



## SEANAD ÉIREANN

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*Dé Máirt, 27 Meitheamh 2006.*  
*Tuesday, 27 June 2006.*  
 —

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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

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

The need for the Minister for Social and Family Affairs to consider granting extra paid maternity leave for mothers of babies that are born with serious birth defects and who require constant supervision and care for at least the first year of their life.

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

The need for the Minister for Transport to outline the details of the plans for the future of Dublin Port in light of the decision not to move the facility and the stalled land reclamation plans.

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 and 2. No. 1, the National Sports Campus Development Authority Bill 2006 — Second Stage, to be taken on the conclusion of the Order of Business and to conclude not later than 6 p.m. Spokespersons have 15 minutes and other Senators have ten minutes, with the Minister to be called upon to reply not later than ten minutes before the conclusion of Second Stage. That change was made at the Committee on Procedure and Privileges to enable the Minister to have ample time. This time varies from Bill to Bill, sometimes there are not enough speakers and on other occasions there are quite a few.

No. 2, the Defence (Amendment) Bill 2006 — Order for Second Stage and Second Stage, to be taken at 6 p.m. and to conclude not later than 8 p.m. Spokespersons have 12 minutes and other Senators have eight minutes, with the Minister to

be called upon to reply not later than ten minutes before the conclusion of Second Stage.

The House is taking five new Bills this week and Senators have asked why we are not meeting on Thursday afternoon to start the debate on the Criminal Justice Bill. Anyone can now get a copy of the Bill and Committee Stage amendments but Report and Final Stages are being taken in the Dáil today and tomorrow and the Bill will be reprinted on Thursday. It would not be available in time for a debate starting on Thursday afternoon.

**Mr. B. Hayes:** We welcome the fact that the House is meeting on Friday to consider the Criminal Justice Bill. My colleague, Senator Cummins, and I had proposed that arrangement in discussions with the Leader's office. It is right that there would be a significant period between Second Stage and Committee and Report Stages to allow an extensive Bill to be examined in detail.

A year before the last general election, the then Minister for Health and Children, Deputy Martin, published an extensive policy on primary health care and gave a firm commitment that by 2005, there would be 60 primary health care centres established to take pressure off acute hospital services. A year later, in 2006, there are ten pilot primary health care centres.

At the last general election in 2002, Fianna Fáil promised that within two years of its return to office, there would be no waiting list for elective surgery. Now, in 2006 there are 20,000 public patients waiting for acute surgery. Is it any wonder we are ranked 25th out of 26 countries with a record of such incompetence? Commitments were made to the Irish people as far back as 2001, with very significant sums being spent on public relations regarding new proposals for the entire country. Neither of the two parties in this Government, if they are still together, can deliver on the commitments it gave five years ago. The legacy the Government will leave will be its incompetence in health.

If there is another lesson to be learned from the report published yesterday, it is that the Department of Health and Children is like *Pravda* when it comes to giving information to health agencies assessing figures of this nature. The notion that European agencies must go cap in hand to the Department to get information demonstrates the crisis. The Government has been in office for nine years but there have been no dramatic improvements in that time, a legacy of which it should be ashamed.

I refer to No. 12 on the Order Paper, the Defence of Life and Property Bill 2006. I understand that this is not a Government Bill. I also understand that this is not a Progressive Democrats Bill, despite the fact that a majority of the Progressive Democrats Senators in this House put their names to it. When one compares the Bill with the explanatory memorandum, the names

[Mr. B. Hayes.]

are on the Bill but are not on the explanatory memorandum. The Bill was published in June but the explanatory memorandum was published in May, and the explanatory memorandum includes matters which are not in the Bill. Can someone please clear this up for me? Will this piece of legislation, which is moving in the direction of a Fine Gael proposal announced six months ago that was then rubbished by the Minister for Justice, Equality and Law Reform, whose hand of God, incidentally, would seem to be on this initiative from Senator Morrissey, come before the House before the end of session? I would suggest to the Leader that there is ample opportunity on Thursday afternoon, when she has five hours to give to something, to let us take this Bill. The Progressive Democrats Senators apparently did not see the Bill. It never went through their parliamentary party, according to the Tánaiste and Minister for Health and Children, Deputy Harney, on today's "News at One". What is going on in this regard? My party certainly welcomes the change of heart, although it should have happened six months ago.

**Mr. O'Toole:** The report on the health service is really agitating people around the country. The question raised by Senator Brian Hayes needs to be asked. The Tánaiste and Minister for Health and Children, Deputy Harney, stated that this report was based on out of date information and the author of the report stated that the Department refused access to information. Somebody must answer for that. It is quite appalling. To the disinterested observer looking at this calmly and unemotionally, we cannot just accept that decision and we should know who took it.

The other issue to be noted from the report, apart from Ireland's appalling results, is that the authors stated quite clearly that in their view the position of public and private sectors working together was the wrong way to go. That supports what the Tánaiste is trying to achieve and she should just go ahead and do it. Second, direct access to consultants was dealt with quite clearly in the report. If we are to use this report, let us use it positively and also ask the questions, move matters forward and get the results we seek.

I rith na seachtaine seo caite, chuireadh tuarascáil nua ar fáil. It related to the state of the Irish language and how it has disimproved. It is well past time we had the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, in here to tell us cad tá go díreach ar siúl aige chun an Ghaeilge a chothú i measc na gnáth daoine. I have stated time and again that his policies are in no way directed towards ordinary people with ordinary problems, ach de réir deamhramh b'fhéarr leis a bheith ag dul timpeall na háite ag aistriú ainmneacha áiteanna i gcoinne toill na daoine, upsetting people around the country agus ag chuir breo ar muintir tionscaláíochta na tíre chun tuarascáilí cheann bliana a chuir ar fáil i

nGaeilge. These matters might be important, but the real issue is the one I have been raising here since the day I was elected, that we need to support the Gaeltacht. In this situation, we see that there is a threat to the Irish language in Gaeltacht schools and in the Gaeltacht. Although this might be hard to believe, Gaeltacht schools which are dealing with people from all sorts of backgrounds — immigrants, people without Irish who have returned home from other countries, etc. — have a lower pupil-teacher ratio than gaelscoileanna. Gaelscoileanna are entitled to what they have, but it surely is a nonsense that we are not giving support do scoileanna sna Gaeltachtaí, foinse na Gaeilge, áit gur chóir gach tacaíocht a thabhairt do na muinteoirí, tuismitheoirí agus na húdaráis scoileanna. I want the Minister for Community, Rural and Gaeltacht Affairs to come in here. If he does, I ask the Leader to ask him that, unlike what he did in the other House, he come in with a script and with an idea, which we can discuss and with which he will deal seriously. I ask that he would listen seriously to and engage with our viewpoints. His actions are quite appalling and he is upsetting many people. This Government wonders why it is in trouble. It is because of Ministers running riot like that, upsetting half the industries in the country which are trying to meet his requirements and upsetting Gaeltacht people who do not need to be upset. These are the bushfires around the country that are upsetting this Government.

**Mr. Ryan:** It is pleasant to acknowledge that, with the exception of one phrase, I am at one with Senator O'Toole on the Irish language issue.

**Mr. Dardis:** Be afraid, be very afraid.

**Mr. Ryan:** The Irish language is the property of the people and not the property of one party or even one family. Actions are being taken to advance the image of grandfather reincarnated, which are doing the language great harm. The best thing that could be done is to ensure that in respect of every school atá ag iarraidh múineadh as Gaeilge go bhfuil téacsleabhair ar fáil acu gur féidir a úsáid in ionad an bhrú atá ar scoileanna lán-Ghaelach i ndáiríre sna Gaeltachta ábhair a mhúineadh as Béarla toisc nach bhfuil téacsleabhair as Gaeilge ar fáil acu. It is a simple issue and it would not cost more than it costs the Department of Finance to publish the Estimates as Gaeilge to provide decent textbooks in Irish. Publishers are capable of doing this and it would be a much better use of resources.

It is tempting to say a great deal about the league table, which outlines the abysmal performance of our health service. I would like, however, to discuss an issue I have raised on the Order of Business a few times and about which I have become more and more concerned. I heard the interview recorded by the Tánaiste and Minister for Health and Children for "Morning Ireland"

earlier. She declined to appear on the programme and, instead, chose to go on the “News at One”, which has 300,000 fewer listeners. Perhaps somebody can explain that logic if she wants to defend her reforms. The Minister asserted this morning that Ireland is spending as much on its health services as Germany and France.

The top four countries in the league table come as no surprise. The most convincing aspect of the table is that the countries that one knows have a good health service are at the top and, therefore, it is difficult to argue the methodology is wrong. The top four countries spend US\$2,800 on average per head while Ireland spends 25% less. One does not have to be a health economist, a liberal market economist or a Marxist economist to realise that is an indicator of a problem. Ireland is trying to rebuild a health service that almost fell apart. The other countries have mature, well developed health services and they are spending enough to keep them running. The Government is trying to say it can provide a world class health service for the people on a budget 25% lower than those of the best health services in the world, which have good hospitals and which do not need the capital investment required here. I am horrified that the Minister for Health and Children informed the public that Ireland spends as much as these countries. Either she does not know or she will not say but not enough is being spent. We need to move away from the eternal incantation of the Minister that it is all about efficiencies and delivery. We should have an efficient health service but it most assuredly is not all about efficiency and, therefore, I would like the Minister to grace us with her presence to explain how she believes enough is being spent on health services.

Another report published recently highlighted, unsurprisingly, that the very rich pay virtually no tax. That is linked to the extraordinary revelation of the salary of the chief executive of one of our two main banks. I would like a debate on the apparent extraordinary quality of our bankers who believe if they are not paid that much, they will be stolen by major international banks. Perhaps Senator Ross can list all the Irish bankers who have emigrated because I am at a loss to recall one.

**Mr. Ross:** None of them has even been offered a job.

**Mr. Ryan:** That is what I thought. However, they are being paid——

**An Cathaoirleach:** While latitude is given to the party leaders, they should be brief.

**Mr. Ryan:** The chief executive of one of our biggest banks is paid three or four times more than the chief executive of Toyota Motor Corporation. Apparently, he believes he is worth it. However, no one has tried to recruit him to go

elsewhere. A debate is required as to how a banker can be paid ten times as much as the Taoiseach. This is an issue worthy of political debate. It is a pity the Taoiseach did not mention it in his wide-ranging radio interview last Sunday. It might have challenged a few myths about Ireland.

**Mr. Dardis:** I have never heard the Tánaiste give eternal incantations of the nature referred to by the previous speaker, whose name I cannot recall. I refer to Senator Ryan.

**Mr. Ryan:** This is why Senator Dardis and I are in different parties.

**Mr. Dardis:** However, she has consistently stated——

**Ms O'Rourke:** The Senators might yet be together.

**Mr. Dardis:** She has consistently stated that this country has a requirement to produce a world-class service——

**Mr. Ryan:** On the cheap.

**An Cathaoirleach:** Order, please.

**Mr. Dardis:** —— which has the interest of the patient at its heart. It would be worthwhile for this House to debate this report which was prepared by a private Swedish organisation. I understand it is only the second report of its type, the first being a pilot report on 12 countries. My view, and that of many neutral observers, is that the report contains many inaccuracies. The figures are out of date and it does not take into account initiatives such as the National Treatment Purchase Fund. Moreover, it does not take into account the reduction in the waiting list for cardiac surgery, from several years on the last occasion on which Senator Ryan's party had anything to do with it, to several weeks at present. Hence, one must get the balance right. The only way to so do is to have a proper debate in the House. I am sure that as always, the Tánaiste will be available to speak in such a debate.

It has been repeatedly pointed out that all stakeholders, and not simply the Government, have a role to play in this regard. This point was most forcibly made in a “Prime Time” programme dealing with the matter, or during the “Questions and Answers” programme which was broadcast after it. While the Government has significant responsibilities, which it takes seriously, all stakeholders have a role.

As for the general matter of private Bills which has been raised by Senator Brian Hayes, it is common practice in this House for Members to introduce private Bills. Some succeed in their entirety while others do not. A Bill will be debated tomorrow in Private Members' time. Hence, I do not see anything particularly extra-

[Mr. Dardis.]

ordinary or difficult about Members' introducing Private Members' Bills on the floor of the House or their endeavours to get them into law. This happens all the time and is the practice of all parties. I cited one recently, namely, Senator Leyden's Registration of Wills Bill, on which he is to be commended and about which he has been extremely consistent.

**Mr. Leyden:** Gabhaim buíochas leis an Seanadóir.

**Mr. Dardis:** Hence, I do not see anything extraordinary or unusual about this matter.

**Mr. B. Hayes:** I do not see Senator Dardis's name on the Bill.

**Mr. Dardis:** It is not necessary.

**Mr. Coghlan:** One notable absentee.

**An Cathaoirleach:** Senator Coghlan should speak to the Chair and not across the floor.

**Mr. Coghlan:** Of course.

I wish to raise a matter of serious concern regarding consumer rights. As Members are aware, the consumer strategy group report of May 2005 recommended the establishment of a new national consumer agency. According to the legislative timetable, legislation was due in December 2005 and was meant to be operational by now. However, there is still no sign of this legislation. Moreover, as the Leader is aware, the Investment Funds, Companies and Miscellaneous Provisions Bill 2006 has been published. Among other matters, it makes provision for the temporary replacement of the Director of Consumer Affairs for a period in excess of six months.

As Members are aware, the former director, Carmel Foley, resigned some time ago to take up a position with the new Garda Ombudsman Commission. She was replaced on an interim basis by a civil servant from the Department of Enterprise, Trade and Employment. This appears to be mere lip service as far as the rights of consumers are concerned. Put simply, consumers appear to be a mere afterthought in the policy objectives and legislative priorities of the Government. Surely consumers deserve better. Can the Leader state when the proper and long-promised legislation will be before the House?

**Mr. Leyden:** I am sure Senators will join me in offering sincere congratulations to one of our colleagues, Senator Quinn——

**An Cathaoirleach:** Congratulations are not relevant to the Order of Business. Please stick to the Order of Business.

**Mr. Leyden:** I accept that.

**An Cathaoirleach:** It can get out of hand if it is allowed to continue.

**Mr. Leyden:** I was present at the ceremony and I gave my personal congratulations.

**Mr. B. Hayes:** The Senator should stop canvassing.

**An Cathaoirleach:** On the Order of Business.

**Mr. Leyden:** The *Irish Examiner* carries a story today on a proposal by Fine Gael for a register of guardians. I am prepared to consider an amendment to the Bill which is progressing through the House which might expedite its wishes, if it is approved by the Fianna Fáil parliamentary party and the——

**Mr. B. Hayes:** The new committee?

**Mr. Leyden:** I am discussing the Fine Gael proposal.

**Mr. B. Hayes:** The new committee.

**Mr. Ryan:** The committee of 14.

**Mr. B. Hayes:** The committee of 16.

**Mr. Leyden:** Regarding the grave situation in Palestine and Israel, will the Leader, the Department of Foreign Affairs and the Taoiseach appeal to the Hamas-led Palestinian Government to return the Israeli soldier kidnapped after the murder or death of two Israeli soldiers? If the soldier is murdered and returned dead to the Israelis, they will launch an onslaught such as was never seen before in the Middle East. It will be a holy war. This is the wrong direction for the Palestinians to take if they want their rights to be fully recognised. Both Israelis and Palestinians have a right to exist, to recognition and to self-determination. This will lead to a serious situation of an eye for an eye. I make this appeal because these proceedings are broadcast on the worldwide web and it may be picked up in the Middle East.

**Mr. Norris:** I also heard the Tánaiste on the radio at lunchtime. I was surprised by what she stated because if it were true — and it was challenged in this House — that we spend as much as those countries which received the best results, it seems to highlight an inadequacy as we do not get the same results.

Reference was made to the national treatment purchase scheme, which is a clear indication the system does not work. It is lamentable that we must leave the country to purchase treatment for our own citizens. That cannot be highlighted as a positive aspect in support of the situation. I stated repeatedly it was courageous of the Tánaiste to take on this extremely difficult job. I agree with Senator O'Toole and others who suggested we

need to know the facts. Perhaps an outside investigation would be no harm.

I was told, and I assume it is true, that hospital beds are clogged up because people on antibiotic treatment take free leave to wander down to the pub and soak up a few pints, rendering the treatment inefficacious. If this is an urban legend, it is time it was put to bed. However, if it is true it is time action was taken.

I cannot help noticing that all over the city of Dublin, particularly at weekends, ambulances scoop up soporific citizens suffering from nothing other than an over-indulgence in alcohol. We must also examine that situation. Perhaps they need treatment. I am not sure the use of ambulances, which are emergency vehicles, is appropriate in these circumstances.

I wish to refer to a matter concerning another Department, which caused great offence and will cause great concern to all Members of this House.

I refer to the recent statement of an eminent person, the Secretary General of the Department of Justice, Equality and Law Reform, that asylum seekers and refugees constantly lie through their teeth. That is strong and virulent language.

**Mr. Dooley:** It is true.

**Mr. Norris:** Of more concern, which might even concern those such as my friend from Clare when he disentangles himself from his county councillors, is the Secretary General's suggestion—

**Mr. Dooley:** I do not entangle myself with anybody.

**An Cathaoirleach:** On the Order of Business.

**Mr. Norris:** This is on the Order of Business. The Secretary General implied the Department is routinely ambushed by the courts right up to the point of deportation. The use of the word "ambush" is very interesting and significant. What are the courts for if not to uphold the rights of persons in this country, including citizens? For the Secretary General of the Department responsible for justice to talk about the courts ambushing his officials in their eager chase to deport people should worry every decent member of both Houses of the Oireachtas.

**Mr. Dooley:** I would welcome a debate on the Euro Health Consumer Index 2006. The conclusions of this report are hardly a surprise to anybody and we do not need the report to inform us that there are very serious difficulties in the delivery of our health service. The report was written from a consumer perspective and may not take account of some of the strategies being put in place, which have not yet impacted upon the delivery of services to the consumer. However, we need to see change happen much more quickly, particularly in respect of the consultants' contract.

Senator Norris raised the issue of the National Treatment Purchase Fund and stated it was ludicrous that we must go outside the State to buy services. It is ludicrous that we are crossing to the other side of the corridor within the same hospital to buy services. This is where some of the main difficulties arise.

A difficulty arises in respect of the health service building programme. At a parochial level, a development project in County Clare has been sanctioned for over three years but an application for planning permission for the project has yet to be lodged. We need to see greater emphasis on the delivery of projects. Decisions are taken at Government level and moneys are set aside but the implementation is very poor. We should have a debate on service delivery and on how the agencies responsible therefor, in addition to the practitioners, are not doing their job. Until the consultants are taken on, we will not see real change in the delivery of health services.

**Mr. Browne:** I plead with the Leader to arrange a debate next week on compensation for beet growers, on which a decision is due in the middle of July. I have no qualms in saying I have no confidence in the Minister for Agriculture and Food on this issue. She has shown herself to have been totally inept in this area from day one despite her having been warned about it in October 2004 when she became Minister. Given that the decision is to be made in the middle of July, there is no point in our debating the matter next September or October. I ask the Leader to try to arrange for a short debate on this very important topic next week to allow the Minister to listen to the views and concerns of Members of all parties.

I do not necessarily share the views expressed in the Euro Health Consumer Index 2006 report and believe the health service is not as bad as it makes out. However, I take two main points from the report, the first of which is that there is a clear problem accessing information. Freedom of information requests and parliamentary questions are not being replied to properly and the HSE is not responding to people. This has been raised at the Joint Committee on Health and Children. The committee wrote to the Minister for Health and Children on the issue and all it got back was a reply stating its request was acknowledged, but not an answer. We need to address the information deficit and if this could be done we would be in a far better position to understand what is going on in the health service. We should consider the situation in Norway, where the authorities increased funding for the health service substantially but got no reward for doing so. Money, therefore, is not necessarily the solution.

We should invite the Minister of State at the Department of Health and Children, Deputy Seán Power, to talk to us again about the nursing home charges repayment scheme and the awarding of the contract. I have raised serious concerns about this in the House and they are becoming

[Mr. Browne.]

more serious by the day. An article in today's edition of *The Irish Times* states KPMG has been awarded the contract. Was it one of the original 11 companies that applied? If not, why did it not apply originally and why was it given the contract? There are serious questions to be asked about this issue, it has delayed the tendering process and we feel the Department and HSE could have conducted the scheme themselves. The press statement claims there is no delay in the tendering process, yet, a year and a half later, people have still not been paid.

**Ms Feeney:** Two weeks ago the Joint Committee on Health and Children met with the sudden cardiac death syndrome group, at the group's request. The group is comprised of parents who told us about the deaths of seven young people from sudden cardiac arrest who died within six weeks of each other. The most horrific, heart-rending stories unfolded during that one and a half hour meeting. I ask the Leader to organise a debate on sudden cardiac arrest among young people, particularly in the light of another terrible tragedy in Cork last night where a young man of 17 years of age died while playing a game of hurling for his club in Cork. There must be greater awareness not only among the public but among members of the medical profession who, according to the members of the group, do not know a great deal about the syndrome.

Last Thursday the Joint Committee on Health and Children had an excellent meeting during which the Secretary General of the Department, Mr. Michael Scanlon, answered every question, including the one Senator Browne wants answered again in the Chamber.

