



# SEANAD ÉIREANN

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*Déardaoin, 17 Aibreán 2008.*  
*Thursday, 17 April 2008.*

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Chuaigh an Cathaoirleach i gceannas ar 10:30 a.m.

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*Paidir.*  
*Prayer.*

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## **Business of Seanad.**

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

The need for the Minister for Enterprise, Trade and Employment to request the appropriate State agencies to take all steps necessary to ensure Iralco Limited, Collinstown, County Westmeath, remains in production on terms satisfactory to the management, unions and employees.

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

The need for the Minister for Education and Science to outline the progress made in acquiring a site for Scoil na Camóige, Clondalkin, Dublin 22; the plans for the development of a new gaeilscoileanna site in Clondalkin; if funding has been granted; the way in which the project will be developed; and the timeframe for the three schools involved.

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

The need for the Minister for Education and Science to set out a start date for building to commence at Athlone community college given that a design template was drawn up and money allocated to the building of a new school two years ago.

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

## **Order of Business.**

**Senator Donie Cassidy:** The Order of Business is No. 1, Criminal Justice (Mutual Assistance) Bill 2005 [*Seanad Bill amended by the Dáil*]- Report Stage and Final Stages, to be taken at the conclusion of the Order of Business.

**Senator Liam Twomey:** I extend my condolences to the family of Dr. Hillery because he was a man I always admired. I congratulate Senator Cannon on his elevation to leadership of his political party in the early hours of this morning.

For the past two days I have been in Brussels. As Fine Gael is part of the largest group of political parties in Europe, we meet other political parties across Europe with whom we are closely aligned in the European Parliament on a regular basis. There is confidence in Europe

[Senator Liam Twomey.]

that somehow the Lisbon treaty will find its way through. We are in great danger on this island of losing the Lisbon treaty because of our complacency. The Government has been incredibly complacent about it. The comments made about the World Trade Organisation should be taken seriously and Mr. Mandelson could be a threat to the treaty being passed because we are not responding to concerns raised by the IFA. The Taoiseach has stated he will raise the issue of taxation with President Barroso this afternoon. All this is unnecessary and gives the impression we are not in control of events.

In Brussels I discovered that we are part of a larger family of 27 countries and that many of the smaller countries have the same position and the same concerns as Ireland. They feel the same way on many of the issues raised in this country, such as taxation and the European army. They are far more in tune with our position and we should contact these countries to encourage them to state publicly what they say in private — that they support us. It would be much more appropriate for Ministers to make known in Ireland the support of these countries. That is how we will get the Lisbon treaty passed.

There is an idea that the EU is what Germany, France and the United Kingdom thinks. It is far from that. Most of the European treaties up to this point have been about economic issues and have never damaged Ireland's economy up to this point. The Lisbon treaty has a major economic workload in it. It will not damage Ireland's economy. We should make this clear to the Irish people.

The Government has been too complacent about this. The Charter of Fundamental Rights is a major part of the treaty. When we see parties that claim to have a left-wing leaning opposing the treaty that consolidates the civil and human rights of people across Europe, one must ask if they are poorly informed or trying to mislead the people. This will consolidate the human rights of EU citizens. I feel more secure that Europe would defend my civil rights rather than some of the Governments we have had in this country in the past. We have seen Europe being a greater defender of the civil rights of Irish people than the Irish Government. We should get that message out to the people of Ireland.

There are concerns about the economy. We sought a debate and to meet the Minister in the House on a bi-annual basis to discuss what is happening. Can the Leader provide an update on this possibility? I do not refer to the Minister for Finance appearing during a debate on the Finance Bill. The Minister should attend separate debates in the House on events in the economy. Whether the issue is one of pensions, inflation or competitiveness, we are beginning to falter in a way that has not been seen in 15 years. We must discuss this matter clearly.

**Senator Joe O'Toole:** In the past year, we have had a number of debates on the question of civil partnerships, in respect of which there have been some extraordinary developments. Yesterday held an embarrassing moment when the Judiciary was required to fill the gaps in legislation left by the seemingly indolent politicians. Yesterday's decision of the High Court, which I welcome, should not have been necessary. Rather, there should have been clear laws about civil partnership irrespective of whether people liked it. We have a responsibility to deal with the issue. There is no better benchmark of our ineffectiveness than to find that the Judiciary must make decisions on issues from which we run away.

One year ago, the House received the commitment that it would be given the heads of a Bill on this matter by 30 March 2008, but there has been none. My colleagues in the Green Party indicated a date of 30 March. This is a live issue. A woman from the Cathaoirleach's Dáil constituency discussed the heartache, difficulties and pressures she and her family have been caused due to those in civil partnerships having no rights. For years, my colleague, Senator Norris, has pushed this issue time and again. It is disgraceful we are leaving a vacuum in

legislation and that people must go to court to get mediation, decisions and authority. Yesterday's landmark decision was welcome but should not have been required. We should have addressed the matter in legislation. It is sad that the promises given to my colleague, Senator Norris, have been welshed on by the Government.

I offer the congratulations of the Independent Senators to Senator Cannon on his election as leader of the Progressive Democrats.

**Senator Dominic Hannigan:** I echo the sentiments of previous speakers on yesterday's funeral of former President, Dr. Patrick Hillery. I was privileged to attend it. From the day's events and as seen throughout the country, it was clear Dr. Hillery was held in great affection by us all. It is always a sad day for Ireland when we must bury one of our great Irish men.

Like previous speakers, I congratulate Senator Cannon on his election to the leadership of the Progressive Democrats. It is a significant challenge for him and the Labour Party wishes him well on a personal level. I would like to express my condolences to Senator O'Malley on her disappointment. Knowing her, she will bounce back quickly. If she wants to bounce her way across to these benches, we will be happy to take her.

We echo Senator O'Toole's comments on civil partnerships. There has been a delay. While we were promised the heads of a Bill by the end of March, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, has not delivered them. We need to see something in the House quickly.

I want to raise the subject of the OECD's report on the economy. The thrust of the report is that we must improve and control our wages and prices if we are to remain competitive on the international stage. I draw attention to two specific areas where work is needed. First, there is a low employment rate among lone parents which affects their children consequently. Additional programmes and resources must be invested in supporting lone parents and encouraging their return to the workplace. Second, we are falling behind in investment in education. The report states we must spend more to ensure people who fall through the net in school are supported. We must ensure adequate funding is in place for programmes such as Youthreach and to allow for their expansion throughout the country. The report draws attention to the fact our classrooms must be upgraded. Many children go to school in portakabins. In the morning, they leave their First World homes for Third World classrooms. If we are serious about maintaining our economic competitiveness, we must invest in education. Will the Leader arrange a debate on how education investment can help to improve our competitiveness?

I draw attention to the unfolding crisis in the world's food security. The past week has witnessed riots in Haiti leading to the resignation of its prime minister. The price of bread and cereals has increased by 50% to 60%. The president of the World Bank stated that up to 100 million people are in danger of poverty as a result of the increases in food prices. Yesterday, Mr. John O'Shea of GOAL called for rich countries to donate more money to buy food supplies across the world and to make them available to Third World countries suffering owing to food prices. The United Nations has called for rich countries to contribute €300 million towards the unfolding crisis. Will the Leader ask the relevant Ministers to ensure we are at the forefront of efforts to help the Third World? We know the horrors of famine and must be at the forefront of providing aid and relief.

**Senator Dan Boyle:** I join in the congratulations of other party leaders and Senators on the success of Senator Cannon on becoming the leader of the Progressive Democrats. I add my commiseration to our other colleague, Senator O'Malley. It is the first time a political party has been led by someone in Seanad Éireann. There was such an occasion in the Seanad of the Irish Free State when a short-lived party, a breakaway from Cumann na nGaedhael called

[Senator Dan Boyle.]

Clann Éireann, existed. However, it was not particularly electorally successful. If the inheritors of Cumann na nGaedhael want to form splinter groups, they are welcome to do so in the Chamber.

**Senator Paudie Coffey:** The Senator should mind his business and we will mind ours.

**An Cathaoirleach:** Senators should not canvass.

**Senator Maurice Cummins:** The Green Party has enough to deal with.

**Senator Paudie Coffey:** I am sick of the Senator lecturing us.

**Senator Liam Twomey:** We see Senator Boyle's party as a splinter group.

**Senator Dan Boyle:** I might be of assistance in terms of inquiries into a civil partnership Bill. The heads of the Bill exist. There was an accurate press report in *The Irish Times* as to what the heads might contain. As a Member of the House, that is not a satisfactory way to communicate anything. It is my understanding that one aspect of the Bill is under Cabinet consideration. Once that discussion has concluded, the heads will be made available immediately. We all look forward to an opportunity to discuss the contents of the published Bill.

**Senator Ivana Bacik:** When will that be?

**Senator Dan Boyle:** As far as I understand, the timetable is still on course for September.

On the Lisbon treaty, the President of the European Parliament made a fine address to the House in recent weeks. It has been suggested on the Order of Business that the best way for the House to approach the subject would be to hold a series of debates on different aspects of the treaty, such as the social charter and the questions of what protections exist under the new structures in terms of taxation, etc. and whether Irish neutrality would be threatened in the future European Union. Were we to have a number of individual debates, it would help the public debate that must occur in advance of the referendum. Will the Leader consider this matter?

**Senator Paschal Donohoe:** I support the calls made by my colleague, Senator Twomey, for a debate on the state of our economy, especially its manufacturing elements. In the past week, a number of events have highlighted the precarious position in which the country could find itself. For example, we are aware of the manufacturing job losses that could occur in the midlands, a matter a number of my colleagues will raise later. This week, some of our largest employers, the American banks in particular, have announced further unprecedented losses in their financial performances this year. They have indicated that as a result, they will need to take measures such as international job cuts and so on. One can only hope such measures will not affect Ireland or the employees of such banks here.

I raise this point because the issues faced by Ireland regarding the aforementioned difficulties and the state of its housing market also are being faced in other countries across the world. In particular, these issues are being faced by the Spanish Government and economy. Within the past week, the newly re-elected leader of the Spanish Government, together with his finance Minister, have stated publically that they recognise the scale of the issue facing that country. The Spanish Government has announced new measures outlining its intentions in respect of re-stimulating the economy, the housing market and so on. It is taking two steps that are not happening in Ireland. The Spanish have recognised the scale of the problem and seek to do something about it.

