as fishing boats in Sri Lanka.

Thailand has said it does not need outside assistance because it is one of the most prosperous countries in that region. I ask the Minister of State to examine the circumstances of the 20,000 or 30,000 Burmese workers in Thailand. I should submit an interest in this regard — we have made Aung San Suu Kyi a freeman of the city of Dublin. One of my sons helped to establish a strong support group, Burma Action Ireland, of which I am a member. The people of Burma have received great support from this country. Burmese workers in Thailand are afraid to come forward to get aid because some of them are there illegally. Perhaps some of the officials of our excellent diplomatic corps in Thailand can examine whether we can do anything for the Burmese workers. An initiative from our NGOs there could help them to receive some aid. I gather that the people in question are sheltering in the mountains, some of them with little food or supplies of any sort. They are afraid that they will be described as looters if they come down from the mountains with any possessions.

I note Senator Mansergh's comments about Mr. Sachs, who said that allocating 0.5% of our GNP is enough. Our embarrassment derives from the fact that the Taoiseach said at the United Nations that Ireland would donate 0.7%. Some people in developing countries might think we made the commitment because we wanted their votes to get onto the UN Security Council.

Mr. Norris: They would be right to think that.

Dr. Henry: No one would want that idea to become accepted. I would prefer it if we could try to get back to our original aim. When the reconstruction of tourist resorts takes place, could we remind those involved that the destruction of the ecosystem in parts of Thailand where tourist resorts are built may have contributed to the devastation in such areas? Mangrove swamps have been completely removed from the coastline to improve the beaches, for example. Burma may have been protected by its retention of mangrove swamps. The Minister of State should ask his officials, when they are giving advice about redevelopment, to remind those involved in reconstruction of the value of the ecosystems in those areas for their own protection.

Mr. Norris: I welcome the Minister of State to the House. He is right to state that the tsunami was an appalling catastrophe. It was a reminder of the immense power of nature. The first photographs I saw scarcely moved me because they were flat satellite photographs — the wave just looked like a kind of ripple. I was moved by a

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photograph I saw in a newspaper of people on a tourist beach. There was a wall of water behind them that was five times their height. They were dressed in holiday clothes and were almost smiling, but it was obvious they did not realise what was happening behind them. I do not think I would have realised because I would have thought of it initially just as water, even though it was on an enormous scale. I imagine that most people were killed by the debris — motor cars, boats, bits of houses, etc. — that was collected within the waves. Some people were smashed against rocks.

I would like to correct slightly Senator Mansergh's comment that the tragedy did not have an environmental element. Of course there was such an element. The impact of the wave was massively increased in areas in which mangrove swamps have been removed.

Mr. Dardis: He said that it had nothing to do with global warming and he was right.

Mr. Norris: No, he did not quite say that. I do not intend to waste my time challenging Senator Dardis's interruptions. The impact of the wave was significantly less in areas in which mangrove swamps had not been removed to create beaches. The impact of the wave under the surface of the sea was minimised in areas where the despoliation of coral reefs had not taken place.

I understand that less than 50% of moneys pledged following most disasters is eventually received, which is utterly shameful. The Minister of State will recall that I suggested at a meeting of the Joint Committee on Foreign Affairs that there should be a tracking mechanism. I am glad the Minister of State strongly endorsed my view today.

The Minister of State praised the Irish people, who showed themselves to be remarkably generous following the disaster. The people donated €50 million and the Government donated €20 million. I would like to analyse those figures later. Our donations pall in comparison to the extraordinary generosity of the people of East Timor, who gave \$50,000 to Indonesia, which had oppressed and humiliated it and devastated its lands. The donation of \$50,000 by such impoverished people represents an extraordinary thing. Xanana Gusmao went to Jakarta to present the money in a move of reconciliation. We need to examine the actions of the Indonesian Government, for example in Aceh, which was struck by the tsunami. The Indonesian Government tried to exclude certain people from the area because it does not want the world to know that problems similar to those in East Timor are developing there. I commend that matter to the Minister's attention.

I am glad that the former US President, Mr. Clinton, has been appointed to oversee the continuing monitoring of the implementation of the donated moneys. It is a very good thing.

The Minister of State has said that the Government is committed to the fight against poverty and the reduction of vulnerability throughout the world. I applaud that statement.

I congratulate the Roman Catholic Archbishop of Dublin, Archbishop Diarmuid Martin, for his courage in saying that we need to examine farm supplements. He was roundly attacked for his statement, but he was absolutely right, especially in respect of sugar beet and all that kind of stuff. If we want to create more fairness throughout the world, we have to accept some readjustment and pain in this country. It was marvellous that Archbishop Martin had the courage to make such a statement. He was absolutely right.

Ireland will contribute overseas development aid of €1.8 billion over the next three years, compared to €3.8 billion under the special incentive savings scheme. Our ODA allocation is not such an enormous amount of money. Ireland is a very rich country which can well afford to donate it. I do not accept that we should derogate from the 0.7% commitment. We should support the Minister of State's fight at Cabinet level to secure 0.7% of GNP. I do not accept for a second that we should reduce the allocation to 0.5% by 2007. Such a reduction, which has been implied, would be a real shame. I will not accept it. I will fight against it as hard as I can.

The Government responded efficiently and rapidly in the days immediately after the disaster. It acted on the immediate need for assistance by making an immediate allocation of €2 million. It is a pity, however, that some subsequent decisions were delayed as we awaited the return of the Minister, Deputy Dermot Ahern. The delay at that time was unhelpful and not in line with good practice. It is good to get news from the front, but many NGOs feel that the delay was regrettable and should not be repeated.

Reports in the media claimed that the Minister for Foreign Affairs stated that specific emphasis will be placed on what he described as "indigenous Irish NGOs". Such a phrase can easily slip out, but I would like to ask some questions about it. What is meant by "indigenous Irish NGOs"? Is a criterion of specific Irishness being introduced? I am glad that the Minister of State is shaking his head, but I would like him to place his thoughts on the matter on the record. I would like to think that the relevant criteria are those stemming from agreed international best practice. I refer to the usual things like needs capacity, local track record and the use of local capacity. I am glad the Minister of State is now nodding in agreement.

The Minister, Deputy Dermot Ahern, was also quoted in the media as saying that the first €10 million pledged by the Government was additional money and that the second pledge was taken from the DCI's emergency aid fund. As the Minister of State knows, when this matter was raised at a meeting of the Joint Committee on Foreign Affairs, it was explained that the fund would be replenished, which I welcome. I under-

stand and accept that fully. Can the Minister of State explain the process that the replenishment will involve? We would like some of the detail of the replenishment to be fleshed out.

Will the Minister of State clarify whether this replenishment will take place before or after the finalisation of the Finance Bill in the Oireachtas? Does the Minister intend to publish the decisions on emergency aid in full? The DCI only publishes the total amount of funding and not a breakdown of its distribution among the various recipients, including the various UN organisations and NGOs. From their point of view and in terms of planning, it would be a great help if we had such a breakdown. I commend the Minister on his efforts.

Mr. Dardis: I propose to share my time with Senator Minihan.

Acting Chairman: Is that agreed? Agreed.

Mr. Dardis: I welcome the debate and thank the Leader for arranging it at such an early stage. I thank the Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan, for the work he has done since the appalling tragedy took place. The Minister, Deputy Dermot Ahern, and others are also to be commended. In particular, mention must be made of the work done by Dan Mulhall, ambassador to Malaysia, who responded so rapidly and effectively when the tragedy took place.

The tsunami lends a new meaning to the word "apocalypse" in that it was apocalyptic in scale. However, it was not unprecedented. We spoke about the media during the Order of Business this morning. It is a tribute to the television age and the powerful images we saw on our television screens that the impact of the disaster on world opinion was so great. Our own potato famine was an apocalypse of even greater magnitude but it occurred over a longer period. The tsunami gave us an idea of the immediate devastation that occurs in the aftermath of an atomic bomb.

It was very understandable that the response to the tsunami was so rapid and dramatic, particularly that of the Irish Government and public. I commend the Minister on the moneys that were allocated. A small church-going community from the Curragh in County Kildare raised €11,000 for the recent Trócaire appeal at Sunday masses. This was a remarkable sum to have been raised by a relatively small number of people. The response of the group serves to indicate the extent of the national response. The Minister of State has outlined the relevant figures in this regard and also the remarks of the president of the World Bank regarding our dramatic contribution *per capita*.

At a meeting of the Joint Committee on European Affairs last week, we had the opportunity to speak to the Minister, Deputy Dermot Ahern, before he went to the General Affairs Council in Brussels on 31 January. I am pleased to note that the action plan has been approved by the Euro-

pean Union, as indicated in the Minister of State's speech. The main point that must be made is that there is a great need for a co-ordinated approach at supranational level through bodies such as the European Union. Otherwise, much of the moneys will be dissipated.

The disaster highlighted the ineffectiveness of much of the aid donated for other disasters. In demonstrating that only a very small proportion of the moneys pledged for other disasters was actually spent, the Minister of State mentioned the example of Bam. Honduras provides another example. I hope and am confident that this will not happen in the areas affected by the tsunami.

One important point I raised with the Minister last week, which was also mentioned by Senator Norris, concerns the need for additional aid. The Minister has explained what is happening in our case. Some moneys are being diverted and other moneys are additional. However, I have serious worries that moneys that should be spent in Africa, where the need is enormous, will be diverted. The need is great in both Africa and south-east Asia and additional funds should be pledged. Otherwise, we will fall badly between two stools.

The capacity of Somalia, as an economy, to deal with its problems is much lower than that of some of the countries that have been affected very badly by the tsunami. It must be borne in mind that we must not take our mind off the African ball. The Minister will share my view very strongly and he is committed to ensuring that the problems in Africa are addressed.

I join other Senators in sympathising with the Irish families that have been bereaved. It is appalling to realise that two people are missing and that their families cannot achieve closure, if that is the proper term to use in these circumstances. It was gratifying to hear the Irish families traumatised by the disaster being very complimentary about the role of the Government with regard to the help they received. In that context, the Garda presence in the affected region needs to be acknowledged. The work of the gardaí involved must be very difficult and painful and they are to be congratulated.

I share the view that it was good that we sent some Army specialists. However, the decision resulted from populism.

Mr. Ryan: Hear, hear.

Mr. Dardis: Some of the calls that were made to have a widespread Army presence in the region were dubious as I really do not know what the Army personnel could have done. We are dealing with sovereign states and unless people are invited thereto and asked for specifically, it is better not to get involved. One should just send the type of expertise that is required.

I support Senator Mansergh in his remarks on aid for the Tamil people. It is very important that they are not left out during the distribution of aid in Sri Lanka. I very much share Senator Norris's

[Mr. Dardis.]
view that it is critical we retain our objective of donating 0.7% of our GDP in overseas development aid and that we achieve the millennium goals set out by the United Nations. I accept the fact that because the economy has grown so rapidly, it has been difficult to achieve our objective regarding overseas development aid. In absolute terms, there has been a very significant increase in the money devoted to overseas development aid. The objective is important nevertheless and must be achieved. The Minister of State is committed to doing so and I commend him and encourage him in that regard. I thank him for his contribution to this debate on aid for the regions affected by the tsunami.

Mr. Minihan: I too welcome the Minister of State to the House and welcome the opportunity to speak about the extraordinary and tragic events that unfolded in the Indian Ocean at Christmas. The tsunami affected a vast geographic region and caused such loss of life so quickly that it is difficult for those of us who did not witness it to appreciate fully the extent of the tragedy. There is no need to remind the House of the consequences of the disaster. We have all seen and read graphic accounts of the tragedy by various media outlets, depicting the dead and, most tragically, the countless children who have been orphaned.

At a time when relief efforts begin to slip from the media's radar, it is opportune for us to examine how we in Ireland reacted to the tragedy, determine the lessons that can be learned and ascertain how we should view the disaster in a global context. The Irish reacted in a way that exemplifies our generous response to all such disasters, whether they be extraordinary, such as the tsunami, or ongoing, such as those that afflict Africa. In giving to established charities or projects aimed at bringing relief to specific communities in the Indian Ocean area, we have been both generous and imaginative. While I am loath to single out any specific charity, I will take the opportunity to mention two that captured my imagination. The Hope Foundation in Cork, which primarily works with children in Calcutta, has raised in excess of €200,000 to provide emergency medical supplies, food, water and clothing to 30,000 people in 11 villages in the southern Indian state of Tamil Nadu. Such local efforts have been replicated throughout Ireland, which is to be commended. National charities have also been hard-working in raising funds for the relief effort. Amanda Hughes's Irish Sri Lanka trust fund particularly caught my imagination. I believe Vincent Van Gogh stated: "The fishermen know that the sea is dangerous and the storm terrible, but they have never found these dangers sufficient reason for remaining ashore." For Sri Lankan fishermen, fishing is not just a way of life because the fish they catch are vital to their daily diet. Amanda Hughes's project aims to use funds

raised in Ireland to purchase locally built boats to put fishermen back to sea.

The most appealing aspect of this project is that schools can raise funds and name their own fishing boats. In this way Irish communities can form a lasting relationship with beleaguered families and communities thousands of miles away.

I compliment the Minister for Foreign Affairs, Deputy Dermot Ahern, and the staff in his Department. From the moment the true impact of this disaster was known they have worked tirelessly to identify and bring relief to the Irish citizens in the region. In particular, we should acknowledge the sometimes harrowing work of Dan Mulhall, the Irish ambassador in Thailand, and his dedicated team of voluntary and Civil Service staff. Seldom have Irish citizens served this country so well.

We must now examine how we can best reach and react to future disasters. In the aftermath of the tsunami there was much talk of sending Defence Forces personnel to aid the relief. While I echo the comments of Senator Dardis, and have the highest regard for the skills of the Defence Forces the scale of this disaster was such that even the US military had difficulty bringing relief to areas of Indonesia. It has been suggested that in future disasters of such magnitude our Defence Forces could specialise in one aspect of relief, for example, supplying clean water. I am sure the Government and the Defence Forces will take this suggestion on board.

Another approach could be to incorporate Irish efforts into those of a European rapid reaction force deployed to give humanitarian assistance under the Petersberg Tasks. There has been opposition to Ireland's participation in such a force. Disasters such as this, however, require rapid response and we cannot wait for a UN debate or resolutions. The triple lock mechanism should never apply to humanitarian work. It has also been suggested that, given our size, we should concentrate our relief efforts where we can make a real difference. This too has merit.

The Maldives have perhaps been neglected because of the scale of the disaster elsewhere. One third of the population there — 100,000 people — have been affected by the tsunami. More than 15,000 remain homeless. Major work is required to restore this country. The World Health Organisation has identified the supply of adequate clean water, sanitation and the building of its public health infrastructure as priorities. We could adopt one area affected by the disaster and undertake this work.

The death toll following the tsunami was only a fraction of that suffered in Africa every year. The Government has correctly targeted six African and one south-east Asian country, East Timor, as major beneficiaries of the Development Cooperation Ireland programme. We should now add the Maldives to this programme. Lest we affect those countries already receiving aid, the Government must reinstate its pledge and

redouble its efforts to reach the target of 0.7% of GDP for overseas aid by 2007.

I thank the Minister of State, Deputy Conor Lenihan, for coming to the House today, and the Leader for organising the debate. I congratulate the Government, the non-governmental organisations and the citizens who responded so rapidly and efficiently to this disaster. In light of the sum of money collected we should redouble our efforts to bring forward legislation governing charities and the collection of money. It is imperative that we do this.

Mr. Ryan: We have never received such a salutary and visible reminder that we are guests on this planet as that provided by the tsunami. It demonstrated too that our belief that science and technology can control the forces of nature is an illusion. We survive on this planet because the temperature fluctuates between limits which can support life, and because of other delicate balances.

The positive aspect of globalisation is to show us the scale of the effect when one of those balances goes wrong, even temporarily. It is not to belittle what happened to say this is not the first tsunami but it is probably the first of the global communications era. This has shown in a spectacular way that, despite our foibles about immigration and race issues, we recognise human suffering and respond to it.

I compliment the generosity of the people and the Government, whose response was as good as anyone could have wanted. It shows once again the quality of the people who work in the Department of Foreign Affairs, particularly our ambassador in the region. Those of us who have visited Irish Embassies know the quality of those who represent us abroad. Other European countries, some of which I wish we would emulate in many respects, showed a more limited capacity to understand how to deal with human suffering than our officials.

According to my rough calculation, combining the generosity of the Irish people with the Government's commitment, for the United States to contribute as much proportionately would require a donation of between \$7 billion and \$10 billion. That is the scale of generosity here. I do not say that as a reproach but this is a small country.

To a degree, the people drove the Government on this issue. I do not wish to engage in a silly argument about the Government but simply remark that it followed public opinion which took this issue to its heart. The Government's heart was in the right place. It was the most positive sign of globalisation I have seen since the term first impinged on my consciousness. These things usually impinge on me ten years later than on everybody else because I am a bit slow.

Several factors emerged from this and require blunt acknowledgment. Whatever its limitations, the United Nations has a central role in activities such as this. Where multiple problems arise in a

range of countries no other organisation can take the leading role of persuasion or smoothing over the difficulties. For the chief executive of GOAL to devote considerable time and attention in recent weeks to lambasting the United Nations does no good for any development objective.

The universal remedy of that organisation to every crisis is to send in an army. That has not worked. George Bush senior thought he could use the US armed forces in Somalia, for what were at the outset genuine humanitarian reasons. It does not work and the regular chorus "send in an army" whenever there is a crisis is a diversion. The way to deal with such crises is for constructive voluntary organisations, including GOAL, to work in a small scale, piecemeal way with people on the ground.

We need to ensure that the pledges made are real, which they are in Ireland's case, and that they are kept. We do not want the situation that has emerged in countries such as Iran or Honduras where the scale of what was promised is a quantum size greater than that which has been delivered. International vigilance is necessary, not just for this country but for large countries too. Arguably, some major countries, not particularly the United States, were slow and ungenerous in their initial response. Public opinion in these countries drove their governments in a way the Government here, I am happy to say, did not need to be driven, into a scale of response. If they were reluctant to make the promise, we must assume they will be reluctant to keep the promise. However, we must ensure the promise is kept.

The Minister referred to the issue of Ireland's development co-operation. This is a cruelly unfair world, with perhaps 2 billion people living on less than \$2 per day. As a parliamentarian from another country pointed out to me, we expect 2 billion people to live on \$2 per day while the European Union gives its cows a subsidy of perhaps \$6 dollars per day and Japan gives its cows a subsidy of \$30 per day. There is significant need in this regard.

Ireland still has credibility, although it had more, as a country that gives untied aid without an underlying political agenda, and which, unlike many of our high-minded Nordic colleagues, does not insist that the money must be spent on products made in Ireland. We are not into tied aid and I hope we never will be because it has been a monumental failure. However, it needs to be stated that what the Irish people wanted, attempted and thought would happen has been betrayed by the Government.

The withdrawal from the pledge was a betrayal, not just of the poor of the world but of the goodness and generosity of the Irish people. The Minister has not helped in this. He has not succeeded in holding a line on overseas development aid, ODA. One unfortunate remark of his in regard to value for money has given all sorts of critics, particularly in the Department of Finance where ODA has never been a priority, yet another reason to procrastinate. It is a pity that a Minister

[Mr. Ryan.]

who was responsible for fighting the political battle for this has, perhaps unwittingly, given hostages to fortune to the Department most unfriendly to ODA. That we promised to reach the target when we were looking for the votes of developing countries will have repercussions for Ireland and the perception thereof in other countries. When we got their votes and finished our term on the UN Security Council, we walked away from our promise.

There are good reasons for a White Paper on development because it is a complicated issue and many models of and attempts at development have failed. However, one thing is clear. The only real long-term route to development is trade. On sugar or agriculture generally — I may get into more trouble with my party on this — we can talk all we want about development but if the three biggest economic powers in the world, the United States, the European Union and Japan, are not prepared to do what is necessary to allow free trade in the goods and products in which the developing world has a comparative advantage, all of the talk about aid is essentially hot air. While I would not dismiss the issue of aid, we must bite this bullet sooner or later.

I do not understand why the Government decided to bring so much grief on its head in the context of the target. What motivated the Government not to keep a promise so firmly made in many public fora by everybody connected with it? If these people felt they had to do this, as they obviously did, why was this so? We heard occasional remarks from the Minister about capacity. Every development co-operation NGO I know of accepts there is capacity to absorb any amount of aid this country could generate. If there were not, at a time when the country is rich we could set up a development co-operation fund, similar to the national pensions reserve fund, to be judiciously used when or if needed.

The idea that we would have to wait until there were sufficient numbers of crying needs to reach our target is a betrayal of the 2 billion people who live on less than \$2 per day. The Minister should explain why the Government retreated because I do not accept any of the arguments advanced to date. We are not poor. The Government is not short of money. The argument that because we are growing fast it is more difficult to reach the target is the most peculiar and inverted argument I have ever heard. It is as if the reason we cannot build more schools or hospitals is because we have more people. How could it be more difficult to build more hospitals or schools when we are rich rather than poor? The idea that somehow it would be easier to reach the target if we were growing at a slower rate is nonsense.

It would do the Government a great service to drop it and tell us the real reason, namely, the vigorous resistance of the Department of Finance. When we reach the 0.7% target, there will be no going back. It will be a non-return valve

through which we will move and the Department will be stuck with the 0.7% target.

Acting Chairman (Mr. Leyden): The Senator's time is up.

Mr. Ryan: As long as we do not meet that threshold, we will have room to manoeuvre. When we meet it, the Department will be stuck with a percentage. The fundamental problem is and has been the Department of Finance. It is a huge tragedy that despite the popular and political goodwill witnessed repeatedly in this country, the Government betrayed the target. This is despite the fact that the Government has no opposition to meeting that target and the Opposition is totally at one with it.

The Government did a good job, for which it deserves credit, in its response to the disaster.

Acting Chairman: The Senator must conclude.

Mr. Ryan: I am about to finish.

Acting Chairman: The Senator was about to finish three minutes ago.

Mr. Ryan: It was one minute ago.

Acting Chairman: Other Members are anxious to speak.

Mr. Ryan: I compliment the Government on its actions following the tsunami. The same values could motivate its attitude to ODA and the country would be much the better for it.

Mr. Daly: I wish to share my time with Senator Feeney, by agreement.

Acting Chairman: Is that agreed? Agreed.

Mr. Daly: I welcome the Minister of State, Deputy Conor Lenihan, and compliment him and the Minister, Deputy Dermot Ahern, on their work in regard to the disaster. Since taking up office, the Minister of State has had a baptism of water if not fire. This disaster sent a wake-up call throughout the international community. There is a necessity to deal effectively with many of the issues raised in this debate so that we will not witness tragedy similar to that visited on those in other areas, particularly in developing countries. To take the AIDS issue, some 40 million people, and 90% of the population of some developing countries, are affected by the disease. Even in Western countries, since 1995 the number suffering from AIDS has doubled. This tragic circumstance in south-east Asia and the Indian Ocean sends a loud and clear message to the international community in particular, and to Ireland, that immediate action is needed to deal with the issues raised in this debate.

I join with other Members in expressing sympathy to the relatives of those who lost their lives in this tragedy, in particular to the families of

Irish people who lost their lives. The full extent of the deaths and devastation caused by the tsunami will never be calculated. Provisional figures indicate that in the region of 300,000 people lost their lives in the disaster. Some 70,000 islands were hit by the tsunami which was caused by the worst earthquake of the past 40 or 50 years. Many of the deaths that occurred on remote Indian Ocean islands would not have been documented so it is unlikely that the full extent of the tragedy will ever be determined.

In common with other speakers, I wish to pay tribute to the Minister of State's personnel in the Department of Foreign Affairs, including Ambassador Dan Mulhall. I worked with Mr. Mulhall when I was a Minister in the Department ten or 12 years ago. I also saw Ambassador Swift on television with the Minister of State during their visit to the affected region. During the post-Christmas period, these people and other departmental staff devoted their time and efforts to relieving the trauma for many of those affected. We owe them a great debt of gratitude. I hope the Minister of State will convey to Ambassador Mulhall and his staff our appreciation for the work they have done in that area.

It is important to have a co-ordinated effort to deal with the current situation in south-east Asia. According to some estimates, approximately €10 billion will be needed to remedy the devastation that has occurred. In appointing Mr. Chris Flood as Ireland's representative there, the Government has made a wise decision. I know Mr. Flood well; he is a deeply committed person with much experience in this regard. It is invaluable to have such a person working with the Irish aid effort, which includes personnel from the Garda Síochána and the Defence Forces.

Co-ordinated aid efforts must also extend to non-governmental organisations. I am aware of the overseas development aid work that NGOs have done for many years. In this particular case, Irish NGOs have been to the forefront of the effort. While complimenting them, I would ask them also to co-ordinate their efforts because we do not want any overlapping or duplication. For that reason, the appointment of Mr. Chris Flood is very important.

The United Nations has seen the importance of appointing a special envoy to the area. In appointing the former US President, Mr. Bill Clinton, the UN has chosen a person with extensive experience. He will make an important contribution towards co-ordinating the overseas aid effort in south-east Asia.

What happened on 26 December 2004 in the Indian Ocean was a wake-up call for the international community, which will not go unheeded. Yesterday, I was pleased to hear experts from the World Bank indicating that the financial institutions, including the Paris Club, are at long last beginning to take heed of the devastating situation in the underdeveloped world. In a peculiar way, some benefit might come out of what has been an enormous tragedy.

Ms Feeney: I welcome the Minister of State, Deputy Conor Lenihan, to the House. I congratulate him and the Minister for Foreign Affairs, Deputy Dermot Ahern, on the excellent work they have undertaken to date. Mr. Dan Mulhall, our eminent ambassador to Thailand, has carried out wonderful work in a dignified manner. When we watched events unfold on television over the Christmas period, Mr. Mulhall proved truly to be an ambassador in every sense of the word.

I welcome the opportunity to speak on the fallout from the tsunami, which was a terrible tragedy. The world's reaction to the events has been heightened because it was a terrible natural disaster. People have been frightened and upset by it because it was outside their control. Thankfully, such disasters occur irregularly. Since 26 December we have all been educated and our awareness has been heightened to a large degree. People may say that this type of disaster could never happen on this side of the world but I am afraid it most certainly could. For example, a mountain in the Canary Islands is currently under threat and may fall into the sea. If that happened we would be in danger of being struck by a tsunami.

As a nation, we can be proud of our response to the tragedy in south-east Asia. Whenever we are called upon to provide international funding we have always responded positively. Our hearts were bursting when we saw the level of response to the tsunami appeal. Every fundraising function around the country, including church collections and sporting events, provided extremely generous donations. A couple of weeks ago, Leinster played a rugby match where €50,000 was collected on the gate for the tsunami. Golf clubs and many other sporting and non-sporting organisations collected money all over the country. A few days after St. Stephen's Day, I was at my own golf club in Rosses Point, Sligo, where buckets were overflowing with donations for the tsunami disaster.

I am delighted to see that €50 million has been raised by the Irish people and another €20 million is being provided by the Government. Whether the money is coming out of the emergency fund or elsewhere, it is welcome. Emergency funds are there for such eventualities. I am delighted to see that Mr. Bill Clinton has been appointed as the US special envoy. He will ensure that the necessary follow-through occurs. The former Minister of State, Mr. Chris Flood, has been appointed as Ireland's special envoy to the region.

I ask the Minister of State, Deputy Conor Lenihan, to use his power and good offices to ensure that the UN and individual countries will devise a satisfactory early-warning system to alert us to future natural disasters, such as the tsunami. It may not save every life but it would reduce the tragic losses we have witnessed in this case.