**Mr. Browne:** On a point of order, he did not answer it.

**Ms Feeney:** It has already been answered for the Senator.

**Mr. Browne:** What he said was that he was happy with it and he gave us no information.

**An Cathaoirleach:** That is not a point of order.

**Dr. Henry:** People are rightly angry, and we should be ashamed, of our position on this league table for the health service in Ireland but at least the report was published. I am even more furious to find that a very serious report has not been published by the Department of Health and Children. Two years ago, the former chief executive officers of the health boards and the Chief Medical Officer, Dr. Jim Kiely, asked for an investigation into the unit for metabolic disorders in Temple Street hospital. The unit screens children from throughout the country for metabolic diseases. It is extremely important that these dis-

eases are picked up in the newborn to prevent serious damage to those children in later life.

Apparently, the report was finalised in 2004. Dr. Philip Mayne, who runs the unit, said there was some communication with him in April 2005 but nothing has happened since. The reports, apparently, expressed disappointment about the governance of the unit, funding, consent, aged equipment and so forth. I do not know if we can debate a report which has not been published but there should not be a person in the House who is not appalled about this problem. Apparently, newborn children throughout the country are not being properly screened and we have been boasting about this for decades. At least we have a published report to examine about the disgraceful situation in the health service, and I do not take any comfort from people saying something about figures being out of date. We might be behind Lithuania if we got the up-to-date figures——

**Mr. Norris:** Hear, hear.

**Dr. Henry:** ——but what about a report like this one which has not been published?

**Mr. B. Hayes:** Hear, hear.

**Dr. Henry:** Has anyone any anxiety about that? I would be grateful if the Leader would ask the Tánaiste to come into the House to discuss a report which has not been published. Perhaps she can do something about having this very serious issue investigated.

**Labhrás Ó Murchú:** Aontaím leis na cainteoirí eile gur chóir dúinn gach tacaíocht agus cabhair a chur ar fáil don Ghaeltacht mar phobal na Gaeilge, agus go mórmhór ó thaobh scolaíochta de. Tá sé seo ciallmhar mar mholadh, agus níl aon amhras faoi ná go mbeadh sé éifeachtach maidir le cur chun cinn na Gaeilge. It is good news that the Irish language debate has moved into positive mode in recent times. We no longer have the debate of years ago about the usefulness of the Irish language when people emigrate, which they no longer have to do. The debate now is about concern, as expressed in this Chamber and by other people also, as to how best we can promote Irish. I have no doubt that there are some people who may be dissatisfied with the Minister, Deputy Ó Cuív, and if I interpreted Senator O'Toole correctly, that possibly relates to the issue of An Daingean, but the Minister is the wrong target in this case. The target, if any, should be the legislation passed by the Houses of the Oireachtas, and that is to be fair to the Minister. For every person who may be dissatisfied with the Minister, Deputy Ó Cuív——

**An Cathaoirleach:** We are not having a discussion on the Minister, now.

**Labhrás Ó Murchú:** ——I could name hundreds, if not thousands who are very satisfied with

him, as one of the most pioneering and innovative Ministers.

**Mr. O'Toole:** Now, that is confidence. It is no wonder the Government is in trouble.

**Labhrás Ó Murchú:** I say this with the best of intentions. If the Senator wants to put An Daingean on one side of the balance sheet, put all the other issues relating to the promotion of Irish on the other side I can assure him which side of the weighing scales will go down. That is not to take from the fact that we need a debate and the concerns should be expressed. However, we should not detract personally from a Minister who has been one of the best this country has had when it comes to the promotion of the Irish language.

**Ms Feeney:** Hear, hear.

**Mr. B. Hayes:** Not another one. There's a lot going on in the House this afternoon.

**Mr. Quinn:** The report issued today on health is very useful and seems to be generating discussion. I was impressed by the point Senator Henry made concerning metabolic diseases, and that this is an opportunity to identify diseases that newborn babies have, in order to save their lives. There was a report, yesterday, that in the city of Washington in the United States, it is estimated that one in 50 — or 2% of all its citizens — have the HIV virus. They have decided, starting from today, to offer a simple saliva test to everyone between the ages of 14 and 84, to enable them to see whether they have the HIV virus. That is a proactive step to ensure that people know ahead of time and are able to do something about it. It is rather like the metabolic diseases incidence that Senator Henry referred to.

We have attempted to do this with breast cancer and prostate cancer in order that people will know ahead of time and may do something about their condition. Money on its own does not solve the health problem. We must have a proactive approach to enable people to know in advance so that they can avoid discovering the bad news when it is far too late. We have not taken that step, so a debate on health will be very useful, regardless of whether it takes the form of a joint Oireachtas report or is debated in this House. I mentioned some years ago that I was impressed by the Chinese system under which the doctor gets paid until a person gets ill. When he or she gets ill, the doctor ceases to get any money, having been paid all the time when the patient was well. The doctor's job is to keep the patient well, not to make him or her better on becoming ill. If we had the same type of attitude there, then perhaps we should be taking steps to prevent rather than necessarily to cure.

**An Cathaoirleach:** Three other Senators are offering. As time is running out I shall not be able

to accept any further speakers and I must ask Senators to be brief.

**Mr. Glynn:** I support a call for a debate on the recent health report. I agree with Senator Quinn that it is useful to have this report at this time. There are some aspects with which we all agree and some we will disagree with. I do not want to pre-empt what might be said in the course of that debate. However, one of the topics that annoys me on an ongoing basis is capital projects. Capital projects, by their very nature, are painfully slow. Take phase 2B of Mullingar Regional Hospital, for example, and the utterances made by Mr. Scanlan, the gentleman who was mentioned here recently. That was not acceptable to me because in so far as I am concerned the commitment we have stands.

Notwithstanding that, many issues need to be addressed. Performing hospitals such as Mullingar are not getting their fair share of case-mix money. The efforts of the professionals and other staff in those hospitals, from the top to the bottom, who are delivering the services in a most efficient way, are not being reflected in the allocation of the case-mix money. We are told that is to happen but in a different way. I will have to change my glasses to see where it is coming from, because it does not seem to be getting to Mullingar Regional Hospital.

**Mr. Hanafin:** I am also looking forward to the debate on the report on the health service. I also wish to request a debate on Ireland's role in information technology at the earliest opportunity. ICT has become a major part of our economy. The Minister for Enterprise, Trade and Employment is abroad working to find a niche market for Ireland in this area, but we should debate the situation as much work in ICT is now being outsourced to India.

**Dr. Mansergh:** I would welcome a comprehensive debate on the health services, rather than on a statistical report, outlining the progress, the achievements, the difficulties and problems, as well as the hopes and promises that have not been fulfilled and why that is the case.

There is a more recent statistic on health which should be taken into account as it is the bottom line, namely, the substantial improvement in life expectancy since 1996. That is what much of the health service is about.

**Mr. B. Hayes:** The Government is not taking credit for that.

**Mr. Browne:** What about the life expectancy of this Government?

**An Cathaoirleach:** Order, please.

**Mr. B. Hayes:** Life expectancy, Fianna Fáil style.



**Dr. Mansergh:** Improvement in life expectancy is what the health service is about, in part anyway. We should also debate prescriptions. The Labour Party health spokesperson spoke this morning about the universal health insurance policy. In other words, the insurance companies would effectively control hospitals. If that is still Labour Party policy, I would like to hear the Fine Gael response to it—

**Mr. B. Hayes:** I would be more worried about the Senator's party.

**Dr. Mansergh:** — if it has a policy.

**Mr. Ryan:** We are still talking to each other.

**Ms O'Rourke:** I do not know why Senator Hayes is decrying life expectancy. I would also welcome a comprehensive debate on health, but this survey is riddled with untruths. Surely this is a House of truth and if we have a debate on health, there will be a chance to puncture the untruths. The first untruth is where the survey states that a patient cannot have a same-day service from his or her family doctor. I have never had an experience where I could not reach my family doctor, be it where I had to go into him or he had to come out to me. The report stated that this is not the case in Ireland, but that is a total lie.

**Mr. B. Hayes:** Not in west Dublin.

**Mr. Browne:** It is not necessarily a lie. It is very hard to get a new doctor.

**An Cathaoirleach:** With all due respect to the Leader, we will not debate this report.

**Ms O'Rourke:** That is the point. The report stated a blanket "No".

**An Cathaoirleach:** It is not in order to debate the report.

**Ms O'Rourke:** This is a House of truth and we should be able to face the truth. The report states that one cannot get a doctor in Ireland, but that is a lie. Does anybody agree with me?

**Ms White:** Yes.

**An Cathaoirleach:** I ask the Leader to speak on the Order of Business.

**Ms O'Rourke:** That survey is riddled with such filth.

**An Cathaoirleach:** We will not debate that.

**Ms O'Rourke:** I am telling the Cathaoirleach that.

**An Cathaoirleach:** I want the Leader to reply to the Order of Business.

**Ms O'Rourke:** I am replying to it.

**An Cathaoirleach:** The Leader is initiating a debate on a report which is not relevant to the Order of Business.

**Mr. Norris:** She is being naughty.

**Ms O'Rourke:** Senator Brian Hayes and others had a juicy morsel and were salivating. I would not blame them. If I was in Opposition, I would be jumping up and down as well. However, I am not in Opposition and it is my job to tell the truth. It is not the job of the Opposition to tell the truth.

Senator Hayes spoke about the National Treatment Purchase Fund.

**Mr. B. Hayes:** I never mentioned it.

**Ms O'Rourke:** I think it is a wonderful system. Many of my constituents have used it to get their hips and knees done.

**Mr. Norris:** Where did they get it done?

**Ms O'Rourke:** In Ireland. My patients do not wish to go anywhere else to get their treatment. Apologies, I meant to say my constituents.

**Mr. Norris:** Perhaps it is because the Leader has a doctorate, apparently she is not the only one in the House who recently got one.

**Ms O'Rourke:** Senator Hayes also asked about No. 12 on the Order Paper and he received an ample reply from Senator Dardis, who clarified the status of that Bill. I see Senator Morrissey is now in the House.

Senator O'Toole asked about the public and private sectors working together and the state of the Irish language. While he does not have any concern about gaelscoileanna having better pupil-teacher ratios, he wished all schools had such a ratio, in which case Irish as taught in other schools would improve greatly. He raised the matter of the Minister for Community, Rural and Gaeltacht Affairs. We will be dealing with that issue later.

Senator Ryan spoke about printers who are willing to print textbooks in Irish, but they are not being printed. He referred to the league tables for health. While Opposition Senators have some morsel today, it is a morsel riddled with untruths. He stated that the Government spent 25% less than the four top countries, which is also not true. I am only answering the points raised. Total health spending as a percentage of GNP, which is the appropriate measurement, is 8.9%, which is precisely the OECD average. I am telling the Senator and I recommend that he read the survey. When one pierces it through—

**Mr. O'Toole:** That does not address Senator Ryan's point.

**Mr. Ryan:** I never described it thus. It is the top four.

**Mr. Dardis:** Opposition Senators would hate to read the survey, as they would then need to talk about facts.

**Ms O'Rourke:** The Senator said the rich in Ireland paid no tax. Apparently a proportion of the rich do not pay tax. This is a fact from 2002. I cannot sit back like an old cow and take everything the Opposition Senators are throwing at me without telling them they are not telling the truth.

**Mr. B. Hayes:** What about the promise to end waiting lists within two years?

**Ms O'Rourke:** They should not have told those ones either. They are untruths as well.

**Mr. Dardis:** We must listen to the bulls from the other side.

**An Cathaoirleach:** The Leader, without interruption.

**Ms O'Rourke:** Those are statistics to which Deputy Burton replied in a wailing voice. When it was pointed out that the figures related to 2002, she said that all the improvements introduced by the Minister for Finance, Deputy Cowen, would not come into play until 2008. However, the Minister has initiated them and they will come into play.

**Mr. Ryan:** They will need to find another way to avoid paying.

**Ms O'Rourke:** The Senator raised an issue on which I agree with him, namely, bankers' pay. They are not being sought for recruitment in other countries and yet they have very significant dosh.

**Mr. Ryan:** Perhaps the Taoiseach would say that sometime.

**An Cathaoirleach:** Order, please.

**Ms O'Rourke:** They are paid eight times what the Taoiseach is paid. I would be delighted to tell the Taoiseach that Senator Ryan stood up for his monetary awards.

Senator Dardis defended both the consumer health matter and the Private Members' Bill. Senator Coghlan spoke about consumer rights. The consumer protection Bill is expected to be published in 2007 and the Senator received a special note in that regard.

**Mr. Coghlan:** Two years later.

**Ms O'Rourke:** No, 2007 is next year.

**Mr. Coghlan:** It had been due in December 2005.

**An Cathaoirleach:** The Leader, without interruption.

**Ms O'Rourke:** Senator Leyden spoke about the Palestinian issue and begged the Hamas-led Government to release the 19-year-old, with which we all agree, as it will only lead to further tit-for-tat reprisals.

Senator Norris spoke about the health treatment debate. Under the National Treatment Purchase Fund, patients do not go abroad for treatment, but get it in Ireland.

**Mr. Norris:** I understand they sometimes go abroad. My point is that as we receive no costings whatever, we do not know whether we are getting good value.

**An Cathaoirleach:** The Leader, without interruption.

**Ms O'Rourke:** Most of the ordinary procedures are carried out in Ireland. The Senator also referred to the comments of the Secretary General of the Department of Justice, Equality and Law Reform concerning being ambushed by the courts. That whole issue defeats me——

**Mr. Ryan:** It is hard to do that.

**Ms O'Rourke:** ——as it seems there is never a way of penetrating it to get to the truth. Senator Dooley called for a debate on the full delivery of health services.

Senator Browne was extremely balanced in his critique. He said the report on the health services was not as bad as it was made out to be. I hope he will share his opinion with Deputy Kenny and Senator Brian Hayes.

**Mr. B. Hayes:** It is duly noted.

**Ms O'Rourke:** It is no doubt noted for further report.

**Mr. Browne:** I remarked, however, that the report revealed a number of problems.

**Ms O'Rourke:** Referring to Norway, Senator Browne correctly pointed out that money is not the solution. One can pile money on a problem without improving the result. There is no doubt that reforms are needed. The Senator also sought clarification on the nursing home charges repayment scheme.

**Mr. Browne:** I also called for debate on the sugar beet sector.

**Ms O'Rourke:** Senator Feeney raised the issue of sudden cardiac arrest. A 17 year old man, who

[Ms O'Rourke.]

had just completed his leaving certificate, died last night.

Senator Henry's intervention, which I regard as very serious, concerned an unpublished report on a treatment for children with metabolic disorders. Regardless of the veracity of the report on the health service, the report referred to by Senator Henry should be published forthwith.

Senator Ó Murchú raised the issue of aid for the Gaeltacht and gave a stirring defence of the Minister for Community, Rural and Gaeltacht Affairs.

**Mr. O'Toole:** He is the best Minister ever, apparently.

**Ms O'Rourke:** That rules out a lot. Senator Quinn described the health report as useful and called for a debate on its contents. I too would like to hold a debate on the matter, so that untruths could be revealed for the fibs they are. The Senator also described a saliva test used in Washington to detect HIV.

Regarding the Chinese health service example, is it correct to say doctors are not paid when people get better? If so, that is awful because it would suit them for people to continue feeling unwell.

**Mr. Quinn:** Payments are made for keeping them well.

**Ms O'Rourke:** My advice is that it is better not to have to go to any of them in the first place. Senator Glynn remarked that it would be useful to hold a debate on health. He also raised the issue of phase 2B in Mullingar Hospital, which, he claimed, is not receiving enough attention because capital projects are proceeding too slowly. I agree with the Senator that Mullingar Hospital is a good facility.

**Senators:** Hear, hear.

**Ms O'Rourke:** Senator Hanafin called for debate on the ICT sector. Senator Mansergh called for a comprehensive debate on the health service. Members of the Opposition found great hilarity in his credible argument that we are living much longer.

**Mr. B. Hayes:** I suspect the Senator was claiming the credit for Fianna Fáil.

**Dr. Mansergh:** I referred to the period since 1996. I did not make any special claims, so the Senator can draw his own conclusions.

Order of Business agreed to.

### **National Sports Campus Development Authority Bill 2006: Second Stage.**

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

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** This Bill provides for the establishment of the national sports campus development authority, which will succeed in function and responsibility the present limited company, Campus and Stadium Ireland Development Limited, CSID, and continue the role of overseeing, planning and developing a sports campus at Abbotstown. I wish to address the context in which the Bill is being presented. Sport is very important to the Irish people and it is good for us. An active interest in sport promotes good health and well being and provides essential exercise when we lead an increasingly sedentary lifestyle. Sport also provides a sense of identity in our parish, our county and our country or even our continent as we will find when the Ryder Cup comes to Ireland. Following the efforts of elite sportsmen and women allows us to rise above the day-to-day pressures, affords us a positive rush of good feeling, allows us to cheer out loud and even if our hopes are dashed we recover and look forward to striving again on another day. It has become an important objective of this Government to promote sport and the participation in sport and to deliver top class sporting facilities.

Over the past few years Irish sportsmen and women have shown that they can scale the heights in many fields of sporting endeavour. The achievements this year of Ireland's Triple Crown winning team, Munster's Heineken Cup winning performance, Ulster's winning of the Celtic League and Derval O'Rourke's gold medal winning performance serve as a boost for our identify as a great sporting nation.

Since taking office in 1997, the Government has recognised the importance of sport and has appointed the first Minister with responsibility for sport to the Cabinet. The Government continues to believe in the value of sport and provided funding and support to back this up. The budget for sport this year is €243 million including horse and greyhound funding. To put this in context, the total funding for sport in 1997, capital and current, was just €17.5 million. By the end of 2006, the Government will have invested more than €900 million in sport since 1997.

The Government has made a considerable effort to bring our sporting infrastructure into line with best international standards. This legislation is a step towards the development of the Abbotstown campus which provides modern and well-equipped sporting facilities, giving our sportsmen and women the edge in preparation for international competition.

I draw the attention of Senators to the background to the campus at Abbotstown. On 15 November 2005 the Government approved the development of phase 1 of the sports campus at Abbotstown as set out in the development control plan prepared by CSID, who consulted widely when drawing up this plan. Phase 1 of the development control plan will provide a national field sports training centre for rugby, soccer,

Gaelic games and hockey and a national indoor training centre that will provide world class training facilities for over 30 governing bodies of sport, such as badminton, basketball, bowling, boxing, judo and table tennis. Accommodation for sportsmen and women, sports science and medical facilities, and all-weather synthetic pitches for community use will also be provided. Existing buildings will be renovated to cater for needs identified by sports bodies. This phase of the sports campus is part of a large complex of sporting facilities that will be located at Abbotstown in the future.

A multi-functional national indoor training centre will be provided. It will have changing facilities, a sports hall with 1,500 spectator seats and an ancillary hall suitable for a wide range of indoor sports. It is intended that the training requirements of up to 30 national governing bodies will be met in this indoor centre.

This is not the only development of infrastructure on a national level. Senators will also be aware that the Government is contributing €191 million to the joint IRFU-FAI project for the redevelopment of the Lansdowne Road stadium. We are also developing a network of top quality facilities around the country designed to meet the training, coaching and competition needs of our elite competitors in a wide spectrum of sports. Among the major projects supported are the Croke Park stadium, the National Aquatic Centre, the National Rowing Centre at Inniscarra, the National Tennis Centre, the National Boxing Stadium and the National Hockey Stadium at UCD.

In tandem with developments at a national level, we have also been conscious of developments at a local level. In this regard, the sports capital programme has made a substantial contribution. I recently announced the allocation of €53,745,200 to over 700 sports projects around the country under this scheme. More than 5,600 projects have benefited from sports capital funding since 1998, providing a range of essential sports facilities and bringing the total allocation of sports capital funding in that period to €448.63 million. The unprecedented level of investment in sport is clear evidence of the importance the Government attaches to the provision of modern, well-equipped and well-managed sporting facilities supported by a wide range of programmes that have a real benefit in our communities.

The facilities at Abbotstown will be available to the public as well as elite athletes. It will be available to those who wish to participate in sport simply for enjoyment or exercise or for those who wish to avail of Abbotstown as a recreational amenity. As part of the development plan a number of synthetic pitches will be provided whose primary purpose is to serve clubs and the local community. Any downtime that is available in the elite facilities will be made available to clubs and individuals.

The Bill contains three parts. Part 1, preliminary and general, covers sections 1 to 4 and contains standard provisions regarding short title and definitions of key terms used in the Bill. Part 2 covers sections 5 to 31 and deals with the establishment of the authority, describes the authority's functions and provides for the transfer of the Abbotstown site.

Sections 5 and 6 provide for the establishment of the authority and the power to acquire, hold and dispose of land and other property. Section 7 describes the authority's functions. The primary functions of the authority will be to develop a sports campus on the site and promote its use by professional and amateur sportspeople and members of the public. It also provides for the conveyance of the site currently owned by the Minister for Agriculture and Food to the authority. Sections 9 and 13 deal with the board and the appointment of a chief executive. The powers given to the authority are provided for in part two.