In the absence of such a framework, other companies and groups are trying to take the lead in deciding what should be done. In that light, I ask the Leader to clarify for Members the position regarding the credit note that Waterford Wedgwood plc seeks from the Government to finance its operations, both in Ireland and globally. I do not know enough about the discussions that are taking place in this regard to be able to comment. However, it merits discussion in this House because were this request to be granted, it would constitute a significant change in how such issues are responded to in Ireland. I ask the Leader whether the Government is considering similar measures for other companies throughout the country that are faced with similar difficulties, including those located in my constituency, as well as that of Senator McFadden and the Leader himself.

**Senator Camillus Glynn:** I wish to re-echo the comments made by other Members regarding the State funeral of the late President Patrick Hillery. He was everything that decency means. He was a constitutional republican in the truest sense and, in his own quiet way, brought a great deal of panache to the Presidency. The people of County Clare had a great champion in the late President Hillery and I was pleased to attend his funeral and to participate in the final tribute to him.

I also wish to be identified and associated with the congratulations extended to Senator Ciaran Cannon on his elevation to the leadership of the Progressive Democrats and to commiserate with Senator O'Malley. As one cannot have winners without losers, the role of a loser is highly pertinent to the creation of the role of a winner.

I have raised in this House a number of times the illegal practices taking place on lakes, canals and some rivers. My statements in this regard were confirmed by a headline in last week's edition of the *Westmeath Topic*. It stated that a member of the public who tried to report that four or five people had taken a number of fish illegally from a particular waterway was physically threatened and attempts were made to throw him into the river. Such activities, which have been ongoing, must stop. Those who have been Members of this House for a number of years will recall that I have raised this matter several times and I now ask for action to be taken. The point of talking has long passed. We have talked the talk and now should walk the walk. I ask the Leader to facilitate a debate on this matter with the appropriate Minister, who I understand to be the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan. Definite proposals should be put forward to eliminate this practice.

**Senator Shane Ross:** I also wish to be associated with the tributes to former President Hillery. I regret that I was unable to attend the funeral yesterday. However, it is appropriate that everyone should pay tribute to this man who was, in his quiet way, as great a President as we have had.

I also wish to ask the Leader of the House to facilitate a full debate on financial regulation. While it sounds like a boring topic, it is highly important. At present financial regulation in Ireland is in a state of chaos and the high profile cases about which many people will have read in recent weeks show an inconsistency that is alarming. The House will be aware there was much rumpus about dealings in certain stocks and that the Financial Regulator came in rather late, supposedly to investigate those dealings.

However, there does not appear to be any consistency in what is happening. A couple of weeks ago, *The Irish Times* was fined, as was *Phoenix* magazine a little earlier. While I will not go into the details, they were fined €10,000 and €5,000, respectively, by the Financial Regulator for what appeared to be reasonably small offences. However, while the aforementioned offences were being punished with a great deal of fanfare and publicity, which was orchestrated

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by the Financial Regulator, another case in Dublin was finalised last Monday. I refer to the *DCC v. Fyffes* case, about which no one has done anything to attempt to remedy what happened.

This was an extremely serious case and was much more serious than what happened in respect of *The Irish Times* and *Phoenix* magazine. I now am free to talk about the case because it no longer is before the courts. There was a finding of insider dealing by the Supreme Court and none of the institutions that are meant to regulate the goings on at the Stock Exchange and in financial dealings did anything or have done anything thus far. I refer specifically to institutions such as the Irish Association of Investment Managers or IBEC, which as far as I am aware, has said nothing about it. The Stock Exchange and the Financial Regulator itself have allowed a situation — Senator Quinn referred to this some time ago — to develop whereby Ireland's regulation is a laughing stock.

In no other financial centre in the world would one of the largest companies in the State be able to make money out of what the Supreme Court has found to be insider dealing without anything happening. The whole matter simply went away. The insiders have eyeballed the regulator and the regulators have blinked because they themselves are insiders. Many of them, while not collaborating, are fearful of taking on people who are committing what at the least are torts.

It is imperative that the Leader of the House should allow Members to air these issues and to ask what is going on. This would not happen in the United States and I doubt whether it would happen in the United Kingdom. I can think of no other financial centre in which the sort of shenanigans that went on in the *DCC v. Fyffes* case would be allowed to continue. I ask the Leader to facilitate a debate on this issue.

**Senators:** Hear, hear.

**Senator Mary M. White:** I wish to extend my condolences to the family of President Hillery. At a recent conference that I organised on suicide, the son of President Hillery, Dr. John Hillery, kindly spoke on both the Friday evening and on the Saturday. He gave of his time and energy to help those who are in distress over suicide.

A Thaoisigh, this morning — or, a Chathaoirligh——

**Senator Paul Coghlan:** The Cathaoirleach is close.

**Senator Mary M. White:** It was a compliment.

**Senator Paul Coghlan:** He is getting closer.

**An Cathaoirleach:** Order.

**Senator Mary M. White:** Members should ask the Minister for Health and Children, Deputy Mary Harney, to come before the House to speak on the reorganisation of the Health Service Executive. The work in which I am involved at present on suicide prevention in the new Ireland has enabled me to learn a vast amount about the HSE organisation. I have concerns about the HSE, which is the largest institutional employer in Ireland. It employs 100,000 people and has a budget of €14 billion. At present 11 positions are designated for the suicide prevention officers who are critical to suicide prevention efforts and families recovering from suicide. Four out of these 11 positions are unfilled. I want to know why the HSE's national director of population health, Dr. Patrick Doorley, cannot get four people out of 100,000 to fill those positions. It is time we stood up to be counted on this.

**Senator Maurice Cummins:** Who is in Government?

**Senator Mary M. White:** I will put my cards on the table by acknowledging the great regard I have for Professor Drumm and the Minister for Health and Children, Deputy Harney, but I want to know the position of the board of the HSE on the re-organisation of health services. If this was a normal company, the board would be held to account for what has happened. I want to learn from the Minister why the HSE is re-prioritising its €14 billion budget and whether that money is efficiently utilised every year.

This morning Deputy O'Connor organised a meeting in Tallaght to seek the €50,000 promised to help Travellers in the area who experience suicide problems. Two years ago in this House, the former Minister of State at the Department of Health and Children, Tim O'Malley, spoke about suicide and, at a meeting in Tallaght, he promised this €50,000 to the Travellers' group. The bottom line for the HSE is efficiency, which will require re-prioritising the work being done on a day-to-day basis and reallocating employees to priority areas.

**Senator Maurice Cummins:** Who established the HSE?

**Senator Mary M. White:** Suicide prevention should be a high priority area in the context of the HSE's budget of €14 billion. The National Office for Suicide Prevention received no increase on the €3.5 million budget it was allocated last year. I want the HSE to re-prioritise its €14 billion budget to address the epidemic of suicide in this country. The money should be used more efficiently.

I spoke about the living conditions of Travellers on many occasions over the years. I am sure nobody in this Chamber can imagine what it must be like to be in the shoes of a Traveller who leads a dysfunctional life and feels suicidal.

**An Cathaoirleach:** I would prefer Members not to mention in their contributions people outside the House who are not here to defend themselves. Senators should be aware of that when they speak.

**Senator Paul Coghlan:** I wish to be associated with the condolences expressed by Senator Twomey and others to the family of our late great President, Dr. Paddy Hilary. Everything that has been said about him is fitting and true. I also join other Senators in congratulating Senator Cannon and commiserating Senator O'Malley.

Senator Ross addressed an important issue in his contribution. The Supreme Court reached a unanimous decision which laid down the law on insider trading and the retention of price sensitive information. It would appear that the concept of corporate governance and the strictures of company law have been given the two fingers by certain leading players in Ireland's corporate life. The Director of Corporate Enforcement has referred to these matters and the fitness of individuals to hold corporate office but nobody has accepted responsibility or was fired by his or her board. I am not even aware of anybody who has been censured. The Irish Financial Services Regulatory Authority and the Stock Exchange should have something more precise to say on this subject. If standards and accountability are to mean anything, I strongly support the call made by Senator Ross for a debate in this House and I ask the Leader to arrange for the Minister of State at the Department of Enterprise, Trade and Employment with responsibility for trade and commerce, Deputy McGuinness, to set out the Government's view of the matter. It is not good enough that the courts have to lead given that we are supposed to be legislators. The lack of regulation has made a farce of this area.

11 o'clock

**Senator John Hanafin:** I commend the leader on arranging at such short notice the attendance in the House of the Minister for Agriculture, Fisheries and Food and ask that our meeting with her be re-arranged. In light of the developing situation in the World Trade Organisation negotiations and the possibility of a reduction in food production in Europe at a time when we need to substantially increase production in the short term to alleviate world conditions, it is timely that we put our case to the Minister.

I ask that the Minister for Communications, Energy and Natural Resources request the European Council of Ministers to consider the west coast as a location for green energy. There is ample space there to produce alternative supplies to our exclusive dependence on imports into the EU. These supplies would be a back-up but EU input would be essential.

**Senator Nicky McFadden:** I wish to speak about the serious issue that has arisen this week in north County Westmeath, namely, the loss of 420 jobs in Iralco. This long established company has operated in the area since the early 1960s with a highly skilled workforce producing quality products. It was anticipated by workers and management that they would work in tandem with its sister company in the Ukraine but, due to increasing inflation and the cost of running a business in this country, the entire company will be transferred to that country. However, I do not think all is lost. A meeting will be held today with the liquidator and management of the company, so there is still time. If it is possible to honour the orders that have been placed, the company could be sold as a going concern.

I am not political and I am aware how upsetting this matter must be for Senator Cassidy, who hails from the area. However, I lay the blame firmly at the feet of the Government for its mismanagement of economic growth and the wonderful Celtic tiger. County Westmeath has not received a single new manufacturing job. The chamber of commerce has stated that the business park in Mullingar has been waiting two years for the opening of its two units. Last month, 95 jobs were lost in Athlone on the same day that the Minister for Enterprise, Trade and Employment, Deputy Martin, was on a trade mission to America.