I sympathise with people here in Ireland who have lost loved ones, as well as those in Sweden which, with a population of 9 million, lost thousands of its citizens. I know the Minister of State's

[Ms Feeney.]

attention will not be diverted from the African continent which requires so much aid. I have travelled a little in that continent so I am aware of the good work that is being done there by the Department of Foreign Affairs.

I heard the expert from the World Bank on the radio yesterday morning. It may reassure Senator Ryan to know that the provision of foreign aid is still very much top of the agenda here. This small country of 4 million people always responds by looking after those who are worse off than ourselves.

Mr. J. Phelan: I wish to share my time with Senators Ulick Burke and Quinn.

Acting Chairman: Is that agreed? Agreed.

Mr. J. Phelan: I welcome the Minister of State, Deputy Conor Lenihan, to the House. Along with myself and a number of other Members of both Houses, he played his part last week when the Oireachtas XI played a football match for the tsunami appeal. We were unsuccessful but at least we succeeded in the overall objective of raising funds. I join with previous speakers who have expressed their gratitude to the Irish people for their tremendous response to the tsunami relief effort. Over €50 million has been collected among the general populace, while the Government is committed to providing a further €20 million for relief in the areas affected by the tsunami.

Previous speakers mentioned the failure of governments other than ours to give money they promised. It is particularly shameful and shocking if people who are desperate are offered monetary help and the offer is not acted upon. I hope that will not happen in this case.

I concur with what other speakers said regarding those who lost their lives as a result of the tsunami. Given the number of Irish people who travel to that part of the world, it is remarkable that more Irish people did not lose their lives. I was shocked to hear from a number of people my age from home whom I know well that most of them had at some time been in some part of south-east Asia. It probably heightened the response of the Irish people that many families have members who have visited the affected region. It is remarkable that so few Irish people were affected. Needless to say, I sympathise with the families who lost loved ones.

There is merit, as many previous speakers have said, in the proposal to focus Irish aid on a specific country or group of countries. The proposal was floated by a number of Senators. It should be considered, and I ask that the Minister investigate it, as sponsoring a particular country could be a more effective way of giving aid.

Mr. U. Burke: I thank Senator Phelan for sharing his time.

I endorse all that has been said regarding the officials in the Department, the Minister and the

Minister of State and the work that has been done at a time of crisis. It is important also to recognise the contribution of many Irish people who were in the vicinity of the tsunami, who travelled from surrounding areas and volunteered to help the various agencies. These people were on holidays and forfeited their holidays to go to those areas in greatest need and work in what were obviously very difficult circumstances.

The co-operation and co-ordination of the agencies in carrying out their work and spreading their efforts and endeavours must be acknowledged. There was no competition between the voluntary agencies representing Ireland. They went into various areas by agreement and did their work in those areas rather than competing in a particular targeted area. Wherever there are advisers on the ground representing the agencies and the Department and where restoration and redevelopment is taking place, I ask the Minister to indicate the necessity of advice that was perhaps lacking in the haphazard way development took place in the past. There is a huge volume of money available that should be targeted in a planned way in the future.

We were touched locally by the tsunami in that a Sri Lankan priest who is studying in our diocese and was in the area lost some of his family. When he returned to complete his studies a week or a fortnight ago he acknowledged the work of Irish volunteer groups on the ground. While we can all say it from a distance, it is important that someone who has been to the region should come back and report on the value of the agencies' work.

Mr. Quinn: I thank Senator Phelan for allowing me to share his time. I congratulate the Minister on the Government's rapid response as the tsunami crisis developed.

There is an old Oxfam saying, "if you give somebody a fish you feed them for a day but if you teach them to fish you feed them for life". I recognise that when disasters happened in the past we have helped financially. What we have not done and what we must do in the future is change our attitude to fair trade in the developing world. We will not get on top of this if all we do is help out when a disaster occurs. I am always proud to be Irish and to be European. However, it makes me ashamed when I see how we in Europe trade with the rest of the world, how we dump our products on the rest of the world, how we subsidise our own products and refuse to allow in products from other parts of the world. That is something we should address, much more than any other help.

I was delighted to hear the Archbishop of Dublin, Dr. Martin, speak at the World Economic Forum in Davos last week. I congratulate him for his courage in saying what he said in spite of the criticisms. If we are to do anything to help the developing world it cannot be merely financial. We must do more than that. I urge the Minister of State to use his power to ensure that in the immediate future, not just in the long term, we

follow what Bono said, also at Davos, and move to enforce in Europe a different attitude from the one taken in the past. We are taking steps in that direction but we are so protective of our own and each step we take to protect our interests in Europe damages the rest of the world and ensures that developing countries will never get off the ground. I urge the Minister of State to do something about that because that is how we can help the developing world. We respond very well to disasters. Let us make sure that we respond on the other issue and do it ahead of time.

I have heard informal reports that the 0.7% we set as a target should include all private help to the developing world. Will the Minister of State confirm that that 0.7% is Government aid to the developing world and does not include other investment? We as a nation have helped privately in various ways over the years. I would like the Minister to assure me that the target of 0.7%, which may not be reached in 2007, refers solely to Government aid.

Mr. Scanlon: I welcome the Minister of State to the House. I am grateful for the opportunity to contribute and, conscious of time constraints, will be as brief as possible.

Nobody really knows how many people lost their lives in the tsunami but the figure I have states that approximately 280,000 men, women and children perished. It is hard to imagine, without seeing it for oneself, the devastation the tsunami has caused.

Many of our European partners lost hundreds, and in some cases, thousands of their citizens in the tsunami and Ireland has not escaped its effects. Today, in particular, our thoughts and sympathies are with the families and friends of Eilís Finnegan and Conor Keightley who lost their lives in Phi Phi in Thailand, and with the families and friends of Lucy Coyle and Michael Murphy who are still missing.

As the Taoiseach said, we in Ireland responded immediately upon hearing the news of the disaster on St. Stephen's Day by establishing a crisis centre; sending staff to Phuket in Thailand and to Colombo in Sri Lanka to assist in locating and helping Irish people affected; dispatching Garda forensic experts; dispatching Defence Forces logistic specialists; setting up a 24 hour help line for those suffering distress and trauma; and donating €20 million in Government aid.

The generosity of the Irish people should be noted. On the day of Live Aid, Ireland had the highest debt-per-head on the planet and yet donated more per head than any other nation. That same spirit, that same determination to dig deep is as evident now as it was then.

The Minister for Foreign Affairs, Deputy Dermot Ahern, visited the disaster zone with our main agencies and has spoken movingly of the devastation he witnessed in the affected regions. Whole towns and communities have been destroyed, particularly in Indonesia and Sri Lanka. The Irish agencies and their counterparts

in the region have responded, as they have done so many times in the past, to the enormous challenge. Concern, GOAL, Trócaire and the Red Cross, among others, have done life-saving work, and this has been made possible owing to the enormous support and generosity of the Irish people.

The importance of the role of the United Nations system in providing help directly, co-ordinating action on the ground and planning for future protection mechanisms cannot be underestimated. The UN will continue to play an important role as the emphasis shifts to longer-term rehabilitation and recovery programmes. While I am conscious of the time element I ask the Minister of State to ensure the Irish relief agencies and the UN do their best to provide protection for child survivors in the region. It is difficult to imagine there are people out there who would take advantage of orphans. I ask the Minister of State to use his good offices to ensure the best protection possible is provided for those children.

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I thank the Senators who contributed to the debate. It was an education for me to see the level of erudition here. I assure Senator Scanlon that the child survivor issue is a priority for us and we are earmarking funds for that specific purpose.

I thank Senator Bradford for his generous and kind remarks both on the response of the Government and that of the public. The issue of a geographic focus to our programme is one that is under active consideration at European level. There is an issue about co-ordinating and harmonising best practice in terms of development and support for countries at a European level. That issue of how we can target overall long-term development aid to particular countries in a co-ordinated fashion is being looked at and debated. There is already informal co-ordination between donors on the ground in Africa which is leveraging better results in terms of value for money.

Senator Mansergh referred to the interim target and Jeffrey Sachs said it should be 0.5%. That is an informal target for us as announced in the Estimates. We want to be within striking distance of the 0.7% target in 2007. During the next few months we will set out a timetable within which we will achieve the 0.7% target. We are committed to putting in place a new target date which is realistic and can be achieved within the shortest possible timeframe. I say that advisedly because there are value for money issues about increasing a programme. I do not have to tell Senator Quinn that if one doubles the resources available to an organisation the actual impact of that within the organisation in terms of resources and personnel is significant.

Senator Henry raised the issue of the UNFPA. Ireland remains a great supporter of the UNFPA. I have met Thoraya Obaid, a Saudi national, director and head of the UNFPA, twice, on the

[Mr. C. Lenihan.]

matter of assistance for women, and most recently at a conference in Dublin. We will continue to respond to requests for assistance from the UNFPA. We regard it as a fantastic agency that we are proud to assist.

Senator Norris referred to quotes attributed to the Minister for Foreign Affairs, Deputy Dermot Ahern, on the matter of indigenous agencies only being the beneficiaries of the next €10 million of the €20 million we have pledged. That is not the case.

Brian Scott of OXFAM raised the issue with me and I contacted him directly to reassure him that it would be open to any agency, global or national, to apply for the funding if it has a programme or project that we could fit in with our particular objective. There is no question of it being restricted to indigenous NGOs. I want to clarify that point. For logistics and housekeeping purposes, of our €20 million, €9.5 million has already been signed off. I am the person who signs the cheques on overseas development aid. A sum of €9.5 million has been approved, sanctioned and sent into the field to assist the projects on the ground. There is a follow-on €10 million which we must spend in the weeks and months ahead. The focus on the second tranche of the €20 million the Government has pledged is to ensure it goes into the recovery and reconstruction side. That has to be closely monitored, controlled and properly deployed. There is no question of that money not being spent.

The issue of farm subsidies was raised by Senators Norris, Quinn and Ryan and earlier by the Archbishop of Dublin, Dr. Diarmuid Martin. I agree totally with the archbishop's statement. We have to tackle the underlying issue of trade which is the substantive issue. I do not have to tell Members that developing countries gain seven times more from trade than from aid or overseas aid. We need to look closely at our own house. I do not say that to be provocative with regard to our farmers and the agricultural interests generally or the food industry in Ireland. While we have a significant vested interest as a country we have to look at our position. I hope the White Paper will be an occasion for people to look at this issue closely not necessarily for urgent but planned action, within Europe and Ireland, towards removing ourselves from the subsidy system which so adversely affects developing countries.

Deputy Dardis said there was a need for a co-ordinated approach at supranational level through bodies such as the EU. I agree with him. The additionality issue is a firm principle that is being maintained in respect of the tsunami and will be reaffirmed on all occasions. There should be additionality for disaster relief and not a substitution or switching of funds from one area to another or within a region. We saw that happen in matters relating to Iraq where some countries diverted their aid from other parts of the world

into Iraq for an obvious political purpose, with which the Irish would not agree.

Senator Minihan's point about the Maldives is well received. I met with representatives of the Maldives when in the Indian Ocean region at a conference on the small island developing states. Due to the fact that it is an exotic holiday destination, many misunderstand the sheer effect of the devastation. I am pleased that Senator Minihan understands fully that island has been devastated by the disaster. I intend, and I gave a promise to the representative of the Maldives who was present at the conference, that we would seek to assist them in a generous manner. We are prepared to look at other and smaller regions that may have been affected in an adverse manner. It is important to remember that because they would be a source of prejudice in certain quarters of the developing community who might suggest that as these are exotic holiday destinations they are somehow very rich, that is not the case. Anyone who bothers to explore when in these locations is aware that when one moves beyond the resort there are terrible extremes of poverty. Therefore, it should not be viewed in that sense.

The other issue about the primacy of the UN system was raised by Senator Ryan. On the issue of the 0.7% target we intend to put the timeframe in place, hopefully during the next few months. It will certainly be done before the Taoiseach and I and others travel to New York for the summit in September to review progress towards the millennium development goals.

Senator Daly summed up what I felt was the spirit of the debate. He said the tsunami was a wake-up call to the international community. It has been viewed and analysed as such by many. If one wants to conduct a war against terrorism and to eliminate many of the overarching political and security threats on the globe today, one must first address the level of poverty because it is from poverty that a great many of the frustrations that lead to terrorism and international turmoil arise. If we are to address the underlying causes of world tension, world poverty must be addressed in terms of the clear disparity of income between the developed and the developing world.

Senator Feighan's point on the warning system is correct. The work is being done. Obviously that is the first matter that has to be tackled. There are proper warning systems. I was very struck by what our ambassador in Madrid, Declan O'Donovan, who was previously an ambassador in Japan, told me on the way back from the meeting in Brussels in response to the tsunami. He said that along the whole western coast of Japan, a very affluent country, there are concrete pyramids in the sea to prevent precisely what happened in regard to the tsunami and there are well developed warning systems. It does not make for an attractive beach or coastal vista but it works.

The point made about the environment is true. I attended a conference in Mauritius, a particular section of which was devoted to the protection of

coral reefs and coastal zones. One of the lessons being learned from this tragedy, to which Senator Norris referred, concerns mangroves and proper foreshore afforestation. The tragic loss of life was worsened in this case because of the type of development that occurred in these coastal regions where hotels and housing are closer to the sea than they should be. This issue will be addressed in the recovery phase when proper environmental practices will need to be developed in order to protect both against coastal erosion and to save lives should anything like this ever occur in the future.

I thank Senators for a very profitable and worthwhile debate. I congratulate Archbishop Diarmuid Martin for the courage of his remarks. He is a new broom in the Catholic Church in Dublin and in Ireland. From my experience of listening to him at conferences dealing with development he has conducted himself very well.

He is correct in his view that if we do not tackle this problem we will not substantially benefit at all even if the target of 0.7% is achieved. I want to make the point very clear in the context of the White Paper that if this is not tackled, reaching the target of 0.7% means nothing. In my view the 0.7% target can be achieved within a timeframe perhaps of between now and 2012. It would be pointless reaching that target if we do not address the underlying trade and debt issues which are adversely affecting developing countries. Unless we grasp that nettle we are going nowhere.

Mr. Quinn: Will the Minister of State confirm that the target of 0.7% is the Government aim and does not include the private contributions?

Mr. C. Lenihan: I thank the Senator for the opportunity to clarify the position. Much as we might like private contributions to be part of the assessment in respect of the levels of aid, the OECD does not view private funding as part of the mix. The main reason for the OECD policy is both philosophical and fundamental. There is greater clarity in government donations rather than in those of citizens. It is also very difficult to calculate and capture the level of private donation, even in respect of the tsunami. We do not have a clear picture of the final figure of the public's generosity because many members of the public donated the money directly. Senators will be aware of some striking examples of this generosity.

Ms O'Rourke: I hope this will be the first of many visits to the House by the Minister of State, Deputy Conor Lenihan.

Sitting suspended at 1. 13 p.m. and resumed at 2 p.m.

Parental Leave (Amendment) Bill 2004: Order for Second Stage.

Bill entitled an Act to amend and extend the Parental Leave Act 1998.

Mr. Kett: I move: "That Second Stage be taken today."

Question put and agreed to.

Parental Leave (Amendment) Bill 2004: Second Stage.

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

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): The Parental Leave (Amendment) Bill 2004 amends the Parental Leave Act 1998 to implement a Government commitment in the Sustaining Progress social partnership agreement. This commitment is to strengthen the parental leave scheme in line with the agreed recommendations of the social partners arising from the working group on the review and improvement of the Parental Leave Act 1998.

The Parental Leave Act transposed the Parental Leave Directive 94/34/EC into Irish law and came into force on 3 December 1998. The key objectives of the directive are the reconciliation of work and family life and the promotion of equal opportunities between men and women. The directive, which was adopted in June 1996, incorporates a framework agreement negotiated between the social partners at EU level. This framework set the broad parameters for parental leave but left much to the discretion and interpretation of member states.

The directive provides that a minimum of three months leave should be available to men and women workers until a child reaches a given age up to eight years to be defined by member states. This leave is distinct from maternity leave. The directive provides that the leave should, in principle, be non-transferable between parents. Employees must be guaranteed a right to return to work and protected against dismissal. Provided the minimum requirements of the directive are met, it is left to member states to determine issues such as whether leave is paid or unpaid, what pattern of leave is to be allowed, the maximum age of the child and matters relating to social security.

In addition to providing for parental leave, the directive provides that workers must be given the right to *force majeure* leave, that is, time off for family crises resulting from illness or accident. Again, the directive gives member states discretion in developing the details of *force majeure* leave.

The Parental Leave Act provides an individual and non-transferable entitlement to parents to 14 weeks unpaid leave from work per child to take care of young children. The leave must be taken before the child reaches five years of age, except in certain circumstances in the case of an adopted child. The Act also provides an entitlement to limited paid *force majeure* leave. This is leave necessary for urgent family reasons owing to the injury or illness of an immediate family member

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in circumstances where the presence of the employee at the place where the family is ill or injured is indispensable. During an absence of *force majeure* leave the employee is regarded as being in the employment of the employer and retains all his or her employment rights, including payment of salary.

In accordance with section 28 of the Parental Leave Act 1998 and a commitment in the Programme for Prosperity and Fairness, a working group was established in 2001 to review the operation of the Act. The working group was chaired by the Department of Justice, Equality and Law Reform and included representatives from the Irish Congress of Trade Unions, the Irish Business and Employers Confederation, the National Women's Council of Ireland, representing the community and voluntary pillar, the Irish Co-operative Organisation Society Limited, representing the farming pillar, the Departments of Finance, Enterprise, Trade and Employment and Social and Family Affairs and the Equality Authority. The report of the working group was published in April 2002 and is available on the Department's website.

As part of the review, research was commissioned by the working group into the uptake of parental and *force majeure* leave. The research was conducted by MORI MRC, which was selected after a competitive tendering process. The research was based on a sample of 655 employers, representing more than 67,000 employees. Almost 7% of the labour force were eligible for parental leave in 2001 and approximately 20% of eligible employees were estimated to have taken parental leave, with women accounting for the largest share at 84%. Overall, 2% of employees took *force majeure* leave. As with parental leave, uptake of *force majeure* leave was higher among women.

The working group also identified a need to conduct research to ascertain the attitudes of employees, employers and trade union representatives to parental and *force majeure* leave. Newmarket Consulting, which was commissioned by the working group, carried out 25 case studies in Irish organisations in the public and private sectors to gauge attitudes to parental and *force majeure* leave provisions. The research found that overall awareness levels of the provisions of the 1998 Act were high among employees and employers. Of the 71 employees surveyed for the purpose of case studies, 20% had availed of parental leave, of which 83% were female. Employees rated spending more quality time with their children or tending to their children's needs as the biggest advantage in taking parental leave, while the biggest disadvantage was the lack of payment. The research found that employers considered that the biggest advantage of parental leave to them came from happier, more contented employees. Further details of both research projects can be found in the report of the working group.

In addition to the research, the working group received presentations from the Department of Health and Children, the National Disability Authority, the Equality Authority, the Rights Commissioners and the Employment Appeals Tribunal. Each of these presentations is documented in the report of the working group.

The parental leave working group identified 18 issues for consideration in the course of the review. They included paid parental leave, paternity leave, duration and manner in which leave may be taken, age limits, broadening entitlement and several issues around *force majeure* leave. The group reached consensus on a number of these issues and made ten agreed recommendations. The more important of these are to increase the maximum age limit of an eligible child to eight years or to 16 years in the case of a child with a disability; to broaden the entitlement to include persons acting *in loco parentis* of an eligible child; to introduce a statutory entitlement to take the 14 weeks parental leave in separate blocks of a minimum of six continuous weeks; and to allow an employee who is unable to care for a child on becoming ill while on or about to commence parental leave to suspend the period of parental leave.

The group did not reach consensus on a number of issues, including paid parental leave, paid paternity leave and increased duration of parental leave. The Government intends to respect the partnership process by implementing only those recommendations on which both sides of social partnership are agreed.

The 2002 An Agreed Programme for Government included a commitment to improve the parental leave scheme in line with the recommendations of the social partners. This commitment was fleshed out in the 2003-05 Sustaining Progress partnership agreement whereby each element of the agreed parental leave recommendations of the social partners was incorporated into a package of workplace legislation, codes and programmes to be implemented during the course of the partnership agreement. The mid-term review of Sustaining Progress contracted the Government to have the Parental Leave Bill enacted by the summer of 2005. I am confident this deadline will be met.

Implementation of the majority of the agreed recommendations requires amendment of the existing legislation. These amendments will be implemented through the enactment of this Bill. The Bill will significantly improve the existing parental leave scheme by offering working parents greater flexibility in how they choose to avail of their statutory entitlement. It will bring into effect important changes to the existing legislation which represent a progressive response by Government to the changing face of family life in modern Ireland.

I will briefly outline some of the key elements of the Bill. Under the existing scheme, parental leave is available until a child's fifth birthday. The House discussed the upper limit in some depth

when section 6 of the 1998 Act was considered. My predecessors took the view that the age of five years was the correct upper age limit within the range of eight years stipulated by the Parental Leave Directive. In 1998, Senators were divided on this with some arguing for three years, others accepting five years by which time children have started school while some maintaining that the upper age limit of eight years should have been provided.

The working group agreed on moving the upper limit to six years. In the course of negotiations on Sustaining Progress, the social partners and Government agreed to raise this to eight years. The decision as to the most appropriate age at which the leave should be taken should be made by the parents themselves. As legislators, we serve parents best by providing them with the right to take parental leave to care for their children at a time suited to their own domestic situation within the parameters set by the directive.

Section 2 provides for the extension of the maximum age limit of an eligible child to eight years thereby offering parents a greater degree of flexibility in managing their parental leave entitlement. In addition, a new provision has been made in the Bill to increase the maximum age to 16 years in the case of a child with a disability. This extension of the age limit will offer further flexibility to working parents of disabled children.

The Bill also implements the working group's recommendation to extend the parental leave entitlement to persons acting *in loco parentis* of an eligible child. In Irish society today, many children are actively cared for by persons who are not their natural parents. A number of categories of persons who actively parent are not entitled to parental leave under the existing legislation. These include long-term foster parents, partners to the natural parent of a child where the natural parent may be divorced or separated and has formed a new relationship through remarriage or otherwise and other parents *in loco parentis*.

Provision is also made in the Bill to extend the parental leave element to adopting parents. Under the existing legislation, parental leave is available to adoptive parents where an adoption order has been made and is in force. This excludes adoptive parents who have a child placed in their care and are actively parenting but in whose favour an adoption order has not yet been made. Many months may lapse between placement and adoption with the effect of excluding an adopting parent from parental leave during this time when time off from work for bonding with the adopted child may be most needed. This is addressed in section 2. The inclusion of adopting parents also brings the parental leave legislation in line with the adoptive leave provisions which grant adoptive leave from the date of placement rather than from the date the adoption order is made.

The Bill also provides employees with an additional entitlement to choose to take their par-

ental leave in separate blocks — each block consisting of a minimum of six continuous weeks. This will improve the options available to employees, many of whom are limited by their employers to availing of their statutory parental leave entitlement in a single 14 week block. It is still possible for the employee to avail of the leave in shorter periods of weeks, days or even hours over an extended period if the employer agrees. In many instances, particularly in the public sector, a large degree of flexibility is already on offer from employers.

The purpose of both the Parental Leave Directive and the Parental Leave Act 1998 is to enable men and women workers to take time off work to take care of their children. However, as matters stand, no express provision is made in either the directive or the 1998 Act to deal with a situation where an employee on parental leave becomes ill and so is unable to continue to care for the child. The working group was of the view that where a parent on parental leave becomes unable to care for the child on account of illness, it may reasonably be concluded that the parent is unable to avail of the parental leave entitlement and should be able to benefit from sick leave for the duration of the illness. Legal advice concluded that a legislative amendment was required to clarify the position in relation to the effect of sick leave on the parental leave entitlement.

The working group recommended the amendment of the 1998 Act in accordance with the legal advice received. This amendment is provided for in section 5 and provides that an employee who falls ill when about to commence or while on parental leave and, as a result, is unable to care for the child may postpone or suspend parental leave for the duration of the illness following which period the parental leave recommences. Once the leave is postponed or suspended, an employee's absence from work is treated in the same manner as any other employee absent from work due to sickness and the employee may benefit from whatever sick leave arrangements are available under their contract of employment, including sick pay or disability benefit.

I now turn to the specific provisions in the Bill. Section 1 is a standard interpretation section. I have already mentioned section 2 which implements three recommendations of the working group by providing for the increase in the maximum age of an eligible child from five years to eight years; making a new provision to increase the age limit to 16 years in the case of a child with a disability; and making provision for the extension of the parental leave entitlement to persons *in loco parentis* and to adopting parents of an eligible child. New definitions are provided in this section, including "adopting parent", "disability" and "relevant parent". These definitions are required to take account of the extension of the parental leave entitlement under this section.

Section 3, which I also referred to earlier, provides employees with an additional alternative entitlement in section 7 of the principal Act to

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take parental leave in separate blocks. Each block must consist of a minimum of six continuous weeks at not less than a ten week interval unless the employer and employee agree to a shorter interval.

Section 4 amends section 8 of the principal Act to provide for consequential amendments to the notification requirements of the Act which arise from the new provisions in the Bill to extend the parental leave entitlement to persons *in loco parentis* and to adopting parents and to take parental leave in separate blocks. Provision for an employee to postpone or suspend the parental leave for the duration of the sickness is made in section 5.

Section 6 amends and extends section 11 of the principal Act to provide for consequential amendments to the postponement provisions arising from new provisions in sections 2 and 4.

Section 7 provides for an amendment to section 15(1)(c) of the principal Act to ensure consistency with similar provisions in the Maternity Protection (Amendment) Act 2004 and the Adoptive Leave Bill 2004, both of which contain provisions necessary to comply with Directive 2002/73/EC of the European Parliament and Council of 23 September 2002. The latter amends Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training, promotion and working conditions. These provisions stipulate that on return to work on the expiration of a period of maternity, adoptive or parental leave, an employee is entitled to return to the same job, with the same contract of employment and on terms and conditions no less favourable, and to benefit from any improvement in working conditions to which the employee would have been entitled had he or she not been absent from work.

Section 8 applies another element of the aforementioned directive to section 16(2) of the principal Act. This sections provides an employee who is entitled to return to work following parental leave but for whom resumption of the same work is not practicable and for whom suitable alternative work is offered, the employee is entitled to return to an equivalent post on terms and conditions that are no less favourable and to benefit from any improvement in working conditions to which he or she would have been entitled had he or she not been absent from work.

Provision is made in section 9 for the protection of employees from penalisation by way of dismissal, unfair treatment or unfavourable change in conditions of employment for proposing to exercise or having exercised an entitlement to parental leave or *force majeure* leave.

Section 10 makes provision to empower the Equality Authority to prepare statutory codes of practice regarding parental and *force majeure* leave for the approval of the Minister for Justice, Equality and Law Reform. The statutory code will be admissible in evidence in any proceedings

before a court, the Employment Appeals Tribunal or a rights commissioner. Any provision of the code which appears to the court, body or officer concerned to be relevant to any question arising in the proceedings shall be taken into account in determining that question.

The statutory code of practice will build on a voluntary code being finalised by the national framework committee on work-life balance policies. This committee was convened by the Department of Enterprise, Trade and Employment with participation by the social partners, the Equality Authority and a number of Departments including my own. Section 11 contains standard provisions dealing with the Short Title and citation provisions.

