



**Tuesday,
8 February 2005**

DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Tuesday, 8 February 2005.

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Dé Máirt, 8 Feabhra 2005.
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Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for Foreign Affairs to be aware of the concerns of the Government of the Republic of Cyprus in regard to what it describes as the illegal exploitation of Greek Cypriot property in the Turkish-occupied part of Cyprus, and if he will make a statement on the matter.

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

The need for the Minister for Foreign Affairs to make a protest to the Government of Zimbabwe about the continued detention without trial of Mr. Roy Bennett MP.

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

The need for the Minister for Education and Science to announce the action she proposes to take to address the concerns of primary schools in County Limerick on the potential loss of resource teachers in September 2005, and the implications for children with special needs.

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

The need for the Minister for the Education and Science to discuss the provisions of essential funding to St. Mary's national school, Drumlish, County Longford, for the employment of a full-time secretary and cleaner.

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

The need for the Minister for Health and Children to extend medical card coverage to cover cancer sufferers, asthmatics and coeliacs under the GMS.

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

The need for the Minister for Health and Children to outline the position on a health campus in Tuam, County Galway, including a community hospital and the other facilities to be available.

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

The need for the Minister for Arts, Sport and Tourism to indicate the provisions he intends to put in place in order to secure Buncrana Town Council's bid for funding towards a sea life centre in north-east Donegal.

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

The need for the Minister for the Environment, Heritage and Local Government to place an obligation on local water treatment schemes to put in the public domain at regular intervals a full technical analysis of the water provided on the same lines as that provided to French consumers.

I regard the matters raised by Senators Mooney, Ross, Finucane, Bannon, Ulick Burke, Kitt and Quinn as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Mooney, Ross and Finucane and they will be taken at the conclusion of business.

Senators Bannon, Ulick Burke, Kitt and Quinn may give notice on another day of the matters they wish to raise. I regret that I have had to rule out of order the matter raised by Senator McHugh as the Minister has no official responsibility in the matter.

Order of Business.

Ms O'Rourke: The Order of Business is No. 1, Criminal Justice (Terrorist Offences) Bill 2002 — Committee Stage (resumed), to be taken at the conclusion of the Order of Business and to conclude not later than 4.30 p.m.; and No. 2, statements on the Appropriation Act 2004, to be taken at 4.30 p.m. until 7 p.m., with the contributions of Senators not to exceed 15 minutes each and the Minister to be called upon to reply not later than five minutes before the end of statements.

Mr. B. Hayes: Local authorities are frequently among the first bodies to be attacked when something goes wrong. However, yesterday we witnessed a very good example of how a local authority can work with central Government to produce good ideas for tackling crime. In particular, I congratulate the Lord Mayor of Dublin and Dublin City Council on the proposals of the Lord Mayor's Commission on Crime and Policing, which were published yesterday and include a number of innovative ideas for tackling anti-social activity in urban Dublin. I suspect the recommendations would be the same in any large town.

[Mr. B. Hayes.]

The Minister for Justice, Equality and Law Reform has welcomed the report's recommendations but I ask the Government to provide time to examine these proposals in greater detail. While we all accept there is a need for more gardai on the beat, more judges and more resources for community policing, there is a particular problem with anti-social activity in urban Ireland which must be addressed.

The radical idea proposed by the Lord Mayor's commission yesterday is a "problem-solving court", which would bring young offenders and their parents before it in order to deal with the issues. This type of community-based solution is the kind of thinking we must address if we are to avert this problem in the bud. I urge the Government to provide time for the House to examine the proposals.

This House has a long, distinguished and proud history of debating the problems of the Middle East and Members must be happy with the announcement today of a ceasefire between the Palestinians and the Israelis. All of us who want a solution to that historic problem must call on EU governments to fully fund the huge job of work which is at hand, particularly in respect of the Palestinian Authority. President Bush's Administration has promised US\$40 million as an initial injection and the EU should match this quickly as a means of bedding down the peace in that war-torn part of the world.

Mr. O'Toole: I do not take the views of Kevin Myers in *The Irish Times* to be important. However, many others do. His judgment has been flawed so many times that thinking people cannot take him seriously. Unfortunately, his views are communicated to a much wider group than those who would analyse them. His fascistic rantings in today's column crossed over the line of incitement to hatred. He chose to have a go at and pointed out a vulnerable and dependent group in society. While he is entitled to have a go at the group, he is also required to keep within the bounds of civilised discussion and the laws of the land. Does the Leader believe that Mr. Myers has crossed the line in an incitement to hatred and that it should be investigated?

This has happened in societies throughout the ages and what is of concern is that it can quickly grow legs. Using terms such as "bastards", which have a proper dictionary definition and legal interpretation, is no excuse for the fact that it is offensive language in certain times and places. It is not acceptable. Considering his judgment in the past, I do not find the term hurtful or offensive. However, it exposed a harmless and dependent group in society to all sorts of mad people. Giving oxygen to fanatics who will take it as an opportunity to further victimise these people is utterly unacceptable. I am sure the Leader agrees with some, if not all, of my views on this. I believe it should be reported and investigated. We do not need this in society. He is entitled to his views, he

can vote, be elected and argue against the social welfare supports of various groups in society. He is entitled to do so, but that is about it. The House must give a view on this matter. This is not a liberal, sensitive or lefty issue. Members on all sides of the House will share my views on the unacceptability of the offensive ranting in today's column in *The Irish Times*.

Mr. McDowell: Since the House last sat, several worrying developments have occurred in the health service. On Friday, consultant members of the Irish Medical Organisation initiated industrial action for March. On Sunday, an emergency general meeting of the Irish Hospitals Consultants Association also decided to ballot its members on industrial action.

We cannot underestimate the importance, influence and power of hospital consultants within the health service. Will the Leader convey to the Tánaiste and Minister for Health and Children the expectation that they should not abuse that power? Using the misery of patients and playing with them to enhance an industrial relations position is an abuse of power that should only be done *in extremis*. I am not convinced this is such a situation. The issue must be dealt with for once and for all. The Tánaiste and Minister for Health and Children must make it clear to the Medical Defence Union in Britain that it will not be allowed to walk away from historical liabilities. She also needs to put in place an alternate system, making good her predecessor's assurances, and repeated by her, that consultants, and by extension patients, will not be left without cover. It is in the interests of consultants, patients and the taxpayer.

I endorse the words of Senator Brian Hayes on the Middle East. With so much bad news from that part of the world in recent years, it is important to note today's signs of hope. Many of us have rightly and justifiably been critical of the United States and its policy towards the Middle East in recent years. However, in recent days, from the signs of what Dr. Rice has said, it is important to acknowledge the possibility of a more even-handed approach towards matters between the Palestinians and the Israelis. This must be welcomed and encouraged.

Mr. Morrissey: Will the Leader organise an urgent debate with the Minister for Transport, Deputy Cullen, on the recent and welcome comments by the Taoiseach on traffic congestion on the M50? This upgrading will not solve Dublin's traffic problems. We need to consider a location for an outer ring road. I have been considering that for years, but local councils around Dublin have not been doing so. I am sure they have not even made telephone contact with each other on this issue. The announcement that an outer ring road will be built is welcome. A discussion should be held with the Minister for Transport to see if his Department will take the matter on board. It should not be an issue to be discussed for years,

as happened with the Dublin metro proposal, without any decision being made. An outer ring road is necessary to address the traffic problems on the west side of Dublin.

Over the weekend, announcements were made regarding changes to the driving test. An applicant may now be asked to look under the bonnet of a car. Such changes will not help to change and improve driver behaviour and end fatalities on our roads. We need a root and branch restructuring of the driving test and a debate on the long wait for the test would be timely. Who tests the testers? Some driving instructors now refer to themselves as driving tipsters — young people who approach them now only want a few tips on passing the test and do not undergo a proper instruction course. Efforts have been made to address the road safety issue in terms of penalty points but we must also consider the thousands of young drivers on our roads who are not properly qualified to be there.

An Leas-Chathaoirleach: A number of Senators have indicated their wish to speak so I ask them to be brief.

Mr. Finucane: I support Senator Morrissey regarding the proposed changes to the driving test. They are pretty basic, involving checking oil levels and how to hoot one's horn. Why is nothing serious being done about the long backlog for driving tests throughout the country? In my area of Newcastle West the waiting period is nine months. If the Department were serious in intent, then instead of introducing the changes suggested it would appoint more driving testers in order to get rid of the backlog. The Minister would in that way take some serious action regarding our roads, the number of provisional licences and the impact of motor insurance on young people. I would like to see the Minister address the issue because the numbers awaiting driving tests are not decreasing.

In December 2003 we debated in this House the broadcasting funding Bill. Its objective at the time was to allow for special types of radio and television programmes which might require a lot of research on our history, culture, language and so on. Many speakers contributed to that debate. The Broadcasting Commission was to draw up a scheme of criteria regarding such programmes. Some 14 months later, as a result of 5% of the television fee going directly to the BCI, it now has funds of €17 million. The BCI has not spent a single euro of this money so far and I do not think it has even told the Minister yet what type of programme criteria must be adhered to in order for the funding to be accessed. Will the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, ask the BCI when the scheme will be implemented and when the funding will be disbursed for appropriate programmes fulfilling the criteria involved?

Ms Ormonde: I support Senator Morrissey's point regarding the need to revisit the issue of

driving tests and the implementation of the programme. There is a very long waiting list and perhaps that should form part of the debate on how it all works, along with the *curricula vitae* of driving testers and how they are selected. Regarding what Senator Brian Hayes said about the Lord Mayor's concept of local policing, the idea is not new. It has been aired many times as the way forward, including before I left the council. I would welcome statements on how we should move on it since that must be the way forward. All the local community leaders should be involved in the debate on how we can best solve the problem of crime; I know of no other way. It is not a new concept, but it needs to be aired again.

Dr. Henry: I previously asked the Leader of the House for a debate on the Mental Health Commission report for 2003. I am sure she has it on her list. However, it looks like the Central Mental Hospital land in Dundrum is to be sold without any suggestion that the money will be ring-fenced for mental health projects. It could be used to fund the entire prison complex in north County Dublin, which will possibly include the Central Mental Hospital. In that context, I ask the Leader to arrange the debate as soon as possible. There is a very good section in the report on forensic psychiatry. When we have the debate on the report, we will have an opportunity to question the relevant Minister on the proposal regarding the Central Mental Hospital and especially on what is to happen regarding the moneys accruing from the sale of such valuable land.

Mr. Minihan: I wish to raise the issue of Britannia Airways, which was chartered by a tour operator to fly from Shannon to Rome with 300 Irish rugby fans for the weekend international. That flight was cancelled at short notice owing to non-payment of the fee by an unlicensed, unbonded operator to the airline. Another operator stepped in, but a spokesperson for the Commission for Aviation Regulation confirmed that the operator was unlicensed and unbonded. When one considers that 300 people paid €400 per head, which comes to €120,000, and that under existing legislation the maximum fine for operating without a licence is €1,500, concerns arise. That is particularly so since members of the public have informed me that the same operator is already taking bookings for the Munster rugby fixture in Biarritz. That is disturbing and I ask that the Leader raise with the Minister the possibility of an urgent review of existing legislation in this regard to ensure that the consumer is protected.

Mr. Coghlan: We read in the PWC report that a slight slowdown in the economy is expected. We have also heard from the Central Bank recently regarding the great personal indebtedness of many citizens, particularly through credit cards with very high interest rates. I know the Minister for Finance, Deputy Cowen, has spoken of the people's great sense, a sentiment with which we

[Mr. Coghlan.]

concur. However, in that light, does the Leader agree that the Minister should be encouraged — one hopes that he is thinking of it already — to stress the importance of saving? When the special savings schemes expire, if he cannot provide an incentive, perhaps he might do whatever a Minister for Finance should to smooth the way for a large part of those funds to go into pensions or some further scheme. Perhaps the Leader might pursue that with the Minister on our behalf.

I have already raised this issue, but I probably asked a few other questions on the day with the result that the Leader missed it. I gather that the second annual report of the Inspector of Prisons is lying, if not on the Minister's desk then somewhere in the Department of Justice, Equality and Law Reform, awaiting publication. Does the Leader know when it will be issued?

Mr. Mooney: This House has a distinguished record of debate on Middle Eastern issues, owing in large part, I suggest, to an illustrious former Member of more than 25 years, Michael Lanigan, who held a foreign affairs portfolio. His specialist knowledge of the Middle East ensured that developments there during the period were regularly debated.

As we watch the unfolding events in Sharm-el-Sheikh and the momentous and historic decision that has been taken by the two protagonists, Israel and Palestine, to call a ceasefire, although Prime Minister Sharon is reluctant to refer to it as such, it might be timely to consider having a debate some time before the end of this term rather than in the immediate aftermath as we await the unfolding issues. In addition, if we are to accept that the newly-promoted US Secretary of State, Condoleezza Rice, is a mirror image in political terms of her political leader, President George W. Bush, we must believe real progress is being made in the Middle East. President Bush stated at the outset — I understand he was the first president to do so — that he believes there should be a viable independent Palestinian state, and he has put his money where his mouth is in that regard.

In all the criticisms levelled at the American Administration, the one bright hope is that the Secretary of State, Dr. Rice, in her travels throughout Europe and the Middle East, has indicated that the US is prepared to rebuild the alliances that were shaken as a result of the Iraqi war. As Senator Brian Hayes said, there is now a very real role for the European Union, and the Government should be urged to take a more proactive role. I hope the Leader will convey the remarks expressed in the House today. Traditionally, Israel has been hostile towards EU involvement and tended to lean towards the United States. Now that we appear to have happy families again as a result of this visit, perhaps there can be real progress on ensuring that the EU has a proactive role to play in the region.

They say timing is everything in politics but the call by the distinguished Member of the other House, Deputy John Gormley, for the Irish football team to boycott the forthcoming football match in Tel Aviv next month was given a robust and, I suggest, accurate response by Brian Kerr yesterday at a press conference — “What a load of rubbish”.

Mr. Norris: I am not sure if it is appropriate but I would like to attempt a little advertising. A briefing session will be held tomorrow relating to the Civil Registration Bill in the audio-visual room between 3.30 p.m. and 4.30 p.m. If any Members have questions, problems or reservations about the Bill, which I hope to introduce next Wednesday in Private Members' time, they might like to come along to that briefing.

I agree with what Senator Mooney said about Deputy Gormley's remarks, which he edged away from almost immediately. That was the astonishing aspect. He made a call for the football match to be cancelled and when he was asked about it he said he did not really believe that but he was asked to make the call by a lobby group.

Mr. Mooney: The Senator is right.

Mr. Norris: I am a little more careful. That brings the whole thing into some disrepute.

I would like a debate on the Middle East. There are some positive indications but they are extremely tentative and I am still concerned. I listened this morning to what was said by spokespersons for Mr. Sharon. They have agreed what appears to be a ceasefire, although they hedged around that, but there will be no further meetings until after the unilateral withdrawal by the Israelis. That is regrettable, particularly in light of remarks made by his people saying that they have put the peace process into formaldehyde. That is the kind of remark that is regularly quoted.

This weekend in the newspapers, a young American settler said there is a chance for peace when the Palestinians understand that Israel is for the Israeli people, period. She went on to say that Palestinians should not have the same rights but that they can choose moving away from the area. She said they can choose that not out of force but out of understanding that this is their land and they are going to decide the rules. Those are unfortunate remarks.

The situation in the health service is very worrying. It is always worrying when sick people are used as a weapon in a dispute. I do not care which side it is and I do not care if I lose votes from consultants because I believe they have quite a lot of explaining to do.

Mr. Mooney: Are they all Trinity graduates?

Mr. Norris: No, but quite a few of them are. A vote is a vote. Senator Mooney ought to know that.

Mr. Mooney: Yes.

Mr. Norris: He never managed to get enough to get into the Dáil.

Mr. Coghlan: Very well said.

Mr. Norris: The issues are quite clear. There are two insurers. The Government has traditionally paid 80% of premiums but now 3 o'clock consultants are questioning the current Administration's right to obtain a fair deal. The Government has merely said to the consultants that they should not jump the gun in order that it can squeeze the maximum possible amount out of the two British insurers involved. Why not do so? What is wrong with such behaviour? I fully support the Government, which is 100% right in this instance. It is clear the Government has standing.

The Tánaiste, who is a fine, honourable, upright and decent woman, has given a commitment and an assurance.

Mr. Dardis: She graduated from Trinity.

Mr. Norris: I listened yesterday to a hospital consultant who said that the assurance she gave, even though it is in writing, is not good enough. What reason was given for making this assertion? It was stated that the members of the Cabinet could not be trusted and provided the examples of the Taoiseach, Deputy Bertie Ahern, giving a commitment to the United Nations on overseas development aid — a matter to which the House should give further consideration——

An Leas-Chathaoirleach: Is the Senator seeking a debate?

Mr. Norris: Yes. The second example provided involved the case of Detective Garda Jerry McCabe. The consultant asked why, when the Taoiseach had given two solemn, serious undertakings in respect of matters of considerable national and international importance and then welched on them, should he and his colleagues believe anything that is said unless it is notarised by a legal authority. That is a pity and it is similar to Deputy Gormley's behaviour in the Dáil when he tabled something in which he did not believe. As politicians, we need to observe the correct approach so that we do not disillusion the public further.

Mr. Dooley: I support calls for a debate on transport. There has been a great deal of debate about congestion on the M50 and the proposals to build an outer ring road. We must have a balanced debate about this matter, particularly in view of the fact that life exists outside Dublin and the M50. People in many parts of the country must endure congestion and delays on a daily basis and it would be important to set the entire record straight in respect of the roads building programme.

The issue of driver testing has arisen in recent times. I understand the Government has, for some time, promised to establish a statutory agency to deal with this matter. Perhaps the Leader will outline the position in that regard or obtain information regarding the timeframe for the introduction of the relevant information. If a statutory agency with responsibility for these matters was put in place, much of the backlog and many of the delays causing difficulties for young drivers on provisional licences who are trying to obtain their full licences would be cleared up. This is a major issue in rural areas where people are obliged to travel long distances to work. It is particularly difficult for those young people who are obliged to have a person with a full licence to travel with them on their journeys. To allow them within the law, it would be better to get the backlog out of the way as quickly as possible.

Mr. Bradford: I support calls from Senator Brian Hayes and others for a debate on the Middle East. Dr. Condoleezza Rice has made an impressive start as Secretary of State of the US and hopefully the good work will continue.

I am surprised there have been no requests during the past ten days for a debate on Iraq. In the past two years, not a day has passed without some Member being particularly and rightly taxed about the situation in Iraq and requesting a debate on it. Historic elections, which were hugely successful, took place in that country on the Sunday before last. These elections must cause everyone to reflect on what the people of Iraq want done as opposed to what we might sometimes think they might want done. The people of this country and the European Union must respond in a positive way to what the people of Iraq are attempting to do, namely, chart their own future. I am surprised calls were not made last week for a debate on this matter.

The House has on many occasions debated what was the hopeless situation in Iraq and it must, at the earliest opportunity, discuss that country's future and how Ireland can help its people who have clearly and decisively indicated their desire that this future should be democratic. We must attempt to help them in that regard and we should commence by debating this issue at an early date.

Mr. Norris: Hear, hear.

Mr. Glynn: I support the call for a debate on the Commission on Mental Health report. Such a debate would be timely.

I totally concur with Senator Norris's belief that the consultants are not opting for the right course of action. I have worked with consultants for many years and they are fine people. The Tánaiste and Minister for Health and Children, Deputy Harney, has pleaded with them not to take this course of action. I reiterate that plea and believe all right-minded people in the House would do likewise.

[Mr. Glynn.]

I also seek a debate on rail services. A recent announcement pertaining to the supply of new rolling stock was long overdue. Many strides have been made in upgrading the rail network, but a debate would be timely. I re-echo the sentiments expressed by Senator Dooley. There is a part of Ireland outside Dublin. The line from Mullingar to Athlone would be very important for a significant section of the community if it were reopened. A number of small stations on lines throughout the country would benefit from similar initiatives, not least my local station at Killucan, which I consider to be a good station. A large section of the community now lives in that area due to the improved and increased populations around Rathwire, Killucan and Ratharney. Those people would certainly benefit from the reopening of Killucan station.

An Leas-Chathaoirleach: Is the Senator seeking a debate?

Mr. Glynn: Yes, of course. What else can I do?

Mr. McCarthy: There is a report in this morning's *Irish Examiner* from Ms Niamh Nolan. I will paraphrase the first part of it. If one is raped or sexually assaulted in Ireland, she says, there is almost a 50-50 chance that one will not tell anyone. If one decides to report it to the Garda, there is only a one in four possibility that the DPP will choose to press charges. If the case makes it to court, there is a 40% possibility that the perpetrator will be acquitted.

