

DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Wednesday, 14 December 2005.

[illegible]

SEANAD ÉIREANN

*Dé Céadaoin, 14 Nollaig 2005.
Wednesday, 14 December 2005.*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Paidir.
Prayer.*

Business of Seanad.

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

The need for the Minister for Education and Science to ensure that Irish students who wish to study medicine are not disadvantaged with regard to the standard of qualifications required of them for entrance to medical school, compared with the lower standards which are applied to applicants from other countries.

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

The need for the Minister for the Environment, Heritage and Local Government to clarify his position with regard to the nitrates action plan in light of its potentially devastating impact on the pig and poultry industries.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

Order of Business.

Ms O'Rourke: The Order of Business is Nos. 1, 2 and 20, motion 25. No. 1, the University College Galway (Amendment) Bill 2005 — Order for Second Stage and Second Stage, to be taken on the conclusion of the Order of Business and to conclude not later than 1.30 p.m., with the contributions of spokespersons to last 12 minutes and the contributions of other Senators to last eight minutes, and with the Minister to be called on to reply no later than five minutes before the conclusion of Second Stage; No. 2, the Competition (Amendment) Bill 2005 — Committee and Remaining Stages, to be taken at 2 p.m. and to conclude not later than 5 p.m.; and No. 21, motion 24, to be taken between 5 p.m. and 7 p.m. There will be a sos from 1.30 p.m. to 2 p.m.

Mr. B. Hayes: The Office of the Comptroller and Auditor General published a report yesterday on the great money pit that is and was the PPARS project in the Department of Health and Children. The immediate response of the Tánaiste to the report into this fiasco, which found that over €200 million was wasted on the system, which cost over 29 times the original estimate, was to state that lessons are to be learned from it. I wonder if the Leader of the House can ask the Tánaiste to come to the Seanad to explain exactly what she means by her comments. What lessons can be learned by a Government that has been in office for almost nine years, but is unable to manage a project of this nature?

There was no scrutiny of this runaway financial project. Consultants were paid expenses of more than €60 million over the past 18 months, as this train rolled along. The Tánaiste needs to come to the House to explain what she means by her statement that lessons have to be learned. I want to know exactly what lessons have been learned by the Government on foot of this latest financial fiasco.

As we enter the Christmas period, particular pressure is being placed on our emergency services. A report published yesterday indicated that untold pressure is being put on the accident and emergency departments of our acute hospitals. For example, staff who have to deal with people who are out of their minds with drink on a continuous basis are being hassled. I understand 30% of all injuries reported in accident and emergency departments are drink-related.

We must be much more pro-active in ensuring the safety of staff in accident and emergency departments. Charges should be imposed on those who are out of their minds from drink. As an initial phase wet rooms should be established. We should consider charging those people for the pressure they are putting on the health service. At this time of the year in particular, much more needs to be done to protect staff in those positions and to ensure the responsibility is meted out to people who inflict such financial loss on the health service.

Mr. O'Toole: I could not agree more with the final point made by Senator Brian Hayes which I have raised on a previous occasion. A penalty should be imposed on those who arrive in accident and emergency departments and who cause chaos. I agree they should be separated out into a wet room away from decent people who have to put up with the problems created by drunks coming in to accident and emergency departments at all hours of the day and night. All of this could be linked with the report published yesterday.

Also yesterday we received from Alcohol Action Ireland a communication on the importance of random breath testing and the impact that has had in various European countries. We had a useful debate on alcohol abuse some

[Mr. O'Toole.]

months ago. I suggest we have a debate on the issue in the new year in view of the new information to hand, such as the recent report, the various pieces of information compiled by Alcohol Action Ireland and the appalling experiences of accident and emergency units throughout the country.

There is much support for the points raised in regard to accident and emergency units. Those who arrive in a drunken state, cause chaos and use up facilities should not be given the same treatment as everybody else. They need to understand there are people who get priority before them where that can be done, although such an approach can be difficult to implement.

I and my colleague, Senator Coghlan, recently raised the various problems arising from the Official Languages Act agus go háirithe “Dingle”, “Daingean Uí Chúis”, “An Daingean” agus na deacrachtaí a bhain leis sin. In the meantime places in Connemara and Donegal are expressing similar problems with the application of the Act. I ask whether we need to review the Act because in addition to the point raised by Senator Coghlan and I, last week in the other House the Taoiseach raised the extraordinary costs and wastefulness of the production of certain end-of-year reports completely as an Ghaoluinn when there is no need for them. There is an in-between position which can be looked at.

The Houses of the Oireachtas Commission has also been dumped with another requirement of the Act to take on a huge additional burden of translation with no money being made available. Three issues arise. First, there is the question of placenames. Second, there are the annual reports that have to be produced as an Ghaoluinn, the translation of which can be done without publication. The only good aspect of the Act is that it has created translation jobs. My proposal is to retain these jobs by ensuring the documents are translated but it should not be necessary for all of them to be published in hard copy. Third, an additional burden of translation has been demanded by the Minister for which there is no financial support or resources.

It is time we had the Act reviewed and made more amenable to demands and needs and what is best for An Ghaoluinn. We can put money where it is badly needed in the Gaeltacht and with Gaeltacht people, not in half the nonsense the Minister is going on with.

Mr. Ryan: Bheinn ar aon aigne le beagán dá bhfuil ráite ag an Seanadóir O'Toole ach amháin é seo. Ní dóigh liom gur féidir le pobal a rá go dteastaíonn uaidh bheith sa Ghaeltacht agus go mbeadh ainm oifigiúil an bhaile sa Bhéarla ag an am céanna.

Mr. O'Toole: Tabhair an rogha dóibh.

Mr. Ryan: Má theastaíonn ó phobal an Ghaeltacht a fhágáil, tá an rogha agus an tsaoirse sin aige. Ba chóir dó an cinneadh a dhéanamh pé rud a theastaíonn uaidh.

Mr. O'Toole: Tabhair an seans dóibh. Níl sé tugtha dóibh.

Mr. Ryan: Tá a lán daoine sna fíor-Ghaeltachtaí a dteastódh uathu go dtabharfaí seans do dhaoine sna Galltachtaí an Ghaeltacht a fhágáil. D'oirfeadh sé don Ghalltacht agus don Ghaeltacht mar aon.

I do not want to rehearse matters I raised on the Order of Business yesterday but I ask the Leader to ascertain the answer to a question. It appears the Government believes, and I have no reason to doubt its view, that the Colombia three were in Colombia to raise what the Minister for Justice, Equality and Law Reform, described as tens of millions of dollars for nefarious activities. I am a member of the Joint Committee on Foreign Affairs, as is the Leader, and we were provided with a succession of confidential briefings in private about the enormous amount of work the Department of Foreign Affairs and its staff was putting in on behalf of three people who, we are now told, were involved in the most appalling nefarious activities.

Mr. B. Hayes: And paid for by the State.

Mr. Ryan: Did the Government know then what we are being told now about them? Did the officials who came in to speak to the Joint Committee on Foreign Affairs know they were dealing with people of that ilk? We were presented with three innocent Irishmen stuck in a bad place. If three drug dealers from this city ended up in Colombia doing deals with FARC would the Department of Foreign Affairs have provided a level of service which it told us at that committee was way above what it normally provides for Irish citizens in trouble abroad?

There is a question here. Did the Government know then what it is telling us now it knows about the Colombia three and, if so, why did it not tell the Joint Committee on Foreign Affairs? Why did the Government keep that secret and pretend this was a situation where three Irish people were at risk? Did the Government know when it was briefing us and, if so, why did it withhold that information from the Joint Committee on Foreign Affairs when, at its request, we were meeting in private?

I agree with my colleagues that anybody who is certified by a medical practitioner as being present in an accident and emergency department because of self-induced alcohol abuse should pay the cost of the ambulance, security and so on. Nobody should be funded for alcohol abuse. We need to deal with this issue. Much of our alcohol abuse is related to the fact that people have money on a scale they did not have previously. If

they have money on that scale they might as well use some of it to pay for the costs of what they are imposing on society.

Mr. B. Hayes: Hear, hear.

Mr. Ryan: Yesterday a truck driver was given a suspended sentence for an accident in which people were killed. Yesterday, too, a woman was killed tragically. I do not wish to make any judgments about guilt in respect of a truck driver. The NRA has shown that 90% of trucks, when surveyed, were in breach of the speed limits. I want somebody from the Government to outline what it is doing about ensuring that heavy goods vehicles travel at the legal speed limit which is a maximum anywhere of 50 mph. Heavy goods vehicles account for only 3% of registered vehicles yet they are involved in 10% of fatal accidents. It is a scandal of unmitigated proportions that we are allowing that level of institutionalised dangerous driving in the country. Before more people are killed by trucks I want an assurance that the law will be rigorously and vigorously enforced.

Mr. Brady: In recent weeks there has been a series of organised shootings linked directly or indirectly to the drugs trade and gangland activities, the latest being in my area of Cabra where a public house was peppered with bullets. Before an innocent bystander is seriously injured or killed in one of these incidents we should debate the issue of the gun culture that exists here. Will the Leader ask the Minister for Justice, Equality and Law Reform to come into the House and clarify what measures are being taken to address this issue before it is too late?

Mr. Finucane: The Comptroller and Auditor General's report on PPARS is very interesting. It is remarkable that when the project commenced in 1998, the timeframe for completion was three years and the estimated cost was €9 million.

(Interruptions).

Mr. Finucane: Sorry, could Senator Jim Walsh repeat that?

An Cathaoirleach: No interruptions please.

Mr. Finucane: I did not hear what the gentleman said. It seems as if the Muppet Show is up in the balcony, shouting down.

When PPARS began, the estimated cost was €9 million, now it is €200 million. Senator Jim Walsh can joke about it if he likes but it is a very serious matter. The point is that the problem was not picked up until seven years later, when the Health Service Executive said "Stop the lights" on discovery of the excessive cost. It is a shocking indictment of the Department and the Minister that this was not picked up long before now. The Tánaiste should come to this House to outline the

lessons that have been learned because we all know there is an attitude within the public service regarding expenditure. Quite often spending drags on and on, even if a project is losing money or haemorrhaging resources. When private industry is losing money, it stops spending and heads roll. I am convinced that people in the public service involved in this project were promoted, despite the inefficiency over many years.

Mr. Lydon: The inefficiencies were in Fine Gael's health boards.

Mr. Glynn: I strongly support Senator Brian Hayes on the issue of the abuse of accident and emergency units in general hospitals, as well as in psychiatric hospitals. Senator Norris tabled a motion some time ago on inappropriate bed occupancy in the Eastern Health Board region and the problem has not gone away in the interim.

I also strongly support Senator Brady in his call for another debate on drugs. Young people going to discos or nightclubs can tell us who is supplying and dealing in drugs. The problem is that the information is not reaching the Garda and the people who are supplying the drugs are not where they should be, namely, in prison.

Mr. Norris: I ask the Leader again if we can continue to have a debate on Iraq. It is very important, even though sometimes we must feel like a Greek chorus, lamenting impotently the folly and blindness of leaders. There is something very tragic in seeing a great country like the United States miring itself in the filth of the war in Iraq. To illustrate how important it is that we continue to speak out on the issue, a report today indicates that there was yet another secret prison in Baghdad housing 625 people, so crowded together that they had to sleep on top of one another. Some prisoners had cigarette burns on their bodies, while others had broken limbs. It is an appalling situation.

We have seen the House of Commons report of the Foreign Affairs committee which states quite clearly that US personnel have been involved in grave human rights violations, as have UK personnel, and the Government in Britain is obfuscating. Our Government is obfuscating too, with regard to the flights at Shannon. We must bear in mind what Lord Carswell said about the use of information obtained through torture, namely that it would "...shock the conscience, abuse and degrade the proceedings and involve the state in moral defilement". We are involved in moral defilement.

An Cathaoirleach: We hope to have a debate and the Senator can raise those points then.

Mr. Norris: Thank you, a Chathaoirligh. I agree with much of what my distinguished colleague, Senator O'Toole, said on the subject of Irish. It was very refreshing to hear the ding dong, as

[Mr. Norris.]

Gaeilge, between Senators O'Toole and Ryan. It demonstrated that the language has not quite died.

Mr. Kitt: Ding, dong, Dingle.

Mr. Norris: I am grateful to my colleagues for that and regret my own inadequacy in the language. However, I believe the argument about placenames shows an arrogant fanaticism that drives people away from Irish and it should be corrected. The translation of documents into Irish can help to revive the language, if jobs are created. Jobs are where the survival of the language rests. However, we must take a balanced view. Following the Order of Business today we will deal with the University College Galway (Amendment) Bill, part of the aim of which is to remove, as a requirement for professorial posts, the speaking of Irish. That silly requirement has caused the university to miss out on some very good appointments.

Labhrás Ó Murchú: Maidir leis an Acht teanga, i ndáiríre níl an reachtaíocht sin ann ach le tamall an-ghearr ar fad, agus is reachtaíocht an-radacach agus an-bhunúsach í, a chruthaíonn go bhfuilimid i bhfabhar na Gaeilge agus dáiríre maidir le cur chun cinn na Gaeilge i saol an Stáit. Do thuigearmar i gcónaí go mbeadh dúshlán faoi leith ann chun an reachtaíocht sin a chur i bhfeidhm, ach ní bheadh sí ann murach an dea-thoil don Ghaeilge i measc an phobail. Nach raibh sé suimiúil gur éirigh linn stádas oifigiúil oibre a bhaint amach sa Chomhphobal Eorpach ag an am céanna?

De réir mar a thuigim, tá an tAire, an Teachta Ó Cuív, ag bualadh le dreamanna chun cúrsaí faoi leith a phlé leo. Tá sé beagáinín luath a bheith ag caint ar athbhreithniú a dhéanamh ar an reachtaíocht, ach bheinn i bhfabhar an ruda a dúirt an Seanadóir O'Toole, is é sin, cuireadh a thabhairt don Aire teacht isteach le míniú dúinn cad tá tar éis teacht amach as na comhchainteanna a bhí aige leis na heagrais agus dreamanna eile go dtí seo.

Mr. U. Burke: On many occasions we have heard the Minister for the Environment, Heritage and Local Government indicate that he will take on illegal dumping and he needs the help and co-operation of the local authorities to do so. However, east Galway has again become the dumping ground for waste from outside local authorities. Sludge from sewage plants in Mayo, Offaly and north Tipperary is being dumped in Eyrecourt, in east Galway. The contractors who are supposedly licensed to dispose of the waste are not being monitored by the local authorities with regard to the final destination of that waste. It should have been dumped in Kilkenny, I believe, but was dumped *en route*, in Eyrecourt.

I ask the Leader to bring this to the notice of the Minister for the Environment, Heritage and

Local Government, especially as most local authorities in the country are currently updating their waste management and regional management plans. This total disregard for public and animal health, as well as the environment, is taking place under the noses of those on local authorities. Meanwhile, the farming community is being badgered by inspections by the Departments of Agriculture and Food and the Environment, Heritage and Local Government at local level to ensure the proper disposal of on-farm waste. No group is more conscious of the environment than farmers because they have traditionally maintained a healthy environment. Now the local authorities are contracting waste disposal operators who dump sludge, willy-nilly, anywhere they can. Again, I ask the Leader to ask the Minister to take immediate action and to put all local authorities on notice that this practice cannot continue.

Ms Ormonde: I agree with many of the comments regarding the abuse of accident and emergency units by people because access to the units is relatively easy. I also agree with Senator Ryan that we should penalise such people in some way and make them realise that they must be responsible for their behaviour at this time of the year. It is important that such comments be recorded in Seanad Éireann today.

I am concerned about heavy goods vehicles and the way they are driven on our roads. We have all had experiences of being frightened out of our lives by such vehicles. More legislation must be introduced to govern large trucks and the behaviour of their drivers, particularly given that most road accidents involve a heavy goods vehicle and a car, often between 2 a.m. and 4 a.m. We must rigorously apply legislation to truck drivers and the manner in which they drive.

Mr. McHugh: The Secretary of State for Northern Ireland, Peter Hain, has made a significant announcement of funding to build a motorway to Derry city, bypassing Dungiven.

It is an ambitious plan and is to be welcomed from a northern and north-western perspective. He stepped outside the box and acknowledged there needs to be a transport link from Derry to Letterkenny, bringing more advanced communication and greater co-operation from the Administration in this State.

The Government must now meet with the Northern Administration on a significant scale because a dual carriageway from Letterkenny to Derry will mean a journey of one hour from Letterkenny to Belfast and will result in economic, social and tourism development, which are key to the prospects of the north west. I know I sound parochial. Senator Norris reproached himself for talking about Iraq all the time and I know I talk about the north west all the time but I see

potential and opportunity, as has the Secretary of State for Northern Ireland.

Mr. Dardis: The Senator certainly sees an opportunity.

Dr. Henry: We have one of the highest rates of births with neural tube defects in the world. Approximately 100 children are born with the defect every year, from which they either die shortly after birth or are left with spina bifida. This incidence would be greatly lowered if women took folic acid when pregnant.

The House might ask why I do not raise this issue as an Adjournment matter but I did so in 1997 and in January 2000. Since then hundreds of children have been born with the problem. A commission recommended that flour be fortified as it has been for decades in the USA. Folic acid also prevents heart disease and bowel cancer but even though the commission has reported and made its recommendation, the decision has been postponed for another six months. Is there any hope of asking the Minister to come here to explain why this important issue is repeatedly deferred? Terrible damage is being done to Irish children while we delay in making this an important health promotion issue.

Mr. Daly: The Leader will be aware of difficulties relatives have in getting accommodation for elderly people suffering from Alzheimer's disease. It has reached crisis point and is not an issue of money but of being able to find suitable accommodation. Can the Leader ascertain from the Minister for Health and Children how the Department proposes to deal with the issue, which is a problem in every area? Perhaps the Minister of State might come to the House to give us an indication.

An Cathaoirleach: I will accommodate Senators I have already agreed may speak but I cannot allow any others.

Mr. Bannon: I have tried to contact officials in various Departments and semi-State bodies looking for information but some are impossible to reach. I have been given a number and called that number but no-one picks up the telephone. This is a serious problem encountered not only by politicians but by business people and has become more of a problem in Departments in the past 12 months.

There is much evidence that bureaucrats now rule this country. People are frustrated at what is happening. We need a free access to information Bill and the Minister for Finance should come to the House to discuss it. We have the diluted Freedom of Information Act 1997, which requires people to pay enormous sums to access information which is outdated when it arrives because it takes officials three to six months to provide it. This matter needs to be addressed with urgency.

The people of the midlands are frustrated, sick and annoyed with the wastage on PPARS.

Mr. Leyden: It is the Senator's own health board.

Mr. Bannon: The wastage of €200 million would have adequately fitted out Longford-Westmeath General Hospital which has lain idle for the past 11 years. I bring to the attention of the House the disgust of the people of the midlands with the Government's neglect of them.

Mr. Dardis: Will the last person to leave Longford please turn the lights out?

(Interruptions).

Mr. Browne: I agree with previous speakers on the issue of accident and emergency services. It is shocking that men who present at accident and emergency departments have consumed an average of 15 drinks and women 11 drinks. The statistics are worse for younger ages. It is unacceptable for people to spend over €100 consuming vast quantities of alcohol and expect the health services to bail them out afterwards. We need extra security at accident and emergency departments and I do not envy the task of staff as they try to deal with the pressure of serious medical injuries and drunken patients.

I ask for a debate on the media. Last Monday my town, Carlow, won the Tidy Towns competition but all the coverage was given to towns which lost. Carlow barely got a mention but Ennis received great coverage because it did so badly. I do not refer to just one part of the media because "Five Seven Live", Sky News and RTE 1 were all guilty. To promote tidiness in towns we should highlight the ones that do well and set an example to others. When we listen to the sports results on a Saturday evening we do not hear about the teams that score no goals.

An Cathaoirleach: This House has no influence over the media.

Mr. Feighan: I am amazed at the double standards of the Department of Foreign Affairs. It provided resources to support three people in difficulties abroad but did not provide one cent for an operation for a young man from my constituency who was involved in a serious accident six months ago in Thailand. Only for local contributions that young man would not now be recovering back in Ireland. I am now fighting with the health authorities for a contribution toward a fund for him because double standards are being applied.

I agree with Senator Brady that we have faced many security threats to the State and drugs are a serious such threat. We were fortunate with the last security threat but we cannot pat ourselves on the back. If we do not put resources in now

[Mr. Feighan.]

that security threat will grow and we will all have to pay.

Mr. Coghlan: I fully support Senator O'Toole on the question of "Dingle", "An Daingean" and "Daingean Uí Chúis". While the Official Languages Act 2003 does not involve waste on the scale of PPARS, the matter needs to be addressed.

Mr. Bradford: Yesterday afternoon Senator Feighan raised the issue of high air fares for returning emigrants at Christmas, which is a valid question. I am more concerned about those who cannot return, namely, the undocumented Irish in the USA. We have had a number of useful debates and have passed a motion requesting the Government to support certain measures currently being consideration by the US Congress.

Last week a new group was established in the United States along the lines of the Irish Immigration Reform Movement of the 1980s and 1990s. It is a support group that seeks immigration reform on behalf of the Irish community in the US. In the 1980s and early 1990s, the IIRM was a linchpin that played a crucial role in delivering results on the visa issue. On this occasion, it is imperative that the Government, through the Department of Foreign Affairs, gives every support and assistance to this new Irish immigration reform group. It will be a key player in building political alliances for the Irish in the United States. The Minister and his officials should make early contact with that group and give it the support it requires.

Mr. Kitt: I support Senator Ulick Burke's concerns about the dumping of sludge in Eyrecourt in east Galway. A private dump commissioned by Greenstar will open in east Galway on 1 January while two miles down the road Galway County Council has proposed another landfill. It is very unfair that two landfills would operate within two miles of each other. The local authority has direct involvement in the public dump. We should debate the waste management issue as it applies to the Connacht waste management plan in this House. Mayo has no landfill for the north of Connacht but two landfills are proposed for east Galway.

Ms O'Rourke: Senator Brian Hayes raised the issue of PPARS and asked for an explanation of the Tánaiste's statement that lessons must be learned from this debacle. She means that it must not happen again, it is a straightforward remark.

The Senator raised another valid point, supported by many other Senators, on the misuse of accident and emergency departments by people who are very inebriated. Why should they get the same treatment as those who have come in with a medical problem? This issue was raised before but the idea of separating the two groups was not feasible. Everyone should be helped but a com-

mon sense approach might involve their paying a hefty sum for treatment or their having to wait their turn because their injuries are self-inflicted.

Senator O'Toole said such people should be put in a wet room. He also mentioned random breath testing but there are constitutional difficulties in that regard.

The Senator asked about placenames and the costs of translating documents that must be published under the Official Languages Act. There was an interesting argument between Senator O'Toole and Senator Ryan, who said we must pay the cost if we are going to pretend to have an affection for and interest in the language.

Senator O'Toole also asked if the Government knew when it was helping the Colombia three what it knows now. I believe it did not. The Department of Foreign Affairs will always try to help those in difficulty abroad, that is its remit. I will inquire, however, because great efforts were made by the Department. The Senator also mentioned trucks. We have all been passed by trucks on the road so they are breaking the speed limits.

Senator Brady mentioned the peppering of local pubs with bullets and the fact that before long there will be a death as a result. I will ask the Minister for Justice, Equality and Law Reform to come into the House to debate this after the recess.

Senator Finucane asked about PPARS, saying that if it happened in the private sector, heads would roll. Senator Glynn raised the issue of accident and emergency departments and the misuse of psychiatric units. He also mentioned the Garda, which has done well with recent drug seizures but it needs more intelligence.

Senator Norris mentioned Iraq and the American aeroplanes passing through Shannon Airport. I am meeting the Minister for Foreign Affairs at 5.15 p.m. so I suggest we meet in the ante room at 5.45 p.m.

Senator Ó Murchú pointed out that the Official Languages Act had only been in place for a short time and that Irish will soon have official status in the European Union. We should invite the Minister into the House to discuss how far he has come with the Act and how it is being implemented.

Senator Ulick Burke raised illegal dumping in east Galway, particularly Eyrecourt. He said that the Kilkenny site should have been used but people are now dumping in Eyrecourt, affecting public and animal health. Senator Kitt also raised the dumping of sludge in east Galway.

Senator Ormonde agreed with the comments about the misuse of accident and emergency departments by people who have brought their afflictions upon themselves and commented on the issue of heavy trucks.

Senator McHugh is perfectly entitled to raise issues of concern in Donegal. We all have interests we like to flaunt from time to time. Mr. Peter Hain, Secretary of State for Northern Ireland, unveiled an ambitious road plan and the

Senator would like to see the Government meet that plan.

Senator Henry spoke about spina bifida, calling for a review of the report on the issue and Senator Daly called for a debate on Alzheimer's disease. There will be an opportunity to discuss it this evening and I hope he will be able to take part in it.

Senator Bannon spoke about bureaucrats ruling the land and the application of the Freedom of Information Act to land deals. There was a hue and cry in this House last night because Senator Bannon did not turn up for his Adjournment debate.

Mr. Bannon: I was here.

Ms O'Rourke: The person who had to initiate the hue and cry was Senator Moylan.

Mr. Bannon: I will be here tonight if the Leader wants to come in and join me.

