

SEANAD ÉIREANN

—
Dé Céadaoin, 26 Meán Fómhair 2007.
Wednesday, 26 September 2007.
 —

Chuaigh an Leas-Chathaoirleach i gceannas ar 2.30 p.m.

—
Paidir.
Prayer.
 —

Business of Seanad.

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

The need for the Minister for Health and Children to outline the Government's position on the potential impact of the food supplements directive, Directive 2002/46/EC, in light of the imminent setting of maximum permitted levels of vitamins and minerals in food-stuffs under the said directive, given the serious concerns that have been expressed by alternative health practitioners and representatives of the professional bodies in this country.

I have received notice from Senator O'Reilly of the following matter:

The need for the Minister for Arts, Sports and Tourism to consider making funding available for the development of a scouting centre at Castlesaunderson, County Cavan, given that there is no Scouting Ireland camping facility north of a line from Dublin to Galway and in view of the cross-Border dimension and the integrative thrust of the peace programme.

I have received notice from Senator Bacik of the following matter:

The need for the Minister for Foreign Affairs to provide an update of his efforts at EU and UN level and in other fora to highlight the case and secure the release of a person (details supplied) who has been detained against her will for 2,040 days by FARC in Colombia.

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

The need for the Minister for Health and Children to commence talks with her northern counterpart, Minister Michael McGimpsey, to progress plans for a satellite radiotherapy unit to service cancer patients in the north west of Ireland on a cross-Border basis.

I regard the matters raised by Senators de Búrca, O'Reilly, Bacik and Doherty as suitable for discussion on the Adjournment. I have selected Senators de Búrca, O'Reilly and Bacik and they will be taken at the conclusion of business. Senator Doherty may give notice on another day of the matter he wishes to raise.

Order of Business.

Senator Donie Cassidy: The Order of Business for today is Nos. 1 to 6, inclusive and No. 7, motion No. 20. No. 1 will be taken at the conclusion of the Order of Business. Nos. 2 to 6, inclusive, will be taken without debate on the conclusion of No. 1. Order for Second Stage and Second Stage of the Copyright and Related Rights (Amendment) Bill 2007 to be taken until 5 p.m. Spokespersons will have 12 minutes, all other Senators will have eight minutes and Senators may share time. No. 7, motion No. 20, to be taken from 5 p.m. and to conclude not later than 7 p.m.

An Cathaoirleach: Before I call Senator Fitzgerald, for the benefit of new Members I want to explain some of the procedures that apply to the Order of Business. I will call first the leaders of the groups in sequence. Following that I will call Senators alternating between the two sides of the House. On the Order of Business Members may request clarification of the Leader's proposals for today's business or seek an alteration or amendment of times allocated. A Member may also ask about forthcoming legislation and request the Leader to provide time for a debate on a particular matter or topic. Members do not need to give a detailed reason for requesting such a debate as that information can be part of the debate when it takes place. Contributions should be brief and to the point to enable the Chair, within a reasonable time, to facilitate Senators who wish to ask questions on the Order of Business.

Senator Frances Fitzgerald: Can I clarify with you, a Chathaoirligh, when we will take the debate on the election of the Leas-Chathaoirleach?

An Cathaoirleach: When the Order of Business is agreed that will be the first item taken.

Senator Frances Fitzgerald: I propose an amendment to the Order of Business to allow us to have a debate on the issue of Shannon and the Government's refusal to use its shareholding of 25.4% to call an extraordinary general meeting. Fianna Fáil in particular consistently said it would use its interest in the company to protect the State's interest, the strategic importance of the area and the connectivity. As one of the many people standing at the gates of Leinster House today said to me, this is a question of life and death for the business sector and for jobs in the

[Senator Frances Fitzgerald.]

entire region. It has implications also for other airports. I propose this amendment to allow for a debate on this important topic, which is being discussed everywhere outside of this House.

I take the opportunity also to raise the disturbing incident that occurred yesterday when a member of the Garda traffic corps was shot at 9.10 a.m. while going about his duties. I ask the Leader to arrange for the Minister for Justice, Equality and Law Reform to attend this House to discuss that incident. I take this opportunity — I am sure on behalf of everyone in the House — to extend our best wishes for the recovery of the Garda Paul Sherlock.

Senators: Hear, hear.

Senator Frances Fitzgerald: A previous Minister for Justice, commenting on a similar attack more than a year ago, described it as the last sting of a dying wasp. It is clear this is an ongoing issue. Arms were used in another incident in Drimnagh this morning. Given the number of recent incidents involving arms, serious questions arise regarding the need for legislation in this area and the need to help the Garda to deal with this major threat to security and to the everyday lives of people. The public is very concerned about the increasing use of arms, given that criminals are now turning on gardaí going about their day-to-day work.

I note the GRA described this as a callous, cowardly and despicable act, which it certainly is. We should have a debate with the Minister in the House at the earliest opportunity to find out whether he agrees with the views of his predecessor or whether he believes new initiatives are needed to deal with this problem.

Senator Joe O'Toole: I welcomed the intervention of the Minister for Foreign Affairs last night when he exhorted the authorities in Burma not to take action against the people demonstrating there. It is an issue which resonates greatly with people in this country. We saw similar action as far back as the time of O'Connell in the 1820s and in Northern Ireland in the 1960s. Gandhi also made it a feature of modern politics in the previous century.

The operation of fighting for civil and human rights through people power is the essence of democracy. We should welcome the call by the Minister for Foreign Affairs but we should also ask him to strengthen that position and support the call from Gordon Brown that there be a special meeting of the UN to impose sanctions, if necessary. We also should be prepared to take on China on this issue because it is the country which is buttressing the appalling regime in Burma. Will the Leader arrange for the Minister for Foreign Affairs to attend the House to debate an issue which is very important in terms of our under-

standing of how democracy should and does work?

On a related issue, I ask that the House would direct its attention to the fact that what is effectively a black school opened in north Dublin this week. I do not want a long debate about Catholicism, the Roman Catholic Church or the lack of planning. Instead, I would like a debate on the kind of community which it is our aspiration to create in this country, whether that is an intercultural society which will be judged by the engagement between one culture and another, or one subculture and another, or one religious group and another. This is surely what we are trying to achieve rather than trying to give separate space to separate groups in a manner more resonant of apartheid than anything else. I am not accusing anybody of that, and I do not want this to be a blame game, but I would like Members to give their views. If we are disturbed by this or if we find it does not suit us or does not fit our vision, we should say so without having a go at the Government, patrons or management, although such questions must be also addressed. We need to deal with this issue in stages.

Senator Alex White: With respect, the Cathaoirleach indicated the approach the House will take to the ordering of business and the sequence of speakers. It is necessary for me to record the unhappiness of the Labour Party in regard to the sequence of speakers and groups as it has been outlined. I do not wish to clash with the Chair in this regard today. I realise it is an appropriate matter for the relevant committee and I am happy that it should be dealt with there. However, I thought I should note the matter at this point.

The Labour Party supports the proposal by Senator Fitzgerald on behalf of Fine Gael for a debate on the Shannon Airport issue. There has been a great deal of huffing and puffing on this issue throughout the summer months. Given the House is back in session, a matter of such importance for regional development and the economy ought to be discussed. We warmly support Senator Fitzgerald's call in this regard.

Many issues will preoccupy the House today and in the coming days and weeks but the matter of Burma, which was rightly raised by Senator O'Toole, is of great importance. It is vital we reflect on the great bravery of the people on the streets of Burma, who may well be under attack at this time from the police and military of that country. I have just returned from representing my party at the British Labour Party conference in Bournemouth where this issue was a preoccupation. As Senator O'Toole noted, the British Prime Minister sought to have the matter pursued at the international level, as it should be.

Senator Dan Boyle: Before the Leader responds to the proposals on the Order of Business, Senators need to be aware of the issues that

are of wider consequence and those that can be addressed under other Standing Orders, for example, by means of an Adjournment debate or in Private Members' time. Some of the issues to which Senators have referred fall into the latter category.

I support Senator O'Toole's call, supported by other speakers, for a debate on Burma. It is an issue on which the House can speak with one voice. The trauma of the people of Burma will not be resolved in the next few days. Given that business has been ordered for the coming days, I support holding a debate on the issue in a forthcoming sitting.

Senator Paul Coghlan: I support Senator Frances Fitzgerald in regard to both the items she raised, namely, the callous shooting of a garda in the course of his duty and the plight of Shannon and the entire mid-west region. The second issue will be addressed by another speaker.

What is the status of the proposed designated land (housing development) Bill, which is intended to give powers to planning authorities to act, on a selective basis, to accelerate the development of appropriately zoned land for housing through a "use it or lose it" scheme. The legislation was announced to great fanfare last February by the previous Minister for the Environment, Heritage and Local Government in a policy statement entitled "Delivering Homes, Sustaining Communities". I presume this document is still Government policy. If that is the case, when will the Bill come before the House?

I concur with Senators O'Toole and Boyle on the plight of the Burmese people. We learned today of the murder of two monks.

An Cathaoirleach: Is the Senator formally seconding Senator Fitzgerald's proposal?

Senator Paul Coghlan: I second the proposal.

Senator Marc MacSharry: I congratulate the Cathaoirleach on his election and assure him of my full support. As Senator Jim Walsh stated when the House last met, the Cathaoirleach is one of life's true gentlemen.

On this, the first formal day of normal business, I ask the Leader to request that the Minister for Finance, Deputy Cowen, attend the House for pre-budgetary statements. While I am aware the Seanad does not have a formal function in the preparation of the budget, it would be beneficial if Senators were to have an opportunity to air their views to the Minister for Finance at the early stages of the budget preparations. I am sure the House will welcome the Budget Statement on budget day but Senators would greatly appreciate an opportunity to play a role in the budget process.

It is some years since the national spatial strategy was developed. I ask the Leader to invite the Minister for the Environment, Heritage and

Local Government to debate the strategy's progress and, in certain contexts, lack thereof in the coming weeks.

Senator Feargal Quinn: The other day a visitor expressed frustration and disbelief to me, having discovered on a drive along the M50 and Red Cow roundabout last Saturday that no work takes place on the route at weekends. I gather that, as a result, the construction job will take three to four years instead of 12 to 18 months. I raise this matter to highlight the short-sighted view of the impact on cost competitiveness of legislation that enabled the planning authorities to stipulate that no work should take place on these vital works on Saturdays and Sundays and after 6 p.m. on week days. I understand how someone in the neighbourhood might say he or she wants peace and quiet and not to be disturbed at night, but we must take a different attitude to the cost to the nation of such steps. An American told me recently that when he was told by his lawyers that he could not do something because the law did not allow it, he said they should change the law. Ireland has a different attitude to costs than it should have. If it took us one year rather than two or three years to do something, admittedly at a higher cost, the benefit to the nation would be different.

Will the Leader arrange for the Minister responsible for this area to attend the House? I am not sure which Minister is responsible because it is a mixture of planning and good management of the road system. If there is a decision on costs, he or she should ensure we take into account the overall cost to the economy instead of the short-sighted view of what might happen in the area in question.

Senator Terry Leyden: I support the proposal for a debate on the crisis in Burma. It is vital that the House expresses its views and solidarity with the people of Burma who have been oppressed by the regime for so long.

Regarding the near tragedy of the gunning down of Garda Sherlock in Dublin, it is important that people provide information in order that the persons involved can be arrested and brought to trial. There is no doubt Garda Sherlock was unarmed because under no circumstances would a garda have weapons with him or her during traffic corps duty. The Minister should be invited to the House to outline the situation regarding the number of armed gangs and this morning's shootings at a house in Dublin. Our generally unarmed police force has proven successful to date, but this issue must be reviewed in light of what happened to Garda Sherlock and its effect on his family. I express my best wishes to him and his family on a speedy recovery. I commend the force on its wonderful and dedicated service to the people. It is a courageous organisation.

On the amendment to the Order of Business, there should be a debate on the Shannon

[Senator Terry Leyden.]

situation, but not today. The debate in the other House should be allowed to take place. A number of Senators have grave reservations about the proposal by Aer Lingus to withdraw the Heathrow slots next January. There is still time and instead of asking another airline to supply direct routes from Shannon to Heathrow, we should exert maximum pressure on a company in which the State has a 25.4% share. We have a duty and responsibility to the people of the region because this is a crisis for the area.

As a representative of the west and its people, I ask for a debate on the matter and for the Minister to explain to this House the current position on and future plans for Shannon Airport. He should also explain the question of connectivity with Heathrow rather than other European airports, as that connectivity is key for the region.

Senator John Paul Phelan: I extend good wishes to the Cathaoirleach, as I did not have an opportunity to do so on the first day of the new session. The Cathaoirleach will be a fair and even-handed chairman.

I echo the sentiments expressed by previous speakers regarding Garda Sherlock and his brave actions yesterday morning. It is likely that he intervened in the efforts of an armed gang to commit a serious robbery later in the day. In light of the significant increase in such attacks in recent years and Garda Sherlock putting his life on the line, he deserves a great deal of credit. I wish him a full and speedy recovery.

I agree with the views expressed on the state of the economy by Senator MacSharry and I ask that the Minister for Finance attend the House as soon as possible to hold a discussion in the pre-budget atmosphere on Ireland's economic outlook for the next 12 months and further. I hope the Minister will take part in such a discussion at his earliest possible convenience.

I ask the Leader to invite the Minister for Agriculture, Fisheries and Food to partake in a debate on the outbreaks of several livestock diseases in the neighbouring island. The debate should take place as soon as possible because these diseases could have a potentially devastating impact on our livestock industry. We are familiar with tackling the problems caused by foot and mouth disease and must be vigilant in view of the numerous outbreaks of that disease in the United Kingdom. The latest outbreak of bluetongue disease has the potential to wreak havoc in the agricultural sector. I call for the Minister to outline to the House the Government's strategy in this regard. I have heard only snippets of her comments in recent days. We must prevent the arrival of this disease on our shores.

I echo the sentiments of Senator Fitzgerald in requesting a change to the Order of Business to facilitate a discussion on Shannon Airport. This debate should take place today, if possible. I understand the grave reservations Senator

Leyden has expressed. However, the facilitation of such a debate will give him, along with other Government Members, the opportunity to express those concerns and, in concurrence with the Opposition, to ensure the Government uses its existing share-holding in Aer Lingus to retain the Heathrow slots at Shannon Airport.

Senator John Hanafin: I wish the Cathaoirleach well in what I am sure will be an excellent term of office.

I call for a debate on the Middle East, particularly in view of events in recent weeks in Lebanon where a Member of Parliament was assassinated. The Israeli Government, moreover, has discovered that Syria is in possession of nuclear material from North Korea. The French President, Mr. Sarkozy, is clear that he will not envisage Iran proceeding with its nuclear ambitions, as it seems hell-bent on doing. These elements create a dangerous cocktail. A debate on this issue should include, as it has not done heretofore, a discussion on the emergency response we might employ to support our neighbouring island should a major terrorist attack occur there. This debate should take place as soon as possible.

Senator Pearse Doherty: Ar dtús báire, ba mhaith liom cur leis an iarracht a rinneadh chun dhíospóireacht a eagrú sa Teach maidir leis na fadhbanna atá in Aerfort na Sionna agus sa réigiún sin go hiomlán.

I also call for this House to debate the serious situation that is developing whereby pharmacists are threatening to withdraw all services to medical card schemes from 1 September as a result of the change in payments initiated by the HSE. Several pharmacists in Donegal have told me that rural pharmacies will go out of business before the end of the year because most of their business — in some cases, as much as 90% — is dependent on medical card holders. These pharmacists inform me that the HSE's change will see many of them operating at a loss. The situation is acute in County Donegal and in other rural areas where the social and economic situation means there is a significant dependence on medical cards. There must be immediate Government intervention on this issue. Will the Leader organise a debate to be attended by the Minister for Health and Children?

Senator Ivor Callely: I join with others in congratulating the Cathaoirleach on his appointment. I look forward to working with him, along with the soon to be elected Leas-Chathaoirleach, officials and other Members.

In regard to the situation that prevails in Burma, I ask the Leader, along with the leaders of the other parties, unanimously to support a motion in support of the people of Burma and that this should be passed on to the relevant authorities as quickly as possible. The Minister for

Foreign Affairs yesterday called for a rapid response from those in a position to do so. This House should take that approach. I do not want to direct the leaders of the various parties but I ask that they consult, agree and pass the appropriate resolution without delay. In accordance with the Order Paper and whenever we can place it on the agenda for debate, I look forward to inviting the Minister for Foreign Affairs to make statements on the issue or to address it in the most appropriate manner. I ask that the leaders meet so agreement can be reached and a resolution unanimously passed.

I congratulate members of the Garda Síochána on the speed at which they were able to detect a stolen vehicle after receiving a telephone call on the matter yesterday. I offer my solidarity to Garda Sherlock, who happened to serve in the J district of the city, an area with which I am familiar. I understand him to be a very active garda and we certainly saw that yesterday. I wish him a full and speedy recovery. The House should acknowledge the speed at which the Garda Síochána responded and identified the vehicle concerned, as well as express its regret at the response of the culprits, who were up to no good and may have been after a human life rather than money. As someone who comes from the north city, I commend members of the Garda Síochána on their efforts to find the culprits and would like to think the House would join me in wishing for a successful and speedy conclusion.

If we are to have a debate on the issue of gun culture, we should acknowledge the success of Operation Anvil. However, hardened criminals continue to abuse regulations in other areas. I cannot understand, for example, why a person who commits another crime while on bail is not automatically remanded in custody. Whether they use guns, knives, bottles or other weapons, these hardened criminals are on bail after already being convicted in court. What do they have to lose by continuing along the trail they have followed in the past? I ask that the House would acknowledge the good work being done by the Garda Síochána and would identify the supports gardaí need to combat the crimes that affect each and every community.

Senator Michael McCarthy: I concur with the sentiments expressed by other Members with regard to the speedy recovery of Garda Sherlock, who was gunned down shortly after nine o'clock on a busy Tuesday morning. The matter highlights the dangers that many fine men and women face in their careers as members of the Garda Síochána. It reveals that we are dealing with a hardened criminal sector in Dublin city as well as with the cowardly, psychopathic and thuggish nature of some elements of these gangs. I wish the colleagues of Garda Sherlock well in their pursuit of those responsible for the attack.

I call for a debate on the issue of taxation. Information made available in recent days revealed that the three highest earners in the country are not paying tax. That is neither fair nor equitable. I do not say those who earn significant amounts of money should be penalised because good luck to them if they have the entrepreneurial motivation for success. However it is farcical that people who are just about earning the minimum wage or are living on the bread-line must pay taxes when these millionaires do not. I ask that the Tánaiste and Minister for Finance would come to the House to debate these very important matters.

Senator Leyden is a very dedicated, courteous and serious Member of this House and I admire his contribution to debates and the sincerity with which he brings his beliefs to the floor. Nevertheless, I remind Government Members of this House that the role of Opposition is ours. We will hold the Government to account regarding Shannon Airport. A number of years ago, when my party was last in Government, one of our TDs in Dublin North-East voted against the Government, of which he was a member, on the issue of Aer Lingus because he had the courage of his convictions.

Senator Jim Walsh: Ar an gcéad dul síos, ba mhaith liom aontú leis an méid a dúirt an Seana-dóir Alex White ar an gcéad ábhar ar a labhair sé ar Riar na hOibre. I also support the call for a debate on Burma. It is timely that the Minister for Foreign Affairs and others are attempting to mobilise the United Nations and the international community in support of the Burmese people and, in particular, the Buddhist monks who are providing great leadership. A debate on the matter in this House would be appropriate and I am sure there would be unanimous support for a motion such as that outlined by Senator Callely.

I join other speakers in wishing a full and speedy recovery to Garda Sherlock and commend him on the courageous manner in which he carried out his duty. I am not impressed, however, with other events which took place yesterday involving two other gardaí. It is important that the institutions of the State and Members of these Houses stand four square behind members of the Garda Síochána when they put their lives at risk in our interests. What took place yesterday does not fulfil our aspirations in that regard.

Senator Paul Bradford: I congratulate the Cathaoirleach on his elevation to high office and wish him well. I ask the Leader to facilitate two debates on matters which could be termed old political chestnuts but which are still current problems. During the term of the previous Seanad, the House united on more than one occasion while debating the issue of the undocumented Irish in the United States of America. Unfortunately, that still remains a serious issue for thousands of Irish people in the United States

[Senator Paul Bradford.]

and their families in this country. In the run-up to the US presidential election, the issue of immigration policy will be to the fore in the debates. In that context it is important that the Government takes a very strong line in advocating the need to regularise the situation of the undocumented Irish in the United States. It would be appropriate to invite the Minister for Foreign Affairs to the House to discuss the issue.

I also wish to discuss decentralisation. It is almost four years since the former Minister for Finance and current European Commissioner, Mr. Charlie McCreevy, and his then political sidekick, Mr. Tom Parlon, announced that tens of thousands of civil servants would be decentralised to almost every town and village in the country. That announcement was made in advance of the 2004 local elections. The concept of decentralisation, which I support, is an excellent one but the 2004 proposal was not properly thought out. The issue must be revisited and examined from the point of view of economics, social policy and regional development. Decentralisation must be carried out in a proper manner.

I ask the Leader to invite the Minister for Finance or the Minister of State at that Department to the House to debate the issue again. We must all acknowledge that the programme announced in 2004 is now politically dead. We must be realistic about that but also try to move forward with a new debate on decentralisation which will result in a plan that will work.

Senator Eoghan Harris: I wish the Cathaoirleach well in his term of office. In general I do not agree with us posturing about foreign policy but in the case of Burma we should add our voices to those of other civilised nations in expressing our distress at what is happening to peaceful people, especially to monks dedicated to peaceful change.

Regarding Shannon, I am struck by the fact that those loudest in their proclamations of republicanism are slow to support Aer Lingus's progressive development that seeks to enhance the relationship between Dublin and Belfast. I wish the motorway was extended all the way to Belfast. I note that many of those loudest in their complaints on the Shannon issue are refugees from the pogroms against Northern Ireland nationalists. Throughout the 1980s they told us how much they suffered up there and this is a good chance for some of them to go home to a more peaceful Northern Ireland. I understand why Deputies with problems in the Shannon region had to keep their mouths shut on the matter but I commend the courage of the Minister for Transport and the Marine, Deputy Noel Dempsey, in taking a tough line. Market forces should be allowed to decide what Aer Lingus does and it should not be trammelled by State interference which has caused trouble in the past.

Senator Jerry Buttimer: Well said Senator Harris.

Senator Eoghan Harris: On a more important matter, I support Senator Hanafin's call for a debate on the Middle East. I have been reading transcripts of debates held in this House and there has been a lot of unchallenged posturing directed against Israel as a force of occupation. I would welcome a debate and the chance to set the record straight.

The matter that should concern us, because it is within our remit, is the attack on Garda Paul Sherlock yesterday. I deplore the removal of capital sanctions for those who kill policemen because all states are founded on force. Those who risk their lives on the front line deserve our full support and I do not only mean policemen. I also mean the Army and firemen, two of whom lost their lives yesterday. Those who put their bodies on the line earn the highest respect in any society.

Even if we remove capital sanctions from those who shoot policemen there should be capital consequences for such actions. In areas where gang culture is now enshrined, such as Dublin, Limerick and parts of Cork, the Garda Commissioner should consider the strategic arming and training of policemen. The days of the unarmed bobby patrolling the streets of this country should be over.

A great deal of political correctness exists in our society's response to violence and it is founded on the delusion of the left wing that all crime is a function of society malfunctioning. If this was the case then every traveller would be a criminal and every graduate of Trinity College and University College Dublin, UCD, would be a saint.

Senator Paul Coghlan: Is Senator Harris implying that they are not?

Senator Shane Ross: Just Trinity.

Senator Eoghan Harris: When one examines the record of public embezzlement in this country one sees that this is not the case. Most working class people are law-abiding, as are most travellers. The fact is criminals choose their line of business. Any person carrying weapons should be punished to the fullest extent of the law.