Faced with these startling statistics, the Rape Crisis Centre maintains that almost 95% of such cases will not result in convictions. On that basis I add my voice to that of Deputy Costello who yesterday demanded the Government assign a particular portfolio to deal with the whole area of sexual and domestic violence. The Rape Crisis Centre depends for its funding at present on six Departments. That is not good enough. Given that we have a Minister for Health and Children as well as other specific portfolios in particular areas, this should be one of them. There should also be a Government-appointed task force to examine the rate at which such offences are occurring. Garda crime figures released recently show that sexual attacks on women was the area with the single largest increase in 2004. It is an issue that has, unfortunately, fallen off the political agenda in recent times. I hope the Leader will lobby the Ministers concerned and arrange a debate on that issue.

Mr. Moylan: I ask the Leader to request the Minister for Justice, Equality and Law Reform to take urgent action against persons who drive uninsured and untaxed motor vehicles. At present when the Garda stop such uninsured and untaxed drivers and impound the vehicles, it finds the people concerned call at the pound with a car transporter and remove the car that night or the

next day. They drop the car on the road outside the pound and drive away. The law must be changed which allows them to get those vehicles back on the road so easily. In some cases the Garda it has taken in the same vehicles on three or four occasions but they are still on the road.

I agree with those Senators who raised the question of driving tests. One wonders if what was on the radio this morning is for real regarding drivers having to be mechanics as well as drivers. The concern should be focused on a person's ability to drive a car and behave safely on the road.

Mr. Dardis: Hear, hear.

Mr. Browne: A week and a half ago we debated the issue of the Greencore decision to close the sugar factory in Carlow, and the beet industry at large. As a result, the rail depot in Carlow will not go ahead. It did not even get as far as preplanning stage. In light of this and in light of last week's decision by Greencore on the Banagher factory, it is time we called in the Minister for Agriculture and Food to explain who exactly is in charge of agriculture. The Minister of State at the Department of Finance, Deputy Parlon, has regularly made contradictory statements to those of the Government.

Mr. Finucane: Hear, hear. Good cop, bad cop.

Mr. Browne: It is very insincere of the Minister of State to mislead the workers and the beet growers, as he did this morning on local radio. He spoke about keeping the factory open, when we know for a fact that the factory in Mallow is being prepared in advance for the beet campaign in September. It is regrettable that the Minister of State would try to secure the rail depot for his own constituency following the misfortune in Carlow. A Minister should not behave in that way.

Mr. Finucane: It is a disgrace.

Mr. Browne: We recently had a debate about the new speed limits. Can the Leader of the House ask the Minister for Transport to come in and explain why the speed limit is 60 km/h for most of the route between Naas and Dublin? It makes no sense. I know the Minister of State, Deputy Callely, correctly overturned a decision—

An Leas-Chathaoirleach: Is the Senator seeking a debate?

Mr. Browne: I am. A while ago—

Mr. Dardis: It is stretching all the time.

Mr. Browne: A while ago, a speed limit of 80 km/h on a cul-de-sac was changed. It is daft that the speed limit on the road from Naas to Dublin is only 60 km/h. Many motorists will unfairly

receive penalty points. This makes no sense and will actually encourage bad driving.

Mr. J. Phelan: I agree with Senator Browne's comments on the sugar factory in Carlow, especially with the news that has just come to light about the provision of a rail link to the remaining factory in Mallow. It appears as if the rail link to Carlow will not go ahead, as we were led to believe.

I join with other Senators who expressed the wish that we have a debate on transport. We had a debate on transport before which we did not complete. It is ridiculous that lanes and culs-de-sac with grass in the middle have an 80 km/h speed limit, while the Naas dual carriageway has a 60 km/h speed limit. How does that make sense?

Mr. Dardis: It is because it is a construction site.

Mr. J. Phelan: It makes no sense because there is no construction on many parts of it.

Mr. Norris: Hear, hear. It is time that much was admitted.

Mr. O'Toole: This sounds like a Fine Gael selection committee.

Mr. J. Phelan: Not quite. Finally, I would like the Minister for Health and Children to come to the House to debate the provision of cancer treatment facilities in the region. As we entered the House today, there was a protest at the Kildare Street entrance from the south-east cancer care alliance. Many people from my part of the country travelled to Dublin to lobby for the provision of radiotherapy facilities in Waterford regional hospital. A debate on that issue would be timely.

Ms O'Rourke: The Leader of the Opposition, Senator Brian Hayes, raised the issue of the Lord Mayor's Commission on Crime and Policing. The commission had some novel ideas. The Minister for Justice, Equality and Law Reform said in an interview that he would consider the commission's proposals and hoped to implement some of the measures in the current Garda Síochána Bill. The Senator also called for a debate on the Israeli-Palestinian issue. No. 15 on today's Order Paper is a debate on that issue, to be resumed. This means that those who spoke earlier will not be able to speak again. As so much has gone on, perhaps we should fashion a fresh debate. The Senator also called on the EU to match the American financial donation to the peace process in Israel-Palestine. Senator O'Toole referred to the three column article by Kevin Myers in *The Irish Times* today. I have never read anything quite as contemptible. Of course, what will happen to Senator O'Toole and me is that Mr. Myers will bide his time before writing a ferocious article in which we are described as whingers. He called single mothers

the mothers of bastards, or MoBs, and repeated the term approximately 12 times. It was contemptible. He thinks he is smart.

Mr. Norris: I do not think he is well.

Ms O'Rourke: While he is an excellent writer when he puts his mind to it, there is no doubt Senator O'Toole and I will be bedevilled and castigated in a further article. We should not let such an article go by, however, without commenting on it. Can Senators imagine its effect on a child of an age to know and have it read to him or her? I advise Members to read it, although the hair will stand up on their heads. As Mr. Myers uses equally heinous epithets to describe those who disagree with him, I will watch out. Senator O'Toole was right to raise the matter and I thank him for doing so.

Senator McDowell referred to worrying developments in the health service. We all agree with his statement that hospital consultants should not abuse their powers. The Senator also referred to positive signs of hope in the Middle East. Dr. Condoleezza Rice made a great start and cut a better dash than her predecessor who resigned.

Senator Morrissey requested that the Minister for Transport come to the House to discuss the M50 upgrade project. He admired the Taoiseach's comments on traffic congestion and spoke of the need for an outer ring road. Senator Morrissey also spoke about changes to the driving test, saying root and branch reform was needed rather than simply requiring people to be able to use a dipstick. I do not want to be caught needing to know how those things work.

Senator Finucane referred to the Broadcasting (Funding) Act 2003 and suggested the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, should come to the House to discuss the matter as a long time has passed since its enactment. It has been almost a year and a half. I will certainly ask the Minister to come as we would all welcome his attendance.

Senator Ormonde also referred to driver testing and supported local policing as set out in the report of the Lord Mayor's commission. Senator Henry asked about the 2003 mental health report, which we are seeking to acquire. We are also seeking to have a Minister attend to discuss it. Senator Henry asked if moneys generated by the sale of the Central Mental Hospital lands at Dundrum would be ring-fenced to provide a replacement facility or invested in the whole prison complex in north Dublin. Hopefully, we can debate the matter when the Minister of State with responsibility for this area, Deputy Tim O'Malley, comes to the House to discuss the 2003 mental health report.

Senator Minihan spoke about the Britannia Airways charter whose beleaguered passengers eventually got going. The Commission for Aviation Regulation should note that the fines were too small to deter anyone. As the same tour operator has taken bookings for the Munster game at

[Ms O'Rourke.]

Biarritz, Senator Minihan asked that the Minister should examine the matter.

Senator Coghlan spoke about the importance of savings. There will be a great spree when SSIA accounts mature. The Senator asked about the second annual report of the Inspector of Prisons. It is not yet in the Oireachtas Library.

Mr. Coghlan: I asked when it will be published. I gather it is on the Minister's desk or in his Department.

Ms O'Rourke: He will have to read it.

Mr. Coghlan: That man speed reads.

Ms O'Rourke: Does he?

Mr. Coghlan: This has gone on for a long time.

Mr. Dardis: If he speed reads, how has it gone on for a long time?

Mr. Minihan: He is reading it too fast.

An Leas-Chathaoirleach: The Leader without interruption.

Ms O'Rourke: Senator Mooney called for a debate on the Middle East before the end of term. While we are wont to criticise President Bush, Senator Mooney pointed out that he is the first leader of the United States of America to say there should be a viable Palestinian state. We all agree with that view.

Senator Norris spoke about the health services and said he was behind the Government on the issue of consultants, which is important. Senator Dooley called for a debate on transport with particular reference to roads. We are all aware there is life outside Baile Átha Cliath.

Senator Bradford supported Senator Brian Hayes's call for a debate on Iraq but that matter is on the Order Paper to resume. However, there has not been a result in the election yet and it would be odd to debate the issue without knowing what way the votes had gone.

Senator Glynn supported Senator Henry's call for a debate on mental health and Senator Norris's comments on the consultants' issue. He also sought a debate on rail services and called for the re-opening of the Athlone to Mullingar line. He wants to visit me.

Mr. Glynn: The Leader can reciprocate. She would be welcome.

Ms O'Rourke: As would the Senator.

Mr. Glynn: The Leader is all-embracing.

Ms O'Rourke: The Senator also called for the reopening of Killucan station to serve the people of Rathwile and elsewhere.

Senator McCarthy called for a debate on sexual and domestic violence. There has been a considerable decrease in the number of rape cases being taken because those involved do not want to make the case. It is difficult for them to make the case if they cannot get redress. However, we could have a useful debate on this issue.

Senator Moylan stated legislation should be amended because cars impounded as a result of no tax or insurance can be taken out of the pound. If that is happening, there is a deficiency in the law.

Senator Browne complained about the Minister of State at the Department of Finance regarding the rail depot he is allegedly seeking for his own constituency. He also referred to the closure of the Minch Norton plant at Banagher. I will ask the Minister of State to come to the House to discuss those matters.

Senator John Paul Phelan called for a debate on health issues with the Tánaiste and Minister for Health and Children. I will seek such a debate.

Order of Business agreed to.

Criminal Justice (Terrorist Offences) Bill 2002: Committee Stage (Resumed).

SECTION 69.

An Leas-Chathaoirleach: Amendment No. 20 is consequential on amendment No. 19 while amendments Nos. 21 and 22 are related and all may be discussed together with the agreement of the House.

Government amendment No. 19:

In page 63, line 28, to delete "if" and substitute "if it is satisfied that".

**Minister for Justice, Equality and Law Reform
(Mr. M. McDowell):** Amendments Nos. 19 to 22, inclusive, refer to section 22 of the European Arrest Warrants Act. This deals with the rule of specialty, which provides that a person can only be proceeded against in the issuing state for the offences for which he or she was originally surrendered. Amendment No. 22 is the main amendment while the others are of a textual nature. Amendment No. 22 inserts a new subsection (3), which contains a presumption of compliance by the issuing member state with the terms of the framework decision, in this case, that it will respect the provisions relating to specialty.

The presumption will arise where the arrested person claims the issuing state does not intend to respect that rule. The effect of the presumption is to ensure the making of such a claim will not suffice by itself. Something more will have to be offered to support the claim. The presumption of compliance provision takes account of the mutual recognition concept, which lies at the heart of the judicial co-operation provisions of the European treaties and the European arrest warrants system. It represents a working assumption that we are

entitled to make about our closest partners in the European Union, namely that they are acting in a bona fide manner in operating a framework decision. It also clarifies the threshold that needs to be met before further information must be sought from one of those states in support of a European arrest warrant the execution of which is being sought in this State.

The amendments to lines 28, 29 and 36, which are set out in amendments Nos. 19, 20 and 21, are just textual alterations. The insertion of the new subsection (3) will result in a renumbering of the subsequent subsections in section 22 of the European Arrest Warrant Act.

Amendment agreed to.

Government amendment No. 20:

In page 63, line 29, to delete “it is satisfied that”.

Amendment agreed to.

Government amendment No. 21:

In page 63, line 36, to delete “the High Court is satisfied that”.

Amendment agreed to.

Government amendment No. 22:

In page 63, between lines 40 and 41, to insert the following:

”(3) It shall be presumed that, in relation to a person to whom a European arrest warrant applies, the issuing state does not intend to—

- (a) proceed against him or her,
- (b) sentence or detain him or her for a purpose referred to in subsection (2)(a), or
- (c) otherwise restrict him or her in his or her personal liberty,

in respect of an offence, unless the contrary is proved.”.

Amendment agreed to.

An Leas-Chathaoirleach: Amendment No. 23 is a Government amendment. Amendment No. 24 is consequential on amendment No. 23 and amendment No. 25 is related. These amendments may be taken together by agreement. Is that agreed? Agreed.

Government amendment No. 23:

In page 64, lines 27 and 28, to delete “Central Authority in the State” and substitute “High Court”.

Mr. M. McDowell: These amendments amend section 69 of the Criminal Justice (Terrorist Offences) Bill. As mentioned with regard to the previous amendment, section 69 refers to section 22 of the European Arrest Warrant Act which deals with the rule of specialty. There is one main

amendment in this grouping and the others are of a consequential or textual nature, as with the previous amendment. However, on this occasion the major amendment is amendment No. 25 which inserts a new subsection (6). Subsection (6) deals with the granting of consent by the relevant Irish authority where a departure from the rule of specialty is proposed as provided for in Article 27.4 of the framework decision. Article 27 deals with the rule of specialty and it provides for exceptions where the specialty provisions will not apply, for example, where the executing judicial authority consents to request from the issuing state for other prosecutions. The circumstances under which the executing judicial authority must give its consent are set out in Article 27.4.

Ireland made a statement at the time of adopting the framework decision to the effect that for the purpose of Articles 27.4 and 28.3, requests shall be submitted to and consent given by the central authority, that is by the Minister rather than by the court. That statement is reflected in the current text of the European Arrest Warrant Act. However, it is now proposed that the question of consent should be dealt with by the High Court, which is the executing judicial authority. The Attorney General’s advice is that legally this is the more prudent way to proceed having regard to the explicit terms of the framework decision which provides that this is a matter for the executing judicial authority. I mentioned in the House during our previous discussion that the civil law concept of what is a judicial authority and the common law concept are somewhat different. However, for the purposes of safety, the Office of the Attorney General advises us that it is better to vest this function not in the Minister, but in the courts.

A new subsection 22(6) is therefore being inserted in which the High Court is given the authority to consent. The amendment to lines 27 and 28, namely amendment No. 23, is consequential on the new amendment and the new subsection (7) confirms that consent to be given under subsection (6) shall be withheld where surrender would be refused on the general safeguard grounds in Part 3 of the European Arrest Warrant Act. Amendment No. 24 is a textual amendment.

The numbering of subsections (6) and (7) refers to the numbering in the Bill before the House. These numbers will change as a result of a new subsection (3) already having been added to section 22 of the European Arrest Warrant Act by amendment No. 22, which we have just discussed. Therefore, the new subsections (6) and (7) being added by amendment No. 25 will, as a result of that earlier amendment, become subsections (7) and (8) respectively.

Amendment agreed to.

Government amendment No. 24:

In page 65, line 21, to delete "consent." and substitute "consent."

Amendment agreed to.

Government amendment No. 25:

In page 65, between lines 21 and 22, to insert the following:

"(6) The High Court may, in relation to a person who has been surrendered to an issuing state under this Act, consent to—

(a) proceedings being brought against the person in the issuing state for an offence,

(b) the imposition in the issuing state of a penalty, including a penalty consisting of a restriction of the person's liberty, in respect of an offence, or

(c) proceedings being brought against, or the detention of, the person in the issuing state for the purpose of executing a sentence or order of detention in respect of an offence, upon receiving a request in writing from the issuing state in that behalf.

(7) The High Court shall not give its consent under subsection (6) if the offence concerned is an offence for which a person could not by virtue of Part 3 or the Framework Decision (including the recitals thereto) be surrendered under this Act."

Amendment agreed to.

Section 69, as amended, agreed to.

SECTION 70.

Acting Chairman (Mr. Dardis): Amendment No. 26 is a Government amendment. Amendment No. 27 is consequential and amendments Nos. 28 and 29 are related. Amendments Nos. 26 to 29, inclusive, will be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 26:

In page 65, line 36, to delete "if" and substitute "if it is satisfied that".

Mr. M. McDowell: The main purpose is to insert a new subsection (3) in section 23 of the 2003 Act. Section 23 deals with requests for the surrender of persons by the issuing state to other member states. Section 23 gives effect to Article 28 of the framework decision. That article deals with the question of a person being surrendered to another member state, other than the one to which he or she was originally first surrendered.

Article 29 inserts a new subsection (3). It contains a presumption of compliance by the issuing member state within the terms of the framework directive in regard to onward surrender to another member state. It therefore covers the

same issues as we have already discussed in regard to the previous amendment on this issue.

Amendments Nos. 26 to 28, inclusive, are textual. The insertion of this new subsection (3), as in the other cases, will result in the renumbering of the remaining subsections in section 23.

Amendment agreed to.

Government amendment No. 27:

In page 65, line 37, to delete "it is satisfied that".

Amendment agreed to.

Government amendment No. 28:

In page 65, line 43, to delete "the High Court is satisfied that".

Amendment agreed to.

Government amendment No. 29:

In page 65, between lines 46 and 47, to insert the following:

"(3) It shall be presumed that, in relation to a person to whom a European arrest warrant applies, the issuing state does not intend to surrender him or her to a Member State pursuant to a European arrest warrant issued by a judicial authority in that Member State in respect of an offence, unless the contrary is proved."

Amendment agreed to.

Acting Chairman: Amendment No. 30 is a Government amendment. Amendment No. 32 is related and No. 31 is consequential on No. 32. Amendments Nos. 30 to 32, inclusive, will be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 30:

In page 66, lines 5 and 6, to delete "Central Authority in the State" and substitute "High Court".

Mr. M. McDowell: The main purpose is to insert a new subsection, subsection (5) in section 23 of the European Arrest Warrant Act 2003. As mentioned in regard to the previous group of amendments, section 23 deals with requests for the surrender of persons by the issuing state to other member states. Section 23 gives effect to Article 28 of the framework decision and that article deals with the question of a person being surrendered on to another member state, other than the one to which he or she was originally first surrendered.

Amendment No. 32 inserts a new subsection (5) dealing with the question of consent by the Irish authorities to the departure from the gen-

eral rules set out in Article 28. The exceptions to the general rule includes situations covered under Article 28(3) where the executing judicial authority consents to requests from the issuing state for onwards surrender to another member state. The circumstances under which the executing judicial authority must give its consent are set out in Article 28.3. The issues involved here are the same as those under section 69, which we have just considered. Members will recall that I mentioned Ireland had made a statement at the time of the adoption of the framework decision to the effect that for the purpose of Article 28.3, the central authority was the consenting authority.

However it is now proposed for the reasons to which I referred earlier, to accept the advice of the Attorney General's office and to transfer that consenting jurisdiction to the High Court. A new subsection 23(5) is therefore being added in which the High Court is given the authority to consent. The amendments to lines 5 and 6 on page 66 are a consequence of the new subsection (5). The new subsection (6) confirms that the consent to be given under subsection (5) shall be withheld where surrender would be refused on the general safeguard grounds provided in Part 3 of the European Arrest Warrant Act. The amendment on line 48 of page 66 which is embodied in amendment No. 31 is purely textual and the numbering of the new subsections (5) and (6) in section 23 of the European Arrest Warrant Act is correct since amendment No. 29 inserting a new subsection (3) has already been accepted by the House.

Amendment agreed to.

Acting Chairman: There is a correction to amendment No. 31. A full stop should appear after the word "consent". I instruct that the alteration be made.

Government amendment No. 31:

In page 66, line 48, to delete "consent." and substitute "consent."

Amendment agreed to.

Government amendment No. 32:

In page 66, after line 48, to insert the following:

"(5) The High Court may, in relation to a person who has been surrendered to an issuing state under this Act, consent to the person being surrendered by the issuing state to a Member State pursuant to a European arrest warrant issued by a judicial authority in that Member State, upon receiving a request in writing from the issuing state in that behalf.

(6) The High Court shall not give its consent under subsection (5) if the offence concerned is an offence for which a person could not by virtue of Part 3 or the Framework Decision

(including the recitals thereto) be surrendered under this Act."

Amendment agreed to.

Section 70, as amended, agreed to.

SECTION 71.