Under section 8 the authority is empowered to enter into agreements with others to perform its functions, recover debts and engage consultants. Section 11 provides for the right to establish committees. Sections 14 and 15 provide for the appointment and superannuation of staff. Section 25 gives the authority the power to withhold consent to renewal of a lease or tenancy. Section 28 provides for the establishment of subsidiaries, a company, or entering a joint venture. Section 29 allows the authority to borrow with the approval of the Minister given with the consent of the Minister for Finance. Section 31 gives the authority the power to compulsorily acquire land adjoining the site for access purposes. Schedule 2 sets out the procedures that shall apply in this limited case of compulsory acquisition.

Section 18 contains the standard prohibitions on members of the authority holding public office. Section 19 empowers the Minister, with the consent of the Minister for Finance, to advance funding to the authority. Sections 20 and 22 contain standard provisions for the submission of audited accounts and annual reports to the Minister. Section 24 allows the Minister to give general policy directions to the authority. Part 3 deals with transitional provisions and covers sections 32 to 39. This part provides for the dissolution of CSID and the transfer of existing staff to the new authority.

The Bill marks a further step in the on-going development of a network of infrastructure across the country. A considerable amount of effort has been put into the planning of the sports campus. The establishment of the legislation puts the developing authority on a firm statutory footing. I look forward to further developments at Abbotstown and I commend this Bill to the House.

**Mr. Browne:** I apologise for the absence of my colleague Senator Feighan who cannot be here

[Mr. Browne.]

for the start of the debate. Fine Gael welcomes the establishment of the national sports campus development authority on a statutory basis. It is appropriate that Ireland has such a facility, given our great love of sport.

A day or two after the 2002 general election, which was not a good one for Fine Gael, people got on with life as normal. It was forgotten that an election had been held. Two weeks later, the Roy Keane saga unfolded in Saipan and the country came to a standstill. I realised the difference between what one may think is important and what is important. I also realised that Irish people are fanatical about sport when I saw people stop work to hear hourly radio bulletins about the story. The entire country watched Tommy Gorman's interview with Roy Keane to find out what was happening. The country is obviously suffering now because it is not taking part in this World Cup. There would be a great atmosphere if it were.

There is an onus on us to provide facilities to encourage maximum participation in sports both at amateur level and at top class events such as the World Cup, Ryder Cup, Tours de France and the Olympic Games, including the Winter Olympic Games. We must provide the facilities that will allow people who have an ability in sport to perform better and excel. Unfortunately, our record in the Olympics is not what it should be. We must improve on it and, hopefully, the new sports campus in Abbotstown will allow top class athletes to develop their skills and yield the dividend of improved performance and gold medals. Hopefully, too, the Minister or his successors will be out at Dublin Airport welcoming home gold medal winners in years to come. That would bring the country great joy and hope.

However, hard questions must be asked about the National Aquatic Centre. Fine Gael believes that the first job this new authority should do is conduct an audit of the National Aquatic Centre and find out how much damage has been done. I was in Dubai lately and visited an indoor ski resort. This is something that should be considered for Abbotstown. If the Minister is in Dubai in the near future, he should visit this resort. Hundreds of thousands of Irish people go skiing each year. Dubai has shown how skiing facilities can be provided and hopes to compete in the Winter Olympics; this is a country where the usual outdoor temperature is 42°C. This is something we should consider. We should encourage maximum participation in sport at every level.

There are major problems at present at the National Aquatic Centre. The Minister of State, Deputy Brian Lenihan, will be aware of that given that it is in his constituency. A few months ago part of the roof of the centre was blown off. A report on the incident, by Kavanagh, Mansfield and Partners, consulting engineers, found that the damage to the competition hall was caused by the

failure of elements within the roof assembly and that the failure could have occurred at wind speeds within normal design parameters for a building of this size and location. Exceptional storm conditions need not have been present for this damage to occur, although I understand it did occur during a storm.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The conditions were exceptional.

**Mr. Browne:** It might not have required that storm to do the damage.

**Mr. B. Lenihan:** An aeroplane was overturned at the airport.

**Mr. Browne:** I know. The Minister of State should not shoot the messenger.

**Mr. B. Lenihan:** A tornado moved through part of my constituency as well.

**Mr. Browne:** That may well be the case but, according to the report, exceptional storm conditions need not have been present for this damage to occur. I am simply referring to what is stated in the report. The report found that the roof failed due to lack of resistance to the wind suction forces which were exerted on the day of the storm. Those forces did not exceed those which can be estimated for design purposes as possible to occur by reference to normal design code.

In addition, the roof decking did not comply with the normal design codes or with building regulations. These are matters of serious concern. There was also a leak in the swimming pool. The new development authority should examine these issues when it has been appointed.

We need to improve our performance in sport. Our recent record in the Olympic Games and other top class sports events is bad. The only exception is the equine industry, which has had great success. This is particularly so in County Carlow where the triangle of Leighlinbridge, Paulstown and Bagenalstown has produced some of the best horses in the country. These horses have competed in Ireland and the UK. This shows that even though Ireland is a small country, it can compete at the top level abroad. There is no reason this cannot be extended to include athletics through a new generation of athletes similar to John Treacy and other top class athletes. Hopefully, the new centre at Abbotstown will allow that to happen.

This is the first step in a long process. I urge the Minister to ensure that the authority investigates the National Aquatic Centre as a matter of urgency and rectifies whatever problems exist there. Given that there will be further development on the Abbotstown site, it is important that we go forward having learned from the past.

Fine Gael welcomes this Bill and looks forward to a Fine Gael Taoiseach or Minister with responsibility for sport welcoming home many top class athletes bearing gold and silver medals from top international sports events as a result of this development.

**Mr. K. Phelan:** I am delighted to speak on the National Sports Campus Development Authority Bill 2006. This legislation has been brought forward by the Minister for Arts, Sport and Tourism and I welcome it. The Bill will create a new national sports campus development authority, which will replace the existing company, Campus and Stadium Ireland Development Limited, known as CSID. The new national sports development authority will take over the job of overseeing, planning and developing a sports campus at Abbotstown, County Dublin.

As members of the arts, sport and tourism committee, I and my colleagues have heard various sporting organisations and experts tell us about the great benefit of having top class sporting facilities. Not alone is it important to have great sporting facilities because of the great love of Irish people for a range of sports but also because sport has been shown in every study to be a healthy activity which should be promoted. The Minister, Deputy O'Donoghue, has said previously that the role of our great sports men and women in promoting sports and healthy living can have a great impact. This is very true.

Success at local, national or international level can help lift our communities. My local second level school, St. Fergal's in Rathdowney, County Laois, was successful in All-Ireland senior hurling and senior camogie this year. This will do more to help and promote these two sports in the local area than anything else. However, there must also be good facilities if we are serious about keeping our young people involved in sports. The work done by mentors and coaches on a voluntary basis is what has helped create many of the sports stars of today.

There is no doubt that our young people need role models and heroes who will inspire and encourage them. I am always delighted when GAA intercounty players take the time to visit under age clubs and schools for various presentations. This inspires many young people to stay active in sport or to help with coaching and training or the administration of the local and national sports organisations.

Related to this issue is the need to give the necessary resources and funding to our sports organisations. I am happy with the very significant amount of funding the Minister, Deputy O'Donoghue, manages to secure for sports each year. Sports funding for 2006 exceeds €243.295 million. That is having a great impact on sport and I compliment the Minister on it. The funding provided for organisations and clubs throughout the country has been a fantastic help.

However, along with local facilities we need top class national facilities, such as Croke Park and the National Aquatic Centre in Abbotstown. Top class facilities mean that our best sportsmen and women can train, play or perform at the highest level here in Ireland. We should not be shy about saying we want top class sporting facilities throughout the country. With the Taoiseach at the helm priority will be given to sport and sports facilities. The Taoiseach is right in this approach. Like me, he comes from a sporting background and we know that every euro invested in youth facilities will yield a result in different ways.

I should mention what has been invested by this Government in sport since 1997. The total spend has been €750 million. Between 1998 and 2004, a total of almost €331 million was allocated to more than 4,721 projects throughout the country under the sports capital programme. In addition, 18 swimming pool projects have been completed in the past number of years. These were funded under the local authority swimming pools programme. Many more swimming pool projects are under way throughout the country, for example, in Portlaoise and Portarlington, County Laois.

Getting back to the Bill, I was glad to learn in November of last year that the Cabinet had decided to proceed with the development of phase 1 of the sports campus at Abbotstown over a five year period. Phase 1 of the plan will provide a national field sports training centre catering for rugby, soccer, Gaelic games and hockey; a national indoor training centre which will provide world class training facilities for more than 30 governing bodies of sport, such as badminton, basketball, bowling, boxing, judo and table tennis; accommodation for sportsmen and women; sports science and medical facilities; and all weather synthetic pitches for community use. These will all be located at Abbotstown in addition to the existing National Aquatic Centre there.

The annual sports budget has increased from €17 million in 1997 to €243 million in 2006 and I commend the Minister and his colleagues in the Cabinet for this great investment. We have made considerable progress in bringing our sporting facilities into line with best international standards. I fully support the legislation before us today because this Bill, and the further development of sports facilities at the Abbotstown sports campus, will provide top of the range facilities for our sports stars of the future.

All involved in sport in this country hope that such developments and the provision of better sporting facilities will attract many more people into sport and indeed help us to keep existing sportsmen and women involved in it. Just as we demand the best facilities in our schools and sports clubs, we should also not be shy about calling for top class national facilities which are as good as in any other country. If we fail to invest at this high level, our top Irish sportsmen and

[Mr. K. Phelan.]

women will have to look elsewhere. This would be a shame and the plans laid out to develop top class facilities at Abbotstown will rival those available anywhere else in Europe or beyond.

The selection of London for the 2012 Summer Olympic Games can have benefits for Ireland. This is a great opportunity for us to have world class athletes training here before the Olympics and I hope that all the facilities in Abbotstown as laid out in the Government plan will be in place by then.

I fully support the Bill. I commend the involvement of the Minister for Agriculture and Food and the Minister for Finance for their support for this project; their Departments have been heavily involved with it. I look forward to the further development of the facilities at Abbotstown and believe strongly that this is the right decision to proceed with the sports campus. I also acknowledge the €191 million that has been provided for Lansdowne Road.

**Mr. Quinn:** I welcome the Minister and I found his speech interesting. I intend, however, to oppose this Bill. It is completely unnecessary. I wish the Abbotstown sports campus every success but I fail to see what this new statutory authority, with all its bells and whistles, can do that the existing, perfectly adequate limited company cannot.

My opposition should not be seen as a protest against this project, I am enthusiastic about it, but I protest against the excessive proliferation of statutory authorities, supported by the full panoply of their own legislation and all that goes with it, that we have seen over the past decade. It is time for someone to shout "Stop" and since no one else seems to care, I will take on that responsibility. I have no objection to the notion of semi-State bodies as such there will always be many things we want to happen under the aegis of the State but outside the smothering embrace of the Civil Service. The full panoply of a statutory body should be reserved for only the largest, most important and far-reaching of these activities.

For lesser matters, and I suggest this is one of them, less pretentious and expensive vehicles are available. There are many semi-State activities that can be carried out perfectly efficiently with a satisfactory level of public accountability through the vehicle of an ordinary limited company where the shares are owned by the sponsoring Minister. That is how the Abbotstown project has been handled until now and I doubt that has hampered its activities in any way. We could criticise some of the things that have happened in Abbotstown in the past few years, and I am sure much of this debate will be devoted to that, but if we are honest, we will admit that the difficulties arose not because of the nature of the corporate vehicle but because of the overly hasty and *ad hoc* manner in which the project was managed.

We should be concentrating on ensuring such mistakes are not made again. I see nothing in this Bill that will achieve that. A statutory body can be inadequately managed as easily as limited company. I see no safeguards or quality controls in the mechanism proposed in the Bill that are a whit better than the existing safeguards in ordinary company law.

What do we think we are achieving by passing this Bill? Will it make the smallest difference to the young athletes of Ireland who will benefit from the campus in the years ahead? I doubt it. Will it make the smallest difference to the level of scrutiny by the Oireachtas of what goes on in our name at Abbotstown? I doubt it very much. It will produce an annual report that will be laid before both Houses of the Oireachtas. Does that mean either of these Houses will ever pay the least attention to the publication of the report? If the way we deal with the many hundreds of similar reports that clog our pigeon holes every year is any guide to it, the answer is "No".

The truth is that the only need satisfied by this legislation is that of self-aggrandisement. The title, National Sports Campus Development Authority, rolls nicely off the tongue and will look well on business cards. The costly annual report of the authority will be a glossy, state of the art publication that no one will read. When I was chairman of An Post, there were only two shareholders, the Minister for Finance and the Minister for Communications. I had a rule that there would be no photographs or colour in the annual report because only two people would read it. We produced annual reports that gave all the information on plain paper. Something has happened to make us think we must add to the costs and paraphernalia in such publications.

Is the production of such reports what we are about in this day and age? Over the last year, I have become involved in the better regulation movement, the aim of which is to cut back on the thicket of unnecessary rules and regulations that get in the way of people doing things. From a business point of view it makes sense because we have hindered our ability to be competitive by introducing regulations and costs that are unnecessary. Some countries have wiped them away. The President of the European Commission, Mr. Barroso, when he entered office, did away with 70 regulations that had been introduced in recent years. He said that they were slowing down Europe's competitiveness. We have got into the habit of adding costs and structures that are not needed. Under a regulation impact assessment, of which I have often spoken in this House, we hope to bring about a situation in which every new regulation, statutory instrument or law must be justified on the grounds of necessity and on the basis of a proper cost benefit analysis. I cannot help feeling that we should extend this concept to the likes of this Bill. There should be some mechanism that always asks a number of simple questions. Do we really need this? Does

this Bill serve any useful purpose in advancing the march of the Irish people? If the answers to those questions is, as I believe in this case, a resounding “No”, then a home for this Bill should be quickly found in the nearest waste paper basket. As I stated at the outset, I wish the Abbotstown project all the success in the world, but I will vote against the passage of this Bill, which is just a waste of the House’s time, of effort and of the country’s money.

I must be careful. I am an energetic enthusiast for sport and for what it can do for Ireland. I had the good fortune to attend the Olympic Games in Barcelona, in Atlanta and in Sydney.

*4 o'clock* I can see the spur and the enthusiasm that is created by such events. After four days in Barcelona, I remember meeting some Americans who ask me how Ireland was doing in the Olympic Games. I replied that we had won four gold medals and one of them responded by asking, “That is okay, is it not?” I said, “Yes, that is since 1896.” It had taken us 100 years to win them. We have won another four since then.

The enthusiasm that sport can create in the nation is well worth the Abbotstown project and the campus. What I am opposed to is the considerable backup of a statutory authority rather than an ordinary limited company. I hope the Minister will consider this point.

**Mr. Dardis:** I welcome the Minister for Arts, Sport and Tourism, Deputy O’Donoghue, to the House. The Minister’s title indicates how much importance the Government attaches to sport. The Minister, like other speakers, referred to the way sport improves the health of the nation. That is not something new. The Romans had the phrase *mens sana in corpore sano* — healthy body, healthy mind. Sometimes I just wonder how true that is.

For anybody, like the Minister, who was in Cardiff, perhaps it was not all that good for our health until the match was won. I am sure the Minister has been involved in a few close finishes in Listowel, Tralee, Punchestown and the Curragh, that might not have been the best for his health, or even his pocket. Of course sport is beneficial to the nation. There is also the aspect of our national well-being, of which Senator Quinn has spoken, that the nation is given a boost when our international competitors do well, whether in team events, in the Olympic Games or elsewhere, and that is good.

Another important aspect of sport is that it produces role models. Obviously important international sportspersons are significant role models for young people and they can have either a beneficial or negative effect. It often strikes me as odd that people who earn such enormous amounts of money, particularly in association football, are not more aware of their responsibilities to younger people and to conduct themselves properly so they are good role models. By and

large, our international soccer players and other international sporting personalities are an entirely beneficial influence on young people but there are one or two unfortunate exceptions.

I disagree with Senator Quinn on the need for the national sports campus development authority. We are all agreed that we need the campus and the centres of excellence, which are the way of promoting success on the playing fields, in athletics and in sport generally. There must be some body that takes control and that body needs to be at arm’s length from the entire area. It is an extremely complex operation and it is appropriate that the authority takes over from Campus and Stadium Ireland Development Limited. The Minister is correct in what he is doing and the history of the entire project would underline how correct he is.

The centres of excellence operate at a national and a local level. Probably the best example is the Australia system, which has produced top class athletes. It also has been beneficial in rugby, football and other team sports in Australia. There is a requirement at that level of elite athlete and sportsperson for these facilities and the full range of monitoring supports. It has become a scientific activity at the highest level of sport, in terms of metabolism, fitness and even warming down. I am sure the Minister would recall when people got into a car at the end of a match in the corner of a wet field in Kerry and now they seem to go off to a hotel where ice is packed around them, and they must warm down as well as warm up. We have come a long way and, unfortunately, that is what competing at an international level involves. That said, I am conscious of the achievements of athletes such as Herb Elliott, who became one of the greatest middle distance runners of all time just by running up and down the sand dunes in New Zealand. There is something that must be in the make-up of the individual, particularly in solo events. The young girl who recently sailed around the world solo is another such example.

There is also the local aspect of sport and that is where the sports capital programme has made a significant impact. It has been enormously beneficial in providing facilities for clubs and communities who help to foster the original seeds, which we hope will finish up in the national centre of excellence and become persons of international standing within their sports or at the top levels within domestic sport in the case of Gaelic football or hurling.

Unfortunately, participation does not seem to be enough any more. The great example to the contrary, and I suppose one of the significant positives, was the Special Olympics, where participation was enough and where young people went out and enjoyed what they were doing. That also gave a considerable boost to the nation. However, winning now seems to be everything and I suppose that is because of money. Sport has become professional, which leads me to the point that there must be extreme vigilance by the sport-



[Mr. Dardis.]

ing authorities, with the support of the Government, to ensure the use of performance-enhancing drugs does not become prevalent within sport. The Minister will be aware of the rigorous controls in horse racing, for instance, to detect illegal substances to the point where it is almost possible to detect one grain of coffee in the feed for a horse, and this can cause problems. We must be at such a leading edge in terms of the technology available to detect these substances and to deal effectively with them.

Like all Members, I welcome the decision to open Croke Park to allow the national rugby and soccer teams play there during the development of Lansdowne Road. It would have been unfortunate to have to go to the Millennium Stadium in Cardiff, even though it is wonderful, the new Wembley stadium, if it is ever built, or wherever. It is obvious that those games should take place in Ireland and I made the point to the Cathaoirleach, on a previous occasion when we discussed it, that I am really looking forward to going to Croke Park and Michael Cusack would approve when we stuff the English there in a Triple Crown match. There will be a certain applause from the people who went before.

I hope the Lansdowne Road project will go smoothly. I accept that the planning system must be gone through. I am conscious that the Government has put nearly €200 million into this project and I am sure it will be money well spent. It is unfortunate that one of the oldest and most distinguished rugby clubs in the country seems to be trying to delay this project or at least make progress more difficult. Given the club's history and ethos, this is not consistent with how it should behave. I say this by way of an aside.

Another lesson from all of this relates to the keeping of public lands in public ownership. When I was a local authority member and land became expensive, I wondered why local authorities did not cash in on the land bank when I considered how much could be done with the money. That was right on one level but, on another, it was wrong. Unless lands are retained in public ownership, it becomes extremely difficult to acquire sites of the scale of Abbotstown.

**Mr. Ryan:** Private hospitals can be built on the land.

**Mr. Dardis:** Abbotstown is well established in the psyche of agricultural Ireland. Anybody who studied agriculture in the 1960s, as I did, or who farmed in the 1970s and 1980s was aware of the importance of Abbotstown and the work of the laboratories to the industry. It is a reflection of the changing times that it is being developed as a special sports campus, which is welcome.

When zoning lands, local authorities should be very conscious of the location of prime sites that could be developed to provide a sports facility and result in a significant community gain. When

I was a member of Kildare County Council, we tried to do that with one particular zoning. We hoped to make land available so that the GAA could move from its town centre stadium in Newbridge to a new facility outside the town. One of the great hopes of the late Michael Osborne was that the project would come to fruition. I hope it will but the main issue is to reserve a site. If somebody gains significantly from the rezoning of land for industrial purposes, a site should be reserved for sporting or community use, as that is important.

The Minister stated that between 1997 and the end of the this year almost €900 million will have been provided in sports capital funding. The question arises as to why that amount should be invested in sport, which leads us to the wider issue of the health of the nation and enabling individuals to compete at the highest level internationally or even on a county or provincial basis. While health spending was raised in a different context on the Order of Business, investment in sport results in an unseen gain.

Both the Olympic Council of Ireland and the Irish Sports Council have roles in this area. I have argued with the chief executive of the sports council that it should cast its net as widely as possible to support all sports. I regard field sports and angling, for example, as sports and they should come within the ambit of the council. The OCI has an important and crucial role in making sure the conditions exist to help young people who have the potential to win a gold medal at the Olympic Games to come through the system, to give them the supports they need and to make sure they are properly looked after.

I wish the Bill well. While it is important that world class facilities should be provided so that people can compete successfully at the highest level internationally, participation is the most important issue. We should never lose sight of the person who takes to the field on a wet Sunday morning in rural Ireland to play his or her heart out, as he or she also deserves support.

