

SEANAD ÉIREANN

Déardaoin, 22 Bealtaine 2008.
Thursday, 22 May 2008.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for the Environment, Heritage and Local Government to provide an update on the way his Department will ensure the collapse of the public private partnerships will not threaten the quick delivery of urgent Dublin housing projects.

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

The need for the Minister for Finance to allow commuters to reclaim tax on parking charges at train stations, in the way that they can reclaim tax on their train fares, bearing in mind the Government's desire to encourage the use of public transport.

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

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to discuss the implications of the Government's decision not to underwrite a €39 million loan for Waterford Crystal and to make a statement on the matter.

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 today is No.1, motion re Commission to Inquire into Child Abuse Act 2000, to be taken without debate at the conclusion of the Order of Business; and No. 2, Broadcasting Bill 2008, Order for Second Stage and Second Stage, to be taken at the conclusion of No. 1 and to adjourn not later than 1.30 p.m, with spokespersons having 20 minutes, all other Senators ten minutes, and on which Senators may share time by agreement of the House.

Senator Liam Twomey: The Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, will come to the House today to discuss the Broadcasting Bill 2008. However, another issue for which he is responsible, namely, broadband access, is far more important for the majority of people in the country, and this House should do something about it. My brother runs a wireless broadband company which can provide exactly the same down-

[Senator Liam Twomey.]

load speeds as Eircom and can provide broadband access in the most isolated rural areas. This is a rural issue as well as a broadband access issue. The level of quality of broadband service is often disputed by individuals who may have a vested interest. This House needs to debate broadband urgently to provide an opportunity to Members, who represent the entire country, to inform ourselves on the level of broadband access throughout the country in order that we can put together a report on the urban and rural areas with excellent or poor broadband access. The lack of broadband is a matter of major concern to many people and it is not progressing fast enough. This House should show leadership on the issue.

Professor Tom Keane, the new so-called “cancer tsar”, has made the most insulting and disparaging remarks about doctors. He claims doctors refer their own family members to hospitals in Dublin when they are ill. This is an incredible charge to make. Deputy James Reilly and I are both doctors and close family members of both of us have had cancer and were treated at the nearest available hospital. We did not deliberately send them to a hospital to which we would not send our own patients. That remark should be withdrawn immediately by Professor Keane because it is being quoted left, right and centre and the implication is doctors provide one level of service for family members and another for their patients, which is wrong and incredibly insulting. I would like to point out to Professor Keane that patients from other areas——

An Cathaoirleach: I would prefer if people who are outside the House and cannot defend themselves were not named.

Senator Liam Twomey: I am sorry. However, this issue should be debated because up to 20% of patients treated in Dublin hospitals are from the midlands, north east or the south east and the reason for this is that hospital services are not available in those regions. I would like the Minister to come to the House for a debate on that. Innuendo should not be spread, such as the reason cancer services must be removed from hospitals in the north west is they are not up to standard in comparison to Dublin hospitals. That is not true but if that charge stands up, the reason is lack of funding of hospitals outside the greater Dublin region. A clear debate is needed to prevent people spreading innuendo and making charges about doctors and the quality of service in regional hospitals.

Will the Leader consider notifying the House through a timetable outlining debates scheduled for the upcoming month or an entire session? Slots can be left free to discuss urgent issues but I have asked for a debate on the Morris report on Garda corruption in Donegal and, along with other Senators, for a serious debate on the fishing industry. Senators need to know when debates are scheduled. A more structured approach to our workload is needed in order that Members know three or four weeks or perhaps two or three months in advance when debates are scheduled thereby allowing them to plan their workload around them. I accept that is difficult from the Leader’s point of view because significant administrative work is necessary. Perhaps, the House should seek more resources in order that business can be better organised and Members know what is happening.

Senator David Norris: I congratulate our colleague, Senator Bacik, on raising the question of whether it is suitable to imprison women for minor offences. I regret male Members of the Houses are not invited to the meeting on this later because it is important that men, who are coequals as legislators, should be involved in these discussions. The overwhelming majority of the prison population is male and an overwhelming element of that population comes from certain inner city districts in our principal cities. I would like that issue examined and not just the rights of women because what is sauce for the gander is also sauce for the goose.

I refer to the Lisbon treaty, which has been extensively discussed on the Order of Business. Allegations have been made that people have not been told the truth. Sometimes this is the result of a misunderstanding or misinformation but a case I took some years ago to the European Court of Human Rights has been widely canvassed as being a reason for voting “Yes”. The case was taken under Council of Europe, not European Union, rules to the European Court of Human Rights, not the European Court of Justice.

I have raised serious questions about militarisation that will continue under the treaty. That is one of the reasons I have considerable problems about it. Will the Leader ask the Minister for Enterprise, Trade and Employment to come to the House to clarify the position of Enterprise Ireland *vis-à-vis* the European Defence Agency? Who is representing Enterprise Ireland at meetings of the EDA? What type of meetings of the EDA are being attended by EI? How many EDA meetings has EI attended? The Minister for Defence should also attend the House to answer questions. What projects is Ireland involved in within the EDA, which used to be called the European Armaments Group? What do the projects entail? What is their purpose? What are the financial implications for those participating? What, if any, financial contribution is Ireland making or expected to make? Can we have clarity on these matters? Is Ireland part of the EDA’s intergovernmental regime for defence procurement? If so, why was there no discussion in the Dáil on the decision to join the EDA or this regime? These are serious matters.

I was laughed at in the House and told I was a flake for raising the question of the increasing militarisation of Europe under the Lisbon treaty. I have clear and specific questions and I would like the relevant Ministers to come to the House to answer them. Will the Minister for Defence define what is “common defence”? I would like him to give us a detailed briefing on the financial implications of Ireland’s membership of the EDA. The people of Ireland are entitled to clear, factual answers, which should be given in advance of the vote on the treaty.

Senator Dominic Hannigan: We have had much discussion about the operation of the HSE and there is general agreement the organisation is not working. The latest debacle in the north east is another example of an organisation in crisis but, rather than wringing our hands about it, as some Members are doing, my party is proposing improvements. Later we will launch a six-point plan outlining how we think the HSE can be improved and it covers issues such as reducing bureaucracy, promoting accountability and putting the patient first. It is a constructive and reasonable plan and I encourage other Members to read it and to take on board what we propose.

I refer to the subject of language. Last week Members complimented the Houses on the provision of French and Irish classes for Members. Will the Leader use his good offices to look into whether it would be possible to arrange classes in plain speaking? The Taoiseach can speak three languages, Irish, English and a language with which I am not very familiar.

An Cathaoirleach: This is not relevant to the Order of Business.

Senator Dominic Hannigan: When the Tánaiste mentions two Commissioners, she means only one and they are backed by a cast who thinks it is okay to say one thing in the Houses about cancer services and to say something completely different outside the front gates of Leinster House.

We also suffer from a lack of plain speaking in this Chamber. Government Members called for a debate on Waterford Crystal but that has not taken place. Yesterday, a number of them were at odds about whether Ireland has a veto at the World Trade Organisation talks and, on a weekly basis, Government Members say it is time to reform the HSE. They have the power to do that but they are doing nothing. It is time we had more plain speaking from the Govern-

[Senator Dominic Hannigan.]

ment. As a Deputy said repeatedly in the Lower House yesterday, one cannot have it both ways. I would like a debate on the use of plain speaking in the House.

Senator Terry Leyden: I refer to the issues raised by Senator Norris. No. 14 on the Order Paper is Statements on the Lisbon Treaty, which can be resumed. Many issues have arisen and it would be useful in the context of the campaign to have them clarified in the House by Ministers. That would serve a good purpose and I ask the Leader to consider that. Many different stories have been put out by the “No” campaign and it would be right to refute them in the House. A report will be issued by the Joint Committee on European Affairs on its activities at outreach meetings about the treaty around the country and the Joint Committee on European Scrutiny will also issue a report on the new procedures that will result from agreement to the treaty on 12 June. The two reports will be launched this weekend and I ask the Leader to consider including them in the debate on the Lisbon treaty.

Will the Leader bring to the attention of the Minister of State at the Department of the Environment, Heritage and Local Government with responsibility for housing and urban development, Deputy Michael Finneran, the case of Fingal County Council, which paid €5.4 million to seven people to settle squatters’ rights claims where individuals have spent 12 years or more on a particular property? Local authorities should have a database of all the properties under their control. When I was chairman of the Western Health Board, I arranged for all its properties to be assessed and put on a database to ensure continuity. A significant number of retired officials are aware of properties in the ownership of local authorities or the HSE, which sometimes are the subject of squatters’ rights claims. Such a database would be in our interests and in the interests of the State. The sum of €5.4 million could build a few houses for people in need and could do a lot to assist in other projects in the health service. In one case, the former Western Health Board did not know who owned the property in question. This is a fine property in County Roscommon that is the subject of a squatters’ right claim if they wish to pursue it in that regard. I ask the Leader to arrange for the appropriate Ministers to come to the House for a discussion. Our State assets should be protected and there is a certain carelessness which was evident from the situation pertaining to Fingal County Council and the site at Dunsink Lane.

Senator Paudie Coffey: Yesterday, I raised the issue of Waterford Crystal and the predicament in which it finds itself. I thank the Cathaoirleach for making facility for an Adjournment Debate on it today. I also called yesterday for a debate and called on the Tánaiste and Minister for Enterprise, Trade and Employment to attend the House to discuss this issue which I and many around the House believe to be an issue of national importance.

I acknowledge the Leader’s efforts to try to get a Minister to attend the House. I was disappointed that no Minister was available to attend the House yesterday. We often speak about how we need to make the House more relevant and to respond to issues of the day. The fact that we could not even get one Minister, never mind the Tánaiste, to attend the House to debate this important issue is an insult both to the House and the Leader. I look forward to the Adjournment today and, hopefully, some positive response from whatever Minister attends.

I also welcome yesterday’s decision by the Irish Congress of Trade Unions to recommend a “Yes” vote on the Lisbon treaty. The congress represents over 600,000 workers in Ireland and it is important that it is acknowledged for workers that a “Yes” vote for the treaty will enhance and protect workers’ rights in this country. A strong message needs to go out to all workers in Ireland and the ordinary members and citizens of this country that a “Yes” vote is something that we should be recommending.

Childhood obesity and the problems it presents has been an issue for many years. Recently, the Irish Heart Foundation, in conjunction with other agencies, wrote to all Members of the Oireachtas highlighting its concerns regarding childhood obesity and the health problems associated with it. It is mounting a campaign about how to protect children from the marketing of unhealthy foods. It is a very interesting document and I hope all Members would take cognisance of it.

This is one aspect of how we should tackle childhood obesity with regard to advertising and marketing. However, there are other ways that the Government should be showing leadership, be they through the schools and educational programmes or the provision of proper physical education facilities in schools around this country. If we do not respond to this problem, we are storing up huge health problems for the future that will be of huge cost to the Exchequer, regardless of which party is in power. It is something that needs to be urgently addressed. I call for a debate on childhood obesity and how the Government proposes to address the problem.