Acting Chairman: Amendment No. 33 is a Government amendment. Amendment No. 34 is consequential and amendments Nos. 35 and 36 are related. Amendments Nos. 33 to 36, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 33:

In page 67, line 4, to delete "if" and substitute "if it is satisfied that".

Mr. M. McDowell: The purpose of these amendments is to amend section 24 of the European Arrest Warrant Act. Section 24 gives effect to Article 28.4 of the framework decision. It deals with situations where the person may be extradited by the issuing state to a third state, that is, to a non-EU state.

Similar to previous sections, a presumption is being added that the issuing state has complied with the framework decision in regard to onward extradition to a non-EU state, unless the contrary is proved. That is provided for in amendment No. 36. As in the previous situations, this amendment indicates the threshold to be met before a claim by the arrested person that there is non-compliance by the issuing member state is investigated. The amendments to lines 4, 5 and 11 of page 67, that is, amendments Nos. 33, 34 and 35, are textual.

Amendment No. 36 adds a new subsection (2) to section 24 of the European Arrest Warrant Act. Subsequent subsections in section 24 will be renumbered as a result.

I wish to inform the House that I propose to introduce further amendments in regard to the European Arrest Warrant Act on Report Stage. I expect to have four amendments, two of which will relate to the application of the rule of specialty. That rule provides that persons may, after surrender, be proceeded against in the issuing state only for the offences in respect of which surrender was granted. However, it has long been practice in extradition law that persons may be convicted, sentenced and detained in respect of alternative but lesser offences that arise out of the same facts and circumstances as gave rise to the original charge. The classic example in our law would be murder. The murder-manslaughter scenario is the most notable example of this situation. If somebody were extradited to Ireland on a murder charge it would not be a breach of the rule of specialty if he or she were convicted here of manslaughter because the greater is encom-

[Mr. M. McDowell.]

passed in the lesser. The amendments will relate to sections 69 and 72 of the Bill before the House.

At the request of the Director of Public Prosecutions, I have also examined section 42 of the European Arrest Warrant Act and will be proposing the deletion of section 42(c). I will also be proposing an amendment to section 70 of the Bill, clarifying section 23(1) of the European Arrest Warrant Act which is being inserted by section 70. This clarification relates to situations where a person is being sought by a third member state. In those cases, Ireland, as the first executing state is required to consent to that onward surrender. Subsection (1) of section 23 defines the offence for which the person may be subject to that further surrender. The new text that I will be proposing will simplify and clarify that definition. I understand that, in keeping with normal procedure in this House, the Bill will not be reprinted before Report Stage which will be taken on Thursday so the new amendments will refer to line numbers, etc. as set out in the Bill now before the House.

I also wish to inform the House that I will be proposing an amendment to section 38 of the Offences against the State Act 1939, which is a very simple amendment. Section 49 of the Offences against the State Act 1939 provides that if two or more Special Criminal Courts are in existence at the time of the sending forward of a person for trial, the Director of Public Prosecutions must apply to try the case in the court he selects. In order to ensure absolute clarity as regards the operation of this provision the proposed amendment will make it clear that a court established under the Act is only in existence if not fewer than three members are appointed to it. This will be in addition to an amendment to section 49 of the Offences Against the State Act 1939 which I also intend to introduce. Senators will recall that I indicated last Thursday my intention to introduce the latter amendment. The amendment will provide for the transfer of cases between the existing Special Criminal Courts and the Special Criminal Court, the establishment of which the Government approved on 14 December last.

Mr. Cummins: The Minister mentioned his intention to table a number of Report Stage amendments. When will these amendments be circulated? It is essential that we get an opportunity to view these amendments as early as possible to allow us to deliberate on them. There is no point in coming in on Thursday if we have not had an opportunity to examine the amendments in detail. The Minister referred to some amendments today and on the previous occasion on which we discussed the Bill. The issues upon which we are deliberating are serious ones, especially those in regard to the courts.

Mr. M. McDowell: I totally agree with Senator Cummins. I regret that they have not been circu-

lated so far. However, I am doing my best and I will get them to Senators tomorrow afternoon so they will not be presented with them on Thursday for the first time.

Mr. Cummins: I hope that while the Minister refers to tomorrow afternoon, the House will have the amendments early in the afternoon so we will have an opportunity to examine them and carry out some research.

Amendment agreed to.

Government amendment No. 34:

In page 67, line 5, to delete “it is satisfied that”.

Amendment agreed to.

Government amendment No. 35:

In page 67, line 11, to delete “the High Court believes upon reasonable grounds that”.

Amendment agreed to.

Government amendment No. 36:

In page 67, between lines 13 and 14, to insert the following:

“(2) It shall be presumed that, in relation to a person to whom a European arrest warrant applies, the issuing state does not intend to extradite him or her to a third country, unless the contrary is proved.”.

Amendment agreed to.

Section 71, as amended, agreed to.

Section 72 agreed to.

Schedule 1 agreed to.

SCHEDULE 2.

Ms Tuffy: I move amendment No. 37:

In page 83, line 9, to delete “terrorist-inter” and substitute “terrorist-linked”.

This is a technical amendment which is intended to correct an error in the Bill.

Mr. M. McDowell: This is obviously something which someone inserted to see if we were all awake. The word “inter” will be removed because it is a printing error. It is not something to which any of us have put our minds up to now. Therefore, a formal amendment is not necessary. I am grateful to Senator Tuffy for trying to work out what it might have been about and for advancing the proposition that it must have been terrorist-linked. However, I am sorry to say that is not the case. Rather, this is a totally haphazard printer’s

error. The phrase should be “terrorist activity” rather than “terrorist-linked activity”.

Amendment, by leave, withdrawn.

Ms Tuffy: I move amendment No. 38:

In page 83, to delete line 18.

The offences listed in Schedule 2 are to be regarded as terrorist offences and we agree that most of them are acceptable as such, for example, those related to explosives, murder and so on. However, we feel that the offence of assault causing harm is a lesser offence in comparison, having considered the fact that assault causing serious harm will be included. Therefore, we feel it is overboard to include the offence of assault causing harm in the definition of terrorism and think it should be deleted as this amendment proposes.

Mr. M. McDowell: The effect of this amendment would be to delete from Schedule 2 the offence of assault causing harm under section 3 of the Non-Fatal Offences against the Person Act 1997. Schedule 2 sets out acts which, combined with the requisite intention, give rise to terrorist offences. The intent would have to be proven in order to render the offences into terrorist offences, which is the crucial element. The issue is not so much the consequence of the act but rather the intent behind its commission.

One could argue that it is not appropriate to remove the offence from the Schedule because assault occasioning harm need not be an injury of a permanent character, for example, maiming or disfigurement, but could include a blow to the head which rendered someone unconscious. It can be seen that the offence can be a serious one and the question is whether it should be excluded from the Bill.

I remind Senators that in order to qualify as a terrorist offence under the Bill, a court must be satisfied that a terrorist intent was involved. In that context, would the Senator consider that one could render someone unconscious and not leave any permanent marks and that it could still be a terrorist offence if it was carried out for a terrorist purpose?

Amendment, by leave, withdrawn.

Schedule 2 agree to.

Schedules 3 to 7, inclusive, agreed to.

TITLE.

Government amendment No. 39:

In page 7, lines 9 and 10, to delete “AND TO MAKE PROVISION FOR RELATED MATTERS” and substitute “AND THE EUROPEAN ARREST WARRANT ACT 2003, AND TO MAKE PROVISION FOR RELATED MATTERS, INCLUDING THE

RETENTION OF COMMUNICATIONS DATA”.

There are two reasons the Long Title is being amended. First, it will remove any doubt as to whether the proposed Part 7 of the Bill, which deals with data retention, comes within the scope of the Bill. Access by the Garda to retain data is important in investigating terrorism and protecting the security of the State but it is also used for investigating non-terrorist offences and, because of this wider application, the Attorney General considered it prudent to extend the Long Title to include a reference to data retention. Following consultations with the Attorney General it is also considered prudent in the interests of clarity to include a reference to the European Arrest Warrant Act in the Long Title. A number of amendments were made to that Act in the Lower House, more amendments have been tabled for debate today and still more for debate on Report Stage.

While the amendments are technical and procedural in nature, given that their number and the fact that the arrest warrant provisions form a distinct part of the Bill, I have decided to err on the side of caution and propose specific reference to the European Arrest Warrant Act in the Long Title.

Amendment agreed to.

Title agreed to.

Bill reported with amendments.

Acting Chairman (Mr. Dardis): When is it proposed to take Report Stage?

Mr. Kett: On Thursday.

Report Stage ordered for Thursday, 10 February 2005.

Sitting suspended at 3.45 p.m. and resumed at 4.30 p.m.

Appropriation Act 2004: Statements.

Minister of State at the Department of Finance (Mr. Parlon): I am happy to return to the Seanad to resume discussion of the Appropriation Act 2004. Since the matter was last debated in December 2004, the Bill was enacted giving statutory effect to the departmental Estimates for supply services for 2004.

Regarding the budgetary outturn for 2004, economic growth on a GDP basis in 2004 was estimated at 5.3%. This excellent performance confirms Ireland weathered the international recession of 2001-02 better than most and emerged in good shape to take advantage of the international economic upturn. The outcome of the 2004 budget was also excellent. The projected general government deficit was €1.6 billion, but the estimated outturn was a surplus of approxi-

[Mr. Parlon.]

mately €1.4 billion. The projected Exchequer borrowing requirement was a deficit of €2.8 billion, but the outturn was a surplus of €33 million. While this good performance benefited from once-off tax receipts of €695 million, the overall economic and budgetary outturn is testament to the Government's continuing excellent management of the economy in good times and bad.

The Government's successful management of the public finances and the economy has resulted in a major reduction in the debt burden, with the general government debt falling from a level close to 100% of GDP in the early 1990s to its current level of approximately 30% of GDP. Good government and sound policies mean that the prospects for the economy are positive for the next several years. They have generated the resources to enable the Government to continue to target the needy and to spend more on addressing economic and social needs.

The Government's approach to expenditure in 2004 was to continue it at sustainable levels to promote sustainable economic growth, while continuing the policy of targeting resources to the greatest areas of need. Gross expenditure on the public services was over €41 billion in 2004, an increase of 7.1% over 2003. The Government continued to give priority to social welfare, health, education and infrastructure. Health, education and social welfare spending in 2004 accounted for 68% of total voted spending. This expenditure continued the Government's policy since 1997 of investment in public services. This increased level of investment has delivered real improvements in services.

Expenditure on health amounted to over €10 billion in 2004. Between 1997 and 2004, gross expenditure on health increased by €6.4 billion, or 177%. Over 98,000 staff were employed last year in providing health services compared to 68,000 in 1997. During this time, an additional 6,000 nurses have been recruited, amounting to 20% of the total increase. A further 9,000 people, 30% of the increase, have been recruited to the medical-dental and health and social care professional grades. This investment has seen real improvements in the delivery of front-line health services. Greater throughput in hospitals has seen a 30% increase since 1997 in the number of patients treated in hospitals as inpatient or day-care patients. With reductions in waiting lists, 80% of patients now wait less than one year. The elective surgery rate in public hospitals increased by 85% between 1995 and 2002.

Spending on education in 2004 amounted to €6.6 billion, a doubling of expenditure since 1997. This level of spending has funded significant improvements in front-line education services. By the end of 2004, approximately 2,500 resource teachers and 1,530 learning support teachers were employed in the primary system to enable children with special educational needs receive a proper level of educational services. Over 5,500 special needs assistants are now employed in first

and second level schools to ensure that children with special educational needs in mainstream classes receive necessary educational supports. This represents a massive increase in resources for special needs compared to a base of 400 in 1999. The pupil-teacher ratio at both primary and second levels has improved. At primary level, the ratio has fallen from 22.2:1 in the 1996-7 school year to 18:1 in the 2002-03 school year. In the same period, at second level the ratio has fallen from 16:1 to 13.6:1.

The 2004 allocation for social welfare was almost €11.3 billion with spending on social welfare increasing by over €5.5 billion since 1997. Over the same period, the unemployment rate was halved from 10.3% to less than 5%. Over the period 1997 to 2004, the old age contributory pension increased by 69%, an increase of 32% in real terms. The increase in the non-contributory pension was even greater at 80%, an increase of 41% in real terms. The lowest social welfare rate, the supplementary welfare allowance, increased by 62% over the same period, an increase of 27% in real terms.

Exchequer-funded public service pay and pensions amounted to €14.2 billion in 2004, an increase of €1.2 billion or 9% in 2003. This rate of increase in the pay bill is lower than the rate of increase in any of the preceding four years. This expenditure allowed payment of the general round increases under Sustaining Progress, amounting to €540 million, the 2004 increases arising from benchmarking, amounting to €305 million, and other pay provisions, amounting to €280 million. The €280 million of the additional pay cost was due to the payment of the increase arising from the application of the part-time work legislation in education, an increased provision for the EU Presidency, increments, an extra pay day for some staff in 2004 and an increase in pensioner numbers. Payment of the benchmarking increases and the provision for the general rounds was on the basis of verifiable progress by the performance verification groups on the conditions outlined in the agreement. Service improvements for taxpayers are therefore being secured in return for this expenditure through the achievement of the modernisation objectives.

Since 1997 the Exchequer has invested €33 billion in capital expenditure. Capital investment in recent years has been approximately twice the EU average. Progress continues to be made in addressing the country's infrastructural deficit under the national development plan. Exchequer capital expenditure was €5.5 billion in 2004. Capital investment in the transport area amounted to €1.6 billion, an increase of €1.3 billion or 417% over 1997 levels. Of this, €1 billion was for road investment and €0.3 billion for public transport. This is delivering real improvements in services on the ground. Our inter-urban road routes and public transport capacity have been significantly enhanced. The 2004 Exchequer spend on housing capital was over €1 billion. This was supplemented by over €700 million of non-voted

capital investment by the local authorities. Some 5,000 local authority houses were built in 2004. Between 1997 and 2004, over 35,000 local authority, voluntary and co-operative houses have been provided.

In the 2004 budget, the then Minister for Finance, Mr. McCreevy, announced capital investment would operate on a five-year multi-annual allocation basis. A key innovation under this framework was the introduction of a facility allowing Departments to carry over capital savings from one year to the next. The capital envelopes and the facility to carry over gives Departments and implementing agencies more flexibility, allowing them to plan, manage and implement programmes and projects more efficiently and effectively. Provision was made in the Appropriation Act 2004 for the carryover at Vote level of some €237 million from 2004 into 2005, some 4% of total voted capital for 2004. This €237 million carryover relates mainly to €75.6 million for the Department of the Environment, Heritage and Local Government for priorities such as local authority and social housing, €50 million for the Department of Education and Science for the school building programme, €42.7 million for the Department of Transport, mainly for road improvements, and just over €34 million for the Department of Enterprise, Trade and Employment to fund capital grants to industry, science and technology and FÁS capital.

Under the capital carryover legislation, the capital carryover cannot be spent until the Minister for Finance makes an order specifying the capital subheads in each of the Votes concerned against which the money will be spent. As soon as the order is made, the carryover amounts become a first charge against the subheads concerned. This order must be made before 31 March. The draft order will be submitted to the Dáil for approval shortly.

Some commentators have not appreciated the significance of this carryover facility. Their focus on the €237 million carryover has been on the fact that Departments and implementing agencies did not spend these resources in 2004 rather than the fact that under the old annual system this money would have been lost to the capital programme or, perhaps worse, spent on less meritorious projects at end year in a scramble to avoid surrendering the funds to the Exchequer. The initiation of the carryover facility is an important vehicle to better assist the planning and management of capital programmes and to ensure against less than optimal spending of valuable capital resources or the unnecessary loss of resources for programmes.

While the Appropriation Act 2004 relates to expenditure in 2004 it is important for this House to reflect on the expenditure provisions of the 2005 budget. Additional spending of over €3.7 billion more than 2004 was provided for in the 2005 budget bringing the gross spending for 2005 to almost €45 billion, an increase of 9.1%. An additional €334 million in Exchequer capital was

provided for, which together with the capital carryover of €237 million will mean that almost €6.3 billion in Exchequer capital will be available this year under the 2005-09 capital envelopes for addressing infrastructural priorities. The budget also provided for improvements in social welfare payments worth €874 million. For example, the old age pension was increased by €12 per week or 7% bringing the old age contributory pension to €179.30 per week. The Government is well on the way to achieving the programme for Government commitment to increase the State pension to €200 per week by 2007.

Further evidence of the Government's commitment to meeting social needs was the introduction of a multi-annual funding programme with a total value of close to €900 million for people with a disability. The funding is being dedicated for the period until 2009 to ensure delivery of high priority disability services. The package includes guaranteed additional current spending of almost €600 million. Some €2.8 billion overall is being provided in 2005 specifically for people with disabilities. This represents an increase of €290 million or 11% on the 2004 figure.

The bulk of the new funding package will go to the health sector where it will be invested in services for persons with an intellectual disability and those with autism, services for persons with physical or sensory disabilities and mental health services. It will focus in particular on the provision of extra residential, respite and day places, extra home support and personal assistance and extra places in community based mental health facilities. Together with the 2005 funding, it is estimated that, by the end of 2009, over 4,500 extra residential, respite and day places will be provided for persons with an intellectual, physical or sensory disability or autism, about 600 persons with intellectual disability or autism will be transferred out of psychiatric hospitals and other inappropriate placements, about 1.2 million extra hours of home support and personal assistance will be provided for persons with physical or sensory disabilities and 400 new places will be provided in community based mental health facilities.

The balance of the 2006-09 disability funding package is being allocated between four other Departments or offices. These resources will be used to enhance education services for adults with disabilities and expand pre-school provision, support projects which demonstrate an innovative and cost effective approach to service provision and improve accessibility to public buildings and amenities.

The Government is strongly committed to securing better value for money from public expenditure so that we get the maximum return from the high levels of investment. I have already referred to the merits in this regard of the new multi-annual capital envelopes framework. One of the conditions of the Department of Finance sanction to incurring expenditure under the capital envelopes requires Departments and their

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agencies to comply with the 1994 Department of Finance guidelines for the appraisal and management of public expenditure in all cases. Consultations with Departments on revising the existing guidelines are now complete. Revised guidelines will shortly be circulated to Departments and implementing agencies.

There are also reforms planned in the area of public sector contracts for construction and construction related services. The reforms will involve the amendment and introduction of new standard forms of construction contracts which will transfer appropriate risks to contractors where they are best placed to manage them. These initiatives seek to reduce the potential for project cost overruns and provide better value for money for the State. Consultation with the construction industry on the contract related material will commence shortly. Work has been ongoing within Departments and offices generally on developing performance indicators in the context of the roll-out of their management information frameworks. Departments have put cross-divisional arrangements in place to develop and improve their use of performance indicators. A pilot project under the chairmanship of the Department of Finance and involving the Department of the Taoiseach and the pilot Departments — Transport, Agriculture and Food and Social and Family Affairs — is examining ways of improving the links between departmental business planning, resource allocation as in the estimates and output reporting. The report on the pilot project and the pilot models is being finalised in the light of the views last September of the financial management subgroup of Secretaries General and they will be submitted to the Minister shortly.

In his 2005 budget the Minister for Finance signalled his intention to consider reform of the budget policy formulation process. He is currently examining a number of options for change which could be implemented in the short and medium term. Any changes to current practices would need to meet best practice, improve both the quality of debate and the data available to the Dáil on the budget, meet our obligations to the EU and be capable of being delivered within the existing budget timetable. He has indicated his intention to discuss the possibilities for change shortly with the Government and at that stage to bring forward proposals for discussion.

The Government's successful management of the public finances has meant that it continues to promote sustainable economic development and to generate the necessary resources to target key economic and social priorities. The 2004 expenditure and the allocations for public services as set out in the estimates and the 2005 budget will ensure that we continue to make real economic and social progress.

Mr. J. Phelan: I welcome the Minister of State, Deputy Parlon, to the House and I am glad we

have an opportunity to discuss the Appropriation Act. It was passed in both Houses before Christmas but there was not much debate because of the lack of time. I am delighted the Leader has found time to hold the debate today.

I have looked back on some past discussions on appropriations and the Appropriation Bills of previous years. They were always used as an opportunity at the end of each year for Government and Opposition Members to debate how the public finances are being managed and minded. The Opposition is used to hearing lectures from the Government about how everything seems to have started in 1997, without reference to what happened before that point. Some things have happened in the management of this Government since 1997 which deserve examination. I am glad to have the opportunity today to discuss a few of the increases in spending that have occurred over that eight-year period.

