

SEANAD ÉIREANN

Dé Céadaoin, 4 Aibreán 2007.
Wednesday, 4 April 2007.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for Education and Science to indicate when funding will be approved for Craughwell national school, County Galway, which has applied for additional accommodation at the above school due to overcrowding over the last number of years.

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

The need for the Minister for Education and Science to give an update on the number of first year school places in second level schools in Lucan; the number of sixth class places in Lucan primary schools and the number of additional second level school places planned for the Lucan area, including Adamstown and when they will be provided.

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

Visit of US Delegation.

An Cathaoirleach: I am sure Members of the House will wish to join me in welcoming a congressional delegation from the United States of America led by Congressman Richard E. Neal, chairman of the Friends of Ireland group, who I had the pleasure of meeting recently when I was in Washington. This group was set up by Senator Ted Kennedy some years ago and is very valuable to Irish people in America. I would also like to welcome the former chairman of the Friends of Ireland group, Congressman Jim Walsh, who is a member of the delegation and has close connections to this House. On my behalf, and that of all colleagues in Seanad Éireann, I extend a very

warm welcome to the delegation and sincere good wishes for a very successful visit.

Order of Business.

Ms O'Rourke: I remind the Cathaoirleach that this House also has a Senator Jim Walsh.

The Order of Business is No. 1, Medical Practitioners Bill 2007 — Committee and Remaining Stages, to be taken on the conclusion of the Order of Business and to conclude not later than 2 p.m.; No. 2, Defence (Amendment)(No. 2) Bill 2006 — Report and Final Stages, to be taken at 2.30 p.m. and to conclude not later than 3 p.m.; No. 3, European Communities Bill 2006 — Report and Final Stages, to be taken at 4.30 p.m. and to conclude not later than 5 p.m.; No. 25, motion 40, to be taken from 5 p.m. until 7 p.m. There will be a sos from 2 p.m. until 2.30 p.m. and from 3 p.m. until 4.30 p.m. This revised schedule has been circulated to Members this morning.

Mr. B. Hayes: I have no difficulty in accepting the revised schedule as proposed by the Leader of the House as it makes sense to use that time.

We live in a society where it is increasingly easy to take pot shots at members of the Garda Síochána, where it is increasingly easy to criticise the force, and where it is increasingly right and proper that those members would be held to public account. However I refer to the comments made yesterday by newly appointed head of the Garda Inspectorate, Ms O'Toole, when she spoke to the AGSI conference. These are serious comments in which she referred to the frightening lack of support given to the Garda Síochána in terms of modern firearms, proper weapons training, support for the Garda witness protection scheme and the supply of proper stab-proof vests to all members. If the head of the Garda Inspectorate is saying this so publicly, then this is a worrying issue.

I ask the Leader to raise this matter with the Minister for Justice, Equality and Law Reform. He needs to set out his response to this issue. It is not good enough continually to introduce and ram through new legislation in this House and in the other House as a determined effort to counter the problems of gangland crime without giving adequate protection and support to members of the Garda Síochána. They are in the front line and are the people whom the Republic is asking to defeat gangland crime and yet, according to the head of the Garda Inspectorate, we are not giving them the level of support, training and the firearms they need to do their job. This is a serious issue and it is particularly useful that this matter has been raised by the newly appointed head of the Garda Inspectorate.

When the Garda Síochána Bill was going through this House, there was possibly a view that members of the force would be suspicious of the newly appointed head of the Garda Inspec-

[Mr. B. Hayes.]

torate, but it is proving to be the case that she is doing a fantastic job in highlighting the problems faced by the Garda in defeating crime. The Minister for Justice, Equality and Law Reform needs to respond to the points she raised yesterday.

Mr. O'Toole: I would also welcome a discussion on that same matter. The Leader will recall that over recent years there has been much brouhaha and a great welcome for the education for persons with special educational needs legislation. The commitment was given by Government that this would be fully supported and provided for and that people with special learning needs would be looked after. This Act is now in place and the National Council for Special Educational Needs has been established. Last December this council presented the Minister with an outline of timelines and milestones for the implementation of the Act and it is appalling this has not been achieved. Section 13 of the Act provides the funding but I cannot find out what has been done. I do not know what is the level of training but I know that schools are having more trouble than ever before in accessing educational psychologists. The timelines are not being adhered to.

This initiative was welcomed on all sides of the House because it was believed money would be made available and no child would be left without support. This seems to be an old-fashioned vision without provision effort by the Minister if she cannot deliver. I ask that the House be fully informed whether there is a serious commitment from Government in the area of special education.

D'iarr mé ar an Cheannaire le déanaí díospóireacht ar cheist na Gaeilge. Chuir an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta polasaí ar bun agus níl se déanta ach oiread. In the past week the Minister has made a statement which I believe deserves a wider audience. It might help the people of Dingle-Daingean Uí Chuis to understand why he is difficult. He is the man who said during the week that the water in County Galway was all right in every way except that it was not drinkable. It is like saying we could all live on Mars but we would not be able to breathe the atmosphere. This man would be better off looking after his own constituency without bothering the people of west Kerry and changing the names of towns.

Senators: Hear, hear.

Mr. O'Toole: In trying to get large corporations of all nationalities to produce their reports as Gaeilge, bheadh sé i bhfad níos fearr féachaint ar na rudaí a ba chóir a dhéanamh. Mar shampla, foilsíodh tuarascáil an Choimisinéara Teanga an tseachtain seo. This is the kind of thing that drives me mad. Sa tuarascáil sin, he makes it very clear that the child protection guidelines on sexual

assault are not available in the Irish language. The remedial and education service and child protection guidelines should be made available in the Irish language and not huge corporations producing their stuff trí Ghaeilge that nobody will ever read. It is time this Minister was asked what he is about and would he concentrate on doing the job he was elected to do and leave the decent people of west Kerry alone.

(Interruptions).

Ms O'Meara: The House must note with concern that the nurses' dispute appears to be getting worse by the hour and the entrenched position being taken by the Government is not helping in this regard. It is worth noting in the commentaries and in the radio phone-in programmes that many people are unable to distinguish whether the cancellation of elective surgery is due to the work to rule by the nurses or has become so much part of the day-to-day life of hospital admissions. It is a commentary on how the hospital service is under such pressure and in such dire need that it is at breaking point. I note comments by doctors that if this dispute continues and in particular if it escalates next week, the system will be in danger of breaking down. I call on the Government to work to ensure it does not go to that point.

I support the remarks by Senator Brian Hayes regarding the modernisation of the Garda force. Ms O'Toole is in many ways a champion for modernisation and I believe she has the full support of every member of the Garda Síochána in that regard. While the Criminal Justice Bill contains some good elements, the basic modernisation and equipping of the Garda force and giving it what it needs, especially in the fight against organised crime and drug crime, would be much more useful than draconian legislation.

Will the Leader arrange a debate on the need for much more extensive psychological support and services to be made available, not only to children but also to families? The modern Irish family, especially the young family, is under such pressure that a far greater level of support is needed than was available heretofore, yet this support is not available. Psychologists are dealing with family breakdown and the extraordinary pressures upon the modern Irish family. One must question whether this Government has any notion of what is needed. The House needs to consider the provision, through the schools system, of a far greater level of support for children and families.

Mr. J. Walsh: I wish to refer to the comments of the Leader of the Opposition regarding the Garda inspectorate. In the past five years, the Tánaiste and Minister for Justice, Equality and Law Reform has been responsible for introducing legislation that has transformed matters relating to the Garda, prisons and other matters that

come under his remit. The inspectorate, which has a great deal of input into the operations of the Garda Síochána and much potential in the context of encouraging the introduction of the improvements in those operations to which Members referred during the relevant debates on this matter, the joint policing committees and the ombudsman are good innovations.

It is worth recalling that provision is made in the relevant legislation in respect of giving the Garda Commissioner total control over the budget for the force. The Garda Síochána, therefore, has scope to set its own targets and focus expenditure on the areas where it is most required. Across the force, particularly at middle management level, real challenges exist in the context of the introduction of improvements. Some of the spokespersons for the representative bodies, who hold senior or middle-ranking positions within the force, do little to improve either the morale or image of the Garda. A real challenge exists in this regard.

I wish to declare an interest in that I am involved in two commercial applications that are before An Bord Pleanála at present. Architects and various other people involved in the construction have informed me that action must be taken to encourage An Bord Pleanála to deal far more expeditiously with appeals than is currently the case. The appeals process lasts eight or nine months, which is completely unacceptable.

Ms O'Meara: That is true.

Mr. J. Walsh: Given that the construction industry is a vital part of Ireland's economic growth, it is essential that bureaucracy should not get in the way of progression and development. I accept, however, that there might be dangers in imposing time limits because An Bord Pleanála might issue large numbers of refusals as a consequence. An Bord Pleanála must be properly resourced in order that it will, in the interests of the economy as a whole, deal more expeditiously with the cases that come before it.

Mr. Coghlan: I fully support Senator Brian Hayes's comments on equipping the Garda properly to allow its members to tackle the major crime problem with which we are faced. We cannot expect gardaí to combat that with which they must deal by tying their hands behind their backs.

An Cathaoirleach: I would prefer it if Members did not speak to one another while others are making contributions. Such behaviour is disrespectful to the House and to Senators who are trying to raise issues.

Mr. Coghlan: I compliment Senator O'Toole on his articulate contribution. He deserves our support with regard to what he had to say. I do not wish to trespass on anyone else's territory but

I heard a shocking report on radio this morning regarding water quality in Lough Corrib and the unfortunate events which have taken place there over the years and which have given rise to the sad situation that now obtains. God forbid that anything of this sort would happen to the historic Lake of Learning. I address my comments in this regard to the expert fisherman on the far side of the Chamber.

An Cathaoirleach: The Senator should address his remarks through the Chair.

Mr. Coghlan: There is a problem with the Department of the Environment, Heritage and Local Government. The blockages, hold ups, time lags and delays with water schemes and the slowness with which approvals are issued must be part of the problem. I ask the Leader to use her influence to ensure that the process relating to the various water schemes in development throughout the country, of which there are several, should be speeded up. It seems that there has been, in part at least, a breakdown of the system relating to the proper monitoring of water quality. The latter is extremely important.

It was remiss of me not to do so before but I wish to welcome what is about to happen in the beautiful Black Valley that nestles in the foothills of the MacGillycuddy Reeks. Some people from the area are due to attend a committee meeting here at 2.30 p.m. today. Eircom has decided to solve their problems.

Ms O'Rourke: The Senator should be Kerryman of the year.

Mr. Minihan: During a recent debate on education, I called on the Minister for Education and Science to evaluate the ABA approach to autism and contrast it to the eclectic approach, which appears to be the policy choice of her Department. To date, the Department has not brought forward any evidence in respect of the eclectic approach on which it is basing its educational policy. International research on the ABA approach is readily available. If we are putting forward policy relating to children who suffer from autism, it is imperative that we should do so based on the best scientific approach available. I ask the Leader to urge the Minister to make available the research and the report on which her Department's approach to autism is based. This is a serious issue and, in the interests of the children right, we must get matters relating to it right.

I wish to refer to Senator Brian Hayes's comments. I would welcome a debate on the matter he raised. It must be remembered, however, that the Tánaiste and Minister for Justice, Equality and Law Reform set about reforming the Garda Síochána through the mechanism of the 2005 legislation. The appointment of Kathleen O'Toole came about as a result of a commitment

[Mr. Minihan.]

of the Tánaiste to modernise An Garda Síochána in order to ensure that best international practice obtains. On the issue of equipment, we should acknowledge the €1.4 billion budget that has been made available to An Garda Síochána, the roll-out of the new digital radio system, the introduction of new firearms legislation, relating to the use of non-lethal weapons, that was approved by Cabinet yesterday, the replacement of vehicles in the Garda fleet over a two-year period—

Mr. B. Hayes: What about the stab vests?

Mr. Minihan: A total of 11,000 stab vests are on order. Some 4,000 of these have been delivered and 2,500 will be supplied per month until the total on order has been reached.

Mr. B. Hayes: The Senator should tell that to the young men and women who are obliged to patrol our streets.

(Interruptions).

Mr. Minihan: That is progress.

An Cathaoirleach: We cannot have a debate on this matter.

Mr. Minihan: When the Senator's party was last in office, it reduced the number of members of the Garda Síochána. The force's current strength is 14,000 and this will be increased to 16,000.

Mr. B. Hayes: No support for the Garda. It is pathetic.

Ms O'Rourke: The proposed increase in numbers to 16,000 is excellent.

An Cathaoirleach: Order, please.

Mr. Norris: Adi Roche addressed a significant meeting of the Joint Committee on Foreign Affairs. I spoke to Ms Roche before the meeting and she asked me to raise a specific matter on today's Order of Business, namely, the fact that she welcomes — as does everyone else — that we are moving towards an intergovernmental agreement regarding the children of Chernobyl. The Government has asked Ms Roche to assume the role of intermediary in order to establish this intergovernmental agreement. Ms Roche requested that we should ask the Government to deal with this as a matter of urgency. Ireland has been centrally involved in this matter and it could be first country to sign the agreement, which would put us in a good position and which would reflect the feeling of the Irish people on the children of Chernobyl.

I urge the Leader to use her good offices in respect of a related and extremely important matter. The children to whom I refer, who have

been so badly affected by radiation and who were met with hospitality, welcomed by Irish families and given the opportunity to enjoy the Irish countryside, used to be able to use the visa waiver scheme. Under the latter, the families involved were not obliged to travel to Moscow to obtain visas. However, the scheme has been dropped and the unfortunate families are being obliged to travel to Moscow to try to procure visas, which is expensive, time consuming and militates against what Adi Roche and those involved in the campaign are trying to achieve. I am sure that all Members would, on behalf of the children, their parents and the host families in Ireland, urge the Department of Justice, Equality and Law Reform to reconsider the issue and restore the visa waiver scheme for these vulnerable children.

I am glad Senators O'Toole, Coghlan and others referred to water quality in Galway. This is a serious matter and it was been made into a political football. I listened in horror to the Minister for the Environment, Heritage and Local Government, Deputy Roche, after he had flown by helicopter to Galway, stating that this matter should not be turned into a political football and then refusing to meet members of any of the other political parties represented on the council and indicating that the only person who had taken action in respect of the matter was a Fianna Fáil candidate who had carried out an analysis of the water. That is utter and disgraceful rubbish.

An Cathaoirleach: The Senator should confine his remarks to the Order of Business.

Mr. Norris: I would like the Leader to raise this matter directly with the Minister, Deputy Roche. This morning on Radio 1, we heard Dr. Roderick O'Sullivan, a distinguished scientist who nine years ago had the water analysed on behalf of anglers and found choliform bacteria. However, when he went to the local authorities, they rubbished his findings. Two years ago, he went to the Minister, Deputy Roche, who said he was only interested in the democratic voice of the people and would listen to them rather than the scientists. A finding has been made against Ireland regarding the water on the basis of this research, so we knew all about it.

An Cathaoirleach: I have given Senator Norris a lot of latitude.

Mr. Norris: I am most grateful to the Cathaoirleach. I am sorry our friends from America are no longer in the Chamber because I would have liked them to know that, while we support America, we deplore the attempts to employ torture and would like to support the Speaker of the House of Representatives, Nancy Pelosi, on her visit to Syria. A think tank established by their own people made this very recommendation because the locals have to be engaged. I have no

brief for President Assad or his regime but thank God somebody at last has the sense to visit Syria. Well done to her.

Mr. O'Toole: Hear, hear.

Mr. Hanafin: We recently observed the 50th anniversary of the founding of the European Community, during which questions about the European constitution arose once again. As a backbench Senator, it is patently obvious to me that the constitution is lacking because of the refusal to include God in it. That should be a simple matter but for all the intelligence and resources available to the drafters of the constitution, they have gone in circles and have not gotten the people's acceptance. All that is needed is a recognition of the Christian contribution to Europe. The absence of that from the constitution is a fundamental issue.

As representative of the Irish Congress of Trade Unions in the Seanad, through the labour panel and Fianna Fáil, I restate my support for partnership and national wage agreements. The support shown by all sides for these agreements has allowed the country to develop beyond the expectations we had in the 1980s. However, our unprecedented prosperity must carefully guarded. I note that all sides in the Dáil stated their support yesterday for national wage agreements.

I agree with Senator Norris that the visa waiver scheme should be reintroduced for children from the Chernobyl region. We cannot think about travelling from Belarus or Ukraine to Moscow in the same way as a journey from Tipperary to Dublin. Journeys of hundreds of kilometres are involved, which makes it almost impossible for these people to travel to Ireland. I ask the Department of Foreign Affairs to treat this as a matter of urgency.

Mr. McHugh: I support the Senator O'Meara's arguments on the nurses dispute. It is still time for some form of intervention because if the issue is left to be decided by public perceptions and the media, the HSE will undoubtedly win the war because it has an arsenal of spin at its disposal. We must be careful to ensure that nurses are not caught up in this war and it is important that negotiations continue.

With regard to the canvass trail, I am finding a sophisticated and widely informed electorate which yearns for the creation of a new and inclusive society. This is especially the case among parents of children with special needs. I am glad that Senator O'Toole raised this issue. Parents have brought to my attention conditions such as dyspraxia, dyslexia, autism and physical and sensory disabilities. This new society wants all-inclusive special needs provisions. I will not speak today about what has not been done but we face the challenge of being inclusive and accountable to our electorate. I ask the Leader to keep the

issue of special needs on the agenda between now and the dissolution of the House. The HSE just announced 26 positions for speech and language therapists to cater for dyspraxia. That does not go far enough and I would like a debate on it before the end of this session.

The best barometer of inclusiveness is election day. We are experiencing a serious difficulty among the younger generation with regard to inclusiveness. I am glad Senator Norris is not interested in young people because he is not willing to listen to my comments, even though we are respectful of him when he speaks. Young people who attend universities in Northern Ireland are not entitled to a postal vote, regardless of whether they come from Westmeath, Waterford or from Senator Norris's constituency. If we decide to hold the election on a Thursday, we will disenfranchise a large section of our community. These young people will in effect decide the fate of the next Government if they are allowed to vote.

An Cathaoirleach: I ask Senator McHugh to be fair to the many Senators who wish to contribute.

Mr. McHugh: I am aware a Minister for Education has not yet been appointed in the North but an appointment will be made by 8 May. The new Northern Ireland Assembly is in a position to fast-track this issue. It is a minor bureaucratic matter to facilitate students from the 26 counties with a postal vote.

An Cathaoirleach: I have given Senator McHugh a lot of latitude and several Senators are waiting to speak.

Mr. McHugh: That is all I ask.

An Cathaoirleach: I ask Senators to observe the time rule and to be brief.

Mr. Mooney: I am pleased Senators Norris and Hanafin raised the issue of Chernobyl. I was also present at yesterday's meeting, during which I spoke at length with Adi Roche and listened with great interest to her submission. I broadly support everything said and ask the Leader to convey the support of the House for Ms Roche's work as an outstanding citizen and humanitarian. She requested that Irish Aid put in place a multi-annual funding arrangement because her organisation deals with a budget of €35 million but does not know its Irish Aid allocation from one year to the next.

I contacted the Department of Foreign Affairs in regard to the points raised by Senator Norris and was told that the visa waiver system was withdrawn two years ago because of legislation addressing the trafficking of young people in Europe. Unfortunately, the Chernobyl children got caught up in that.

Mr. Norris: It was because they were given a special visa exemption.

Mr. Mooney: The group visa application procedure was conducive to the trafficking of young people from Central and Eastern Europe.

Mr. Norris: For God's Sake.

Mr. Mooney: Adi Roche fully accepts that.

Mr. Norris: It was because of bureaucratic laziness.

Mr. Mooney: She was glad to hear that the Department assured me——

Mr. Norris: If she accepted that, why did she ask me to raise the issue?

Mr. Mooney: The Senator has barracked me three times.

An Cathaoirleach: Senator Mooney should address the Chair.

Mr. Mooney: For the benefit of the House, Senator Norris left the meeting before Ms Roche made her submission.

Mr. Norris: I had to——

Mr. Mooney: Having said that——

Mr. Norris: ——because I came to the House to debate the Medical Practitioners Bill 2007, on which I had been briefed. I strongly resent the Senator's suggestion that I derelicted my duties in any way.

An Cathaoirleach: Order, please.

Mr. Norris: I was specifically asked to raise the issue by Adi Roche because I made the point on meeting her beforehand.

An Cathaoirleach: Allow Senator Mooney to speak.

Mr. Mooney: I have no difficulty with Senator Norris.

An Cathaoirleach: The Senator should not get personal.

Mr. Mooney: I sought the permission of the Chair. There was no need for Senator Norris to barrack me about a matter on which we agree.

An Cathaoirleach: I ask the Senator to speak on the points he has raised.

Mr. Mooney: I am only trying to inform the House on the context and background to the matter. I fully support all that Senator Norris has said. A procedural and administrative difficulty

exists but the Department assured me that it would courier applications from Belarus directly to the Moscow embassy in order to fast-track applications in the cases which Senator Norris rightly brought to the attention of the House. I support the call made by the Senator for increased resources in the Moscow embassy and we would all agree that what he said is correct. I wished to support the unique humanitarian nature of the work done by Adi Roche so I do not know why Senator Norris got his knickers in a twist over it.

An Cathaoirleach: Many Senators are offering and Senator Mooney made his point adequately.

Ms Terry: Yesterday, the Society of St. Vincent de Paul made a presentation to the Joint Committee on Social and Family Affairs. It outlined the supports it provides to families on low incomes or those surviving on welfare benefits. It spends tens of millions of euro every year to provide supports in the areas of food, clothing and heating among others.

One particular area mentioned by a number of Senators is the provision of psychological assessments for children and families. The Society of St. Vincent de Paul now spends a fair percentage of its annual income every year on this service. It is appalling that families in difficulty who cannot get the psychological assessments necessary for their children must go to the Society of St. Vincent de Paul to fund this service. It is a poor reflection on our society, the Government and the legislation we dealt with in this House.

Ms O'Meara: Hear, hear.

Ms Terry: I wish to add to what a number of Senators stated with regard to Chernobyl. I am also involved with a group in my area which brings in children every summer. The difficulties imposed by the need for groups to provide visas mean organisations such as the one in which I am involved must organise families in January because this much time is required at the other end to obtain visas. Providing the names of families willing to take children to our organisation in Belarus in January causes major stress and strain. If the waiver were in place, we would have more time to get more families involved and bring in more children. The effect it has is to deprive many children from coming here for holidays.

Mr. Norris: Hear, hear.

Ms Terry: In January, people do not think ahead about what they will do for the summer. It has a knock-on effect and it would be wonderful if the waiver scheme were re-introduced.