Along with Senator Walsh, though he did not mention this specifically, I deplore the intervention of the Garda Ombudsman Commission in the Lusk inquiry. This is all part of an effort to send out signals that criminals are somehow victims of society. They are not, they are aggressors against society and society should be able to deal with them consequentially. Accordingly, apart from supporting the sympathy of this House for Garda Sherlock, I believe it is time to protect unarmed members of An Garda Síochána against people who long ago decided to use lethal force if confronted by a garda. We are burying our

heads in the sand if we believe that the old rule of law and old responses of old society will be adequate in such circumstances. We can delay change all we like but, sooner or later, armed policemen will be required to confront armed gangs in the major cities of this country.

Senator Paddy Burke: I congratulate the Cathaoirleach on his election to the position and wish him well for his term. Having worked closely with the Cathaoirleach over the last number of years in his position as Government Whip I do not doubt that he will be impartial and will do an excellent job.

I seek a debate on the new building regulations, relating to energy conservation in houses and so on, proposed by the Minister for the Environment, Heritage and Local Government, Deputy John Gormley. I would like waste disposal and recycling included in that debate. Will the Leader arrange that debate and invite the Minister for the Environment, Heritage and Local Government to attend the House?

Senator Paschal Donohoe: I wish the Cathaoirleach and the incoming Leas-Chathaoirleach the best of luck in their new roles.

The savage shooting of Garda Paul Sherlock took place in my area. I send best wishes to him and his family and wish him a speedy recovery. I offer encouragement to Superintendent Feehan and the other members of Fitzgibbon Street Garda station who will spearhead the attempt to catch the thugs responsible for the evil that occurred on the street at 9.15 yesterday morning.

The description of these events should give all here pause for thought. After the shooting a young man was on his hands and knees, crying, while those who were responsible for the harm fled. This savage attack raises the broader question of whether a State can protect itself with an unarmed organisation. I disagree strongly with some of the comments of my colleagues. Although the Garda has deployed armed forces in many urban areas, events such as this continue to occur. I cannot comprehend the great bravery of these unarmed people who protect law and order. Unarmed gardaí have undertaken many successful operations, such as preventing robberies and diving into the Liffey to save people from drowning. I commend their good work.

Senator Donie Cassidy: Is this a Second Stage speech?

Senator Paschal Donohoe: I add my voice to the call for the Minister for Justice, Equality and Law Reform to make a statement here on this incident. He must address several matters, including how the Oireachtas can ensure the Garda Síochána can perform its duties safely, that senior members of the Garda have more accurate information to prevent planned criminal activities and

that the presence of armed gardaí, where deployed, more effectively deters such activity?

Senator Ivana Bacik: I too congratulate the Cathaoirleach and, prematurely, the Leas-Chathaoirleach, on their appointments.

I support the call for a motion condemning the recent actions by the military junta in Burma. It is appropriate to express our concern about this given that the Burmese opposition leader, Aung San Suu Kyi, has been honoured in this country and elsewhere. This is not empty posturing as Senator Harris suggests. It is not posturing when Senator Harris calls for a debate on foreign policy.

We are all deeply concerned about the savage attack on Garda Sherlock yesterday but it is posturing to call for the return of capital punishment in response. That cannot be an answer. It is something with which the Burmese junta would be happy but it is not a democratic solution to the problem of crime, even armed crime.

I support Senator O'Toole's call for a debate on the management of our primary education system. This is also topical. All Members will have noted the opening this week of Bracken Educate Together school in north Dublin and must be concerned that while it is important the children in that school have all received a school place, it signals a highly dangerous move towards a system of education that may be based upon racial segregation. We already have a system based on religious segregation as a result of the present system of patronage and as Senator O'Toole has stated, this must be examined. Members should seek a debate on restructuring the existing system of primary school education and management to ensure that patronage based on religious denomination will no longer be the basis on which our primary schools are managed and run. It is time to leave religious denomination outside the school door and a national conference on this matter is needed urgently.

Senator Eugene Regan: I wish to raise an issue that is current and relevant. On the first meeting of the House two weeks ago, Members suggested that were such issues to be discussed, perhaps more interest would be taken in the Seanad's work. I wish to raise the unexplained payments to the most senior political figure in the land, that is, the outcome to date of the Mahon tribunal. I call for a debate on standards in public office because the issues that have arisen at this juncture diminish us all. This affects the standing of all politicians, casts aspersions and creates a general belief to the effect that there is no integrity in politics. All are tarred with the same brush. This has a corrosive effect in that it becomes expected that this is what occurs in politics and among all politicians.

Ireland is a democracy based on the rule of law and is a member state of the European Union, which has been enlarged to encompass eastern

[Senator Eugene Regan.]

Europe. Ireland and the European Union have made all possible efforts to ensure a reduction in political corruption in eastern Europe. We preach to the eastern European countries and have made this a condition of membership.

It is important, however, to reflect on this matter ourselves. I refer to a debate in the Seanad on what constitutes the standards to which we adhere. By our silence, Members can create the impression that there are no standards. It is now established that a sum of €300,000 in unexplained payments to the Taoiseach exists.

Senator Donie Cassidy: That is not true.

Senator Eugene Regan: The McCracken report regarding the Dunnes payment inquiry established the test that even when no proof of corruption or of a *quid pro quo* for payments exists, the making of payments of such magnitude to a politician creates a suspicion of corruption and has a corroding effect on the body politic. Ultimately, the courts and the tribunals established by the Oireachtas are the last defence against corruption in politics and there has been a serious attempt to undermine the integrity—

Senator Jim Walsh: On a point of order, Senator Regan is discussing on the Order of Business a Member of the Lower House. My understanding is there is a well-established protocol in this House to the effect that this is not allowed. I have no doubt—

Senator Joe O'Toole: On a point of order, there is a long tradition in this House that Members making their maiden speeches are not interrupted. This should be respected.

Senator Donie Cassidy: This is not a maiden speech.

Senator Joe O'Toole: It is an easy thing to do.

Senator John Hanafin: This is not a maiden speech.

Senator Joe O'Toole: Anywhere.

(Interruptions).

Senator Eugene Regan: I wish to continue and have almost finished.

Senator Donie Cassidy: No speeches are allowed on the Order of Business.

Senator John Paul Phelan: Why is the Senator listening?

Senator Donie Cassidy: This is a long-winded Second Stage speech.

Senator Eugene Regan: I am disappointed by the interruptions because this is an important issue.

(Interruptions).

An Cathaoirleach: Order, please. There should be one speaker.

Senator Eugene Regan: The courts and the tribunals established by the Oireachtas are very important to upholding the rule of law. Notwithstanding the length of time for which the tribunals have been obliged to operate, starting with the McCracken tribunal they have been fundamental in unearthing massive political corruption and unacceptable behaviour and standards in public office.

Senator Donie Cassidy: It is a Second Stage speech.

Senator Eugene Regan: The Mahon tribunal has carried out its work. It has identified unexplained significant payments to the Taoiseach and the integrity of that tribunal should be upheld by this Chamber.

Two issues have arisen. It is a political dimension to a legal process—the tribunal is effectively a legal process but there is a political dimension. We now know so much more than we did last year when there was a debate in the Oireachtas. We also know more now than we did before the general election. We know now what the tribunal believes are the unexplained payments, and what is regarded as the lack of co-operation by the Taoiseach. For the highest politician of the land to behave in this way is something we should debate in this House. Do we believe there are any standards in public office? I quote one standard cited by the Taoiseach in a public statement in 1997. He said that “the acceptance of large gifts or payments or personal benefits in a surreptitious manner ... by senior serving politicians or members of the Government is deeply damaging to trust in politics, and is a serious breach of it”. He was right but he has not lived by those standards. I would ask the Leader to facilitate that debate.

Senator Joe O'Reilly: I join my colleagues in extending good wishes to the Chathaoirleach for his term of office and I wish him well in that role. I second the proposal of my colleague, Senator Bradford, that we have a debate as a matter of urgency regarding the position of the undocumented Irish in the United States. It is a serious issue for many individuals and families across this country. Their situation has suffered a congressional setback recently and could go off the radar. For that reason the matter is urgent. Senator Bradford's request for a debate is timely. I second his proposal and ask the Leader to accede to that request.

Similarly, we should have a debate on our response to the Irish emigrant communities and the present position in terms of supporting our emigrants. We need to focus on supports for those who have returned and wish to re-establish themselves in this country, particularly in matters such as housing, which should be prioritised.

My colleague, Senator O'Toole, has made a worthy proposal regarding the dreadful situation in Burma, including the extraordinary suffering of people there and the great leadership of the Buddhist monks. I support the proposal that a unanimous motion, tabled as an emergency item in the House, be put forward in support of the Burmese people as it would be the best outcome. The response should be immediate and today, rather than delayed, because it is of critical importance. Predominantly, I support the proposition of my colleague, Senator Bradford, on the undocumented Irish.

Senator Fidelma Healy Eames: I join my colleagues in wishing the Cathaoirleach well in his term of office. I support colleagues who spoke previously on the need for an urgent debate, if at all possible today, on Shannon. We live on an island. I live in the west. To trivialise the importance of Shannon to the livelihoods, the business and the tourism of the west of Ireland as a matter of Belfast versus Shannon is not to know the full impact of Shannon in the region. Shannon is of critical importance to connectivity between business and the wider world.

The Shannon Heathrow slots link Shannon and the west of Ireland to 46 cities in the world. In August IBEC surveyed 200 companies in the west and found that 60,000 seats are filled through Heathrow. I have listened to many companies speak about the impact of losing these slots and rather than going on about it in the House today, I call for a full and urgent debate. I urge all my colleagues to consider the fact that Ireland is more than just a section of the country. We need to take care of the west. I remind the House that this issue is of strategic national importance. The chairman and board of Aer Lingus have spoken about those slots being perhaps more suited to being out of the country. We could be looking at a national airline that is foreign-based. When the airline was privatised, we held a 25.4% shareholding to protect our strategic national interest. Why did we hold it if we are not going to use it?

Senator John Paul Phelan: Hear, hear.

Senator Fidelma Healy Eames: This is a central point. As someone from Galway who represents the west in the Seanad, I want to see livelihoods and business protected.

I support the call for a broad debate on education and how schools are managed. Senator O'Toole referred to the initiation of a new black school, so to speak. This is a frightening way to describe it but that is exactly what has happened.

Generally, schools reflect the type of society in which we live. We are now faced with multiculturalism and immigration and it is time we looked at how our schools set that example. I support the speakers who called for a debate in that regard.

Senator Déirdre de Búrca: I wish to take advantage of this opportunity to express my sincere condolences to the families of the two firemen who died so tragically this morning in Bray in the course of carrying out their duties. I am sure the rest of the House will join me in this. We have long had debates in the Bray area about the adequacy of our part-time fire service. It has been a live issue given the population growth in the north of the county. I urge the Cathaoirleach to consider holding a debate on the provision of fire services throughout the country.

Senator Alan Kelly: I would like to use my maiden contribution to wish the Cathaoirleach the best. I did not know until a few minutes ago that one could have a maiden contribution and a maiden speech.

Senator Donie Cassidy: I did not know either.

Senator Alan Kelly: I hope all Members look forward to my maiden speech.

I support Senator Fitzgerald's call for a discussion of the crisis in Shannon. This matter is something very close to my heart as I am from north Tipperary. I have spent hours upon hours with workers and the Atlantic Connectivity Alliance in recent months campaigning and lobbying on this issue. They have done tremendous work. Many of the people involved are outside the gates of Leinster House today and some of them have been brought into the Houses by me and my colleagues. We spent a number of hours discussing the issues with them. These people are dedicated to ensuring the connectivity to the mid-west through Shannon Airport is maintained. Everyone in the House should acknowledge that and respect the fact these people are not going to give up, nor should they. If this decision is not reversed soon, we will be facing into a different type of debate because this will probably go into a legal quagmire based on the definitions defined in the memorandum and articles of association, especially on the terms of disposal. It is imperative the Government acts.

The long-term plan of the chief executive of Aer Lingus, Dermot Mannion, appears to be as follows. He has already outlined that long-haul is the way to go for Aer Lingus. It looks like he intends eventually to use the slots from Heathrow for long-haul and to take out the slots, not just in Shannon but also in Cork. We are well aware of this possibility, which is why it was imperative my colleagues in Cork met both the Atlantic Connectivity Alliance and the workers today.

[Senator Alan Kelly.]

As a party we have been aware of this possibility for a long time and we have debated the issue. We opposed the privatisation of Aer Lingus, not necessarily on philosophical or ideological grounds but because we believe in a policy of economic externality in certain scenarios where that is necessary for the greater good. In this case the greater good was that Aer Lingus was performing a function for the mid-west and the western seaboard that would not necessarily be the case if market forces alone were allowed to rule the roost.

We are probably understating not just the business impact of this decision but also its tourism impact. Essentially, tourism is also business. I know this area well as I am my party's spokesperson on tourism and I also worked at the coal-face of tourism for nine years in Bord Fáilte and Fáilte Ireland. This decision will have a detrimental effect on tourism in the mid-west, in addition to the western seaboard and further afield. The tourism agencies are faced with the challenge of getting certain percentages of people to travel to parts of the country outside of Dublin and the greater Dublin area and this will not be achievable if the Government does not intervene and use its 25.4% share to call an extraordinary general meeting and force the airline to reverse its decision.

We are at an important juncture as the decision on this matter will be very much influenced by the slot conference that will take place shortly. Slot conferences are of great importance to airlines as they decide where the slots will be in two six-month cycles. If this decision is not reversed or some action is not taken before the slot conference takes place, we will be faced with a rather more difficult issue.

At the beginning of this crisis the Government said it could not intervene. It is interesting to note the Government's language on this issue has changed. The current position is that it will not intervene. The reality is Government representatives, especially members of Fianna Fáil and other supporters of the Government, namely, the Green Party, the Progressive Democrats and certain Independents, some of whom are close to me in geographic terms, need to examine their consciences. They cannot be on the side of the angels all the time. One cannot be in Opposition and in Government on an issue. I echo the statement of my party colleague, Senator McCarthy. They either stand up, show what they are made of and support the Opposition in its efforts to reverse this decision or else they support what their good colleague, Senator Harris, stated today. I am delighted what he said is on record because it is probably the true feelings of most people in Fianna Fáil on Aer Lingus, especially the Taoiseach.

Let us look at what is happening in terms of the new Belfast route for which approximately 136 or 146 bookings have been made. That is a reflection

of the level of interest in it. In comparison, there are more than 1,000 bookings for Ryanair flights from Belfast to Heathrow. One can ask why there is a difference or why British Airways, a good and profitable airline, pulled out of this same route in 2001. People need to ask these questions to find an answer.

I call on Seanad Éireann to debate this issue. I would appreciate such a debate out of respect for a number of people who were outside the gates of Leinster House today. These people have told me they will be out of a job by next January or February. I would appreciate it if the proposed change to the Order of Business were agreed.

Senator Brian Ó Domhnaill: Ba mhaith liom tús a chuir leis an cúpla focal seo trí comhghairdeas a dhéanamh leis an tSeanadóir Moylan as a bheith ceaptha mar Chathaoirleach ar an Teach seo. I sincerely congratulate Senator Moylan on his appointment as Cathaoirleach. I know he will do an excellent job in his new position.

I wish to support two issues. The first one was raised by Senator Bradford on the other side of the House about the undocumented Irish. There are an estimated 50,000 undocumented Irish in the United States of America, many of whom left these shores seeking a better life for themselves and members of their families. It is important we stand with them in the difficulties in which they find themselves. I am delighted with the work which has been done, especially by the Minister for Foreign Affairs, Deputy Dermot Ahern, in supporting the undocumented Irish in the United States and in lobbying to have the issue centre stage there. It is important that during the new term of this House and Dáil Éireann we reinvigorate the campaign by ensuring the presidential campaign, which will hot up shortly, includes the issue of the undocumented, not just the Irish but those of many other countries. It is important to discuss the issue in this House and provide assistance to the people involved. I come from the north west and many families from Donegal have family members in the United States who cannot join them on celebratory occasions or bereavements. The issue divides families so we should pursue it as vigorously as possible on this side of the water.

I support the proposal that the Minister for Finance should come to the House prior to the budget and receiving submissions. All Members of the Oireachtas are being lobbied on submissions to be made to the Department and, in particular, to the Minister. We are lucky to have a Minister of the calibre of Deputy Cowen, who is well aware of the needs of Ireland. As a republican and a member of Fianna Fáil I am delighted that Deputy Cowen is in the job. He is able to listen to the concerns of the general public. If the Minister is to visit this House, however, we should place on the agenda for discussion, in light of the power-sharing Executive in the North of Ireland and the fact that the institutions are now

up and running, the issue of economic incentives and reliefs for the Border counties in the upcoming budget. My colleague, Senator Wilson, would probably share my view that we should provide the Border counties such as Donegal, Cavan and Monaghan with some relief for what they have suffered over the past 30 years in the conflict in the North. The issue should be looked at when the Minister visits the House and I hope he does so in the not too distant future.

I wish the Cathaoirleach well in his term in Seanad Éireann.

Senator Shane Ross: I will try to quench a fire which has been lit on this side of the House, that we can interfere with every operational decision made by Aer Lingus. Whether we like it or not Aer Lingus was privatised some time ago after a tortuous debate in this and the other House. We cannot allow ourselves to be used by lobby groups left, right and centre for every decision it makes. Will we regard it as a semi-State organisation, over which the State still has ownership, every time it opens or closes routes? Will we let the Cork lobby, the Shannon lobby or the Dublin lobby interfere in the workings of this House over what is a privatised company? It is time we realised that debate is over. Aer Lingus must be allowed to make its own commercial decisions — that is the world in which it now lives and it should be allowed to be relatively free from political interference.

One of the great fears of many of us who were in favour of the privatisation of Aer Lingus was that the retention of the 25% stake, to which many Members have referred today, would be used as some sort of lever to interfere on a daily basis with the workings of Aer Lingus and that is what is happening now. I do not blame the Shannon lobby, first for doing its work and, second, for making politicians speak in this House in its favour, today and at other times. The real debate should be on whether we should continue to hold the 25% stake, because that is a skewer, a hook and a spit on which the Government is now stuck. The sooner we get rid of that stake the less we will face the pressure to interfere with the commercial decisions of Aer Lingus.

Those who refer to Aer Lingus as the national airline are, unfortunately for them and uncomfortably for others, wrong. We no longer have a national airline, following the decision taken. If we have one, as one speaker said, it is based abroad, but it is Ryanair. It is unpalatable for many but that is the biggest airline operator. We should give up the idea that the Dáil and the Seanad have ownership of Aer Lingus and can interfere with it every day.

Senator Liam Twomey: Before I came into this House I felt it was the sleepy backwater of national politics.

Senator Mary M. White: The cheek of the Senator.

Senator Paul Coughlan: He has been put right now.

Senator Liam Twomey: That was my impression and we will see whether it will change in the next couple of months. Talking about Seanad Éireann keeping its eagle eye on foreign policy regarding Burma and the Middle East is almost as useful as keeping an eagle eye on the Russian Tsar in the early 20th century. We must be realistic about what we can achieve in this House. Whereas I do not necessarily agree with Senator Harris's "hang 'em high" theory, there is a need for robust debate on such matters if we are to be relevant. The same applies whether we are talking about education or justice. In the discussion on Garda Sherlock we must talk about what is actually happening in society, where gardaí are being shot by men who do not want to be caught with a stolen car. There has been a complete breakdown in some parts of our society in respect for law and order. We must articulate the views of people who live in affected communities and who already feel they are living in a place like Burma when such an event happens as they go to work in the morning.

Among debates that will crop up in this House in the near future is one on cancer services. The new Tsar to be appointed to cancer services has decided there will be only eight hospitals with cancer services. How will we talk about those issues?

Senator Geraldine Feeney: We will have an opportunity later on.

Senator Liam Twomey: I hope we will talk more about Shannon. There are differing views in this House but the Government Members must be extremely clear, because it is not just Aer Lingus that has migrated to Northern Ireland — it seems Fianna Fáil is planning on migrating north as well. Maybe they are neglecting the west and they should be quite clear on how they are going to move in that direction.

Senator Mary M. White: If the Senator read *The Irish Times* today he would learn that Fine Gael is considering it also.

Senator Liam Twomey: The Minister for Finance, Deputy Cowen, said he would like to see a slowdown in the housing market and, according to the Construction Industry Federation, he has got his wish as we now have a significant slowdown which will cause concerns for the economy for the next couple of years. The CEO of the Construction Industry Federation said on a news bulletin this afternoon that three of the pillars of construction were sound enough but he was quite clear that house building had gone. House build-

[Senator Liam Twomey.]

ing has a huge impact on Government revenue and we must be clear about what we say on the economy because there will be serious concerns as a result. If we in this House are to be relevant we should have robust debates in a proper manner. I look forward to the contribution of some of the people who are not politically aligned. They can speak their minds, unlike some of us.

Senator Mary M. White: We all speak our minds on this side. We vote together but speak our minds.

Senator Liam Twomey: In the next couple of weeks, during debates on Shannon and the health services, I look forward to the Government representatives on the other side telling it as it is. Maybe some of them will explain why Senator Ross is completely wrong in regard to Government policy and that Fianna Fáil really does look after the west, instead of moving to Northern Ireland.

An Cathaoirleach: Before I ask the Leader to reply, I will point out that I have allowed a great deal of latitude to speakers today, because this is our first sitting. However, I will not allow that in the future and will call on Members to shorten their contributions. I fully understand that a number of new Senators wanted to make specific points today and I allowed them to do so. That may not happen in the future and I would appreciate the support of Members in this regard.

Senator Paul Coghlan: They will not expect it in the future.

Senator Mary M. White: We will see how many of them turn up in a few weeks' time.

An Cathaoirleach: I call on the Leader.

Senator Mary M. White: They are gone home.

Senator Donie Cassidy: I will not name all the Senators who made the points because we all know who they are. They are all worthy of consideration for debates in the House but if we allowed time for all the debates requested of me today we would be sitting five or six days. We have Private Members' business, about which we all know, and three matters can be raised on the Adjournment. Perhaps colleagues would assist the Leader in trying to facilitate all the worthwhile calls made to have these debates.

The Leader of the Opposition, Senator Fitzgerald, proposed an amendment to the Order of Business to debate the Shannon issue. As Members know, the Shannon issue will be debated in the other House this evening. I agree with the view of Senator Fitzgerald and many other colleagues that this matter is urgent. A debate would be worthwhile and I will allow time

for that. I will meet with the leaders after the Order of Business and the election of the Leas-Chathaoirleach to determine if such a debate can take place at the earliest opportune time. The Minister is in the ante-room waiting to come into the House to take the Copyright and Related Rights (Amendment) Bill and I ask colleagues to try to facilitate us to ensure some part of the Bill can be discussed by 5 p.m., which I have already proposed. Otherwise, we can sit very late tonight.

We have no difficulty on this side of the House sitting until 11 p.m. or midnight if necessary. If that is what colleagues wish me to do, I can consider that but I have to ensure a Minister is available. It is pointless having a debate on this serious issue, which will affect so many people from Kerry to Donegal, without a Minister present. My party, Fianna Fáil, can be proud of what we did to put Shannon Airport in place. I remember my late father telling me at the time that a very senior member of the largest party on the Opposition side of the House stated that only rabbits and hares would run on the runways of Shannon. We were creating that airport under Seán Lemass more than 50 years ago.

(Interruptions).

Senator Donie Cassidy: Also, the Minister of the day was in a hurry with the Taoiseach of the day to rush down to the late Monsignor Horan to try to close down the work that was being done on Knock Airport. We must be realistic about this. It was the Fianna Fáil Party who put the shrines there.

Senator Paudie Coffey: In Ardnacrusha they did not want electricity either.

An Cathaoirleach: The Leader, without interruption.

Senator Donie Cassidy: There are some young colleagues who have to have a balanced approach in this House. I note some senior Members did not make a contribution because they knew what was coming down the track. We will meet with the leaders immediately after the election of the Leas-Chathaoirleach, if that is agreeable to them.

Regarding the horrific shooting yesterday morning, Garda Paul Sherlock is a married man with two young children. He was on the call of duty to protect all of us. What is happening in Ireland today is horrific. We should have an all day debate in the House to assist the Minister for Justice, Equality and Law Reform, the Garda Síochána and everyone concerned regarding the change of events that are happening mainly because of the evil of drugs. Drugs are the main cause of much of what we are seeing in terms of crime. The shipments are coming into the country. It is told to us, allegedly, that guns come with the shipments to try to protect them.