**Mr. Ryan:** I am always rude about welcoming Ministers. I miss Deputy O'Donoghue as Minister for Justice, Equality and Law Reform because, while he was every bit as argumentative as his successor, he was much more good humoured in the process. That is a backhanded compliment, which he cannot repeat around the Cabinet table. I was spokesperson on justice issues when the Minister held the portfolio and I enjoyed our encounters. I could not fight with him as seriously about this legislation as I did about many issues we debated in the past.

The principle underpinning the legislation is fine. I was never in the Ceaucescu school of criticism of the Abbotstown project. I believe in the idea of using affluence to provide high quality publicly owned and controlled facilities. I have reservations about the concentration of resources in our capital city but resources alone should not

be a constraint. Many questions are worth discussing. I am a sports enthusiast who attempted to play Gaelic football from a young age until I was too old to play. I ended up with a few dislocated joints because I played when I was too old to do so but I enjoyed every second of it.

I am not sure I enjoy watching games in which I have a passionate interest in one team. The stress and tension takes more out of me than the outcome. I enjoy a match such as last Sunday's Munster final more because I have a geographical allegiance to Cork and long established familial allegiances to Tipperary. The outcome was, therefore, not as critical and I enjoyed the spectacle. I am sure I am not alone in wondering about those who use the term "the beautiful game" to describe association football because what we witnessed in Thurles last Sunday was a quantum leap beyond "the beautiful game" both in terms of skill and sportsmanship in comparison with the disgusting and dirty World Cup match on Sunday evening. The Munster final was a hard, tough game but I am not accustomed to the spectacle of the captain of an international team head butting an opposition player, whatever about the rough side of Gaelic games. There was an outcry over the so-called battle of Omagh between Tyrone and Dublin last year, during which many grown men, who should have had more sense, pushed each other. Nobody was hurt, no blood was spilled, no bones were broken and nobody was flattened on the ground by a head butt. The beautiful game was played out in Thurles last Sunday as far as many people, including myself, are concerned. The game on the other channel was a painful contrast, not only because of who was involved but because it was pathetically slow and different.

Sport is of great importance. A study should be undertaken in which the career development of young children from poor areas with limited backgrounds who get involved in a sport is compared with that of children from similar backgrounds who do not. While I do not have evidence to support this, I predict a significant divergence. Young men, in particular, are interested in sports and cars. A youngster who has a passionate interest in something during his or her teenage years will overwhelmingly not have encounters with the law and so on. Sport keeps people busy and fit, helps them to maintain an interest in their physical well-being and gives them a reason to look after themselves.

Like everyone else, I remember surreptitiously having my first cigarette when I was 11 years old. While it is probably more like six years old nowadays, when I started, ten or 11 was the age at which most people began to smoke. Subsequently, I took up football seriously and decided that it was hard to reconcile both activities. Playing football served me well, if it did nothing more than keeping me from that habit.

I have no problem with the investment of large sums of money in sports facilities. However, I

wish to raise some queries with the Minister in respect of this project. They pertain to potential exclusions from it, rather than its function. For example, the Minister referred to team sports, to elite players in team sports as well as to elite teams. I envisage the latter to be the national soccer, hockey and rugby teams. While I do not begrudge anything to any of them, how can such measures be available to the same degree to Gaelic football, hurling, camogie, women's football or any other sport without an elite national team? Such sports do not have a single team. While the international series with Australia is great and I appreciate it, it only lasts for a couple of weeks per year. The other sports do not have a serious year-round international competition and do not have professionals.

Members must be extremely careful not to create institutions, structures or physical facilities which in any way add to the pressure to professionalise Gaelic games. Anything which footballers and hurlers can earn from their image from outside the sport is fair game. I do not have a problem with any extra funds they can acquire from appearances etc. However, as rugby people will affirm, getting paid for playing nearly destroyed rugby. Although one acquires a paid elite, in a country as small as Ireland, such players remain dependent on many voluntary workers. The existence of a paid elite makes it much more difficult to motivate volunteers. Ultimately, one ends up with a withering of the voluntary aspect. However, Members must wait and see what will happen.

The enormous popularity of soccer internationally has maintained its level of voluntary activity. However, soccer's huge international profile makes it unique. Despite the intense domestic support enjoyed by other games with a lower international profile such as rugby, hockey and Gaelic games in particular, the evolution of a position in which players were to be paid would eat away quickly at the ethos of the organisation involved. Hence, while I accept that players should not be paid, they should be rewarded and there are many ways of so doing. In some ways, such players are rewarded.

I want the Minister to clarify a point regarding Gaelic games. I support the Lansdowne Road project in principle and welcome the Government's commitment of large-scale funds as a decent stadium for international rugby and soccer is long overdue. While it was originally mooted that it would be suitable for playing Gaelic games, various stories have been floated subsequently to suggest otherwise. I want to know whether this is true, because my understanding was that during the soccer and rugby off-seasons, some of the smaller Gaelic games could be played there. In part, this was to pay for its development, to conserve Croke Park, as well as to provide a stadium of intermediate size between Parnell Park and Croke Park.

[Mr. Ryan.]

It should be noted that a bigger crowd attended Croke Park last Sunday than has attended any World Cup match thus far. This is because it is a bigger stadium than any of the stadia which have been used. The attendance of 70,000 people at a semi-final of a provincial championship between two amateur teams constitutes an extraordinary statement of the way we are. Hence, I wish to hear the Minister's comments in this regard.

The Minister referred to swimming pools. During the rough times of the late 1980s and early 1990s, a sizeable number of local authorities felt compelled to close down municipal swimming pools. What progress has been made in ensuring that such swimming pools in towns and small towns have been restored? The Minister does not require information in respect of the controversy concerning Douglas swimming pool in Cork and I imagine he is sick of representations in this regard. However, the issue of community facilities is critical. While I will not attempt to use this speech to lobby about the aforementioned swimming pool, the idea of large-scale, publically accessible facilities which are provided for people at an affordable price must be maintained. This matter is extremely important.

I am in a position to be a member of a private swimming pool in Cork for €600 or €700 per year. As my girth indicates, I do not use it nearly as much as I should. Nevertheless, if one uses such a pool for an hour or two per week, it works out as being cheaper than the amount someone with less access to liquid cash than me would pay to swim for two 40-minute periods in a municipal pool. This is unfair. There is nothing wrong with the private pool's price. It runs on a profit-making basis and consequently can afford to charge me €700. However, it is unfair that someone who swims two hours a week in a municipal pool nearly ends up paying more. In Cork, such people would pay close to €400 or €500 per year, whereas I pay €700 per year for limitless access from 7 a.m. to 10 p.m. This is unfair and inequitable. We must ensure the provision of facilities which are accessible, available and affordable. The Minister should discuss this issue, if he has time and is in the humour for speculating.

While the Minister mentioned greyhounds, I will not discuss them, given my humour. The issue should be left for another day.

**Mr. Cummins:** Let the hare sit.

**Mr. Ryan:** Yes. It was more than the hare. As far as I could ascertain, many dogs were also sitting when they should have been running, or running when they should have been sitting.

Although everyone else appears to be in favour of the measure, I am not happy that amateur sportspeople face the same drugs regime as that which is imposed on professionals, or that inter-county GAA players can be tested out of season in the same manner as professional sportspeople.

While I have no one in mind, young fellows who are found to have used cannabis in the previous week could have seriously jeopardised their sporting careers. Although I do not advocate such activity, there is a difference between someone who plays a game for love and fun and for the sake of the team to whom he or she is loyal, and those who are full-time professional athletes. I refer to the obligation of amateurs to be subjected to similar regimes off-season as those who are professionals, particularly regarding the overlap of illegal substances with performance enhancing substances. Any serious sportsperson who smokes dope on a regular basis is a dope and will not succeed because he or she does not show the requisite respect for his or own physical well-being. However, this is a valid issue for all athletes and probably for amateur athletes in particular. While I am aware that the GAA was somewhat slow in this respect and was criticised for it, there are genuine issues involved. Moreover, I will not omit the fact that the players sought — it is a pity the Government did not grant it — a special tax allowance to reflect the extra expenditure involved.

The GAA has done remarkably well, sometimes because of itself and sometimes despite itself. However, these games are the national games of a small country and constitute a small minority of the games played in the world. Hence, they are very precious. At present, they are very strong and in recent years, women's Gaelic football has been one of the GAA's great successes. I urge the Minister and his officials, regardless of whatever Government is in power, to avoid modelling our systems overly rigidly on those of countries in which the dominant team sports are professional worldwide sports. Our dominant team sports are not professional worldwide sports. We must continue to revisit models of how to support sport in that context.

I do not believe I have reached my disputed 15 minutes, but I am about to conclude. Before I do, I wish to discuss a detail I have raised on a number of occasions. Schedule 1 contains a long description in words of the land in Abbotstown. Surely we can organise it so we can use maps in legislation instead of long lists of words, such as those contained in Schedule 1, which include, "the land conveyed by an Indenture of Conveyance dated the 2nd day of January 1951 made between the Right Honourable James Hans Baron Holmpatrick".

In terms of the action the Minister for Justice, Equality and Law Reforms is taking on sorting out land ownership, it is time we were able to use properly marked, identified and registered maps as a description in legislation instead of, in this case, a page-long written description. The Bill establishing the digital hub contained a two page list of names of little townlands, areas and parishes in the centre of Dublin which could have been described far more coherently in a one page map.

In principle, I welcome the Bill. I did not bother to discuss the more colourful events of recent years. Hopefully, they are history. I have only one piece of advice for the Minister, which is given the level of public expenditure, the Government could do with as high a level of project management skills in its possession as it has accountancy skills. The public service has many accountants but no project management team of the same skill and capacity. Project management is as important during the event as accountancy is before and after it.

**Mr. Dooley:** I join with other Senators in welcoming the Minister to the House. I also welcome the Bill. While I share some of the sentiments expressed by Senator Quinn on the establishment of State authorities, on many occasions in the past I criticised the establishment of such authorities, particularly the NRA and the HSE. Often, we devolve responsibility away from the political environment and yet, politically, we are held accountable.

However, in this instance we need to devolve away from the political environment. In my view the involvement of various political parties has brought about the sad situation whereby today we will not discuss the development of the national stadium proposed at the outset of this legislation. Perhaps in the future the authority to be established by this Bill will request from the State certain clearances and finance to consider the development of a national stadium on this site.

Many of the arguments advanced on the other side clearly show the necessity to continue to spend on sporting activities. I congratulate the Minister and his officials on the investment in sports since he came to office, the successive sports capital programmes in which he was involved and the money he continues to invest.

The Minister takes a strategic approach to investment and it is not only about responding to applications. He examines the core and basic facility requirements of various clubs and tries in so far as he can to ensure every club is brought to a base level of facilities before others advance to a higher level. Investment has brought advances in various sports. The Minister's investment in community and regional facilities which are not sport-specific is welcome. On a parochial level, the investment made by the Department through the sports capital programme in the Lees Road facility in Ennis comes to mind.

A number of Senators discussed the necessity of municipal facilities and the Lees Road facility is a fine example of such, with various playing pitches, all-weather facilities and, hopefully, with the Minister's ongoing support a running track in the not too distant future. Such facilities provide a great level of service to the many growing towns we now have. The issue of the lack of green space and facilities as a result of planning decisions in growing county towns is raised. Municipal parks

which cater for an array of sporting activities with shared car parking and dressing room facilities is the way to go. The Minister's promotion of these has been most welcome and we must continue to fund them.

The sports campus development authority, which this Bill will establish, is an important part of the Minister's strategic approach to the development of sport. It is a twin-track approach as it targets amateur sport and improving professionalism including the scientific approach to sport. Up to now, we have not seen that strategic approach from central government. The promotion of sporting excellence will contribute to participation. We all recognise the important role that amateur sports play in terms of participation at local level. The growth of soccer and the popularity of the Premiership in England encourages young people to get involved in the sport. By creating professional streams in sports suited to it we will see a greater level of participation.

Participation in sport is necessary because even clubs in rural areas which have not experienced a fall in population find it difficult to field teams. Two local rival clubs must come together to be in a position to field a team. Through the funding put in place by the Minister, we have better facilities than ever before. However, we see a decline in participation which must be examined and addressed by the authority and Irish Sports Council working together.

It is also critical that smaller sports are catered for and I know the Minister intends to do so in this campus. It will be of great help to them because they may not have the facilities in their own locations to make advances. Sharing the services the authority intends to provide will be helpful. For example, sports medicine is a critical component of modernising sport, particularly in terms of professionalism. Comments were made during the Order of Business today about cardiac failure in young people who participate in sports. Any research done in sports medicine will be welcome to both amateur and professional sports. We all want to see that happen. The campus will provide various sporting activities access to specialist research in training methods. That will benefit all concerned.

It is disappointing our discussions on the Bill will not include consideration of the development of a new stadium. Perhaps the Minister will be able to address the issue on a future date. On a specific point, section 18 lists people who will be excluded from membership of the authority, including Members of either House of the Oireachtas, the European Parliament and local authorities. It is right that Members of both Houses of the Oireachtas and the European Parliament should be excluded from involvement in any State authority. However, I do not believe members of local authorities should be excluded. The role of a councillor is unique because of his or her involvement in local sports partnerships and the delivery of services through local auth-

[Mr. Dooley.]

orities. Councillors could bring a useful insight to the authority. I am not requesting a legislative prescription that a councillor must be appointed to the board but that councillors not be excluded from participation on the board by virtue of their being members of a local authority. Will the Minister examine section 18 with a view to amending the existing provision in this regard? There is a very good reason Members of both Houses of the Oireachtas or the European Parliament should not be excluded, but there is a special case for not excluding councillors, particularly because of their involvement in the delivery of services on the ground through the sports partnership programmes. Councillors from both Ennis Town Council and Clare County Council pioneered the very fine Lees Road Sports and Amenity Park through their involvement with local communities and their insight into what was needed on the ground. I appeal to the Minister to consider this, perhaps before Committee Stage.

I welcome the Bill. It provides a very useful framework for dealing with the development of sport at one remove from the game of politics, the latter of which scuppered what would have been a flagship project for this country, not just on the national stage but also on the world stage. I hope that, in this instance, the national sports campus development authority will set itself apart in delivering badly-needed facilities in a non-politicised environment.

**Mr. Cummins:** I welcome the Minister to the House. I fully support the idea of sport for all and the provision of proper facilities for sportspeople. The development of sports campus Ireland is certainly significant. There is no doubt that Ireland lags some way behind many of its competitors in the provision of training facilities and coaching expertise for our elite and emerging athletes. Ten or 12 years ago, when I was president of the FAI schoolboys and youth committees, I visited countries that were poorer than Ireland and saw the wonderful facilities they had for their sportspeople. When I went to France, I visited a development in Clairefontaine for athletes of various sports and noted that it is an example for all. I therefore welcome the establishment of the National Coaching and Training Centre in Limerick, the National Aquatic Centre in Abbotstown, the National Rowing Centre in Iniscarra and the hockey arena in UCD, to name but a few. These have certainly been positive and the Minister would agree that much more sports infrastructure is required.

Senator Dooley raised the issue of sudden cardiac arrest among sportspeople. This has happened on a number of occasions and there was an incident in this regard only last night. Our thoughts go out to the parents of the man who died and all those involved with the club concerned. Research in the area of sports medicine should be considered and funded, be it through

the Department of Health and Children or the Department of Arts, Sport and Tourism. There is no doubt that sports capital grants have made a tremendous difference to many sports clubs throughout the country and we welcome them.

Senator Kieran Phelan stated that Ireland may benefit from the hosting of the Olympic Games in the United Kingdom in 2012. I hope all our facilities will be in place by then and that they can serve as showpieces for competitors from other countries who may wish to base themselves here prior to the games.

Although I welcome the Bill, it must be placed in the context of a longer-term national plan or vision for the development of elite sport in Ireland. The campus, when developed, must be regarded as part of our overall national sports infrastructure and not as an end in itself. It should be linked to the National Training and Coaching Centre in Limerick and other designated regional centres so all our elite athletes and those with potential, including pupils in primary and post-primary schools, will have access to the training facilities, coaching personnel and other supports they require within a reasonable distance from their homes.

We welcome the development of the Waterford Regional Sports Centre, which the local authority developed in 1979 without very much funding. The funding has increased significantly in recent times and a private developer has been commissioned to help provide the facilities. This is the way we should develop similar regional centres.

Other countries have dedicated schools for exceptionally talented students. Ireland is probably too small to go down this route but it can provide a better structure to nurture talent. Thus, better supports would be provided at local and regional levels. Talented young people cannot travel around the country on a regular basis to gain access to the services they need and it is very important, therefore, that we develop regional centres in addition to the site at Abbotstown.

We support a spatial strategy for the provision of sports facilities to nurture elite sportspeople. We need to establish one-stop shops at local level where sportspeople can receive coaching, regular monitoring of training, information on nutrition and, especially, advice on how to balance sport and other activities so as not to impede opportunities to earn a living that may arise at the conclusion of their careers in sport. In this regard, we could all learn from countries such as the Netherlands, where elite athletes are provided with a structured support system that ensures there is suitable employment at the other end of what is often only a few years at the elite end of sport. The Dutch manage to do this by encouraging companies to adopt elite sportspeople. There is a payback for both the companies and the athletes in such a system and it should be encouraged in Ireland through modest changes in the tax system.

Senator Quinn made a point on which I would welcome the Minister's response, namely, the need for a statutory authority rather than a limited company to run sports campus Ireland. Perhaps the Minister will deal with this in his response to the debate. Senator Quinn felt very strongly about it.

Senator Dooley touched on the exclusion of local authority members from serving on boards, an issue which also arose in respect of the Road Safety Authority Bill. I cannot understand the logic of excluding local authority members in legislation such as that under discussion. Oireachtas Members are excluded but one should consider the position of members of local authorities who are involved voluntarily with sports bodies throughout the country and who give so much of their time and are experts in their various spheres. The exclusion of local authority members from boards seems to be arising in one Bill after another. I do not know whether there is a witch-hunt on the part of officials from various Departments against local authority members to exclude them or if it is a drafting issue that has come into being where every local authority member is seen as not worthy of being a representative on such bodies. Members on the other side of the House share that view, particularly in regard to the Road Safety Authority Bill. The Minister considered it but could not change it at that late stage. I ask the Minister to examine that because I am aware he knows many local authority members from his side of the House and from other parties who are actively involved in sports and would be qualified to sit on such an authority. I hope he will introduce an amendment on Committee Stage removing this section which excludes local authority members.

**Dr. Mansergh:** I warmly welcome the Minister to the House and I welcome the legislation. In the earlier part of his contribution the Minister rightly reminded us of some of our recent international achievements in various fields. I know the Minister in other contexts would not forget this but I would put an emphasis also on our outstanding racing and international horse breeding industry. As an act of solidarity last Saturday, a number of Oireachtas Members from all parties went to the races at Down Royal, which have been cancelled from time to time because of dissident threats, but looking at the jockeys getting up on the horses, obesity is the least of their problems.

Tremendous progress has been made over the past 25 years in the area of State promotion of sport. In 1981, the then Minister of State, Jim Tunney, got a few hundred thousand pounds to provide seed money for sports clubs throughout the country. That was considered a significant political achievement at the time and it was carried on by successive Governments.

The sports capital programme is one of the most successful and appreciated Government

programmes. I would like to thank the Minister personally for all he has put into it. His period as Minister for this area will be looked back on as one when sport had champions in Government.

**Mr. Cummins:** I hope he looked after Tipperary for the Senator.

**Dr. Mansergh:** The Taoiseach, with the very able participation and support of the Minister, Deputy O'Donoghue, knows the amount of pleasure it brings clubs when their applications are successful and the difference it makes when one goes back a year or two later and they are able to outline all they have done with both the Government money and the money they have raised themselves.

A valid point was made earlier about the need for sports centres to be spaced out throughout the country. Extra support is being given to regional centres. The Duneske project in Cahir, County Tipperary, is an obvious example the Minister has supported regularly during his term of office.

I am glad the tension and controversy has been taken out of the subject of the national sports campus development authority. I was happy with the decision to locate the principal rugby and soccer stadium in Lansdowne Road because visitors coming here for international matches like stadiums within easy reach of the city centre. It adds to the enjoyment of the weekend. Also, there is a great tradition built up at Lansdowne Road.

I hope the planning difficulties will be overcome with some mutual give and take between residents and the owners of the stadium. I accept that if one lives in the vicinity, whether it is Croke Park or Lansdowne Road, there is significant noise and disruption for a few days but on the other hand, people who live there live in a prime location. Obviously, there will be much more space at Abbotstown and presumably, in tandem with its development, public transport will need to be developed in that direction also. I understand the Luas is planned to operate nearby.

One problem, and this always happens when the responsibility borders two Departments, is the question of sports facilities in schools. The Department of Arts, Sport and Tourism believes, I am sure rightly, that this is primarily a matter for the Department of Education and Science although in many instances in towns and villages there might be a communal facility close by to which schools have ready access. It is a problem, however, that will have to be tackled. Many schools need sports halls and dedicated facilities. The education of the whole person includes a physical as well as an intellectual dimension and that is something that must be further developed by the next Government.