Mr. Brennan: With regard to the water and sewerage investment programme, I compliment the Government on the amount of money allo-

cated under the National Development Plan 2006-2011. Recently in the House, my party held discussions on local government planning and water services. What happened in Galway could happen in any county. Where record amounts of money are at the disposal of local authorities, one must question how those programmes are implemented and the lack of progress at local level. In many instances we see local authorities use private consultants' reports to foster developments by local developers. However, we forget about the mainstream local residents of towns and villages crying out for those services.

Ms O'Meara: Hear, hear.

Mr. Brennan: We must question why the same private consultants' reports are used to upgrade local authority water and sewerage facilities at present when those schemes are sanctioned to go to contract this year. Will the Leader ask the Minister to audit the implementation of this programme at local authority level?

Mr. Cummins: I support Senator Brian Hayes in his comments on the Garda Síochána and welcome the comments of Kathleen O'Toole. I am the first to acknowledge many good proposals were made when debating the Garda Síochána Act but the Government cannot hide behind the Act where resources or lack thereof are concerned. Last year, the indoor training range, where gardaí practised weapons training, was closed. As yet, it has not been replaced. This morning, we heard the anti-stab vests promised in 2002 are ordered. This is the type of response from the Government—

Mr. Minihan: Senator Cummins forgot the part about 4,000 being delivered.

Mr. Cummins: If the Minister stopped interfering with the day-to-day running of the force, it would be much better off than it is.

Mr. B. Hayes: Hear, hear.

Dr. Mansergh: I have spoken on many occasions in the House to defend social partnership and benchmarking against their various critics. I do so again today. While most of the public have great sympathy with the nurses, including psychiatric nurses, they would also like such claims to be dealt with through the ample machinery in place. Many instances occur of people supervising others who are paid less than those they supervise.

Mr. Norris: Exactly.

Dr. Mansergh: Members of this House are paid at the level of assistant principals in the Civil Service and we call to scrutiny people who are paid many times what we are. I do not criticise this or make claims it should be otherwise.

On another point, it amazes me that when, for the first time in years, Exchequer returns come in broadly on target but still a bit over, it is tantamount to a financial crisis.

Mr. Dardis: Absolutely.

Mr. Norris: Hear, hear.

Dr. Mansergh: I have never seen anything more ridiculous in my life than some of the commentary and po-faced editorials which one can read in one newspaper this morning.

Many people and communities throughout the country in Gaeltacht areas and on the islands will be eternally grateful to the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, for the excellent work he does.

Mr. Norris: Always one for a laugh.

Mr. Browne: I agree with the change in today's Order of Business. Will we debate the Pharmacy Bill tomorrow? I hope we will not as it will go to the Dáil at 9.30 p.m. and if changes are made, it will mean an extremely short turnaround. It seems to be rushed and unfair to everyone involved.

Tomorrow, one of the most dangerous places any of us can be is near an off-licence because we will be met with people wheeling out trolleys full of alcohol as if it were going out of sale forever. This is owing to the ban on the sale of alcohol on Good Friday. Is it time to update this out-of-date law and allow off-licences sell alcohol on Good Friday? We live in a multicultural society. People drink on Good Friday and, if anything, the prohibition encourages people to drink more than they normally do. I speak as somebody who is off alcohol for Lent and I do not intend to drink alcohol on Good Friday regardless of its availability.

Mr. B. Hayes: Deputy Browne should try it more often.

Mr. Browne: People are mature and intelligent and they can decide whether they want to drink regardless of whether an off-licence is open. It is time the origins of the law were examined and it was relaxed. Off-licences should be allowed to sell alcohol on Good Friday. It might reduce the consumption of alcohol on Good Friday. People can adhere to the rule according to their religious beliefs.

An Cathaoirleach: Senator Browne has made his point adequately.

Mr. Browne: I remember when one could not go to pubs between certain hours on Sundays. This rule was relaxed and the world continued as normal without chaos.

Mr. Norris: The country is swimming in booze.

Mr. Browne: I wish to echo what Senator McHugh said about the postal vote. We must make a case for people going on holiday who are taxpayers and citizens and as such entitled to vote.

Mr. B. Hayes: Hear, hear.

Mr. Browne: If they are allowed bring in their plane tickets or whatever they need to prove they will leave the country, they should be given the option of an emergency postal vote which can be supervised in a Garda station.

Mr. B. Hayes: Absolutely.

Mr. Browne: We want to encourage people to take part in the democratic process.

An Cathaoirleach: We discussed the Electoral (Amendment) Bill yesterday and that was the appropriate place to raise this point.

Mr. Browne: With the exception of the university senators, all of us on this side of the House were elected by the postal method.

Mr. Norris: We were elected by the postal method.

An Cathaoirleach: Senator Browne has made his point.

Mr. Norris: Different coloured envelopes were used.

Mr. Browne: With regard to the 43 Senators voted by councillors, the postal method sees almost 100% voter turnout.

Mr. Norris: All 800 of them. What a good show. How democratic.

Ms Ormonde: I identify with many of the points raised on special educational needs. There are some areas which could be enhanced. I have heard the Minister many times indicating her commitment on the issue, and she has supplied resources to deal with the problem.

I wonder is there a lack of co-ordination between the education stakeholders. I will give a small example of how the City of Dublin VEC works with regard to psychological assessment. It has a huge cohort of children through the city, ranging in age from 11 years onwards, and it has a model which works beautifully in terms of psychological assessment and dealing with remedial, dyslexia and other areas which must be dealt with through the psychological service. If that body can get it right it is possible to do so elsewhere.

Is it a lack of co-ordination between the various stakeholders? Is there a lack of co-operation between the HSE and the Department of Education and Science in how it implements its prog-

ramme? I would welcome clarification from the Minister on this issue, as the argument has been raised time and again that the programmes are not being implemented on the ground.

Mr. Glynn: As I stated yesterday, we should be very cautious in what we say about the nurses' dispute but I would urge, in so far as is possible, both sides to get around the negotiating table and utilise the industrial relations mechanisms which exist to resolve the difficulty. There is no doubt that issues, to which I will not refer, must be addressed. They are on the public record.

I fully agree with Senator Jim Walsh in his comments regarding An Bord Pleanála. I realise we are running out of time and we have had a number of debates on planning, but the only thing consistent about An Bord Pleanála is its inconsistency.

Ms O'Meara: That is true.

Mr. Norris: Hear, hear.

Mr. Glynn: It is completely inconsistent in the decisions it hands down. I have one very brief example. I could take a person to a part of north Westmeath where a young man was refused planning permission on his own farm, yet planning permission has been granted for houses that could be seen from as far away as Toorendohenybeg. So inconsistency is the main word for An Bord Pleanála. It is a joke.

Ms O'Rourke: Senator Brian Hayes raised the matter of the Garda Inspectorate and its head, Ms O'Toole, who has referred to a frightening lack of support for Garda and how protection is needed congruent to the laws. The Senator noted Ms O'Toole is doing a good job, on which we would all agree, and the Senator agreed with her comments in *The Irish Times* this morning, which I read.

Senator O'Toole spoke of the welcome for the National Council for Special Educational Needs. It presented a report to the Minister on what needed to be done, along with a timeframe for the job, and the Senator noted there has yet to be any outcome. Senator O'Toole also noted the remarks of the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, who stated the water in Galway was fine except one could not drink it.

The Senator spoke about the significant reports being put as Gaeilge, yet the child protection guidelines are not available in Irish. If these guidelines are needed in Dublin, they would be needed in Gaeltacht areas also, and why should this not be done? Senator O'Toole also spoke of other matters.

Senator O'Meara spoke of the nurses' dispute. She would support Senator Brian Hayes on the provision of resources to the Garda. The Senator indicated that the Criminal Justice Bill should run

concurrently with the provision of resources. Senator O'Meara also spoke about a topic which was raised yesterday, a debate on the need for families, and especially children, to receive psychological support as we reach the tenth anniversary of the introduction of divorce laws.

Senator Jim Walsh spoke of transforming legislation and indicated that the Tánaiste and Minister for Justice, Equality and Law Reform had made a valuable input, particularly with the Garda Bill. The Accounting Officer for the Department is now the Commissioner, who has total control of the budgets. That, in itself, was one of the points brought forward in that legislation. That was fair enough. The Senator also raised the matter of An Bord Pleanála taking, in many tight cases, eight to nine months to decide on a case put to it.

Senator Coghlan spoke about blockages in the Department of the Environment, Heritage and Local Government.

Mr. Coghlan: Blockages in water schemes.

Ms O'Rourke: There must be approvals back and forth along with various reports and reports on those reports. The Senator asked that I take up the matter with the Minister.

Senator Minihan raised a very valuable point about applied behaviour analysis, ABA. We have all been struck by the issue, and particularly by the recent court case. We discussed it briefly, especially the ABA method of dealing with children with autism across the spectrum of the condition. The Senator indicated his wish for an evaluation and report of the method and he indicated the Department is using the eclectic method. The ABA method has given such hope to so many parents, as they can see their children advancing. Various reports indicate that having done a few years with ABA, students are going back into mainstream schooling.

I would welcome such an evaluation. It is a bit declamatory to argue that there should be no ABA, with the eclectic methods being used exclusively. There should be an evaluation. Of all the educational needs for children, those affected by the entire spectrum of this condition are very important. It can wreck or make a family, depending on whether the child with special needs can advance. I hope we will have such an evaluation.

Senator Minihan also praised the Tánaiste and Minister for Justice, Equality and Law Reform. This is the other side of the debate. There will be 16,000 gardaí serving before the Minister leaves office. I hope he will not be leaving office.

Mr. B. Hayes: The number is 14,000.

Ms O'Rourke: Some 4,000 stab-proof vests have been delivered, with more to come.

Ms Terry: He will need a few for himself.

Ms O'Rourke: Rather than have everybody on that side of the House speaking——

Mr. Cummins: They were promised in 2002.

Mr. B. Hayes: Will he provide some for his partners in Government?

Ms O'Rourke: ——it is nice to hear the other point of view.

An Cathaoirleach: Order. The Leader to reply without interruption.

Mr. Minihan: He has one for the Senator.

Ms O'Rourke: Senator Norris raised an important point about Ms Adi Roche's appointment as an intermediary, with the work she is doing in Chernobyl, and that the visa waiver scheme would be revisited and brought back. The host parents now have to travel to make the arrangements in Moscow and there is an expense involved. That is a point I would raise myself, as we have a very active Chernobyl parents group within Athlone. That must be important.

The Senator also noted that Dr. Roderick O'Sullivan knew what was going to happen in the Corrib. The Senator praised Nancy Pelosi, the Speaker of the US House of Representatives, for going to Syria, although we heard this morning on the radio that she has been castigated for it.

Senator Hanafin took issue with the fact that there has been a refusal to have God referred to in the proposed EU constitution, especially considering the historical implications of Christianity within Europe so many centuries ago. He also reiterated the State support for partnership as a representative of ICTU, which was important.

Senator McHugh spoke about the nursing dispute. He also mentioned the sophisticated electorate, which we know is out there ready to meet us, and how we need an inclusive society which takes into account children's special needs. He argued that we should keep that on the educational agenda.

We should have a debate on autism. Dyspraxia and others are all ailments of a particular spectrum of educational disadvantage, and we should have a debate on the matter.

The Senator also mentioned postal voting and voting on a Thursday. I raised the matter at last night's meeting of the Fianna Fáil parliamentary party because many young people I have met said they will not be able to vote if the election is on a Thursday. I hope there will be a change.

Mr. Cummins: Hear, hear.

Ms O'Rourke: Senator Mooney raised the matter of Adi Roche, Irish Aid and how they need multi-annual funding to know what they will have from one year to the next. The Department of Foreign Affairs told him the visa waiver scheme was abolished because it led to trafficking

[Ms O'Rourke.]

of young people. The Senator wished to be associated with Senator Norris's statement on increased resources in the Moscow embassy.

Senator Terry referred to how the Society of St. Vincent de Paul provides financial assistance to parents seeking psychological help for their children. She also raised the issue of Chernobyl, as she has a relevant group in her area. Senator Brennan raised the matter of auditing the money provided under the water and sewerage investment programme in light of delays at local level.

Senator Cummins raised the closure of an indoor Garda training area, but he will recognise that those who speak at functions, such as teaching conferences, must get headlines. Hence they seek a good point.

Senator Mansergh praised the partnership process. He stated that we are paid at assistant principal level, yet we are willing to condemn or condone people who earn much more than us. He spoke about the considerable amount of good work done by the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, in terms of the Gaeltacht and the islands and what it means to those communities.

Senator Browne asked when the Pharmacy Bill will be before the House. We do not know, but if it is passed by the Dáil tonight, it may be returned to this House tomorrow on the basis of two amendments. It will depend on whether the printing office will get the Bill reprinted and ready for us. It is necessary legislation, so we should deal with it. Otherwise, the pro and con lobbies will grow. We dealt with it expeditiously and properly on Second Stage, to which the Senator contributed considerably. I hope we will see him tomorrow.

Senator Browne also referred to drink being sold in off-licences on Good Friday. He is a good man because he will not drink on that day.

Mr. Mooney: Hear, hear.

Mr. Coghlan: We knew that.

Ms O'Rourke: I will have a glass or two of wine. I feel like it.

Mr. Browne: That is the point.

Ms O'Rourke: Later rather than now. Senator Ormonde referred to how the City of Dublin VEC deals with psychological cases in a workmanlike way, which I have heard previously. She asked whether we could examine its operation to determine how it works.

Senator Glynn suggested that the nurses and all concerned should gather around the negotiating table, but the difficulty lies in that they will not agree to the Labour Court's recommendation. I do not understand why. Neither did they agree with the national implementation body, but there is nowhere higher to go except to God. I do not

know where the opening to manoeuvre exists. The Senator spoke about An Bord Pleanála's inconsistency. The board takes up whatever we say about it, so the Senator will receive a delightful letter.

Mr. B. Hayes: It must have a great deal of time on its hands.

Mr. Lydon: That is consistency.

Ms O'Rourke: It must. The Senator will receive a letter, but not a decision.

Order of Business agreed to.

Medical Practitioners Bill 2007: Committee and Remaining Stages.

An Leas-Chathaoirleach: I welcome the Minister for Health and Children, Deputy Harney, to the House.

Section 1 agreed to.

SECTION 2.

An Leas-Chathaoirleach: Amendments Nos. 1 and 2 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 12, line 42, to delete “, 55(1) or (6)” and substitute “or (6), 55(1)”.

Minister for Health and Children (Ms Harney): These technical amendments are included to correct typographical errors. Amendment No. 1 relates to a cross-reference to another provision in the Bill. Amendment No. 2 inserts a cross-reference that was submitted in error from the relevant provision.

Amendment agreed to.

Government amendment No. 2:

In page 13, line 1, after “section 52(5)” to insert “, 80 or 81(2)”.

Amendment agreed to.

Section 2, as amended, agreed to.

Sections 3 to 8, inclusive, agreed to.

SECTION 9.

Question proposed: “That section 9 stand part of the Bill.”

Dr. Henry: A considerable amount of fanmail has been sent to all of us about the influence the Minister might have through her appointees over any newly formed Medical Council. It is important to note that this section means the

Minister, personally or through appointees, will not give advice on the ethics or professional conduct of registered medical practitioners. I do not know how or why some people got involved in an expensive campaign of e-mails, letters and telephone calls. It was nice that some people were confident Senators would put a stop to what the Minister intended to do.

I welcome the section, but I regret that a considerable amount of distress was caused to Members to whom the letters were sent. The letters sent to me were polite. Given that I am not running for re-election, there was no good in threatening me about what someone might do at the next election.

Mr. Glynn: I echo Senator Henry's comments. I received reams of communications and quite a number of telephone calls from many people with genuine concerns. I have every confidence in the Minister's proposals in this Bill. I am sure that the result of the enactment of the relevant section of this legislation will be consistent with best practice.

Dr. Henry: Some of the letters I received suggested that the Medical Council was in favour of the sending of such correspondence. I have been informed specifically by the president of the Medical Council, Dr. John Hillery, that this is not the case.

Ms Harney: I confirm that, as Senators Henry and Glynn suggested, the Minister cannot give the Medical Council any directions on ethical issues. The council's ethics committee will have a majority of doctors, rather than a majority of lay people. It can be chaired by a lay person, however — it was once chaired by Senator Feeney. Dr. Deirdre Madden, who was recently elected as the chair of the council's ethics committee, is a lawyer and scientist rather than a medical practitioner. While the ethics committee can be chaired by lay people, most of its members are doctors.

Question put and agreed to.

Section 10 agreed to.

SECTION 11.

An Leas-Chathaoirleach: As amendments Nos. 3 and 11 are related, they may be discussed together by agreement.

Government amendment No. 3:

In page 20, subsection (2)(u), line 14, after "88(3)(a)" to insert "or (4)(a)".

Ms Harney: These technical amendments have been tabled to correct typographical errors in the Bill. Amendment No. 3 inserts a cross-reference that was omitted in error from the relevant

section. Amendment No. 11 corrects a cross-reference to another provision of the Bill.

Amendment agreed to.

Section 11, as amended, agreed to.

SECTION 12.

Government amendment No. 4:

In page 21, subsection (1), line 42, to delete "(9)" and substitute "(8)".

Ms Harney: This technical amendment has been included in the Bill to correct a typographical error. It corrects a cross-reference to another provision of the Bill.

Amendment agreed to.

Section 12, as amended, agreed to.

SECTION 13.

Question proposed: "That section 13 stand part of the Bill."

Dr. Henry: I hope the Medical Council will not spend too much time and effort on preparing business plans. If one examines such plans a few years after their publication, when circumstances have changed, one will learn that they were fairly ridiculous in light of what was going on. I hope the council will not have to devote too much of its time to business plans.

Ms Harney: I agree with Senator Henry's comments. Provisions relating to business plans are normal in legislation relating to public bodies. While I accept the need for greater governance requirements, I do not want the Medical Council to be tied up with endless bureaucracy. I have not accepted some of the amendments proposed on Committee Stage, such as an amendment that would compel the council to make available information on the latest medical developments, etc., because it would be impossible for the council to complete such a bureaucratic task. We have got the balance right. I do not think the council has a problem with this provision. It has not raised any issues with me in this respect.

Question put and agreed to.

Sections 14 to 16, inclusive, agreed to.

SECTION 17.

Mr. Browne: I move amendment No. 5:

In page 27, lines 7 to 14, to delete subsection (7).

I am offended by the manner in which this section of the Bill lumps politicians in with convicts, fraudsters and bankrupts. I am sure such people

[Mr. Browne.]

are not too happy about being lumped in with politicians. While I do not suggest that politicians should have to be on boards of this nature, I do not think there should be a blanket ban on their membership. The Minister knows how difficult it is to get people to go into politics. We are trying to encourage people to participate in the democratic process. Provisions of this nature, which require people to choose whether to be involved in politics or in public bodies, deter people from going into, or staying in, politics. While there could be a conflict of interest in some cases, there would be no such conflict in many cases.

I am not sure whether the Minister was involved in the establishment of the Personal Injuries Assessment Board when she was Minister for Enterprise, Trade and Employment. That Senator O'Toole is doing an excellent job as the vice chairperson of the board will neither lead to his election nor cost him his seat in the next Seanad election. Not only is the Senator bringing great experience to the board, but he is also able to update the House on issues relating to the board's operations. Senator Feeney has been a member of the Medical Council and Senator Henry has a wealth of similar experience.

If we were to provide that nobody from the Bills Office, for example, could ever sit on public boards of this nature, we would be accused of discrimination and breaches of equality legislation. We are imposing such a prohibition on ourselves, however. We should remove section 17(7) so that people can be judged on their individual merits. It is unfortunate that convicts, fraudsters, bankrupts and politicians are being lumped in together. Senators can laugh, but public representatives are being put in the same category as those I have mentioned.

Mr. Glynn: The Minister is aware of my views on this matter. I do not think it is right to preclude a person from membership of the Medical Council because he or she is a mandated representative of the public. I reiterate that I am not suggesting that any particular individual should be on the Medical Council. When Senator Feeney and I made a proposal during the debate on the Health Bill 2006 last week, the Minister of State, Deputy Seán Power, explained that the Minister, Deputy Harney, intends to recommend to her Cabinet colleagues that a commission or committee be established to draw up a list of public bodies on which it would be appropriate for members of local authorities and other elected public representatives to sit. I will be satisfied if such a body comes into existence in the near future.

Ms Feeney: I support Senators Browne and Glynn on this matter in so far as it relates to members of local authorities. I thought there was a conflict of interest when I was a Member of the Oireachtas while I was a member of the Medical

Council. On a couple of occasions, I could not be paired to facilitate my absence from the House. I was needed here for votes and also needed for council duties. Members of the Oireachtas and Members of the European Parliament would have to overcome some significant obstacles before they could serve on bodies like the Medical Council. Even though there were times when I was not sure whether I was serving the Oireachtas or the Medical Council, I managed to juggle my two roles during the short period of time in question. While I do not think it would be appropriate to allow Members of the Oireachtas and Members of the European Parliament to sit on the Medical Council, it is undemocratic to prevent members of local authorities from accepting such a role. I was not a member of a local authority when I sat on the Medical Council. My time on the council was one of the best educational experiences I have ever had — it opened my eyes to all sorts of things. I would hate to think that somebody could be prevented from taking up a similar role because he or she is a member of a local authority.

Mr. Leyden: I would like to add my voice to the argument that is being made. If one of the many doctors who are serving on local authorities is nominated to the Medical Council, he or she will be prevented under this Bill from accepting that position. I do not see any reason for this unfair provision, which discriminates against doctors who are members of local authorities. I fail to understand the rationale behind this measure. It is not proposed to prohibit barristers, teachers or members of other professions from serving on the Medical Council. This Bill is changing the procedures which apply when members of the Medical Council are nominated to serve on local authorities. It is not clear whether they will have to resign immediately, or will be allowed to stay on the board of the council until its term comes to an end.

I ask the Minister to review this provision in light of the representations we have made. Has she brought proposals to the Cabinet on the establishment of a select committee to examine the role of members of local authorities who wish to serve on boards? A composite Bill may have to be introduced after the next general election to remove inconsistencies from the legislation that has been passed in recent years. Senator Browne mentioned that when the Minister, Deputy Harney, was the Minister for Enterprise, Trade and Employment, she decided to allow public representatives to serve on the Personal Injuries Assessment Board. Senator O'Toole, who is the vice chairperson of the board, is performing well in that capacity. The Minister does not seem to have an overall philosophy of excluding elected members of local authorities and Members of the Oireachtas from serving on public bodies. This provision is resented, as it is

in other Bills. If one is a doctor and a councillor one cannot serve on the Medical Council.

When does the Minister propose the group will meet? We have received a letter from the Minister of State at the Department of Health and Children, Deputy Seán Power, indicating the Minister's agreement to the establishment of a select committee of the Cabinet or composed of Members of the Houses to debate this matter and to make a policy decision.