I know the Leader will not be found wanting if there is any way he can influence the matter. It would make considerable sense for the liquidator to attempt to sell the company as a going concern. I repudiate the comments made by the Minister, Deputy Martin, in the interview. It is reported that he said there were difficulties between management and employees. This is not the reason for the problems, which are a result of rising costs, including energy costs. It was hoped the company would be able to work in tandem with the Ukraine, not that it would go out of business. I ask the Leader to consider this and I look forward to hearing his Adjournment matter.

**Senator Jim Walsh:** Along with other Members, I add my voice to the tributes to our late President, Dr. Paddy Hillery. He was a fine gentleman who did tremendous service for this country. He was a most unassuming and modest man and an example for everybody in public life.

I refer to the remarks by Senators Ross and Coghlan with regard to the *Fyffes v. DCC* case. In the past Fyffes was a very good customer of a company in which I had a shareholding. That is no longer the case, but I followed the court case with some interest and the remarks made in the House fail to recognise that the High Court found in favour of the defendants in that case. When the Supreme Court found against the defendant, it stated in its judgment that the defendant was unaware he had price sensitive information. That is the declaration of the Supreme Court.

**Senator Paul Coghlan:** The Supreme Court was unanimous.

**Senator Jim Walsh:** I am aware that there are more expert legal people in the Opposition than there is on the Bench.

**An Cathaoirleach:** We can discuss this if the Leader agrees to hold a debate on it.

**Senator Mary M. White:** It could happen in any country.

**Senator Jim Walsh:** We need to be very careful when we deal with specifics. I am not opposed to a debate on financial regulation generally. However, it is not appropriate for this House to be second guessing what the courts have decided in a specific case involving individuals which has gone through the legal process.

**Senator Paul Coghlan:** We are not.

**Senator Shane Ross:** We have accepted the findings of the courts.

**Senator Jim Walsh:** The financial regulator made known his views to the court in advance of its decision. The matter has been disposed of and it is not appropriate for the House to discuss the specific case.

**Senator Paul Coghlan:** The Director of Corporate Enforcement has said——

**Senator Jim Walsh:** It is in order to discuss the general issue but not a specific case that has been dealt with by the courts.

I concur with the request made by Senator Twomey and others with regard to seeking a debate on the economy. Undoubtedly there are global and domestic issues which this House could address, hopefully in a constructive way. We have very fortunately attained a standard of living and a wealth base which was undreamed of in the past, which will stay with us. However, it is important it is preserved and spread among others who have failed to keep up with the developments in the economy. Periodic debates on the economy are always helpful and I support the call for such a debate.

**Senator David Norris:** I thank my colleague Senator O'Toole for raising the custody case. It is extremely important and it is a reproach to this House. We had the relevant Bill, prepared by myself and Senator Bacik, on the Order Paper for four years. It went into every committee. The Government raised questions and some of these questions have been now answered by the learned judge, Mr. Justice Hedigan, who stated — it is important to put this on record — that there was nothing in Irish law to suggest that a family of two women and an child “has any lesser right to be recognised as a *de facto* family than a family composed of a man and woman unmarried to each other”. The judge stressed the absence of any provisions securing the rights of this *de facto* family under article 8 securing the rights——

**An Cathaoirleach:** I do not want people reading the newspapers on the Order of Business.

**Senator David Norris:** I insist on doing so and I will say why. Several people read speeches from beginning to end prepared by Government advisers and I want to accurately put on the record the reproach of this distinguished judge to this House for not doing what it should have done. I want to get it right and I do not mean any disrespect; I am being accurate. The judge stated that it is something that calls for urgent consideration by the legislators. That is what I want to put on the record and this addresses directly one of the matters referred to by Senator Boyle as being a subject of contention within the Cabinet, namely, the right to adopt and the rights of children within these families. In the Zappone case in the High Court evidence was given by Professor Patricia Casey which used Swedish research. It is extremely important to

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put on the record that the authors of that Swedish research have written to the newspaper stating this was an inappropriate use of this research and that the conclusions drawn by Professor Casey and given as evidence in the court were inaccurate. I hope this will be taken into consideration when this important matter is considered. Can I raise——

**An Cathaoirleach:** On that point, will the Senator give the source newspaper from which he is quoting?

**Senator David Norris:** I beg your pardon, *The Irish Times*. The newspaper of record and the only newspaper that records the doings of this House.

**An Cathaoirleach:** Enough said about that now.

**Senator David Norris:** I welcome the fact that the Department of Foreign Affairs has issued a statement supporting Mr. Michael Semple a distinguished diplomat who has recently had some turbulence in his career and who is accused by certain media sources here of being a spook and a spy, quoting low grade British newspapers in so doing. I hope the statement of support contains information stating that he most definitely was not a spy. The only difficulty is — this is something that is apparently quite foreign to the American authorities — he had an acquaintance with the local languages, Pashto and the other Afghani dialects. I welcome this statement.

I strongly support my colleague Senator Ross. I have listened to him with interest over many years. I am not gifted in the area of economy but I do recall him talking of insider trading. Unlike Senator Walsh, I think it is 100% appropriate that we support the decision of the court because that is what was being done. We have a decision; this was insider trading. There was an excellent article by Mr. Vincent Browne in *The Irish Times* yesterday which describes it appropriately as theft.

**An Cathaoirleach:** Will the Senator please speak through the Chair and to the Leader?

**Senator David Norris:** Through the Chair to the Leader, this should be left on the record of the House. In possession of information that their shares were on a decline, some of these gentlemen went around the world on what they called roadshows flogging the thing. They were selling something they knew to be practically valueless to unfortunate people. That is theft and the amounts involved were €80 million, twice the amount involved in the Northern Bank robbery, about which we got so steamed up. It is extraordinary to think that in this country we send people to jail for not paying their television licences and somebody can get away with €80 million of loot and get only a little slap on the wrist. That is an incitement of crime and Senator Ross is perfectly right to raise the question of a debate on the financial regulatory system. Well done to him.

### **Visit of Delegation from the Czech Republic.**

**An Cathaoirleach:** Before I call the next speaker, I am sure Members of the House wish to join with me in welcoming a parliamentary delegation from the petitions committee of the parliament of the Czech Republic led by Mr. Krecek. On my behalf and behalf of my colleagues in Seanad Éireann I extend a very warm welcome to you and sincere good wishes for a very successful visit.

I call Senator Coffey.

**Order of Business (resumed).**

**Senator Paudie Coffey:** This morning thousands of people are travelling from the countryside to the capital to voice their concerns with regard to the world trade talks. Mr. Barroso, the European Commission President, is in Dublin Castle today and people are leaving their farms and communities to come to the city to display their concerns with regard to the future of Irish agriculture. We all know that 20 May is D-day in terms of the world trade talks and Commissioner Mandelson insists on forcing through his view without listening to the views of the constituent states of the European Union. Agriculture is a significant source to our economy and could yet be its saviour if it is handled and supported properly. There is a debate on agriculture in the Lower House this morning and I ask the Leader to facilitate such a debate in this House. It is important that we give it the attention it merits. Only last week we had a food festival in Dungarvan, County Waterford. Thousands attended the food festival, where primary local produce was on display. There is a genuine interest among our communities in supporting agriculture if the proper support is there from the Government and the EU. I ask that a debate be facilitated on this very important issue.

I also wish to refer to the recent trend with regard to jobs and the economy. I referred some time ago to the difficulties faced by Waterford Crystal, or Waterford Wedgwood, which has been a manufacturing flagship for the south east, not just Waterford, employing thousands of people in the past and currently employing approximately 600. As with the company in the Leader's constituency, its back is to the wall at this stage. The warning signals have been there for some time. I ask the Leader to bring the Minister for Enterprise, Trade and Employment to the House to outline clearly the plans, strategies and initiatives he will offer to the people and companies of Ireland, which are under serious pressure.

Ireland has been heavily dependent and over-reliant on the construction industry — we have said this for some time — and the chickens are now coming home to roost. I am interested to hear what the State agencies such as FÁS, IDA Ireland and Enterprise Ireland can do to upskill those leaving their jobs and help them find employment.

There is a trend and we face a difficult time. It will take the proper attention this deserves from politicians across the political divide to ensure the security of our economy, whether with regard to jobs, manufacturing, construction or, as I said at the outset, agriculture. These are all important facets which need the full focus of the Government. I ask the Leader to bring my concerns to the attention of relevant Ministers.

**Senator Paddy Burke:** I wish to raise an issue that was first raised in the House by Senator Shane Ross and later by almost every other Member, namely, the dispute between the pharmacists and the HSE. I ask the Leader to convey a message from this House to the Minister for Health and Children that she should bring the HSE and the Irish Pharmacy Union together, even at this late stage, to resolve this dispute. The pharmacists are willing to sit down but the HSE is so stubborn it will not do this. It needs direction from the Minister for Health and Children.

**Senator Paul Coghlan:** Hear, hear.

**Senator Paddy Burke:** From 1 May, we will have a very serious situation whereby pharmacists will not issue drugs to medical card users. I ask the Leader to bring this matter to a head. I would like to know from the Minister what contingency plans are in place from 1 May onwards. The situation will be serious because the weakest and most vulnerable in our society will be neglected. The schemes administered by the pharmacists are some of the very few schemes that are working in the health service at present, and they provide a massive service throughout

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the country. Pharmacists are to be complimented on the work they are doing. I hope this dispute can be resolved before 1 May.

**Senator Donie Cassidy:** Like other Senators, the leaders expressed their condolences to the Hillery family on the death of our former President, Dr. Patrick Hillery. I congratulate everyone who participated in the organisation of the State funeral ceremonies yesterday. They were a credit to the State and to everyone who had a responsibility, whether that was the Army, the Garda, the clergy or anyone else concerned. I also congratulate RTE for a magnificent broadcast, which is something we will have for generations to come. It was what a public broadcasting service is all about. I join with all Senators who made expressions of condolence this morning.