The Bill has attracted critical comment for not making provision for paid parental leave. The commitment made by the Government as part of Sustaining Progress is to implement the changes to the parental leave agreed by the social partners. In the absence of social partnership consensus on the question of paid parental leave, the Government is not prepared to propose legislative change that are unacceptable to one side of social partnership.

The arguments, both for and against paid parental leave, are strong and the merits of each were enunciated in some depth in the report of the working group. The introduction of measures to reconcile work and life responsibilities is of benefit to employers and employees alike. Employers benefit through increased employee satisfaction, improved attraction and retention of staff, greater productivity and decreased absenteeism. Employees are provided with greater flexibility in combining their work and family or other responsibilities.

Our experience in this State has been that the social partnership model works well in terms of developing economic and social policy. This is particularly evident in the significant developments which have already taken place, through statutory and non-statutory initiatives, in improving work-life balance options for employees. It is widely recognised that the work-life balance agenda cannot be progressed satisfactorily either at national or international level without the inclusion of the social partners. Real change will not be effected without them.

It must also be acknowledged that progression of the work-life balance agenda can only be successfully achieved through striking the delicate balance between improving existing measures at the level of enterprise while remaining economically competitive. It is vital that we create and maintain the economic conditions that will ensure quality employment opportunities and that we do not introduce initiatives without taking cognisance of their effect on our competitiveness in the short to medium term.

Given our acknowledged success in building and maintaining a strong economy in recent years, it would be unwise and possibly damaging to the integrity of the partnership process to

introduce paid parental leave without the full agreement of all stakeholders. Progressing the work-life balance agenda presents a complex set of challenges for policy makers, the Legislature, employers and employees. These challenges, both social and economic, do not necessarily dovetail into situations acceptable to all stakeholders.

It would be a mistake to consider work-life balance without addressing the availability of child care. The Government's policy is to increase the supply of quality child care in a way that offers parents the greatest choice. In 1997, there was a serious shortage of such places. The Government set itself the task of addressing this through the equal opportunities child care programme, EOCP, for 2000 to 2006. This is a substantial programme and its scale demonstrates that this is the first Government to recognise the need for the State to act in this area in a meaningful way.

However, centre-based child care is merely one part of the equation. The Government supports parental choice, be that for centre-based child care, child minding, part-time child care or child care by family members. This has been facilitated by an increase in the levels of income support for all parents, regardless of the care choices made for their children, through record increases in child benefit.

This Bill is the third and final Bill in a suite of statutory work-life balance measures to which my Department is committed under Sustaining Progress. The Maternity Protection (Amendment) Act 2004, commenced on 18 October 2004, implements the recommendations of the working group on the review and improvement of the maternity protection legislation. Its provisions strengthen and improve the employment rights of pregnant women, those who have recently given birth and those who are breastfeeding. The Adoptive Leave Bill 2004 amends the Adoptive Leave Act 1995 in order to implement several recommendations of relevance to adoptive leave from the maternity protection working group. The Bill passed all Stages in the Seanad last year and is progressing through the Dáil.

The Parental Leave (Amendment) Bill 2004 represents the fulfilment of the Government's commitments under Sustaining Progress and the programme for Government to strengthen and improve the existing parental leave provisions. I commend the Bill to the House and look forward to Senators' contributions to the debate.

Ms Terry: I welcome the Minister of State to the House to discuss this important and welcome legislation. Any measure that helps the process of combining work and family life must be welcomed. I agree with all the amendments contained in the Bill. However, there are some areas in which I feel the Bill fails to address the needs of parents. The Government has let families down and has missed the opportunity to make this legislation even better by making working life easier for families.

One of the most important issues of concern to parents relates to the management of their child care and the working day. The attempt to combine these two responsibilities creates great difficulties for parents. Where we can provide family friendly policies we certainly get happier employees and children. It is essential we do all we can to ensure we give everybody concerned the best possible quality of life. We are all aware of the stress involved in combining work and child rearing, which tells on families and is transmitted to children. Providing parental leave is a measure in addition to maternity leave that allows parents time off at a time when they need to be with their children.

I am critical of the Government for having missed an opportunity to provide paid parental leave, which was a recommendation of some members of the working group. I am disappointed that the working group as a whole did not recommend paid parental leave. The Minister of State and his senior colleague had an opportunity to take a decision to improve this provision by providing paid parental leave and bringing Ireland up to speed with many other EU nations, which do so. In addition we could have extended the period of parental leave, as the Minister of State is now suggesting. Fourteen weeks is a very short period in a child's life, even for a child up to the age of eight, particularly for parents who have been working from the time of that child's birth following maternity leave. I recommend that we should allow at least 25 weeks' parental leave, which should be paid.

By not giving paid parental leave, we are disadvantaging the most vulnerable in society, working people. As the Minister of State outlined, it is mostly mothers who are being put at risk of not being able to take advantage of parental leave. People on low incomes will not be able to take unpaid leave. Who can afford to take time off without pay when they are on a low income? How could a single parent avail of parental leave without pay? We will compound mistakes we have made in the past by making the difference between being rich and poor the difference between being able to avail of parental leave and not being able to avail of it. It is a major fault with the Bill that those on low pay and single parents will not be able to avail of it. Therefore, we are failing many people in our society.

It is interesting that the majority of parents availing of parental leave are women. While we have always accepted that women are the principal carers and will take time off for parent-teacher meetings or if the child is sick, I must ask why this is the case. The Minister of State's study has confirmed that it is mainly mothers who avail of parental leave. This is because women are generally on lower pay. Cases still exist where women do not get equal pay for equal work. If we provided for paid parental leave more fathers would avail of it, which would be good. Fathers are entitled to this leave and we should make it easier for fathers to do so and get involved with

[Ms Terry.]
 their children, perhaps when they are on school holidays or at other times when they are off school. It is mostly mothers who attend parent-teacher meetings in schools. We should provide paid parental leave as other countries do.

We should make parental leave more flexible. I am disappointed that this has not been provided for in the Bill. Parental leave is non-transferable, which represents a flaw in the Bill. I do not see why one parent should opt for this leave at the beginning. If two parents are involved in the rearing of an eligible child, both parents should be able to avail of parental leave.

An employee seeking a shorter period of parental leave, whether a day at a time, half a day or a few hours, must do so in agreement with the employer. If the employer does not agree to allow the employee to take the shorter period, has the employee any comeback? If the employer decides this is not suitable to him, can the employee insist on taking the leave?

I welcome the provisions allowing a parent to postpone or suspend parental leave in the event of sickness, ensuring that an employee availing of such leave cannot be discriminated against and that promotional prospects are not affected, and allowing parents to take leave in separate blocks. These will all enable parents to increase the uptake of the leave. However, I reiterate that I am not alone in expressing my disappointment over the non-payment for this leave. The National Women's Council of Ireland and other groups including One Family have expressed their disappointment at the missed opportunity by the Government not to extend paid parental leave and paternity leave to families. I would like the Minister of State to address this matter and I will table amendments on Committee Stage.

I hope the Minister of State will reconsider these issues, as we are way behind other countries. We must do everything we can to ensure that working families and children benefit from the great contribution they are making to our economy today and that people will continue to stay in the workplace. I notice that many women with a husband on a good salary opt to stay at home. We will create divisions in society if only those who can afford to give up their jobs will do so and this Bill could add to that problem. I thank the Minister of State for listening and I hope he will take on board the points I have made.

Mr. Kett: I welcome the Minister of State to the House and I thank him for introducing this important Bill. As he said, the Bill proposes to amend the Parental Leave Act 1998. It is also implementing part of an EU directive. It results from ongoing agreements between the social partners and the Government. The Bill is one of many necessary elements of the renewal and review of certain aspects of employment legislation. It further endorses the ongoing relationship between the social partners and the Government in respect of good governance.

There is no doubt that this legislation will give greater flexibility to young mothers and fathers who are thinking of starting a family. It will allow them to strike a balance between the competing demands of home life and work life. Not only will it facilitate the increasing number of mothers who are coming into the workforce, but it will also be extremely beneficial for fathers who would like to participate in the care and development of their children in a more meaningful way. I wish some of the Bill's provisions had been in place when people of my generation were starting their families. If a woman was working in the Civil Service in those days, as my wife was, she would be sent out on her ear if she decided to get married or to have a child. We have moved a long way in that respect.

I take on board the point made by Senator Terry about payment for this type of leave, which can be examined at some stage along the way. It may be something for another day, however, because there is disagreement at the level at which it is being discussed, as the Minister of State said. I do not think 25 weeks' paid leave would be appropriate. The countries that are operating this scheme are doing so at different levels — some of the schemes relate to five days and others relate to the full week, etc. If we are serious about giving leave — and we are — the suggestion that one should have to take leave at one's own expense may be prohibitive in many instances. It may render the legislation unworkable to a certain degree for some people. I do not doubt that many talented people were lost to the workforce in the 1970s and 1980s, particularly in the 1970s, when people had to leave work.

The Bill before the House and the Maternity Protection (Amendment) Act 2004 complement each other. Other legislation that has been passed, as well as Bills currently before the Oireachtas, such as the Adoptive Leave Bill 2004, will also complement the legislation under discussion. The legislation will make life easier for those who want to live and work.

One of the most important aspects of the Bill is that it will protect those who decide to take parental leave. They will be entitled to return to the same job they left and to receive any advances or benefits that accrued to the job in their absence. I welcome the new age provisions in respect of a person with a disabled child. Anyone who has had the additional burden of having to raise a disabled child will agree that they endure greater difficulties as a result. The provisions in question will be of great benefit. While the age limit of 16 years is good, it should be borne in mind that the period between the ages of 16 and 18 can be quite troublesome for the parents of disabled children.

Work-life balance initiatives are important, not only to help employees to combine employment with personal responsibility, but also to underpin the Government's social equality objectives. We need to develop measures which reflect the reality of modern life, for example in the work-

place. The personal and social responsibilities of employees should be taken into account.

The increased number of women in the workplace has made a tremendous contribution to the economic growth we have enjoyed in recent years. When the then Minister of State, Deputy O'Dea, discussed the Maternity Protection (Amendment) Bill 2003 in the House, he mentioned that 266,000 women were employed in the workforce in 1976, compared with almost 546,000 women in 2004. That is a tremendous improvement in itself. Approximately 39% of women were in the workforce in 1994, but a commitment was made in the EU Presidency's conclusions on equal opportunities for social inclusion that the figure would increase to 60% by 2010. The Presidency was so sure of that at the time that it thought the figure would reach 57% by 2005.

Before social partnership and the economic boom of the 1990s, many people would have liked to have had to balance their work and social lives. Many people did not have any work lives in those days, unfortunately. We have come a long way and it is an achievement in itself that we are discussing such a balance today. It is a demonstration of the tremendous success of the Governments of the past ten years, in particular, in generating employment for people.

The value to us as individuals in achieving a good work-life balance does not simply lie in achieving a better working environment. Each of us possesses a finite amount of energy and the secret is to try to use it in all the facets of our daily lives. It is clear that achieving a work-life balance does not simply involve limiting the number of hours one works. It involves giving people the autonomy to determine their own working lives and to manage them in a way that is more flexible and more suitable to their needs. That requires the Government, trade unions and everyone else concerned to examine a long-term approach to the matter. We are doing that to some degree as we move the agenda forward.

We should take account of individual priorities as our careers progress and our circumstances change from time to time. The demand of citizens and consumers for 24-hour, seven-day services is fuelling a need for a new approach. Technology allows us to extend the boundaries of our working life to such an extent that it can be difficult to determine whether one is at work or at home. I refer to workers involved in the technology sector, for example. Technology is a great enabler. It has the potential to deliver the flexibility we require in our working lives. People who work from home have to be careful to ensure that they do not become slaves to their computers. One should continue to enjoy one's work-life balance.

We might encounter difficulties if we do not continue to pursue this agenda as we are doing, for example, by developing new ways of thinking and ensuring that we do not have a shortage of workers or skills. If we continue to pursue the agenda as we are, we can retain a competitive edge at the coalface of business. I do not doubt

that some changes in the legislation will lead to a certain amount of pain, particularly among small industries as they reorganise their businesses. On balance, I believe that nothing but positive progress can emerge from this process. It would allow skilled and loyal staff to be retained. It would certainly reduce absenteeism, increase productivity and result in more highly motivated staff. In those terms, it is a win-win situation for all concerned. I hope that as we move the agenda forward we can continue to improve working facilities for employees, particularly the good ones who want to do well and work in conjunction with their employers. I wish the Minister of State well as he moves the agenda forward and I commend him on this Bill.

Mr. O'Toole: I wish to share my time with Senator Norris.

An Cathaoirleach: Is that agreed? Agreed.

Mr. O'Toole: I welcome the Minister of State to the House. I appreciate that he, in his role prior to the Cabinet reshuffle, was very open to recommendations and proposals from the trade union side. I welcomed that openness. This must be borne in mind because it is with a sense of *déjà vu* that I will make the rest of my remarks. I would welcome a sense of openness to change on the part of the Minister of State. I warn him that the Department of Justice, Equality and Law Reform, to which he has moved, has a very solid reputation for being less than flexible. I hope he and his advisers will go against the natural tendency of the Department to stick with proposals as made.

This Bill is important and I welcome the points the Minister of State made thereon. The progress it reflects, which I acknowledge, has been well recorded by him. However, it is with some disappointment that I make my contribution because I am making a speech I made in the House previously drawing attention to the measures that are not in the Bill. I fully expected certain provisions on same-sex couples to be included in the Bill on the basis of agreements and commitments made. I would like to hear the Minister of State's views on their absence.

The main problem with the legislation is that the leave is not paid leave. When a parent or couple have just had or adopted a new child, they should be entitled to paid leave considering the associated expense and difficulties. I spoke recently to a couple with a new child to obtain a general view on the cost of prams, cots, child minders and other expenses. Having a child can be very expensive and the couple in question need to be conscious of the kind of car they buy and the nature of the holiday they will take. The child affects every aspect of their lives, albeit in a very pleasurable way, and they were not in any sense complaining. We should recognise the expense involved in having a child and the forces of the

[Mr. O'Toole.]

establishment should ensure that we relieve the pain involved rather than add to it.

The introduction of parental leave in the first Bill, introduced some years ago, was very important. However, at that time it was argued that we could not really afford paid parental leave. We now have the fastest growing economy in Europe and of all the OECD countries and we have the spare shillings to provide paid parental leave. I do not seek too much and the Minister of State should take on board an amendment I intend to table to ensure we at least give consideration to and vote on the issue of paid parental leave.

Senator Terry has put this issue on record and the Irish Congress of Trade Unions made the most serious representations to the Department thereon. Countries such as Austria, Denmark, Finland, Germany and Italy all make some payment to people on parental leave. I fully acknowledge that the position is not the same in every country and that the Government might not be of a mind to give fully paid parental leave in all cases. However, I cannot accept that no move whatsoever has been made in this direction by the Government. Will the Minister of State consider the proposal by the Irish Congress of Trade Unions to introduce a new benefit for those on parental leave? It is too much to ask people to take a complete drop in income when they have just become parents, taking on new responsibilities and facing all the associated costs. This is wrong and I ask the Minister of State to address it.

The Minister of State should consider the question of paternity. Paternity leave is very much hit or miss in Ireland. It is widely available within the public service but limited in terms of the number of days for which it can be taken, usually three days. It is good that it exists but there should be paid paternity leave for all workers. Surely we can afford it and it would be in the spirit of our Constitution. The Minister of State should give to his officials the two articles of the Constitution on the family and ask them what they mean and whether they should be reflected in this legislation. I discussed this with the Minister of State years ago and know that he would be open to paid paternity leave if those who handled the purse strings were prepared to loosen them. I ask him once again to make the case for paid paternity leave on our behalf and on behalf of those who require it.

If the United Kingdom, which has consistently opposed almost every social measure of the European project, including absolving itself of the commitments regarding the support for workers in every European country, has introduced two weeks paid paternity leave, surely Ireland can at least follow suit. If it is available in the North, the Minister of State should ask his officials to read the Good Friday Agreement and take on board what is meant by the proposal to have parallel legislation on both sides of the Border. The word

“parallel” was not used in the Agreement — I cannot remember the exact term — but the proposal was such that there should be shadow legislation on both sides of the Border. This is a way forward and provides the Minister of State with strong ground for argument.

We are seriously out of step with the rest of Europe on this issue and need to recognise the role played by fathers. A minimum of five days paid paternity leave is not too much to ask at a crucial time in a father's life and it should be provided for. It would be welcomed by all political parties. I know IBEC would whinge a bit about it but we listen to it whinging regularly. Let it say what it must. It will agree with the proposal in time. No doubt at the next round of pay negotiations, it will find some reason to use paid paternity leave as an argument for not giving as significant a pay increase to workers as the workers feel entitled to. However, a balance would be achieved at some stage. Let us face up to the matter. The Minister should step up to the plate and implement my proposal.

I welcome the increased flexibility in the Bill. The issue that concerns me most is the absence of any reference to the need for *force majeure* leave to be available to same-sex couples. I do not know why it is not provided for. While the Bill was in its final stages of drafting, a major debate was taking place in Ireland and the United States, during its presidential election, on the question of gay marriage and related issues. People were outlining arguments for and against it. Clearly, the need for *force majeure* leave to be available to same-sex couples is an issue of justice. This is why we fall into the trap of putting ourselves behind the eight ball time and again. There is no just reason a same-sex couple, committed to each other in a clearly established long-term relationship, should not be able to avail of *force majeure* leave. It is fundamentally wrong that they cannot. I plead with the Minister of State to make progress in this area and to articulate and manifest the socialism of which the Taoiseach spoke. No reasonable person on this island would object to the fact of two people living together, supporting each other, working for each other, and will not oppose a situation where such people are helped in their relationship. It is good for society and reflects well on us. It is needed and should be made available.

There are instances that should be considered in allowing people qualify for *force majeure* leave. One given was an emergency in school, such as a child having an accident, when a parent must take time off to rush to attend to the safety of his or her child.

Significant issues arise from this Bill and my colleague will raise that of same-sex couples in particular. I would not like that to be regarded as the view only of the gay community. It is widely believed in civilised society and I urge the Minister to take on board my previous arguments and add this to them.

Mr. Norris: I am very grateful to Senator O'Toole, not only for giving me the last five minutes of his time but also for making such a strong, coherent and dispassionate case for the inclusion of same-sex couples in this Bill. This is an important matter.

Usually the explanatory memoranda of Bills are helpful but not in this case, which assumes a familiarity with the principal Act that busy parliamentarians do not always have. It does not make sense unless one knows the principal Act well. A greater understanding of the deficiencies of we parliamentarians, and more detail, would be helpful.

One of the interesting issues in the context of parental leave is that we are in a somewhat anomalous situation in terms of payment. Austria, Denmark, Finland, Germany, Italy, Luxembourg and Sweden make payments. In Italy, the employer pays 30% of the salary up to six months. In the Netherlands and Belgium collective agreements provide for additional payments while employees are on parental leave. Austria has legislated for paid parental leave for up to two years, which can also be taken on a part-time basis.

We are introducing this legislation, as is clear from the Minister of State's speech, in response to a directive from Europe. The move is not generated domestically. We are simply catching up with the rest but we have not caught up enough because parental leave is theoretical unless people can afford to take it. We understand this in terms of public policy because the public sector has three days leave but the private sector is not required to have the same. The legislation allows for flexibility, and many employers are very good in this regard. While I understand the financial restrictions imposed on them, there are many old-fashioned workplaces where this is not respected.

I am glad that Senator O'Toole spoke on the *force majeure* provisions and the absence of same-sex couples from the ambit of the legislation. It is astonishing, and, I fear, part of a developing pattern. Of the social welfare cuts made last year those that remain in place involve the exclusion of partners in gay relationships and so on. There has been a succession of such measures. The Minister of State's speech today opens with the statement that the Bill is intended to "implement a Government commitment in the Sustaining Progress social partnership agreement." Why "a commitment" and not the various commitments of the partnership? One of the principal commitments, which was agreed with the Irish Congress of Trade Unions, was the granting of parental leave for same-sex couples. It is a pity and a shame that this is not done, and I wonder why.

As Senator O'Toole said, there was no reference to this in the Minister of State's speech. A working party was established which looked at 18 areas. Did it look at this one? Was it asked to and, if not, why not? The Government seems to

be avoiding this and in so doing it is out of touch with the rest of political life in Ireland.

The directive provides that leave shall be non-transferable between parents. There is probably a very good reason for this but I do not know it. The Minister of State does not say why. Among the interesting facts the Minister of State laid before the House is that in various surveys only 20% of eligible employees took the leave and, of those, more than 80% were women. The Minister of State could analyse that further.

I compliment the Minister of State on the Government's generosity when it looked at different age limits, two, four, six, eight years, or whatever. The working party recommended six but the Government chose eight. That is the kind of movement I like. It is a good idea. The Minister of State also said that certain groups are not entitled to this leave when he stated, "including long-term foster parents, partners to the natural parent of a child where the natural parent may be divorced or separated and has formed a new relationship through remarriage or otherwise and other persons *in loco parentis*". No reason is given for the exclusion of these people and we need a reason for exclusion from a benefit. It is important that a Minister state why any category of persons is excluded from a particular benefit.

The Minister of State spells out the benefits of parental leave for employers who, "benefit through increased employee satisfaction, improved attraction and retention of staff, greater productivity and decreased absenteeism". Why does the Minister of State or his advisers believe these factors do not come into play with same-sex couples? I hate to have to reinforce the point by saying I am a perfectly ordinary human being, the same as everybody else. If these factors affect heterosexual people they affect us just as well. If it is of benefit to the employers in the case of married or heterosexual persons living in committed relationships, exactly the same is true for homosexual persons.

This highlights the glaring lacunae in the Bill. Senator O'Toole has indicated that he will table one amendment which I will be happy to second, if he requires me to do so. I propose putting down an amendment to section 13(2)(f) which will have the effect of including same-sex couples. I will ask Senator O'Toole if he will be kind enough to support this matter. This omission is a type of discrimination.

In a briefing note to me, the Irish Congress of Trade Unions states:

Congress believes that workers who are in same sex relationships should be entitled to force majeure leave from their employment in the event of serious illness of their partner in the same way as other couples are.

Same sex couples are currently excluded from the force majeure provisions. Congress has campaigned to end this inequality and secured a commitment as part of the recent national agreement *Sustaining Progress*, that "the steps necessary to give effect to the issue

[Mr. Norris.]

of force majeure leave in respect of same sex partners will be addressed.”

The Minister of State has not addressed them. I propose to and I expect the Minister of State to accept the amendment because the Government has given a commitment which this legislation does not fulfil.

Otherwise, it is quite good legislation. The Government gave that commitment but did not get around to implementing it this time. I will help it do so but I expect the Minister of State to agree and accept the amendment. The Irish Congress of Trade Unions points out that this commitment from Government can be achieved through changes to section 13(2)(f). Congress states:

This section allows the Minister to prescribe other classes of persons who may avail of force majeure. Congress is calling for the Minister to fulfil the commitment in Sustaining Progress and amend the legislation so that same sex couples can have the same rights as other couples at work in relation to being available in emergency situations in respect of their partners. *(Congress believes that this request is further supported by the rights given in the ECHR Act 2003).*

I support Senator O'Toole strongly in requesting that *force majeure* leave is made available to parents where there is an emergency in school. If a child is in a serious accident or taken to hospital it is unrealistic to expect his or her parents to place their jobs in jeopardy simply because they are caring parents. I urge the Minister of State to also take this on board.

Mr. Cummins: I welcome what is a good Bill but one which needs to be significantly improved on Committee Stage. The greatest barrier faced by employees who want to take parental leave is the simple fact that they cannot afford to do so, which is a telling point. Parental leave is not paid in Ireland. If employees want to take such leave, they must be able to survive without wages for a period, which many cannot do. The vast majority of employers do not make any payment to employees in respect of parental leave. No social insurance benefit is available to support working parents to take the leave to which they are entitled. If we are serious about wanting to assist working parents to have a family life, action must be taken to ensure that parental leave attracts a payment.

Other speakers have noted that parental leave offers crucial recognition of the caring role of fathers. It facilitates the possibility of bonding between fathers and their children, and provides the opportunity for fathers to offer essential support to mothers at a time when they and their babies are in their greatest need. Fathers should be paid to give that type of support. We are out of step and falling far behind other EU member states in this regard. The UK has only recently

introduced the right to two weeks' paid paternity leave and Portugal, Spain and Sweden also have a statutory entitlement to leave for fathers at the time of childbirth.

The current legislation provides that employers and workers can agree more flexible arrangements. However, while there are many excellent examples of businesses operating flexible parental leave schemes, too many workplaces still take an old fashioned approach. Some do not even allow requests for flexibility to be made.

It would be interesting if research was carried out by the Department to ascertain progress to date, as suggested by a number of groups working in the area of parental leave. Following such research, legislation could be introduced and improved upon in light of the experience gained. However, research such as this should be conducted.

The National Women's Council made a number of suggestions as to what should or could have been included in the Bill, one of which was for a further increase in the funding for the equal opportunities child care programme, which is availed of throughout the country. In my constituency, the areas of Lismore and Dungarvan have not to date received any aid in this regard. West County Waterford is one of the worst served areas of the country in terms of the provision of child care facilities. This should be investigated and Lismore and Dungarvan should be given grant aid under the equal opportunities child care programme. The National Women's Council made a number of other valid suggestions which should have been taken on board by the Department.

Parents should be entitled to paid parental leave. One-parent families in particular need that type of support. The Minister should consider the suggestions made by various speakers and address them on Committee Stage.

Ms White: I support the contributions of other speakers, in particular the point made by Senator Kett that the Minister should immediately make arrangements to raise the upper age limit concerning a handicapped child to 18. The Bill as it stands is thoughtless in this regard. The Senator noted that the hormonal changes in young people aged 16 to 18 are critical. This change would be important for parents of handicapped children and should be made without further debate or discussion. Senator Kett in his professional role deals with handicapped children and knows what he is talking about. I am glad he made his point.

Ireland is now the richest country in the world. It is pathetic we are not prepared to pay a contribution towards paid parental leave and amazing we cannot raise the required funding. It is the same old story. We are dragged, kicking and screaming, by European directives into making the payments that other countries, such as Austria, Belgium, Denmark, Finland, France, Germany, Italy, Luxembourg and Sweden, have made.

The Minister of State, Deputy Fahey, referred to child care. While I do not want to be personal and recognise that the Minister of State is a good politician, and I commend him for raising the matter of community employment schemes within the parliamentary party last year, his statement on child care does not provide the full picture. I wrote an article on child care for yesterday's edition of the new newspaper, *Daily Ireland*. In addition, I will be holding a public meeting on child care on 24 February in the Catherine McAuley centre on Baggot Street. It is the biggest issue facing the 18 to 42 year old age group at present.

Reference was made to the equal opportunities child care programme, which has led to a 33% increase in child care places in the South since 2000. However, the number of places is still woefully inadequate to cater for the needs of all communities and there is a shortage of child care places across the country.

The Government's use of child benefit as the only fiscal instrument to support child care is totally wrong and narrow minded, and will have to change. Child benefit for the first child is approximately €35 per week. With all due respect to the Minister of State, this is not enough if one is paying a minimum of €88 to €100 for a community, non-profit crèche, as well as food, clothing, etc. The former Minister for Finance, Mr. McCreevy, stated this was to be the method used. While Mr. McCreevy and the current Taoiseach were both first-class Ministers for Finance, in this case Mr. McCreevy was wrong to use child benefit as the only fiscal instrument supporting child care.