Senator Mary M. White: Senator Twomey's request to be informed about debates in advance is a very good idea. As spokesperson on older people, I have monitored this and am delighted to inform the Senator that on 17 June 2008, we will have a discussion here on older people.

I would like Members of the Seanad to listen to other people and then participate and dialogue as we go along. Yesterday evening, we had a very serious discussion on children in care who are missing. It was a pity that more people did not stay and listen and converse with one another honestly because it is such a serious issue.

In respect of Professor Keane and cancer services, I am inclined to believe the professor. Senator Twomey and other people he knows may be an exception but we do have a two-tier health system. Generally speaking, people who have money use the private service and come to the best while people who do not have money must make do with the public service.

It is disgraceful that children in care who need psychiatric treatment — young people under 18 and children aged eight and nine — must wait for 18 months for an appointment. If one has money, one can get an appointment immediately with a psychiatrist but if one is using the public service, one must wait.

Senator Liam Twomey: The Senator missed the point.

Senator Mary M. White: I did not miss his point. I know exactly about what he is talking.

Senator Liam Twomey: The Senator is making an accusation which should be withdrawn.

An Cathaoirleach: Senator Mary White, without interruption.

Senator Mary M. White: I would like to ask Senator Twomey as a doctor whether——

An Cathaoirleach: Senators should address their remarks through the Chair and not across the floor.

Senator Liam Twomey: Those sort of remarks bring down the tone of this House.

An Cathaoirleach: Senator Mary White, without interruption.

Senator Mary M. White: Why do patients who need letters have to pay €50 or €60 to a GP? If GPs know patients need to see a consultant——

Senator Paudie Coffey: The Senator is not a GP. Were it not for GPs, we would have no health service in this country. The Senator should not criticise GPs.

Senator Mary M. White: Why do they have to pay €50 to a GP to get a letter to refer them to a consultant? Senator Twomey can reply to that on another date.

Senator Paudie Coffey: The Senator is hiding behind the HSE.

Senator Mary M. White: That has nothing to do with the HSE.

An Cathaoirleach: We are now on the Order of Business.

Senator Mary M. White: I am asking why GPs require patients to pay €60 to be referred to a consultant when the patients know they need to see a consultant for rheumatism or whatever. They have a pain in their toe or leg. Why must one pay €60 to get a letter from a GP?

Senator Liam Twomey: These are personal attacks on me.

Senator Mary M. White: Jobs for the boys.

Senator Liam Twomey: The Senator is all over the place. I should ask her.

Senator Mary M. White: He is not answering me.

Senator Liam Twomey: The Senator is quite confused in what she is saying.

Senator Mary M. White: I would like to move on.

An Cathaoirleach: Senator Twomey has contributed and Senator Mary White did not interrupt him.

Senator Liam Twomey: On a point of order——

Senator Mary M. White: Senator Twomey is being touchy.

Senator Liam Twomey: This is all over the place. The Senator is insulting the sort of work I do. She does not even understand that the Medical Council is changing the guidelines in respect of people getting direct access to specialists.

An Cathaoirleach: Senator Mary White did not name anyone. It is not a point of order when no personal reference was made.

Senator Liam Twomey: She is all over the place in respect of the attacks she is making.

An Cathaoirleach: I ask the Senator to resume his seat.

Senator Mary M. White: I am speaking from personal experience.

Senator Liam Twomey: No, she is not.

Senator Mary M. White: I am speaking from personal experience.

Senator Liam Twomey: She is all over the place.

An Cathaoirleach: Senator Mary White, through the Chair. We are taking questions for the Leader from people on the floor.

Senator Mary M. White: I would like to move on. I would like to let Senator Twomey know that we will have a debate on older people.

An Cathaoirleach: I do not want Senator Mary White to name any other person in the House.

Senator Mary M. White: Our other colleague, Senator Hannigan——

An Cathaoirleach: To the Leader.

Senator Mary M. White: Senator Hannigan referred to the six-point plan the Labour Party will launch. I sincerely hope he has included the role of the trade unions in the HSE.

Senator Dominic Hannigan: The Senator will find that it is a very well thought out document and I encourage her to attend the launch today.

Senator Mary M. White: And the deployment of people.

An Cathaoirleach: The Leader will reply to the questions raised by Members on the floor.

Senator Dominic Hannigan: I can arrange for a copy of the document to be delivered to Senator Mary White's office straight after the Order of Business.

Senator Mary M. White: In the six-point plan being launched by the Labour Party today, will it address the role of the trade unions and the need to be willing to deploy people——

An Cathaoirleach: We will wait and see what is in it.

Senator Dominic Hannigan: I will arrange for a copy of it to be delivered personally to the Senator.

Senator Mary M. White: They all get very excited every time I rise to speak.

An Cathaoirleach: It is a matter for the Labour Party what it brings forward.

Senator Dominic Hannigan: We would be delighted to supply a copy to the Senator.

An Cathaoirleach: We will all get an opportunity to read that.

Senator Dominic Hannigan: We appreciate her interest in the subject.

An Cathaoirleach: Time is moving on.

Senator Mary M. White: They are very sensitive and touchy because I am striking a chord with them.

Senator Paul Coghlan: Say that through the Chair.

Senator Liam Twomey: At least we are not using bad language.

Senator Mary M. White: I hope it will ask what is the role of the board of the HSE and the Department of Health and Children in respect of this matter, not just Professor Drumm and the Minister. In respect of IMPACT——

Senator Liam Twomey: What about the Government?

Senator Mary M. White: Is the Government supposed to run and micromanage it?

An Cathaoirleach: I ask the Senator to resume his seat.

Senator Mary M. White: I am pleased that the Leader has arranged for a meeting on older people. I have asked three times already for a discussion on the role of 1,000 Irish prisoners abroad. I would like the Leader to let me know this morning whether he will arrange to hold a debate.

I am Fianna Fáil spokesperson for children in this Chamber. We have free national school and secondary education——

Senator Maurice Cummins: Tell that to the parents.

Senator Mary M. White: The Senator should not talk nonsense. We have free third-level education. We are neglecting the education of children up to the age of five. I would like the new Minister of State with responsibility for children to attend the House. Let us all participate in the debate the way we did with the Minister for Health and Children when she was here.

An Cathaoirleach: The Senator's point is made.

Senator Shane Ross: I am dumbstruck. I share the House's excitement every time Senator Mary White stands up to speak.

Senator David Norris: Follow that.

Senator Shane Ross: Oh dear.

An Cathaoirleach: You are not confused as well, are you?

Senator Shane Ross: I request a five minute adjournment.

I rose to speak on a serious matter. I congratulate Senator Twomey on raising the issue of broadband and point out to him that No. 13 on the Order Paper is a Bill on broadband in the name of the Independent Senators. I take this opportunity to invite him and other Members of the Opposition to sign that Bill which aims to introduce broadband to every household and small business in the country. I am not making a political point when I say we would welcome Senator Twomey's support for the Bill. I intend to introduce that Bill at an early stage.

I ask the Leader to give time for the Bill. I would like it to be introduced in a non-partisan fashion. I would not necessarily expect the Government to support it, but I would like see the Minister using it as a basis for a Government Bill on broadband. I would not expect the

11 o'clock Government, the Opposition or anybody to support it word for word or letter for letter but it might get the ball rolling. I urge the Leader to agree to a discussion on the Bill and perhaps use it as a basis for introducing speedy broadband in this country as soon as possible. There is a crisis in that regard and Senator Twomey has put his finger on it. I know that members of the Labour Party share our view that this is a crisis of infrastructure in this country. I do not think anybody disagrees about the critical nature of the issue. It is a matter of how it can be done, when and at what cost.

I ask Senators Twomey and Hannigan to support the Independent Senator's Bill, with which they should have no difficulty and to amend it, if they so choose, when it comes before the House. I also ask the Leader to give time for the Bill and to make the suggestion to the Minister when he comes to the House to deal with the broadcasting Bill that perhaps it can be adopted as a skeleton for a Government Bill on broadband.

Senator Camillus Glynn: I wish to point out that it is not the responsibility of the Government to ensure that children do not eat food that will make them obese. As we know from the report on childhood obesity published a number of years ago, for the first time the incidence of

diabetes in young children has increased. It is regrettable that some parents would see fit to replace the traditional sandwich and bottle of milk for lunch with a packet of crisps, a bar of chocolate and bottle of fizzy drink. That is what is contributing to obesity in a major way. Members were treated to a very fine lecture on the issue by Ms Anna Clarke from the Diabetes Federation of Ireland. Parents should take responsibility for the rearing of their children. It is an operational matter for parents, not for the Government.

I have raised the issue of poaching and the elimination, in some cases, of our traditional fish stocks on several occasions. I ask the Leader to organise a debate on this matter. In County Westmeath one local paper in particular, the *Midland Topic*, has carried a number of articles over a period of time describing how the physical safety of those who were brave enough to confront poachers was threatened. When will we have a debate on this matter? I do not want something serious to happen, although very recently it almost did. I want us to be proactive rather than reactive in this matter.

The green paper on local government was published recently. I ask the Leader to invite to the House the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to debate the matter. We are on the run-in to local elections and the green paper will provide for a very interesting debate. There are many fine proposals in it with which I agree but there are others I do not support. It would be useful to have such a debate at the earliest possible opportunity.

Senator Paschal Donohoe: This morning I attended the launch of the Carer of the Year Awards organised by the Carer's Association. I attended the event because the association has a particularly vibrant presence in my neighbourhood and constituency. It was a very moving event and was attended by many carers and those being cared for. The enormous difficulties for some of the carers to simply attend such an event is indicative of the burden on them and the time-consuming nature of the great work they do in looking after loved ones.

Sorry, a Cathaoirleach, I do not want to take your place but when a Member of the Seanad is trying to make a point or is making a contribution, cognisance from other Senators——

An Cathaoirleach: I thoroughly agree with you, Senator. I have, on numerous occasions, asked people to refrain from talking when Members are speaking in the House. There is plenty of room outside if people wish to chat. I regret this has happened to you, Senator.

Senator Paschal Donohoe: I am not too sure what the conversation is about and I am sure it is important. I am well able to handle any points that Senators wish to make but I am trying to make an important point here and am seeking a response from the Leader.

The Carer's Association has been very successful in gaining agreement for the launch of a carer's strategy later in the year to deal with the many issues upon which it seeks resolution. I ask the Leader to agree to a debate on this strategy in order that the Seanad and Oireachtas can have an input and give its views on what can be done better.