I wish to be associated with the congratulations to Senator Ciaran Cannon on becoming leader of the Progressive Democrats. In Senator Cannon we will now have a party leader in the House. We already have a party chairman in the deputy leader, Senator Dan Boyle, who had a very successful Ard-Fheis last weekend — I believe the Greens call them conventions — which was very impressive and uplifting when I saw it on television. I congratulate Senator Boyle on the achievements of his party last weekend. This is good for the Seanad. I commiserate with Senator Fiona O'Malley. I know there will be an important place and position for her in her party following this decision, which was a very narrow one at 49% to 51%. It could not have been closer.

**Senator David Norris:** It is a very narrow party.

**Senator Donie Cassidy:** It is probably much larger than the Senator's.

**Senator David Norris:** I do not have one. That is my great virtue.

**Senator Donie Cassidy:** We are talking about national politics and people who get thousands upon thousands of votes when they stand at a general election and look for the support of the people. I have no doubt the Senator would get that if he had the courage or the wisdom to do so, or if he so wished.

**Senator David Norris:** I get thousands of votes, even in my small constituency.

**Senator Rónán Mullen:** He would get a personal vote in east Galway but they would not agree with him very much.

**Senator Donie Cassidy:** The Progressive Democrats has made an immeasurable contribution. I look forward to working with Senator Ciaran Cannon as the leader of the party on the Government benches and with all Senators in the House for the next four years of this Government.

Senators Twomey, O'Toole, Boyle, Hannigan, Glynn, Ross, Coghlan and Walsh referred in particular to the Lisbon treaty. We have been doing all we can in Westmeath. We had a big meeting in Athlone and one in Mullingar. I would welcome members of Fine Gael, the Labour Party and any other party on the "Yes" side to join with the Government side when it is having all of these meetings.

**Senator Paudie Coffey:** We are having a series of meetings.

**Senator Maurice Cummins:** We have had many meetings throughout the country. The Leader should read the newspapers.

**Senator Donie Cassidy:** Can I say that——

**Senator Nicky McFadden:** We had a big meeting in Athlone.

**Senator Paul Coghlan:** The Leader is forgetting Athlone.

**Senator Donie Cassidy:** That is not the experience——

**Senator Paudie Coffey:** We have had a series of regional meetings.

**An Cathaoirleach:** Order, please.

**Senator Paudie Coffey:** The Leader should get his information correct.

**Senator Donie Cassidy:** That is not the experience in County Westmeath. I can only talk about home, which is where it all starts because all politics is local.

**Senator Nicky McFadden:** We had a meeting in Athlone about the Lisbon treaty.

**Senator Donie Cassidy:** I do not want any party coming to this House and speaking out of both sides of its mouth and hoping we will be defeated.

**Senator Maurice Cummins:** If the cap fits.

**Senator Paudie Coffey:** We all need to get our shoulder behind the wheel.

**Senator Donie Cassidy:** I will be looking with interest to the support of all parties on the “Yes” side from now on.

There is a serious challenge. I heard on radio this morning, as did all colleagues, that the farming community is coming to Dublin today. It was said by Senators Coffey and Hanafin that the farming community is still the bedrock of our economy and it may be the future for our country in a huge way, particularly with regard to energy costs, as technology is beginning to prove. We must take this issue very seriously. There is a commissioner in Brussels who is not supportive of Irish agriculture. We have the full support of the Minister for Agriculture, Fisheries and Food, the Government and the Taoiseach. We will use our veto. We will not accept under any circumstances anything that will injure or interfere with the livelihood of agriculture, which is the backbone of this country. We will say this from the highest heavens during the Lisbon treaty debate.

We heard this in the House last week from the president of the European Parliament. A Senator called on me today with regard to improving the profile of the Seanad in regard to the treaty. The president was here last week and it was uplifting to hear him. However, the great “Oireachtas Report”, which we rely on to relay events in this House, gave us just the last few minutes of its broadcast. A report on a committee was even put before the proceedings with the president. Given how seriously this House is taking the business of the referendum, I hope the broadcasters to whom we have given the responsibility of broadcasting the affairs of this House take this into account for the remainder of this campaign and for the future. I say this in the interests of Ireland.

I have no difficulty on this issue. The Minister will be in the House next Wednesday to participate in our statements and to update us on the affairs of the debate on the treaty. I am in discussion with the leaders with regard to possibly having an MEP from each political party attend the House two weeks after that.

**Senator Shane Ross:** Oh, no.

**Senator Donie Cassidy:** We are doing everything we can to try to take centre stage for the Seanad with regard to the debates on this extremely important treaty and the challenge the people of Ireland face when going to the polls on 12 June.

Senators Twomey, Donohoe, Walsh and Coffey—

**Senator David Norris:** On a point of order, I seek clarification. When the Leader says one from each side, does he mean “Yes” and “No”?

**An Cathaoirleach:** Excuse me, I missed that.

**Senator Jim Walsh:** The Senator should not interrupt like that.

**Senator David Norris:** The Leader said clearly that he wanted MEPs from each side. Does he mean from each party or one from the “Yes” and “No” sides for balance? In light of the McKenna judgment, it would be improper not to have spokespersons from each side.

**An Cathaoirleach:** That is a question for the Leader rather than a point of order.

**Senator Donie Cassidy:** The Independent Senators appointed Senator O’Toole to represent them. It would not be fair to the leaders of other groups if the House were to discuss the points of view of individual Members. Independent Senators should raise these matters with Senator O’Toole and the party leaders will discuss them at our usual meeting before the start of business next Tuesday.

Senators Twomey, Donohoe, Walsh and Coffey called for a debate on the partnership talks and the economic challenges facing the Government and country. I am endeavouring to have this debate take place as a matter of priority at the earliest possible time.

Senators O’Toole, Hannigan, Boyle and Norris called for an urgent debate on civil partnerships, including the findings of the High Court in a case yesterday. As the Deputy Leader informed the House, the heads of the relevant Bill are at an advanced stage. I understand the legislation is being given serious consideration and one section remains to be agreed by Cabinet. It is anticipated the Bill will be published in September or October.

**Senator Jim Walsh:** There is no rush.

**Senator Donie Cassidy:** Senator Hannigan called for a debate on food costs. The escalating price of food can be discussed with another serious challenge, namely, escalating energy prices, during the debate on the economy.

Senator Glynn called for a debate on fish stocks. I understand Irish people were not the offenders in the cases the Senator cited. I am reliably informed the problem to which he alluded is having a serious effect on fish stocks in rivers and canals. I have no problem arranging a debate on the issue.

Senators Ross, Coghlan, Walsh and Norris called for an urgent debate on financial regulations and cited a number of cases. Senator Ross, who has considerable experience in this area, explained the issue in minute detail. This is a grave matter which should be discussed in the House with the Minister present. I will endeavour to have such a debate as soon as the Minister’s diary is free.

Senators Mary White and Paddy Burke called for the Minister for Health and Children, Deputy Harney, to come to the House to discuss a number of urgent matters. Senators will be able to express their views to the Minister when she appears before the House on Tuesday

next from 5 p.m. to 7 p.m. The Minister has always been forthcoming during question and answer sessions in the House.

Senators Hanafin and Coffey called for an urgent debate with the Minister for Agriculture, Fisheries and Food, Deputy Mary Coughlan. The Minister was in the House in the past two weeks. I will provide details of the timeframe for such a debate in the next two to three sitting days.

Senator McFadden raised the issue of job losses at Iralco. I thank the Cathaoirleach for allowing me to raise the matter on the Adjournment at the conclusion of today's business. The news from the company has come as a bombshell and its closure will be a major loss to the area. The difficulties facing Iralco, which employs 420 people, were the strength of the euro, high energy costs and the decision by workers to reject by a margin of 55% to 45% a proposal made by management. From the point of view of the workers, it should be noted they have not received a pay increase since September 2006. The challenges I outlined are common to the manufacturing industry.

Iralco has been the largest employer in north County Westmeath since 1965 and has made a major contribution to community life. The facility is a state-of-the-art manufacturing plant supplying Bentley, Ford, Volvo and Volkswagen. The closure of the company is a matter of grave concern in my local area. North County Westmeath and north County Meath are sad places as a result because a person from every second home works in the company. Five members of one family and four members of another family work in the plant. I welcome support from colleagues in County Westmeath and surrounding counties. I will comment further on the issue on the Adjournment.

Senator Coffey called for a debate on upskilling people who need to change employment. The Department of Enterprise, Trade and Employment indicates that 60% of those in employment, particularly in manufacturing, will require upskilling and retraining by 2020 and FÁS has received substantial funding for this purpose. I hope Senators will focus on the future role of FÁS in the forthcoming debate because the organisation will find itself in an increasingly demanding position. I have no difficulty arranging a debate on the issue.

Senator Burke will, I am sure, ask the Minister for Health and Children, Deputy Harney, for an update on the problem with pharmacies when she appears before the House on Tuesday.

Order of Business agreed to.

### **Criminal Justice (Mutual Assistance) Bill 2005** [*Seanad Bill amended by the Dáil*]: **Report and Final Stages.**

**An Leas-Chathaoirleach:** I welcome the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, to the House. I wish to be associated with the expressions of sympathy to the late Dr. Patrick Hillery, the former President. He was a lovely, simple man and a very effective, long-serving politician.

The Criminal Justice (Mutual Assistance) Bill 2005 is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 103, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question "That the Bill be received for final consideration", the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For Senators' convenience, I have arranged for the printing and circulation of the amendments. The Minister will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed grouping in the

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House. A Senator may contribute once on each grouping. I remind Senators that the only matter that may be discussed is the amendments made by the Dáil.

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

**An Leas-Chathaoirleach:** I call on the Minister to speak on the subject matter of group 1.

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Group 1 relates to the amendment of the Long Title. This amendment has simplified the Long Title, which would be too unwieldy if all of the instruments were included in the Title. I refer to the international instruments.

**An Leas-Chathaoirleach:** I call on the Minister to speak on the subject matter of amendments in group 2.

**Deputy Brian Lenihan:** This is a large number of amendments but they are purely technical in character. They do not involve any substantive change in the Bill. A number of them correct typographical errors while others provide greater clarity in regard to the interpretation of the Bill. New definitions have been introduced in the light of the additional mutual assistance instruments which will now be given effect to in this Bill.