I recently discussed the issue of community, non-profit crèches with the Minister of State, including the lack of availability of places and cost. In the private sphere, to have two children in child care at €500 per child per month is the equivalent of a €260,000 mortgage. Therefore, two children at €500 per child per month is the equivalent of a couple having a second mortgage with no tax relief. That is the reality. Young married couples and single parents are under severe pressure given the shortage of child care places, the cost of providing non-profit community facilities, and the cost of expensive private care. Nobody is making a killing because the private sector cannot provide a service below cost. It is very expensive to provide a private child care place.

There should be a new Department for children and the family. Currently, 11 Departments deal with children and child care issues. I understand why it is under the aegis of the Department of Justice, Equality and Law Reform but I think that is the wrong Department. We are living in a society where divorce is now available. In some cases, children of divorced families require counselling. My sister has a private counselling service. She told me that children from broken marriages are waiting for a year to receive child care counselling in the public sector. Just think about it — little children of seven or eight years of age whose

parents are divorced, and who need counselling, are waiting for a year to get it. If one has the money one can buy such counselling but if not, one must wait. It is thoughtless to oblige such children to wait so long for counselling services.

Society is changing and we must face facts: divorce is now available and many such cases will be acrimonious. In addition, Senator Norris and Senator O'Toole referred to same-sex couples. It will be a poor show if the people who are drawing up this legislation put their heads in the sand and refuse to wake up and see that society has changed.

The British Government has produced a vision for a ten-year child care strategy whose effects will be colossal. Schools will be open later so that pupils can attend them in the afternoon. When the British Labour Government introduces these proposals after the general election, which it looks as if it will win, people in Northern Ireland will have a pretty sophisticated child care service, while parents down here will be tortured by the costs involved.

It is always the poorest in our society who suffer most because parental leave is unpaid. In the past, only 20% of parents have availed of such leave because it is unpaid and, consequently, they cannot afford to stay off work. In addition, we need 30,000 economic immigrants to sustain the economy. The Lisbon agenda seeks a target of 60% of women participating in the workforce, whereas the figure is still approximately 56%.

As Senator Kett said, we have come a long way. In 1969, I had to give up my Civil Service job when I got married, so I know what discrimination is about. Ireland was dragged, kicking and screaming, into the modern era by EU directives. In 1973, an EU directive stated that women did not have to give up their jobs in the Civil Service when they got married. As Senator Kett said, his own wife was affected by those regulations. We should think about the talent that was lost to the Civil Service because such women had to give up their jobs. Younger people cannot imagine what it was like to have to give up one's job because of the Civil Service marriage bar. Women who got married were cut down and that was it. I remember my boss in the Board of Works tried to help me. I am sure some of the ladies in the Gallery, who are very welcome, had to give up their jobs when they got married.

The 20% figure for parental leave uptake is an indication that such unpaid leave is not good enough. It is good that parents can take the leave in blocks, so that it does not have to be taken for 14 weeks consecutively. It can, thus, be divided up by agreement with employers.

I support the points that were made earlier about staff being motivated but I wish to raise a small caveat, namely, not all employers have a perfect relationship with their staff. There should be some way of giving women senior management positions. Why have we got so few women directors on management boards? Why do men not appoint more women to boards? Are they

[Ms White.]

afraid the women will be off on maternity leave or otherwise unavailable? A legal framework must be put in place whereby if a person takes time off work, either for paid maternity leave or unpaid parental leave, he or she will be guaranteed to keep his or her job. A watchdog body is needed to ensure that there is no discrimination and that such people will not lose out in terms of their future careers.

In making these remarks to the Minister of State, I am not being personal but I have to state the truth. After the Northern Ireland peace process, my number one issue is that of child care. I intend to pursue this matter until we obtain improvements in that regard. That is what Senators are here for. I ask the Minister of State to arrange for the measures to apply to 18 year olds and handicapped children.

I am not being personal. I know it may sound awful but I am just being honest with the Minister of State. There is no point in being otherwise. We are here to help change society and improve the quality of life for everybody. We are the richest country in the world so why can we not make a financial contribution? We want to lift more people into the middle classes, although I hate using that term. We want to get everybody up to a higher standard of living. That is the bottom line.

Ms Terry: Will the Senator be tabling amendments?

Ms White: I am going to fight it.

Ms Terry: What the Senator has to say is important.

Dr. Henry: I am delighted to hear a Government Senator, such as Senator White, speaking with such courage and conviction on this important issue.

Ms Terry: Hear, hear.

Dr. Henry: She is absolutely right — the child care situation here is appalling. It is more difficult for people to bring up their children in this country than anywhere else. When one considers that we have always placed such emphasis on the child within the family, it is extraordinary that we should be in this deplorable situation. I salute Senator White's courage in raising this matter. I hope the Minister of State and other members of the Government will listen to what she has said. I also hope she will have support for the seminar she is organising. I will certainly try to attend it. It is good to see one of the Government Senators proposing such an initiative.

It is extraordinary the way we go on, as though we are doing something great for parents. We are doing this for the benefit of society as a whole, which is for our benefit also. It is not just parents who will benefit from such changes, but children also. That means that in future we will have citi-

zens in this society who are brought up as well as possible.

Other Senators have outlined why parental leave should be paid and I am sorry it is not. In the majority of cases, only well-off people will be able to take advantage of such leave. We may, in fact, be depriving children of parental support who are in serious need of it. I regret that is happening. I welcome the fact, however, that more extensive leave is at least being offered.

We act as though people will be off work for years as a result of parental leave. The average family size here, at just over two children, is now about the same as the European average. So, in general, we are talking about a mother or father who will be taking time off to deal with two children.

I realise there are problems with regard to small businesses. However, it is not the majority of people who will have problems, and we are doing this for society as a whole not merely for the individuals involved. In terms of the generation being brought up at the moment, we are increasingly told that were it not for the 45,000 immigrants who come into this country every year, we would not have enough people for the workforce. Current family size means we are at about replacement level. If we do not cherish these children in the way the Proclamation urged us to do, we will have to rely even more on immigrants. Mr. Peter Sutherland, speaking in Davos last week, said Europe needed far more immigrants than were coming. I presume he would include Ireland as part of the group that needs immigrants.

We do not do a great deal to help people who are having children. As I said, and as Senator White has so eloquently said, we have grave problems regarding child care. Since I became a Senator, I have heard there would be crèche facilities. I recall the former Minister of State, Deputy Mary Wallace, and myself heading into the new millennium block and believing that there would be a crèche there at some stage. We will have a swimming pool before we have a crèche.

Another circular went around the other day asking for our views on where we would build a crèche or whether we would use a crèche. I certainly will not be using a crèche. There is a very large number of staff in particular who would like a crèche, but our commitment within the walls of this institution is so thin that we have not even managed to get around to putting in services for our own staff and Members.

There are estimates all the time of how much it costs to bring up a child. At the moment we give one-parent families €148.80 for the parent and €19.30 for each dependant child under the age of 18 or 22 if the child is in full-time education. I wonder how on earth anyone could possibly manage, no matter what subsidies they get by way of rent allowances, medical cards and so forth. It must be remembered that all these payments are means tested. I declare an interest here

because I am the President of One Family, formerly Cherish. The main aim of such an organisation is to try to get people, if they did not finish school, to go back into schooling; if they finished school, to try to get some training; and if they have training to get out into the workforce as soon as they possibly can because otherwise they will be in poverty for the rest of their lives. There are splendid surveys done at the moment as to the percentage of the population consistently at risk of poverty, and 33% of one-parent families are consistently at risk of poverty compared to 9% of the population. Only 10% of the population are in one-parent families. These are mainly headed by women but some are headed by fathers. It is sad that 33% said they cannot afford new clothes — they must buy second-hand clothes, and that does not mean they want expensive new fashion garments; 31% experienced debt from ordinary living expenses; and 24% stated they went without heating at some stage in the year.

I mention this because I was pretty put out, to put it mildly, by Dr. Ed Walsh, former president of Limerick University, coming forward with his own sociological ideas as to the cause of people becoming one-parent families. He seemed to have the opinion that State supports act as an incentive. Would that people planned that far ahead when having a family. Unfortunately, this is not so. Dr. Walsh might find out more by addressing the unfortunate problem of teenage alcohol consumption. The Crisis Pregnancy Agency will confirm that alcohol is frequently involved in someone becoming pregnant rather than that she has planned to get the one-parent allowance. The morning-after pill is not easily available. The family planning clinics have started to open on Saturday and Sunday mornings to dispense it but it could easily be given over the counter. I understand the Irish Pharmaceutical Union wants to become involved in more dispensing. This is one area it might examine. I could not agree with Dr. Walsh's premise that State supports encourage people to start families on their own. Being in a one-parent family is a very tough job, as most people in one-parent families would confirm. They must meet housing costs. It is very difficult to get accommodation in the private sector and there is not much public sector accommodation available.

It is extraordinary that Dr. Walsh should refer to studies in the United States of America. I never thought I would see the day when we in Ireland would be urged to take our child rearing policies from the United States of America, which probably has more problems with juveniles than any country in Europe. In the United States of America at the moment teachers can insist that children are put on Ritalin before they go to school, that children go to school medicated if teachers feel they are too disruptive in class. Senator Kett is nodding. I am quite sure, given his background, that he would not like to see such a development here. It is quite astonishing that

children who are difficult to deal with at school are medicated. Mercifully, we still have teachers here who are in a position to deal with them. Taking child rearing policies from the United States of America is something we should resist. Wisconsin Works is often pointed out as an example of where the number of lone families taking benefit has decreased. It has, but where are they getting money given that there is no evidence that more of them are in employment? I do not know what is happening. However, we know there are serious problems with children being left unsupervised during the day when their parents must leave them at an age when it is quite unsuitable to leave them alone or where they leave them with people who are unsuitable to act as child minders.

Many Senators have mentioned the role of fathers. I was very interested in an article written in *The Irish Times* recently by Professor Tom O'Dowd, professor of general practice in Trinity College. He wrote about the role of the father in one-parent families, how little the father may have to do with the life of the child and how he is deprived of his role as father. We need to be careful not to exclude fathers because fathers are extraordinarily important in family life. In a family which is, perhaps, not very stable, the father's presence, even for some of the time, may be even more important.

Matters have improved from the time when, if there was any evidence of cohabitation, payment to the young woman was disallowed. Now the father can make an appearance on the scene and it is considered normal that he should want to have some association and some involvement in the upbringing of his child. I am a great believer in stability if at all possible when children are being brought up. If a couple do not want to be in a more formal relationship such as marriage, it is important that fathers are at least encouraged to take a good interest in their children and this is seen as good not only for the child but also for them. I suggest that the Minister should read Professor O'Dowd's words. In his article Professor O'Dowd wrote that one of his patients was a man who while in prison became literate, sat several examinations and eventually became a great reader of history. Professor O'Dowd wrote that if he could become so involved and so interested in really important aspects of European history, perhaps he could also become more involved in fatherhood and in making a contribution to the life of his child.

He said he felt this man had much to offer. I suggest we try to realise that whatever supports we give to parents of small children are to our benefit and the benefit of the parent and the child but the greatest benefit is to society in general. If we do not foster the upbringing of these children, who will run the services when we are old and pay the taxes to support the State?

Ms Cox: I am pleased to contribute to the debate on the Parental Leave (Amendment) Bill.

[Ms Cox.]

There are a couple of issues to which I wish to draw the attention of the Minister and his officials. As the Bill moves from Second Stage to Committee Stage perhaps we can deal with some of the difficulties caused by its implementation. I speak as a mother of four children and an owner-manager of a small business.

The Parental Leave (Amendment) Bill and the changing of the statutory entitlement to take the 14 weeks parental leave in separate blocks of a minimum of six continuous weeks will cause huge difficulty, in particular for small businesses. Small businesses in Ireland suffer from continual regulation being imposed on them by various Departments, particularly in the area of company law and finance. For a small organisation to lose an employee for six weeks gives it neither the opportunity to train a person to take over that person's job nor is it worthwhile to take on a temporary employee to cover parental leave. It then has to say "No" to an employee and postpone the leave, which cannot be postponed on a second request. We should try to facilitate people to take parental leave but we need to recognise — as does congress — that some organisations could live with 14 weeks parental leave in that they could take people on for two weeks before the commencement of the 14 week period, train them in and have cover for three or four months. That makes sense when one is taking on a person on a temporary contract. To balance that, it is difficult for people to take 14 weeks unpaid leave unless one's partner or spouse is in a well-paid job. For any family with young children, taking 14 weeks without pay is difficult. As a Government, we need to look seriously at the issue of paying parental leave benefit. We introduced carer's benefit to go with carer's leave and it has been successful. There is maternity leave and maternity payment. However, maternity payment goes nowhere near making up for the salary one might usually take home if one were not on maternity leave. We have to start somewhere.

If we are serious about our commitment to family we have to look at how we can support businesses in Ireland, particularly indigenous industry, to provide the leave and supports we want for the family and must examine how we can provide supports for employees. We need to consider paying some type of benefit to those on parental leave. Let us start at a low level and increase it over time so that in five or six years, we will have achieved a certain objective in terms of amounts of money. If we were in a position to do that we could say six weeks is too short for many small organisations. For smaller businesses, with fewer than 50 employees, to lose an employee for six weeks, three times in two years, is disruptive. If that business employs 50 people, it is contributing to all those families and it should benefit from some protection. While congress is strong on this issue and has fought hard on it, we need to send a clear message that enforcing six

weeks leave as a right will create difficulties for smaller companies.

I am pleased the maximum age of eligible children is being raised from five to eight years. I welcome also the increase in the maximum age of the eligible child to 16 years in the case of children with disabilities. There are many good provisions in the Bill.

On the issue of *force majeure*, I ask the Minister to listen carefully. I also declare an interest. I wish to refer to recruitment agencies or employment agencies. The Minister will be aware I am an owner-manager of a recruitment agency in Galway. All recruitment agencies are faced with a problem. The legislation provides that *force majeure* leave is payable by the organisation liable for the wages of the temporary employee. Temporary employees are those employed in a contract of employment or a contract for employment. Is the agency liable to pay the wages or is the user company, as defined in the Unfair Dismissal Acts, liable to pay the wages? Obviously, if the temporary employee involved were not working in the organisation there would be no liability on the agency to pay the wages or the liability would rest with the user company. Until the legislation is tested, the position is unclear.

Let us say we choose either the agency or the user organisation. The nature of temporary work, particularly in the larger centres, is that temporary employees move from one assignment to the next and may work for various temp agencies during that time. One could spend two weeks with agency A and two weeks with agency B and so on. When I am with agency A I may start a two week assignment and on the second day I may apply for *force majeure* leave because of an emergency at home or wherever. Who will pay the *force majeure* leave, the agency or the employer organisation? If it is granted and paid by either organisation, where is the control to monitor what happens in two weeks time, when that individual moves to a different employment agency and to a different user company, where he or she can again apply for *force majeure* leave and take three days this time and so on, given that there is no central registration to record what payment has been made under *force majeure* leave? The leaves either the user organisation or the employment agency open to exploitation, which probably means that at the end of the day the temporary employee will not get the full benefit of his or her right, which is not what we want to do. I ask the Minister and his officials to focus on that section. While some changes are being made on codes of practice for *force majeure*, we need clarity. Employers, who use temporary employees, and temporary agencies need clarity on the issue of who is responsible for the payment in order that it can be included in the charging and, therefore, can be paid to the employee. We need a system to ensure people cannot go from one agency to another and so on and continue to claim *force majeure* which is beginning to happen. As people become aware of

this facility, claims are being made weekly to many of the organisations.

In the whole equality area which goes back to the issue of continual regulation of organisations, if we are to be committed to family friendly policies and supporting women at work, we must recognise this carries an additional burden for small companies. Two people job-sharing in a small company is more expensive in terms of management than having one person doing the job. The provision of flexitime or mother-friendly working hours is much more difficult for a small organisation to deal with. It is important to tie these welcome and necessary legislative changes into the taxation system and the tax credits system. I suggest, for instance, a double tax credit on the salaries of two people who are job-sharing could be set against the employer's corporation tax as a form of recognition by the Government of the commitment of smaller organisations — and even big organisations — in this area. This type of support from Government would allow for a follow through into the operations of organisations and their acceptance of the need to move towards family-friendly policies.

I ask the Minister of State to consider the two areas which I have referred to before Committee Stage is dealt with. I ask him to suggest to the Minister for Finance the need to offer some form of financial support to the SME sector in order to implement these policies which we all wish for and which are of benefit to society.

Ms O'Meara: I welcome the Minister of State to the House and apologise for not being present for the entire debate due to other commitments. I welcome this legislation as a move in the right direction for the extension of parental leave. This is a matter of the utmost importance to an increasing number of people. I am merely stating the obvious when I say that this country has undergone a transformation in respect of women's participation in the workforce. Approximately 50% of women are now participating in the workforce. As people in the workforce become parents, the issue of who minds the children becomes critical as does the issue of parental leave.

While this Bill extends the range of parental leave, it is to a minimal extent and does not go far enough. The needs of a child in the first year of life are critical. All parents, particularly mothers who have stayed in the home with children, recall the day when they must return to work following maternity leave. It can be one of the most difficult experiences. The parent wants to go back to the workforce but her mind is at home. It is a very difficult wrench to leave a very young baby when the parent has been the full-time carer. It is an extraordinary concept that parents hand over the almost full-time care of very young children to strangers in crèches. I congratulate all the minders and crèches and all those relatives, neighbours, friends, grannies and in-

laws who do a magnificent job in caring for babies.

As a legislator and as a mother I ask the Government to examine the impact on family life of the lack of an infrastructure where parental leave is only one part of a planned and integrated approach to the care and education of young children. The Leader of the House is arranging a debate on the matter. There needs to be a significant extension of the right to parental leave. The Government should consider making it possible for parents to be the full-time carers of their infants up to the age of one year so that every child is cared for by its parent for the first year of its life. This will ensure an excellent head start in life for the child and will be of economic benefit to the State.

The welfare of children, particularly very young children, must be a priority. Many babies are being looked after in large crèches and are not being cared for on a one-to-one basis by the same carer. Experts in the field of early childhood development do not regard this as an ideal situation.

My eldest child is nearly 21 years old. It does not seem to have done him any harm when at the age of about one he went into a crèche and had more than one minder. In the first year of his life he had the benefit of a wonderful woman minding him full time. Experts in child development will attest to the importance of a child having a single carer and the best carer of a child is its parent. Priority must be afforded to infants. I ask the Government to examine the introduction of a system of parental leave available for the first year of the child's life.

Senator Cox made a point about family-friendly work policies. We want to achieve an infrastructure which supports all parents who work. Such infrastructure must include a family-friendly work environment. In Denmark the system is that the two parents work one and a half jobs, each parent working three quarters of a job. This allows the parents to spend time at home which both the child and the parents require in order to form the family unit which is the fundamental cornerstone of a properly-functioning society, a happy family and a happy community.

The impact of parents having very little time with their children must be considered. Some parents must leave home at 7 a.m. and may not see their children until 7 p.m. that evening. They may have worked all day and commuted home. I know from my own experience that both children and parents can be tired and only a small window of opportunity exists in which to spend time with each other. This is not a satisfactory quality of life for parents. It is then not surprising that many women opt to downsize in their job and opt for job-sharing or flexitime if possible. It is statistically borne out that in some cases women are leaving the workforce in order to have more time with their children because they cannot organise a flexible arrangement.

[Ms O'Meara.]

I have sympathy for the case of small employers as referred to by Senator Cox. I know a person who works in the public service outside Dublin. She praised the public service system of family-friendly work arrangements such as half-time and term-time working. Many parents, both men and women, avail of these arrangements. I asked her how the office work is managed when so many people are not in the office. She replied that they simply do not answer the telephone. The current approach is not working and I ask the Minister of State to examine it. The objective of family-friendly work policies is not to hammer the customer who needs to avail of a public service.

It is great if a large number of parents working for an employer take the summer off to care for their children. However, given that this significantly reduces the workforce for a short period, how is a small or medium-sized employer supposed to cope in terms of productivity and so forth? This difficulty must be taken into account. A partnership approach between the Government, IBEC and the employee bodies is required to produce strategies which work, not only for working parents but also for employers and the economy.

As studies carried out in other countries have shown, the availability of parental leave for the first year of a child's life makes economic sense. Women who are allowed to spend the first year of a child's life at home are more likely to return full-time to the workforce, whereas when women are forced to leave the workforce it results in a major loss to the economy.

It is a rarely stated fact that one of the reasons for the wonderful economic expansion and prosperity of recent years is that one of our under-utilised resources, namely, educated women, have entered the workforce. As educated and less-educated women have joined the workforce, the economy has significantly expanded. It would be worthwhile to examine how we can support parents at work. Although employers recognise that this is an economic issue, it appears the Government does not view it likewise. Investment in child care under the equal opportunities programme has created much greater availability but it is minimal when compared to the amounts other countries invest in child care. It equates to less than the funding provided by Government to the horse racing industry.

We have a crisis in child care, with parents struggling to cope with its financial and emotional burden. What price are we paying for the difficulty families face in functioning, particularly from Monday to Friday when children go to school and after school arrangements are sometimes *ad hoc*? Parents rely on favours between neighbours, friends and so on which can come apart at short notice, causing major pressure and distress, particularly for those who commute. I know many people in this position.

While we have raced ahead and created a working economy, we have failed to ensure that a fundamental part of infrastructure, namely, the care and education of young children, matches economic progress. This is particularly the case in terms of the infrastructure required to support the many working parents who form a necessary part of the workforce.

The Minister is only one of seven Ministers who share responsibility for child care. We need a single Minister to assume responsibility for this area. In Britain, for instance, a separate infrastructure is being established to support working parents and meet the need for a high-quality system of care and education for young children. This is a recognition of the considerable evidence to show that a high-quality pre-school education system tackles disadvantage at its source. It is the only approach that will reduce our school drop-out rates which, despite economic prosperity and more investment in education and communities, are still stubbornly high in the post-primary sector. The reason for this is that the communities which badly need investment in the early years of children's lives are not receiving it. It would be worthwhile for the Government to target investment in full-time crèches and pre-school facilities in poorer areas. Someone told me this week that one year spent in a good quality pre-school facility with trained workers before primary school age yields five years at the other end. Children who benefit from this early head start are much more likely to successfully travel through the education system.

While I welcome this important legislation in principle, it is minimal and marks a small step forward when giant steps are needed.

Ms O'Rourke: I welcome the Minister of State and the Bill. The legislation was promised under Sustaining Progress. It is the result of the social partnership process and endless discussions between all the relevant bodies, including employee and employer representatives and the voluntary pillar.

Listening to Senator O'Meara, I recalled my days of child-rearing when parental leave was not available. Teachers who gave birth to a child went to work the following Monday, which was amazing and awful at the same time. No provision was made for those who adopted a child, as my husband and I did with our second child. In the cases of birth and adoption, one went to school the next morning if one wanted to continue teaching.

I agree with Senator O'Meara's comments. The next generation of my family includes two daughters-in-law with young children. One daughter-in-law has two children, while the second has a baby with another due in early April.

Maternity leave has already been addressed in legislation. This Bill on parental leave is one of three Bills aimed at improving social legislation. We have so many reasons to be grateful to the European Union.

Ms White: Hear, hear.

Ms O'Rourke: Were it not for our membership of the EU, I do not believe we would have had any of this legislation.

Ms O'Meara: That is certainly the case.

Ms White: We all agree.

Ms O'Rourke: There is still a grudging attitude towards entitlements such as parental leave. This is an example of a deep-seated chauvinism which holds that women can stay at home and mind their children, notwithstanding the fact that employers are screaming out for employees, education can contribute to our economic well-being and we can ill afford to have people with talent and ability outside the workforce. That is an economic fact as opposed to a social concern expressed by do-gooders.

It is commendable that parents are given paid leave in the public sector and some larger companies, including the banks. However, I am not aware of many other companies which provide paid parental leave. The legislation makes advances, particularly in the area of adoptive leave and the extension of the age threshold to eight years which is still a young age. Moreover, it provides that, in the case of a child with a disability, parents may take leave until the child is 16 years. These are helpful, proper and timely changes.

We received a briefing from the Irish Congress of Trade Unions, which I assume is accurate. It states that Austria, Denmark, Finland, Germany, Italy, Luxembourg and Sweden make payments in respect of parental leave. In Italy, 30% of salary is paid by the employer for up to six months, while in the Netherlands and Belgium collective agreements provide for additional payments during maternity leave. Austria has legislated for paid parental leave for up to two years. It can be taken on a part-time basis. Congress is looking for a social insurance payment. It is fine if one can afford to take parental leave and not have that income coming in and if one does not work in the public service or in one of the major banks. Perhaps when the Minister of State replies, he will indicate which employers give paid parental leave. I would be keen to know those industries which give paid leave. I presume all the public service gives paid leave.

Mr. Fahey: No.

Ms O'Rourke: I thought the public service gave paid parental leave. I would be keen to know which employers give it. I would like to know why we are so out of step with all those other countries — it is quite amazing. I think France has excellent paid parental leave which can be taken by mothers or fathers until the child is two years of age. It is only right that is the case. A grudging attitude is still with us that it is the mother's job to mind the child and she should stay at home. I

can only call that kind of talk "gab talk". It is so wrong. I understand teachers get paid parental leave but I thought all public servants got it — I am quite amazed they do not.

There are worries for the employer when a woman opts to take parental leave. I like the flexibility in the Bill, which is interesting, worthwhile and is a step in the right direction. I note the Minister of State said the social partners could not agree on the issue of paid parental leave. Of course they could not reach agreement because I would say the employers did not want to give it and the employees wanted it. The trade unions would want paid parental leave while IBEC or those representing employers would not.

I sometimes find it defeatist the way Ireland must be dragged to the post to provide for measures such as this. Luxembourg gives paid parental leave and has the lowest unemployment rate in Europe next to Ireland, so it must be doing quite well. I cannot help but remember that when I started in public life, there was a vote at a county council meeting on whether women should stay at home and should not look for work in the workforce. The economy of a country is worse off without the inclusion of both women and men in the workforce.

I wish to move on to an issue not covered by this Bill and on which my colleague, Senator White, speaks and on which it is worth commenting. I agree with the Minister of State that there has been a great leap in the provision of crèche places through an equal opportunities measure which has been very helpful. While the provision of places is important, the cost of those places is the issue. It is not facile to say that, in most instances, couples pay more for their crèche place than they pay on their mortgage. Is the world topsy-turvy or what has gone wrong? People try to make other arrangements; they invoke the help of in-laws or a child-minder in a house. I think a person can look after four or perhaps five children without being registered as a crèche.

I try to walk to the House most mornings and I see mothers and fathers looking harassed and bothered with their off-spring looking similarly so. I pass a crèche coming down a street and see children bouncing in at 8 a.m. or 8.15 a.m. with mothers with their make-up ready for their next task on their way to their job. I also see fathers shooing in two or three children. Of course, it is not the ideal arrangement. How could it be? It would be if the child had the same carer, and I take that point which is solidly made. We will be dragged screaming to giving paid parental leave and to extending the time span so that parents may bond with their child. Bonding is not just fuzzy women's talk. The bonding between a child and its mother and father is very important and fathers should share in that bonding process. Long ago the father said it was the mother's job to mind the child while he went about his very important business, sporting and other engagements in pubs and elsewhere. The mother had to

[Ms O'Rourke.]
struggle in all sorts of ways. That day has gone because I see young fathers, including my two sons, share equally in the care of the young baby. That is to the good. It is not only the mother who should get up in the middle of the night when the child cries but the father should also get up and tend to the child. I can see the fellows smirking.

Ms White: Senator Dooley.