We have spent much time discussing the issue of competitiveness in this country, an issue in which the Leader is particularly interested, and the role energy costs are playing in affecting it negatively. New information was published this morning on the earnings levels in different sectors of our economy. The data indicate that people working in the public utilities sector earn €33 per hour, on average, which places them almost at the top of the wage scale. On the other hand, those working in the manufacturing sector, which is under enormous pressure at present, earn an average of €16 per hour. The Government must examine those sectors of our economy that are contributing to the decline in our competitiveness and do something about

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it. It is unacceptable that those in one sector of our economy earn twice as much as those in the most vulnerable sector. It is incumbent on the Government to act now.

I wish to refer to the explosive contribution from Senator Mary White. She was very quick to lay responsibility on doctors, trades unions and others but the responsibility for these issues lies with the Government and the party of which she is a member.

Senator Dominic Hannigan: Hear, hear.

Senator Paschal Donohoe: It is a pity that Senator Mary White is not here to hear a response from Members to her comments——

An Cathaoirleach: I cannot allow——

Senator Paschal Donohoe: ——when she was so quick to point out that other Members of the Seanad left the Chamber yesterday.

An Cathaoirleach: I cannot allow anyone to speak about another Member if that Member is not present. It is a precedent here.

Senator Paschal Donohoe: If the Senator is going to make such a strong contribution, it is a pity she can not be here to hear the response from Opposition Senators.

Senator Terry Leyden: In fairness to Senator Mary White, she is attending a meeting of the Joint Committee on Health and Children. She cannot be in two places at once.

Senator Phil Prendergast: That meeting is not scheduled to start until 11.30 a.m.

Senator Terry Leyden: No, it started at 11 a.m.

Senator Geraldine Feeney: I support Senator Coffey's call for a debate on obesity in younger children. I agree that the document sent to all Members this week was very informative. I also support the call made by Senator Mary White for a debate on education for those aged under five. I agree with her that there was an excellent debate on child welfare in the Chamber yesterday and an excellent exchange of views with all Members across the divide and the Minister of State, Deputy Barry Andrews. I primarily want to ask the Leader if he could arrange a debate on palliative care and the great work carried out by hospices. That would be a better way of talking about what is happening in cancer care here than taking a cheap shot at the eminent Professor Keane, as Senator Twomey did. He made his comments about——

An Cathaoirleach: I remind Members that they should not name individuals, be they a professor, doctor or anyone else, who are not present in the House.

Senator Liam Twomey: We should have a debate on that. I would look forward to it.

Senator Geraldine Feeney: The said professor made his comments in a lengthy contribution to the Committee on Health and Children many months ago. It is interesting that this issue only arose last night and this morning, but those comments were made previously. The professor talked about his colleagues here calling him in Canada to ask what would be the best treatment for their loved ones who were suffering from cancer. The doctors here suggested that they would like to take them out of the country, but Professor Keane — I apologise for mentioning his name again — or rather the professor said it would be better for them to be treated in Ireland where the expertise is located.

It is high-handed of Fine Gael when it, together with the Labour Party, in their programme for the Government in 2007 never mentioned cancer.

An Cathaoirleach: Is the Senator seeking a debate on the matter? We have discussed it at length.

Senator Geraldine Feeney: None of the Fine Gael members saw fit to attend the Committee on Health and Children last week when we were discussing palliative care. I rest my case.

Senator Liam Twomey: Where is the funding for palliative care? It is non-existent.

An Cathaoirleach: I call Senator Coghlan.

Senator Liam Twomey: That is more important than the making of cheap shots across the House.

An Cathaoirleach: Allow Senator Coghlan to speak without interruption.

Senator Geraldine Feeney: Senator Twomey is a Johnny-come-lately to this issue.

Senator Liam Twomey: The taking of cheap shots across the House will get the Senator nowhere. It would be better to fund palliative care. It would be much better for the Government to do that.

Senator Geraldine Feeney: This subject is the Senator's new found interest.

An Cathaoirleach: Allow Senator Coghlan to speak without interruption.

Senator Paul Coghlan: I assure the Cathaoirleach I will not engage in any finger-wagging. I appreciate the importance of all subject matters raised by the various Senators, but I would not doubt the accuracy or veracity of the remarks of my colleague, Senator Twomey——

An Cathaoirleach: I remind the Senator we are on the Order of Business and ask him to address his question to the Leader.

Senator Paul Coghlan: ——on the very important subjects he touched on this morning.

Senator Geraldine Feeney: We all love our own.

Senator Paul Coghlan: On the issue of broadband, I agree very much with what Senators Twomey and Ross said. What they are seeking is something we have been promised by the Government for years. As the Leader is probably aware, he being a frequent visitor to Killarney, the tourism capital of Ireland, if one travels three or four miles east or west to Headford or Fossa, one would hear from the people living there that they have been trying for years to get a connection but have not been able to get it. This is an important issue. We would all support fully the spirit of what Senator Ross is trying to achieve. It is something to which we all subscribe.

On perhaps a more topical and important issue, which was touched on here in previous days, I do not believe anybody understands why diesel costs so much more than petrol. No one is aware of any new or different methods of refining it. It appears on the surface at least that the consumer is very much being got at. No one wants us to get back the tag we had for some time, of being rip-off Ireland but anyone who listened to a radio programme this morning would have heard about many high prices across the board. I have discussed the price of diesel with many people and no one to whom I talked can understand the reason for its high price.

Senator Dominic Hannigan: Some people are making a killing on it.

Senator Paul Coghlan: That is correct. The National Consumer Agency has been brought into the frame, and presumably it is doing something about it, but it has been very quiet. I ask the Leader, if possible, to arrange for representatives of that agency to appear before the appropriate joint committee of the Houses on the subject because it is something that needs to be addressed immediately, if it has not been done already.

Senator Phil Prendergast: I read of a report yesterday where 12 young people in Dublin were successfully rehabilitated through a drugs rehabilitation programme run in conjunction with the HSE. There are, therefore, such initiatives that are quite successful. Where there is a successful model such as this it should be used in other communities throughout the country in the fight against drugs, which is a major national issue.

I attended a presentation this morning on behalf of Headstrong on the mental health of young people. Reference was made to a programme that has been a very successful model in Australia. Where the adoption of a model has proven to contribute to a huge reduction in the incidence of suicide — the incidence of which is more than 500 here — we should adapt that model to determine how it could be used here, and funding should be provided. In the long term not only would it save lives and have a measurable effect, but it would also be a model by which we could measure outcomes.

Senator Eugene Regan: The Leader indicated last week in response to a request that we would have clarification on the WTO agreement, on whether the Government accepted it had a veto and whether it was prepared to use it in the case of the farm sector not being adequately safeguarded and protected in the World Trade talks. He assured the House that the Minister for Agriculture, Fisheries and Food would give a clarification and response to that question this week. I inform the Leader and other Members of the House that such a response was not forthcoming yesterday. There was no clarification on either of those two points.

Senator Cannon has sought clarification on this point. A Senator from the Green Party said last week that we had no veto. Is the Government of one mind on this issue and has it any understanding of this question? Given that the farm leaders have raised a legitimate question, that it is raised in the context of the Lisbon treaty and that it will influence many farmers in how they vote on that treaty referendum, it is imperative that the Government clarify this situation and state its position. I question why that has not happened and whether the Taoiseach has given a diktat on this matter, whether he is in a sense getting combative with the farm leaders and trying to isolate or punish them by giving a direction that there is to be no response to what is a very legitimate question. The lesson from this is that the problem farmers have is not with Europe but with the Government. I ask the Leader to clarify why we have not got clarification on this, given that within the Government the Green Party, the Progressive Democrats and Fianna Fáil do not seem to be speaking from the same script.

Senator Rónán Mullen: I apologise to my colleague, Senator O Donohoe. I was checking an important point of fact with Senator Norris and was unaware we were causing a distraction. I apologise to the Senator, the Cathaoirleach and other Members of the House for that.

The matter I was raising with Senator Norris is a grave one. The Prime Minister of Great Britain, Gordon Brown, chose to meet the Dalai Lama in the tradesman's entrance, so to speak, by not bringing him to No. 10, Downing Street, but meeting him in Lambeth Palace, which the Dalai Lama and others understand to be for the economic reasons that the British authorities do not want to offend China.

This brings to our attention again an issue we discussed some weeks back, namely, what is to be our attitude to the opening ceremonies of the Olympic Games in Beijing. It would be timely to hear from the Government about what is to be the official policy of this country, or perhaps in the context of a debate, we could canvass the views of the Members of this House. We could set an example. It would be a very good thing if the Dalai Lama were to address us either in a Joint Houses setting or in this House. It would be a good, effective and educative counterpoint to the treatment of the Dalai Lama by the British authorities.

Senator Shane Ross: Hear, hear.

Senator Rónán Mullen: On another serious matter, when we are talking about cuts in public expenditure it is disquieting that given the importance of information and communications technology in our schools, an issue I have raised in this House in the past, the Minister for Education and Science was unable to commit to the spending of €252 million over a number of years as was originally proposed.

It is also disquieting that doctors in University College Hospital, Galway have drawn on research from Australia to show——

An Cathaoirleach: Is the Senator asking a Leader for a debate on this matter?

Senator Rónán Mullen: I am. It would be a debate about waste. When doctors in University College Hospital, Galway have said that according to Australian research in equivalent situations, the standard level of overcrowding in accident and emergency department could result in between ten to 20 unnecessary deaths per year, is it not time for us to ask whether there is a huge and unnecessary waste of public moneys on matters like public relations and on spin doctors? What we need to do at a time of challenge is to readjust to see how we can prioritise the needs of the most vulnerable people. Planning for the future in education by providing information and communications technology is vital for the future of the economy.

I am glad the Broadcasting Bill is before the House today. It is important legislation but it is also important to draw Members' attention to the fact that section 125 proposes a free-to-air television service in respect of the proceedings of the House.

An Cathaoirleach: That can be discussed when debating the Bill.

Senator Rónán Mullen: It will be known as the Houses of the Oireachtas channel and will probably come to be known as "HOC". The Taoiseach is doing his bit to make proceedings lively in the other House and Senator Mary White is doing her bit here but we need a debate——

An Cathaoirleach: The Bill will be before the House later. The Senator has made his point to the Leader.

Senator Rónán Mullen: Can we have a debate on how we can make our proceedings interesting to the public so that when there is free-to-air television, it does not turn people off? It certainly will not be attractive to commercial investors and I doubt if there will be any advertisements on HOC. We need to consider how we can make our proceedings interesting in order that there can be more participation in our democracy and not less.

Senator Nicky McFadden: I refer to the issue of packed accident and emergency departments which, according to *The Irish Times* today, doctors in Galway have said may lead to 20 deaths per year. I raise this issue in light of the debate which took place in the other House yesterday and in the context of inspiring confidence among people from Sligo and Mayo to go to the

[Senator Nicky McFadden.]

centre of excellence in Galway. When people had to cease treatment for breast cancer in Mullingar and were told to go to the Mater hospital, I was accused of being parochial when I raised concerns. It is shocking to read that because of overcrowding and staff being under so much pressure, 20 people may die. That is more than one death per month in the University College Hospital, Galway, which is very worrying.