Dr. Henry: It might not look good if I did not support this amendment. Local authorities have nothing to do with the election of university Senators. I support this amendment because it is important that local authority members are considered eligible.

Ms Harney: I sympathise with the perspective expressed. Last week I had a lengthy discussion with Senators Glynn, Feeney and Leyden on these points. The HSE and the Health Information and Quality Authority, HIQA, were established after health reform analysis of the Prospectus and Brennan reports. They recommended the establishment of a single entity in place of the health boards in the case of the HSE. Valid arguments were proposed in favour of this measure. Regarding the HIQA, the advice was to appoint experts to the board. We now have regulatory bodies. I have sympathy with those who believe councillors, members of the European Parliament and Members of the Oireachtas may have the expertise required. That they are politicians does not mean they cannot have the expertise to be on such bodies.

There is much concern, especially in regard to the Medical Council, that lay majorities would be partisan. Under this legislation the Minister will appoint fewer people than under the regime in 1978. The Minister could appoint six in 1978 and the figure now has been reduced to five. The Minister of State, Deputy Seán Power, gave a commitment here last week. We need to bring clarity across Government in regard to the bodies of which councillors can be members and the bodies from which they are prohibited from being members. I have undertaken to bring proposals to Government. We should have an informed debate, with a small group of people analysing and examining the practice in other countries,

consulting with the General Council of County Councillors and other representative bodies and political parties. The group could then make proposals that would have broad support across the House. That would be a worthwhile exercise. I will bring the proposals to the Cabinet within two weeks and we can clarify the issue over the summer months. There is major concern for local authority members, particularly in this House. I have given an undertaking to consult.

The Medical Council, individual members of the board and doctors who spoke to me were concerned that moving to a lay majority should not make the council partisan. Senator Feeney is a member of one of the committees of the council. One is not excluded from doing the job professionally and objectively because one is a politician. I do not want confused signals to the effect that the Minister seeks a lay majority to take political control of the council.

Mr. Browne: We do not wish to be partisan, we want to look out for the public interest. Whatever one thinks of politicians, they must present themselves before the electorate every five years. The electorate may decide to hire or fire.

During my short time in politics I have seen an erosion of democracy. Members are not allowed to sit on local authorities. County managers are the only people happy with this.
12 o'clock They are relieved that people in the Oireachtas, who pass legislation and see the wider picture, are not members of local authorities. In the Seanad I meet colleagues from throughout the country and learn from their experiences. If I were to attend a council meeting in the morning I would have a greater depth of knowledge of the issues than when I was a local councillor.

I am not concerned about the partisan aspect of this. Politicians come and go and they are elected by the people with a mandate. The people adjudicate. I give notice to the civil servants drafting these Bills that, whether I am in the Seanad or in the Dáil after the general election, I will take the same position next time. One does not end a career in other areas because one becomes a politician.

Question put: "That the words proposed to be deleted stand."

The Seanad divided: Tá, 27; Níl, 14.

Tá

Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Daly, Brendan.
Dardis, John.
Dooley, Timmy.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.
Kenneally, Brendan.
Kett, Tony.

Kitt, Michael P.
Leyden, Terry.
Lydon, Donal J.
MacSharry, Marc.
Mansergh, Martin.
Minihan, John.
Mooney, Paschal C.
Moylan, Pat.
O'Brien, Francis.
O'Rourke, Mary.
Ormonde, Ann.

Tá—continued

Ross, Shane.
Scanlon, Eamon.
Walsh, Jim.

White, Mary M.
Wilson, Diarmuid.

Níl

Browne, Fergal.
Burke, Paddy.
Burke, Ulick.
Coghlan, Paul.
Cummins, Maurice.
Feighan, Frank.
Hayes, Brian.

Henry, Mary.
McHugh, Joe.
Norris, David.
O'Meara, Kathleen.
O'Toole, Joe.
Phelan, John.
Terry, Sheila.

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

Question declared carried.

Amendment declared lost.

Question proposed: "That section 17 stand part of the Bill."

Dr. Henry: I want to mention two points on section 17. I am pleased the Minister has stipulated in the section that, "Only registered medical practitioners are eligible for election as the President or Vice-President of the Council in accordance with *Schedule 2*." This is important because, while the council has to serve the public interest, it is essential it also has the confidence of the profession.

One area that concerns me as regards lack of representation, however, is the fact that only two people can be nominated from the bodies approved to deliver programmes of basic medical education and training. With the increase in the number of medical schools and the fact the council is taking over much of the work of supervising medical training, those two people will be very overworked. A significant amount of council time will have to be put into this area, given the changes made in this legislation.

As the majority of those currently qualifying in medicine are women, I am pleased the Bill states that the Minister shall, to the extent practicable, endeavour to ensure there is an equitable balance between men and women in the membership of the Council. Women are poorly represented on many regulatory bodies, through no fault of the Minister. In attempting to do this the Minister may end up trying to find five women as the lay representatives. I am confident that when the medical profession is electing people, it will endeavour to ensure this feature is preserved because it is very important in terms of work and training for women. When the graduate medical schools begin to have an intake it will be interesting to note whether the proportion of men to women will be the same. I do not believe it will be. The number of women registering at graduate level will be far higher than the number of men, not that there is anything wrong with that. It will be a fact of life, however, that once women have

children, domestic commitments will lean on them to a great extent. It is good the Minister has mentioned this in the Bill.

Ms Feeney: I want to refer to what Senator Henry said regarding only two people representing both undergraduate and postgraduate training. I could not hear what the Senator said because of the noise at the door. However, I share her view. The five medical schools were represented by the deans of medicine on the last council. In my experience they concerned themselves solely with education and training issues and that was their sole remit on the council. Will the Minister confirm whether the education and training committee of the Medical Council can co-opt expertise, and will the other schools of medicine be represented? We will now have six schools of medicine and if two representatives are on the council will the other four be co-opted to the education and training committee? I would support this.

Ms Harney: The council is free to co-opt additional persons onto its committees. The point was made very strongly to me by the president of the Medical Council and the CEO, Mr. John Lamont, that with such a rigid structure it was difficult to get the required complement of people for the various committees, given the requirements under existing legislation. We are giving the council the authority to recruit whatever expertise it requires for its committees, whenever it feels that is desirable. That will deliver the type of flexibility needed and, hopefully, give the council both the expertise and the input from the educational training sector it requires for this as well as other areas.

Question put and agreed to

Sections 18 to 42, inclusive, agreed to.

SECTION 43.

Mr. Browne: I move amendment No. 6:

In page 41, subsection (1), line 15, to delete “establish and maintain a” and substitute the following:

“establish, maintain and make available to the public a published”.

This is about public accountability and availability.

Ms Harney: This is already covered in section 56(1), which states the council is required to ensure a register is published “in the prescribed manner”, as defined on page 12, as follows:

(a) is published on a relevant Internet website, and

(b) is available for inspection, at the office of the Council and at all reasonable times, by members of the public.

I believe the intent is covered.

Amendment, by leave, withdrawn.

Section 43 agreed to.

SECTION 44.

An Leas-Chathaoirleach: Amendment No. 7 is a Government amendment. Amendments Nos. 7 and 13 to 18, inclusive, are cognate and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 7:

In page 44, subsection (4)(i), line 49, to delete “speciality other than the medical speciality” and substitute “specialty other than the medical specialty”.

Ms Harney: These are technical amendments to correct minor typographical errors in the word “specialty”, which was incorrectly spelt in certain areas. An “i” was put after the “l”, where there should not be one.

Amendment agreed to.

Section 44, as amended, agreed to.

Sections 45 and 46 agreed to.

SECTION 47.

Question proposed: “That section 47 stand part of the Bill.”

Dr. Henry: I am pleased this register is being instituted in the council. We did not have a register like this before and it is very important. People without adequate training could describe themselves as specialists in certain areas and this will ensure that cannot happen. One has to have proper qualifications in a particular area before one can say one is a specialist.

Ms Harney: Senator Henry is correct that this is the position.

Question put and agreed to.

Section 48 agreed to.

SECTION 49.

Question proposed: “That section 49 stand part of the Bill.”

Dr. Henry: While I agree with section 49, a real problem will emerge regarding internships due to the increased number of medical graduates. We have a responsibility to those doctors trained in Ireland to ensure there are enough internships to fulfil their qualifications necessary before they can be registered with the council. We cannot, as used to happen in the good old days as they were described, have people going to England to complete internships as that avenue is being closed. Has the Minister any thoughts on how we will fulfil these criteria? This year there will be an increase in the number of medical graduates. An awful bottleneck will be created with the reduction in the number of non-consultant hospital doctors and an increase in consultant-provided care.

Ms Harney: I have concerns about this. Recently I had meetings with the IMO and final year medical students, half of whom had placements and the other half who were concerned as they did not. Since then, I have met with Professor Drumm and the HSE to make this a priority. With the increased number of medical graduates and the new medical school in Limerick, there will be issues around the accreditation of training. The Department is in discussions with the HSE on this matter. Cost implications must also be considered.

Question put and agreed to.

SECTION 50.

Question proposed: “That section 50 stand part of the Bill.”

Dr. Henry: This important section allows for visiting practitioners to provide services on a temporary and occasional basis. There is no provision in the section, however, that a person providing specialist treatment, particularly cosmetic surgery, must have specialist qualifications. This concern is further heightened by the recent establishment of several cosmetic surgery clinics.

Ms Harney: They must have specialist qualifications. Issues surrounding cosmetic surgery cannot be dealt with in their entirety in this legislation. It will be dealt with by a licensing system. I have established a patient safety commission to examine the accreditation and the licensing of

[Ms Harney.]

health facilities, particularly hospitals. Anyone can own and run a hospital in this State but doctors must be registered to practise in one. I am satisfied that they do have to be specialists.

Section 50 transposes an EU directive but a specialist would have to be qualified in a EU member state.

Dr. Henry: My concern is the specialist training that these people may or may not have had.

Ms Harney: I am advised we cannot go beyond the directive's provisions. It must be implemented.

The Senator used the example of cosmetic surgery and a person not properly qualified in another member state coming to practise in Ireland. The directive specifies that any doctor who has a basic qualification and internship can practise in Ireland on a temporary basis. It is more a European issue than an Irish one.

Dr. Henry: It is important that this is made plain to the general public. I welcome the fact that people on a specialist register must have specialist qualifications. There are medical people entering the country every several weeks to undertake complicated medical procedures. One must query their qualifications. That they do not have to have specialist qualifications must be made well-known to the general public. If a doctor is on the Irish register, it could be assumed his or her specialist qualifications are similar to those of an Irish doctor. This is an area, where through court cases, we have seen there has been trouble. Some of the people concerned were not resident in the country. I am delighted with the proposed legislation on who is qualified to run a hospital. I am amazed at the number of hospitals that have been started.

Ms Harney: They will not be able to practise as specialists because that will be a designated title. They can practise as doctors but not as specialists. There are two issues involved. First, there is an EU-wide dimension for standards and patient information. Many people are going to doctors who are not medical practitioners such as in alternative medicine. Second, there is an issue with the licensing and the accreditation of facilities and the people who work in them. This is an area in need of major reform because it is a major gap in our regulation of health facilities.

Dr. Henry: I hope the Medical Council will make it plain that people cannot just call themselves specialists.

Ms Harney: The title "specialist" will be designated in this legislation. After the regulations are made, it will be a matter for the council to ensure those that are qualified can call themselves specialists. It will be an offence under the Act to

call oneself a specialist when one does not have a specialist qualification. It will require vigilance on the part of the Medical Council.

Mr. Daly: More people now go abroad for medical treatment advertised in this State. On some occasions the procedures have led to horrific results. Does the legislation cover those without specialist qualifications from abroad who advertise in the State?

Ms Harney: There was a well-publicised case of a young woman who died. I am not sure what the outcome of the investigation was in that case. A doctor attended a hotel in Ireland from which he recruited patients for cosmetic surgery. There are many people going abroad for dental work and other treatments. We cannot control the output flow of patients. Sometimes the Irish health system has to pick up the pieces if the person has not gone to an appropriately qualified practitioner.

We are obliged to implement EU directives but the issue of specialists is for the Medical Council after the regulations are made. The main issue is there has to be a licensing and accreditation regime for hospitals. That hospitals will have to reach certain standards will bring greater confidence, assurance and information to patients.

Question put and agreed to.

Sections 51 to 56, inclusive, agreed to.

SECTION 57.

Question proposed: "That section 57 stand part of the Bill."

Dr. Henry: I praise the Minister for having said the complainant should be given information because not giving information to the complainant was a serious problem in the past.

Question put and agreed to.

Sections 58 and 59 agreed to.

SECTION 60.

Question proposed: "That section 60 stand part of the Bill."

Dr. Henry: I raised this matter previously so I will not labour the point. It concerns the hearings and stress in respect of whether they will be heard in public. I cannot understand why a person, such as a court reporter, who attends and reports on family law cases in an anonymous fashion could not report such hearings. Whatever criticism some journalists may have had of the work, I believe it appears to have been excellent. I am anxious about this provision because I have known complainants who did not pursue their complaint because the conditions under which

the Medical Council's fitness to practise committee operated were secretive. Complainants did not go before it with what I considered genuine complaints because the complaints were of a very personal sexual nature.

I am concerned the same sort of pattern may occur in this context. I am aware the council may decide to hear some or all of an application in private but it might be preferable for a person such as court reporter in the Courts Service to be in attendance and with the agreement of the complainant and, unless the reason for not permitting the proceedings to be heard in public was totally irrational, for the proceedings to be published.

Ms Feeney: I support Senator Henry on that point. It is difficult to find a balance in such cases because we are moving from a position where this process was surrounded by a cloak of secrecy to one where we are trying to introduce a degree of transparency. I know of cases where the complainant was devastated because he or she was not allowed in to hear the case that was made against him or her or that was put forward on behalf of the practitioner. Some sensitivity must apply in dealing with the parties concerned, the complainant and the practitioner because the practitioner is not found guilty of professional misconduct in all cases. Given the nature of these types of complaints, one must query in respect of the proceedings what is best in the public interest as against the curiosity or news value of the hearing of such proceedings in public. I have no doubt the Minister will work out what is best in the public interest and what is not.

Ms Harney: In this respect, we have gone for a position that is a half-way house. Much lobbying, particularly from patient groups, was engaged in for everything to be heard in public. I very much take the point made by both Senators in the case of complainants. Many people want to remain private citizens but want to do their duty by themselves as patients and by other patients by making a complaint and having it investigated. They should be entitled, if they wish, to have their case heard in private. Equally, a doctor should be able to make his or her case. The fitness to practise committee will comprise a lay majority of reasonable men and women who, in the first instance, must be objective and fair-minded and, for the moment, we should leave it to them to decide on this issue.

With all the new committees being established, such as the health committee, the preliminary screening committee, the mediation process and so on compared with there being only the fitness to practise committee and no other option in the past, it is to be hoped that only serious matters where there is a *prima facie* case will go before the fitness to practise committee and many health related issues can be dealt with elsewhere. The proactive power given to the council to intervene

at a much earlier stage will help greatly in ensuring that only serious matters go before the fitness to practise committee. Although it is provided for that the norm will be for cases to be heard in public, the fitness to practise committee has discretion in that respect. On balance, this is a half-way house between a hearing being either fully public or fully closed. The committee has been given the option in that respect.

Question put and agreed to.

Sections 61 to 64, inclusive, agreed to.

SECTION 65.

Government amendment No. 8:

In page 61, subsection (1), line 14, to delete “63(I)(b) or (2)” and substitute “63”.

Ms Harney: This technical amendment is included to correct a typographical error in the Bill relating to a cross-reference to section 63. As this section was amended in the Dáil, the reference no longer exists.

Amendment agreed to.

Section 65, as amended, agreed to.

SECTION 66.

Government amendment No. 9:

In page 62, subsection (3), line 8, to delete “section 12” and substitute “section 11”.

Ms Harney: This technical amendment is included to correct a typographical error in the Bill relating to a cross-reference to section 11 — rules made under section 11 and not section 12.

Amendment agreed to.

Question proposed: “That section 66, as amended, stand part of the Bill.”

Dr. Henry: I am glad the Minister has included a provision that evidence may be given by video link. It can frequently be difficult to get witnesses who worked in a hospital at one stage but are now based in Toronto, Tierra del Fuego or elsewhere to appear before a committee. Therefore, I am glad this provision has been included.

Section 66(9)(a) provides that the records shall not be made available unless “the patient has consented in writing to the records being made so available”. What is the position if a patient refuses to allow records to be made available but the partitioner considers it essential that they be made available?

Ms Harney: I am advised it is a matter for the council and the committee to make a decision in such a case.

Dr. Henry: This provision could be hard on the practitioner if he or she thought the production of a patient's records were essential.

Ms Harney: We are dealing with the complaint being made in writing.

Dr. Henry: I know that, but this is regarding a patient's records being made available, a patient not allowing his or her medical records to be made available, yet the practitioner may consider they are essential to his or her defence.

Ms Harney: I am reading the subsection.

Acting Chairman (Mr. Dardis): It is section 66(9)(a) and (b).

Dr. Henry: I do not know how the practitioner can force these to be——

Ms Harney: If the patient does not consent, I note that section 66(9) states “or (b) the Committee has directed in writing the practitioner, or any other person who has power over or control of the records, to make the records so available”. The patient might not consent in writing but might consent orally, I presume. Is the Senator saying that if a patient refuses to make his or her records available, it puts the doctor concerned in an impossible position?

Dr. Henry: Yes.

Ms Harney: I am told this provision exists in the current legislation.

Dr. Henry: The subsection provides that the committee can direct the practitioner to act, but that could put the practitioner in an awkward position.

Ms Harney: I am told this is the law under the 1978 Act and it has not caused any difficulties.

Ms Feeney: I am aware from experience that if no records were made available, the committee would find itself in a awkward, vulnerable position. It would either make a direction to obtain the records and, if the patient was agreeable, the committee's position would be outlined to the complainant. Not many such circumstances have arisen, but in one case consent was given to have the records made available.

Ms Harney: By the doctor?

Ms Feeney: No, by the patient; the patient gave consent. We did not have the patient's consent initially.

Dr. Henry: My concern is if the patient will not give such consent.

Ms Harney: It is provided under the current Act. It provides that if the patient does not give consent, the committee can direct the doctor to make them available.

Ms Feeney: That is what happens.

Ms Harney: That is what it states in the current Act. It states the committee can specifically direct the registered medical practitioner concerned to produce such records. If the patient is the complainant, I do not understand why he or she would not make his or her records available. This may be covering a case where somebody else is the complainant and a patient's specific records are required.

Dr. Henry: I am not totally happy about this provision but there is not much I can do about it.

Ms Harney: I do not understand why if a patient is the complainant, he or she would not make his or her records available.

Dr. Henry: Sometimes they make a complaint and then realise, as has happened and as I have seen in court cases, information will be revealed from past medical records, they having thought only information concerning the subject of the current complaint would be produced. However, they suddenly realise that medical records will be produced and they do not like that.

Ms Harney: Apparently this provision is part of the current law and it has not caused a problem. The committee can give a direction to the doctor concerned. It is probably being done so patients' records are not made available on too liberal a basis.

Question put and agreed to.

Sections 67 to 69, inclusive, agreed to.

SECTION 70.

Question proposed: “That section 70 stand part of the Bill.”

Dr. Henry: I like to praise the Minister when I can because people are giving out about her. It is good complainants will be told what will happen because they were not told in the past and it was a problem.

Mr. Browne: Lately the Minister for Justice, Equality and Law Reform has been quick to announce on radio the number of people arrested for drink driving. However, I have discovered only half of them are convicted. I understand that if one is arrested on suspicion of drink driving, one's name is put on the database, or on the PULSE system, as having been arrested. However, there is an issue about one's name being removed from the system if one is sub-

sequently proved not to have been over the legal limit. If a medical practitioner is found innocent, will his or her name still appear on a database indicating her or she was under investigation or will it be wiped off? This issue relates to the Data Protection Act more than anything else.

Ms Harney: Obviously, we cannot supersede the Data Protection Act. Is the Senator talking about a doctor who has been cleared?

Mr. Browne: I am talking about a medical practitioner who has been cleared.

Ms Harney: If he or she has been cleared, his or her name will still be on the register as he or she has not been struck off. Does the Senator mean in the newspapers?

Mr. Browne: No. In the case of drink driving, one is recorded as having been arrested for drink driving but there seems to be a gap between when one is found innocent and one's name being removed from the system. Will the same happen in this case? If a medical practitioner is accused of something but is found innocent, his or name should not appear—

Ms Harney: It would not appear anywhere but if there is a fitness to practise inquiry in respect of him or her, obviously, there would be records of that. The inquiry might be held in public or in private but if he or she is not struck off, his or her name remains on the register.

Mr. Browne: I am not focusing on the register.

Ms Harney: Is the Senator talking about a vexatious complaint?

Mr. Browne: Not necessarily, but a vexatious complaint is an issue. If a person is found innocent, he or she is entitled to have his or her good name fully restored. There should not be a question mark over him or her.

Ms Harney: His or her good name cannot be taken away without a fitness to practise inquiry taking place. Under this Bill, people will have the right to go to the courts if they believe they were not given fair play. They will have the right to appeal to the courts where these matters are ultimately determined. When the Senator talks about a person's innocence, a fitness to practise inquiry can recommend that a person is struck off, censured or whatever. That would be a matter of public record. If there is no censure and the inquiry finds the doctor has no case to answer, there is no record anywhere of a negative against the doctor.

Ms Feeney: The only time a doctor's name is ever recorded is where a fitness to practise inquiry finds against him or her. His or her name would go out to the medical media around the

world and to the High Court. Where no professional misconduct has been found and where the doctor has proved he or she has no case to answer, his or her name is not mentioned, the papers are destroyed and the matter is kept in-house. Other medics would know the doctor was before a fitness to practise inquiry but that is another issue. There is nothing we can do to stop people talking. Where a case against a doctor falls, he or she does not come up for mention anywhere. There would be no mention of his or her name on any file.

Mr. Browne: The difficulty has been identified by Senator Feeney. If a teacher is accused of sexual abuse, his or her career is basically ruined whether he or she is found guilty or innocent. All it takes is a picture of a teacher going into a courthouse to face a court case. It does not matter if he or she is found completely innocent as people do not read the story. They just read the headline and see the photograph. That is the point I am trying to make.

Ms Harney: The difference here is that we have a preliminary screening committee and mediation. If a patient makes a complaint about a doctor, it is to be hoped mediation could be used to resolve it. The doctor might have been rude or turned up late. That will not go to a fitness to practise inquiry. If there was a health issue and somebody believed the doctor was drinking too much or whatever, it could be dealt with through a different channel. It is not a question of there being a fitness to practise inquiry and a huge question mark over the doctor as a result of a minor complaint.