Let us have a debate in the House. As the eminent former Deputy and now Senator Twomey has just stated, let us make the Seanad meaningful in this regard and have an all day debate on the changing face of Ireland, society, crime and the challenges facing all of us as public representatives to do something on behalf of the people who elected us to this House. God knows it is an honour and privilege for us all to serve here and to try to assist in doing that. We must leave politics outside the door and do something about this as the upper House of the Oireachtas. I will meet with the leaders to discuss when the Minister will be available. The Minister will be supportive in coming to the House to lead the way in having that debate.

I agree with all that has been expressed by many eminent colleagues here on the issue of Burma. This House supports our Minister for Foreign Affairs and the many views expressed here on the issue.

Senator O'Toole, along with Senators O'Reilly and Healy Eames, raised the issue of the management of primary education in Ireland. We can allow time for that to take place. I congratulate the Catholic Church for all it has done through the years in terms of giving us the opportunity to gain an education. We all know that without the church, none of us would have had a reasonable education let alone a decent one.

Senator Coghlan asked a question about the housing Bill. I am pleased to inform the Senator that publication is expected in early 2008. The Bill is to provide for a programme of social housing reforms aimed at improving services and their delivery, including strengthening local authority powers to deal with anti-social behaviour, expand the paths to home ownership for social housing tenants and provide for rental accommodation schemes. I understand the Bill is currently with the Parliamentary Counsel and will be published in early 2008.

Senators MacSharry, Phelan and Ó Domhnaill called for a pre-budget debate and statements in the House on matters pertaining to major concerns in all parts of our constituencies. I will endeavour to have the Minister, Deputy Brian Cowen, come to the House to allow that debate take place. Senator MacSharry also called for the Minister for the Environment, Heritage and Local Government to come into the House to address the national spatial strategy and concerns about his area. I will endeavour to have that happen.

Calls were made by Senators to have the Minister for Agriculture, Fisheries and Food attend in the House regarding the various challenges the Minister and the Department are currently experiencing. This is a matter of urgency also and I will consider when we can have that debate, possibly in the next two weeks.

Senator Quinn raised a worthwhile point regarding the workers on the M50. Those of us who come from the west and the south use the

M50 to get to our place of work. I did not know they could not work on Saturdays or Sundays. I am aware it is rigidly enforced in Dublin in particular in that they can only work from 7 in the morning until 7 in the evening. Someone told me there is €0.5 billion worth of machinery operating on the M50 currently and approximately 700 people working there as well. There is huge investment by everyone concerned and workers being unable to work on Saturdays or late in the evenings is a major concern. I will inquire into that with a view to determining if there is anything the Minister can do in that regard.

Senators Hanafin and Harris called for a debate on the Middle East. I can facilitate that worthwhile request. Senator Doherty called for the Minister for Health and Children to come to the House for a debate. The Minister will be in the House tomorrow and the points about the situation affecting medical card holders in Donegal can be made in her Second Stage contribution. I am aware the problem is of grave concern to everyone in that area. A high percentage of people have medical cards, especially since our Government brought in the measure giving medical cards to those over 70, and this situation is serious.

Senator McCarthy called for a debate on taxation. We can take that with the budget debate which was called for by other Senators. I have no difficulty with that.

Senators Bradford, O'Reilly and Ó Domhnaill called for a debate on the serious situation in which the 50,000 undocumented Irish in America find themselves. I agree to having a debate on that.

Senator Bradford called also for an update on decentralisation and the progress taking place. Those of us on this side of the House will be very pleased to allow that debate take place.

Senator Burke called for a debate on the building regulations and waste management. I can agree to have a debate on that also.

Senator Regan expressed strong views with which I did not agree. We have no problem regarding standards in public office. Fianna Fáil is the most progressive party in terms of all the legislation that has been introduced regarding standards in public office. The record speaks for itself. I will be delighted to allow that debate to take place.

Senator de Búrca referred to the tragic deaths of two firemen in Bray this morning. We express our condolences to their families. Like gardaí, firemen are frontline workers who are there to protect us and to make Ireland a safer place. As the son of a man who served in the fire service and helped to create it in 1946, and having had two brothers serve in the fire service over 30 years, I know the great loss these two families have suffered. I will certainly arrange for a debate to take place on this matter.

Senator Twomey called for a debate on cancer services. This can take place today during Fine

[Senator Donie Cassidy.]

Gael's Private Members' time or it would also be timely to discuss the matter when the Minister for Health and Children, Deputy Mary Harney, comes to the House tomorrow. I recognise the expertise and professional experience the Senator can bring to this House. We will all listen attentively to his contributions.

I say to the leader of the main Opposition party, Senator Fitzgerald, that it is a joyous day given we are to appoint the Leas-Chathaoirleach from her party. My party will not oppose this, as has been the tradition for 70 years. Since 1937, Fianna Fáil has always given the position of Leas-Chathaoirleach to the largest Opposition party. I ask the Senator to leave the issue of the current Shannon problem until the leaders meet following the appointment of the Leas-Chathaoirleach so we can set a date for an urgent debate. As Leader, I will provide time for such a debate if the leaders agree and the Minister is available. The Minister is in the other House later today. I

ask Senator Fitzgerald to withdraw the proposed amendment on this joyous occasion of the appointment of the Leas-Chathaoirleach.

I welcome the Shannon Airport staff who are present in the Visitors Gallery, although it is not a custom to acknowledge those in the Visitors Gallery.

An Cathaoirleach: Senator Frances Fitzgerald has moved an amendment to the Order of Business that time be made available today to debate the Shannon Airport-Aer Lingus route situation. Is the amendment being pressed?

Senator Frances Fitzgerald: It is a joyous occasion and we are delighted that the Government side is supporting Senator Paddy Burke for the position of Leas-Chathaoirleach. However, I cannot withdraw the amendment in view of the importance of the subject and our strong belief that a debate is needed today.

Amendment put.

The Seanad divided: Tá, 21; Níl, 30.

Tá

Bacik, Ivana.
Bradford, Paul.
Burke, Paddy.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.
Healy Eames, Fidelma.

Kelly, Alan.
McCarthy, Michael.
O'Reilly, Joe.
O'Toole, Joe.
Phelan, John Paul.
Prendergast, Phil.
Regan, Eugene.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Níl

Boyle, Dan.
Butler, Larry.
Callanan, Peter.
Callely, Ivor.
Cannon, Ciaran.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
de Búrca, Déirdre.
Ellis, John.
Feeney, Geraldine.
Hanafin, John.
Harris, Eoghan.
Kett, Tony.

Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mullen, Rónán.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ó Domhnaill, Brian.
Phelan, Kieran.
Quinn, Feargal.
Ross, Shane.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Maurice Cummins and Dominic Hannigan; Níl, Senators Déirdre de Búrca and Diarmuid Wilson.

Amendment declared lost.

Order of Business agreed to.

Election of Leas-Chathaoirleach.

Senator Frances Fitzgerald: I move: "That Senator Paddy Burke be elected Leas-Chathaoirleach."

It gives me great pleasure to propose Senator Burke for the position of Leas-Chathaoirleach. He has been a Member of the House since 1993 and served with distinction as Leas-Chathaoirleach of the last Seanad. At its final sitting on 4 July, the high respect for and regard in which the Senator was held by his colleagues on all sides of the House was clear. Senator O'Toole described the Mayo sense of calm Senator Burke brought

to the House in his role as Leas-Chathaoirleach. I do not know whether that is true.

Senator Paul Coghlan: And Offaly.

Senator Frances Fitzgerald: Former Senator John Dardis praised Senator Burke for the even-handed manner in which he conducted proceedings. “Calmness” and “fairness” are appropriate words to describe him, as those qualities are vital in a Leas-Chathaoirleach. When combined with Senator Burke’s experience in the role and in the House, there is no doubt in my mind that he is an ideal candidate for the position.

From entering public life in 1979 when he served on Mayo County Council to the present, Senator Burke has proved to be a diligent and effective politician and a helpful and knowledgeable colleague. For these reasons, I am delighted to propose him for the position of Leas-Chathaoirleach and to recommend him to the House.

Senators: Hear, hear.

Senator Maurice Cummins: I second the motion. Is mór an onóir dom an Seanadóir Pádraig de Búrca a mholadh mar Leas-Chathaoirleach ar Seanad Éireann. Senator Burke has been the Leas-Chathaoirleach of the Seanad for the past five years, during which period he carried out his duties in an exemplary manner by upholding the traditions and rules of the House. He has been known to give latitude to Members like the Cathaoirleach has done today, but he was to the fore in his quiet and efficient manner when order was required.

Two weeks ago, we spoke of the Cathaoirleach’s prowess on GAA pitches. It may not be known that Senator Burke played at under 21 and senior levels for County Mayo.

A Senator: It could do with someone like him.

Senator Maurice Cummins: He has no intention of making a comeback and has turned his attention to the small ball. Not the sliotar, but the golf ball. He has probably spent as much time doing that as Pádraig Harrington.

Like the Cathaoirleach, Senator Burke is respected by all sides of the House. He is a fitting person to hold the position of Leas-Chathaoirleach and I second his nomination.

Senators: Hear, hear.

Senator Donie Cassidy: It gives me great pleasure to support the nomination of Senator Burke. He has been a Member of the House for 15 years and he is impartial and committed to its operation. Since 1937, the Fianna Fáil Party has always agreed to the nominee of the largest political party in opposition. It did not happen in our case in 1973, but we always keep ourselves well above what is right. It is right and fair to support

the nomination of Senator Burke. Through the years, he has been a friend to many of us. He can always be depended upon and, like the Cathaoirleach, he is a safe pair of hands, which is what the House needs. The House will be in safe hands with the Cathaoirleach and Senator Burke as the Leas-Chathaoirleach.

Senators: Hear, hear.

Senator Joe O’Toole: The Independent group will not put forward a name. We had a long and deep discussion and the unanimous opinion was that Senator Burke did an excellent job during the previous Seanad. We were impressed by his calmness, openness and how he accepted voices equally from both sides of the House. We are happy to see him nominated and wish him well in the job.

Senator Alex White: The Labour Party will support Senator Burke’s nomination to the position of Leas-Chathaoirleach. Unlike the Leader, I have not scanned the records to determine the Labour Party’s history of supporting people nominated to that position.

Senator Donie Cassidy: It was the Labour Party’s own nominee.

Senator Alex White: The Leader is still a little sore about the matter, but we must move on.

Senator Donie Cassidy: No. I am just putting it on the record for the young Members.

An Cathaoirleach: Senator Alex White without interruption.

Senator Alex White: I have met Senator Burke only once or twice since being honoured to join the House, but he seems to be a congenial and thoughtful person. He will grace the Chair when the Cathaoirleach is not available. The Labour Party will not oppose Senator Burke’s nomination and we wish him well in his position.

Senators: Hear, hear.

Senator Dan Boyle: On behalf of my colleague Senator de Búrca and I, I am happy to endorse Senator Burke’s nomination to the position of Leas-Chathaoirleach. While she and I are new to the Chamber, I had many contacts with Senator Burke around Leinster House during my previous incarnation. I know of his record in the House. His appointment and the Cathaoirleach’s appointment at our last sitting indicate the pre-eminence of counties Offaly and Mayo in the political orbits of the country’s two largest parties.

I wish to put down a marker. While we are new to the Chamber and I have the honour of being deputy leader for this session, my party aspires to receive some form of condescension from other

[Senator Dan Boyle.]

political parties for the positions of Cathaoirleach and Leas-Chathaoirleach some day.

An Cathaoirleach: I will call a fellow Mayo Senator, Senator Carty, who wishes to be associated with the nomination.

Senator John Carty: I take this opportunity to congratulate my fellow countyman on his nomination to the position of Leas-Chathaoirleach. In the past five years, he did a great job and the Cathaoirleach and he will be a good combination. While the Cathaoirleach can keep an eye on the sliotar, Senator Burke will keep an eye on the football. He is also handy with the small ball.

I had the pleasure of serving with Senator Burke on Mayo County Council. In the past five years while I was in the other House and he was in this one, we worked and got on well together. I do not doubt that will continue while this House sits. I wish the Senator and his wife well. The Leader of the Opposition observed that he is a calm person. I can assure Members that this is so.

Senator Pearse Doherty: Ba mhaith liom cur le moladh an Seanadóir Pádraig de Búrca a thoghadh mar Leas-Chathaoirleach. San am gairid ina bhfuil aithne agam air, tá sé tar éis comhairle a thabhairt dom agus é ina shuí anseo in aice liom. Bhí an comhairle sin de dhíth orm mar go bhfuil mé an t-aon Seanadóir atá ag Sinn Féin sa Teach seo. Tá a fhios agam go mbeidh mé sásta comhoibriú leis an Seanadóir, mar an gcéanna atá mé sásta comhoibriú leis an Chathaoirleach ar fad an seal ina bheidh mé sa Teach seo. Molaim an Seanadóir Pádraig de Búrca mar Leas-Chathaoirleach.

An Cathaoirleach: I wish to be associated with the sentiments expressed by Members. Senator Fitzgerald's remarks on Senator Burke's calmness and fairness reflect my experience in my dealings with him. I have known him for some ten years and have always found him to be a fair and efficient person both as a Senator and in the Chair. If other Members treat him and me in the same fashion as he has treated them in the past, this House will run smoothly. I wish Senator Burke well in the future.

Question put and agreed to.

Senator Paddy Burke: I thank my proposer and seconder, Senators Fitzgerald and Cummins. I also thank my party leader for nominating me for the position of Leas-Chathaoirleach. I also thank the Leader of the House and the leaders of the other Government parties in the House for their support. I thank the other Opposition party leaders and the Independent Members for their unanimous support for my nomination. In view of today's proceedings I have no doubt that this will be a lively Chamber in the coming years. I

look forward to co-operating with all Members and the leaders of the various party groups in an impartial manner and to supporting every Member.

Copyright and Related Rights (Amendment) Bill 2007: Restoration to Order Paper.

Senator Donie Cassidy: I move: That, in pursuance of Standing Order No. 132 of the Standing Orders relative to Public Business, the Copyright and Related Rights (Amendment) Bill 2007, which had reached Order for Second Stage prior to the Seanad General Election, July 2007, be restored to the Order Paper.

Question put and agreed to.

Defamation Bill 2006: Restoration to Order Paper.

Senator Donie Cassidy: I move:

That, in pursuance of Standing Order No. 132 of the Standing Orders relative to Public Business, the Defamation Bill 2006, which had reached Committee Stage prior to the Seanad General Election, July 2007, be restored to the Order Paper.

Question put and agreed to.

Coroners Bill 2007: Restoration to Order Paper.

Senator Donie Cassidy: I move:

That, in pursuance of Standing Order No. 132 of the Standing Orders relative to Public Business, the Coroners Bill 2007, which had reached Order for Second Stage prior to the Seanad General Election, July 2007, be restored to the Order Paper.

Question put and agreed to.

Voluntary Health Insurance (Amendment) Bill 2007: Restoration to Order Paper.

Senator Donie Cassidy: I move:

That, in pursuance of Standing Order No. 132 of the Standing Orders relative to Public Business, the Voluntary Health Insurance (Amendment) Bill 2007, which had reached Order for Second Stage prior to the Seanad General Election, July 2007, be restored to the Order Paper.

Question put and agreed to.

Privacy Bill 2006: Restoration to Order Paper.

Senator Donie Cassidy: I move:

That, in pursuance of Standing Order No. 132 of the Standing Orders relative to Public Business, the Privacy Bill 2006, which had reached Order for Second Stage prior to the

Seanad General Election, July 2007, be restored to the Order Paper.

Question put and agreed to.

Business of Seanad.

Senator Donie Cassidy: In light of proceedings thus far having taken so long to complete, we do not have sufficient time allocated for the Order for Second Stage and Second Stage of the Copyright and Related Rights (Amendment) Bill 2007. An hour will be needed for this debate and it is important that Second Stage be completed today. It is of the utmost importance to the Department that this is done. I ask colleagues to bear this in mind and I seek their co-operation in view of proceedings running so late.

Senator Paul Coghlan: We will be co-operative.

Copyright and Related Rights (Amendment) Bill 2007: Order for Second Stage.

Bill entitled an Act to amend the Copyright and Related Rights Act 2000 to make provision in relation to the establishment of a Public Lending Remuneration Scheme in conformity with Council Directive No. 92/100/EEC of 19 November 1992 and for related purposes, and to consequentially amend Section 79 of the Local Government Act 2001.

Senator Donie Cassidy: I move: "That Second Stage be taken today."

Question put and agreed to.

Copyright and Related Rights (Amendment) Bill 2007: Second Stage.

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

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Michael Ahern): I congratulate Senator Burke on his re-election as Leas-Chathaoirleach. I wish him continued success in his position. He did a great job in the last five years and I am sure he will do the same in the next five years.

I am pleased to bring forward the Copyright and Related Rights (Amendment) Bill 2007 and to outline its main provisions. "To every cow its calf and to every book its copy". This inspired ruling by Diarmuid, High King of Ireland in 561 AD in a dispute between St. Colmcille and St. Finnian over a book which Colmcille copied while a guest of St. Finnian provides a fitting introduction to the provisions in the Copyright and Related Rights (Amendment) Bill 2007. Unfortunately, Diarmuid's decision was not well received by Colmcille who went to war and defeated Diarmuid in a pitched battle on the slopes of Benbulbin, County Sligo in which sev-

eral thousands of men were slain. I trust that this Bill will be better received in this House.

For a country its size, Ireland has made a disproportionate contribution to world literature with the works of Oscar Wilde, George Bernard Shaw, William Butler Yeats and James Joyce, to name but a few, garnering a name for Ireland as a country rich in literary culture and heritage. Such works of the intellect must be and are protected as prize possessions under the continually evolving corpus of legislation dealing with intellectual property. Copyright and its related rights are essential to human creativity by giving creators incentives in the form of recognition and fair economic rewards. Under this system of rights, creators are assured that their works can be disseminated without fear of unauthorised copying or piracy. This in turn helps increase access to and enhances the enjoyment of culture, knowledge and entertainment throughout the world.

The purpose of the Copyright and Related Rights (Amendment) Bill 2007 is to regularise the position as regards the lending of copyright works through the public library system. The development in the 19th century of the public library system meant that authors experienced a proliferation in the public lending of their works without any economic benefit accruing to them in return. Prior to the development of State-supported public libraries, private libraries had existed whereby lending was made against a subscription or membership fee. Alongside the development of the public library system, demand for a public lending right grew among literary authors who believed they were losing income from book sales due to the wide and free availability of their books in public libraries. The Scandinavian countries were first to introduce a public lending right, with Denmark being the first country to do so in 1946. In the United Kingdom, the Public Lending Right Act 1979 followed a 30-year campaign by authors to receive payment for the free use of their books in libraries. An operational lending scheme has been in existence in the United Kingdom since 1981.

In 1992, the EU adopted a directive on rental and lending rights which, in the context of lending, provided for an exclusive lending right for authors to permit or refuse the lending of their works. Alternatively, member states could replace the exclusive right with that of a right to remuneration under which authors would receive, in effect, a royalty payment for the use of the works. The directive also allowed for the exemption of categories of lending institutions from the public lending right.

Ireland transposed the provisions of the EU directive on public lending in the context of the Copyright and Related Rights Act 2000. However, in 2003, the European Commission instigated legal proceedings against Ireland for failure correctly to transpose certain provisions of the EU rental and lending directive, specifically in regard to public lending. The European Court

[Deputy Michael Ahern.]

of Justice found in the Commission's favour in a decision delivered by that court in January of this year. The court found that we had overly relied on the exemptions provisions in the directive to exempt all public libraries from the obligation to remunerate authors for the lending of their works. The opportunity is being taken in this Bill to achieve full compliance with the court's decision.

The Bill proposes a two-pronged approach, reflecting the distinct responsibilities of the two Departments with an interest in this issue — my own Department, with responsibility for intellectual property legislation, and the Department of the Environment, Heritage and Local Government, which has responsibility for public libraries. The Bill provides that authors will, in the first instance, be granted an exclusive right to permit the lending of their works in public libraries. This exclusive right will be replaced by a right to remuneration when an operational lending scheme is put in place under regulations to be made by the Minister for the Environment, Heritage and Local Government on foot of this Bill. My Department has been in contact with officials at the Department of Environment, Heritage and Local Government regarding the introduction of an operational lending scheme for books in Ireland. From these contacts, it is clear that a scheme for books will be administered on the Minister's behalf by An Chomhairle Leabharlanna, the statutory agency for public library development in Ireland. Work on the administration of the scheme will be completed in 2008 with a view to making payments to authors in 2009.

Under the scheme, authors will receive a royalty payment for the lending of their books through the public library system. This is intended to compensate for the potential loss of sales from their works being available in public libraries. I would like to emphasise that the scheme will be publicly funded by the Exchequer and will not involve any charge to borrowers at the point of lending in libraries. Equally, it is intended that the remuneration scheme will apply to book lending from the public library system only and will not extend to lending of books in schools and other educational establishments.

I will now explain the provisions of each section of the Bill. Section 1 sets out the Short Title of the Bill when enacted as the Copyright and Related Rights (Amendment) Act 2007 and outlines the collective citations having regard to earlier Acts being amended. Section 2 indicates that the principal Act being amended is the Copyright and Related Rights Act 2000, hereinafter referred to as the 2000 Act.

Section 3 amends section 8 of the 2000 Act by allowing the Minister for the Environment, Heritage and Local Government to lay regulations and orders made under the Copyright and

Related Rights Act 2000 before the Houses of the Oireachtas.

Section 4 amends section 9 of the 2000 Act by providing that expenses incurred by the Minister for the Environment, Heritage and Local Government in the administration of a public lending remuneration scheme will be paid out of moneys provided by the Oireachtas. Section 5 amends section 40 of the 2000 Act by making the act of lending copies of a work an exclusive right which vests with the copyright owner.

Section 6 amends section 42 of the 2000 Act and allows for the replacement of the exclusive lending right to that of a right to remuneration where a scheme of remuneration for the public lending of copyright works for that category of works is in place. The exclusive right will cease once a remuneration scheme is in place irrespective of whether the author is a participant in the scheme. In other words, there is no intention to have a mix of rights and once a scheme is in place the exclusive rights simply cease to exist.

Section 7 inserts a new section to the 2000 Act which provides the legal basis for the Minister for the Environment, Heritage and Local Government to make regulations establishing a public lending remuneration scheme and sets out that any such scheme will be publicly funded out of moneys provided by the Oireachtas. The provision sets out, although not exhaustively, the criteria to be covered in regulations to be made by the Minister in, for example, the manner of participating in the scheme, the rates of remuneration to be paid to authors and the minimum and maximum amounts payable to a participating author.

Section 8 proposes to repeal section 58 of the 2000 Act by removing the exemption under the 2000 Act which exonerates public libraries from the need to remunerate authors for the public lending of their copyright works. This was the provision to which the European Commission objected in the legal proceedings instigated against Ireland. I advise Members that on the basis of representations I have received and which I am considering, I may move an amendment to this section on Committee Stage which would mean an amendment to section 58 as opposed to repealing the section in its entirety. The intention is to remove the exemption relating to public libraries but to maintain the *status quo* for educational establishments. Educational institutions will not be included in the public lending right and I wish to ensure the Bill achieves this.

Section 9 proposes to repeal section 69 of the 2000 Act and is a logical consequence of the amendment being made in section 5 of the Bill to section 40 of the 2000 Act. Section 10 amends section 205 of the 2000 Act. Performers are dealt with in a separate part of the 2000 Act and this provision confers an exclusive lending right on performers in respect of the public lending of recordings of their works.