Calculated overall, the tax take in this country from each individual has doubled over the period in question. The annual tax take by the Department of Finance is now €44.5 billion compared to €21.7 billion in 1997. There are a number of reasons for that. Clearly more people are working and earning more money, but that does not explain the doubling of the tax take. Employment numbers over the period have not doubled. The Government regularly promotes the notion that Ireland is a low-tax country but that is not the case. The method of tax collection has changed. Income tax levels have decreased but new charges have come in across the board in different areas. That is something the Government also conveniently failed to recognise or admit, but it is a fact. A doubling of the tax take in the eight-year period during which the coalition has been in Government is certainly indicative of our not living in the low-tax economy that we are sometimes led to believe. An additional €8,800 per year per household has been taken in tax since the governing parties first took power in 1997. That is certainly not indicative of a low-tax regime.

The Minister of State himself has gone through several areas where spending has increased, and we recognise the massive increases in health spending in recent years. We have seen a trebling over the period, yet, if anything, there has been a significant disimprovement in health services. I welcome the appointment of the new Minister for Health and Children, Deputy Harney. Perhaps she can do something to shake up that Department as something needs to be done to ensure we get value for money. I am glad the Minister of State, Deputy Parlon, mentioned that in his opening remarks.

Government actions over the past eight years have not done much to instil in me or anyone else the notion that it is conscious of the concept of value for money. If the Government was a public company, it would be in serious difficulties by now, given the reckless spending, particularly in the run-up to the last general election in 2002.

Immediately thereafter, we saw a claw-back. However, in recent months we have begun to see something of a splurge again. The Minister of State outlined several areas where extra money has been spent. I have noticed significant extra amounts going on a number of areas over the past seven or eight years without our seeing any improvement. Some €500 million more is being spent on the criminal justice system than in 1997, yet detection rates are down by 6%. Drugs seizures have fallen by approximately 43% over the past year. Assaults causing harm are up by 574%, and public order offences by over 90% over the seven-year period; yet we are spending €500 million more on the criminal justice system.

We have not yet seen or heard from the 2,000 extra gardaí who were supposed to be appointed and who we were told before Christmas by the Minister of State, Deputy Parlon, would come on stream in the near future. I will believe that when I see it. We have seen no Garda efforts on the ground to provide facilities to train the additional gardaí. If there are to be 2,000 more, they will have to be trained somewhere. As matters stand, the Templemore facility cannot cope with the proposed provision.

Despite what the Minister of State and other Government spokespersons might say, Government expenditure on public services between 1997 and 2004 increased by 71% in total; yet across many areas, including education, health and criminal justice, the service has disimproved if anything. I make particular reference to what Deputy Parlon and previous speakers have said on such matters as the pupil-teacher ratio, which comes under the auspices of Department of Education and Science. No one seems to recognise, realise or admit when making such comments that there are fewer students in schools now than in 1997, and that is the primary reason that the ratio has fallen. It has very little to do with any action taken by the Government.

Mr. Parlon: This year we will have more than 1 million students.

Mr. J. Phelan: There are fewer students in primary education than in 1997, and that is why the pupil-teacher ratio has fallen. It has nothing to do with the Government spending extra money.

The one noteworthy aspect of the budget this year was the provision of extra resources for disability. I welcomed it when we had our debate that night, and I still welcome it. However, I was confronted last week with an example of how unyielding the system can be regarding those with disabilities. A Kilkenny man in his 30s is physically disabled but can drive a car and is working on a FÁS scheme in an institution in the town. However, he has been told that his place no longer exists and that he must pack his bags and go home. There is no other comparable FÁS position anywhere in the county that might fulfil his needs, yet he has been trying to do something for himself and is no real burden on the State. He

is not reliant on any State care. He is still living at home with his family but finds that he has been kicked in the teeth, even after the budget announcement of extra provision for people with disabilities. Government spokespersons all too often fail to mention that aspect when they get the opportunity.

The Minister of State, Deputy Parlon, also mentioned the increase in employment in the public services. Health is the primary area where we have seen dramatic increases. There has been a 46% rise in those employed in the health services since 1997, when these low spenders and taxers entered Government. However, of those extra staff only 22% are doctors or nurses. The other 78% are administrators of some shape or form. They push pens and fill in forms. I know that many do valuable work, but one has to question whether we need that amount of bureaucracy in the health services.

I have said that here before, and I do not suggest that we could go back to the system that prevailed in the past where one had one or two nuns running every hospital. That system is obviously in the dim and distant past and will not return. However, if 50 years ago one or two nuns could run a hospital in Kilkenny, I cannot see why one needs an army of public servants running around the corridors of hospitals trying to manage the medical service. It is being run into the ground by the degree of needless bureaucracy involved in the sector. Rather than the cutback in bureaucracy that we were promised by the Health Service Executive, we are seeing an extra layer added to the existing health board structure. We are seeing more positions created rather than an attempt by the Government to streamline the health services and ensure we get better value for money across Government spending.

I also note that spending under the heading "hospitals" has more than doubled from just under €2 billion to €4.2 billion in the seven years that the Government has been in office. That is a staggering increase, yet we all have daily experience of the fact that such problems persist in the health services. An annual event occurs most acutely in Dublin but also up and down the country in hospital accident and emergency facilities whereby people end up on trolleys for days. Sometimes they are lucky if they get a chair. My own secretary had the misfortune of being ill before Christmas and was in a chair with a drip for almost a day in a Dublin hospital. Hers was not an exceptional case. We have heard of people finding themselves in similar positions, most notably in Dublin.

I am also interested that the Minister of State seems to exemplify the new-found devotion among members of the Government to cutting back waste and ensuring that money 5 o'clock is spent better. In his own Department, €48 million was spent on the new drainage scheme in my own city of Kilkenny which was badly needed. That job was originally projected to cost €14 million but went up to over

[Mr. J. Phelan.]

three times the original estimate. A few weeks ago the salmon could not get back up the river, despite the fact that €48 million had been spent on the new scheme. A weir was put in that did not allow the fish to get back up the river. It is a joke that such a development would take place and that an urgently-needed flood relief scheme would run so wildly over budget and be so badly designed that it did not take into account the fact that there were fish in the river. At least we still have fish in the river in Kilkenny.

Mr. Parlon: Was there any flooding?

Mr. J. Phelan: There was no flooding. There has not been much rain.

Mr. Parlon: A total of 99.9% of the fish went up the river.

Mr. Coghlan: Did they get up the river?

Mr. Parlon: People in Clonmel would be very happy to have the scheme they have in Kilkenny, and they would not be overly concerned about half a dozen fish.

An Leas-Chathaoirleach: Senator Phelan, without interruption.

Mr. J. Phelan: In fairness, there was more than half a dozen fish. It is used as an example.

Mr. Parlon: That is all the evidence I saw.

Mr. J. Phelan: It is used as an example, but there was a lot more than half a dozen fish. Perhaps the Minister of State does not care about environmental issues.

Mr. Parlon: I like to deal with facts.

Mr. J. Phelan: There was a lot more than half a dozen fish.

Mr. Parlon: I have seen no evidence of any more.

Mr. J. Phelan: I do not want to get side-tracked on an issue like that. We all have examples of infrastructural investments, particularly regarding transport and roads, of schemes that were budgeted to cost a certain amount but ended up costing multiples of the original budget. Nobody seems to be prepared to take the rap for the fact that serious miscalculations took place on the Government's behalf with regard to the original drawing up of these schemes. It would not be appropriate if this concern was run on a profit-making basis but because it is public funds the Government can throw them around willy-nilly, like it has done in several parts of the country. I will not go into other particular—

Mr. Parlon: The Senator knows that if it was on a profit-making basis, Kilkenny would never have had its flood relief scheme.

Mr. J. Phelan: I do not want to get bogged down in the Kilkenny flood relief scheme.

Mr. Parlon: The Senator is the one who raised it and created a big issue about six fish.

Mr. Coghlan: There were a lot more than that. There were scores.

Mr. J. Phelan: I understand the Minister of State is not familiar with Kilkenny—

Mr. Parlon: I spent the day there yesterday.

An Leas-Chathaoirleach: Senator Phelan, without interruption.

Mr. J. Phelan: He could have brought down the digger to Kilkenny and fixed the weir that the boys put in at a cost of €48 million and which does not do the job it was designed to do.

Mr. Parlon: Some modification has been carried out—

Mr. J. Phelan: I am led to believe the modification will not serve the purpose for which it was intended. That only compounds the problem. The Minister of State can cynically use the fish issue to detract from the point I am trying to make. The principal point is that a Government project that was originally estimated to cost €14 million ended up costing more than three times that amount, and it did not serve one of the jobs it was originally set up to do. Whether we are talking about fish, humans or anything else, it did not do what it said on the tin, to borrow a phrase from a popular advertisement.

Dr. Mansergh: If people are saved from flooding, it will have done what it said on the tin.

Mr. J. Phelan: No.

Mr. Parlon: We are talking about six fish.

A Senator: Sick fish.

Mr. Coghlan: There were a lot of sick fish there when they could not get through.

An Leas-Chathaoirleach: Senator Phelan, without interruption.

Mr. J. Phelan: The point I am trying to make still stands, despite the distractions from the Minister of State, Deputy Parlon. We have seen dramatic increases in spending over the past seven or eight years. The Minister of State has acknowledged that, as have I. We are all familiar with those increases but we have not seen corresponding increases in the standards of public services

provided. That is the nub of the issue. If the Minister of State wants to make little of that, that is his business, but the ordinary punter on the street is familiar with examples of public money being wasted on a daily basis. Unless the Minister of State and his colleagues are prepared to take this issue seriously and try to do something about it, passing remarks in the House about their newfound commitment to fiscal rectitude will not have much effect on the ground. In the course of the eight years we have seen——

Mr. Parlon: Where is the evidence?

Mr. J. Phelan: —umpteenth examples of wastage but I see no commitment from the Government on any level to address that problem.

I am a little disappointed with the Minister of State's remarks about the Kilkenny scheme and his use of that as an example but, sadly, I have come to expect little else over the past few years. The job he is charged with is a very serious one, and he has failed to take his role sufficiently seriously. He should choose his words a little more carefully when he comes into this Chamber to speak on any issue.

Mr. Parlon: Which ones were those?

Mr. J. Phelan: The ones about the six fish in Kilkenny.

Mr. Parlon: That is the only evidence I have seen. A Deputy in the other House gathered them together one day and got a photograph taken of them.

Mr. J. Phelan: I am disappointed with the Minister of State's comments. He has outlined the increases in spending that have taken place but he did not outline any improvements in services or real conversion among the Government parties to a new sense of value for money that the ordinary members of the public want. I hope that over the course of the debate he will have his eyes opened somewhat by other Members if he is not prepared to listen to what I have to say.

Dr. Mansergh: I wonder if this debate will go down in the annals of the Seanad as the “six fish debate”. This is a technical Bill which we passed before Christmas. I welcome the Minister of State and his officials, and I welcome his contribution which gives an illustration of some of the worthwhile achievements that have been attained with the increases in public expenditure over the past few years.

A remark was made earlier about efficiency. Ireland is regarded internationally as running an exceptionally successful economy and having exceptionally successful public finances. I welcome the fact that both the public finances and the economy remain exceptionally healthy. If I were a Department of Finance official over the past 20 years, one would feel very proud of what has been achieved over that period, which is

nothing our history had led us to expect. There was a history of the Department of Finance written some 30 years ago, which was a very mixed review over the early decades of independence but the past 20 years has been an exceptional period.

One of the illustrations of that is the way the general Government debt to GDP ratio has been reduced to around 30% and is still falling. It is the second lowest in the euro zone bar Luxembourg. It is no accident that Luxembourg, which has the lowest such ratio, is also easily the wealthiest country in the European Union. Tax revenue buoyancy is continuing, and this includes both the direct and indirect effects of special investigations. I note that apart from the good outturn last year the Exchequer returns show a 9.5% increase in tax revenue in the first month of the year as against an anticipated projection of about 5%. The budgetary stance is expansionary but not imprudently so. The ESRI, in its latest quarterly, commented that the volume of Government consumption increased in 2004 by 2.7% in real terms and that that was less than the rise in output. In addition, inflation is back in line.

I read the Commission working paper on the second implementation report on the 2003-05 broad economic policy guidelines and what it had to say about Ireland. The report states:

After one and a half years of implementation, Ireland has in general made good progress in addressing the policy challenge that was identified in the country-specific part of the BEPGs, regarding the achievement of a smooth transition to lower, sustainable growth levels in the years ahead. In particular, further efforts have been made to improve control and efficiency of public expenditure, especially by extending multi-annual budgeting and by reforms in the health sector. As regards wage developments, relatively moderate provisions were agreed by the social partners in June 2004 in the new 18-month national wage agreement.

It is correct that the Minister of State and other speakers should stress the importance of value for money. The Minister of State made a particular point about the contribution that will be made by the carry-over facility for capital expenditure and stated that money will neither be lost to the programme nor spent on something of secondary importance.

I wish to comment on the recommendation issued in the past 24 hours that the Dunboyne rail link should be reopened. Most of the cost of this project — over €100 million — will come about as a result of land acquisition. In contrast, the Midleton line, which is approximately the same length as the Dunboyne line, will cost only €45 million. I presume that virtually the entire difference in these figures comprises land acquisition costs. This highlights the importance of not urging or requiring State companies such as CIE to sell off land or State assets which might be needed in the future and which then have to be

[Dr. Mansergh.]

bought back at some vast cost. There should be a general rule that old rail lines should, at worst, be leased and should not be sold off.

The Quigley report, which was published last week, raised certain general issues on which I wish to comment. Many responsible Ministers and the Taoiseach face a battle to keep down the size of delegations that travel abroad. The difficulty is that in the case, for example, of technical conferences or matters involving various committees and working groups, experts with experience in many different areas are needed. While Ministers can give general directions and on occasion engage in a hands-on approach, Secretaries General of Departments — who are, after all, Accounting Officers — and senior civil servants have a responsibility to see that the numbers making up delegations are kept within reasonable limits.

It is clear that tighter controls are needed in respect of consultancy arrangements of all types and that, in all probability, fewer consultancies should be awarded. There is a sneaking feeling — I refer here to what has happened with successive Governments during the past 25 years — that while it is necessary to employ consultants to provide expert advice in certain circumstances, there is sometimes an element of patronage involved. The latter must also be seen in the context that there is quite an amount of expertise available in the public service. I am not convinced that it is necessary to spend as much on consultancies as is currently the case.

The money spent on consultancy contracts is a source of ammunition for Opposition parties. When I first worked in Opposition with Charlie Haughey and the Book of Estimates was published, he directed me to look at the figure for consultancies. That latter is always good for scoring points. Leaving the politics aside, however, there is a serious point to be made, namely, if we are concerned with value for money, is it being obtained by employing so many consultants? I should be the last person to denigrate the advisory system which, within limits, is good but on which a tight rein must be kept. Under the current Government and its predecessor, many of the programme managers have been permanent civil servants. Working as programme managers has been good experience for these individuals.

The main economic concerns at present revolve around matters such as the easing of the housing market. If that market is easing, it is doing so only very gently. I am not certain, therefore, that there is an immediate cause for concern. However, the issue of indebtedness does arise. People probably feel that low interest rates will be here forever but more prudence is perhaps required. The Central Bank places considerable stress on that point.

There is then the issue of competitiveness. In a report in early January, Deloitte stated that Ireland remains one of the least expensive EU countries for employers. There are huge add-on

costs — involving forms of social contributions — in countries such as France and Germany. At the same time, there is a significant gap between Ireland and the Mediterranean countries and the new accession states, the costs in which are lower again.

Fine Gael has made much of the so-called rip-off culture. However, one can have varied experience. I visited Senator Coghlan's home town of Killarney —

Mr. Coghlan: What a delightful place.

Dr. Mansergh: —on Saturday on my way to address a conference in west Kerry. I travelled by train from Tipperary to Killarney because I did not want to drive the entire way to the conference and hired a car on my arrival. Travelling from Killarney to the conference and back, I drove around most of the Ring of Kerry.

Mr. Coghlan: The Senator must have seen all our beauty and splendour.

Dr. Mansergh: The cost of the car hire was €108, which was quite steep.

Mr. Coghlan: I should have been there to greet the Senator because it would not then have cost him as much.

Dr. Mansergh: Yes but ordinary punters and visitors do not have the benefit of special advice from Senator Coghlan. On returning home, I developed a puncture in one of the wheels on my own car.

Mr. Fitzgerald: Bad roads.

Dr. Mansergh: No, it was caused by a thorn in my driveway. I changed the wheel and took the punctured one to be repaired.

An Leas-Chathaoirleach: Was the Senator preparing for the driving test?

Dr. Mansergh: Something like that.

Mr. Coghlan: Did he look under the bonnet or hoot his horn first?

Dr. Mansergh: I was astonished by the bill with which I was presented for the puncture repair. It was all done very efficiently within 15 minutes and cost only €5. There may be a difference between Tipperary and Killarney as regards certain charges but perhaps Senator Coghlan might like to comment.

Mr. Coghlan: I must visit Tipperary.

Dr. Mansergh: A point highlighted by the ESRI is that there is a difference — I am not sure political rhetoric has caught up in this regard — between the budgets introduced in the years 2001 to 2005 and some of the Government's earlier

budgets dating to 1997 and that most of the gains have been directed towards those at the lower levels in society.

There has been a great deal of additional expenditure on health. I agree that we are not satisfied with the results but this does not mean there has been a disimprovement. On my visit to west Kerry I spoke to the manager of a hospital who informed me that in his experience — he spoke mainly about accident and emergency departments—

Mr. Coghlan: The Senator did not find one of those in Dingle.

Dr. Mansergh: He said the problem is that far too many people who should be receiving primary care come to hospitals — the point can be made that primary care has not yet been developed in the way it should have been — and that, at the other end of the system, there are insufficient step-down facilities. A new health administration system is being introduced this year and it is hoped that this will give rise to more efficiencies.

In the area of education, the intake in primary schools is rising quite sharply. On capital investment, while there were problems with escalating costs, many commentators have conceded that the improvements introduced are making a real impact with all the different roads opened, the Luas and so on. People see a difference.

I will deal briefly with three points made by Senator Phelan. I believe he took a leaf out of Deputy Richard Bruton's book in talking about the increase in the tax take. However, this whole approach is salacious. If incomes are rising sharply, the absolute amount of tax will rise also. Is Fine Gael suggesting that this should not be so? Therefore, people at work, if they are much better off, are paying a higher absolute amount of tax than they were seven or eight years ago. I see nothing wrong with that; public services have to be funded.

There have been constant references to reckless spending since 2001. There was a Government surplus of €4.5 billion. The point has often been made by former Deputy McCreevy as to whether that surplus should have been €6 billion or €7 billion. It is difficult to defend accumulating vast quantities of money and not spending it where it was needed. It might be argued that the action taken in 2003 and 2004 to ensure that confidence was maintained was something of an overreaction. I do not know, but investor confidence was consolidated and we are back at a 5% growth rate, which I believe is very satisfactory.

Mr. McDowell: I welcome the Minister of State, Deputy Parlon. The Kilkenny fish issue strikes me as a misnomer since, as I understand it, the Nore rises in the Minister of State's constituency. They should properly be referred to, therefore, as Laois fish.

Mr. Coghlan: They could not get back to Laois.

Mr. McDowell: I trust the Minister of State treats his human constituents rather better than the fish elements of his constituency. As Senator Phelan said, it is not just a matter of piscatorial convenience.

Value for money is a serious issue and I was struck by the lengthy passage in the Minister of State's contribution on this point. Senator Phelan rightly quoted at length from the very worthy Fine Gael document on the issue, which sets out increases in expenditure in graphic detail and asks what we have got for it. It is always important to have a sense of balance and there are many good examples of where money has been well spent. The Minister of State outlined one of them in the course of his contribution when he referred to pupil-teacher ratios and specifically the additional provisions made for resource and special needs teachers and so on. It is important to say that money has been well spent in that regard.

Another area where it has also been well spent — I am struck by the commitment of the Minister for Finance, Deputy Cowen — is disability, where the approach is absolutely bang on. A serious assessment of need has been done over a period of years in conjunction with the interest groups that represent people with disability. We have a fairly good idea of what is represented in terms of respite, day-care, residential care places and so on. The Minister has made a multi-annual commitment to meet that need. This is in stark contrast to the way matters were dealt with frequently in the past. By and large, they still are dealt with in that way. We look at the figures on annual basis, find out what money is available and decide to spend it as quickly as possible. I very much favour the use of multi-annual envelopes.