**An Leas-Chathaoirleach:** I call on the Minister to speak on group 3.

**Deputy Brian Lenihan:** Group 3 relates to the Swiss Confederation. There is a fraud agreement between the European Community and Switzerland and these amendments give effect to the mutual assistance provisions in Title III of this international agreement. The majority of the provisions were already included in the Bill as a result of giving effect to other instruments. However, amendments were required to provide for the presence of authorities of another country when a request is being executed and this is being done by way of amendments Nos. 188, 189 and 190.

**Senator Maurice Cummins:** I welcome these amendments to the Bill, which amount to more than 200, and in particular this area. The Convention on Mutual Assistance in Criminal Matters between Member States of the European Union was adopted in 2000 and the Council Framework Decision on the execution of orders freezing property or evidence dates back to July 2003. It is welcome that this legislation is reaching its final phase at last. When this matter was raised in the Seanad initially I was spokesperson on justice dealing with it. I am glad these items, especially the amendments in this section and other sections, are coming into play finally because we must have assistance between member states on criminal matters in respect of drugs and terrorism offences. We cannot succeed on our own. We must have assistance from the member states and I am glad the Government is coming on board in that regard. It opted out of the clause on co-operation and policing in the Lisbon treaty and I welcome the fact it will review that in coming years.

This legislation is essential for tackling crime, the proceeds of crime and drugs. We see the problems they are creating on the streets in every town in the country. I welcome these amendments. It is about time we had legislation such as this and I would hope that in the review taking place we will join with our European partners and not opt out of legislation on the Lisbon treaty.

**Senator Dominic Hannigan:** I welcome the return of this Bill from the Lower House. Given the way our Constitution works, when we sign up to international treaties and conventions it

is necessary either to introduce new legislation or amend existing laws. That is the reason we are doing this. It is a classic example and will help us ratify some international conventions we need to implement.

My party welcomes the progression of this Bill. During the various Stages we suggested some amendments to the Bill. Some were accepted, some were not. We withdrew some amendments on the freezing of assets and some of the powers of the Minister but we are happy also that some of the amendments have been accepted, especially regarding the powers of judges. We are glad to have worked on this Bill and look forward to it being passed.

The removal of borders throughout Europe has led to increased trade and movement of people. That has benefited our economy but it has resulted also in an increase in criminality across borders. That must be stopped and the passage of this Bill will help to do that. We welcome the Bill's passing.

**Deputy Brian Lenihan:** I welcome Senator Hannigan's contribution and the earlier contribution by Senator Cummins and the broad welcome they have extended to this legislation. The legislation is a Bill initiated in Seanad Éireann and it underwent substantial revision and change in Dáil Éireann. I appreciate the positive spirit in which the Senator has addressed that because the option for me was to deal with the new international agreements we have been obliged to implement since the initiation of this Bill. The option was to produce fresh legislation on that or use the opportunity of this legislation to incorporate them as well and we have taken that opportunity. I realise I could have been criticised for that so I am grateful to both Senators for the welcome they have extended.

The majority of the amendments before us give effect to the mutual assistance provisions in five additional international instruments which I should recite on the record. There is the UN Convention against Corruption, the UN Convention against Transnational Organised Crime, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and the Financing of Terrorism, the 2005 Council decision on the exchange of information and co-operation concerning terrorist offences, and the co-operation agreement between the European Community and its member states on the one hand and the Swiss Confederation to combat fraud and any other illegal activity to the detriment of their financial interests.

Those five additional international agreements fall for implementation by us and rather than drawing up separate legislation we have used the opportunity of the passage of this Bill, initiated in Seanad Éireann, through Dáil Éireann to incorporate those provisions in this primary statute. I share the view expressed by Senator Hannigan and Senator Cummins that with greater trade and greater movement of persons, goods and merchandise there are greater opportunities for transnational criminality. It is important, therefore, that we have legislation in force that is robust and that can secure the necessary assistance from other jurisdictions. I am aware that preliminary meetings have taken place between the Garda Síochána, the customs authorities and the other relevant authorities with a view to a swift implementation of this legislation.

Regarding Senator Cummins's intervention on the subject of the Lisbon treaty, I wish to correct Senator Cummins. I realise what he said was in a constructive spirit but the Government has not exercised a facility to opt out of European co-operation in the area of justice and home affairs. The position under the Lisbon treaty is that qualified majority voting is being introduced for the first time in the justice and home affairs sector. The initial constitutional treaty provided for qualified majority voting and both the United Kingdom and Ireland initially were receptive to that proposal. As a result of discussions which took place prior to the drafting of the Lisbon treaty, however, the United Kingdom secured an arrangement in discussions between its Prime

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Minister, Mr. Gordon Brown, and the German Chancellor, Ms Angela Merkel, whereby in effect Britain was allowed to opt out of qualified majority voting in the justice and home affairs sector.

That left Ireland in a very difficult position. Our European friends and partners agreed that if Britain were to have such a facility, it would be only logical that a jurisdiction that has an utterly similar legal system should have a similar facility. The Government carefully weighed up the arguments in this issue and decided it was in Ireland's best interests at this stage to follow the British position in regard to the legal system because of the similarity of our two legal systems. We could not put our Taoiseach in the position of having to press an emergency brake on some obscure legal issue. We have the facility under Lisbon to opt out of qualified majority voting in the justice area.

**Senator Maurice Cummins:** We opted out. That is what I said.

**Deputy Brian Lenihan:** I am glad to say the Labour Party supported us in the decision we took and, candidly, it would be much more difficult to persuade the Irish people to vote "Yes" if they knew that we could be overruled in sensitive areas of our legal system by our European partners. We had that debate last autumn. We are completely committed to working with our European partners on combating crime but we are also committed as a Government to protecting the essential features of our legal system and the right of the Irish people, through their Parliament and Government, to say "Yes" or "No" to a particular proposal. That is what we have secured in this area. Senator Cummins and I will agree on this because a declaration was appended to our declaration in regard to the European position which made it clear that we intend to co-operate to the maximum possible extent with our European partners in combating crime. Indeed, we support the fact that the justice matters are now dealt with in the Lisbon treaty and that it provides a framework for more robust co-operation in dealing with drugs and crime.

We have not followed the United Kingdom in respect of the opt-out it obtained for the Charter of Fundamental Rights. That is one of the most important features of the Lisbon treaty to which we should draw the attention of the public. For the first time, the individual citizen in Europe will be able to invalidate European laws in a European court in the same way as, at present, an Irish citizen can invalidate Irish laws in an Irish court. That is a good development in the Lisbon treaty and a factor of which the public should be aware.

We all know of the disconnection which exists between the Union institutions and the individual citizen. If the citizen is gaining access for the first time to invoking the jurisdiction of the European courts to set aside European law, that is a valuable safeguard of individual rights contained in the treaty. I have digressed somewhat from the Bill and I thank the Leas-Chathaoirleach for his indulgence.

Group 4 contains amendments Nos. 24, 52, 54, 55, 65, 67, 70 to 72, inclusive, 156, 165 and 210. These arise from the Dylan Creavan case in regard to District Court jurisdiction. This was a Supreme Court case of Dylan Creavan, *Silicon Technologies v. Criminal Assets Bureau*, which turned on the validity of a search warrant issued under section 14 of the Criminal Assets Bureau Act 1996. The court found that for a warrant to be valid, it must be issued while the District Court judge is physically located in the district to which he or she is assigned. The issue was subsequently addressed by way of amendment to the Courts (Supplemental Provisions) Act 1961, providing for the exercise of certain powers by a judge of the District Court while outside his or her district.

The amendment in the Bill before us, amendment No. 210, aligns the provisions in the Bill with those of the Courts (Supplemental Provisions) Act, as amended. Other amendments in this group amend Part 2 of the Bill so applications for information on fiscal or financial transactions must now be made to the High Court rather than the District Court.

Group 5 contains amendments Nos. 28 to 30, inclusive. These relate to section 3 which sets out the circumstances, and strengthen the grounds, in which mutual assistance may be refused.

Group 6 contains amendments Nos. 31, 44 to 47, inclusive, 53, 56 to 59, inclusive, 61, 62, 64, 68, 73, 87 and 89 to 91, inclusive. These amendments deal with the designation of states and provide that the Minister for Foreign Affairs may limit certain aspects of mutual assistance in designated states which have signed up to relevant international instruments. This addresses concerns expressed in Dáil Éireann that the Bill as drafted originally was too broad in its powers.

Senators should note however, that amendment No. 45 is a saving provision to enable continuation of any current reciprocal mutual assistance arrangements in regard to service of summonses and gathering of evidence and for which states have been designated under the Criminal Justice Act 1994.

Group 7 contains amendments Nos. 32 to 35, inclusive. These all relate to section 6 and provide additional clarification of the procedures to apply to requests for assistance.

Group 8 contains amendments Nos. 36, 38, 39, 41 and 43. The Revenue Commissioners currently undertake certain functions in regard to the provision of information to other states under existing mutual assistance agreements. These amendments confirm the legitimacy of these arrangements. Clearly, the Revenue Commissioners are better placed than the Garda to provide information on revenue offences.

Group 9 contains amendment No. 37. It clarifies the role of the central authority by stating that it will co-operate also in response to requests from corresponding authorities in other states.

Group 10 contains amendments Nos. 51, 66, 81, 82 and 84. Concerns were expressed by Senators during the previous debates in Seanad Éireann that applications for certain information should be heard otherwise than in public in order not to compromise the lawful monitoring or interception of information. These amendments are being made to address the concerns raised by the Seanad.

Group 11 contains amendments Nos. 60, 69, 147, 149, 153, 155, 164 and 202 to 204, inclusive. These amendments address the fact the Bill is being enlarged to give effect to additional international instruments and they provide that information or evidence obtained may be used for the purposes permitted by the relevant international instrument.

Group 12 contains amendments Nos. 74, 151 and 183. These amendments provide for penalties to correspond with a number of offences contained in the Bill. They correct a number of previous omissions.