In the meantime, the Minister recently decided that applications can be invited by the Irish Sports Council for another eight county-related sports companies. The Minister is aware, as I

[Dr. Mansergh.]

have written to him on the subject, that south Tipperary is keenly interested in getting involved in this as the county has shown great prowess in a number of different fields. I take the opportunity, therefore, of publicly recommending to him — I appreciate the decision will be taken by the Irish Sports Council but I am sure he has some influence with it——

**Mr. O'Toole:** Let us hope he does not get south Kerry when he is down——

**Dr. Mansergh:** The Minister will not be accused by anybody of neglecting south Kerry except *The Kerryman* which, if he does not provide 105% of what is asked for, will bitterly attack him over the missing 5%. That happened to him last year, if I remember rightly, as I happened to be in Kerry at the time.

International competitions in what are called elite sports are important because they encourage interest in sport. When I was younger one might be watching the finals of Wimbledon  
5 o'clock on a Saturday afternoon. Then one would go to the local club and bash away at the ball. Obviously aspirations to achieve anything remotely like Wimbledon standards did not materialise. Nonetheless, such displays encourage and inspire and it is important to have excellence in different fields of sport to provide standards and example. To encourage people however modest their expertise is worthwhile.

I congratulate the Minister on the Bill, which is another important development, and I wish it well.

**Mr. O'Toole:** I welcome the Minister to the House. He missed one of those magic moments on the Order of Business earlier when our esteemed colleague, Senator Mansergh, pointed out that life expectancy had increased significantly in this country since 1997, a fact with which everyone must concur. However, he implied that this was due to the current Government. I am sure the Minister will not dispute this, but the rest of us are wondering whether it is true. If the current Government continues for another ten years, perhaps we might all live to be 100.

In terms of the Irish person's interest in sport, tá TG4, faoi láthair, ag taispeáint Wimbledon. That is a superb feature of Irish life. Before TG4 was established, people regarded it as something that might be relevant to the backwoods people of Kerry, my county and the Minister's, and other people would not be using it much. However, they have seen it cater for sports interests of all kinds. It is great to see that TG4 can take something like the Tour de France or Wimbledon, go to the trouble to introduce new terminology and bring a whole new audience to an Irish language broadcast. This is interesting in showing how sport is central to our culture in all types of ways.

I must congratulate the Minister and his officials on the legislation, which I very much welcome. I do not share the reservations of my colleague, Senator Quinn, in this regard. He has raised relevant questions and I look forward to the Minister's response. However, I am happy to go along with the Bill as outlined. It is most important that this is focused on professionals, amateurs and the general public. If we are to get value from involvement in sport, apart from life expectancy, this legislation should bring about better quality of life and a greater appreciation and love of living which comes from sport. In terms of a centre of excellence, one of the problems is that we do not encourage sport early enough. If I was to take an oppositional line on this and recall what has happened in the past ten years, we have gone backwards, as the Minister has said many times, in terms of international success, although we are starting to come back again.

When this country was on the ropes in 1987-88, there were major cutbacks in primary education. One of those cutbacks which the Government felt obliged to initiate, targeted what was considered to be the least important part of the school building, the general purpose room, as the centre for games etc. I believe we lost out during that period of time. Most schools are now getting those areas back again, and in the context of our weather it is crucial to have indoor access to sport. For that reason, I ask the Minister to reflect carefully on what Senator Cummins had to say. The biggest single influence on Irish sporting activity and achievement is the weather. We need all-weather access to sports facilities and we are very slow to recognise that. Senator Mansergh mentioned horse racing, for which there is a great love throughout Ireland. However, we do not have an all-weather racing track, although one is being built in Dundalk; the sooner it is completed, the better. One is not enough, however, for an industry that is so central to many aspects of Irish life and agri-industry, and we should have been on the ball much earlier.

Over the years I have seen many former all-Ireland medalists from our county in poor shape with their hips, knees etc. The reason is very simple. When amateurs became almost professional in their approach the game, in the 1970s in particular, we did not know enough. We did not have warm-ups, cool-downs or whatever. Many of our elite athletes in the area of Gaelic games and other areas suffered accordingly. It was nobody's fault — we simply did not have the information we required. That is why it is important to get ahead in this now. A number of speakers referred to diet. Sporting success hinges on the approach to exercise, diet and issues that were not discussed in the context of sport two decades ago.

I would like the Bill to look beyond the elite athletes and to provide for what happens to them when they have reached their peak and retired from professional international or inter-county

competition. There should be more opportunities for them, apart from golf. Every former athlete I meet seems to be golfing. There must be a host of other activities in which they can participate — sailing, walking, etc. — which we should also support. I raised with the Minister before my belief that Ireland should be the European home of sailing. If counties were equipped with marinas, particularly along the west coast, it would bode well for that particular sport. This is an area that should be examined, getting people into the water, including the inland waterways. Fishing is an area in which there is continuing development. It is one of the mass sports in Ireland at the moment. I saw the figures involved recently and they were very high.

An interesting area in which the Cathaoirleach would be interested was highlighted in the newspapers over the weekend. An article referred to what would happen when Gaelic sports and the World Cup collided. The reality is that there were more people in Thurles last Sunday, for the Munster final, never mind Croke Park, than there were at the England versus Ecuador match. Here we have the most popular sport in the world, but it drew fewer people to the world series of games than the Munster final attracted in Thurles. Mícheál Ó Muircheartaigh often refers to the 70,000 or more people in Croke Park and last weekend's attendance figure was probably the highest sporting attendance figure in the world. We do not think about these things, but it proves the point the Minister made, that we have an extraordinary interest in sport, and that people will follow, support and be part of it. It is the reason the GAA need never worry.

I disagree, fundamentally — and will be prepared to have a small wager afterwards with the Minister — that Lansdowne Road will be up and running some time in 2009. I am prepared to wager a good deal on that and I am not sure what will happen in that situation. Already, a 29-month construction period only leaves seven months for the whole planning process and the endless series of objections and hearings before An Bord Pleanála, the High Court etc. I certainly do not see that happening, but I wish the Minister well anyway. As someone who has been attending international soccer matches for the past 30 years, I look forward to the first one next year in Croke Park.

Section 18 is an issue for all of us in the House. The Minister's speech states that the section contains the standard prohibitions on members of the authority holding political office at local, national or European level. However, these are not standard prohibitions, but are put in by the Parliamentary Counsel. Every time I ask a Minister if a particular section is his or her idea, I am told it is put in by the Parliamentary Counsel on his or her own initiative.

It is worthwhile considering why the section is there, which is to stop a Minister putting people from his or her own party into various positions.

Nonetheless, it does much more than that. I have no difficulty with a prohibition on a Minister or Department promoting a member of a local authority or the Oireachtas. However, the section also prohibits those who happen to be members of a local authority or the Oireachtas being nominated by other organisations. For example, the IRFU cannot nominate Deputy Glennon and the GAA cannot nominate Deputy Deenihan, our esteemed county colleague. Who could argue with those nominations? I could see why people would object if the nomination was made by the Minister or through a political process, but why should an organisation be deprived the experience of such people?

The Minister should ask himself this question every time a Bill is brought forward. It is demeaning to members of local authorities and the Oireachtas and it gives the impression they cannot be trusted. It feeds into the anti-public representative feeling that is widespread. There is no reason for this section as written. There may be a reason for it if it prevents nomination by political parties and Ministers. I ask the Minister to reconsider it.

I support this Bill and wish it well.

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I thank the Senators who contributed to this very interesting debate. It was mentioned that Ireland does not have a great record of success in the Olympic Games and the establishment of the sports campus at Abbotstown will be an important step in that respect. It will provide well-equipped sports facilities which will give our sportsmen and women the edge in preparation for international events in the future. However, sport is not all about winning medals. It was acknowledged more than once today that participation in sport contributes to physical and mental well-being.

Reference was made to the storm damage to the National Aquatic Centre in January 2005 when the roof of the swimming pool was damaged by high winds. Repair work on the centre was completed on 20 May 2005 and the centre reopened to the public immediately. The consulting engineers, Kavanagh, Mansfield and Partners, certified the repair work carried out. To date, no State expenditure has been incurred on this repair work. The cost of repairing the roof is a matter for the insurance company involved.

There were misleading media reports in 2005 about leaks at the aquatic centre. Arising from these reports, CSID arranged that Rohcon Limited, the company that constructed the centre, carry out an inspection. The inspection team conducted a technical examination of the entire centre, with particular reference to the structural integrity of the concrete works. The inspection team consisted of experts in the field. It was led by Rohcon and included S & P Architects, URS structural engineers, Europools specialists sub-contractors, David Langdon PKS project man-



[Mr. O'Donoghue.]

agers and Kavanagh, Mansfield and Partners consultant structural and civil engineers. Rohcon found that there was no evidence of any structural defects or of any water leaking into the plant room, despite what had been alleged in the media. Rohcon found some leakage in pipe joints and vales which, in its view, were operational rather than structural matters.

In addition, a test was carried out and confirmed that there were no leaks from the swimming pools. URS structural engineers confirmed that the concrete works were designed and constructed to meet the British Standard 8007. It confirmed that any cracks that existed were not leaking, were not of a structural nature and were entirely normal for a building of this type. If one were to tell that to people on the street, they would say that it cannot be true. This is because they read in big, bold print that it was true, but they never read in big, bold print that it was not true. Let me repeat; it was not true. Rohcon published the results of its findings on 7 July. CSID received a separate report from its own structural engineers, Kavanagh, Mansfield and Partners, which supported the Rohcon findings, but these reports got little or no coverage in the media.

Kavanagh, Mansfield and Partners produced a report, in two sections, on the damage to the roof, namely, the schedule of the repair of the roof and the condition of the pool area. While public statements have been made about the findings contained in the report, it has not yet been put into the public arena because there were legal and contractual matters to resolve regarding the work on the National Aquatic Centre. That matter is now close to being resolved, so there is no reason not to make the report public. The report will be published at an early date.

Senator Quinn felt there was no need for a statutory authority and that a company would suffice. We are anxious that the body would be underpinned by legislation and this advice was given to us by the Attorney General. The statutory authority itself will hold land and will be charged with the spending of a considerable amount of State money. In the next four to five years, it is anticipated that the first phase will cost around €119 million and that has been agreed in my Department's capital envelope with the Minister for Finance. Much work is involved and it was felt that it would be better to proceed on the basis which I have outlined.

Senator Quinn was also concerned about the additional cost, but I can put his mind to rest. The authority will not involve any additional cost, over and above that required for the operation of the existing company. The Attorney General recommended putting the company on a statutory basis as a means of providing a better regulatory framework. This would provide a more accountable structure as the responsibilities and the functions of the authority would be clearly spelled out in legislation.

Senator Ryan and others raised the possibility of Lansdowne Road being used by the GAA. The pitch in Lansdowne Road currently measures 125 m by 80 m and this is inadequate for major GAA games. The GAA has been advised of this. The new stadium at Lansdowne Road will be available to the GAA, should it suit the organisation to use it. A full GAA pitch measures 137 m by 82 m. Discussions have been held with the Ladies Gaelic Football Association and Cumann Camógaíochta na nGael and both organisations have indicated an interest in the option of using the new stadium.

Senator O'Toole mentioned that membership of the Houses of the Oireachtas, the European Parliament or local authorities disqualified an individual from membership of the board. This is currently a standard provision for membership of State agencies. While no express legal impediment to the appointment of a Deputy or Senator exists, the provision is in line with long-established practice.

On Committee Stage in the Dáil, the Bill was amended to treat the chief executive in the same manner as a member of the authority, committee or a director of a subsidiary. In other words, a chief executive would need to resign if he or she became a Member of the Dáil, Seanad, the European Parliament or a local authority. Senator Dooley, among others, referred to local authority membership. Some legislation, for example the Residential Tenancies Act 2004, requires people to cease to serve on boards, upon attaining membership of a local authority. The provisions of the Health Act 2004 relate to members of boards and committees and not to staff. A section of the Personal Injuries Assessment Board Act 2003 relates to members of staff and the Taxi Regulation Act 2003 has a similar provision.

In this case I do not consider that it would be good practice to appoint members of local authorities to the authority. It might be best if the authority were to be removed from public life in so far as that is possible. The accounts of bodies, including the existing Bord na gCon and other similar boards, such as Horse Racing Ireland and presumably this authority, may be examined by a Dáil committee. The danger exists that the membership of the Dáil committee could include a member of the authority which was being examined or at least his or her colleagues might be examining the accounts of the authority concerned. The Attorney General has been of the view for many years that it is not desirable for a Member of the Houses of the Oireachtas to be a member of a statutory authority.

A number of speakers referred to the tragic early deaths of young sportspeople. The present phase of the development at Abbotstown will involve a facility to provide fitness and recovery areas and will be a centre for the development of sports medicine. In future years I would envisage the development of cutting-edge sports medicine

knowledge which I hope in time will contribute to ruling out such tragic loss of young life.

Senator Mansergh and others mentioned the value and benefit of sport to young people in schools. I see the importance of encouraging young people into sport given all the other attractions available to them. While responsibility for the provision of facilities in national and secondary schools rests with the Department of Education and Science, applications from schools and colleges may be considered under the sports capital programme in circumstances where those facilities are made available to the wider community. This issue of encouraging schools to come together with local communities and sports clubs to develop sports facilities is being examined in the context of the development of a sports facility strategy by the Department.

Clearly sports facilities that are used during the day by schools and by the wider community in the evenings represent the best value for money. Of course issues regarding staffing, security, insurance and running costs need to be addressed. However, it is heartening that a close relationship already exists between schools and local sports clubs. The 2005 ESRI report on the participation of children and young people in sport, reported that 79% of post-primary schools and 90% of primary schools acknowledged some degree of help with facilities provided by local sports clubs. Two programmes specifically operated by the Irish Sports Council aim to encourage young people to participate in sport.

We have made substantial progress in sport in recent years. I am particularly pleased that the amount of money we are now spending on sport has increased from approximately €17 million in 1997, when the Taoiseach first brought sport to the Cabinet table, to approximately €243 million in 2006. Since its statutory inception, the Irish Sports Council, which received funding of €13.7 million in 2000, has seen its funding increased to €40.09 million in the current year, which allows it to provide a service that was hitherto unknown here. We now have enhancement programmes for our elite athletes. We have a carding scheme, whereby our elite athletes are paid a certain amount each year to enable them to discharge their living expenses. The great oarsman, Sam Lynch, said that only in recent years has he been in a position to concentrate on his sport and not need to worry about who would pay the hotel bills.

This progress has been reflected in other areas of sport across the country. Senator Kieran Phelan and others mentioned the swimming pool programme. We have made considerable progress in recent years in this regard. In 2005 we spent approximately €14 million and this year we will spend approximately €32.3 million. We recently grant aided four new pools at Portarlington, Portlaoise, Longford and Thurles. We have also approved the contracts for six more pools.

Last night I opened a new facility in Drogheda, County Louth, where we invested €3.8 million and the cost of the project was approximately €9 million. Further funding for the pool has been sought from the Department. The facility is a joy to behold and it expects approximately 200,000 visits in 2006 alone, which indicates the success of the programme.

For a small amount of money we are succeeding in building swimming pools and dry facilities in many towns. Unfortunately we cannot do so everywhere. It is estimated that a population of 20,000 within a five-mile radius is needed for a pool to be viable. I hope we can negotiate a new swimming pool programme to enable even more towns to avail of this programme. Regardless of which Government is in office, this is a worthwhile scheme, which is providing wonderful facilities for young and old people. Swimming like golf, at neither of which I am proficient, are sports in which people can participate from a young age to a relatively old age.

Several Senators, including Opposition spokespersons, mentioned the sports capital programme, which is highly successful. We are proud that since 1998 we have grant aided 5,600 different projects in every city, town, village and parish. Few members of our young population have not been positively affected by the programme. The spend has not been enormous.

**Mr. Browne:** Some counties have not benefited.

**Mr. O'Donoghue:** Spending has been of the order of €500 million. Tremendous progress has been made across the country.

The issue of women in sport was mentioned and it remains a problem. It is estimated that the number of women actively engaged in sport is approximately 11%, which is extremely low and we are trying to rectify the problem. This year we again made a special provision in addition to the provision we made last year to encourage women into sport. Funding has been provided through the Irish Sports Council with a view to bringing more women into sport. I hope our investment of €2.25 million will ensure that more women will take part in sport and we can continue to increase this kind of investment.

Senator Ryan referred to a tax allowance for GAA players, which is a complex issue. The former Minister for Finance introduced a tax allowance scheme for professional sportsmen and sportswomen. This is different from providing a tax allowance for amateur sportsmen and sportswomen, and is very complex. I have indicated to the GAA that the question of having a grant scheme is in the first instance a matter for that association. If it indicates that it is willing to approve such a scheme, the Government would

[Mr. O'Donoghue.]

then give it consideration. No more than I would tell the GAA that it should open or close Croke Park for other games, I am not in a position to instruct the GAA on a matter as fundamental as this. We are waiting to hear from the GAA and no doubt we will hear relatively shortly.

A number of contributors referred to the important area of volunteerism. The real heroes and heroines of Irish sports are the people who bring the children out on Sunday mornings to coach and manage them and who line the pitches, put up the flags and hang the nets. They are not often given the acclaim they deserve, so I acknowledge the pivotal role played by these heroic volunteers of Irish sport.

With regard to the future of sport in Ireland, we have made a number of advances. The Lansdowne Road stadium is an exciting development, although it is regrettable that objections have been made in that respect. I would prefer a world class stadium to a concrete jungle but we can be sure that, if planning permission is not obtained for a new stadium, a concrete jungle will be built on Lansdowne Road. It is important for the future that we continue to catch up with our European neighbours. We are almost there and the strategy is in place. An institute of sport is the necessary next step in order to develop elite athletes. When we have elite athletes, we will have role models and heroes and heroines who will be looked up to by young people. That will foster a greater level of participation which, in turn, will result in more elite athletes.

It is hoped that the FAI will be the first tenants of the office accommodation and administrative facilities at the sports campus at Abbotstown, followed by other NGOs. I hope future Governments, irrespective of political orientation, will continue to expand Abbotstown. We are just stringing the first pearls onto the necklace and, if pearls are added by different Governments as the years pass, Ireland will have a world class facility capable of hosting the best and biggest international sporting competitions. There is no reason that goal cannot be achieved if the proper facilities are put in place. We have embarked upon an irreversible journey which will benefit future generations even more than Senators can envisage.

Question put and declared carried.

**An Cathaoirleach:** When is it proposed to take Committee Stage?

**Mr. K. Phelan:** Tomorrow.

Committee Stage ordered for Wednesday, 28 June 2006.

*Sitting suspended at 5.35 p.m. and resumed at 6 p.m.*

## **Defence (Amendment) Bill 2006: Order for Second Stage.**

Bill entitled an Act to authorise the despatch of contingents or members of the Permanent Defence Force for service outside the State and to provide for related matters.

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

Question put and agreed to.

## **Defence (Amendment) Bill 2006: Second Stage.**

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

**Minister for Defence (Mr. O'Dea):** I thank the Members for agreeing to debate this Bill at short notice. It is a short Bill, designed to amend and update the defence Acts regarding the despatch of members of the Permanent Defence Force on overseas duties. The despatch of members of the Defence Forces overseas is a concrete expression of Ireland's foreign policy objectives and, in particular, our support for the UN and for multilateral arrangements for the preservation of international peace and security, and Ireland's commitment to meet our international obligations in that regard.

This Bill provides for amendments to the definition of "International United Nations Force", together with provisions for overseas training and exercises by the Permanent Defence Force, humanitarian operations and a number of avoidance of doubt provisions concerning existing duties undertaken by the Defence Forces outside the State.

The Defence (Amendment)(No. 2) Act 1960 and the Defence (Amendment) Act 1993 provided for the despatch of members of the Permanent Defence Force outside the State as part of an international United Nations force. However, members of the Permanent Defence Force have also been despatched for other reasons, such as carrying out official duties, undergoing training, representing the Defence Forces at sporting events, etc. This Bill will provide for such deployments, with the approval and under the authority of the Government and the Minister for Defence.

The Bill also provides that members of the Permanent Defence Force may be despatched overseas to undertake military exercises, which represents a change in the standard training regime for the Defence Forces. For the first time the Government will have the authority to despatch members of the Defence Forces to undertake humanitarian tasks in response to a disaster or emergency.

Section 1 provides a definition of "international organisation" and, in conjunction with section 3(1), covers the assignment of personnel of the Permanent Defence Force to appointments

in specified international organisations, such as the UN, the EU and OSCE and other regional organisations involved in UN peace keeping operations such as NATO and the African Union. The Bill will formalise arrangements in respect of existing military representatives in the UN, the EU and the OSCE. It will also allow for existing appointments in the PfP liaison office in NATO where members of the Permanent Defence Force are currently deployed in Ireland's representative office.

Section 1 also amends the definition of "International United Nations Force", as provided for in the 1960 and 1993 Acts, to reflect the changes in the organisation and structure of forces deployed on peace support operations under a UN mandate and, in particular, the use of regional organisations to provide forces for peace support operations. The definition also reflects the variations in the language used in UN Security Council resolutions, such that the Permanent Defence Force will not be precluded from participating in a UN peace support operation solely on the basis of specific language used in a resolution. Currently, members of the Permanent Defence Force may only participate in missions established or authorised by the UN Security Council. The terms in the definition — for example, the inclusion of the terms "endorsed" and "supported" — correspond with language which has generally been used in previous UN Security Council resolutions.