The way we tried to do it in the 1990s simply did not work. Good progress has been made in terms of, for example, the roads budget, the proposals for disability and overseas development aid, although I do not agree with the actual numbers in this case. These are in stark contrast to the way we normally deal with matters which, frankly, is not efficient. An enormous amount still has to be done, however, in terms of assuring value for money. One great example over the years was the way in which we dealt with EU Structural Funds. As the Minister of State knows, a unit, either in his Department or loosely connected with it, was responsible, in conjunction with the Commission, for looking at the manner in which we spent such funds. It is accepted not just by us, but internationally, that it did a good job. I understand this unit is at risk of being broken up by virtue of one of the Minister's other pet projects, namely, decentralisation. I believe he wants to pocket it and bring it down to his constituency or somewhere close to it, which would be a great pity.

[Mr. McDowell.]

We need to build on that experience by introducing a unit which reviews all Departments, not just EU Structural Funds. It should look at all expenditure programmes and not just the ones that are funded by money other than the Irish taxpayers'. It appears to me an uncontroversial proposal and one that has been kicking around for a long time. I would like progress made on it.

The truth is that we have not succeeded in planning expenditure when we had money. The experience of 2001-02 was disastrous. Most famously, we ended up building health facilities we could not use because we had not projected for the ongoing current cost of staffing them. I gather this has just about been rectified, but the problem is nonetheless stark.

When Departments are given money at short notice and do not have plans on how to use it, the best and wisest course is not followed. Regrettably, this has happened a good deal during the time when we have had resources beyond compare over the past five or six years. For that reason, if no other, many of the resources available were simply wasted or at least not used to the optimal degree.

Deputy Ruairí Quinn, when he was Minister for Finance, around 1996, introduced a series of expenditure reviews. They ran into the sand, to tell the truth. I read some of them and, by and large, they were turgid. Some of them were good while others were not so good. However, the programme was well-intentioned. I am not sure whether it has been wound up at this stage. If it has not, it has not gone very far. We need something with more teeth that is current and public, where we can engage with those who run programmes and assess publicly whether they meet the needs.

I was struck by the Minister of State's comments on the budgetary process. The budget is a charade. Virtually any of us who has been even tangentially involved in this process knows that is the case. It suits the aims of those within the Department who wish to keep everything under wraps for as long as possible and then announce matters in a declaratory fashion on budget day. By and large, however, it is a charade. We are spending a great amount of taxpayers' money. Announcements are made after decisions have already effectively been taken without giving committees of the Oireachtas, or outside bodies for that matter, a chance to look at whether the expenditure plans are good or match the aims, as stated.

We need a period of discussion, running from September or whenever the Dáil resumes in the autumn, for a period of two months. During that time expenditure proposals, Estimates for the following year and taxation plans should be on the table and discussed by all relevant committees so that we can tease out in public how the taxpayers' money is being spent.

However, I welcome the commitment made by the Minister on budget day, which I believe he

repeated in the Dáil last week, to change the budgetary format. I presume the Minister of State in his comments today meant it as a caveat when he said it had to be done in the context of the current budgetary timetable. I am not sure whether that is intended to restrict the nature of any reforms to be made because the major problem is the timetable. If that is the case, it would be very disappointing.

Senator Mansergh referred to the Central Bank report which makes for interesting reading. It projects, as the Minister of State knows, an approximate increase of 4.75% in GNP next year, in comparison to a likely outturn of 5% this year. It points to some potential problems, however, which perhaps we should highlight and ask the Minister of State to comment on. I was struck by the contribution the construction sector is now making to the economy. The figure of 220,000 employed in the sector is given in the report, which is equivalent to about one in eight workers employed in the economy as a whole. It might be argued that this is a measure of success rather than a potential problem. As long as employment can be sustained at that level, it is good and healthy because, by and large, the sector is indigenous and gives a good deal of employment. However, it is also a very cyclical sector. We are building almost twice as many houses as we were only a couple of years ago. Therefore, it is prone to reductions as well as increases in employment. We have to be a little wary of this aspect.

The bank also points to our increasing reliance on the competitive elements of our export-led economy, which are the foreign-owned sectors of the economy. In particular, it mentions the chemical and pharmaceutical industries, as well as information and communications technology. This is a feature that has been intensified over the years.

It is also worrying as the flip side is that the indigenous sector is becoming less competitive. We have less of a comparative advantage when it comes to exporting goods that we manufacture here. That will cause us trouble in the future. I read the enterprise strategy report which was produced last year for the Department of Enterprise, Trade and Employment. In effect, it argues that we should accelerate that process. The areas of growth that it targets are increasingly likely to be foreign owned. We have to approach this in a fashion which ensures a reasonable prospect that foreign-owned companies stay here.

The emphasis in the report on research and development is very important. Even with the tax breaks that have been introduced in recent years, I am not sure we have done enough to encourage Irish-based multinationals to carry out research and development here, nor have we done enough to make it viable for third level institutions to carry out research and development here. We have to do more to ensure that we continue to attract foreign direct investment and that we keep it. Our reliance on foreign-owned companies in the trading sector is increasing to worrying levels.

An interesting area of the bank's report was that which dealt with credit. While the bank makes the point that credit is now at a very high level, it also notes that the number of credit transactions last year was down and that consumer confidence is not as high as one might expect in an economy that is growing 5% year-on-year. The reason seems to be that domestic demand is still pretty low. To put it another way, the growth in the economy is not being driven by people in Ireland demanding more goods and services, but is being driven by exports. It is being driven by foreign-owned companies producing products in which we have a comparative advantage and exporting them. We are living comfortably, but nonetheless not too far from the edge of a cliff. We are very reliant on industry that we do not own and that is mainly producing goods for export. While it has been a fine foundation on which to base our boom for the past ten years, I am not sure we can afford to be as reliant on those sectors in the future.

What has happened to public private partnerships? There was a great fanfare about this a few years ago. I was one of those who expressed a certain cautious optimism that they could make a contribution. The Government made a capital resource allocation for PPP projects a couple of years ago, which has since been scaled back. The word on the ground is that the programme is running into the ground. It is not delivering anything remotely close to what we thought it would deliver. I do not know whether this is because the common form of contract to which the Department would like to work is not satisfactory to the financial institutions or to the private sector investors that it would like to bring in. It may be because we overestimated the attractiveness of the projects to the private sector in the first place. Many of those companies would not be Irish based in the first place. It may be that we have just got it wrong. We may have been overenthusiastic about it and perhaps it is time to recognise that it is too expensive and that we should finance it directly from the State. I would be interested in hearing the Minister's reflections because the great white hope of four or five years ago is no longer what it was.

A few weeks ago, the CSO published a disturbing report on the levels of poverty in this country. We congratulate ourselves regularly about double digit growth, but we forget that there are still shameful levels of poverty in this country. These are levels of relative and consistent poverty. The CSO report points to a level of consistent poverty of almost 5%. While it is fair to say that that has reduced from the level of ten years ago, it nonetheless represents one in 20 people. These are households that cannot afford to buy a roast once a week, that cannot afford to buy new clothes, that have difficulty in repairing utensils and suffer arrears in rent and electricity. These are the very basics of everyday living, yet one in 20 people in this country cannot afford such basics. At a time when we have the levels

of economic growth that we have, that is simply intolerable. There is no excuse for having any level of consistent poverty beyond 1.5%.

The reality is that we are no longer dealing with that issue. We are still a one-trick economy. The philosophy of the Minister of State's party and that of the Government as a whole is that the way out of poverty is through getting a job. For many people, that is the case. However, those who are now poor are only tangentially attached to the labour market. They are people who are disabled. They are lone parents. Some of them may not be able to work for whatever reason, some of them may not be able to find work. They are people with a drug addiction problem, or formerly with a drug addiction problem. Some of them are ex-offenders. They are people who have difficulties above and beyond the simple fact that they do not have the skills to go out and get a job. These people need to be directly targeted by interventions which are tailored for their needs. This is a classic case where rising tides will not raise all boats.

Without particular assistance or targeted measures, these people are very unlikely to have a job. In some cases they will never have a job. Some disabled people will never be able to work, or will only be able to work part time. For them, the State has to make particular provision. We ask people on invalidity benefit to live on less than €200 per week. To tell someone who is temporarily unemployed that he or she will have to live on €200 per week is all well and good. Saying it to someone who is disabled and who may very well never work again is quite a different proposition. Frankly, it is a proposition that beggars belief. The Government has done a reasonable job in dealing with the issue of unemployment. No one would begrudge it that; it has taken many people out of consistent poverty. The one in 20 that are still in such poverty require specific interventions. That issue must be addressed and it is not being addressed by current Government policy.

There are a number of myths about Irish economic policy. One which was mentioned by Senator Phelan was that the boom started in 1997. Any objective analysis would suggest that it started a good deal earlier.

Dr. Mansergh: That is correct.

Mr. McDowell: We all agreed that it started in 1994, or possibly even earlier. The second myth is the notion that tax cuts stimulated or were responsible for the boom. In many respects, they were the product of the boom. The major income tax cuts occurred in the late 1990s and not in the early 1990s. I do not think one can claim, as the Minister of State's party does, that income tax cuts gave rise to the boom. They did not.

The third myth is taking root at the moment. It is the notion that the Government has suddenly changed direction. I want to enter a note of caution. We have seen last December's spending

[Mr. McDowell.]

before. We even have had far higher rates of spending than that which we saw last December. We had such rates in the two years preceding the 2002 general election.

As one swallow does not make a summer, one half decent budget does not make the Minister for Finance a socialist. I believe very strongly that had we seen consistently over the last seven years budgets approximate to the last one, the country would be a much better place in which to live. Before those of us who look at things from the perspective I do start heaping plaudits on the Minister, we must see a great deal more evidence of a change in direction.

Dr. Mansergh: I recommend the current ESRI report to the Senator.

Mr. Fitzgerald: This debate is an opportunity to consider how, where and why the Government spends taxpayers' money and to establish how effectively it is targeting areas of need nationally. We must assess whether spending is reaching areas of need or falling short. If it is falling short, we must establish to what extent. These issues have been teased out all evening with strong statements from Senator John Phelan in which he contended that while a great deal of money was being provided, it was being spent recklessly and irresponsibly. I do not intend to do the Senator an injustice as he is not here to correct me if I am wrong. I wish he were, but I gleaned from his comments—

An Leas-Chathaoirleach: The Senator knows the rule of the House that a speaker should not refer to a Member who is absent.

Mr. Coghlan: He will treat him kindly.

Mr. Fitzgerald: I take back my comments. Successive Governments have made significant advances in the manner in which spending is managed. I do not cite any particular Administration in that regard. As I listened to remarks about rates of spending, I cast my mind back to the 1980s when I had to chair a sub-committee on cost overruns in the public service. At the time, cost overruns involved multiples rather than percentages of original estimates. I remember a Fine Gael representative, who remains a very prominent Member of the Dáil, and members of my own party pushing the idea at the time of multi-annual capital envelopes to which the Minister of State referred today. The issue surfaced in the 1980s, continued to be considered in the 1990s and now constitutes a central element of Government policy and planning. I welcome multi-annual capital envelopes as an important development in the context of control mechanisms and improved planning, co-ordination and ongoing action.

Many of the decisions of the current and previous Ministers for Finance have had positive

effects in the management of success and bode well for future generations. The national pensions fund was an excellent initiative and I have referred to it as such a number of times in the House. I make no apology for referring to it again. The originator of the initiative will go down in history as far-seeing in making a wise decision and sticking by his guns in the face of pressure due to the downturn in the world economy over the past few years. I backed the Minister all the way as did the Government. He was right, wise and far-seeing whereas others wanted him to dip into the fund to finance one-off infrastructural capital projects. While many of the ideas were very good, their champions failed to take a number of factors into account. The primary objection to using the fund in that way was that if one started dipping into it at all, one would continue to find excuses to do so in each of the following years. I congratulate the former Minister, former Deputy McCreevy, and the Government which backed him for standing by his excellent decision.

The decision to reduce our foreign debt was another excellent contribution to the prudent management of our success. The servicing of the debt was a phenomenal burden and drain on tax revenue. It undermined the ability of successive Governments to address and target areas of acute need. In taking on the issue of foreign debt against the advice of a number of people, the former Minister made a very wise decision. I commend him for it today just as strongly as I did at the time. When economic historians look back, they will consider that Minister and the Government who supported him to have done well.

Mr. U. Burke: That is a long way off.

Mr. Fitzgerald: The Government had the money to splurge had it chosen to do so. It did not. To have embarked on a spending splurge would have been irresponsible, highly inflationary and anathema to the Government's philosophy. A very short-sighted boom would have undermined our competitiveness and been followed by a bust. The Government has chosen not to adopt that approach to spending.

We have spoken about taxation policy as the generator of the income Government spends on services. While the House had an excellent debate on taxation before Christmas, it is a very relevant factor in spending. The Government's approach to taxation has been prudent, wise and far-seeing. The level at which corporation tax is set has been identified as one of the key contributors to our economic success, despite the contrary advice of critics and ideologues. I do not necessarily refer to Fine Gael in that context. According to some, to reduce corporation tax was to let fat cats off the hook and ensure the State would have far less income to spend on the poor. The opposite has been true. It took courage for the Government to stick by its guns and maintain a low rate of corporation tax.

I remember past budgets formulated in the context of economic downturns which screwed the corporate sector in the first instance and, having done so, proceeded to screw PAYE taxpayers. Strangely, this Government did not take that course. It did not set out to screw the corporate sector or the PAYE worker. I am open to contradiction in suggesting the current rate of income taxation is the lowest in the history of the State. While it may be that a lower rate obtained in the dim and distant past, the current rates have provided significant incentives to PAYE workers. It is a mark of the sound judgment of the Government that despite a dip in the international economy which impacted on Ireland and required belt-tightening, there was no frantic, reckless and irresponsible short-term dash to penalise any sector. The Government kept its cool. A reduction in the rate of increase in the level of provision to services across the board was characterised in loud terms as "cutbacks" but it was of short-term duration and constituted a prudent, necessary policy which has paid dividends. It was a clearly thought-out mechanism to manage transition responsibly and it has succeeded.

To be fair to Senator McDowell, he acknowledged that although there have been problems, which he articulated very well, Government activity has resulted in successes in many areas. There has been useful, prudent and effective management of the improvement of services. The results are evident. Senator McDowell cited education provision as a specific success. I draw to the attention of Members three independent organisations, one of which is home-based, which reflected on the Irish economy over the last few years in various reviews produced before Christmas.

The ESRI reports are a useful guide on Government spending and on how the economy is performing. The organisation published an overview of the economy prior to Christmas, in which it confirmed that Ireland is one of the fastest growing economies in the developed world. The overview does not reflect an economy in which there is massive and reckless mismanagement of spending. The ESRI further stated that, over the past decade, which includes the period the rainbow coalition was in office, "unprecedented economic growth has seen the level of real Irish GDP almost double in size".

The ESRI advanced a number of reasons for Ireland's success, including its membership of the EU and the Single Market, its low corporation tax regime and a significant multinational presence. If we have such a presence, money must have been spent reasonably wisely to attract companies. If they are deemed to be playing such a major role in Ireland's success, something must be right. The ESRI also identified sustained investment in education and training and the significant role it has played, co-ordinated social

partnership agreements and stable public finances. These hardly support criticism of the Government for engaging in reckless public spending.

The OECD also carried out a study on the economy, in which it stated domestic living standards had increased significantly over the past decade. Ireland is fourth in the league of developed countries in GDP *per capita*. However, the GDP measurement is faulty and can hide various deficiencies and weaknesses. If a GNP ratio is used instead of GDP, there will be a less favourable result. The repatriation of funds by multinationals makes up the difference. Nevertheless it is better to be fourth than lower in the league table.

I accept that, although major advances have been made in public services, a number of areas have been neglected. While living standards have improved significantly throughout the State, some people have not been lifted by the rising tide. Seán Lemass used to say a rising tide lifts all boats. He was universally acknowledged as a visionary but perhaps that is not as true today as it was in his time, notwithstanding the success that has been achieved.

The IMF commended the continued impressive performance of Ireland's economy, "which is based on sound economic policies providing useful lessons for other countries". I am sure we did not get at the IMF and that it made an independent, objective assessment. The views of the organisations I have mentioned are interesting and challenging for those whose stance is that the Government is spending recklessly and not managing spending well. I invite them to challenge the views of these independent organisations when they comment on the quality of Government spending over the past number of years.

Spending has been maintained within the guidelines set in Sustaining Progress and the social partners concur in this regard. However, I reject the attitude of the elite in the health service. It smacks of an arrogance with which I cannot go along. The Sustaining Progress agreement is in place and the Tánaiste and Minister for Health and Children has played her part since taking up the portfolio to ensure it continues. The highly paid elite in the health service has significant power but it has launched a pre-emptive strike. These professionals pose no threat to the Minister who is more than capable of taking them on and I wish her well in doing so, but I resent the threat they pose to sick people. It is unnecessary and unwarranted. They should sit around the table in a responsible manner in the spirit of Sustaining Progress and its predecessors, which have underpinned the success of the economy since 1987. I call on them not to strike.

Social inclusion has been targeted in the past few years with substantial increases in excess of the average spend across Departments. There is

[Mr. Fitzgerald.]

much comment on questionable decisions regarding investment in capital projects but the way in which a Government targets spending towards social inclusion and reaching out speaks volumes about its performance. The pattern of increases in Government spending has been biased towards social inclusion measures in the areas of health, education and social welfare while this year people with disabilities and those living in disadvantaged areas have been targeted. There has been a significant bias towards social inclusion measures.

Health spending has increased by 9%. The allocation of 200,000 doctor-only medical cards has been heavily criticised but I could not disagree more. Every Minister is constrained by his or her allocation, even if it has been increased by 100% from one year to next, because each Department has many priorities. A programme that sets out to reach the greatest number of people must be commended and supported. I support the decision of the Tánaiste and Minister for Health and Children in this regard.

Mr. U. Burke: I am compelled to challenge the validity of a number of statements made by the Minister of State and a number of his actions in the area of public expenditure. He stated he has generated resources to enable the Government to continue to target the needy. However, the Government has reduced the funding available to the Community Workers Co-operative, which has been dropped from the anti-poverty programme. This cutback most affects the needy. I do not know how the Minister of State can reconcile that reality with his earlier statement.

The CWC claims it is being punished for its role in providing a critical voice to the most disadvantaged in our society. By making this decision, the Government is saying 6 o'clock to disadvantaged communities that it will support them as long as they do not question its policies, which reflects its arrogance over the past few years. The Minister of State should put that in the context of a situation where €500,000 was given to five community organisations last month by the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, without going through the normal procedures laid down for the disbursement of grant aid. There was no public call for the proposal, no formal application process and no published selection criteria.

I do not know whether the Minister of State, Deputy Parlon, was in the House previously when I said the Minister for Community, Rural and Gaeltacht Affairs would take the dormant accounts fund and use it as a slush fund. If proof was required that this is what is going on, this is it. I do not know how it can be allowed to continue. We have been told by a spokesperson for the Department of Community, Rural and Gael-

tacht Affairs that if at the end of the year moneys are lying around, the Minister has the discretion to use them and disburse them as he wishes, without reference to proper selection criteria with regard to need. If that is the response to the needy of the country, Lord deliver us from the continuation of such a policy.

If the Minister of State is satisfied with that form of transparency in terms of the spending policy of this Government, let him state again he agrees with it. I am sure there are other examples, but they have not been highlighted. This practice would continue if it had not been highlighted by the Community Workers Co-operative when it was cut off from funding simply because it expressed a view critical of certain actions taken by Ministers with regard to how grant aid was provided to certain groups in need.

Deputy Parlon was challenged recently with regard to funding made available to a south Galway drainage scheme some years ago. The Minister of State launched that initiative twice or more. He was like a serial launcher in south Galway when he returned time and again to launch it, most times in the heat of an election. He endorsed the initiative as a great idea in his previous incarnation and complained not enough was provided.

Mr. Parlon: I never launched a flood scheme in south Galway.

Mr. U. Burke: The Minister of State must be hurting, that is the reality.

Mr. Parlon: The Senator should stick to the facts.

Mr. U. Burke: I will stick to the facts. The money was provided, but never spent apart from approximately €250,000 of the allocation of €2.5 million. That was taken back. Deputy Parlon said it was not returned to the Department of Finance, but of course it was and reallocated elsewhere under other schemes. Perhaps the Minister for Community, Rural and Gaeltacht Affairs has had a hand in spending some of it. The reality is that not a shovel was lifted to start drainage work in south Galway, despite the fact that Deputy Parlon insisted the criteria for spending the money would be adhered to. Schemes were identified under the cost benefit analysis demanded and would have benefited, but the Minister of State walked away from them and said they could not be done because if the water was removed from one place it would lodge elsewhere. The Department could have rectified that if it wanted, but it did not do so. It shelved the money and the scheme. No doubt it will promise it again before the 2007 election. Deputy Parlon will probably promise to drain the Shannon on that occasion if he is still in his current position.