I join Senator Feeney in calling for a debate on palliative care. Today's newspaper also states that this Government has reneged on providing funding for palliative care.

This is about deeds and not words. The eloquent Minister for Health and Children, Deputy Harney, has come to the House but there have been no results. The doctors in Galway are crying out for a plan and a way to alleviate the situation in the accident and emergency department there. Many people from the midlands attend University College Hospital, Galway for cancer treatment and there is not even car parking.

Will the Leader ask the Minister to come to the House in order that we can once again appeal to her? Perhaps she might listen to our appeal.

Senator Donie Cassidy: Senators Twomey, Mary White, Ross and Coghlan expressed serious concerns about the unavailability of broadband throughout the country. I share their concerns in this regard. It is a serious challenge. It is necessary infrastructure which we all would like to see in place more quickly. I intend to allow as much time as Senators require for a wide-ranging debate on broadband. We must go through this county by county and hold to account those responsible for this portfolio.

This is the most important technology which could be put in place, especially in areas where difficulties are being experienced by the manufacturing industry. This is a new opportunity for people to create new jobs. As those of us who have been in business for a long time know, business is not about profit but about overheads. If one's overheads are looked after, one's profits will follow. Many people could run their businesses from their homes more cheaply than at present, especially if they are paying high rents and where it is not competitive to continue with the traditional family business.

Senator Ross referred to No. 13 on the Order Paper. If the Bill is presented, I will accept it and progress it to Second Stage when we can discuss the pros and cons of it and perhaps assist the Government with its Bill.

Many Senators, including Senators Twomey, Hannigan, Feeney and McFadden, expressed serious concerns about health care. Some very good suggestions were put to me, although some people were playing politics. Patients must come first. Senator Twomey has come to this House with a wealth of experience and when he talks about the medical profession, I listen attentively to him but when he talks politics, I consider what he says in a different light.

No Minister has come to the House more often in the first year of this Seanad than the Minister for Health and Children, Deputy Harney. I will endeavour to arrange a debate with the Minister before the summer recess to update us on what is happening with the Health Service Executive. As someone who served as a member of the Midlands Health Board for more than 18 years, as did the Cathaoirleach, I know that we should not consider removing services from areas until they are available in the new destinations. That is common sense. Those suffering from the dreadful disease of cancer want to be assured that will happen. We heard on radio this morning about someone who had been deceased for 17 years getting a call. Much tightening up needs to be done.

The will is there on all sides but the patient must come first. All those in public life want to do the right thing for the patient. Three times more funding is available now than ten years

ago, so it is not a question of funding. Those of us who were Members of this House in the 1980s and 1990s were always told something was a very good idea but that funding was not available. At least funding is now available.

Members with the expertise should get together and assist the Oireachtas Joint Committee on Health and Children to see what it can do to move forward in a positive way. I am sure the Minister and the Department are open to good suggestions which could assist.

As was outlined earlier, there are examples of best practice in Australia and New Zealand. Let the committee visit those destinations immediately and produce a report which could be acted on. That could speed up the process. Money may not always be available because, as we know, the economy is cyclical.

I call on Members with experience of, and expertise in, the health service and to whom I listen attentively on the Order of Business to assist the Oireachtas Joint Committee on Health and Children. I will provide a day or two days on their return from Australia or New Zealand to debate their submission or report and see how the Seanad can play a part in ensuring we do what is right in terms of the allocation of next year's Estimate and allocation from the Department of Health and Children.

Senators asked that a programme of the business of the House be printed monthly. The Seanad is the same as the Dáil and takes its instructions from Government which usually makes a decision at its Tuesday morning Cabinet meeting. We are instructed as to what our business will be for the Thursday of that week and for the Tuesday and Wednesday of the following one. That is the way Government operates.

I can plan forward and as Senator Mary White said, I gave a date of 17 June for statements on older citizens, the challenges they face and the opportunities for those great experienced people who can still make a marvellous contribution to our country.

I have no say with regard to planning what legislation will be debated. That is decided by Government at the Cabinet meeting on Tuesday mornings. However, I will do anything I can to help and assist the leaders of all parties and the Whips. I have an open door and I have created an opportunity to sit down and meet for a half hour on the first sitting day of every week to discuss the best way to deal with business. I inform them of the business ordered by the Government and try and facilitate each party in the House. That is as much as I can do in that regard. If a Senator is available and wishes to raise a particular issue, I try to facilitate the diary of that Member as well as I can.

Senator Norris congratulated Senator Bacik on her initiative with regard to women prisoners and the prison service. He, along with Senator Regan, called for clarification on the various views expressed on the Lisbon treaty and the World Trade Organisation talks. The Minister for Agriculture, Fisheries and Food was in the House yesterday to debate the WTO talks and the Taoiseach will make a major statement this morning at the forum on the treaty. We all want to see clarification on the challenges facing the farming industry. I know this clarification will come before the election. I will make further inquiries on the matter and report to the House next Tuesday.

Senator David Norris: I asked the Leader clearly and specifically to call the Minister for Defence or the Minister for Foreign Affairs to the House to respond on European defence.

Senator Donie Cassidy: I was just coming to that.

Senator David Norris: Thank you. I would be grateful if the Leader could get an answer on the matter for me or get the Minister to the House.

Senator Donie Cassidy: We will endeavour to have that debate and get the Ministers to the House before the referendum. If that is not possible, I will ask that they send written clarification to the Senator.

Senator Hannigan expressed his opinions on the use of languages in the House. It has been very uplifting to hear the Taoiseach, Senators Labhrás Ó Murchú and Joe O'Toole and all the wonderful people who speak Irish so fluently speak in Irish in the House. I have congratulated them in House. I can only agree with the Senator.

Senator David Norris: And the FFers.

Senator Donie Cassidy: With regard to that language, when a former office holder was in the south of Ireland many years ago, he used such language when speaking about the national question. He may not have used it in the House, but he used it in that context. That is the reason the Nationalist community in the North of Ireland could always rely on Fianna Fáil on the national issue.

Senator Terry Leyden: The Leader has a great memory.

Senator Donie Cassidy: Similar language was also used in another private conversation that took place in Dáil Éireann with the former president of the Labour Party. The system that existed at that time still exists. It is in this House also. Even if Senators' microphones are not switched on, that does not mean their conversations are not being heard. At the time, the Ceann Comhairle did not hear the utterances of the former president, Proinsias De Rossa, whose microphone was not turned on. However, his words were recorded.

Senator Rónán Mullen: If the Taoiseach cannot be good, he should, perhaps, be careful.

Senator Donie Cassidy: I am just alerting the House to the system that exists. Just because a Member's microphone is not switched on does not mean the conversation is not being heard.

Senator Maurice Cummins: We will not indulge in that language in this House.

Senator Donie Cassidy: Perhaps even the intimate conversations going on this morning while Senator Paschal Donohoe was speaking were recorded. Who knows.

Senator Coffey raised the matter of the serious challenge facing Waterford Crystal. I thank the Senator for his co-operation and understanding yesterday and thank the Cathaoirleach for ensuring the Senator will be able to express his views in an Adjournment debate on the conclusion of the debate on the Broadcasting Bill today. He will be able to express the serious concerns of the people of the south east at that time.

Senators Glynn and Coffey expressed strong views on the issue of child obesity. The Minister of State with responsibility for that area is Deputy Mary Wallace, a former Senator. We will seek her presence in the House to discuss this serious challenge facing children. Senator Mary White called for a debate on the 1,000 Irish prisoners abroad. I will try to arrange a date for that debate.

Senator Glynn for a long time has been seeking a debate on fish stocks. I am endeavouring to have that debate take place before the summer recess. This is a serious challenge for Westmeath, the lakes county, in particular and for all the lakes in the midlands area where fish stocks are so important for tourism. This issue will be on our calendar before the summer recess. The Senator also called for debate on local government issues and the Green Paper. I suggest we should wait another month or so for that debate when the new local authority constituency boundaries are announced.

Senator Donohoe called for a debate on the carers' strategy. I said previously that all carers should get a gold medal for the great work they do. There is no more worthy call than one for a debate on carers. I have no difficulty in trying to arrange this and ensure it will happen.

The Senator also pointed out that one of the great challenges facing the country is competitiveness. We can discuss this issue in debate on the economy. The issue is a great challenge to the social partners who are trying to get agreement for another three or four-year period. I wish them well. I have no difficulty with arranging a debate on this issue as soon as possible.

Senator Prendergast highlighted the success of the drugs rehabilitation programme for 12 young people. Some Senators are attending a sub-committee this morning that will deal with serious problems such as drug abuse and suicide, etc. I wish that sub-committee well.

Senator Mullen asked that the Dalai Lama be invited to the House. That is a matter for the Committee on Procedure and Privileges which I know intends to discuss the issue shortly. He also called for a debate on time wasting.

Senator Rónán Mullen: I called for a debate on resources.

Senator Donie Cassidy: Resources would include time wasting.

Senator Rónán Mullen: It was the money aspect I wanted a debate on.

Senator Donie Cassidy: Senator Quinn was the first person I know of who lived by a planned diary with regard to the time he could spend on various issues and in various places. I have no difficulty with affording time for a debate on the use of resources.

With regard to the debate on the Broadcasting Bill which follows the Order of Business, we have been trying for eight to ten years to have an Oireachtas channel to broadcast proceedings. The Seanad stands to benefit most from this new broadcast facility, because it offers us the opportunity of Seanad reform with regard to changing the time of the Order of Business so that citizens can see our deliberations and be informed of the workings of the House at first hand and unedited. I look forward to this happening. Such broadcasts have been very successful for our near neighbours in the United Kingdom and in the United States.

I certainly want support on section 121 of the Bill so that this may happen. We have the hardware such as cameras in place. Therefore, it would not require significant investment to ensure every home in Ireland would be able to watch the affairs of the Oireachtas. How uplifting that would be from the educational point of view for primary, secondary and third level students. They could watch the proceedings of both Houses and of committees on a daily basis. The Bill provides an opportunity to us parliamentarians to ensure this happens and bring the news of Oireachtas proceedings to the people in their homes.

Senator Maurice Cummins: How riveting.

Senator Dominic Hannigan: Can we make it compulsory viewing?

Senator Donie Cassidy: The Cathaoirleach will be able to make judgment on issues as they arise on a daily basis, just as he does so well currently.

Order of Business agreed to.

Commission to Inquire into Child Abuse Act 2000: Motion.

Senator Donie Cassidy: I move:

That Seanad Éireann approves the draft Commission to Inquire into Child Abuse Act 2000 (Section 5)(Specified Period) Order 2008 a copy of which was laid before Seanad Éireann on 21 May 2008.

Question put and agreed to.

Broadcasting Bill 2008: Order for Second Stage.

Bill entitled an Act to revise the law relating to broadcasting services and content and for that purpose to establish an authority to be known as, in the English language, The Broadcasting Authority of Ireland or, in the Irish language, Údarás Craolacháin na hÉireann, to dissolve the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission, to amend and repeal certain enactments relating to broadcasting, to provide for matters relating to television licences, to provide for the regulation and provision of telecommunications services and to provide for connected matters.