Section 2 applies the new definition of "International United Nations Force" to certain provisions of the 1960 Act, in particular, the authority to despatch contingents of the Permanent Defence Force on overseas operations subject to UN authorisation and the approval of Dáil Éireann, as appropriate. It also applies the new definition to technical provisions in the 1960 Act concerning transfers, service, court martials and the registration of births and deaths.

Section 3 provides for the despatch of members or contingents of the Permanent Defence Force on a range of assignments overseas including carrying out representational duties, filling staff postings, going on training courses, ceremonial duties, visits, meetings, sporting events, fact-finding missions, etc., outside the State, as they have always done. Some of these duties have been part of the Permanent Defence Force since the foundation of the State.

Two provisions in section 3 require specific mention. Participation in exercises will include field exercises and is an extension of the existing training regime, and deployment on humanitarian tasks. It is important to the ongoing training of the Defence Forces that they can undertake training overseas and learn from best practice in other countries. This training is essential to the development and maintenance of high standards in the military and our existing peace support operations, where we work alongside many other armies. We cannot continue with the current situation where our first joint training is when we

are on the ground in a live and potentially dangerous environment. In certain situations, we will need to engage in joint training with other countries with whom we will be deployed in multinational forces on peace support operations, blue hat or otherwise, so we can operate from the outset as an effective and cohesive force.

As a matter of course, there is no UN Security Council resolution for humanitarian operations in response to disasters since they do not generally represent a threat to international peace and security. It is vital that the Government can respond to legitimate and urgent requests for humanitarian relief by affected states in the immediate aftermath of a disaster, including being able to provide resources and equipment which may only be available from military means, such as temporary accommodation, tents, water treatment plant, generators, lifting equipment and other capabilities. Under the current arrangements, the Government has no authority in this area and Defence Forces personnel must volunteer for service with a civil undertaking, such as an NGO, in the same manner as any ordinary citizen, whereupon the NGO would then deploy them to the disaster area. The provision in this Bill provides the requisite authority for the Government to despatch members or contingents of the Permanent Defence Force on humanitarian operations.

Section 4 provides that all existing serving members of the Permanent Defence Force will be liable for service overseas on UN operations and for duties provided for in section 3 of the Bill. The 1960 and 1993 Defence Acts provided that only persons enlisting after the date of enactment of those Acts could be required to serve as part of an international United Nations force. The provision in the 1960 Act is now obsolete as there are no such serving personnel in the Permanent Defence Force. The right of personnel who enlisted prior to the enactment of the Defence (Amendment) Act 1993 not to be detailed to serve on operations other than those operations which are of a police character, which was the provision in the 1960 Act, is retained in this Bill. However, such a saver will not apply with regard to the duties provided for in section 3, which I consider to be part and parcel of the existing duties of members of the Permanent Defence Force or, in the case of humanitarian operations, more akin to the provisions of the 1960 Act, for which all serving members are already liable.

Sections 5 to 7, inclusive, are technical amendments to extend provisions of the principal Act, the Defence Act 1954, to personnel despatched for service outside the State for any of the purposes outlined in section 3 of this Bill. The purpose of the provision in section 8 is to allow a force to be assembled and embarked prior to its deployment in theatre as part of an international United Nations force. In rapid response situations, including battle groups, where speed of deployment is of the essence, it will probably

[Mr. O'Dea.]

be necessary to have equipment containerised and despatched, together with personnel, while the UN Security Council resolution is being finalised. In addition, members or contingents of the Permanent Defence Force may have to assemble in the framework nation for the battle group, with their equipment, ready for despatch, in advance of the formal adoption of the UN resolution.

This provision is designed to cater for this eventuality and will be subject to the prior approval of the Government. However, the Defence Forces could not, and will not, deploy operationally before the formal adoption of the requisite Security Council resolution and the approval of Dáil Éireann. In the event that either was not forthcoming, the Defence Forces would be withdrawn forthwith.

Sections 9 and 10 provide for some technical and drafting amendments to the 1960 Act, generally to reflect the provisions of section 3 of this Bill. Section 11 provides that this Bill will confer no authority on the State to become a member of an international organisation. Membership of international organisations is a matter for the Minister for Foreign Affairs and is subject to the relevant constitutional provisions, including Government authority.

Section 12 provides for the repeal of certain obsolete provisions in the 1954 and 1960 Acts and repeals, in full, the 1993 Act. The 1993 Act simply provided for an amendment to the definition of "International United Nations Force" contained in the 1960 Act. With the further amendment of the definition in this Bill, the 1993 Act, with one proviso, no longer serves any purpose. Its repeal is, therefore, necessary. The proviso I mentioned relates to section 13, which provides for an annual report to Dáil Éireann. This was a new provision introduced in the 1993 Act. With the repeal of the 1993 Act, it is necessary to re-enact the provision in this Bill. Sections 14 and 15 are standard provisions and are self-explanatory.

I hope I have explained the requirement for this legislation and why it needs to be enacted as a matter of urgency. It is important to the ongoing training of the Defence Forces that they can undertake training overseas and learn from best practice in other countries. From a force protection perspective, particularly in multinational operations and rapid response battle group type operations, this international training requirement also extends to field exercises. It is also important that we can respond rapidly in humanitarian situations where time is of the essence and where military assets can play a significant and important role in support of civilian assets in the early stages of the disaster response.

In crisis situations, rapid response by military forces can prevent dangerous situations from becoming catastrophes. No Member of the Oireachtas would wish to see Ireland failing to play its part, as and when the need arises, in this

regard. Finally, we need to put beyond doubt the authority to deploy personnel in the various other circumstances set out in section 3, duties which have for decades formed part of the standard operations and duties expected of members of the Permanent Defence Force.

Before concluding, I will update the Seanad on the current position on battle groups. It is probably no harm to explain what is meant by the term "battle groups", as I believe it can be misleading. It is a standard technical military term to describe a coherent military force package capable of standalone operations, with full transport and logistics support capabilities to carry out its tasks, comprising approximately 1,500 personnel. It is defined, in short, as "the minimum militarily effective, credible, rapidly deployable, coherent force package capable of stand-alone operations, or for the initial phase of larger operations". What is actually meant by battle groups, in this respect, is a core of troops which could respond quickly to a crisis situation.

There are ongoing contacts with the Swedish authorities regarding Ireland's possible participation in the Nordic battle group, which is planned to be on standby during the first semester of 2008. Officials from my Department are in discussions with their Swedish colleagues about a memorandum of understanding, MOU, between participants in the Nordic battle group. The MOU has been signed by Sweden, Finland, Norway and Estonia, the current members of the Nordic battle group. I expect these discussions to be completed shortly, whereupon discussions on the specific contribution from the Defence Forces can then commence.

Irrespective of our participation in the Nordic battle group in 2008, possible participation in future battle groups with other EU partners is also under active consideration. In this regard, I propose to progress discussions with other member states over the coming months, in particular, with Finland and Austria, with whom my officials have had some initial informal exploratory discussions.

Participation by the Defence Forces in EU battle groups raises no policy issues in terms of Ireland's commitment and approach to the maintenance of international peace and security, which is, and will remain, grounded in the framework of the UN Charter. There is no conflict between Ireland's participation in regional arrangements, including EU battle groups, which are supported by the UN, and our traditional policy of military neutrality. If anything, participation in EU battle groups is a concrete expression of our support for multilateralism, for the UN and for UN peacekeeping generally.

Participation in any EU operation remains a national sovereign decision and our current policy on the "triple lock" will not be compromised by participating in battle groups. The Bill clearly provides that UN authorisation is required in respect of any peace support operation. Poten-

tial partners have been informed of this and are aware that this is the basis on which we will participate and that this will not change.

It is important to set the battle group concept in its proper context. The Government sees battle groups playing their substantive role as an effective and mobile military force which has the capability to respond rapidly to emerging crises in support of the United Nations. The development of the battle group concept and Ireland's participation is strongly supported by the United Nations, which clearly appreciates the benefits of having such a capability available to it.

In his speech at McKee Barracks last year, and in his address to the Forum on Europe in 2004, the UN Secretary General, Kofi Annan, specifically stressed how important strengthened EU capacities, in particular rapid deployment capabilities, are to the UN. In addition, in March 2005, in his major report on UN reform, entitled *In Larger Freedom*, Kofi Annan called on the international community to support the efforts by the European Union, the African Union and others to establish standby capacities as part of an interlocking system of peacekeeping capacities.

Despite the ongoing efforts of the UN and other international organisations involved in conflict resolution, the threat to international peace and security unfortunately remains and the continuing need for peacekeepers has never been greater. With the increasing demands around the world for peacekeepers, the UN has turned to regional organisations, including the European Union, the African Union and NATO, among others, to support its activities in the area of crisis management operations. In this regard, Ireland has contributed peacekeepers to many of these missions in furtherance of its commitment to the UN and to UN peacekeeping in particular.

In Bosnia and Herzegovina and in Operation Artemis in the Congo, Ireland has participated in UN-authorized missions led by the European Union. In Kosovo and Afghanistan, Ireland participates in UN-authorized missions led by NATO and we are currently providing personnel to an EU-led supporting mission to the African Union-led UN mission in Darfur in Sudan. In addition, the Government recently authorised the despatch of up to ten members of the Defence Forces for service with the EU military operation in support of MONUC, the UN mission to the Democratic Republic of the Congo.

Ireland's participation in such EU military operations, which are undertaken within the framework of the EU's European security and defence policy, is a continuation of our long and honourable tradition of support for multilateral arrangements in the maintenance of international peace and security. ESDP is an integral part of the common foreign and security policy, which encompasses the EU's international obligations on the maintenance of international peace and security. Military capabilities are but one element among a wide range of instruments the EU can

deploy in this regard, which include economic, political and administrative instruments and the rule of law.

I have reiterated on many occasions that our participation in peace support operations would continue to require UN authorisation. Participation in battle groups will not diminish this requirement in any way. The triple lock of UN, Government and Dáil Éireann approval in accordance with the provisions in the 1960 Act will remain in place. Participation in a battle group imposes no obligations on international or multilateral defence. Participation by our troops in individual missions will be decided by our own national decision-making process on a case-by-case basis. Any decision to participate in any mission, irrespective of our commitment or participation in a battle group, will be a national, sovereign decision.

Some Members are of the view that this legislation is being proposed solely to enable members of the Permanent Defence Force to participate in EU battle groups. While that of itself would be no bad thing, I reassure the House that this is not the case. As I have outlined above, when elaborating on the provisions of the Bill, the requirement for this amending legislation arises irrespective of our participation in battle groups. I commend the Bill to the Seanad and look forward to a constructive discussion.

**Mr. B. Hayes:** I welcome the Minister to the House. It is rare that legislation from the Department of Defence comes before the House; it is not the most prodigious Department in terms of legislation so when it comes we have a particular responsibility to give it a fair hearing.

This and all other legislation on the Defence Forces deals with a group of people whose voice is largely unheard. The Permanent Defence Forces have made a great contribution to the security of this State and in our wider international obligations, at EU or UN level. We should record that because Defence Forces personnel follow debates in this and the other House, and listen to Question Time. Privately people speak to us about the importance of recognising the role of the Defence Forces in the international work they undertake on all our behalf. It is important that we do that when Bills of this nature come to the House.

This legislation is needed because of a question mark over the legality of sending Irish troops abroad for business other than international peacekeeping as set out in the 1960 legislation. That issue arose at a recent working group within the Departments of the Taoiseach and Defence which is looking at Ireland's role in future battle groups.

At one level any legal doubt about our ability in Irish law to commit troops to action is serious. I looked at the 1960 and the 1993 Acts and I found nothing in them that would allow one to conclude there was anything illegal in such mis-

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sions but the Minister wants to be sure beyond doubt that when we commit troops to functions as part of our international obligations, the commitment must be absolutely legal and watertight.

Extending the definition beyond international peacekeeping force is wise and that is the principal purpose of the legislation, to make it clear that there is provision in Irish law for the Government and the Dáil to commit troops to various functions. It is worth saying that many of those functions relate to our participation in Partnership for Peace, which my party wholeheartedly supported, within the EU and the United Nations. It is right to do this today and spend some time on it.

There was a question in the other House about missions established by the UN Security Council as against missions authorised by it. If a mission is established by the UN, then it is responsible for its implementation but a mission authorised by the UN could have another organisation responsible for implementation, albeit in the context of a Security Council resolution. We could return to that tomorrow.

I went to Sarajevo not long after the end of the first war when SFOR troops were committed. We were not involved in the original phase, although we were to participate subsequently. I spoke to an American general who was responsible for leading the troops in Bosnia-Herzegovina. I asked him the most important thing Irish troops could bring to bear in such a situation. He said there were three things — we speak English, have no historical imperial baggage and a huge historical knowledge of peacekeeping all the way back to the 1960s. That stuck with me. Irish troops on peacekeeping missions have built up a body of knowledge the international community appreciates and we should not underestimate this.

The Minister said the necessity for this legislation arose from the advice of the Attorney General to clarify the 1960 and 1993 Acts. It is not the practice of any Government to publish advice from the Attorney General but there might be an argument for it here on the basis that all actions where troops are committed ultimately require a resolution of the Dáil; this involves not just the Government but all Members. It may be sensible to publish the advice on this occasion because I suspect the Minister is telling us the same as what the Attorney General stated in his legal opinion to the Government and the inter-departmental group.

When we passed the Maastricht referendum, there were clear obligations on the Irish people to commit troops for humanitarian aid and disaster relief. It was a specific provision independent of the European currency. The passage of that referendum had a much more important effect than any law that goes through these Houses. The sovereign will of the Irish people determined that we support the Maastricht agreement and there was a sovereign jurisdiction in the passage of that ref-

erendum to allow the Government to commit troops independently of the Dáil or anyone else on the basis that the people had supported it.

I welcome the Minister's reference to Mr. Kofi Annan's comments. I recall the speech Mr. Kofi Annan made at the forum when he spoke about the importance of being able to rapidly deploy troops under a UN mandate to a particular theatre. That is important in the context of the triple lock debate. The Minister will be aware that the Government and my party have fundamentally different views on this issue and we will come back to that tomorrow by way of an amendment. At least it shows there are points of difference between Government and Opposition from time to time. The Minister will be well aware of a position paper my party published in 2003 on the issue of the triple lock. If one is logical in quoting what Kofi Annan said, one cannot possibly commit troops on a rapid reaction basis when one is waiting for a UN Security Council resolution.

I understand the logic of the triple lock is based on the Government deciding, the Dáil deciding and the UN Security Council deciding. As the Minister well knows, in the case of Macedonia, where the UN could not decide because of internal politics between two of its members, we could not commit troops on that occasion in our own backyard in Europe. We were left in a cul de sac because of our position on the triple lock. We need a debate on this. I welcomed the position my party outlined in 2003 but this Bill affords us another opportunity to put my party's position, which is sincerely held and which the vast majority of the Irish people would understand and appreciate in the context of a wider debate on this important issue.

We are sovereign. It is a matter for the Government and the Dáil — one might argue it is a matter for the Dáil and the Seanad — how we commit troops. Internal political disputes, which invariably arise at UN Security Council level, should not determine where or if we commit troops. That is a violation of the sovereignty we hold in this Parliament through the Irish people under the Constitution. The Chinese do not have a right to veto whether the Irish can commit troops in any theatre or cause of international affairs.

I would further point out that my party is not suggesting for a moment that we would commit troops in a scenario where the action would be against the principles and policy of the United Nations, but there is a well known example, the Macedonia one I mentioned earlier, where it happened that we as a sovereign people could not determine our own future because other people in an arena in New York were determining that future for us. That is a fundamental violation of our sovereignty. It is wrong. We need to modernise. The Minister correctly spoke in his speech about the necessity to commit troops rapidly, but how can he possibly do that if the decision is being taken in another forum by other politicians

who, for their own local consumption, are making those decisions up as they go along? We will return to the matter tomorrow in respect of an amendment which my party intends to table. It is a fundamental point that we need to debate, not only in this House but throughout the country, because the Irish people need to understand the limitations of our role in the international community due to this ludicrous policy. This policy is dated and out of touch with the new obligations on the European Union and on the world in responding to such crises.

This debate also affords me an opportunity of putting on record our thanks, not only to the members of the Defence Forces who serve overseas but also to their families. I am aware that as of May this year there are 422 Defence Forces personnel with the United Nations mission in Liberia, 213 Defence Forces personnel with the NATO-led international security presence in Kosovo and 80 personnel with the EU-led operation in Bosnia-Herzegovina. As the Minister stated, the Defence Forces have served in Israel, Syria and Lebanon. Some Members here tonight have, I understand, served in that capacity as well. The Defence Forces have also served in the Republic of Congo and in the Ivory Coast. Ireland's Defence Forces have a solid historical and current commitment to international order and this House should put on the record its thanks to the personnel involved for the security issues which come with that because many of these are difficult missions where people put their lives on the line. I also want to put on record our thanks to their families for allowing them to leave home and family for lengthy periods because that is difficult too.

The EU response to the disintegration of Yugoslavia was the worst time for Europe since the rise of the Third Reich. As Europeans, I am with Lemass more than anyone else on this when he said that if we create it, we have an obligation to defend it. We must learn the lessons of our inability to respond in Yugoslavia and of why, while European leaders were talking and arguing about what needed to be done, we left it to the Americans to do it. A more mature and developed European Union has the capacity to do this and to respond, particularly in our own region of the world, to all kinds of difficulties that emerge from time to time. If we do not do so, we abdicate our responsibility and give in to those who are bully-boys and who do not understand the international norms, notions of peace, democracy and human rights, which we are trying to foster in the world. I look forward to the debate on the Bill tomorrow.

**Mr. Moylan:** I welcome the Minister for Defence, Deputy O'Dea, and his officials to the House. It is not often that defence legislation comes before us but this is important legislation. I appreciated the Minister's comprehensive speech.

Ireland has a proud legacy of peacekeeping. Indeed, our troops have performed duty on 58 UN peace support operations worldwide. Our commitment to peacekeeping has taken our Defence Forces from the Congo to Kosovo and from the Lebanon to Liberia. Our reputation in the field is second to none. We, as a prosperous and successful small nation, have a particular role to play in helping other small nations.

Over the past two decades we have witnessed some of the most vile and bloody atrocities in mankind's history. I am of course referring to those scenes of carnage in Rwanda and Darfur. Those horrendous scenes cannot have failed to move all those who saw them on their television screens. Indeed, most of us were appalled by the brutal news coverage, and wondered how the international community could stand by and do nothing. This failure to act was not the fault of the United Nations as an institution. It was the collective failure of civilised nations to act speedily and effectively in defence of the world's poorest and most vulnerable people.

The time has come for the European Union, in advancing the aims of the United Nations and the UN Charter, to play its part in responding speedily to emerging crises across the globe. This can be done by providing humanitarian relief and, where required, military support for the maintenance of international peace and security.

From 2007 onwards, the EU will maintain two such units, on stand-by at all times, for deployment within five to ten days. As the Minister stated earlier, each battle group will be on stand-by for six months.

During his visit to Ireland in October 2004, UN Secretary-General, Mr. Kofi Annan, spoke forcefully of his desire to see regional organisations like the EU helping the UN to respond rapidly to crisis situations. Our neutrality and record of 48 years of UN service in some of the most dangerous trouble spots means we can make a unique and important contribution.

For these reasons the Minister for Defence, Deputy O'Dea, announced last February that he was commencing talks with Sweden on Ireland participating in the Nordic battle group.

The term "battle group" is an unfortunate one. It has connotations that some may exploit to raise baseless fears. It is the underlying concept on which we should focus, not the word itself, which is a military term. The term refers to a battalion-sized unit of approximately 1,500 troops ready to go into a situation at short notice. These will enable the EU, at the behest of the UN, to move rapidly into areas where conflicts are developing and prevent them from escalating into catastrophes. Our neutrality and record of 48 years of UN service in the world's most dangerous trouble spots means Ireland can make a unique and important contribution.

Despite what Opposition parties may say, the desire to enter talks on joining a battle group was not taken lightly. The issues, involving legal,



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operational and policy matters, were complex. The Government needed to be certain that participation would not undermine our neutrality or raise constitutional issues. It is clear, especially as the concept has developed, that no such concerns arise. Our participation in battle group peace support operations will require UN authorisation. As the Minister stated, the triple lock of UN, Government and Dáil approval will continue, despite Fine Gael's desire to dispense with it. EU battle groups do not constitute a "European Army" in any shape, make or form. Joining such a group does not herald conscription or the militarisation of the Union. Participation will involve Ireland sending troops abroad to train with its battle group partners. It will not involve troops coming to Ireland to train or exercise.

**Mr. B. Hayes:** Why not?

**Mr. Moylan:** Participation by our troops in individual missions will be agreed through our national decision-making process on a case-by-case basis. A UN mandate will be a prerequisite for participation in a battle group peace support operation, as is currently the case. Battle groups are another vehicle within which Ireland can continue to play a role and contribute to effective action in support of international peace and security. They are a further way of expressing our commitment to the UN and its principles.

