

SEANAD ÉIREANN

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Déardaoin, 14 Nollaig 2006.
Thursday, 14 December 2006.
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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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Paidir.
Prayer
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Business of Seanad.

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

The need for the Minister for Justice, Equality and Law Reform to address the urgent need to appoint a permanent District Court judge and permanent Circuit Court judge to Donegal and the northern circuit, respectively, in an effort to address the substantial backlog in cases and lengthy delay in bringing cases to trial.

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

The need for the Minister for the Environment, Heritage and Local Government to indicate when householders who are waiting a long time for a connection to the Shannon Estuary water scheme in County Limerick will be connected to this scheme.

I also received notice from Senator Mansergh of the following matter:

The need for the Minister for Agriculture and Food to ensure that on-farm inspections are designed to encourage compliance rather than impose penalties.

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

The need for the Minister for Health and Children to clarify her views on giving people a choice of paying money into a fund toward their possible nursing home costs either through expanding current private health insurance or through a special levy fund, which would mean that 15% of the value of their home would not be applied towards the cost of their care in a nursing home following their death.

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

The need for the Minister for the Environment, Heritage and Local Government to provide a water supply for people in Gort, County Galway, where no supply of water in two estates in the town has been available over recent days.

I regard the matters raised by Senators McHugh, Finucane, Mansergh and Browne as suitable for discussion on the Adjournment and I have selected Senators McHugh, Finucane and Mansergh and they will be taken at the conclusion of business. Senator Browne may give notice on another day of the matter he wishes to raise. I regret I have had to rule out of order the matter raised by Senator Kitt as the Minister has no official responsibility in the matter. It is a matter for Galway County Council.

Order of Business.

Ms O'Rourke: The Order of Business today is No. 1, motion re the Official Languages Act, to be taken without debate, which seeks to provide a framework and mechanism for planned improvements in the delivery of public services through Irish in order that the State's obligations can be met in a coherent way and with progress being achieved in the context of existing resources over time, which motion was referred to the Joint Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs for consideration and on which the committee has completed its deliberations; No. 2, motion re Bovine Disease (Levies) Acts 1979 to 1996, to be taken without debate, which concerns the rates of disease levies applied to milk deliveries for processing and cattle slaughtered or exported and are paid by the farming community towards the cost of the eradication of TB and brucellosis in cattle, in connection with which under the terms of the recent partnership, Towards 2016, it was agreed with the farming bodies, subject to receiving the requisite approvals, that a further reduction of 50% in the current levy rates was appropriate from 1 January 2007, which motion was referred to the Joint Committee on Agriculture and Food for consideration and on which the committee has completed its deliberations; No. 3, motion re Criminal Justice (Drug Trafficking) Act 1996, to be taken without debate, which concerns certain sections of the Act which relate to powers of detention, amendment of the Criminal Justice (Forensic Evidence) Act 1990 and re-arrest and which will cease to be in operation unless a resolution has been passed by each House of the Oireachtas, which motion was referred to the Joint Committee on Justice, Equality, Defence and Women's Rights for consideration and on which the committee has completed its deliberations; No. 4, motion re draft custody regulations, to be taken without debate, which concerns the extension of the period of detention of an arrested person for questioning in a Garda station from 12 hours to 24 hours, which

[Ms O'Rourke.]

motion was referred to the Joint Committee on Justice, Equality, Defence and Women's Rights for consideration and on which the committee has completed its deliberations; No. 5, motion re Fisheries (Miscellaneous Commercial Licences) (Alteration of Duties) Order 2006, to be taken without debate, which concerns the licence fees payable from 1 January 2007 in respect of salmon commercial fishing licences, including a salmon conservation levy equivalent to 50% of the licence fee whose proceeds will be invested in wild salmon management initiatives designed to rehabilitate wild salmon stocks and habitats, and which also prescribes the fees to be payable in respect of eel and oyster commercial fishing licences and salmon, eel and shellfish dealers' licences issued or renewed for a period commencing on or after 1 January 2007, which motion was referred to the Joint Committee on Communications, Marine and Natural Resources for consideration and on which the committee has completed its deliberations; No. 6, motion re Regional Fisheries Boards (Postponement of Elections) Order 2006, to be taken without debate, which concerns the postponement of elections for members of regional fisheries boards from 2006 to 2007, which motion was referred to the Joint Committee on Communications, Marine and Natural Resources for consideration and on which the committee has completed its deliberations; No. 7, motion requesting leave to withdraw No. 23 on the Order Paper, which Senator Brian Hayes sought; No. 8, Social Welfare Bill 2006 — Second Stage, to be taken on the conclusion of the Order of Business and to conclude no later than 1.20 p.m., with the contributions of spokespersons not to exceed 12 minutes, those of all other Senators not to exceed eight minutes, on which Senators may share time and the Minister to be called upon to reply no later than ten minutes before the conclusion of Second Stage; No. 9, Local Government (Business Improvement Districts) Bill 2006 — Report and Final Stages, to be taken at 2 p.m. and to conclude no later than 2.30 p.m.; and No. 10, Houses of the Oireachtas Commission (Amendment) Bill 2006 — All Stages, to be taken at 2.30 p.m. and to conclude no later than 4.30 p.m., with the contributions of spokespersons on Second Stage not to exceed ten minutes, those of all other Senators not to exceed six minutes, on which Senators may share time, and the Minister to be called upon to reply no later than ten minutes before the conclusion of Second Stage which will be no later than 4 p.m., and Committee and Remaining Stages of the Bill to be taken immediately upon the conclusion of Second Stage. There will be a sos from 1.20 p.m. to 2 p.m.

Mr. Finucane: Last night, the pattern of gangland killing continued. We hear typical responses following such events. People will say the killing was barbaric and savage and we will hear the

usual response that the gardaí have all the resources they need. The successes of Operations Oak and Anvil are often cited as statistics on the matter. This morning, I listened to the Minister for Justice, Equality and Law Reform who said that under the Constitution, this is not a national emergency. Let us not play with semantics. It is a national emergency as far as ordinary people are concerned. If one listened to Joe Duffy's show, "Liveline", yesterday, one would have heard the family of Anthony Campbell, the innocent young man who was shot down, say it did not believe the killers would be caught. This is the level of despondency among the people. I say to the Minister that it is a national emergency.

In the past five years, no gang leader has been convicted in this country. They may be taken out by their own people within gangland, but no person has been convicted. There is a 15% success rate where gun death convictions are concerned. With such a low success rate, many people will step into that vacuum of lawlessness in respect of gun crime.

We face a serious situation. The drugs industry is worth more than €1 billion, which is the equivalent of the entire Garda budget. In this context, the Minister must pull together all the pieces. It is not simply a matter of taking out of circulation the main drug dealers in Dublin. Drugs must be tackled where they exist in every rural community. We cannot speak specifically about 35 people in the drugs squad who have intelligence resources, we must involve the entire gardaí. We must take drugs off the streets and treat the drugs problem as a national emergency.

My party had to take action in this direction in respect of many elements of law in 1996 over the murder of Veronica Guerin. I hope we receive an appropriate response and not the usual mantra-type responses we get after each killing.

Mr. O'Toole: On a related matter, we recently discussed mandatory sentences and Members expressed concern about the fact that mandatory sentences were not being implemented. At the time, I suggested it would be useful to have a debate on the matter. In this respect, it was interesting to hear a distinguished barrister this morning outline the reasons mandatory sentences are not imposed. If we want to look for the cause of the problem, it is right here with us because we put into the legislation a requirement that judges would take into consideration special circumstances. It also relates to information brought to the court by the gardaí which judges are required to take into consideration and which leads to the conclusion. We need to have such a discussion on the matter here. The question of whether it is a national emergency is another matter, but there are things we could do.

There is a simple measure we can take. We recently passed legislation to allow the Judiciary to draw inferences from certain statements or pieces of information. The Chair will recall that a

major change in our legal system allowed the court to draw inferences from a person exercising the right to silence. There is no such facility in the legislation on mandatory sentencing, which is something that could be done without presenting difficulties in regard to the Constitution. We need to understand this and know exactly where we are going. At the end of the day, if we get it wrong and the wrong people are convicted, we will be the first to stand up and accept that, but we need to get it right and this is a way in which we can approach it.

This question has been raised on at least four occasions here but always after I have spoken and I have been unable to deal with it. It relates to what is happening in the library and research service in the Houses of the Oireachtas. I draw Members' attention to something everyone received in the post this morning from one section of the library and research service downstairs. I will not bore the House with it, but I draw its attention to the fact that it is an unbiased and disinterested document of pure fact.

Mr. Norris: Hear, hear.

Mr. O'Toole: This is not the kind of material one would receive from Departments. For example, it shows that Ireland has fewer acute beds than the European average and is spending less of GNP than the European average. It also contains positive material from the Government's point of view. I am simply pointing out the issue.

It highlights work at ground level and particular counties, including County Longford in the Leader's constituency. Among other things, it reveals that Longford has twice the mortality rate from heart attacks and higher death rates from ovarian cancer than the national average. This is important information that Members can use to good effect for or against Government or to inform debates here. I compliment the section of the library and research service which produced it.

Ms O'Meara: The Tánaiste and Minister for Justice, Equality and Law Reform is ineffective in dealing with what we are now experiencing, which is a very serious outbreak of murderous crime. We have reached the point where members of the criminal drug fraternity are taking over our streets. The Minister appears to be ineffective in dealing with this matter.

When will the Minister for Justice, Equality and Law Reform bring forward measures that will be effective in restoring law and order? I do not believe that the trite and crazy suggestion put forward by Senator Brady, who is not present, to bring the Army out onto the streets—

Ms O'Rourke: Senator Brady is present.

Mr. Norris: Even if he were not present, it is inappropriate to draw attention to the absence of a Member.

An Cathaoirleach: It is not in order to name Senators who are not present. However, Senator Brady is present.

Ms O'Meara: Given that my remarks are inappropriate, I will withdraw them.

Will the Minister for Justice, Equality and Law Reform comment on Senator Brady's suggestion that the Army be brought onto the streets? Perhaps a declaration of martial law in Drumcondra would be sufficient to meet the Senator's concerns. The fact remains that we are faced with an extremely serious problem. As Senator Finucane stated, it took the death of Veronica Guerin to force us into action. Many Members recall the day on which they heard about Ms Guerin's murder. What will it take for the Minister for Justice, Equality and Law Reform to sit up and pay attention? What will it take for the Government to restore law and order to our streets?

Labhrás Ó Murchú: I expect that in excess of 1 million people watched the "Late Late Toy Show". Members who watched it will recall that the star of the show was a little girl from Limerick who, at a very tender age, experienced what it is like to be on the receiving end of man's inhumanity to man. She and her little brother received horrific burns as a result of an arson attack on their mother's car. The girl to whom I refer is lovable and intelligent and, by her appearance on television, she is no longer a mere statistic of crime. Everyone heard the good news that she and her family were to be moved to a new residence.

I was disappointed to read in one of this morning's newspapers that 50% of the residents on the estate to which the little girl's family is to move have objected to a home being provided for them. I am not criticising the residents, rather I am making an appeal to them. I genuinely believe that if all the residents of the area opened not only their homes but also their hearts to the family in question and held a big welcome party for its members, a message would be sent to the malignant forces in society that evil does not always prevail and that humanity has not been sidelined. Such an event might dilute much of the terrible negativity and the sense of defeat that is prevalent among people at present in respect of community crime. In light of the fact that Christmas is almost upon us, I appeal to the residents to reconsider their position and make the members of the family in question — like those of the first Christian family — feel welcome in their midst.

Mr. Bannon: Post offices are the heartbeat of many rural and urban communities. For many people in rural areas, not only do they provide

[Mr. Bannon.]

important services, they also form part of the social fabric. There have been many incidents in which post office personnel have been attacked. I refer, for example, to the incident in Kilkenny last week when a young man lost his life pursuing an individual who had raided his post office. There are serious concerns among post office staff with regard to the security of their families and themselves.

The Government and An Post have changed the goalposts. Post office staff are obliged to go to banks to collect large sums of money and are not provided with security when travelling back to their post offices. What action does the Government intend to take in respect of these people's concerns? Such action is needed because, as Senator Finucane indicated, the State is crime-ridden.

I agree with Senator Finucane in that people are living in fear as Christmas approaches. Ireland is one of the most crime-ridden countries in the EU.

Mr. Norris: That is not true.

Dr. Mansergh: It is simply not true.

Mr. Bannon: People are disappointed regarding the way the Government has let them down in respect of crime.

Mr. Minihan: That is not true.

Mr. J. Walsh: The crime situation is undoubtedly serious and is of concern to many people. However, it is important that we neither overstate nor understate the case. It is interesting to hear people's comments on the Order of Business because I have taken part in many debates on crime in the House during which many Members placed significant emphasis on the human rights of those accused of committing crimes. As a result, we set the bar so high that it is difficult to proceed with prosecutions. That is done to ensure that innocent people are not incarcerated.

Mr. Norris: That is not true either.

Ms O'Meara: Senator Jim Walsh is doing himself no service by making such comments.

Mr. J. Walsh: As a consequence, many criminals are walking the streets because the evidential requirements cannot be met.

A previous speaker referred to a radio interview that was broadcast this morning. A comment was made during the interview regarding greater use of the Special Criminal Court, in which the rules of evidence are not quite as stringent. The time has come to consider reflecting in other legislation some of the legislative provisions introduced in 1998 following the Omagh bombings. Under those provisions, a Garda superin-

tendent's evidence can be taken into account by a judge in pinpointing serious criminals.

I welcome the point made by Senator O'Toole regarding other provisions contained in the legislation to which I refer. We should take a balanced approach and not try to politicise the issue, because doing so does nothing to help solve the problem

Mr. Norris: There is no doubt that the situation relating to crime is serious. Falsifying statistics does not make the argument, however, and neither do wild statements about do-gooders having more regard for the human rights of accused people. That is simply not true. There is a case for considering establishing some kind of special court, not for the reasons given on the other side of the House, but because people such as Marlo Hyland make careers out of intimidating witnesses. As a result, people are terrified to give evidence and understandably so. That is a matter to which consideration must be given.

In my opinion, the criminal fraternity — if one can call them that and a despicable group they are — have created many difficulties and much trouble for themselves. In Chicago — Dublin is becoming very reminiscent of that city — when the St. Valentine's Day massacre and similar events occurred, the attention of the media, the public and the US Government became focused on the criminals involved and they were pursued and eventually apprehended. When our current difficulties commenced and gangland criminals began being killed, certain people, including a number of Members, said that it served them right and that they should be allowed at each other. However, the problem is that civilians will get caught up in the crossfire. When one accepts that one person has a right to take another's life — regardless of who they are — one is getting into real trouble.

An innocent young man doing his job lost his life because he was caught in the crossfire. It was heartbreaking to listen to the comments of members of his family. What a Christmas present his death is for them. Another person was killed in an incident that occurred in the heart of the International Financial Services Centre, our international flagship in the financial services sector. This does nothing for our image abroad and the Government must take action in respect of this matter.

I agree with Senator O'Toole regarding the wonderful information provided by the Library and Research Service of the Houses. I congratulate those who compiled this information, which is extremely helpful and highlights a number of matters to which consideration should be given. For example, the Library and Research Service found it difficult to provide data on waiting lists because there has been a break in the collection of such data. We must ensure that this never happens again. Another matter is the worrying rise in sexually-transmitted infections. The incidence

of anal and genital warts has increased by a factor of eight since 1989. In addition, since 1989, STIs such as genital chlamydia and non-specific urethritis have increased sixfold. We have ceased to talk about this in the House but we should.

An Cathaoirleach: We will not go through the list now.

Mr. Norris: I do not intend to but I have managed, through the Cathaoirleach's benevolence, to name the ones I wanted to mention.

I agree with the comments made about the unfortunate family in Limerick who had no connection whatever with crime. They are innocent but because they are seen as attracting unwelcome attention the community, instead of protecting them, appears to want to reject them. A total of 50 people signed that petition which was handed to the Minister for Defence, Deputy O'Dea whose secretary delivered it to the city council. Deputy Peter Power, a representative from Limerick, refused to answer whether he had handed on a similar one. I would like to know if he did, and if so whether he attached a health warning to it.

As people will be travelling by road in this season when the light is bad I wish to raise an issue with the Minister for the Environment Heritage and Local Government. A man contacted me who must travel on a road where the hedgerow and trees extend over the road scratching the paintwork on his car and making it almost impossible to see. When he complained to Mayo County Council he received the following answer:

I have been given strict instructions this year to minimise the amount of work been done to trim hedges on these minor roads. Due to this budgetary constriction I cannot guarantee that your road will be trimmed this year as it has been several years since other minor roads have had their hedges trimmed.

How is that for safety in rural Ireland?

Mr. McHugh: It is up to the farmer to trim the hedgerow.

Mr. Brady: We have discussed many times the direct link between the drugs trade and the availability of guns and ammunition. I called last night for the Army to consider how it could assist the Garda in dealing with what has become a crisis. I did so because I had been in Greek Street with the family of the young plumber who was shot on Tuesday. They were crying out for something drastic to be done. We must take a radical view of this situation. I call on the Tánaiste and Minister for Justice, Equality and Law Reform to come into the House. The Labour Party's justice spokesperson said this morning that he would not rule out the possibility of Army involvement.

Mr. Cummins: There have been over 25 people shot dead this year and over 60 murdered. Drugs are more freely available than ever before. Gangland crime is out of control. This is the legacy of this Government. When one considers the abuse and personal attacks that Nora Owen suffered as Minister for Justice I shudder to think what would happen if she presided over the present lawless situation. It is time for action rather than words from the Minister. I support calls for a debate on crime.

Mr. Glynn: Will the Leader invite the Minister of Health and Children into the House for a debate on hepatitis C, as soon as possible in the new year? A group with an interest in combatting this serious condition addressed the Oireachtas Joint Committee on Health and Children this morning. Its presentation was very worrying, especially for young people. This condition has serious public health implications and the director of public health in the Health Service Executive should take it on board.

As Senator Jim Walsh and others said this morning, drastic situations demand drastic measures. It is time to take off the gloves in dealing with criminals. The Tánaiste and Minister for Justice, Equality and Law Reform was right when he told the Judiciary that sentencing was something of a joke.

Mr. McCarthy: I too wish to contribute to the debate on crime and the breakdown of law and order which has reached frightening proportions. Already this week there have been two gangland atrocities. One must feel for the family of the young plumber who went out, got a trade, made a living, and was trying to earn a few extra euro for Christmas but unfortunately lost his life in this spate of gangland killings.

As Senator Cummins rightly points out one must recall 1996 when the Opposition spokesperson constantly castigated the then Minister for Justice, Nora Owen. He served for five years in that capacity and if he does the same for tourism figures as he has done for crime figures we will have a bumper season next year. It is disgraceful that the Government lectures us on the manner in which the debate should be conducted. It is critical that the Minister come in to the House and be held to account because he has not acted on this issue. In the past nine years crime and law and order have gone out of control, and that is not an understatement.

Mr. Daly: I support Senator Ó Murchú's comments on Limerick. After a recent visit by the Taoiseach an initiative was taken to deal with the situation in Moyross and that area. A distinguished former public servant has been given the challenge of overseeing the renewal of the area and to try to deal with the underlying social problems. There have been killings there too.

[Mr. Daly.]

The national development plan will be published at the end of January. It is an important document which will be a blueprint for economic development and activity until 2016. We should have an opportunity to discuss this document, although that will not be possible before it is published. The views of Members of both Houses, who have considerable experience and expertise in matters of economic planning and development, should be built into the plan.

This should have been done before the document was published so that it will not be simply a publication drafted by civil servants with some Government involvement. We all have a contribution to make to its launch and as we could not do so before now we should have a chance to do that as soon as it is published. It might be possible to make some amendments in the light of what transpires at those discussions here and in the other House.

Mr. U. Burke: In respect of what Senator Brady, a Member on the Government side, calls a crisis in regard to crime it was revealed yesterday that a skeleton staff of only three were in the Garda drug squad because most of the squad's members were in court waiting to give evidence. The Minister has said that the sentences handed down by judges are a joke. This is more than a crisis, it is a lack of confidence in the ability of the Minister to do anything other than make a speech that is irrelevant to the crisis on hand. This raises serious questions about his commitment to solving the problem rather than to his satisfaction rating in the polls.

Ms Terry: The Central Statistics Office has published a report entitled *The Women and Men Study 2006* the findings of which are interesting if not very surprising. Once again, it highlights the fact that women lag behind their male counterparts in terms of their representation at regional and national level, namely, in county councils, the Dáil and Seanad, and generally in securing senior positions in the Civil Service, for example. The article throws light on other areas, for example, that women's pay is only two thirds of that of men and, although many women work as primary teachers, only 51% of them secure posts as school principals.