Group 13 contains amendments Nos. 83 and 121. These amendments are essentially an amalgamation of Parts 4 and 5 and sections 30 and 40 of the Bill as passed by Seanad Éireann. The amendments I now propose clarify the provisions in regard to freezing, confiscation and forfeiture orders and are being made on the advice of the Attorney General.

Group 14 contains amendments Nos. 85, 86, 88, 92 to 116, inclusive, and 118 to 120, inclusive. These amendments relate to the making of freezing orders. They include a number of purely

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technical corrections or clarifications but also a number which make substantive changes to the Bill.

Amendments Nos. 94, 96 and 99 extend the provisions of the Bill to non-EU member states. This is being done on the advice of the Attorney General to provide more complete legislation. Amendments Nos. 100 to 107 restate provisions from the Criminal Justice Act 1994 which had previously been amended by 1996 regulations. The Attorney General has advised that these existing provisions should be placed in primary legislation to protect them from legal challenge.

Group 15 contains amendments Nos. 122 to 144, inclusive. These amendments deal with confiscation or forfeiture orders. Some are purely technical improvements or clarifications in the Bill but a number make substantive changes. Amendments Nos. 125, 128, 140, 143 and 144 are required to give effect to provisions in the UN Convention against Transnational Organised Crime and the UN Convention against Corruption. They are being included on the advice of the Attorney General.

Amendments Nos. 129 to 135, inclusive, restate further provisions from the Criminal Justice Act 1994 which previously had been amended by the 1996 regulations. The Attorney General has advised that these provisions should be placed in primary legislation to protect them from legal challenge.

Group 16 contains amendments Nos. 148, 154, 171, and 191 to 201, inclusive. Amendments Nos. 148, 154, 171, 191, 193, 194 and 196 to 201, inclusive, relate to the admissibility of evidence and were introduced on the advice of the Parliamentary Counsel to improve the drafting of the Bill. Amendment No. 192 includes records relating to the date and mode of service in the documents that may be admissible without further proof. This amendment is made at the request of the Garda Síochána. Amendment No. 195 provides that chain-of-evidence certificates from other states are admissible without further proof. This amendment is made at the request of the Attorney General.

Group 17 contains amendments Nos. 158 to 160, inclusive, and 166 to 168, inclusive. These amendments deal with searches for evidence and production orders. Amendments Nos. 158 and 167 are being made at the request of the Garda Síochána as the existing provisions are considered to be inoperable. Prior to amendment, the Bill provided that gardaí seeking a search warrant must satisfy the judge that the occupier of the place to be searched had not consented to entry. This would have allowed occupiers forewarning of a search and may have prejudiced compliance with a request.

Amendments Nos. 159 and 160 restate provisions in section 63(9) of the Criminal Justice Act 1994 for the sake of clarity. Amendment No. 168 inserts new subsections in section 61 relating to searches for particular evidence outside the State. The Parliamentary Counsel advised that further detail was required and the provisions are based on similar provisions in the Proceeds of Crime (Amendment) Act 2005. Amendment No. 166 is a purely technical amendment correcting a cross-reference.

Group 18 contains amendments Nos. 170 and 172 to 178, inclusive. These amendments relate to identification evidence provisions. Amendments Nos. 170 and 172 allow samples to be taken by a nurse, consistent with existing provisions in the Road Traffic and Transport Act 2006. Amendment No. 173 concerns the taking of hair samples and mirrors provisions of the Criminal Justice (Forensic Evidence) Act 1990, as amended.

Amendment No. 174 provides, in addition to the requirement to destroy evidence obtained under these provisions, for assurances to be given that any records or analysis of evidence also

will be destroyed. Amendments Nos. 175, 176, 177 and 178 mirror provisions of the Children Act 2001, as amended, relating to the age of consent.

Group 19 contains amendments Nos. 179 to 181, inclusive. These amendments deal with service of documents. Amendment No. 179 provides that notice must be given to a person on whom a document is served on behalf of another state regarding their rights or obligations and that no measure of restraint or punishment may be enforced directly by a court in another state. Amendment No. 180 allows service of documents by post and amendment No. 181 requires that documents sent to Ireland must include a copy in Irish or English.

Group 20 contains amendment No. 182. The amendment gives effect to Article 46.3 of the UN Convention against Corruption and Article 18.3(d) of the UN Convention against Transnational Organised Crime, which provide that mutual assistance shall include the examination of objects and sites.

Group 21 contains amendment No. 185. This amendment extends existing provisions for service of members of the Garda to serve outside the State in making controlled delivery or as a member of a joint investigation team. The amendment substitutes the current text of section 76 of the Bill which amended sections of the Garda Síochána Act 1989. That Act was repealed when the relevant provisions of the 2005 Garda Síochána Act was commenced in May 2007.

Group 22 contains amendment No. 186. This amendment gives effect to Article 2(1) of the EU Council Decision and names the designated national unit under the Europol Act as the specialised service within the Garda Síochána.

Group 23 contains amendment No. 187. This amendment has the effect of extending participation in joint investigation teams to non-EU member states, in accordance with the UN Conventions against Organised Crime and Transnational Organised Crime.

Group 24 contains amendment No. 205. This amendment gives recognition to third party rights, as required by Article 32 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Financing of Terrorism.

Group 25 contains amendments Nos. 207 and 208. Amendment No. 207 was raised by Deputy Rabbitte on Committee Stage in the Dáil and deletes paragraph (e) of section 104, eliminating a contradiction with the terms of the Criminal Justice Act 2004. Amendment No. 208 modifies section 63 of the Criminal Justice Act 1994, on the advice of the Attorney General following recent cases, Yogesh Pala, where doubt was cast on applicability of that section to cover court orders to make material available in cases where no prosecution was intended, for example, for purposes of investigation.

Group 26 contains amendment No. 209. This amendment was sought by the Criminal Assets Bureau to clarify a discrepancy in the Criminal Assets Bureau Act and ensure there is no ambiguity about the bureau's entitlement to co-operate with authorities of other states in accordance with section 5 of that Act.

Group 27 contains amendments Nos. 211 to 226, inclusive. These involve adding the relevant international instruments to the Schedules to the legislation.

Question put and agreed to.

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

**Senator Lisa McDonald:** Now.

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

**Senator Maurice Cummins:** When the Bill was first introduced in the Seanad in 2005, little did I think it would not be passed until 2008. I accept the Minister's point that a number of Schedules, etc., had to be included. Fine Gael has pointed out on numerous occasions that co-operation in respect of policing and criminal law matters is imperative at EU level, particularly if organised crime, drug trafficking and human trafficking are to be combatted in an effective manner. In respect of the forthcoming referendum on the Lisbon treaty, we should stress the co-operation that exists in respect of mutual assistance.

I compliment everyone involved in the preparation of this legislation. It has been a hard slog. I congratulate the officials in the Department with regard to the work they did on the Bill. I also congratulate the Minister and his staff.

The country will be a better place as a result of the implementation of this legislation. I hope it will have the desired effect in the context of bringing to book criminals, fraudsters and others and that we will have a safer society as a result.

**Senator Dominic Hannigan:** I welcome the passage of the Bill. On a daily basis we become aware of criminal issues that transcend national borders. As a result, anything that can help to bring about improvements in the position is welcome. I congratulate the Minister and his staff on the work they have done to ensure the Bill would be passed.

**Senator Lisa McDonald:** I welcome the passage of the Bill through both Houses. I congratulate the Minister, his staff and the officials in his Department on the major work done in respect of this legislation. There are a number of areas of the Bill that are quite technical in nature and in respect of which serious consideration was required. The drafting process relating to the legislation has been excellent.

We need to ensure there are no boundaries in the European Union in respect of the freezing, confiscation or forfeiture of materials. The service of documents will become easier as a result of the passage of this legislation, which also will be of assistance in combating serious crime in the EU.

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I thank Senators for the speedy way in which today's business was dispatched. Some Members have a good understanding of the legislation because it was, of course, also considered by the previous Seanad, where it was first introduced.

I acknowledge the kind remarks made about my staff. There is no doubt the Department was obliged to invest a phenomenal amount of work into the legislation. The revisions and changes required were valuable and have left us with an instrument that will, as Senator Cummins pointed out, assist us in dealing with the international gangs, fraudsters and other personalities in collision with our criminal law.

The intention is to commence the legislation during the next three months. There is a variable commencement section in the Bill and different provisions will be commenced at different stages. My officials have set a three-month timescale for the completion of that commencement.

Question put and agreed to.

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

**Senator Lisa McDonald:** At 2.30 p.m. on Tuesday, 22 April 2008.

## Adjournment Matters.

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### Company Closures.

**Senator Donie Cassidy:** I wish to share a minute of my time with Senator Camillus Glynn.

I call on the Minister for Enterprise, Trade and Employment to request the appropriate State agencies to take all necessary steps to ensure that Iralco in Collinstown, County Westmeath, remains in production on terms satisfactory to the management, the unions and the employees. The liquidation of Iralco has been, to say the least, a body blow to the community in north Westmeath, north Meath, Cavan and Longford, for which to company, a major manufacturer of motor components of high quality, has provided substantial employment since 1964. Iralco has been the biggest employer in our area over the past 44 years, producing high-quality products. The skilled and experienced staff were preceded in their positions by their fathers and mothers and by yet another generation, the pioneers of the 1960s.

There is no other employment in north Westmeath, with the exception of Mergon in Castlepollard, the HSE and the local county council, which at present employs ten to 12 people. To say that 420 job losses is a body blow to the area is an understatement. The shock announcement this week of the company's liquidation represents the taking away of the life blood of our area. From an urgent meeting I arranged last Monday evening with colleagues from political parties and our county manager, Mr. Danny McLoughlin, I understand that the closure is due to the high cost of energy, which has escalated over the last two years in particular, the strength of the euro, which is not helping the cause, and the rejection of a cost-cutting plan in a ballot of the workers. The latter is understandable as workers have not had an increase in wages since 2006. Ultimately, however, jobs are more important, and the survival of this company is of the utmost importance.