The UN is asking the State to continue to make the expert commitment of its Defence Forces available, including through EU battle groups. A failure to do so would mean a departure from the traditional policy of full support for the UN. Such battle groups are an additional way to contribute to peace support and the international rule of law and they are not a replacement for the traditional large scale "blue-hat" missions such as those in Liberia and the Lebanon. They are the logical extension of such missions.

The Defence Forces have never been better trained, equipped or motivated. A total of 850 personnel are available for UN service overseas and, as of 2 June, approximately 680 troops were serving abroad. The largest deployments were in Liberia, Kosovo and Bosnia-Herzegovina. Smaller numbers of troops serve as liaisons and observers on a range of missions in Israel, the Congo and Sudan. With most tours of duty lasting six months, almost 1,500 troops will serve abroad this year. Furthermore, our Defence Forces have never been better resourced. Spending has increased from €566 million in 1995 to €957 million this year. Furthermore, an unprecedented and sustained investment programme in new facilities has been undertaken since 1997 while almost €200 million has been spent on new buildings and more than €320 million has been invested in new equipment. Some time ago, the Minister and his predecessor came in for a great deal of flak for selling off surplus land and build-

ings. However, they decided to re-invest the money in the Defence Forces. It was a wise decision as it allowed the Government to modernise Defence Forces equipment.

I refer to the performance of the Defence Forces at the Easter Rising ceremony at the GPO. They made all of us proud of their professionalism. Section 8 provides that approval for Security Council resolutions must be provided by the Government and the Dáil. However, traditionally, the Seanad was required to give similar approval. Will the Minister clarify this issue when he replies? I compliment the Minister and the Defence Forces, especially members who have served overseas. Senator Minihan is a former member and he served with great distinction abroad on behalf of the State. Many people have made a contribution in their own small way, particularly as members of the FCA. I was a member of the FCA for five years and I enjoyed it immensely. We received good training under the guidance and care of a number of outstanding and professional Army officers. I commend the legislation to the House and I wish the Minister well in his brief.

**Mr. Quinn:** I welcome the Minister and his officials. As Senators Brian Hayes and Moylan stated, defence legislation does not come before the House very often. I did not understand the intention to hold a military parade to commemorate the 1916 Rising but it highlighted the regard in which the Defence Forces are held and I congratulate them on that basis. I was also a member of the FCA and I have great memories of the training I received.

I welcome the Bill as a committed supporter of the continuing role of our Defence Forces in contributing to world peace and stability through international peacekeeping operations. I have two reasons for my support. The first is the good it does for the benefit of mankind in general. One of the greatest achievements of the United Nations has been its peacekeeping operations, even though they have not always been successful or without controversy. I pay tribute to the former Canadian Prime Minister Lester Pearson, who created this concept in the 1950s.

Ireland has made many friends worldwide through its contribution to peacekeeping operations in many troubled areas. These activities reflect exactly the image we want to put across of this country — that we are peace loving people who can be friends with anybody. Senator Moylan referred to 48 years of UN service. I recall going to Baldonnell airport in 1961 with my then fiancé to watch the first Irish troops depart for the Congo. We had such regard for those troops because they were acting on an international basis and they raised the status of the Army, which has remained high since.

The other reason I support peacekeeping operations is more local and selfish. Foreign involvement is very good for the Defence Forces. The

State must have an Army but the prospect of it being required to defend us against an external attack is minuscule. While this is good, it provides a problem of motivation and morale for those of our citizens who choose to make a career in the Defence Forces. Without foreign involvement, there is a danger they will begin to regard themselves as being akin to a spare wheel on a car that never gets used. This is why this issue is so important.

I spoke about the mission to the Congo earlier. I was chairman of An Post in 1986 or 1987, when it issued a stamp in commemoration of that departure for the Congo. At the time, or possibly on an earlier occasion, my father-in-law, Ned Prendergast, told me the story of how he was the officer who took over the Curragh in 1922 and who raised the flag. He had some difficulty in this regard because the British had cut down the flagpole before leaving the Curragh. At the time, he was rather annoyed, but he subsequently learned that it is traditional to so do when an army leaves a base. Senator Minihan might be able to explain. Hence, there was a delay in that regard.

I recall that my son and I asked him whether it was a big decision as to which side to join in the Civil War. We asked him why he had joined the Free State Army. He replied that it had not been a big decision, and that Mick Collins had simply telephoned him, asking him to give him a hand. It is good to ensure that such little pieces of history are remembered, as well as the respect for the Army that has been present since then.

Ireland's foreign involvements provide the Defence Forces with an additional reason for their existence. In one sense, it is more important than its primary purpose, because in this case, it is actually used. This provides the Defence Forces with an opportunity to raise their professional standards and to use their training and skills in a real-life, live situation. I am certain that entirely restricting the Defence Forces to national duties, would have prevented them from recruiting many of the fine people who serve in their ranks today.

Although I did not hear the Minister's contribution, I was interested to hear Senator Moylan's reference to the Minister's comments on foreign troops training in Ireland. I heard Senator Brian Hayes ask why this was the case. Is there a ban on such a practice? Is there a reason they do not do so? I know the Garda is highly regarded as a source of training for other forces who come to Ireland to train. Perhaps there is a reason and the Minister may be able to provide an answer.

Despite what is stated in the explanatory memorandum, the real reason for this Bill concerns the issue of Irish participation in the proposed EU battle groups. It is intended to establish beyond any doubt a legal basis for Ireland's participation in those groups. As such, I have no general problem with it, provided Members can believe the repeated assurances by the Government on the nature of these groups and on Ireland's participation in them.

If Members can rely on those assurances, they have no cause for concern. Senator Moylan has already noted that the unfortunate phrase, "battle groups", is a military term. The Government has assured the House that any missions which include Irish participation will be used exclusively for peacekeeping and humanitarian purposes. While the present Minister has given this assurance, I am concerned that a different Minister or Government in the future may have a different view.

The Government also assures Members that the so-called triple lock will still apply. In other words, any proposed action will require the approval of the United Nations, the Government and the Dáil. I understand the last provision, as speed is of the essence in such matters. Senator Brian Hayes made a strong case, which I had heard him make previously, for the reconsideration of the triple lock. In particular, the case of Macedonia demonstrated that if someone in Manhattan was able to prevent Ireland from carrying out work which was required in Europe, it is time to reconsider the triple lock. Senator Brian Hayes made a strong case in this regard.

Furthermore, the Minister stated that any involvement will be considered strictly on a case by case basis. Ireland's membership will not involve giving anyone outside the country a blank cheque as to how and when the Defence Forces will be used overseas. While I do not want to question the sincerity of such assurances, I must confess to a reservation regarding this issue. In the context of the Forum on Europe, I recall listening and doing some reading ahead of time in this regard. This was at the time when Kofi Annan addressed the forum, as well as when the Minister was present. My concern arises because of the striking difference between the manner in which battle groups are talked about in Ireland and the manner in which they are discussed in other parts of Europe which lack Ireland's sensitivities regarding military neutrality.

Undoubtedly, many people across Europe seek something which goes well beyond an involvement in peacekeeping and humanitarian activities. Many powerful people in Europe today envisage the future of the European Union as a fully-fledged military power, with all available tools to throw its weight around as it pleases in international disputes that arise anywhere in the world. Those who take this view believe that for as long as the EU lacks military capability, it is merely playing at the business of being an effective influence in world affairs. For such people, battle groups are the thin end of the wedge. They envisage their evolution, perhaps very quickly, into a fully-fledged military force that will not be restricted to peacekeeping and humanitarian activities, but which will be capable of doing anything a military force is equipped to do. In other words, they will be capable of waging war.

For example, I will remind the House of a frightening statement made in March 2005 by the

[Mr. Quinn.]

Secretary General of NATO, Jaap de Hoop Scheffer. When asked to respond to the frequently made claim that the EU's battle groups would never go to war, Mr. Scheffer stated: "I don't believe that's true. Why is the EU creating battlegroups? It is not just to rebuild a country. The battlegroups are not for rebuilding schools." The Secretary General also stated his belief that the EU was developing into a military power. He stated: "[T]o keep the peace, combat may be necessary. If the EU creates battlegroups and NATO a rapid-reaction force, we shouldn't think the EU is for soft power and NATO for tough power."

This kind of statement puts the Government's assurances into their proper context. It illustrates clearly why Ireland must be eternally vigilant that the foreign involvements of its Defence Forces do not become a slippery slope that, willy-nilly, brings it to an unintended and undesirable point.

The provisions of the Bill give reasonably adequate safeguards to ensure that such a situation will not suddenly be sprung on Ireland. I take the Minister's word for it, as well as that of the draftsman who prepared the legislation. Surely however, common sense dictates that Members must be careful to exercise constraint and unremitting vigilance on this critical matter. I welcome the legislation and the Minister's comments. While I believe it to be well thought-out, I wish to ensure that care will be taken and that the Bill will not be rushed through without being given serious consideration.

**Mr. Minihan:** I also welcome the Minister and his officials to the House. The opportunity to speak on this topic is a particularly welcome one. It is said that things come in threes and as far as this issue is concerned, they certainly do for me. It is almost three years to the day, 25 June 2003, since I first raised in this House the specific concerns which I still have today. In addition, the Bill has three main provisions. Finally, I refer to the so-called triple lock mechanism. I wish to deal with each issue in turn.

When I spoke in this House three years ago, it was in the context of a debate on Ireland's much-discussed neutrality. I maintained then, and still do, that "neutrality" is probably the second most abused or misused word extant. The most abused word is "republicanism". While neutrality is defined by the international community as "non-participation in armed conflicts among States", a legal definition based on the 1907 Hague Convention, in reality that legal definition is a much different concept from what a viable policy of neutrality actually is and I will elaborate on why. No one would argue with the formal definition. Nor would anyone argue, I suspect, that Ireland should cease to practice non-participation in armed conflicts among States.

7 o'clock

We have a highly regarded and rare position in the international community as a nation with a sound, reasonable, suitably restrained and mature approach to conflict resolution and peace promotion around the globe. That position should not be taken for granted, undermined or threatened in any way. However, I do not believe that action by Irish Defence Forces in a humanitarian mission or in response to an emergency would be considered a breach of our neutrality, or that Ireland should be prevented from undertaking such action.

Our reputation as peacekeepers and honest brokers is renowned cross the world. As a former UN peacekeeper who participated in three peacekeeping missions in the Lebanon, I know at firsthand the value of our reputation. I also know that our neutral status is welcomed by host countries. Ireland was always the country they wanted because of our reputation. What made Ireland good at peacekeeping was our traditional, non-aligned military stance. That is of great value to us, yet we have a humanitarian role to play, which is my first point. We have international responsibilities we must face up to. We also have a duty to use our valuable and respected position in a way that eases conflict and suffering in other, more troubled parts of the world.

My second point relates to the provisions of today's Bill. As I stated, it has three primary provisions. The first of these is that it allows for Defence Forces personnel to travel abroad to train and participate in field exercises. From my military experience and knowledge I know the value of such action. While no exercise can absolutely prepare any soldier for the pressures and demands of a real-life conflict, our forces deserve the opportunity to be as prepared as possible to deal with the kinds of scenarios to which Ireland's respected reputation will lead them.

I will make an analogy with the Irish soccer team, the players on which all play with different clubs. Do we suggest they should come together and play an international without training together? It does not make sense. One cannot work for the first time in a United Nations operational environment with countries such as Finland, Sweden, Ghana and Senegal without having had the experience of training. In that regard we should acknowledge the tremendous international reputation of the UN school in our military college. Participating countries throughout the world vie for places in that school to learn from our experience as UN peacekeepers.

The second provision of the Bill is that it contains the type of wording more closely suited to the formulation of words employed by the UN Security Council in its resolutions, specifically those resolutions passed to endorse peace support operations. The word "battle groups" was mentioned during this debate. It is a military term and many military terms exist such as "assault", "kill" and "assault pioneers". Unfortunately, because of our neutral status, people have abused

that terminology and misconstrued its actual intention.

While the law as it stands provides for Ireland's participation in missions "established" or "authorised" by the United Nations, it is less clear when it comes to missions which are "endorsed" or "supported" by the Council. Given the gravity of the action to be taken in these cases, clarity must be pursued vigorously and I welcome this element of the Bill.

I understand the Labour Party was of the opinion that this Bill will not allow participation in all of the peacekeeping missions in which the Defence Forces currently serve. However, it seems the consistent advice of the Attorney General has been, and remains, contrary to that opinion. Furthermore, I understand the Minister has given explicit reassurance on this matter.

The third provision of the Bill before the House is that it allows for Defence Forces personnel to participate in certain humanitarian operations, for example where a natural or man-made disaster occurs. As I stated earlier, I doubt anyone would consider Irish soldiers helping the peoples affected by the tsunami in south-east Asia as action contrary to our so-called neutrality. Until now, these soldiers had to be seconded to non-governmental organisations.

Regrettably, my third and final point is the same as that which I raised in this House three years ago this week. The Minister, on publication of this Bill, stated Ireland's participation in peace support operations will continue to require UN authorisation. The basis for participation in missions undertaken by the EU is grounded in the legitimacy conveyed by the UN Security Council. This will not change and the triple lock of UN, Government and Dáil approval will remain in place.

What this Bill will do, from what I can ascertain, is provide for Defence Forces personnel to be despatched overseas to be prepared and ready for missions, which have received the approval of our Government. However, a UN Security Council resolution must still be passed before action on the mission can start. In other words, the UN veto, for want of a better phrase, remains. I stated clearly three years ago, as I had previously, my discontent with this scenario. The triple lock mechanism does not serve the Irish people in the way I believe they seek, and it does not serve Ireland well.

I ask the House to recall the situation in Macedonia, referred to by previous speakers. Under UN Resolution 1371, it was decided to send a UN mission there. The resolution was vetoed in the Security Council by China and, as a result of our triple lock mechanism, we were ineligible to participate in the EU-sponsored mission. Even though we had troops already there, we had to withdraw. That is a flaw and a problem.

The three provisions of the Bill I outlined do much to be welcomed. However, it does not get us over this fundamental problem. I repeat my

call on the Government to examine this and see whether an amendment to the Defence Acts can be tabled to correct this situation. I fully accept we fixed ourselves in with the Nice treaty. It will be a long time before I will be able to influence a change of the Security Council in the UN and create a situation where the majority will rule. The veto stands and change requires UN organisation and change. In Ireland, we should be careful about exactly what our people mean about our troops participating overseas. By bringing forward the triple lock mechanism, the Irish people did not for one moment intend that Irish troops could not participate because China, for some reason of vested interest, decided to exercise its veto at the Security Council.

I do not want Fine Gael to get excited about whether I am going against Government. I am giving a personal view. Perhaps it will come back to haunt me tomorrow when we are on Committee Stage.

**Mr. B. Hayes:** I am not getting excited as Senator Minihan will always act in the interests of his party. I am assured of that.

**Mr. Minihan:** I welcome this Bill for what it includes, allowing for participation in field exercises, more appropriate wording to reflect common practice and participation in certain humanitarian missions. However, I am disappointed with what it does not include, which is an amendment to reflect what I believe is the view of the Irish people, that specific nations should not unilaterally be able to hold Ireland back from helping people in dire need in another part of the world in a peace support operation, a role for which Ireland is renowned. Ireland has a duty to use that reputation to its utmost, for the benefit of people far worse off than us.

Ireland, in her troubled past, asked what the international community could do for us. To paraphrase a US President, we should also ask what we can do for the international community. What we can do is use the reputation, talents and skills that pertain almost uniquely to us to help people in distress. The triple lock mechanism as it currently operates is a hindrance to so doing.

I congratulate the Defence Forces on the tremendous role they play, on being ambassadors for this country on the international stage and on how they enhance the country's reputation. I acknowledge the presence of a former chief of staff of the Defence Forces, Lieutenant General Tadgh O'Neill, in the Visitors Gallery.

**Ms Tuffy:** Towards the end of his speech, the Minister stated the requirement for this amending legislation arises irrespective of our participation in battle groups. In this regard, he is basically accepting a point raised by the Labour Party. Former Labour Party spokesman on defence, Deputy Sherlock, pointed out in the Dáil and in correspondence to the Minister that the

[Ms Tuffy.]

Defence Acts as they stand may not permit Irish participation in certain UN peacekeeping operations. Deputy Costello also referred to this. The Labour Party believed there was a need for certainty in this area and to amend the legislation accordingly. That is basically what this Bill is doing.

Section 1 states an international United Nations force means “an international force or body established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a resolution of the Security Council or the General Assembly of the United Nations”. The legislation is being changed to cover the point raised by the Labour Party. The Minister stated during Question Time on 22 June that existing legislation allows participation in all the current peacekeeping missions. I hope this is the case. He also stated: “It is better to counter the argument before it is raised even though I do not believe it would succeed.” The fact is that he would not be doing so unless an issue of sufficient gravity were raised. He is not introducing the measure just to counter an argument, there must be a valid reason and I do not believe the Minister would do something just because the Labour Party suggested it. He would have to accept the point the party makes.

On 22 June, the Minister also said, “We are including the necessary provision so nobody will ever have the slightest doubt about the matter in the future.” Furthermore, he stated the advice of the Attorney General was that there was “no formal basis in the Defence Acts for the despatch of Permanent Defence Force personnel on such duties”. The point is that the legislation is being introduced to provide absolutely certainty on a formal basis.

Senator Minihan stated the Labour Party has raised an issue about current missions. The party was asking whether this legislation would have retrospective effect and the Minister stated it would not in his response. The Labour Party contends that there could be a problem and this is why it raised the issue and why the Minister is dealing with it.

The Labour Party proposes a couple of amendments to the Bill. I will not discuss them in detail as Senator Ryan will be dealing with them on my behalf tomorrow. We question the need for subsection 4(2) and section 8. Section 11 states, “Nothing in this Act shall be construed as thereby authorising the State to become a member of an international organisation of which it is not already a member.” Why is this section needed? Perhaps the Minister will explain when he is responding.

**Mr. Leyden:** I welcome the Minister and thank him and his officials for introducing the Bill in this House in the first instance. He has received great support within the Defence Forces since his

appointment and has been perceived as very approachable by the representative organisations.

I declare an interest because I am nominated by the Irish Conference of Professional and Service Associations. Two groups that come under its remit are RACO and PDFORRA and I must bear in mind their views on this issue. The Minister has probably had detailed discussions with them on the Bill.

The international standing of the Defence Forces, particularly in respect of humanitarian aid and security provision in very difficult areas, is second to none. The force has sacrificed many lives in the course of its peacekeeping duties and we should be very proud of its achievement. I regret very much that there has been loss of life but the fact is that the personnel who died sacrificed their lives in the interest of this country and those they were trying to assist in a peace-making capacity. I have met troops who were serving in other capacities, in Bosnia-Herzegovina and elsewhere, as part of missions under OSCE and on secondment duties in respect of monitoring elections. Their training and ability is as good as, if not better than, that of any other troops in the world.

The Bill is enabling legislation. The Attorney General raised certain matters with the Minister and perhaps the Minister will clarify the position on retrospection. The Bill cannot be retrospective or endorse any events that will have taken place prior to its enactment in early July. There are approximately 10,500 troops in the Defence Forces at present. Does the Minister envisage that this Bill will give rise to his making a request to the Government for additional troops to ensure a larger presence on the international stage, particularly in regard to humanitarian issues? We should have faster deployment to certain regions, including northern Kenya, for instance, where there is a serious drought.

The Cathaoirleach will forgive me for referring to Fr. Patrick Devine of the Society of African Missions, who is in the Visitors Gallery. He and his colleagues are doing tremendous work.

**An Cathaoirleach:** The Deputy should not refer to people in the Visitors Gallery.

**Mr. Leyden:** I appreciate that. We will not set a precedent.

We have provided over €10 million for northern Kenya, which I visited with UN personnel. However, we have not deployed any troops to distribute the food in the region and we rely on others to do so. It is in this kind of circumstance that the Minister could ensure a quick response on the part of the Government. The Bill will allow a rapid response to crises throughout the world instead of depending on secondment to other organisations. This is very important.

Does the implementation of the legislation require further consultation with the representative bodies of the Defence Forces? The Bill

broadens the scope pertaining to the deployment of troops abroad for training but troops may not have applied to be members of the Defence Forces with such training in mind. If 200 men or women have to train in Germany for a particular task, this will not be one of the duties they believed they would be doing when they joined the Army. I refer in particular to listed men and women. It would be worthwhile to have detailed discussions with the representative bodies to brief them on this Bill and to outline the effect it will have on the current status of the listed troops. Will the Bill have retrospective effect? Chapters 6 and 7, on UN missions, are the applicable chapters of the mandate documentation in this regard.

Section 8 refers to approval by the Dáil, which was mentioned by our spokesperson. Would “the Oireachtas” not be a more appropriate reference? This House would have a great interest in the involvement of the Defence Forces abroad. Making that change might require some extra effort but the Bill must be passed by both Houses of the Oireachtas. In the circumstances, therefore, I ask the Minister to consider amending the section to read that the Bill would be passed by the Houses of the Oireachtas, Dáil Éireann and Seanad Éireann, or that Members of Seanad Éireann would be informed by some mechanism because they have a major interest in this area. Senator Minihan, who served as a senior officer in the Defence Forces, has a great deal of knowledge of this field and it would be helpful that such a Bill would come before this House before the deployment of troops.