I have much sympathy with the point of view Senator Browne expressed. I know somebody against whom an allegation of sexual abuse was made. The man, who was a priest, was totally innocent. He and his family, whom I have known for many years, were devastated for two years. As the matter got close to being investigated, the complainant withdrew the complaint and apologised privately. That man is still a destroyed person. We want to avoid that happening under this legislation and that is the reason we have preliminary hearings.

The Medical Council will be made up of good, decent, honourable and objective women and men who will not be out for anything except to serve the public interest and to support doctors which is the whole purpose of the Medical Council. It is as much about supporting doctors, particularly in the type of situation Senator Browne mentioned, as it is about protecting the public interest and investigating complaints.

Question put and agreed to.

Sections 71 to 74, inclusive, agreed to.

SECTION 75.

Question proposed: "That section 75 stand part of the Bill."

Dr. Henry: Previously I raised the fact section 71(a) may not be appealed, either on the facts or the censure. This is where a person can be given advice, an admonishment or a censure in writing. I gather this is because of the legal advice the Minister has been given in view of the case before the courts at present. People will feel very aggrieved if they cannot appeal an admonishment if they believe they were in the right. When this court case is resolved, does the Minister propose to amend this legislation? It could be quite serious. People take their professional names quite seriously, and rightly so. How will this issue be addressed after the court case?

Ms Harney: I took legal advice and consulted the Medical Council. The view was that this is an area of uncertainty. It is being challenged before the courts and rather than try to put legislation around it, it was decided to await the determination of the courts. Depending on the outcome in the courts, which could take some time, we may need to amend the legislation. The strong legal advice was not to start to amend until we know what we need to amend.

Question put and agreed to.

Sections 76 to 83, inclusive, agreed to.

SECTION 84.

Question proposed: "That section 84 stand part of the Bill."

Dr. Henry: I always give praise when I possibly can. It is very good the council is looking at the situation of people in other jurisdictions. This has caused problems, even in the immediate past. It is most important relevant information is exchanged between jurisdictions.

Ms Harney: I agree with the Senator.

Question put and agreed to.

Section 85 agreed to.

SECTION 86.

Acting Chairman: Amendment No. 10 in the name of Senator Henry is out of order because it involves a potential charge on the Exchequer.

Amendment No. 10 not moved.

Government amendment No. 11:

In page 72, subsection (3)(c), line 38, to delete "(4)(b)" and substitute "(4)(a)".

Amendment agreed to.

Government amendment No. 12:

In page 72, subsection (3)(e), line 46, to delete "of" and substitute "on".

Ms Harney: This amendment is to correct a minor spelling error.

Amendment agreed to.

Question proposed: "That section 86, as amended, stand part of the Bill."

Mr. Browne: A friend of mine involved in the health service often says we should call the Department of Health and Children the department of disease in so far as there is a need for constant forward planning. A census is carried out every five years and the figures for the latest census will be published on 26 April 2007, which will give an indication of population growth. We seem to be playing catch-up, with which the Minister will be familiar because of the current nurses' dispute. Is there a planning unit in the Department which studies population trends? People are living longer now and while this is good news it means the health service is under more pressure. People are surviving illnesses that would have killed them in the past. A heart attack years ago would have killed whereas now the treatment is regarded as a piece of plumbing, according to Dr. Neligan. I do not think he is a friend of the Minister's—

Ms Harney: He is a wonderful friend of mine and a great supporter of the Senator's party. I heard he told half the audience at a Fine Gael meeting they had MRSA. I presume this was not because they were members of Fine Gael.

Ms Feeney: Was he at the Ard-Fheis?

Mr. Browne: Not yet. There have been great advances in cardiology and oncology, but in some respects the health service is a victim of its own success. As soon as one illness is cured, another illness arrives or more is expected of the service. Whatever Government is in charge after the next general election will need to be proactive and forward thinking. I am pleased the Minister has increased the number of medical school and dental school places. Orthodontics is a growing area and we need to be constantly looking ahead rather than simply reacting. Section 86 gives scope to the Department of Health and Children and the Health Service Executive to plan ahead and avoid problems in the future.

Mr. Daly: On this section I wish to raise the difficult situation in the mid-west and Limerick area where there has been a difference of opinion within the orthodontic service about the training of personnel. I ask whether it is possible within

this section of the Bill to find a resolution to a problem which seems to be delaying orthodontic treatment for hundreds of young people who are on waiting lists and who are very put out because they have been delayed for years because of an internal difference of opinion between some of the orthodontic people about the training of orthodontists. I am not sure if the Minister is aware of the situation but with regard to this section she might make a note to have some examination undertaken of the situation in the mid-west and Limerick where children are in need of orthodontic treatment—

Mr. Browne: We have no orthodontists in County Carlow.

Mr. Daly: —and internal disputes about training are delaying the development of the service.

Dr. Henry: I am very concerned about the lack of specific details regarding funding for education and training. The only reference in the section states that the HSE should give advice to the Minister on medical and dental education and on all other matters, including financial matters with regard to the development and co-ordination of specialist medical and dental education and training.

I refer to the example of England where there have been significant cutbacks in the national health service because finance has been given priority instead of training and education. However, money is needed to maintain what we hope is the high level of training in this country. It would have been better if ring-fenced moneys had been referred to in this legislation. I can foresee cuts again in the area of study leave and training courses because they all cost money.

Ms Harney: In answer to Senator Browne, there is constant planning in the Department. The priority in health care at the moment is to reform the way business is done so that the allocated resources can be better used. We are very fortunate that alone of the countries in the developed world we have been able to increase funding four-fold in one decade. We have greatly enhanced and increased the number of people in training in therapies, medical education and nursing. There has been a significant increase in the number of front-line workers in the health care system. The Senator made a valid point about disease as opposed to health.

One of the issues being examined is the reform of health insurance. The Barrington group has recently reported and I will consider the report over the Easter recess. One of the issues to be considered regarding health insurance is that non-smokers are not given a bonus. Best health advice would be to offer incentives for good behaviour and the Senator has made some valid points about health promotion.

The Dental Council and the Medical Council are the bodies that must approve the location and quality of training and the HSE arranges the facilities. The original Bill as drafted provided that the HSE, in so far as was practicable, should provide competence assurance. This begged the question whether the HSE could say it did not have the resources. This provision has been removed so that competence assurance is a priority and cannot be regarded as being behind everything else. We must ensure that doctors are competent to do the job. We are significantly increasing the amount of money being spent on training and education. We have committed to give money to the Medical Council for competence assurance. The original intention was that this would be completely funded by the profession but I believed this would be an unfair and unreasonable burden on the profession and it would take a considerable time to get to where we need to be if this was the case. The State, therefore, will be involved as a co-funder. We are greatly increasing investment in medical education and training. The funding must be provided to support any increase in the number of places, and the same applies for internships.

I am familiar with the dental issues in Limerick where training was being accredited by an overseas body. The bodies certified to train orthodontists in Ireland are the domestic bodies. A report has been completed on behalf of the Joint Committee on Health and Children. It contains some strong views and I am due to meet a particular person soon to hear a different perspective.

Orthodontic treatment is a priority. It is extraordinarily expensive in this country and we must ramp up the number of orthodontists available to treat younger patients. The need for orthodontic treatment also has a significant cosmetic impact on many young children if they cannot receive the appropriate treatment. I know of a large number of people in the Dublin area who travel to Northern Ireland for orthodontic treatment. It seems to be available there much more cost-effectively than here and I am not quite certain why that is the case. I do not believe the orthodontists in Northern Ireland are of an inferior standard or quality to the orthodontists here. Availability and cost are major issues.

We will reform the Dental Council and introduce legislation. After the pharmacists and doctors, the next two areas needing regulation in a modern context will be nurses-midwives and dentists because the legislation is out of date. Many of these issues will need to be thrashed out in that context.

Acting Chairman: Dr. Henry made a point about the HSE and financing.

Ms Harney: I think I dealt with that matter.

Mr. Browne: I raised this issue at the Joint Committee on Health and Children. When I was

[Mr. Browne.]

teaching, I was obliged to give three months' notice if I wished to leave my job and I could only leave my job when somebody else was appointed in my place. It appears that one month's notice is sufficient in the health service and this can cause havoc. If an occupational therapist leaves his or her job, there is no replacement.

I refer to a patient whose family contacted me. I am embarrassed to admit that I was contacted by the family of a patient in October and that

1 o'clock I received a reply only in March to queries I made on her behalf. The reply in question indicated that there

were no occupational therapy services for Carlow and that it was not possible to provide a definite date for an appointment. I ask the Minister to give consideration to this issue.

Perhaps when health professionals working in this sector first qualify, they should be obliged to remain in the service for a certain period. In addition, the one-month rule should be changed in order that the HSE will have time to advertise for and recruit replacement staff. This would mean that patients would not suffer.

A friend of mine visited the Royal College of Surgeons recently and informed me that many people from outside the State, particularly from countries in the Middle East, are training there. I have no difficulty with the latter and I understand that, from a financial point of view, it is attractive to colleges to take these people on because of the huge fees they can be charged. The problem is that when these people qualify, they immediately return to their home countries. This is unsatisfactory and we must reconsider the position. We must either fund the colleges properly in order that they will not be dependent on fees paid by foreign students or oblige those who come from abroad to train to remain here longer and give the State the benefit of their expertise and skills. I know of a Chinese student who had to repeat exams at Carlow IT recently and who was obliged to pay €1,500 for the privilege of doing so. Taking on foreign students is obviously lucrative for the colleges but there is a downside to this.

Ms Feeney: I support Senator Browne's comments regarding the amount of notice medical personnel should provide. When I chaired the ethics committee of the Medical Council, I received many complaints in respect of trainee doctors. The latter change jobs on 1 January and 1 July. The nature of the complaints would have been, for example, that a trainee doctor had accepted a job in Donegal but had later received an offer of one in Dublin, which would be a better location in which to work. He or she would have given no notice of his or her intention to accept the job in Dublin and would not contact the hospital in Donegal to indicate that he or she would not be turning up. The authorities at the latter would be under the impression that the young doctor in question was coming to the

facility to spend six months working there but he or she would never appear.

The Medical Council could do nothing about the type of behaviour to which I refer. Perhaps trainee doctors should be informed that such behaviour is not professionally or ethically correct and that they have a responsibility to prospective employers and patients. The latter would, after all, be expecting that someone would be present to care for them while in hospital. It might be of assistance if junior hospital doctors were made aware of what is expected of them in this regard.

Ms Harney: The Senators made some valid points. Many of the foreign students educated in our medical schools wish to return to their own countries to practise medicine. Moving the intern year to a postgraduate year may mean that many of them will complete their clinical placement or internship abroad and this could help ease some of the pressure for places in Ireland. I am of the view that our substituting foreign students with EEA and EU students — we cannot discriminate between Irish students and their counterparts from other European countries — and increasing the numbers from 325 to 745 over a period of years will be of assistance.

Senator Browne made a particularly valid point regarding the month's notice. It seems to take a long time for consultants to disengage from health systems and commitments to patients in other countries before they come here to take up positions they have been offered. I will discuss this matter with the HSE in the context of new contracts of employment. It would clearly not be possible to set aside existing contracts.

Mr. Browne: The period relating to teachers is three months.

Ms Harney: A period of three months would not be unreasonable.

Two issues arise in respect of the six-month period. For all sorts of reasons, 1 January is the worst possible day of the year on which to start a new job. The position is similar as regards 1 July. It was suggested to me that the commencement dates should be moved to March and October. I have forgotten what reasons were offered in respect of not doing so. I have not succeeded in convincing people that the timeframe should be changed. Perhaps it relates to an overlap period. People go on holidays in July and it is difficult for a new person to commence work on 1 January in a hospital because many people are on leave and it is a bank holiday. We may need to consider the position in this regard.

A longer timeframe is required in respect of contracts of employment. Issues arise in this regard in circumstances where one member of a small team is obliged to take maternity leave. That is why we needed to increase the number of therapists available and put in place the primary

care initiatives in order that there would not be an over-reliance on particular individuals because one person could be sick and another might have family commitments. There are provisions in law under which, for example, people can take time off to care for relatives without their employment being affected. If a service for a region is totally dependent on one or two people, patients will lose out if either individual is not available. That is why it is important to strengthen teams so that they will not be dependent on one or two people.

Dr. Henry: The start date in July, which predicated the changeover on 1 January, relates to the fact that medical examinations traditionally take place in late May and early June.

Question put and agreed to.

Sections 87 and 88 agreed to.

SECTION 89.

Government amendment No. 13:

In page 77, subsection (2), line 31, to delete “speciality” and substitute “specialty”.

Amendment agreed to.

Government amendment No. 14:

In page 77, subsection (3)(b), line 46, to delete “speciality” and substitute “specialty”.

Amendment agreed to.

Government amendment No. 15:

In page 78, subsection (5), line 1, to delete “specialities” and substitute “specialties”.

Amendment agreed to.

Government amendment No. 16:

In page 78, subsection (5), line 2, to delete “specialities” and substitute “specialties”.

Amendment agreed to.

Government amendment No. 17:

In page 78, subsection (7)(a), line 15, to delete “speciality” and substitute “specialty”.

Amendment agreed to.

Government amendment No. 18:

In page 78, subsection (7)(a)(ii), line 15, to delete “speciality” and substitute “specialty”.

Amendment agreed to.

Question proposed: “That section 89, as amended, stand part of the Bill.”

Dr. Henry: From what the Minister stated earlier — Senator Feeney also raised the matter — I am of the view that she understands the position regarding the heads of the various training bodies and how important it is that they should be involved with whatever committees the council establishes.

Ms Harney: I completely agree with the Senator in that regard.

Question put and agreed to.

Section 90 agreed to.

SECTION 91.

Question proposed: “That section 91 stand part of the Bill.”

Dr. Henry: I am glad the Minister informed the HSE that funds will have to be put in place in respect of competence assurance. The latter is terribly important. Even if one is working within a hospital, one can become very isolated in one’s field. Making provision in this area will involve giving people time off to attend courses. This, in turn, will lead to questions as to whether locum cover will be provided or whether clinics will be cancelled. The HSE is taking on onerous responsibilities in respect of this matter. I am certain that it will take a great deal of money and organisation to ensure that the new arrangements will operate efficiently.

Ms Harney: That is the case and that is why it must be given priority. However, I am of the view that a great deal of money will be saved in the medium to long term because if doctors are competent, up to speed and possess the requisite skills, patients do better. Such patients are obviously less of a burden on the health system than those who were treated inappropriately by doctors who did not possess the necessary skills and who required follow-up treatment. Although it will be costly in the initial period, it will prove very cost effective in the medium term.

Question put and agreed to.

Section 92 agreed to.

Amendment No. 19 not moved.

Section 93 agreed to.

SECTION 94.

Mr. Browne: I move amendment No. 20:

In page 81, lines 20 to 22, to delete subsection (1) and substitute the following:

[Mr. Browne.]

“94.—(1) The Health Service Executive and the registered medical practitioner shall ensure that practitioner’s professional competence is maintained on an ongoing basis.”.

The amendment suggests that the HSE has a role in ensuring that practitioners’ professional competence is maintained and that responsibility in this regard should not fall solely on practitioners.

Ms Harney: I agree. That is why we did not use the phrase “as far as is practicable”.

Amendment, by leave, withdrawn.

Section 94 agreed to.

Sections 95 and 96 agreed to.

SECTION 97.

Question proposed: “That section 97 stand part of the Bill.”

Dr. Henry: The Postgraduate Medical and Dental Board has done incredible work and has been a most useful and hardworking body. As a former member of the board, it is great to be able to praise it. I hope it will be left *in situ* until the new procedures to be put in place by the council are up and running. The Postgraduate Medical and Dental Board is the one body about which one never hears complaints. It even tackled the problem to which Senator Browne referred, namely, of people not giving sufficient notice, some years ago. Admittedly, it did not manage to get very far, but I recall it said 20 years ago that a situation in which people accepted jobs only to let the hospital down could not be tolerated. That was very forward looking.

Our specialist qualifications are regarded as among the best in the world. Irish qualifications need only be produced and one never hears of them being questioned. We should ensure those high standards are maintained and that is why I hope the present system remains in place until the conditions are ready for a smooth changeover.

Ms Harney: It will be kept in place. The inclusion of the Postgraduate Dental and Medical Board in this legislation came on foot of the recommendations of the Fotrell and Buttimer reports.

Question put and agreed to.

Sections 98 to 102, inclusive, agreed to.

SECTION 103.

Government amendment No. 21:

In page 84, subsection (2), line 46, to delete “this”.

Ms Harney: This is a technical amendment which corrects a minor typographical error. The word “this” is not required in this context.

Amendment agreed to.

Section 103, as amended, agreed to.

Sections 104 to 109, inclusive, agreed to.

Schedule 1 agreed to.

SCHEDULE 2.

Acting Chairman: Amendments Nos. 22 to 30, inclusive, and 32 to 34, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 22:

In page 89, paragraph 2, line 33, to delete “Article” and substitute “paragraph”.

Ms Harney: These technical amendments correct various references to articles, paragraphs and subparagraphs in Schedule 2. They merely ensure consistency with the normal drafting style of Irish legislation, in which references are generally to paragraphs, subparagraphs and clauses of Schedules to Bills.

Amendment agreed to.

Government amendment No. 23:

In page 89, paragraph 3, line 35, to delete “Article 4” and substitute “paragraph 4”.

Amendment agreed to.

Government amendment No. 24:

In page 89, paragraph 3, line 38, to delete “Article 12” and substitute “paragraph 12”.

Amendment agreed to.

Government amendment No. 25:

In page 89, paragraph 4, line 41, to delete “Article 3” and substitute “paragraph 3”.

Amendment agreed to.

Government amendment No. 26:

In page 90, paragraph 4(a)(i), line 4, to delete “Article 12” and substitute “paragraph 12”.

Amendment agreed to.

Government amendment No. 27:

In page 90, paragraph 4(b)(i), line 13, to delete “Article 12” and substitute “paragraph 12”.

Amendment agreed to.

Government amendment No. 28:

In page 90, paragraph 4(b)(iii), line 20, to delete “Article 12” and substitute “paragraph 12”.

Amendment agreed to.

Government amendment No. 29:

In page 90, paragraph 4(c), line 22, to delete “paragraph (b)” and substitute “subparagraph (b)”.

Amendment agreed to.

Government amendment No. 30:

In page 90, paragraph 4(c), lines 23 and 24, to delete “subparagraph (iii) of that paragraph” and substitute “clause (iii) of that subparagraph”.

Amendment agreed to.

Government amendment No. 31:

In page 90, paragraph 7(1), line 38, to delete “Minster” and substitute “Minister”.

Ms Harney: This technical amendment corrects a minor typographical error whereby the word “Minister” was incorrectly spelled.

Amendment agreed to.

Government amendment No. 32:

In page 91, paragraph 12, line 23, to delete “Article 10” and substitute “paragraph 10”.

Mr. Browne: I have been always puzzled by typographical errors, which can merely comprise a full stop. Has a Bill ever been challenged in court on the basis of a typographical error?

Ms Harney: I have no idea but it is clearly good practice to address these errors once they are discovered.

Amendment agreed to.

Government amendment No. 33:

In page 91, paragraph 13(2)(b), line 38, to delete “Article” and substitute “paragraph”.

Amendment agreed to.

Government amendment No. 34:

In page 93, paragraph 21, line 8, to delete “Articles 8” and substitute “paragraphs 8”.

Amendment agreed to.

Schedule 2, as amended, agreed to.

Title agreed to.

Bill reported with amendments and received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Health and Children (Ms Harney):

I thank Senators for an informed and insightful debate. I always derive great pleasure from attending the Seanad for debates. I am delighted the Bill has seen a speedy passage because everybody recognises it is long overdue. I thank the Leader and the staff of the House for facilitating today’s debate.

Ms Feeney: I thank the Minister for taking this Bill and commend her officials on the hard work they have done. Of all the recent legislation on medical issues, this Bill is probably the most sensitive.

Two areas of the Bill are worth mentioning. The certificate of good standing means people from outside the EU will no longer experience lengthy delays in having certificates sent from their countries of origin. It was wrong of us to require the certificates and it made matters difficult for the people who had to wait for them.

I am delighted the council has been given powers to prevent a person from practising in this country until he or she registers, which is in the interest in public safety. I look forward to the implementation of the Bill.

Dr. Henry: I congratulate the Minister on her *tour de force* and thank her officials for the work they put into this much needed legislation. I realise my profession has not been always welcoming of the Bill but I think it will work well in practice.

Senator Feeney wisely raised the issue of non-EU graduates, who we sometimes ask to obtain letters of good standing from countries which they had to flee. It is ridiculous to ask a person to approach a hospital in Baghdad or elsewhere for a letter of good standing after he or she having fled the country dressed in a burka.

I hope the Bill works but money will be needed for its implementation. The fees of the medical profession would have to be incredibly high to fund all the Bill’s provisions. Training and education at specialist level and competence assurance will be particularly important and the Department of Health and Children will have to put its hands deep into its pockets because a considerable amount of money will be needed to

[Dr. Henry.]

make the Bill work as well as the Minister would wish.

Mr. Browne: I thank the Minister and her officials for the work they have done on this Bill. While I am glad we are approaching the Easter recess, I am much better educated, although maybe not wiser, than I was one month ago, thanks to this Bill, the Pharmacy Bill 2007 and the Health Bill 2006. I now understand the differences between the IMO, the Medical Council and the medical practitioners association, and the Pharmaceutical Society of Ireland and the Irish Pharmaceutical Union.

This Bill is ultimately intended to ensure patient safety and achieve a balance between medical practitioners defending their good names and patients correcting wrongs. I hope we have played our part in passing this Bill.

Question put and agreed to.

Sitting suspended at 1.20 p.m. and resumed at 2.30 p.m.

Defence (Amendment) (No. 2) Bill 2006:
[*Seanad Bill amended by the Dáil*]: **Report and Final Stages.**

An Leas-Chathaoirleach: I welcome the Minister for Defence 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. The Minister will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed grouping in the House. Senators may contribute once on each grouping. The only matters that may be discussed are the amendments made by the Dáil.

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

Minister for Defence (Mr. O’Dea): Amendment No. 1 changes the manner in which alternate members of the committee established for the purpose of selecting an officer to be a director of military prosecutions are appointed. The committee consists of the Chief of Staff, a High Court judge and the Director of Public Prosecutions. Alternative members of the committee would be required if either the judge of the High Court nominated by the President of the High Court or the DPP signalled their unwillingness or inability

to act for any period as a member of the committee.

The existing provisions of the Bill in this regard were the subject of an observation by the Irish Human Rights Commission in its report which was received on 1 March 2007. Having considered the observation, I decided to remove any suggestion that there could be a political element to the decision-making process.