It would be interesting to debate this report in the new year in order to highlight the deficiencies in our system in terms of ensuring equality in all areas. There is a deficit in terms of the number of women breaking through the glass ceiling. We need to explore further how we can counteract this and encourage more women to enter politics and at least to get on an even footing with men in terms of securing senior positions in the Civil Service. I would appreciate if such a debate could be organised.

Dr. Mansergh: Like Senator Jim Walsh, I agree that the crime situation, about which we are all seriously concerned, should be neither overstated nor understated. The problem of shootings is concentrated mainly in a couple of cities. The Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell, attended the House twice yesterday. He is a vigorous Minister. He has my confidence and I suspect he has the confidence of a large majority of the public also. The idea that a shooting can be stopped by an act of ministerial or Taoiseach's will is not remotely correct.

Ms O'Meara: For heaven's sake we were talking about accountability. Senator Mansergh knows that.

Mr. McCarthy: Come on.

Dr. Mansergh: Like Senator Jim Walsh, I believe the legislation that followed the Omagh bombing and the legislation to set up the Criminal Assets Bureau should be examined as possible models. That was introduced originally as a Fianna Fáil Private Members' Bill.

Mr. Norris: As a result only of the lobbying of Deputy Gregory.

Dr. Mansergh: The problem in 1996 up until the unfortunate and——

Mr. Norris: We can thank Deputy Gregory for that. It was not Senator Mansergh's lot.

Dr. Mansergh: ——tragic murder of Veronica Guerin was that the Labour Party was undermining the efforts——

Ms O'Meara: What?

Mr. McCarthy: That is outrageous.

Dr. Mansergh: ——of the then Minister, Nora Owen. Her budget was cut——

Ms O'Meara: That is outrageous. The Labour Party was not undermining anybody. Somebody had to stand up for human rights and the Constitution.

Mr. Cummins: Senator Mansergh should tell the truth.

An Cathaoirleach: Order, please.

Mr. Coghlan: I welcome the Government decision to appoint nine extra judges, two to the High Court, two to the Circuit Court, and five to the District Court. Will the Leader indicate when the necessary legislation will come before the House, as nothing will happen to speed up the processes, reduce the lists and ensure justice is not denied, as was referred to in the House yes-

terday? How quickly can the Bill come to the House?

Senator Daly referred to the initiative to combat crime in Limerick. That initiative would need to be repeated in many areas throughout the country. Unfortunately, there are many estates, some of them in suburbs of the city of Dublin, that are practically no-go areas. I would like action in this regard. Practical measures will have to be adopted. I do not want to get into an argument about the Army and the Garda but the Army is an aid to the civil power. Given the current serious state of affairs, as Senator Brady stated, perhaps we have to think more radically.

Can the Leader clarify when the House will debate the Competition Authority report on the legal profession?

Mr. McHugh: Will the Leader provide clarification on charges for long-term psychiatric patients in residential units? As far as I am aware, some patients have been notified that they have to make payments dating back to July 2005. The Leader need not necessarily reply today.

Many young men and women operate at the coalface of the fight against crime, and are engaged in taking on the crimelords. It is important we are conscious of the fact that if we do not properly resource the Garda, we will have a different type of debate to the one we are having today, in that we will be discussing lives lost in the force. It is a pure and utter miracle that gardaí have not lost their lives yet and it is important to prevent this from happening.

Mr. Browne: I call on the Leader to invite the Tánaiste and Minister for Justice, Equality and Law Reform to the House in the new year to discuss a review of the gun amnesty which was a complete and absolute failure. We have seen the results of it this week in numerous shootings.

Mr. J. Walsh: We can ask people to leave them in churches.

Mr. Browne: Sorry.

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

Dr. Mansergh: Would a church collection be better?

An Cathaoirleach: Senator Mansergh should please allow Senator Browne to speak without interruption.

Mr. Browne: In fairness, Senator Jim Walsh cannot afford to be smug on this issue. I draw his attention to the fact that a similar scheme in Sweden resulted in 17,000 guns being handed up while we got only 300, most of which were relics. Numerous shootings occurred this week and whatever about the high level of crime, if criminals have guns, fatalities will occur. This has been

proven recently, both in Kilkenny and in Dublin. The Government cannot afford to be smug on this issue.

I agree with Senator Terry on the need for a debate on gender equality and equal pay. I am not in favour of gender quotas, as is the case in some countries, because they are the worst form of sexual discrimination. When I was abroad last week I was asked why there are so few women in Irish politics. That is a difficult question to answer. All Members have encouraged people of both sexes and all ages to enter politics. It is difficult to convince people to become involved. It would be worthwhile to have a debate to see how we can encourage more people into politics and other professions.

Ms O'Rourke: Senator Finucane, in his capacity as acting Leader of the Opposition, raised the issue of gangland killings, as he has done forcibly on many other occasions. He called it a national emergency. There is a clear definition in the Constitution of what constitutes a national emergency. He said no gangland killer has been convicted and if an individual is killed, the vacuum is immediately filled. New people emerge following a spate of killings. He wants the Tánaiste and Minister for Justice, Equality and Law Reform to pull all the pieces together, be it legislation, resources, rhetoric and whatever else, and to submit a composite package.

Senator O'Toole called for a debate on mandatory sentencing. This is a theme to which he constantly refers. He stated the Judiciary can draw inferences from the use of the right to silence etc. It would be useful to debate this topic.

Senator O'Toole also drew attention to the information received by all Members from the library and research service. I have just skimmed it but it appears to be a most worthwhile publication. I thank the service for producing this unbiased document. If we could get more of them we would have much information at our fingertips which is often difficult to source.

Senator O'Meara expressed the opinion that the Tánaiste and Minister for Justice, Equality and Law Reform was ineffective in dealing with murderous crime. I think he is an effective Minister. Members should not all jump up shouting and try to beat me up. I mean that metaphorically speaking.

Ms O'Meara: I would never do that.

Mr. McCarthy: We will smile lovingly at the Leader.

Mr. Bannon: We will leave that to Deputy Cassidy.

Ms O'Rourke: I believe Deputy McDowell is an effective Minister. It is unfortunate we are living in dreadful times. Previous Ministers served during murderous times also.

[Ms O'Rourke.]

Senator Ó Murchú spoke about the little girl whom he said was the star of the "Late Late Toy Show". I am sure Pat Kenny thinks he is the star of everything.

An Cathaoirleach: We cannot discuss Pat Kenny now.

Ms O'Rourke: I apologise, I do not mean that. Senator Ó Murchú is correct, she was the star of the show.

Mr. Norris: What about Senator Ross, surely he is a star.

Ms O'Rourke: He was not on the "Late Late Toy Show".

Mr. J. Walsh: He should have been on it.

Mr. Norris: What an extraordinary omission.

Ms O'Rourke: I did not see him though perhaps he was in disguise.

An Cathaoirleach: Order, please.

Ms O'Rourke: Some 50% of the residents in the estate in which the family is to be rehoused have objected to their being housed there. I support Senator Ó Murchú's request that they open their hearts and minds to this family.

Senator Bannon raised the issue of post offices. Sadly, some 4,000 post offices in the UK, funded by Government to the tune of £150 million last year and requiring a further £300 million this year to remain open, are to close as they are losing money. Thousands of people will gather at Westminster today in protest. It has been suggested that the Internet has ruined things for post offices because people can now do much of their business via the Internet from their homes. What is an advantage to some, is a disadvantage to many others. I know the matter is one of serious concern for Senator Bannon.

Senator Bannon also spoke of the fear of God in everyone as a result of lawlessness. This type of activity is confined to particular areas. Expecting that any Minister could ride out and, by one edict, stop all such crime would be incorrect. Senator Jim Walsh noted that in many debates in the Seanad, and other forums, the libertarian views receive prominence. It is important we keep that aspect in mind. Senator Norris suggested there may be a need to establish a special court. He also said he had heard people say, in regard to the criminals shot at and taken out, that "it serves them right". That is not right, no one has the right to take life. Senator Norris also praised the availability of research material, in particular the facts on sexually transmitted diseases. He then referred to the family in Limerick and to the fact that hedges along minor roads are not being trimmed. I suggest that the farmer or

landowner should trim the hedges himself or herself, as is the case in Westmeath. That is what he or she is expected to do.

Mr. McCarthy: They are obliged to do it.

Mr. Norris: There is a series of landowners involved.

Ms O'Rourke: A letter is issued by the local authority in March setting out the dates on which this can be done in order not to disturb nesting birds. I have often noticed how well maintained the hedges are on some minor rural roads. The Senator might advise his constituent accordingly.

Mr. Norris: I very much doubt he would be satisfied with that rejoinder. It is the responsibility of the local authority and it is abrogating that responsibility.

Ms O'Rourke: I am only stating the position for the Senator. The man should get out his clippers.

Mr. Norris: That is one vote less for Fianna Fáil in Mayo.

An Cathaoirleach: I ask the Leader to reply to the Order of Business and to refrain from advising Senators as to what they should do with their constituents.

Ms O'Rourke: I enjoyed listening to Senator Cyprian Brady's clear and logical interview on "Morning Ireland" this morning. What he said was not decried in the response from the Labour Party spokesperson. Senator Brady correctly stated that the Army is an aid to the civil power. Senator Cummins spoke of gangland crime, drugs and so on. One often wonders following an event what led the particular man or woman to become involved in that type of gangland lifestyle. I believe they get involved early in their lives.

Senator Glynn asked that we invite the Minister for Health and Children to this House for a debate on hepatitis C. He also referred to the words of the Minister for Justice, Equality and Law Reform, Deputy McDowell to the Judiciary, an issue which we also need to discuss. Senator Daly spoke of the Moyross initiative. I hope Mr. Fitzgerald's appointment will have good effect. Senator Ulick Burke spoke of the availability of only three gardaí in the drugs unit because all of the others were in court waiting to give evidence. He also stated there is a lack of confidence in the Minister for Justice, Equality and Law Reform, Deputy McDowell. I have encountered the opposite, namely, there is a belief in his prowess and in what he can do. There is no doubt we are living in dreadful times. However, the Minister inspires confidence in many people.

I have read the report to which Senator Terry referred. I spoke on it on "Newstalk". It deals with issues such as why women are not getting

involved in politics and why 83% of our teachers are females, 48% of whom are principals. Two fine women parliamentarians will throw in the towel come May or June 2007, namely, former Minister for Education and Science, Deputy de Valera and Deputy Mildred Fox. Deputy Fox who is a young woman from a rural area has stated she can manage her commitments to the Dáil but that she has no time with her children when she goes home because she has to attend protest meetings about masts, farming, roads and so on. Deputy de Valera wants to pursue her studies further. I cannot understand why the feminist groups did not comment on the decision of these two women to opt out of public life, which will be all the worse for their leaving. I believe Deputy de Valera brought great status to public life. Also, Deputy Fox is wonderful evidence of a young woman, living and rearing her family in rural Ireland. Issues such as nurturing arise. While some men make great fathers it is, ultimately, the woman who bears and rears the children. Even the best of child care does not ease a woman's pang at having to be away from her child at certain times.

Senator Mansergh said he believed the Minister for Justice, Equality and Law Reform had the confidence of the people and political system. I will not comment on what else he said as it could lead to another row, although I recall quite clearly that to which he referred. Senator Coghlan asked about proposed legislation on new judges and said we need many more initiatives like the Moyross initiative. He also asked me yesterday about audits. There is no legislation promised. However, the Minister for the Environment, Heritage and Local Government, Deputy Roche, is to establish a local authority watchdog committee on finances and is encouraging all county councils to do likewise.

Mr. Coghlan: I understood legislation was promised.

Ms O'Rourke: Not as yet. I discussed the issue with the Minister yesterday. I would like to speak later with Senator McHugh as I did not understand the point he made earlier. The issue could, perhaps, be discussed with the Minister of State at the Department of Health and Children, Deputy Tim O'Malley when he comes to the Seanad after the Christmas recess. Senator McHugh also said he worries about the gardaí. He is right, they are extremely brave people given the times in which we live.

Senator Browne asked about the gun amnesty. He stated some 17,000 guns were surrendered in the amnesty in Sweden. It must be a lawless country if it had that many guns knocking around. I understand Fine Gael wants them in churches.

Mr. Browne: We want them placed in sealed containers outside churches and youth centres.

Order of Business agreed to.

Official Languages Act 2003: Motion.

Ms O'Rourke: I move:

That Seanad Éireann approves the following regulations in draft:

Official Languages Act 2003 (Section 9)
Regulations 2006

copies of which regulations in draft were laid before Seanad Éireann on 28th September 2006.

Question put and agreed to.

Bovine Diseases (Levies) Regulations 2006: Motion.

Ms O'Rourke: I move:

That Seanad Éireann approves the following Regulations in draft:

Bovine Diseases (Levies) Regulations,
2006,

copies of which were laid in draft before Seanad Éireann on the 1st December, 2006.

Question put and agreed to.

Criminal Justice (Drug Trafficking) Act 1996: Motion.

Ms O'Rourke: I move:

That Seanad Éireann resolves that sections 2, 3, 4, 5 and 6 of the Criminal Justice (Drug Trafficking) Act 1996 (No. 29 of 1996) shall continue in operation for the period ending on 31st December, 2008.

Question put and agreed to.

Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) (Amendment) Regulations 2006: Motion.

Ms O'Rourke: I move:

That Seanad Éireann approves the draft of the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) (Amendment) Regulations 2006, a copy of which was laid before Seanad Éireann on 1st December, 2006.

Question put and agreed to.

Fisheries (Miscellaneous Commercial Licences) (Alteration of Duties) Order 2006: Motion.

Ms O'Rourke: I move:

That Seanad Éireann approves the following Order in draft:

Fisheries (Miscellaneous Commercial Licences) (Alteration of Duties) Order 2006,

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copies of which were laid before Seanad Éireann on 7th December, 2006.

Question put and agreed to.

Regional Fisheries Boards (Postponement of Elections) Order 2006: Motion.

Ms O'Rourke: I move:

That Seanad Éireann approves the following Order in draft:

Regional Fisheries Boards (Postponement of Elections) Order 2006,

copies of which were laid before Seanad Éireann on 6th December, 2006.

Question put and agreed to.

Article 35.4 of the Constitution: Motion.

Ms O'Rourke: I move:

That leave be granted to withdraw the motion regarding Article 35.4 of the Constitution.

Question put and agreed to.

Social Welfare Bill 2004: Second Stage.

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

Minister for Social and Family Affairs (Mr. Brennan): I am very pleased to introduce this, the first of two Bills intended to implement the largest social welfare package in the history of the State of €1.41 billion announced in last week's budget. This substantial investment brings total expenditure on social welfare in 2007 to €15.3 billion, or €1 for every €3 of Government day-to-day spending. Some 1.5 million people will benefit from the significant increases and improvements in the budget that will protect and improve the living standards of social welfare recipients.

The budget is about delivering on the commitments to bring the non-contributory State pension to €200 per week and realising the 2007 target for the lowest social welfare rates. With increases in the qualified adult allowances, a pensioner on contributory State pension will be better off by almost €40 per week. In addition, the lowest rate of social welfare payments has increased by 12.1%, far in excess of the expected increase of 4.5% in private sector earnings and almost three times the forecast rate of inflation for 2007.

As well as substantial income support improvements of more than €970 million, another €430 million, nearly one third of the total package, is being directed to support a range of significant reform measures including confronting and tack-

ling remaining child poverty; increasing income supports for all pensioners; recognising and supporting carers and those with disabilities; and increasing the status and incomes of women. These are major structural reforms which, when taken with a number of other reforms and changes that are being implemented or progressed, particularly in the areas of lone parents and occupational pensions, will contribute greatly to the overall policy reform agenda that I have been pursuing for the past two years. These reforms are about more than just increasing incomes. They are important and necessary structural reforms that create change, open up fresh opportunities and deliver enlightened social policies.

On many occasions in this House and elsewhere I have described child poverty as totally unacceptable in the prosperous and progressive Ireland of the 21st century. Childhood deprivation can leave lasting marks on children by impeding their development and curbing their life chances. It is a complex area that requires an integrated, joined-up Government response, such as the programme of priority measures envisaged in *Towards 2016*. However, in the meantime, I am determined that further progress must be made. That is why at the core of this welfare budget is the commitment to an even stronger and more focused campaign. We have already travelled some distance towards eliminating hardship and deprivation. In the past decade alone we have lifted more than 250,000 people, including 100,000 children, out of poverty. However, we still have a distance to travel.

I have long held the view that implementing a second tier of payment for children in low income and welfare families is the most effective method of significantly reducing remaining child poverty. Child benefit remains the main universal support for families with children. I now intend introducing in this Bill, a new single high-rate qualified child allowance — formerly child dependant allowance — targeted specifically at families on welfare where, naturally, children are most at risk of poverty. The current three qualified child allowance rates will be combined into a single rate of €22 per week to be paid for more than 340,000 children of welfare families. For those on the current lower rates of €16.80 and €19.30 per child per week, this represents a substantial improvement, particularly when child benefit and other increases are taken into account.

The allowance has remained unchanged since 1994 because it was viewed as a disincentive in moving people from welfare to work. However, Ireland's labour market has changed dramatically in the 12 years since then. Initiatives such as the introduction of the national minimum wage, the national employment action plan and the refocussing of the family income supplement scheme have all served to reduce further the impact of the loss of qualified child allowance in the decision to take up full-time employment. I

view this improved and targeted allowance as representing a substantial move in the direction of a second tier payment and that is why I have deliberately taken the decision to focus increased child supports in this area.

The budget included a number of other targeted measures. The back to school clothing and footwear allowance, a vital additional income support for poorer families at a particularly difficult time of the year, is being increased by €60 and €95, an increase of 50%. Over just two budgets this allowance has nearly doubled in value. The family income supplement, which provides cash support for employees with families on low earnings while at the same time maintaining incentives to employment, was refocused by me last year to concentrate on larger families, as all the evidence suggests that is where poverty is rooted.

These improvements, coupled with the response to the nationwide awareness campaign, has resulted in an increase of more than 20% and 21,400 families now receive the family income supplement. I am continuing this approach by refocusing the family income supplement weekly earnings thresholds in favour of larger families. Consequently, average payments per child will increase to nearly €50 and changes in the thresholds will entitle approximately 5,600 additional families to the payment.

Everyone is entitled to a decent pension, and security and dignity in their later years. We have a responsibility to assist those who for reasons of age, health or other circumstances need the financial lifeline that is welfare support. At the core of the Government's commitment to delivering a number of specific and ambitious improvements in social welfare rates by 2007, was the pledge to bring the basic State pension to €200 per week. I am pleased to have been able to deliver on that promise by increasing the non-contributory State pension by €18 per week to €200 with effect from next January and the contributory State pension to more than €209 per week. The needs of older people have been, and will remain, a priority. For instance, since 1996 pensions have increased by almost 119%, approximately 57% in real terms, faster than both price and wage growth over the period.

All the more recent indicators, including the latest EU survey on income and living conditions for 2005, show the progress which is being made in significantly improving the well being of older people, with the consistent poverty rates for older people quite low at 3.7%, even before the many benefits flowing from the budget are taken into account. Last year's budget increased, for the first time in many years, the basic income disregard for the means test for non-contributory State pension to €20 per week. At the same time, I introduced incentives for pensioners on means-tested payments to earn up to €100 per week and retain their pension entitlements. In this year's budget, I am building on these improvements by increas-

ing the disregard to €30 per week and doubling the allowed earnings to €200 per week. These measures will benefit approximately 26,000 pensioners who are now in receipt of a reduced rate of pension. They will also benefit from the general €18 per week increase in the personal rate of payment and, where relevant, the €11.90 increase in the qualified adult rate. In other words, many non-contributory pensioner couples will gain by more than €46 per week from these combined measures, with effect from next January.

Meeting household heating costs, particularly through the winter months, can be a cause of concern and anxiety for older people. Increases in energy and fuel prices only add to these anxieties, which is why we have taken actions to protect older people from the impact of price increases. Last year, I increased the fuel allowance to 274,000 recipients by €5 per week, to €14. This year, I am increasing it by a further €4 to €18 per week, a doubling of the allowance in just two years. To further address fuel poverty and to alleviate the worries of elderly people, the number of free units of electricity and gas paid under the household benefits scheme will increase significantly, from next January, by some 700 units a year to more than 2,500 units, at a cost of €50 million.