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

Question put and agreed to.

Broadcasting Bill 2008: Second Stage.

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

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am very pleased to introduce the Broadcasting Bill 2008 for the consideration of the House. The Bill is a detailed, comprehensive legislative proposal, which seeks to deal with virtually all aspects of regulation and provision of broadcasting content in Ireland. It introduces many new concepts, grants a range of new functions to broadcasters and regulators and sets the framework for new activities and services, especially in light of technological changes. It liberalises and streamlines the regulatory burden on broadcasters. Its primary focus is, however, to support and grow the wide variety of services, information, diversity of viewpoints and entertainment available to the Irish listener and viewer.

The Bill’s broad intent is to deliver a level playing pitch to different broadcasters and put the viewer and listener at the centre of our broadcasting legislation. The Bill builds on a number of policy developments over the past six years, including the report of the forum on broadcasting in 2002, one of the main recommendations of which was a level playing field and an independent regulator to oversee it. It builds on the outcome of the 2004 radio licensing review, the conclusions of the e-consultation initiative undertaken by the Oireachtas Joint Committee on Communications, Marine and Natural Resources in 2007, the objectives of the programme for Government, the telecommunications regulatory framework directives of 2002, and the recently agreed audio-visual media services directive of 2007, which replaced the television without frontiers directive. It includes consideration of the recent agreement with the European Commission in the context of the Commission’s closure of its investigation into the public funding granted to RTE and TG4 and takes into account the increasing convergence in digital technologies between our broadcasting and telecommunications industries.

The Bill represents a consolidation of 50 years of Irish broadcasting legislation going back to the Broadcasting Authority Act 1960, which established RTE. It amends a number of Acts

in between, including the Radio and Television Act 1988, which allowed for independent commercial broadcasting, and the Broadcasting Act 2001 which established TG4. The entire corpus of that broadcasting legislation is brought together in one, consolidated, modernised Bill.

It may be of interest to politicians that one of the key developments of the Bill is the new approach we are considering taking towards appointments to the board of the new broadcasting regulator. This is as relevant to Members of the Seanad as to Members of the Dáil because we seek to give the Oireachtas committees real influence and responsibility in the appointment of the board of the new broadcasting authority of Ireland, BAI, and the boards of RTE and TG4. It proposes that a significant proportion of the appointments to each of these boards would be subsequent to the advice of the Oireachtas Joint Committee on Communications, Energy and Natural Resources.

Subsequent to the publication of the Bill there have been a number of comments on that provision. Some Fine Gael Members would prefer an alternative system whereby the Oireachtas committee would have a vetting role rather than a proposing role. I look forward to hearing the contributions or views on this. The power to be proactive and to suggest is far more useful, interesting and effective than a vetting power. It is better to be proactive rather than reactive and that is what we seek for Members of both Houses to be in this style of appointments of boards. We want them to go out and search for people and talk to people who may be willing to take on a public service role. Public service roles are crucial in our system. The amount of hard work people do on State boards for no reward other than the sense of being part of a public service is often not recognised. The provisions set out in the Bill are a first and will require teasing out as to how the Oireachtas committee will do it, but I strongly believe it is the right way to go. It is preferable to an alternative whereby an Oireachtas committee would act as a vetting mechanism. It will require detailed work between us and the committee to set out exactly how it will operate and I look forward to this work.

There will be nine board members of the BAI. Of these, five will be appointed by Government and four pursuant to the advice of the Oireachtas joint committee. As we work towards the enactment of this Bill we will have to establish how the committee will do that. Both RTE and TG4 will have 12 board members. Of these, six will be appointed by the Government after nomination by the Minister, four in the same way but pursuant to the advice of the Oireachtas joint committee, one will be a member of staff elected by the staff in a similar fashion to today and one will be the director general of the corporation, on an *ex officio* basis.

I propose to outline the main provisions contained in each Part of the Bill. I trust Senators will have had a chance to read the explanatory and financial memorandum which explains the Bill's 181 sections and the one Schedule to the Bill. It is a long, complicated and detailed Bill and warrants detailed consideration.

Part 2 of the Bill establishes the BAI and its two operational committees, the contract awards committee and the compliance committee. The BAI will assume the existing roles of the Broadcasting Commission of Ireland, BCI, and the Broadcasting Complaints Commission and will undertake a number of new functions. It will have responsibility for developing and adopting a contract award strategy for commercial and community broadcasters, preparing codes and rules for broadcasters, advising the Minister for Communications, Energy and Natural Resources on appropriate resourcing of public service broadcasters, establishing schemes for the disbursement of moneys from the broadcasting fund, establishing a scheme for the exercise of the right of reply, and setting a sectoral levy on all broadcasters to meet the costs of the BAI.

The contract awards committee will have the role of managing the award of contracts to commercial and community broadcasters, whether local radio stations or digital television providers. The compliance committee, which subsumes the Broadcasting Complaints Commission,

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will have the role of ensuring all broadcasters, whether public service, commercial or community, comply with the appropriate broadcasting standards and the terms of their contracts with the BAI. The compliance committee will also hear complaints from the public in respect of broadcasts and will consider requests for the right of reply.

Part 3 sets out the duties, codes and rules that will apply to broadcasters, including the limits on advertising minutage. Sections 42 and 43 continue the existing broadcasting codes and rules developed by the BCI, including the children's advertising, programme standards and advertising codes and the access rules. We have signalled the children's advertising code for some time. It is in the programme for Government and European directives. In very much the same sense this is the right direction to go and advice from organisations such as the Irish Heart Foundation and the World Health Organisation has suggested we have a responsibility to exclude the advertising to children of food products that are high in salt, fat and sugar. I look forward to giving the powers for the authority to set the regulations to achieve that.

Sections 39 and 43 retain the various limits that apply in advertising minutage and requirements on the provision by radio services of a minimum level of news and current affairs. Section 42 empowers the BAI to create additional broadcasting codes, particularly in respect of objectivity and impartiality in news and current affairs, and on encroachments on privacy. Section 42 allows for the children's advertising code to which I referred earlier.

Part 4 sets out audience redress mechanisms in respect of the output of broadcasters. Section 47 requires broadcasters to develop a code of practice for dealing with complaints from the general public. Section 48 sets out the grounds and processes for the making of complaints to the compliance committee. Section 49 proposes the development of a right of reply mechanism that is quick and inexpensive, and of benefit to both the person seeking redress and the broadcaster concerned. It proposes that any person whose honour or reputation has been impugned by an assertion of incorrect facts in a broadcast will be entitled to a right of reply.

It also improves the situation for the broadcaster in the sense that the intent is that the broadcaster, in granting such a right of reply, is not in any way admitting liability should there be a future libel case taken on the particular issue, but it can be used in consideration of whatever damages would be appropriate in any such case. It may well help broadcasters through what is a minefield in the libel laws of which they rightly must take cognisance, while at the same time providing a flexible and appropriate mechanism for persons, who have been affected by something that is damaging in whatever broadcast material, to have the right of reply to set the record straight.

The section requires the BAI to develop a scheme for such a right of reply within the framework proposed, and sets out that scheme in order that it can be applied by the compliance committee in its role as a watchdog on the audience's interests in future programming.

Part 5 sets out the enforcement mechanisms available to the BAI. Chapter 1 provides, in line with existing legislation, that the BAI, after due process, may suspend or terminate a broadcasting or multiplex related contract in certain prescribed circumstances.

Chapter 2 provides for a new enforcement mechanism whereby the BAI may seek the imposition of a financial sanction of up to €250,000 on a broadcaster. This mechanism will apply to broadcasters in respect of a breach of a broadcasting duty, code or rule, or for exceeding the maximum level of advertising minutage permitted. This new mechanism is intended to be a proportionate alternative to the more onerous sanction of contract revocation, and one that would apply to all broadcasters not just commercial or community broadcasters, as is the case at present.

One of the misunderstandings that arose from the publication of the Bill on which there was much media attention was whether we would be out there looking to fine every broadcaster should there be foul language used. That is not the intent of the Bill. Our intent is for a light regulatory touch. One cannot have such restrictive onerous provisions. The intent of the Bill is that where there is a serious breach of trust with the audience, such as in a recent example abroad where someone operated a texting competition scheme which was not honest and fair, there is an ability to set a fine, or where programming was genuinely continuously in breach of the audience's trust or the intent of the codes, there is a mechanism to establish a fine rather than revoke the licence. With such a fine, one would not have to go through a detailed lengthy court system. One would accept the fine in recognition of the breach of the code and then move on.

Part 6 revises the existing provisions contained in the Radio and Television Act 1988 and the Broadcasting Act 2001 in respect of the award of contracts to commercial and community radio and television broadcasters. It provides a number of new features including: the definition of community radio broadcasters as a separate class of independent radio broadcasters; the provision of temporary contracts for up to 100 days for community radio broadcasters, with a view to developing the community radio sector in Ireland; providing that the BAI may conduct audience surveys with a view to ensuring the contract award formats take account of potential audience as well as sectoral suggestions; providing for a fast-track procedure for the award of a radio contract where there is only one substantive applicant — allowing the applicant involved to avoid incurring unnecessary costs; allowing for an extension of existing radio contracts where the contractors are willing to broadcast on a digital multiplex, such as DAB; amending the criteria to be considered by the BAI in reviewing contract award or change of ownership applications, with a view to strengthening plurality of ownership; mandating the BAI to ensure preservation of culturally valuable radio programme material in order that it is not lost for future generations; and the introduction of a single content provision contract for services provided on cable, digital terrestrial television, IPTV and satellite, as opposed to the various different categories and approaches that pertain in existing legislation.

Part 7 outlines provisions in respect of public service broadcasting. The Bill retains RTE and TG4 as statutory corporations, and broadens their public service remits to encompass the new digital content delivery platforms, in particular, web broadcasting. It introduces, or places on a statutory footing, a number of mechanisms designed to ensure the appropriate oversight of the level and use of resources by public service broadcasters. In particular, it requires RTE and TG4 to produce public service broadcasting charters and annual statements of commitment outlining the details of their proposed public service outputs.

The Bill also proposes a role for the new BAI to provide oversight and advice to the Minister for Communications, Energy and Natural Resources in respect of the oversight of the public service activities of public service broadcasters. In particular, it requires the BAI on an annual basis to recommend to the Minister adjustments to the level of the television licence funding to RTE, or to the level of Exchequer funding made available to TG4. It also requires the Minister and the BAI to conduct, respectively, public value and sectoral impact assessments of certain new activities proposed by RTE or TG4.