Amendment No. 1 has the effect that if the nominated judge of the High Court is unavailable, the President of the High Court may nominate another judge in his or her place. In addition, if the DPP is unavailable, the Minister may, after consulting with the Attorney General, appoint either a practising barrister nominated by the Bar Council or a practising solicitor nominated by the Law Society.

Mr. B. Hayes: This came from observations by the Irish Human Rights Commission and when I spoke on Second Stage, I welcomed the fact it made observations. The fact the Minister is moving on foot of its recommendations is an important step in that it shows the work of the commission, the chairman of which is a distinguished former member of this House, Mr. Manning. It also shows the Government, particularly the Minister for Defence, is prepared to take advice from the commission. As the Minister knows, the commission has a remit to advise the Government and the Houses on primary legislation. The fact the Minister brought about these two small changes is welcome and I support the amendment.

Mr. O’Dea: I thank Senator Brian Hayes for his support and I commend the amendment to the House.

An Leas-Chathaoirleach: Group 2, which comprises amendment No. 2, concerns the chief military judge.

Mr. O’Dea: Amendment No. 2 removes the requirement that the delegation of functions by the chief military judge to another military judge would be subject to the consent of the Judge Advocate General. This amendment was made as a consequence to the amendment made on Committee Stage in this House which gave the President rather than the Judge Advocate General the role of appointing a military judge to be the chief military judge.

An Leas-Chathaoirleach: The amendments in group 3 relate to the constitution of general courts martial.

Mr. O’Dea: Amendments Nos. 3 to 6, inclusive, are a response to an observation raised by the Irish Human Rights Commission with regard to a senior member on a court martial board and the possibility that such an appointment could give

rise to influence among members of the board. The proposed senior member was designed to replace the former appointment of president of the court martial. However, I am now satisfied we can dispense entirely with all references to "senior member" in the Bill. These amendments give effect to this in respect of section 39 which deals with the constitution of general courts martial. Amendment No. 10, which deals with the dissolution of courts martial, was required as a consequence of amendments Nos. 3 to 6, inclusive.

An Leas-Chathaoirleach: The amendments in group 4, which are amendments Nos. 7 to 9, inclusive, and amendment No. 11, concern the constitution of limited courts martial.

Mr. O'Dea: As I stated when speaking about the previous group of amendments, further to the observations of the Irish Human Rights Commission on section 40, I am satisfied we can dispense entirely with all references in the Bill to "senior member" of a court martial. Amendments Nos. 7 to 9, inclusive, give effect to this in respect of section 40 which deals with the constitution of limited courts martial. Amendment No. 11, which deals with the dissolution of courts martial, was required as a consequence of amendments Nos. 7 to 9, inclusive.

An Leas-Chathaoirleach: Group 5 contains amendment No. 12 and deals with amendments to the principal Act.

Mr. O'Dea: Amendment No. 12 is a typographical correction. It merely corrects an incorrect reference in Schedule 2 from section 169(3)(d) to the correct reference to section 169(3)(g).

Question put and agreed to.

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

Minister for Defence (Mr. O'Dea): I thank Senators for the constructive debate we had on the Bill and for the helpful amendments tabled in this House. As I stated previously, it is intended that the Bill will reflect and further enhance the non-statutory interim measures implemented to date for the summary investigation of offences and the conduct of courts martial under the Defence Acts. This Bill is a major advancement and represents a sensible and practical model for the operation of the Irish military disciplinary system in the years ahead.

The measures included are proactive with regard to human rights. Crucially, they also provide for the effective maintenance of discipline within the Defence Forces. I intend to commence all provisions of the Act at the earliest possible date. I reiterate my thanks to everybody for their contributions which were most instructive and helpful.

Mr. B. Hayes: I congratulate the Minister and his officials on the safe passage of this Bill through both Houses. The Minister showed himself to be amenable to amendments in this and the other House. We all want to see a military discipline system within the Defence Forces which is in keeping with the best international human rights standard. The fact that this legislation has gone through both Houses of the Oireachtas is a major advance.

It has been some years since the last Act in this area and I presume this will be re-visited in a number of years. Much will depend on the advances made internationally in human rights and what is best practice in defence forces throughout the world. We must learn from example, especially from those countries with which we serve overseas. The fact the Minister operated on a co-operative basis in both Houses and that we now have a more modern and codified area of dealing with military discipline is a major advance.

Mr. Moylan: I thank the Minister, Deputy O'Dea, and his staff for their work in bringing this Bill before the House. I also thank those on the Opposition side for their contributions to this Bill as it went through this House, and for their co-operation and help. It is important that the legislation was discussed well in this House.

I welcomed the Minister's previous comments in the House indicating that he would consider amendments when the Bill went before the Dáil. He did so and accepted some amendments to improve the Bill before bringing it back here today. That is a welcome progression. Any Bill going through this House may well have to come back on another day and be revisited. As long as it improves the Bill, such as this one dealing with the Defence Forces, we are happy to deal with it in such a way.

I compliment the Minister and the Defence Forces. The appointment yesterday of Dermot Earley as the new Army Chief of Staff for the Defence Forces is also to be complimented, and I wish him well. I express our thanks to the retiring Army Chief of Staff for his outstanding work for the Defence Forces over his term.

I wish the Bill well and hope it works out satisfactorily for the Defence Forces.

Question put and agreed to.

Sitting suspended at 2.45 p.m. and resumed at 4.30 p.m.

European Communities Bill 2006 [Seanad Bill amended by the Dáil]: Report and Final Stages.

An Cathaoirleach: I welcome the Minister of State, Deputy Treacy, to the House. This is a Seanad Bill that 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

[An Cathaoirleach.]

Order Paper for Report Stage. On the question “That the Bill be received for final consideration”, the Minister of State 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. The Minister of State will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed grouping in the House. Senators may contribute once on each grouping. The only matters that may be discussed are the amendments made by the Dáil.

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

Minister of State at the Department of Foreign Affairs (Mr. Treacy): Is cúis áthais é dom a bheith ar ais anseo arís chun Céim na Tuarascála den Bhille an-tábhachtach seo a chur faoi bhráid an tSeanad. Tá mé ag súil le comhoibriú na Seana-dóirí chun go mbeidh an reachtaíocht i dlíthe ár dtíre i gceann lá nó dhó. I am pleased to return to Seanad Éireann to report to it on the amendments made by Dáil Éireann to the European Communities Bill 2006. I had the honour to introduce this important Bill in the Seanad on 7 December 2006 when we had a full discussion. Once we finish our work, the Oireachtas will have made a significant contribution to improving the way we implement our European Community legal obligations.

As Senators will recall, the Bill arises from two debates in the House before Christmas on the serious implications of two landmark Supreme Court judgments in the Browne and Kennedy cases. In both, the Supreme Court found that a statutory instrument to give effect to EC law can only be validly made where the Oireachtas has specifically provided for it in the relevant primary legislation. As such, this is a discussion on primary and secondary legislation.

I will address the amendments made to the Bill during its passage through Dáil Éireann. I understand the Cathaoirleach proposes to take amendments Nos. 1 and 2 together. When the Bill left the Seanad, the further advice of the Attorney General was that these small technical amendments were required.

Amendment No. 1 contains the two changes the Dáil has made to section 1. Senators will recall that section 1 sets out the definitions which provide the foundation for the Bill. The first change made on the proposal of the Government was to include the term “provision of an Act”. The addition of this term is aimed at allowing the transposition of EC measures where they give rise to more than one obligation on Ireland and where transposition by secondary legislation can be achieved under a number of different Acts rather than a single Act.

In the Dáil, my Committee Stage example of sanctions against Zimbabwe sought to illustrate how an EC regulation agreed by member states could give rise to four obligations on the Government requiring us to use three different Acts. The three Acts I mentioned were the Financial Transfers Act 1992, which I said would be used to give effect to the financial sanctions; the Control of Exports Act 1983, which I said would be used to give effect to the embargo on arms sales; and the Criminal Justice (Terrorist Offences) Act 2005, which I said would be used to provide for the freezing of individual assets. I have been advised I should not have referred to the Criminal Justice (Terrorist Offences) Act 2005, even if most of us would regard the activities of the regime in Zimbabwe as falling clearly within the title of that Act. I used the example of Zimbabwe to explain why we should continue to use secondary legislation, based on powers already approved by the Oireachtas, to meet our European Community obligations. I am sure the House will agree Ireland needs to be able to respond in a prompt and comprehensive way when sanctions and travel bans are imposed on countries and the Government is called on to ensure money and arms do not flow to corrupt regimes.

The second change made by amendment No. 1 involves the introduction of the term “body competent” in section 1 of the Bill. This change, which is necessary to provide authority for the implementation of regulations that may be made by the European Central Bank in the future, reflects the terms of the European Communities (Amendment) Act 1992. The amendment provides that measures taken under the EU treaties by a body that is not an institution of the European Communities, but has certain legislative powers conferred on it under the EU treaties, can be implemented in Ireland. The only body covered by the term “body competent” is the European Central Bank. There is nothing new in this provision. We are bringing this Bill into line with the 1992 Act, which was passed following the ratification of the Maastricht treaty.

The second amendment in this group has been made for precisely the same reason as amendment No. 1 — on foot of the changes we made to the definitions in section 1. Senators will recall that section 2 enables Ministers to make regulations to provide for indictable offences if that is necessary to fulfil Ireland’s European Community obligations. The terms “provision of an Act” and “body competent under those Treaties” are being included in this section for the sake of completeness. The inclusion of the terms means Ministers will have the power to introduce stringent penalties, if necessary and if required by European Community law, on foot of decisions made by the European Central Bank’s governing council.

An Cathaoirleach: We will move on to the second group of amendments. Amendment No. 3

provides for regulations to be laid before the Houses of the Oireachtas.

Mr. Treacy: I introduced amendment No. 3 on Committee Stage in the Dáil to provide for a standard 21-day scrutiny procedure for statutory instruments, made pursuant to the provisions of section 2 of this Bill, which create indictable offences. I was aware from comments made in the Seanad and on Second Stage in the Dáil that some Members had genuine concerns about the role of the Oireachtas in the new powers provided for in this Bill. Such concerns first became evident in the Seanad in early December. I said then, and again at the conclusion of the Second Stage debate in the Dáil, that I would consider reasonable suggestions about how the involvement of the Oireachtas in EU-related secondary legislation could be enhanced. I agreed to introduce this amendment after consulting the Office of the Attorney General and my Government colleagues.

The new procedure will require Ministers to lay statutory instruments which will create indictable offences before the Houses of the Oireachtas. The statutory instruments, which will have immediate effect, will continue in force unless either House of the Oireachtas passes a resolution within 21 sitting days of their being laid stating that they should be annulled. The instruments, which will be published in *Iris Oifigiúil*, will be laid simultaneously before both Houses of the Oireachtas. The titles of the statutory instruments will be placed on the Order Paper of each House in English and Irish on the first sitting day after they have been received in the Oireachtas. Under that system of notification, which will ensure that Members of the Oireachtas are alerted to the fact that a statutory instrument is available for inspection, the length of time for which the instrument is being laid will be clearly set out. As Senators are aware, statutory instruments made pursuant to section 2 of this Bill will be laid for 21 sitting days. Members will be able to propose an annulling motion within that 21-day period. If such a motion is passed, the statutory instrument will be annulled. If no such motion is presented, the statutory instrument will remain in force. Departments will be responsible for forwarding copies of each statutory instrument to the sectoral Oireachtas committee that deals with the issue covered by the regulation. There will be two parallel procedures. This new procedure draws on the standard method of laying statutory instruments before the Houses of the Oireachtas. It provides equal scope for scrutiny by the Dáil and the Seanad.

I am aware most Senators have a special interest in European affairs. They will have every opportunity to scrutinise the actions of the Executive in cases in which indictable offences are created using statutory instruments made under section 2 of the Bill. This amendment responds to the key point made about Oireachtas

scrutiny during the debate on this Bill in both Houses. It will give the Oireachtas an opportunity to have a final say when serious offences are created for the purpose of implementing European Community law under the European Communities Act 1972, as amended by the Bill before the House. Accordingly, Members of the Oireachtas will have new scrutiny powers when the Bill is signed into law, as a result of this amendment. When considered with the existing power to scrutinise European Community measures under the European Union (Scrutiny) Act 2002, our scrutiny arrangements compare well with European best practice in this area.

I emphasise that normal parliamentary options remain available. Members can challenge ministerial actions through parliamentary questions and Adjournment debates. The lawfulness of statutory instruments is ultimately open to challenge in the courts, in line with the process of open and accountable democracy that is governed by the rule of law. As I said on Committee Stage in the Dáil, it may be time to examine the way in which the European Union (Scrutiny) Act 2002, which has been in place for five years, has operated. I assure the House I will be open to undertaking such a review in the new parliamentary session. I am hopeful we will all be here to revisit this matter — is é sin ár ngúí.

Mr. Bradford: I welcome the Minister of State's comments on amendment No. 3. During the Dáil and Seanad debates, Fine Gael speakers advocated a more positive version of what the Minister of State is proposing. We would have preferred the Minister of State to provide that a positive resolution would have to be introduced to keep a statutory instrument alive. He is approaching this matter from a different angle, however, by providing that a statutory instrument will remain in place unless a resolution is introduced to remove it. I accept this amendment is an improvement on the original version of the Bill. It is important to ensure Members of the Oireachtas know when regulations are implemented.

One of the weaknesses of the statutory instrument system is that the public has a limited role in drawing up proposals of this nature. More importantly, most people do not have much knowledge of them. I appreciate that the process of laying regulations before the Houses of the Oireachtas is open and transparent, in theory. Even though we provide for the publication of various matters in *Iris Oifigiúil*, most constituents are not aware of the regulations which come before the Oireachtas. That most citizens are not monthly subscribers to the official journal places a greater onus on the Members of the Oireachtas, particularly in their capacity as members of joint committees, to ensure the regulations which are enacted are made public. Those who are affected by regulations should be aware of their consequences.

[Mr. Bradford.]

I would be happier if the process of Oireachtas resolution was to be used in a positive manner, rather than in the negative manner about which we are speaking. I welcome this measure because it improves the Bill. I thank the Minister of State for taking on board the concerns and suggestions outlined by my party in previous debates on this legislation.

Ms Ormonde: I am delighted with this amendment. I have often argued that the European Union (Scrutiny) Act 2002, which has been in place for more than five years, needs to be updated. I am glad the Minister of State has accepted that it is important to include in the 2002 Act some means of updating the arrangements in this regard.

This method is somewhat isolated because I am not sure there is public awareness of this amendment. I never wanted directives and regulations dictated to us from the central institutions of Europe. There should be transparency in respect of decisions taken in this country. The Oireachtas should decide on implementing regulations. This would allow people to be aware their public representatives look after them. We need a public relations campaign for this. I am becoming aware of this now because I am the spokesperson on these matters but I had to learn about it. It is very important that we can scrutinise the diktat from Europe with an opportunity to discuss whatever regulation is issued.

The concept of scrutiny should be revisited. I am not satisfied it works well. Only those who are members of the Sub-Committee on European Scrutiny understand it. As spokesperson on European affairs, I believe we have a duty to let the public know how the sub-committee is working and how institutions and the Oireachtas work hand in hand. We must be in control of our destiny, not subject to a diktat from Europe. If we violate the regulations we should have an opportunity to discuss it so that everyone can understand our reasons.

An Cathaoirleach: I will ask a foolish question. Does the Minister of State wish to reply?

Mr. Treacy: I thank both Senators for their comments. I appreciate the points made, especially those made by Senator Bradford. His party was anxious for a positive resolution to this situation. If we examine this in detail he will agree that this is a positive parliamentary procedure. The distinct and separate roles of the Executive and the Oireachtas dovetail. The Executive has a serious responsibility and must conduct its business in a focused, efficient and effective manner. The parliamentary role of the Oireachtas is one of privilege and responsibility. Both Houses have a parallel opportunity to examine the instrument after it is lodged, at which point it has the force of law.

We have mirrored the desires of Fine Gael and those of other Members in ensuring a transparent mechanism has been provided to the Houses to inform Members and the public. The sectoral committees, a new dimension, will be aware that these statutory instruments are coming into law and have the force of law. If they wish to consider them in some way, they have the privilege of debating them. If Members wish to table a motion, that is the privilege of Members. The distinct roles of the courts, the Executive and the Oireachtas have been encompassed in what has been proposed to protect the integrity of the corpus of legislation required to meet our obligations in respect of the EU. I am grateful for the support shown by the Senators.

I accepted amendment No. 4, tabled by the Labour Party, in the Dáil. It refers to the collective citation. It brings a positive conclusion to our debate and the individual contributions of Members in the Seanad and the Dáil. The Bill was published on 1 December, debated in the Seanad in December, debated in the Dáil in February, in committee in March and now in the Seanad in April to take account of changes made in Dáil Éireann. This gives a clear signal to the citizens of our country of the dedication of the Members of the Oireachtas and of our public officials who worked so hard in consultation with the Attorney General, the Chief Parliamentary Counsel and others involved in ensuring we construct the most modern legislation required for Ireland in the modern world that fulfils our obligations as members of the EU and that allows us to maintain our integrity and independence as a sovereign republic. I salute everyone involved, including the Cathaoirleach and his staff, in ensuring this important Bill is about to be passed in the Seanad.

Mr. Bradford: May I make a general inquiry of the Minister of State?

An Cathaoirleach: It must concern the amendment.

Mr. Bradford: Members commented on a Supreme Court case while debating this Bill on earlier stages. The Supreme Court adjudicated further on matters pertinent to the legislation last week. Could the Minister of State inform the House whether last week's judgment has a bearing on this Bill? Will the Government have a further legislative response?

Mr. Treacy: I thank Senator Bradford for his question. The judgment of the Supreme Court on 29 March 2007 in the cases of *Quinn v. Ireland* and the Attorney General and *Tector v. Ireland* and the Attorney General is confined to the issue of whether the Minister for Agriculture and Food may amend regulations that have statutory effect by further regulations made under section 8 of

the Animal Remedies Act 1993 or whether such amendments can be made by statute only.

The effect of the judgment is confined to regulations made under section 8 of the Act and only applies to regulations made to amend previous regulations. The judgment states that because the Act did not contain a provision permitting such an amendment, which is included the European Communities Act 1972 and the European Communities Bill 2006, regulations made under section 8 of the Animal Remedies Act cannot amend other regulations that have statutory effect. The Animal Remedies Act did not have this express power and so these regulations were rendered invalid. The Bill we are debating encompasses all of these issues and links our responsibilities from the genesis in the European Communities Act 1972, through primary legislation and statutory instruments, to the clearly defined European Communities Bill 2006.

Question put and agreed to.

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

Minister of State at the Department of Foreign Affairs (Mr. Treacy): I thank the Cathaoirleach, the Clerk and the Members for their co-operation. We are deeply grateful.

Ms Ormonde: I thank the Minister of State, who has always made it easy for us to process Bills. I also thank the staff of the Minister of State who helped on the many occasions we encountered problems. Much of the content of this Bill was technical and I appreciate the back-up I receive.

Mr. Bradford: I concur with the previous speaker. I thank the Minister of State but hope that this retrospective legislation will not come back to haunt us if we are still Members of these Houses.

Question put and agreed to.

Northern Ireland: Motion.

Ms O'Rourke: I move:

That Seanad Éireann:

- commends the patient and consistent efforts of the Government to secure the conditions necessary for full implementation of the Good Friday Agreement through restoration of devolved government in Northern Ireland and fully functioning institutions;
- gratefully acknowledges the consistent political and practical support to the process from friends overseas, especially in the United States;

- commends the two Governments and the parties in Northern Ireland for the efforts which led to agreement on 26 March to full restoration by 8 May;
- urges the Government to continue to give priority attention to securing full implementation of the St. Andrews agreement in line with the new agreed timetable;
- commends the two Governments for their work in preparing a financial package to support the incoming Executive and to underpin closer North-South co-operation;
- urges the parties to take full advantage of this historic opportunity, to consolidate the progress already made and to conclude their preparations for Government in time for full restoration on 8 May; and
- calls on the Government to work closely with the new Executive and the other institutions of the Good Friday Agreement in promoting peace and prosperity for all on this island.

We are glad to be able to table this motion in the Seanad this evening. It commends the Government and many others, whom I will mention shortly, for the effort they have put into securing the conditions necessary for the full implementation of the Good Friday Agreement through the restoration of devolved government in Northern Ireland and fully functioning institutions. When I speak on this, it is important to point out that four weeks remain before the positions will be taken up. Since the arrangement was made, however, there have been daily announcements from the two main parties in the North that have kept the momentum going. Dr. Paisley visited the Taoiseach in Farmleigh House today and I am sure they discussed matters of mutual interest in Northern Ireland.

There are many people to thank and commend since the Good Friday Agreement, which was hailed as the new dawn and we were all innocent enough at the time to believe it was.

5 o'clock Little did we know the steps that remained to be taken as time passed.

There were other false dawns but throughout that time, the integrity of the Good Friday Agreement and the heartfelt support for it, North and South, was important. It was like going up a flight of stairs, where we had to keep going on to the next step until we reached this point.

On several fronts, this is a great opportunity for Northern Ireland. Business opportunities are hugely important and Dr. Paisley no doubt stressed that in his conversation with the Taoiseach. The two largest parties went to England to lay out their stall and they received a generous hearing and a financial arrangement, if everything holds fast. The financial package con-

[Ms O'Rourke.]

tains something for us because it includes funding for the Belfast to Dublin railway line.

The St. Andrews agreement must be implemented in full in line with the new timetable, with full restoration by 8 May. I had feared that the five week period for the new, agreed timetable would allow time for mischief making and disruption but I now feel that will not happen.

We should remember those who made such massive contributions to this agreement, such as George Mitchell, who put so much work into the Good Friday Agreement. It also behoves us to remember the 3,000 people who died in the conflict and the huge sacrifices made by so many. Winston Churchill once said that jaw jaw is better than war war and he was right because it is always better to talk, no matter what outrage has been committed. It is always better to pick up the pieces and to get together again. For this we must pay tribute to the civil servants who put great effort into cementing the agreement and ensuring talks continued no matter what hiccup there was on either side. Who would have thought we would have such an outcome, and that the 82 year old Dr. Ian Paisley, with his lovely fedora hat, would now be the new pin-up of Northern Ireland because he has agreed to enter the power sharing arrangement?

The motion acknowledges the consistent political and practical support to the process from friends overseas, especially in the United States. All of the trips to the United States and the bowls of shamrock by various Taoisigh, the constant talking, have resulted in what we are now praising in this debate.

Should we not pay tribute, too, to the combined efforts of many political parties, particularly in the Republic? Former Taoiseach, Charles Haughey sowed the first seeds. This initiative was followed by former Taoiseach, Albert Reynolds, who decided his job was to knock heads together and to become involved in a vibrant manner. The next Taoiseach was John Bruton, who made important steps forward in his formidable style and manner. He was followed by the current Taoiseach, Deputy Bertie Ahern, who took momentous steps and is still in charge, from our end, of the whole Agreement initiative. All four had the interests of Ireland at heart as well as what was happening in Northern Ireland.