Section 11 amends section 207 of the 2000 Act and allows for the replacement of the exclusive lending right in respect of recordings with that of a right to remuneration in respect of works which are publicly lent where a remuneration scheme for that category of works is in place. Section 12 proposes to repeal section 226 of the 2000 Act by removing the exemption on public libraries to remunerate rights owners for the public lending of their works. However, as in the case of section 8, I advise Members that I may move an amendment to this section on Committee Stage in this House to ensure that the *status quo* for educational establishments is maintained and they continue to enjoy an exemption from the public lending right. Section 13 amends section 79 of the Local Government Act 2001 and provides a statutory basis for An Chomhairle Leabharlanna to administer a public lending remuneration scheme on behalf of the Minister for Environment, Heritage and Local Government.

I have outlined the contents of the Copyright and Related Rights (Amendment) Bill 2007. In the same way that the issue of copyright ownership and the moral and economic rights deriving thereunder was important back in 561 AD, they continue to be of importance today. I am satisfied this Bill will not only bring Ireland into compliance with our EU commitments but will also preserve the position of libraries as essential gateways to the full spectrum of humanity's recorded knowledge and information while compensating the authors who contribute to that vast knowledge store. As significant players representing their users, libraries assume a pivotal role in ensuring the public interest represented by society's need for knowledge is recognised as a priority and appropriately balanced against copyright holders' legal and moral rights. I commend the Bill to the House.

Senator Paul Coghlan: I warmly congratulate the Leas-Chathaoirleach on his unanimous election and concur with the kind words offered by Members on all sides of the House. I welcome the Minister of State. He and I have become familiar faces to each other over the past five years and I am glad to see his return. I thank him and his Department for introducing this Bill and wish him well in the months, if not years, that lie ahead.

Fine Gael accepts the Bill, although we have some comments to make. However, such a consensus may not be repeated. Fine Gael, strengthened greatly in numbers and facing a brittle Government of many different parts, will offer vigorous opposition in the forthcoming period. The recent election, of which my party is both proud and disappointed, has changed the political landscape in this country. As democrats, we accept the result and I warmly welcome all Senators who have been elected or appointed to this House.

The Bill itself is not particularly contentious. The Department states that under the Bill authors will be conferred with an exclusive right to allow the lending of their works in public libraries. The legislation foresees the establishment under regulations to be brought forward of a public lending remuneration scheme under which authors would receive a royalty payment for the lending of their works. However, while I am sure we can all agree the merits of that, other issues ought to be raised. I am glad to note the Minister of State intends to bring amendments on Committee Stage.

The Government's record in the area of copyright is less than stellar. In 2004 the Government was forced to introduce emergency legislation after it had paid €12.6 million in 2001 for more than 500 sheets written by James Joyce, including drafts of eight episodes of *Ulysses* and proofs of *Finnegans Wake*. The material was to form the centrepiece of the National Library's James Joyce and *Ulysses* exhibition but the author's estate warned the library that the exhibition could breach copyright legislation. The purpose of that legislation was to remove any doubt as to the right of any person to place literary or artistic works protected by copyright or copies thereof on public exhibition without committing a breach of copyright.

In welcoming the Bill it should be pointed out that the legislation is simply bringing Ireland into line with the EU directive on rental and lending. This is yet another example of how the EU is a force for good in this country and other members states. In that regard, I am delighted at the Green Party's Pauline conversion to the European cause.

Senator Dan Boyle: The Senator will have to wait and see.

Senator Paul Coghlan: I have always recognised Senator Boyle as pragmatic, thoughtful and realistic, and I am sure Senator De Búrca shares those qualities.

The Bill envisages that authors will be conferred with an exclusive right to allow the lending of their works in public libraries. It foresees the establishment under regulations to be brought forward by the Minister for the Environment, Heritage and Local Government of a public lending remuneration scheme under which authors would receive a royalty payment for the lending of their works. The Department explicitly states the scheme will be publicly funded and will not involve direct costs to borrowers at the point of lending. Fine Gael hereby puts down a marker that we will tolerate nothing else. We cannot allow this scheme to become a fund raiser through the imposition of fees on borrowers.

Too often local government is seen as a soft touch. In an effort to give the impression that this is a low tax economy, local government has been left to pick up the funding slack by imposing taxes

[Senator Paul Coghlan.]

and charges with which central Government does not wish to be associated. Local government funding is of great importance in this debate.

Despite the fact that, according to the Government's own report, by 2010 there will be a €1.5 billion shortfall in local government funding, there was a paltry 2% increase this year. It is obvious the Government intends to continue its policy of taxing householders and businesses by stealth in order to make up the massive shortfall this year's budget will not come close to addressing.

Senator Donie Cassidy: I thought we were discussing a copyright Bill.

Senator Paul Coghlan: The Bill is cross cutting, being sponsored by the Department of Enterprise, Trade and Employment but implemented by the Department of the Environment, Heritage and Local Government.

The Bill should be seen in the light of the future of the arts in this country. The arts represent us all, in our ability to live outside ourselves, to imagine, to create, to respond, to communicate locally, globally, aesthetically, emotionally and culturally. However, we have consistently failed to recognise the importance of the arts. We are quick to recognise ourselves economically but do not see or understand the artist in us all.

The last term of Government was not a particularly good one for the arts. Public funding of the arts in Ireland has consistently languished below what is normal in other European Union countries. The potential within the arts sector for significant and innovative development is enormous. Individual artists and arts organisations make an immeasurable contribution to our society and our lives would be much the poorer for their absence.

My party is happy to support the Bill and I wish it a speedy passage through the Oireachtas. Artists and authors deserve recognition for their work and this House should be happy to ensure they get their fair share. I hope the passage of this Bill represents due recognition of the vital work of our libraries in performing both an educational and social service. As with post offices, libraries are often at the heart of our communities. As budget time approaches, I trust the Minister will make this clear to the Minister for Finance.

Senator Donie Cassidy: I welcome this Bill. I am aware that today's debate is under a time constraint but I will make a more lengthy contribution at the next stage. The intellectual property rights of citizens are sacrosanct. I have been closely associated with this industry for more than 30 years and know that we are viewed, throughout the world, as a country that can be relied and depended on. Most of Europe has examined our last copyright Bill, which admittedly took a long

time to pass through both Houses. Certainly with regard to the software industry, Ireland is viewed as a nation that can be trusted.

I commend the good work done in our libraries. The library system was often neglected at local authority level when budgets and yearly reviews of estimates were being drawn up. Thankfully, that has changed now. The local libraries, which are now almost one-stop shops, have enhanced the country. Now the people of Ireland can reap the benefits of the expertise, creativity and innovation of our writers.

I wish to share my time with Senators Boyle and Leyden.

Senator Dan Boyle: As this is a Bill that deals with copyright and intellectual property, I am reminded of a famous story where President John F. Kennedy was addressing a dinner in the White House for Nobel Prize laureates and remarked that the gathering represented the biggest collection of intellect that the White House had ever seen, except for the time the third president, Mr. Thomas Jefferson, dined alone. It seems there are several candidates in this Chamber who would think themselves the Irish equivalent of Mr. Jefferson. I am sorry they are not here at present.

Senator Paul Coghlan: The Senator should not just look in one direction.

Senator Dan Boyle: This Bill is a modest one, technical in nature. Its principle is something with which the House seems ready to agree. It offers an opportunity, at Second and subsequent Stages, to discuss necessary changes in the areas of copyright and the library service. I will not dwell on those issues now but it is important to place a marker on them. During the term of the last Seanad, the Government introduced an emergency bill relating to the Joyce letters. Regulations have been also introduced governing the resale of works by visual artists. Following the passage of this Bill, consideration should be given to a consolidation Bill dealing with the entire area of copyright because the approach to date has been too piecemeal.

With regard to the library service, which is the responsibility of my party colleague, Deputy John Gormley, as Minister for the Environment, Heritage and Local Government, we must recognise that some local authorities have been creative and innovative while others have not. There is a need for a common standard of library service across the country. We must recognise the changing face of libraries, which are no longer just repositories of books, important though that is, but are increasingly access points for electronic media for people who would otherwise have no such access. That requires investment in hardware and software. The library is the only port of call for many people in this country.

I thank the Minister for giving us the opportunity to discuss this issue and look forward to a

more detailed debate when we reach Committee and Final Stages of the Bill. I support the legislation before us.

Senator Paul Coghlan: It is good to hear the Senator say so.

Senator Terry Leyden: I thank Senator Cassidy for sharing his time. I congratulate the Leas-Chathaoirleach on his unanimous selection and election. His appointment is well deserved. I have experienced Senator Burke's work in the House during the past five years and I am delighted, as a Connaught man, at the appointment of a man from the west.

I could criticise the Department and say it was slow in introducing the legislation but I was in that Department in 1991 and 1992 and am therefore reluctant to criticise the civil servants. I negotiated quite an amount of derogation when I was negotiating the Single European Act and may have been in some way responsible for the delay in its implementation.

Ireland was one of the first countries to introduce a tax concession for authors, thanks to the late Mr. Charles J. Haughey, who introduced fantastic legislation which even benefitted Mr. Conor Cruise O'Brien. The latter availed of the concession for some of his writings—

Senator Shane Ross: And why not?

Senator Terry Leyden: Why not indeed? The Senator is correct. Mr. O'Brien was a man who never said a good word about Mr. Haughey in his life but he availed of the benefits that accrued from his legislative programme. Mr. O'Brien was not shy about it and why should he be, as Senator Ross has correctly pointed out. Perhaps Senator Ross is availing of some of the concessions himself.

Senator Shane Ross: I am afraid not. On a point of order, I ask Senator Leyden to withdraw that allegation. Otherwise I will be in trouble with the Revenue Commissioners.

Senator Terry Leyden: It is not an allegation. I said that maybe the Senator was availing of concessions, but he has now confirmed that he is not.

An Leas-Chathaoirleach: The Senator is asked to withdraw the allegation.

Senator Terry Leyden: It is not an allegation. I commend Senator Ross on his writing and if he ever writes a book about the Celtic tiger and its relaunch under this administration, perhaps he could avail of whatever facilities exist.

Though we were an enlightened country in terms of introducing that legislation, perhaps we were not so enlightened with regard to this particular concession. It has taken a long time. Britain introduced it in 1981 and the Scandinavians did so in 1979 but we are only introducing it now. I

hope there will be no retrospection here because we would have impossible calculations to make *vis-a-vis* the library services.

An important aspect of this Bill, for which I compliment the Minister and the Government, is that the Exchequer will bear the cost of the legislation because local authorities would not be in a position to pick up the tab.

I welcome the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern, to the House and commend him on his appointment which, in the light of the exemplary job he did in his previous appointment, is well deserved. The Minister of State brought forward tremendous legislation, the Companies Act, which was most beneficial to small companies. He has been a good friend to this House, has been here on many occasions and is welcomed by all Members.

I welcome this legislation but ask the Minister of State to clarify the position on the lending of music, videos and such technologies where copyright issues arise. Libraries, as the Leader of the House knows, now loan videos and DVDs and it is important that copyright issues in such circumstances be clarified.

The Department made a clever move in the early 1990s that allowed for exemption in certain circumstances so charges would not apply but things have now caught up on us and we have recognised this.

An Leas-Chathaoirleach: It is now 5 p.m.

Senator Donie Cassidy: I move that the Order of Business be moved to 5.30 p.m. so that we can conclude this business.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Feargal Quinn: I congratulate the Leas-Chathaoirleach on his appointment and ask to share my time with Senators Ivana Bacik and Shane Ross.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Feargal Quinn: I gather we have 12 minutes so I have four minutes to have my say. I will first declare my interest in this matter as I received a cheque today for €100.76 relating to copyright for a book I wrote that was used in schools in the past year.

Senator Paul Coghlan: Is that all?

Senator Feargal Quinn: Yes, that is all I received. The copyright system is one I understand and while I support in principle the notion that authors be remunerated for the use of their works, I cannot support this Bill. This Bill will create a cumbersome and inefficient way of

[Senator Feargal Quinn.]

remunerating not only deserving authors but the few successful ones least in need of State support. We are told that the annual cost of running this scheme will be in the region of €1 million, and perhaps the Minister of State could confirm this.

If I were asked to spend €1 million in support of deserving authors, I would find a different system of doing so. A more efficient way to distribute the money would be to give the €1 million to the Arts Council and let it parcel it out. If it gave 100 awards of €10,000 each year, restricted to authors who would not otherwise earn anything like such an amount, far more would be done to spread knowledge and encourage the creation of works of art than would be done through an overly bureaucratic and wrongly focused scheme.

Some may say this action must be taken to get in line with EU directives but we have been out of line for 15 years and the sky has not yet fallen in. Others may argue that a public lending scheme is a moral matter based on the rights of the author, but I feel the institution of copyright was invented for the public good, not that of individual authors. Copyright exists because it is in the public interest to give inventors and authors a financial incentive to create. Beyond the commercial use of works created by individuals there is a major benefit to be had in making works available free of charge through public libraries. Libraries are used, for the most part, by people who could never afford to buy the books they borrow. The use of libraries does not take money from anyone's pocket in that because the library must buy the books in its collection, authors will receive payment on this basis.

We are addressing this issue rather late in the day which gives us the advantage of examining such schemes in other countries. Without exception, a small number of authors who do not need the money get the lion's share while the vast majority get a pittance or nothing at all. Why should we seek to imitate schemes with such a bad track record when we could put the €1 million to better use? I argue that it is for the public good that we reward not those authors who are already wealthy but rather those who put their hearts and souls into writing, although without financial success. I propose that the €1 million be given to the Arts Council so that it can make 100 awards of €10,000 to deserving authors it recognises.

Senator Ivana Bacik: I congratulate the Leas-Chathaoirleach on his election. It is just as well we are all independent in this row because I disagree with Senator Quinn. Unlike the Senator, I welcome the scheme of this Bill. I welcome the idea of public lending rights and the introduction of this Bill which is long overdue. I will make some brief points in my allotted time.

The public lending rights scheme does not benefit best-selling authors and those who do not

need the money, as Senator Quinn suggested. If done properly, there would be a cap on the amount any individual author can earn in a year, as in the UK model the Irish Writers Union favours where there is a limit of approximately £6,000. This ensures an equitable distribution of money under the scheme. It provides a very small amount per author but it provides a valuable supplement to struggling authors. The Irish Writers Union estimates that only around 50 authors earn their living from royalties while the rest work in other jobs, so this will provide a valuable supplement.

There has been an unjustifiable delay in bringing forward this legislation, although it should now be commended. There were long campaigns to have it passed and Ireland has been in breach of its EU obligations in having far too broad an exemption contained in the original Copyright and Related Rights Act 2000.

An important point, regarding the details of the Bill that I look forward to discussing on Committee Stage relates to the fact that section 7 is facilitative in nature and provides that the Minister may introduce regulations, not that the Minister shall introduce regulations. This is a cause for concern.

The devil is in the detail regarding this Bill. The public lending rights scheme is not set out in the Bill. It merely allows the Minister to introduce such a scheme without setting out details. This will all be in the statutory instrument. I understand that the Minister has said that no payments to authors under the scheme are envisaged until 2009, even if all goes smoothly. This is unjustifiable given how long the Irish Writers Union and others have been campaigning for the introduction of such a scheme. We will need to see what is in the statutory instrument and we would like to know some of the details, such as whether there will be an advisory committee that includes groups representing writers, as is the case in the UK model. We need to know some of this before we can unreservedly welcome the Bill.

I appreciate the Minister's concerns relating to educational institutions and this is something I look forward to dealing with on Committee Stage.

Senator Shane Ross: I welcome this Bill but would like to ask the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern, why it has taken so long as we have been in breach of an EU directive for many years. A lobby group has pushed for this legislation for 15 years and for some reason the Government failed to respond. I pay tribute to the Irish Writers Union, with which I spoke today, as it has been pushing for this on a lonely road, through the European Writers' Union, for a long period.

The kind of flagrant breach of copyright law in which we have indulged is not something of which we, as a nation, can be proud. It should not be

necessary for Europe to drag us to right such wrongs, but we should do it spontaneously. We deliberately flouted European law, possibly because it was inconvenient to either the Exchequer or vested interests.

Senator Quinn's suggestion might be constructive in some senses but giving the money to the Arts Council to distribute to worthy recipients would worry me because there is no such thing as objectivity in writing. The Arts Council is a politically appointed body and if it gets its hands on this €1 million, it will yield to the same temptations as all politically appointed bodies, that is, to award the allotted sums to people who happen to be in favour at the time. It is a far better suggestion that the Minister set up an advisory board that includes members of the Irish Writers Union who have expertise, a track record and commitment in this regard. I hope it will not be a blatantly politically appointed body as the Arts Council tends to be.

Approximately 50 writers only can earn their living from writing here. Most earn their living from other activities to which writing is peripheral. We should recognise this by allowing them to draw small amounts of royalties from public libraries that lend their books. There should perhaps be a cap on the amount as in the UK.

Will the Minister of State spell out in his reply what sort of regulations he intends to introduce in this enabling Bill before Committee Stage? The reference to this type of remuneration is especially vague in the Bill and we would appreciate more detail before proceeding, rather than give clearance to the Minister to draw up regulations which are unclear to us.

This is fundamentally a good Bill and I welcome it. It is right that the Exchequer would make these payments. I thank the Minister of State for coming to the House.

Senator Alex White: I congratulate the Leas-Chathaoirleach on his appointment. I wish to share my time with Senator Brendan Ryan. I welcome the Minister of State to the House.

Senator Quinn is right to say that the philosophy underlying copyright is to further the public interest. We should pause to see it in that context rather than as a direct payment for a product. This would be an interesting debate for another occasion.

The decision of the European Court of Justice leaves the Government with little or no choice but to introduce this legislation and amend the 2000 Act which, in purporting to provide for lending, did not do as the directive required it to do. A speaker on the Government side praised the Department's clever move in the 2000 Act but there is a major gap in that Act which this legislation aims to close. While Senator Quinn raises interesting issues about copyright, the international framework of our society and economy makes it essential to tidy up the provisions in the 2000 Act.

I was interested in the Leader's comment that copyright is sacrosanct. I first came across the Leader some 20 years ago when I worked in RTE. He was always on the phone to me and others there seeking to pressurise us into playing Irish music. The Leader may not recall this but it is noteworthy that his interest in this subject extends back some decades.

The amendment makes clear that the Exchequer will bear the cost arising from this legislation. There ought not be any question of the local authority library system, or the borrowers, facing any cost. Local authorities are under sufficient financial pressure without this being laid at their doors. To attach any such charge to the system would run contrary to its principle.

I am aware that the Oireachtas cannot fetter any future Government but we should make clear that no charge would ever be imposed on the borrower or the local authority. I would oppose such a move. The integrity of the public library system must be maintained. I was a member of a local authority for the past three years. One of the greatest achievements of our society and of local authorities is to have a publicly accessible, properly funded library system. This is at the heart of any democracy or civilisation. Nothing should be done that would financially compromise or imperil that system.

The principal Act, which I have read quickly, seems to suggest that books are not the only works lent. What are the commercial implications of the lending of DVDs and film as opposed to those works which the Irish Writers Union rightly protects? I understand Senator Quinn's point but there is no such thing as a deserving or undeserving writer. All writers have to sell their books.

This amending legislation does not exempt educational institutions from the proposal. If I understand the Minister of State correctly, he intends to propose an amendment on Committee Stage to remove educational institutions from the legislation. I have not read the judgment of the European Court of Justice but can the Minister of State make this amendment? If the judgment states that we must provide for authors to receive money for the lending of their books by public libraries, is there anything to suggest that if their books are placed in the UCD or Trinity libraries, they will not receive the same fee?

Senator Brendan Ryan: I too congratulate the Leas-Chathaoirleach on his election today. I welcome this technical and uncontentious Bill which provides for a fair deal for artists and owners of intellectual property and so encourages creativity and invention. I agree with those speakers today who have paid tribute to the role of public libraries. The state of the art library in Malahide, however, cannot be opened because of a Government embargo on recruitment. The people in Malahide and Portmarnock will be looking in the

[Senator Brendan Ryan.]

windows of their library for the next few weeks to see what a wonderful facility it is.

While this is not the responsibility of the Minister of State who is present today, I ask him to report to the Government that such embargoes on recruitment cannot be applied across the board. This makes absolutely no economic sense and I ask him to take back from this House the message that this is not acceptable.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Michael Ahern): I welcome the new Members, namely, Senators Boyle, Bacik, Alex White, Ryan, Prendergast and De Búrca and wish them many years of satisfactory public service in the Seanad. I am sure some of them will go further in the years ahead.

As for the present debate, I have listened with great interest to the comments made in the House. Many issues have been raised that will be examined and considered in greater depth on Committee Stage. In response to one question raised, I can confirm it is envisaged the scheme will be funded from the Exchequer. Another question pertained to retrospection and none is intended in this regard. As for Senator Bacik's question regarding a cap, such a cap will be included in the regulations.

Senator Ross raised the question of an advisory board, as well as issues regarding the regulations. Although he is not in the Chamber at present, I can provide some examples as I have a list to hand of what will be included in the system. The public lending remuneration scheme to be introduced will be based on the United Kingdom model and will involve a system of individual payments to authors based on actual loans. The rate of payment will depend on the contribution of the individual. While the rate of payment per loan has yet to be decided on, it may be in the range from 10 cent to 15 cent and minimum and maximum payments will be determined. Authors will be required to register for whatever payment is being claimed and the regulations will contain other conditions. Senator Ross has returned to the Chamber. I have just mentioned the clarifications he sought on the regulations.

Senator Shane Ross: I thank the Minister of State.

Deputy Michael Ahern: As for the inclusion of CDs and DVDs in the public lending remuneration scheme, for administrative reasons the scheme will apply to books only in the first instance. However, the legislation allows for the extension of public lending rights to other works at a later date. This is included in the proposed new section 42A(2)(a) contained in section 7 of the Bill.

Senator Alex White raised a question regarding the exemption of educational establishments

and it is intended to continue this exemption. I am satisfied this will not conflict with the European Court of Justice, ECJ, judgment, as the directive allows for the exemption of certain categories of lending institutions, which could include schools, colleges and other educational establishments.

Another question was raised as to the reason the Government took so long to introduce this Bill. Although Ireland transposed the lending directive in 2000, the issue the Commission took up with us is that we incorrectly transposed the directive. At the time, based on legal advice from the Office of the Attorney General, the Government's understanding was the transposition was correct and the exemptions were justified. However, since January 2007, it has been known definitively that this view is incorrect. The judgment of the ECJ has made this clear, which is the reason the Government has introduced this Bill and intends to deal with it quickly. Were it not for the general election, it would have been passed before the summer.

I hope I have covered most of the points raised. Hopefully the Committee Stage debate will take place next week and Members' questions may be dealt with in greater detail. I hope for rapid progress on the Bill's enactment and I look forward to working with Members to achieve this objective.

Question put and declared carried.

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

Senator Donie Cassidy: Next Wednesday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Business of Seanad.

Senator Donie Cassidy: I thank Members for their understanding regarding the obligation to extend the Order of Business. The leader of the Opposition has left the Chamber to check some files. I wanted to get through Second Stage this evening with Members' permission and co-operation. I am grateful for Members' co-operation in making this happen and in getting the House to its present position. I also thank the Minister for Health and Children, Deputy Harney, who was available to appear before the House at 5 p.m. I understand she will return shortly. Although it is almost 5.30 p.m., if it is in order and with the permission of the Leas-Chathaoirleach, Members can continue immediately.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Cancer Services: Motion.

An Leas-Chathaoirleach: I welcome the Minister for Health and Children to the House and

I congratulate her and wish her well on her re-appointment as Minister for Health and Children.

Senator Frances Fitzgerald: I move:

That Seanad Éireann, recognising that:

- the Health Service Executive, HSE, has frozen recruitment in the health service for the month of September;
- during the recent general election both the Taoiseach and the Minister for Health and Children promised the creation of 4,800 new posts in the health sector by the end of the year;

and noting:

- the crisis of confidence affecting cancer services and in particular the suspension of breast cancer treatment facilities and misdiagnosis first highlighted by Rebecca O'Malley in Cork earlier this year;

calls on the Government to;

- clarify recruitment plans for the HSE; and to
- outline the measures it intends to take to restore confidence in cancer services.

I am glad to have the opportunity to move the Fine Gael Private Members' motion on health and I welcome the Minister to the House this evening.