We have been looking with RTE at reviewing the licence fee review process, recognising that RTE has been successful in the past five years in putting money given to it in licence fee increases back into programming, but we need to fine tune the mechanisms of its assessment, not just in order that we measure the hours of programming but that we start to take in qualitative research of the audience experience of the programming and that we also start to examine the flexibility and efficiency with which RTE is doing its measurements as part of an

[Deputy Eamon Ryan.]

overall assessment of future funding or any increases in licence fee. That is a matter that the BAI will continue following enactment of this Bill.

In terms of RTE and TG4's relationship with the independent production sector, section 112 requires both public service broadcasters to publish a code of fair trading practice outlining their proposed terms of trade with the independent production sector. This code will be subject to the oversight of the Minister, following the advice of the BAI.

Section 116 increases to €40 million per annum the amount that RTE must spend on independent production. It also introduces a requirement on RTE to spend a minimum of €500,000 per annum on independent radio production, a new departure which will assist in increasing the plurality of voices and creative programming available to the listeners of RTE's radio services. Section 96 requires both RTE and TG4 to maintain audience councils. This is intended to ensure there is a voice for the listener and viewer at the heart of our public service broadcasters.

Chapter 6 of Part 7 establishes two new public service broadcasting services. One of interest to the House is the proposed Houses of the Oireachtas channel. This is a matter on which the Oireachtas Commission is working. It is examining how we will take from best practice, from the Parliament Channel in the UK and from such channels in other jurisdictions, and apply those lessons here. The technology is available to us. The cameras, sound system and editorial control systems are in place. We need to make that as widely available as possible. We need to add to the programming schedule by showing other free to air material, be that from the European Parliament, European Council of Ministers meetings or from other parliaments further afield. It is appropriate for us to make the workings of our democracy transparently clear and as widely available as possible. Hugely interesting work goes on in these Houses, and particularly in the committees. Making it accessible, even in the case of a small audience with a specialist interest in a particular area, is a proper public service. I hope the channel can be delivered as quickly as possible in order that it is launched at the same time as our new digital television service next year.

I hope we can also launch a new Irish film channel, which is intended to avail of the existing film archive material. The State has spent extensive sums of money developing a digital archive and supporting film production. We show that material on an Irish film channel and this will add greatly to the enjoyment of the Irish viewing public. The Irish Film Board has been the instigator of this proposal, which is something I am keen to support and see delivered in conjunction with the Minister for Arts, Sport and Tourism.

12 o'clock

Part 8 restates much of the existing provisions of the Broadcasting (Amendment) Act 2007 in respect of digital terrestrial television and radio broadcasting. It prescribes certain targets for RTE in respect of the roll-out of public service digital terrestrial television services. We will be launching a free-to-air mux, which will include RTE, TV3, TG4, the new film channel and Oireachtas channel. There are three alternative platforms, or muxes, for which there is a competitive bidding process at the moment. Three major consortia are seeking to deliver a further 30 channels for this new digital television service, which will replace our main analogue system. I am very confident that we can deliver that complex project, with the Broadcasting Commission of Ireland and the new BAI working with RTE and the other private sector operators.

Part 9 shifts the legislative basis for the television licence regime from wireless telegraphy to broadcasting legislation, thus allowing for a significant future revision of the existing wireless telegraphy regime that currently dates back to 1926. It empowers the Minister to designate persons other than An Post as the television licence fee collection agent. It provides that the

Minister may at some future date introduce a separate television licensing regime for non-residential premises. It increases the fines for possession of an unlicensed television set from €635 to €1,000 for a first offence, and from €1,270 to €2,000 for second and subsequent offences. It allows for the introduction of the option of fixed payment penalties as an alternative to court proceedings with a view to increasing compliance and reducing the workload of the courts.

In respect of the fixed payment penalty mechanism, section 149 proposes that where the television licence fee collection agent believes that a person is committing an offence in respect of the non-possession of a television licence for a television set, the agent may, after two reminder letters and a period of 56 days, issue a fixed payment notice. This notice will state that if the person buys a television licence within 21 days, and pays a fine of a third of the value of the television licence, then the agent will not pursue a prosecution. It should be noted that the offer of this alternative to court proceedings will not be entirely at the discretion of the agent. If the agent is of the view that it will serve no utility then the agent may progress directly to court proceedings with the possibility of a significant fine. The fixed penalty payment mechanism has been designed to be a proportionate and modest instrument, while at the same time negating the possibility of a person benefiting by using it to delay purchase of a television licence.

Part 10 restates the provisions of the Broadcasting (Funding) Act 2003. It makes a small number of changes to the provisions of that Act, including permitting the funding of Irish language programming by commercial and community broadcasters in off-peak periods. The Bill maintains the percentage of the television fee allocated to the broadcasting fund at 5%. This is an area of the Bill that provides a subtle and difficult legislative task to assess the editorial decisions and the mechanisms through which such a fund would apply. It has been very successful and we want to maintain that success.

Part 11 in essence restates for good order the provisions of the Broadcasting (Major Events Television Coverage) Acts of 1999 and 2003. Part 12 sets out a number of transitional provisions in respect of the dissolution of the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission on the establishment of the BAI. This part also provides for the continuation of appointments made to the boards of the RTE authority and TG4. Part 13 provides for the updating of sanctions in respect of breaches of wireless telegraphy legislation. The Schedule to the Bill sets out the various Acts proposed to be repealed in order to achieve a single Act, addressing all aspects of broadcasting content regulation and funding.

Senators should also note that I intend to bring forward, at a later stage, provisions in this Bill for the more effective regulation of premium rate services in Ireland. RegTel is the body to which one would turn if one was the victim of a mobile phone scam. This is a common occurrence, particularly for younger people, and causes real anger for parents and young people when they discover that they inadvertently run up large bills on their mobile phones, due to premium rate texting services that were not clearly identified. Up to 30,000 complaints were made last year by people who were victims of these scams. It is important to strengthen the regulations in this area in order to make sure that the rogue operators cannot continue. The mobile phone industry is getting a bad reputation from all this, which is not in its interest. The industry leaders are as keen as anybody else to rid the public of this nuisance marketing activity. We are using the provisions of this Bill to strengthen the regulatory powers to make sure that Irish consumers are not exploited in this way.

The Bill has been a long time in gestation, going back to the recommendations of the broadcasting forum in 2002. It sets a number of very valuable and useful precedents. Going to a public forum and speaking to the stakeholders is a good starting point for proposed legislation. The use of e-consultation within our own Oireachtas committee to consider the heads of the

[Deputy Eamon Ryan.]

Bill two years ago was a positive new development in how we process our legislation. The new appointments mechanism that we are considering in this Bill is a progressive development in the workings of this House, especially the workings of its committee system. Giving responsibility to the committees of this House is a positive and rewarding experience. With responsibility there is much more consideration, more innovative thinking, better results and greater focus on the work being done in the committees.

I hope that the Bill strikes the right balance between our interest in maintaining and developing public service broadcasting, and the development of an independent production sector in this country. The 20 years since the 1988 Act that introduced new independent broadcasters in television and radio has led to an improvement in the standard of broadcasting in Ireland. We want to maintain our public service broadcasting, but also a vibrant new independent broadcasting sector.

The Bill must put the interests of the Irish viewer and listener at the heart of our broadcasting legislation. The codes we set out must guide those broadcasters in the style and in the nature of the broadcasting that we want. The mechanisms by which we raise revenue and give broadcasters redress must be appropriate. This Bill puts the listener and the viewer at the heart of our endeavours in this area. It is written and framed in a way that serves the interests of viewers. I look forward to the support of the House in consideration of the Bill.

Senator Joe O'Reilly: I welcome the Minister and I also welcome the fact that the Bill is beginning its passage through the Oireachtas in the Seanad. It is welcome that legislation be initiated here. The broadcast media is an all-pervasive part of our lives. They contribute to our enjoyment of life, our knowledge, our democratic system, our values and our economy. Legislation seeking to regulate the sector, incorporate existing statutes and adapt to change is of the utmost significance. I welcome the Bill as a reform measure. I am happy to commend and affirm what I and my party believe to be legislation that is sufficiently reforming and regulatory. I will draw attention to areas where the legislation can be improved.

The Bill proposes a new authority, the broadcasting authority of Ireland, with a membership of nine. In a praiseworthy attempt to reform the way in which State boards are appointed, the Minister proposes that five members be appointed by the Government on the advice of the Minister and four be appointed by the Government on the advice of the Minister on the nomination of the Oireachtas committee. The Fine Gael Party proposes that in addition to the Oireachtas committee proposing a panel from which the Minister can choose four appointments, there be a hearing by the Oireachtas committee to vet all nine nominees. Our proposition is that the hearing would focus on competency in the broadcasting sphere and the degree to which those involved represent the sector from which they come. It would not be a hearing investigating anything extraneous to the broadcasting brief and their role on the board. We submit that this procedure would be a further democratisation, adding transparency to the process, and would enhance it. We welcome the initiative but ask the Minister to go a stage further by allowing oral hearings. This would set a precedent for other areas, and is one that the Oireachtas badly needs in order to get away from the archaic system of questionable patronage.

The proposed compliance and contracts committees will have particularly necessary functions in the control and supervision area. The Bill provides for the collection of a levy from broadcasters and independent contractors and from the public service to fund the regulatory authority and its two committees. While the levy must be adequate it should be no more than that. The levy taken from the broadcasting sector should be capped. A realistic figure should be set and it is a weakness of the Bill that it does not set a ceiling on the levy. It is possible to extrapolate from data the likely cost of running the authority. Given the potential of the sector

to yield a levy it should be possible to suggest a capping of the levy. This would enhance the legislation. We do not want to give a blank cheque to anyone or to allow for extraneous expenditure. Tightness of control will make for a better quality of programming to ensure profits across the sector. I recommend the Minister goes back to the drawing board on the question of levies.

Section 39(1)(a) requires that all news broadcast is reported and presented in an objective and impartial form. Section 39(1)(c)(i) dictates that 20% of broadcasting time be spent on news and current affairs. It is a pity that there is no stipulation on Irish language and cultural programmes. Explicit provision should be made in this section. It need not be 20% but should be mandatory rather than an exhortation to broadcasters to have Irish language and cultural programmes. Tá ár dteanga agus ár gcultúr an-tábhachtach agus ba chóir go mbeadh sé sin ráite go díreach sa mBille.

I welcome the proposed prohibition on junk food advertising. As a parent of three young boys and a teacher, I am acutely aware of the pernicious influence of the advertisement. Whether in the form of stings — the sponsoring of programmes by drinks companies — or direct advertisements, this is a matter of grave concern in the context of our national crisis of binge drinking among our youth.

The legislation must be amended to allow the authority and the drinks industry to draw up a code limiting and controlling alcohol advertising. The right to completely ban alcohol advertising should also be included within the remit of the authority. We should work towards minimal alcohol advertising and, in so far as we have it at all, only at certain times and in small amounts. This should be tightly controlled in content and in timing. We should work towards the complete elimination of alcohol advertising. Just as the Minister is correct about junk food, I am correct in saying that the advertising of alcohol by all methods is a contributing factor to our drink culture and drink difficulty. A code should be put in place and a mandate included in the Bill for that.