I shall move on to what the Northern Ireland Executive is seeking as regards its taxation regime. It wants a lowering of corporation tax to enable Northern Ireland to compete for foreign direct investment in the same way we do. The British Chancellor of the Exchequer, Mr. Gordon Brown, has laid out a review mechanism whereby the implications of what this would mean for Northern Ireland will be looked at. I am confident that whatever emerges from that review will be significant, effective and suited to business development in Northern Ireland. It is pivotal

that we all work together on this island so that all of Ireland is seen as an attractive place in which to do business. We shall then have done a very good job. It was dream of many in the past that an all-Ireland peace initiative might be nurtured and developed along these lines.

The motion calls on the Government to work closely with the new Executive and the other institutions of the Good Friday Agreement. Members of the new Executive are being announced on a daily basis. While it may seem strange to us to hear many of the names with which we are familiar from the deputations to Leinster House over the years, it still makes interesting reading. The new Ministers will have plenty to occupy themselves with in the coming weeks, reading their respective briefs and assimilating all the information provided by the Civil Service there.

The people in Northern Ireland have been consistent in their voting. When they voted on this occasion, however, the two major parties were given a clear signal to the effect that they wanted them in government in Northern Ireland, rather than being ruled from Westminster. All of the issues such as health, education, roads and transport which are of daily import to the lives of people will, hopefully, now be dealt with by the devolved Northern Ireland Executive.

Mr. Mooney: In seconding the motion, I commend the Leader for its wording and for providing the opportunity for Members on all sides of the House to put on record their reactions to the momentous events in recent weeks. We are going through living history as I mentioned in an Order of Business contribution following the historic meeting of Mr. Gerry Adams and Dr. Ian Paisley recently. That event resonates even today.

I was privileged to be a member of the Irish delegation to meet the US congressional delegation. Part of the proceedings was a luncheon hosted in Iveagh House, which is dripping with history, by the Minister for Foreign Affairs, Deputy Dermot Ahern. The Minister was absent for the early part of the luncheon. He had been delayed at Farmleigh, with Mr. Michael Collins, the newly appointed Ambassador to Washington, who will be taking up office in July. Mr Collins has been at the coalface in North-South discussions over the past six years, as personal adviser to the Taoiseach. They came back from Farmleigh, where, along with the Taoiseach they had been meeting Dr. Paisley who was making an historic visit to Dublin. The Minister reported that the meeting had gone exceptionally well. One of the aspects to emerge from it was that a commitment has been entered into whereby the Dublin Government will establish bilateral relations with the DUP, irrespective of and apart from the formation of the Executive. This is an extraordinary development in light of all that has happened over the last 40 years, especially with that party and its leader.

Senator O'Rourke is right in her tracing of the peace process to date. Modesty prevents her from mentioning the role of her late brother, former Deputy Brian Lenihan. The first public impact of the initiatives undertaken by the Taoiseach at the time, the late Deputy Charles Haughey, in his discussions with Mrs Thatcher, then British Prime Minister at the famous Dublin Castle meeting was when Deputy Lenihan referred to what he called "the totality of relations between Britain and Ireland". It was the first time there was an acknowledgement from the so-called Iron Lady to the effect that the Republic of Ireland had a right to real and proactive involvement in the affairs of Northern Ireland. It is right and proper that all of the Taoisigh referred to by Senator O'Rourke should be acknowledged in the manner in which she did. I will not repeat her words but I fully endorse them.

It is right and proper, too, to put on the record of the House the courageous stand taken by Mr. Gerry Adams and Mr. Martin McGuinness. These were two people to emerge from the northern conflict who had supported actively militant republicanism. Mr. McGuinness admitted during the Bloody Sunday inquiry that he had been an active commander and leader of the IRA in Derry during that period. What a remarkable transformation it is that both of those gentlemen are now elected public representatives and one of them will be sitting in Government and working with the man who, for the South, personified all that was dangerous and wrong as regards North-South relations and the relationship between Catholics and Protestants in Northern Ireland.

A biography on Dr. Paisley, written in the late 1970s, referred to an event in the Ulster Hall, an interview carried out by the author with an Ulster unionist supporter of Dr. Paisley. It described that following a closed door meeting in the Ulster Hall, which was revivalist in its atmosphere and content, he came out of the room and the first thing he wanted to do was to kill a Catholic. Such was the malevolent impact of Dr. Paisley and the poisonous effect he had on Northern politics and on North-South relations over many decades. It is right to put that on the record as well, along with the condemnation that was expressed in both Houses of the Oireachtas and throughout Irish society as regards the murderous campaign of the IRA throughout the 30 years. It is right to repeatedly acknowledge the 3,700 innocents who died as a result of a particular ideology. Despite this, we are where we are now. It is right we should acknowledge how far the main protagonists have come. However, enormous challenges lie ahead. It is comfortable for the media to have matters wrapped up in simple packages to present to their audience that everything is rosy in the garden and we are all happy campers. Senator O'Rourke was right to add the caveat that choppy waters could lie ahead. The underlying sectarianism that sadly still exists between the two communities in Northern Ireland will be the challenge

for the new Executive and the rest of us on the island of Ireland.

In one sense, I am disappointed that the creation of the new Northern Ireland Government and Assembly will put off the day of an all-Ireland soccer team, especially as the Northern Ireland team is doing well in the international arena. This is particularly apt when one considers the two recent sporting achievements which solidified the common theme of Irish people on the island of Ireland, irrespective of the Ulster-British aspect. The common theme that Wolfe Tone spoke about was exemplified recently when everyone supported the Irish rugby and cricket teams. These two teams are representative of the entire island of Ireland and its two traditions. It was a wonderful display of co-operation and how people of good will can achieve when they come together. That is the wish I make today for the Northern Ireland Executive.

I acknowledge the outstanding contribution the United States has made to the peace process. Even the hallowed US President, John F. Kennedy, never achieved what Bill Clinton, George Mitchell and those on today's US congressional visiting delegation achieved. They are worthy heroes in the pantheon of Irish patriots. All nine members of the congressional delegation have parents or grandparents who were born on this island.

Mr. B. Hayes: I thank our Fianna Fáil colleagues for moving this Private Member's motion. The Fine Gael Party unreservedly supports it. It is right and proper for the House to congratulate all those involved in the peace process for the amazing achievements of recent months.

The Leader pointed to several politicians and Taoisigh involved in the process. I believe it goes further back and I would include former Taoisigh, Mr. Liam Cosgrave, Dr. Garret FitzGerald and, particularly, Mr. Jack Lynch, during whose tenure there were enormous difficulties facing the Republic. I also acknowledge the astonishing work of our colleague, Senator Mansergh. The State is fortunate to have a political and diplomatic class which has achieved so much over so many years in recognising and resolving the Anglo-Irish issue.

There are similarities between the end of the Civil War, on 3 May 1923, and the event we all look forward to on 8 May 2007. The Civil War, which saw 18 months of bloodshed, was brought to an end by a very simple exchange of letters between W. T. Cosgrave, then President of the Executive Council, and Eamon de Valera, leader of the then republican opposition. W. T. Cosgrave asked de Valera to accept two fundamental principles, that the sovereign wish of the people would be expressed by a majority vote of Dáil Éireann and there could only be one Army, accountable to Dáil Éireann. De Valera, the great statesman and tactician, unreservedly accepted these principles.

[Mr. B. Hayes.]

The significance of that event is just as important as what is hoped will happen on 8 May when the newly established Executive is brought into being and the inter-party government in Northern Ireland is established. It will bring to an end a phase in Irish history which had its genesis in the Sunningdale Agreement. That agreement marked the beginning of a consistent attempt on the part of democratic Ireland and Britain to resolve our historic quarrel by way of a settlement which involved the recognition of the reality that there are two jurisdictions on the island of Ireland but a great commonality in how our affairs are ordered, especially in North-South development. It has taken us such a long time that I recall Seamus Mallon's description of the Good Friday Agreement as "Sunningdale for slow learners".

It is disgraceful that in the past 35 years so many people had to be needlessly murdered to get to this stage. It is appropriate that we never forget their sacrifice and the needless murder machine put in place by paramilitary Ireland for 35 years. This is a victory of parliamentary Ireland over paramilitary Ireland. It is a victory for democratic Ireland over those elements which have consistently undermined State security and engendered a sectarian campaign of violence against our fellow brothers and sisters of all traditions in Northern Ireland. It is a great victory for this Parliament and for British politics that we have come to this state where the embodiment of the Good Friday Agreement, universally accepted by our people in 1998, is the way in which a new Ireland will be formed.

In the days and weeks ahead, it is important that both Governments put into being the North-South parliamentary tier, a key aspect of the Agreement. After the general election, the new Oireachtas must meet the Northern Ireland Assembly.

There are still elements about, especially in militant republicanism, which refuse to accept this new dispensation. It is important in the days and weeks ahead that the Government and the security forces keep a firm eye on these tiny elements which want to bring their warped view of history to the fore and create trouble for the process.

In 1921, the Nationalists of the Twenty-six Counties turned their backs on the Nationalists of Northern Ireland. There was a betrayal when Twenty-six Counties Nationalists allowed the Nationalists of the Six Counties to be partitioned into the United Kingdom. There was also another betrayal in 1921 — the betrayal of the British of their 10% of the population in the Free State.

Dr. Mansergh: Not entirely.

Mr. B. Hayes: We in the Republic must understand the British dimension in this jurisdiction and this country, as the British have begun to

understand the Irish dimension. We can only come to understand the real totality of those relationships when we begin to see it as part and parcel of what we cherish in the Republic. There is a lesson in that for us as much as there one in it for the British.

We need to single out one group more than any other as the real victors in this process. It is the minority group of people in both parts of Ireland — people from both traditions and backgrounds who often married each other. If there is any testimony, triumph or group of people for whom we should build a new Ireland, it is the group of people of mixed religious background and persuasion who quietly, in Northern Ireland in particular, married each other, raised their children and built a new Northern Ireland and a new Ireland. It is crucial that their contribution throughout the process is recognised and considered as well as the contribution of all political parties in Northern Ireland.

The new dispensation is not only about Sinn Féin and the DUP, it is a recognition of the role of the SDLP, the Ulster Unionist Party, the Alliance Party and Independents. Not everyone in Northern Ireland voted for the two big parties, the two big power blocs. That is crucial to understanding how we as a society and Northern Irish society will develop in the years and months ahead.

Dr. M. Hayes: I welcome the Minister to the House. I am grateful to Fianna Fáil for tabling this motion at such an appropriate time. I am also grateful to my colleagues for the courtesy of allowing me to speak on it.

It is time, as previous speakers said, for paying tributes and to thank the people who stuck with this process over the years and who have carried off an intermediate triumph at least. I congratulate the Minister on the work he has been doing, which seems to have been rather crowned by the atmosphere that was prevailing, as far as we were told, at the meeting in Farmleigh today. There is also the enormous work done by the Taoiseach and Tony Blair over the past ten years. Both of them have a monument to their efforts. These are the people who breasted the tape. I think of this as a relay race. We should also consider those people who carried the baton at different times and in different ways. Included among those is our distinguished colleague, Senator Mansergh, whose contribution at crucial times was incomparable. Last night, the Minister and I were engaged in an event in Derry which honoured John Hume. It is right that his name should be also written into the record.

Like Senator Brian Hayes, I regard this as a triumph for democracy. It is a triumph for politics. Great credit should be paid to those people who persuaded those who were committed by history and ideology to the resolution of problems by the gun that they would make more progress by embracing normal politics. That has been a

great advance. I do not see the arrangements in Northern Ireland now as some strange marriage of extremists. It is a question of people having moved into the middle ground, although they shoved out some other people who were already on that middle ground. We are in the middle ground of politics.

We should never forget the victims over the years, those who have suffered and those who died on all sides and their families. While we have to find some means to help those people to deal with their memories and hurt, I hope that people can begin to look forward rather than back. I hope we do not have to keep picking at sores and opening them up all the time. There comes a time to draw a line and lines should be drawn. That is not to say that we do not have to find some sophisticated and proper means of helping people to deal with their problems. If we keep exhuming the dead week after week it will simply produce more travail.

The parties in Northern Ireland have formed a Government. We should not expect them, nor should they expect, to perform miracles in a short time. All governments, even the most experienced, make mistakes. The longer they are in power, the bigger the mistakes they make. That is not a reference to any Administration in this jurisdiction or any other one of which the Minister is aware.

Mr. B. Hayes: The Senator hastens to add.

Dr. M. Hayes: I made that reference merely as a theoretical, philosophical point. These people are new found to an administration and they will have to find their way. I believe they will make mistakes and there will forward and backward moves. However, I am struck by the parties' sense of purpose and their anxiety to make a go of it, of which I have no doubt they will. We should urge people on all sides to have a period of consolidation. It might be a time to take the foot of the accelerator on some aspects. We badly need to build up trust and to help people to move forward.

I noticed in Derry last night that as one crosses the bridge there are two pieces of sculpture, two statues, one holding out a hand to the other but the hands do not quite touch. To the extent to which that is a symbol of the political situation in Northern Ireland, we must ensure that people can be encouraged to reach a little bit further and touch fingers and then turn that into a firm hand clasp. They will do that better by working together and building up the trust in dealing with the very real problems in society. They should park the great ideological and constitutional issues until they reach a level of security because it is too easy to mortgage the future by trying to replicate the past. This is a new beginning for everybody and they should treat it in that way.

My view is that the great challenge facing all of us, North and South, is to try to ensure that

people can live together on this island in harmony, relative prosperity, with a sense of security and with good feelings towards the neighbouring island. In the short and medium term, it does not matter within what constitutional envelope we do that and in the long term who knows what will happen with the changes that are taking place in the world. We should encourage people to work together. In that sense Senator Brian Hayes made a constructive suggestion that the parliamentary tier of the North-South arrangements should be installed as quickly as possible. The getting together and movement of people is hugely important.

There are huge problems in Northern Ireland, especially in regard to the working class Protestant and Loyalist population. These are people who feel that they have lost out. They feel that the political tide has been flowing against them. They have seen the great industries which gave them their identity disappear. They, unfortunately, grew up in a culture and a tradition which because apprenticeship and work was available meant that schooling and education was less of a value than it was in the Catholic community. There needs to be a huge investment and huge care of that community. That is where Dr. Paisley and the DUP come in.

We should all push for the Loyalist paramilitaries to follow the line. That would be the final coping piece on the move to peace — that they too would down their arms. However, as of today it can only be a day for us to send congratulations to those who have done it and to send good wishes to those who have still to do so.

Mr. Quinn: May I share my time with Senators Norris and Ross?

Acting Chairman (Dr. Henry): Is that agreed? Agreed.

Mr. Quinn: I wish to establish my credentials first. I have four grandparents from the North — one from Saul in north County Down, one from Attical in south County Down, one from Maghera in north County Armagh and one from Colmille in north County Armagh. In 1972 I had the duty of calling on my only sister to tell her that her husband, the father of her seven children, had been shot dead. Her first words were that Ronan, who was two years of age, would never get to know his father. For those of us who have been close to this, today is an eventful and an historic day. I listened to Senator Brian Hayes, Senator Maurice Hayes and others speak. Senator Maurice Hayes, in particular, is so close to this. For those of us who have lived with this war and whom it has touched so much, we live today with a great sense of hope.

I am reminded of Churchill's phrase, whom the Leader also quoted. He said we have not reached the beginning of the end, but the end of the beginning. At this stage after so many false starts

[Mr. Quinn.]

and disappointments, we should be very careful to guard against thinking the Northern problem is solved for good. The truth is that the long drawn out saga of the past nine years since the signing of the Good Friday Agreement has, in reality, just been a prologue because the real work is only now about to begin. The work about which I speak is the project of reconciliation between the two communities in Northern Ireland. Until we achieve that reconciliation, we will not have anything which we can truly call a satisfactory conclusion to the story. I am being realistic about it.

Not only have we not made any progress on reconciliation in the past nine years — this was touched on today — in many respects, we have gone backwards. There can be no doubt in anybody's mind that today the two communities are further apart than they have ever been. This provides us with a greater challenge than any of those we faced in the past. It is not helped by the fact that this settlement, which we have so painfully crafted and so carefully and slowly steered towards implementation, is a solution which, if we are not careful, can just as easily deepen the sectarian divide as it can surmount it. By entrenching the politics of the North along the lines we have — this has been referred to already — it becomes easier to deepen them. That is what we must guard against in the years ahead.

All the political progress will be denied its full fruits if we cannot build on it to create a bridge between the two communities. I am an optimist and in my lifetime I have seen many deep and profound changes in the North and elsewhere. We can meet this new challenge if we put our minds to it. It is up to us, in all parts of the country, to make this work. I am pleased the Minister for Foreign Affairs, Deputy Dermot Ahern, is in the House because it must be a proud day for him to see this step being taken. However, it is only the start of so many other things.

We can give much thanks for all the efforts made by so many people over the years. I mention one couple who have done a huge amount, usually behind the scenes. I refer to President McAleese and her husband, Martin McAleese. I have been impressed by the amount of work they have done and the amount of reconciliation they have brought about. I am one of those who has had the opportunity to go to Stormont to play golf with Unionists whom we would not otherwise have had the chance to meet. Others have come down to *Áras an Uachtaraín* to meet people they would not normally have had the chance to meet. Today is an eventful day which gives us great hope. I am very confident that hope can achieve success because of the grounds on which it is built.

Mr. Norris: I thank Senator Quinn for allowing me time to speak, particularly in light of what he had to say which was very dignified and moving

because he was clearly personally touched by the tragic events in Northern Ireland. I also pay tribute to Senator Maurice Hayes because what he said was remarkably generous when one thinks of the appalling savagery visited on his community and on the other one by the tribal leaders and their followers in the North.

Today was interesting because of the handshake. Handshakes are very important gestures. I heard a snatch of Dr. Paisley's comments in which he said he would shake hands vigorously, openly and so on. It took a long time. These handshakes can sometimes be dangerous. I remember when President Mary Robinson shook hands with Gerry Adams. She was perfectly right to do so, but she was excoriated. We should remember that. We should also remember George Mitchell and the very crucial role he played.

We must also remember the awful things done, the tragic litany of victims and the fact people like Dr. Paisley stirred up emotions. He was a loud, shouting politician and he caused great embarrassment to people like myself who are not Roman Catholic. People associated anyone who was not Roman Catholic with this man. I disown him and what he stands for. He has a great responsibility and I hope he has now turned to being constructive. It is about time.

On the other side, I hope the people in Crossmaglen clean up their act. It was appalling that the fire brigade and others attempting to rescue people from a crashed helicopter were set upon. The same thing happened in the past couple of days in Belfast where an ambulance attempting to help victims of a crash was set upon. These issues must be addressed. Unfortunately, people have been driven into ghettos. This polarisation is to be regretted.

There is a litany of people whom we should remember, including Mr. Haughey. At the weekend I listened to Mr. Reynolds speak for the first time about going to the Berkeley Court Hotel and parking his car at a particular point in order that he could use the lift unnoticed and meet the UDA. I found it very interesting that people met these people whose careers I deplore. I hope we are at an end of savagery. I also hope that in the sentimental effusions flowing from this, we do not lose sight of the fact that this is a pluralist society and this republic is committed to respect for the rights of individual freedoms.

Mr. Ross: One of the remarkable facts about this peace process is not that it was so slow, but that it was so fast. It is only 12 years since it started with the first ceasefire. To have come so far so quickly is an extraordinary tribute to people. As Senator Hayes said, we have taken two steps forward and one step back. We have had setbacks at every stage. However, in approximately 12 years, we have moved from a stage where people were cutting each other's throats

to a stage where people are shaking each other's hands. That is an enormous tribute to people.

It is difficult to select people because so many have done so much. Senator Mansergh did a huge amount in bringing together the parties and in talking to people to whom it was dangerous to talk. People on all sides did that. In particular, I think of those on all sides who stood against violence when it was difficult to do so and when the easy option was to keep quiet. I think of Gerry Fitt and Seamus Mallon and of the McGimpseys and David Trimble on the other side, those who lost their political careers because they had the courage to stand up for what they believed in rather than what was popular and those who did not take the extreme line when it was popular and expedient to do so and who are now political corpses. We must thank those people for bringing us to this point.

I was very much taken by what Senator Quinn said which was mature and sensible. This is only the beginning and there are real problems ahead. However, I take great cheer from the type of problems ahead because they appear to be the problems of the economy and of the Protestant working classes, to which Senator Maurice Hayes referred, which believe they have been neglected. If they are the problems we must attack, at least they are new problems and are not sectarian, denominational ones. They are social problems and problems of class and prosperity. I hope we, in this part of Ireland, play our part in resolving the economic difficulties they face.

I was encouraged by the fact Dr. Paisley, Sinn Féin, the SDLP and the Unionists united in kicking Peter Hain out of Stormont. I thought it was absolutely wonderful that they got together and said they wanted to take it over themselves, that they did not want Mr. Hain around anymore, that, symbolically, they wanted to show they were in charge and were interested in tackling the problems and that the old days were over. It is a day of great hope and I congratulate everybody involved.

Minister for Foreign Affairs (Mr. D. Ahern): I thank the Senators for tabling this motion and thank all those who have spoken and intend to speak.

The Seanad has given consistent encouragement and support for the Government's efforts in the peace process. Many Senators have played distinguished roles in bringing us to where we are today and the last few contributions say it all. I know nobody will object if I acknowledge the particular contributions of Senators Mansergh and Maurice Hayes. I have the pleasure of knowing Senator Mansergh for 20 years. Because of his unstinting involvement it must be great for him to see how the fruits of his quiet work over the years have brought us to this day. Senator Maurice Hayes has been a very reasoned voice in the past number of years. He is respected by all sides of both communities.

The meeting last week between the DUP and Sinn Féin at Stormont achieved what few believed possible even a few short months ago — a solid basis for genuine, sustainable power sharing government in Northern Ireland. No one could see the pictures we saw that morning and hear the words that were spoken without feeling real hope for the future. It is worth standing back a little this evening to reflect on the path to that moment.

When I spoke in this House in February 2006, the two Governments were about to embark on a concerted effort to achieve restoration of the institutions, following developments in 2005 which saw the Provisional IRA declare an end to their armed campaign and subsequent confirmation of decommissioning. Those developments changed the context within which we had been working to restore trust and confidence in a political process which had been hampered by a series of events over a number of years. They gave us a basis on which we could begin to re-engage with the parties to rebuild political momentum.