Obviously, this is a critical issue for people. Recent weeks have been shocking for many patients. In particular, cancer patients cannot believe some of what they have heard in the past few weeks, and with good reason. In the brave new world of the Health Service Executive, apparently it has let its services grind to a halt in some areas. This has been outlined in the newspapers and is for a sadly familiar reason, namely, because it has overrun its budget. Such overruns were much heard of in the old days when the health boards were responsible. However, it had been hoped that, following the upgrading of the health board structures into the HSE, the change regarding budgeting would be obvious and such difficulties would not arise.

Instead of several small overruns, we now have a fairly massive overrun, as well as major inefficiencies. This is a game of punish the patient, because when recruitment is frozen without consultation with relevant front-line health personnel, patients suffer. In recent weeks, Members have heard case after case outlined by patients themselves, their consultants, hospital staff and nursing personnel. The people on the front line state clearly that patients are being adversely affected. The Minister has stated on a number of occasions that she has faith that there will be no negative patient outcomes. I hope she is correct, but the evidence from people's direct experience does not seem to support her.

Before the general election the Eamon Keane "Lunchtime" show on Newstalk exposed a plan for the axing of 1,000 health sector jobs, mainly front-line jobs. The Minister rubbished the story and denied cuts would come from the front line. At the time she stated, "Reports about staff levels in health are totally inaccurate. There will be substantial increases, not reductions, in staff levels this year."

The Taoiseach also got involved in the debate about whether there would be health cuts. He stated that Newstalk had "got a bum steer". It is now clear that if one wants the truth about the health service one might be better advised to go to Newstalk than to go to either the Minister or the Taoiseach, judging from what was stated at that time about the health cuts and what we have seen in recent weeks in the freeze on recruitment and on services for September. It would seem the promises and the reassuring words to patients were not worth a candle. The election happened, the Minister was re-appointed and the recruitment freeze began. The Minister's promise that such measures would not reduce services was inaccurate. One need only ask the 30 nurses and four consultants at Sligo General Hospital whose contracts are not being renewed as a result of the freeze or the chairman of Sligo hospital's medical board, Dr. Niall Considine, who described the cull of its temporary staff as "swingeing cuts" that will reduce breast operations by 50%, or read the motion that was passed by the executive council of the Irish Nurses' Organisation. The INO, whose members should be in a position to know, states that the cutbacks curtail essential services, from baby vaccination clinics to palliative care. They are on the front line and this is what they are saying. Mr. Liam Doran, the general secretary of the INO, described the cuts as unforgivable. Even the junior Minister, Deputy Jimmy Devins, admitted on RTE News on Friday last that while the HSE states patients' care will not be affected by the cutbacks, staff have told him otherwise. I must ask how cuts that are doing grievous damage to patient care can be defended. If the Department of Health and Children and the HSE are so concerned about strategic management in our hospitals, how can they push this recruitment freeze? Surely there is a better strategic response to overspending than damaging patient care and what about the 4,800 new posts?

There is much talk of managers getting bonuses. Given that the Minister is imposing a freeze on recruitment and given that there is an enormous budget overrun, how can these bonuses be justified? The Minister could buy many nursing hours for those thousands of euros.

It appears the Health Service Executive is making decisions without the input of hospital staff who know the realities of patient care. There is strong feeling in the health services that front-line staff are not being consulted enough and that their input is not being sought on decision-making at a higher level. Surely it is important to note

[Senator Frances Fitzgerald.]

the views of those who meet the patients every day. It seems to be a clear issue of management.

There is an *Alice in Wonderland* quality to the exchanges between Professor Drumm and the Minister, or maybe it is a “good cop, bad cop” one. The Minister states no freeze in May and Professor Drumm announces one in September; Professor Drumm states public provision would have delivered radiotherapy services quicker and the Minister states the PPP model will do it faster; and the Minister states co-location is the way to go yet there are reports of Professor Drumm querying this behind the scenes.

I also note that Professor Drumm is giving a briefing to all Oireachtas Members, chaired by the Ceann Comhairle, in a local hotel. While this also happened last year, there is confusion in executive responsibility if the Ceann Comhairle is chairing a meeting of all Oireachtas Members outside of the Dáil. I am all in favour of getting good quality information from the Health Service Executive, but I certainly query what the Ceann Comhairle is doing chairing this meeting. One could imagine him in the financial services centre next, chairing a meeting of concerned players in the financial sectors. It is strange that he is chairing the meeting and it ought to be questioned whether that is an appropriate role for the Ceann Comhairle.

The second part of our motion deals with breast cancer services. I note and welcome the Minister’s announcement today. Of course it raises issues about transport and support for patients who must travel long distances, but we have waited a long time for centres of excellence and what every woman with breast cancer needs is a centre of excellence where she can get the best quality diagnosis, treatment and help, and to increase her chances of survival by at least 20%.

I draw the House’s attention to the recent statistics from the National Cancer Register, reported in *The Irish Times*, that one in 11 women in Ireland will develop breast cancer, 2,352 new cases of breast cancer were diagnosed in 2005 and approximately 650 people die from the disease every year. According to the Irish Cancer Society, there is no systematic approach to care or adherence to national quality assurance standards, and this is entirely unacceptable. Patients could not have put it better themselves. The lack of national quality assurance standards has created a crisis of confidence about breast cancer services in the State.

I recognise there has been some movement on this recently. It started with the case of Rebecca O’Malley in Cork earlier this year. A series of mis-diagnoses and questionable treatment practices have led to a real fear about the quality of our treatment services. Now we have inquiries into treatment practices at Barrington’s Hospital in Limerick and a review of thousands of mammograms and breast ultrasounds at the Midlands Regional Hospital in Portlaoise.

As if all this was not enough cause for concern, it now transpires that the Department of Health and Children was aware of seven separate issues concerning the quality of breast cancer service at Barrington’s Hospital some 19 months before it took action to address these concerns. This was reported in *The Irish Times* on Saturday, 22 September last. The newspaper had seen correspondence sent to Professor Brendan Drumm by Paul Barron, assistant secretary of the Department of Health and Children. In his letter Mr. Barron asked that specific issues be examined at the hospital, including the fact that mastectomies were performed on a day case basis and that breast surgery was undertaken without prior imaging. This is scandalous. *The Irish Times* further stated that, “Other concerns outlined in the letter to Prof Drumm include the fact that there was no multi-disciplinary team working in relation to breast services; that the consultant radiologist worked single-handed, meaning there was no guarantee that mammograms were ‘double read’, and no quality assurance framework was in place.” This refers to 2007, when we have known for many years the nature of quality care for breast cancer. Furthermore the letter revealed that patients who “encountered difficulties” at Barrington’s were referred to symptomatic breast services in Dublin rather than the Mid-west Regional Hospital and this led to additional trauma.

However, the HSE decided that as Barrington’s Hospital was a private hospital, it did not operate under the aegis of the HSE. This is a damning statement and I want the Minister to address this specifically. For example, the VHI has no difficulty in paying private hospitals. Clearly, there is an issue of standards which must be met in that the VHI is paying these hospitals, but what will we do about the issue of standards in the case of private hospitals so that the same statement, that a hospital did not operate under the aegis of the HSE, is not made again? Obviously, when it comes to patients’ safety and quality of treatment, public or private ownership should not come into consideration and the HSE, or perhaps someone in the Department, should immediately have acted in the interest of public safety. Will the Minister outline her approach to this and the action she proposes to take to ensure all private hospitals are subject to the highest standards and state who is responsible for taking action where such a report is made from her Department to the HSE? Many people are concerned about this.

The Minister, stating that Barrington’s Hospital was ordered to cease breast cancer services last month, said that concerns about the hospital were not forthcoming “until the start of August of this year”. This sparks the obvious question, did the Minister make misleading comments on this issue or was she simply not aware of the details of it? I want the Minister to inform

the House of the timeframe of her knowledge of this and the action that should have been taken.

It is clear the HSE needs to invest in specialist centres for breast cancer treatment. I welcome the Minister's comments and the initiative she announced. Specialist centres must operate a multidisciplinary model of care. They were first proposed first years ago by Professor Niall O'Higgins. One can ask what has happened in terms of these centres for the past seven years. It is a fact that 20% more women would survive if these centres were in place. That means, unfortunately, that many women have died in this country because they did not have access to multidisciplinary specialist centres.

I call on the Minister to clarify the recruitment plans for the HSE, to outline how she intends to meet the promise to create new jobs in the health sector by the end of the year, and to lift the recruitment freeze that is having a devastating effect on front-line services in many hospitals. I also invite her to outline what measures she intends to take to restore confidence in cancer services. I intended to call on the Minister to reveal the timeframe for the establishment of specialist breast cancer services but perhaps she can indicate also what is the timeframe for the announcement she made today. When does the Minister expect all of the services to which she referred to be up and running?

Lives depend on competence in this area and this competence has been in short supply. We have been big on promises and small on delivery. When it comes to patient care, significant improvements are needed so the issues I outlined, which received major attention in recent weeks, are rectified.

Senator Liam Twomey: I congratulate the Minister, Deputy Harney, on her reappointment as Minister for Health and Children. It is three years since the Minister was first appointed to this office. One can ask what success has been achieved within the health service. There is no doubt money has been spent but the successes are few. Part of the problem is a combination of incompetence and complacency about what is happening in the health care service. I do not believe the Minister is personally responsible for all the problems. It may be the case that the Minister's partners in Government have no interest in the health service. It may also be the case the Department of Health and Children is not fully *au fait* with what is Government policy. It is also possible the HSE is completely at sea in terms of looking after the health care of the population.

In 1996 the then Minister for Health, Deputy Michael Noonan, drew up a cancer strategy. It was ten years before the Government, of which the Minister was a part, drew up its own strategy in 2006. As yet, there has not been any implementation policy for cancer treatment within the health service. Appointing a tsar from England to make changes will not make any difference unless

the Minister is certain about the type of change that is proposed. Reference was made to eight hospitals but the Minister did make any clear statement of her intentions. It is a bit like BreastCheck; it gets rolled out bit by bit. The same situation applies to cervical cancer screening. Screening has not been extended beyond Limerick city in over seven years.

As Fine Gael spokesperson on health, I drew up a policy on cancer screening as far back as 2005 with the assistance of one researcher. How is it the case that the Minister, with 500 people at her disposal in the Department, cannot draw up a policy on cancer screening across the country rather than make an announcement about the possible screening for bowel cancer next week? I am not sure what staff in the Department are doing especially when the HSE appears to run parallel to the Department.

Let us look at what is happening on the ground. In Wexford the steriliser for cleaning the colonoscopy which is used in the diagnosis of bowel cancer has been broken for the past two months. Accordingly, the diagnosis of bowel cancer for patients is being postponed for a further two months. Is it on the basis of the money saved in not treating bowel cancer the HSE officials received their bonuses two months ago? This is not just happening in County Wexford, it is happening right across the country where similar stories can be heard in every single constituency of ineptitude, complacency and downright waste of money by people who are supposed to be running the health service on behalf of the people of Ireland. That is what the Minister is overseeing, as part of the Government. She is not getting to grips with what is happening.

When I was health spokesperson for Fine Gael in the Dáil I always backed up the Minister in making difficult decisions I thought would help people. I said I would back her on a public-only contract for consultants. What has gone wrong in that regard? Before one can make cancer treatment services work, one must have the consultants in place in hospitals. They must be working in teams in a way that will deliver a service. Why is it the case that the talks on contracts which began as far back as 2003 are still in limbo in 2007? Four years later the talks are going nowhere. When I backed the Minister early in 2006, I stated there was a good chance this would happen, yet the Minister allows this train to chug along. That is what is happening with the health service.

What about the reforms the Minister mooted as far back as 2001? What changes to work practices in the health service has the Minister overseen in the past three years? The sector has been benchmarked and increases have been paid. A total of €900 million of the health service budget is based on changes in productivity and in how people work. What are those changes? We do not see them and there has not been an improvement in access to health services for patients.

[Senator Liam Twomey.]

The Minister stated outcomes have changed but she was referring to a base that was disastrous. If change had not occurred the Minister would have been imprisoned for negligence. We expected improvements would take place. When one benchmarks cancer outcomes in this country against other countries in Europe, we are not doing so well. In fact, we are doing pretty badly. The Minister should not be benchmarking herself against the lower base that prevailed in this country in different economic circumstances.

The Minister must also examine what she wants to do. For the time being I am keeping the discussion global. I do not believe the Government has a coherent policy on what it wants from the health service. Let us look at what happened in the case of Leas Cross. Patients were dying of neglect in this private nursing home. When reports were made to the HSE it took it a year and a half to respond. When the Leas Cross report was published, more energy and effort was expended by senior management in the HSE in making excuses for their behaviour than in trying to make changes. The Minister introduced legislation on HIQA, the Health Information and Quality Authority. At the time she stated this body would protect patients. In the course of the Dáil debate on the matter I contended and still believe that we need a statutory patient safety authority that is not answerable to any Minister as such but to the people, or at least to the Oireachtas. The Minister disagreed with me and set up HIQA.

When a crisis occurred in a private hospital, it emerged the remit of this organisation that came into legal effect at the beginning of 2007 does not cover private institutions. What passes for Government policy currently is to move health care into the private sector as evidenced by the co-location of private hospitals on the grounds of public hospitals. I accept this is a difficult issue for some of the Minister's party colleagues but this is what is happening. Beds are being provided in the private sector where the standards cannot be checked by the organisation that was set up by the Minister to monitor this area. That is a perfect example of why things are going wrong in the health care service. In order to get it right the Government must organise a cancer care strategy in a way that works for patients.

Senator Geraldine Feeney: I move amendment No. 1:

To delete all words after "recognising that:" and substitute the following:

- the number of people employed in the public health service since 1997 has increased by 63%, from just under 68,000 to over 111,500 whole time equivalent staff; and in particular, by the end of 2006, there were

- 2,736 more medical and dental staff, a 55% increase;
- 8,975 more health and social care professionals, a 151% increase; and
- 11,000 additional nurses, a 43% increase.
- frontline service posts are increasing again this year, with the HSE having already authorised an additional 2,500 new posts in the context of approved new service developments;
- reaffirms the statutory requirement that the Executive should manage its budget within the Vote approved by Dail Eireann and acknowledges that the Executive has taken steps to ensure that it meets this objective in 2007, by means of its Breakeven Plan 2007;
- and notes, in particular, that the pause in recruitment will be reviewed by the Executive on 1 October 2007, in the light of the financial situation then obtaining;
- acknowledges the significant new investment made in cancer control, and supports the Minister for Health and Children in her commitment to ensuring equitable access to high quality cancer services for patients throughout the country.

and acknowledges in particular:

- that cancer survival is improving in Ireland for all of the major cancers;
- the establishment by the Minister of a National Cancer Screening Service Board which will roll-out BreastCheck commencing in October of this year and the Irish Cervical Screening Programme commencing in January 2008 and also advise on a colorectal cancer screening programme;
- the Minister's approval of National Quality Standards for Symptomatic Breast Disease Services under the Health Act 2007 to ensure that every woman in Ireland who develops breast cancer has an equal opportunity to be managed in a centre which is capable of delivering the best possible outcome;
- the additional revenue investment of €20.5 million in cancer control in 2007 and the establishment by the Health Service Executive of a National Cancer Control Programme to implement the National Strategy for Cancer Control;
- that the National Development Plan 2007-2013 includes major investment in the implementation of the Cancer Con-

trol Strategy, including state of the art diagnostic and treatment facilities; and

- the commitment of the Government and the Health Service Executive to achieving a progressive expansion of radiotherapy capacity over a timeframe which meets patients needs.”

I welcome the Minister. I am delighted to see her back. The HSE was set up in January 2005. Countless debates took place in this House prior to its setting up. The tenor of these debates ranged from positive to negative and somewhere in between. Some people took a certain approach and expressed their feelings about the abolition of the old health boards. The HSE is now in place and it is responsible for the running of the health service with an annual budget of €14.3 billion.

It is important to note the generous increase to the health budget by the Fianna Fáil-led Governments in the past ten years. The Government has said, and will continue to say, it will invest and give more resources to the HSE. We must be prepared to let the Health Service Executive do its job. It is not yet three years in operation and already people are writing it off. Like any other organisation or, indeed, household, we must remain within our budgetary allocations. The HSE has a chief executive officer and a board in place to run this massive organisation in a professional manner. Let us have faith in them and give them the confidence to do a very difficult job. It is an enormous and complex organisation when one considers all the components that go to make it up and who they must look after — doctors, nurses, associated health professionals together with administration and domestic staff — and an annual budget of €14.3 billion of taxpayers’ money each year.

I listened with interest to what Senator Fitzgerald had to say when she raised the issue of Sligo General Hospital, which is my own general hospital. I am aware Sligo General Hospital has been asked to make savings of up to €5 million out of an annual budget of €108 million, 75% of which goes to pay staff, but it has only been asked to make savings on services for which it does not already have funding and where it had taken on consultants to work in those areas. Senator Fitzgerald quoted Mr. Niall Considine’s very good letter in *The Irish Times* last Saturday. I know Niall Considine very well. My colleague, Senator MacSharry, and I, along with our two Deputies, work very closely with Mr. Considine for the betterment of Sligo General Hospital. We sat around a table on many occasions and hammered out deals with the Department and the HSE for the betterment of Sligo General Hospital.

Senator Liam Twomey: On a point of clarification, is the Senator agreeing with the cutbacks?

Senator Geraldine Feeney: Is Senator Twomey talking to me?

An Cathaoirleach: Senator Feeney, without interruption.

Senator Geraldine Feeney: I listened patiently to the speakers on the other side of the House. I did not interrupt when they were speaking and I would ask Senator Twomey to show some respect. I know he is new to the House but he should show a little respect.

An Cathaoirleach: The Senator has the floor.

Senator Geraldine Feeney: I am aware of how he behaves because I sat on the health committee with him for two and a half years. He never stops barking. He should sit and listen and have a little respect.

An Cathaoirleach: The Senator should speak to the motion.

Senator Liam Twomey: I would like a straight answer from the Senator. That is all I want.

Senator Geraldine Feeney: We recognise in Sligo that there are savings to be made. I spoke to the manager of the hospital this morning and they are prepared to make them. They have to make them. It is the world we live in. We all know about budgets and we have to work within our allocation.

I am very used to hearing Fine Gael Members say they met a man who said this, a woman who said that or a child who did something. I did not hear either of the speakers talk about the wonderful contribution of Mr. John McCormack, chief executive officer of the Irish Cancer Society, on “Morning Ireland” today. It was a wonderful contribution. He talked about cancer services having turned a corner and how it is an exciting time for cancer care in Ireland. He knew it was long overdue but the time has come. It has turned a corner. He said that in welcoming the announcement of the eight new designated cancer services centres that are to be set up. There is no doubt these centres will improve the outlook for patients suffering from cancer. He said outcomes in the centres will be much better and that there will be a 20% better chance of beating cancer in these centres because they will have multidisciplinary teams. I would have expected Senator Twomey to know at first hand what multidisciplinary teams would mean for people.

Senator Liam Twomey: The Senator should check the record of the Dáil. I backed the Minister on that issue two years ago.

Senator Geraldine Feeney: I am not in the habit of checking the record of the Dáil. I am

[Senator Geraldine Feeney.]

a Member of the Seanad. I check the record of the Seanad.

Senator Liam Twomey: The Senator is asking me—

An Cathaoirleach: Ciúnas. Senator Feeney, without interruption.

Senator Geraldine Feeney: I will judge Senator Twomey on his contribution here in the Seanad.

Senator Liam Twomey: If the Senator asks me the question, I will answer it.

Senator Geraldine Feeney: Not only will these units be for treatment, they will also be centres for learning, research, education and access to clinical trials, which is so important for patients suffering from cancer. They can now be put on therapies that might be much more beneficial to their outcome. Research has shown that outcomes are better as a result of treatment in centres that have multidisciplinary teams and those are the centres we are setting up.

It is a well-known fact that people will live longer as a result of centres of excellence and being cared for in centres with multidisciplinary teams. There will be reactions in the communities that are losing out but it is important to note that while smaller communities or hospitals may lose out, the country as a whole will benefit from the announcement made today. We are putting in place a solid framework for cancer treatment which will lead to mortality figures decreasing. Systems currently are not working. They are too fragmented. We all know the outcomes where a multidisciplinary team is not in place. Mr. McCormack said today that if one can pass a hospital treating ten cancer cases a year and go on to the one treating 100 cancer cases a year, one's chances of survival and outcome result will be much better.

I am delighted that the HSE has appointed Professor Tom Keane to oversee the implementation of this framework. I am not picking on Senator Twomey but I thought he would have known that Professor Tom Keane is an Irishman returning from Canada. I do not know where he heard that he was from the United Kingdom. He is not English. I cannot find any article that stated he is English.

Senator Liam Twomey: Did he work in the UK?

Deputy Mary Harney: British Columbia, but that is in Canada.

Senator Geraldine Feeney: Thank you, Minister.

Senator Liam Twomey: My geography was never very good.

Senator Geraldine Feeney: He will be heading it up and he brings wonderful expertise and experience to the post and we wish him well.

If the Minister gets around to talking about the areas for the west, I would like to ask her about the links in terms of Galway and Letterkenny and perhaps Sligo. We have a wonderful surgeon in Sligo. We value our cancer services in Sligo but we recognise we must do what is best for the country and, first and foremost, for patient care.

The BreastCheck service is very successful and is working very well. I am delighted to hear that December 2007 to January 2008 will see the roll-out in the south and the west. A friend of mine who I was with today, who is 50 years of age, rang St. Vincent's Hospital to inquire about getting a breast check. She is new to Dublin. They are sending out a form to her to register. They will ring her in a few weeks' time and make an appointment. That is the effectiveness of the service. I wish the Minister well.

An Cathaoirleach: I call Senator Prendergast who has eight minutes.

Senator Phil Prendergast: I will not use the eight minutes. I welcome the Minister to the Chamber. I have worked at the front line of the delivery of health services, as a midwife, for more than 20 years. Many aspects of the health services are excellent and I welcome any changes that will give a better patient service.

Had I not had the great honour to be elected to this House, I would not have a job because of the public service recruitment embargo. What is happening locally, and my colleagues have assured me of this, is that they are being asked to work overtime for which they will not be paid and when matters are resolved, they will be given back the time. That is not satisfactory. Parental leave is being cancelled for many involved in the delivery of the health care services.

There are issues in the health services that are a cause of concern. The developmental check for children at nine months is often not being done until the age of two. The reason it is done at nine months is because any deficiencies in the developmental check can be rectified, and the optimum time for diagnosis is nine months. That is a matter of concern to me.

While the further roll-out of BreastCheck is welcome, there should never be an availability of services on the basis of where one lives. Geography should not disadvantage people—

Senator Fidelma Healy Eames: Hear, hear.

Senator Phil Prendergast: —requiring BreastCheck or prostate cancer treatment services. Services should be provided where they are needed. We would not be let take our cars on the road without passing the NCT but we are not as good when it comes to health services.

As somebody who has worked at the front line in the delivery of services, I am concerned about a number of issues. For instance, if someone has the use of crutches for one week, they can no longer be used by anybody else because health and safety regulations will not allow it. We need to evaluate where money is going in the health service because it is not always going to frontline support, as it should. I would like to know when all areas will have BreastCheck and screening services. I await the Minister's reply.

An Cathaoirleach: I compliment the Senator on her maiden speech and wish her well.

Senator Marc MacSharry: I take pleasure in seconding the amendment. I welcome the Minister for Health and Children to the House. I am a great admirer of her and the determination and conviction with which she pursues the reform of the health service. I would not have been in favour of the break-up of the health board system but, as Senator Feeney stated, we are where we are. The HSE is in place and is substantially resourced. We can see that Professor Drumm intends to pursue reform with the same determination and conviction as the Minister.

At a personal level, my family and I have in the past year experienced the health service at first hand, from paediatrics to oncology. While we often choose to kick political footballs around both Houses of the Oireachtas, the frontline services of which I have first-hand experience are fantastic. However, that is not to claim all is rosy in the garden because it is not. Much work needs to be done. As I said, I admire the conviction of Professor Drumm and the Minister, Deputy Mary Harney, in seeking to do that work.