The capping of advertising to ten minutes in the hour is reasonable and proper but media professionals tell me that ten minutes in a specific hour can sometimes be difficult if there is an outside broadcast, a particular interview or a cataclysmic world event. They suggest ten minutes per hour over two consecutive hours. I commend this and it should be examined on Committee Stage. The principle of ten minutes per hour is correct and we should not go down any other road. I look forward to the Minister's response on Second Stage to this point.

Section 43 states that the authority shall make rules on specific steps to promote the understanding and enjoyment by people who are deaf or have a hearing impairment, people who are blind or partially sighted. There should be an explicit commitment in the Bill to the use of sign language and subtitles. This is mentioned, which is good, but there should be an onus to have subtitles and sign language so that people in those sectors to enjoy media as much as the rest of us. This should be mandatory.

I welcome the introduction of a right of reply. This is vital and, as the Minister stated, will be without prejudice to defamation actions. This is an important step that exists in the print media and it is correct that this be extended to the broadcast media. The media has extraordinary power which it uses constructively in most cases. However, it also has the power to destruct careers, individuals and families. The right of reply is vital as a disincentive in this area. I will deal later with the fines in this regard.

The power of media is great and all mechanisms in this area are crucial. The financial sanction of up to €250,000 for non-compliance by broadcasters with broadcasting codes is to be welcomed. I favour this provision over the cancelling of a licence or non-interference. It is vital this provision is in place and I commend it. As I stated at the outset, we commend this legis-

[Senator Joe O'Reilly.]

lation. While this is the type of approach we like to take in respect of all legislation that comes before this House, it is our duty to seek improvement in legislation we believe is not in order.

The Bill provides for local community broadcasting contracts where appropriate. This is important as the pressures of modern day society are anti-community. It is also important in the context of a multicultural and multiethnic society. I ask that the Minister place emphasis on the community broadcasting sector and focus on encouraging communities to obtain special licences as appropriate.

Section 66 sets out the criteria for the granting of independent radio licences. I welcome and agree with the provisions in this regard. However, subsection (2)(d) and (e) concerning the Irish language, culture and new talent development could be more specific. They are, in their current form, too aspirational. I believe we should tighten up this section on Committee or Report Stage. Section 67 provides for fast-tracking licence renewal applications where there is no competition for a licence. The Bill proposes that the term of any contract extension should not exceed five years. I propose this period be increased on the basis that the staffing, long-term planning issues and capital expenditure involved might render a five year term too insecure. I ask that the Minister give reasonable consideration to this proposal. I do not believe the term should be increased by a bizarre number of years but it should be realistically increased to, say, seven years.

It is proposed to grant a four year extension of a licence in respect of a broadcasting service which develops a niche station as a result of digital broadcasting, gains acceptance and is up to scratch on all levels. Given the capital outlay of developing such a niche station and embracing digital broadcasting, a greater incentive should be provided. It is always to the advantage of the entire broadcasting sector when we improve or develop new stations of the quality of Lyric FM and so on. I propose that where this is done properly those involved should be incentivised to the maximum degree.

I am particularly in favour of the audience council which is to have a statutory footing. It is important there is qualitative research in this area. The introduction of an audience council will ensure compliance and it will have a watchdog dimension. I will not insult the House by listing the massive advantages to society of broadcasting media, as Members are well aware of them. However, when we cite the many advantages of media we can never lose sight of the potential for harm that exists. Audience councils are important in the context of quality of programming and so on.

Section 101 proposes a public broadcasting charter. While I welcome most of what is contained in the charter, it should include a reference to the Irish language and to religious programming. Religious programmes are vital to our broadcasting sector. We should not have any inhibitions in this regard. We must sustain our distinctiveness and our national identity. Our different religions of which we are proud are part of this identity. There should be a specific reference to this in the charter.

Section 116 provides for the independent programme account. Our independent radio producers are made up of small companies and individuals in 13 counties in this country. They make documentaries and feature art, music, drama and children's programmes. Maccana Teoranta on my own local Northern Sound Radio station, of which I am very proud, won the BCI New Adventures award in 2007. A documentary about the extraordinary life of Hanna Grealley, whom I met in passing and who was the author of *Bird's Nest Soup* won the Celtic media festival award. The independent radio sector has also produced an important series on refugees and asylum seekers.

Section 116 proposes that €40 million be made available for this sector. Television productions which are expensive will receive 95% of the fund, which is fair enough. Obviously, the cost of administration, which I believe is high, will also be paid from this fund. It should be stipulated in the Bill that the remaining 5% be allocated to independent radio producers. Currently, this sector is guaranteed only 1.25% or €500,000 of the fund. I propose that this sector be guaranteed 5% of the fund. This is an efficacious move and an endorsement and enhancement of a native industry of great importance to our quality of life and our evolution as a society. We should applaud this sector.

The Bill provides that RTE shall have discretion in respect of €1.5 million of the fund. I do not believe this should be the case. This money should go directly to independent producers. I have no difficulty with this being achieved over a five year period or a greater number of years. There is not at issue here a matter of principle. I believe this would be an efficacious move and we should find a mechanism through which to achieve this.

We propose that in addition to the above provisions the percentage allocated for independent production be doubled from 5% to 10%. There are many good and compelling reasons for this. The Minister stated he had an open mind in this regard, which I welcome. In this regard, I ask that he consider this proposal as an endorsement of our independent and commercial productions sector, audio and visual. I propose a doubling of the percentage from 5% to 10% and will submit an amendment in this regard on Committee Stage. I ask that the Minister embrace this as a radical step, one which I do not believe he will regret. The reasonable controls on expenditure will apply to it as well and it will be properly spent.

I especially welcome the provisions regarding a new film channel. It is a good and meritorious suggestion and should be brought into being. My party's view would be that RTE, as the public service broadcaster, should administer this channel. We would ask the Minister to look at that option. There should be no inherent objection to having advertising between films rather than during their course. It is likely, given the nature of such a channel and its potential audience, that the advertisements would be of a certain artistic quality. There is surely no reason why there might not be some modest advertising with a view to making the film channel self-financing. That would enhance other suggestions that I made earlier.

I welcome the Oireachtas channel. The Minister made reference at the launch of the Bill to the possibility of having local government proceedings broadcast during times when the Oireachtas was not in session. I would very much like to see local government proceedings used in abundance on that channel. Our local councils are the real democracy in this country, the true contact with people. County councillors are the champions of democracy and government and they are the great unsung heroes of Ireland. I commend to the Minister that there be a real, if not indeed a mandatory, emphasis on having local government broadcasting in the Bill in addition to Oireachtas programming. Yet again, perhaps RTE, a public service broadcaster of the highest calibre and excellence and of which we are very proud, might administer this channel in addition to the film channel.

Regarding licensing, my party will propose amendments on the grounds that we are not convinced that a licence can, any longer, be attached to an individual television set. In the future people will look at television via the Internet and other modes, therefore, the question of the licence and the cost of collecting licence fees requires examination. We intend to propose constructive amendments in respect of this.

It is not our intention to oppose Second Stage if we get a clear signal that worthy improvements in the Bill will be taken on board and that Committee Stage will be a positive exercise, an interchange with amendments to improve content. This is a very important business for all of us. Broadcasting is of critical importance in terms of its absolute and often undetectable

[Senator Joe O'Reilly.]

power and that is why its regulation, organisation and enhancement must be important business for any sitting of the Oireachtas.

Senator Martin Brady: I welcome the Minister to the House. I worked with him at local authority level some years ago and he is a person who listens and takes points on board.

Senator O'Reilly raised many issues in his contribution and I will address them now before I forget them. I agree with the proposal to cap the levy. I believe we should have more Irish language and cultural content on television and radio. Senator O'Reilly made a relevant point about the glamorisation of drink in television advertising. The Senator and I do not need advertising to avail of drink because we know it is available. The advertisements do not have to encourage us. I do not wish to make light of this but his point is apt because drink is glamorised to such a degree now that a person might almost begin to believe that it is better than medicine. That is a fact.

I had intended to raise an issue in my overall contribution but Senator O'Reilly also mentioned it, namely, the broadcasting of programmes of a religious nature. About five years ago a broadcasting company, United Christian Broadcasting, UCB, set up and operated here for a number of years, taking a signal from the BBC. The programming was very good and featured all religious denominations, not merely Catholic or Protestant ones. It was good for everybody, young and old. There was nice gospel music and good messages. One of the broadcasters was involved in the peace process in Northern Ireland at the time. The company applied for a licence on numerous occasions but was refused because the then Minister deemed it inappropriate to grant a licence to a religious broadcaster of any kind. I ask the Minister to consider that point and perhaps we could re-visit that issue when there is an opportunity.

I welcome many aspects of the Bill but Senators have reservations about others. Senator O'Reilly has pointed out some of these. There have been representations from various groups which is a good thing. That is democracy. They put their points forward and we can learn much from meeting them. I met one such group, Independent Broadcasters of Ireland, IBI, which made some excellent points that I shall explain later. It is important that we meet and interact with such representatives because we gain better knowledge about the area. I do not know the technical aspects of broadcasting. I worked in communications but things have moved on since then.

Section 9 sets down the requisite experience required for persons to be appointed as board members of the Broadcasting Authority of Ireland, BAI, and its two statutory committees. It is important that at least one member of such a board should have a knowledge of the relevant business, in this case, broadcasting. As a former trade union official, I suggest that the system of appointing this person should be by way of direct election from the staff in the organisation. I say this although it is said that there is no democracy in unions any more.

Section 16 provides for the establishment of a superannuation scheme for the staff of the BAI and also provides that the pension entitlements of existing staff should not be adversely impacted by the transition from the Broadcasting Commission of Ireland, BCI, to the BAI. I would go further and remove the phrase "adversely impacted". I would like to see that changed to read that the employees' status would be retained and that their conditions would not be worsened. Staff in this organisation, as in any other, might be encouraged to participate in a real way if they were given the opportunity to have share options. That might be looked at because it would enhance the progression of the company and have a good effect on staff morale.

Section 23 requires that the BAI draw up a code of conduct with regard to conflicts of interest and ethical behaviour as they should apply to the membership of the authority and its

statutory committee staff, and to contractors appointed for services. I welcome this, particularly as it pertains to conflicts of interest and ethical behaviour. I do not wish to point fingers at anybody but there are perceptions on the part of the public that there are people in the broadcasting business who have conflicts of interest. I do not say that they have or they have not. A question that is often posed concerns the fact that there are people working in the broadcasting business whose annual salary is twice what the Taoiseach earns. In other words, the Taoiseach is paid half of what such people earn. I wish to make it clear that I am not having a go at anybody. I make this point because I have been asked by members of the public to raise the issue. The person goes to the opening of a supermarket or a town centre, probably for a fee of €10,000. I do not know whether one could regard this as a conflict of interest but it could lead to one. We should examine this matter.