The company's order book, which is substantial, was the subject of attempts at confirmation yesterday and today by the liquidator appointed by the High Court. It contains the names of some of the biggest motor manufacturers in the world, including Ford, Volvo, Volkswagen and Bentley. All the major manufacturers are supplied with components by this factory. With 420 workers in Ireland and 100 in the Ukraine, Iralco has been a major employer, with a turnover of more than €25 million per year and a wage bill of €8 million per annum. There is nothing that can be done to compensate the people who are to lose their jobs except to do everything we can to keep this factory alive and running.

For the last 44 years we have had a high-quality, skilled and dedicated workforce. The Government now has an opportunity to engage in upskilling and training it. I welcome to the House the new Minister of State with responsibility for innovation, Deputy Michael Ahern. The amount of funding available for research and development, which represents the jobs of the future, means that this is an area that could be of crucial assistance to the liquidator and the company as they consider what can be done to retain the jobs in the Collinstown area.

Although I only have four minutes, I could speak for much longer about the difficulties faced by those living in the area. The loss of 420 jobs in one fell swoop is a major blow to an already fragile economy. The north Westmeath region, as the Minister will realise, is reeling. The workers went to work on a Monday morning and were told later in the morning that a liquidator had been appointed, their jobs were gone, there would not be any pay packet on Friday, and they were to go home. This is the worst possible news any worker could imagine in their wildest dreams.

[Senator Donie Cassidy.]

I ask the Minister of State whether it is possible for the Department and the agencies to come together to fulfil the orders in the excellent order book and save the 400 highly skilled staff who have a track record in this specialised area of manufacturing. I want to be assured, as the local Oireachtas Member in the Meath West constituency — which includes north Westmeath, in which Iralco is by far the largest employer — that the Minister will assist in whatever way the Government can. This is not a fly-by-night company, but one that has made an immeasurable contribution to our area for three generations. I look forward to doing anything I possibly can with regard to working with the Department and the agencies to assist in the plight of the Iralco workers, the management of Iralco, and everyone affected by this in the communities of north Westmeath.

**Senator Camillus Glynn:** I welcome the Minister of State to the House and thank my colleague for allowing me to speak on this important issue. This has been a crushing blow to the area by any standards. It is the stuff that nightmares are made of. Young people with mortgages and other financial commitments have found themselves with a job today but out of work tomorrow. This area has seen its population decline in the past, but there were positive signs of a renaissance, which was in no small measure due to Iralco and the important employment outlet it provided. I have more than a passing interest in this factory for the simple reason that my sister-in-law works there, her son is health and safety officer in it and her husband worked there for many years, as did another son. The CLÁR programme covers 90% of that area so that of itself speaks volumes.

The knock-on adverse implications of this decision will have a detrimental effect not alone on the many young people employed there who have mortgages and other financial commitments but also on the many service jobs that the employment of 420 people has provided. As my colleague has said, €8 million of an annual wage spend in an area is a substantial sum of money. This closure would have a serious effect on a large town or even a city. In a mainly rural area it is absolutely detrimental.

I ask that no effort be spared, no stone left unturned to ensure replacement employment is found and the very strong, skilled talents of the workforce are brought into re-employment as soon as possible. We are talking not only about Collinstown but also Delvin, Castlepollard, Fore, my own parish of Killucan-Maharney and parts of west Kildare. We are not talking about a particular area in north Westmeath but also about Longford and Cavan, a very large area which saw major benefits from this important employment outlet.

I express my gratitude for being allowed to speak on this matter. I wish the county manager and all the players who are trying to resolve this major difficulty the very best of luck. I hope a replacement employer can be found. People will travel a long way before they find the skills levels of those who have lost their jobs. The best day's work the Minister of State's Department can do is to ensure a replacement industry is found or that someone takes over the present company. As my colleague has said, the order book is quite full and I believe the enterprise could be taken over as an ongoing concern.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Michael Aherne):** I thank Senators Cassidy and Glynn for speaking on this very important matter. On Monday, 12 April, the company issued a press statement to say it was closing down and that liquidators had been appointed. I understand the liquidators are carrying out an initial assessment and will speak to employees, suppliers and customers in the coming days and weeks. The Government and development agencies await the outcome of the meetings between the com-

pany, union representatives and the liquidator. All efforts will be geared to saving as many as possible, if not all, of the jobs.

As the Senators have stated, this company has been a significant employer in County Westmeath since 1964 and if it is to close its operations in Collinstown, this would be very disappointing. The loss of these jobs would be especially devastating for the workers and families directly involved and, indeed, for the community.

I understand the company had incurred losses for the past three years and was projecting losses in 2008 and 2009, even though some strategic investment was under way. The company's business plan was projecting a turnaround in 2010. The success of this business plan would have secured employment in Collinstown for the medium term, albeit at a reduced level.

The company informed IDA Ireland recently that jobs were at risk if specific industrial relations issues concerning pay increases could not be resolved. Extra funding was needed also to proceed with the investment it had planned for the Ukraine, which was crucial to the future of the Irish operation. The timeframe on this decision was immediate. The Government recognises that the closure of the company and the loss of some 400 jobs would be a serious blow for the region and the IDA is keen to work with the company to secure its future. The IDA has offered to assist the company by lending its support to resolve the industrial relations situation through discussions with the union at senior level and discussions with shareholders.

On resolution of the industrial relations and funding issues in the company the IDA has confirmed to the company that it would look at support for training, consultancy and research and development in Collinstown based on its future business plan. IDA Ireland also offered to assist if the company decided to seek investment from equity or industrial partners and to work with Enterprise Ireland in the case of an indigenous shareholding investment. Despite the input of the Labour Relations Commission, however, and the IDA having made every effort to avert this development by negotiating with the company on a package of incentives geared towards trying to maintain the business for the future, this approach unfortunately has not borne fruit.

The Minister for Enterprise, Trade and Employment, Deputy Micheál Martin, has contacted the company directly and he reiterated that the Government agencies remain available and willing to provide any assistance or to take any steps possible to ensure the company remains in production on terms satisfactory to the management, unions and employees. I assure the Senators that IDA Ireland is in ongoing contact with the company and it will continue to work very closely with its representatives during this challenging period.

IDA Ireland is also working to develop the knowledge economy in the county in order that the region can compete nationally and internationally for foreign direct investment. In the past five years, the agency has promoted County Westmeath as part of an integrated midlands region with access to a population base of 310,127. Westmeath traditionally has been a centre of manufacturing for foreign direct investment but like other counties it has seen a number of closures within the multinational sector as global investment shifts to low cost destinations.

To respond to this situation and as part of the transition and re-positioning of the region to a more knowledge-based economy, the IDA is marketing the midlands gateway of Athlone, Tullamore, and Mullingar as a key location for investment in medical technologies, international financial services and information and communications technology, ICT. Some progress is evident with companies such as Kinetic Concepts, Teleflex Medical, Georgia Tech Research Institute, AXA Assistance, Elan Corporation and Alienware Corporation establishing or expanding operations in the county. There are more than 21 IDA companies in County Westmeath employing more than 2,298 people. Enterprise Ireland has 119 companies that employ more than 3,000 people.

[Deputy Michael Ahern.]

The Government is not complacent and is well aware of the challenges ahead, not only in a global context but especially in County Westmeath. The Government is investing in the physical infrastructure required to attract today's foreign direct investment to County Westmeath. This includes investing €3.5 million in a quality flagship business park in Athlone which is now an integral part of the agency's international marketing programme. The IDA also has purchased 70 acres of land at Ardmore, Mullingar. The site has been master-planned and phase 1 construction is complete.

The effects of globalisation are felt in even the smallest markets and global competition will intensify and extend its reach. The Government has recognised the inevitable changes taking place across world markets for both trade and investment. Enterprise policies that equip companies with the ability to compete better in world markets, capture the opportunities from globalisation and build competitive advantage in innovation and knowledge, have been central to policy development.

The best response to globalisation is to ensure Ireland remains attractive for investment and enterprise growth. As the economy has matured, foreign direct investment incentives have been tailored to match our strengths. Low wage costs are no longer an enticement but have been replaced by other attractions. These include a competitive tax and regulatory environment, a better educated workforce, improving infrastructure and a commitment to world-class standards of research, development and innovation. Maintaining and improving upon these standards is vital to sustaining Ireland's competitiveness.

While I am conscious of the effect that any job losses will have on the workers involved and their families as well as on the local community, I assure any people affected that the Government will give every support it can to develop new employment opportunities. The role of FÁS, the State training agency, will be particularly important in assisting people should any jobs be lost. FÁS will be able to provide advice and training opportunities for the Iralco workforce. The agency will make its full range of support services available to the workers. When job losses occur, the Government, through the State development agencies and other interested parties, adopts a co-ordinated approach in dealing with the situation. They all work together in making the employees aware of the supports available to assist in finding new employment or to start their own businesses.

I am confident the strategies and policies being pursued by the State development agencies will continue to support enterprise development and job creation in the area. I wish to reaffirm that the State agencies will continue to work closely with each other and with local interests to assist an integrated approach to investment and enterprise development in County Westmeath.

### **Schools Building Projects.**

**Senator Frances Fitzgerald:** I thank you, a Leas-Chathaoirleach, for the opportunity to raise this issue — the need for the Minister for Education and Science to outline the progress which has been made in acquiring a site for Scoil na Camoige in Clondalkin, Dublin; to outline plans for the development of a new gaelscoileanna site in Clondalkin; to clarify if funding has been granted; and to outline how the project will be developed and the timeframe for the three schools involved.

I acknowledge that the creation of a gaelscoileanna complex is an exciting development for Clondalkin and the wider community. It will provide a unique facility and I welcome the planned development. However, I am concerned about the delays in progressing this project and in its funding. The recently published list by the Department of Education and Science for school building projects did not mention Gaelscoil na Camoige. In advance of last year's

general election, unequivocal promises were given by Fianna Fáil and the Progressive Democrats about this school. The students and teachers at this gaelscoil have just completed another winter housed in prefabs without receiving any concrete details of a new school building materialising. This has been a crushing blow for the 220 children and 16 staff members who are forced to work in these poorly ventilated, damp and dangerous structures with no end in sight.

The staff and parents are to be congratulated on their fund-raising efforts which have managed to keep the school going and repair the prefabs. However, it is not their responsibility to ensure that children are provided with adequate accommodation and equipment. The school has been housed in prefabs since 1993. The Celtic tiger was nowhere to be seen for this school community.