Despite the political bashing by which Senator Twomey seeks to score points in the House, the fact remains that no Administration in the history of the State other than the last two Fianna Fáil-Progressive Democrats Administrations has done more in terms of investing and reforming the health service. This Administration, with the help of our colleagues in the Green Party, will be no different.

With regard to cancer services rollout, I welcome the appointment of Professor Keane and the announcement of the eight centres of excellence. Such centres, which offer the full range of services and research so people have the benefit of the newest possible treatments, must be the way forward. We would all like to have these centres in our back yards — I would like such a centre in Sligo — but this cannot happen. However, as there is a linkage between NUI Galway and Letterkenny, I ask that we would also maintain existing services at Sligo General Hospital and in addition have a satellite radiotherapy service with linear accelerators. This is possible and it would accord with Government policy under the national spatial strategy with

regard to providing services for the people of the area. If there can be a link with Letterkenny, why not have a satellite link with Sligo also?

While I am not a health professional like Senators Prendergast and Twomey, it appears to me the general management of the health service needs to be addressed. The Minister and the senior executive of the HSE are seeking to achieve this. For example, among the types of expenditure postponed at present is the booking of hotels. Senator Fitzgerald alluded to the fact Professor Drumm will brief us in the Davenport Hotel in due course. I agree it is a disgrace that hotel rooms are being booked when facilities exist in the Leinster House for those coming to address us. This kind of expenditure is where we should begin to cut back. If circumstances have changed, people must change their minds. If cut-backs must be made, we must make them. However, frontline staff should be the last to be affected.

As Senator Feeney stated, Sligo General Hospital will play its part in what must be done. It is a matter of great regret, however — I know I speak for Senator Feeney, the Minister of State, Deputy Jimmy Devins, and Deputy Eamon Scallion — that it is frontline professionals who must be cut back in this instance. However, we will take our bit of pain in the interest of the long-term service to the people of Sligo and the north-west regional community.

It is the administrative side that must be addressed, for example, the booking of hotels and foreign travel that is not important to patients or the delivery of service in the front line. One can barely walk into a hotel in Ireland without seeing on the notice-board that whatever band is playing that night, the HSE has a number of rooms booked for interviews and so on. At the same time, state-of-the-art infrastructure is sitting idle — at Manorhamilton, for example — while we waste taxpayers' money on the rental of rooms and training courses. It is in this area rather than in the front line that we should seek to make savings.

Naturally, it is painful for those on the Government side to be forced to accept that the posts of some 30 nursing staff and five locum consultants are being cut back. I would prefer if this was not happening. Will the Minister clarify in what way the Department will be able to connect directly to the HSE in this regard or are we just policy-making while the HSE does as it will in terms of staffing?

To sum up, I welcome the appointment of Professor Keane and the announcement of the eight centres of excellence. I appeal in earnest to the Minister to do all she can to ensure satellite services, such as those being created in Letterkenny, will also be created in Sligo, while the existing oncology service and various other cancer services are maintained.

Much needs to be done but much has been done, as I have experienced at first hand in the

[Senator Marc MacSharry.]

past year. We should be responsible while criticising the health service and acknowledge that much has been achieved. We are in the process of the biggest reform the State has ever undertaken in this regard. I was initially a sceptic with regard to moving away from the health boards but I am prepared to give the process time. It has been ongoing for three years and, as Senator Feeney said, we should continue as we have and, hopefully, services will continue to improve in the way all in this House wish to see.

Senator Fidelma Healy Eames: I wish to share my time with Senator Paschal Donohoe.

An Cathaoirleach: Is that agreed? Agreed.

Senator Fidelma Healy Eames: I wish to address the crisis of confidence affecting breast cancer services and the way in which the HSE has handled this. I represent the west. The current realities for women with breast cancer living in the west are as follows: we have the worst health outcomes from breast cancer in the country; we are years behind the rest of the country; and a woman in the west has much less chance of survival from breast cancer than in any other part of the country. This is not right.

Women from all areas of the country are in the Chamber but Senator Feeney and I are the only two living in the west. Should our chances be any less than any of my female colleagues in this Chamber? I think not. This is how unjust and unequal the delivery of cancer care facilities is and has been. Why is this the case? It is due to the lack of access to cancer care services in our region. To date BreastCheck is not operational in the west yet the first unit opened in the east in 1999.

We are way behind national policy in implementation terms. This is clearly political and a result of the lack of political decision-making in favour of the west, so much so that the women of the west are at risk of being 16% behind the national average with regard to survival from breast cancer. This is not right and is a clear indictment of the Government and the Minister for Health and Children, who have neglected women in the west and their families since 2000.

While I welcome the announcement that a much-needed dedicated cancer care centre will be established in Galway, I seek specific details on when it will be established, whether funding is available and, if so, if this funding will feature in this year's budget. We have heard promises before.

A high-volume cancer centre with a range of expertise — multidisciplinary teams — available to best assess in the patient's favour is the best way forward. A small, private institution with low volume and low throughput, Barrington's Hospital, for instance, could never be reliable in terms of patients' results. It is madness that

private hospitals remain unregulated in that they are not accountable to the Health Service Executive or the Department of Health and Children. According to a letter from the HSE national director in the office of the chief executive officer, the reason is that they are not under the aegis of the HSE. This means, once again, that patient health is further put at risk owing to a lack of timely intervention by the HSE, despite formal requests to do so by a surgeon in Limerick, Dr. Gupta. As Senator Fitzgerald pointed out, the Department was aware of complaints for 19 months but it took one woman's persistence and bravery to highlight the problem. It was then that other stories began to emerge. It is little wonder that women are nervous and members of the public have lost faith in the entire system.

Funding for cancer care has been delivered in an unco-ordinated manner. University College Hospital Galway does not have a dedicated space for breast cancer services, which are located in various parts of the building. The problem facing a surgeon is that he or she is not guaranteed access to beds or outpatient facilities. Patients in Galway have reported being frequently more concerned about securing a bed than receiving their cancer diagnosis. In the event of a car accident or other emergency, the beds are required elsewhere.

For these reasons, I strongly support the establishment of a cancer care centre with dedicated space, functioning beds and a range of in-house expertise. Research supporting this approach has been available for a long time. The National Breast Cancer Research Institute in Galway has been preaching this message for years.

What is the Minister for Health and Children doing with resources? She is sending a mixed message by trying to offload care into private hospitals and resourcing private health care through tax breaks, the National Treatment Purchase Fund and the co-location policy, which members of the public clearly oppose. Earlier this year, I carried out a study in Galway city which confirmed that 80% of residents do not want a private hospital built on public lands in University College Hospital Galway. On the contrary, they want available resources to be invested in the public hospital.

The Health Service Executive, on the other hand, refers to centres of excellence. To date, the results in this regard have been piecemeal and unco-ordinated, which ties into the current debate on the seriousness of HSE cutbacks. While I agree that efficiencies are needed, Professor Drumm, in his attempt to remain within budget, is in one fell swoop taking a machete rather than a scalpel to the health system. Management in Sligo General Hospital have certainly interpreted it in this way by cutting 40 staff, most of whom work on the front line.

Professor Drumm has been in post for more than two years. After many studies and audits, he

should know clearly where the problems are in the health service. The financial management he oversees across the health system must be questioned three quarters of the way through the financial year. What happened to quarterly and half-yearly reviews? I can only guess it was too politically sensitive to give us the bad news when a general election was in the offing. This type of management is not acceptable. The buck stops with Professor Drumm and the Minister, both of whom must come clean on their intentions. Does the Minister have faith in the public health system or has she given up on it? Will she implement a policy which proves she is committed to the system? Can Professor Drumm communicate his intentions across the system to his line managers or is the system too unwieldy? Can he communicate in a way that ensures we have safety in the health system and patients are not put at risk?

In the past week, I have spoken to many health care workers who doubt the budgetary overrun will be corrected by 1 October. Some speculate the current measures will last until 1 January. It is time to be clear. People need to know not only that critical services will not be hit but that services such as speech therapy in the community, occupational therapy and public health will remain unaffected by these measures. I want to know in what direction the health system is moving.

Senator Paschal Donohoe: As I make this speech, it brings home to me the importance of this Chamber, which is new to me. The Minister has come to the House to address points of major importance to the communities Senators represent and to the country at large. I will confine my remarks to the amendment to the motion, a copy of which I received as I entered the Chamber. In many ways, the amendment sums up very well the difficulties we have in the health service and the country. The first sentence refers to the major increase in the number of people working in the health service since 1997. If we have had such a substantial increase in the number of staff working in the HSE, the Department of Health and Children and our hospitals, why are we encountering so many difficulties and continually discussing problems related to the quality of patient care and securing access to the services patients require when they enter our hospitals and health care institutions?

The fact that every household spends an additional €5,000 per annum in tax on health care is welcome. As we have grown wealthier, we should pay more. Why, in light of the substantial increase in staff and expenditure, is the House is debating health cutbacks? Why do we continually discuss public dissatisfaction with health care and the problems patients encounter in the health service?

With regard to comments made by Senators from the other side, the contribution I heard by Mr. John McCormack on a radio programme

today may have been different from that to which Senator Feeney referred. While Mr. McCormack acknowledged the value of the new strategy on cancer services, he also asked why it had taken so long to reach this point and referred to the difficulties faced by patients and members of his organisation.

I am struck by the number of speakers who take credit for those things that are going well but shift responsibility for problems in the health service to the Health Service Executive. Responsibility for these matters rests with the Government. Do my fellow Senators support the cutbacks which have been made? If they want to claim credit for the money that has been spent, they must also claim credit for the money not being spent and the cutbacks under discussion.

Senator Déirdre de Búrca: I welcome the Minister to the House and thank her for attending this important debate. The motion addresses the important issues of the delivery of cancer services throughout the country and the recently announced freeze on recruitment in the health service. The recruitment freeze raises a central question. What should be the optimal size of the health service and, in particular, what should be the appropriate ratio between direct care staff and administrative-managerial staff? There was a legitimate expectation that the abolition of the health boards, a decision with which many Senators may not have agreed, would result in the establishment of new structures with much leaner administrative and managerial sides and much greater emphasis on direct care staff. Unfortunately, this does not appear to have happened. It is clear that in some areas of the health service, staff levels are excessive while in others, staff numbers appear to be inadequate.

The announcement of a freeze on recruitment has caused many medical professionals to express strong concerns that it will impact negatively on patient care. The Minister has stated publicly that this need not be the case. Will she expand on her statement and indicate whether various hospitals will get guidelines or assistance from the HSE regarding how it might trim its budgets without negative impacts on patient care?

The way in which the announcement was made was abrupt and done without sufficient consultation with the relevant stakeholders. The health unions have complained to the Health Implementation Board about how they believe some of the agreements reached under the social partnership process have been breached. Be that as it may, industrial relations problems may emerge and compound existing difficulties in the health service.

The decision in question was made approximately three quarters of the way into the accounting year, which is far from ideal in terms of general practice. I hope other decisions will be made with a degree more consultation with the relevant stakeholders. While the Green Party is

[Senator Déirdre de Búrca.]

in Government, I hope we will be able to use our influence to try to ensure that occurs.

Cancer is a chronic disease. While there have been welcome increases in recovery rates, a high level of mortality is associated with it. This necessitates the centralised specialised services we have been discussing. They are extremely expensive and add significantly to the financial burden on our health services. The Green Party would argue that they are end-of-pipe services and that more emphasis should be placed on prevention. The role of environmental conditions should be examined closely.

The cumulative impact of lifestyles, eating habits and pollution from transport and industrial discharges go some way towards explaining why clusters of specific cancer-types are noted in particular parts of the country but not elsewhere. The cancer register highlights where cancers occur, but it does not provide a reasonable or acceptable explanation as to why.

More must be spent on cancer research. Ireland spends approximately €4 per person on cancer research while the United Kingdom spends approximately €15. To a greater extent, we could examine the possibility of carrying out more cancer research and addressing the environmental component of the disease.

The main issue being discussed is the availability of cancer services. It is an important matter because much depends on location, such as early identification and appropriate treatment. That situation is not acceptable. In broad terms, the Green Party supports the announcement of the eight specialised cancer units. Such treatment is essential in cancer care, but it leads to a difficulty in that the more centralised the service, the further people must travel. While my constituency of Wicklow is in the greater Dublin area, it is primarily a rural county. Difficulties are posed to constituents who must travel from the south of the county to Loughlinstown Hospital or Naas Hospital for medical treatment. If centralised centres are to be put in place, family-oriented accommodation centres for the relatives of people with long-term illnesses must be provided to make their stays comfortable. This would address some problems.

On the question of centralising health services, we should also be going in another direction. While we need to centralise specialised services, we should localise our health services to a greater extent and provide more local primary health care services that emphasise accessibility, have a multidisciplinary approach and can deal with the minor and ordinary conditions with which people present. Due to high mortality levels, we should provide a network of hospices and home care services to support the new structures to be put in place. We have concerns about the age-specific focus of BreastCheck and believe it should be changed. The dates provided to Cork and Galway

for the roll-out of BreastCheck services have passed, so the roll-out should be expedited.

Regarding pathology labs, we have discussed the delays and problems surrounding the results of cervical tests. The issue was raised with me by a number of constituents, but there is no legal requirement for hospital or pathology labs to be accredited to international or European Union standards. This leads to concerns about errors and delays in the tests. On 5 June, the National Hospitals Office announced that cervical smear tests would only take one month to be analysed from the end of June onwards. Unfortunately, this has not come about, as the return of cervical smear test results takes between two and six months.

On behalf of the Green Party, I support broadly the introduction of centralised cancer services. I was delighted to hear John McCormack supporting it on radio this morning, but if we continue to centralise all health care facilities, support services are needed and we must examine the localisation of primary health care in rural constituencies where people must travel long distances.

Senator Jerry Buttimer: May I share time with Senator Coffey?

Acting Chairman (Senator Maurice Cummins): Is that agreed? Agreed.

Senator Jerry Buttimer: This debate is timely and I pay tribute to the staff of the HSE, who do a wonderful job on our behalf. Responsibility and accountability in the delivery of services are needed in the health service.

I welcome the Minister for Health and Children, Deputy Mary Harney, to the House. I admire her conviction as a politician, but I do not agree with her philosophy regarding the HSE or with its creation, as it is a failed entity. There is no accountability or meaningful strategy. If the HSE is as good and everything is as rosy in the garden as Members opposite have stated, why does Paul O'Brien write in today's *Irish Examiner* about how the "Health Service Executive exceeded its sanctioned budget and spent almost €11 million more on information and communications technology last year than the Government had permitted"? This does not inspire confidence.

In the southern region, there are cutbacks and a recruitment freeze. I say this as someone who is a former member of the Regional Health Forum, has worked in the health service and is involved with disability groups. Last Friday, I attended the opening of the new maternity unit of University College Hospital, Cork with the Minister. Professor Drumm was right when he stated we should celebrate what is good in the health service. I salute the staff of the maternity unit as they played a pivotal role in its opening, but we should acknowledge that morale is low among frontline staff, ask why that is the case and

read the transcripts of last weekend's special conference of the INO in Tralee.

I have read a memo from a member of staff in the HSE, southern region. I will paint a little picture. Imagine a night sister or night nurse in UCHC. He or she goes to work and is met by his or her nurse manager, who says the room temperature is one degree too high according to memo specifications. This is what is happening.

Is it correct that day wards are being closed a week early for Christmas? Is it the case that agency staff cannot be employed to replace existing staff? If our health service has become so cash-rich, why has the HSE frozen recruitment at this point in the financial year? The cutbacks and recruitment freeze are affecting the vulnerable and weak. These patients and their families, along with the front-line staff, are the victims. The result will be longer waits for patients in accident and emergency departments, longer waiting times for outpatient appointments and elective treatments, and cancellations of elective surgery.

I accept Professor Drumm's argument that the HSE's budget must be balanced. Why is it, however, that efforts are being made in this regard on one level while bonuses are simultaneously being awarded to HSE managers? I ask the Minister to sanction an audit of how the HSE operates. Staff numbers have more than doubled since the establishment of the HSE, as indicated in the Government amendment. However, the purpose of the new executive structure was to facilitate an improvement in patient care. This has not been achieved.

I ask the Minister to examine whether the HSE's management structure can be altered to include fewer levels of management and to ensure a greater emphasis on delivering front-line services. Somebody must accept that mistakes have been made in the years since the HSE was established. We cannot expect patients to pay the price. The staff of the HSE, at all levels, do a great job. They require our support and leadership.

Senator Paudie Coffey: I thank the Minister for Health and Children for attending this debate. This is my first contribution in the House and I look forward to engaging with the Minister on this issue.

There has been much discussion of cancer services in the regions. In the south east, which includes my own County of Waterford, there is a well-documented deficit in public radiotherapy facilities and cancer services. Commitments were made by the Minister and others in Government that a satellite centre for such facilities would be provided at Waterford Regional Hospital by 2011. It has since emerged that this date has been pushed back. I did not hear Professor Keane's comments this morning but I plan to ask him whether there is a particular implementation date for the national cancer strategy. That is what is of concern to citizens.

I agree with Senator Prendergast's comments on breast cancer screening services in the south east. Commitments were given that BreastCheck would be in operation in the region by this October and that the recruitment of radiographers and other staff was under way. Has the recruitment freeze affected those commitments? Is consideration being given to the provision of screening for testicular and prostate cancers? Men are in need of such services just as women require a comprehensive breast cancer screening service.

I am particularly concerned about the provision of neurology services in the regions, including the south east. The Comhairle na n-Ospidéal report of 1991 and its subsequent report on neurology services in 2003 included specific recommendations that there should be one consultant neurologist per 150,000 head of population. In the south-east region, which has a population of almost 470,000, 55,000 people are estimated to be affected by neurological conditions. Some 4,000 of those are being treated in centres in either Dublin or Cork. Round trips of more than 220 miles are often involved, with patients travelling for more than eight hours in one day. These are patients with debilitating illnesses such as motor neuron disease and Parkinson's. The Minister must agree this is unacceptable. It is an unbearable situation for affected families.

Four consultants have been recommended for the south-east region but, to date, only one consultant, Dr. Paul Crowley, has been appointed in a temporary capacity. He will require support staff such as a clinical nurse specialist, occupational therapists and administrative support. Will those limited services be affected by the recruitment freeze? They are not sufficient to meet the capacity requirements and the problems in this regard will continue.

Fine Gael agrees that the health service must be reformed and become more efficient. However, we must also have a more accountable public service and be more responsible in our approach. We do not agree with reducing front-line staff numbers while the service is bloated with managers and administrative staff. There is a better way of doing business. We expect responsibility, accountability and delivery by the Minister and the staff of the HSE on behalf of the citizens of this State.

Senator Brian Ó Domhnaill: I propose to share time with Senator O'Malley.

Acting Chairman (Senator Maurice Cummins): Is that agreed? Agreed.

Senator Brian Ó Domhnaill: I welcome the Minister to the House. She is a person for whom I have great regard and respect. She has probably the most difficult job in the State. It is extremely difficult when the issues with which one must deal are so personal and affect people's lives and

[Senator Brian Ó Domhnaill.]

futures in such a significant way. I acknowledge the work that has been done in the health service, particularly in the area of cancer care. My contribution will reflect the issues pertaining to cancer care services in my own County of Donegal.

Before that, however, I will draw Members' attentions to some facts. Since this Fianna Fáil-led Government entered power in 1997, more than €1 billion has been invested in cancer services. There are more than 100 additional consultants specialising in the areas of medical oncology, radiology, palliative care, histopathology and haematology. More than 340 additional clinical nurse specialists have been appointed to cancer care services. Members on both sides of the House must acknowledge and welcome these improvements.

There has been much discussion of cancer care services in County Donegal. As the Minister is aware, two lobby groups were established in the county, Donegal Action for Cancer Care and Co-operation for Cancer Care North West. Both these groups are working in an effective manner to pursue the need for additional cancer services in Donegal. I acknowledge the work they undertake on a daily and weekly basis, working with public representatives in raising the pertinent issues pertaining to cancer care for patients in the county.

I welcome the Minister's announcement today of the details of the implementation of the national cancer control programme. I also welcome the appointment of Professor Tom Keane as interim director of the programme. I do not know him personally but understand he is a man of integrity and ability. I have no doubt of his ability to implement his brief in an effective manner. A consideration of his past achievements means we can all be confident in this regard.

According to the criteria outlined in today's announcement, the centres will be based around populations of 500,000 people. I assume this follows from the recommendations of the O'Higgins report. I note with interest the proposal that North-South co-operation between Letterkenny and Belfast should continue and that provision will be made for radiotherapy care services from Belfast. Does this provision mean patients will have to travel to Belfast or will these services be available in Letterkenny?

In view of the restoration of the power-sharing institutions in the North, will the Minister outline what opportunities now exist in regard to cross-Border care, particularly in respect of the western Northern Ireland counties of Derry and Fermanagh? In particular, could there be an opportunity to co-operate on a more stable basis with Altnagelvin Area Hospital in Derry? I am aware that discussions were underway with the hospital in that regard but I am unsure whether they have concluded or broken down. I would like to hear the Minister's opinion on the matter. It is almost the same for a patient from west

County Donegal to travel to Belfast as to Dublin and while there may be more of an affinity with the latter, I would like those factors to be taken into consideration when the new policy is implemented.

On Monday evening I attended the launch of a booklet, *You Are Not Alone*, which was compiled by a sub-committee of Donegal Action for Cancer Care. This lovely and helpful booklet gives a flavour of what community groups can achieve when they work with statutory organisations. It is aimed at helping patients by providing information on travel, subsistence and the services and assistance available to link County Donegal with Dublin.

We should acknowledge the work being done because it is a challenge to roll out cancer care over a relatively small island and it will be difficult to make services available in every parish. It becomes even more of a challenge when the existence of the Border and the Six Counties are taken into account but we should use that to our advantage. Cavan hospital is mentioned in the press release and welcome the care which it will provide.

We are anxious in County Donegal to see a link being developed with Altnagelvin hospital for radiotherapy services. We would also like to see a permanent appointment made for a breast surgeon, although I am aware an announcement has been made in that regard, and the establishment of a satellite radiotherapy unit in co-operation with the North and Sligo, so that it will be easier for patients in the north west to receive treatment locally.

Cancer is an issue without boundaries and it touches every family. We are all trying to work together to the same outcome, so now is not the time to be acting in a politically motivated manner.

Senator Paudie Coffey: Give us the services and we will not attack the Government.

Senator Brian Ó Domhnaill: We should work together on an equal basis to bring about the services we all want because cancer has no political boundaries.

Senator Paudie Coffey: Give us the services and we will not complain.

Senator Jerry Buttimer: We know too well.

Senator Fiona O'Malley: I welcome the Minister to the House. Earlier, Senator Twomey asked what she has achieved over the past three years. I am sure she would have liked to have done more, particularly with regard to issues such as the consultants' contracts. I was amused by the Senator's contribution, which implied it is the Minister's exclusive fault that the contract issue has not yet been resolved. Nobody was more determined than the Minister to find a resolution

by a certain date but unfortunately that has not come to pass. However, now that the consultants realise she will remain in her job, I am sure they will agree to find a solution for the sake of the country so that we can have the health service we deserve.

Senator Healy Eames asked whether we have faith in the public health service. I would like to relate my recent experience of the health service, in which I have utmost faith. I attended St. Vincent's public hospital because I do not believe that a public representative should buy privilege. I accept that others can choose for themselves but that is the decision I have made. My experience in the hospital was a very happy one. I was met within five minutes of my appointment and the procedures I underwent were administered efficiently.

Senator Jerry Buttimer: The Senator is an exception.

Senator Fiona O'Malley: I doubt I am.

Senator Fidelma Healy Eames: She was in Dublin.

Senator Fiona O'Malley: It is important when we have good experiences that we recognise it is not all gloom and doom.

On becoming a Senator, one is absolved from dealing with a geographic constituency. Our responsibility is to the entire nation and all the people who live in this country. We can and should be discussing what is good for all people in the country regardless of where they live, so I accept the points made in regard to the lack of availability of BreastCheck throughout the country.

Today's announcement on the eight centres of excellence addresses the so-called crisis of confidence. However, outcomes are most important when it comes to the location of all medical services.

Senator Fidelma Healy Eames: Absolutely.