An Cathaoirleach: It is unfair of Senators to submit matters for discussion on the Adjournment and then fail to turn up.

Ms O'Rourke: The Cathaoirleach is right, the Minister takes the trouble to come to the House.

Senator Browne wondered why Carlow, one of Ireland's tidy towns, does not get the same publicity as Ennis. Three months ago Ennis was a tidy town but three months later it is the most untidy town. It is very strange, it must have gone to their heads.

Senator Feighan said that the Department of Foreign Affairs operates double standards. I disagree, the Department tries hard to help people but I do not know if that help equates to giving people money for an operation.

Senator Coghlan also raised the Official Languages Act and the debate over Dingle and An Daingean. It is all over the country now.

Senator Bradford called for the Department of Foreign Affairs to link in with the new Irish immigration review group in the United States, which is doing very good work.

Order of Business agreed to.

University College Galway (Amendment) Bill 2005: Order for Second Stage.

Ms O'Rourke: I move: "That Second Stage be taken now."

Question put and agreed to.

University College Galway (Amendment) Bill 2005: Second Stage.

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

Minister for Education and Science (Ms M. Hanafin): Tá an-áthas orm an Bille seo a chur os

comhair an Tí. Baineann sé le hOllscoil na Gaillimhe agus a riachtanais chun poist a thabhairt do dhaoine áirithe. Chomh maith leis sin, baineann sé leis an Ghaeilge. Tar éis na mblianta, is gá athrú a dhéanamh ar a riachtanais, agus sin an fáth go bhfuil mé ag tabhairt an Bhille seo os comhair an Tí.

This Bill amends the University College Galway Act 1929 to remove the requirement to appoint candidates competent in the Irish language to offices or positions in the university and replaces it with an obligation to ensure that the strategic development plan of the university contains a provision for the delivery of education through the Irish language. This provision also obliges the president and the governing authority of the university to ensure that this aim is implemented.

While a provision which gave preference in staff appointments to persons who demonstrated competency in the Irish language may have been considered appropriate at that time, it is not at this stage the best instrument for the promotion and preservation of the Irish language. The presence of such a provision in legislation can be seen as creating an impediment to the recruitment of suitably-qualified personnel in the context of a modern university and the many demands which are made on it. In fact, it has given rise to a number of court cases by applicants for jobs who allege that the Irish requirement has been used to discriminate against them. Clearly, it is quite possible that such controversy has unwittingly created a negative image of a language which many of us cherish.

This House is aware of the importance which the Government attaches to third level education and the role it plays in economic and social development in Ireland. When, earlier this week, I elaborated on the additional €1.2 billion investment which the Government is making in higher education over the next five years, I stated that our higher education institutions face many challenges. Central to these is the production of high-quality, skilled graduates at third level and cutting-edge research and development at fourth level. This is essential for protecting and creating jobs and retaining Ireland's competitive edge in the new world economy.

An ability to recruit the best-qualified available personnel is central to meeting these challenges. This is particularly so in the area of science and technology where the National University of Ireland, Galway, NUIG, has had significant success in attracting research funding under programmes such as the programme for research in third level institutions. While many high-level researchers will come through our own education system, if we are to meet anticipated levels of demand and ensure that research in Ireland is at the leading edge of international activity, it is essential that we also attract research talent from abroad. It is anticipated that up to 4,000 researchers will come to Ireland between now

[Ms M. Hanafin.]

and 2013. Recruiting researchers on the global stage is very competitive. In that context, the existing legislative provisions in the 1929 Act would hinder NUIG as it seeks to compete for and attract the most sought after international academics.

Against that background, the president and governing authority of NUIG sought my support to amend the 1929 Act and replace it with a more appropriate wording. This Bill has been prepared in close consultation with my colleague, the Minister for Community, Rural and Gaeltacht Affairs. The proposed amendment will replace the original provision with a commitment that the university, in its strategic development plan, will include in its statement of objectives and priorities, a commitment to the provision of university education through the Irish language. I am confident that this amendment strikes the correct balance between the continuation of NUIG's role in the promotion of the Irish language and the need to ensure that NUIG can fulfil the role which higher education institutions are required to play in the realisation of national economic and social development.

I am also confident that the president and governing authority of NUIG will ensure the university's commitment to the Irish language will remain steadfast. The current five-year strategic plan, which brings us to 2008, is evidence of this commitment. It seeks to develop new structures and approaches to support the sustainable development of Irish medium teaching and research activities through, for example, the further development of Acadamh na hOllscolaíochta Gaeilge, a centre where Irish will be the medium of instruction. This complements the activities of existing university education centres in the Gaeltacht —Áras Uí Chadhain in An Ceathrú Rua, Áras Shorcha Ní Ghuairim in Carna and Ionad na hOllscoile in Gaath Dobhair. The plan also promises to support teaching in Irish through the introduction of incentives for staff to produce quality academic material for teaching and/or research programmes as Gaeilge.

NUIG will also ensure that structures and adequate resources are in place to support this. The university will undertake a series of actions to support the development of a bilingual campus, including provision of a diploma in Irish for students and staff alike and the development of cultural and social activities through the medium of Irish. All these actions demonstrate the commitment of NUIG to further enhance its very strong commitment to the delivery of third level education through Irish.

This Bill is also set against the context of the Government's own commitment to the Irish language. The Official Languages Act is clear evidence of its determination to ensure that there is a statutory framework for the delivery of services through the Irish language. The Act specifies some basic general provisions of universal appli-

cability, including responding to correspondence in the language in which it was written, providing information to the public in the Irish language, bilingual publications of certain key documents and the use of Irish in the courts. All third level institutions, including universities, are covered by the provisions of the Act. In addition, under section 11 of the Act, the Minister for Community, Rural and Gaeltacht Affairs may require any body covered by the Act to prepare a draft scheme indicating its plans for the implementation of the Act. NUIG's scheme is now in place with effect from 1 September 2005 and it complements the programme for promotion of Irish outlined in the college's strategic plan.

I emphasise that I am reluctant to see the delivery of third level education through the medium of Irish as being the sole responsibility of NUIG.

Mr. O'Toole: Hear, hear.

Ms M. Hanafin: It is true that Galway has a unique position, but the Universities Act clearly places this responsibility on all universities. It states that one of the objects of a university should be the promotion of the official languages of the State, with special regard to the "preservation, promotion and use of the Irish language." An interagency working group, which was composed of officials from the Department of Community, Rural, and Gaeltacht Affairs, Údarás na Gaeltachta, the Higher Education Authority and my Department has been considering how the development of third level education through Irish can be progressed. I have asked my officials to work with their colleagues in the Department of Community, Rural, and Gaeltacht Affairs to progress development of a policy in this area. This University College Galway (Amendment) Bill represents a significant step forward in modernising our education system while demonstrating an ongoing commitment to the development of education through Irish.

Ní thógfainn an Bille seo os comhair an Tí muna mbeinn sásta go mbeadh Ollscoil na Gailimhe ag leanúint ar aghaidh le cur chun cinn na Gaeilge, le hoideachas a chur ar fáil trí mheán na Gaeilge. Tá mé sásta leis an obair atá idir lámha acu faoi láthair chun é sin a chinntiú. Iarraim orthu é sin a dhéanamh, ach tá mé ag cabhrú leo daoine den scoith a mhealladh isteach go dtí an coláiste ó thíortha eile le cur leis an taighde agus múineadh atá ar siúl san ollscoil sin ar nós na n-ollscoileanna eile sa tír. Molaim an Bille don Teach.

Mr. U. Burke: Cuirim fáilte roimh an Aire, agus tacaím leis an Bhille atá os bhur gcomhair. Before I refer to the Bill, it is appropriate I acknowledge the Minister's recent contribution to third level in the context of the budget. She will be aware that on many occasions in this House, and I am sure in the other House, the question of the lack of funding for third level institutions was

often discussed and requests were made in this regard. I commend the Minister for taking action at the first opportunity available to her to ensure third level institutions got their fair share of resources.

I read the 1929 Act which provided that somewhere in the region of £12,000 would be provided by way of grant to University College Galway. It was to be increased to £28,000 by 1930 and further increased by increments of £2,000 per annum. Set against the current situation, namely, the allocation of €1.5 billion which the Minister has made available, it puts the commitment to third level in perspective. I welcome that very much.

In her introduction the Minister referred to the unique contribution of University College Galway through its support and commitment to the Irish language. There is no doubt about that. In the past people in certain sections of the college may have been over zealous in the way they presented this, which might not always have been acceptable to the general body of staff or students. The Minister acknowledged that many fine people who applied for positions in the past were rejected because they did not have sufficient competency in Irish to carry out their work.

I was a student there in the mid-1960s. We were not a group that was inclined to protest loudly or organise in any way but one fact which I very much regretted was that a certain professor had a requirement to the effect that honours geography at degree level must be done solely through Irish. There was no alternative way of doing this subject. Due to the professor's origins and what he had been through he wanted to make a statement and this was how it manifested itself. I believe this approach was unfair but that is over and done with now. The approach has changed in the intervening period through the protests of organised student bodies and certain staff who realised the unfairness of the stance that was taken in that instance.

The president and the governing authority of the college have sought this amendment to the 1929 Act for the past three years. The case was presented on numerous occasions to the Minister of the day but it was never taken up. I welcome the fact that the Minister, Deputy Hanafin, has agreed to amend this Act. Section 3 of the 1929 Act was a very blunt instrument which stated:

It shall be the duty of the Senate of the National University of Ireland, the Governing Body of the College, or the President of the College (as the case may be), when making an appointment to any office or situation in the College, to appoint to such office or situation a person who is competent to discharge the duties thereof through the medium of the Irish language: provided a person so competent and also suitable in all other respects is to be found amongst the persons who are candidates or otherwise available for such appointment.

I am glad the Minister has decided to eliminate that obligation. The explanatory memorandum states:

The purpose of the Bill is to amend section 3 of the University College Galway, Act, 1929 to provide that the governing authority of the University College Galway must ensure that each strategic development plan of the University contains a provision for the delivery of education through the medium of Irish and that the President and the governing authority of the University are obliged to ensure that this aim is implemented.

People who might doubt the commitment of the college because of the elimination of section 3 of the original Act can be reassured by the contents of the Bill that no diminution in commitment to the Irish language is included. The strategic plan in itself obliges the college authorities to ensure that everything possible can be done in this regard. The main problem in the past is that section 3 of the 1929 Act was strictly interpreted as a recruitment policy. In most cases following recruitment there was no obligation to provide tuition or carry out any part of the work *trí Ghaeilge*. The proposed new section provides an opportunity and a guarantee that at all times the college will do everything it can to ensure the Irish language will have a prominent place in its activities.

Credit must be given to the president, Iognáid Ó Muirheartaigh, and the governing authority. In recent years not only are they promoting Irish on-site but they have also indicated their commitment to the Gaeltacht by, as the Minister stated, bringing certain appropriate sections such as research into biochemistry and other disciplines into Carna and other Gaeltacht areas. In the past, Professor Lavelle, brought people on day trips to the Gaeltacht. It was always a highlight of the year because he had a particular stopping point during the day for refreshments. Everybody who went on these trips used Irish for the day. That was the first instance of the college going into the Gaeltacht area and using Irish in that context. At the time this may have appeared an insignificant gesture towards the Irish language but it was very important in the lives of students. I am pleased this commitment will continue on a more formalised basis. Research centres are now located in Gaeltacht areas and Irish is the language of instruction in that environment.

This decision on the promotion of the Irish language is part of the strategic plan up to 2008. It clearly indicates a unanimous agreement by the governing authority of the college to promote the Irish language and eliminate section 3 of the 1929 Act. The Minister is well aware that it is rare to have unanimous agreement in any third level institution where people have various objectives and obligations. More often than not such decisions lead to division among academics with

[Mr. U. Burke.]

the result that many good decisions are often cast aside.

The Bill is positive and forward looking. I hope that as a result of it a bright future will be opened up for the Irish language and the college. The Minister acknowledged the uniqueness of University College Galway in terms of its disadvantaged location. She pointed out that through the tremendous efforts of its presidents and governing authorities the college has successfully challenged for finance and research personnel to make it one of the best research centres in Europe. Their work has to be acknowledged. The resources that the Minister has committed can further enhance that and will hopefully lead to the further development of the university college. As a result of the introduction of free education, the college's student body has increased rapidly, from 1,800 in the mid-1960s to several thousand students.

I regret the attitude expressed in the inappropriate statement by the Minister for State at the Department of Foreign Affairs, Deputy Treacy, nuair a bhí sé sa Bhrúiséil an tseachtain seo caite. While at a function in Europe, he attacked the suggestions made by Deputy Kenny on the future of the Irish language. Most fair minded people will judge for themselves the appropriateness of the Minister of State's statement, which included the following comment:

It is with great disappointment and sadness that I listened to Deputy Enda Kenny, leader of Fine Gael, our main Opposition party, suggesting the downgrading of the Irish language in Ireland, at a time when we have just secured its upgrading on a European level. It has been a strong policy on the part of Fianna Fáil to encourage the revival and ongoing life of the Irish language amongst Irish citizens.

I cannot over-emphasise the inappropriate manner in which the Minister of State put this on the record by speaking at a remove from this country and the verve with which he addressed his remarks to a selective group. He continued:

The language is the core of our heritage and we cannot allow it to be cast aside within the educational system in such a manner. Such a cheap political shot is intolerable and, frankly, unacceptable to the vast majority of a culturally aware electorate.

A statement of that sort does nothing to promote the Irish language. In order to provide balance——

Acting Chairman (Mr. Finucane): The Senator's time has concluded.

Mr. Fitzgerald: We know from where it is coming.

Mr. U. Burke: Deputy Kenny stated:

As one who speaks Irish, I believe we must acknowledge that our language is in trouble ... We must not shy away from the truth of the matter. Our education system is failing Irish. I want Irish to flourish in every home, classroom and playground and for that reason we must reform how we teach it.

Ms Ormonde: The Senator has gone over his time. It is not right.

Mr. U. Burke: It is appropriate that I mention Deputy Kenny's statement, in view of the fact that we are discussing the survival of the Irish language in one of our universities. I welcome the Bill.

Mr. Fitzgerald: Cuirim fáilte roimh an Aire, agus cuirim fáilte freisin roimh an Bhille atá os ár gcomhair inniu. Tabharfaidh an Bille tacaíocht dhlíthiúil don chúigiú tosaíocht den phlean straitéiseach atá á chur i bhfeidhm ag Ollscoil na hÉireann, Gaillimh, i láthair na huaire. Is é sin plan straitéiseach do na cúig bliana idir 2003 agus 2008.

Tá fhios agam go bhfuil gach ball den Údarás d'aon ghuth ar son an leasuithe seo. Tá suil agam go bhfuil gach Seanadóir cinnte chomh maith go n-éascaíonn an leasú forbairt dhearfach do dhul chun chinn na Gaeilge in obair na hollscoile.

I dtosaíocht straitéiseach Uimh. 5, fócas ar dhi-minsean na Gaeilge, tá an bhéim ar bhealaí nuál-acha agus praiticiúla a cheapadh agus a sheachadadh chun go gcomhlíonfar ar an tslí is fearr ról speisialta na hollscoile ó thaobh tacú leis an nGaeilge mar theanga bheo in ard-oideachas agus i léann.

Ar na tionscnaimh shonracha atá luaite, tá struchtúir nua comhtháite, is é sin, acadamh na hollscolaíochta Gaeilge, a bhunú taobh istigh den ollscoil, chun cláir acadúla trí Ghaeilge a phleanáil agus a chur i bhfeidhm, cláir a bheidh ag freastal ar riachtanais oideachais agus forbatha an phobail.

I welcome the Minister and, especially, her decision to bring forward this Bill. Even though it is an amendment Bill with only two sections, it is extremely important in terms of acknowledging the Irish dimension and ethos in NUIG. It releases, in the absence of a better word, the university to realise its vision, to reach out for its destiny with regard to the quality and excellence of the academic programmes it wishes to provide to its students and to develop its strategies.

This legislation is a response to the second strategic plan by NUIG. The university is midway through the second phase of an ongoing planning programme and it can be proud of the achievements it made since commencing its first formal strategic plan in 1995. Over the past decade, NUIG has developed on many fronts and, with its first class research facilities, improved student services and planned approach, it justifiably attracts significant levels of funding from the

Minister's Department. As Senator Ulick Burke pointed out, it can take on the best, not only in Ireland, but also in Europe. Campus facilities have been significantly expanded and a vibrant research ethos has been developed in all departments, on which it is to be commended.

The aim of the second strategic plan is to establish NUIG as a world-class centre of learning and research. That will be worlds away from the university's origin in the mid-1840s as a queen's college. Amidst a blaze of controversy, it was established as a compromise solution to a bitter debate between church and state. Such debates never seem to go away, although we have come light years from those times. For many years, we only had Trinity College, which catered mainly for Protestant students, which led Catholics and Presbyterians to lobby for balance and greater access by students of these denominations to third level education. That campaign resulted in the establishment of three non-denominational queen's colleges, in Galway, Cork and Belfast.

That compromise did not resolve the issue, however, because Catholic bishops objected to the promotion of a non-denominational ethos. They prohibited Catholic students from attending the colleges unless certain demands were met and until Catholic professors were appointed as heads of the disciplines studied by Catholic students. For many years, these objections, as well as the inadequate educational structure which then existed in the west, had the result that student numbers never rose much higher than 100. However, the establishment in 1845 and opening in 1849 of the university was significant for Galway, which was then a small and remote city. Student numbers have since risen dramatically, with 13,000 to 15,000 students now attending NUIG.

That is one example of the transformation in third level participation rates, not only in Galway but throughout the country. The system of higher education has changed since the 1840s and the later introduction of the University College Galway Act 1929. We have moved on greatly since then.

Higher education was an elite and austere system. Our universities were valuable centres of higher learning and reflection, but removed from the ordinary people. There was little or no contact with, relationship with or reaching out to the ordinary people. They did not impinge on the majority of Irish people for whom free secondary education was still decades away. In contrast, Ireland's higher education system now occupies a central place in our national consciousness and enjoys mass participation. Over 50% of school leavers proceed to higher education. In the modern knowledge age it has become vital, as the Minister outlined, for our future social and economic progress. It is no surprise, therefore, that the legislative provision dating back to 1929 is antiquated, out-of-date, impractical and inhibits the progress of NUI Galway. This amending legis-

lation addresses that and aims to set it aside as obsolete.

Ireland's competitiveness in the knowledge age will depend on our ability to support higher value activities and jobs in the emerging knowledge industries such as ICT and the bio-sciences. As the shape of global competition changes, we are no longer seeking to compete on cost but on the quality of our educated workforce, on its adaptability, ability to innovate and create and on the strength of our capacity for research and development. These factors will determine our ability to attract and retain jobs in a highly competitive global environment. The quality of our universities and institutes of technology will be an increasingly important determinant of our success in achieving our national development objectives.

The Government is now embarking on an unprecedented programme of investment in higher education and I am glad Senator Ulick Burke acknowledged that. It targets in a very special way the needs that have been flagged for third level and post-third level education in terms of the knowledge economy and research and development. I welcome the Minister's commitment to that as demonstrated recently when she announced details of a €1.2 billion investment in infrastructure and in supporting change and collaboration in the sector. Plans for a new national research plan will be considered by the Cabinet committee shortly. These will reflect our ambitions to step up Ireland's research and development performance in supporting our national strategic goals.

A high performing third level sector that can produce quality graduates and a top-quality fourth-level system of postgraduate education and research will be essential pieces of our national infrastructure for social and economic development. In that context the provisions of the 1929 Act requiring NUI Galway to give preference to applicants with Irish language competence are no longer relevant but obsolete. They belong to a different age, to divisions of educators in the context of their time. They are extremely inhibiting and impractical and the Minister has rightly decided to set them aside and move on in full consultation with and with support from NUI Galway.

The requirement serves no useful purpose for the promotion of the Irish language. That vision, methodology and mindset thankfully belongs to the past. It is an impediment for NUI Galway in competing, as it must for the future, for the best available international research and academic talent. If we are serious about developing international excellence in research and in higher education in Ireland, as the Government's investment plans indicate, our institutions need to be supported in building excellence. For NUI Galway that means being free to attract and appoint the very best academics and researchers.

As the Taoiseach pointed out at the weekend, knowledge is international and intellectual capital

[Mr. Fitzgerald.]

is highly mobile. The quality of higher education in Ireland must be measured against the highest standards across the world. In competing internationally, it is counterproductive to place outdated 1920s recruitment requirements on one of our key institutions. In removing this recruitment restriction the Minister's amending legislation reinforces the commitment of NUI Galway to the Irish language and is therefore positive and progressive. The outdated provision is replaced by a commitment that the college, in its strategic development plan, will include in its statement of objectives and priorities a commitment to the provision of university education through the Irish language. This ensures that the language will retain its valued place at the heart of NUI Galway's core educational mission.

NUI Galway welcomes this legislation. It is d'aonghuth, united and unanimous in support of the Minister's action and that is refreshing and good to see. In line with the Minister's vision NUI Galway looks forward to the great challenges and embraces them with courage and commitment. This amending legislation enables the university to compete for staff in an even-handed manner on a level playing pitch. It will support the university's quest for excellence in teaching, research and the promotion and provision of university education through Irish. The Bill is a vote for the future of third-level education in NUI Galway. It is progressive legislation for the university and the Irish language and I support it.

An Cathaoirleach: As Senator O'Toole's microphone does not work could he come to the front two rows?

Mr. O'Toole: If my mother watches Oireachtas Report tonight and sees me in the Fine Gael benches it will give her a new lease of life. It will be her proudest moment. If I cannot be heard I am prepared to do that. Can I be heard clearly enough?

Mr. Fitzgerald: The Senator can.

Mr. O'Toole: Is the sound recorder happy enough? Yes.

Cuirim fáilte roimh an Aire aríst. Tá mé an-sásta tacú leis an Bhille seo. Ba mhaith liom díriú isteach ar rud amháin, is é sin, an píosa atá ráite ag an Aire mar gheall ar an infheistiú ar luach €1.2 billiún. Is cuimhin leis an Aire go raibh an-díospóireacht eadrainn cúpla mí ó shin nuair a foilsíodh tuarascáil de chuid an OECD mar gheall ar oideachas tríú leibhéil sa tír seo. Do chuireas go mór i gcoinne rud amháin, is é sin, an píosa a bhí á chur ar dhochtúireachtaí. Ní rabhas sásta go raibh dochtúireachtaí fréamhaithe in ollscoil amháin, cé gur ollscoil tábhachtach í, agus nach raibh na hinstiitúidí teicneolaíochta ann. I am glad that the Minister took my advice on that, and I took some credit in the course of the week

when I saw that he had passed all the third level institutions, including both the institutes of technology and the universities. Tá sé sin thar a bheith tábhachtach. I am absolutely delighted with it, agus tá sé an-tábhachtach don mhéid atá idir lámha againn inniu.

Go dtí seo, ní raibh idir lámha againn ach sórt lip service, is é sin, go raibh ar Ollscoil na Gaillimhe daoine a fhostú a raibh Gaoluinn acu, ach ní raibh aon fhreagracht orthu an Ghaoluinn sin a úsáid le linn a gcuid oibre. Tá an sórt work plan atá foilsithe ag an choláiste anois as seo amach go dtí 2008 thar a bheith tábhachtach, mar den chéad uair ariamh, tá sé á chur sin go díreach os ár gcomhair. Sa Bhille seo inniu, tá sé de chúram agus de fhreagracht dhlíthiúil ar an ollscoil é sin a dhéanamh. Tá mé an-sásta tacú leis seo. Dar liom, cé nár fhreastail mé ar Ollscoil na Gaillimhe, gurb í an tseoid is luachmhaire i gcóras ollscolaíochta na tíre seo. Cheapas é sin i gcónaí; is ise an tseoid is luachmhaire agus is gile sa chóras sin. Tá an-chuid déanta aici, go mórmhór le cúpla bliain anuas, mar shampla, fuair sí gradam mar university of the year. Is dóigh liom, le linn na bliana seo, gur cuireadh ar bun an business school nua sa choláiste chomh maith. Idir an dá linn tá Acadamh na hOllscolaíochta Gaeilge sa choláiste ag déanamh an-chuid oibre.

Tá seirbhís den scoth tugtha ag an ollscoil do mhuintir na Gaillimhe, muintir na Gaeltachta agus muintir na tíre. Tá a lán scolairí óga, m'iníon féin mar shampla, ag cur na Gaillimhe mar chéad rogha agus cuireann sé isteach go mór orthu agus iad ar lorg tithíochta nuair a deir daoine "so you did not get Dublin and that is why you are coming to Galway". Bhí Gaillimh i gcónaí mar an chéad rogha acu.

Tá sé tábhachtach go mbeidh, as seo amach, an coláiste in ann na daoine is fearr a fhostú agus go mbeidh siad ag cur na Gaeilge chun cinn ag an am céanna so it is no longer lip service. Mar a dúirt an Seanadóir Ulick Burke, tháinig siad go dtí an cinneadh seo d'aonghuth. The idea of unanimous votes in colleges is astonishing, I did not think such things existed, so tá mé sásta leis sin.