Ms O'Rourke: Senator Dooley is a young father. Does he get up at night to tend to his child?

Mr. Kett: He is only coming home at that stage.

Ms O'Rourke: That is what I call an Irish joke and I do not like it; I do not believe it is right. I used to say to Enda, God rest him, "I was up twice last night", and he would say, "Were you dear?" That would be that but he changed his tune later on.

Mr. Dooley: He was a wise man.

Ms O'Rourke: Babies need to know there are two people minding them.

The Minister of State has great gumption and he would do well to try to bring about a reconciliation between employers and employees on this matter of paid parental leave. Many people cannot afford to avail of it and to be out of the workforce for that length of time so that they may lay the foundations of a happy child and for themselves.

After having a baby, a woman is quite spent and bothered and while everything may have gone well with the pregnancy, she may feel a little under the weather, may suffer from post-natal depression and may not feel 100%. There is then the worry of leaving the baby with somebody while she goes out to work because she needs the double income. Young people now need double incomes in order to live, pay mortgages and child care. I am speaking from practical experience and I now see my two daughters-in-law trying to cope. One works in a bank and received full pay while on leave. Their baby will be seven months old when she goes back to work but she added on unpaid leave. The other works for a private employer who does not provide such a payment. I know the Minister of State will attend to giving paid parental leave because we will be dragged screaming to it quite shortly. We will be the last country in Europe to give paid parental leave as a right.

Force majeure leave allows, in an extreme circumstance, a parent leave work quickly but to be kept on the payroll. One has the right to go back to the position in which one was before one took time off to have a baby. One must not suffer the discrimination of one's job having been given to somebody else and one having to fight one's way back.

It is not so long ago that employees in some sections of the Civil Service had to take a case on this issue, which they won on the basis of the relevant EU directive.

People are by choice having fewer children, but there will come a time when we will desperately need workers. Already the shortage of skilled workers has led to an increase in demand for women in the workforce. This Bill is welcome in so far as it goes but it goes only a few steps. Much more is required.

Mr. Browne: Senator O'Rourke spoke as a mother and grandmother while I speak as an uncle.

Ms O'Rourke: That is good.

Mr. Browne: That is my experience in this area.

Mr. Dooley: Is Senator Browne seeking time off as a consequence of that role? That is stretching it in order to get several weeks off work.

Ms O'Rourke: Senator Browne will get around to the role of parent sometime.

Mr. Browne: My three sisters each have young children and I hear much about this issue, which has been raised consistently by Senators Cox and White in the Chamber. It will be one of the most significant issues in the next general election campaign.

Ms O'Rourke: I agree.

Mr. Browne: It is interesting to hear Senator O'Rourke speak about the lack of maternity leave when she was teaching. Great strides have been made in this area in recent years, including the extension of maternity leave entitlement to 18 weeks, improved provision for unpaid maternity leave and the increase in child benefit. There have also been advancements in the availability of job sharing opportunities. One of my sisters has availed of this option and it makes her life considerably easier.

However, much work remains to be done. Other than parents, those most affected by the non-availability of child care are grandparents. Instead of seeing their grandchildren occasionally, many are forced to take an active role in rearing them. In place of short visits on a Sunday afternoon, children are arriving on their grandparents' doorstep at 8 a.m. or in the evening. Grandparents may be obliged to collect children from school because their parents are working. When they should be relaxing and enjoying life having reared their own children, such people are rearing their children's children. This is an important issue.

It is ironic that we are debating this issue in the House. Leinster House must be one of the worst examples in this regard, with no child care facilities in the building for staff and Members. Although steps are under way to rectify this, it is

appalling that such a situation should pertain in 2005. The life of a politician could not be more unfriendly to the needs of a young family. I am unsure what the solution is. Few young females and parents of young children are entering politics because they are aware of the immense pressures.

Senator O'Meara observed that the sharing of responsibility for this area among seven Ministers is a problem. One Minister with full responsibility for the issue should be appointed as a matter of priority. This will ensure there is a consistent line of responsibility instead of matters being passed between different Departments. The Department of Justice, Equality and Law Reform, for example, is responsible for the funding of some crèches. There was a unique situation in Carlow when a crèche was opened by the Minister for Justice, Equality and Law Reform only for an announcement to be made some weeks later that its funding had been cut. Although this matter was subsequently resolved, there would be no such problems if one Minister had overall responsibility in this area.

The fees for child care are astounding. As a single male, I am flabbergasted to hear stories of people with two children paying up to €1,500 a month for child care places. This is a significant amount of money, constituting more than an average mortgage. The State must consider the possibility of paying the staff in child care facilities. The option of introducing tax credits holds the potential danger of causing inflation in this area, in which case those parents availing of crèche facilities will be no better off.

The State pays the wages of staff in primary, second and third level education facilities and should do the same for staff in child care facilities. This would bring costs down by ensuring that crèche owners have no excuse for increasing fees. I have spent time in France where I observed the *écoles maternelles*, which I understand are State-sponsored, for children of two years and above. State payment for staff in child care facilities will help to control costs and will also allow the State to have an input into the quality of child care.

Those earning the minimum wage and on short-term contracts will gain little from this Bill. I understand one must be in employment for 12 months before availing of parental leave. Lone parents on the minimum wage and employees on short-term contracts are those most in need of assistance but will obtain no benefits from the legislation. Its provisions serve to help the middle classes more than the working classes.

Other speakers have commented that the leave is unpaid, an issue which the Minister of State addressed in his speech. It is an issue that must be examined, not necessarily for the benefit of those in a financial position to take unpaid leave but for those employees, such as a lone parent earning the minimum wage, who cannot afford to take time off work. The Minister should address this problem urgently and should focus his energy in this area. It is worth noting that no child bene-

fit is paid in the United States and the maternity leave entitlements are much less generous than in this country. It is good to see that we are already far ahead of that country in this area.

An issue on which the Government must hold its head in shame is the changes introduced in the budget before last relating to benefit-in-kind. Those changes are having an impact in this area. Employers who wish to reward long-serving employees by providing health insurance, a company car or child care benefit, for example, have found their hands tied. This issue must be reconsidered. The Government should not prohibit an employer from acknowledging the role played by an esteemed employee through benefit-in-kind provisions.

This Bill represents a first step. I was interested to hear Senator O'Rourke's comment that it is part of a trio of Bills. Much more must be done and I acknowledge the role played by the EU in this area. If it were left to the State, the measures contained in this Bill would not have been undertaken.

Mr. Dooley: I welcome the Bill and the discussion that has taken place about it. From the Minister of State's perspective, this is about equality. Several Members have mentioned that responsibility for this area is spread across several Departments.

As I understand it that is an issue pertaining to Europe, particularly the equality issue. The Minister of State has succeeded in bringing equality to the issue of parenting regarding leave of absence from work, which helps address the age-old imbalance the Leader spoke about. Society has moved on considerably in the past ten to 15 years. While fellows with a bit of bravado in the pub or at the game might make certain comments, in reality women have recognised their position as equal in Irish life. For quite some time they have addressed that balance and it is important that legislation be in line with this to ensure that from an employment point of view, the same conditions that are available to males are also available to females. I welcome this change.

The rights of return to work and protections against dismissal are vital. Many people, particularly women through their decision to have a family, found themselves returning to work to a lower grade position or one in which they might not be able to work, or an environment which they found hostile because it was different from where they worked before. Obviously their pay scales were retained because through existing legislation employers could not tamper with them. However, some employers saw an opportunity where a young woman had got married and might have been about to start a family. When she did so, they sought to prevent her from progressing through the company unlike some of her male colleagues. The work of the Minister of State regarding equality legislation is very welcome in this regard.

[Mr. Dooley.]

I welcome the provision allowing for *force majeure* leave, which is obviously important. It is good that the anomaly regarding placement for adoption has been addressed. In reality the child was with the parents and all that was required was the order. It is good to have this situation regularised to ensure that the facilities are available to the children. Changing the age limit from five to eight is welcome and I particularly welcome the new age limit of 16 for children with disabilities. There is considerable talk about the Disability Bill with certain interest groups having their views on the matter. I am on record as saying that I believe the Disability Bill is excellent legislation. Here is a practical measure giving parents the opportunity to assist a child in what in many cases are very difficult circumstances.

Regarding parenting, we have many debates in the Seanad through statements on drug addiction or criminality among young people, alcoholism and the damage it is doing to young people. As a country we probably have not focused as much as we should have on early intervention with children. That early intervention starts from the time the child is born. As a result of the way the economy has grown, many people are out of the house and dependent on child care facilities, which have been mentioned, or pass their children to child minders to effectively bring them up. With the kind of lifestyle people now have they find themselves out of the house from early morning to late evening with no time spent with the children. Anything that can be done through primary or secondary legislation to make it easier for such parents to be involved in the upbringing of children must be welcomed, particularly to ensure that children are given the basic skills to go on to live a successful life. That early intervention is critical. It is too late by the time they get to primary school. The formative years from the time they begin to crawl right through to when they go to primary school represent the most important period.

I speak with a little bit of experience as the father of a three-year-old and a four-month-old and it is in this context that I make these comments. My wife who is obviously off work at the moment with the younger child will seek to return to work and the kinds of provisions set out here will assist her as it will many other young mothers in similar circumstances.

While I know it does not fall within the remit of this legislation and may not even fall within the brief of the Minister of State, it is worth making some comments on child care, which has been fairly well covered in this debate. It is clear that we have a significant issue which the Government will need to tackle. The Leader rightly pointed out the difficulties associated with the cost of child care. When my two children go to a child care facility the cost is like another mortgage. People find themselves going into debt even though it might be a short time before they start school. However, it is a significant burden that is

making life particularly difficult for many young couples. This problem needs to be addressed in many different ways. While this is probably not the time or place to discuss the issue, I would welcome any views the Minister of State might have or any input he would like to give from the point of view of the equality section of his Department.

Paid leave, as requested by some Senators, would be very welcome. Very few of us are fortunate enough to be in a position to take unpaid leave and live in the modern economy with all the burdens and costs that go with it. A recent report pointed to the level of borrowing by individuals. While the economy is doing particularly well, much of this progress is on the back of people no longer saving money to the extent they did in the past, obviously for the good reason that they cannot afford to do so. They are borrowing to make provision for matters like child care. It would be very welcome if we could look at the area of paid leave.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I thank all the Senators who contributed to a very useful and interesting debate. I take on board all the points that have been made. All of us, particularly those who are parents, would have a natural inclination to have the maximum amount of parental leave paid at the highest possible rate. In reality we must strike a balance on the matter. The issue was debated at great length in the partnership process and the consensus reached is what is before us today. A high cost is involved in paid parental leave, which was a major issue in the debate this afternoon. Based on the qualifying criteria for the maternity benefit scheme, for an equivalent payment taking into account the social insurance payments costs and the public sector employer costs it would cost €129 million in 2001, which, given the increases that have taken place, at today's costs would be estimated at approximately €200 million in social insurance payments and public sector employer costs for public sector employees, which is a very significant amount.

In reality the partnership groups, IBEC and ICTU, in the talks on Sustaining Progress could not agree that payment should be made and the consensus they came up with is the one by which the Government is now bound to a certain extent. This is why we have opted to go along with the agreement reached when negotiating Sustaining Progress. The success of this economy since 1987 has been based on partnership agreements which were rigorously negotiated between employers and trade unions. It is because of that formula that we now have the difficulties we have concerning parental leave, child care, etc. We did not have such problems in 1987 because we had serious unemployment and we did not have as many opportunities for women as we have now.

As a parent, I agree with many of the comments made about the desirability of paid parental leave, but as Minister of State I have to acknowledge it is not possible to reach agreement

on it among the social partners because there is a high cost involved. Having taken those points into consideration, the best possible formula has been reached in this Bill. While it is not perfect, it has been the subject of general agreement. All the issues raised by Senators will be considered. While it may be possible to examine some suggestions, it will not be possible to reconsider this proposal. I take the point made earlier by Senator O'Toole about the desirability of re-examining certain matters, but there is not much scope for consideration in this case.

A number of the Bill's technicalities were raised by various Members. Senator Terry asked about broken leave. The Bill allows for an employee to take leave in six-week blocks and states that the employer must accept that. An employer and an employee can agree to any flexible arrangement on which they may reach agreement.

Senators Cox and Browne mentioned the burden on the small business sector. There was some rigorous negotiation between the social partners in this respect. It was agreed that there should be a minimum break of ten weeks between the two six-week blocks of leave to provide some protection to small companies.

Many Senators spoke about the need for a family-friendly balance between work and other parts of life. Society needs to encourage as many initiatives as possible in this area, in the public service as well as in the private sector. A great deal of progress has been made in this regard. We have come a long way from the dark days described by Senator O'Rourke, when it was impossible for two parents to go to work. We should acknowledge the progress being made in the public sector, where a series of work-life balance initiatives has been introduced. A broad range of options, such as term-time working, paid paternity leave and unpaid leave for domestic purposes, is available, in addition to statutory entitlements such as maternity, adoptive, parental and carer's leave which are now commonplace in the employment sector. I accept that we need to do more and I am sure we will do so. As time goes by, I am sure we will recognise the significant changes taking place in society. We need to strive on a continual basis to achieve the flexible and positive family-friendly balance between work and life that we would all like to have.

Senator Terry spoke about the Government influencing men to take up paternity leave. Other Senators compared Ireland with Europe in this regard. Many countries, particularly in mainland Europe, offer an attractive paternity leave regime. While we know about the benefits the European social model can bring to workers in mainland Europe, we also know about the grave difficulties it is causing for economies across Europe. When I spent two and a half years as Minister of State at the Department of Enterprise, Trade and Employment with responsibility for labour affairs, it was clear to me at meetings of the Council of Ministers that many

European countries are having significant problems with the social model in which they operate. There has been significant political upheaval in Germany, Austria and France, which are examining the social model carefully because they cannot afford it. In the competitive global economy in which they have to operate, they cannot afford the social model that has been generous to them in the past.

When we compare Ireland with other European countries, we should compare like with like. Ireland has been the most successful economy in Europe over the past 20 years. It has been successful because it has struck a balance between an important social conscience with growing social supports, as it could afford them, and an important physical and economic model which has caused the economy to grow in a significant way over the years. If we compare ourselves to mainland Europe, we should consider the balance this country has struck. We should bear in mind the disadvantages of the European social model. We demand more money to be spent in all areas all the time, without much consideration of where it will come from.

Statistics clearly demonstrate that the percentage of men availing of parental leave is quite low throughout Europe. The level of benefit which can be enjoyed is quite low in comparison to wage levels. Most men in Europe do not take up parental leave as a consequence. The Government will consider the argument that people on lower wages, particularly women, would benefit from paid parental leave. I am sure the social partners will address that issue *anseo amach*. I hope the position in that regard will change as the economy grows and we can afford to spend more money.

The transferability of parental leave from one parent to another was raised by a number of Senators. The EU directive does not allow leave to be transferred from one parent to another, unfortunately. It grants an individual right to parental leave to each parent. The Office of the Attorney General has advised us that we are not in a position to transfer that individual right from one parent to the other.

Senator O'Toole spoke about paternity leave, to which there is no statutory entitlement in this country. It is fair to say that employers across the spectrum are quite generous in allocating paternity leave. We heard examples of such generosity from some Senators today. Senator O'Rourke asked about public sector employees, such as teachers, health service workers, gardaí, prison officers and members of the Defence Forces. All such employees are entitled to three days paternity leave. Many private sector employers also provide a short period of paternity leave without deducting any pay. When I was Minister of State with responsibility for labour affairs, I noted that the private sector was quite generous in providing paternity leave. Companies that scrounge on such initiatives usually show such greed in their bottom line. Generosity

[Mr. Fahey.]

is repaid in spades by employees after they have completed their celebrations. Some Senators spoke about a grudging attitude to parental leave. As I have said, a grudging attitude will usually bear poor results.

Ms Terry: Why not provide for that in legislation? Why leave it to chance?

Mr. Fahey: It is fair to say that it is a question of resources and of agreement between the social partners. We have come quite a long way and I am the first to accept that we have a long way to go, but a balance must be struck. Senator Terry's proposal has significant cost implications. Everything goes when one is in Opposition, but if Fine Gael were in Government tomorrow, choices would have to be made between a number of proposals that were made by Senators in the Opposition benches today. Very cogent cases were made for child care workers to be paid by the State, for payments for those on parental and paternal leave and for child care benefits to be increased considerably.

Ms Terry: Such cases are coming from the Minister of State's side of the House also.

An Cathaoirleach: The Minister of State, without interruption.

Mr. Fahey: The reality is that choices need to be made.

Senators Norris and O'Toole mentioned *force majeure* leave and the need for parental leave when children are hurt in accidents or are ill. As I stated, the parent is entitled to take time off under the *force majeure* provisions of the principal Act.

Both Senators Norris and O'Toole referred to *force majeure* leave for same-sex couples. The parental working group recommended that the issue be addressed. Section 12(4) of Sustaining Progress contains a Government commitment to examine the steps necessary to give effect to this recommendation. I have much sympathy for the case made by both Senators. There is no doubt there is a discrepancy in that heterosexual couples can avail of *force majeure* leave to look after each other as well as parents, brothers or sisters, for example, while same-sex couples cannot do so for each other. It is not necessary to make provision in this regard in this Bill. If the Government decides to grant statutory entitlement to *force majeure* leave to same-sex couples, it can do so by ministerial order under section 13(2) of the Parental Leave Act 1988. In the context of my role as Minister of State with responsibility for equality, I believe there is a case to be made for *force majeure* leave for same-sex couples. I will be recommending it to my colleagues in Government. It is a matter for Government but the case made by both Senators merits positive consideration.

On the question of obtaining leave in respect of a child until it reaches the age of 12 months, as raised by Senator O'Meara, family leave is available for this period. If one adds up the 24 weeks of maternity leave, 16 weeks of which are paid, the 14 weeks of parental leave for a father and the 14 weeks of parental leave for the mother, one will note that it amounts to a year's parental leave. Arguments were made about the attractive periods of leave available in other countries. It is a question of making progress by degrees.

Senator Cox raised two issues in respect of the blocks of leave. This was debated in the talks on Sustaining Progress and it was agreed that there would have to be a ten week gap to provide for the difficulties experienced by small companies. We accept the point made and will re-examine the issue to ascertain whether there is scope for improvement. However, we are bound by the agreement negotiated in the talks on Sustaining Progress.

On *force majeure* leave in respect of agencies or temporary working arrangements, whoever pays the wages of the worker is generally responsible for all elements of that pay. However, I cannot state the exact position on the question raised by Senator Cox in this regard, particularly in respect of the difficulties associated with a temporary agency worker moving continually from one employer to another and perhaps seeking *force majeure* leave in each employment. We will certainly consider this and revert to the Senator thereon at a later date.

I have confirmed the position on paternity leave for Senator O'Rourke. In answer to her question, I am not aware of any employer in Ireland making a parental leave payment.

Senator O'Rourke asked about the entitlement of an employee to return to the same job, under the same contract of employment, on the expiration of his or her period of maternity or paternal leave. This is possible under Directives 2002/73/EC and 2004/207/EC. Section 7 of the Bill provides for this important entitlement.

Many Senators, including Senator O'Rourke, mentioned child care. I must stand up for the older men of this country and state that I do not accept the age of chivalry died long ago. I accept that today's fathers may be better than those of the past but I do not accept Senator O'Rourke's description of older men. There may have been cases where they left all the work to the mother, but this was not the case in every household.

During the local election campaign of 1995 there was no mention of child care on the doorsteps, yet it was the main issue during the 1997 general election campaign. I distinctly remember this because I became Minister of State with special responsibility for children shortly afterwards. Over the course of two years, child care became the main issue due to the great and immediate improvement in employment possibilities and the very positive development whereby women were able to gain access to

employment in much greater numbers than was previously the case. It was only in 2000 that I, as Minister of State with special responsibility for children, introduced the very first set of regulations to govern child care. There were no regulations governing crèches, playschools or any type of child care until then.

Child care is a very recent area of priority. While I accept all the points made, to the effect that there are not enough child care places and that child care is too expensive, and while we must certainly address the issue, it is only fair to refer to the very positive developments in this area. Some 33,000 new places are being created under the initiative launched a few years ago. In 1997, child benefit was €37 per month and the cost to the State was €505 million. This year, child benefit has increased to €141 per month and the cost to the State is €1.9 billion, or approximately four times that of the 1997 level. There has been no greater increase in any area of public expenditure than in child care. It is only proper that we recognise the work done and being done. I accept the point made by Senators that there is much more to do, that we need to increase the number of child care places and ensure that the cost of child care is kept down. That is a central element of Government policy.

I thank the Senators for their contribution to the debate this evening. We will reflect carefully on all the points. There are unfortunately several issues we cannot change but I welcome the positive tone of this debate. It will help me and my officials to consider amendments before we return to this House and go to the Dáil.

Question put and agreed to.

Committee Stage ordered for Tuesday, 8 February 2005.

Northern Ireland Issues: Motion.

Mr. Minihan: I move:

That Seanad Éireann:

- commends the efforts of all Irish Governments since the foundation of the State to encourage those involved in paramilitarism to desist and to move into the democratic mainstream;
- notes the efforts undertaken over the last decade by all Irish Governments to encourage the Provisionals away from paramilitarism and into exclusively democratic and peaceful means of advancing their political objectives;
- notes that all parties to the 1998 Good Friday Agreement reaffirmed their “total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues” and their “opposition to any use or

threat of force for any political purpose”;

- notes the public commitment given by Sinn Féin President, Mr. Gerry Adams, in May 2003 that the IRA would engage in “no activities” which would undermine the peace process or the Good Friday Agreement;
- notes the recent conviction of Mr. Niall Binéad for the crime of IRA membership;
- notes with regret the unwillingness of the Provisionals, in the talks leading to the publication of the Governments’ proposals in December, to undertake not to “endanger anyone’s personal rights and safety”;
- notes with regret the resumption of so-called punishment attacks in Northern Ireland immediately following the recent breakdown in political negotiations;
- notes with regret the inability in a recent newspaper interview of the Sinn Féin President, Mr. Gerry Adams, to urge that citizens with information on serious crime should bring that information to the Garda Síochána and notes that he urged such citizens to bring that information instead to “respected members of the community”;
- notes with regret recent comments by the national chairman of Sinn Féin, Mr. Mitchell McLaughlin, that the murder of Mrs. Jean McConville was not a crime;
- notes with regret the recent robbery of the Northern Bank in Belfast and associated kidnappings;
- notes that the recent Northern Bank robbery has been attributed to the Provisional IRA by both the Garda Síochána and the Chief Constable of the PSNI;
- calls on the Provisional movement to end its self-imposed political isolation, to opt for exclusively peaceful and democratic means and to turn its back conclusively on paramilitarism and on all forms of criminality; and
- commends the Government for its absolute insistence that the Provisionals give up all forms of paramilitarism and criminality.

I hope this motion has given Members a chance to reflect on several of the points highlighted. I could elaborate on each one but it is no longer necessary. Recent events, interpretations and actions substantiate all the points the Progressive Democrats have identified in this motion.

[Mr. Minihan.]

Last week in Poland more than 30 Heads of State joined survivors of Auschwitz to mark 60 years since the Red Army liberated the Nazi death camps. In a ceremony of remembrance for the 1.5 million people who died there world leaders called for all to learn the lessons of the Holocaust by intensifying efforts to crush prejudice, sectarianism and intolerance. Speaking at Auschwitz and Krakow, President Putin said that just as there could be no good or bad fascists there could be no good or bad terrorists, and double standards in this respect are unacceptable and deadly for civilisation. He urged unity against the threat of terror, saying that civilisation could be saved if people united against their common enemy.

One wonders how the appalling horror of Auschwitz could happen. In the early 20th century Germany was deemed one of the most sophisticated and progressive countries in the world and in less than a lifetime that stable, modern nation of 80 million people led Europe into moral, cultural and physical ruin and precipitated murder on a titanic scale. It begs the question how or why man perpetrates such heinous crimes on his fellow man. One wonders how the Germans, an advanced and highly cultured people, gave in to the brutal force of National Socialism so quickly and easily and why there was so little serious resistance to Hitler. It is hard to understand how an insignificant radical party of the right achieved power with such dramatic suddenness. Why did so many fail to perceive the potentially disastrous consequences of ignoring the violent ideology and nature of the Nazis? Those who do not remember the past are condemned to repeat it.

When evil extremism gets involved in the political process, and particularly when it is close to placing its hands on the levers of power, good people need a wake-up call. Evil works in devious and diverse ways. Soothing mantras are used and abused. The phrase *Arbeit Macht Frei*, work makes you free, lingers above the gates of Auschwitz, a grim reminder of a perverse deception.

Communist ideals such as social justice and equality for all are populist. Communist language such as “the struggle”, “the masses”, “exploiters” and “the exploited” won many friends and admirers in the West but this masked the nightmarish evils of the Soviet gulags, a system that marked or destroyed the lives of millions.

Extremism is present at both ends of the political spectrum. Nazism and Communism shared a contempt for democracy and civil rights. The scourges of Nazism and Stalinism are a disturbing legacy and thankfully Europe has not experienced evil on such an epic scale in many years. That legacy should shape our thinking for the present and the future. As humans we can learn from the experience of past victims.

I am extracting principles and lessons here, not making analogies or comparisons. The principle is that democracy must be protected from those

within a democratic process who are inherently undemocratic. We need to maintain healthy scepticism when words such as “republicanism”, “nationalism” and even “the peace process” are used by those whose ultimate objectives are known only to themselves.

Post-war Europe shows that peaceful democratic progress is best facilitated by fully embracing the responsibilities that go hand in hand with democracy. It is unlikely that the Celtic tiger would have reached our shores if an extremist party had been in power or held the balance of power in our jurisdiction over the past two decades. History demonstrates that extremist populist parties are like a cancer in society. They develop insidiously with their tools of duplicity and criminality and when they gain power they wreak economic, cultural and social havoc.

In business and law, there is an axiom, *caveat emptor*, let the buyer beware. Politics is at that juncture: Let the voter beware. Evil thrives when a good man or woman is apathetic. Over recent years the greater good of a Northern Ireland political settlement took precedence over decent standards and the endorsement of normal democratic procedures, in a vain effort to appease extremism. Middle Ireland felt distinctly uncomfortable with this, for it appeared that it and the centre parties were marginalised while Sinn Féin increased its vote and popularity.

Many concessions were made with little given in return. Middle Ireland is enjoying peace and prosperity and is comfortable living in a democracy that has evolved since the State achieved independence. I share its discomfort at the prospect of a diminution of democracy by the Government’s dealing with entities which do not accept the responsibility and accountability democracy demands.

Parties which do not embrace the democracy in which they participate should not benefit from that participation. When they fully participate in and embrace democracy and the responsibilities that accompany it, without preconditions — which only they can determine — they will be welcome to play their full part in making Ireland a better place. Middle Ireland is prepared to wait patiently until that happens.

The turnout in this week’s elections in Iraq sends a message to middle Ireland. The Iraqis showed astounding courage in standing up to terrorism. There was a 60% turnout in the face of snipers, car bombs, suicide bombers, etc. They embraced their chance of democracy and risked their lives to cast their votes. Their courage was a clear example of the will of the majority not being deterred by militants. One need only consider the recent Ukrainian elections to see another example of peaceful demonstrations bringing about the desired result.

My appeal this evening is to the silent majority to stand by and cherish their democratic principles, and not to sell them out to those who place no value on them. The Government’s responsibilities are enormous as it stands firm on these

values. It deserves the support of every true democrat in the interests of this country. For too long, we have bitten our lips, turning a blind eye to Sinn Féin's duplicity for fear of upsetting it, fearing that once again the armalite would take precedence over the ballot box.