The budget includes several further improvements to the household benefits package. From next April, it will be possible for pensioners and others who qualify to have the free telephone allowance paid in respect of mobile telephones as well as fixed land lines. I am extending the automatic entitlement to a free travel companion pass to pensioners aged under 75 years who are medically unfit to travel unaccompanied. In addition, early 2007 will see the beginning of the introduction of an all-Ireland free travel scheme, which will apply to all pensioners, North and South.

Carers make a valued and valuable contribution to society by devoting their time and energy to improving the quality of life of others. I am determined that their dedication and sacrifice will be recognised and acknowledged through increased benefits and improved support measures. Since 1997, weekly payment rates to carers were greatly increased, qualifying conditions for the carer's allowance were significantly eased, coverage of the scheme was extended, and new schemes such as the respite care grant and carer's benefit were introduced and extended. As a result of these improvements, almost 28,500 carers are in receipt of either carer's allowance or carer's benefit.

We are committed to the development and publication, in 2007, of a national carer's strategy which will focus on supporting informal and family carers in the community. This is in addition to further agreed reforms, increases and improvements. As I have said on many occasions, the primary objective of the social welfare system is to provide income support. It is for this reason

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the rules specify that only one weekly welfare payment can be paid to any individual. I am aware this has been a cause of particular concern to people in receipt of a welfare payment when they become carers. I have taken into account the specific recommendations of the Oireachtas Joint Committee on Social and Family Affairs in this regard.

Accordingly, I am introducing fundamental structural reforms in this area. In future, people in receipt of certain social welfare payments, who are also providing full-time care, will be able to retain the main welfare payment and receive another payment, in the order of up to the half-rate carer's allowance. I expect some 18,000 carers will qualify for a half-rate carer's allowance of up to €109 per week under the new dual payment system. The details of the new arrangement are being examined by my Department and will be set out in the next social welfare Bill.

The abolition of the rule on two welfare payments means that for the first time, carers will have adequate recognition of their caring duties. It also signifies a change in our perception of the carer's allowance in that it will be seen less as a welfare income payment and more as a direct support for caring duties and responsibilities. This reform is an important step forward and I am determined to press ahead with other necessary reforms and improvements. Overall, the budget delivered an investment of more than €107 million in a comprehensive carers package.

This Bill achieves one of the principal commitments in my Department's disability sectoral plan. People in residential care prior to August 1999, or those who entered residential care after that date without an entitlement to disability allowance, are disqualified from receipt of the allowance solely because of their residency. This was partially addressed in budget 2005 when I introduced a new disability allowance personal expenses rate, currently payable at €35 per week to 2,700 people in residential care. I am now providing for eligibility to full disability allowance, as a matter of right, from next January for all persons resident in institutions.

In further advances in the area of disability, the Citizens Information Bill 2006, which is due to complete its progression through the Dáil later today and which will be before this House early next session, lays the statutory foundation for the provision of a personal advocacy service to people with disabilities. A further €1.9 million is allocated to continue the development of this and related services next year.

In delivering on the commitment to greater gender equality in the welfare system, and in making the welfare code fairer to women, the Bill includes important reforms that will lead to more enlightened social policies in the pensions area. Increasing the rate of qualified adult allowance for the spouses and partners of contributory pensioners by €23.70 per week will benefit some

35,500 couples. It will bring the rate of qualified adult allowance payments for those aged 66 years and over to 86.5% of the target rate as set out by the Government, which is to bring it up to the rate of the non-contributory State pension. There is a €60 million commitment to reaching that target in the coming three years, and €20 million of that will be utilised next year.

I also intend to introduce legislation, in the next social welfare Bill to be presented to this House in March next year, to provide for the qualified adult's entitlement to the qualified adult allowance for the duration of the entitlement of a State pensioner. As most qualified adults are women, this decision will be of enormous benefit to them as it will, in most cases, transform the payment into what is, in effect, a woman's pension in her own right. I also intend to provide for this payment to be made directly to the qualified adult.

I propose to reform significantly the manner in which spouses and partners are assessed as qualified adults across a range of social assistance schemes. The proposed reform involves assessing both members of a couple in a similar manner, with common disregards and assessments applying to both. In addition, I will remove the poverty traps that are present in the current method of assessment. Under these reforms, increases in labour market participation will instead be rewarded, and this will facilitate women in moving beyond the occupational cul-de-sac of indefinite part-time employment with earnings kept below €100 per week. These measures will significantly reduce the complexity in the present system, while recognising and rewarding increased labour market participation by all, and particularly by women.

The Bill introduces two beneficial measures that will assist widows and widowers at a particularly difficult time in their lives, in the immediate aftermath of the death of their spouse. To help in easing the financial strains at this sensitive time, the widowed parent grant will increase by €1,300 to €4,000, while the bereavement grant will rise by €215 to €850.

I will now outline the main provisions of the Bill. Sections 2 and 3, together with Schedules 1 and 2, provide for an increase of €16 in the contributory State pension and the contributory widow or widower's pension. In addition, recipients of the deserted wife's benefit who are aged 66 years and over will also receive an extra €16, as will those aged 65 years and over and in receipt of the transitional State pension or invalidity pensions. An increase of €18 per week is provided in the non-contributory State pension and the carer's allowance. Recipients of invalidity pensions, non-contributory widow or widower's pensions, deserted wife's benefit and carer's benefit will receive an increase of €20 per week. Payments including jobseeker's benefit and allowance, illness benefit, one parent family payment, disability allowance, supplementary welfare

allowance, carer's allowance, farm assist and guardian's payment are all increased by €20 per week.

Weekly increases in respect of qualified adults, ranging from €23.70 in the case of contributory and transitional State pensions where the qualified adult is over 66 years of age, to €10.70 if under 66 years, will ensure the existing proportional relationship between all personal rates of payment and that of their associated qualified adult allowances is either significantly increased to almost 83% in the former case or maintained at over 66% in the latter. These sections of the Bill also provide for increases in the qualified child allowance rates to bring the existing three rates up to a single standard rate of €22 per week. Where reduced rates of payment apply, proportionate increases will be implemented.

All personal, qualified adult and qualified child increases take effect from the first week in January 2007. Increases for recipients of jobseeker's benefit and allowance, illness and maternity benefit, one parent family payment, family income supplement, farm assist and supplementary welfare allowance will be made from the first payday in January 2007. Due to the lead-in times involved in the production of personal payable orders for certain long-term payments such as pensions, it will not be possible for budgetary increases to be paid immediately in such cases. Some 142,000 recipients, including those in receipt of widow or widower's, carer's and invalidity payments, for example, will receive their new order books in mid-February. These beneficiaries will receive six weeks arrears in the first order of the new book and the weekly increase will be incorporated in their normal weekly payment thereafter.

Certain other long-term recipients, such as State pensioners and those in receipt of disability allowance, will receive new pension order books at the end of March. This applies to some 276,000 customers. This group will receive a special once-off payment in mid-February representing 12 weeks of their budgetary increase. This will cover retrospective of the increase to January plus an advance payment of the increase to the end of March. From the book renewal date at end of March, the increase will be incorporated in the normal weekly payment.

Section 4 provides for increases in the weekly income thresholds applied in determining entitlement to family income supplement with effect from 4 January 2007. The new thresholds will range from €480 for a family with one child to €1,090 for a family of eight or more children. For example, a family with three children on €500, or about two thirds of gross average industrial weekly earnings, will receive €75 in 2007 compared to €39 currently, an increase of €36 per week.

Sections 5 and 6 provide for changes in PRSI. In budget 2006, the position was achieved whereby the threshold for liability to the

employee element of PRSI was set at €300 per week, equivalent to the entry point to taxation. Section 7 provides for an increase of four weeks, from 22 weeks to 26 weeks, in the duration of maternity benefit. Section 8 provides for an increase of four weeks, from 20 weeks to 24 weeks, in the duration of adoptive benefit. These improvements take effect from 1 March 2007.

Section 9 and Schedule 1 provides for bereavement and death benefit grants. Section 10 provides for an increase of €10, from €20 to €30, in the weekly means disregard for non-contributory pension means-testing purposes from January 5, the same day the budget increase of €18 per week will come into effect.

Section 11 makes provision for the payment of full-rate disability allowance to those resident in institutions prior to 1 August 1999. A partial rate of €35 has been payable to some 2,700 such persons since 1 June 2005. Entitlement to the full-rate allowance will commence in January.

Legislation in 1988 provided for the introduction of self-employed, or class S contributions, but excluded from liability self-employed workers whose total income was below a threshold of £2,500, equivalent to €3,174 per annum. At the time, those who engaged in self-employment but were entitled to unemployment assistance were excluded from liability for PRSI in view of their low income levels. Over the years, the threshold for class S liability has remained unchanged while there has been significant improvements in disregards for means-tested schemes, notably with farm assist. There is also no provision for the award of credited contributions to self-employed workers. Therefore, a self-employed worker who is in receipt of farm assist or jobseeker's allowance may only maintain his or her contribution record through opting into the voluntary contribution scheme. In this context, it is desirable to improve access to social insurance coverage and enable continuing social insurance protection, specifically the accrual of contributions towards a contributory pension, by removing the exemption from PRSI liability for those in receipt of farm assist and jobseeker's allowance. This will be provided for in section 12.

To ensure the position of those on lower incomes is protected, the health contribution levy threshold is being increased by €40, from €440 per week to €480 per week, with the corresponding annual threshold being increased from €22,880 to €24,960. An additional 0.5% is being introduced in respect of income to the extent that it exceeds €100,100 per year or equivalent to €1,925 per week. This increase, which is expected to affect only the top 10% of earners, is effective from 1 January 2007.

The Social Welfare Bill 2006, the first of two instalments, builds further on the considerable progress made in recent years through a range of Government measures. It safeguards the living standards of those who rely on social welfare income and other supports and prioritises the

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allocation of resources at those most in need. The Bill is about solid and fundamental structural reforms of welfare policies in areas of child poverty, women's pensions and carers. These reforms will modernise and make the welfare system fairer to all, delivering more enlightened social policies.

I commend the Bill to the House and look forward to a constructive debate.

Ms Terry: I compliment the Minister for Social and Family Affairs on the many increases provided for in the Bill. Increases have been provided in the past several years which have made a difference to many people on social welfare benefits. I recognise the work the Minister has done in this area since he took up his portfolio.

The moneys are available to the Minister to achieve these increases. In a time of plenty, it is only right that it is done, particularly for those most in need. Many on social welfare still struggle on the money available because various increases in benefits are wiped out by rises in, for example, the cost of fuel, electricity or general prices. Many people still live in poverty despite the improvements made in social welfare payments.

In some cases it is down to how people manage their money. Unfortunately, many of those dependent on social welfare benefits have a myriad of problems such as unemployment, drug or drink problems or simply being unable to cope with a household budget. More community work needs to be done to assist this group so that children do not go hungry and money is not spent on drink or drugs.

Some residents have been staying in the homeless unit on Clanbrassil Street in Dublin for three years or more. I know of one family with three children in the unit living in one bedroom and sharing communal facilities. To expect a family to survive in that type of atmosphere is unacceptable. Such families need to get out of homeless units as quickly as possible. I can understand using the units as a short-term solution to homelessness but not for the long term. A welfare officer or social worker visits the Clanbrassil Street unit occasionally. Across the State many children live in such units which warrants a full-time child care worker being assigned to them. Will the Minister ensure a child care worker is assigned full-time to homeless units?

The Bill recognises the role of carers. Those who already had a social welfare benefit but were precluded from availing of the carer's allowance

can now receive half of the carer's allowance. This will be of great assistance to elderly people looking after a spouse or son or daughter. That is really good. The increase in the family income supplement is welcome, as well as the increase in the child dependant allowance. The Minister is trying to assist the poorest of the poor and is working towards a two tier system. That is where we

should be going because some children and families are poorer than others and they need additional help. More should be done for them in the coming years.

There has been an increase in qualified adult allowance. I thank the Minister for recognising that, at last, women should be acknowledged in their own right and receive a pension in their own name. We have been calling for that for many years. Why is the Minister waiting until September to introduce it? I accept the Minister plans to introduce legislation but this involves only a simple legislative change. Perhaps he is including it with the lone parents proposal. However, could he not introduce the change more quickly? I am happy it is being done but it should be done before September.

On Second Stage in the Dáil the Minister said, with regard to the qualified adult allowance, that women will get their allowances directly and in their own names but they may choose not to do that. The Minister did not say that in the Seanad this morning and I prefer the way he phrased it today. No loophole should be left whereby a woman might feel under pressure not to take her pension in her own name. The Minister's phrasing this morning is far more definite. A woman will get the pension in her own name. Let there be no question that there might be a choice that she will not take it. We know some women, generally older, who will be under pressure to leave it as a joint payment. The wording presented this morning should be the definitive version.

I welcome the increases in the death benefit payments. People are still under pressure in providing child care. The Government is tackling the child care issue through various benefits for children. However, families are still struggling to meet child care costs. It is a deterrent for many women returning to the workforce when they cannot meet those costs.

The fuel allowance has doubled in the past two years but the increases are small. They are wiped out by the increase in the price of coal, briquettes, gas and electricity, despite the Minister's decision to allocate additional units. It is still quite difficult for some people to access the fuel allowance. It is not available for everybody. Access to the scheme should be easier in order that more people will be covered by it. I heard recently about an elderly woman who lives alone and who goes to bed early every night to save on her electricity costs. Older people are still worried about keeping warm and the cost of doing so.

When the Minister was first appointed I had great hopes he would tackle the issue of private pensions. Several reports on the matter have been produced. The Minister said he would think the unthinkable and take on the industry but I have seen no sign of that yet. I am a little disappointed. Perhaps he will take on the industry in the Green Paper. I have written to the Minister, the Department and the Pensions Board about this but many of my questions have been unanswered. I get a

standard reply acknowledging receipt of my letter and stating that the Minister will be in contact with me. However, I do not get any detailed answers, which is disappointing.

When one considers the tax relief for the pensions industry which the Government foregoes, we are not getting value for money. This issue must be tackled. Some of my questions related to value for money. In addition, I have not yet been able to get an answer from the Minister as to whether he believes it is constitutional to compel people to join occupational pension schemes where there is no guarantee of benefits.

He also does not know how many people are receiving frozen pension benefits. After 20 years in retirement, a private sector pensioner with frozen benefits receives less than one third of the income of his public sector counterpart. The Minister also cannot say how many people are not claiming an occupational pension benefit despite paying into the scheme for years. The pensions ombudsman told the committee on social and family affairs that there are people, and they number in the thousands, who have paid into schemes but when they reached retirement, they did not receive their benefits. There should be a campaign to highlight this issue. It might be 30, 40 or 50 years since they worked and paid into schemes but they should be reminded to claim those benefits. The industry does not let them know they are entitled to them.

Finally, I have raised questions about the tax free lump sum. I believe we are getting bad value for money with that. It is different for the public sector worker, who gets the tax free lump sum as well as his or her pension. When the private sector worker takes out the tax free lump sum it comes out of his or her pension, thus reducing the income stream. The computation used by the industry to provide that lump sum gives bad value for money. Many issues must be dealt with in the Green Paper and I hope some of the matters I have raised will be addressed in it.

Ms Cox: I welcome the opportunity to discuss the social welfare package announced recently. I am approaching my tenth year as a Senator and in one of the first debates in which I participated I spoke before the then Minister about the single payment issue. As increases were made and additional benefits were provided for carers, it became increasingly difficult to provide a justification for people being unable to get two payments from the Department of Social and Family Affairs.

Today the Minister acknowledged that the rule had resulted in inequality and discrimination against carers generally and particularly women, given that it tends to be women who take on the caring role. I am amazed and delighted the Minister has taken on board the points we made and our pleas that this be examined. I welcome the change he has introduced, whereby people providing full-time care will be able to retain their

main welfare payment and receive another payment equivalent to up to half the rate of the carer's allowance. That reform is long awaited and is most important. The Minister can be justifiably proud of it. It is one of the most significant changes in social welfare for many years.

We all agree it is marvellous to see the old age pension increased to the current levels. More than anybody, the Minister accepts that the cost of living is increasing daily such that these annual increases are being eroded. An increase in an allowance or pension that we might expect to mean an extra €10, €15 or €20 in our pockets, is actually a reduction. Although we must recognise and acknowledge that it is still more money, it is not enough. Until we do something that caps the cost of electricity, gas, heating or telephone bills and the 21% additional VAT charge on top of the increase, we are fooling ourselves if we believe we are making a significant difference to the lives of our pensioners and people on social welfare. Perhaps we need to examine reform in this area. Where there are instances of charges under the control of the State or State regulators we can do something about the impact they have on the older and most vulnerable people in our society. I commend the Minister who, in his past number of years in this portfolio, has made a significant difference, and the Government which has delivered on its commitments. However, is it making a significant difference to the lives of old age pensioners and those on the margins of society?

I commend the Minister's focus on poorer children. The €10 increase per month per child in child benefit is welcome. The increase in the weekly payment focuses on the families of poorer children, which I commend. It deals with the issue and the worry we had about taxation and child benefit. However, there are many people in that middle group, low-income earners, who are just out of the family income supplement net. This is middle Ireland, the Pope's children as they are called on television. These are the people living in Knocknacarra, Renmore, Doughiska and Merlin Park. They are all buying their own houses; paying large mortgages as first and second-time buyers; paying stamp duty to the Government on family homes, with which I disagree; paying child care costs because both parents are in work; and paying car loans and other expenses. We are not addressing that large group of ordinary, everyday people.

These are the people sitting in their cars for 40 to 45 minutes to get home in the evening, who have to take the dinner out of the fridge, put it in the oven, heat it, do homework, prepare clothes for school the next day, pack lunches and prepare bottles for babies. We forget about these people. We must do something about them to address not child poverty in the material sense of not having enough food to eat, but child poverty in the sense of family time, quality of life and the opportunity to live their lives as I did, in a warm, loving family

[Ms Cox.]

with clear expectations. We must not forget about them.

While I welcome the child benefit increase as the method we have chosen to address child care costs, and the annual child care supplement of €1,000 for children under the age of six, which is something to be proud of, we must remember there is a bigger group of people for whom, as Senator Terry said, the cost of child care is a major issue. If we forget this we do so at our peril. As we look to the future and our manifestos, I suggest the child care supplement be paid for children under the age of seven. Children aged four, five or six come out of school at 12.30 p.m. If one is working the children must go somewhere from 12.30 p.m. to 5.30 p.m. Most children do not go into first class until they are at least seven, unless they started school early. We need to consider such people because providing child care for those children is as costly as for those under the age of six. Perhaps we could examine moving that forward a little in the budget for the future.

On the subject of social welfare disadvantage, I spoke about the back to school allowances at the Fianna Fáil parliamentary party meeting in Cavan in September. The following is an estimate of the costs for a 12 or 13 year old child going to secondary school for the first time, based on buying in Dunnes Stores rather than the most expensive shops: pair of shoes, €50; pair of runners, €50; school jumper with a crest, €45; two school shirts, €20 each; and an ordinary Dunnes or Penneys jacket for walking or cycling to school, not a €180 Nike or Tommy Hilfiger jacket, €50. All that adds up to more than €285 for the 12-22 year olds. That €285 clothing allowance is given to those in receipt of social welfare.

I return to the people in places like Knocknacarra and Renmore all over this country who send children back to school. My mother used to save the child benefit in June, July and August to buy our school uniforms for September. We save our child benefit to buy school uniforms. We must examine this. Many people who are not on social welfare have little disposable income but want to give their children the best. I appeal to the Minister to examine this issue to see if there is anything we can do for this group, whether by way of additional means testing, income disregards or otherwise.

I commend the Government, the Taoiseach, the Minister for Finance Deputy Cowen and the Minister for Social and Family Affairs on the increase to 26 weeks in paid maternity benefit. It is incredible to think that we will have that in this country, as well as the additional unpaid leave. Now that we have crossed that hurdle and made that commitment to families under our Constitution, the challenge for the Minister as he leaves his Department is to make a universal parental leave payment. He should begin with four weeks, increase it to six weeks and give it to one or other parent but not both. If we love our children and

believe in looking after society we must begin somewhere.

Where do people think these gangland shootings come from? They come from the fact that we are not in a position to look after our children properly. We allow children, particularly in disadvantaged areas but throughout the country, to miss the opportunity of the care and nurturing of a parent at home, be it the mother or the father. I spoke to a woman who is returning to work next February after seven months off with her second baby. When I asked her what it was like she said it was incredible to look after the baby at home and to know that when she returns to work the baby will be seven months old. One could say it is half reared, although that is not the case, but it is better than putting it into a crèche at the age of three or four months. My vision of Ireland is that if somebody chooses to have a baby, the mother or father will stay at home with that child supported by the State until the child is one year old. I plead with the Minister, as I plead with my political party, that this must be a priority for us.