Mr. Parlon: The Senator is misrepresenting the facts of that scheme.

Mr. U. Burke: The Minister of State misrepresented the facts on Galway Bay FM when challenged by the local member of the liaison committee. He walked away and left more questions unanswered by his statements than before, which says something.

Mr. Parlon: Correction, I challenged the other spokesman.

Mr. U. Burke: We have heard there has been significant spending on education. However, with regard to the National Educational Psychological Service, NEPS, we were supposed to have a full service as a result of the legislation dealing with education for those with special needs, but we have had no improvement in the service. We are back to a situation where parents must get their children privately assessed. Those assessments are often not accepted by the Department of Education and Science. This situation continues 12 months after the legislation, despite the fanfare with regard to the improvements that would follow its introduction.

There are groups assembling in Dublin tonight to challenge the commitment of the Government and its ability to bring in a proper Disability Bill. We know what happened with the previous Bill. In the area of special needs nothing has changed. Delays are the same or worse than heretofore despite the commitments given to the various representative groups. Concerned parents of children with special needs are once more forgotten. The legislation goes through and the people are forgotten. The attitude is let it work its way through and it will find its depth. We provide the legislation and, supposedly, provide the funding, but it is not manifest on the ground.

Another area of concern is the promise regarding school attendance officers. Some 300 were promised, but less than 100 have been appointed, the majority of whom are in Dublin. What about the rest of the country? These officers are not on the ground and it seems likely they will not be in the foreseeable future. What happened to that promise? I would like to hear the Minister of State's response.

We have been told the pupil-teacher ratio is now 17:1. However, if one goes to any area in the country, one will find people with special needs in classes of 30 or more. How can the Minister of State say we have such an average class size when we know there are people with special needs in classes of 30 or more? One does not need to travel far from this House to find such a situation, yet the Government applauds itself on its great achievement. We could go on.

Senator Fitzgerald said the Government had spent 9% more in the area of health. What has it to show for it? Accident and emergency units are

becoming areas to be avoided, regardless of the urgent need for treatment. Some people now stay home and suffer rather than attend an accident and emergency unit, because if they attend they suffer twice as much by having to wait. I attended the accident and emergency unit in University Hospital Galway last December. I went at 12 noon but left at 3 p.m. when the person with me decided we had had enough and should go home. An old aged pensioner from Ballindine, County Mayo, was there with a dislocated shoulder. He had been there from 11 a.m., yet nobody had come near him by 1 p.m. He telephoned his relations to come and collect him and left the accident and emergency unit with his shoulder still dislocated to return to Mayo. He had not had a morsel to eat or a drink in the intervening period. If the Minister of State is happy to preside over such situations and thinks this Government is doing a good job, he should reflect again. That is the reality of life for many in this country who are trying to access health services.

The Tánaiste recently went on a fact finding mission to the west. Many people would have thought that at a time of great resources a new Minister would give some indication of her commitment to improved resources and facilities at ground level. However, the Minister said she was on a fact finding mission and would not be speaking to people. She created enemies in two institutions she visited in Galway. She walked through the accident and emergency unit in University College Hospital without acknowledging the nursing staff who work at the coalface. She turned on her heel and walked off. She also visited St. Brendan's Hospital in Loughrea. She went into one ward, turned on her heel and walked out. All she did was take part in a photo call in the company of a Deputy and a recently elected local councillor. That was grand, but the reality is—

Mr. Parlon: The Senator obviously was not invited.

Mr. U. Burke: I want to put on record how shabby that Department is under the Progressive Democrats.

Mr. Parlon: That sounds like sour grapes.

Mr. U. Burke: I will give the Minister of State, Deputy Parlon, the facts now that he has provoked me into doing so. I contacted the Secretary General of the Department of Health and Children, as I knew of the planned visit. When a Minister visits a constituency he or she usually notifies local Oireachtas Members as a matter of courtesy. I stayed away in protest as that was the height of courtesy to elected representatives. The Minister of State does not have to lecture me. We are used to it.

Mr. Parlon: If the Senator was not there he should not tell me about it.

Mr. U. Burke: We are used to the Government's arrogance.

Mr. Parlon: The Senator should not tell me about the Tánaiste turning on her heel if he was not there. He knows nothing about what took place. He did not have the good manners to attend.

Mr. U. Burke: The Minister of State is not listening to me. I told him what happened. The people who were there felt hurt. I was not a bit hurt. I did not want to be part of that charade.

Mr. Parlon: The Senator sounds very hurt to me.

Mr. U. Burke: As I already said, the Minister of State is wrong. It is an indication of the depth of his sincerity when he says, "Welcome to Parlon country", and other such clichés. We know the depth of sincerity that is inherent in such statements. Civil servants also know a great deal about this matter.

We have been told there will be an even distribution of infrastructure within the BMW region although we can clearly see that is not the case. The NRA intends placing tolls on roads west of the Shannon. That is an impediment to industrial development in the west. A toll of €10 has been mooted for travel between Galway and Dublin and *vice versa*. That would be an impediment to progress and balanced regional development.

If the Minister of State does one thing, he should ensure that we do not have tolled roads west of the Shannon in areas of disadvantage. These places need encouragement which they have not yet received. Some 1,300 jobs have been lost in the town of Ballinasloe. We have been told the infrastructure there is inadequate and potential industrialists are not interested in locating in such areas. If tolls are added to this equation they would further add to the difficulty of encouraging industrial development to locate in this area.

Statistics announced yesterday pointed to a significant increase in the number of unemployed people in County Galway. The same towns that were frequently mentioned in the darkest days of unemployment are now re-emerging as trouble spots — Ballinasloe, Tuam, Loughrea and Gort. How can the Minister of State consider this good Government? Where is the allocation of funding to targeted areas evident? I felt it incumbent on me to challenge some of the statements made by the Minister in the House.

Mr. Scanlon: I welcome the Minister of State, Deputy Parlon, to the House. I am pleased to have an opportunity to speak on the Appropriation Act. However, before I do so, I wish to

respond to some of the comments made by Senator Ulick Burke.

I attended the accident and emergency unit in Sligo General Hospital on the Saturday before Christmas with my brother who had fractured his ankle. Saturday morning is a busy morning in accident and emergency units everywhere. We went there at 11 a.m. and my brother was seen by a doctor within 45 minutes. He had an X-ray and we were on the way home at 1.30 p.m. I have attended the accident and emergency unit in Sligo General Hospital with my family, sometimes at late hours of the night because of cases which were of a serious nature. The treatment and service we received was second to none. The facts can be checked if anybody wishes to do so. I can only speak of my own hospital; I do not know what is going on in the accident and emergency unit of Galway University Hospital.

As a politician and a regular visitor to hospitals in my area I meet people receiving hospital treatment. I usually ask them how they are being treated and if they are happy with the services they receive. In general people are happy and satisfied with the service they receive. I accept there may be problems in certain areas, but there is no problem in Sligo General Hospital.

Senator Ulick Burke also referred to the Minister for Community, Rural and Gaeltacht Affairs, Éamon Ó Cuív. I commend him on the introduction of the CLÁR and RAPID programmes. The CLÁR programme was introduced in areas that suffered severe depopulation in the past 30 or 40 years. Specific funding was targeted at RAPID areas that were affected by serious social problems. My area has benefited from funding under the CLÁR programme. People living on burreens and local community centres have felt the benefits of the matched funding provided by the CLÁR programme which has helped these areas to thrive and expand.

I welcome the Minister's budget announcement that he has decided to review all tax break schemes. I accept that some schemes have probably gone past their sell-by date. The urban renewal schemes have proved to be of enormous benefit in Dublin, Cork, Sligo and other places. My experience is mostly of Sligo. The centre of Sligo town was in total dereliction. It was an embarrassment. It is wonderful to see the difference that scheme has made to the town, especially between the three bridges along the Garavogue River. The tax break has been of great benefit to this area. The rural renewal scheme has been a fantastic success in south Sligo, Leitrim and Roscommon. One need only drive through Carrick-on-Shannon to see the difference it has made and the benefits which have accrued to the area, of which the Acting Chairman, Senator Mooney, is aware, being from Leitrim.

There is no question that Roscommon has thrived and the benefits to south Sligo are plain to be seen. The area I know best, Ballymote, is a small rural town in which I do not think a single house was built for 20 years until seven or eight years ago. The number of businesses which improved the standard of their premises in the past four or five years has made a tremendous difference to the town with the result that there is not one derelict site in the town.

In the past five years, 200 new homes have been built as a result of the rural renewal tax incentive scheme. Under the scheme, another 100 houses are under construction and a further 150 are at planning stage with a view to their being built, I hope, in the next two or three years. The effect of the rural renewal scheme is reflected across south Sligo and into Roscommon and Leitrim.

Some 150 planning applications were made to Sligo County Council in November 2004, while in December 2004 the figure was 400. This is significant when one considers that the normal number of applications to Sligo County Council in a year does not exceed 1,000, yet some 550 came before the council in the last two months of 2004. The reason for this is that applications for the rural renewal scheme needed to be submitted by 31 December 2004, after which one has until 30 June 2006 to complete the project. Massive amounts of development are due to take place but there is no way in the world that it will be finished by 30 June 2006.

In that context, while the review of tax breaks and incentive schemes is welcome as some schemes have passed their sell-by date, it is important that when the review examines the rural renewal scheme the economic development of the eligible areas continues. While I do not request an extension of the scheme itself, I request an extension of the deadline for the projects to be completed because of the amount of employment it has generated. For example, blocklayers, bricklayers, plasterers, carpenters and builders providers have all benefited to a phenomenal extent and many young people are employed in the building industry.

The scheme should be examined favourably during the proposed review and the timescale for the completion of the developments should be extended, even if just for one year. Specifically, I am aware of a number of schemes of 40 or 50 houses at planning stage at present which will, I have no doubt, be granted but it may be May or June of this year before they are commenced and there is no way they will be finished by the end of June 2006. I ask that the Minister of State look favourably on such an extension.

The price of a three bedroom, semi-detached house in my area is €155,000. In the early stages of the rural renewal scheme a number of investors came on board but I have noticed in the past

year or so that most of the people buying in my area are young couples starting out. They are probably moving from Sligo town into the rural areas because of the price difference, which is good for those areas and will help to keep them thriving into the next 20 or 30 years.

Mr. Coghlan: I wish to share time with Senator Paddy Burke.

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

Mr. Coghlan: The Minister of State may be a gas man but he is no fisherman judging by his comments about the fish kill in Kilkenny. I was in Kilkenny last Friday week and Saturday morning visiting a friend who lives at Lacken on the Dublin Road opposite the weir to which the Minister of State referred and which he passes six times a day on his way to and from his place of business in High Street. Given that the issue was in the news at the time, I raised it with my friend. I know Lacken Way from my own childhood, some of which was spent in Kilkenny, where I had my early education.

My friend told me he thought the incident was disgraceful. Although I do not project myself as an authority on the subject, he told me he saw scores of fish which had expired because they could not get through the weir. Perhaps the Minister of State wishes to consult one of his officials before he responds but can he tell the House how long the fish were left there? Was it days or weeks? I will not put a number on the amount of fish involved but it was not six.

I was interested in the Minister of State's comments as we are all naturally concerned about providing value for money with taxpayers' funds and we are with the Minister of State in regard to everything the Government does in attempting to achieve just that. We often have to deal with semi-State bodies but they seem to be beyond us in that we cannot get at them at all. I do not want to refer to PR budgets and so on as there is a natural tightening-up as a result of the Quigley report, which we welcome. However, I question the size of some of the semi-State bodies' budgets as well as their use and the arrogance of some of the officials. In that context, I often wonder about the semi-State bodies' responsiveness to Ministers. I am worried about the value for money aspect of some of the projects with which some semi-State bodies are involved.

I was very enthused when the Minister of State embarked on his programme of creating an inventory of State assets, which fact I referred to in the House on a number of occasions. This is necessary because the State, in its many guises, has a great deal of land and property in every county. I do not refer to the national parks and properties which we cannot touch but there is a great deal of land which could be put to much

[Mr. Coghlan.]

better use for State purposes or for housing. Will the Minister of State inform the House of the position on this inventory when he responds to the statements as I have not encountered any information in that regard recently? It is important work which is not finished as far as I am concerned or, if it is, I have not yet heard so.

I am sorry I was not aware of his visit to Kerry because, if I had been, I could have met and greeted Senator Mansergh and heard of his unfortunate experience and the rip-off to which he referred. I trust that it did not spoil the Senator's enjoyment of the majesty and magnificent beauty of the famous Ring of Kerry.

Mr. Parlon: I think the puncture was the bigger upset to the Senator.

Mr. Coghlan: I hope that is the case, that the beauty appealed to him and that he will return. I understand the Senator was in the county on a speaking engagement, which I hope was successful for him and that he enjoyed the company of the people he met there.

Although I do not necessarily refer to this Administration, a mistake was made at Government level in regard to the issue of Killarney National Park, which is close to my heart. I never believed it should have been taken out of the control of the OPW and given over to Dúchas. I did not cry over the demise of Dúchas. However, it does not belong in the Department of the Environment, Heritage and Local Government, where it is simply a spare wheel.

The output of social housing has increased from 3,200 to 6,100. However, the share of social housing in the total number of houses built has grown modestly from 7.6% to 8.8%, well short of historic levels. Local authority housing lists have increased by an estimated 18,000 families, up 60%, as social housing building has not matched the number of new families presenting each year with serious housing needs. The average cost of building a local authority housing unit rose by €55,000, an increase of over two thirds. This represented a rate of increase which was 25% higher than the house building costs index published by the Department of the Environment, Heritage and Local Government. It raises questions about the efficiency of local authority house building contracts.

Even the most partisan Member will admit that many mistakes have been made in spending vast sums of taxpayers' money. If the Government does not acknowledge these failings, the public is doomed to see these mistakes repeated for the remaining years of the Government's term. The Fine Gael Party is determined to institute a programme of reform of financial procedures in the delivery of public services. A radical programme of public service reform is vital. To deliver

improved services, the key objectives must be as follows: to get the best possible results from investments in public services; to strengthen the transfer of best practice into public services; to improve client power within the public service delivery system; and to enhance the devolution of decision-making closer to the community.

Mr. P. Burke: I thank Senator Coghlan for sharing time. I welcome the Minister of State, Deputy Parlon, to the House. While the Government has made great play in recent years over public private partnerships and design, build and operate projects, I was surprised the Minister of State did not refer to them. The Ministers for Transport, Environment, Heritage and Local Government and Education and Science and the Taoiseach have championed public private partnerships. Massive infrastructural projects are being developed through these partnerships. Examples include the Mullingar-Dublin road, the Ringsend waste water plant, the proposed N3 road and several school buildings projects. The taxpayers want to know how these partnerships are proceeding and are operated but the Minister did not refer to them.

Members have read how these partnerships have operated in England over the past ten years and that some have been disasters. The former Minister for the Environment, Heritage and Local Government, Deputy Cullen, informed the House that the Ringsend waste water treatment unit would be the be-all and end-all of treatment plants and a exemplary package for all towns. Last week, I raised with the current Minister, Deputy Roche, the funding of these public private partnerships. The Government, including the then Minister for Finance, Mr. McCreevy, in the 2004 budget, made great play of decentralisation and the development of hub towns in the national spatial strategy.

However, some towns, including Castlebar, are at a crossroads concerning the provision of infrastructure. The waste water treatment unit for Castlebar will cost €50 million. The Department of the Environment, Heritage and Local Government is compelling the local authority to raise 20% of this. The Mayo county manager must now locate between €10 million to €13 million for this scheme to commence under a public private partnership. While the contracts are soon to be signed, the Department will notify the county manager shortly whether he can proceed with the scheme. Where will he find €13 million from a small rates base such as Castlebar's? Castlebar is not the only town in this type of quandary. The Department claims criteria are laid down in the partnership scheme for all towns to secure funding in these schemes. I ask the Minister of State, Deputy Parlon, to call on the Ministers for Finance and the Environment, Heritage and Local Government to resolve this.

No local authority of the size of Mayo or Clare can secure such funding. Other major schemes saw local authorities, such as Galway's and Limerick's, having to secure only 4% to 6% of funding in their public private partnership schemes. The business community in areas such as Castlebar will have to cough up. Not all towns are being treated equally in this regard. Any non-domestic users, such as businesses, of the waste water scheme will have to pay for the capital aspect of its development. While this holds back developments in the regions, cities such as Dublin become clogged up. The Taoiseach has admitted that yet another outer relief road is required for Dublin city. Other Members demand transport infrastructure such as trams and rail lines for Dublin city. Why not, as Dublin is sucking it all in? The regions are being victimised with no decisions being made on projects and many regional towns falling behind as a result. I would welcome a response from the Minister of State on this matter. I am disappointed that while these schemes are going ahead in the environment, transport and education areas, he did not refer to them. Are the partnerships being put on the back-burner?

Mr. Mooney: I join my colleagues in welcoming the Minister of State, Deputy Parlon, to the House. Any slogan that has "country" in it is quite all right with me.

Mr. Parlon: Keep it country.

Mr. Mooney: I support my friend and colleague, Senator Scanlon, in his plea for consideration to be given to extending the rural renewal scheme, not in terms of fresh applications but to complete works under way. It would be a pity having come this far and taken so much trouble that schemes would not be completed for reasons outside the control of builders, such as lack of workers, resources or whatever. I echo what Senator Scanlon said about his experience in Leitrim County Council which up to the end of December received 800 applications and expects to have them all completed and through the system by the end of this month in order to permit those who are building to carry on. That figure is astonishing. I do not have the average statistics for Leitrim but figures would not normally have reached 800 over five years, never mind one year. It is an indication of the success of the scheme.

I rarely like to engage in political points scoring in this House or outside it. However, when it becomes slightly personal, or one knows the person who is the target of a political charge, it is incumbent to set the record straight, as Senator Scanlon said, in his own experience of where he comes from. In my experience, Deputy Harney, whom I know well for a long time, could be accused of many things politically but inside or

outside this House she should not be accused of lacking compassion and humanity. They are among the many qualities she has brought to bear and I am sure her party colleague, the Minister of State, Deputy Parlon, will have an opportunity in his own way to rebut allegations which are exaggerated.

I could not believe, nor will I ever accept, that Deputy Harney as Minister for Health and Children or in her private capacity would go into an accident and emergency wing of any hospital and turn to a coterie of photographers who are there purely for a photocall. That accusation does her a great disservice and demeans the person who made the charge. I am sorry he is not here. I have great respect for him and I appreciate that he was making political charges to which I am sure the Minister of State will respond in his own inimitable manner.

I will make a plea regarding the Appropriation Act 2005. We are hoping that before too long there will be a Department of Agriculture and Food office in Drumshanbo, County Leitrim. I know it has been the bane of the life of the Minister of State who has been approached not by myself but by several of my Oireachtas colleagues of all parties over the past few years. It is frustrating that according to the latest information I have, Leitrim County Council wrote to the Office of Public Works several weeks ago asking it to provide further information. That information has not been provided to date. I would be grateful if the Minister of State would use his good offices to ensure that at least some clarity was brought to the issue by way of a response.

I appreciate that by their nature, Departments move slowly but this has now become a political football in my county. It is being used by those who for reasons best known to themselves are making charges and allegations that this represents a Government fudge. A Fine Gael councillor has alleged that no Government action would be taken and he will repeat that allegation until he sees the light. I hope that in the interests of clarity, the Minister of State will take a personal interest in the matter to ensure the planning process goes smoothly so we can then fight whatever battle comes next. I would hate to think the matter would be continually clogged up by red tape and bureaucracy.

I am glad that Senator Scanlon raised the following matter. The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, has provided a lifeline for the people of the west of Ireland in his ministerial portfolio. The CLÁR initiative which he introduced has proven one of the greatest advances for the west of Ireland, the midlands and all the other parts of the country designated as CLÁR areas. It was a stroke of genius, a simple but very effective concept to focus limited resources on areas of greatest need. Not only has the financial injection to those areas

[Mr. Mooney.]

proven to be beneficial but as Senator Scanlon will testify, the initiative has had a psychological impact on those rural communities which felt neglected for so long.