An rud is tábhachtaí ná go mbeimid in ann daoine a fhostú a bheidh ag déanamh dochtúireachtaí sa choláiste. Chomh tábhachtach fós ná gur féidir leo leanúint lena chuid oibre — taighde, forbairt agus staidéar eile — dul chun cinn i gcúrsaí eacnamaíochta na tíre fríd na Gaeilge. Tá sé tábhachtach gur féidir le daoine a chuid oibre a dhéanamh trí Ghaeilge. Tá sin tábhachtach do mhuintir na Gaeltachta, gur féidir leo freastal ar an chéad, dara agus tríú leibhéal fríd an teanga. Caithfidh na seansanna a bheith ann do lucht na Gaeltachta a scolaíocht ar fad a dhéanamh tríd an Ghaeilge. Dul chun cinn níos mó ná sin gur féidir leo post a fháil trí Ghaeilge ina dhiaidh sin agus go mbeidh siad ag infheistiú i bhforbairt eacnamaíochta na tíre seo mar go bhfuil siad in ann

taighde agus forbairt a dhéanamh tríd an Ghaeilge.

Níl aon bhlúire den Bhille seo nach n-aontaímh leis. Tá sé dírithe ar an rud is tábhachtaí. Tháinig seo ón Roinn Oideachais agus Eolaíochta agus tá dearcadh ciallmhar ansin ar chúrsaí Gaeilge atá ag teastáil uainn ag an am seo. Níl an Roinn ag caitheamh na mílte euro ag iarraidh Dingle a aistriú go dtí An Daingean gan aon tagairt ar Daingean Uí Chúis and that type of nonsense. Níl muid ag cur na mílte euro isteach, mar a dúirt an Taoiseach an tseachtain seo caite, ar fhoilsiú tuarascáil chinn bhliana i nGaeilge nach mbeidh léite riamh. Tá sé de dhíth go bhfuil rudaí ar fáil i nGaeilge but that does not mean that we must spend hundreds of thousand of euro every year providing hard copies. There is an in between position. That is an rud is tarraingtí faoin Bhille seo. Tá sé ag díriú isteach go praiticiúil ar an dóigh is féidir leis an ollscoil a cuid oibre a dhéanamh agus a chur chun cinn tríd an Ghaeilge. That is what is happening here, it is sensible and practical and that is an-tábhachtach.

As seo amach agus sin ag plé nó ag scrúdú cad tá ar siúl, is ar dhul chun cinn Ollscoil na Gaillimhe a ba cheart dúinn a fhéachaint, go mór-mhór i gcomhthéacs an méid a dúirt an tAire nach raibh sí sásta go mbeadh cúram ar fad ollscolaíocht Gaeilge a fhágáil ar ghuaillí Ollscoil na Gaillimhe. That would be a total ignoring of our responsibilities. Caithfidh bheith cinnte go bhfuil sin ag dul chun cinn i ngach ollscoil. Bhí a lán deacrachtaí ag Ollscoil na Gaillimhe le 20 bliain anuas ag iarraidh daoine a fhostú agus bhí uirthi dul os comhair na cúirteanna mar dúradh nach raibh sí macánta ach bhí sí ag iarraidh oibriú laistigh inflexible statute that existed previously. Ní raibh sé solúbtha in aon chaoi. When I say solúbhta, I do not mean that in a deteriorative sense of the word but go bhfuil flexibility ag baint leis seo. Tá sin tábhachtach do na daoine atá ag obair.

I gcónaí nuair a bhíonn moltaí os ár gcomhair agus tá muid d'aon aigne, we come to the curious question of money. Ba mhaith liom go gcuirfear tuilleadh airgid i dtreo Ollscoile na Gaillimhe leis an obair seo a dhéanamh. B'fhéidir go bhfuil Vóta ar leith ann di, níl a fhios agam, ach fiú i gcomhthéacs na Bunreacht, má tá cúram ar leith ag baint le Gaeilge a chur chun cinn in Ollscoil na Gaillimhe, caithfidh go bhfuil acmhainní aici sin a dhéanamh.

It worries me that the Houses of the Oireachtas Commission is faced by a decision being taken by an Act of the Oireachtas that the new translations required in the Houses will cost far more. We have been asked to do this without being given any resources. We have politely told the appropriate Minister that we will not do it because we do not have the money to do it. Perhaps we can say that but ní féidir le hOllscoil na Gaillimhe an rud céanna a rá. Má tá airgead ag teastáil uaithi, áfach, leis an plean oibre a chur chun cinn, ba chóir go mbeidh sé ann dóibh. Níl mé ag tagairt

ar a huge amount ach ba cheart go mbeadh rud éigin ar leith ann di. 'Sí an seod is luachmhara agus is gile i gcóras ollscolaíochta na tíre seo. It has served us well le blianta agus it has served the people of Galway, people of the Gaeltacht and the rest of Ireland who have been impacted by Galway and its college. It has been welcoming to all and has a precious place in Irish third level education agus ba chóir go mbeadh pé acmhainní atá de dhíth ann.

Finally, when we talk about the billions of euro we are investing in third level, it would be mean-minded of us to chase a few teachers around the country because they were decent and principled enough to walk out last week and stand for decency, tolerance and goodness in Irish society. We should unite on this, draw a veil over it and move on. I guarantee the Minister will never collect the money in any case. She should take that with good grace. Other speakers were allowed an aside at the end of their contribution and I have done the same. I will not, however, talk about Deputy Kenny.

Tá mé an-sásta tacaíocht a thabhairt don Bhille seo. Tá sé an-mhaith. Tá súil agam go mbeimid in ann an Bille a chur fríd an Tí go luath tar éis dúinn filleadh agus ansin dul ar ais go dtí an Dáil. Ba cheart dúinn beart de réir ar mbriathar.

Ms Ormonde: I propose to share time with Senator Kitt.

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

Ms Ormonde: I have cúpla focail a rá ar an Bill seo. I recognise and acknowledge the Minister's commitment since her appointment to the Department of Education and Science. This commitment was evident in the €1.2 billion allocated over a five-year period for investment in third level and fourth level education. If our highly qualified graduates are to be at the cutting edge of technology in the future, there must be adequate investment in education. I note with delight the Government's commitment in this regard.

We are all aware of the good reputation of National University of Ireland, Galway, in terms of the quality of its graduates, lecturers and facilities. However, section 3 of the University College Galway Act 1929 meant there was discrimination. I was amazed to learn of cases where highly qualified academics were barred from appointment to various positions in the university on the basis that they were not fluent in Irish. This would not stand up in today's thinking and, in this context, the Bill is to be welcomed. The president of the university has also expressed delight about it.

We must be able to participate and compete in the world of research and development. We are, however, still behind the United States and Japan in terms of our commitment in this regard and we have much to do to catch up. Important in this

[Ms Ormonde.]

regard is the recognition of a fourth level in regard to research. This is vital for the functioning of our knowledge based economy. We have a vision for 2010 relating to globalisation and the Lisbon Agenda, and it is important that we have a level playing pitch with our European partners and that our third level institutions can recruit the best staff. The commitment to Government funding for this objective is vital.

This legislation means that National University of Ireland, Galway, will be facilitated in recruiting the best qualified staff while also being obliged to promote the Irish language. That is the balance sought through the removal of the discriminatory section of the 1929 Act and the inclusion of provisions relating to the delivery of education through Irish. In a knowledge based economy, we must promote and maintain competitiveness through the facilitation of high-quality research activity. We can only do this by having a level playing pitch for all. The scale of the Government's funding allocation indicates its commitment in this regard. I congratulate the Minister on taking this issue on board. It will be welcomed by all.

Mr. Kitt: Cuirim fáilte roimh an Aire agus an Bille, agus gabhaim comhghairdeachas go háirithe leis an Aire agus le hUachtarán agus foireann Choláiste Phríomh-Scoile na Gaillimhe. Tá foireann an choláiste ag iarraidh an leasú seo a bhaint amach le blianta fada, agus is maith an rud é go bhfuil díospóireacht againn anois sa Seanad ar an mBille seo.

Gabhaim comhghairdeachas agus buíochas freisin le roinn na Gaeilge san ollscoil i nGaillimh. Bíonn cúrsaí Gaeilge acu agus deirí seachtaine ar an Cheathrú Rua mar pháirt de na cúrsaí sin, agus tá a lán oibre déanta acu chun an Ghaeilge a fhorbairt. Tá sé an-tábhachtach freisin go mbeidh oideachas á chur ar fáil trí mheán na Gaeilge sa choláiste. Sin aidhm an phlean forbartha agus straitéisigh sa choláiste.

Tá a fhios agam go maith go bhfuil an-suim ag an gcoláiste i bhforbairt na Gaeilge, agus anois tá sé sa Bhille seo, agus beidh sé mar dhlí tar éis na díospóireachta sa Seanad agus sa Dáil. Tá súil agam go mbeidh an Bille seo tríd na Tithe go luath.

Like other speakers, I congratulate the Minister on her achievements in regard to funding for third level institutions. She mentioned a figure of €1.2 billion in terms of investment in the next five years. The emphasis in the budget on third and fourth level education is welcome and encouraging.

The substantive part of this Bill relates to appointments to any — I emphasise the word “any” — post in National University of Ireland, Galway. Heretofore, a most unusual situation pertained whereby, for any post in the university, preference was given to candidates with the ability to do their work through the medium of

Irish. Consider, for example, where two candidates, A and B, are both qualified for a particular post but A is ranked ahead of B. In the event, however, that only B is competent to carry out the duties of the post through Irish, he or she, rather than A, would be recruited.

I welcome the university's president, Professor Ó Muirheartaigh, to the Visitors Gallery. I hope he does not mind me relating what he has said to me on a number of occasions, that if a Nobel prize winner were available for a position in the university but did not have competency in Irish, he or she could not be appointed. This seems wrong and unfair. As the Minister observed, court cases have arisen as a consequence of this, an undesirable situation that nobody would wish to continue.

Senator O'Toole is correct in his observations about inflexible instruments in regard to the recruitment of staff. It is amazing that having appointed a person to the university, he or she, under the present legislation, is not obliged to make any contribution to the provision of third level education through Irish. Under the Universities Act 1997, moreover, National University of Ireland, Galway, is required to make every effort to recruit the highest quality staff for every position. This could be in conflict with the university's obligation to give preference to candidates competent in Irish. The Minister addresses these issues in the Bill.

I very much welcome the Bill and hope it will pass quickly through the Houses. I am also glad to learn that the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, will be involved in further discussions with the Minister for Education and Science on this matter. I hope there will be a positive outcome for National University of Ireland, Galway, both in terms of staffing and as a result of the new provision that each strategic development plan must facilitate the delivery of education through the medium of the Irish language.

Ms Tuffy: On behalf of the Labour Party I support this Bill and the proposed changes proposed for University College Galway. In a general sense, I support the principle of the legislation because it proposes to introduce a more flexible and holistic approach to the Irish language as opposed to the more technical, restrictive and discriminatory approach.

There is a need for this type of approach to the Irish language generally. The Fine Gael leader's approach to the Irish language may have been to jump in and give a response to different issues without considering all the different aspects. We must examine the way the language is taught. Perhaps there should be a White Paper on it. Our approach to the Irish language may be contributing to it becoming less popular.

I could not understand most of what Senator O'Toole said. While I am one of these people who was taught Irish throughout my school years,

I can neither speak nor understand it. Perhaps I could understand it if it was written better. Much of this is my fault, about which I must do something. Many people are in the same position. There is a perception among many people that the Irish language movement is elitist. This may be because people are faced with an all or nothing choice. Some people may not wish to speak the language because, given their limited skills, they may think people will be annoyed because they are making a mess of it or whatever. Something must be done about the way Irish is taught in our education system. There must be a consensus and consultations must take place on the issue.

I hope colleges will introduce more modular-based teaching. While I am not as familiar as other speakers with University College Galway, I know the university will move in that direction. There is a need to provide a more flexible model of third level education. As I said previously, it is one of the most important aspects when it comes to equality of access to education and so on. Opportunities must be provided for people to access third level education throughout their lives. If they do not have an opportunity to access it directly after leaving secondary school, they should have an opportunity to do so later.

We all need the opportunity to upskill. In order to do so, a more flexible model of education should be introduced that would allow people to study part time during the day. There are many ways of doing so. One could drop out and go back in at a different stage, or one could move on to different levels along the way. For example, one could study for a degree and so on. The universities need to do more in that regard, including University College Galway. While a lot is being done, much more needs to be done.

The Minister must ensure that people who study part time have the same equality of access to education as people who study full time. I suggested previously to the Minister that she must fund colleges per credit, so that they are funded by delivery of the credit of a course as opposed to the year and so on. This should be done in a way that would provide free tuition for part-time students similar to people on corresponding full-time courses.

I congratulate the Minister on her recent announcement of funding for the third level sector. I made representations to her about IT Tallaght, which is the third level institution in the area I represent. I am a public representative for South County Dublin. It is a positive move by the Minister which is important for all the colleges concerned. IT Tallaght did a certain amount of work to try to get more people from the area to go to college. In order to achieve this, the college needed greater capacity, for which the funding will be very important.

Given the funding which has been made available, colleges should do more to provide access for people from the different social classes. They

should encourage people from their own area to go to college, whether part time or full time. Colleges have a duty in that regard because they are receiving taxpayers' money.

Free part-time education is the next issue that must be dealt with. This has been called for by Aontas and the various studies the Minister has on her table such as the report of the task force on lifelong learning. The Minister will be familiar with other reports which conclude that part-time students should be treated in the same way as full-time students.

I welcome the general thrust of the Bill. I would like to take this opportunity to raise the plight of Ms Marie-Therese O'Loughlin. Is there a possibility that the institution she attended would be included in the Schedule to the redress Act? There is a legal argument that the Minister could consider doing so. I hope the issue is being considered fully by the Minister.

Ms Cox: I am pleased the Minister is in the House and that I have an opportunity to speak briefly on the University College Galway (Amendment) Bill 2005. As someone who comes from Galway and graduated from the college with a diploma in systems analysis, it gives me great pleasure to be here to share some of the ideas and recognition I feel the university is due. I also welcome the Bill.

University College Galway has a proud history. In recent times it has played an integral role in the success of the west of Ireland. This does not include just Galway city and its immediate environs, but the whole of the west coast. Until there was an expansion in the whole area of third level education, students from Kerry to Donegal had no choice but to go to college in Galway. Many people are very proud graduates of the college.

When I graduated in 1985-86, the college was a very small campus. The changes that have taken place over the past number of years are a credit to the various professors who were presidents of the college and the vision and attitude they brought to the development of education on the west coast. We have always been proud of our history in Ireland, being on the periphery of Europe, in overcoming strong barriers to become a country about which we are also justifiably proud.

Institutions such as University College Galway should be proud of the way they have managed the development of centres of excellence, innovative and flexible learning programmes and the grassroots addressing of educational issues in the west. This is not to take away from other institutions throughout the country. I compliment all the presidents involved over the past number of years, in particular, the people I have known since becoming involved in public life, including President Ó hEocha, President Fottrell and President Ó Muirheartaigh.

[Ms Cox.]

The college has presented a number of famous people with honorary doctorates. I was present at the conferring of Hillary Clinton and Nelson Mandela, both of whom are fine people and we were proud to present them with an honorary doctorate. Many local people in Galway have also been honoured by the university.

However, times change as do society and countries and with that change, which this university has welcomed, there is a need for it to be innovative, flexible and adaptable. If our universities, including the university in Galway, are to continue to be the centres of excellence that we expect and demand, if changes are necessary it is important that we implement them. I recognise the need for this amending legislation.

Concern has been expressed that removing the requirement to have an ability in Irish in order to be eligible for recruitment for a job in a university would have a negative impact on the Irish language. Wonderful initiatives to promote the Irish language were taken by the university including the setting up of the Centre for Irish Studies and the Acadamh na hOllscolaíochta Gaeilge, which was officially opened on 16 September in Gweedore. That is an example of how we can continue to present the Irish language, make it accessible to the people who need it and who are entitled to have education through the medium of Irish in their localities and throughout the west. It is an outreach programme, the provision of which should be acknowledged. I commend the college on that.

Having read the Bill, I do not consider it will take from the Irish language, rather I expect it will allow the university to continue to provide a greater service, flexibility excellence and enshrine the Irish language in its rightful place within the university setting and, hopefully, continue such provision at postgraduate level, including that at doctorate level. When opportunities are presented such as the introduction of this Bill in the Seanad, it is important that we act on them.

Similarly, when colleges provide education through Irish or their curriculum complements Irish education, it is important to ensure that either the gael scoileanna or the meánscoileanna, in particular in the case of Galway city, have a proper feeder system to the university. In this respect, there is only one secondary school in Galway. It is located in a small building and the accommodation provided needs to be expanded. Provision in that respect was included in the public private partnership projects announced by the Minister recently and I thank her for her commitment in that regard, although there is a difficulty in securing a site. It would be helpful if the Minister would keep the accommodation needs of that school on her agenda. We may need additional help in that respect. If we lose out in terms of the number of students attending the school and it is refusing students because it does not have sufficient places or space, the work we

do in this area in our universities will be in vain because we will not have in place a proper feeder system. Irish has an important part to play in the university sector.

I plead with the Minister and anybody else from the university who may be listening for the needs of people with special needs to be given greater focus. Children with special needs are being mainstreamed into primary and secondary schools. A proper access programme should be in place that recognises the needs of these people. When a student with special needs finishes secondary school, that student should have an opportunity to attend a third level institution such as University College Galway and enjoy the opportunities that many of us have had to go to third level. While I acknowledge we are discussing the education through the medium of Irish in this university, I put on record the need for such an access programme. I thank the Acting Chairman for her indulgence and commend the Bill to the House.

Mr. Norris: Ar an gcéad dul síos, cuirim fáilte roimh an Aire. B'fhearr liom an Ghaeilge a labhairt go minic sa Seanad, ach níl an teanga agam go flúirseach.

Ms Hanafin: Go maith.

Mr. Norris: I am sorry about that because I loved Irish in school.

Acting Chairman (Dr. Henry): Go hanmhaith, Senator.

Mr. Norris: I thank the Acting Chairman for that. I had a very good Irish teacher, the late Frank Peters from Cork, and as a result of his ministrations I believe I am the only person around who is still a member of the Peig Sayers fan club and appreciation society. For people like me, it opened up a whole world that I had not suspected, the world of the old Gaelic life as survived out on the islands in the western part of the country. I found it immensely moving and remarkable.

The Minister will not be surprised to learn that the issue of the Irish language arose on the Order of Business today, partly related to this Bill, which I believe everybody has welcomed, but also in the general context of the decline of the Irish language, which I am afraid still seems to be the case. I hope it can be recused. Developments such as Teilifís na Gaeilge are extremely good. I watch TG4 with the little notes of translation——

Ms Cox: Subtitles.

Mr. Norris: Yes, the subtitles. They are fine documentaries on that station. The Minister is being sensible and practical in this Bill unlike other elements within the Government. I completely agree with Senator O'Toole that the narrow fanatical pushing of the placename issue over

the heads of local people is disastrous. It is what gets people's backs up against the language. That should not be done. We need to coax and encourage people by giving them cartoons, soap operas, the news and weather forecast in Irish and thereby creating a living culture in the language.

There was a controversy over the question of Irish being made one of the official languages of the European Union and the legislation that was passed here requiring all legislation to be translated into Irish. The Taoiseach raised this matter in the other House and complained because of newspaper reports of enormous amounts — I forget whether it was €50,000, €100,000 or €500,000 — for translating some obscure European legislation, but that should not stand unchallenged on the record. I understand that the person in charge of the translation service came back with an answer which put it in a rather different context and the sum involved was comparatively moderate.

It is also important to recognise that by providing jobs we are encouraging the language, and we should do that. I am all in favour of measures, even if they are a little expensive, that provide jobs and a career pattern for people who learn and love the Irish language and subsequently they find there is a job for them within that cultural context. I approve of that and am prepared to go quite a long way, particularly in these days of State affluence, to support that.

However, this Bill addresses a situation which is the opposite of that. It does not help people to get jobs rather it inhibits them and, worse than that, it inhibits a very fine university such as University College Galway from getting the best people on its academic staff. In an international market, particularly when one is dealing with research, by making the capacity to teach through the medium of Irish a criterion, one is disastrously narrowing the market. This would be a real pity, particularly because UCG has such a distinguished record in a variety of subjects. I can think immediately of the department of oceanography there, which is remarkable and a world leader. I know that Professor William Schabas, an internationally distinguished lawyer specialising in human rights is a member of the legal section in UCG. I doubt very much if he is fluent in the Irish national tongue.

It would have been a dreadful mistake not to get the services of people such as that simply on the narrow basis that they do not know the Irish language. This involves a recognition that the Irish language has not survived completely as a current language. If somebody from the international academic community was applying for a job in another country such as France, that person would have to learn the language not only for use during the hours of teaching but to conduct telephone conversations, travel on a bus or go shopping. That does not happen here. We must be realistic and accept that, alas, Irish is not an everyday language here. Perhaps it will come

back as a kind of co-partner with English and that is for what we must hope.

That was acknowledged in the Minister's opening speech, the language of which was quite careful. She concluded by saying that the Bill before the House "represents a significant step forward in modernising our education system while demonstrating an ongoing commitment" to the language. I can recognise the dying fall in such comments. It is clear from the tone of the Minister's remarks that the Government is shedding some of its attachment to the slightly fanatical view of the Irish language, which is to be welcomed. I do not think such progress necessarily represents a danger to the language.

The Minister indicated that the initiative for the changes being made in this legislation came from University College Galway, rather than being imposed by the Minister for Education and Science. It is to be welcomed as an example of real democracy. The same cannot be said about the cack-handed nonsense about placenames. The Minister, Deputy Hanafin, responded to a request from the academic community.

I know of a number of cases of really good people who were not appointed to positions at University College Galway because they did not meet the university's language requirements. It is a real pity that there is a track record of jobs being denied to people from whose work the university would have benefitted. I am delighted that UCG has developed a series of educational satellites in its hinterland. I was not aware that such work was in progress. I was particularly pleased to learn about the existence of Áras Uí Cadhain because I remember very well the late Máirtín Ó Cadhain, a remarkable man who taught Irish at Trinity College for many years. He wrote a great surrealist novel, *Cré na Cille*, which unfortunately has not enjoyed the wider market it would have enjoyed if it had been written in English.

As a representative of Trinity College, which is one of University College Galway's sister universities, I welcome the sensitive treatment of Irish in UCG. Trinity College has a long history of cherishing the Irish language. I understand that the first established chair of Irish was in Trinity College. Bishop Bedell translated the Bible and the book of prayer, although I do not think there was a great deal of appetite for the latter. I am not sure whether there was much appetite for the Irish version of the Bible. The first font of Irish letters was developed at Trinity College. I regret that we abandoned the use of the lovely and distinctive cló-Gaelach, but I suppose that is progress. While I lament the abandonment of the cló-Gaelach, I do not doubt that the Bill before the House represents progress. It will make it easier to put in place a recruitment policy that will ensure the best talent is attracted to UCG, which is a very fine university of which we all can be proud.

Minister for Education and Science (Ms M. Hanafin): Ba mhaith liom mo bhuíochas a gabháil leis na Seanadóirí ar fad as ucht an fáilte a chuireadar romham agus roimh an mBille seo. Go háirithe, ba mhaith liom mo bhuíochas agus moladh a thabhairt dos na Seanadóirí go léir a labhair i nGaeilge. Thaispeáin siad go díreach an méid Ghaeilge atá ag gach Ball don tSeanaid agus, dar ndóigh, ag muintir na hÉireann. Ní gá ach a bheith muiníneach as í a úsáid. Is cuma má táimid mall nó lochtach — má táimid sásta chun an Ghaeilge a labhairt, beidh todhchaí ann don Ghaeilge.

It is interesting that I first encountered this Bill when, as Chief Whip, the president of UCG, Professor Iognáid Ó Muircheartaigh, asked me if I could progress it. I referred him to the then Minister for Education and Science, little thinking that I would be bringing the Bill to the Seanad today. I am delighted that the Bill has reached this stage.

Labhair an-chuid Seanadóirí go ghinearálta mar gheall ar an Ghaeilge. Ní dóigh liom gurb í seo an t-am chun deireadh a chur le Gaeilge éigeanteach sna meánscoileanna. Is dóigh liom go bhfuil bláth agus forbairt ar siúl sa Ghaeilge faoi láthair, os rud é go bhfuil tír ilchultúrtha againn. Deárfainn go bhfuil meas níos mó ag daoine ar an nGaeilge anois, toisc go bhfuil sí ar fás ag an leibhéal áitiúil agus go bhfuil stádas oifigiúil faighte aici ag an leibhéal Eorpach.

As a former teacher of Irish to honours leaving certificate level, I strongly believe that the Irish syllabus and curriculum need to be changed. It would be easier for teachers to use their skills and to teach the Irish language if 50% of the marks in the Irish examination were allocated on the basis of an oral examination. D'fhéadfadh na múinteoirí díospóireachtaí, labhairt phoiblí, drámaíocht agus i bhfad níos mó a dhéanamh chun an Ghaeilge a chur chun cinn. If people love the spoken language, it will last. I have asked the curriculum board to examine matters of that nature.