Senator Fiona O'Malley: We must stop the practice of pandering to our local hospitals because it suits us. We have a national responsibility in this House——

Senator Fidelma Healy Eames: We are discussing an entire region in the west.

Acting Chairman: Allow Senator O'Malley to continue without interruption.

Senator Fiona O'Malley: ——to provide national services. We must remember that outcomes are the measurement for services.

Senator Fidelma Healy Eames: No one disputes that.

Senator Fiona O'Malley: I wish to briefly address the issue of remaining within budget. Senator Buttimer asked how we can have a plan if it then has to be abandoned. It is precisely because one must remain within a budget that one can have a plan because what is the point in having a health service that does not keep to a budget? How can sustainability be maintained if the fundamental of a budget is not honoured? If we constantly reward waste, we will not be able to provide a budget. We need to recognise that the amount of money available is limited.

Senator Jerry Buttimer: This morning it was €11.3 million. There is no accountability.

Senator Fiona O'Malley: Spending has increased in the region of 10% annually. We certainly rank highly in the international context of spending on health care.

Senator Jerry Buttimer: We are not getting the services.

Senator Fidelma Healy Eames: We are not getting the outcomes.

Senator Fiona O'Malley: Ghandi said we must be part of the change we want ourselves. That includes all of us, public representatives as well as those working within the services. We must all be part of the change if we are to deliver better services. Let us not forget our responsibilities in that regard.

Senator Joe O'Reilly: I wish to share three minutes of my time with Senator John Paul Phelan.

Acting Chairman: Is that agreed? Agreed.

Senator Joe O'Reilly: I welcome the Minister to the House. Today's announcement that ten acute beds will be lost to Monaghan hospital in my constituency forms a sad backdrop to tonight's debate. Peadar McMahon from the Monaghan Hospital Alliance, who is well-known to the Minister, is outside the gates protesting on that issue.

Current health strategy in this country is predicated on developing a GP-led primary health care service on a nationwide basis. I am in favour of such an approach. Primary care at local level is the key to the delivery of health services. It can contribute to a freeing up of hospital places and the delivery of a better, more patient friendly service. I am proud that one of the leading national examples of primary health care is situated in Virginia, County Cavan, which is in my constituency.

The provision of primary health care centres is wonderful in theory, if only it could be put into practice. However, we cannot deliver proper primary health care in this country without 500 additional doctors and 2,000 additional nurses

[Senator Joe O'Reilly.]

over the next ten years. At present we have one of the lowest ratios of general practitioner to population in the OECD, at 2.8 per 1,000. It is nonsense to talk about the delivery of a primary health care service when we have a dearth of GPs. I ask the Minister to address that issue. Rather than freezing recruitment we should be engaging in a proactive campaign to entice the requisite numbers of GPs into the system. We must provide the necessary college places, training and attractive terms and conditions. We simply do not have enough GPs or nurses to deliver proper primary care.

In the psychiatric area, which is a critical one, we need 20 staff members for every 50,000 people. Such staff are not in place currently. In order to deliver front line, community based psychiatric services we need an increase in medical personnel and a greater investment in the area. If we must make cuts, as Senator Coffey said earlier, we should look to bureaucracy, administration and other areas of waste, but not to front line staff.

The dental services are suffering as a result of the cutbacks. Last year, in the area that I represent, including Bailieboro and east Cavan, the primary school children did not undergo the dental screening process that is normally done in first and sixth class. The embargo on recruitment will prevent the appointment of the dentists required to alleviate that situation. There is an inadequate complement of dentists to deliver the services that are required in the north east region.

There is clearly a crisis in the area of maternity services. The services have not been adapted in terms of medical personnel or space to deal with the rise in the number of births. This was recently referred to by no less objective a source than Dr. Michael Geary, Master of the Rotunda Hospital.

In the worst of times in Ireland, in the bad old days when we were less prosperous, we at least had a quick response to cancer patients. We talked about cancer with awe and fear. Now it is possible that a patient could have to wait six months for radiotherapy treatment. It is unthinkable.

During the last general election campaign Fine Gael pointed out that 1,000 health service jobs would be cut by the Government, which was denied by Fianna Fáil and the Progressive Democrats. In fact, they countered by saying that 4,800 new jobs would be created in the health service. What do we have now? We have a freeze on recruitment across the entire service. It was a travesty of truth to deny the proposition put forward by Fine Gael that 1,000 jobs were at risk.

We are making cuts in the wrong places and are under-investing. We need people at the coal face in order to deliver a proper medical service. At a time of great prosperity, when we have reached a level of sophistication and wealth never seen previously, it is a great indictment of our society that we are having this debate tonight. I

urge the Minister to lift the embargo on the recruitment of coal face staff, whose numbers must be increased.

Senator John Paul Phelan: I welcome the Minister and this opportunity to discuss the health services. During my time in the Seanad we have had several discussions on the difficulties that have arisen in the service across the country. I am glad that Senator O'Malley had a successful visit to St. Vincent's Hospital recently but my record of visits to various hospitals around the country is not as good. As I mentioned in a similar debate before the summer, I had to accompany my father, who is an elderly man, to the Regional Hospital in Waterford. We spent nine hours there. It transpired that he had gallstones but it took nine hours before he got a pain killer. My father is 82 years old. That is my personal experience of what my father went through. I could relate similar stories I have heard from constituents in recent years and that is unacceptable. I wish we all had a service that was available as efficiently as the one apparently available in St. Vincent's Hospital but Senator O'Malley's experience is not reflected in the rest of the country.

I do not agree with Senator O'Malley's argument about people pandering to their local hospitals. Often when one is dealing with matters of health, one is trying to get a person seen as soon as possible. If one lives in a rural area, the local hospital is very important and the confidence that a service will be available should one need it is vitally important. I ask the Minister to outline in her response to the House the current position of the Hanly report.

I have recently been presented with a number of cases in my local area that highlight difficulties with the ambulance service. Difficulties have arisen in both private nursing homes and public services for the elderly in terms of transporting people to hospital for surgery. There appears to be a very significant problem in the south eastern region, with operations being cancelled because the ambulances and staff are not available. That is nothing short of neglect of the elderly. It is very easy to neglect elderly people because very often they are not in a position to raise their voices. I wish to see significant improvements in that area.

I have also become aware that in the south eastern region, the surgeon who was dealing with all issues relating to breast surgery retired more than six months ago. He spoke on local radio yesterday and outlined how his former position has not yet been adequately filled. A person has been appointed but is not an expert on mastectomies, lumpectomies and certain other procedures. It is highly regrettable that the former occupant of that position had to go on the public airwaves to express his concerns in this regard. That situation must be remedied as soon as possible.

7 o'clock

I echo the sentiments of Senator O'Reilly concerning the provision of dental treatment. There is a significant problem with the provision of services, particularly to young people with serious problems. I was made aware of a case of a child who had two teeth growing down through her palate, who was told by the HSE that she would have to wait for over a year to be seen by the public dentist. That is a disgrace. God knows what long term damage would have been done to that child, had her parents not been able to afford private dental care. I ask the Government, the HSE and the Minister to rectify these problems, and others referred to tonight, as soon as possible.

Senator Jim Walsh: I support the amendment to the motion laid before the House. This area has commanded a great deal of time in both Chambers of the House, and rightly so. I note that the motion tabled by the Opposition places heavy emphasis on recruitment. Does this miss the point somewhat? I think the issues facing the health service relate to productivity and value for money and there are many reasons for this.

In the past ten years, the number of people working in the health service has increased from 68,000 to 111,500, and this may be mentioned in the motion. Expenditure has gone from €3.5 billion to €14 billion this year. There have been improvements in the health service due to increased investment, but it should be acknowledged that these improvements are not commensurate with the level of investment, which has been quadrupled.

The Minister for Health and Children, Deputy Mary Harney, has taken initiatives that will benefit the health service. In the previous Seanad, she ensured the person at the helm of the Health Service Executive, HSE, would be someone in whom she would have confidence. Aer Lingus saw a very positive transformation in its fortunes when it appointed one of its former pilots to the position of chief executive officer, CEO. Similarly, it was enlightened to place a consultant in charge of tackling shortcomings in the health service.

I understand the reasoning behind the abolition of the health boards and the introduction of the HSE, but the system could have been enhanced had tiers of accountability been built in. I made it known to the Minister and her predecessor that I felt we should have continued a system that saw boards appointed at regional level that would report to the national board, rather than from executive to executive. The latter system has corporate governance flaws because people in executive positions will tend to cover for each other and this has occurred quite a bit in the health service. I refer not just to the misdiagnosis, which we instanced earlier.

In many ways, the manner in which we dealt with the blood transfusion issue left a lot to be desired. Nobody was held responsible for what amounted to criminal negligence that saw many people suffer and die. Well-paid positions in the

health service involve a responsibility to do a job well and there must, therefore, be accountability. The Minister should examine this matter.

Payments made to people in senior positions in the health service have been criticised in the media and in this House today. I have been impressed with the initiatives Professor Drumm has taken since he was appointed chief executive of the HSE, but the jury is out on his performance and will remain so for some years until we see the improvements in the health service that we seek. To concentrate on bonuses he has received, however, is to miss the point. I do not believe the chief executive of any company quoted on the European stock market would work for the salary or bonuses he receives. Any person in charge of a service with a €14 billion turnover deserves to be paid accordingly because he carries a great deal of responsibility. He should be judged by his performance, not by what he earns.

I was recently appalled by the story of Susan Long and I am sure the Minister and everyone in the House shares my sentiments. Accessibility is required in the health service and I admire the manner in which the Minister is approaching negotiations with consultants. For too long public services in this country have been controlled by people who benefit significantly financially despite shortcomings in the service given to patients, although many others do excellent work. Whatever happens in the negotiations with consultants, there should be no compromises that result in the patient being anything but the primary focus. People working in such areas of the health service must understand that it is not a nine to five office job. They must accept that if cover is not provided for essential public services around the clock, we will not meet the demands of patients.

Senator Pearse Doherty: I have heard the views expressed from the Opposition benches and the Government benches and this is a difficult debate to listen to. I come from the north west of the country where the Minister for Health and Children, Deputy Mary Harney, and the HSE have behaved very irresponsibly regarding the health care needs of the community I represent. I say this because this is a life and death issue.

A Senator on the Opposition bench mentioned a friend who moved to Dublin and was sent a BreastCheck application in the post. Such a facility is unimaginable to women in Donegal and those who travelled to areas where BreastCheck was available were refused the service. In the meantime, people are dying and that is why I used the language I used in this House, although it is regrettable that it is necessary. People are dying because cancers are going undetected.

In 2005, the Minister announced the radiation plan and, as part of it, she mentioned North-South co-operation on a satellite radiotherapy centre for the north west. Two years have passed and there has been no progress. Since the establishment of the Northern Assembly, I do not believe that the Minister has met the Northern

[Senator Pearse Doherty.]

Health Minister, Mr. Michael McGimpsey, to discuss the issue, yet time and again, Deputies and Ministers assure us it is in the pipeline. Senator Ó Domhnaill mentioned the people of Donegal and 15,000 took to the streets, and they demand action on cancer care facilities for the north west. These facilities include a satellite radiotherapy centre, the immediate roll-out of BreastCheck services and assistance for patients who must travel to centres of excellence.

I would like to hear the Minister address this issue and can assure her I will pursue it until there is a satisfactory resolution.

Minister for Health and Children (Deputy Mary Harney): It is a great pleasure to be before this new Seanad. I am not yet familiar with the names of the many new Senators and may mix up some names and faces, but I welcome them all. I began my political career here when I was appointed in August 1977 and the Seanad met in October. I thought the first meeting day would never arrive, such was the sense of excitement, and I hope new Members felt a similar excitement. I see some former Members have returned. I will not say old Members because Senator O'Reilly would not like to be described as an old Member.

I am also pleased that there appear to be more women in the Seanad, although I have not checked the statistics. There are still too few, of course, but it appears to me that there are more women than in the previous Seanad, and that is a good thing. In any body that makes decisions a reasonable balance of women and men is necessary because women and men sometimes come to issues from a different perspective.

Health care is a major issue in every country, especially well-developed ones like this. There is no country where it is not foremost in the minds of citizens and their representatives. Many of those who sat on the Oireachtas Joint Committee on Health and Children during the term of the previous Dáil and Seanad lost their seats. This included Senator Twomey, for whom I have a high regard and who made a significant effort in that committee, Paudge Connolly, James Breen, Senator O'Malley and many others. This may convey the message that the public does not appreciate its representatives spending a long time dealing with health issues. We had many meetings, some of which lasted between six and eight hours.

I particularly welcome Senator Fitzgerald, leader of the Opposition and of the Fine Gael group in the Seanad. I have known her for a long time and we worked together during the recent general election.

What passes for a health debate here concerns deficiencies in the service and negative points when people often say that if we only had more people and more money, somehow everything would be right. We have learnt, however, in the past decade that investing more money and significantly increasing the number of people in the service without reform will not deliver the kind

of benefits people expect. Last year, the health service budget was increased by €1.2 billion, yet people talk about cutbacks.

To put the events of a few weeks ago in context, the Health Service Executive, HSE, is expected, like any other organisation, to live within the budget voted to it by the Oireachtas. Its chief executive officer, Professor Drumm, is accountable to the Oireachtas, which is unusual in State organisations. The legislation I brought through the Oireachtas provides that the chief executive officer should be the Accounting Officer because those who spend the money should be responsible and accountable to those who provide it. In time, this will be seen as a wise decision.

The decision on staffing will affect between 200 and 300 people out of a total of 120,000, but every day when I read the newspapers and listen to the radio I hear about all the patients who will be affected. To give one example, in Sligo, 30 nurses employed while permanent nurses took their holidays, as happens every year, will not be kept on when their temporary contract ends. There are 640 nurses in Sligo General Hospital. In respect of the four consultants let go, one locum was appointed to allow Dr. Healy, an orthopaedic surgeon, do his work on the Medical Council. He has since retired and a permanent orthopaedic surgeon was appointed in his place, so we are not going to keep the locum. Two locums were appointed to clear a long waiting list for ear nose and throat procedures, which they have done, so we will not continue to employ them. The last was an obstetrician-gynaecologist who retired. He was asked to stay on as a locum for a couple of months pending his replacement's start date, which he did. That is the truth about Sligo. I could repeat that example for other places throughout the country.

Those who think that this is all about money and staff need to think outside the box. Hospital managers need to manage their budgets. Senator Twomey mentioned a piece of equipment in Wexford County Hospital that is broken. I am not familiar with the details of the equipment or how much it would cost to replace it, but I wonder have people in Wexford been going to conferences, or travelling overseas to international gatherings. This is a question of priorities. Patients must come first.

We have the highest proportion of nurses to patients of any country in the world. For example, in France there are seven nurses per 1,000 patients. We have 12.2 nurses per 1,000. The EU average for the former group of 15 countries was nine per 1,000. Between now and June 2008 we are expected to take 2.9 million nursing hours out of the public health care system to meet the commitments we entered into some months ago during the nurses' dispute. The working week will be reduced from 39 to 37.5 hours on a cost neutral basis without any diminution in services to the patients. That is a challenge. If people say that the events of recent weeks will cause serious difficulties for patients, will we have the capacity, on a cost-neutral basis without any diminution in

services, to reduce the number of nursing hours by 2.9 million?

We spend 8.9% of gross national product on health care. The OECD average is the same, yet only 11% of our population is over 65 whereas the OECD average is 17%. In Germany it is 27% and in the UK 17%. We spend more *per capita* on health care than France or Britain. Based on purchasing power parity among OECD countries, we spend \$2,596 *per capita* as against \$2,500 across the OECD which comprises the world's 30 richest countries. On capital spending we are top of the class with Norway, spending 0.6% of our national income annually.

Often we do not put matters in context. I was asked what I have been doing over the past two and a half years. I have been trying to turn this massive ship around. Unfortunately, one cannot flick it around. The public health service is a large organisation and we have sought to do the right thing. Today, for example, we took four steps to improve cancer treatment. We will ensure that one will get care in the right place, at the right time from the right person, no matter where one lives. That is not the case at the moment, with the exception of paediatric cancer, in which we are top of the class in Europe.

We do badly on other cancers because of the fragmented nature of our service delivery. There are doctors performing breast surgery who are not trained breast surgeons. They are general surgeons and the outcome is poor. People often say we must maintain the service here. We cannot provide triple assessment by a pathologist, a surgeon and a radiologist in every hospital in the country. No country has the resources to do that. Today we announced that 13 hospitals must cease breast surgery immediately because it is not safe. A parent with a sick child will travel almost anywhere to have the child cured, especially of cancer. The same applies to adults. Given a choice between the local hospital or a centre of excellence where one has a better chance of being cured, hardly anyone would fail to opt for the centre of excellence.

Many of these developments did not happen in the past because local institutional, professional and vested interests stopped them happening. Patients were not put first. Senator Healy Eames mentioned the west. A health board had responsibility for that region until two years ago. Many of the shortcomings she criticised were not addressed when local autonomy was vested in a health board comprised mainly of people from the locality, those who worked in the system and those appointed to the health board. The staff-patient ratios in the west are the highest in the country. That is the sad reality. The reform agenda involves doing the right thing, working differently and not just putting more money into working the way we always did because that will not deliver results.

We would have had a consultants' contract two years ago if I had said yes but the test for this contract is that one has equal access to our publicly funded health system whether one is a privately insured patient, has one's own resources or

has neither. There should not be a situation, such as arose in Kilkenny, when a woman was told that if she had private health insurance, she could have access to diagnostics immediately, but because she had not, she would have to wait six months. These facilities are funded by the taxpayers and nobody should have preferential access to them. That has been the main difficulty in agreeing a contract of employment.

Those who criticise co-location should re-examine what happens in public hospitals, many of which are hives of private activity in which if one has private health insurance, one group of employees, namely, consultants receive fees, while neither nurses nor anyone else does so. One group of citizens, that decides who is to be admitted to hospital, receives a fee. It is a no-brainer for someone to tell me it is preferable to continue doing this, to have the National Treatment Purchase Fund deal with public patients while letting the public hospitals deal with private patients only.

Those facilities to be funded by the private sector will provide private facilities on site. This is much better than the present practice of converting publicly-funded beds to private beds. A total of 20% of all beds in our hospitals are designated as private beds for insured patients only or for those who can pay for themselves, and I do not consider this to be fair. It is reasonable to convert such beds to public beds to which all have access and to tell private providers to provide the private facility. For example, such a private facility must make services available to the public hospital at a greatly reduced rate, must share diagnostics with the public hospital if it makes sense and must pay for the diagnostics. This makes eminent sense.

While Fine Gael has always supported private investment in health, it seems to take the view it is acceptable to locate a private hospital five miles away but not five yards away. A total of 700 doctors have category two contracts, 650 of whom are in Dublin. They can work in any number of hospitals and some of them work in three or four hospitals. I want to keep them on site and working in the public hospital for the benefit of all the patients. In addition to converting private beds for public use, this is the main reason the Government supports co-location.

As for beds and their use, I refer to Professor Keane's appointment. He comes from British Columbia, Canada, having been educated in Ireland, and has a highly distinguished track record. He has informed me that British Columbia, which has a population of 4.1 million people, has ten radiotherapy beds. Ireland, which has a population of 4.4 million people, has 179 radiotherapy beds. The most expensive bed in any country is a hospital bed and one could obtain a suite in any hotel in this city for less than the price of any acute hospital bed. Clearly, people should only occupy acute hospital beds if they need them and not otherwise. Therefore, many patients will be treated on an ambulatory basis or in hostel-type accommodation. This is more cost-effective and efficient. Members must recognise that

[Deputy Mary Harney.]

Ireland must learn from best practice, whether it is from Canada, the United Kingdom, Northern Ireland or wherever. We should not close our minds to the idea of combining hostel or hotel-type accommodation with hospital treatment as some of the best cancer centres in the world do so.

The issue of regional or local hospitals was mentioned in respect of what will happen in different places. Essentially, the Hanly report pertained to ensuring the provision of consultant-delivered services nationwide. At present, if one turns up at most hospitals at this hour of the evening, one will be seen by a junior doctor. This is not good as to be seen by someone with the title of doctor does not mean one is being seen by the right person. The Government wishes to ensure when one turns up at an accident and emergency department, especially if one is a serious case, one is met on one's arrival and dealt with by a qualified person. As all Members are aware, the sooner one is seen by the right person, the better the result, particularly when one is a trauma case.

Recently, a consultant in Dublin informed me of a new blockbuster drug for strokes. Apparently, it must be administered within three hours of suffering a stroke and not all patients are suitable for it. The drug can induce a brain haemorrhage if given to the wrong patient and only a highly qualified person can administer it. If one went to the wrong hospital and spent an hour or two there, it might be too late by the time one got to the right place. I provide this as an example.

We must begin to introduce such practices in a safe way. Safety and quality must be our guiding principles when it comes to choosing where services are provided. More things will take place in smaller hospitals and more local people will be treated in many such hospitals because, at present, sometimes they go into the major centre unnecessarily. Equally, however, some cases will go to the major centre rather than the smaller hospital because the former is the more appropriate place. I ask Members to be flexible, open-minded and innovative in respect of matters such as putting patient safety first. The correct decision will be made if this is done.

As for bonuses awarded in the HSE, the principle of performance related pay has long been a hallmark of public sector pay and to the best of my knowledge, it has received great support from all parties. It was introduced many years ago and both the review group on higher pay and the benchmarking body support it strongly. Staff in the HSE have been employed on the basis of a particular contract on foot of which they receive X salary and Y bonus. I do not believe the suggestion made by some people that such practices should now be stopped suddenly constitutes good industrial relations practice. Rather, I consider it to be a cheap shot. Undoubtedly, Professor Drumm would earn a great deal more were he to work as a paediatrician in this city. He is not especially interested in money. When Dr. Halligan declined the post of chief executive

officer of the HSE, I spoke to a number of people to ascertain whether they would be interested in the post. I was amazed by the numbers who replied they earned in the region of €800,000 or €1 million. I refer to those who I believed genuinely would be in the ball park. It is not unreasonable to pay the kind of salary and bonus received by Professor Drumm if one is to be in charge of a budget that is as large as €15 billion and of staff numbering 120,000 people.

The rolling out of population screening cannot be done overnight. One cannot press a green button and state that one has provided population screening for all the groups that are to be screened. It must be done on a phased basis and I know of no country that has done it. While I welcome this debate, we must back the reform agenda. There is no other way to achieve the health service to which all Members aspire and that I believe can be achieved other than if we continue to have the courage to introduce the changes under way at present.

Senator Frances Fitzgerald: I thank the Minister for her reply and her presence. She will not find this side of the House lacking when it comes to supporting her reforms. Our problems are not with her announcement today regarding the centres of excellence but with the delay in their announcement and the fact that Professor Higgins's report stating such centres were necessary was on the then Minister for Health and Children's desk seven years ago. As a number of Government Members have acknowledged, issues arise in respect of transport, families who are obliged to travel long distances and the time-frame regarding such specialist centres.

I am pleased the first Private Members' motion in this House pertains to health because it is the key area in which Members must examine and, as the Minister stated, push reform. The Minister will agree there is no room for complacency. She could not be complacent as Minister for Health and Children while listening to the contributions made by Members from Fine Gael, Labour, Sinn Féin and all parties regarding the geographical inequities that exist throughout the State. This constitutes one of the most striking and sad features of our health service and was strikingly illustrated by Senator Healy Eames when she talked about Galway. BreastCheck is simply not available to women in Galway unless they opt for private treatment. Other colleagues spoke of the inequities in the services located in counties Donegal, Waterford and Cavan. I do not simply refer to breast cancer treatment but to treatment in general, such as, for example, radiotherapy in Waterford. The geographical inequities highlighted pose a serious challenge to the implementation of the Minister for Health and Children's reform agenda, notwithstanding Fine Gael's acceptance of the need for specialist services, about which no Member on this side of the House would disagree.

Having listened to the debate, the Minister will agree there is no room for complacency regarding the reality of the shortage of frontline personnel.