I said in this House last February that the job of the Governments was to convince all sides of their political responsibility, as leaders of society, to complete the journey to a fully inclusive, stable and peaceful Northern Ireland. As a result and later that month, Peter Hain and I began intensive discussions with the parties to try and build the confidence needed to move the politics forward. The year 2006 was punctuated by formal talks and informal contacts with the parties and ultimately culminating in the talks in Scotland last October which led to the St. Andrews Agreement. That agreement underpins the Good Friday Agreement. It set out a clear way forward for all parties to commit to the full operation of stable power sharing government in Northern Ireland and to full support for policing and the criminal justice institutions.

All-party support for policing and the criminal justice institutions came earlier this year with the decision at the Sinn Féin special Ard-Fheis in January to support policing as set out in the St. Andrews Agreement and subsequent delivery on the ground of that commitment. On 7 March — less than four weeks ago — elections were held to the Northern Ireland Assembly. The results showed overwhelming support for power sharing among the people. Political parties who campaigned against progress simply did not get votes. The mandate for Northern Ireland's politicians was clear. In the days that followed the election and in the run-up to 26 March, intensive negotiations took place involving parties and governments. On 26 March we saw Ian Paisley and Gerry Adams sit down together and agree to share power from 8 May onwards in the devolved institutions of the Good Friday Agreement. They also agreed to carry out important advance preparatory work for Government.

The Governments agreed to accommodate this new requested date for restoration in view of the

[Mr. D. Ahern.]

absolute commitment to the restoration of the Good Friday Agreement institutions by 8 May and the intensive preparations for government about to commence. Those preparations are now well underway. Ministries have been already informally allocated among the parties. Ian Paisley and Martin McGuinness have been meeting as future First and Deputy First Ministers.

I agree with the speaker who referred to the request to Peter Hain to vacate his office. It was amazing that just two days after 26 March, a letter signed jointly by the First Minister and Deputy First Minister was sent to Peter Hain asking him to vacate his office. For those of us who have been closely involved in the process and while we may not have believed it would happen, this was the first clear indication it would happen and that it was for real.

The initial work of the First Minister and Deputy First Minister is very encouraging. It augurs well for the future stability of the power sharing Government. More fundamentally, it heralds a new chapter in the history of this island.

A further important signal of emerging positive political relationships on this island was the meeting the Taoiseach and I attended this morning at Farmleigh with Ian Paisley, the future First Minister and his son, Ian Paisley junior. The Taoiseach and I had an extremely friendly and very businesslike discussion with Dr. Paisley on a range of matters of mutual interest. Reference was made to the parliamentary tier. I can assure Senator Maurice Hayes this was discussed and I hope favourable consideration will be given to it in due course. Dr. Paisley accepted the Taoiseach's invitation to make an early visit to the battle of the Boyne site to review the excellent work being carried out to preserve and enhance our shared history and heritage. The Government has committed €15 million to the building of an interpretative centre and museum on the site of the battle of the Boyne. We assured Dr. Paisley we stand ready to work with the new Executive in a spirit of sincere and genuine friendship. We also underlined our commitment to invest in infrastructure projects benefiting North and South under the national development plan. It is clear the major challenge we both face, North and South, is securing prosperity and economic growth. By working together on an all-island basis we can better deliver for all of our citizens.

For the first time, the Irish Government is making a major investment in infrastructure development in Northern Ireland, announced together with the Chancellor's financial package on 22 March. We will invest more than €580 million on roads to address the major infrastructure deficit in the north-west. The agreement to develop a dual carriageway standard road to Derry and Donegal removes the single greatest impediment to the future development of the

north-west and the Border counties in that region.

The national development plan has set out proposals for a number of further initiatives which were discussed with Dr. Paisley, including restoration of the Ulster Canal, the bridge at Narrow Water between County Louth and County Down, co-operation in the provision of public services and further all-island development funds in areas such as tourism and regional development. We were pushing an open door on each and every one of those proposals.

I look forward to working with the incoming Northern Ireland Executive to bring to fruition all these proposals and to an open dialogue on practical mutually-beneficial co-operation. Restoration will mean the North-South Ministerial Council will be active once again, with Ministers from both parts of the island engaging on important issues for the mutual benefit of our people. This was referred to at our meeting with Dr. Paisley. There is a firm understanding that the North-South Ministerial Council will meet shortly after 8 May and perhaps on a date in the month of June.

When the Council met in the past, Ministers from both parts of the island made outstanding efforts to pursue the common commitment to advance co-operation. A functioning Executive will be also able to play its full part in the work of the British-Irish Council. The Taoiseach stated that we looked forward to working with the Executive in that regard. Restoration will also mean that the North-South Bodies can once again function fully. There is significant work for them to do and it is hoped they will begin after 8 May.

The date of 8 May next will therefore stimulate a new level of North-South engagement and co-operation. Senators will be interested in the development of the North-South Parliamentary Forum as envisaged at St. Andrews. There will be also further discussion on the establishment of an east-west interparliamentary framework following appropriate consultation with the British-Irish Inter-Parliamentary Body.

I know many Senators are committed and active members of the Body which has played such a valuable role in developing mutual understanding and good relations between Ireland and Britain. I was co-chairman of that Body for a number of years. As we move into this new phase, we are committed to developing an enduring partnership between the Government and the Northern Ireland Executive, a partnership founded on prosperity as well as peace.

We could not have come this far without the consistent political and practical support of our friends around the world, particularly in the United States. Our friends in the US Administration, in the US Congress and across Irish America, made the search for lasting peace in Northern Ireland their concern. Successive American Presidents have stood firm with the British and Irish Govern-

6 o'clock

ments as they sought to bring this process to conclusion. Our friends in the US Congress have helped to maintain international focus on developments in Northern Ireland. Their views and input have been critical. Earlier today I was delighted to host a lunch for a congressional delegation led by Richard Neal, chairman of the Friends of Ireland group. I understand the delegation was here in the Seanad this morning to observe its deliberations. I wish to record my special thanks to Mr. Neal and his predecessor, Congressman Jim Walsh, who was also present this morning on their tireless work for peace in Northern Ireland.

Senators: Hear, hear.

Mr. D. Ahern: The American Government and people have also shown their support and their generosity through their contributions to the International Fund for Ireland, the American Ireland Fund and other programmes. Our partners in the EU too have been with us all the way. Their concrete assistance, through the PEACE programme and the International Fund for Ireland, has successfully promoted economic development, reconciliation and cross-Border collaboration.

We look now at a Northern Ireland where peace and democracy has triumphed and where, partnership, Government will be restored on 8 May. This is a success for the international community, which has been so steadfast in its support for the peace process. It is a powerful message of hope for others across the globe who are struggling with violence and division in their societies.

While this is undoubtedly a time full of hope and expectation for Northern Ireland, it is also a time to ponder some of the challenges ahead in achieving lasting reconciliation. Senator Quinn was correct to state that this is only the start. There will be many bumps on the road ahead.

Notwithstanding progress on the political front, dealing with the legacy of division remains one of our greatest tests. We have seen this played out around contentious parades in the past. Although last year's was the quietest marching season in decades, the issue continues to evoke high emotions that can all too readily lead to sharper tensions, instability and violence. However, the progress made in recent months, particularly since the meeting at St. Andrews, has surely taught us that no problem, however intractable it may appear, is beyond resolution. I urge all those on both sides who are involved with parading to reflect on the new beginning at the political level and to renew their determination to find workable and agreed solutions locally and leave behind the politics of confrontation and negativity.

In moving forward, we also recognise that there is an ongoing imperative to address the needs of victims and to deal with the painful legacy of the past. Again, the Taoiseach and Dr. Paisley spoke

about this issue at some length at our meeting earlier today. In the Good Friday Agreement, the two Governments recognised that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. Since that time, the Government's work on implementation of the Agreement has been informed by the needs of the victims of the conflict. It is true that all of Irish society, North and South, has been affected by that conflict. However, it is the victims and their families that have carried the biggest burden of personal loss and injury. Ian Paisley and Gerry Adams acknowledged this fact in their respective statements on 26 March last. They both spoke of those who have suffered and they evoked a collective responsibility to build the best future possible as the only fitting testimony to the tragic past. The Government wholeheartedly agrees with these sentiments.

As progress has been made on the political front, issues from the past have continued to emerge. This is as a result of several factors, including an increased expectation that victims from both sides will be heard, and listened to, in an atmosphere where co-operation and dialogue have improved to an unprecedented degree. In addition to the improved political climate, the work of the interim victims' commissioner, the Historical Enquiries Team and the Police Ombudsman for Northern Ireland — as well as other non-governmental initiatives such as "Healing Through Remembering" — have contributed a better understanding of how to deal with the past. Inquiries continue to play an important role in addressing deeply troubling aspects of the Northern Ireland conflict. Regrettably, however, we still await the establishment of an independent public inquiry into the murder of Patrick Finucane, for which all parties represented in the Oireachtas have called.

In our own jurisdiction, there have been a number of reports from Mr. Justice Hamilton and Mr. Justice Barron and follow-up Oireachtas reports into deeply troubling incidents in the 1970s. Most recently, the MacEntee commission of investigation has been examining aspects of the Dublin and Monaghan bombings. The commission's report was shown to the families earlier today and is being published this evening. I know that Members of the Oireachtas will want to peruse the report, which is extremely complex and makes for difficult reading, and consider its findings in detail. I assure them that the Government takes seriously any allegations of collusion. This issue will remain on the agenda of our meetings with the British Government, at the highest level, and we will continue to address it.

I reiterate the Government's absolute commitment to working with victims and to facilitating them in resolving, to the greatest degree possible, issues that remain fresh in their minds many years after the events concerned. Those who suffered in the past deserve a legacy which is as positive

[Mr. D. Ahern.]

as possible. Their personal stories have inspired us and have reminded us, when progress was slow, of the reason we had to continue to work towards a political resolution.

The achievement of a peaceful and just society will be the true memorial to the victims of violence. This was explicitly recognised in the Good Friday Agreement. Today we are another step closer to that achievement.

I reiterate my thanks to this House for supporting the Government's efforts thus far. In partnership and co-operation with the British Government and the parties in Northern Ireland, we are determined to ensure that the final steps of the peace process will be successfully completed.

Mr. Bradford: I welcome the Minister and compliment him on his efforts to bring progress and peace to Northern Ireland. I also extend my compliments to his colleagues in Government and to all those concerned on both sides of the Border and of the Irish Sea.

This House and the Lower House have been debating the issue of Northern Ireland and the violence that has arisen out of sectarianism on our island for 80 years. Let us hope that, whichever way one wishes to put it, we are somewhere near the end of the beginning or the beginning of the end.

Senators Mooney, Lydon and I have been Members of the Oireachtas for the past 20 years. On each occasion we debated political issues relating to Northern Ireland during the first seven years — from 1987 to 1994 — of my career in the Oireachtas, it was usually as a result of the perpetration of some outrage in that jurisdiction. We spent our time discussing ways of how we might more strongly condemn whatever dreadful event had occurred.

The ceasefire of 1994 brought about a great new dawn. Looking back, people perhaps expected too much too soon with the advent of that ceasefire. During the past 30 years, Members on all sides have expressed disappointment, regret and doubt regarding the slow pace of political movement and change in Northern Ireland. However, 20, 30 or 40 years from now, people will look back and say perhaps that it was proper and correct, and in some respects useful, that change took so long to come about. What we have been trying to achieve is the changing of people's mindsets, North and South. We have tried to change the mindset of unionism towards nationalism and *vice versa*.

It was perhaps unrealistic to expect that the IRA ceasefire of 1994 would bring about dramatic changes overnight. It helped to create the space and conditions to facilitate change. From 1994 until last week, however, there were mountains to move. Patience and determination were required in order to bring us to where we now stand. The pieces are beginning to fall into place and last week's decision on the part of Dr. Paisley

and Gerry Adams to reach agreement represents a major and welcome step forward. However, there remain many more steps to take.

It is important that on all sides involved in making recent progress should be magnanimous in acknowledging what was achieved by people who are no longer centre stage in the political arena. Ian Paisley and his party would not be where they are today if great strides had not been made by the David Trimble and his colleagues in the Official Unionist Party. On the other side of the political fence, Martin McGuinness would not be in a position to become Deputy First Minister if John Hume had not been so courageous and if the SDLP had not been so persistent in its demands that democracy and peaceful progress should always be preferred to the more militarised options being put forward by Sinn Féin at the time.

I hope the so-called — I do not mean that in a negative sense — political winners of the past six months will be magnanimous because there are more than two parties in Northern politics. If we are to secure long-term progress, not only in regard to getting the Assembly and Executive up and running but also in achieving cross-party consensus and progress, the involvement of all political parties in Northern Ireland will be required. We must keep that to the fore in our thoughts.

In his closing comments, the Minister referred to the important issue of victims. Every country which has succeeded in turning from violence to democracy or experienced people who were formerly involved in violence taking on political roles has tried to address this issue. South Africa developed a truth and reconciliation process and I am sure examples from other countries can also be considered. It is important, however, that we address the issue of victims and their suffering on both sides of the divide. It is in the interest of the entire body politic of this island to put in place a structure for people who have suffered losses, including those who were affected 25 or 30 years ago and still feel the pain.

In recent days, several DUP members have found the fence too high to jump, which is understandable to a certain extent. A similar issue arose ten years ago for Sinn Féin, when the party split for the umpteenth time between those who wanted to progress politically and those who wanted to remain on a fundamentalist footing. From the point of view of victims, some of type of commission or forum is needed which would allow their stories to be told. While I am aware the Minister is considering that issue and that no simple formula exists, it is important to make progress in that regard.

I look forward over the coming crucial months and years to seeing the Assembly at work and the people of Northern Ireland taking greater charge of their own destiny. It is truly historic that, after 80 years of political conflict and 30 years of violence and terrorism, we have reached the stage where the vast majority of people accept that pro-

gress can only be made through politics. Generations of politicians, from Jack Lynch and Liam Cosgrave in the Sunningdale Agreement, through Garret Fitzgerald and Peter Barry in the Good Friday Agreement to the present Taoiseach and Minister for Foreign Affairs, have played an important role in this. I thank them for their work and hope the coming years will be exciting for all parts of this island.

Ms Ormonde: I welcome the Minister and am pleased he was able to attend the House to listen to the views of Senators regarding the new beginning in the North of Ireland. I am privileged to recall the speeches made by my late father in these Houses on this issue. We have reached a new dawn and I commend the efforts made by the Taoiseach and the Minister on steering this process from the time of the Good Friday Agreement. Their work was never easy. Who would have thought Dr. Paisley would today visit Farmleigh House to shake hands and discuss the future with the Taoiseach?

This is a victory for politics and politicians across the board. Throughout the past eight decades, Members of the Oireachtas have discussed this issue. It is a victory for Dr. Paisley and Mr. Adams that the power of politics is playing a role in conquering intolerance, bitterness and hatred. Politics is a noble profession and, if politicians North and South had moved on or were made to feel they had nothing to contribute, we would not now be discussing the new state in the North of Ireland. I would like the media to give praise where it is due because all of us have made a contribution towards improving the quality of life for those in the North.

The leaders in the North are taking responsibility for finding the path to a new era. The debate will no longer be about republicanism versus unionism or who shot who. The important issues will be education, health, crime and North-South co-operation in the areas of electricity, agriculture and transport. Those are the areas in which I want to be involved and we have a golden opportunity to make progress.

This is only the beginning and there will be bumpy steps along the way. On many occasions, Dr. Paisley will pull back before proceeding on new projects. However, all sides have come to realise this is a workable arrangement. The debate is now about our all-island future. We have stability and peace and we could have prosperity in the North and the South. I hope our leaders will continue to play a role in that regard.

Mr. Lydon: Slowly but surely, matters are progressing and there will be no going back. I welcome the agreement between the DUP and Sinn Féin on the restoration of devolved institutions on 8 May. With Gerry Adams and Ian Paisley expressing their willingness to work together, we are looking towards a peaceful and prosperous future for the people of the Six Counties. Gone

are the days when Unionists dominated the political landscape, gerrymandered elections and discriminated against the Catholic population in housing, jobs and voting rights. The change of heart has not only been on the part of Unionists but also among republicans. The acceptance of the PSNI was a great step towards normalisation.

On 26 March, Gerry Adams stated:

The relationships between the people of this island have been marred by centuries of discord, conflict, hurt and tragedy. In particular this has been the sad history of Orange and Green. Now there is a new start with the help of God.

Sinn Féin is about building a new relationship between Orange and Green and all the other colours where every citizen can share and have equality of ownership of a peaceful, prosperous and just future. [...] I am pleased to say that collectively we have created the potential to build a new harmonious and equitable relationship between nationalist and republicans and unionists and all of the rest of the people of the island of Ireland.

For his part, Ian Paisley stated:

Our goal has been to see devolution returned in a context where it can make a real and meaningful improvement in the lives of all the people of this part of the United Kingdom. [...] We are committed to playing a full part in all the institutions and delivering the best future for all of the people of Northern Ireland. [...] Devolution has never been an end in itself but is about making a positive difference to people's lives, I want to make it clear that I am committed to delivering not only for those who voted for the DUP, but for all the people of Northern Ireland. We must not allow our justified loathing of the horrors and tragedies of the past to become a barrier to creating a better and more stable future for our children.

These are the remarkable words of these gentlemen who not very long ago hardly acknowledged the other existed, never mind spoke to or communicated with one another. One may have seen on television that when the Taoiseach and Dr. Paisley met today, Dr. Paisley's hand was outstretched as he walked towards the Taoiseach. It was a great moment and we must give credit where it is due.

I always stated the way to make the Border disappear was to make it irrelevant and this is what is happening through North-South co-operation, which will continue. The Government's National Development Plan 2007-2013 includes a comprehensive statement of Government policy on North-South co-operation. All-island collaboration is a key horizontal theme of the plan. For the first time, the plan contains proposals for significant Irish Government investment in North-South projects and initiatives for mutual benefit.

[Mr. Lydon.]

The proposed package, which will be funded from the overall national development plan envelope, includes plans for joint investment in new strategic projects to benefit North and South and the opening up of access to existing development funds on an all-island basis and-or the introduction of new, agreed joint funding measures with the British Government and the Northern Ireland Executive upon restoration.

This process has had many beginnings and at times it was two steps forward and one step back or one step forward and two steps back. This is another beginning and it is most welcome. For it to succeed, any task must begin with an end in mind. We will never forget the end in mind of the re-unification of Ireland and the removal of all vestiges of British imperialism from every part of a new 32-county republic. It will be a long time coming or perhaps it will not be that long. As politicians in this part of the country, it is our task to make a new Ireland a place with no discrimination on any grounds, where Unionists will feel free to live and participate and in this way we will have a peaceful future. It may take a long time but there is no going back now.

Mr. McHugh: I welcome the Government's stand in tabling this motion, which is significant in light of the history of recent weeks. I also welcome the Minister of State, Deputy Treacy, to the House. The Minister of State's constituency is in the west. From speaking to people who work in Northern Ireland and who frequent Donegal, I have anecdotal evidence of a mood of optimism and perhaps we have a new horizon with positives and benefits as a result of the peace process instead of the historical negatives associated with the west such as lack of investment and the socio-economic barriers.

For years people in Donegal, Sligo and Leitrim blamed the central approach to Government which is based on the British system. London had the same model which we adopted for Dublin. We have an opportunity to go back 400 years and it is significant that it is the 400th anniversary of the flight of the earls, prior to which we had local Gaelic sovereign kingdoms. We certainly do not want to go back to everything associated with that type of democracy but we must examine devolved democracy.

Scotland and Wales have shown the lead in terms of devolving from London. If one speaks to anybody from Fermanagh, Tyrone or Derry, one will hear a constant rhetoric in terms of west of the Bann being neglected by London. It was not deliberate, but with a centralised Government, the more peripheral one is, the more one loses out. We must combine the rhetoric of neglect from west of the Bann with the rhetoric of Donegal, Sligo and Leitrim people on the periphery of our geographic location and the rhetoric of neglect because of central power and come up with a strategy.

The only way to come up with such a strategy is to engage with all communities and political parties on both sides of the Border and both Administrations and examine matters at community and local authority level. This is nothing new. A great deal of work has been done, especially by the north-west cross-Border group which has worked for years on strategies for energy, infrastructure, railway, health and small and medium enterprises. However it lacks the teeth and mechanisms to deliver on these strategies.

Now that the new Assembly is up and running, we have collective goodwill from London and Dublin and all other politicians. No dissenting voices have been heard with regard to where we want to go. The only question is how we get there and what process is involved. I acknowledge the key role of Senator Mansergh in facilitating the process to reach the point to which we have come. In terms of addressing peripherality and negatives, we must engage sooner rather than later.

We must examine the language we use. We still speak in terms of North-South and this language will not be an overall solution for places such as Donegal, Sligo, Leitrim, Fermanagh, Tyrone or Derry. We must examine east-west links from Burtonport to Belfast, the continued expansion of North-South links between Belfast and Dublin and links to the north-west from Dublin to Letterkenny and on to Derry. We must examine infrastructure, energy co-operation and services along the Border areas.

Derry city is the fourth largest city on this island. On previous occasions in the House I spoke about urban sprawl into towns and villages such as Killea, St. Johnston, Newtowncunningham, Muff and Quigley's Point. People from Derry buy property or build houses in Donegal because of the urban sprawl associated with the city's expansion. We do not have a plan to deal with this. Neither do we have a plan to stop it from taking place. A link has always existed between Inishowen and Derry people.

Plans must be put in place in terms of infrastructural and community services such as proper sewerage and water and other community facilities. Last night, I canvassed in Newtowncunningham and met a couple from Derry who have lived there for seven years. They still send their children to school in Derry and continue to work there. However, as they pointed out to me they spend their money in Donegal and they feel a community focus for their children is missing. They feel the necessary community infrastructure is not in place. This is a challenge we have as a community in terms of the peace process.

With regard to Border and cross-Border issues which were problems and negatives, a great deal of positive work is carried out at cross-Border community level by community groups. St. Johnston and Newtowncunningham have very effective community groups. However, such

groups cannot work on plans alone. They must be integrated into local authorities and financed. We must mainstream funding for community groups. Peace and reconciliation funding, ADMCPA, INTERREG 3 and the International Fund for Ireland provided substantial investments for cross-Border co-operation. They try to link people together because although we can speak of politicians moving the process forward at a political level, and Senator O'Rourke spoke of the expertise and politicians with vision to do so, we need people at a local level reaching out. There has been capacity building since 1995 and beforehand by groups such as INTERREG, the EU Programme for Peace and Reconciliation and Co-operation North. We must mainstream our funding for communities.

This is not just a Border issue but one relevant to all parts of this island. We must think seriously about mainstreaming funding into the community sector. To digress a little, there is a cynicism among the electorate about politicians, be they in the Seanad, the Dáil, a Minister or Minister of State, or part of a local authority.

We are constantly working the local, and that personal aspect of politics is important. However, communities must be empowered to act for themselves, and we have an opportunity with this peace process and with the Assembly up and running to empower our communities in our Border villages in Northern Ireland and along the Border counties on the other side. We should keep them working together and mainstream the funding.