For the first time in many decades, there is now at least one gaeilscoil in every county in Ireland. The gaelcholáiste and aonaid network is being expanded. The language has been recognised at EU level. In the new multicultural Ireland, people are becoming more conscious of the value of our identity. Therefore, it would be very short-sighted to provide that it is no longer compulsory to study Irish to leaving certificate level. I do not doubt that it would lead to the death knell of the language. The leaving certificate curriculum is broad, whereas the UK system asks A-level students to study two or three subjects. Under this country's system, leaving certificate students take seven subjects. They are required to study English and mathematics, encouraged to take a science subject and recommended to learn a language. There is space for compulsory Irish as well. It should be considered in the context of the broad and successful form of education we offer in our second level schools.

A number of Senators mentioned the Government's investment in third level education. I thank them for their kind comments in that regard. It is interesting to note that an additional investment of €1.2 billion will be made in the third level sector over the next five years. Based on current funding, it appears that the total amount that will be spent in that sector will be €8 billion. Such money is needed because 54% of school leavers progress to third level education. A significant amount of money is being invested by the top multinational companies in universities and institutes of technology to develop the pharmaceutical and information technology industries. We need to provide top-quality graduates for such companies.

We should ensure that many people benefit from third level education, not only because such education is valuable in itself, but also because it is valuable to society. I am pleased, therefore, that the Government is making an additional capital investment and supporting the core funding of colleges in the third level sector. We need to encourage reform, modernisation and innovation in our universities. The University College Galway (Amendment) Bill 2005 fits into that overall context. We are looking for excellence in teaching and research throughout the third level sector. Our universities need to be among the top 100 or 200 such institutions in the world.

Senators are aware that earlier this year, the Taoiseach led a delegation of 200 business people, four Ministers and the presidents of many of our universities and colleges on a visit to China. The members of the group, who comprised the largest such delegation ever to leave this country, were charged with attracting people from China to come to Ireland, which can offer them quality education and care. A similar operation will take place in India next January.

We need to put in place quality structures and facilities to attract quality researchers and partners in education. Officials in UCG feel that their attempts to attract people to the university have been hindered by the regulations which are being amended by the legislation before the House. I am happy to introduce this Bill to meet UCG's requirements. The university authorities have always fulfilled their obligations to the Irish language very well. Tuigean said go maith an dualgas atá orthu toisc go bhfuil siad suite cóngarach don Ghaeltacht. Tá meas agus grá acu don Ghaeilge. Cuireann siad an Ghaeilge chun cinn i gconaí and I am satisfied that they will continue to do so. Representatives of the HEA will meet the presidents of the universities in the next term to discuss how they can operate in a similar manner.

There has been an increase in the number of people who want to be given their second level education through Irish. The increased demand for translators and interpreters at EU level will lead to significant job opportunities. We have to ensure we can respond to that. It is not all about

the economy and the creation of jobs, however — it is about ensuring excellence and quality. We do not want University College Galway, which has fulfilled its mandate in this regard, to be hindered in any way as it develops as a top-class international university. The other universities will also have to step up to the plate, as I said in my opening remarks. They will have to encourage the use of the Irish language not only by supporting societies and organisations, but also by providing third level education through Irish for those students who want it.

Senator Tuffy raised some issues about the changing structures within the third level sector, such as the modularisation of degree courses. The changes which are taking place in our colleges and universities are widening the opportunities which are offered to people who wish to participate in third level education. The Government's strong support for such changes is recognised in its decision to allocate €300 million, on a competitive basis, to the strategic innovation fund. Access to third level education will be one of the criteria which will have to be met. We do not want it to be all about IT systems and collaboration in change. It will also have to involve encouraging more and more people to avail of third level education.

Gabhaim buíochas leis na Seanadóirí go léir as ucht na tacaíochta a thug siad don Bhille seo, do chur chun cinn na Gaeilge agus do sheansanna fostaíochta in Ollscoil na Gaillimhe.

Question put and agreed to.

Acting Chairman: When is it proposed to take Committee Stage?

Mr. Fitzgerald: Now.

Agreed to take remaining Stages today.

University College Galway (Amendment) Bill 2005: Committee and Remaining Stages.

Sections 1 and 2 agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Mr. O'Toole: On behalf of the House I thank the Minister and her officials for bringing the Bill to the House so quickly.

Mr. U. Burke: I thank the Minister and her officials for bringing the Bill to the House and responding so quickly to the requests of the president and governing authority of University College Galway. As some other issues arose during the debate I hope the Minister will return soon to debate them thoroughly in the fullness of

time. It is important that the additional resources the Minister has made available to the universities will be distributed in a fair and equitable manner and that the agreement mentioned previously, that was within the college, can be spread to the other colleges in order that there will be a fair distribution of resources where the need is greatest.

That University College Galway is unique in the west in terms of its importance to the economy of the region is recognised by the Minister in the allocation of funding. I look forward to further announcements in that area in the future.

Mr. Fitzgerald: I join with my colleagues in complimenting the Minister on bringing forward this Bill. It is a defining moment for NUIG and in a wider sense it is a defining moment for third level and post third-level education. I congratulate the Minister on her commitment to third level and post-third level education and acknowledge her vision in that area.

Minister for Education and Science (Ms Hanafin): Níor mhaith liom a thuilleadh a rá ach amháin go mbeidh mé ag dul ar aghaidh anois chun an Bille a chur os comhair na Dála, agus chomh luath agus is féidir linn, beidh NUIG in ann to recruit based on new arrangements rather than the old ones.

Question put and agreed to.

Sitting suspended at 12.55 p.m. and resumed at 2 p.m.

Competition (Amendment) Bill 2005: Committee and Remaining Stages.

An Cathaoirleach: I welcome the Minister for Enterprise, Trade and Employment to the House to debate the Competition (Amendment) Bill 2005.

SECTION 1.

An Cathaoirleach: Amendments Nos. 1 and 2 are related and may be discussed together by agreement.

Mr. Coghlan: I move amendment No. 1:

In page 3, to delete lines 25 to 27 and substitute the following:

"“grocery goods” means any household necessities or food or drink for human consumption that is intended to be sold as groceries, and includes—”.

The purpose of this amendment is to extend the scope of the proposed Act to the range of goods previously covered by the groceries order and to embrace all grocery goods sold in all grocery goods retailers. Amendment No. 2 aims to give effect to amendment No. 1 and to remove any uncertainty about the definition of “household

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necessaries” following the recent High Court decision of Mr. Justice Geoghegan in the case involving Dunnes Stores.

Mr. Leyden: While I welcome Senator Coghlan’s input, in reality these amendments will only complicate the Bill further and will not enhance it in any way.

Minister for Enterprise, Trade and Employment (Mr. Martin): I understand what Senator Coghlan is trying to do with these amendments. He proposes to widen the scope of products covered by the Bill to include household necessities, which were included in the groceries order. That issue was discussed at some length in the course of preparing this Bill. Household necessities are excluded because the definition contained in the groceries order was proving extremely problematic.

The recent High Court decision on disposable nappies gave rise to much debate and only added to the uncertainty regarding the products that were included in the definition of household necessities. That difficulty would only be likely to increase with these amendments as the range of products available and sold in grocery stores increases. For example, some grocery stores now sell televisions, clothes, hardware and so on. Furthermore, the nature of grocery stores is also changing on an ongoing basis. Many large grocery stores are now departments of much larger department stores. Sometimes products sold in the grocery department are also sold in the home wares department of such stores.

I am concerned that the inclusion of household necessities could create significant difficulties in interpretation and enforcement and might extend the provisions of the Bill beyond the traditional grocery trade. For example, would household necessities be covered when sold in outlets other than grocery stores? There are also implications for the term “grocery retailer” as used in amendment No. 2.

A key requirement of the Bill is ensuring compliance and guaranteeing enforcement. In that context, no interests would be served by creating doubt and perhaps giving rise to court debates in the future as to which products are covered by the Bill. There is merit in confining the definition to food and drink. Food and drink make up the bulk of products sold in conventional grocery stores. It is estimated that 60% to 65% of products sold, even in the biggest supermarkets, is made up of food and drink. This can increase to as much as 75% when individual products are weighted by volume. Some grocery stores stock between 30,000 and 40,000 products but earn the bulk of their income from approximately 100 product lines, mostly of which are food and drink.

It is important to point out, in the context of this Bill, that we have increased the coverage of food and drink beyond that provided for in the

groceries order by extending the provisions to cover fresh produce. Senators will recall that fresh produce was excluded under the groceries order, but is included in this legislation. Fresh produce was excluded from the order because of the ban on selling below invoice price. As many fresh goods were perishable, the logic was that retailers should be allowed to sell them for whatever price they could obtain before they became unsaleable. However, as there is no ban on selling below cost in this Bill, there is no longer any logic in excluding fresh produce.

I understand what Senator Coghlan is trying to achieve but the complexity of the issue and the difficulties with enforcement and definition mean that I am not in a position to accept his amendments.

An Cathaoirleach: Is the amendment being pressed?

Mr. Coghlan: No, I will try to have faith in the Minister’s words on this occasion.

Amendment, by leave, withdrawn.

Amendment No. 2 not moved.

Mr. Coghlan: I move amendment No. 3:

In page 5, line 5, after “the” to insert “provision of space or”.

The purpose of this amendment is to ensure, beyond doubt, that the demanding of what is termed “hello money” is not just illegal when carried out in conjunction with a new store opening, as provided for in section 15B(4).

Mr. Martin: I am not clear on the intention of this amendment. Section 15B(3) is designed to deal with allowances for advertising or display of grocery goods. Displaying and advertising a product would necessitate the provision of space for that product. Therefore, it is not necessary to insert the additional phrase. There is also an overlap here with the provisions for the prohibition of “hello money”, as set out in subsections (4)(a), (4)(b) and (4)(c), which refer to “providing space for grocery goods”. The language of subsection (4) does not limit the generality of subsection (3). The Senator’s objective is catered for in the Bill.

Mr. Coghlan: A belt and braces operation.

Amendment, by leave, withdrawn.

Mr. Coghlan: I move amendment No. 4:

In page 5, between lines 27 and 28, to insert the following:

“(5) Subject to subsection (6) a retailer, as defined in this Part, shall not

(a) engage in predatory pricing for the purpose and intent of eliminating or reduc-

ing competition in the provision of trade in any grocery good in the State or any part of the State;

(b) directly or indirectly impose unfair selling prices; or

(c) impose any quota in respect of goods offered for sale at any retail outlet owned or operated by that retailer.

For the purposes of this subsection, “predatory pricing” or “unfair selling prices” constitutes the sale by a grocery good undertaking at a retail price and in a manner that is likely to have the effect of eliminating or reducing competition from a particular competitor in the State or any part of the State, but does not include grocery goods that have been offered for sale in good faith for a substantial period of time.”.

This amendment is intended to introduce an express prohibition on predatory pricing when carried out as a unilateral action by a non-dominant undertaking. The provision borrows on an equivalent measure in the Canadian competition legislation and also prohibits the imposition of unfair prices or quotas on price promotions. It is one of our most serious concerns and, while we accept the Minister’s intention, we do not want any blatantly anti-competitive practices and without dealing with predatory pricing we will not succeed.

Mr. Leyden: I appreciate Senator Coghlan’s concern about this issue which was one of the biggest concerns of the Joint Committee on Enterprise and Small Business. However, I am satisfied with the Minister’s speech yesterday where he clearly defined predatory pricing as below-cost selling on a persistent basis by a dominant firm for the purposes and intent of getting rid of or damaging competitors. Predatory pricing is wrong, it is illegal and is punishable under the Competition Act 2002 by fines of up to €4 million or 10 % of turnover, and imprisonment of up to five years. The Minister has a good appreciation of the issue.

The country has moved on and most big towns are now served by the multinationals. The Minister has allowed for that development. When the legislation was enacted in the 1970s no town in the west had a multinational presence. If they came in then they would have wiped out most of the competition by now. Now, however, Irish-based companies compete with them effectively. From experience of my home town, existing Super Valu and Spar shops compete ably with Tesco and Dunnes Stores. Loyalty is a factor and people have a choice, though some smaller rural stores are experiencing difficulties, which they can tackle by providing local post office services not provided in Tesco or Dunnes Stores.

The Minister is strengthening the agencies and giving them a mandate to carry out their task.

They will be aggressive in that task and the Minister will drive them to that end. After concerns we had in our committee I am satisfied with the arguments the Minister has put forward and happy that the amendment is not necessary.

Mr. Martin: I dealt with this at some length on Second Stage yesterday. Following the Competition Act 2002 the law on predatory pricing is much broader and stronger than the words in the text. The Act is designed to be analogous to Articles 81 and 82 of the European Union treaty. European case law supports the analogous provisions to prohibit and punish instances of predatory pricing. I do not want to accept an amendment that dilutes the strength of existing case law. I accept to do so is not Senator Coghlan’s wish but my strongest legal advice warns of diluting European case law and the Competition Act 2002.

I accept that decisions on the application and interpretation of the Act will rest with the courts but in applying the Act the Competition Authority and the courts may have regard not only to its interpretation by Irish courts but also by the EU Commission, the Court of First Instance and the European Court of Justice, as well as precedent in other jurisdictions with similar competition law provisions.

What is predatory pricing from the point of view of case law? It is the abuse by a company of a dominant position and involves the sale of a product at a price that is less than cost price. Case law even defines what cost price means in these circumstances. We know that concern arose from yesterday’s debate as to the definition and measure of dominance in the context of an offence under the legislation. It was a theme of many submissions during the consultation process leading up to the report on the groceries order.

Predatory pricing by a non-dominant firm is a contradiction in terms. Any attempt to define predatory pricing in the manner set down in this amendment will enshrine that contradiction in legislation and in so doing will seriously undermine the Competition Act 2002. Furthermore, the amendment would remove the concept of predatory pricing from the domain of existing case law and would introduce inconsistencies with European competition rules and in the Act itself.

There was much debate in the House yesterday on the concept of dominance and market share. Senator Coghlan referred to my Department’s report yesterday and inferred that no grocery retailer would ever be considered dominant in the Irish market. We consider that represents a misreading of the report. On page 97 the report states that on case studies we have examined it is unlikely a firm would be considered to be dominant in a market if it held less than 35% market share. On that basis no grocery retailer would be considered dominant in the national Irish market. The report goes on to show how dominance can be measured not just nationally but in any part of

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the State. The report clearly states “even a small retailer might be considered dominant in a small rural town if the structure of the market is such that consumers are unlikely to travel beyond its boundaries to buy groceries”.

Dominance can also be held jointly by more than one firm operating in a market — companies do not have to act in concert for such a determination to be arrived at. The concept of dominance is necessarily entirely flexible. There are many legal precedents I will not go into on how to consider an undertaking dominant. The European Court of Justice stated an undertaking must possess a position of economic strength which enables it to prevent effective competition being maintained in the relevant market by affording it the power to act to an appreciable extent independently of its competitors, customers and ultimately of its consumers. One must take into account the degree to which the undertaking has market power and if, when and to what extent it encounters constraints on its ability to behave independently by reference to the market.

Mr. Coghlan: I am glad the Minister is as opposed as we are to predatory pricing. I would hate to do anything that would dilute existing law or the power to act but I believed an express prohibition was necessary. I understood, perhaps wrongly, that the Minister was anxious for an express prohibition, which is why we tabled this amendment. We desire a level playing pitch.

As I understand it the Minister defines dominant share as 35%.

Mr. Martin: No. I was referring to the issue the Senator raised in the context of the report.

Mr. Coghlan: There are very powerful players in the market with 20% to 27% market share and it is accepted that any one of them could, if it so wished, exercise such dominance as to create an uneven playing pitch. They would create an uneven playing pitch if they decided to sell bread or milk, for example, at half price in any particular place. Senator Leyden was worried about smaller stores, perhaps in rural Ireland, but with regard to any area, whether city suburb or provincial town or village in Ireland, he would concede my point. If multiples were to take that action, we can all see that small Centra or Spar shops, or petrol forecourt shops, for example, would not be able to sustain that kind of walloping over a period. If that happened and those people were wiped out, or there were fewer of them, we would have less choice. Nobody wants to see fewer shops than now exist throughout the country, because if there is less choice there will be less competition down the road. The major players will be so dominant that they can further strengthen their hand.

I am afraid of this Bill because it favours only the giants, so to speak. I would like to think I am

misreading it and getting it wrong. I would like to think the Minister is right, if he cannot accept my argument, but I thought he would feel in his heart and head that we should have an express prohibition on predatory pricing.

Mr. Leyden: I would like to help Senator Coghlan. I presume he has already declared his interests in this situation. I merely offer advice as a colleague.

Mr. Coghlan: Of course.

An Cathaoirleach: The Senator declared his interest yesterday.

Mr. Coghlan: Yes, or the Cathaoirleach declared it for me, and I said he was too kind. It is on the record. Senator Leyden is referring to my nominating body.

An Cathaoirleach: Senator Coghlan has declared his interest.

Mr. Coghlan: Of course I have.

An Cathaoirleach: That is public property.

Mr. Coghlan: I should also declare an interest in one of the major players, by way of being a landlord to one of its shops. It does not matter to me. I am quite independent-minded about all of these matters.

Ms O'Rourke: At any rate the Senator has to pay the rent.

Mr. Coghlan: Once I pay the rent——

Mr. Leyden: It is only fair that as a colleague it is brought to the attention of the commission that Senator Coghlan is nominated by RGDATA.

Mr. Coghlan: That is correct. I am nominated by the industry and commerce panel.

Mr. Leyden: He is a previous nominee too, and is also a landlord of Tesco. That is important.

Ms White: He is not objective.

Mr. Leyden: There is no contradiction there. Senator Coghlan is very fair and balanced on the entire matter.

Mr. Coghlan: I am glad to hear that. Both shoulders are very well balanced.

Mr. Leyden: Returning to the amendment, with regard to the question of dominance in the market, legal precedent established by the European Court of Justice requires that to be considered dominant, an undertaking must possess an economic strength which enables it to prevent effective competition being maintained on the relevant market by affording it the power to

behave to an appreciable extent independently of its competitors, customers and ultimately of its consumers.

Nobody is in that position in this market. The report was excellent and well researched. Over 500 submissions were made. It is interesting that out of 166 Deputies in the Dáil, two made submissions.

Ms White: The Deputy should name them.

Mr. Leyden: Their names are in the report. In fairness, they give a balanced spread.

The Minister has been very careful in bringing forward this Bill. From today until the Bill comes before the other House, the Minister will have an opportunity of copperfastening the situation. I have no doubt that if the Minister felt there was a need for this amendment to be inserted in the Bill, he would insert it. The amendments considered are worthwhile. Senator Coghlan has done the State a service by tabling them because they provide the Minister and his senior officials with an opportunity to reflect on the situation.

If, on reflection, the Minister felt there was some mechanism by which he could reintroduce any part of the existing proposals, that would be welcome, instead of having to bring forward legislation. I merely make the suggestion that if some aspect of the existing powers held by the Minister could be reactivated when this Bill is passed, that might be worthwhile. It would save time. The situation will probably not arise, but I simply make the suggestion.

Mr. Martin: I thank Senators Leyden and Coghlan. I have been very consistent since the public announcement of the abolition of the groceries order and at no stage did I say I would be introducing legislation on predatory pricing. Almost from the date of that announcement we have been saying that there is already express prohibition in existing case law with regard to predatory pricing.

Senator Coghlan and I share the same objective. There is no argument over the fact that we do not want predatory pricing to have free rein. The legislation and case law in place is designed to prevent predatory pricing if and when it should ever occur. However, we are not in the business of protecting people from competition. That is a different issue and to a large extent the groceries order protected against competition and, in our view, kept prices artificially high because it created a price floor below which goods could not legally be sold. It allowed the development of off-invoice discounts. There was no transparency in how they operated. No one knew who was leveraging muscle. No one knew who was going to a supplier and demanding a bigger discount for putting the supplier's goods on the shelves.

Much is said about the groceries order but much is unsaid too. It did not protect as many small operators as people would like to believe.

As the report demonstrated, 2,500 shops closed since the introduction of the groceries order in 1987. I accept that some went into the symbol groups and so on. That is a new and welcome trend in the grocery business and has introduced choice. However, nobody would argue with me that the growth of the convenience store is about price competition. By and large, it is about factors other than price. The garage forecourt shops have been the fastest growing phenomenon. We all go to such shops, knowing we are paying above the odds, paying more than if we went somewhere else. One is paying for convenience. One wants to walk around the corner to get a pint of milk, for example, rather than drive to some conglomerate and queue.

An operator, big or small, should not be protected from competition but should be protected from predatory pricing. We are making the point that European case law and the Competition Act 2002 prevent predatory pricing, which is an abuse in itself. I have taken legal advice and we are satisfied with that situation. I am assured that if we were to accept the amendment, the protection would be diluted because it would be taken out of the context of Irish case law, which would give rise to other uncertainties and interpretations.

I accept that dominance is a complex issue. It might be useful for the Seanad to go through what legal jurisprudence suggests, that a number of factors need to be considered in determining whether or not a firm is dominant. That was a key issue of Senator Coghlan's contribution yesterday.

I will mention some of the many factors just to give people an illustration of the complexity involved, and the fact that there are no simple black and white solutions to these issues. They include but are not limited to the following: relevant market shares; the level of concentration in the industry; the ability of the allegedly dominant firm to act independently of its competitors; absence of or lower countervailing buyer power; absence of potential competition; economies of scale or scope; overall size of the undertaking; product or service diversification; easier privileged access to capital markets or financial resources; control of infrastructure that is not easily duplicated; technological advantages; a highly-developed distribution and sales network; product differentiation; vertical integration; barriers to entry; and barriers to expansion.

That is a fairly broad range of criteria. Different episodes can arise in different contexts. For example, the Drogheda newspapers case was alluded to in the House yesterday, but it would be wrong to extrapolate from that case generalities about how the law is applied in any example of predatory pricing. We need to be careful that when the Competition Authority goes to adjudicate on various allegations or assertions, it uses a wide range of criteria. The courts will also use a wide range of criteria before determining whether someone is engaged in either abuse of a

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dominant position or in predatory pricing. We need to be aware of the complexities of the issues. It would be wrong if we did not take due cognisance of existing case law on the subject and the European Union legal context within which we operate. We are satisfied from the legal advice received that what is now in place is far stronger than that which the amendment would achieve.

Mr. Coghlan: I hope the Minister is right and that it is far stronger because we are not talking about the groceries order — that is out of the equation. As the Minister said, we share the same objective in that no one wants to see predatory pricing in operation or being, in any way, legal. That is the fear and obviously legal advisers differ on it. That is why I tabled this amendment. The Minister firmly believes the case law which exists and the European Union legal position is stronger than that which is in the amendment. That is not the advice I have received but we will have to differ on it.

Amendment put and declared lost.

Mr. Coghlan: I move amendment No. 5:

In page 5, line 29, to delete “has” and substitute “is likely to have”.

This amendment seeks to ensure consistency in the application of the Competition Act so that all transgressions of the Act can be regarded as capable of civil or criminal prosecution as the case may be.

Mr. Martin: We dealt with this issue on Second Stage. The language used in section 15B(5), as drafted, is consistent with and replicates language used in section 4 of the Competition Act 2000. If this was amended, as suggested by the Senator, in respect of the new provisions, it would introduce inconsistency into the Competition Act. It is considered that it would also, at a minimum, introduce confusion and legal uncertainty as to why the conduct specified in this Bill should be subject to a different test than the type of practices covered by section 4 of the Competition Act.

Furthermore, section 4 of the Competition Act is modelled on Article 81 of the European Union treaty. In fact, the wording in the current draft of the Bill also mirrors the text of Article 81. The amendment would, therefore, also be inconsistent with the competition rules as set out in the European Union treaty. I am not in a position to accept the amendment.

Amendment, by leave, withdrawn.

An Cathaoirleach: The word “affect” in amendment No. 6 is misspelled, so it will be corrected. Amendments Nos. 6 and 8 are related and may be discussed together. Is that agreed? Agreed.

Mr. Coghlan: With my macular oedema, I had not spotted the misspelling.

An Cathaoirleach: Did the Senator write it himself?

Mr. Coghlan: I did not type it.

An Cathaoirleach: It is only a minor misspelling.

Mr. Coghlan: We will not quibble about it. I move amendment No. 6:

In page 5, between lines 32 and 33, to insert the following:

“(6) An undertaking that engages in an activity that is prohibited by this section shall be guilty of an offence in the same manner and with the same effect as if the undertaking had committed an offence under section 4 or section 5 of the Competition Act 2002.”.

This amendment seeks to recognise that in most instances, an application by a party, including the authority, to ensure compliance with the provisions of section 15B will be made at an interlocutory stage pending a full trial of an action. It is designed to facilitate the granting of the necessary release pending a full trial of an action.

Does the Minister wish to deal with amendments Nos. 6 and 8 separately?

An Cathaoirleach: No. We have agreed to discuss them together.

Mr. Coghlan: Amendment No. 8 seeks to allow small businesses access to the District Court to seek any orders necessary to restrain any breaches of section 15B which should be a more cost-effective and accessible means of securing relief for many small and medium enterprises.

Mr. Martin: I think the Senator dealt with amendment No. 7 and not amendment No. 8. Amendment No. 8 reads: “Section 6(1) of the Competition Act 2002 is amended by substituting ‘prohibited under section 4(1), section 15B or Article 81 of the Treaty shall be guilty of an offence.’”