I regularly refer to an experience I had early on in the CLÁR programme when I attended the opening of a bridge over a river in a rural part of County Leitrim at the back end of Ballinamore. In national terms it meant nothing but people living on both sides of that river took great pride in it. Previously they had to travel three to four miles to cross the river because the old bridge was rickety and unsafe, and could not be used by modern traffic or farm machinery. The people took great pride that day when they saw that state-of-the-art bridge. It was nothing more than a bridge but it brought great pride to that community and a sense of belonging to a community previously divided by that rickety old bridge which was there since Famine times. No doubt there are many other examples of the CLÁR programme and how it has worked but that one sticks in my mind.

I also urge Deputy Parlon in his capacity as a Minister of State at the Department of Finance to support efforts being made to develop better infrastructure in the BMW region, of which his constituency is a part. I know this matter is close to his heart and that I am pushing an open door. However, there are persistent nagging doubts that somehow, somebody has a bag of money in Merrion Square and is not quite releasing it in the way intended in terms of the Objective One in transition status.

Mr. Coghlan: Not as far as lovely Leitrim at any rate.

Mr. Mooney: To change tack, it is extraordinary that this is one of these rare occasions on which neither I nor Senator Scanlon are complaining about Government neglect. It is a bit like the scene in Shakespeare's "Julius Caesar" except that we come to praise the Minister of State rather than to bury him.

Mr. Coghlan: The Senator should not go too far with that analogy.

Mr. Mooney: The facts are there. I am being very restrained, as was Senator Scanlon, in embracing the wonderful efforts this Government has made in the past five years. I do not want this to sound like a party political broadcast but as Senator Scanlon said, one has only to look at the towns and villages of counties Leitrim and Sligo, as well as north Roscommon, west Cavan and County Longford, also part of the tax incentive area, to see the transformation not only in people's lives and in infrastructure but in terms of the growing affluence. There is also the psychological impact with regard to CLÁR. That

has been the greatest single improvement as it has given people an extra spring in their step. Hang-dog attitudes no longer exist in County Leitrim and we no longer feel we are left out of the loop. The Minister of State, who travels in that area, will testify to that fact.

I am speaking of the overall expenditure in the BMW region. Let us consider the ongoing debate about the reopening of a railway line from Sligo to Limerick. There is a growing lobby to reopen a portion of the line from Tuam to Galway. Surely a start could be made on that, particularly when one sees in today's newspapers the amount of coverage given to a transportation study which urges the reopening of the portion of the railway line from Clonsilla to Dunboyne. With all due respect, is that area the centre of the universe?

Acting Chairman (Mr. Finucane): There is a by-election coming up in the centre of the universe.

Mr. Norris: Senator Mooney without interruption.

Mr. Mooney: A transportation study was prepared. I am a strong supporter of public transport and the development of infrastructure. Perhaps I get that from my late father who stood in this House for many years, in that he grew up beside the railway line. I have a lifelong love affair with trains and I wish we had more trains and more public transport. It is a sad reality that very few new lines have been opened since the Brits left. It is extraordinary. We sold off all the land along the Clonsilla-Dunboyne line, which is another argument about what happened way back in the bad old days.

Mr. Parlon: Boxcar Paschal.

Mr. Mooney: Poor old Boxcar Willie went to his eternal reward singing his songs. Senator Norris is a great fan of Nashville and of country music.

Mr. Norris: I am.

Mr. Mooney: We were talking earlier of how important it is to "keep it country" and that has been the theme of this contribution. It comes from a country perspective, to ensure that we receive our fair share. It would, however, be churlish not to acknowledge that great strides have been made over the past ten years. Great credit is due to all those who devised the schemes which have helped to lift the people out of the mire they were in, which goes back to Famine times and that old psychological negativity which surrounded much of our childhood.

It is an extraordinary testament to modern Ireland that a town such as Ballymote, to which I so well remember going with my father for

childhood meetings, does not have a derelict house. There are many such instances. I lend my support to the Minister and hope that he will continue to fight the good fight in providing and developing more resources for infrastructural development in the BMW region. The one issue that is now a major stumbling block to our continued development is the peripheral nature of many counties in the area. They are really suffering from a competition point of view and that is why a great deal of development is being sucked into the east. It is inevitable and people are settling there. They want to do so because they have Luas, public transport, new rail lines, ring roads and orbital motorways. There must be a balance and I have every confidence in the Minister, considering where he comes from and especially his background as a champion of the small farmer for so many years. I know that I am pushing an open door in this regard.

Acting Chairman: Senator Norris has four minutes.

Mr. Norris: I do not wish to speak. I came to join my colleague, Senator Ross, in his Adjournment matter. We knew that Senator Mooney had the first matter on the Adjournment, so when we saw him popping up on the screen——

Mr. Mooney: They panicked.

Mr. Norris: Yes, we panicked.

Minister of State at the Department of Finance (Mr. Parlon): I thank all the Senators for their contributions. In the main, they were positive, though there was at least one exception. Senator John Paul Phelan referred to the tax bill, an issue taken up by Senator Mansergh. The fact that we have the lowest unemployment rate in Europe and that wages have almost doubled contributes to the extremely substantial tax take we now enjoy. Despite the massive sums spent on health, the Senator also made much of the extra expenditure on administrative staff in the Department of Health and Children. I concede that it may be an issue. However, there are 1,800 extra medical and dental staff, 6,400 extra nurses and 555 extra consultants, as well as substantially increased numbers of occupational and speech therapists. Therefore, it is an unfair slight, although there is a great deal more to do on health.

The Senator mentioned the facilities regarding the promised extra 2,000 gardaí. Over Christmas he may have missed the Minister for Justice, Equality and Law Reform, Deputy McDowell, visiting Templemore, where he turned the sod on the new training facility. The OPW is a long way towards acquiring temporary accommodation for the in-service training of gardaí and the plan for the extra 2,000 officers is in train and will begin to manifest itself very soon.

The Kilkenny flood scheme and the famous fish have arisen several times. I believe that it was Senator McDowell who said that one swallow never made a summer. One or two dead fish do not really make a bad flood relief scheme either. I accept, as Senator Coghlan said, that there were some deficits in the fish pass at Lacken Weir. I was there yesterday, having taken a keen interest in the topic. I met many people who said that the problem was grossly exaggerated, although not all the fish got up through the pass. It has recently been modified and the vast bulk——

Mr. Coghlan: Will they get up to Laois and the upper reaches of the Nore?

Mr. Parlon: One hopes so. They may even get right up into the Slieve Blooms.

Mr. P. Burke: Not if it rains as heavily as it did for a while.

Mr. Parlon: I do not want to get into this issue in too much depth, but the pass was designed with the best expertise of the Central Fisheries Board and the OPW. It has been found somewhat deficient and every effort is being made to sort that out. However, having visited it yesterday, I must say that the main reason that such a great deal of money was expended was to avoid flooding. I hope that Kilkenny will never have a flood again. If it does, the rest of the country will be deluged. It is a superb and extremely attractive scheme. It had to take into account that Kilkenny is a very famous medieval city and that we disturbed some extremely dangerous PCBs in the river bed that had to be dealt with very carefully, something that happened to most people's satisfaction. I know that people in Clonmel would immediately embrace a scheme such as that in Kilkenny. We hope to be able to move forward with that before the end of the year.

Senator McDowell was generally very positive and acknowledged the work done by the Government. Along with some other speakers, he mentioned PPPs. There is provision for PPP investment to the tune of €3.7 billion in the 2005 to 2009 envelopes. The Government is fully committed to the PPP process. It has taken longer than anticipated to open up the entire flow of PPPs. It is a new form of procurement for the Department and the private sector has some suspicions. Four of the biggest decentralisation projects are to be part of PPPs and I believe that the national conference centre is in the final stage of such a contest. We will see that manifest itself a great deal more.

I regret that Senator Ulick Burke always finds the glass totally empty. He made a very strong attack and it was interesting to hear the contrast with a Senator from Sligo who lives on the same side of the Shannon. It was as if they were on

[Mr. Parlon.] different continents, not to mention in the west—

Mr. Norris: They are in different parties. That is the essential difference.

Mr. Parlon: The Senator referred to the south Galway flooding. I had personal experience when I was a lobbyist for farmers in the area and more recently as Minister of State with responsibility for the OPW. I did not initiate the schemes and was never down there launching any; I must correct the Senator on that point.

However, the three main criteria for any flood scheme are that engineering must offer a solution to the difficulty; that it must be environmentally friendly; and that it must be cost effective. There must be a cost-benefit ratio. Unfortunately, only one of the schemes in the area fulfilled all those criteria and some fellow Galway constituents downstream, who, perhaps like the Senator, choose to raise major objections despite the view of the OPW experts, will cause us grief. Their concerns were sufficiently strong to cause the scheme not to go ahead. That is the unfortunate reality and there was very little more that I could do.

I was upset that the Senator chose to make a personal attack on the Tánaiste, Deputy Harney, and I am delighted that Senator Mooney supported her. I spent time in her company on those visits and the lengths to which she went to meet practically all the patients and staff throughout the hospitals were extreme. She got a great deal of good feedback and mine was very positive too. It is unfortunate that the Senator took such a vitriolic view.

Senator Coghlan referred once again to the importance of value for money in the inventory of State assets. That is ongoing and the OPW sold over €100 million in property last year. This year it is our target to sell off another €100 million in property superfluous to normal use by the State. I agree with the Senator's comments on Killarney National Park. I would like it to be my political responsibility, but that is an issue for better heads. Perhaps common sense will prevail in that case.

Senator Paddy Burke also referred to PPPs. They are not on the back burner and will be implemented. We are moving forward and will

have several of them. Roads suit
7 o'clock PPPs where tolls are a feature, but the decentralised offices and headquarters of the Department of Education and Science, the Department of Agriculture and Food, the Department of Social and Family Affairs and the Department of the Environment, Heritage and Local Government will all be PPPs too. As I said, the national conference centre is reaching the final stages of competition.

Mr. P. Burke: What about water and sewerage?

Mr. Parlon: It is open to all the local authorities to pursue a PPP. It is up to Castlebar Town Council. One of the issues is that one needs a certain scale of operation to justify the extra costs involved. I believe the Senator mentioned a figure of €50 million. It would certainly need to be in that range.

Mr. P. Burke: It has been selected for a PPP, but the €13 million contribution from the local authority is the problem.

Mr. Parlon: Senator Mooney referred to the famous Department of Agriculture and Food building in Drumshanbo. For a long time, Leitrim and Wicklow were the only two counties without their own district veterinary office. The Wicklow case has been sorted out and Drumshanbo is promised an office, the OPW having bought the site. I regret to say that I did not realise that was the case. I give the Senator a commitment to inquire about that immediately because it is a commitment the Government and the Department of Agriculture and Food made and it is only right that it be carried out. We did not get to hear from Senator Norris, unfortunately, but I know he would have been very complimentary about the issue with which we are dealing.

When the Bill was dealt with in the House before Christmas, there was not much time to debate the issue. It was important that we got agreement from the House and that was forthcoming from all sides. We undertook to come back to the House to debate the issues, and we have had a lively debate.

The Government is doing a successful job in managing the public finances. It is clear there are many challenges ahead, many of which have been outlined in the debate. I believe the budget we will set out in 2005 will continue to make real economic and social progress. I thank the Chair and Members for their attention.

Mr. Mooney: Will the Minister of State comment on the extension of the scheme referred to by a number of speakers?

Mr. Parlon: I will take that issue up with the Senator later.

Acting Chairman: When is it proposed to sit again?

Mr. Moylan: At 10.30 a.m. tomorrow.

Adjournment Matters.

Foreign Conflicts.

Mr. Mooney: I welcome my friend and colleague, the Minister of State with responsibility

for European affairs, Deputy Treacy, to the House. I am happy that a Minister from the west is now at the forefront of developments in Europe, especially in light of the upcoming constitutional treaty debate. We could not be in safer hands. I have not had the opportunity to do so previously but I would like to wish the Minister of State every success in his portfolio.

It is rather unfortunate in an Adjournment debate that I almost know what the Minister is going to tell me because questions were asked in the Dáil last week on this issue by a number of Deputies. While I appreciate there are a certain amount of international niceties and diplomacy involved, I hope there will be a few more bones on the Minister of State's reply than was the case last week, although I am not suggesting there was anything wrong with it.

There is a painting in the State apartments in Dublin Castle with which both the Minister of State and I will become more familiar because the National Forum on Europe meets there and it is part of the Minister's portfolio to be present; he made an excellent contribution to the forum last week. I had the occasion to go on a tour with some visiting friends of mine and one of the paintings is a magnificent depiction of one of the saddest events in Irish history, the Flight of the Earls, when the chieftains of old Gaelic Ireland, having fought the good fight, were defeated militarily and psychologically dejected following the Battle of Kinsale, and set sail from Lough Swilly. Every Irish schoolboy and girl knows the story. What were left behind were standing armies, families, kinsmen and women, but, most important of all, land that belonged to the people of Ireland. As a result of the spoils of war and the manner of doing things then, and up to not that long ago, the land was appropriated, taken from the native Irish and given to a planter people. Another political debate opened up because of the legacy of that plantation, the consequences of which we are living with today.

That is what has been happening in the occupied part of Cyprus since the illegal occupation by the Turkish army in 1974. It has been exacerbated in recent years because of the thawing of hostilities, initially between Turkey and the European Union, and most recently with the passing of the referendum in one part of Cyprus. This was on the Annan plan and the UN initiative, which sadly ended in failure but was an attempt to reunite the island in advance of the Republic of Cyprus acceding to the European Union in May of last year. The facts on the ground are complex but are of great concern to those of us who would like to see a peaceful resolution and a reunification of the beautiful island of Cyprus.

Mr. Norris: Hear, hear.

Mr. Mooney: Recent data has shown that over 1,700 applications were lodged with the so-called Turkish Cypriot authorities for the purchase and construction of property in the first eight months of 2004, equalling the total number of applications for the previous three years. Those engaging in such activities are liable to legal and economic ramifications as evidenced by a recent court decision against a British couple in the Republic of Cyprus. In addition, the property and ownership rights of Greek Cypriots with property in the occupied area has been recognised by the European Court of Human Rights in the Loizidou case and other similar cases which confirmed, *inter alia*, that Turkey bears responsibility for the continuing violation of their property rights.

There is an old saying — it is a bit of a cliché now but is nonetheless relevant — that those who ignore history are condemned to repeat it. There is a moral dimension to this argument for those of us in this country because of our history. Given our heavy involvement in the European Union and our influential role during the Presidency in embracing the concept of Turkey joining the European Union — this country's stated foreign policy is to support Turkish accession — we cannot stand aside and witness the effective rape of a country in the manner in which it is happening in the occupied part of the island of Cyprus.

Whenever issues like this are raised in the House, I always get the feeling there are people outside it who think along the lines of Neville Chamberlain who, when Czechoslovakia was about to be handed over to the Nazis, asked why Britain should concern itself about a country of which it knew little. That comment was about a country in Europe. I would hate to think there was not an awareness within Government circles here of the real and deep concern of the Republic of Cyprus Government about what is happening on its island and the consequences of permitting this unauthorised sequence of events.

As a result of the growing affluence in western Europe, people are looking for places to build houses. Advertisements are now appearing in Irish and British newspapers encouraging people to buy land and build houses in the occupied part of the island of Cyprus. That is being done on the basis of the movements in international diplomacy. The attitude appears to be, "It will be alright on the night", and "Possession is nine-tenths of the law." However, that does not take account of the unfortunate people who own the land. They were driven off it in 1974 and have not been allowed back since.

We have an obsessive attitude to land because of the historic events that resonate down through the past 400 years, the Irish experience of land being appropriated, the importance of land in the Irish psyche and because we were denied ownership of it for so long — people would nearly go

[Mr. Mooney.]

to war over a plot of ground. Be that as it may, because of our unique position on the periphery of Europe and the historic parallels between what happened here and what is happening in Cyprus, there is a moral responsibility on this Government to ensure that the European Union puts as much pressure as possible on the Turkish authorities to desist from this action.

I understand there is no consensus in Europe on this issue in that Ireland can and does act unilaterally in its bilateral relations with Turkey on this and a number of other issues. I want to ask a specific question, and I know I am supporting the official Republic of Cyprus line in this regard. In a recent letter to me, the Cypriot Ambassador to Ireland, Andreas Kakouris, stated:

The Republic of Cyprus fully expects that Turkey, a country that aspires to EU membership and to opening negotiations this Autumn, put an immediate end to its systematic usurpation and unlawful exploitation of Greek Cypriot properties found in the occupied area.

If Turkey wants to be part of the European family, subscribe to the concepts of the European Convention on Human Rights — to which Ireland is a signatory and to which, as a member of the Council of Europe, it has strong adherence — and acknowledge the decisions of the European Court of Human Rights, it must desist and see the folly of its ways. However, I have regrettably come to the conclusion — Senator Norris and I discussed this on a previous occasion in respect of Iraq — that there is little morality left in international relations.

Mr. Norris: Very little. However, my house is on the Greek side.

Mr. Mooney: All I can do is plead on behalf of those who cannot do so for themselves. I make that plea as a representative of this sovereign Parliament and as a citizen of this country, the history of which closely parallels that of Cyprus. I ask that the Government take a stand on this issue not in the interests of fair play, but, in view of our history, on moral grounds.

Minister of State at the Department of Foreign Affairs (Mr. Treacy): I thank Senator Mooney for his kind remarks. I hope I will have the opportunity of working with him and all other Members of the Seanad to ensure that we achieve a positive conclusion in terms of ratification of the constitution of the European Union. The latter would be of major benefit in terms of the issue under discussion.

I thank the Senator for raising this important issue. The Government maintains regular contact with its partners in the Government of the Republic of Cyprus. The Minister, Deputy Dermot Ahern, and I regularly take the oppor-

tunity of attending the monthly meetings of the General Affairs and External Relations Council to review the situation in Cyprus with its Foreign Minister, George Lacovou, whom I regard as a friend. He and his colleagues have kept us fully briefed on their serious concern at the increased levels of activity in the property market in the northern part of the island. The Cypriot authorities are particularly concerned that much of the property development undertaken in recent years has involved land which is legally owned by citizens of Cyprus who were forced to leave their homes and the area in 1974.

It was a source of great pride for the people of Ireland that the historic enlargement of the European Union, which formally ended the tragic and wasteful post-war division of Europe, took place during our Presidency. The Day of Welcomes on 1 May 2004 was one of the central events of the Presidency. On that day, ten new member states, including the Republic of Cyprus, acceded to the European Union. The House will be aware that it had been the clear preference of the Union that a united Cyprus could have acceded on the basis of an agreed comprehensive settlement. We regret that this did not prove possible. During its EU Presidency, Ireland worked closely in support of the UN Secretary General, Mr. Kofi Annan, in his efforts to obtain agreement on a settlement. The European Union will continue to give its full support to the Secretary General's mission of good offices. The United Nations retains the lead in the search for a comprehensive settlement and the issue remains under consideration at the Security Council. The Government and its EU partners continue to hope that the people of Cyprus will, before long, achieve their shared destiny as citizens of a united island in the European Union.

The issue of property rights is a crucial element in the search for a comprehensive settlement and it will not be resolved in the absence of such a settlement. The Government maintains contact with the various parties involved including the Turkish Government, which has an important role to play in encouraging agreement on a settlement. During the recent consideration of the decision to enter into negotiations with Turkey, we had regular daily communications with the Turks. The European Union has recognised the positive contribution of Turkey to the Secretary General's efforts last year. In the context of the historic decision of the December European Council to open accession negotiations with Turkey, we and our partners strongly encouraged the Turkish Government to move as soon as possible to start a process that will lead to the normalising of Turkey's relations with the Republic of Cyprus.

I recognise that, historically, this is an exceptionally difficult issue for Turkey. It is also the case, however, that on 3 October next Turkey will

open accession negotiations with the European Union, of which Cyprus is a full member. The Government therefore warmly welcomes the decision by the Turkish Government that it will sign the protocol on the adaptation of the Ankara agreement of association with the EU to take account of the accession of the new member states, including the Republic of Cyprus. We have stressed the importance of this during our discussions with Turkish diplomats and our colleagues in Europe.

The December European Council welcomed the important declaration by the Turkish Government that it will sign the protocol before the actual commencement of negotiations. The European Union has given a firm commitment that it will open negotiations with Turkey with the clear objective of accession, if Turkey meets the requirements of membership. These negotiations will inevitably be lengthy, difficult and complex. However, I hope that over time the reality of the accession process, together with the experience of membership for the Republic of Cyprus, will contribute to an atmosphere in which the people of both parts of the island can endorse an agreed comprehensive settlement, based on the proposals of the UN Secretary General, Mr. Annan.