As a result of the changes we have seen in social welfare payments, I get the feeling the Minister listens to us. Therefore, I will speak about rent allowance. I hate to see the amount of rent allowance paid every week to private individuals who own houses. It profits the property developers and investors, who may not even pay tax on those phenomenal amounts of money over the €100,000 where the 0.5% tax we are putting on for the health levy makes no impact. We must reform rent allowance. There must be a way of working with the local authority and the social welfare system so that the State does not subsidise the provision of rental accommodation to the profit of private investors. That money is disappearing into a black hole and we must do something about this. Last year I suggested a pilot scheme.

I congratulate the Minister on the budget. I do not normally offer unqualified congratulations to any Minister but the changes made to child benefit, maternity leave, €1,000 payment and allowing those on carer's benefit to receive the half-rate carer's allowance and the main welfare payment are measures of which the Minister can be proud. I commend the Bill to the House.

Mr. Kitt: I congratulate the Minister on the Bill. Senator Terry referred to the qualified adult allowance for those over 66 years of age and under 66 years of age. This payment is a right and there is no pressure on people to be dependants. The increase in pensions, with the contributory State pension rising to €209.30, is welcome. Increasing the qualified child allowance to a standard rate of €22 per week is welcome. I am pleased the Minister took an initiative on the carer's allowance. There should be no means test for carers but the Minister has made improvements. One can now receive a half-rate carer's allowance and a full social welfare payment. Such

payments recognise carers' duties and it is now accepted that one can receive two welfare payments. The Minister has recognised the case we made for this measure. The number of payments made available through the Department amazes me. Almost all have been increased.

The fuel allowance has doubled in two years to €18 per week. The accommodation of older people is not within the remit of the Department but it should be. I attended a meeting with Senator Cox and officials from the HSE about the delay in repairing houses, installing windows and doors and insulating them so that people's accommodation is warm. Many of us may wish to improve our houses but young people are not in a rush to do so. For those over 70 years of age it is important to make improvements quickly. In Galway applications in respect of 2005 are now being processed and applications in respect of 2006 will not be processed until next year. Increasing the fuel allowance and improving heating cannot be done without repairing houses. I hope the Government examines this matter and improves the service.

I have often raised the matter of pensions for missionaries and those who work abroad and do not receive a pension at the end of their careers. The Joint Committee on Foreign Affairs is meeting with officials from the Department of Social and Family Affairs next week. I hope we make progress. Retiring missionaries are entitled to know what will happen at the end of their careers. A contributory pension is the best way to address this. If this is not possible perhaps the Irish Aid programme, which has been greatly increased, could be considered as a means of resolving this issue.

The Minister should examine the case of those who do not have sufficient contributions to receive the State pension. Previous Governments introduced a scheme whereby the self-employed, including farmers, could pay into a scheme over ten years. Those who did not qualify could receive a *pro rata* pension but some people do not have the required five years' contributions. Many lobby groups seek a *pro rata* pension and I urge the Minister to examine this issue.

The widows, widowers and orphans schemes are compulsory now but some people did not opt for them years ago. Progress is needed on this matter. Marvellous schemes exist to allow one to transfer one's pension entitlements from one country to another. Various protocols and treaties have been signed to make this available between Ireland, the United States and Australia. It is hard to believe that those on invalidity and disability schemes must travel to Newcastle-upon-Tyne in the United Kingdom for medical examinations. These examinations should be undertaken in Ireland and, if not in the Republic, in Belfast or somewhere on the island of Ireland. This would be more practical.

I welcome the increase from €20 to €30 in respect of the means test disregard. The €100 dis-

regard for part-time employment should be extended to all employment. We should not distinguish between those in receipt of a social welfare payment and those in part-time employment. The Bill contains many initiatives and the budget is excellent. The reaction has been most favourable.

The Minister encourages people to return to work. The disability allowance gives the Department the option of granting an allocation for light work for therapeutic reasons. This is often granted for six months and has been successful. This could be extended for a second six-month period if, according to a general practitioner, it is beneficial. The community employment scheme is one obvious means by which such work may be available to those in receipt of disability allowance.

Mr. McCarthy: We have been able to debate these matters with the benefit of there being a good deal of money in the country. One need only look at an issue referred to in this House last week, a clip on "Morning Ireland" of Ray MacSharry delivering a budget speech in the late 1980s, which had to deal with issues such as very significant emigration, high unemployment and severe interest rates. Listening to that clip, one realises we live in a completely different Ireland today, and it is difficult to imagine that the clip is not from very many budgets ago when Governments, unfortunately, did not have the current largesse at their disposal.

That improves the conditions and circumstances under which we can deliver budgets and spend money on various areas. One should be mindful that it is not long since this country did not have such money at its disposal and decisions were therefore much more difficult. The criticism that could be levelled at various Ministers for Finance and other Departments was more strident because there was no money to introduce measures people would like to have seen.

Aspects of this budget must be welcomed, and it is particularly significant that we can welcome old-age pensions surpassing the €200 a week level. Other measures can also be welcomed but we must also consider the budget in a balanced and objective fashion. It improves in some way the lot of the poor and disadvantaged, as did the budgets from 2004 and 2005.

We must disagree with the Minister stating in his budget speech that throughout its terms in office, the Government has ensured the less well-off have shared in Ireland's growing prosperity. If the Minister for Finance has forgotten the "sav- age 16" or the "dirty dozen", all legacies of the former Minister for Finance, Charlie McCreevy, none of the disadvantaged, the less well-off or those who had supports cut will have done so.

From 1997 until 2004, the gap between rich and poor widened as each of seven successive budgets gave to the rich and took from the poor, making Ireland one of the most unequal countries in

[Mr. McCarthy.]

Europe. In 2004, CORI put it well in stating that the rich get richer while those living in poverty still have a long way to go before they ever reach the poverty line of income. Just two past budgets giving more to the poor than the rich can only go a small way to tackling the neglect of the previous seven budgets. We await the outcome of the most recent budget to see how its measures will take effect.

I question the real meaning of the Minister's boast in the budget that he is providing the biggest package of support for those on low incomes in the history of the State. There were two very clear reasons for this large package, both arising from mismanagement of the State's finances. The Government increased income inequality and worsened the situation for the poor over the first seven years of its time in office and it will take more than two or three years of higher spending on social welfare to put right the damage done over recent years.

In addition, economic commentators recently put our current inflation rate at 4%. We have not done nearly as well as our EU neighbours in keeping inflation under control, although we are facing the same international problems, with rising energy prices and the fall in the value of the dollar, etc. If doctors differ, economists can differ every bit as much and as dramatically. The Minister for Finance would have used different indicators for a naturally lower figure.

With significant inflation, the Government will spend more in absolute terms just to buy the same amount of goods and services this year as last. Any Minister for Finance presiding over an economy with significant inflation can always make the very hollow boast that he is spending more than he ever did before, which is not the same as devoting more resources to the needy.

I should make a comparison with what is being spent now and what was being spent by the rainbow Government. In 1995 and 1996, that Government's spend on social welfare was always in double figures in terms of gross domestic product, between 10.4% and 11.1%. The current Government has led social welfare expenditure to the level of 7.5% of GDP and it has remained in single figures throughout the term of the Government.

Those struggling on inadequate social welfare incomes are very sensitive to price increases, whether caused by general price inflation or Government increases in gas, electricity, transport and health care costs. What is important in disadvantage terms is the real improvement in circumstances rather than the monetary measure of changes from the previous years.

I was in the Dáil Chamber to hear the budget speech and there was a great cheer when the Minister announced that social welfare payments were at last crossing the €200 per week barrier. There was the key indication that this was helping the poor and improving the prospects of the

Government in the next general election, and also that any social welfare payment of €200 solves all problems for low-income groups. Neither of these assumptions is justified.

We will see what the election produces as we have no crystal ball for this side of May. The increase in the social welfare payment was important as a pre-election commitment being fulfilled, which is good, but I dread to think what it must be like to live on €200 per week. Anybody in such circumstances would not join in the chorus of approval received by the Minister when he announced it.

There is evidence that such levels of money can still consign somebody to the breadline, so there is not much to cheer about. The minimum weekly disposable income required to avoid poverty in 2006 is €203 for one adult, €270 for an adult and child and €337 for two adults. Even with the first instalment of these improved payments, the unemployed, widows, widowers, those under 65, lone parents, carers for the disabled and many other groups are still below the poverty line.

I will comment on poverty in general before going into cases in finer detail. We must recognise that poverty levels in this country are too high and it is not good enough to hide behind fancy speeches and the manipulation of figures. There is statistical evidence to prove the levels are too high and all the references I have made to poverty have come from Central Statistics Office figures published last month. These refer to some of the indicators agreed by Ireland and other EU countries in 2001 as an appropriate means of measuring social inclusion and comparing the effectiveness with which different EU countries are handling their own problems of social inclusion and poverty.

Statistics show that Ireland has the highest poverty levels of any country in the EU except for Portugal and the Slovak Republic. We are less effective than other EU countries in reducing poverty levels through social transfers and our total transfer system only reduces poverty by 18%, compared with the EU average of 25%. The unemployed, one-parent families, the ill, the disabled and the elderly have unacceptably high poverty levels. A worrying feature is that in Ireland, up to a third of all children in the country are living in poverty.

Mr. S. Brennan: That is just not the case.

Mr. McCarthy: The statistics exist; they are not mine. It is the case and I have provided statistical evidence to prove it.

Mr. S. Brennan: It is really not.

Mr. McCarthy: This goes to show the manner in which some people can attempt to block it out. The statistics are irrefutable.

If the Government does not accept the EU's official comparisons as outlined, will it at least

accept the evidence provided by St. Vincent de Paul and other charitable organisations? In the past year, the Society of St. Vincent de Paul spent more than €41 million giving direct help to more than 300,000 families let down by social support systems in this country, €7.5 million which was emergency support for families with no money, food or resources. Some €4.6 million was for food and €3.1 million was for fuel.

The society spent €1 million getting families reconnected to gas or electricity supplies and with fuel prices inevitably increasing, the society's pre-budget submission pleaded with the Government for a weekly fuel allowance of €24 for an extended period running from September to April. The amount went to €18 and an increase should always be welcomed, but we are dealing with an organisation at the coalface of poverty. It has provided evidence to suggest its experience in the many towns, villages and communities of what people are going through. It is justified in its pre-budget submission as the society knows the people who cannot afford basic fuel costs.

There are three groups I wish to refer to in particular, the first being lone parents. In this House at the start of the year, I stated the Minister for Social and Family Affairs, Deputy Brennan, was to be applauded for hitting at the myth about lone parents perpetrated by people who know better. Senior academics and journalists used this category of people to unearth extremely conservative views which are not based on fact. Approximately two years ago, two such people in particular went after lone parents in a disgusting fashion. The entire issue spilled onto the pages of the broadsheets and onto radio programmes. Myths exist but we fail to connect facts and evidence.

I was appalled by a particular article in *The Irish Times* and conducted research on the matter. It referred to a figure which it wanted people to believe was a majority. In fact it was a minority. Earlier this year, the Minister told the House that 1.7% were in this category and he justifiably hit the myth on the head.

In 2002, Ireland had 154,000 lone-parent families, approximately one in six of all families. One in three births takes place outside of marriage, a high proportion of which are to one parent families. Approximately half of lone parents, a total of 80,000 people, receive the one-parent family payment. This payment was increased in the budget to €207 for one adult and one child. However, the weekly disposable income for one adult and one child to avoid poverty is €270. This means one-parent families will start the new year well below the poverty line.

One-parent families are now a significant feature of our social system. They deserve better than being left on the breadline with this year's increases. Their problems in caring for children and, as most of them would wish, finding suitable employment are made worse by Ireland's extremely high child care costs and the lack of

free State child care as exists in most other countries.

The office of the Minister for Social and Family Affairs, Deputy Brennan, communicated with me on the discussion paper launched at the beginning of this year regarding the residency rule for one-parent families. This rule means the State discriminates against family units who want to reside together. The Department stated the Minister would consider allowing somebody who had formed a relationship to keep the one-parent family allowance if his or her partner moved in. This is an important measure.

I was in communication with the Department on this matter because somebody applied for a mortgage on the basis the rule was no longer in place and was asked to produce a statement of earnings. This individual was refused a mortgage because the measure to remove the rule is still at discussion phase and has not been introduced. The Leader of the House is also familiar with the case. The person is on the list for an affordable house. It may take a year or two but it is hoped this will solve the problem. It is important to state it is a good measure and I look forward to its implementation. We must promote the family living together as a unit and those in stable relationships seeking employment and getting on the property ladder.

We have approximately 150,000 carers in the country, one third of whom give more than 43 hours of unpaid time each week caring for elderly, frail or disabled relatives or friends. Approximately half of all carers have no paid employment and most of them find themselves being carers not out of choice but out of pure necessity. They do not choose the role, it is forced upon them by circumstances beyond their control. Strong evidence exists to suggest carers suffer from stress and poor health because of the circumstances under which they operate.

Approximately four years ago, the Joint Committee on Social and Family Affairs undertook a detailed study of carers and their problems. It reached the unanimous conclusion that all carers need help. The carer's allowance should no longer be means tested and should be made available to all carers. This country has far more means tested benefits than any other EU country. I believe the Minister will examine this and I sincerely hope we will see an end to it.

The Bill contains welcome measures and it is always good to see an increase in money. However, statistical evidence suggests poverty levels are unacceptably high and we must confront this face-on.

Dr. Mansergh: I warmly welcome the Minister and the Bill. As was made clear to me on the Order of Business, and I do not want to be too hard on him, Senator McCarthy needs tutorials in recent economic and social history.

Mr. McCarthy: That is absolute nonsense. The Senator was at this all morning and it is pure rubbish. The Senator should read his script.

Dr. Mansergh: I do not have a script.

Mr. McCarthy: The Senator should form his own political views and not read them from a book. I cited hard statistical evidence.

An Leas-Chathaoirleach: Senator Mansergh without interruption.

Dr. Mansergh: I have Deputy Quinn's last budget which increased child benefit from £29 to £30. I accept it is more in terms of euro. This year, we increased child benefit from €150 to €160.

Mr. McCarthy: More and more people live below the breadline.

Dr. Mansergh: For three children one received €99 per week. Today one receives €515, which does not allow for children under the age of six who receive €1,000.

Mr. McCarthy: That budget is nine or ten years old.

Dr. Mansergh: I listened to Senator McCarthy in total silence. Perhaps he will do me the same courtesy. In 1997, the general increases in social welfare were £3. I readily acknowledge it is more in euro. It was a little ahead of inflation. If it is difficult to live on €209.30, I do not know how difficult it was to live on a post-budget £67.50.

Mr. McCarthy: That is a comparison between 1997 and 2006, which is a difference of nine years.

Dr. Mansergh: It shows what enormous improvements were made. As for social welfare spending as a percentage of GDP, one must not lose sight of the fact that unemployment has dropped from approximately 8% to 4.5% and that will naturally reduce social welfare spending. The 1997 budget was a pre-election budget which included a package of £525 million pounds, again it is more in euro. This year we have spending of more than €1.5 billion.

I want to get away from partisan politics. I congratulate the Minister on his three years in the Department of Social and Family Affairs. I believe I am correct in stating that in each of those years the social welfare package was larger than the income tax package. According to speculation he may not have chosen this Department. However, he has made a tremendous impact, not only in the increases in social welfare rates but also in the reform of schemes. I congratulate him on his ministerial tenure of office during the past three years.

Great improvements were made in the basic rates and the previous two budgets were warmly welcomed by the Conference of Religious of

Ireland which includes leading experts on poverty. It sought the gear shift on lowest payments. The Ministers for Finance and Social and Family Affairs no longer bother to give percentage increases because they are so much larger than the rate of inflation. Inflation is no longer as closely shadowed as was the case in the past.

Undoubtedly we used our national wealth to substantially increase payments to the less well-off in society. While accepting a great deal more needs to be done, we can be proud of how much has been achieved, particularly getting through the €200 barrier for the pension payment and increasing the jobseeker's benefit to €180.

Progressive social reform is signalled to be carried out over a three-year period. I was going to use the phrase "individualisation of social welfare" which does not have the same pejorative meaning in a social welfare context and nobody contests it. People will receive pensions in their own right. I congratulate the Minister on signalling that.

There has been a ten-year moratorium on child dependant allowance which, if I recall correctly, dates from an interdepartmental report produced in 1996 or 1997 when Proinsias de Rossa was Minister for Social Welfare. I am not criticising him because at the time, it was the correct conclusion to take. There was a problem concerning the tax wedge being a disincentive for people to take up employment. The Minister is correct in saying that we have now moved far beyond that stage. It is right to have something targeted and focused at people in this category. Very few things are necessarily devised for all time. They must be adjusted and adapted as one goes along.

It is important that the fuel scheme be increased, particularly in light of the increases in fuel prices, although they are possibly a bit lower than was originally announced. Another particularly enlightened measure, which was started last year, is the income disregard for those on the old age non-contributory pension. One would certainly hear complaints from older people receiving this basic pension that income disregards applied to everyone else. In particular, teenagers, be they at school or college, were entitled to go out and earn and increase their income. The only people who were not allowed to do so were old people on the old age non-contributory pension. Clearly, the experiment undertaken last year of allowing a disregard of €100 in income earnings was successful and the Minister has now doubled that to €200.

An Leas-Chathaoirleach: Senator Mansergh must conclude.

Dr. Mansergh: If I have any reservations about this, it is that it does not seem to be extended to people who are self-employed or farmers.

I make a final plea. It does not necessarily all come within the Minister's remit. Some of it may be under the remit of his colleagues. Former

public sector workers who left the public sector some time ago are stuck with the terms of much more frugal pension schemes. I would like to see those anomalies ironed out and a generous spirit adopted. Neither the numbers nor the amounts involved are very great. That such things are precedents and what applies in one area may have to be applied in another is always a deterrent. There are small cohorts of workers, such as telecommunications workers who possibly retired before 1984, I may not have the exact date, whose situation——

An Leas-Chathaoirleach: Senator Mansergh must conclude.

Dr. Mansergh: I conclude by congratulating the Minister, not only on this budget but on his three-year term of office and the amount he has achieved during this period.

Mr. Browne: I welcome the Minister and his officials to the House. I have a point to make in respect of the debate between Senators Mansergh and McCarthy about the budgets. In 1997, we had a budget surplus. If we did not, we would have been accused of being economically irresponsible. I was either a teenager or in my early 20s when Proinsias de Rossa was appointed Minister for Social Welfare, but those in Fianna Fáil created the impression that he was going to bankrupt the country and give huge increases. He is now being criticised for not doing enough when he was being responsible. He increased allowances in accordance with the times and we should avoid comparing unlike with unlike in debates.

Dr. Mansergh: I did not start it.

Mr. Browne: I know the Senator did not start it, but I will not blame anyone. It is time we moved on. We should always encourage responsible fiscal management of the country and budget surpluses. To throw money at people and go into debt is not the way forward. It happened between 1977 and 1979 and it bankrupted the country. Senator Brady agrees with me but I will not engage in that debate today.

I broadly welcome the announcements made in the budget on social welfare and believe there is cross-party support for them. However, I will pick up on five or six key points when I have the opportunity to do so. My colleague, Deputy Stanton, raised them with the Minister in the Dáil.

The first issue is my hobby horse and concerns the bulk payment of the fuel allowance. Getting a fuel allowance of €18 per week is fine if one is getting briquettes or bags of coals delivered to one's house. If a person uses oil and gets a minimum delivery costing €200 or €300, one is in trouble. I fail to understand why the option of receiving the fuel allowance in a bulk payment is not explored. The Minister will say that recipients

could drink the money or spend it irresponsibly. If this was the case, pensions or other payments should also be paid by day or by the hour, but we do not do so. I understand that 80% of local authority houses in County Kilkenny use oil for fuel so there is a need for this method of payment.

The Minister has not acted so far but I urge him to investigate the possibility of a bulk payment. I know he is interested in looking at it. Perhaps his civil servants are holding him back or his political advisers are not too sure, but I urge him to seriously consider giving the option to people to receive a bulk payment possibly once or twice a year, instead of receiving it on a weekly basis for six months. He could do so through a voucher system that links in directly with the oil company or whatever company is involved, be it in terms of deliveries of coal, wood pellets or whatever fuel they use. It would make far more sense.