For clarification purposes, I will deal with amendments Nos. 6 and 8 which seek to criminalise the misdemeanours or the transgressions. We discussed this on Second Stage and I believe the Senator is trying to give effect to his view that we should not only have a civil remedy but that there should be criminal sanctions, which is what amendments Nos. 6 and 8 attempt to do.

Both those amendments are designed to criminalise the behaviour which is prohibited under the Bill. The prohibitions contained in the Bill are not *per se* offences. In other words, the conduct in question is not prohibited in all cases. We are only prohibiting “hello money”, resale price maintenance and unfair trading practices in con-

texts where they would be anti-competitive. There are circumstances where some of them could be competitive and, therefore, it would be wrong to criminalise actions which the Bill implicitly acknowledges could have some application at some stage.

As I said on Second Stage, we are equally of the view that unilateral conduct on the part of single undertakings, such as that which is prohibited in this Bill, is considerably less serious and cannot amount to cartel activity. We have criminalised what we consider hard-core cartel activity of a very serious nature. The offences in this Bill are not of that gravity and should not be seen as such.

However, the civil remedy has the advantage of allowing aggrieved parties or the Competition Authority to proceed quickly to the courts to challenge any suspect conduct or practice. If someone believes a person down the road is misbehaving or breaking the law, he or she can go straight to the courts to seek a civil remedy. Given the proof, etc., required, it would take far longer to try to get a criminal conviction and perhaps it would be more difficult for people to pursue that route. We believe the civil prohibition marries well with the range of offences for which we are legislating. There is a distinction between serious cartel-type behaviour of undertakings and the offences we are prohibiting in this legislation. We believe the civil remedy approach is the more sensible one.

Mr. Coghlan: Would the Minister not regard it as preferable if a civil or criminal prosecution could be taken? One could have a choice of weapons so to speak.

Mr. Martin: We have definitively come to the view that it would be wrong to go down the criminal route in terms of the range of offences for which we are providing. We looked at this in advance and took advice from the Attorney General, the parliamentary draftsman and so on and the policy view is that in terms of “hello money” transgressions, advertising transgressions or resale price maintenance, the civil process is better and reflects the gravity of those offences better than a criminal sanction. In fact, people have criticised the length of time it takes to prosecute serious cartel operations in the State to which significant criminal sanctions attach. It can take years to prove many of those cases. There is an advantage here for the small operator, in particular, to get quicker redress by taking a civil action.

Amendment, by leave, withdrawn.

Mr. Coghlan: I move amendment No. 7:

In page 5, line 49, after “the” to insert “District Court or in the”.

I have already outlined the reasoning behind this amendment, namely, to secure relief for small and medium-sized enterprises.

Mr. Martin: I discussed this amendment before I came into the House and sought further legal advice. The Bill provides that the Circuit Court and the High Court are the appropriate courts through which people should seek redress. The threshold for damages in the District Court is very low so I cannot see the advantage of going to that court to seek damages or remedies in the event of someone breaking the law in respect of these offences.

Equally, the point must be made that we are dealing with grave matters some of which are legally complex. The added advantage of the High Court is that it has judges with special expertise assigned to deal with these cases which may not be available at District Court level. This is something we should take into account. For those reasons we have opted for the Circuit Court and the High Court, as opposed to the District Court.

Mr. Coghlan: I understand the Minister’s rationale. I tabled the amendment purely from the point of view of accessibility and cost effectiveness for small businesses.

Mr. Martin: I appreciate that.

Mr. Coghlan: I take on board his point about High Court judges with specific expertise in dealing with competition law matters and so on. I have no problem with the Minister’s reasoning on this matter but I was motivated from the point of view of small businesses in provincial and rural Ireland who would more readily have access to the District Court.

There will be some time between us dealing with the Bill here and the Minister coming before the other House with it. Perhaps in that time he and his officials will consider these matters further. I am sure more detailed amendments will be tabled in the other House. I accept the Minister has given adequate attention to the legislation but I urge him to address all of these issues and the other ones that will arise.

Mr. Leyden: The Minister has dealt with the amendment adequately. The new consumer agency will be put on a statutory footing next year.

Mr. Martin: That is correct.

Mr. Leyden: It will have a role in this regard. It will act for consumers and smaller businesses who have a problem. It will not necessarily be a case of a small grocery shop taking an action against the multinationals; it will be an agency of the Competition Authority or some other such organisation that will act on behalf of consumers.

I do not accept the concerns that have been expressed about the District Court. This is an

[Mr. Leyden.]

important matter and the advice to the Minister is correct about this being the right way to go. What are the Minister's plans for the establishment of the agency and for the strengthening of the Competition Authority?

Mr. Martin: I stand to be corrected but in the District Court there is an upper limit on damages of €7,000, which is a low threshold given the nature of complaints that could be made in this context. Of course I will reflect on the issues Senator Coghlan raised in the context of the amendments. The Bill will not come before the Dáil until February so there will be an opportunity for reflection. Some of the issues revolve around language, definitions and so on.

We intend to bring legislation to the Oireachtas next year to establish the national consumer agency on a statutory basis. Its prime focus will be on representing the consumer through advocacy, research and the provision of information in a much more robust way than has previously been the case. The Office of the Director of Consumer Affairs has existing powers and we have to work through some issues in that regard. The Bill will be substantial as we will also codify and consolidate all consumer law and transpose European consumer law.

I took steps in the recent Estimates to substantially increase funding for the Competition Authority, particularly its cartel unit. In effect, it is sufficient to create a new division within the Competition Authority to address cartels in the economy. I had discussions with the outgoing chairman of the Competition Authority who indicated that this area was absorbing a great deal of the energy of existing staff because of the long and arduous process involved in prosecuting these cases, some of which are taking years. I decided to seek a significant increase in funding for this area in response to the presentations made to me by the outgoing chairman. We succeeded in getting an increase in the Estimates which will enhance the capacity of the Competition Authority to go after cartels in the economy.

Amendment, by leave, withdrawn.

Section 1 agreed to.

Amendment No. 8 not moved.

Section 2 agreed to.

Sections 3 to 6, inclusive, agreed to.

Schedule agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Mr. Leyden: I thank the Cathaoirleach for his co-operation. I also thank the senior staff from my old Department. I thank the Minister for personally taking the Bill although he has an extremely busy schedule. I know the pressures he is under from the Industrial Development Authority, Enterprise Ireland and all the different responsibilities he has in the Department. Nevertheless, he considered it important to come here yesterday when he spent nearly three hours and whatever time was necessary today on Committee Stage. He has achieved a tremendous grasp of the issue in a short time. I accept he is being briefed by his top officials who are very familiar with these matters. It is a complex issue and the Minister has dealt with it in a straightforward way people can understand.

People should bear in mind that the Minister has responsibility for the areas of enterprise, trade and employment. In bringing forward the Bill, he is endeavouring to maintain employment and create opportunities. Some 130 items were incorporated under the groceries order. The Minister must keep a close eye on how the situation develops. I believe his judgment will be proven to be correct at the end of the day. He has not given any commitment that the legislation will result in a decrease in the cost of groceries to consumers but it may be the case. That is his objective. The amount may be surprising but we will not fix a level because, as the Minister said, people judge one on commitments made.

It is the Minister's objective that more competition will be introduced in this area. I commend the Minister and thank the Cathaoirleach for his co-operation in getting the Bill through the House.

Mr. Coghlan: I thank the Minister and his officials for their courtesy even if we will have to agree to disagree. Unfortunately, we see this Bill as weakening a number of key protections for consumers and relaxing certain regulations dealing with the relationship between suppliers and the major multiples without any obvious benefit to the consumer. An overriding principle of my party is that we should protect all sectors equally from predatory pricing and thereby ensure a level playing pitch. I accept the Minister is equally opposed to predatory pricing but, unfortunately, we differ on how this should be implemented. I considered the protections should be explicitly stated in the Bill but, on advice, the Minister has taken a different view. However, I accept the Minister's assurances that he will reflect further on these matters before the Bill comes before the Dáil. I do not doubt that issues will continue to arise.

Minister for Enterprise, Trade and Employment (Mr. Martin): I thank Senators for their

contributions to the debate on this Bill. Yesterday's Second Stage debate was wide ranging in the classic Seanad manner. There was even an exotic intervention with regard to concerns on the demise of bakers in rural France, a matter which we may investigate some day.

This legislation is about bringing greater competition to the domestic economy which, according to analyses of the challenges facing Ireland in the future, is far less productive than the foreign direct investment sector. In that broader context and if we are to remain competitive, it is imperative that we introduce greater competition to domestic markets. Productivity will be the key to that competitiveness.

The specific provisions made in the legislation will be of benefit to consumers. Above all others, the statistic that reveals the degree to which food prices have increased in Ireland stands out of the report. Over the past few years, prices have become three times higher than is the case in Britain and twice the European Union average. It is my contention that the groceries order kept prices artificially high and, if it was allowed to remain on the Statute Book, would continue to do so. That is why we are bringing forward this legislation to remove the order, while also providing protections in terms of prohibiting behaviour that will be unacceptable to all concerned if allowed to continue in an unfettered manner.

Question put and agreed to.

Sitting suspended at 2.55 p.m. and resumed at 5 p.m.

Care of the Elderly: Motion.

Mr. Glynn: Cuirim fáilte roimh an Aire go dtí an Teach. I move:

That Seanad Éireann,

- commends the Government on the wide-ranging new services being funded with the €150 million package announced by the Minister for Finance in budget 2006;
- recognises that this package will mean a major improvement in home and community-based support for older people;
- welcomes the fact that thousands of older people needing care will receive new services and support next year as a result of this initiative; and
- congratulates the Government on the largest ever increase in funding for services for older people and affirms that this initiative underlines the Government's commitment to older people.

It is important in the lifetime of this, or any, Government that due recognition be given to the people who have been the pillars of this State, those who have put the State where it is today. The measures announced in the budget give that

recognition. The additional funding will have a number of effects. Coming on top of the additional funding for disability, mental health and primary care in the Estimates for 2006, this is part of a Government policy to develop the general community and primary care programme so that acute hospitals and residential care will not dominate extra health care investment as they have previously.

Most old people like to live in their own communities and homes where they have friends and neighbours. As a person with over 30 years experience in long care institutions I have raised the fact that many people in nursing homes are never visited. This was brought up by the recent nursing home charges controversy. It is imperative that people remain in their own homes and environments for as long as possible.

The home care support packages deliver a wide range of services and have been piloted successfully in several regions in recent years. These include the services of nurses, home care attendants, home helps, etc., and in some cases therapists including physiotherapists and occupational therapists. Home care packages vary with the needs of the person, for example, one package might emphasise home care assistance while other packages might have a greater level of home care and nursing. It is not possible to have a text book example of the care levels required for each person so this varying package is important and the flexibility necessary to give a broad based service has been incorporated by the Tánaiste and Minister for Health and Children, Deputy Harney.

The priority will be for older people living in the community or who are in-patients in acute hospitals and who are at risk of admission to long-term care. The home care packages will also be available to older people who are in long-term care and who wish to return to the community. In addition, these packages will be offered to people who are already using existing services such as home helps but need more assistance to continue to live in their communities.

I need not tell anybody in this House what happened when we did not have properly developed community care services. We saw what happened in the psychiatric services 30 years ago. St. Loman's Hospital had 1,200 to 1,300 patients but today has fewer than 300. While many of those people have gone to their eternal reward, a number of people who were in the care of the psychiatric or geriatric services are now in the community and successfully living their lives as they were meant to, in their own homes and environments.

The packages are delivered to the HSE by a range of providers including the HSE, voluntary groups and the private sector. It would be remiss of me not to say a special word about the voluntary sector, which provides a tremendous level of backup service. Often the only face a long-term psychiatric patient sees, except for the ward staff,

[Mr. Glynn.]

is that of the Society of St. Vincent de Paul volunteer who has taken responsibility for visiting him or her. It would be remiss of us not to underline that.

The scheme will be as flexible as possible and highly responsive to the real needs of the individual so that if family or friends wish to provide these services they will be encouraged to do so with support and linking with the HSE, voluntary and private sectors. Approximately 1,100 care packages are now being provided to people and by the end of 2006 a total of 2,000 additional home care packages will have been provided. This will constitute a trebling of the current services provision. These 2,000 packages will support more than 2,000 persons, for example, some people need a care package temporarily. The major thrust of this initiative will be directed at older people but there will be flexibility so that a person under 65 years will not be rejected automatically but may receive home care as appropriate. That is to be welcomed.

Home helps have provided pivotal support and are an essential part of supporting old people at home thus delaying or preventing admissions to long-stay residential care. They also help keep people out of acute hospitals or help their early discharge. Given the increased number of older people there is an increasing demand for home helps. We live longer and as a consequence the age profile of the general population is on the increase. That can be explained by better lifestyles and people taking greater responsibility for their own health. Females in particular have a greater inclination to seek medical advice and assistance when it is required.

An additional €33 million has been allocated for this programme, €30 million of which will be for 2006, a significant increase over the Estimates provision for 2005. The additional funding will provide 1.75 million additional home help hours. If we are concentrating on community services and the pivotal role home helps play, it is axiomatic that additional home help hours of the scale suggested and proposed here would be the case. As with home care packages, it is expected that these additional resources will be implemented in a flexible way by the HSE, particularly for those vulnerable individuals who need a home help but who are under 65 years of age. They can now access the service.

The day care respite service is important. It may include a midday meal, a bath, occupational therapy and physiotherapy, chiropody, laundry and hair dressing, social contact for older people, respite for family members and/or carers and social stimulation in a safe environment for older people with mild forms of dementia. The provision of €9 million in a full year will allow for an additional 1,325 places per week in such centres. The number of older people who will benefit from these new places will be substantially more

than 1,325 since, over the whole year, one place can provide a service for more than one person.

The investment of €9 million will allow for additional programmes for specific needs such as activity therapy. It will also mean that many day care centres will be able to open five or seven days a week, rather than just two or three days as is often the case at present. I have often argued this point, it is not rocket science, it is common sense; the needs of our elder citizens and the care needs of any person do not end on a Friday evening and begin on a Monday morning. Someone who needs care needs it seven days a week. There will be an investment of €7 million in 2006, with the balance of €2 million to be provided in the following year.

There is also a proposal for specialist palliative care, with €9 million being provided, including home care and community initiatives in 2006. A further €4 million is being provided in 2007 to develop the service, giving a full year cost of €13 million. This funding will provide €1.9 million to open six palliative care services at Blackrock Hospice under the management of Our Lady's Hospice in Harold's Cross. Some 24 extended beds will also be provided at Our Lady's Hospice. That is tremendous news for those who have people in need of palliative care. There will be ten new palliative care beds in Milford Hospice at a cost of €1.9 million, St. Francis's Hospice in Raheny will receive €1 million in increased funding and €2 million is being made available for the development of palliative home care services. Development of palliative care services in the midlands, western and south-east areas will continue, thus building capacity.

Meals on wheels has played a pivotal role in community care. There will be a significant increase in the resources available to the service. An estimated €10 million was spent on the service in 2004 and an additional €2.5 will be provided next year, together with a further €2.5 million the following year, a total increase of 50%. Sheltered housing and action on elderly abuse are also being addressed.

Mr. Minihan: I welcome the Minister of State to the House and the opportunity to speak on this subject.

Last Wednesday I said in this House that for 20 years the Progressive Democrats have determinedly pursued economic and social policies aimed at maintaining full employment, strengthening the competitive position of the economy, keeping taxes on labour low and, most importantly, focusing on the low-paid, elderly and the vulnerable. The budget reflected this approach clearly. On income tax, social welfare, pensions, child care and care of the elderly, there can be no doubt that the Government is delivering the right policies and on the commitments outlined in the programme for Government.

Last week's budget gave us the big picture account of how sensible economic policy has allowed us to provide for the most vulnerable. This evening's motion brings us down to a micro level, the specifics of our view that the fruits of economic prosperity must be used to provide and improve care for those who need it most, in this case the elderly.

The approach adopted by the last two Governments has rightly been to promote and support economic development and prosperity. It is not prosperity for its own sake; the more people are encouraged to work hard and prosper, the more revenue is generated for the vulnerable in society. The changes in social welfare and pensions included in the budget are evidence of the wisdom of the Government's approach.

The details of the wide-ranging new services for older people announced by the Tánaiste and the Minister of State on Thursday confirmed two things. We are pursuing the right policies and we are committed to delivering the best services. Of the measures announced in the budget many people, politicians and commentators alike, focused on the measures relating to the care of children. They said these were the most important aspects but I do not agree. I have worked closely on child care policy in recent years but the wide-ranging services for older people that have been announced are the most important development in last week's budget.

The Progressive Democrats have set out in successive policy documents and manifestos that care of older people is a basic social duty. We have worked on improving the quality of life of older citizens. This Government and the Progressive Democrats campaigned for and delivered on a €200 per week pension. The old age pension is now running at €193.30, up from €99 eight years ago and the Progressive Democrats will deliver, with our Fianna Fáil colleagues, by the end of the Government the target of the €200 per week pension.

On budget day I mentioned that we are concerned not just with ensuring the best quality of life for older people, we were also determined to deliver the most appropriate type of care. That often means allowing for care in the most appropriate setting. International research has shown that a person's life expectancy can be extended by up to two years if delivered in his or her own home. Policy in this area is not just about ensuring the best quality of life but can play a part in prolonging lives. That is why for me this initiative is the single most important announcement of last week. This is about delivering the same home and community-based support for older people that can prolong lives, ensure the most appropriate care in the most appropriate setting and improve their quality of life.

I congratulate the Tánaiste and the Minister of State for the initiative in this area. When it comes to policy makers, the Tánaiste has worked to deliver the best care for older people, has proven

herself to be both the most determined and most effective in this area and I thank her for ensuring these measures were included in last week's budget.

Much is being made of the fact that this is the largest ever budget package for services for the elderly, involving €150 million. However, I do not want to get hung up on the superlatives. I am more interested in what this money can do. These millions of euro mean thousands of older people needing care will receive new services and supports in the next 12 months. It is the largest ever increase in funding for services for older people. This money will make a significant difference to thousands of people, their families and carers. It goes without saying that we will continue to support appropriate residential care. However, this investment package is focused on caring for people in their homes. As the Tánaiste has stated, that is where most of them want to be.

We are all aware of the growing independence of older people. We must respond to the desire of the many who wish to remain in their communities. The initiatives outlined in today's motion underline the Government's commitment to putting older people at the centre of health policy. This is to be commended. Furthermore, the initiatives pursued by the Tánaiste are in line with international trends. Older people deserve, as a right, to have these services delivered. They deserve to be listened to and consulted. Age Action Ireland has said:

One of the major announcements in this year's budget is the €150 million package for support services for older people to enable them live in their own home, one of the cornerstones of Age Action Ireland's policies. This move will greatly increase the number of home help hours available in the community and also extend existing services.

We listened day after day, inside the House and without, to Opposition claims that the Government neglects the vulnerable and protects various interests. The reality is that we take seriously our obligation to promote development and prosperity. The services prosperity can deliver in this area are almost too extensive to discuss. They include the following: some 3,000 home care packages, including the service of nurses, home care attendants, home help and various therapists; €30 million for home help in 2006, providing 1.7 million more hours of assistance; an additional 1,325 places in day and respite care centres; €9 million for additional programmes for specific needs such as activity therapy; €9 million for specialist palliative care, including home care and community initiatives; €12.5 million for meals on wheels services; the development of sheltered housing accommodation for older people; and €4 million for initiatives in primary and community care. One could go on. This is probably utterly depressing for the Opposition but it is utterly

[Mr. Minihan.]

encouraging for the deserving older people of this State. I gladly second the motion.

Mr. Browne: I move amendment No. 1:

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

“notes the Government’s recent package for the elderly, recognising the need for improved community and home based supports and welcoming any improvements to services for the elderly;

condemns the Government for failing to:

- deal with the issue of repaying monies to elderly people who were illegally charged by the State for nursing home care;
- introduce proposals to introduce an independent inspectorate for private and public nursing homes, despite the fact that legislation governing this issue was promised by Government for autumn 2005;
- introduce proposals to ensure clarity on rights and entitlements to services for the elderly, including funding proposals for long-term care of the elderly, despite the fact that the Government promised to introduce legislation for both of these matters since the publication of the national health strategy in 2001;
- increase the nursing home subvention levels for people in nursing homes, which have remained static since 2001;
- adequately deal with the various housing problems faced by the elderly;

and calls on the Government to:

- deliver on the numerous promises made to the elderly community; and
- extend the national hygiene audit to all public and private nursing homes.”

I welcome the Minister of State and his officials. When I first read the Government motion, I wondered how I could argue against it. After a time, however, it was easy to do so.

Although we welcome the package announced by the Minister, the first point I make is that the allocation is not €150 million but €110 million, because €40 million is allocated for 2007. This is typical Government spin whereby a package is announced but one then discovers it applies to more than one year.

Mr. Daly: Senator Browne is splitting hairs.

Mr. Glynn: That has been stated clearly.

Mr. Browne: I accept that. However, the impression was given that the entire €150 million would be spent next year.

Mr. Glynn: Next year is almost upon us.

An Cathaoirleach: Senator Browne should be allowed to continue without interruption.

Mr. Browne: Based on the results of recent local and by-elections, Fine Gael will be in power next year. This figure should be considered in comparison with the moneys spent on PPARS, which has cost the taxpayer more than €200 million to date. The provision for the carer’s allowance is comparable to the reduction in betting tax. It is important to put matters in context to get an overall impression.

The Government’s record on the elderly is shocking. This time last year, legislation on the nursing home charges which were later found to be unconstitutional was rushed through this House. The Government should hang its head in shame on this issue. On the one hand, it is prepared to rush through legislation. When it came to repaying the money after the fees were deemed in breach of the Constitution by the Supreme Court, however, it adapted a different attitude and announced the money will be reimbursed in the course of two or three years. Only today we hear that the heads of the relevant Bills are being prepared and will go before Cabinet shortly. It will be well into next year before the legislation is brought forward and one cannot say when it will be enacted.

The Government’s attitude in this matter is shocking, especially when one considers that it affects the most elderly in society. We can get into the argument about who will benefit from the refund. Ultimately, however, that is not our job. The bottom line is that the highest court in the land found the Government had behaved incorrectly and ordered it to repay the money. These moneys should be returned immediately and it is up to the recipients how they are spent. In some cases, the families will get the money rather than the elderly themselves. Unfortunately, some of them do not have six, eight to ten months to wait. Many will be deceased by then and others have already died while awaiting repayment.

I urge the Minister to fast-track the legislation and repay the money as soon as possible. A suggestion was made at a meeting of the Joint Committee on Health and Children that staged payments could be made. If the full amount cannot be paid immediately, there should be a minimum payment to every family. I am aware of some families who are keen to bring elderly relatives abroad to such places as Medjugorje or Lourdes, perhaps for the last time. That option would be available to them if the repayment was made.

The amendment notes that legislation was due in autumn 2005 in regard to an independent inspectorate for nursing homes. It is now the last week of this term and there is no indication of when that legislation will be brought forward.

Even after the public outcry following the Leas Cross nursing home scandal, the Government remains tardy rather than proactive in terms of the promotion of an independent inspectorate. Such a body would ensure the rights of the elderly are upheld. The opposite was clearly the case in Leas Cross.

Another important element of the amendment is the call for an extension of the national hygiene audit which took place recently in the acute hospitals to all public and private nursing homes. Through my involvement with a group called MRSA and Families, I hear on a regular basis about patients being transferred from acute hospitals into nursing homes, some of which are disgraceful in terms of hygiene. There is a further problem in that acute hospitals do not always inform nursing home authorities when elderly patients have MRSA. It is a major scandal that MRSA is being introduced into nursing homes in this way. A system should be in place where before a patient who is known to have MRSA is transferred to a nursing home, the latter should be made aware so that appropriate steps can be taken, for the sake of that patient, existing patients and staff. It is unbelievable that this is not happening.

I welcome the aspect of the Government's plan relating to sheltered housing. It is very vague, however. I attended a meeting recently with the housing officer of Carlow County Council and a group in Tullow called Cheshire Homes. The latter pointed out that very few houses are being built for people with special needs. There is great scope within Part V of the Planning and Development Act for a system whereby, with some extra encouragement from the Department of the Environment, Heritage and Local Government and local authorities, developers could be encouraged to bring home modifications to such a level as to accommodate persons with special needs. There has been much advancement in this area in recent years in that new homes must now have downstairs doors that are wheelchair accessible and light switches are placed low on the walls. In order for a house to be fully accessible, it would take only a small additional effort. This is not happening but is something that can be done at little cost. Part V allows for a certain percentage of housing to be ring-fenced for social and affordable housing. Changes could be made in this way but they should not be left only to developers. We should take a proactive line on the issue.

Will the Minister of State clarify the number of extra nursing home beds to be introduced? *The Irish Times* reported last week that €8 million is to be provided for 250 more nursing homes beds, comprising 200 in Dublin and 50 in Cork. Is this the entire sum of nursing home beds to be provided? The Minister of State will accept there are elderly people not only in Cork and Dublin but

throughout the country. There must be a major increase in the number of nursing home beds.

I welcome the Tánaiste's statement concerning the conclusion of the special savings incentive scheme, SSIA, and the possibility that the allocation for this will be used to fund the plan for the elderly. There is one weakness in the SSIA scheme. There should have been three or four SSIA accounts, one for transport, one for education and one for pensions. Senator Terry has referred to the pensions time bomb on numerous occasions in the past. I welcome the initiative that we should extend the SSIA scheme to fund specific projects.