The people of this island and Britain have done all they can to facilitate Sinn Féin. It was invited into the centres of power in Dublin, London and Washington in the hope that dialogue would foster greater understanding — it did not. It was guaranteed seats on the Northern Executive in the hope that political responsibility would bring about an end to intimidation — it did not. What more can we give while protecting and securing our democratic values?

The future of the peace process is clearly in the hands of Mr. Adams and the IRA. They must embrace democracy and all its responsibilities. There can be no fudge or ambiguity. Sinn Féin must respect and support the democratic institutions of the State: the police, the courts and the law of the land. There can be no other way. There can be no further tolerance of its version of policing, justice or criminality.

As a democrat, I am prepared to fight for what I believe in, and the Irish people also have the stomach for that fight. We must no longer tolerate the intimidation and criminality for which Sinn Féin-IRA stands. We owe this to Jean McConville, Jerry McCabe and all the victims of the sectarian violence that has bedevilled this island for too long. Democracy must and will prevail. The time has come for us to face down what we have tolerated in this island in recent years.

The Taoiseach in recent days has stood firm and supported our democracy, on which I congratulate him.

Dr. Mansergh: As he did all the years he has been Taoiseach.

Ms O'Rourke: Yes, he did.

Mr. Minihan: I have not suggested he did not do so in the past.

Dr. Mansergh: So why the reference to a process of appeasement?

Mr. Minihan: We have gone so far and we shall go no further. Our democratic values are the values that have made the State what it is. We should not undermine them or lessen them to any degree to further enhance the desires and wishes of people who do not share our view of democracy. Democracy is what counts; it is what makes the State and will make it in the future.

I congratulate the Government, the Taoiseach and the Minister for Justice, Equality and Law Reform on their insistence that Sinn Féin fully embrace the role of democracy. I commend the motion to the House.

Mr. Morrissey: It gives me great pleasure to second the motion on behalf of the Progressive

Democrats. It is timely the motion comes before the House as we were proud to have the Taoiseach to the House shortly before Christmas for a good debate on Northern Ireland. However, it is hard to believe, ten years into the so-called peace process, that my party can list 14 points on this motion which could not be contradicted by any democrat on the island. It is hard to believe we are commending the Government for its insistence that the Provisional IRA give up all forms of paramilitarism and criminality. After ten years, we are still at home base.

I am no different from other Members who have recently debated with members of Sinn Féin. The debasement of English is the only way one could refer to the manner in which they treat that language, while they expect us to understand what they are saying. On the one hand, they expect to be brought in and they say they are democrats. On the other hand, the most basic form of democracy would be that one would respect the institutions of the State. Sinn Féin members cannot say they want to be democrats on this island while not understanding what a crime is. Murder by a bullet in the head is a crime. All decent democrats would believe that basic philosophy yet, when a crime is committed by these people they say it is not a crime because it was sanctioned at a lower level and, therefore, is okay.

In 2003 a party representative of the Progressive Democrats attended the Sinn Féin Ard-Fheis.

Mr. B. Hayes: He will not be attending this year.

Mr. Morrissey: He had to listen to a person being called from the floor as a fraternal delegate to speak to the Ard-Fheis on behalf of the prisoners of war in Castlerea Prison. At that time 12 IRA members and three INLA members were in detention there, all convicted by the Irish courts for crimes committed in the Republic, including five convicted in connection with the killing of Detective Garda Jerry McCabe. When I received this information several days ago, it was news to me that these men are prisoners of war in the Twenty-six Counties, tried, as they believe, for crimes they did not commit. This occurred during the peace process when Ministers were travelling back and forth to London, the US and Belfast. If there are prisoners of war on our island, are they still at war with the State?

If the leaders of Sinn Féin were being awarded travel points, they would have received gold cards due to the amount of air miles they have travelled in visiting Washington and London, where doors were opened and carpets rolled out for them, as they were in Leinster House for the past ten years. They were brought in from the cold yet my party must put down a Private Members' motion containing 14 points which one would have expected to have been dealt with ten years ago, before discussions took place.

[Mr. Morrissey.]

I commend the Taoiseach and other Ministers on talking tough in the past two weeks and for stating that criminality is criminality and has no place in our democracy. Before we debase democracy further, as democrats, we are entitled to say what we stand for. We should not be always on the back foot, trying to live up to the standards Sinn Féin wants us to believe it upholds.

I read an article last week in my local newspaper, written by the local Sinn Féin councillor under the headline "Society deserves an effective police force". The article stated that society needs an effective police service and an effective police service needs the support of the community it serves. For this reason, it is essential there is total transparency and trust between the police service and the community. The article went on to state that what Sinn Féin wants from a police service is that there would be voluntary gardaí on the beat with gardaí. Will voluntary gardaí be representatives of the local kneecappers association? Is this what Sinn Féin understands by the phrase "community activists"? If they are involved in these local community policing boards, they also want the chief superintendent to put on the table all information he has gathered about the community in the last month and publish it for their benefit. Is this the type of democracy and police force we want? This is the same police force that has stood behind our democracy and whose members have been murdered at the hands of the IRA, yet Sinn Féin wants equal treatment. They want to accompany these people on the beat but I certainly do not agree with it. The gardaí must find it very hard when they read in their local newspapers that this is what Sinn Féin is setting out to do. Society deserves an effective police force.

Ms O'Rourke: We have got one.

Mr. Morrissey: One must accept that if a member of that police force is shot, it is a crime. Until Sinn Féin understands what criminality is, including murder, I do not think we should have much further truck with these people. The bottom line is that murder — a bullet in head — is a crime. That is something that Gerry Adams and his associates must understand when it comes to dealing with democrats.

Mr. B. Hayes: Fine Gael welcomes the motion under debate, which was tabled by the Progressive Democrats group. I welcome the tenor of the earlier remarks by Senator Minihan. I compliment him on his speech and the consistency of his words on this issue during his membership of this House since 2002. Much of this debate has already been stated and I often wonder what is the importance of repeating it. I suppose the importance is to remind ourselves of these things, as members of constitutional parties who operate the rules of the game and abide by the laws of

the State, as a means of encouraging those who are outside the democratic system to enter it.

Ten years ago, as a means of encouraging Sinn Féin into the process, many people did not say difficult things. I had strong views about it, as did the former leader of my party, Mr. John Bruton. We did it, however, as a means of encouraging the Provisional movement into mainstream politics. The great compromise deal was that a short transition period would emerge when, essentially, a paramilitary political party would slowly become a political party and it would sign up to the norms that we all accept in ordinary democratic politics. The great disappointment for those of us who made those concessions at that time is that it has taken so long. Making and building peace is not easy; it takes a very long period. What is fundamental about this issue, however, is that the trappings of paramilitarism and control they want to have in parts of Northern Ireland and parts of this city, the trappings of the criminal world and the huge sums of money they scam off continually, have gone on for so long that most people just cannot understand it. That is why we need to be reminded of it in the very stark motion before the House.

I listened to Mr. Adams's remarks when he had finished his discussions with Mr. Blair last week. He said something that I found quite extraordinary and I want to place it on the record of the House. He said, "The primary issue here is the future of the process." I found it astonishing that he should say that. I thought the primary issue was the full implementation of the Agreement and the end of the process. The Leader of the Labour Party, Deputy Rabbitte, put it very well last week when he said that Sinn Féin seems to have more interest in the process than it does in the end of the process. They are the big winners in the process. They are able to marginalise moderate opinion in Northern Ireland by taking over from the SDLP as the principal Nationalist party. They are constantly in the news in this jurisdiction and they have done very well in all kinds of elections here over that period. If the mentality of the Sinn Féin president is that the important thing is the process, we have a big problem with the peace process.

Senator Minihan is correct in saying that some of the straight talking was very recent and very blunt. We should not forget that the entire process was in place from September to December. On 1 December, the Minister for Justice, Equality and Law Reform said he was convinced that the IRA was on the peaceful path because he had not seen criminality. Of course he had not — they had turned it off in the run up to the talks. When the talks did not go their way they turned it on again. In the space of a week in Northern Ireland we saw three punishment beatings, to which the Taoiseach referred in the Lower House last week. We have not been fooled just once but three or four times, and we should not allow ourselves to be fooled again.

It is time to look at this process in order to consider how we can ensure that the aspirations of the people as expressed in voting for the Good Friday Agreement are implemented. I wish to put one initiative to the Government side, which is an SDLP proposal in two formats. We can either reconvene the Forum for Peace and Reconciliation, dealing exclusively with the requirements for resolving this issue, or we can have another forum where all the constitutional parties on the island, all democratic opinion North and South, could agree on what is required of Sinn Féin-IRA in terms of the final path they must travel towards democratic politics.

When this suggestion was put to the Government some months ago it rejected it because Sinn Féin did not want it. Sinn Féin does not want the SDLP and the Alliance Party talking regularly on a Friday in Dublin Castle because it provides exposure for them and puts them back on the pitch. In the excellent words of Séamus Mallon, Sinn Féin wants the Balkanisation of Northern Ireland because it wants to control that great pillar of republican, nationalist Ireland in the North. That is Sinn Féin's goal and it will leave the rest to the DUP. As someone who has always represented the middle ground in this country, I say that is wrong. The voice of the Alliance Party is just as important as that of Sinn Féin-IRA. Just as important also is the voice of the SDLP which has striven for peace over the past 35 years and has held that line throughout.

As well as talking tough, the Government can act tough by reconvening the forum purely as a means of getting agreement on the matters that have now to be agreed. That would put it up to Sinn Féin-IRA who do not want this to happen. Let us not forget that the only party that refused to accept the principle of consent document that was put to the forum was Sinn Féin. It is the problem, not us.

I ask the Government to examine another SDLP proposal on the possibility of re-establishing the Northern Ireland Assembly, which has never met since the last elections. Members of the Assembly could take their seats and the British Government could appoint independent persons to act as ministers in various departments. This would at least get the Assembly up and running again.

One of the great dilemmas I have with the process is that unless we all move at the same time with Sinn Féin-IRA there is no movement at all. All the moderate political parties in Northern Ireland, which have been striving for full implementation of the Agreement, are thus left out in the cold. It is a conspiracy on the part of Sinn Féin-IRA. They want that to happen because the longer it continues the more they grow and the greater their control in terms of their mandate. The Government should seriously examine the SDLP's proposal to re-establish the Assembly and get representative government, albeit in a new form for the transitional period, up and running again in Northern Ireland.

The new attitude the Government has adopted with regard to Sinn Féin is important but the most important decision is now for Sinn Féin-IRA to make. The governments in Washington, London and Dublin cannot make up the Provisional movement's mind for it — that is a matter for itself. However, there comes a time when, in the immortal words of Lloyd George, we must leave the station. That will happen sooner rather than later. If those parties want to board the train under the same ground rules as the rest of us, they are welcome. There is nothing that would give me more peace of mind and absolute excitement in terms of the future of this country than that the provisional movement should come in from the cold. However, it has decided of its own volition that now is not the time. It may be time for those of us who want the train to leave the station to do so. That is something the Government must address at some point.

Ms O'Rourke: I am very pleased to speak for my party on this motion tabled by the Progressive Democrat Party. This motion is very transparent. Every clause is clear. There is no division on the matters contained therein and, given what Senator Brian Hayes has said so far, I do not believe there will be a division on it.

Before going into the substance of the motion let me commend all who have been involved over a great many years in painstaking work, who have given their attention and worked diligently on the peace process. Senator Hayes spoke about the process as if it were a somewhat dirty word, but in a different context. I comment the inclusivity of the process to which all of the people of this island are committed and from which they wish to see democratic participation emerge.

I agree that over the years there has been delay and frustration and a constant hedging on matters, which has led to us, staying with Senator Hayes's analogy, to the train station. At the same time administrations and good men and women, elected and otherwise, have worked endlessly to bring about a transformation of society in Northern Ireland and, with the implementation of the Good Friday Agreement, to bring about what was to be a bright dawn for everybody. I say from my heart that I personally felt betrayed and I can only imagine the sense of betrayal the Taoiseach and many others must have felt having worked day and night and overcome so many hazards and having bounced back again. However, we cannot say the ten years of the peace process were wasted because so much that has been fruitful for the country as a whole has happened in that period. We must acknowledge that and not put it one side as if it were all to no avail. Much good came out of the work of those years and it is important to recognise that and to say it.

Clearly the scales have dropped from all our eyes. There is no doubt that the recent bank heist was the work of the IRA. Both the police force

[Ms O'Rourke.]
in the North and the Garda Síochána in the South have expressed that opinion and have provided evidence of it. That plans were afoot for this major bank heist while talks were ongoing makes one feel very diminished. It also diminishes the peace process and the work of people who travelled to and organised and took part in talks, trying desperately to bring about a fruitful conclusion.

No matter how much betrayal is felt, no matter how abruptly the scales fell from our eyes, I am very aware that it is only by including all of the parties that we will be able to achieve the hopes expressed in the Good Friday Agreement. There is no point saying we will be able to proceed without a particular party. That party must embrace full democracy. It must leave criminality behind. The Taoiseach on behalf of the Government, and the Minister for Justice, Equality and Law Reform, have said so quite clearly. I have been attending cumann AGMs in the past two weeks at which this was the only issue on the agenda because we took great pride in the whole process. I do not, therefore, want to go down the path of atavistic talk in which it is said that the party in question is down and out and we will hound and pound them and so on. That will not lead to anything good in respect of the journey on which we all embarked some years ago. There is still a need to keep hope alive. Above all there is a need to ensure that we hold to the strong line which the Taoiseach has always adopted.

When Fianna Fáil was in opposition from 1994 to mid 1997 we were very involved in talks and the Taoiseach always made it very clear that the negotiations in which we were all engaged had to be inclusive, that we could not leave one party out and say we would manage without it. The process cannot work like that.

We now know about the criminality and stern words have been expressed in strong and powerful language both by the Taoiseach and by Prime Minister Tony Blair. One had only to look at the faces of Gerry Adams and Martin McGuinness when they left here. We did not see quite where they went in Chequers. We saw only a gate and their puzzled faces. However, demonising Sinn Féin and painting them as the cause of all ills would be incorrect because they would thrive on that. They would thrive on being the people on whom we are heaping abuse on and who we consider the villains of the piece. They are, but the constant reiteration of that message will not do the cause of Ireland any good.

I am aware that my words will be interpreted in many ways. I am fully in favour of democracy. I am very upset at the way we were fooled, at the activities that were going on while the talks were taking place. I am aware that what we are embarked on for our country is hugely important. We must maintain inclusivity but we must also ensure that we do not heap the blame so much that Sinn Féin can cloak itself in the mantle of the injured party rather than be seen as the party

that has done wrong, and by so doing become, albeit regretfully, heroes of another kind.

We are all aware of what has happened, but I strongly urge that we measure our tone and our language and move forward.

Mr. Ryan: I do not often agree with the Progressive Democrat Party, and politics would be the poorer if that were not the case.

Mr. Ryan: I do not often agree with the Progressive Democrat Party — politics would be the poorer if I did. During the past 25 years, when I have been in and around the House, I have in many cases taken a quite different view about the best way to move us away from the apparently perpetual middle level violence that had become almost endemic in this country until the beginning of the 1990s. Many Members here, and many others in Irish democratic politics had differing views on the best way forward. I have said on a few occasions I do not believe “republican” is a word we should hand over to one particular party — there is nobody in the Houses who is anything other than republican.

Mr. B. Hayes: Hear, hear.

Mr. Ryan: I do not know of any monarchists or other groups here. Therefore, we are all republicans — an honourable term with an honourable history. I do not propose to hand it over any more than I was ever prepared to hand over a monopoly claim to socialism to those who destroyed human rights all over eastern Europe. In those days I believed that the republican movement, as it called itself, and those who supported it had managed to walk themselves up an enormously difficult cul-de-sac. Simply saying we would not talk to them was never going to get them out of that cul-de-sac. That is the reason I liked Tony Blair's phrase about a period when creative ambiguity was needed and the reason in my political career I did many things which were of absolutely no political benefit to me. Anything positive about Northern Ireland which had to do with human rights, prisoners' rights and so on never won anybody in the South a single vote. For everybody who took a position on any of those issues, other than one of virulent denunciation, there were no political gains. Ultimately in the transition period up to and including the ceasefire, virtually everybody in Irish politics did things which, if they went wrong would be politically hazardous and potentially disastrous to them. If, in the period of transition into the ceasefire, anything had gone badly wrong, bipartisanship would have collapsed and we would have had an enormous political dogfight about Northern Ireland. However, bipartisanship did not collapse and sometimes, fudge, compromise and ambiguity works.

If W.T. Cosgrave had chosen to use some of the rhetoric sometimes used in these debates he would have been able to think of 20 reasons to

call in the Army and refuse to hand over power to de Valera in 1930-32. What had happened before that was a fairly unambiguous conversion by the part of Sinn Féin that became Fianna Fáil and a much more unambiguous conversion than has so far happened here to institutions of democracy. Once Éamon de Valera was in power, by God he showed where he stood on the issue of loyalty to the institutions of the State. Whatever one might say there was never a hint of ambiguity in this regard from the moment he took office. It was worth the risk then.

What is happening now is quite different. It goes back to a little acronym, that was widely used in republican and Nationalist circles, abbreviated as TUAS. Some thought it meant a "totally unarmed struggle" but it also meant the "tactical use of armed struggle". We never got from within that movement an unambiguous explanation of what that acronym meant. Was it totally unarmed or tactical use? I was prepared to tolerate that because I believed we were making progress in a direction. I was extremely impatient, and believe I was right, with the British fuss about the permanence of the ceasefire and the enormous fuss about decommissioning, because I believed we were in a transition where those events would happen. What has happened to many like me during the past two, three or four years has been the dawning realisation that it was not a question of totally unarmed struggle but of incremental use of the armed side of this so-called struggle, to ratchet up yet more political benefits for the political side of that struggle. That is where the issue has suddenly turned me from a position of being an advocate of many issues relating to creative ambiguity into a position where I am increasingly feeling betrayed.

I am quite prepared to live with the possibility that a political party, because of its appeal or its activity, might take over from my political party as a major party of the left. That is unpleasant but not unconscionable but the idea that it would be achieved by ambiguity, deliberate uncertainty, the continual keeping of a little bit more and the phrases such as "we will do nothing that will undermine the Good Friday Agreement" is unacceptable. Who defines what undermines the Good Friday Agreement but the man who said that, Mr. Adams? There has been a succession of these instances. One hears this ambiguity when they say they did not commit crimes. Even if one accepts their own peculiar view of who governs Ireland, they are still covered by international law and the Geneva Convention and the murder of Jean McConville was a crime by the standard of any international convention. It was not just a war issue.

I have restrained myself for 30 years on this issue. A fortnight ago in the *Evening Echo* I wrote an article about Martin Luther King and about what black people in America suffered prior to the civil rights movement — the murders, lynchings and beatings. What they suffered was spectacularly worse than the sum of all that

Northern Ireland Catholics suffered. Martin Luther King said it was not worth hurting one human being to overturn all that. I invited Gerry Adams and Martin McGuinness to tell us how Martin Luther King was wrong and they were right or how they were wrong and Martin Luther King was right. Not long ago Mr. McGuinness was happy to take a page in the *Evening Echo* to talk about what I said about him. Their silence on that issue spoke volumes of the fact that they are now in an exposed position — they deserve to be exposed and the rest of us should apologise any more. We did not upset the peace process, we did not let anybody down and it is time for us to calmly say: "You have your chance, take your chance, one side or the other, the ambiguity is over."

Minister of State at the Department of Foreign Affairs (Mr. Treacy): Tá áthas orm bheith ar ais arís sa Teach seo le freastal ar an rún an-tábhachtach seo. Tréaslaím leis an Seanadóir Minihan agus na daoine eile a ghlac páirt sa díospóireacht.

Mr. B. Hayes: I apologise I cannot stay for the Minister of State's response. With no disrespect, I must leave now.

Mr. Treacy: I am pleased to have the opportunity to speak on this Private Members' motion. The Good Friday Agreement signed in 1998 and overwhelmingly endorsed by the people of Ireland, North and South, has totally changed the political landscape of this island. The proposals for a comprehensive agreement published by the two Governments on 8 December 2004, covered the issues that must be resolved to finally and definitively assure peace and political stability in Northern Ireland and unlock the full potential of the Good Friday Agreement to the benefit of everyone on this island.

The key issues which had been the subject of intensive discussions since the Assembly elections in November 2003 are ending paramilitarism; arms decommissioning; completing the policing project; and ensuring sustainable political institutions.

Senators will be aware that while agreement was reached in respect of the policing and institutional aspects, it was not possible to achieve a consensus in regard to the transparency of arms decommissioning or the ending of all forms of criminal activity.

Recent developments, including the attribution by the Chief Constable, Hugh Orde, of responsibility for the Northern Bank raid to the Provisional IRA and the sharing of that assessment by the Garda Síochána, have underlined the need for a definitive and demonstrable end to criminal activity if the public confidence necessary to sustain inclusive Government is to be achieved.

The Independent Monitoring Commission, IMC, was set up by the Governments in 2003. It was given the task in the Joint Declaration of monitoring and reporting on compliance with

[Mr. Treacy.]

commitments in respect of the ending of paramilitary activity and the programme of security normalisation in Northern Ireland. It is also empowered to consider claims that any party within the Assembly is in breach of its commitments under the Agreement.

The Government believes that the IMC can act as a confidence-building mechanism on a wide range of issues, including an end to paramilitarism. Since 2003, the IMC has issued a number of reports with regard to ongoing paramilitary activity, including by the IRA, and has highlighted that there is no evidence of activity that might presage a return to a paramilitary campaign. However, it has also indicated that the IRA was responsible for the major theft of goods in Dunmurray in May and that it was engaged in significant amounts of smuggling. Both the Irish and British Governments have signalled that they expect the IMC to issue another report, including its analysis of the Northern Bank raid, in the coming days.

The difficulties facing the complete implementation of the Good Friday Agreement must be acknowledged but they must not be allowed to overshadow the successes of the Agreement to date. We must continue building and strengthening the work begun under the Agreement. Many real social and economic benefits have already been delivered through the out working of the Agreement, particularly through North-South co-operation. The Government will continue to build on this work.

The new institutional framework which came out of the Good Friday Agreement provided a structured space for the development of all-island co-operation which recognised political and practical realities. In practice the work carried out in this new institutional space has worked to the benefit of all the people of Ireland.

Through the North-South Ministerial Council, strand two of the Agreement provides opportunities for the growth and development of the delivery of public services and business development on the island. The work of the NSMC has already shown that in terms of enhancing our economic potential, North-South co-operation is of particular significance.

The Government has ensured that the achievements of North-South co-operation have been protected during suspension and they wish to see the further development of practical co-operation on the island.

Under the Good Friday Agreement, six North-South Bodies were established to implement co-operation across a range of areas, including trade and business development, language and inland waterways. InterTrade Ireland is an all-island body charged with facilitating and driving the development of all-island economy. Its headquarters are located on the key Dublin-Belfast corridor in Newry. The body exercises a range of functions in close collaboration with the existing agencies in the field, North and South. InterTrade

Ireland runs programmes which assist the all-island economy, such as FOCUS, an all-island sales and marketing initiative which facilitates the development of partnerships between companies, graduates and consultants. All-island trade is promoted through the identification of new market opportunities and the delivery of cross-Border sales. The success of the programme has also seen some companies opening premises in the other jurisdiction.

One example of ongoing co-operation work is Tourism Ireland, a limited company established to promote and market the island of Ireland abroad as a single tourist destination. Senators will be aware of the importance of the tourism industry to the island. The establishment of this company displays our firm commitment to and belief in the potential for North-South co-operation. This commitment has paid off. Tourism Ireland's work is encouraging growing numbers of visitors to the island.

Work is also ongoing in areas outside those designated under the Agreement. One of the most dynamic areas of current co-operation is that of energy. In August last year the Minister for Communications, Marine and Natural Resources, launched a development framework for an all-island energy market, with his Northern colleague, Mr. Barry Gardiner. This was developed in partnership with the regulators, North and South and is a project with the full backing of the industry on both sides of the Border. The momentum of North-South co-operation must be carried forward. The Government will work closely with the British Government to make absolutely certain that the mutual benefit delivered by the work of co-operation is not only maintained but developed.

The Government is also working to ensure the transformation of policing as envisaged in the Good Friday Agreement. The Agreement called for a new beginning to policing, based on the principles of effectiveness, accountability, equality, human rights and community partnership. The Agreement sets out the terms of reference and objectives, namely, a professional and effective police service which carries out its duties fairly and impartially, which is free from partisan political control, which is accountable both under the law and to the communities it serves and which acts in accordance with the highest human rights standards. This was the template set out in the Patten report published in 1999.

That there has been a complete transformation in the policing structures and arrangements in Northern Ireland is beyond doubt. The Oversight Commissioner, Mr. AI Hutchinson, whose responsibility it is to report on the progress made in implementing the Patten recommendations, has in his latest report, published in December last, described the changes in policing in Northern Ireland, as unparalleled in the history of democratic policing reform. The breadth and depth of change has been extraordinary.

I will recount some examples of that achievement. There is a new community-centred police service governed by a code of ethics in line with the highest standards of human rights; a vigorous and effective police complaints ombudsman; comprehensive accountability structures, including the policing board and district policing partnerships, which make the police accountable to local communities; recruitment policies which are slowly but surely making the police service more representative of the communities it serves; and considerably enhanced co-operation between the PSNI and the Garda Síochána, including provision to allow officers from each force to serve in the other.

The continuing success of this project is a tribute to all of the people involved at all levels. The policing board has been the primary engine of change, driving forward the implementation of the Patten recommendations. From day one, the board has never avoided taking the hard decisions, no matter how sensitive or complex the issue involved. Its record of success is there for all to see, and it continues to grow. The Police Ombudsman, Nuala O'Loan, has conducted her work with fairness and impartiality throughout. Her office commands widespread cross-community support and her tireless work has done much to instil increasing confidence within both communities.

Following the Good Friday Agreement, a comprehensive review of the criminal justice system in Northern Ireland was also carried out and published in 2000. Taken in total, the 294 recommendations of the criminal justice review amounted to a call for change in almost all areas of the criminal justice system. That change is now taking place and the Government is monitoring it closely, in particular to ensure that it is leading to a greater degree of public confidence in the criminal justice institutions.

I welcome the changes of substance in the criminal justice system in Northern Ireland, such as increased human rights training for personnel; new strategies to promote equality in staffing and in provision of services; and the establishment of a new judicial appointments commission and a new public prosecution service for Northern Ireland. These developments have all arisen from the review's recommendations. The criminal justice review also recommended increased co-operation between the criminal justice agencies in the two parts of the island in such areas as liaison on the misuse of drugs, co-operation on forensic and pathology services and a register of sex offenders. I am pleased to be able to report that this work is moving ahead and the Minister for Foreign Affairs, Deputy Dermot Ahern, hopes shortly to sign an international agreement to underpin it.

Inherent in the spirit of the Good Friday Agreement is recognition of the importance of reconciliation, remembering and dealing with the past. This recognition took a more concrete form in the commitments given at the Weston Park

talks in 2001 to investigate allegations of collusion. Following on from these commitments, the British and Irish Governments appointed Justice Peter Cory, a retired judge of the Canadian Supreme Court, to undertake a thorough investigation of allegations of collusion in six controversial cases. Both Governments agreed to abide by the findings and recommendations of Judge Cory, including any recommendations for a public inquiry into any of the cases. In this jurisdiction, Judge Cory recommended a public inquiry into the murders of RUC officers Harry Breen and Bob Buchanan. The terms of reference for this inquiry have been approved by the Government and a motion is due to be placed before the Houses of the Oireachtas soon.