I wish to ask the Minister of State a number of questions. How long will it take to deliver this project? Has financing for the project been agreed? If so, could the Minister of State provide a breakdown of the financing? What stage is the planning for this site at currently? Who will be involved in the planning and development of the project? I bring to the attention of the Minister and the departmental officials the fact that three schools are involved in this site. It is extremely important that representatives of all three schools are involved in planning for the project owing to its complexity and the different needs of each school. If there is interaction and co-operation between the representatives of the three schools, it will ensure that the best plan can be worked out for this new complex.

The Minister and the Department should ensure that this new gaelscoileanna site is developed in a creative manner, including the provision of art, sport and cultural facilities. This is potentially an exciting venture and provides many positive opportunities for Clondalkin and west Dublin generally. I hope the Minister of State will confirm that the Government is delivering on its pre-election promise to the people of Dublin mid-west. The Minister should take steps to ensure that the project is brought forward as a matter of urgency and that it receives priority status.

**Deputy Michael Ahern:** On behalf of my colleague the Minister for Education and Science, Deputy Mary Hanafin, I thank the Senator for raising this matter. It provides me with an opportunity to outline to the House the position concerning the Department's plans to provide for the infrastructural needs of the three all-Irish schools in Clondalkin, including Gaelscoil na Camoige.

The three schools in question are Gaelscoil na Camoige and Gaelscoil Chluain Dolcain, which are both primary schools, and Coláiste Chillian, which is a post-primary school. Both Gaelscoil Chluain Dolcain agus Coláiste Chillian currently occupy the same VEC-owned site in Clondalkin. Gaelscoil na Camoige occupies rented accommodation in the locale.

The Department is committed to providing permanent accommodation for Gaelscoil na Camoige and, with the assistance of the OPW, has made strenuous attempts in the recent past to acquire a suitable site to enable this, but none was available. The Department then sought the assistance of the County of Dublin VEC to arrive at a solution. An earlier VEC proposal was rejected by the school authority, but a second proposal is now being progressed. This involves the provision of permanent accommodation for the school on the Gaelscoil Chluain Dolcain-Coláiste Chillian site.

Gaelscoil na Camoige has a current enrolment of 225 pupils. Its staffing comprises a principal and eight classroom assistants. The school also has two special education teachers. Gaelscoil Chluain Dolcain currently has 279 pupils and a staffing complement of a principal and 11 classroom assistants. Three special education teachers are also employed.

[Deputy Michael Ahern.]

It is intended that the schools will re-organise to form a junior and a senior school. Each will be provided with permanent accommodation for 16 mainstream classroom assistants to underpin this reorganisation and to cater for the long-term needs of the area. The current enrolment for Coláiste Chillian is 387 students. Its accommodation is being increased to provide for 680 students to cater for the knock-on effect of the expansion of provision at primary level. Once all accommodation is provided, Clondalkin will then have a significant all-Irish campus in its midst.

The Department asked the VEC to carry out a masterplan of the site to ascertain if it could facilitate these plans, and this has been done. The plan is currently being examined in the Department. Assuming acceptance of the masterplan, the next step in the process is for the appointment of a design team to commence architectural planning.

All applications for large-scale capital funding, including the one in question, are assessed against published prioritisation criteria, and are assigned a band rating. Projects are selected for inclusion in a capital programme consistent with that band rating. The band rating attaching to this project is band 1.4, which is a high band rating. While it is not possible at this juncture to say when the Department will be in position to approve this project to proceed further, consideration will be given to this on an ongoing basis in the context of competing priorities from higher band rated projects and the funding available.

I again thank Senator Fitzgerald for raising this matter. Over the lifetime of the current national development plan, the Government is providing funding of €4.5 billion for school buildings. This will be the largest investment programme in schools in the history of the State. It will enable the Department to ensure that school places are available where they are needed and that the upgrading and expansion of existing facilities can continue.

**Senator Frances Fitzgerald:** While I thank the Minister of State for his reply, I am disappointed there is no clear information on the timeframe for the receipt of funding for this school. Is the Minister of State in a position to provide more detailed information, which is lacking in the reply and which effectively only states what we know and what is already in the public arena. We need to know, however, when the examination of the masterplan in the Department will it be completed. It currently has a high band rating of 1.4, but does that mean one, two or three years? What is the current timeframe for granting money to schools in the 1.4 band rating? On average, how long must such schools wait before they receive funding? That is the kind of data we need to receive on the Adjournment so that we can get some sense of when the project will be delivered.

If the Minister of State is not in a position to provide that information today, perhaps he can convey my concerns to the Department. He could ask the departmental officials to contact me with more detailed information on the project. This reply is unsatisfactory, given the promises that have been made on providing funding for this school, which is meant to be a high priority.

**Deputy Michael Ahern:** I will bring the Senator's questions to the attention of the Department and will ask the officials to contact her in due course.

**Senator Frances Fitzgerald:** I thank the Minister of State.

### **Community Colleges.**

**Senator Nicky McFadden:** I welcome the Minister of State to the House, although it is disappointing that the Minister for Education and Science could not attend, given that I have raised this issue with her before now. Nonetheless, I am grateful to you, a Chathaoirligh, for affording me the opportunity to raise this issue today concerning the long-promised, proposed new school

building for Athlone Community College. The pupils and parents of Athlone Community College, the CEO, the committee of Westmeath VEC and the board of management of this fine school require urgent clarification on a start date for the new school building that was promised over two years ago.

Westmeath VEC, after months and years of discussion, purchased the lands from Athlone town council adjacent to the school, providing an excellent site in the centre of the town, accessible to all. As a former member of the VEC and chairman of the board of management, there was great excitement and expectation when the announcement was made. At every meeting we asked for updates and were told that everything was in order. The committee was led to believe the school would be built in record time because various templates were in place in the Department of Education and Science. Discussions were held with teachers and pupils to see that their needs would be adhered to and the design template was put in place. The committee understood it was just a matter of appointing the design team. The executive and the principal had an information evening and a meeting with the Department, with a PowerPoint presentation outlining the scale and stages of the procedures. A PSD was also put in place to liaise and advise on how to appoint the design team. The Minister of State can understand how expectations were running high.

In July 2007 the chief executive officer of Westmeath VEC wrote to the school building and planning section in Tullamore responding to a letter outlining the schedule of accommodation for the proposed new school. The chief executive officer thanked the school planning section for the speedy and efficient manner in which the project was progressing. However, he observed that the 8,168 sq. m. was less than adequate for a school of 1,000 pupils. The external and internal space, including playing pitches and parking, did not compare with other school projects recently completed. A meeting was requested by the chief executive officer and the principal last summer and this eventually took place in the offices of Westmeath VEC in Mullingar. The chief executive officer and the principal had a focused agenda about progressing the new school, but officials from the planning and building section of the Department of Education and Science had a different agenda and the new school was way down the agenda. The Minister of State knows what this is about.

Recent correspondence from the Minister, Deputy Hanafin, dated 9 April, did nothing to outline an agenda for when building would commence. It is a procrastinating tactic. The reply was uninformative, routine and unhelpful to parents and students. The letter referred to the fact that a developing unit had been set up recently to focus on the school accommodation needs of rapidly developing areas, including Athlone community college, and that the main emphasis for 2008 — the Minister must have forgotten about 2007 — is to provide sufficient school places in the most rapidly developing areas as well as delivering improvements in the quality of the existing schools. The Minister is referring to primary and post-primary and the emphasis seems to have changed from what was agreed in early 2007. I call for honest clarification.

At a meeting of Westmeath VEC last week the frustrated members of the committee, along with the chief executive officer and the principal, called for a meeting of all Oireachtas Members next week. I seek a definite start date for Athlone community college to bring back to the meeting. This is shambolic.

**Deputy Michael Ahern:** I thank the Senator for raising this matter as it provides me, on behalf of the Minister for Education and Science, Deputy Hanafin, with the opportunity to outline to the Seanad the Government's strategy for capital investment in education projects and also to outline the current position of the building project for Athlone community college.

[Deputy Michael Ahern.]

Modernising facilities in approximately 3,200 primary and 730 post-primary schools is not an easy task given the legacy of decades of under-investment in this area as well as the need to respond to emerging needs in areas of rapid population growth. None the less, the Government has shown a consistent determination to improve the condition of our school buildings and to ensure the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

The Government has dramatically increased investment in the school building programme from slightly more than €90 million in 1997 to almost €600 million this year. Under the lifetime of the national development plan almost €4.5 billion will be invested in schools. This is an unprecedented level of capital investment which reflects the commitment of the Government to continue its programme of sustained investment in primary and post-primary schools.

As the Senator may be aware, a developing areas unit was set up recently in the Department to focus on the school accommodation needs of rapidly developing areas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

The developing areas unit of the Department has identified Athlone as an area of rapid development. In this regard, a decision has already been taken to replace and expand the existing Athlone community college. The new building, when complete, will cater for 1,000 pupils. This project has advanced to the point where schedules of accommodation have been drawn up. These were issued for observations to the vocational education committee and its response in this regard is being considered by the Department's senior building inspector.

While I am not in a position to give a timetable for the commencement of this project, I reiterate that the need for a new school building for the school in question is acknowledged by the Department. Once the schedules of accommodation have been finalised and agreed, the building project required to deliver the new school building will be considered in the context of the multi-annual school building and modernisation programme. I thank Senator McFadden for affording me the opportunity to outline to the Seanad the current position of Athlone community college.

**Senator Nicky McFadden:** I acknowledge that the Minister agrees we need a new school but the response, using the exact words of the Minister's letter, suggests the new school will cater for 1,000 pupils. Can the Minister of State relay the fact that there are 1,000 pupils already? There is no need for the development unit to investigate further. The template has been agreed. I fail to see the reason for the delay. When is the start date? The template has been decided.

**Deputy Michael Ahern:** I am sure Deputy O'Rourke will announce it.

**Senator Nicky McFadden:** She is very quiet on this issue.

The Seanad adjourned at 12.50 p.m. until 2.30 p.m. on Tuesday, 22 April 2008.