There are waiting lists for neurology which are completely unacceptable and life-threatening. I saw a letter the other day which stated that a child and adolescent psychiatry service was closing for two years. Parents can not get children assessed. All around the country the personnel are not in place. Some of my colleagues spoke about the lack of general practitioners in certain areas. Others spoke of the lack of dentistry service. I could continue, as the Minister knows.

There are serious issues. Senator Donohoe raised the question, why, with such an increase in budget and staff, are we encountering the type of problems that one would not expect from a health service in an economy such as ours? While we will not answer all of the questions that were raised here tonight, they deserve further debate in this House as the reform agenda in the health area progresses.

We tabled this motion because of our broad concerns about the health services, but also because of the recruitment freeze. Concerns were expressed by some here tonight that this freeze may continue until January. The Minister did not

address it in her spoken comments, but in her written comments she stated that there would be a review of the freeze on 1 October. We hope that it will be lifted and we look forward to hearing whether it can be. It is important that it is lifted.

The Minister was not complacent about it tonight but, while she addressed the issue in Sligo, she did not address the wide range of concerns which were expressed by patients, medical staff and nurses about the effect of the current cut-backs. If people are to get the kind of services of which we spoke tonight and which people in Ireland deserve in this century, it is essential that the freeze is lifted on 1 October. With the kind of resources available in the country, we should not see a freeze three-quarters way through the year. A number of my colleagues have questioned the introduction of the freeze so late in the year. It raises questions about management and it seems fair to raise those tonight. Those are our reasons for making the health motion our priority tonight. I commend the motion to the House.

Amendment put.

The Seanad divided: Tá, 26; Níl, 19.

Tá

Boyle, Dan.
Butler, Larry.
Callanan, Peter.
Cannon, Ciaran.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
de Búrca, Déirdre.
Ellis, John.
Feeney, Geraldine.
Hanafin, John.
Harris, Eoghan.

Kett, Tony.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ó Domhnaill, Brian.
Phelan, Kieran.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Fitzgerald, Frances.
Hannigan, Dominic.
Healy Eames, Fidelma.

Kelly, Alan.
McCarthy, Michael.
O'Reilly, Joe.
Phelan, John Paul.
Prendergast, Phil.
Regan, Eugene.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Tellers: Tá, Senators Déirdre de Búrca and Diarmuid Wilson; Níl, Senators Maurice Cummins and Phil Prendergast.

Amendment declared carried.

Adjournment Matters.

Motion, as amended, put and declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: At 10.30 a.m. tomorrow.

Food Supplements.

Senator Déirdre de Búrca: I thank the Cathaoirleach for the opportunity to table this motion which concerns the food supplements directive 2002/46/EC.

[Senator Déirdre de Búrca.]

A decision by the European Commission is imminent on the setting of maximum permitted levels of food supplements available for open sale. When I speak of food supplements, currently it is the setting of maximum permitted levels of vitamins and minerals for sale on the open market but in time the scope of this directive will extend to other food supplements, including probiotics and other such supplements. The proposed setting of maximum levels will remove higher level supplements from open sale and will mean members of the public who wish to avail of the higher level supplements will be able to do so only by means of prescription.

The Irish Association of Health Stores, which has lobbied me and other public representatives intensely on this issue, believes the rationale behind this is about facilitating the Internal Market without examining the impact on both the restriction of consumer choice and on many retailers, manufacturers and distributors, including health food shops which will be negatively impacted by the setting of maximum levels. It argues that in Ireland's case the use of food supplements has continued for the past 40 years and that there has not been one single documented incident of any adverse impact from the use of the higher levels of these supplements. The Irish Association of Health Stores has collated information on 1,000 peer reviewed studies demonstrating clear benefits from the use of food supplements. It argues that the Commission's reasoning is based on the false premise that higher levels of these nutritional supplements are a greater risk to consumers than lower levels. The association would make the opposite argument that nutrients are essential for our health and well-being, particularly given that the nutrient content of food is lower now because of the lower mineral content of soil and, as people are eating much more processed convenience food, there is a greater need than ever for these higher levels of food supplements.

The potential impact of the introduction of permitted levels will mean a serious restriction of consumer choice and any legislation we pass must balance consumer protection with consumer choice. In this instance it would appear consumer choice is being sacrificed and that there is a false sense of a risk being posed in some way by the current availability of food supplements in our health food stores and through other means, for example, nutritional therapists who recommend these higher levels of food supplements to their patients.

In New Zealand and the United States it is pointed out that much higher levels of food supplements are available to members of the public on the open market. There is concern that if these maximum permitted levels are introduced, which will allow consumers access to only low level food supplements in health food stores and so on, it will lead to consumers turning to more unregulated sources such as ordering them via the Internet and there are real concerns about the safety and quality of supplements sourced in that way.

The purpose of raising this issue is to ask the Minister of State to respond and clarify Ireland's position on this area. I understand the Minister has been lobbied intensively by alternative health practitioners and so on. They have pointed out the likely impacts of this and have asked that Ireland seek a derogation to this part of the directive, namely, the setting of maximum levels. They make the argument that while other member states have not traditionally had high levels of food supplements available to their public, in Ireland and the United Kingdom these food supplements have been available and in the past 40 years not one adverse impact has been documented.

I hope the Minister will give some consideration to the request that Ireland should seek a derogation on these maximum permitted levels, recognising the concern of those involved in alternative medicine that such a move would restrict their businesses and the rights of their consumers to avail of the food supplements, which are in the interests of promoting their overall health and well-being.

An Cathaoirleach: I welcome the Minister of State, Deputy Brendan Smith, to the House and wish him well in his new Department.

Minister of State at the Department of Health and Children (Deputy Brendan Smith): Thank you, a Chathaoirligh. I take this opportunity to congratulate you on your election to the office. Everybody in the Oireachtas will be proud of the work of Senator Pat Moylan as Cathaoirleach of the Upper House.

I thank Senator de Búrca for raising this matter on the Adjournment. I take the opportunity also to congratulate her on her nomination by the Taoiseach to Seanad Éireann. I wish her every success here in the coming five years.

The Food Supplements Directive 2002/46/EC was transposed into Irish law in November 2003. The directive established harmonised rules for the labelling of food supplements and introduced specific rules on vitamins and minerals in those products with the aim of ensuring those products are safe to use and appropriately labelled in order that consumers can make informed choices.

The directive had foreseen the setting of maximum and minimum levels of vitamins and minerals in food supplements by regulatory committee procedure. To this end, the European Commission consulted widely in 2006 and produced an orientation paper on the setting of those levels in July of this year. The first meeting of a working group of member states experts to discuss that paper was held in Brussels on Monday last.

It should be noted that the paper also sets out to address a similar provision of the Fortification Regulation (EC) No. 1925/2006 in terms of setting maximum levels of vitamins and minerals added to foods. Discussions at working party level will inform a Commission proposal for a directive which must be brought to the European Parliament and the Council by January 2009.

To date, the European Food Safety Authority, EPSA, at the Commission's request, has set upper levels for 16 nutrients using appropriate scientific data. This means a further 19 nutrients have not yet had a level set, due particularly to a lack of data based on oral intake dose-response studies. However other scientific bodies in the United Kingdom and the United States have established levels for many of those remaining nutrients. The Commission proposes to refer to these in the absence of the EPSA figures.

The Commission has proposed in the orientation paper that in the case of certain nutrients, where studies have indicated there is evidence of no or low toxicity even at high level dosage, it may be possible to waive the setting of maximum levels. The Commission considers this a proportionate approach which is in line with the principle of better regulation.

During the Commission's community-wide consultation which has informed the paper under discussion, a public consultation on this issue to inform the Irish position was facilitated by the Food Safety Authority of Ireland and took place in August and September of 2006.

The Irish position, submitted by the Department of Health and Children to the Commission, indicated that the Commission should proceed on a cautious basis, setting maximum limits for as many vitamins and minerals as possible based on scientific evidence. It was considered vital that the safety of the general population and the needs of particular subgroups such as pregnant women, children, older people and those on various specialist diets be taken into account in formulating Ireland's final position on this issue.

This precautionary position was determined by concern at the possible and, as yet, unknown risks of excessive intake of certain minerals and vitamins from all sources over a period of time. In Ireland, an increasing range of foods fortified by manufacturers through the addition of vitamins and minerals are on the market. It is also recognised that Ireland is considered to have a mature market for food supplements. In this case, the absence of scientifically based maximum levels could lead to inadvertent over-consumption of vitamins or of minerals.

The Department of Health and Children has met representatives of the Irish Association of Health Stores and the Irish Health Trade Association to listen to their views. The Department is taking account of the views of the Irish consumer and industry stakeholders and of the discussions in Europe, and these will influence the final position taken.

I compliment Senator de Búrca on raising this important issue.

Sport and Recreational Development.

Senator Joe O'Reilly: I join with you, a Chathaoirligh, in welcoming the Minister of State, Deputy Brendan Smith, to the House. As a fellow county man, I am delighted to congratulate him on his appointment to senior ministerial office and wish him continued success in that role.

I take the opportunity at the outset to welcome to the Gallery Mr. Seamus O'Reilly, county commissioner of Scouting Ireland in County Cavan, and Mr. Johnny Hancock, county programme coordinator of Scouting Ireland for Cavan-Monaghan.

With regard to the substantive issue, in 1997 Castle Saunderson was acquired by Scouting Ireland. The castle is on a 103 acre site on the Cavan-Fermanagh border. It is ideal for the proposed scouting project, which was to establish a cross-Border and national recreation centre for young people from throughout the country, North and South, which will hopefully still happen. Such a facility is lacking in the region. There is no such facility north of a line from Galway to Athlone to Dublin.

Between 1999 and 2005 Scouting Ireland pursued a number of avenues of funding for the project. Some funding was secured from outside Ireland and some came from within. In 1998 Government support was promised by the Taoiseach, Deputy Bertie Ahern, when he visited the site, which is a critical point. I urge the Minister to give practical and immediate effect to that promise.

The site secured full planning permission from Cavan County Council in 2005. Due to the difficulty for Scouting Ireland in securing matching funding and other conditions, it had to re-evaluate the project. Currently, a working group of Scouting Ireland national personnel and Cavan-Monaghan scout personnel are examining all aspects with regard to continuing this landmark youth project in an area deprived of youth facilities. This facility will not only be utilised by Irish young people but will be a cross-Border peace and reconciliation centre.

Scouting Ireland is the largest youth organisation on this island, and one that is truly non-denominational, non-sectarian, non-sexist. I am happy to say my two elder sons benefit hugely from their involvement in Scouting Ireland and I understand the son of my colleague from Cavan, Senator Diarmuid Wilson, is a member of the cubs group with Mr. Hancock. I am sure Senator Wilson would also endorse the value of Scouting Ireland.

Senator Diarmuid Wilson: That is correct.

Senator Joe O'Reilly: This project and the working group promoting it should have the full support of Government. I urge the Minister to authorise and facilitate grant aid and direct funding, whatever mechanisms must be triggered and whatever budget the project must come under. I am confident the Minister of State, Deputy Brendan Smith, will be proactive, as he is in the wider children's area, and will support the project. I urge the Government to grant the funding.

As a recent member of Cavan County Council, I am aware the council is proactively in favour of the project and will support it in a substantial way. It has obvious health implications for chil-

[Senator Joe O'Reilly.]

dren nationally and is of huge consequence for all who participate. It is also of great consequence for tourism and is a great educational opportunity for children. The project deserves direct grant aid and departmental support from the Minister's Department and other Departments that deal with peace and reconciliation funding. No stone should be left unturned in supporting the project.

We should salute the volunteerism and the wonderful work done by those who lead Scouting Ireland, some of whom are present in the Visitors Gallery, and the great efforts of the quiet volunteers throughout Ireland. We should give them the backing they require for what could be a landmark project and a major initiative for children in the Minister of State's constituency. It is a golden opportunity to give effect to a project of tremendous cross-Border significance for all of us, particularly children. I hope we can leave this House today with a commitment from the Minister of State. I would love to bring back that news to the young people of my county.

Minister of State at the Department of Education and Science (Deputy Brendan Smith): I thank Senator Joe O'Reilly for raising this important issue. I congratulate the Senator on his recent election to the Seanad and wish him many terms of success in the Upper House, particularly as I am very happy in the other House.

I am dealing with this issue on behalf of the Minister for Arts, Sport and Tourism, Deputy Seamus Brennan, who is unavoidably absent. The funding available to the Minister for Arts, Sport and Tourism is for clearly identifiable programmes relating to sport, arts, culture and tourism. Under the national lottery-funded sports capital programme operated by my Department, grants are awarded to sporting clubs and organisations and to voluntary and community groups for the development of sporting and recreational facilities. This programme is the primary means of financing the sporting infrastructure of the country and is administered on an annual basis. A total of €675 million has been allocated in sports capital grants to more than 6,700 sporting projects since 1998, which has been of enormous benefit for development of sport in this country. I know Senator O'Reilly will join with Senator Wilson and myself in recognising the important contribution the sports capital programme has made in our native county of Cavan as well as in our constituency of Cavan-Monaghan.

I must stress that the focus of the programme is the development of sports facilities. The Castle Saunderson project is the proposed establishment of a permanent national scouting jamboree site and it has a very small sporting element, being primarily a youth facility. An application on behalf of the project was submitted under the 2002 sports capital programme but was unsuccessful because of the very minor sporting element in a project which at the time was costed at more than €8 million. The former Minister for Arts, Sport and Tourism, Deputy James McDaid, met with Scouting Ireland, the promoters of this

ambitious project, and explained that the project was not one that was suitable for consideration for funding under the programme. In addition, Scouting Ireland has not submitted a subsequent application for the project to the programme since 2002. Therefore, the current Minister, Deputy Seamus Brennan, must regretfully inform the Senator that the position has not changed and he is unable to offer any assistance towards the project as it falls outside the nature of projects for which funding is provided by the Department of Arts, Sport and Tourism.

With regard to cross-Border funding, in February 2006 the then Minister for Arts, Sport and Tourism, Deputy John O'Donoghue, contacted the Minister for Finance regarding possible sources of funding for the project from the Department of Finance. The Minister for Finance advised that the project may be able to apply for funding under the EU-funded PEACE II cross-Border programme. The Minister for Finance further advised that another programme, PEACE III, will cover the 2007 to 2013 programming period. In the course of a Dáil Adjournment debate on 28th February 2006, the Castle Saunderson project was advised to contact the Special EU Programmes Body in Belfast for further information on the PEACE programmes. That body has informed the Minister for Arts, Sport and Tourism that no application has been made by the Castle Saunderson project. The Senator will appreciate that the Department of Arts, Sport and Tourism has no role in the development of the Castle Saunderson project and it would not be appropriate for the Minister to make an application to the above programme on its behalf. It obviously would be for the project promoters to submit an application.

I understand from the Department of Education and Science, which has responsibility for youth affairs, that the project promoters made contact with that Department in mid-February 2006, when correspondence was received via the Department of the Taoiseach. However, the Department of Education and Science also informed me that no funds are available in that Department for funding of capital works of this level. The project was advised of this via the Dáil Adjournment debate last year.

Furthermore, the Department of Education and Science has recently confirmed that it received a memorandum in late February 2006 which indicated that the board of directors of the Castle Saunderson project had drafted a resolution that the project would discontinue on the basis that it was unable to secure the necessary matching funding in the given timeframe. The resolution also suggested that the estate would be sold in order to discharge all remaining debts and to refund donations. This resolution was passed by the national management committee of Scouting Ireland. It would appear, therefore, on the basis of this information that the issue referred to by the Senator is no longer current.

I understand from my contacts that the Scouting Ireland movement may have made a more recent decision to reactivate the project. Over the

years Senator Wilson and myself, with my colleague, Deputy Rory O'Hanlon, have met various people interested in advancing the project, which has obvious merit. The suggestion made by the Department of Arts, Sport and Tourism, through the then Minister, Deputy John O'Donoghue, that the matter be pursued with the Special EU Programmes Body is obviously the correct approach. As these programmes have not yet been finalised, the matter should be pursued with the body if Scouting Ireland is reactivating the proposal.

I thank the Senator for raising this issue, with which I have been familiar over the years, as is our colleague, Senator Diarmuid Wilson.

Human Rights Issues.

Senator Ivana Bacik: I thank the Cathaoirleach for the opportunity to raise on the Adjournment this important international human rights case and the Minister of State for agreeing to take it.

I raise the matter of the detention of Ms Ingrid Betancourt, a Columbian politician, former member of the Columbian Senate and peace and anti-corruption activist, who grew up in France, holds French citizenship and was a founder member of the Columbian Green Oxygen Party. In February 2002, campaigning as a candidate for the Columbian Presidency, she travelled to the demilitarised zone with several colleagues to hold talks with FARC guerillas in an attempt to bring an end to the chaos and bloodshed which have traumatised and blighted modern-day Columbia. Unfortunately, on 23 February 2002, she and her colleagues were kidnapped by FARC and she has remained in detention ever since, a period of 2,040 days, or more than five years.

It is right and appropriate that the House express its deep concern about the illegal kidnap and detention of our fellow democrat. By highlighting her case, however, I do not in any way minimise or relegate the trauma and pain felt by the families of thousands of other hostages who have been detained in Columbia. According to some estimates the loved ones of approximately 3,000 families have been illegally detained. In some cases, they have disappeared. While Ms Betancourt is perhaps the most high profile case, her release would in all likelihood pave the way for the release of others.

Irrespective of where they are in the world, democratic institutions cannot be silent about the gross betrayal of the human rights of fellow democrats in other countries. We, in this House, and our colleagues in the Other House, are privileged to hold our seats because we have the freedom to speak out, campaign publicly, express our political views and principles and put arguments before our constituents. Ms Betancourt believed in these same freedoms and did her best to put her arguments to the electorate. Others took a different view, however, and resorted to violence and intimidation in an attempt to silence her. She has paid a high price for her belief in democracy, as have her family and friends who have campaigned tirelessly on her behalf. I have taken a

particular interest in this case since hearing a very poignant interview with her daughter, Melanie, on BBC Radio Four recently. Ms Betancourt is a mother whose children were only teenagers when she was kidnapped.

The reason I raise this case is that significant recent developments could result in the release of Ms Betancourt, along with many other hostages held captive by FARC. These developments have arisen because the Venezuelan President, Hugo Chavez, following a recent meeting with Columbian President, Mr. Alvaro Uribe, signalled his intention to hold talks with FARC on the release of hostages. This move by President Chavez has been welcomed by the French Government, which has taken a strong interest in Ms Betancourt's case on account of her French citizenship. Unfortunately, the proposed talks have not yet taken place due to the Columbian Government's resistance to allowing them to take place within the borders of Columbia. Given that this initiative could constitute a significant development in the case, it is vital that the Government and other European Union Governments put pressure on the potential parties to the talks to try to resolve the current impasse.

It seems clear that a solution to the issue and the release of Ms Betancourt could be secured if this opportunity were seized. It would be a tragedy if it were allowed to slip by. A clear signal from the Government, however we communicate it to the relevant parties, that Ireland and our partners in the European Union support recent diplomatic developments might well result in progress and could see talks aimed at securing the release of Ms Betancourt and other hostages take place without delay.

Ms Betancourt is a political campaigner and passionate advocate for social justice and human and environmental rights. What is more, she is a fellow democrat and we should stand shoulder to shoulder with democratic colleagues throughout the world whose rights have been trodden upon by autocratic regimes or organisations.

I urge the Minister for Foreign Affairs to use all the diplomatic avenues available to him to impress upon those who would be party to the proposed talks to seize this opportunity to secure the release of this brave and courageous woman.

Deputy Brendan Smith: I thank Senator Bacik for raising this important issue and congratulate her on her election to the Seanad. I wish her every success in the Upper House.

For many years Colombia has been torn by violent civil strife. Those involved, in addition to the Columbian Government, include two left-wing groups, FARC and ELN, and the right-wing AUC. The involvement of these groups in the cocaine trade, of which Colombia is by far the largest source worldwide, has contributed to the persistence and extent of the conflict.

The internal conflict in Colombia has resulted in tens of thousands of deaths and has been characterised by kidnappings and other gross violations of human rights. As a direct result of the conflict more than 3 million people have been

[Deputy Brendan Smith.]

displaced internally, approaching levels seen only in Sudan. In Colombia the use of kidnapping for political purposes is widespread. Hundreds of kidnapped individuals are being held for the purpose of securing the release of guerrillas captured by the Government. Among the many kidnap victims is Ingrid Betancourt, a Colombian-French national, who was a candidate for the Presidency of Colombia in 2002 when she was kidnapped by FARC. Many other Colombian politicians have been kidnapped. In June of this year, 11 deputies who had been held hostage by FARC for a number of years were executed.

In 2005, when the then Minister of State, Deputy Noel Treacy, met with Mr. Juan Carlos Lecompte, the husband of Ms Betancourt, he outlined the Government's position that all hostages, including Ms Betancourt, should be released immediately and unconditionally. I reiterate that this remains the Government's clear and strong position.

The Department of Foreign Affairs monitors the situation in Colombia through our embassy in Mexico city, which is accredited to Colombia, as well as in co-operation with our European Union partners with resident diplomatic missions in that country. Ireland is fully supportive of efforts to bring a peaceful resolution to the conflict in Colombia. In this regard, I welcome the convening of the Third International Conference on Colombia, which will be held in Bogota in November 2007 and in which Ireland will participate. We also have been supportive of the extension of the mandate of the Office of the High Commissioner for Human Rights in Bogota, which was agreed with the Government of Colombia earlier this month.

The Government of France, arising out of the dual nationality of Ms Betancourt, has taken a number of initiatives bilaterally to secure her release. Earlier this week President Sarkozy reiterated the importance France attaches to securing Ms Betancourt's freedom. As Senator Bacik noted, President Chavez of Venezuela has also offered his good offices to progress the release of Ms Betancourt and other political prisoners. FARC has shown some openness to the Venezuelan initiative and a meeting with senior FARC representatives in Caracas has been scheduled for October.

The Colombian Government has recently appointed a Senator to liaise with all concerned, including the families of the victims, in order to expedite their release, having in June released 150 FARC prisoners as a goodwill gesture. In 2005, the Government of Colombia enacted the Justice and Peace Law which provided an overall legal framework for demobilisation, disarmament and re-integration of illegal armed groups into

society. In November 2005, the General Affairs and External Relations Council of the European Union concluded that if implemented effectively and in a transparent manner, the law would have a positive effect on peace-building in Colombia.

The Council considered that the Justice and Peace Law, which was adopted through a lengthy democratic political process, struck a difficult balance between peace and justice. Ministers recognised and shared many of the concerns expressed by, among others, the United Nations High Commissioner for Human Rights, that the law did not take into sufficient account the principles of truth, justice and reparation in accordance with internationally agreed standards. In the meantime, however, on foot of a judgment by the Supreme Court of Colombia last year, the law has been adapted to take account of many of these concerns.

Ireland is contributing €390,000 to the Organisation of American States for monitoring the demobilisation, disarmament and reintegration of those guerrillas who have accepted to lay down arms under the terms of the justice and peace law. We are also funding the Inter-American Commission on Human Rights at a similar level to monitor the human rights aspects of the process.

Following the enactment of the justice and peace law, the right wing AUC agreed to lay down arms and, with the surrender of almost 40,000 guerrillas to the authorities, the demobilisation process in respect of that guerrilla group is complete. One of the left wing groups, the ELN, has been negotiating with the Colombian Government since last year. However, the largest left wing group, FARC, by which Ms Betancourt is held, has refused to enter into direct negotiations with the Colombian Government on any subject, including the release of hostages.

Whereas the lack of engagement between FARC and the Colombian Government on any issue is a matter of concern to us all, the steps that have been taken by the latter and one of the guerrilla groupings, the AUC —soon to be followed it is hoped by the ELN —indicates that progress is being made, albeit slowly, to move towards resolving this long-standing civil strife in Colombia.

The Government calls on FARC to release Ms Betancourt and all other hostages without delay and for all parties to the conflict in Colombia to engage in negotiations with the aim of bringing about an end to this internal conflict. We hope the recent initiatives I have mentioned will advance the prospects for the release of the hostages.

I thank Senator Bacik for raising this important issue.

The Seanad adjourned at 8.20 p.m. until 10.30 a.m. on Thursday, 27 September 2007.