I have spoken with community welfare officers who have told me they have been inundated with people coming in because they get a €300 bill for oil which they cannot afford to pay. It is not possible to tell an oil company that one will pay it back through weekly payments of €18 for the next few weeks. The company will not deliver. I raised this issue with the Minister before and I thank him for his courtesy in listening to me, but I urge and encourage him to look again at this issue. It would be a very successful initiative and would free up considerable time for community welfare officers who must deal with problems arising from the current method of payment. We should give people the bulk payment and see how they spend it. If they avail of such a payment and come back looking for more, they will not receive it. I imagine most people will use the scheme and that it will not be abused. It is worth examining.

My second question concerns refuse collection. The refuse service in Carlow was privatised, which I welcome. The only difficulty is that there is no waiver scheme as a result. The Minister might advise that people can claim it back on their tax but a pensioner who is not paying tax because he or she does not have an income cannot do so. This issue needs to be looked at. A waiver scheme or some system to offset the cost of refuse collection for pensioners is needed.

Another question that is probably more problematic is free travel for people living in remote rural areas. If I live in Dublin and have a free travel pass, I can use the Luas, the DART, the train service and buses without difficulty. However, if I live in a rural part of counties Carlow, Galway or Mayo, I cannot use the service. I recently met with a group of pensioners who suggested a vouchers system for the use of taxis or hackneys could be a way around this. The Minister is originally from Galway, but I am not sure if he is a city man or from a rural part of the county. However, I am sure he understands the isolation felt by people in the country and would agree there is discrimination between those living in the city and those living in rural areas. Even

[Mr. Browne.]

though they have the same free travel pass, people in urban areas have a much better service by comparison with those in more remote rural areas.

In his radio programme on Today FM, Ray D'Arcy spoke about paternity leave and maternity leave. He made the point that if a woman has a baby, she can take a total of 47 weeks between the minimum amount and the additional leave, but a man can only take three days. I am not too sure if those figures are correct. One individual suggested the possibility of splitting leave. The roles of mothers and fathers have changed dramatically. I was reared by my mother and my father put food on the table. However, he was not a very hands-on person. The set-up in respect of the new generation is completely different, as my brothers-in-law can attest. Fathers now take an active role in the rearing of their children. Would it be possible, therefore, to split the arrangement? For example, a couple might decide that instead of one person taking the 47 weeks, one could take 23 weeks and the other 24. That might not suit everyone but I am sure people provide care for their children on such a basis. Perhaps we should move away from the stereotype of a woman having a baby and then automatically caring for it and recognise that many fathers play a far more active role in rearing their children and that they might require more time off work.

As far as I am aware, BUPA will announce today that it is withdrawing from the Irish market as a result of the policy of risk equalisation. Consequently, there will be difficulties in the health insurance sector. The nursing home payment announced recently by the Minister for Health and Children, Deputy Harney, will also give rise to major problems. Prior to her announcement on Monday last, I suggested to the House that perhaps it is time to consider introducing a special fund into which people might pay in respect of future nursing home charges. Only 5% of people will end up in nursing homes. None of us know whether this will be our fate. If a person ends up in such a home, he or she does not know whether his or her stay will last a few months or for much longer.

People have great difficulty with their family homes being used in calculations relating to their nursing home care. Some 50% of citizens have private health insurance. People have displayed great willingness to pay premiums for better health services. In my view, they would not have a difficulty paying an extra small sum towards possible future nursing home costs. Either the Department of Social and Family Affairs or the Department of Health and Children should encourage the VHI and other private health insurers to introduce special schemes into which people might pay money so that if they end up in nursing homes, they would be in a position to draw down funds. This would mean that their

family homes would not be brought into the equation. It will be difficult to use the value of people's homes when calculating the cost of their nursing home care. It is fine to state that a 15% levy will apply in the context of the value of people's homes but if a someone's estate has not been finalised perhaps ten to 15 years after his or her death, what will happen? It must be remembered that awful rows can arise in families in respect of the settling of estates, etc.

I am not sure whether action should be taken by private health insurers in this regard or whether the Department of Social and Family Affairs should introduce a scheme similar to that which applied in respect of SSIA's. Most people might not need to use the money saved and if not, they could get it back. If individuals were obliged to enter nursing home care, they could draw down funds from the scheme. This would mean that their family homes would not be tampered with. Such a scheme would be a great success and consideration should be given to its introduction.

The number of 85 year olds is going to treble in the next 30 years and the number of those over 65 will double in the same period. Problems will arise in that regard in future and it is time we made preparations in this area. It is also time that people accepted responsibility. In addition, the Government should provide people with incentives and encouragement and either put in place a private fund or encourage the private health insurance companies to do so.

Mr. Brady: I welcome the Minister and congratulate him on what is another step forward. The Department of Social and Family Affairs has made great strides in recent years and not just in financial terms. For example, there have been major improvements in the delivery of services. It is 16 or 17 years since I worked in the then Department of Social Welfare and the changes that have occurred in the interim are phenomenal. It is not just a matter of euros and cents, we are concerned about the delivery of services and how such services impact on people's lives. The past two to three budget packages relating to social welfare show that the Minister and the Government are placing the most vulnerable people to the forefront when it comes to framing budgetary policy. There is no argument against that. We are in a fortunate position in that we possess the financial resources to be able to cater for the needs of vulnerable people. This did not happen by accident, rather through good management and prudent use of the moneys that accrue to the Exchequer.

I welcome a number of provisions in the Bill, especially those which concentrate on the alleviation of child poverty. I have come across children living in poverty on a number of occasions. Through no fault of their own, these children have no hope and see no future for themselves. On occasion, a very small amount of money can make a huge difference for particular children

and their families. Again, this comes back to framing budgets and putting in place ways or means of paying people. I am aware of instances where the meals provided in schools are the only meals certain children get during the day. This year, the allocation in respect of school meals will increase by €3 million to €16 million. This is where the difference is made.

A previous speaker referred to one-parent families and I welcome the increases in this regard. Again, it is the simple measures that count. Changes are being made in respect of credited contributions for one-parent families where the recipient of the allowance takes time off to have another child. This can make all the difference to people who, for whatever reason, are trying to raise children on their own, and it gives them hope.

Senator Cox referred to the back to school and clothing and footwear allowances. Many people claim such allowances and it is not always easy for them to apply in respect of them. However, even the small amount provided by means of these allowances gives people the opportunity to cope better. The concept of a welfare system is that it should — whether through the provision of a large or small sum of money — top up people's incomes and provide them with assistance that enables them to cope better.

There is a great deal of local authority housing in my area and I welcome the changes in respect of rent supplement and the rental accommodation scheme, which will make a huge difference for many people. One of the changes to which I refer means that people may work full-time and still qualify for the rent supplement. I have come across many cases of single people in low-paid jobs. The rent supplement makes a major difference to those obliged to pay out a portion of their incomes on what, in some cases, is accommodation of a low standard, and it helps them to improve their personal circumstances. Increasing the disregard in respect of savings or capital to €5,000 will allow people to make an effort to save some money and try to improve their personal circumstances.

The Minister and the Government have worked for a number of years on the supports being introduced for retired and older people and also carers. The benefits are there for all to see. When I talk to senior citizens, regardless of whether they live in local authority or private houses, they inform me that the extra money they receive gives them independence and an opportunity to provide financial assistance to their children or whomever. I welcome the increase in contributory and non-contributory pensions to more than €200 during the lifetime of the Government.

An entitlement to a free travel companion pass can make a difference to a person's life, as can extending — to ensure elderly people's security — the telephone allowance scheme to include mobile telephones. The simple things make all the difference. This Minister is to be congratulated

on moving so quickly to offset the effects of the increases in energy prices. The extra units are to be left in place although energy costs have reduced somewhat.

I always put in a plug for widows and widowers at budget time because previous Administrations have somewhat ignored that group. A person of any age can become a widow or widower. The increases in their pensions, which have kept pace with old age pensions and other social welfare payments, can make a significant difference to people's lives, especially if they are struggling to raise children.

Senator McCarthy rolled out the statistics on poverty levels and so on. There are many supports available, apart from basic social welfare payments, for example, the family income supplement and various allowances. The Department has improved in its use of technology to provide information, which is welcome because in the past people were not aware of many of the allowances and benefits to which they were entitled.

Much has changed in regard to social welfare over recent years. It is no longer confined to unemployment benefit or assistance or pensions. I see at first hand the benefits enjoyed by community groups and organisations which receive small grants from the Department that make all the difference to their work. A total of €15 billion is a large sum for this country to spend on social welfare and this did not happen by accident. I congratulate the Minister and wish him well with the Bill.

Minister for Social and Family Affairs (Mr. Brennan): I thank the Senators for fine, thoughtful contributions to the Social Welfare Bill and a constructive debate, which I found useful. The Senators offered some good pointers for the future. I will think about Senator Terry's remarks about Clanbrassil Street and although it does not fall within the remit of my Department, I will bring the request to the attention of the relevant Department.

I will ensure the legislation is clear about qualified adults, mainly women, being paid in their own right and directly. It is intended to make the payment directly unless the recipient writes to the Department and asks for it to be paid in some other way. We must retain that option for those who take the trouble to write to the Department about it, but the default option is direct payment.

Senator Terry and I have many debates on pensions. The Government has made great progress on this issue which is on the national agenda and was at the top of the partnership talks. The Green Paper is not an exercise in long-fingering. I am firmly committed to publishing it in March. It will cover occupational and State pensions, averaging and all the issues related to eligibility and so on. I will ensure it does not dodge those issues but lays them out strongly because there are stark choices, which other countries, including the United Kingdom, have had to make recently.

[Mr. Brennan.]

I take the Senator's point about compulsory, being compulsorily required and the protection involved. I continue to try to ensure the Pensions Board has the strength and statutory clout to root out any bad behaviour, about which Senator Terry is concerned. The main weapon I have is to ensure it has the necessary clout. I note her other points about the importance of child care.

I thank Senator Cox for her words on the budget overall. She spoke about the so-called coping classes, the people who often get squeezed between welfare and the top tier. Everybody on a minimum wage has been taken out of the tax net. Nobody earning below the average industrial wage, which is between €32,000 and €33,000 per annum will pay more than the 20% rate and that group is no longer in the 41% rate. That will be a significant change for that middle band of income earners and should help considerably.

The Senator mentioned the child benefit and child dependant allowances. Having listened to what has been said in this and the other House and to organisations such as St. Vincent de Paul and so on, the National Economic and Social Council has worked on a second tier of child payment. I decided that instead of spreading child benefit across the board to 1 million children, we would select the 300,000 of those in families on welfare and put an additional €60 million into that bottom third.

To an extent there are two tiers of child benefit. The top two thirds receive child benefit while the bottom third receives child benefit and the child dependant allowance. In this budget those two can amount to an increase of €32 per week. The top two-thirds of children receive an increase of €10 per month.

That is the start of a second tier which will make a strong impact on child poverty and enable us in future to focus on a two-tier child benefit system. If we were to start the child benefit system again with a clean sheet, we would do so in that way. We would have universal payments but would tilt the bottom third upwards.

Senator Cox is right in what she said about the back to school and clothing and footwear allowances. She mentioned a sum of €285 for older children. That is not intended to meet the bill but as a contribution, as are most welfare payments. Nobody suggests that any welfare income meets all requirements. I know from my family and other families in my constituency how difficult it is in August, September and October to round up the necessary money. The Senator gave a good list of prices for runners, anoraks, jumpers and so on. It is a long list but this is intended as a contribution.

We have doubled the sum in two years, increasing it by 50% again this year. The new child dependency payment, the new back to school allowance, and raising the threshold for the family income supplement to €186 per week reflect serious attention to child poverty. It is not

unreasonable in the 21st century to expect that we can eliminate it completely. That is why I rail against the measures of relative poverty about which Senator McCarthy spoke. They are a distraction because they are academic measures. I do not support the constant measurement of relative poverty. It is fine for someone who wants to write a thesis. According to official figures in the past seven to ten years we have taken 100,000 children out of poverty. We now need to root out the remaining few thousands who remain in poverty. I would like to do that.

I thank Senators for their contributions on pensions. We have a distance to travel in this area but I believe the budget is a significant one in this regard.

The Department of Social and Family Affairs is the largest spending Department in the State and accounts for €1 in every €3 of Government spending. As I stated on my first day in this House as Minister for Social and Family Affairs, I am not a believer in the ATM definition of welfare whereby we just pay money. I have always been committed and determined that we would improve incomes and the money available, but in the context of reform to ensure every cent we spend helps people to get to a better place. It is an active model of welfare as opposed to a passive one. We move people to better places so they can build better lives for themselves. I am pleased that philosophy is at the heart of the Social Welfare Bill. I thank the Leas-Chathaoirleach and Senators for their consideration of it.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to take Committee Stage?

Ms Cox: Tomorrow.

Committee Stage ordered for Friday, 15 December 2006.

Sitting suspended at 1.20 p.m. and resumed at 2 p.m.

Local Government (Business Improvement Districts) Bill 2006 [*Seanad Bill amended by the Dáil*]: **Report and Final Stages.**

An Leas-Chathaoirleach: I welcome the Minister for the Environment, Heritage and Local Government, Deputy Roche, to the House.

This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 103, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question, "That the Bill be received for final consideration", the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For Senators' convenience, I have arranged for the printing and circulation of the amendments and groupings of amendments. The

Minister will deal separately with the subject matter of each related group of amendments. Senators may speak only once on each grouping. I remind Senators that the only matters, therefore, which may be discussed are the amendments made by the Dáil.

Question proposed: "That the Bill be received for final consideration."

Minister for the Environment, Heritage and Local Government (Mr. Roche): I welcome the opportunity to discuss this important legislation introduced in the Seanad by my colleague, Minister of State, Deputy Bat O'Keefe, in June 2006. Senators present for that debate will recall that the main purpose of the Bill is to introduce a statutory basis for the operation of the business improvement district schemes in Ireland. I will now address the amendments made in the Dáil last week.

Group 1, which comprises amendments Nos. 1, 2 and 3, provides for the enhancement of the role of audit committees in local authorities and for the inclusion of outside expertise membership on such committees. Given the close relationship between local government and Seanad Éireann I have no doubt Senators will be particularly interested in this.

Local authorities are now spending in excess of €9 billion per annum on their current and capital programmes, a significant sum which has grown dramatically in recently years. The reality is that this level of expenditure requires an enhanced financial management system. I am keen to enhance the existing financial management and audit control systems in local authorities to ensure we obtain full value for this level of expenditure and, particularly, to ensure the principles of transparency and accountability are fully observed.

It is interesting to note, having spoken during the past two years to councillors from all sides, that one of the most common complaints is the difficulty in dealing with the complex issue of local finance. In light of developments in corporate governance since the introduction of the Local Government Act 2001, I consider it is appropriate, therefore, that we examine the issue of audit committees. I considered in particular that the remit and composition of the audit committees, which could have been established under section 122 of the Act, was far too narrow. Most councillors and people with experience in councils would agree with me on this.

Under this legislation, the remit of audit committee was limited to considering the local authority's audited financial statement and the auditor's report or special report. Councils were not obliged to establish such committees. The extraordinary reality is that very few local authorities have audit committees, an adjudication I take to be councillors' value or lack of value of existing structures. The amendment, therefore, replaces

section 122 of the Local Government Act 2001 and sets out in broad terms the functions of an audit committee, namely, to review the financial and budgetary reporting practises and procedures within a local authority, to foster the development of best practice in the internal audit function, to review any auditor's report or auditor's special report and to assess the follow-up actions by management, to assess and promote efficiency and value for money, to assist in the review of risk management systems and to make such recommendations as the committee considers appropriate in regard to the above matters.

Senators who have been members of local authorities will realise this will bring real value to councillors and will give them a real opportunity of making a strong input in terms of the control and efficiency of the management and finances of local authorities. In addition, the new provisions contain an enabling provision under which I am empowered to set out the regulations and detail in regard to membership of the audit committees, the holding of meetings, reporting by an audit committee, performance and functions of the audit committees and procedures to be followed in regard to that performance. Under the current provisions, membership of audit committees is confined to council members and does not allow councillors to have, for example, outside assistance or expertise. Best practice and development in corporate governance in the public and private sector strongly support the inclusion of people outside the system to assist the audit system. It is a reality that one cannot be a judge in one's own case. Therefore, it is a reality that the best one can do is assist the local councils in this regard by bringing in somebody with the required expertise and knowledge.

In recent years local government has made significant progress in the area of value for money, as acknowledged in the Indecon report. Many initiatives are in place in the local government sector to support efficiency and value for money, including the new financial management systems, five-year multi-annual investment programmes and value for money auditing of expenditure and e-enactment. The local authorities are not behind the door when it comes to introducing innovations. I recently attended the launch of an accounting system for a number of local authorities in Wexford, which was the best I have ever seen and I suggest that the world of business should consider it. Local authorities have been good in this regard.

The Department is working with local authorities on the development of a costing system for the local government sector. This will deliver enhanced management information, especially on unit costs, and will facilitate local authorities in assessing their full unit costs over time. It will be greatly helpful to local authority members in making comparisons between local authorities. In the wider public service, local authorities were the first to introduce financial management

[Mr. Roche.]

systems based on accrual accounting principles. The reporting by local authorities on performance in 42 different service indicators is another indication that the local government sector is willing to step up to the plate and bat.

The Government's drive to pursue a value for money agenda across the public service will be assisted by the introduction of a stronger audit function in local authorities. Most important is the real interest that local authority members have. People who are serious about local government and ensuring we have efficiency will be greatly assisted by this change. Amendments Nos. 1 and 2 are consequential on the introduction of the enhanced audit provision and I recommend the amendments to the House.

Mr. Bannon: I welcome the Minister to the House and I thank the Clerk for clarifying the amendments for me. Like any successful scheme, this business improvement districts scheme cannot operate without adequate funding. Public representatives have brought to my attention the inadequate funding of local government for specific projects, etc. Many local authorities are forced to take a piecemeal approach. For example, a local authority may start to construct a new footpath and might only have sufficient funding for half the street. The remainder of the street is left in a mess for two, three or four months until further funding is allocated by the Department. If an authority has a shortfall when carrying out a specific development, the Department should have some process to allow the authority to draw down funds rather than leaving it in a dangerous state that is potentially liable to insurance claims, etc.

There is no co-ordinated approach by bodies such as the ESB, Eircom, the service sections of local authorities and other bodies that might need to carry out work underground. These bodies should have a more orderly approach to work in the vicinity of footpaths in towns. The Minister should take the lead and advise local authorities in this regard.

Local authorities urgently need greater democratic accountability at local level. Many authorities are cash starved and many powers are still vested in national Government. I would like a transfer of powers from national Government back to the local authorities. More funding is needed for tidy towns committees.

An Leas-Chathaoirleach: That is not related to these amendments, which are about auditing.

Mr. Bannon: It relates to the amendments. The tidy towns scheme is a wonderful scheme that has been in operation for more than 40 years and is still under-funded. Greater encouragement should be given to villages and towns to participate. I hope the BID scheme initiative will lead to greater involvement. To attract towns and vil-

lages to become involved in tidy towns scheme etc., more funding needs to be allocated. The funding has stagnated in recent years.

An Leas-Chathaoirleach: While I appreciate the Senator's concern, we are dealing with audit committees.

Mr. Bannon: I am dealing with audit committees as well. However, we have insufficient elected public representatives——

An Leas-Chathaoirleach: The Senator cannot deal with it.

Mr. Bannon: Insufficient public representatives are involved and we need more elected members on BID committees. I highlighted the issue when we spoke on it previously. I am disappointed it is not addressed in the amendments before us today.

Mr. Brady: These amendments are crucial for local authorities. In effect, each authority is now a major business and is like a private company. Dublin City Council is involved in public-private partnerships and can raise significant revenue. The previous speaker referred to the funding for local government. In 1997 the local government fund was €339 million. In 2007 it will be €947 million. While inflation in the period was 30%, the fund increased by 180%. Each local authority has responsibility for spending and raising its own money. The councillors have an input in the process when framing their budgets at the end of the year. I speak to councillors regularly. If they have an issue with funding, they speak to officials involved and make suggestions on how the funding might be raised.

On auditing, when dealing with such large amounts of money, it is crucial to have some control. In recent years we have heard much about value for money and ensuring that the State gets value for every cent it spends. It is essential that local authorities have the same control and these amendments will certainly help in that regard.

Mr. Roche: I thank the Senators. Senator Brady made his point well. Local government is now big business. Close on €1 billion will be transferred under the heading of the general purposes grant from central government. The local authorities will raise approximately €600 million in development levies. It is important that councillors know exactly what they receive. Between current and capital expenditure, local authorities will spend approximately €9 billion. It is important to bring a much greater sense of professionalism to the process. It is also important for local authority members to have information on value they regard as helpful in their deliberations. I attended a meeting today with representatives of the County and City Managers Association where I made the point that the existence

of effective audit committees represents a win-win situation. They are positive for public representatives and management and, most importantly, for the taxpayer.