Following the referendums in Cyprus on 24 April last, the European Union agreed that it would work to end the isolation of the Turkish Cypriot community and facilitate the reunification of Cyprus by encouraging the economic development of that community. The position at this point is that the Republic of Cyprus is a member state and, in the absence of a comprehensive settlement, the application of the laws and regulations of the European Union to the northern part of the island is suspended. Ireland, together with its partners in the EU, does not recognise the so-called "Turkish Republic of Northern Cyprus", in line with UN Security Council Resolutions 541 of 1983 and 550 of 1984. These resolutions are binding on all members of the United Nations.

In this context, I should refer to the issue of the purchase of property, in the northern part of Cyprus, by Irish and other citizens of EU member states. Any Irish citizen considering the purchase of property in the areas in which the Government of the Republic of Cyprus does not exercise effective control should consider very carefully all the complex legal issues involved. It is important also to take full account of the political background. Any future comprehensive settlement in Cyprus will include detailed provisions on property rights which, depending on the particular circumstances, could have significant practical or financial implications for people who have purchased property in the northern part of the island of Cyprus.

The Government will continue to follow closely the development of the situation in Cyprus, in consultation with the Government of

the Republic of Cyprus and the various parties involved. I hope that in the spirit of our European future together, all parties will ensure that their policies and actions are directed towards the goal we all share, namely, a comprehensive settlement of the Cyprus problem on the basis of the UN Secretary General's proposals which will end the division of the island of Cyprus and ensure a common future for both communities as citizens of a united island in the European Union.

Mr. Mooney: Do the Minister of State and the Government seriously believe that the reunification of Cyprus will take place on the basis of the UN proposals which were overwhelmingly rejected by a majority of the people of the people of the Republic of Cyprus? In my opinion the Government must return to the drawing board in respect of this matter. I ask the Minister to make his best efforts to ensure that the Turks come on board in regard to any settlement. If we subscribe to, acknowledge and enshrine in our law decisions of the European Court of Human Rights, Turkey must accept — if it wants to join the Union, a move I support — that a normal rule of law applies.

I am glad the Minister of State highlighted the dangers involved for Irish people who might potentially invest money in property in northern Cyprus. These people may believe that all they need to do is travel to the area, purchase a plot of land without caring who owns it and that everything will be hunky dory when, as the Minister of State indicated, the comprehensive settlement comes to address the property issues. There are property difficulties in this country which date back 300 years. Will such difficulties be resolved quickly in Cyprus? I do not believe so.

My contribution may seem somewhat impassioned. I appreciate and understand the diplomatic constraints under which the Minister of State must operate as a representative of the Government. I hope, however, he will take something from this debate and will make his best efforts to ensure that the Turks fully appreciate the depth of anger that exists within the Republic of Cyprus in respect of this issue.

I thank the Leas-Chathaoirleach for his indulgence and for allowing me to raise this matter on the Adjournment.

Mr. Treacy: I am at one with Senator Mooney on this matter. We have made our position absolutely clear to the Turks on numerous occasions in the past and during recent negotiations. It was decided at the recent European Council meeting that the European Union would enter into negotiations with Turkey on 3 October next. During the debate at that meeting and after the contribution of the Heads of State of Turkey and Cyprus at its conclusion, the Taoiseach made Ireland's position clear. We made it quite clear

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where we stood, during and after the Council debate, after the contributions by the Heads of State of Turkey and Cyprus. There is no progress to be made on this. There is a recognition of the rights of the people of the Republic of Cyprus and this must be acknowledged by the Turkish people *vis-à-vis* the future evolution and enlargement of the European Union. We anticipate it will take ten to 15 years to conclude the difficulties and complexities *vis-à-vis* Turkey joining the European Union. If we all work together, hopefully there will be a consensual conclusion to the satisfaction of the people of Cyprus, Turkey and all of us as citizens of the European Union.

Human Rights Abuses.

Mr. Ross: With the permission of the House I will share my time with Senators Norris and Henry. I raise the case of Mr. Roy Bennett, MP, who is detained in Zimbabwe without trial in circumstances that are completely and utterly unacceptable under democratic rule. I raise the motion in the hope that the Minister for Foreign Affairs, Deputy Dermot Ahern, or indeed, the Minister of State, Deputy Treacy, will bring the matter to the attention of the Zimbabwean Government and make a protest on behalf of the people of Ireland. This is a very serious case in which Mr. Roy Bennett, an elected MP who had suffered great provocation and oppression from the Government of Mr. Mugabe, was speaking in parliament and was provoked by the Minister for Justice. Nobody suggests that there was no wrongdoing on the part of Mr. Bennett, but he pushed the Minister for Justice under great provocation from the Zanu-PF benches.

That is not something that any parliamentarian can approve of or condone, but the punishment that has been inflicted on him has been utterly unfair, disproportionate and totally undemocratic. Mr. Bennett has been sentenced to 17 months imprisonment, a year to be served and five months, I gather, suspended. This was imposed not by a court of law but by a parliamentary committee set up by Zanu-PF and then endorsed by a parliament rigged in favour of that party. We all know what happened in the last elections there and that the outcome was unacceptable and not recognised by any government, particularly ours.

I am asking the Government first of all to protest about the procedures which allow any member of a parliament to be judged by his peers and then given a custodial sentence. I do not understand why this man could not have been given a fair trial outside a political kangaroo court. Had that happened, he would not have received the same sentence. It is extremely convenient, with the elections coming up in Zim-

babwe, that a vocal and articulate opponent of this type, should be silenced by being put in jail.

The second objection the Minister should make — and it is a human rights objection in every case — is not just to the lack of independent judgment, but to the disproportionate and unfair sentence meted out. It seems that not alone are the procedures wrong, but the sentence is unnecessarily severe. I do not believe that in any civil case outside of parliament an offence of this type would be followed by a custodial sentence. It should be noted that the Minister for Justice who is protesting so strongly that he was assaulted, got up and spoke immediately afterwards at length, and was quite capable of doing so.

The third reason is that Mr. Bennett's right to appeal has been violated. It would be fair if the Government made representations to ask that Mr. Bennett be released from jail on bail, in order to be a candidate in the forthcoming elections. Not only that, but he should be allowed to conduct his campaign in a normal way. Then a case, criminal if necessary, could be taken against him in the ordinary courts. This is an unacceptable case in respect of which the Government should make strong representations. Ireland is very proud of its record on human rights. Where a man has been held in this way, we should use our political muscle to show we feel passionately about these rights being infringed.

I hope the Minister of State will not reply by giving some sort of mealy-mouthed expression of concern. I hope he will reply by saying the Government is prepared to make a meaningful protest either through diplomatic channels or through the United Nations, to ensure this man is released so that he can go about his diplomatic duties without being oppressed by the Mugabe regime.

Mr. Norris: I am grateful to my friend and colleague, Senator Ross, for allowing me to share in this debate. Perhaps the Leas-Chathaoirleach would indicate to me to leave some time for my colleague, Senator Henry, because I am inclined to run on.

I had the opportunity of meeting Mr. Bennett on 21 May 2003. He told us that the European countries, particularly Ireland, could be of considerable help in the disastrous situation in Zimbabwe through using the fact that we were signatories to various human rights protocols and so on. Senator Ross has made an excellent case and I do not propose to repeat it. However, I spoke this afternoon to Mr. Hanley, the person who briefed all three of us, and he gave me some up to date news. He spoke last week to Mr. Bennett's wife and gave me some information about the terms of his imprisonment.

He is allowed one visit every two weeks for half an hour. It is a two-hour drive for his wife, and he is in a cell with 11 other people. A guard has

taken a particular dislike to him and if any of Mr. Bennett's cell mates show any degree of friendship towards him, they are punished as well. As Senator Ross has said, there is a whole series of grounds under which Ireland can appeal in terms of human rights and legal protocols, for example, the whole question of lack of impartiality and the fact it was a star chamber. The Minister could make such an argument not within a eurocentric framework. It might be useful for him to know that the African Commission on Human and People's Rights found in a similar case that regardless of the character of the individual members of such tribunals, its composition alone creates the appearance of an actual lack of impartiality. That is a view from within Africa. The matter is all the more urgent because of the fact Mr. Mugabe has called an election.

We know the way in which Mr. Mugabe has actually vitiated election processes in the past. He has made a career of doing so. People are intimidated and excluded, there is impersonation, mass violence and fraud of every type. That is known inside. People such as Mr. Morgan Tsvangirai, the leader of the Movement for Democratic Change, will say this. I have had the opportunity to meet him as well. International observers say it too; we know it is a completely corrupt process and yet the opposition parties have decided to stand. I was told this afternoon that Mr. Bennett has also decided to stand, very courageously, for a seat in this election. It is important, in a democratic sense, that a member of parliament should be allowed to take to the hustings, in particular because it was a star chamber comprising as it did, five members, three of them from the government party. What other finding could one expect?

The whole outcome of this case is wrong. It is important that this man is allowed to get out and to campaign in the election. I have been asked to point out that a campaign of letter-writing is about to get under way. All Deputies and Senators will be contacted by the group supporting Mr. Bennett, with the assistance of Amnesty International. They will be trying to campaign to ensure that he has an opportunity to stand in the election and is released from jail, as would be appropriate. In this House I once described Mr. Mugabe as a dictator. I had to withdraw the phrase as it was an insult to a Head of State. I would welcome further opportunities for so insulting him.

Senator Ross was, in his normal way, very delicate about the rights of parliamentarians and so on. Some of them are pretty robust. I remember when Bernadette Devlin took a wallop at Reginald Maudling. I do not think that there was any sanction against her at all. It was regrettable and I was rather horrified by the incident, but she certainly was not put in jail for 15 months by a

star chamber of one of the most corrupt politicians in a pretty corrupt continent.

Dr. Henry: I thank Senator Ross for sharing his time. This is a very serious case. Mr. Bennett has been subjected to the most terrible conditions in prison and has lost a couple of stone in weight. The question of whether he has contracted tuberculosis remains to be seen. We must object strongly on this aspect of the case, not just from Mr. Bennett's point of view, but also from the point of view of all those held in prisons in Zimbabwe. They are held in truly dreadful conditions. We have made similar sorts of pleas before for the rights of prisoners in other African countries.

Many people in Zimbabwe, some of whom are holders of Irish passports, are being suppressed by the authorities there. People who hold Irish passports have contacted me. They have been told to give up their Irish passports for a Zimbabwean passport or to leave the country. If one has worked there all one's life and has a pension paid by the state, then it is impossible to come back to Ireland and live on that money. To my great relief, the Department of Foreign Affairs told me that one cannot deny one's Irish nationality. If someone takes it away, then it will be given back again. This should be better publicised. It would be a cause of relief and comfort to many people in a country such as Zimbabwe.

I look with horror at the suggestions by the British Conservative Party that there should be a quota of asylum seekers. How can there possibly be a quota of asylum seekers when one does not know what sort of disruption there might be in some part of the world? Sometimes, a country may unexpectedly have to take in people from some part of the world. I suggest that this is the case in Zimbabwe. We should be in a position to take in people from that country and I do not just mean those Europeans who went out there. I am also referring to any of those black Zimbabweans who have had the courage to stand up to the present regime and who may need sanctuary in the future.

Mr. Treacy: I welcome this opportunity to address Members on the case of Mr. Roy Bennett, the MDC Member of Parliament for Chimanimani in the Zimbabwean Parliament. Our Government has been closely following this case and shares many of the concerns expressed on the manner in which Mr. Bennett has been treated and the handling of the matter by the Zimbabwean Parliament. There is no doubt that some of the procedures employed in the establishment of the committee of privileges of the Zimbabwean Parliament, which heard Mr. Bennett's case and which subsequently sentenced him to 12 months imprisonment with labour, are open to question. Following the incident in the Zimbabwean Parliament on 18 May 2004, where

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Mr. Bennett shoved the Zimbabwean Minister for Justice to the floor, it is difficult to conclude in any objective way that he received a fair hearing. The same situation prevailed in our Parliament back in the 1920s. Parliament was suspended for a week and the rules of conduct were written. In 1981, there was another incident which had a genealogical connection with the previous incident and the rules were amended and tightened up. Therefore there are historic connotations, but not of the same gravity as the situation in Zimbabwe.

While I do not wish to condone these actions, which resulted in Mr. Bennett's imprisonment, it is clear that the sentence imposed was politically motivated and wholly disproportionate to the offence committed. I understand there is no precedent for the Zimbabwean Parliament to sentence one of its members to imprisonment in this way, even though similar events have occurred in that legislature in the past. Indeed, the severity of the sentence is unprecedented internationally. As a Member of this Parliament for 23 years, I cannot understand how any parliament or any of its committees would have the power to imprison anyone.

Mr. Norris: Hear, hear. There is a separation of powers.

Mr. Treacy: In this country, the Judiciary is completely separate from the Legislature, which is completely separate from Government. It is critically important that that would be the position in any country where democracy prevails.

The Irish Embassy in South Africa, which is accredited to Zimbabwe, has been closely following this particular case. Mr. Bennett is not an Irish citizen and, accordingly, we have no consular standing in the matter.

Mr. Norris: His grandfather was.

Mr. Treacy: We may consider that important point, which has connotations for people who want to claim citizenship in this country. The embassy in South Africa has not received any approaches from the Bennett family to intervene on Mr. Bennett's behalf. Our ambassador in South Africa is visiting Zimbabwe this week and will raise Mr. Bennett's case, including with party colleagues of Mr. Bennett from the Movement for Democratic Change. We have also been active in urging EU ambassadors in Harare to monitor Mr. Bennett's case, with a view to the EU intervening on his behalf and on behalf of other members of the opposition in Zimbabwe who have been unfairly imprisoned. Mr. Bennett's treatment needs to be seen as part of an overall pattern of harassment, intimidation and violence which opposition politicians and supporters have faced in Zimbabwe for some years. The docu-

mented incidents of violence and intimidation directed against Mr. Bennett and his family are all too indicative of the repressive atmosphere which prevails in Zimbabwe. The human rights situation in Zimbabwe has deteriorated since EU sanctions, targeted against the ruling elite, were imposed in February 2003. These sanctions will, in the absence of any improvement, be renewed later this month for a further year. Mr. Bennett has now been nominated to stand again as a MDC candidate in the general election in Zimbabwe, which has been called for 31 March next. This election will represent an important watershed for Zimbabwe and for testing whether there is any real willingness on the part of the Mugabe government to implement political reforms and work to improve the situation in Zimbabwe on democracy, human rights and respect for the rule of law. The Government also welcomes the fact that the MDC, despite the many obstacles which it faces, has now chosen to participate in these elections. The Southern Africa Development Community, of which Zimbabwe is a member, has recently adopted important guidelines on holding democratic elections. The Zimbabwean Government initially committed itself to comply with these guidelines but has thus far demonstrated little intent to introduce the necessary changes to guarantee a free and fair election. Our Government urges full compliance by Zimbabwe with these guidelines if there is to be any prospect of the elections taking place under internationally acceptable standards. Ireland also calls upon the members of SADC to use their influence with the Zimbabwean Government in this regard.

Along with our EU partners, Ireland will continue to press for removal of repressive legislation and greater respect for democracy, human rights and the rule of law in Zimbabwe. In the meantime, the Government will continue to follow closely the case of Mr. Bennett and other members of the opposition who have been unfairly imprisoned in Zimbabwe, in order to determine what effective intervention the EU might make on their behalf.

Mr. Ross: I welcome the Minister's reply. It certainly shows a willingness to make progress and to do something about this case.

Mr. Norris: Hear, hear.

Mr. Ross: He said that the Irish ambassador in South Africa would raise Mr. Bennett's case with party colleagues of Mr. Bennett in the Movement for Democratic Change.

I do not want the Minister of State to raise the matter with his own colleagues as we know how they will feel. Can the Minister of State assure me the Minister for Foreign Affairs will raise the matter with his opposite number in Zimbabwe, Mr. Mugabe and his colleagues?

Mr. Treacy: I assure the Senator that I will discuss the matter with the Minister for Foreign Affairs who is currently in the United States of America to carry out very important work. He will not be back until later in the week. A General Affairs and External Relations Council will soon take place at which we will discuss what strategy can be formulated to raise the issue with the Government of Zimbabwe through the European Union. I would have no difficulty whatsoever with sending a direct message to Mr. Mugabe to call on him to recognise the rights of elected people, release Mr. Bennett from prison, allow him to stand for election and provide open, free and fair elections to the people of his country. That is what they deserve and expect. I will discuss the matter and if it accords with proper diplomatic communication forms, I will be only too delighted to execute it.

Mr. Ross: The Minister of State is now disappointing me. I was encouraged by what he said previously but have now been given the impression that he is waffling. Will the Minister of State please give me an assurance that this matter will be raised by a representative of the Irish Government with the Government of Zimbabwe?

Mr. Treacy: Yes.

School Staffing.

Mr. Finucane: While I acknowledge the presence of the Minister of State, the matter I raise is of such importance that I had hoped the Minister for Education and Science would take it personally. It may have profound implications for her if things go wrong.

I have been approached by many primary schools in County Limerick on foot of a circular from the Department of Education and Science which notified them of the loss of resource teachers. West Limerick is a rural constituency and the loss of resource teachers there has caused a great deal of annoyance for teachers, parents and pupils. The weighted system based on roll call numbers is a blunt instrument which impacts especially severely on small rural schools. Under the new system, pupils with mild learning difficulties will no longer be entitled to individual hours with a resource teacher. Dyslexic pupils, for example, who are currently entitled to two and a half hours of individual tuition per week will have this service withdrawn and receive group tuition instead. Many pupils may fail to adjust which could impact on their literacy skills in the long term.

Every school is different. Smaller schools may have greater needs due to their rural location but the new weighting allowance will not be able to take this into account. At the Easter congress of the INTO in 2004, the announcement by the

Minister for Education and Science, Deputy Noel Dempsey, of 350 new special needs teaching positions was especially well received. The recent announcement of changes has given rise to considerable anxiety in the area I represent. Given the review the Minister is carrying out, it is most unsatisfactory for the Department to cause concern within the educational system by announcing a reduction in resource teachers. In County Limerick alone, 72 schools will lose out on 42 resource teachers. Of these teachers, 30 will be redeployed while ten positions will be lost. A total of 51 resource teachers will be affected in Kerry, Tipperary and Limerick.

The Minister is aware of a report on special needs which contrasted the rural area of Leitrim with the urban area of Dundalk. While it has not yet been published, I am reliably informed the report does not bear out the hypothesis of the Department in establishing the formula it seeks to employ. I anticipate that if September 2005 sees the introduction of a weighted system which results in the loss of resource teachers in primary schools, there will be considerable annoyance at the direction the Minister and her Department have taken on special needs. The current review provides the Minister with an opportunity to reconsider the position and I urge her to do so. If the suggested changes are implemented, the Minister may not get at the INTO conference in September 2005 the reception her predecessor enjoyed in 2004. I foresee a very negative reaction in rural constituencies if the plan goes ahead as anticipated by the Department in its circular. I look forward to the reply from the Department which I hope is positive.

Mr. Treacy: I am pleased to have the opportunity to clarify the position of the Department of Education and Science on resource teaching posts in County Limerick which cater for children with special needs. As the Senator knows, the Department proposes to introduce a new system to allocate resource teaching supports to such pupils. The new system of teacher allocation will involve a general allocation to all primary schools to cater for pupils with higher-incidence special educational needs. Such needs include borderline, mild and mild general learning disabilities and specific learning disabilities. The allocations are intended to support those with learning support needs who function at or below the tenth percentile on a standardised test of reading and/or mathematics.

The Minister for Education and Science is conscious of the difficulties which may arise as a result of the implementation of the model as proposed, especially for children in small and rural schools including those in County Limerick. Accordingly, the model is under review to assess whether it will provide an automatic response to pupils with common mild learning disabilities

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without the need to employ cumbersome individual applications while ensuring the continued provision to pupils currently in receipt of supports of services appropriate to their needs. The review involves consultation with representative interests and the National Council for Special Education.

I emphasise that individual applications may continue to be made for specific resource teacher allocations for any pupil with lower-incidence special educational needs. I hope this clarifies matters for the Senator.

Mr. Finucane: Will pupils currently in receipt of special educational needs tuition continue to

receive the same service? Will the changes affect only those pupils entering mainstream special needs education for the first time?

Mr. Treacy: As I am only responding on behalf of the Minister and I am not in her Department, I cannot give a definitive answer. From my experience, I expect services will continue to be provided to pupils currently in receipt of them at existing levels.

The Seanad adjourned at 7.50 p.m. until 10.30 a.m. on Wednesday, 9 February 2005.