I am puzzled by the suggestion that 28% of patients currently in nursing homes will be able to move back home. I do not accept that suggestion. The people to whom I spoke who work in nursing homes did not agree with that point. It is not as clear-cut as taking patients out of nursing homes and moving them back home. First, there are many lone-parent families and families where both parents are working, unlike a generation ago when one person was at home full time and could care for an elderly relative.

There is also a growing commercialisation of Sunday and Saturday. Sunday is now like an ordinary weekday because all the shops are open. This means people are at work and cannot afford to look after their elderly relative. If one listened to "Liveline" yesterday, one would have heard the woeful tales of family members who were very upset because they clearly wanted to look after a family member but could not do so because of lack of resources. I do not think it is as easy as just moving elderly people back home.

I look forward to a debate on the issue in six months' time to see what progress has been made.

Ms Terry: I second the amendment. I welcome the Minister of State to the House. The amendment is worthy of debate because it highlights a number of failures on the part of the Government on delivering services to the elderly.

Of course, I welcome any funding which will help our elderly. It would be very small-minded of us if we did not do so. However, it is a drop in the ocean. Given the economic climate in which we live, much more money should have been allocated. One could do much more if additional funding was provided. Much more is needed, because as we sit here, elderly people are sitting in a chair in their home since they were put on it this morning, waiting for their home help to arrive and put them to bed this evening. This is the reality for many elderly people in the city and throughout the country. I do not believe anyone can be proud of this service. Neither do I believe the home care package will address the needs of thousands of people who need help.

[Ms Terry.]

Some 26% of older people live alone in this country, compared with some other European countries where 40% of elderly people live alone. We could look at these figures in a number of ways. First, we do not support sufficient people to enable them to live at home. Other countries give greater supports to elderly people who live at home. If additional hours of home help are required to allow an individual to stay at home, this should be provided. Providing home help for one hour per day to an elderly person makes a mockery of elderly people. In many instances, this is all that is provided, even though we know they need much more help.

Some 36.4% of older people's households are at risk of poverty compared with 23% of all households. As many older people are at risk of poverty, they need a lot of help, particularly when they are much older or if they have disabilities or are unwell. I agree with Senator Minihan that older people should be cared for at home for as long as possible if it is their wish. Older people do much better when cared for at home. Studies have found that older people's hearing, vision, dexterity and attention do better in the home environment when they must do things for themselves, rather than being put into a institution like a nursing home where everything is done for them. As many people like the comfort and surroundings of their own home, we need to put in place the funding to enable them to remain at home for as long as possible. The money which was made available in the budget will not do so. I know the Minister of State will say that he will work on this aspect in the coming years, but what has been done in the past number of years while he has been in Government?

Older people have been neglected. Home help is one of the crucial pillars of looking after the elderly in their homes. Home help in the North of Ireland is provided to 17% of older people. That figure is 7% in the South. Meals on wheels in the North of Ireland is provided to 26% of older people, while it is provided to 18% here. This indicates where the priorities are. Our people need these services.

I looked up the website of the National Council on Ageing and Older People. During the week of the campaign Saying No to Ageism, the results of a study on older people were announced. These indicated that many older people felt ignored or let down by the health services when they sought information. The study found that the health service was guilty of discrimination against older people. This discrimination was evident among upper age limits for breast screening and also for certain referrals for specialist treatments.

There was also evidence of prejudicial attitudes by staff to older people. I do not know how the funding which has been provided will address

these issues, but I would like the Minister of State to take on board the points made by the National Council on Ageing and Older People. I believe there is discrimination against older people. We must change our attitudes and ensure that front-line staff are specially trained to ensure older people receive the answers and information they require in a caring way, and not be brushed off.

My final point relates to older people dying in hospitals. Many older people die without respect or dignity in many hospitals because they are dying in public wards. There is no dedicated room in most hospitals in which an older person can die. There are no facilities for families to get together to talk and grieve. This aspect must be addressed. When a person is dying he or she should be afforded some respect and dignity. We must ensure that every hospital has such facilities adjacent to the wards. It is the least we can offer older people.

While I welcome the funding that has been provided, it is a drop in the ocean. It hope it will be increased significantly on the next occasion. The money the Government has wasted in so many areas could be well spent in this area. The small amount of funding provided will not do much to help the plight of many older people.

Ms Feeney: I wish to share my time with Senator Daly.

I, too, welcome the Minister of State, Deputy Seán Power, to the House. I am pleased to be able to speak on this motion. Some €150 million was announced in last week's budget by the Minister, Deputy Cowen, to provide care for the elderly.

To take up Senator Terry's final comment that people should be allowed die with dignity in a hospital and that does not happen, I do not know where that does not happen. Sadly I have buried three family members, my mother, father and an aunt in Tullamore, County Offaly, in recent years. The dignity and respect they were afforded in a hospital before they died was such that if we had staged their deaths we could not have had it any better. Perhaps the experience in that respect in rural areas is different from that in urban areas. My experience of the dignity afforded by medical and nursing staff to loved ones dying has been fantastic and of their allowing my family to be with them. I could not fault them in any way.

When I hear Fine Gael Senators say that the €150 million allocation will not go too far in addressing needs in this area, I want to laugh, but this is not a place where one would laugh out loud. Fine Gael has been out of office for too long and has lost the knack of formulating good policy. It is back in the mindset of the old days when it was in power and everything was doom and gloom. Fine Gael Senators are still preaching doom and gloom.

Ms Terry: We are facing reality.

Ms Feeney: The people to whom I speak talk about the Government's commitment to older people, the wonderful pensions they receive and the great supports they have in their homes. I do not know from where the Senators are pulling the people to whom they have spoken who are complaining. We should not politicise this issue.

Mr. Browne: What about a nursing home inspector and the nursing home refunds?

Ms Feeney: I sit on the National Economic and Social Forum and I, together with Senator Kate Walsh, am a member of the committee that drafted a report which has gone to Government. I am aware that the €150 million allocated will cover many of the measures we sought in that report. Given that allocation, if this is not a caring Government looking after the elderly in our society, I do not know what is.

Ms Terry: It cut the home help hours last year.

Ms Feeney: Senator Browne pulled Senator Minihan up on a comment he made and said that the figures do not amount to €150 million but only to €110 million.

Mr. Browne: For the year.

Ms Feeney: Yes, he was right. It is only €110 million in 2006 but in 2007 an extra €40 million will be allocated to be broken down in respect of the areas outlined.

Senator Browne called for the appointment of a nursing homes inspector. I am sure an inspector will be appointed in time. The most important point is to announce that €8 million is being spent on the provision of 250 extra beds. A total of €2 million will be allocated to dealing with abuse of the elderly, which is an important issue to address.

Mr. Daly: I thank Senator Feeney for sharing her time with me. I welcome the Minister of State to the House. The measure of the success of a Minister is in determining what budgetary allocation he or she can secure for his or her area of responsibility. The Minister of State has had great success in this regard, and this is a welcome allocation.

I wish to focus on and ask the Minister of State to direct attention to people suffering from Alzheimer's disease. Recent studies indicate that 35,000 people in Ireland suffer from Alzheimer's disease. This is an increasing challenge to policymakers and service providers. In my constituency in Clare it is estimated that approximately 1,000 people suffer from the disease. Based on current statistics it is reckoned that

approximately 500 more people will be at risk of developing it in the next number of years. This is a serious challenge for the Department, the community at large and the service providers.

To date, existing services have not been successful in providing what is required in this area. Current services are fragmented, underdeveloped and in many cases that leads to crisis because people do not obtain the service they require until such time as they are in a crisis. This issue needs to be dealt because it poses a challenge for the services and their providers.

I want to pay tribute to people who have worked in providing a voluntary service in some of the day care centres and institutions. I mention in particular the service provided by Clarecastle day care centre in my constituency. It has a development plan which will provide additional places for approximately 50 people on a day-care basis. This will greatly alleviate the pressure on the institutions because the latter do not have the necessary bed capacity or the facilities to deal with people with Alzheimer's disease.

In so far as it is possible to do so, it is imperative that people who suffer from Alzheimer's disease should be cared for outside the long-stay institutions. Supporting and funding plans of community groups such as the Clarecastle day care centre will relieve pressure on institutions such as St. Joseph's in Ennis, which has only 12 long-stay beds for people with Alzheimer's disease. It is estimated that in County Clare, 50 such beds are required, some of them being long-stay beds. In some of the other institutions such as Carrigoran where there are 25 such places. Fees must be paid for those places and they are expensive.

This issue was raised by Senator Browne. I endorse what he said about the number of people and families in particular who find it extremely difficult not only to meet the cost of providing care for people with Alzheimer's disease but to find places to accommodate them. This is an increasingly serious problem. In the programme to which the Senator referred, one woman was in such a desperate state she spoke about bringing her mother to the accident and emergency department in one of the hospitals because she could not care for her any longer. This issue needs urgent attention.

I draw the attention of the Minister of State to the needs of those suffering from Alzheimer's disease. I spoke to some people about the need to establish an Alzheimer's disease foundation similar to the Hospice Foundation where resources in the private sector could be utilised to complement and support what the Minister can do in this area. This is an urgent and pressing demand for such services.

Mr. Finucane: I welcome the Minister of State to the House. I listened to the debate on the monitor and while €150 million seems a considerable allocation, it is not an amount to crow about in the context of the length of time the Minister of State has been in office. Following the passing of the budget, an advertisement on behalf of ALONE appeared in a newspaper last week, which the Minister of State might have seen, requesting people to send letters to the Minister outlining their concern about the amount of funding being allocated to the elderly.

The heading of a newspaper article was "We were proud to be young in our new republic now we are at the mercy of the rip-off state". The article referred to people in 1949 in the new Republic and their excitement at that time. That is worth bearing in mind in the context of what we are talking about in this debate, namely, the elderly, home help and carers. The level of home help service here is 3% compared with 16% in Sweden and 14% in Northern Ireland according to the statistics available. Since 2003, the home help service for the elderly has been cut by 22%. In this allocation, is the Government trying to make up for lost time?

Politicians are approached regularly on behalf of the elderly. I am saddened by the level of service in this area and I will outline a classic example. A man of 82 years of age contacted me recently. He is in reasonably good health, living in a rural location and all he wanted was a home help for one hour a day. The home help organisers said they would like to help him out but they are unable to do so, unfortunately, under the existing means testing arrangements. The circumstances of the man in question are typical of many people in the locality. Home help organisers should have the flexibility to use their discretion. The ceilings used in such instances may preclude a person with two pensions from benefitting under the home help scheme. I often wonder whether we pay lip service to the idea of looking after people in their home environments, rather than encouraging them to stay in private or State nursing homes.

There has been a surreptitious erosion of the number of beds available for elderly people in public health facilities. Tax incentives have been made available to encourage the development of more private nursing homes, which perform a useful function, on the basis that more beds are needed to deal with our aging population. When the Cathaoirleach, who is familiar with the circumstances in this regard in County Limerick, and I were young, people often used to say that they would not like to finish up in St. Ita's Hospital in Newcastle West, which was known as "the home". There has been an amazing change in that regard, however, as many people now say they would like to finish up in St. Ita's Hospital.

Many people have asked me for help in trying to secure a bed for a member of their family or extended family in the hospital because they recognise that a high level of care is offered there.

The Minister of State, Deputy Seán Power, and many other Ministers have visited St. Ita's Hospital over the last seven years, since it was first suggested that an Alzheimer's disease care unit would be developed in Newcastle West. On the Order of Business this morning and again as part of this debate some moments ago, Senator Daly quite rightly highlighted the need to provide accommodation for elderly people suffering from Alzheimer's disease. Private nursing homes do not necessarily cater for such people. The development of an Alzheimer's disease care unit in Newcastle West is absolutely essential. I am optimistic that such a unit is likely to be developed in the near future, after seven years of waiting. Although a great deal of time has passed, not a block has been laid.

I acknowledge the work that is done by the staff of St. Ita's Hospital. The Minister of State has seen the hospital's facilities. We need to give positive encouragement to the staff, who work in a building that was constructed in Famine times. Newer buildings have been developed at the hospital site, but the facilities which are available in the older structures are not compatible with modern needs. If we want to do a proper job, we need to build a completely new hospital for elderly people in Newcastle West. It is probably not possible to improve the facilities in the existing structure because that building is so old. The standards which are being tolerated in public hospitals would not be accepted in private hospitals. I refer to the distances between beds, for example.

I am concerned about the elderly. All Senators agree it is preferable to keep such people in their home environments. A great deal of comfort is offered to elderly people living in rural areas, who often feel isolated, when home help staff come to their homes to perform basic functions, even for just one hour each day. We can offer elderly people a type of lifeline by allowing them to have discussions with home help personnel, for example. The efforts of such workers over short periods of time are particularly valuable when one considers the relatively small amount of money that is spent.

I recently read a breakdown of the cost of the services which are offered to elderly people in County Limerick by various bodies, such as the rural community care network. The former Mid-Western Health Board used to provide a home help service. If three people are living in a house, one of whom is handicapped, another is elderly and another has a further problem, it could be the case that three different units of the health service call to the house, each within its par-

ameters of responsibility. It is time for us to dovetail the facilities so that we provide a proper care package to the elderly population.

We have a great deal to do. It is easy to appeal to elderly people in monetary terms by pointing out that the old age pension has been increased over recent years. It is quite right that such improvements have taken place, in light of the buoyancy of the economy during the Celtic tiger years. If we are unable to look after the people who helped to build this country in difficult times, we should shed some tears.

It is not enough to cater for elderly people financially, however; we have to do a little more than increase the pension. We have to help to look after elderly people in their home environments. I do not think the funding which has been made available — €110 million in 2006 and €40 million in 2007 — will meet the deficiencies in that regard. We need to compare that provision of €150 million with the overall level of expenditure in the health service. The almost €200 million that was spent on the PPARS project, for example, exceeded the provision in question by €50 million. The Government needs to consider what it is doing for the elderly in that context and recognise the work it has yet to do.

I would like certain aspects of the home help service, such as the means tests and the eligibility criteria, to be examined. Home help organisers should be responsible for making decisions on the basis of an analysis of medical matters, the need for care and the person's rural location, rather than on the basis of means tests. Such people have to try to dispose of the limited number of hours available to them as part of the depleted home help resource. As far as elderly people are concerned, the Minister of State and his Government have "a lot done, more to do". Action needs to be taken in respect of home help services in particular.

Minister of State at the Department of Health and Children (Mr. S. Power): I thank Senators for tabling this motion, thereby giving me an opportunity to outline the improvements in services for older people which will result from the unprecedented additional funding that has been made available in this year's budget. I remind Senator Finucane that the allocation of €150 million is in addition to the money that is already being spent on services for older people. The new developmental investment package is intended to develop further the services which improve the lot of older people who wish to remain at home in their communities in dignity and independence. It demonstrates the Government's commitment to older people by putting them at the heart of future health policy.

As Senators are aware, most older people wish to remain in their communities for as long as pos-

sible. That may necessitate additional home help or more developed home support, including various therapy services. There is evidence to demonstrate that families caring for elderly relatives can continue to provide care in partnership with the support services which have been put in place for those who require them. It is estimated that approximately 28% of nursing home residents have a low to moderate dependency level. Many such people could have continued to live at home if appropriate supports had been made available to them at the appropriate time.

The Government's investment package is evidence of its determination to provide an important form of health care to a generation that contributed significantly to the prosperity we enjoy today. The package involves the provision of additional resources of €150 million in a full year — €110 million in 2006 and a further €40 million the following year. As a reflection of the new emphasis on home and day care, some €109 million, or almost three quarters of a full year's expenditure, is being committed to community care supports. It should be borne in mind that such funding is in addition to the extra funding that is being made available for disability, mental and primary care services in the 2006 Estimates. It is part of the Government's policy of developing the general and community care programmes. The funding will be allocated to home care packages, the home help service, day and respite care centres, specialist palliative care, meals on wheels, sheltered housing, elder abuse prevention, the development of the nursing home subvention scheme and additional bed capacity for those requiring residential care.

Home care packages, which deliver a wide range of services, have been piloted successfully in several HSE regions over recent years. The packages involve the services of nurses, home care attendants, home helps and various therapists, including physiotherapists and occupational therapists. They vary according to the care needs of the people in question. Some packages place an emphasis on home care assistants while other packages require a greater level of therapy and nursing. I assure Senator Finucane, who called for home care packages to be made more flexible, that there will be much greater flexibility in the operation of the scheme.

Older people living in the community, or those who are inpatients in an acute hospital and are at risk of admission to long-term care, will be prioritised. Home care packages will be made available to older people who have been admitted to long-term care and now wish to return to the community. They will also be offered to people who are using existing core services, such as the home help service, but need more assistance to continue to live in the community. Home care packages are delivered through the Health

[Mr. S. Power.]

Service Executive by a range of providers, including the executive itself, voluntary groups and the private sector. The scheme, which will be as flexible as possible, will be highly responsive to the real needs of individuals. If family members or friends of an older person wish to provide such services, they will be encouraged and supported to do so, in conjunction with the HSE, voluntary groups and the private sector.

Approximately 1,100 home care packages are provided to people at present. By the end of next year a total of 2,000 additional home care packages will have been provided. This will amount to almost a trebling of the current service provision. The additional 2,000 packages will support more than 2,000 persons as, for example, individuals could in some cases need a care package on a temporary basis. The major thrust of this initiative is to be directed at older people. However, there will be some flexibility, so that a person who is under 65 and may need home care may receive it, as appropriate.

Home helps are an essential part of supporting older people at home and thereby delaying or preventing admission to long-stay residential care. They also help to keep people out of acute hospitals or help their early discharge from hospitals. There is a continuing demand for home helps because of the increased number of older people in our country. An additional €33 million in a full year is being allocated for this programme, €30 million of which will be for 2006. This represents a significant increase over the 2005 allocation. The additional funding of €30 million will provide 1.75 million more home help hours. As with home care packages, it is expected that these additional resources will be implemented in a flexible way by the HSE so that particularly vulnerable individuals, who need a home help, but who are under 65 years of age, can access the service. We have had a couple of pilot schemes throughout the country providing home care packages which have made a real difference to people. Often it is only something small that makes the difference between a person being allowed to remain in his or her own home or having to go to long-term care. That is the area in which we are going to invest the money. When one is in Opposition the amount is never enough. We would have no difficulty spending more money on older people if we got it. I am happy with the increased funding being made available and I am confident it will make a real difference to the lives of many of our older people throughout the country.

Day care and respite care are an integral part of delivering a comprehensive community service for older people. The service provided may include the following: a mid-day meal, a bath, physiotherapy, occupational therapy, chiropody,

laundry and hairdressing; social contact amongst older people; respite for family members and/or carers; and social stimulation in a safe environment for older people with mild forms of dementia.

The provision of €9 million in a full year will allow for an additional 1,325 places per week in such centres. The number of older people who will benefit from these new places will be substantially more than 1,325, since, over the whole year, one place can provide a service for more than one person. While we speak about the importance of investing money, we also have to change attitudes. We have had cases where a person's circumstances changed and the first thought of others was what hospital or home they could get the person into. We have to change that attitude. Nursing homes and hospitals should be a last option rather than the first. Our investment will be geared towards changing that attitude and making it possible for people to remain in the comfort of their own homes for as long as that is possible.

The sum of €9 million is being allocated to specialist palliative care, including home care and community initiatives in 2006. A further €4 million is being allocated in 2007 to develop the service, giving a full year cost of €13 million. While recipients of specialist palliative care are not necessarily older people, this nonetheless shows the commitment to develop community based programmes.

There will be a significant increase in the resources available to the meals on wheels service to develop the service. An estimated €10 million was spent on the service in 2004 and additional funding of €2.5 million will be provided next year together with a further €2.5 million in the following year making for an increase of approximately 50% on the 2004 level. The meals on wheels service is a crucial part of the range of services which help support older people to continue living in their own homes. I had the pleasure of attending an awards' function recently where there was a man who was involved in a number of voluntary organisations, one of which was meals on wheels. In saying his few words, he mentioned one case where he delivers a meal to a man whose nearest neighbour lives more than half a mile away. Often when leaving that home he asks himself the question which is more important: his visit or the meal he was delivering. Apart from the meal it is a great contact. One does not necessarily have to live in rural Ireland to be lonely. One could live in O'Connell Street and be the loneliest person in Ireland.

Mr. Norris: There is only one left.

Mr. S. Power: It is wonderful that we have this type of service and that many people give of their

time voluntarily to assist others. We commend and express our appreciation of people throughout the country who are involved in that service.

The Department strongly supports the development of sheltered housing accommodation for older people, as it provides a real alternative to residential care and reflects the desire of older people to live with as much independence as possible. To support the development of sheltered housing, a full year commitment of €1 million will be allocated, split evenly between 2006 and 2007, to provide front-line health service support, such as therapists and public health nurses or for sheltered housing.

The HSE is developing proposals in the primary and community care areas in 2006 which are new ways of delivering service and which reflect best practise elsewhere. The proposals should reflect the very significant emphasis on home care and involve non-statutory agencies working in partnership with the HSE. A total of €4 million, €2 million in each of the next two years, is being made available to the Health Service Executive for such initiatives to improve and increase services delivered to older people. A total of €2 million is being allocated to address the important issue of elder abuse, again split evenly between 2006 and 2007. This level of funding will facilitate the implementation of the full range of recommendations contained in the report *Protecting Our Future*. Approximately €2.5 million has already been made available in recent years towards implementing the report, and this funding shows our commitment to this issue. It will also provide for the development of a research function in this area.

Inevitably, there are those who because of their level of dependency will require residential care. It is this Government's intention to facilitate and support these people and to do so in a meaningful way. A total of €20 million is being allocated to the nursing home subvention scheme for residents of private nursing homes. This represents an increase of 14% over 2005, which has an estimated spend of €140 million. The €20 million is a 2006 full year cost and will go towards both basic nursing home subvention and enhanced subvention and reducing waiting lists for enhanced subventions.

The sum of €8 million is being provided to cover the cost of 250 extra nursing home beds which the HSE is already in the process of sourcing from private nursing homes. The Department is updating the subvention scheme for payments to people in nursing homes. The purpose of this change is to make the assessment criteria for subventions, which have not been updated since 1993, reflect the major changes in property values.

Mr. S. Power: These changes were announced last year and make a great deal of sense. The criteria being used based on 1993 values bore no reflection of the changes that have taken place in property prices, particularly, in the capital but throughout the country. It is a change that all people will welcome.

Members will be aware that the Tánaiste and Minister for Health and Children, Deputy Harney, and the Minister for Social and Family Affairs, Deputy Brennan, earlier this year established an interdepartmental group for the purpose of reporting on the future financing of long-term care. The initiatives I have outlined have been informed by the work of this group. It is intended to bring the report of the group to Government shortly. In putting these measures in place we are rising to the challenge set by all civilised societies of providing services and facilities of the highest standard for the more vulnerable among us. More important, I believe that the provision of choice is an even greater contribution to the well-being of our older population. It demonstrates the respect with which we hold them and also respects their wishes by providing care alternatives of the highest quality.

This Government, through these measures, recognises the contribution of older people to our society and will continue its momentum to improve their lives in as many ways as possible, particularly assisting them to retain their independence and their place in the wider community.

As politicians and journalists have stated, we have had a booming economy here for the past few years and it is only fitting and right that older people should share in the fruits of that boom. Small changes can make a real difference to the lives of older people. When one is talking in millions, one can often get lost in the figures and the zeros after them. I have tried to explain as clearly as possible the number of areas we are tackling and the extra services that will be provided. This is an investment that I am confident will make a major change to the quality of life of thousands of older people throughout the country and is money well spent.

I thank the Senators for their contributions and I know others will contribute later in the debate. In general, they were constructive in what they said and were very appreciative of the money that is being spent and the difference it will make.

Senator Browne raised the specific issue of legislation and the repaying of moneys for long-stay care. It was our intention to have that legislation ready. It is almost finalised but it has proved to be a difficult task, with a lot of work involved. However, it has been a priority. As we announced earlier this year, this will be the biggest repayment scheme ever undertaken in the State and it was decided that we would seek the assistance of an outside company or body. We

Mr. Browne: Solely in Dublin and Cork.

[Mr. S. Power.]

had to go through a selection process in that regard, which has now been done. A sum of €400 million was provided in the Estimates for next year.

We are trying to put a scheme in place which will not necessitate any legal involvement, as far as the older people affected are concerned. Last year the Government introduced legislation and Senator Browne was one of those who criticised us for rushing it through. The Government thought it was the right thing to do but the courts decided otherwise. We then had to take stock of the entire issue. The legislation that was introduced before Christmas last year made provision for an *ex gratia* payment, so money has already been paid to a number of people. All Governments try to introduce the best possible legislation but in this instance, because in many cases the people who are owed money are vulnerable, it is important to put safeguards in place to ensure those who are owed money actually receive it. It is very easy to say that, but devising legislation to ensure that is so is not so easy. We are treating the issue as a priority and will make an announcement on the matter in the near future. The same is the case with the setting up of the inspectorate.