Senator Bannon expressed concerns about the membership of audit committees. They will comprise representatives and nominees of the businesses involved in addition to their local authority membership. The reality is that local government is big business — a vastly expanding business which touches on the lives of every citizen. In the context of an overall budget of €9 billion, it is critically important that local government secures good value for every euro it spends. Local authority members to whom I have spoken welcome the enhanced role of audit committees as a positive move forward, and it has also received a positive response from the local authority managers to whom I spoke today. I am confident we will make progress on this issue. I thank Senators for their contributions on this group of amendments.

An Leas-Chathaoirleach: Group 2 relates to submissions on the business improvement districts, BID, proposals. This is the subject matter of amendment No. 4.

Mr. Roche: This amendment requires the rating authority to prepare a report on the submissions received by it following consultation on the business proposal under section 129(e). The objective of this amendment is to ensure reports are available to the public and members of the local authority. A key to the ultimate success of any BID proposal will be the extent to which there is meaningful engagement with the public in the area. I am sure Members will support this.

The Bill sets out a comprehensive framework for such consultation. Following publication of a BID proposal, the rating authority must, by way of a public notice, invite submissions from the public on the proposal. The public must be afforded at least 30 days for the making of submissions. The amendment inserts a formal requirement for a report on the submissions received to be furnished to the elected members of the local authority. In addition, the report must be made available on request to members of the public.

Mr. Bannon: I thank the Minister for clarifying this amendment. Business improvement districts comprise a working partnership formed between businesses, ratepayers, property owners, tenants, residents and local authorities. It is important that all parties come on board. It is of little use if 80% of those involved co-operate but an absentee landlord, for example, does not.

Will the Minister assure the House that no additional charges or expenses associated with these proposals will be imposed on the ratepayers of a particular district, area or town? Ratepayers are already hard pressed as a consequence of existing legislation. Laws on drink driving and so

on are important but they mean that people are more curtailed than they were in the past. Many people in rural areas, for example, no longer drive to the nearest town for a drink because of the random breath-testing measures. Some are even afraid to drive their car the next morning. As a result, many business people, especially publicans, find their coffers are not swelled to the same extent as heretofore. The mindset change on the part of the public means we will see many pubs coming up for sale after Christmas.

Ratepayers make payments based on the valuation of their premises. Something should be done for those businesses whose income has dropped appreciably. A scheme is in place in County Longford, for instance, where a reduction is given to those who can prove they are not making the same profit they did in the past or that the income from their business is substantially reduced. With increasing numbers of superstores appearing in major towns and cities, many people in rural areas prefer to travel rather than shop locally. I encourage people to shop locally at Christmas and support local businesses in rural areas. They are part of the fabric of rural communities and are deserving of support. Shopping in superstores does not necessarily result in savings for consumers because they may end up making purchases they neither need nor want. The Government should encourage measures that ensure everyone has a fair slice of the cake.

Mr. Roche: Senator Bannon made several good points. I agree that shopping locally makes good sense for a variety reasons. In addition to the argument put forth by Senator Bannon, it makes psychological sense because it means one does not drive oneself daft looking for a parking space. It is also better from an environmental perspective.

Senator Bannon expressed particular concern that these proposals might result in some further imposition on businesses in the context of dramatic changes in the business environment in recent years. Business improvement district schemes involve groups of businesses coming together to work for enhanced services. This endeavour involves joint decisions on the budget required to secure those services and the contribution process that will operate. The only way in which the local authority will be involved is in the collection of this self-imposed contribution. Businesses will decide what they are willing to pay for the additional services.

At the initiation of a business improvement district scheme, a benchmarking process will be initiated to outline the delivery of existing services to ensure that substantial additionality is achieved. The first schemes put into operation will send out the message for everybody else in terms of what is required in regard to enhanced services. If they are seen to be fair and equitable and to deliver good value, business improvement district schemes will be initiated throughout the

[Mr. Roche.]

State. There is great interest in these proposals among local business communities and I am delighted with the positive reaction of chambers of commerce in all areas. The latter are beginning to engage far more closely with local authorities. To the great credit of local government, they have put in place a range of means by which local businesses can express their views. If that model were applied throughout Irish life, we would be a better and richer nation. We would be also be much more content with the way we do our business.

An Leas-Chathaoirleach: Group 3 relates to the commencement of certain sections. This is the subject matter of amendment No. 5.

Mr. Roche: This is a technical amendment which provides for the commencement of section 1, which is necessary for section 5 of the Bill, as passed by the Seanad, to come into effect. Section 5 provides that newly erected properties will be liable to pay a levy to local authorities from the date the properties are entered into. This ends the existing rating holiday whereby it is possible for a new business to take advantage of the lag between the occupation of a business premises and the commencement of business, at which point the premises is valued and rated. The cost of this rating holiday is carried by all other businesses in the area which pay rates. This is not equitable.

From the time a premises is built, it should be entered on the valuation list and rate contributions should be payable immediately. It is only fair and reasonable to other businesses that it should be so. The rating holiday that existed because of the inflexibility in the current arrangements increases the burden on existing businesses. A situation could arise, for example, where small business must pay more while a large firm that is commencing operations pays nothing for a period. It is only reasonable that as soon as a property is completed and the valuation process undertaken, the contribution of that business to local funding should commence. Reference is made to a levy in the legislation because it cannot be called a rate for technical reasons.

Mr. Bannon: I detect from the Minister's reply that there will be an extra cost on ratepayers. Will provision be made for a hardship fund to help a business overcome when it is hit by hard times or a natural calamity? Many public houses and food outlets in small towns and villages are hit by these charges. These traders claim their incomes are down considerably on what they were five years ago because of a changing entertainment culture in rural areas. Rural areas do not have the same volume of taxis as urban areas to transport people from public houses and restaurants. In many areas, people have to wait up to four hours for a taxi. This needs to be addressed.

An Leas-Chathaoirleach: Will Senator Bannon keep his remarks to the section?

Mr. Bannon: I always like to raise other issues. The midlands faces a serious situation with flooding along the Shannon. Is there any relief for the hard-pressed farmers, especially those in counties Longford and Westmeath, in the Shannon catchment area who may lose their livelihoods—

An Leas-Chathaoirleach: Senator Bannon is pushing the limit.

Mr. Bannon: Some relief fund must be put in place to help out those affected. Many of them have contacted me about this.

An Leas-Chathaoirleach: Senator Bannon, that is beyond the scope of the Bill. It could have been raised on the Adjournment.

Mr. Brady: We live in a booming economy. Whether in rural or urban areas, small businesses have burgeoned over recent years. The budget highlights how the Government supports small business to the hilt. The business improvement districts scheme is voluntary and a small business can contribute to it if it is interested in improving its business. The benefits will be not only for the community but also for business.

Mr. Roche: I have sympathy for those affected by the floods in the midlands. I have indicated to colleagues in the Lower House that I will assist in any way possible. On last night's Adjournment it was inquired whether the Army might be available to assist farmers with distributing fodder. Deputy Finneran was engaged with the Minister for Defence on this. I thank Senator Bannon for raising it even though he is chancing his arm. That is what makes politics interesting.

The contributions from business are voluntary so it is not an additional charge. The distribution of the business improvement districts contribution will be related to valuations which themselves are a reflection of the volume of business. Small businesses, although they will have an equal vote in the scheme's process, will not have to carry an equal burden. The Bill provides for circumstances where a property is unoccupied or demolished. Waiver systems are allowed in the local authority rates system. They require the authorisation of the Minister for the Environment, Heritage and Local Government but no requests have been made by any local authority for many years.

Question put and agreed to.

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

Minister for the Environment, Heritage and Local Government (Mr. Roche): I thank Senator Bannon and Senator Brady for their co-operation

with this legislation. It was unfortunate that the time allocated for the Bill in the Lower House was less than that allocated in this House. It is hoped to get the scheme up and running quickly. I took on board some Opposition amendments because this is a good project. In future, the business community will look back on this as progressive legislation.

I thank the staff of the House for the courtesy they have shown over the year. I wish them all a happy Christmas and a prosperous new year.

Mr. Brady: The Bill will lead to improvements throughout the country. I wish to pay particular tribute to Mr. Tom Coffey and the Dublin City Business Association for putting much work into the legislation. It is a welcome scheme that will be successful.

Mr. Bannon: I thank the Minister and his officials for facilitating the passage of the Bill. The business improvement districts scheme has been in operation in the US and Canada for some time. There are 400 business improvement districts throughout Europe which are all working well. I believe it will have more success in Ireland because we still have a greater sense of community. It is important for politicians to encourage and support the establishment of these schemes.

I wish the Minister, his staff, Senator Brady and Members on his side of the House and mine, the Leas-Chathaoirleach and the staff of the Seanad a happy, peaceful Christmas and prosperous new year.

An Leas-Chathaoirleach: I wish the Minister and his staff a happy Christmas and prosperous new year.

Question put and agreed to.

Houses of the Oireachtas Commission (Amendment) Bill 2006: Second and Subsequent Stages.

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

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): Senators will recall that the Houses of the Oireachtas Commission Act 2003 provided for the establishment of the Houses of the Oireachtas Commission to administer the running of the Dáil and Seanad. The commission came into being on 1 January 2004 and was provided with the funds it needed to carry out its functions for three years from that date. That initial three year period will expire on 31 December 2006. Accordingly, an amendment to the 2003 Act is required to provide the commission with a fresh injection of funds so it can continue its work for a further three years from 1 January 2007. It is for this reason that the Bill is before the House.

Senators will agree that the commission which came into being three years ago has performed its job admirably, under the able chairmanship of the Ceann Comhairle. The commission is composed of 11 members, ten of whom are Members of either the Dáil or Seanad. They include the Chairman of Dáil Éireann, the Chairman of Seanad Éireann and one Member appointed by the Minister for Finance. I have the honour of being that Member. The remaining seven — four from the Dáil and three from the Seanad — are appointed from the ordinary Members of each House. The 11th member is the Clerk of the Dáil, who is designated as the Secretary General of the commission.

In the view of the Minister for Finance, the commission is entitled to great credit for the way it has carried out its functions over the past three years. I take this opportunity, as conveyed to me by many Members, to thank the staff of the Houses for the efficient, courteous and obliging manner in which they invariably discharge their functions.

The amount proposed for the commission for the three years 2007-09 is €393 million. This figure has been agreed with the commission and represents excellent value for the taxpayer. The responsibilities of the commission include payment of the salaries and allowances of Deputies and Senators and payment of the salaries of the staff of the Houses of the Oireachtas. There will be a general election in 2007 and a European election in 2009 and——

Mr. U. Burke: Can the Minister be more precise?

Mr. B. Lenihan: ——as these will place extra financial burdens on the commission, the funding allocation provided for in the Bill will cater for them too. I can confirm to the Senator that there will be a general election in 2007. It is not the intention of the Government to amend the Electoral Act to extend the duration of the current Dáil by another two years, something that is permissible under the Constitution.

Mr. J. Phelan: In extraordinary circumstances.

Mr. B. Lenihan: It is a very generous gesture of the part of the Taoiseach and the Government.

One item to note in the Bill is in section 3, which provides that as well as providing for the running of the Houses of the Oireachtas and having charge of the Office of the Houses, the provision of translation services in respect of Acts of the Oireachtas is also a function of the commission. It is appropriate that the commission should have this function and it is taken into account in the funding to be provided.

In the same section, there is provision that the commission may prepare and publish guidelines for members of the Dáil and the Seanad regarding the use of services provided for out of public

[Mr. B. Lenihan.]

funds. This, which was sought by the commission, is an enabling provision; it will be for the commission to draw up and publish the guidelines. This must be done with full regard to the Constitution. The Bill also includes some minor amendments to a number of sections of the 2003 Act. In most cases their purpose is to provide clarification of functions or procedures where this has been considered desirable in the interests of full clarity and transparency.

In summary, I commend the Bill to the House to enable the Houses of the Oireachtas Commission to continue with its excellent work which, Members will agree, has proven of great benefit to parliamentarians of both Houses over the past three years.

Mr. U. Burke: We will facilitate the passing of this Bill. The amendments dealt with in the other House clarified any area of difficulty that may have arisen since the publication of the Bill. There was particular concern that the core duties of the commission should not have contained the function of providing a translation service. I welcome the fact that this has been removed from the commission's core duties and included elsewhere in the Bill.

Like my colleague, Senator Mansergh, I am a member of the commission. Since its establishment in 2004, it has gone into new territory by taking on the responsibility of running the Houses of the Oireachtas. It was a daunting task. Most people welcomed it, in so far as the responsibility was removed from the remit of the Minister for Finance, who was requested to provide additional facilities on an ongoing basis. The initial grant of €295 million to run the Houses of the Oireachtas was a generous initial allocation. The commission went about its work with a consciousness of the need for value for money in the areas its dealt with. As a result, the unique position of having an underspend of approximately €10 million was a great achievement.

I endorse the Minister's comments with regard to the secretariat of the commission, the Ceann Comhairle, the Cathaoirleach of the Seanad and all members of the commission on how work was conducted throughout the last three years. If one were to single out one area where there have been notably positive results, it would be the Library and research facilities now available to Members. Staff in that area have done tremendous work. The area is only recently established and the staff have gone about their work in a professional way. Even at this early stage people are happy with the quality of the service. The detail which the researchers provide is fair and balanced. It is neither anti-Government nor anti-Opposition. It is factual across the board, which is very welcome. I hope they continue in that way into the future.

The other area dealt with in the recent past is the translation service. When the Minister for Community, Rural and Gaeltacht Affairs decided that all items in the Houses must be translated into Irish, he was over-enthusiastic about his own Department. He intended to give the commission the responsibility of translating, thus releasing his Department of the burden. It is a burden. Presumably, he wished to preserve his Department's allocation and use it in his usual fashion at either local or national level, more often the former rather than the latter. His intention was that there would be a translation service and it would be a core function of the commission. I am pleased the Dáil has amended the Bill in that respect. In the coming years the primary legislation will need to be changed in various other ways as we account for the need for change. Many other services were examined. We considered value for money regarding changing the printing facilities, which will be inaugurated from 1 January and which, we are told, will provide better service and greater reliability for the future. The provision of crèche facilities for Members and staff was welcome. That is up and running. We are confident that work can be done on the other issues. Seldom have issues in the commission caused serious division between the members. It was openly stated that seldom are representatives on the commission solely occupied with party political issues. We work in a comprehensive way as a group of people charged with responsibilities and carry them out to the best of our abilities.

The amendments put forward in the other House were largely technical. In a letter to the Ceann Comhairle of 7 December the Minister for Finance, Deputy Cowen said: "However, I am happy, in any event, to give you and the Commission my assurance as Minister for Finance that if the €393m allocation does over time look likely to be exceeded because of higher translation costs, then I will of course be willing to address the matter." That assurance by the Minister for Finance is welcome and should allay any doubt in people's minds about what is committed to paper and the actual outcome. A firm commitment by the Minister for Finance that he will provide whatever funds are necessary to provide a full translation is welcome. I welcome this Bill and see no difficulty in it, although future commissions will find it necessary to amend the original Bill for other reasons. I look forward to the easy passage of this Bill.

Dr. Mansergh: I welcome the Minister and the Bill. I compliment the Minister on one of the most succinct Second Stage speeches I have heard in this House and will try to follow his example. The establishment of the commission has vindicated itself over the past three years. It has given Members of the Oireachtas responsibility for the running of their Houses. Much good will has been shown over the years by successive Ministers for Finance. However the trouble with having the

commission under a Minister for Finance is that it is like the definition of tsarist Russia, which is that since only the tsar is entitled to take decisions, no decisions are taken. Much good work has been done over the past three years. I have been honoured to be a member of the commission, as have Senator Ulick Burke and Senator O'Toole and the Minister presenting the Bill, Deputy Brian Lenihan. We have operated in a collegiate manner with a minimum of partisan differences. We all realise that, over time, we may find ourselves in different situations regarding Government and Opposition.

There have been real achievements, including beefing up the back-up services available to Members of the Seanad. Senators are entitled to a full secretary instead of half a secretary, with certain alternative options, including three quarters of a secretary and an allowance. That is an improvement. Reference has been made to the improvement in the research and library services. This has been initiated only recently and we will see its effect over time. We have Saturday opening and, even if those based in the country rarely avail of this, it is an excellent facility to have Leinster House open over the weekend. Like all changes in the public sector, some of these changes have involved delicate industrial relations negotiations. Those have been pursued to a successful conclusion. In some cases we have had rationalisation, such as in the printing services.

The commission was generously endowed at the beginning in 2004 by then Minister for Finance, former Deputy Charlie McCreevy. We have lived within budget. The main purpose of this Bill is to provide finance for the next three years. Enough has been said on translation and I agree with everything the Minister and Senator Ulick Burke said on that. The commission has also been involved in consideration of medium to long-term issues such as whether the car parking should go underground and the accommodation of both Chambers. There have been reviews with the help of the staff of the Houses of the Oireachtas.

I pay tribute to them for the large amount of assistance and co-operation they have given us and to agencies such as the Office of Public Works. These issues will have to be discussed further and considered in the term of the next commission when it is appointed after the general election. In addition to meetings at least once a month there have been a number of committee meetings. Most Members sit on at least two committees or sub-committees so much work has been involved. We can look back with satisfaction on what has been achieved, accepting that many items that will help Members to improve their performance and contribution remain to be addressed.

Mr. O'Toole: I should also declare an interest as a member of the commission. I am delighted to see this legislation—

Ms White: How does one become a member of the commission? I am sorry to interrupt. Is that a point of order?

An Leas-Chathaoirleach: The Senator may not interrupt.

Ms White: I want to know if the appointments are democratic.

Mr. O'Toole: I would like if the Senator were allowed to make her point of order.

Ms White: According to the Minister's speech, people are "appointed". How is a person appointed? Who appoints members?

An Leas-Chathaoirleach: That is not a point of order.

Mr. U. Burke: Senator White was overlooked the last time.

Ms White: I would like the Minister to reply when he speaks.

Mr. O'Toole: The commission was established by legislation which we are changing today and part of that was the appointment of members of the commission. The commission comprises four Members of the Dáil and three Members of the Seanad. The Seanad representatives are elected by the Seanad Members, including Senator White.

Ms White: I was not invited.

An Leas-Chathaoirleach: Senator O'Toole without interruption.

Ms White: The Leas-Chathaoirleach should not be so stiff and starchy. I never voted for a member of the commission.

Dr. Mansergh: I was appointed by the Taoiseach.

Mr. O'Toole: I cannot do much about it if Senator White is developing amnesia.

An Leas-Chathaoirleach: Senator O'Toole without interruption.

Mr. O'Toole: By decision of the House Senators Ulick Burke, Mansergh and I were appointed.

Ms White: I did not vote for anyone on the commission.

An Leas-Chathaoirleach: Senator White cannot keep interrupting Senator O'Toole. She will have the opportunity to speak after him.

Ms White: Do not be so stiff, starchy and rigid. It is Christmas. Can we not have a proper debate?

Mr. O'Toole: Whether a Member decides to cast her vote is nothing to do with me. Members of the commission were elected by this House. Every Member was given notice of this on the Order of Business. It is on the record of the House. I will take pleasure in sending it to Senator White.

The commission does not micro-manage the House, which is very busy. Senator Mansergh referred to the work of the members of the commission. Last year I attended 138 meetings of commission business. There are sub-committees, a finance committee, and audit committee, an ICT committee, a management committee and a staffing committee. We met six times this week in dealing with the Bill.

I referred to the work of the Commission this morning. The Library and research facilities are working well and I recommend these to Members. The ICT facilities have been upgraded and staffing levels have been improved. For the first time ever a Member of the Seanad now has a person at his or her disposal full-time. Printing arrangements are better than ever. These are a number of the issues with which the commission deals. The commission has no role in the operation of the House. The Joint Committee on House Services has control of the operation of the bars, restaurants and coffee shops. The commission extends general functions to the Members, such as the extension of opening hours mentioned by Senator Mansergh.

It is important to note that we have set up strict financial management structures. We have had a number of meetings with the Comptroller and Auditor General to ensure we are conducting business correctly. We have worked within budget despite the prophets of doom who predicted that we could not. Today's Bill establishes the budget for the next three years.