If I have one message, it is that we should mainstream the funding and continue to build the communities. I welcome the process and the roads we have taken. I very much welcome the current position on Northern Ireland.

Dr. Mansergh: I welcome the Minister of State and warmly congratulate the Taoiseach, the Minister for Foreign Affairs and the team of officials on finally bringing about the successful conclusion of the peace process. It has lasted 20 years and I have vivid memories near the beginning of this process of meeting Gerry Adams and two of his colleagues with Deputy Dermot Ahern in the Redemptorist monastery in Dundalk in 1988.

An enormous amount of effort and determination, along with endless patience, has been required to keep the process moving forward, especially during quite long periods when it has been stalled. Today is a source of great satisfaction, with a little bit of history being made by the Taoiseach shaking hands publicly with Ian Paisley. We are witnessing the transformation of the totality of relationships in Northern Ireland, between North and South, and for a number of years past, between Britain and Ireland. It has become very visible that in many ways, we are in the process of casting off the chains of history. I hope there will be organic development from here on in.

I pay tribute to the broadly bipartisan spirit, or what I have always termed critical bipartisanship, which we exercised also when on the Opposition benches, from all the main parties in the Oireachtas. Senator Brian Hayes may be interested to know with regard to the phrase which he used in his speech — new dispensation — that I would claim the modest credit of having discovered it and putting it in speeches, etc. I found it in a footnote of John M. Kelly's *The Irish Constitution*.

Mr. B. Hayes: Is that the first edition or fourth?

Dr. Mansergh: It has served many useful purposes since. There have been people, mostly outside these Houses, who from time to time expressed great fears about democracy being subverted, but I never had any doubts about the strength of Irish democracy or that Irish democracy, if challenged by violent forces, would win out, even with difficulty. As has been pointed out, the rejectionists from various sides and their paramilitary operations must be wound up. They got derisory support in the recent Northern elections.

What is so satisfying is that we hope we are about to have all the elements of the agreement working as they should. It is an holistic settlement that picks up the many initiatives going back 40 years, perhaps even longer. It has weaved them into a whole, and it is both a peace settlement and a political settlement. We hope to see it work out.

It is not the end of history. I hope it is the working of a new dynamic. One of my favourite quotations is from one of the architects of the *Ostpolitik* who stated that if one wants to change realities, one has to recognise them. I thoroughly agree. The establishment of a North-South parliamentary body is the appropriate answer to the request for representation and I also look to the reformation of the British-Irish Inter-parliamentary Body.

We owe a great deal to parties that are no longer centre-stage, such as the SDLP, the UUP, the Alliance Party, the Northern Ireland Women's Coalition, the loyalist parties and our countless unsung heroes across this island in churches and communities. Many people have done their little bit to keep on the path of sanity.

Where we have got to today does not cancel the grief, loss and bereavement caused by unnecessary deaths and murders. One of the frustrating things repeated throughout history and across the world, even today, is that people can espy a sensible solution long before it is reached, unfortunately, or before casualties cease.

I will finish by referring to a comment by Senator Brian Hayes. Before doing so I join in tributes to the significant contribution that Senator Maurice Hayes has made for 40 or 50 years, and continues to make in many different roles.

Mr. B. Hayes: Hear, hear.

Ms O'Rourke: Hear, hear.

Mr. Treacy: Hear, hear.

Dr. Mansergh: We are deeply privileged to have him, not just in the House but in the public life of our country.

The British dimension was referred to. One can see the issue in many different ways and there are British dimensions all over the State. For example, the restored pavilion at Dún Laoghaire has Queen Victoria, albeit in green, which was re-fashioned to commemorate her visit in 1900. I would not like Senator Brian Hayes to equate the British dimension with the Protestant minority in this jurisdiction. The majority of Protestants in the south of Ireland have undivided loyalties to this State and country.

Mr. Treacy: Hear, hear.

Dr. Mansergh: I accept there are a few who feel differently. One of the important acts in 1922 was a meeting in April of that year between the Protestant church leaders, Arthur Griffith and Michael Collins. In that they effectively transferred loyalty from Britain to Ireland, and this loyalty has deepened over the years.

We are all of mixed background. When I attended the enthronement of Archbishop Harper in Armagh, at which some of the cathedral's history was explained, I was mildly shocked to discover that one of my ancestors, Shane O'Neill, had burned down a previous version of the cathedral in 1566. He had his head put on a spike outside Dublin Castle for his pains. Even people with a Protestant background, such as I, have ancestors from other traditions, including Gaelic.

Mr. B. Hayes: I was not referring exclusively to Protestants. Is the Senator trying to exclude those who are also British?

An Leas-Chathaoirleach: I call on Senator Mansergh to conclude.

Mr. B. Hayes: It is a valid point.

Dr. Mansergh: By the course of natural evolution, I hope we reach the point at which we can contemplate a new state in Ireland.

Dr. Henry: As another republican Protestant, I did not get the impression that Senator Brian Hayes was singling us out as being British. This is a different republic than when the Troubles began. While Northern Ireland has changed, this part of the island has also changed.

I support the motion tabled by the Government parties because this is a splendid day. Everyone in this Government and its predecessors is to be praised for what has occurred. We

can praise many people within both jurisdictions and the rest of Britain. Without the efforts of populations, we would not be where we are today. I have been involved in some of those efforts.

There was little understanding between the people of Northern Ireland — we must be careful in saying that — and the republic. Sometimes, I believed that I was from a different planet despite having relatives on both sides of the religious divide in the North. In many ways, it is a strange place. I have been visiting the North since I was ten years old, but my main memory of it is the terrible divide at Goraghwood where customs officers searched everyone to determine whether they had bought extra clothes in C & A.

I was involved with the Irish Association which was set up in the 1930s by people with friends on both parts of the Ireland to foster cultural, social and economic links. Even that long ago, they were afraid that the jurisdictions were drifting apart. It would be wonderful to say the organisation is redundant, that we have established so many cultural, social and economic links that there is no point in keeping it. At one time and to her great credit, its administrator, Barbara Sweetman Fitzgerald, lived for part of each week in Belfast, but lived in Dublin for most of her life. There was a great deal of work to be done between both places to keep things going.

In the late 1980s, I chaired an exciting meeting in Buswells Hotel at which the education committee of the Orange Order tried to educate us about it. The committee's members came to our house, but they were determined to cross the Border before midnight for some reason, which was fine. We had such a good time that some members left their coats behind, so they needed to return to get them another time.

I remember the meetings of the British-Irish Association, which the Government and, because the meetings cost money, many financial institutions supported. Meetings could be found at august destinations such as Cambridge and Oxford, but it was all Chatham House rules and one was not supposed to say what occurred. Some of it was leaked, but I am amazed by how little, including in terms of those present. It was worthwhile meeting people one would not have met otherwise, such as the late David Ervine.

I welcome that Senator Quinn mentioned the President and my constituent, Dr. Martin McAleese, who have done incredible work with communities in Northern Ireland and have held meetings at Áras an Uachtarán attended by people from the North. Queues of cars waited to pass the gates as soon as they opened because the people from the North were enthusiastic. Without such meetings, I would never have met Lady Sylvia Hermon who I believe I can now call a friend.

I also applaud the efforts of former Deputy Paddy Harte and Glen Barr. The President and Queen Elizabeth attending the tower in Messines

was an incredible occasion. Efforts relating to the First World War and Second World War demonstrate what we have done together, rather than what separates us.

Senator Quinn was right in another respect, namely, it is regrettable that there is more tribal sectarian polarisation than we would have believed possible. However, who would have believed that the first Chinese woman to be elected to a European parliament would come from south Belfast? Anna Lo, MLA, came from Hong Kong 20 years ago, but on the radio she sounds as if she is from south Belfast.

I congratulate the Government on all it has done, but as many people have stated, it is only a beginning. However, it has a surer foundation than it would have had a few weeks ago. We must be extraordinarily grateful for the efforts made by Northern politicians in that regard.

Mr. J. Walsh: I commend everyone involved in bringing us to where we are today. It is a significant achievement in a relatively short, but perhaps an unnecessarily long, period.

Many Senators commented on the Taoiseach's pivotal role. From some of my contacts with people on the Unionist side, many were struck by the absolute commitment and support he gave to the process leading up to the Good Friday Agreement. When he continued negotiating despite the traumatic death of his mother, Unionists were loud in their praise. We needed someone of that capacity and disposition to bring us to this point.

That is not to understate the contribution made by the Minister for Foreign Affairs, the Minister of State at the Department of Foreign Affairs, Deputy Treacy, who is in attendance and played his part alongside his colleagues, and previous Ministers for Foreign Affairs, such as Deputy Brian Cowen and David Andrews. I would include Ray Burke in that respect.

Dr. Mansergh: The Senator is correct.

Mr. J. Walsh: Owing to various events, many people disregard Ray Burke's contribution after his brief appointment to the position of Minister for Foreign Affairs at a critical time early in the process. He was popular with many Unionists. A certain amount of camaraderie, trust and friendship between negotiating parties makes dealing with difficult issues easier.

It would be remiss of me not to mention the former Taoiseach, Mr. Albert Reynolds. When he became Taoiseach, he said his two priorities were solving the unemployment problem and tackling the situation in Northern Ireland. Some of my colleagues asked me whether he had run the lost of himself because they felt the two problems were intractable. As the problems had been with us for decades and it was felt they would continue, not many people gave Mr. Reynolds any hope of success. As a man with great entrepreneurial flair, he was equipped with the courage to

identify these two issues as priorities and deal with them pragmatically.

I would like to mention many other people, not least Mr. Gerry Adams and Mr. Martin McGuinness who have played an important part. We should not overlook the role of Mr. John Hume who received a great deal of criticism for interacting with Sinn Féin at one time. When one considers how much easier it is for one to lead a party that fully supports the process one is pursuing, it is clear that Mr. David Trimble showed remarkable leadership when he was in the difficult position of having to look over his shoulder to check the level of opposition within his ranks. I hope Dr. Paisley will join the select band of people who have played a pivotal part in this process. All the indications are that he will.

It is important not to forget the initiative taken in 1965 by the then Taoiseach, Mr. Seán Lemass, when he travelled to the North with Mr. Jack Lynch and others to meet Mr. Terence O'Neill. If that process had been allowed to continue and develop, we might have avoided the trauma of the 1970s, 1980s and 1990s when 3,700 people died during the Troubles. It was not allowed to continue, unfortunately, so we do not know what would have happened. Given that we now have a second chance, it is important for all politicians to embrace their responsibilities.

I have never viewed the success of the peace process as the ultimate prize. Making progress with the peace process is like winning the national hurling league. We need to focus on the real prize of winning the all-Ireland. Anyone who follows a football or hurling team understands this point. If the Down team had lost the all-Ireland football final many years ago, I do not think it would have been any compensation to its players to have won the national football league. It is important to keep the bigger aim in mind. Those of us with a Nationalist or republican outlook are often too shy to say that to our fellow Irishmen from the Unionist tradition.

It is possible to have quite good dialogue with loyalists. I once had an interesting discussion with Mr. Gregory Campbell and one of his DUP colleagues, Mr. John Norris from Castlereagh. We talked for up to three hours over a few pints in Glasgow. I did not hide the fact that I would love to see a united Ireland. I argued that the pragmatism and dynamism of Unionist business people could help people on both sides of the Border. I suggested that the talents, expertise and drive of everyone on this island could be combined to open up new horizons for all our people. I was not surprised when the two men told me at the end of the night that they did not agree with much of what I had said. However, they said they learned far more about these issues from talking to me for a few hours than they would have from talking to someone from Kent or Sussex.

I was at a conference in Malmo in 1988 on the day that Ireland had a famous 1-0 victory over England in a football match in Stuttgart. I was a

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little late in returning to the conference that evening because I had been watching the match. When I heard Northern accents, I turned around to find that a delegation from Belfast City Council was sitting behind the Wexford group of which I was part. As we filed out of the meeting, I asked Sammy Wilson whether he had watched the match. When he said he had seen it, I somewhat cheekily asked who he had shouted for. He said: "I was shouting for your lads." I may have looked surprised, but I was also pleased.

Mr. B. Hayes: The Senator should not have been surprised by that.

Mr. J. Walsh: He added, in case I got the wrong impression, that if England were playing the Vatican, he would shout for the Vatican.

Mr. B. Hayes: There is nothing surprising there.

Mr. J. Walsh: I know from talking to a number of Unionists that they feel there is much to be gained from closer co-operation with this jurisdiction. I hope the North-South bodies will be strengthened. I regret that during the final hours of the 1998 negotiations, they were watered down so that they would apply to areas in which they would have less impact. I would like to think that would be corrected at some stage in all our interests. As Members of the Oireachtas, we should honour the memory of the founding fathers of this State, from whom we take our lead, by working to the best of ability to build links with Northern Ireland. We owe it to our founding fathers to develop programmes of twinning, cultural exchange and economic co-operation to fulfil the dreams and aspirations they had for this island. We now have a platform from which to do that.

Ms O'Rourke: I thank those who spoke during this debate with such sincerity and passion. Speakers shared their reminiscences and recollections. I am glad that, above all, such huge hope was evident in the Chamber. As I listened to Senator Jim Walsh concluding his contribution, I thought about how right he is.

Many years have passed since Michael Collins signed the treaty that put the Border in place, having been sent on a hopeless mission in the distant past, but this evening it seems like a modern thing to talk about in the Chamber. When Michael Collins returned after signing the treaty, he argued that it gave Ireland the freedom to achieve freedom. He thought we would have time to work on getting our freedom. He did not think the Six Counties unit would last, but it is still in existence.

It has taken many years for us to reach a point at which we are satisfied that progress can be made and certain matters can be debated. The

"dreary steeples of Fermanagh and Tyrone" do not seem as dreary now as they did to the man who spoke about seeing them through the driving rain. I hope the optimism evident in the Chamber will linger for some time.

I pay tribute to Senator Maurice Hayes, who plays a pivotal role in the everyday work of the Seanad, for the role he has played in the business of the North and the South. He brings his expertise to bear on the various writings he produces and the various chairs he holds.

The desire of Members to pay particular tribute to the Taoiseach has been evident throughout this debate. None of those who have been praised will mind when I say that nobody has brought as much passion, commitment and determination to the peace project in all of its manifestations as the Taoiseach has done.

I also pay tribute to Senator Mansergh whose work I noted some years ago when my party was in Opposition and with whom I worked when I was in Government. He played a role in this regard. He has transformed himself from a civil servant to a politician with great dexterity. He brings his fine mind to bear on many matters in this Chamber.

I commend the motion to the House. I am glad it has been introduced. In these sunny days of April, we hope and pray the agreement which has been reached, and which will be pursued, will last.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to sit again?

Ms O'Rourke: It is hoped the House will meet at 11.15 a.m., rather than 10.30 a.m., tomorrow. If the Pharmacy Bill 2007 is passed by the Dáil this evening — I emphasise the word "if" — it can be brought to this House in the morning. It is important to provide additional time for Senators to absorb the Bill before we meet again.

Adjournment Matter.

School Accommodation.

Mr. U. Burke: This matter concerns the need for the Minister for Education and Science to indicate when funding will be approved for Craughwell national school in County Galway. The school has applied for additional accommodation for a number of years. This is a classic example of the failure of the planning section of the Department of Education and Science to plan to respond to the needs of an area, particularly growth centres such as Craughwell. In 2002-03, some 156 students were enrolled in the school. Since then intake has grown constantly, which is unusual for a rural school. The normal intake of 20 to 25 has increased to 35 to 40 for each of the past few years. The response of the Department

of Education and Science has been to provide prefabricated accommodation as needed. This is a waste of money, despite the sanction and approval of a school extension of six to eight classrooms. There is an increase of some 25 students annually because the outflow from the school at sixth class will be approximately 25 and the intake will be more than 40. It will probably increase because this area is one of great development, with new waterworks and a new sewerage scheme. It is a target area for growth.

The local community, including parents, the board of management and staff, has raised considerable funds to keep the school up to a reasonable standard of accommodation for children in the area. They had to do so in order to provide reasonable facilities in the school. The level of overcrowding is beyond belief. The children with special needs share overcrowded, poor accommodation. A general purpose room is used as a classroom and is totally inadequate for its current purpose. An extension of six or seven classrooms is required, as well as a general purpose room.

I hope the Minister of State can indicate hope for this area by providing adequate facilities as is the entitlement of these children. Many schools have been upgraded and have been provided with additional accommodation but Craughwell has been provided with only prefabricated rooms on an annual basis, after a long struggle. This is totally inadequate and unsuitable. The Government's response to education in the west is poor if Craughwell must make do with prefabricated buildings while other schools are provided with proper structures. This is a poor response to the efforts of the community, the parents, and the board of management, who have provided funds on every occasion they have been asked to make up the Government shortfall.

The Minister of State should indicate the situation with regard to funding for this school.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I thank the Senator for raising the matter because it affords me the opportunity to respond on behalf of the Minister for Education and Science, Deputy Hanafin.

Modernising facilities in our 3,200 primary and 750 post primary schools is not an easy task given the legacy of decades of under investment in this area and the need to respond to emerging needs in areas of rapid population growth. As evidence of this commitment, more than €540 million will be spent in the coming year on building and modernisation projects in primary and post-primary schools. Since 1997, a total of €3 billion has been invested in school buildings and this has delivered more than 7,800 school building projects. This further investment of more than €540 million will build on these achievements and will focus in particular on the provision of school accom-

modation in areas where the population is growing at a rapid rate.

National development plan funding of €4.5 billion will be invested in schools over the coming years. This is a testament to the high priority the Government attaches to ensuring that school accommodation is of the highest standard possible. On top of this, to reduce red tape and allow projects to move more quickly, responsibility for smaller projects has been devolved to school level. Standard designs have also been developed for eight and 16 classroom schools to facilitate speedier delivery of projects and save on design fees. The design and build method is also used to expedite delivery where the use of standard designs is not possible. Taken with the unprecedented level of funding available, these initiatives ensure building projects are delivered in the quickest timeframe possible.

Craughwell national school is a co-educational primary school and enrolments at the school have increased from 171 in 2002 to 248 currently. Officials in the Department of Education and Science have completed their assessment of projected enrolments and have determined that the long-term projected staffing for Craughwell national school will be for a principal plus 12 mainstream teachers, and this has been notified to the school authorities. Officials are in the process of drawing up a detailed accommodation brief for this school. A site visit is required to inform the final brief for the project and officials will be in contact with the school authority to arrange such a visit. On completion of the brief, the project will be considered in the context of the multi-annual school building and modernisation programme.

I thank the Senator for raising the matter and allowing me to outline the progress being made under the school building and modernisation programme and the position of Craughwell national school.

Mr. U. Burke: Assessments have been carried out continuously since 2003, when the temporary accommodation was provided. We get this routine reply repeatedly. Everyone gets the same answer about site visits and so on. That site has been visited so often that new tarmac is needed to mend the wear and tear caused by Department officials visiting. It is a clear indication of the confusion in the Department's building unit that it cannot do things on a once-off basis.

Mr. B. Lenihan: The officials have completed their assessment of the projected enrolments.

Mr. U. Burke: They have done that every year for the past five years.

Mr. B. Lenihan: We are no longer at the assessment stage, it is complete. A school visit is required to finalise the brief for the project and

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officials will be in contact with the school authority to arrange that.

Ms Tuffy: My question relates to the need for additional secondary school places for the Lucan area. Can the Minister of State provide the current numbers for students in sixth class in primary school in Lucan and the corresponding figures for first year in secondary school in Lucan to establish if there is a shortfall of secondary school places in the area? What is being done to secure additional accommodation for secondary school students in the Lucan area, including Adamstown?

Mr. B. Lenihan: I thank the Senator for raising the demand for post-primary places in the Lucan area and how this demand is being met. There are 12 primary schools in the Lucan area with a current combined sixth class enrolment of 501 pupils. In 2006, the four post-primary providers in the area had a combined first year enrolment of 481 pupils. Therefore, the demand for pupil places will only increase by 20 pupils in the new school year if all opt to attend schools in their immediate vicinity.

One of the post-primary schools, Coláiste Cois Life, only enrolled 68 first year students in 2006. This brought its total enrolment to 278 pupils. A new building was recently provided for this school and this building has an overall capacity for 600 pupils, so there are ample places available in this school. The Department will also shortly appoint a design team for an extension project for Lucan Community College. This project will generate another 200 pupil places.

Apart from this, the Senator will probably be aware that there is considerable vacant capacity at post-primary level in areas adjacent to Lucan. Given that it is practice, especially in Dublin, for post-primary students to travel some distance to attend a post-primary school, it is not unreasonable that the Department should seek to optimise the use of existing surplus capacity at post-primary schools in the general vicinity of Lucan as part of its strategy to address any shortfall for post-primary places that may emerge.

Therefore, taking the demand for post-primary pupil places in Lucan against the places available and the interventions recently made or planned, the Department is satisfied that current and future needs can be adequately met. The Department will continue to monitor the situation to ensure that any newly emerging needs are met as expeditiously as possible.

Adamstown is the subject of a strategic development zone. The planning scheme for the zone, which is endorsed by An Bord Pleanála, requires that housing and supporting infrastructure, including schools, be provided in a phased manner. It is a condition of the SDZ that at completion of phase 2, a maximum of 1,800 housing units, a primary school of eight classrooms or a post-primary school of 12 classrooms be in place. Subsequent phases require the provision of further school accommodation.

In compliance with the requirements of the SDZ, the development of a multi-school campus is well under way. When completed, this will comprise two 16-classroom primary schools and a 1,000 pupil post-primary school. The first of the primary schools is due to open in September 2007, with the second primary school opening shortly thereafter. I had the honour of turning the sod for both schools and their completion will take place expeditiously. The timing and extent of this development means that primary provision for the area is ahead of demand. Once the primary school provision is in place, the emphasis will shift to the delivery of the post-primary school to comply further with the SDZ phasing arrangements.

Throughout the planning for these schools, the Department has worked closely with South Dublin County Council and the developers to produce an integrated solution to education and community facilities that matches the delivery of new housing. The approach under the SDZ requiring schools to be in position ahead of or in line with demand is one which the Department thinks should be adopted by other planning authorities in major new housing schemes, and this is being brought to their attention by the Department in its regular contacts with them.

I thank the Senator for raising this matter and I assure her that top priority is given by the Department to needs in rapidly developing areas. In the lifetime of the national development plan, almost €4.5 billion will be invested in schools. This is an unprecedented level of capital investment which reflects the commitment of the Government to continue its programme of sustained investment in primary and post-primary schools. Through both increased investment under the NDP and the improved planning and delivery processes that we have put in place in recent years, the Government will ensure the need for extra school places is met.

The Seanad adjourned at 7.20 p.m. until 11.15 a.m. on Thursday, 5 April 2007.