Earlier in the year, a television programme highlighted treatment of people in a nursing home which left an awful lot to be desired. It frightened a lot of people, particularly families who had loved ones in nursing homes. In my experience, having visited many nursing homes, in the vast majority of cases, older people are treated very well. However, a bad experience in one nursing home or hospital is one too many. The Government is committed to putting an inspectorate in place that will prevent the type of happenings that went on in Leas Cross from being repeated anywhere else. We will put in place an inspectorate that has teeth and will prevent a repetition of what we saw on our television screens earlier in the year.

The sum of €150 million is money we have secured, in addition to what we have spent this year. It is money that will be well spent and will make a major difference. One Senator referred to it as being a drop in the ocean but in anyone's terms, €150 million is serious money.

Mr. Bannon: Not in comparison to the losses on PPARS.

Mr. S. Power: If the Senator is going to be that negative, he might remain in Opposition, but that is his——

Mr. Bannon: The Government squandered that amount.

Mr. S. Power: The Senator has been singing the same tune for a long time.

Mr. Bannon: It is only a small portion of the €500 million that the Government has squandered on PPARS and several other projects.

An Leas-Chathaoirleach: The Minister of State without interruption, please.

Mr. S. Power: It is nice, now and again, to hear positive contributions from Members. This money was one of the great successes of last week, announced by the Minister for Finance, Deputy Cowen, and will make a real and meaningful difference to the lives of older people. The Government is committed, and has shown itself to be over a number of budgets, to improving pensions and services to older people. This is part of that process and the Government will continue to fund such services because it is nothing more than older people deserve.

Mr. O'Toole: With the permission of the House, I would like to give my last three minutes to Senator Norris.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Mr. O'Toole: I will take the first 15 minutes. I have noticed that Members have been able to negotiate additional time in the past few evenings.

An Leas-Chathaoirleach: Senator O'Toole, without interrupting himself.

Mr. O'Toole: I welcome the Minister of State to the House.

I have a problem when the Government tables a motion congratulating itself and equally when Members on the Opposition benches table a motion condemning the Government. The people in general have a problem with us because of this kind of scenario. I do not see why the Government needs to be congratulated for spending the money it has to spend, that it raised to spend. It is required to spend the money. It cannot put the money in the bank but must spend it, so it is not a matter of congratulations. Neither is it a matter of condemnation. This is the kind of thing that brings the House into disrepute with people generally.

I have listened to the Minister of State and cannot disagree with a word he said, except perhaps his point that for members of the Opposition, enough is never enough. I would have thought that it is the same for those on the Government benches, for whom enough is never enough either. I have heard numerous Ministers say they wish they had more money and that they

have not got enough. Every time they come to this House to speak they claim they only have X amount and have to make do with it. There is no difference in that regard. The same applies on both sides of the House.

It is important that we determine how we can make things work well and how we bring the situation forward. I wish to focus on a number of points, the first of which is the independent inspectorate. I can guarantee that within a few years of its establishment, a motion will be tabled in this House. The matter of who is in Government at that point is totally irrelevant; Senator Bannon might be on that side of the House or he might be on the Government side in the other House, and I wish him well in his campaign. The reality is that someone will ask if the inspectorate was a mistake, if it was a waste of money. He or she will point to the costs and argue that inspectorates did not cost so much in the past.

I have a suggestion, though I know there is not a snowball's chance in hell that it will be taken up — that is always the problem with sensible suggestions. Setting up a nursing home inspectorate is a very good idea but there are other areas that also need to be inspected. This inspectorate will be set up on an *ad hoc* basis and will only examine a certain area. The Minister of State should analyse the various areas the Government will have to examine over the next few years. In fact, there are areas within his Department that are relevant.

Two weeks ago, we discussed the issue of early childhood care, which is the other side of the spectrum. The same question arose with speaker after speaker, namely, how do we know when a parent is dropping his or her child to a care facility in the morning the child is going into a safe place that is well run? The question is exactly the same for elderly people, namely, how can we be absolutely sure they are in a safe, well-run facility that complies with all of the relevant regulations? We most certainly need an inspectorate but it should not be on an *ad hoc* basis, dealing only with the elderly. We should, however, investigate what is happening in buildings which the Government is subventing. There is no reason an inspectorate or other body cannot look after children under six as well as elderly people at the other end of the spectrum. It will eventually be governed by health and safety because that is what we are trying to achieve.

To create synergies I ask the Minister of State to inspect the various institutions in which citizens of this State of any age are being looked after. This will avoid setting up something and regretting it two years later as we argue about whether to extend its area of responsibility.

I welcome the constant theme of flexibility in the Minister of State's proposals. He is correct about the number of people who would prefer to

stay at home and the number of extended families and communities who favour that option. I would like to have heard what the Minister of State means by flexibility, not to hold him down to it because these proposals must go through a process. If an extended family has three elderly relatives being looked after in three different houses and all three decide to move into one of the elderly persons' homes, it becomes easier for the extended family and economies of scale make it easier for everyone. As things stand two people in such a situation cannot get the same level of support, though I am open to correction on that. Extended families often have more than one person to deal with.

I also welcome the Minister of State's point that a certain number of places could cater for twice that number of people, because people do not need to be present all the time. The idea that people can move in and out of a home as and when they need support is welcome.

The Minister of State said the subvention rate was increased last year but that does not appear to be the case. Is that increase down to the number of people who qualify, rather than an increase in levels? Will the levels be increased? The Fine Gael amendment states that subvention levels have remained static since 2001. If that is correct it is almost as nonsensical as retaining the 1993 levels, as the Minister of State said. Inflation since 2001 must amount to at least 10%.

How will this work? Will the Minister of State recognise that we cannot do these things without a sense of care in the community? I am worried by the greed in Irish society at the moment. The more we can do for families who want to look after their elderly relatives themselves, with a little support from the State, the better.

I would like to see the formula showing how we can save money. I can see the figures the Minister of State has provided but what does it cost, per person, in a nursing home for a year and what is the subvention level available for each? What does it take to give such people a Rolls Royce level of support at home, involving somebody staying with them at night or visiting them for a few hours during the week? The State might have difficulty organising an hour here and an hour there. The home care service works very well but extended families can sometimes do it equally well. I have seen it happen in my own community.

The flexibility proposed by the Minister of State could give a better quality of service and also save money — it is a win win situation. We need to increase funding levels because the point made in the amendment is important.

The motion, "recognises that this package will mean a major improvement in home and community-based support for older people." I remain to be convinced and I do not see how it will happen. The money will make a difference but we

[Mr. O'Toole.]

need to see it working and how flexibility will be built into it, because that is the most difficult task. Every home, community and family are different. Some live close to each other but others live far away. A family member may be based in Dublin but a relative might live 150 miles away and it is costly to visit them every weekend. If somebody put that to the Minister of State would he take it on board?

Mr. Norris: I agree with Senator O'Toole that it is regrettable these matters become a subject of contention on partisan lines and I will vote with the Government this evening. It praises itself too much but we need to encourage it because good work has been done in this budget. The Minister of State is decent and caring, which is obvious from his comment that the visits of meals on wheels providers were as important as the meals.

My old uncle ended up as a parson in rural England and used to visit elderly parishioners who were bedridden with arthritis. That human contact made an enormous difference to their lives.

I spoke to members of Age Action Ireland and they were positive about the budget. They were pleased that old age pensioners were now allowed to earn up to €100 per week without coming into the tax bracket or it affecting their pension, in contrast to the €7 at present. I welcome that significant improvement. The pension increases were in line with what Age Action Ireland asked for so it must and will congratulate the Minister.

Irish pensions, however, are only 32% of gross average earnings, less than the target of 34%. In comparison with other European countries we are not living up to our obligations to older people. The OECD average is 57% and in Luxembourg it is 102%. That is a wonderful figure though I wonder if it is correct. It suggests there is a premium for moving into the pension bracket which is a wonderful idea, and becomes even more wonderful the older I get.

The Harney package of €150 million over 2006 and 2007 for home care is very welcome and indicates a welcome change in attitude. I listened to an RTE radio programme today on a facility in which old people were given physiotherapy and training for living alone. I recognised the voice of a decent old fellow who was the father of a man I was in school with and explained how the facility enabled him to continue living alone. He had got to a point where he had difficulty dressing himself but they taught him how to do so and showed him exercises to make it physically easier. Socialisation was also a major feature of the facility and anything like that represents money well invested.

There are differences in the standard of home help between ourselves and the North, to our dis-

advantage. We should at least bring the service up to the level it is in Northern Ireland.

At a time when the health services are described by the Minister and others as having systemic problems and are in the middle of a reorganisation, can the Minister of State reassure us that there is sufficient bureaucratic capacity to implement these measures? I encountered a wonderful misprint at a meeting of the Joint Committee on Transport calling the Competition Authority the "Completion Authority". That would be very useful in this State. Like an implementation board it would have the completion authority and could be sent in to complete these valuable programmes.

We have heard nothing about the creation of further public nursing homes. I want to raise an issue of particular concern in this area. The Leas Cross nursing home was a private nursing home, and such homes are inspected on a fairly regular basis. I do not believe there is the same supervision of public nursing homes. There should be because of simple and avoidable things, such as bedsores, which we need to know about and address.

I welcome what the Minister of State said. Further research is needed. A very good report on health and social services for older people found, for example, that there were discrepancies between different health board areas. We need to know why people are not taking up the services or getting the same service they did. It would be useful to look into this and I hope the Minister of State can facilitate research in this area.

Mr. Brennan: I wish to share time with Senator Lydon.

I support the motion and welcome the Minister of State to the House. I am delighted to have close experience and evidence of the determination of the Tánaiste and Minister of State to provide the best services for elderly people. Recent examples of this determination and of what it can deliver in my own area of Limerick include approval under the capital programme scheme for a dementia unit in Newcastle West and for a hospice unit. I thank the Minister and Minister of State who visited those facilities in the past. I was fortunate enough to be able to arrange a number of meetings at Newcastle West and I am very supportive of the projects. I appreciate the support of the Minister of State.

Today's motion provides more evidence, if it were needed, that this Government and the Tánaiste in particular, put care of the elderly at the heart of budgetary and policy decisions. That must be commended. In Limerick there are some 20,000 persons aged 65 and over, about 11 % of the population of the city and county. Like so many other industrialised countries, Ireland will experience a significant ageing of its general

population over the coming decades. However, a word of caution is needed. Using statistics can lead us to think of a particular group in society as a uniform group with the same circumstances and needs, which is not the case. We have a duty to provide the most appropriate services for particular cases.

As has been mentioned earlier, the State will, rightly, still support appropriate residential care. That option may be the most appropriate and desirable in some cases but there are a significant number of older people who do not need that level of care. They might need some home help, perhaps a midday meal, help with a bath, physiotherapy or occupational therapy. Social contact is another aspect that should not be underestimated.

Perhaps the most important aspect is choice. A lot of ink is given to issues of respecting the elderly, equality and rights. The true evidence that a society really values any group, but especially the vulnerable, lies in providing them with real choices. Many elderly people wish to stay for as long as possible in their own homes. A state and a government may provide a single safety net for a vulnerable group. That may be adequate but to me it does not seem enough. In this month's edition of *Ageing Matters*, the Tánaiste writes that care for older people is a top priority for her. She wants our country to fully respect and care for older people and wants this to be a legacy of her time as Minister for Health and Children.

I will conclude with three short comments on what she said. First, the Government parties share the Tánaiste's top prioritisation of care of the elderly. Second, I hope the House joins me in expressing support for the tremendous work being carried out by the Government and by the medical staff in the HSE in this area. Finally, the wide-ranging new services being funded, involving an additional €110 million in 2006 and €150 million in a full year, will go a significant way towards ensuring that full respect and care for older people will be the legacy of the Government.

I especially welcome the €9 million provision for respite care. That is in recognition of the tremendous services being provided, often in a voluntary capacity, throughout the country. That money will allow for an additional 1,300 positions for care in centres, which is to be welcomed. This is the first time a special heading has been inserted in the budget for this area, which is also true for voluntary housing.

Many comments have been made about the great work in voluntary housing across the country, but the €1 million provided under this heading is additional money for therapists and nursing care at these facilities. It is in everyone's interests to keep people in their own communities for as long as possible. This is a tremendous success story carried out by voluntary housing, and I commend the Minister of State for the funding, and wish him well for the future.

Mr. Lydon: There is no need for me to go over the items noted by other speakers. I welcome the motion, and the provisions made by the Minister for Finance. It is a good package and will help the elderly.

I have always said that if one finds a child or baby outside one's door in the morning, one takes it in and cares for it, but if one finds an elderly person, one might not be inclined to do so. Having dealt with elderly people a lot over the years, I have great empathy with them, especially those who are abandoned. Many elderly people have families who do not visit them, have nothing to do with them and do not look after them. That is very sad. There is a major problem in this country with people living alone, and with the increasing numbers of people suffering from Alzheimer's disease. I understand some 35,000 or 40,000 people currently suffering from that illness, and the numbers are rising.

Any nation which cannot care for its elderly population is not worth its salt. Such care is very important. When people have given their lives for the State, have worked and done the best they could with their lives, it behoves the rest of us to support them.

I compliment the Society of St. Vincent de Paul on its great work. I support some of the comments made on the various financial packages provided, including that for respite care, palliative care and home help. Home help personnel are not always what they are cracked up to be. They come to a home for a short time and cannot stay all day, but they help. However, elderly people on their own are very vulnerable and as the Minister of State said, it is a good idea to help them to stay in their own environments as long as they can. Elderly people do not like to be shifted around and moved from where they are used to living all their lives. Home help is very useful in this respect and is to be praised.

I would like to see the Government concentrate on the area involving people before they become elderly. I do not see any reason on God's earth people have to retire at 65 if they do not want to. Many people might be engineers, for example, or company directors or postmen, on the day they reach the age of 65. The following day they have no job. All the knowledge and the accumulation of experience developed over a lifetime is lost to the community. Other countries such as America — or so I understand — make use of the great knowledge such people have in order to train young people, to help them, to inculcate values and even look after children. We should follow such examples.

There is a lot that elderly people can do, and should be encouraged to do up to the end. That is why I like to see emphasis on primary rather than tertiary care. I like to see emphasis on exercise programmes and on proper dieting. I do not mean merely physical exercising, but mental exercising, people using their minds up to the end. One can recall people who have remained on in office, such as Seán MacBride. Many such

[Mr. Lydon.]

people work into their 80s or 90s, because they believe they can do so and are given some encouragement. I have met many elderly people who had so much to offer the community but were landed in a psychiatric hospital or a nursing home — particularly in bad nursing homes, of which there are many. I have no hesitation in saying the best nursing home in the country is in Crinken, Shankill, run by the St. John of God Order.

It is spotlessly clean. A great programme is provided as are good food and individual rooms. Great care is also provided as well as respite care.

I welcome the increases in old age pensions but they should be around €1,000 per week and should be means tested. If one tried to live on €10,000 per year, one would know what it was like. Elderly people should have enough money and if they do not, they should be helped. I know we cannot afford to give €1,000 per week but we must aim towards it. The Government's ambition of moving towards €200 per week is laudable. Nobody thought it could be achieved but it will be shortly. The Government should be complimented on that.

Mr. Ryan: I gently take issue with Senator Lydon. The Minister of State would probably agree with me that perhaps as good a model of an excellent centre of care for the elderly is St. Vincent's Hospital in my home town of Athy, which happens to be where my mother resides. It would be remiss of me not to put on the record the extraordinary quality of care available which I am sure is replicated in many public facilities for older people throughout the country. It is a remarkably good humoured, cheerful place and it provides high-quality personal and medical services. Families are integrated and it is easy to get access. It provides an extremely good service.

I am a little worried that the Tánaiste and Minister for Health and Children may be allowing her preference for the private sector to direct her funds in the direction of private nursing homes rather than towards the expansion of public sector care for the elderly. If one wants a model of how good public provision can be, many of the public services provided for elderly people provide such a model.

What was announced in the budget is a considerable improvement but it is, to a degree, symptomatic of something which seems to be a particular blind spot with the Government, that is, the realisation that there are costs associated with prosperity. We have moved from a situation where there were 1 million people at work in 1996 to one where there are 2 million at work now. The population has not increased by anything like that number and it is also ageing. Many services were provided by volunteers or by the considerable number of people who were underemployed or who were not employed and who were often women. As I have said 100 times here,

I would rather have the problems we now face than those we had in the past.

However, there was a great need for a strategic realisation that as our labour force expanded and as people's free time, therefore, contracted, gaps would appear all over the place in the network of community support which used to exist. I noted a reference to the increased funding for meals on wheels in the Minister of State's contribution, which I welcome. However, a problem about which people doing meals on wheels in Cork have told me is that the providers of the service are ageing and the number of volunteers is declining because people who used to volunteer — very often married women whose children were in school — are working, and who would begrudge them that. It is beginning to leave gaps all over the place in services. That is an issue which we, as a society, and the Government, as the lead player in society, will have to address, that is, it is no longer possible to do the things we could do through voluntary service in the past. I am not suggesting the goodwill has changed but people have changed and opportunities have presented themselves. We are in a completely new environment.

The fundamental fact in all of this is that as a percentage of GDP, our expenditure on protection of the elderly is low by international standards. We must realise that with prosperity of the scale this country has achieved, we are beginning to be forced into choices. I refer to the famous comparison the Tánaiste said she never really made between Boston and Berlin but which has become part of our political mythology. We are liable, by default, to make the choice of the Boston rather than the Berlin model which leaves people to provide for themselves out of their own resources and creates a profoundly unequal society. If we do not strategically decide to direct public resources to reduce those inequalities, we will end up with an impoverished older population which is in considerable danger of poverty. Some 7% of old people live in conditions of consistent poverty, according to the most recent Central Statistics Office figures.

We are creating a network, or a patchwork, of gaps which will impoverish older people. What happens to an old person on a non-contributory old age pension if his or her waste service is provided by a private operator and for whom there is no waiver, as happens in many parts of the country? If an old age pensioner moves from inside to outside the city boundary in Cork, he or she suddenly discovers the waiver he or she had is gone. I am sure the Minister of State can usually manage the payment of waste charges, whatever about myself. However, for an old person on an income of €200 or €250 per week, the annual charge for waste disposal is the equivalent of one week's income. That is a hole in anyone's budget.

The Government must see old people as in need of a variety of services, the most fundamental being that they have an adequate income which they can spend on the things they need and

which is not extracted from them by increased local authority rents, the imposition of privatised waste collection charges or by a sudden increase in energy costs. I am glad the Government has decided to increase the fuel allowance for the first time in I do not know how many years.

Some 31% of our elderly people suffer from a disability, that is 135,000 people. Have we a strategy in place? I know we have the beginnings of something. Again, I do not want to play a silly negative game. Everything done in the budget is welcome and is better than nothing. However, one would have a greater sense that there was a strategic plan if there was not the slippage in respect of the nursing homes inspectorate. The legislation was supposed to have been introduced in the autumn. As we approach 2006, it has still not emerged and we do not know when it will.

The same applies to the repayments of the illegal charges. A cynic would say people are waiting for as many as possible of those charged illegally to die because it is probably more difficult for the dead to sue than for the living. It is also probably more difficult for the beneficiaries of a will to sue than for a living individual to do so. I cannot understand the slowness of this, whatever about the merits or demerits of it because I did not have a serious problem with people paying a reasonable fee towards good quality care. This is a strategic failure on the part of a number of Governments, including some in which my own party participated. I support the Fine Gael amendment because it identifies the need for a strategy. What we have here is an indication of what may be a strategy but I would like to see it in its entirety not just little examples of it. Then we could believe there was a coming together of all the agents of the State to provide the type of quality of life to which our older people are entitled.

Ms White: I compliment the Minister of State on his endeavours in getting the €150 million package for older people which will include the new home care scheme, increased home help, and more day care and palliative care. This is a significant investment by the Government. I wish to catch the Minister of State's eye to compliment him on his achievement and endeavours.

As many of my colleagues are aware, over the past year and a half I put together a document on a new approach to child care.

Mr. B. Hayes: That is very useful for the elderly.

Ms White: I am now working on a new document on the elderly. As I said stated previously, the Taoiseach informed me prior to the budget that I could take credit for the child care provisions in the budget.

Mr. Bannon: No.

Ms White: I told Senators about this already.

Mr. Bannon: Did Senator White believe the Taoiseach?

Ms White: I hope that my next endeavour on a new approach to ageing and ageism will have as much impact on the next budget and over Government policy in the coming year. One can well ask why a new approach to ageing is required. The number of people over 65 is increasing dramatically. They are a growing proportion of our population and are living longer than any previous generation. Society must reassess how it views older people, how it will respond to their needs, their role in the community and how to tackle ageism.

Currently, people over 65 comprise 11% of the population. In 2006, that number will rise to 11.16% and it will be 13.3% in 2016. It is interesting to note that not only is the number of older people growing but they are also much healthier and getting healthier. The population is living longer and is generally more healthy. In future it is likely that most Members will probably be very healthy when they are 75. People think that when one reaches 65 one becomes old and enters an older state of mind yet there is a major difference between a person of 65 and a person of 90. It is a whole generation. One cannot take the same policy approach to people of 65, 75 and 85. A blanket homogenous policy to people of these differing ages does not work and different policies should be in place for different age groups.

The most exciting aspect of my research to date is that we will all be much healthier. I am fascinated by this. I am sure Senator Henry is familiar with this research but it was news to me. As people get older those who have a genetic tendency to high blood pressure or strokes take medication so when they reach 65 they are capable of enjoying a full, healthy and active life.

An Leas-Chathaoirleach: We will have to give up chocolates.

Ms White: No, they are an aphrodisiac. They are very good for us.

Mr. B. Hayes: An aphrodisiac.

Mr. Brennan: Especially the white ones.

Ms White: Yes, especially the white ones. Councillor Evelyn Byrne, the chairwoman of the National Council for Ageing and Older People was here last week and she pointed out that in three generations the role of Irish women has changed. We should think about that. However, the role of older people has not. When one reaches 65 one is put in a certain slot. We must examine why that is the case.

In 1994, when the former Taoiseach, Albert Reynolds, was leader of Fianna Fáil, I got involved in the peace process in the North. As we all know, language is critical. My key to understanding the problem centred around the phrase,

[Ms White.]

“parity of esteem”. It was based on the concept that both sides of the community were entitled to equality. In my new approach to ageing and ageism I am putting the issue of equality and parity of esteem for older people on the political agenda.

A perfect example was the introduction of BreastCheck for women under 65 only. It seems unbelievable that anyone would dare take that approach. A woman over 65 is not entitled to get a free breast check in the same way as a woman under 65. How dare anybody decide that somebody over 65 is less entitled to a breast check?

I have spoken to Professor Kathleen Lynch from the equality department in UCD. She would like to see a commission on ageing. She pointed out that it was only when the commission on disability was set up ten years ago that the attitude to disability began to change. From an academic point of view she would suggest a commission on ageing. That approach would take longer to produce results but it is a very good idea.

From my research to date, older people are neither organised nor mobilised. They are too complacent and patient. Why should people have to retire at 65? Many people want to stay in the workplace after the age of 65. I propose that people would be allowed to retire on a phased basis at 67 or 68. Sixty eight may be the optimum age. It should not be the case that one would have a job to go to one day and no job the next. Most Members are active people and we would not like the idea of having to give up work at 65 if we were in perfect health unless it was to pursue another interest.

We have many role models. If Senator John McCain decides to be the Republican candidate for the presidential election in the United States in 2008 he will be 72. President Reagan was 76 during his second presidential term. Brian Friel is 76. Senator Maurice Hayes is a perfect example of a robust individual over the age of 65.

Mr. B. Hayes: He is 21.

Ms White: Yes, he is 21. As I stated, 11% of the population is over 65, yet there are only five Deputies over 65 in Dáil Éireann. This means only 3% of Dáil seats are given to those over 65 while they comprise 11% of the population.

It will take a few months for me to produce a finely honed document. Older people are too polite and passive. They need to assert themselves and make their voices heard politically. I again compliment the Minister of State on his endeavours on the significant investment for older people in the budget.

Mr. Bannon: I wish to share time with Senator Henry.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Mr. Bannon: In welcoming the Minister of State to the House, I wish to condemn this motion in the strongest possible terms as nothing more than the self-congratulatory spin we have come to expect from this lame-duck Government over the past year or so. While the Government's new-found mantra emphasises care of the elderly and keeping them within their communities and their homes, a new report by the National Council on Ageing and Older People provides evidence of ageism within our health and social services. The research uncovered concrete examples of discriminatory practices experienced by older people or witnessed by health or social care providers in every part of the country. Last week's budget announcement will do nothing to help the more than 40 people awaiting admission to nursing home care in my constituency of Longford-Westmeath.

The Minister of State mentioned an additional 250 beds but told us that 200 of those will be provided in Dublin and a further 50 in Cork. That will leave none for the people of rural Ireland, who have already been grossly neglected in terms of community services and accommodation in nursing homes. That is a shame on this Government. Two weeks ago, I raised the issue of home help in rural Ireland with regard to neglect and the hours that were cut. This budget has not addressed that issue.

Mr. Glynn: The Senator should not lose the run of himself.

Mr. Bannon: I know a man in my area —

An Leas-Chathaoirleach: I must ask the Senator to conclude.

Dr. Henry: It is his last point.

Mr. Bannon: —who is 82 years old but, despite his age and infirmity, is receiving home help for one hour per week.

Ms K. Walsh: Where is his family?