One of the major issues raised was translation. I regret the way it happened. We tried to accommodate the Department of Community, Rural and Gaeltacht Affairs. Ní raibh an tAire sásta. Tháinig sé chun caint linn ach ní rabhamar in ann teacht ar aon chinneadh leis. Bhí sé deacair chun teacht ar cinneadh leis, nó chun aontas a fháil leis. An rud atá á dhéanamh ag an Rialtas an uair seo ná go bhfuil siad ag cur isteach sa Bhille rud nach cóir a bheith sa Bhille. Is rud é nach raibh siad in ann déileáil leis in aon chaoi eile. Ba mhaith liom leasú beag amháin a fheiscint. Nílím chun é a chur isteach mar tá sé ródhéanach. I líne 11, leathanach 4, deireann sé "to provide translation services from one official language into the other in respect of Acts of the Oireachtas". I would prefer to take a constitutional approach and substitute "to provide for translation services". I ask that this be examined at a later stage. The commission was prepared to provide for translation services but wanted to keep it as a separate budget. It cannot be controlled or budgeted for, it is an on demand service. There may be ten Bills that have to be translated in a week but no Bills for the next two months. The improvement made in the

Dáil has gone some distance towards achieving that.

As a former trade union representative, I remember one matter that appalled me since entering politics. I met a Deputy who had just lost his seat. When he returned to the Houses some time later his possessions were in plastic bags. I also met a Minister who, on the days he lost his job, had to get a taxi home.

Ms White: That is democracy.

Mr. O'Toole: That is not the way in which we should conduct our business. On the dissolution of the Houses the staff continue for a number of weeks. Am I correct in interpreting the Bill as facilitating an orderly changeover? Will people have a number of weeks to tidy up their offices and wind up operations? Correctly, the Bill then suggests that an appropriate charge may be made for use of facilities during that period. I see the Minister of State nodding. It is important, and I speak as a disinterested Member. The commission provides a service to Members. On dissolution of the Dáil, Deputies are out of a job. This provides for an orderly arrangements to allow Deputies to sort out their affairs before the new Dáil comes into operation.

It is a privilege to be a member of the commission even though it takes up much time. We have seen improvements in staffing, ICT, printing and opening hours. Great support is provided by the flexible staff, including the ushers, the library and research services staff and administrative staff. New structures have been set up and the staff has been co-operative, going through the normal negotiation process. The commission has been a success but will face challenges to ensure it keeps up to date. The commission believes additional services must be provided to permit Members to carry out their function and match other Parliaments in the world.

Ms White: I cast no aspersions on the members of the commission but I am a democrat and wish to see elections. I like to participate in elections to ensure women are represented on the commission. Is there a woman on the commission?

Dr. Mansergh: Yes, there is, Deputy O'Donnell.

Ms White: I would like Senator O'Toole to listen to my contribution. The hours of this House are not family friendly. The Dáil and the Seanad—

Mr. O'Toole: On a point of order, this has nothing to do with the business of the commission, which has no control over the hours and sittings of the Houses. That is a matter for the Committee on Procedure and Privileges. It is out of order.

Ms White: I discussed it with the Leader.

An Cathaoirleach: For the information of Senator White, who has been a Member for four years, the House decides the hours of business. Senator White has a say in that.

Ms White: I come in at 7.30 a.m. every day and I would like to get a cup of tea like one can do in any other self-respecting Parliament in Europe. There is no restaurant or café open until 9.30 a.m.

An Cathaoirleach: That is not a matter for the commission. It is a matter for the Joint House Services Committee.

Ms White: This is what I am talking about. I have gone to the research library.

An Cathaoirleach: If the Senator is looking for a cup of tea and has a complaint, she should go to the Joint House Services Committee.

Ms White: This House is not family friendly like the Scottish Parliament.

An Cathaoirleach: The Senator should go to the Joint House Services Committee.

Mr. U. Burke: The Senator is in the wrong place altogether.

Ms White: I am not in the wrong place. Will the Cathaoirleach bear with me for a minute or two?

An Cathaoirleach: I will if the Senator addresses the legislation in front of us.

Ms White: If I was on the commission I would insist that the hours of the Oireachtas be family friendly.

An Cathaoirleach: I have told the Senator the matter has nothing to do with the commission.

Mr. O'Toole: It is not the business of the commission.

Ms White: The Senator should not be dictating.

An Cathaoirleach: I have told the Senator.

Ms White: We should move on. As a business person I would raise the issue of paper wastage in the Houses and the number of trees that must be cut down to furnish such paper. The recycling service is not adequate in the House.

My assistant has an international B.Comm (Hons.) degree and an honours Master's degree but the salary is €21,000. A person joining the Civil Service would start at Executive Officer level at €28,000.

An Cathaoirleach: I do not think that is a matter for the commission either.

Ms White: These people enable me to do my job.

An Cathaoirleach: The Senator will have to take up the matter with someone else.

Ms White: I have tried and failed to get anywhere.

Mr. O'Toole: The Senator should take it up with the Department of Finance.

An Cathaoirleach: It has nothing to do with the commission.

Ms White: I raised the matter with the Leader this morning.

Mr. U. Burke: It is too near Christmas for this.

Ms White: The Oireachtas is a man's club and is not family friendly.

Mr. U. Burke: The Cathaoirleach should protect us.

Ms White: Deputy Fox has announced she will resign at the next general election because of the hours.

An Cathaoirleach: That is her business. The Houses commission has nothing to do with that. It is not my business.

Ms White: Senator O'Toole and Senator Mansergh should bring this to the commission.

Mr. O'Toole: On a point of order, I will not allow that on the record. The commission is not allowed, by virtue of legislation, to deal with hours, salaries or any of the matters mentioned by Senator White.

An Cathaoirleach: No.

Mr. O'Toole: It is unfair that the commission is being lobbied with this.

Dr. Mansergh: We rarely sit beyond 7 p.m.

Ms White: I am talking about the Dáil, which sat until 11 p.m. this week.

An Cathaoirleach: It has nothing to do with it.

Dr. Mansergh: The Senator was talking about the Oireachtas.

An Cathaoirleach: Will Senator White speak to the legislation?

Ms White: I am speaking as a business person.

An Cathaoirleach: Will the Senator speak to the Bill, please?

Ms White: That is the Bill. I have material in front of me.

An Cathaoirleach: The matters raised by the Senator up to now have nothing to do with the Bill.

Ms White: They do.

An Cathaoirleach: No, I am making a ruling on it.

Ms White: I commend the new research service, the best innovation in the Oireachtas since I came here. It is headed by Madelaine Dennison and is revolutionary. Ms Catherine Lynch gave me brilliant support in producing my document, *A New Approach to Childcare*. On my Kilmichael oration, Barry Comerford gave me tremendous economic information to put out a new policy for the transformation of the island.

Mr. U. Burke: When will that be released?

Ms White: I will give it to the Senator tomorrow. I commend these people, along with Gráinne Cummins, on their work. I presume the commission introduced this new library service.

Mr. O'Toole: Yes.

Ms White: I do not shout at Senator O'Toole when he is speaking.

Mr. O'Toole: You interrupted me four times.

An Cathaoirleach: Senators should speak through the Chair and to the Bill. The Senator has one minute remaining.

Ms White: I spoke to the research office this morning when considering what to say about this Bill. Its interpretation was that the hours of this House—

An Cathaoirleach: The research officers have nothing to do with the commission.

Ms White: I wish to put on record at this time that this is not a family friendly Oireachtas. It is geared towards men's lives, with late sittings and late morning starts.

Dr. Mansergh: That is not true of the Seanad.

An Cathaoirleach: I call Senator John Phelan.

Ms White: I am speaking about the Dáil as well. It is part of the Oireachtas.

An Cathaoirleach: Senator White should resume her seat.

Ms White: The Cathaoirleach spoilt that for me.

An Cathaoirleach: Allow Senator John Phelan to speak.

Mr. J. Phelan: I do not have much to say on the Bill but I wholeheartedly welcome the Minister and the officials, as well as the amended Bill. There was a difference of opinion on the original Bill as drawn up but I understand it was ironed out in advance, with different amendments made to the legislation yesterday in the other House.

I wholeheartedly welcome the work of the commission, which has existed for slightly more than two years. We have seen in that period a tremendous improvement in the standard of services provided for Members. When speaking about services provided for Members I am reminded of a man I knew very well before I was a Senator, Mr. Pat Codd.

He was a member of this House in the 1970s and we had expressions of sympathy here for him. I recall discussing with him the facilities operating in the Seanad between 1973 and 1977. He told me that when he came into the Seanad he shared an office with seven or eight other Senators, and there was one telephone. I am not sure if they had even one secretary between the eight in the office. It is fair to say we have come on in leaps and bounds in the years since 1975.

I compliment and support the funding, as allocated by the Department of Finance, for the commission. There is an envelope of funding of more than €390 million which has been earmarked for the commission for the three-year period 2007-09, which gives the commission some degree of certainty about funding in the future. We are not relying on the whims of the Department of Finance or any Minister at a point in time. I welcome the idea that funding will be provided for the commission into the future on that basis.

I welcome the resolution of difficulties surrounding the initial proposed change to the core activities of the commission, which were to be amended to include the translation service. I know the translation service is an important facility and Members of this House, including myself, use it when Senator Ó Murchú or other colleagues make a contribution. I am not as fluent in Irish as I would like to be. The service is convenient and it is very appropriate to have such a facility available almost instantaneously.

It is important that the facility of translating all Acts and Bills discussed in our other national language is available. The commission agreeing to take over the responsibility for the running of the translation service in future is also important.

I welcome the research provision for Members, which was mentioned by Senator White. It is a tremendous facility and although I have not used it as much as Senator White, I have used it on a number of occasions. I would say to any Members who have not used it that it is a great facility. It is important that such a service be available. Members are torn in numerous directions with their duties and it is very difficult to have enough time in the day to do everything. To have the provisions for research, which follows the efforts of the commission, is welcome.

There is still room for significant improvement. Yesterday I listened to some of the debate in the other House and Deputy Cassidy, a former Senator, pointed out a number of inadequacies existing in the facilities available to Members. He singled out colour photocopying, an issue I had not noticed and which may seem trivial. I have a photocopier beside my office but it does not produce colour copies. I am sure the commission will take into account such apparently small considerations in the future in order to further enhance facilities.

I welcome the Bill and Fine Gael will facilitate its passage through the House. I am glad we were able to take it today as it appeared yesterday that an amendment would be made to the Order of Business in order that it would be taken tomorrow.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): I thank Senators for the broad welcome they extended to the Bill. Senator Ulick Burke outlined the work of the commission, and he stressed the importance of securing value for money in its operation. This highlights that the commission is, in substance, a board of directors for the Houses of the Oireachtas. Members of the commission, while they reflect the party balance in each House and must necessarily reflect the composition of both Houses, have a separate and independent obligation to do what is in the best interests of the Houses.

A difficulty always existed with the Committee on Procedure and Privileges in each House. Given that those committees are so close to the action, a certain amount of hostilities take place. One of the advantages of the commission is that in a reflective way it allows Members to see where the long-term interests of the Oireachtas can be safeguarded and protected in our constitutional system. It is a valuable development.

As well as matters for which the commission is responsible under the primary legislation, it has a constructive relationship with the Office of Public Works on the management of the building in which the Houses are located. Far-reaching proposals were put forward by the Office of Public Works on the future development of those facilities, which is a matter the commission will consider.

Senator Ulick Burke raised the question of the costs of translation. Since the time of the first Dáil Éireann, before the present Constitution, the use of the Irish language has been part of the parliamentary language of the State. It was an innovation. The Constitution of Saorstát Éireann and our present Constitution proclaim Irish to be the national language. Historically the language always belonged to the Irish people, therefore provision must be made in the Parliament of the people for the translation of the language and the expression of the Acts of the Oireachtas in Irish or in English where the Act, as is occasionally the case, is enacted in Irish.

This involves a certain amount of work and investment. Rannóg an Aistriúcháin does sterling work for the Houses of the Oireachtas. In recent years, the courts and official languages legislation impose a far more precise obligation in the translation of enactments. We are at a stage where legislation must be translated within a short time of enactment which imposes a major additional burden on the Houses and a certain amount of discussion took place between the Minister for Community, Rural and Gaeltacht Affairs and representatives of the commission about how to deal with this problem. I am glad to state the Minister for Finance gave a letter of comfort to the commission which Senator Ulick Burke outlined on the record of the House. It gives the next commission a fair wind on this subject.

Senator Mansergh maintained the experience of the commission vindicated the judgment of the Oireachtas in providing for the commission. Great tribute is due to the former Minister for Finance, Mr. McCreevey, for his decision to establish the commission. It is often thought the Department of Finance was anxious to hold onto the work of supervising the expenditure in the Houses of the Oireachtas. I must state both Mr. McCreevey and the Minister for Finance, Deputy Cowen, were glad to be disembarrassed of this work and to entrust it to the commission. In many ways, the commission's relationship with the Department of Finance is like that of a line Department in the Government. However, it is under its own administration with members of the commission drawn from the Houses of the Oireachtas.

I heard the Department of Finance compared to many different entities and personalities but I never heard it compared to the tsar of Russia. It was an interesting and characteristic intervention by Senator Mansergh.

Dr. Mansergh: It is the decision-making process.

Mr. B. Lenihan: Senator O'Toole outlined the volume of work members of the commission undertook. I was struck by his intervention in that regard. As the Government nominee on the commission it strikes me how often we hold meetings to address practical problems which arise. It illustrates how the commission has been of benefit. When members of Oireachtas staff had to deal directly with the Department of Finance they must have suffered a great deal of frustration as a clear focus for making decisions on the Oireachtas did not exist. One of the benefits of the commission is that it allows future planning of the Oireachtas to be done strategically.

Senator White raised a number of issues. With regard to making the Houses of the Oireachtas family friendly, the commission is the body which established the crèche for Members of the Oireachtas which is an important dimension of being family friendly.

Ms White: Yes.

Mr. B. Lenihan: The wider questions raised by Senator White on the participation of women in politics and the hours worked by politicians are not questions for only the Committee of Procedure and Privileges in terms of how we organise our sittings. The questions must be also asked of the electorate and the constitutional order it ordained. We have a system of election by—

Ms White: The Dáil sits from 10.30 a.m. until 11 p.m.

An Cathaoirleach: Allow the Minister of State to speak.

Mr. B. Lenihan: Excuse me Senator, I am trying to respond to the point raised because it is serious and worthy of being addressed.

Ms White: I thank the Minister of State.

Mr. B. Lenihan: In the Constitution the people ordained the principal electoral mode for most elections is single transferable vote in multi-seat constituencies. Whether we like it or not, it entails an elected public representative maintains close and intimate contact with his or her electorate. The increasing proportion of the electorate in the workforce means of necessity a public representative must devote many evenings to maintaining contact with his or her electors. This is not family friendly for any representative, male or female. However, it is the nature of the system and of politics. If one is attracted to the vocation—

An Cathaoirleach: I do not think the commission has powers in this regard.

Mr. B. Lenihan: It does not arise. I apologise for trespassing. I stand corrected.

Senator John Paul Phelan referred to funding allocated by the commission and acknowledged the progress it made. I was glad to hear Senator Phelan state this because this is his first term in the Houses of the Oireachtas. He is fortunate because examining previous dispensations under which Senators and Deputies had to labour in the Houses, one sees the commission made substantial improvement in the conditions of service of parliamentarians.

One should cast one's mind back to the 19th century and consider those elected to the imperial Parliament in London who had to plead Ireland's cause without the benefit of a salary. Many members of the old Irish Parliamentary Party went to London at great personal expense and lived in extremely poor conditions there. They had to attend and make a democratic case in a Parliament dominated by many who did not have a wholehearted commitment to democracy.

When one considers the conditions in these Houses under the Free State and the present Constitution, there is no doubt the arrangements

made now and provided for in the Bill mean a person with a calling to politics and who has the honour of being elected by the people can perform his or her duties with some modicum of support.

Question put and agreed to.

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

Mr. Moylan: Now.

Houses of the Oireachtas Commission (Amendment) Bill 2006:Committee and Remaining Stages.

Sections 1 and 2 agreed.

Question proposed, "That section 3 stand part of the Bill."

Mr. O'Toole: This Bill will change the functions of the commission. It is important to state on the record of the House why those functions are the way they are. When the commission was established, I wanted it to have wide-ranging powers to deal with all the issues raised by Senator White. I gave the example of the New Zealand Parliament, where the commission has control not only of the workings of the Parliament but the operation of the Chambers. I put it to a vote and lost. This is why I am sensitive on the point of the commission being asked to deal with issues over which it has no control.

For the record of the House, I am holding a copy of the Order of Business for 19 December 2003. No. 1, listed in Irish and English states:

That Seanad Éireann, in accordance with section 8(3)(b) of the Houses of the Oireachtas Commission Act 2003, appoints the Ordinary Members of the Commission as follows:

Senators Jim Higgins, Martin Mansergh and Joe O'Toole.

This was proposed by the Leader of the House and agreed to by the House at that time. People had certain difficulties which were raised on another occasion, but this was decided by the House and is on the record of the House. Sometime later, Senator Higgins was replaced, by order of the House following a motion, by Senator Ulick Burke.

It is very important that nothing be left on the record of the House that gives the impression that there was some subterfuge involved here. It was done openly after due debate with all parties. Not everybody might have been happy, but this is the way it was done.

One of the issues we are not allowed to deal with is salaries, which was considered to be a matter for the Department of Finance. It was considered that for us to deal with this issue would undermine the entire national agreement structure and public service negotiations. Everybody, including me, agreed with this and I had a

major input into that debate. The commission also had to get approval from the Minister in respect of making appointments. Everything that has happened has taken place in the structure that was within the Bill from the very beginning. The functions have now been extended to include translation, but otherwise, for the record of the House, every part of this was discussed at some length.

Question put and agreed to.

Sections 4 to 13, inclusive agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Dr. Mansergh: I thank the Minister of State for his assistance in getting this Bill passed expeditiously. Despite the relative brevity of the debate, it is an important Bill and an important second stage in the life of the Houses of the Oireachtas Commission. As I said previously, the commission is working well. The Minister of State made a very important contribution to the work of the commission as the ministerial appointee, in effect, the liaison between the commission and the Government. I also pay tribute to the Ceann Comhairle and the Cathaoirleach who, between them, have provided leadership to the commission.

Mr. U. Burke: I thank the Minister of State and his staff for their work in bringing this Bill forward. I hope it will contribute to ongoing improvements in facilities and work the commission must do in future. I have no doubt this Bill will be amended in due course in future in terms of the provision of additional facilities as are required in the years ahead.

I thank the Cathaoirleach and the other staff who serviced the commission throughout the past two or three years and the work they have done, especially in establishing rules and regulations and researching the legal moves that needed to be made and restrictions on the commission in various areas. A tremendous amount of work has been done at this level over recent years for the smooth working of the commission. I thank the Minister of State for all the work he has done as the Government's representative on the commission.

Ms White: Hear, hear.

Mr. O'Toole: Ba mhaith liom cur lena bhfuil ráite ag na Seanadóirí eile. Tá an-obair agus antafocht tugtha ag an Aire i gcónaí d'obair an Choimisiúin, agus táimid thar a bheith sásta leis sin. Is rud é nár luaigh mé nuair a bhíos ag caint ná go ndéanann an Coimisiún a chuid oibre in a collegial manner. It does not break down in a party manner or along House lines. Every member of the commission is prepared to recog-

nise the needs of people in each House and progress has been made.

As I said earlier, this has only happened because of a very flexible, supportive and co-operative approach from the staff at all levels in Leinster House, including the services and the secretariat areas, ushers and porters. Everyone has shown that level of flexibility, which is important. As we go into the future, and I am looking at the Minister of State's advisers, all we ask for is that the Department of Finance shows us understanding when we need it.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): I thank Senators for the expeditious way in which they dealt with the legislation. I join in the tributes that have been paid to the staff. The Clerk of the Dáil, the Clerk of the Seanad and the other staff at every level do so much to allow us to carry out our business in an efficient way and it is appropriate at this time for us to thank them for this and enact this legislation which will put us on a secure footing for a further three years.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

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

Adjournment Matters.

Judicial Appointments.

Mr. McHugh: I welcome the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe. I acknowledge the presence in the Distinguished Visitors Gallery of the Minister of State at the Department of Agriculture and Food, Deputy Brendan Smith, to whom this matter will be of interest.

This issue relates to the Donegal Bar Association's call for the appointment of a District Court judge in Donegal and of an additional Circuit Court judge for the region that comprises Cavan, Monaghan and Donegal. This matter has been a major bone of contention for those involved in the legal profession in Donegal for a considerable period and has led to great difficulties in the context of expediting cases. In addition, it has led to problems for those involved in the cases to which I refer, particularly those that relate to family law. The latter involve a great deal of trauma and emotional upheaval. The complications and procrastination relating to the failure to appoint a District Court judge for Donegal have caused a considerable backlog and substantial delays. There have been some instances of divorce cases being placed on the long finger for three years as a result of the situation in Donegal.