The missions abroad, particularly those in Liberia and Kosovo, and smaller missions in Jerusalem and Cyprus, will continue. Other troubled areas in the world will also require the presence of Irish troops. In that regard we are fortunate in having standard bearers for this country because their presence in foreign missions is courageous on their part, and on the part of their families who are prepared to be deprived of them for that length of time.

Coming from an area near Custume Barracks in Athlone, I know that many of the troops are living in County Roscommon and I know many who have served abroad with great distinction. From attending the Arbour Hill ceremonies I am aware of the number of plaques on the walls of that beautiful church commemorating the men who sacrificed their lives in the course of representing this country.

Our troops are great ambassadors for Ireland. Since he took up his portfolio, the Minister has been very active in visiting our troops. That is very much appreciated by them. That is also the case as far as the President is concerned. The exercise has always been to meet the troops on the ground.

I wish the Bill well. I am delighted the Minister has introduced it in the House. Members will give him every co-operation we can to ensure it is passed as quickly as possible.

**Minister for Defence (Mr. O’Dea):** I thank all the Senators who spoke for their constructive contributions to the debate and the interest they have taken in the Bill. I look forward to a similarly constructive debate in the other House. I thank Senators also for their kind remarks regarding the work our Defence Forces undertake overseas. Wherever they are, our troops serve with professionalism, dedication, courage and unselfish humanity. Their commitment to service and loyalty to the traditions of the Defence Forces contribute extensively to the high regard in which Ireland is held in the international community.

Ireland’s support for the United Nations has been unwavering since we joined in December 1955. The most visible and tangible expression of our membership of the United Nations and our support for its principles has been the participation by Irish Defence Forces in United Nations peacekeeping operations. Since our first UN peacekeeping mission in 1958, our troops have performed over 54,000 tours of duty on 58 UN peace support operations worldwide. This legislation is designed to further our engagement in international peace support and humanitarian operations.

I wish to refer to the points Senators made during the course of the debate. I agree with Senator Brian Hayes. Perusal of the 1960 Act and the 1993 Act gives no one any reason to doubt that what Governments have been doing effectively since the mid-1950s, in sending people abroad on representational duties, ceremonial duties, etc., is perfectly legal. In 1958, for example, when Ireland first deployed observers to Cyprus, there was no legislation in place. It was only when the first peacekeeping mission was sent abroad in 1960 that legislation was passed to provide a statutory procedure for sending troops abroad in those circumstances. That does not mean we cannot legally send them abroad in the absence of that legislation. Equally, it does not mean we cannot legally send people on the other type of missions — ceremonial duties, seminars, desk-top exercises, etc. — in the absence of the other legislation.

It was possible that somebody would come into court with an argument that the legislation is in place and is supposed to cover everything, but if something is not covered by the legislation, it is not possible. This Bill is intended to head off such an argument. I do not believe such an argument would succeed and the advice of the Attorney General is that it would not succeed. This provision is designed to remove any doubt in this regard.

Irish defence legislation states that a mission must be established by the United Nations. As the Senator is aware, the United Nations is farming out a good deal of work to regional organisations such as the European Union, the African Union, etc. It gets the African Union, the EU or

[Mr. O'Dea.]

some regional organisation to organise the mission. In other words, it authorises it to be done.

I have been asked to publish the Attorney General's advice on the matter. I will have to get permission from the Attorney General to do so. It is not usual to publish his advice but I can tell the Senator that the Attorney General who gave that advice when the matter first arose was none other than Dermot Gleeson, who was the Attorney General in the Fine Gael-Labour Party Government. He is an excellent lawyer and any advice I would get in that regard from Dermot Gleeson I would take very seriously.

Senator Brian Hayes also stated that we will be unable to commit troops rapidly if we are to be tied up by a UN Security Council resolution. Senator Minihan had similar doubts. I understand Senator Hayes has tabled an amendment to remove that provision and we will discuss it in more detail tomorrow, but I disagree with the Senator.

I can inform the Senator that we have been discussing participation in the Nordic battle group, particularly with Sweden, which is the framework nation. Even though it does not have a legal requirement for a UN resolution, it does not see any impediment to Ireland participating in the Nordic battle group, despite the fact that Irish law states we can only do so after a United Nations resolution. However, we will go into that in more detail tomorrow.

I agree with what the Senator said about Macedonia. Any one of the five members of the Security Council can stop a Security Council resolution; each one of them has a veto. The Chinese vetoed the operation in Macedonia and therefore countries such as Ireland which needed a United Nations Security Council resolution, could not participate.

Essentially, the way the United Nations does its business is a matter for itself. It is set up in such a way that any one of the five permanent members can effectively impose a veto on a Security Council resolution. It is arguable that if it was to be done by majority decision, President Bush would probably have got a resolution to allow him to go into Iraq. Be that as it may, that is the procedure. It might be said that we will not get involved in any foreign military adventures without the sanction of the United Nations. That is Government policy. In that we are in tune with the will of the majority of the people. Perhaps we are not, but I firmly believe we are.

Senators Moylan and Leyden asked why reference to Seanad Éireann was not included in the Bill. As Senator Quinn said, the 1960 legislation referred to Dáil Éireann. It is Dáil Éireann which supplies the troops under the 1960 legislation. It is just a matter of speed. I take the Senator's suggestion, which is a good one, that at a very minimum there should be some mechanism for informing Seanad Éireann.

**Mr. B. Hayes:** Will the Minister give way?

**Mr. O'Dea:** Yes.

**Mr. B. Hayes:** My understanding is that the Government is not accountable to this House. It is Dáil Éireann that approves the nomination of the Taoiseach. Given that the Government makes the decision, the logic is that the Dáil must sanction any decision of the Government. Under the Constitution, therefore, the Government does not have to come into this House at all. There is no provision in that regard.

**Mr. Leyden:** The Bill cannot be passed without the approval of this House.

**Mr. B. Hayes:** The Minister will be glad to hear that.

**Mr. O'Dea:** No, I am not.

**An Cathaoirleach:** We will not debate that now.

**Mr. O'Dea:** Senator Leyden suggested that we have some mechanism for informing this House.

**Mr. B. Hayes:** Which is a good suggestion.

**Mr. O'Dea:** Senator Quinn asked why foreign troops cannot train here. The advice of the Attorney General is that this is precluded by Article 15 of the Constitution, which prohibits the raising of foreign armies and any other type of activities on Irish soil. That constitutional article was drafted for an entirely different reason, but it has this unintended consequence, now. Ultimately, it will not matter because Ireland will never be a framework nation for a multinational battle group. The framework nation, generally speaking, will be that making the largest contribution. In the Nordic battle group, this will be Sweden. The usual practice, I understand, is that training will take place on the soil of the framework nation.

Senator Quinn asked whether battle groups would be used only for peaceful purposes. That is the intention. I take his point as regards what the Secretary General of NATO is reported to have said on building up a military capability, etc. If one looks at the Helsinki 2010 headline goal, the ambition will be to have two battle groups on standby simultaneously, for each six-month period. Our two battle groups will consist of a grand total of 3,000 troops, which hardly constitutes an enormous military force or a European army. Each will be configured as a ground force of 1,500 specially armed troops and in some cases may need air support, and in very exceptional circumstances, marine support. Senator Quinn has said we must be very careful in view of opinions being expressed like this by senior people, public figures such as the Secretary General of NATO.

At the same time the Senator expressed doubt as to whether we should have the requirement of a United Nations resolution. It seems to me that the two opinions contradict each other. I believe the protection of a UN resolution is probably one of our greatest securities against allowing battle groups — or anything that may develop from battle groups — from degenerating into some type of military force. That certainly will not be our intention.

Let us assume we are part of the Nordic battle group. This will be on standby for a six-month period, say, once every three years. If it is necessary for the EU to deploy a battle group during that six-month period, the very fact that we are a part of the battle group on standby does not necessarily mean we will be involved in that operation. It will be a case by case process, to be decided on by the Government in each case.

Senator Tuffy asked me about section 8. It allows troops to be sent overseas, equipment to be containerised and prepared for deployment, etc. Before a UN resolution takes place, this is simply part of the rapid response. It is done in the interests of speed and efficiency. If the UN resolution is not forthcoming or if somebody vetoes it, we will just have to bring our troops and equipment back. Senator Tuffy also asked about the need for section 11. Under the existing legislation, we are allowed to send representatives to international organisations such as the African Union, etc. However, there is a constitutional provision which sets out the procedures for the State becoming part of any international organisation. I am simply saying that we are not trying to unilaterally change that by anything that is in the Bill, just because we are providing a mechanism for representation on these international organisations.

Senator Leyden asked whether I thought it might be necessary to talk to the Government about getting additional troops. We have a standing army of 10,500, as he said. The maximum commitment abroad at any time is about 800 troops. That is much bigger than it seems. It is about 10% of the non-officer section of the Army. It does not just involve 800 people being abroad, if all deployed at one time, with people training, getting ready, etc. We shall see how matters go, but there are no plans at present for such a request and the Government has no intention in that regard at the moment.

Senator Leyden also made the point that training on field exercises abroad, whether as a prelude to a peace support operation or to involvement in a battle group, will involve things the Defence Forces have not been doing up to now. He asked whether it might be appropriate to talk to PDFORRA and RACO, the representative organisations about that. We are in constant touch with PDFORRA and RACO. We have and will continue to discuss all those matters with them.

Again, I want to thank everybody for their contributions, which have been most instructive and helpful. I look forward to an equally constructive debate on Committee Stage tomorrow.

Question put and agreed to.

Committee Stage ordered for Wednesday, 28 June 2006.

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

**Mr. Leyden:** At 10.30 a.m. tomorrow.

### Adjournment Matters.

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### Social Welfare Benefits.

**Mr. Browne:** I welcome the Minister of State, Deputy Gallagher, to the House. I recently called to a constituent who explained that her daughter was born with a serious birth defect. She literally requires 24-hour care, seven days a week. She made a simple point to me. In her case, where she must constantly supervise her child, would it not make more sense for her to be given extended paid maternity leave? If she had left her baby in hospital to be looked after, she argued, it would have cost the State a fortune. Instead, she was doing the State a service by taking on the enormous responsibility of looking after her daughter, constantly. Yet the State is, in effect, giving her a slap across the face by not giving her extended paid leave.

As it happens, she works for the health board, so that she is in a better position than many other people might be in the circumstances. I thought it was a very valid point she raised. I do not have any children, but I am appreciative of her position, based on the experience of my sister, whose son has a serious allergy complaint. He required an enormous amount of supervision and care for the first few months of his life. It would make sense in the case of a baby born with a serious birth defect that the normal paid maternity leave should be extended to allow the mother or father to look after the child properly.

She made the point to me as well that the domiciliary allowance is a pittance relative to what she should normally be getting. I want to put on record the fact that she is saving the State money by minding her baby at home. The Government should give serious consideration to this proposal. It does not necessarily affect her personally because she is a public sector employee and is lucky enough in that sense. I was struck by the amount of care and effort she put into looking after her child. The State should recognise that and should allow people the option of getting paid maternity leave in such serious



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cases. She has not slept a full night since the baby was born. The State should look seriously at this proposal.

**Minister of State at the Department of Transport (Mr. Gallagher):** I thank the Senator for raising this issue and I apologise on behalf of the Minister for Social and Family Affairs, who cannot be here.

Entitlement to maternity benefit is contingent in the first instance on entitlement to statutory leave. The right to statutory maternity leave is established under the maternity protection legislation, which is the responsibility of the Minister for Justice, Equality and Law Reform. Where women have accrued the requisite number of contributions required to establish entitlement and they are certified by their employers as entitled to statutory maternity leave, maternity benefit is paid for 22 weeks of their absence from work. Any changes in the duration of maternity leave and the circumstances under which the duration could be extended are for the Minister to consider in discussion with the Minister for Finance. Entitlement to maternity benefit would normally follow.

The question of entitlement to maternity leave in situations where a new baby is hospitalised for an extended period after birth, and the implications arising from that situation where entitlement to maternity benefit and maternity leave is of a defined duration, was considered by the social partners in the context of a review of the maternity protection legislation in 2001. They recommended that in the event of hospitalisation of the child, the employee should be able to return to work after a minimum of 14 weeks maternity leave, retaining her entitlement to take the balance of her leave when her baby is discharged from hospital. With effect from October 2004, the legislation was amended to provide for these situations. Where maternity benefit has been in payment for a minimum period of 14 weeks, payment may be postponed where the baby has been hospitalised. The legislation requires that an application to postpone payment must be made in writing; that the maximum postponement of benefit will be six months, and that payment will resume within seven days following written notification of the baby's discharge from hospital. Payment will then resume until the full duration of the benefit is completed.

The question of extending the duration of maternity leave to cater for children born with particular needs who require full-time care for the first year of life was not specifically considered by the social partners. However, the Department already operates a number of schemes that cater for the needs of carers in these circumstances.

The carer's schemes provide both means-tested and social insurance-based payments. Carer's allowance is a means-tested payment directed at

carers on low incomes who live with and look after certain people who need full-time care and attention. This includes those needing care due to advanced age, disability, chronic illness and the circumstances considered in this case. Carer's benefit is a weekly social insurance payment that supports those who are entitled to statutory carer's leave to give up their job temporarily in order to look after someone requiring care. This payment is based on the social insurance contributions paid by the worker who becomes a carer. Maternity and carer's benefit payments serve as a non-means tested income transfer in lieu of earnings foregone during a period of statutory leave.

As with all other social insurance based payments, the criteria for eligibility require a recent link to the labour force, as reflected in the minimum number of contributions paid, and a number paid or credited in the period prior to claiming the benefit. Women who have accrued the required number of PRSI contributions at class A, E, H or S may establish entitlement to maternity benefit. Carer's benefit is available to those workers who pay PRSI at class C, D, H and E. Where care is provided beyond statutory entitlement to leave, there is no provision for the payment of insurance-based maternity or carer's benefits.

Starting from this month, the number of hours per week that a carer may work and receive a carer's allowance is increased from ten to 15. The duration for payment of the carer's benefit scheme is being extended from 15 months to two years, with an associated increase in entitlement to the statutory carer's leave scheme. Improvements have also been made to the respite grant. Significant improvements have been made in the rates, duration and qualification criteria relating to the carer's and maternity schemes. The Minister is satisfied that the levels of income support available represent a reasonable response to the income needs of women who are on maternity leave and caring. Any further improvements to the schemes would have to be examined in a budgetary context.

**Mr. Browne:** I would like to make two quick points.

**Acting Chairman (Mr. Dardis):** The Senator knows we cannot debate this matter.

**Mr. Browne:** I know that, but I would like to make two quick points. The Minister of State referred to babies being hospitalised and the payment being temporarily suspended. My case refers to a child taken out of hospital and based at home who still requires round-the-clock care.

The scheme is based on stamps, but the person may not have the necessary stamps. If someone is to look after her baby at home on a full-time basis and the child needs 24-hour supervision, then the State should help that person. That per-

son ultimately saves the State money because it would cost ten or 15 times more if the baby was kept in hospital.

**Mr. Gallagher:** I will convey that to the Minister.

### Port Development.

**Mr. Morrissey:** I welcome the Minister of State at the Department of Transport to the House. I raised this matter on the Adjournment almost 12 months ago when he was a Minister of State at the Department of Communications, Marine and Natural Resources. Since then, the responsibility for our ports has been transferred to the Department of Transport under Transport 21 and I welcome that. It might bring coherence to the issue.

Our ports are very important as Ireland is a small trading nation and huge volumes of goods pass through Dublin Port. For the past 30 years, Dublin Port has proposed to increase the size of its berthing by reclaiming 52 acres along the foreshore at Clontarf. However, these proposals have not progressed one iota in 30 years. Ping-pong has been played between the Department of Communications, Marine and Natural Resources and Dublin City Council. I have had discussions in the past 12 months in order to develop a policy document on this issue, and it is clear that a game of cat-and-mouse has been played. The loser in all of this has been Dublin Port. The Department of Communications, Marine and Natural Resources has stated that it cannot give Dublin Port a foreshore licence until it gets planning permission. Dublin City Council has stated that it cannot give permission until the authorities at Dublin Port produce a foreshore licence.

I am aware that the Minister of State has said that there are no plans to move Dublin Port. I concur with that sentiment completely. However, I would like to see direction given to Dublin Port. It has operated for the past 30 years on the basis of plan A, which was to increase its trade berthing area by 52 acres. There was no plan B and it still does not exist. However, the capacity is fast running out due to the huge increase in the volumes of trade in recent years. I had discussions last week with representatives from Dublin Port and they seem to be resigned to the fact that they are being given no direction.

Our ports are under the Department of Transport since last January. There has been no definitive statement on where the Department will take the ports and that is why I have raised this matter on the Adjournment. I ask the Minister of State to address the issues I raised tonight, especially those regarding the direction of the Department of Transport for our ports and, in particular, Dublin Port.

**Mr. Gallagher:** I thank Senator Morrissey for providing me with this opportunity to report to the Seanad on certain matters concerning Dublin

Port Company. As indicated in response to Parliamentary Question No. 155 of 3 May 2006, there are no proposals to move Dublin Port from its current location, which the Senator has welcomed. As the Senator is no doubt aware, Dublin Port is a State-owned company established under the Harbours Act 1996. It is the country's premier port in terms of throughput and turnover and, as such, is of vital strategic importance to our trading economy. Some 99% of our goods go through our ports, which makes them and Dublin Port, in particular, so important. The 1996 Act provides that the principal objectives of the company include the provision of such facilities, services and lands in its harbour for ships, goods and passengers, as it considers necessary. The company is required to take all proper measures for the management, control, operation and development of its harbour. Decisions regarding the use of the land within the port estate are primarily a matter for the port company.

One of the key challenges that lies ahead for our commercial ports, including Dublin, is the provision of adequate port capacity to meet growing demand, particularly for unitised trade, such as containerised trailers and roll-on, roll-off trucks. In January 2005, when responsibility for ports policy was with the Department of Communications, Marine and Natural Resources, I, as Minister of State at that Department, launched the Government's ports policy statement. The policy statement aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs and sets out a framework to ensure that capacity needs are identified, planned and progressed in a co-ordinated manner.

As part of this process, in September 2005, that Department appointed a firm of consultants expert in this field, Fisher Associates, to carry out a capacity study. They were to invite detailed project submissions from the commercial ports and evaluate those submissions in advance of the Department's recommendations to Government. The purpose of this process is to help determine whether the anticipated capacity requirement to 2014 and beyond can be efficiently and adequately met by the port sector without recourse to the Exchequer. Seven submissions were received from ports around the country. The submission from Dublin Port Company included a project related to the proposed reclamation of some 21 hectares of foreshore in the port, to which the Senator referred. The final report of Fisher Associates was delivered to the Department in early June 2006 and the findings of the study will be reported upon to Government shortly.

In 1999, Dublin Port Company applied for approval under the Foreshore Acts for the proposed reclamation of an area of some 21 hectares of foreshore. This application is still before the Department of Communications, Marine and Natural Resources, which has responsibility for

[Mr. Gallagher.]

foreshore licences and is not a matter for the Department of Transport. I understand that full consideration of the port company's application would involve a process of public consultation comprising making available the environmental impact statement and other information concerning the application, and an opportunity for interested persons or bodies to make submissions or observations on the proposal. Dublin Port Company's proposal would also require planning permission pursuant to the Planning and Development Act 2000. This is a matter for the local planning authority, which in the case of Dublin Port is the Dublin City Council.

As indicated in response to Parliamentary Question No. 471 of 21 April 2006, there are no plans to alter the ownership status of Dublin Port Company. The Government's policy is clearly outlined in the ports policy statement, which I launched in January 2005. It is a reflection on the successful economy and the growth of recent years. All the information was made available to Fisher Associates and we will report to Government. I expect that developments will take place in some ports standing alone or perhaps in amalgamation with other ports. We cannot stand by and allow the economy to grow without providing the necessary infrastructure. Some 99% of our goods are imported and exported through our ports. The matter is very fluid at the moment; I am monitoring it very closely and hope to make recommendations to Government in the near future.

**Acting Chairman:** I call Senator Morrissey and ask him to be brief. As I said to Senator Browne, we cannot debate the matter.

**Mr. Morrissey:** I thank the Minister of State for his reply. Dublin Port Company sought permission for its foreshore licence in 1999 and no progress has been made yet. However, we are told of a huge capacity problem, as the port will reach full capacity by 2008. As the Department of Transport now has responsibility for ports, I hoped that it could throw some light on the status of this foreshore licence and bring some element of co-ordination to the matter. I issue a word of caution to Dublin Port, which needs direction. Should it continue to be industrialised or should a process to de-industrialise it commence? The capacity constraint, which is the Dublin Port tunnel, is the responsibility of the Department of Transport.

**Acting Chairman:** The Senator may not go into that matter now.

**Mr. Morrissey:** The gateway to the port will be the limiting factor to the future growth of Dublin Port. The ships bring goods to the country in big containers. We need to resolve the matter. The wait since 1999 is too long. The Department of Transport, Dublin City Council or the Department of Communications, Marine and Natural Resources must take the issue by the scruff of the neck and find a solution.

The Seanad adjourned at 8 p.m. until 10.30 a.m. on Wednesday, 28 June 2006.