On 16 November 2004 the Secretary of State for Northern Ireland announced the chair and members of the three panels for the public inquiries into the deaths of Rosemary Nelson, Robert Hamill and Billy Wright. The inquiries are expected to begin later this year. The Patrick Finucane case is being dealt with separately and the British Government has announced it will be held when new legislation covering inquiries is enacted. The legislation in question is being discussed on Committee Stage in the House of Lords. The Government has consistently stated that a full public and independent inquiry is necessary to address the concerns surrounding Patrick Finucane's murder. With this in mind, we will seek to ensure that the terms of reference fulfil the commitments given at Weston Park.

The concrete examples provided by North-South co-operation, policing, criminal justice and the Cory inquiries illustrate how far we have come since the Agreement was reached in 1998. However, we have not yet reached the end of the road. To complete that journey we must see a full commitment on all sides to exclusively peaceful and democratic means, as set out in the Mitchell principles and the Good Friday Agreement. At this point, it is incumbent on Sinn Féin and the IRA to remedy the crisis of confidence they have created. It is essential that they deal with the issues of paramilitary and criminal activity and capability in a convincing way. In the meantime, as the Taoiseach has stated, we do not favour exclusion.

Last week, the Taoiseach, with the Ministers for Foreign Affairs and Justice, Equality and Law Reform, had a series of meetings with Sinn Féin, the UUP, the SDLP and the Alliance Party. In addition, he spoke by telephone with the DUP leader, Dr. Ian Paisley. The Taoiseach's meeting with Prime Minister Tony Blair yesterday provided an opportunity to discuss options for political progress. As he stated afterwards: "The reality of the situation is that until we get an end to criminality and an end to decommissioning, then we cannot win the trust and confidence of all the collective parties to be able to move forward."

In the coming weeks we will continue to keep in close contact with the British Government and the various parties. Notwithstanding current diffi-

[Mr. Treacy.]

culties, the two Governments are determined to advance the implementation of all aspects of the Good Friday Agreement. We will not allow the gains of recent years to be jeopardised. Consistent with this, the Minister for Foreign Affairs and the Secretary of State for Northern Ireland will co-chair a meeting of the British-Irish Intergovernmental Conference later this month in Dublin, which will seek to advance progress across a range of important areas. The Government will continue to focus on achieving the full implementation of the Agreement. Our continued close partnership with the British Government and the parties in Northern Ireland will be vital in achieving this aim.

The issues before us are clear. Given the context laid out in the Agreement and the various Government papers since then, including Weston Park, the Joint Declaration and the proposals for a comprehensive agreement published last December, there can be no possible excuse for delay in achieving a real and definitive end to criminality and paramilitarism. That is the wish of the people of Ireland endorsed in referendums, North and South.

Dr. Henry: I welcome the Minister of State to the House. It is as well part of his speech was optimistic and pointed out positive developments. All Members are disappointed at the turn of events because considerable work has been invested in recent years by all Governments and many Members of both Houses in the effort to bring to a conclusion the problem in Northern Ireland.

During the Minister of State's speech, I recalled a meeting I attended in the Royal College of Surgeons in London 30 years ago, during which two young doctors from a hospital in Belfast — I believe it was the Royal Victoria Hospital — presented a paper on 82 cases of reconstruction of the knee joint after knee-capping. Members will imagine how I felt as everyone present looked at me, the representative of the Republic. The paper was shocking. It showed how one would reconstruct a knee after an assault using a Black and Decker drill, what one would do when a bullet had entered the knee from the back or side, the sciatic nerve had been damaged, the femoral artery destroyed or the femoral vein injured. That was 30 years ago. What would the authors write now?

Senator Brian Hayes is correct that this form of criminality is turned on and off. We have had a terrible spectacle in recent weeks of hands and ankles being favoured for mutilation in punishment attacks. We can look forward to articles on this in the various surgical journals. It is shameful that our country should be known for the reconstruction of joints which have been injured on purpose in the most brutal fashion. All the paramilitaries, not only the IRA, are involved in this criminal activity. It is extraordinary to see members of Sinn Féin, which states it is part of

the political process, in a position in which they will not recognise this activity as criminal. In many cases of punishment attacks, reconstruction is not possible, the limb must be amputated and the victim must be fitted with false limbs. That is disgusting.

I was struck by one part of the motion. As president of the Irish Association, I chaired the first meeting in the south at which Mitchel McLaughlin spoke. It was held in the Mansion House at a time when one could not bring a member of Sinn Féin into the House for lunch. I took Mr. McLaughlin to lunch in a place near Dawson Street. I thought he was a person who would make good progress as he seemed like a decent sort of person. I was, therefore, bitterly disappointed to see him on television refusing to condemn the murder of a mother of ten who, I understand, committed no crime. Even if she had the most terrible crimes on her head, who had the right to murder her? Why was she not entitled to due process? At the time, the Irish Association and many Members of the Houses were making strong efforts to encourage people into the democratic process. It was sad to watch the television programme in question.

The last time I spoke about Northern Ireland was at the Forum on Peace and Reconciliation. I thought the Sinn Féin members at the forum were enthusiastic about moving forward. We are in exactly the same position we were in ten years ago.

It is hard to understand how anyone on this island, England or elsewhere could believe that the Taoiseach would not have good reason to state his view that the bank robbery in Belfast was carried out by the IRA. Why would he make such a statement if he did not have proper evidence? It is ridiculous to ask him to produce the evidence because I presume we are hoping arrests will be made, cases will come before the courts and convictions will be secured. The Taoiseach's body language — he was deflated by the events — said more than his words because he and other members of this and other Governments have made massive efforts in the peace process. I cannot understand those who have been involved in the peace process asking to be shown the evidence. It is an impossible request.

I ask the people of the North to be a little more realistic about what is taking place there. To my horror the other day, a very well educated and intelligent young woman from Northern Ireland said to me that the Northern Bank, more or less, deserved it and that it had been very hard on people. Steam nearly came out of my ears. What sort of criminality is acceptable if one thinks that? If it had been some other bank which had favoured people better, would it have been wrong?

I ask the people of Northern Ireland to look at the society they are saying is all right where an investigation is ongoing into a murder outside a pub the other night and where members of the police force, which is now much more representative of both communities, were stoned in the

Markets area. The Markets area is hardly a remote part of Belfast. When one walks to the train station from somewhere like the City Hall, one must go past the Markets area.

The people of Northern Ireland must stand up and be counted. Senator Minihan mentioned the people of Iraq. I wonder how brave I would have been going out to vote if someone had said to me that if I was found with purple ink on my finger, I would be shot. When one considers the courage of those people, the people of Northern Ireland must look at the situation they are allowing to develop there because their loss will be even greater than ours.

Mr. Dardis: Gabhaim buíochas leis an Aire as bheith anseo. I welcome the Minister of State's comments. I am particularly glad it appears there will not be a division of opinion on this motion. It is reflective of the general approach of the House to these matters for many years.

Those of us who have been here for some time have reason to remember that on an almost weekly basis in the past, we were required to denounce yet another atrocity. I recall that not much more than a week or so went by before we had to condemn another atrocity, whether committed by republican or loyalist paramilitaries. We can recall the Darkley Bible Hall, Narrow Water and the Miami Showband. The catalogue goes on and on. They were very dark days and we should be mindful not to return to them, something which requires us to be perhaps circumspect and moderate in our tone. I always recall that some of the most sensible words spoken in those darkest hours were by people like Sam McAughtry and the late Gordon Wilson. It was quite remarkable — there is a lesson in it — that Gordon Wilson could hold the hand of his daughter as she died in the Square in Enniskillen and could subsequently go, unilaterally, to the people who had been the agents of her death to try to create some peace because he believed so passionately that was what was required of him as a Christian. He fulfilled that Christian obligation to the full. I am always mindful of that on these occasions.

However, I am also mindful of the fact we seem to have reached a point where language has been so devalued as to be almost meaningless. Senator Ryan spoke about the proud tradition of republicanism, to which all parties subscribe. Even the words “the peace process” seem to have been devalued to some extent by those who claim sole custody of that process. I have heard Mr. Adams on many occasions claim to be the custodian of the peace process but, of course, that is not the case. Many people throughout this and the other island are, and have been, part of that process and built the edifice painfully, slowly and well to the point where we got the Belfast Agreement and everything that flowed from it.

There has been selective quotation of the Belfast Agreement by extremists on both sides to the point that one would wonder whether the

words in the Agreement are those they think are in it. It is important we proclaim very loudly in what we believe because we seem to hear a lot of what they believe. We believe in democracy and in all the consequences of subscribing to democracy. We believe in the legitimacy of the Army, in the legitimacy and authority of the Government, in the independence and impartiality of the Judiciary, in the adherence to the rule of law, in respect for human rights and in loyalty to the President and the Constitution. Democracy cannot be *à la carte*. One must subscribe to the above if one claims to be a democrat but I do not see much evidence of some people wishing to subscribe to them.

It struck me as very curious that there could be such a long and difficult debate about whether Turkey fulfilled the criteria to become a member of the European Union when there were people on our island who were very far away from even going part of the way Turkey had gone to try to meet its obligations. I resent deeply that some people on this island regard the national flag as being in their custody not that of the Oireachtas and the nation. That attitude needs to be challenged as does the belief that, in some way, the people who claim to represent republicanism today are the inheritors of the legacy of Griffith, Sinn Féin and the people who founded it 100 years ago because they are not. We claim that legacy and that is the reason we are here today.

The prize has been so great in terms of stability and progress — the Minister of State enunciated some of the things which have flowed from it in regard to co-operation between North and South and between the United Kingdom and Ireland — that at times we have been mesmerised. At times our judgment has failed us because we were so concerned about not going back to those days when we stood up in the House on a weekly basis to denounce the barbarity which flowed all around us. In some respects, I think that perhaps clouded our judgment. Some would describe what happened as appeasement but I reject that. As Senator Minihan said, it came out of a genuine desire of the decent people to have that decency reign supreme on the island.

However, it is not possible to negotiate a deal under the threat of paramilitarism or criminality. It has been very convenient to have that threat hanging in the atmosphere to the extent that we must go and speak to the army council. Those fellows should get up and look in the mirror — there is the army council. That threat of violence has been in the backs of our minds. Rejecting violence is part of the Good Friday Agreement.

I recall going down to the Forum for Peace and Reconciliation and meeting the Sinn Féin representatives for the first time. We have all crossed our individual Rubicons during the period and it was distasteful but we knew we had to do that to bring people into the democratic system. I recall going to the United Nations in New York to speak on behalf of the people of East Timor and having to listen to Gerry Adams being lionised in

[Mr. Dardis.]

the Waldorf Astoria Hotel and on every news and talk show in America because Bill Clinton had lifted the ban and Gerry Adams had gone to America. That needed to be done. There have been all those steps along the way and Rubicons have been crossed — some have been small for people while others have been huge for governments and international relations.

We are at a point when the prize is now within our grasp. That is the test except that on this occasion, the onus is on Sinn Féin and the IRA to respond. So often in the past, the response has been from both Governments but not from the republican side. Are they prepared to make the last leap to create the type of Ireland we want to see? I do not care if there are two parliaments — one in Belfast and one in Dublin — provided the peace is stable, criminality is put behind us, people subscribe to the rule of law and the rights of individuals, and one does not put a bullet in the head of someone like Jean McConville or gun down gardaí in the street. I want to see that day gone for good.

There is a dilemma for us as constitutional politicians. We are mesmerised to see people who will sell drugs on the street and, on the other hand, kneecap those who engage in the same activity. We are transfixed by this and do not know how to deal with it. As a result of this type of activity, people get support through the ballot box. We contest elections on the basis that it must be done democratically and with the support of the police force and the agencies of the State. We are at some disadvantage in this regard.

We are subjected to another hypocrisy on a daily basis from those who talk of a ban on the sale of arms to China. These people should give us a break. This is the ultimate in hypocrisy. I agree with an observation made by Senators Ryan and O'Rourke. We were duped in that one image was presented to us while something totally different was going on in the background. Despite all this, we must go forward with good faith and trust. I commend the Taoiseach, the British Prime Minister and everybody else involved on their efforts.

I wish to make a final point. The Taoiseach of this sovereign State has no obligation to offer explanations to Mr. Gerry Adams, who has made several such requests. The Taoiseach does his explaining to the Houses of the Oireachtas and, ultimately, to the people of the country in an election. He does not have to explain to Mr. Adams. The Provisional movement must decide where it will go from here. Patriotism makes demands of us. If my patriotism were to demand of me that I must see my political party disappear to ensure permanent and lasting peace in this country, I would pay that price.

Mr. Bradford: I welcome the debate and thank Senator Minihan for presenting it to us. I have listened to his comments on Northern Ireland on many occasions in this House and he has been

consistent and fearless in the manner in which he has presented his point of view. No democratic political party can find any difficulty with this motion and it will be passed by the House. The question we must ask ourselves is where the peace process can go from here.

I congratulate Senator Dardis on his fine contribution. However, I disagree somewhat with his contention that we were all duped. Over the course of the past eight or ten years, those of us who have engaged with Northern political figures and attended the National Forum for Peace and Reconciliation all recognised that much of what needed to be said could not be said. We all acknowledge that the Good Friday Agreement left some questions unanswered and that the concept of fudge had to become part of the political foundation. However, it was inevitable as the process moved towards completion that the difficult questions would have to be asked.

Those questions are now being posed at an interesting time in the political process and peace process and in the history of this country. In approximately 11 years time, at which point I hope most of us will be alive if not Members of this House, the country will commemorate the centenary of the 1916 Rising. Already some political parties are talking about their plans for that commemoration. It is an occasion to which everyone is entitled to commemorate in the manner of their choosing. However, we should reflect a little before considering 1916 as some type of starting point in Irish history. One can talk about 1916, 1921, 1922, 1798 or 1801. Everyone has their own starting point.

However, in the calendar year of 1998, Irish people, North and South, voted for the Good Friday Agreement. That is the new starting point for modern Irish history. All of Ireland had a say democratically and all Irish people, Unionist, Nationalist, Catholic, republican, dissenter and whatever other tags one wishes to use, conclusively decided that the political roadmap for this island is the Good Friday Agreement. The political task before us in the Seanad and our colleagues in the Dáil, Westminster and Belfast is to implement that Agreement. This is a simple task in some respects but a complex one in another sense.

Since 1998, week by week, month by month and year by year, that is the struggle which has been under way. It is a struggle that must continue. I compliment the Taoiseach, Deputy Bertie Ahern, and the British Prime Minister, Mr. Tony Blair, because they have been the main figures on the political stage since 1998. We cannot move away from the core objective which is the implementation of the Good Friday Agreement, under which we accepted compromise as did Unionists and Nationalists in Northern Ireland.

There is no need to talk of the glorious deeds of 80 or 100 years ago. We must respect what happened in the past and those people who took various positions, be it in 1912, 1916, 1921, 1922, 1937 or whenever. We are today's generation and must

write the next chapter in the history book. The first page in the chapter must start with the Good Friday Agreement of 1998 and it is upon that Agreement our focus must remain.

Despite the constraints of time, it is important to address the issue of language, as several Members have done. We have spoken of republicanism and how that word has been “kidnapped” by one political party. Perhaps we should blame ourselves for allowing that to happen. Republicanism is a valid creed. Senator Ryan made the point that he did not see any monarchists in this House and that, therefore, every Member is a republican. Sinn Féin is not a republican party but rather an ultra-nationalist party.

This latter is also a valid political creed. I disagree with much of what that party stands for and almost everything it attempts to do politically and the manner of those attempts. However, Sinn Féin is entitled to be considered an Irish Nationalist party, just as there is a nationalist party in the UK. It is not a republican party because to be such necessitates an absolute and endless respect and consideration for other people’s point of view and democratic entitlement to differ. Sinn Féin seems to have a difficulty with this.

I wish to put on record that I do not believe for one moment there was no Sinn Féin or Sinn Féin-IRA involvement in the bank robbery before Christmas. I do not believe for one moment there is not some degree of linkage between the membership of Sinn Féin and that of the IRA. We all know that link is there. However, I believe that the vast majority of Sinn Féin members and their elected representatives want an island that is at peace. Most supporters of that party who voted for the Good Friday Agreement want to see it implemented.

However, as in case of the Cumann na nGaedheal Party and earlier versions of the Fianna Fáil Party in the 1920s and 1930s, Sinn Féin must ask itself fundamental questions. There will not be 100% unanimity on the answers because the process which led to the Good Friday Agreement and the Agreement itself will not satisfy every member of Sinn Féin. However, the Irish people have voted for it and we must insist on its implementation.

I agree with what my colleague, Senator Brian Hayes, said regarding the National Forum for Peace and Reconciliation. I was fortunate to serve on that body from 1994 to 1997. It was an excellent example of not just getting people around a table but almost forcing them around a table to listen to each other. For once we had a room in which politicians seemed to do as much listening as talking, which we sometimes find difficult to do. It was difficult on occasions to listen to political arguments from standpoints with which we felt very uncomfortable. As Senator Dardis said, while it may not have been difficult it was somewhat uneasy to meet for the first time the players, particularly from the republican field of politics, of whom we had our own mental pic-

ture. Those were the little mini rivers we had to cross politically to try to bring peace to Ireland. We must just continue to focus on the Good Friday Agreement and what it contains and prohibits. It certainly prohibits criminality of all forms. It is not a question of definition. We all know what constitutes a crime. It is not a question of playing with words. Criminality is absolutely prohibited by the Good Friday Agreement, which was approved by the Irish people.

We must return to talks. On my previous occasion in this House and sadly also in the other House on too many occasions, we had to speak about the politics of the latest murder in Northern Ireland. We cannot go back to that phase of Irish history. We need inclusivity with every political party around the table. However, we must be absolutely firm in our dealings with those who speak for the republican parties that criminality, including kidnappings, bank robberies and so-called “punishment beatings”, has no place in the modern Ireland.

The mandate was given in May 1998 in the referenda on the Good Friday Agreement. This is the starting point to which we must stick. The political discussions need to be renewed and progress needs to be made. I wish the Minister of State and his Government colleagues well in this task. It is the biggest issue not just facing the Government but also the country. Peace on this island in its limited form has allowed us to create the Celtic tiger. It played a big role in the economic and social advancement of the country. If Ireland is to progress North and South the peace process needs to be back on track as soon as possible.

Dr. M. Hayes: I suppose for a moment I could let my own wounds bleed for a bit. It is somewhat patronising for people to tell the voters in Northern Ireland that they should stand up and be counted because they have done enough of that over the years. Most people who voted for Sinn Féin in Northern Ireland have not voted for criminality or a return to paramilitarism. They voted for that party because they believed that was the way to become engaged in the process and to endorse it. Sinn Féin works very hard at it, which is a lesson for other political parties. The place to fight one’s political opponents is on the doorsteps.

I was interested in what the Minister of State had to say. If he does not mind me saying so, I thought it was an excellent response to a debate we have not had and did not address the motion at all. It is a pity to take the focus away from the motion and particularly its final two paragraphs, which I very much endorse. The Minister of State referred to additional arrangements regarding policing, which were reached at Weston Park. As those have never been in the public domain, I wonder what they are and whether they go further than the implementation of the Patten report. The proposed inquiry into the killing of Pat Finucane has been roundly rejected by the

[Dr. M. Hayes.]

Finucane family and by most people concerned in that field as not being adequate to address the needs as regards transparency and otherwise.

I have always taken a view that it is an obscenity to compare anything in Northern Ireland with the fate of black people in the southern states of America, South Africans under apartheid or the people in the Holocaust. Equally it is not helpful to talk about Nazis, gulags etc. I am deeply against the armed struggle. It has been futile and destructive. While I agree Catholics had disadvantages in Northern Ireland, I do not believe they were worth a single life. Those disadvantages have now by and large been removed and addressed. What the armed struggle has done by driving people in the North apart and driving people in the island apart is to make even more difficult an achievement that was the ostensible objective of republican policy, which was to unite people on the island.

Coming back to the point of the motion, the purpose of the whole peace process was to bring into the political process people who had been addicted to violence and military methods in pursuing their aims and also to get an inclusive engagement in the political life of Northern Ireland. When trying to resolve conflict, there is no point in confining talks to the people who are not fighting. While I can see why people have frustration and lose patience, to say we are back to where we were previously is not true by any standards. Remarkable changes have been made over that time. There have not been as many; they have not been as conclusive and they have not moved as quickly as most of us would have liked. Most of the other parties engaged in negotiating the Good Friday Agreement believed they were making an agreement with the republican movement and not just with one section of it which could claim it had no connection with people who are under a different management, regardless of whether they were. That has been the greatest disappointment and it has taken too long.

I am not a Manichean in these matters. I believe that people are capable of amendment. References have been made here to the previous history and the pre-history of some of the main political parties on the island North and South, which strengthen me in my belief. In the anxiety to pin blame at this stage we should not underrate the contribution made by the Sinn Féin leadership over the years and the distance it has brought a very difficult constituency at a risk not only to political careers but also to lives. We should not now allow people to denigrate John Hume for doing the very thing which, as Senator Dardis has said, he was quite prepared to do — to sacrifice his party for the general good.

We are where we are. Sinn Féin has come to a fork in the road. We must say to it, as the Government has rightly done, that it has a political mandate with the support of nearly 60% of the Nationalist community in Northern Ireland

and that it has a responsibility to that. This and nothing else should be its calling card. It is impossible in present circumstances or in any circumstances to contemplate a political party entering government, which has any links whatsoever with criminality at an organic level and which is not prepared to abjure those links. It is totally unreasonable to expect other political parties to do business with them on that basis. We cannot ask the Unionist parties in Northern Ireland to do what no party in this State would do.

In a sense, we are asking Sinn Féin “to do a de Valera”, as Senator Ryan put it. We are asking its members to say “Yes, we have come this far, now is the time”. They have been very concerned over the years not to have a split in their movement, or at least to minimise splits. One can understand that, but there comes a time when those who are going to take the political high road should take that road and rely on their support at the polls. I believe they could and should do that.

All other parties are asking Sinn Féin for a declaration that it is not in any way connected with criminality. It is being asked to break any links, real or perceived, with criminality and to support the police, North and South. It is impossible to think that people who serve in Government as legislators might say that they do not accept the laws they make, that they mean something else by them or that they do not support the police. It was chilling to hear that police in Belfast who were investigating the stabbing of a man in a pub brawl were stoned by kids of eight, nine or ten years of age last night, in a clearly orchestrated attempt to prevent the authorities from accessing evidence.

We must not throw out the baby with the bath water at this stage. We are where we are. There is no possibility of resolving the conflict in Northern Ireland without involving Sinn Féin and the people they represent. The investment in the present Sinn Féin leadership is at risk. Such people have a job to do and we should give them the opportunity to do it. If they reach out their hands, our hands should be ready to pull them aboard the ship of state.

Mr. O’Toole: I thank Senator Dardis for proposing this challenging motion. I do not like what is in it, but I have to say I agree with all of it. I do not oppose it in any sense. I am uneasy about it and uncomfortable with it because it marks a point in time that we have been through before. Over the last 30 years, I have often found myself in an unusual position. I was the only one of my circle of friends who was opposed to the IRA in 1969. I found myself on my own again 13 years later, when I was the only one who understood the objectives of the hunger strikers. When I met John Hume in the Members’ bar between 1987 and 1989, just after I had been elected to this House, he told me that none of the party leaders would talk to him because he was engaging in dis-

cussions with Sinn Féin. It is important to recognise such matters.

Although I agree with the points made in the motion put down by the Progressive Democrats, I would rather speak about where it leads us than about the motion itself. I would like to make a balancing statement. Like Senator Bradford, I firmly and absolutely believe that the leadership of Sinn Féin is committed to the political process and to peace. I also believe the things which are said about the Sinn Féin leadership in the motion. There is a need for them to move on. Regarding the peace process, the lives which have been saved since the ceasefire are a tribute to the political courage of the leadership of Sinn Féin. I do not say that merely as a balancing statement. We have made great progress.

I have waited all my life for something that happened in Irish politics last week. I stand to be corrected, but it was something that had never happened before. I think it reflects a maturity which is a consequence of the peace process. I refer to what happened after our President made an unfortunate mistake. Any right-thinking person could see that it was only a mistake. When the President issued a full and comprehensive apology — that in itself might not be entirely unusual — it was stunning and utterly unusual that it was completely and absolutely accepted by the other side.

Ms O'Rourke: Yes.

Mr. O'Toole: I had never seen that in all my time in politics.

Ms O'Rourke: It was very heartening.

Mr. O'Toole: I had never seen it happen before. It reflects a maturity that is important. In terms of what Senator Maurice Hayes has said, perhaps it will show us the way forward.

I would like to consider where we are going for the next couple of years. Most analysts believe that not much will happen politically in that time. We need to examine the vacuum that has developed and determine where points of commonality exist. Such points mainly relate to the Good Friday Agreement, etc. I would like to think that, over the next couple of years, we will invest the same effort, time, energy and financial commitment in community and economic issues which relate to the two islands. Such investment is necessary if we are to show another aspect of what we can do together.

I would like us to deepen community links at cross-Border level. We have tended to forget that the Good Friday Agreement envisaged that such links should be developed between east and west. I would like to examine the structures available to us to do that, such as the British-Irish Interparliamentary Body, which is anathema to one or two groups. It is only a talking shop, but talking shops are important. I would also like to look at other things — perhaps we should resurrect

bodies like Anglo-Irish Encounter. A focussed solution should be put together so that we can see what we can base around this. I would like a centre to be established for the east-west aspect of this matter. It may be acceptable to all parties, North and South, if a body were based in Scotland along the lines of Anglo-Irish Encounter or the British-Irish Interparliamentary Body. The body should not only involve politicians in the centre, but should also involve community interests so that it can focus on specific economic, social and community issues. I refer to issues that mean something to the community, such as infrastructure and economic corridors, rather than issues which cause people to yawn. I could develop this idea at length. We need to examine what the two islands have in common. I refer to both parts of this island.

Ms O'Rourke: Energy provision.

Mr. O'Toole: Yes. The economic corridor between both islands also comes to mind. Where should it be? We are saying it should be at Belfast, Dublin and the south-east of the island. There should be full and free access on both sides. How do we do that? If we put together a body like the British-Irish Interparliamentary Body or Anglo-Irish Encounter, we should ensure that there is a regulated and processed fringe around it, where people with expertise in the relevant areas can be of assistance. It would be useful for experts in the energy area, for example, to examine the energy needs of both islands and to put in place a system for selling, buying, swapping and working together. We need to talk to experts, business interests and trade union interests. We should not allow anybody to say what has been said previously. We can present people with a problem and ask them for a solution. If people cannot make a proposal, they can stay still. We need to examine what we can invest in this process, what can work and what governments will buy into. That is necessary in the interests of the community.

I am worried that the political vacuum will bring to a head the extraordinary growth in sectarianism on this island, which has concerned me in recent years. Until recently, the media seemed to think that the fact that there were no killings somehow meant that there was no sectarianism. In fact, sectarianism has blossomed in many communities. The criminality we have discussed in other contexts has been the fruit of all that. We need to find honest brokers who are accepted by communities on all sides to work at community level. We need to invest as much in peace as we have invested in the political process for peace. That is hard work — it will not attract headlights or headlines. We need to engage in such work to improve life on both islands. A great deal of expertise could be harnessed, focussed, developed and utilised to bring solutions to the common problems of both islands. That would involve working together in a co-operative way

[Mr. O'Toole.]

which would grow from the political process and create a new political process when elections on both islands are out of the way. I have mentioned some of the issues we could examine.