[Mr. McHugh.]

Counties Cavan and Monaghan each have a District Court judge. There is one District Court judge to deal with the entire county of Donegal. From anecdotal evidence with which I was supplied prior to entering the Chamber, I understand that Donegal had two District Court judges in the 1950s.

Solicitors in Donegal state that the situation is becoming extremely intolerable. In an unprecedented move, they have taken it upon themselves to highlight this matter at a political level. I hope the Minister of State's reply will not indicate that this is a matter for the Courts Service. In my opinion, that is not the case. This decision relates to resources and there is a need to appoint a permanent District Court judge in Donegal and to appoint a Circuit Court judge in the northern region. The population of Donegal is more than 140,000. In light of the number of cases that might arise, the level of work with which one District Court judge and one Circuit Court judge would have to deal could be considerable.

An additional factor of which cognisance must be taken is that many Circuit Court and District Court cases involve people from across the Border. It is not good enough that these individuals are not included in the equation when resources are being provided in respect of the counties to which I refer. It is unacceptable that a perception is being created that judges are not dealing with cases involving people from across the Border because that is clearly not the position.

The courts cannot cope with the backlog of cases with which they must deal and people involved in such cases cannot cope with the delays. Litigation costs rise as time passes and what is happening in Donegal and on the northern circuit will cost more money in the long term.

I hope the Minister of State's reply will be positive, particularly in the context of indicating a willingness to address the major problems that exist on the northern circuit and in County Donegal. I look forward to his reply and I hope we will continue to work together to try to removing the backlog that exists. The Minister for Justice, Equality and Law Reform should heed the calls from people who are calling for the immediate appointment of a second District Court judge for Donegal and an additional Circuit Court judge for the northern region.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe): On behalf of the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy Michael McDowell, I thank Senator McHugh for raising this important issue. I hope what I have to say will be positive in terms of addressing the issues he raised.

The Tánaiste has asked me to assure the Senator and the House of the importance he places on adequately resourcing the judicial

system. In this regard, he was very pleased to announce yesterday that he has secured Government approval to bring forward legislation for the appointment of nine additional judges. Two of these judges are to be assigned to the High Court, two to the Circuit Court and five to the District Court. The additional judges are being appointed to deal with delays and to generally speed up the judicial process. Legislation providing for the additional judges will be enacted as soon as possible. The Tánaiste is confident that these additional judges will go a long way to ensuring the efficient functioning of our courts system and will, in particular, address the problem of delays at all levels of the system nationwide.

With regard to the Circuit Court in Donegal, I can inform the House that Judge John O'Hagan was assigned to the northern circuit with effect from 24 July this year. There is, therefore, no vacancy on the northern circuit at present. The Tánaiste understands that the level of delays in criminal matters on the northern circuit is significantly lower than at many other venues throughout the country. Despite this, however, five weeks of additional sittings were allocated to the northern circuit in the current term alone in order to deal with lengthy criminal trials in Carrick-on-Shannon and Monaghan. Waiting times for family law and civil cases on the northern circuit also compare favourably with other venues around the country.

There is a vacancy in the Donegal district arising from the retirement of Judge O'Donnell last September. The Senator will be aware that three new judges of the District Court were appointed by the President last week and were subsequently sworn in by the Chief Justice on Tuesday. The Tánaiste wishes to assure the Senator that he will very shortly request the Government to assign judges to fill vacancies in a number of court districts, including Donegal.

On foot of representations he received, the Tánaiste raised the situation in Donegal with the Courts Service. He has been advised that the District Court committee of the Courts Service Board has examined the need for the reorganisation of district No. 1, which covers Donegal, but has decided against recommending any change at present.

The question of the need for additional judicial resources on the northern circuit or in the Donegal district is, in the first instance, a matter for consideration by the presidents of the Circuit Court and the District Court. The latter have at their disposal numbers of unassigned judges who can be used, *inter alia*, to assist permanently assigned judges where pressure of work demands. In this regard, I understand that, last year, 90 extra court sittings were organised in Donegal by the president of the District Court in an effort to tackle delays as they became apparent. The previous year, the president made arrangements for 112 extra sittings and a total of 1,139 cases were disposed of. This greatly reduced the backlog. The President of the District Court will, no doubt,

continue to assign additional judges to Donegal as the need arises. The Presidents of the Courts and the Courts Service will guide the Tánaiste on the need for additional permanently assigned judges.

The Tánaiste understands that while the courthouse in Letterkenny is generally in good condition, it is accepted that the space and facilities are not available on busy court days to meet current requirements. A new courthouse for Letterkenny is included in the €50 million package of new court facilities to be provided by way of a public private partnership. This project is being progressed by the Courts Service. Last year, an impressive new courthouse was opened in Ballyshannon which represented a significant improvement on the previous temporary court facilities in the town.

Mr. McHugh: I thank the Minister of State for his response but it is evident that there is no will to change the situation. Extra judges are deployed to Donegal and there are extra sittings but these will not solve the problem, clear the backlog or relieve the trauma experienced by many clients in family law cases.

Who is responsible for this? On the one hand, the Bar Council says it needs extra resources, while on the other, the eminent Judge Fitzpatrick has said publicly that Donegal is a forgotten county. Between them are the suffering clients. Will the Minister of State intervene? This response is not intervention. The Minister for Justice, Equality and Law Reform is taking no responsibility. He can delegate it to the Courts Service and say the decision rests there, but he deploys the resources. I want the Minister of State to intervene directly to eradicate the problems in the northern circuit and in County Donegal.

Mr. B. O’Keeffe: The Senator’s response is disappointing. The Minister for Justice, Equality and Law Reform has assigned nine new judges to the system to deal with any delays. The President of the District Court, having reviewed the situation in Donegal—

Mr. McHugh: How many of those nine will be assigned to the northern circuit?

Mr. B. O’Keeffe: —has advised the Minister that there should not be any delay. The Minister and the Courts Service have to deal with 1,139 extra cases to reduce the backlog.

Mr. McHugh: The Minister of State should not be getting up on his high horse. No extra judges are going to Donegal.

Water and Sewerage Schemes.

Mr. Finucane: It would be an understatement to say that the Pallaskenry-Kildimo water supply scheme, which involves an extension of the Shannon Estuary water supply scheme, has

dragged on for a considerable time. The water in this location was previously sourced from Bleach Lough and there have been local objections to replacing this with the Shannon Estuary scheme extension, which would use water from the River Deel.

The council attempted to connect the water supply in Kildimo and was stopped by the Bleach Lough action committee. It was asserted in the media that people were getting dirty water from the Deel. I absolutely refute that claim. Thousands of people in County Limerick get water from the Deel. The council water from the Deel is high quality and meets ISO standard SI439-2000 drinking water guidelines. That claim has caused concern to people who for some time have been drinking water extracted from the River Deel.

This matter involves the Department of the Environment, Heritage and Local Government, even though the council is responsible for selecting the tender and for connections. A long time ago, when I was Chairman of the Committee on Public Accounts, I raised this issue with Mr. Callan, the Secretary General of the Department. I was concerned that over €5 million had been spent on construction works parallel with road improvements on the N69 to link this water scheme from Askeaton to Kildimo. That was completed and large diameter pipes were provided. However, only stagnant water has filled those pipes because the water scheme has never operated.

In two areas, Ballyshonick and Kilcornan, where group water schemes operate, the water is condemned. For over 20 years many of the people in those areas have had no access to drinking water. The council and the Department have been well-meaning in their intention to connect all these people to the Shannon Estuary scheme, but it has not happened because of protests at local level by people who want to continue using the Bleach Lough water.

In 2002 the Department asked the council to reassure it about the provision of water. Following a public consultation process, the council reported back to the Department in November 2002. It stated:

..... 8.6% of the people who attended the public consultation and completed the questionnaires were against changing their water supply source, 34.6% had general or no comments and almost 57% required the new water supply source. In total, over 91% of people either had no comment or were in favour of being provided with a new water source because of difficulties experienced with the reliability of water quality, pressure, etc. of their existing supply. In light of the outcome of the consultation process, the pressing need for additional water capacity to facilitate development in the area and the position of a number of group water schemes that were suffering from serious water quality problems and requiring a new source, it was resolved that the extension of the Shannon Estuary scheme to

[Mr. Finucane.]

Pallaskenry and Kildimo should go ahead as planned.

People still resist this and over the summer months a mediation process took place with the council on one side and on the other those who opposed losing their water supply from Bleach Lough. Regrettably this seems to have foundered and no compromise formula has been reached. It has even gone to court.

The people who would have availed of those connections have the pipes outside their doors but have no water. Can we not have a meeting of minds to ensure that those with a defective water supply get an improved and enhanced supply since the resource is available?

Mr. B. O’Keeffe: I thank the Senator for raising this issue. My Department has provided significant funding for various improvements and extensions to the Shannon Estuary water supply scheme. The Water Services Investment Programme 2005-07 includes some €5.5 million for an upgrade of the treatment works and an extension of the supply system to Pallaskenry and Kildimo. The Department also provided moneys in recent years to extend the scheme to Askeaton.

Protests by some people who want to retain their present supply from the Bleach Lough source, rather than be connected to the Shannon Estuary scheme, are delaying completion of the extension to Pallaskenry and Kildimo. The issue has been before the courts, and Limerick County Council, which is the sanitary authority and also the contracting authority for the works involved, is trying to resolve it as quickly as possible. I, too, am anxious to see an early solution, not just for Pallaskenry and Kildimo but also for the group waiting for a connection to the Shannon Estuary scheme so that its members will no longer have to put up with a sub-standard service. Group schemes in Ballyshonick and Kilcornan, currently supplied from seriously deficient sources, are waiting anxiously for the Shannon Estuary scheme extension so they can connect up to it and have clean drinking water. I understand the distribution networks of both group schemes in these areas are currently being upgraded by Limerick County Council in anticipation of the connection to the Shannon Estuary scheme.

My Department provides a significant amount of funding nationally to improve water and sewerage facilities for the benefit of communities. Ultimately, it is the local authorities which are responsible for putting the physical infrastructure in place and for dealing with related issues on the ground. This is local government in action and we should respect the democratic mandate it carries.

The best way to summarise the position in this case is to quote from a press release issued by Limerick County Council in recent days after its latest effort to advance the works was halted by protesters. The press release stated:

Limerick County Council has made every effort possible to reach a compromise with protestors in the Kildimo-Pallaskenry area and has engaged in over 50 hours of discussions with their representatives since talks commenced last June. However, objectors refused to accept any of the compromises on offer and it was agreed, in the company of two independent facilitators, at our last meeting on November 23 that negotiations could go no further. In accordance with that, Limerick County Council has decided to proceed with completing the interconnections. The council is fully committed to completing the interconnection at the earliest possible date.

This is a local issue and it will have to be resolved at local level. I hope good sense will prevail and that the current impasse can be resolved in the near future in the best interests of the health and safety of local people.

Mr. Finucane: I am grateful for the Minister’s response which outlined the up-to-date position. The water is up to ISO standard. Is it not the policy of the Department of the Environment, Heritage and Local Government that anyone extracting water should conform to European guidelines? I wish to nail down the veracity of the story propagated in the media to the effect that people who are currently using water supplied by the Shannon Estuary and Deel water schemes are, by definition, getting dirty water. Am I correct in asserting the Department of the Environment, Heritage and Local Government would not allow anyone to extract water without conforming to EU guidelines?

Mr. B. O’Keeffe: Ultimately, responsibility has been delegated to local authorities. They have their own science laboratories to test water quality. Water supplies must conform with the Water Framework Directive. Accordingly, I can only conclude that, in certain circumstances, it is. The underlying problem is that the water is not up to the standard required by the directive in certain areas. For that reason, the Department has provided funding to ensure good, clean, healthy water is supplied to people in those areas. This scheme will go ahead. We ask that compromises should be made in the interests of all the people rather than of the sectional interests involved.

EU Directives.

Dr. Mansergh: I welcome the Minister of State, Deputy Brendan Smith. The previous matter related to a lack of clean water and this matter has a lot to do with the excess of soiled water.

I have been involved in the family farm for 37 years, first with my father and brother and subsequently with just my brother. A number of inspections have taken place in connection with various schemes, in addition to TB and brucellosis tests. Not only do I not have any complaint against the way in which those various tests

were conducted, or against departmental officials, I would go so far as to praise the smooth interaction that took place. As far as I know, the same is true of my father's experience for the 30 years previous to that. Anything I have to say does not have any personal reference.

One of the advantages of the introduction of the single farm payment was that it would lead to a reduction in the level of bureaucracy, form filling, etc. We hope that will be the case. There have been some difficulties in negotiating the precise, correct format for introducing the nitrates directive but, happily, an agreed solution was eventually arrived at by the interested parties. We are now implementing that, unfortunately, against a background of fairly exceptional weather conditions which have resulted in there being a good deal more water than usual flowing into various tanks.

Some cases may have occurred but, as much as anything else, certain fears exist about the implementation of the directive. A letter that appeared in *The Examiner* referred to unannounced farm inspections being carried out where inspectors arrive with a checklist of 1,450 items. For all I know, a Dublin Bus driver has a rule book containing 1,450 rules and one can wonder how he or she is ever able to set out with the bus. The experience of the vast majority of farmers is that inspectors operate pragmatically. Of course they are on the look-out for breaches of environmental standards. I accept the Department has the difficulty of dealing with the EU Commission at its back, which gets very concerned because reports emerge in other countries about abuse of schemes etc. which generate bad publicity.

In many ways, the NCT test provides a good model because it encourages compliance among car owners. If faults are found, one is given an opportunity to correct them and to return for a limited inspection of those points. If a significant number of faults have been identified, one may have to undergo the complete process again. Most farmers operate within fairly limited income margins and they are not easily able to accommodate large fines. If a fault is found, people should be given an opportunity to correct them and, in the case of a more fundamental infringement being identified, it may be possible to withhold a portion of a payment until the situation is resolved, rather than drastically docking farmers' incomes in a way they can ill afford.

The specific problem in hand relates to the interpretation of the regulations at a time when slurry tanks are overflowing due to weather conditions. One can well ask what is soiled water and what is slurry. Some farmers are under extreme pressure to address the problem of slurry tanks that have reached full capacity. Intelligent pragmatism is required. Investment may be required for the improvement of facilities. The Department operates generous schemes which I accept cannot always be carried out overnight. Regard must also be had to the basic economics of the operation.

I raise this issue because of acute pressures on farmers as a result of current weather conditions. Pragmatism is required in applying the rules and regulations to allow farmers reasonably conform with environmental best practice. The Department, where necessary, must allow a little margin and not be so afraid of those sitting at their desks in the Berlaymont building.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I thank Senator Mansergh for raising this important issue. I am aware he has raised the matter directly with the Minister for Agriculture and Food, Deputy Coughlan.

The Department of Agriculture and Food, in the context of delivering the single payment scheme, is required to carry out on-the-spot inspections on a number of farms covering such issues as eligibility, compliance with EU legislation on the environment, food safety, animal health and welfare and plant health and ensuring that the farm is maintained in good agricultural and environmental condition.

A minimum of 5% of single payment scheme applicants is required to be inspected under the eligibility rule. Up to two-thirds of these inspections are carried out without a farm visit, using the technique of remote sensing. The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the statutory management requirements, including the nitrates directive, or good agricultural environmental conditions apply. However, at least 5% of producers must be inspected under the bovine animal identification and registration requirements as prescribed under the relevant regulations.

Of the 130,000 farmers who applied for the single payment scheme this year, 8,200 have had their holdings selected for on-the-spot inspection. Almost 100,000 of these are also applicants for the disadvantaged areas scheme. The value of both schemes to Irish farmers in 2006 is €1.55 billion. The policy regarding on-farm inspection has been to give advance notification of up to 48 hours in all cases. This policy was questioned by the European Commission in July 2006 and as a result the Department was obliged to agree to a proportion of single payment scheme inspections in 2006 being carried out without prior notification.

Some 650 farms of the 130,000 involved in the single payment scheme were subsequently selected for unannounced inspection. The balance of inspection cases, representing 92% of the 8,200 farms selected for single payment scheme-disadvantaged areas scheme inspection in 2006, are pre-notified to the farmer.

The EU regulations governing the single payment scheme would allow my Department to give prenotification of inspection in all cases where certain elements of cross-compliance are involved, namely, the nitrates regulations as referred to by Senator Mansergh. However, my Department is committed, in the Charter of

[Mr. B. Smith.]

Rights for Farmers 2005-2007, to carrying out all single payment scheme and disadvantaged area scheme checks during a single farm visit in most cases. This then obliges my Department to respect the advance notice requirements applicable to the most stringent element of the inspection regime, namely, a maximum of 48 hours notice but with no advance notice in a proportion of cases.

The Department of Agriculture and Food is also committed in the charter of rights to pursuing with the European Commission a strategy to deliver advance notification of 14 days for inspections, a strategy strongly supported by Senator Mansergh. The matter has been raised with the Commission on a number of occasions since 2004, particularly in the context of the Irish situation where we are applying a fully decoupled and essentially area-dependent single payment scheme. I personally made the case again recently to Commissioner Fischer Boel and this issue is a key point for me in the CAP simplification initiative which is now under way. I assure Senator Mansergh and Members of the Seanad that the Minister for Agriculture and Food, Deputy Coughlan, has consistently raised this issue with the Agriculture Commissioner. In the past few weeks the Minister travelled to Germany to meet with the German Minister, who will assume responsibility for the Council during the first six months of next year, in regard to advancing the simplification model. This issue is top of the Minister's agenda. It is being pursued at every opportunity at Council of Agriculture Ministers level and with fellow agriculture Ministers in the other 24 member states.

The prenotification of single payment scheme-disadvantaged areas scheme inspections fits in with the practicalities of Irish agriculture where increasingly farmers are also engaged in off-farm employment. In a decoupled single payment scheme system, the provision of advance notification of inspection to the farmer should not negatively impact on the effectiveness of the control. However, as EU regulations stand, my Department is obliged to carry out a small proportion of inspections without prior notification and this is being done in 2006. I have made available to the farm organisations and those farmers being inspected the checklist of items to be inspected. I propose to send it to all farmers early in 2007.

Regarding sanctions, the EU regulations set out a range of percentage reductions for non-compliance. Where the non-compliance results from negligence by the farmer, a 3% reduction may be applied but this can be reduced to 1% or increased to 5% depending on the extent, severity

and permanence of the infringement. If the non-compliance is repeated within a three-year period, a multiplier of 3 must be applied. A 20% reduction is proposed where intentional infringement occurs but this can be reduced to 15% or increased to 100% depending on the extent, severity and permanence of the infringement.

The crucial element in the regulation is that, for a sanction to be applied in the first place, the non-compliance must result from negligence by the farmer. My Department, therefore, takes due account of infringements of the cross-compliance requirements that are, on their own, inadvertent and minor in nature and do not result from negligence of the farmer and are capable of occurring in practical farming situations. This refers to Senator Mansergh's final comments in regard to compliance and the NCT system. In such circumstances a certain level of tolerance is applied while, at the same time, the farmer is notified of the infringement. Some 1,127 farmers who were technically non-compliant during 2005 did not incur any financial penalty as a result of this tolerance. I am sure those figures will re-assure Senator Mansergh in terms of the operation of the scheme.

Ireland has adopted a weighting system that results in fair and equitable sanctions under cross-compliance. The system that has been developed also ensures that the sanctions are applied in a standardised fashion throughout the country. I trust my reply deals with the various raised by Senator Mansergh.

Dr. Mansergh: I thank the Minister of State for his helpful and reassuring reply both in regard to the relatively small nature of the reductions except in severe cases of infringement and equally the reassurance — which would have been my experience in the past — that a certain level of tolerance is applied, which is all I seek. I understand the Department is working hard on the exact definitions of soiled water and slurry as they apply to the nitrates directive regulations. Many farmers are under greater pressure than they would normally be at this time of year.

Mr. B. Smith: I thank the Senator for his comments. At a meeting as recently as yesterday the Senator had an opportunity to raise with the Minister, Deputy Coughlan, and me the concerns of some farmers regarding the issue of soiled water and the particular problems that have arisen due to the level of rainfall this autumn. The Department is working hard to bring about a resolution and to allay the fears of some members of the farming community.

The Seanad adjourned at 4.20 p.m. until 10.30 a.m. on Friday, 15 December 2006.