Mr. Bannon: That speaks volumes about the Government's commitment to our elderly.

An Leas-Chathaoirleach: I ask Senator Bannon to conclude.

Mr. Bannon: Shame on the Government for putting down this self-congratulatory motion.

Dr. Henry: I thank Senator Bannon for cutting short his stirring speech to let me speak.

Ms White: He will never be in Government.

An Cathaoirleach: The previous speaker should have concluded five minutes ago because this debate started at 5.03 p.m.

Mr. Norris: Flexitime.

An Cathaoirleach: We must observe the rules of the House.

Dr. Henry: It is all very well to say that the services are there for people but the question arises of whether they are available. While I applaud, for example, the Government's efforts with regard to improving home help, I have asked at the top of the HSE what happens when a home help is on holidays and have been told that the elderly person is entitled to a locum if one is available. It is no good to require that someone must be available.

I was dismayed to learn yesterday of the intrusive questions people are asked before they are given incontinence pads. I will not describe them here but they are outrageous. Questions of a personal nature should not be asked by non-medical staff. For the sake of personal dignity, we should ensure that such situations do not arise.

Mr. Bannon: Hear, hear.

Mr. Glynn: I am proud to have moved this motion, which is indicative of the Government's commitment to services for the elderly. As I said in my opening remarks, older people have been the architects of this society and it is only right that proper services are provided for them.

There are many facets to the budget and a range of proposals were outlined in this debate by the Minister of State. I concur with Senator Lydon that further consideration should be given to the issue of experienced people from all walks

of life who have a job one day but lose it the next. A certain degree of flexibility should be permitted with regard to retirement because they do not become lesser people simply by turning 65. There have been many examples of brain drains in Ireland, such as the one from the public to the private sector. Where a person is physically and mentally fit, a case could and should be made for him or her to continue. Time will be required to roll out all the provisions set out in this document.

There are many different models of care for the elderly. Some years ago, I encountered an excellent example in London when I visited my sister's mother-in-law. It included a flat, a resident caretaker and a selected group of people who kept an eye on the elderly citizens. I understand a similar model exists in Ireland but, if that is not the case, the example in London deserves investigation.

Regardless of the type of medical or nursing discipline, community service is better than hospital care. However, it is also a more expensive service. I have read a number of reports by the Inspector of Mental Hospitals and Places of Detention on the elderly in long-stay institutions and the word "visit" does not take pride of place in terms of the number of visits residents of institutions receive from relatives. Of course, plenty of relatives came out of the woodwork when a few pounds were made available. On the other hand, I know a number of people who make efforts to visit their relatives and I commend members of voluntary organisations such as the Society of St. Vincent de Paul. If it was not for them, residents would never see any face other than those of ward staff. I commend the motion to the House and hope it receives unanimous support.

Amendment put.

The Seanad divided: Tá, 18; Níl, 31.

Tá

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

Hayes, Brian.
Henry, Mary.
McHugh, Joe.
O'Meara, Kathleen.
O'Toole, Joe.
Phelan, John.
Ryan, Brendan.
Terry, Sheila.
Tuffy, Joanna.

Níl

Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Cox, Margaret.
Daly, Brendan.
Dardis, John.
Dooley, Timmy.
Feeney, Geraldine.
Fitzgerald, Liam.

Glynn, Camillus.
Kenneally, Brendan.
Kett, Tony.
Kitt, Michael P.
Leyden, Terry.
Lydon, Donal J.
MacSharry, Marc.
Minihan, John.
Morrissey, Tom.

Níl—*continued*

Moylan, Pat.
Norris, David.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Rourke, Mary.
Ormonde, Ann.
Phelan, Kieran.

Ross, Shane.
Scanlon, Eamon.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

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

Amendment declared lost.

Question put: "That the motion be agreed to."

The Seanad divided: Tá, 31; Níl, 18.

Tá

Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Cox, Margaret.
Daly, Brendan.
Dardis, John.
Dooley, Timmy.
Feeney, Geraldine.
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Morrissey, Tom.
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O'Rourke, Mary.
Ormonde, Ann.
Phelan, Kieran.
Ross, Shane.
Scanlon, Eamon.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
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Níl

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

Hayes, Brian.
Henry, Mary.
McHugh, Joe.
O'Meara, Kathleen.
O'Toole, Joe.
Phelan, John.
Ryan, Brendan.
Terry, Sheila.
Tuffy, Joanna.

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

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

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

Adjournment Matters.

Student Enrolment.

Mr. Norris: I wish to share time with Senator Henry. I welcome the Minister for Education and Science to the House. She will want to address the situation I am going to outline. She is aware of it because one of my constituents has been in touch with her about it — the disadvantage faced by Irish applicants to Irish medical schools who

must compete for entry with people from outside the European Union.

A working group on undergraduate medical education was established in 2003 under Professor Patrick Fottrell. He drew some remarkable conclusions and I was unaware until I was approached about this of how disastrous is the situation. More than half the places go to people from outside the EU. A minority of medical students in this country are Irish, even though there is a yawning gap for doctors throughout the community. The group made recommendations on extra funding and I am sure the Minister has some plans for that.

We invest in medical education but not to the extent of other countries. Comparisons have been drawn with Canada, which spends two or three times more than us, and Britain. Our medical schools only remain open because they are selling medical educations to people from outside the

country. This is wrong. In 2003, 516 of the 831 first year places in the Republic's medical schools were allocated to non-EU students, meaning that 83% of fee income came from overseas. The Exchequer that year provided a miserly €2.36 million in first year fees. Most people do not know this is the case. We can contrast this with the support given to veterinary medicine. Animals are subsidised to the tune of €26,604 per annum, while the subvention to medical students is only €9,000, roughly a third. This is astonishing.

This situation also acts to the disadvantage of developing countries because we are taking their students, educating them and often we must then employ them to make up our own short-fall. Almost 500 Irish students who should qualify every year are denied places they should have when their academic attainment is taken into account. The chairman of the Irish College of General Practitioners, Dr. Éamon Shanahan, says that a third of GPs will retire in the near future and they will not be replaced because the system is not flexible enough. For over 25 years we have capped the Irish and EU student entry at 305 places per year. That must stop.

I will move now from the general to the particular. I have been in correspondence with a person whose family is well known to me. Her father was a doctor, as is her sister, and her son now wishes to enter the profession. The latter attained 570 points in his leaving certificate, an achievement which should qualify him to study medicine, but he did not gain a place. Students from outside the EU with 450 points can gain admittance to medical courses. A large number of students from outside the State come in on substantially less points than are required by Irish students, who are thereby squeezed out of the system. I cannot but believe this is wrong.

There is yet another form of discrimination in respect of those candidates who take the A-level examination. These students only take four subjects. Although they are sometimes older than most leaving certificate students, they are awarded 150 points per A grade. However, no distinction is made at A-level between an A1 and an A2. Thus, an A-level student could attain 600 points for four 85% grades whereas an Irish student would receive only 360 points for four A2s. In a roughly comparable situation, we discriminate against our own students in terms of how their academic attainment is evaluated.

Prospective Irish medical students are, therefore, disadvantaged in a number of ways. These relate to the problem with regard to the way in which scores are evaluated; the cap in numbers; and the fact that Irish students are in a minority within our medical institutions. Moreover, society is disadvantaged because we do not have sufficient doctors to cope with the requirements of the community.

I see a worried expression on the Minister's face. We know she is an excellent Minister; we have witnessed this in performance. We have seen the way she handles matters and believe she is the very person, with the type of vigorous approach she has shown in tackling other equally different problems, to set about dealing with this issue. It is a source of great regret to me that the young person to whom I referred did not attain the place he desired. He is a person from a medical background, which can be useful because such persons know the situation. He would have a good manner if he is anything like the other family members with whom I am acquainted. Having attained all that should be required in terms of points, he was nevertheless not accepted because our third level institutions are forced, in order to keep their doors open, to sell student spaces to people from outside the European Union. This is a problem the Minister inherited. It would redound to her credit if she could do something to solve it.

Dr. Henry: I thank Senator Norris for sharing time with me. A motion I put down earlier this year, supported by all the Independent Senators, stated that we should double the number of places in the medical schools for EU students. Irish students cannot be given preference in this regard. I am glad 70 extra places were provided this year but there is a problem regarding the clinical years, as we have discussed with the Minister. It is three years before students go into clinical training so I would have thought the hospitals would be in a position to sort this out.

Senator Norris is right to point out the advantage enjoyed by students who take the A-level examination. It is only recently, in the last three or four years, that the universities offering high-demand courses have increased their requirements from three A-levels to four. For many years, therefore, students taking A-levels had a huge advantage over their counterparts studying the leaving certificate. We must take seriously the issue regarding the number of students from abroad being educated here and retained in the system to the disadvantage of their home countries and, worse still, the number of qualified doctors we take from developing countries to fulfil our needs. We have an enormous moral responsibility in this regard. I am interested to see that some African countries are now qualifying health workers after four years because they are determined not to be robbed by the West. This is an issue we must examine carefully.

In regard to the individual case raised by Senator Norris, it makes it particularly hard that the young person's points were upgraded to 570. At this points level, a system of random selection was in operation. However, he was not included in the random selection because of his initially

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lower point score and so did not even get the chance to secure a place. I understood from other cases in which I have been involved that in such situations, the person was given a place. Unfortunately, that did not happen in this instance. As fair as the points system may seem, it turns out to be very inadequate for some.

Minister for Education and Science (Ms M. Hanafin): I thank the Senators for raising this issue, which is of importance not only for education but for society in general. There has been a number of developments recently in regard to medical education. As Senators have outlined, a control has operated since 1978 on the annual intake of Irish and EU students to medical schools. It has become clear in recent years that there is a need to review that quota, not only from the perspective of students' needs but also to ensure we have a sufficient output of graduates to meet our medical requirements and the demand that exists within the health services for doctors. As Senator Henry observed, we must also ensure the demand for student clinical placements can be met.

In tandem with the intake of Irish and EU students, which is set by quota at Government level, the medical schools have independently over the years offered additional places on a commercial basis to non-EU students. This has created an important source of income for the colleges, allowing for investment in the overall quality of medical education, as well as enabling them to develop valuable international links. We spoke before about the importance of marketing Ireland as a place for quality education. Earlier this year, departmental colleagues and I went to China to attract students and we will go to India in January to do the same. Some of those Indian students are medical students. In the academic year 2003-04, where the overall intake of medical students was 782, 305 were from the EU, as per the quota, and 477 were non-EU in origin.

It is important to emphasise that the stream of international activity has not compromised the number of places on offer to Irish students because the quota is set in this regard. It is also important to state that selection of non-EU students for entry to medicine is subject to rigorous standards of assessment. The entrance requirements for potential non-EU students are determined by each medical school. That is why, for example, we have seen the change in regard to A-levels. As Senators correctly observed, some colleges used to work on the basis of three A levels but have now determined to use four. There is even some concern that this might in some way, in some of the colleges, discriminate against Northern Ireland students who traditionally came

in significant numbers to Trinity College, for example.

There are other issues to consider in this regard. The colleges are committed to ensuring that a high academic standard is maintained. This is essential because it is in the interests of the medical schools to ensure there is a high standard in terms of their intake of international students. The international reputation of the schools hinges on the academic standard of their programmes and the associated standards of entry required of international applicants.

For students who wish to study medicine in Ireland, there are very limited routes of entry. It is mostly done through undergraduate entry on the basis of the leaving certificate examination. This year, it was particularly difficult for leaving certificate students because of the huge demand for undergraduate places and the high performance of so many students. I too have met students who attained 570 or 575 points, almost perfect leaving certificates, and were heartbroken not to attain places in medicine. It is almost the case that students require 590 or 600 points to secure a place. Such high points are now the norm. For a number of students who reached the cut-off point, rather than entering a random selection process, some were offered places this year. If this was not possible, they were offered a place for next year on the basis of entrance at the same level as those who started this year. For a candidate subject to a random selection process, however, there is no guarantee of success, which is why an individual may lose out.

As Minister for Education and Science and a former teacher, I am anxious about the high points issue and the pressure this puts on young people. From a medical and societal perspective, there is a need to ensure more doctors can qualify. It was with these objectives that my predecessor, Deputy Noel Dempsey, set up the working group on undergraduate medical education and training, under the chairmanship of Professor Patrick Fottrell. This was established to review the organisation and delivery of medical education and training. As well as looking at the number of places and the entry routes, the working group also examined the quality of education. The report it produced is a valuable work with good recommendations as to how we should proceed. This is a joint effort between the Tánaiste, as Minister for Health and Children, and I. We considered the report at Cabinet sub-committee level and will bring forward recommendations to Government shortly.

It will examine the number of places and the routes of entry involved. It would be wrong at this stage to set out exactly what the proposals are. However, it is our intention to increase the number of medical places available to students in line with what will be required in the health

service. We will try to achieve a better balance between EU and non-EU places. Unfortunately, it will take a significant number of extra places to bring down the number of points required because of the number of students who have applied. In the short term, there may not be a significant difference, but at least by having extra places available, it will open more doors for more students.

While I would like to be in a position to provide more details about what the Government is doing, the Adjournment debate has probably come a few weeks too early. We will bring forward proposals based on the Fottrell report, bearing in mind what the Senators have said, because it is such a significant issue.

Mr. Norris: I thank the Minister for her clear reply and for the indication that proposals will go to Government in this session.

Ms M. Hanafin: The end of the session is next week.

Mr. Norris: I mean this session of the Parliament, before the next election.

Ms M. Hanafin: Absolutely.

Mr. Norris: While I welcome what the Minister said, I regret that it probably will not be possible to do anything for this particular individual. It appears that he is going to Nottingham. It is a loss to Ireland that a good, decent and caring young man must go abroad for his education. I hope he will be able to come back and make up for some of the deficiencies in the health service here. I wish he had been able to go to Trinity College.

EU Directives.

Mr. Bannon: I welcome the Minister to the House and thank him for taking this motion. It relates to the need for the Minister for the Environment, Heritage and Local Government to clarify his position with regard to the nitrates action plan in light of the potential devastating impact on the pig and poultry industries and to accept responsibility for the directive, which is being treated as a political football, passing between the Departments of the Environment, Heritage and Local Government and Agriculture and Food, with neither prepared to make the running, resulting in the sidelining of farmers whose livelihoods are at stake.

It now appears that the Minister has taken the bull by the horns and signed the directive into law last weekend. While that constitutes taking responsibility and action, it is highly debatable whether it is the right course of action, which the Minister and the Minister for Agriculture and

Food know will put many farmers out of business. The various farming organisations are very annoyed about the Minister's actions. They have met on several occasions and a decision was taken at the Oireachtas joint committee last week requesting the Minister not to sign the directive into law until he met the farming organisations and Department officials tomorrow. However, he ploughed ahead.

There is no doubt that the issue has been blighted by the lack of co-ordination between Departments. Fine Gael believes that designating the whole country as a nitrate vulnerable zone, without a full evaluation of the impact it will have on farming practice, is extremely irresponsible. The European Commission expects the directive, including the operation of any derogation, to be fully implemented by 2007. Irish farmers will not be able to meet the deadline because the Minister's stalling means that no derogation deal will be secured until next year. This leaves farmers with a very short window in which to draw down grants and put in place waste storage facilities. I understand they will also have to put surplus storage water facilities in place. It is unlikely that farmers will meet this target. As I am a farmer, I understand farming. Farming cannot be carried out by the book. It requires many practicalities and common sense to operate a farm.

Officials from both the Departments of Agriculture and Food and the Environment, Heritage and Local Government have publicly acknowledged that pig, poultry and dairy producers will have a significant problem early next year with the transition from the current system to the new one as set out by the nitrates action plan. The reality is that the Department has cooked the books on the issue of the nitrates directive and is not prepared to provide any shred of scientific evidence to support the restrictions it proposes in regard to it. As they stand, the proposals will make every REPS plan illegal. REPS is supposed to be the benchmark for good farming practice and environmental protection. These plans will be made illegal because of the Minister's actions.

The pig and poultry industries account for 6% of the total nitrogen usage and 10% of the total phosphate usage in Irish agriculture. The recommendation of the phosphorus threshold currently rests at a P index of three on the basis of the REPS plan, good farming codes and the Teagasc green book. The new recommendations reduce this level to a P index of two. In the past, a farmer could choose to operate either on an index of two or three. It is unbelievable that representatives from both the Department of the Environment, Heritage and Local Government and the Department of Agriculture and Food have acknowledged that pig and poultry producers will have a significant problem early next year with the transition from the current system. It is shameful and

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disgraceful that no one is prepared to provide any flexibility in this regard. Their actions are an indictment of both Departments.

I hope the Minister is not abandoning farming. The Minister for the Environment, Heritage and Local Government and the Minister for Agriculture and Food should show some common sense in this regard. The officials should not have been arguing. They should have been putting together a package that would keep farmers on the land. Some 50% of the farming population has left since 2001 and more are prepared to leave the industry. Given the dreadful regulations to which the Minister has signed up, what young person will stay on the land? He does not understand rural Ireland. It will be a disaster in the spring of 2006.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am pleased Senator Bannon turned up tonight because I want to deal with a couple of the mythologies he has outlined. While I bow to his superior knowledge on farming, having listened to him, he does not have a clue what he is taking about in regard to the nitrates directive.

Mr. Bannon: The Minister has lost the plot.

Mr. Roche: The nitrates directive was introduced in 1991 with the objective of protecting waters against pollution. We are now at the end of 2005 and Ireland is the last country to sign up to and introduce the regulations for the directive. If I had not signed the nitrates directive last Sunday, it would not be possible to have gone into the nitrates committee to commence the derogation negotiations on Monday. If that happened, Irish farming would be imperilled. If a Minister was prepared to prevaricate as opposed to taking political decisions, Irish farming would have been destroyed.

After lengthy negotiations and consultations with all relevant interests, including the main farming organisations — I want to pay particular tribute to the leadership of the farming organisations — Ireland's national action plan under the nitrates directive was formally submitted to the European Commission on 29 July 2005. The programme was prepared jointly by my Department, the Department of Agriculture and Food and Teagasc.

In October last, my Department, together with the Department of Agriculture and Food, jointly issued a consultation paper on the draft regulations. On foot of the submissions received, of which there were many, and following difficult and intensive negotiations with the European Commission, a number of significant amendments were made to the original draft regulations mainly by way of concessions to meet the con-

cerns of farmers and farm organisations. It is clear Senator Bannon has not read these concessions. These and previously won concessions include the following: the postponement of the commencement of the regulations from 1 January 2006 to 1 February 2006, meaning that the first closed period will not come into effect until late 2006; reductions in the closed period for spreading slurry for most areas; lesser storage requirements in counties Donegal and Leitrim; a new transitional period of up to 22 months for major licensed pig farmers, those covered by the IPC and IPPC arrangements, this is a major concession for small pig farmers; reduced storage requirements for farmers who generally out-winter their animals at a low stocking rate; and reduced buffer zones around water sources.

I advise the Senator and the House that if they had a Minister for the environment who prevaricated, as the Senator would have wished, we would have got none of those concessions.

The new transitional arrangements obtained for—

Mr. Bannon: The Minister is the only Minister who did not get any concessions in this regard in the EU.

Mr. Roche: I listened to the Senator's raiméis and I am putting the record right. The new transitional arrangements obtained for the major pig producers, together with the additional assistance measures being put in place by the Minister for Agriculture and Food, Deputy Coughlan, will give the sector a significant window of opportunity to adapt to the new regulatory regime.

On 11 December, I made the regulations to give legal effect to Ireland's nitrates action programme and to respond to a judgment of the European Court of Justice, a matter ignored by Senator Bannon. The regulations will play a key role in the protection of Ireland's aquatic environment while protecting as far as possible the interests of Irish farmers. The fertilisation standards specified in the regulations are based on guidelines issued by Teagasc with updatings where appropriate and were subject to detailed scrutiny by EU scientific experts. They are agronomically sound and will support optimum yields while providing necessary environmental safeguards.

Failure to have made the regulations would have resulted in further proceedings in the European Court of Justice, the imposition of daily fines on Ireland and the withdrawal of financing by the European Commission for agricultural supports. By making the regulations we can now pursue the European Commission and other member states for a derogation, the case for which has been well made here.

Ireland's original proposal for a derogation from the general livestock manure limit of 170 kg of nitrogen per hectare per year laid down in the directive was submitted to the Commission in November 2004. This has been updated and resubmitted to the Commission. Our proposal is designed to allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250 kg. The scope of the derogation being sought will cater not only for intensive dairy farmers but also specifically for grassland holdings importing manure from intensive pig and poultry units. Officials from my Department and the Department of Agriculture and Food gave the initial presentation on Ireland's derogation case to the EU on Monday of this week. The aim is to secure agreement on a derogation by the middle of 2006.

The Minister for Agriculture and Food has announced a proposed revised farm waste management scheme to be introduced as soon as possible. The revised scheme is specifically intended to assist farmers to meet the new requirements under the nitrates action programme and regulations. The Government has put proposals to the Commission which will mean that pig and poultry farmers will be eligible for the first time for grant aid for storage facilities. The level of grant aid is being increased for all farmers and will be as high as 70% in some counties.

The Minister for Agriculture and Food has also announced her intention to introduce a scheme to support the demonstration of new technologies, for example, anaerobic and aerobic digestion systems to help the agriculture sector meet the requirements of the nitrates directive. The purpose of the scheme will be to put new options for the treatment of livestock manures at the disposal of farmers and, in particular, the pig and poultry sectors.

The reality we face is that Ireland is the last country in Europe to meet its legal requirements under the EU directive. Another reality is that Ireland has already had a judgment imposed against it by the European Court of Justice. We were not meeting our legal requirements and we face the most stringent daily fines. If I had sat on my hands and done nothing, as Senator Bannon prescribed, today we would not be in a position to negotiate a derogation for Irish farmers and we would face further action in the European Court of Justice, further daily fines and the withdrawal of support for Irish farming. No Minister who is serious about Irish farming could suggest that stasis is an option.

The only way to make progress is to make political decisions, which we have done. We got an extraordinary good deal from the arrangements we made. I have used a considerable amount of the political capital I have in Europe to get, for example, the 22 month derogation, having met

the pig farmers, having met repeatedly the leaders of the farming organisations and repeatedly discussed the matter in person with the leaders of the two major organisations. I pay tribute to them. In the face of difficult realities those farm leaders were prepared to make the kinds of decisions we as politicians should be prepared to make. They were prepared to support hard decisions because they knew that is the only way to deal with the imposition which falls on us following the introduction of the nitrates directive. We had no option because we are the last country in the European Union to do something that we should have done in mid-1990s and failed to do.

Mr. Bannon: Are the farmers 100% happy with what the Minister signed in Europe last Sunday? There is a small window of opportunity within which to draw down grants. The Minister referred to the postponement of the commencement of the regulations from 1 January 2006 to 1 February 2006. For a farmer to have sewerage facilities in place, the farmer must draw up plans and then submit an application for planning permission. Will the Minister arrange for the fast-tracking of planning permission on behalf of farmers for the provision of sewerage facilities? There are only six weeks available and the Minister is aware of the length of time it can take for some local authorities to make a decision on a planning application. What special arrangements will the Minister put in place to facilitate the provision of sewerage facilities for farmers by 1 February 2006?

Mr. Roche: The Senator will know that deferring the date of commencement until 1 February is not simply a delay of six weeks. It means that the closed period will not come into effect until the back end of 2006, which will be more than six weeks. There is a 22 month period concession for major licensed pig farmers.

As the Senator is aware, the nitrates committee was due to meet on 12 December. If I had failed to signed the regulation, we could not have commenced that derogation discussion at that time. We would have had to wait until the late spring. That would have been a grotesque disservice to farming. In this regard, the patience of those in Europe would have run out. We have already lost the European Court of Justice case, as the Senator is aware. We face daily fines and a huge and harsh imposition. We would have used every ounce of political capital we have in Europe and would have got nothing for farming.

By playing the game the way we did we put together a deal that will protect the interests of Irish farming. I listened carefully to farmers, had repeated meetings with various farming groups and, as the leader of one farm organisation

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acknowledged publicly, I was the first Minister he was ever able to phone late on a Sunday night.

The reality with which we must deal is that when we must face legal obligations in Europe we should not run from them but should deal with them. If we deal with them upfront, we will be in a much better position to negotiate.

I understand the point the Senator makes about confusion because there was confusion. A letter was issued by an official from Teagasc which was regrettable because it put the farm leadership and my officials in a most difficult position and 48 hours later the letter was withdrawn. I accept that was a disservice to farming. The Senator, Teagasc in general and farming organisations are not to blame for that. It caused chaos among pig farmers because they were deeply worried. I met them and could understand their anxiety. I met Mr. O'Keeffe, who rep-

resented that sector twice in a period of eight days and was willing and delighted to do so because I learned from doing that.

We were left with no aces up our sleeve in those negotiations and the officials with whom we were dealing, as I said on a farming programme this week, knew full well that we had reached the end of the line. We made a very good deal in the circumstances. In saying that, I am not being boastful because I had established some political capital in Europe and was able to use it to benefit Irish farming. We would have faced a very dire future if we had failed to meet our legal obligations.

Mr. Bannon: An arm of the State issued misinformation. Will the Minister indicate what will happen those people who were misled by the Department?

The Seanad adjourned at 8 p.m. until 10.30 a.m. on Thursday, 15 December 2005.