Dr. Mansergh: I thank the Progressive Democrats for proposing this motion.

I welcome the Minister of State and thank him for his speech, which states the many ways in which democracy has been enhanced, particularly since the Good Friday Agreement, in terms of policing reform, North-South institutions, the reform of criminal justice, etc. It is incorrect to say democracy has been debased, that there has been a process of appeasement or that we are back to square one. We have been involved in a very important process of democratisation and getting rid of the violent elements that have been concentrated largely, but not exclusively, in the North. It is a difficult, intricate process in which there are bound to be setbacks, as there have been.

To give one a sense of perspective, let me quote an e-mail from a source in New Delhi about a conference to be held in a couple of months. It is interesting to read what it states about Northern Ireland:

Despite frequent crises and its current ailing state, the Northern Ireland peace process is one of the most successful examples of the new directions a partition-related peace process can take. Incidents of violence are so infrequent as to cause a storm of protest when they do occur. Britain and Ireland are partners in peace and the opening of all borders will eventually make the territorial sovereignty dispute redundant. How did this long deadlocked dispute get to this point?

While many of us are profoundly disappointed by our present position, we must retain a sense of perspective and direction.

I am not sure that we should be providing diversions. We need to be a little bit careful in this regard. There are two mistakes that we could make, one of which would be to over-obviously victimise and exclude Sinn Féin. The history of the past ten years, if not longer, has demonstrated that Sinn Féin thrives on exclusion and victimisation and is extremely good at playing that card. Please let us not fall into that trap. Second, the drawback to adopting some of the alternative strategies or suggestions that various parties have proposed is that we would move away from the issue that concerns us towards a consideration of the merits or otherwise of these alternatives. In many ways, by attempting to go down that path one might be reducing the pressure rather than increasing it.

Napoleon once abducted, from across the frontier, a member of the Bourbon royal family, the Duc d'Enghien, and had him shot. Fouché commented: "This is more than a crime, it is a blunder." Much the same could be said about the

Northern Bank raid. It represents a great slap in the face for everybody concerned. To gain an idea of the effect it had on credibility, one should read the editorial from yesterday's *Belfast Telegraph*, which stated: "So it would be premature, and a waste of time, for the two governments to try to revive the devolution negotiations that came to a halt well before the bank raid — and fell off a precipice afterwards." The article also states that "there may have to be a change of leadership, on both sides, and a lengthy period of quarantine, before the politicians are ready to do business". The loss of trust is of the order of, if not greater than, the loss of trust that took place at the time of the bomb at Canary Wharf. I have asked whether the bank raid was a sort of benign Canary Wharf — benign only in the sense that nobody was killed.

The people of this country have come through a long period of troubles, concentrated in 30 years but, in a sense, dating back 100 years. We want democracy, the rule of law and human rights. Practices such as punishment beatings are an abuse of human rights. I heard David Ervine say of the republican movement that many working class people were demanding this type of action. I would like to hear some working class people say on radio that they approve and support people being mutilated for life and shot. I do not know where those people are. I agree entirely that punishment beatings must end. We have shown enormous patience in this regard and there are those who would argue that we have perhaps shown far too much. We have shown patience over a ten-year period and it is time to bring this process to a conclusion. It has been made much more difficult by the bank raid but, nonetheless, we must keep working on it. I have written somewhere that although one can bring a horse to the water but cannot make it drink, horses actually need water and will eventually drink.

Acting Chairman (Mr. Coghlan): Senator Brennan is offering to contribute in addition to Senator Cummins. Given that the debate started a little late, will the Senators agree to their being allowed four minutes each? Agreed.

Mr. Cummins: I commend the motion. There was certainly never any intention to have an amendment to a motion such as this. My party has always been to the fore in searching for a just and peaceful settlement to the conflict in Northern Ireland and in supporting the Good Friday Agreement. It, like all other parties, has tried to encourage opponents of the Agreement to abandon paramilitarism in favour of mainstream democratic politics.

I certainly acknowledge the significance of the major moves made by Sinn Féin over the past ten years but it must complete its journey to full democratic policies. The republican movement must provide a clear commitment that all criminal and illegal activity will end. We cannot have a democratic system in which one political move-

ment reserves the right to engage in and benefit from crime while all others operate within the constraints of the law.

Since the robbery of the Northern Bank and the associated kidnappings, attitudes have certainly changed. It must now be made clear to Sinn Féin that the negotiating reality has changed irrevocably. The Government has addressed this point at a recent meeting with the party. It must be made to understand that when it negotiates with the Taoiseach, it is negotiating with the Head of a sovereign Government whose authority is vested in the people.

Truth and trust go hand in hand and Sinn Féin must come clean and acknowledge its links with criminality. It must, once and for all, subscribe fully to strictly democratic policies. There can be no more punishment beatings and robberies and no more fudging or evading the issues. Sinn Féin gave a public commitment in 2003 that the IRA would not engage in any activities which would undermine the peace process, as stated in the motion yet, at the recent talks in Leeds Castle, Sinn Féin refused to sign up to a clause requiring it to undertake not to endanger anyone's personal rights and safety. This is the type of double-talk and spin that must end.

All parties involved in the talks process have a right to be so involved and represent the people who voted for them. Equally, those same parties have a responsibility to act in good faith while engaged in the process. This has clearly not been the case where Sinn Féin is concerned. For the sake of the integrity of the peace process and all those who offered overwhelming support to the Good Friday Agreement, action must be taken against parties responsible for clear breaches of good faith. The Government must tell Sinn Féin that the McCabe deal is off and will never be revisited in any future negotiations. The Government must leave Sinn Féin in no doubt that it will not be cowed by threats or ignore clear breaches of faith by the party in the future. There can be no more appeasement of a party which constantly demands concessions without in turn budging and no more tacit acceptance of criminality, including that based and committed here in the Republic.

Fine Gael stands by the rule of law for all persons in all parties and places. The Government must stand up for democracy and dispel the proposition that republicanism is automatically exempt from law, order and morality. It must also make it clear that truth, the law and democracy are not for sale in this State. I joined Fine Gael because its policy in the 1960s and 1970s was the reunification of the country by peaceful means, with the consent of the majority. That remains our policy and was the corner stone of the Good Friday Agreement for the Nationalist parties.

No vacuum can or should exist. All parties must live up to their responsibilities. If Sinn Féin boards the ship of State, as Senator Maurice Hayes suggested, we will be there to welcome it into the democratic process. It must, however,

fully sign up to democratic means and end all forms of criminality.

Mr. Brennan: I am grateful for the opportunity to support the motion. I congratulate the Minister of State, Deputy Treacy, on his address to the House today. The constitutional parties in this House have gone the extra mile in trying to implement the Good Friday Agreement. There have been many references to recent events by which we have been fooled but those events have reinforced the reality of what we are dealing with. As the saying goes, "once bitten, twice shy".

The actions of IRA-Sinn Féin must signal and demonstrate the end of criminal activity, North and South, before progress is possible. The President's recent apology to the Unionists was welcomed. Is it not now time for IRA-Sinn Féin to apologise for the atrocity in Adare? A positive outcome of recent events is that the killers of Detective Garda Jerry McCabe will not be released. I wish the Government and the Minister of State every success in implementing the Good Friday Agreement.

Mr. Minihan: I thank the Minister of State for his presence and his address here this evening and thank all my colleagues across the parties who spoke on this motion. Some valid points were made with maybe some slight differences in emphasis and opinion about the direction in which we should move. Democracy is about debate and sharing views and we cherish that. Debates such as this give people the opportunity to reflect on the views of others. The peace process brought people together to reflect on their differing views and grievances, to achieve unity of purpose and direction, as we try to achieve a complete cessation of all paramilitary activity and restore peace on this island.

I will not delay the House by responding to everything that was said. However I will answer a few points. Lest there was any misconception about my remarks on the Taoiseach's strong stance in recent weeks, on which I congratulated him, I also congratulated him on his incredible effort and patience in leading this Government and the talks in Northern Ireland. I said that when he was in this House recently.

I wish to reassure Senator Maurice Hayes that I made no remarks about the people of Northern Ireland standing up to be counted. My reference to the elections in Iraq may have been misinterpreted. In talking about the great turnout in the face of militancy there, I emphasised the price people are willing to pay and the risks they are willing to take to embrace democracy. The people of Northern Ireland have stood up to be counted over the years.

Senator Ryan said there are no international or national conventions of war that would cover the atrocities that took place in Northern Ireland. The Geneva Convention, however, lays down for any army that one gives medical aid and assistance, and espouses Christian values in the pres-

[Mr. Minihan.]
ence of a wounded member of an enemy force. When Jean McConville showed her Christian values in coming to the assistance of a wounded British soldier no conventions of any army were observed. When referring to the Irish Republican Army one should bear in mind that armies are governed by conventions. I thank all Members who contributed to the debate and thank the Minister of State for his attendance.

Ms O'Rourke: This Chamber did a very good deed this evening in giving two hours solid attention to a very sensitive and volatile issue. The views and nuances in the debate varied but so it should be. It was a very good debate. I thank the Minister of State for being here and giving us his spirited and diligent attention.

Question put and agreed to.

Acting Chairman: When is it proposed to sit again?

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

Adjournment Matters.

Job Losses.

Mr. MacSharry: I welcome the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern. Over the past two weeks in Sligo the consumer goods manufacturer, Saehan Media, a Korean company, announced the latest instalment in its wind-down of the production of video tapes, and redundancies for 70 employees.

That follows on from 80 redundancies the previous year, bringing the total to 150. The Minister of State will appreciate this is a matter of great concern to the people of Sligo and the families who find themselves facing the most desperate scenarios. The traditional manufacturing sector in Sligo has suffered particularly badly in recent years in that Hansons, an old manufacturer, closed two years ago with the loss of 150 jobs, bringing the total losses in recent years to 300.

I call on the Department of Enterprise, Trade and Employment to set up a task force or employment initiative similar to those set up in other parts of the country when redundancies or closures of factories occurred. Saehan Media Ireland Limited is a producer of video tapes and given the natural move in most households to the use of DVDs, the long-term outlook for such companies does not inspire confidence, although Saehan is confident it will secure the future of the company with the latest round of redundancies.

IDA Ireland and the other agencies are working extremely hard and have an exceptional staff in the north west. However, in the context of the significant losses in the traditional manufacturing

sector in recent years, it is of the utmost importance that the Minister and his Cabinet colleagues engage with the agencies to inject a renewed impetus into the attraction of foreign direct investment and indigenous manufacturing and service industry to this region. The north-west has been highlighted as neglected in terms of the creation of new employment or the attraction of foreign direct investment. However, while as a result of the prioritisation of the IDA, the area succeeded in attracting 50% of all new projects, most are located in the midlands, on the periphery of the BMW region and as close as possible to Dublin and its easy access to foreign markets.

I hope the Minister of State will look favourably on this request given the plight of the families who will be affected when these redundancies occur and those who lost their jobs in recent years. Traditionally, IDA Ireland and other agencies have had difficulty in attracting new foreign direct investment to the area in terms of value added manufacturing and service industry, given the infrastructure deficiencies of the region. While much still needs to be done in this regard, there has been significant improvement due to the Government's commitment under the national development plan. To enhance the great work being done by IDA Ireland, the Minister and his Cabinet colleagues should engage fully in the process to enhance the possibility of attracting the investment of foreign companies and Dublin or city based indigenous industries which are considering relocation or decentralisation throughout the country.

I appeal to the Minister of State for direct Government intervention with IDA Ireland but the motion does not reflect on the great work being undertaken by IDA Ireland and other agencies in the north west. However, while many groups are looking for their areas to be prioritised, the north-west has a particular case given the recent plight of Saehan Media, which announced 70 redundancies, bringing the total job losses in that area to 300 in recent years. I thank the Minister of State for coming to the House and call for the setting up of a task force or initiative for Sligo and the wider north-west area.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):

I thank the Senator for raising this matter on the Adjournment. It was disappointing to hear of the recent decision by Saehan Media Ireland Limited to make 70 workers redundant in Sligo. The company has decided to cease production of large reels of video tape and to concentrate on production of video cassette tapes. The decision to cut production lines, according to the company, was as a result of increased competition from cheaper Far East competition. Finding alternative employment for the workers affected is a priority for FÁS and the State development agencies. FÁS has already been in contact with the company to offer its full range of support services, which include skills analysis, job place-

ments, guidance and counselling interviews, identification of training needs and suitable training courses.

The north west is a priority location for the State development agencies. In recent years, IDA Ireland has been able to attract new investment in emerging sectors such as international services, life sciences, including medical technologies, software and high-end engineering. Employment in the region has in the past been dependent on traditional sectors such as clothing, textiles and low-end manufacturing. The transition to a high skill, high technology regional economy will take time to achieve. However, for counties Sligo and Leitrim total employment in overseas firms has risen by almost 30% since 1999, from 2,003 to 3,641 persons.

In that context, IDA Ireland has radically changed its policy with a commitment to deliver new greenfield jobs into the Objective One status regions, including the north west. The agency continues to try to secure new investment for Sligo and Leitrim and is committed to playing its part in the development of the region by maintaining the maximum number of existing jobs in overseas industry and by attracting new foreign direct investment to the region. The north west continues to be marketed for new investment. IDA Ireland has relocated its key engineering and consumer products division and part of the international services division, including software, to the region. This work of marketing the region for new investment is ongoing and there have been a number of other developments in the region.

In July 2001 Abbott Laboratories announced that the company planned to establish a major new pharmaceuticals manufacturing facility in Sligo, which will employ 195 people. Construction of the project has been completed and production has commenced. A planned €45 million investment by the company in the expansion of its diagnostics facility at Finisklin and a further €55 million in the development of a new facility in Longford will create 350 jobs in Sligo and 600 jobs in Longford. Construction of both facilities is well underway and recruitment is ongoing. Eaton Corporation, a global \$8 billion diversified industrial manufacturer has established a new operation in Manorhamilton and now employs approximately 200 staff. The company has plans to develop the business further in Manorhamilton and has been recruiting over the last 18 months. MBNA, the world's largest independent credit card lender and the leading issuer of endorsed credit cards, has established a new contact centre at Carrick-on-Shannon, County Leitrim. The company invested €32 million in an expansion project in 2002. This investment brought total employment to approximately 1,000 staff and recruitment is ongoing.

To encourage further investment, IDA Ireland has extended its Finisklin business park and the existing park has been upgraded to international standards. In conjunction with local private devel-

opers, IDA Ireland has provided three advance office buildings in the park which are being marketed to suitable services based projects. Planning permission has been obtained for advance technology facilities at Finisklin and these buildings will be constructed by private developers when progress has been made on securing projects for the existing properties.

The agency has also invested significantly in the development of Keenaghan business park in Carrick-on-Shannon and, in conjunction with a property developer, has provided a new 2,400 sq. m. advance technology building on the park, which is being marketed for new investment. In June 2004 Enterprise Ireland approved €750,000 for the institute of technology in Sligo for the development of a design centre of excellence under its applied research enhancement programme. Utilising in-house expertise and recruited design expertise, the centre will carry out applied design research to support Irish industry.

Enterprise Ireland is proactive in increasing the overall level of innovation in the north-west. In this regard, linkages to third level colleges are important. Under the enterprise platform programme, the agency partners the institutes of technology in Sligo and Letterkenny by providing funding for eligible participants to attend the programme and develop business ideas. Given the representation of State agencies and the county council on the Sligo County Development Board, it is considered that, should any further co-ordination be necessary, the county development board would be the most appropriate forum to fulfil this function. In the circumstances, the Minister does not propose to establish a task force for the area. I assure the Senator that the State development agencies, under the aegis of the Department, will continue to market County Sligo for investment and will make every effort to secure alternative employment for the staff who are being made redundant.

Water Treatment Schemes.

Mr. P. Burke: I welcome the Minister of State, Deputy Brian Lenihan, to the House, although I thought the Minister for Environment, Heritage and Local Government might have attended the House to take this important matter. I have raised this matter on the Adjournment because it is an important one for the country as a whole, and in particular for towns that are affected by waste water management schemes in the short term.

The Minister for the Environment, Heritage and Local Government has said on a number of occasions that the way forward for waste water services is the Ringsend development. That is the model they are all following and it will be done on a design, build and operate basis. I am somewhat sceptical about such schemes which is why I have tabled this motion to ask the Minister how he sees design, build and operate schemes being run throughout the country.

[Mr. P. Burke.]

In recent years, a waste water scheme was announced for Castlebar, which was to cost approximately €50 million. I understand the local authorities will have to pay a proportion of the scheme. Dublin Corporation and the other councils that linked into the Ringsend project paid approximately 26%. That may be fine for Dublin which has quite a large rates base. In Galway, however, the local authority's contribution to the waste water scheme was in the region of 4.5%, in Limerick it was slightly more.

As regards Castlebar, however, and a number of other schemes planned throughout the country, the Department of the Environment, Heritage and Local Government is now seeking a contribution of 20% from the local authority. The Castlebar scheme will cost approximately €50 million and, therefore, the taxpayers and ratepayers of County Mayo will have to raise €10 million so that the waste water scheme for Castlebar can go ahead. There is no way that Mayo County Council, or Castlebar Town Council for that matter, can come up with €10 million.

That is only the starting price because where contracts are concerned we always see that the tendered price is always the lowest one. One can be sure that the overall cost will rise to at least €60 million. That means the county manager will have to find €12 million just for Castlebar. He also has many other towns to look after in the county. It is not just in Mayo — in every other county, managers will be faced with the prospect of obtaining 20% of the capital cost of such schemes.

The Department of the Environment, Heritage and Local Government has laid down guidelines for local authorities to implement development charges. They were supposed to be the be all and end all of future development, with kitties being put in place for projects like this. However, there is no way that the people who are now paying development charges can fund the required contribution of 20% for such developments. The development charges for Castlebar alone will not come anywhere near €10 million, not to mention towns like Ballina, Westport, Ballinrobe, Charlestown, Kiltimagh and others whose waste water treatment plants will need to be upgraded.

A business that pays its development charges now may wish to upgrade the business again in two years time, so it will have to pay another development charge. Where will the county manager be left as regard this matter? How will he get €10 million, €12 million or €14 million? Will he levy all the existing businesses? Will he proceed with development charges or will he forget about any further expansion for towns such as Castlebar?

The Department of the Environment, Heritage and Local Government, as well as the Minister and his Government colleagues should examine design, build and operate schemes. They represent a big step away from the conventional system which works well in some cases. However,

we cannot expect ratepayers to foot such bills. The county manager is duty bound to enter into negotiations with large-scale water users. There are quite a number of pharmaceutical plants throughout the country that utilise a lot of water and, in turn, require waste water treatment capacity. If county councils have to enter into special arrangements with such plants we will run them out of the country. That is what will happen because all the business people will be paying capital and running charges.

The Government should re-examine the percentage of the capital cost of new waste water treatment schemes that local authorities have to raise. The sum of 20% is out of the question because there is no way that any local authority could afford that, although Dublin may be an exception due to its huge rates base. Any local authorities with which I have been involved, and others that I know of, will not be able to raise anywhere near 20% of the capital cost of new waste water treatment schemes, particularly for big projects. How will such local authorities enter into negotiations with big users? Large-scale water users will not pay €2 million, €3 million or €4 million of a capital project up front or even over 20 years.

This area must be re-examined by the Government. I hope the Minister of State provides a good reply to my questions. If not, I am sure he will take the matter back to his Cabinet colleagues.

Minister of State at the Department of Health and Children (Mr. B. Lenihan):

I thank Senator Paddy Burke for raising this matter on the Adjournment. I am making this reply on behalf of the Minister for the Environment, Heritage and Local Government, Deputy Roche. The Government's water services pricing policy framework requires the full recovery of the cost of water services provision from non-domestic users on the basis of average operational and marginal capital costs, and the universal metering of all such users by 2006. The policy is being progressively advanced and implemented by local authorities. Marginal capital cost is the cost of providing water services capacity for non-domestic users over and above the cost of meeting the needs of domestic customers. Capital contributions are systematically applied on the basis of marginal capital costs and these contributions are recovered from non-domestic users on all water services projects procured under the Department's water services investment programme.

A fair and transparent mechanism is used in determining the appropriate level of non-domestic capital cost of be applied to water services projects. This is identified by the relevant sanitary authority on a scheme-by-scheme basis. The methodology used, and the resultant outcome, are closely monitored by the Department to ensure equity in the application of this element of the policy nationally.

The main capital cost element of schemes is domestic. Domestic schemes are funded by the Exchequer through the water services investment programme. The marginal capital costs recovered from non-domestic users are consolidated on a countrywide basis over a period of up to 20 years.

The percentage of marginal capital costs varies from scheme to scheme depending on the general design parameters, the overall capacity of a scheme and the breakdown of domestic and non-domestic demand. This has ranged from 0.2% to 45% for schemes in planning.

Each scheme is unique in this regard. As I have outlined, it is subject to extensive review and verification by the relevant local authority and by officials of the Department of the Environment, Heritage and Local Government. The methodology is applied equally to all schemes with the percentage of marginal capital costs on large urban waste water schemes ranging from up to 26.9% in Dublin to 6.8% in Galway and 4.4% in Limerick. The amount of marginal capital costs is reviewed throughout the planning and construction phase of each water services project with a final figure established following completion.

Design, build and operate arrangements are the preferred procurement option for waste water treatment plants in the water services investment programme. This facilitates the use of more technically innovative and lower cost solutions for infrastructure components, and offers greater efficiency, accountability and cost effectiveness in the operation of such projects over the longer term. This approach encourages competition, which in turn increases innovation and drives down costs. It also helps accelerate the delivery of infrastructure projects and improves the standard of service. Many of the 700 plus schemes included in the current water services investment programme with an associated investment value of some €5 billion are expected to progress as design, build and operate projects. All of these projects will, however, be subject to the application of water services pricing policy, will have marginal capital costs applied for non-domestic demand and will be fully funded by the Exchequer in respect of their domestic capacity requirements.

I understand that the officials of the Department are in the process of updating data on capital contributions by non-domestic consumers under the water services pricing policy framework. The Department will forward this additional information to the Senator as soon as possible.

Mr. P. Burke: I have a brief question. The problem is with the marginal capital cost and how the figure is arrived at. I understand that in the case of Castlebar and in all new cases the Department is insisting on a 20% contribution from local authorities. I do not how it can be said on the one hand that the Department is working closely with the local authorities to work out the marginal cost if, at the same time, it is seeking a 20% contri-

bution from local authorities, which imposes a huge cost on local authorities with low rate bases.

Mr. B. Lenihan: From the reply the position of the Minister appears to be that there is no rule of thumb regarding the calculation of the marginal capital cost. The marginal capital cost is a matter assessed and verified by the Department on receipt of a submission from the relevant local sanitary authority. That may give the Senator a peg on which to progress this matter further.

Orthodontic Service.

Mr. Brennan: I welcome the Minister of State, Deputy Brian Lenihan to the House. The purpose of this Adjournment matter is to request the Minister for Health and Children to look favourably on a request for the establishment of a regional consultant post in restorative dentistry in the Limerick-mid-western region. On a part-time basis this service has been provided at the Mid-Western Health Board orthodontic unit in St. Camillus' Hospital Limerick since 1997 and has involved the provision of a restorative dental treatment to those categories of patients requiring a multi-disciplinary approach or optimum oral rehabilitation, patients with clefts of the lip and palate and patients with hypodontia or congenitally missing teeth. Treatment has been provided from this region for patients with oral cancer and treatment has also been provided for patients referred from the community dental service who require specialist restorative treatment, such as central trauma cases and difficult complete denture cases.

Prior to the establishment of this service most patients were referred to either Cork or Dublin. The establishment of a regional consultative post in restorative dentistry would ensure that the benefit of specialised restorative care would be available and accessible to patients in the mid-western region and in Limerick. I pay tribute to the service provided in St. Camillus' Hospital over the years and I ask the Minister to look favourably on this request.

Mr. B. Lenihan: I thank Senator Brennan for bringing this matter before the House on the Adjournment and I will convey his concerns to the Tánaiste and Minister for Health and Children, Deputy Harney, on whose behalf I make this reply. I thank the Senator for giving me the opportunity to put the position on record regarding restorative dentistry.

As the Senator is aware, the Health Act 2004 provided for the Health Services Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Clearly, this includes the delivery of restorative dentistry services. Nonetheless, I am happy to set out the situation regarding the development of policy in this area and to convey the information

[Mr. B. Lenihan.]

provided by the chief officer for the executive's mid-western area on the specific question raised by the Senator.

Restorative dentistry is an over-arching term which includes such mono-specialties as periodontics — the treatment of gum disease; endodontics — the treatment of abscesses in teeth; operative dentistry — restoration of diseased or broken teeth; and prostodontics — the provision of dentures, crowns, bridges and implants. Therefore, consultants in restorative dentistry have a very wide brief and are mainly involved in complex care which is not appropriate for general practice. In particular, they work in multi-disciplinary teams in the treatment of the most complex medical and dental conditions such as congenital abnormalities and trauma. However, many cases can be treated by private practitioners with specific expertise. A review of oral and dental specialisation in Ireland commissioned by the Department of Health and Children and carried out by Professor Stanley Gelbier of the Division of Dental Public Health and Oral Health Services of King's College, London was presented to the Minister for Health and Children in 2002.

On the area of restorative dentistry, Professor Gelbier noted that previous reports, including a 1979 report of a joint working party established by the Department and a 1989 Eastern Health Board report, had considered the provision of restorative dentistry and concluded that the specialty should continue to be provided within the Dental Hospital setting. For his part, Professor Gelbier noted that private practitioners were involved in the provision of much of the treatment needed in relation to restorative dentistry.

With regard to the future delivery of restorative dentistry, Professor Gelbier recommended that those with an expertise in the mono-specialties should continue to work mostly in private, or high street, practices while consultants in restorative dentistry should be based in the dental hospitals. It should be noted that the professor also raised the possibility of a further supra-regional consultant in Galway or another appro-

priate site, if it could be shown that the local providers required tertiary support outside of the dental hospitals.

At present, the provision for complex and specialised restorative dentistry needs are based in two dental schools in Dublin and Cork. In Dublin the restorative dentistry department consists of three professors and four consultants in restorative dentistry. A further consultant is appointed to St. James's Hospital and linked to the Dublin Dental School. In Cork the restorative dentistry department consists of one professor and three consultants in restorative dentistry. I am informed by the chief officer of the mid western area of the Health Services Executive that restorative dentistry services in the Limerick-mid west area are provided through the employment of a dentist with relevant expertise on a sessional basis. This usually involves one to two sessions per week. Where necessary, the Mid-Western Health Board also has the facility to refer more complex cases to either the Cork or Dublin Dental School and Hospital.

I am further informed that some consideration had been given by the then Mid-Western Health Board to the question of appointing a regional consultant in restorative dentistry, and that such a possibility was signalled in its 2001 service plan. However, I am informed that it was decided to await developments at national level, in particular the completion of the Gelbier report and a report by Comhairle na nOspidéal on the related discipline of oral and maxillofacial surgery. The latter report has recently been finalised.

As I indicated, the Health Services Executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, restorative dental services. The executive will now consider the implications of these reports in the context of setting priorities within available resources on an ongoing basis.

Mr. Brennan: I thank the Minister for his reply. In the interests of having regional facilities available, which is the aim of the Minister, I ask the Minister of State to convey the request to her.

The Seanad adjourned at 7.40 p.m. until 10.30 a.m. on Thursday, 3 February 2005.