Section 62 provides that the board may not grant a sound broadcasting contract to a person who has been convicted in the previous five years of certain offences relating to wireless telegraphy. It is good to have this provision but it does not go far enough. A person convicted of any criminal offence and not only of an offence connected with broadcasting or radio should not be granted a licence. We know it has happened in other business areas, especially in the taxi business, that people have been granted licences and it is later discovered they had criminal records for offences such as child abuse or rape. I will not go into this any further. This must not be confined to offences related to wireless telegraphy.

Section 70 provides for the awarding of analogue television broadcasting contracts to a television programme service contractor and establishes terms and conditions to apply to the contractor. The section also provides for the continuance of the existing contract held by TV3. I welcome this as I believe TV3 provides a good service. TG4 also provides a good service with brilliant documentaries and European news. It is underrated to a degree.

Section 72 allows the Broadcasting Authority of Ireland, BAI, to award community content provision contracts for the provision of community television services to people representing local communities. Senator O'Reilly also raised this point. I welcome this provision because it is important. I am not into religion to the degree one might perceive. The Catholic Church has established its own broadcasting units to broadcast mass into the houses of those who are sick and in hospital. These units are in a precarious situation because they do not know whether they are legal. They are going ahead and a blind eye is being turned to them.

We could examine this. It is a necessary service to people who cannot attend religious services. I do not mean Catholic services only but services of all religions. If churches want to provide transmission of services there is not much wrong with it. It might do something for our community if we heard more of it. Section 73 provides that the BAI may carry out an assessment of the needs of the community in respect of broadcasting and this is connected to what I have discussed and I welcome it.

Section 83 established the process for the election of staff members for appointment to the boards of RTE and TG4. Staff members appointed to the board of any organisation should not necessarily be the high flyers on €500,000 a year. They are not necessarily the best people for the board. We do have to go down this road because we do not always get the value out of it that we think we do. The best person could be a clerical officer, technician or a rigger. Will the Minister keep this in mind?

Section 125 provides that the Commission of the Houses of the Oireachtas may establish a free-to-air television service in respect of the proceedings of the Houses of the Oireachtas and certain other matters to be known as the Houses of the Oireachtas channel. Section 126 amends Schedule 1 to the Houses of the Oireachtas Commission Act 2003 to provide for the funding

[Senator Martin Brady.]

of the Houses of the Oireachtas channel. This was referred to by the Leader on the Order of Business today. I welcome this because it is important.

It is also important that our local authorities are recognised. As Senator O'Reilly stated, they play a vital role in our communities which filters through to Government. The councillors throughout the country are underrated in what they do. Being a councillor is now a full-time job. Since the most recent local elections, 27 people have resigned from Dublin City Council. Of the people co-opted in their place, 10% have also resigned. The reason is because the job has become so demanding. One attends meetings every day and decisions are made on developments. Senator Brendan Ryan knows about this in Fingal. One must be on the ball and know what one is talking about. People cannot get time off work to attend meetings so they have no option but to resign. My point is that councillors do a tremendous job and work hard but do not receive recognition for it.

As Senator Reilly stated, it would be useful if people could see this work at first hand. Some people believe politics in general is a glamorous job and a bed of roses and that one comes in and swans around eating lunches, drinking wine and attending functions. This is because this is where people see politicians. As most councillors and Senators know, when one attends a partnership launch or other function, one meets the same crew all the time. The politician thinks they must be going around doing this all the time and they think the same about the politician. Of course, they will state, "I met Martin Brady," and will get the response, "Again? He was there last week."

It would be good if the proceedings of the Houses were broadcast to homes and people could see at first hand what we do. The same can be said about our committee system. We had an inquiry into Iarnród Éireann which lasted nine months. Luckily it was televised as we received coverage on TG4. Only for that, nobody would have known about it. People told me they never knew we had such committees. People do not know what we do here. The coverage we receive at present is broadcast too late at night. As Deputy Pat Rabbitte once stated in the Dáil, it is for insomniacs and alcoholics coming in at 2 a.m. It is a fact that the number of viewers at 11.30 p.m. or midnight is not high. We should examine this and broadcast it at an appropriate time when people are up, alert and available to listen to it.

Section 71 provides that the BAI may award content provision contracts to commercial and community radio. I have already made sufficient points on this. I wish to make points on some of the representations we have received from various groups such as the Independent Broadcasters of Ireland. The fast-tracking system proposed in section 67 allows for a contract extension which would not exceed five years. By halving the term of the licence, radio stations would be forced to run their businesses on a short-term plan. As we know, it is difficult to run any business on that basis, irrespective of what type of a business it is. Uncertainty creeps in and staff morale is affected. Many of these issues are not positive when a station is being run on a short-term basis. This provision will make it difficult for stations to attract and retain staff because if a person joins the staff not knowing whether he or she will be employed for five or ten years, for example, the uncertainty will lead to him or her to look around for something else coming down the track and moving on before the station collapses. The provision would also make it difficult to justify investment in a broadcasting organisation.

Deputy Eamon Ryan: We are only in the House for five years.

Senator Martin Brady: We are interviewed every five years but the financial risk is not as great. However, this provision will punish existing radio stations because of the lack of competition for licences. The most valuable asset any broadcaster has is the licence. The proposal

would also undermine certainty for future investment and broadcasting quality. As Senator O'Reilly said, the term of the independent commercial radio licence should remain at ten years, regardless of the number of groups that declare an interest in it. That would lead to a more productive and efficient organisation.

Section 134 addresses digital radio broadcasting. I did not know much about this until I met a number of interested parties and they answered my questions. It will result in a greater station choice for consumers and the available spectrum will increase. Digital broadcasting is in its infancy and work is under way on the introduction of digital television with the termination of analogue broadcasting mooted for 2012. FM radio broadcasting may also cease because of digital radio broadcasting for commercial radio stations but that proposal has been put on the long finger. For digital radio broadcasting to be successful in Ireland, it is vital all broadcasters, both independent and public service, buy into the format, given the uncertainty surrounding such a service and the lack of proper information on issues such as the technology that will be used, the radio stations that will be carried on the platform and the benefits it will afford radio broadcasters. Every encouragement must be given to broadcasters to ensure participation. The advertising cap is set at 15% of station output and a maximum of ten minutes per hour but flexibility should be provided in this regard because if a station exceeds these limits, it is fined and so on.

NTL has a monopoly on the provision of cable television. The company signs up people, thus preventing them from accessing other providers such as BSkyB, and they are trapped. The worst aspect of NTL is the diabolical service it provides to the consumer. Last year, the company tried to encourage consumers to pay their bills by direct debit and it stated it would introduce a levy of €2 per bill if they did not sign up for this. Many of us opposed this and the company dropped the proposal. NTL does not provide appropriate customer service. One cannot get a member of staff on the other end of the telephone if one has a query. It provides no service to the public. Members receive numerous complaints about NTL and its behaviour is not good enough. I have met company representatives on numerous occasions and they made all sorts of promises but nothing has happened. Consumers deserve better. They have pointed out to me that I am in Government, not NTL, and they have asked that the Government sorts the company out. I ask the Minister to take my views on board.

Senator Rónán Mullen: I welcome the Minister to the House. I also welcome the Bill, which presents us with an important opportunity, not only to reflect on the structures and mechanisms proposed but also to reflect on the importance of broadcasting in our society, the role media play in our society and how, as legislators, we should seek to influence things for the better using our broadcasting structures. We are approaching the 50th anniversary of the establishment of RTE television and I often think television exploded into the lives of people. We could not have foreseen this as a community. The then President, Éamon de Valera, warned about certain dangers on the advent of RTE but society did not foresee the revolutionary impact television would have on people's lives, most of it for the better. However, it also presented challenges.

Of all the inventions that emerged in human experience over the past century of tremendous progress, television was probably the one about which we were the least educated. Media education programmes are provided by schools and so on nowadays but people were never well educated about how to be discerning consumers of media products and families are becoming increasingly aware of this issue. Parents comment on the challenges they face inculcating good values in their children when they are competing with messages in the marketplace, whether that is the school yard or the field of entertainment and culture. Television is one of prime

[Senator Rónán Mullen.]

bearers of the message from the entertainment industry into our lives and we should consider this.

We need to take a decision on another issue. Are we, as politicians and legislators, only trying to address people's needs in terms of a bare understanding of them as consumers or are we will try to give leadership in shaping society and the role media play in it? Political leaders, politicians and policy makers are scared stiff of being seen as overly paternalistic in seeking to shape our cultural environment, of which the media are a significant element, and they are also scared of the media. The media are a tremendously powerful force in our society, although largely a force for good, but much of their power is unseen. I was party to the debate on the Defamation Bill 2006. The then Minister for Justice, Equality and Law Reform in bringing the legislation forward was philosophically opposed to the emergence of a scenario where media would have greater protections against defamation actions but nonetheless afforded such protections to them and I could not but concur with the folk wisdom that the media are a more powerful and influential lobby with Government than the consumer. I have many conversations with politicians and there can be an element of special pleading on our part when we give out about the media, which is usually related to the last occasion on which we were on the receiving end of harsher than justified treatment by the media.

Accountability, visibility and transparency are issues where power is involved. The reason I raise this is to encourage Members to adapt their thinking to shaping the media environment without fear or favour and very much with an eye to the common good. I have every confidence in the Minister. In addition to being a family man he is also a very considerate and thoughtful person and I have no doubt that he has an eye very much on the common good as he brings forward this legislation. I would encourage him not merely to think of the common good in terms of an idea of the consumer — I am not suggesting he is doing so — but rather in terms of the community.

When we had the debate yesterday about the health services and in many debates about health and education, particularly when we are talking about the needs of the more vulnerable members in our society, we heard and increasingly hear calls for joined-up government and interdepartmental delivery. We often hear the Office of the Minister for Children and Youth Affairs praised because it has access to the work of different Departments and is able, hopefully, to influence legislation so that the needs of children and youth are taken into account.

I hope that this would extend also into the field of all that pertains to regulation regarding the broadcast and print media. We are legislating not just for the consumer interest; we are legislating for the common good. That must be our philosophical starting point, which will require leadership and us standing up to vested interests in some cases. It will require us to remember that far from it being paternalistic of us as elected representatives with a mandate to try and shape this environment to seek to establish clear boundaries that will govern the way the media does what it does in respect of issues like fairness, balance, taste, decency and invasion of privacy, it is paternalistic of the industry to say, "Leave it to us. We are the best guarantors".

I know that I am only speaking on Second Stage and reserve the right to consider these matters further as I prepare my amendments. However, I sense a hands-off approach in certain parts of this legislation that mirrors what happened with the Defamation Bill. I know that it is possible for the Broadcasting Complaints Committee to review matters and to have matters appealed to them. However, I know that in the first instance, broadcasters are the ones who are charged with dealing with complaints.

It should be said that the history of accountability among Irish broadcasters has not been good. There has been a tendency to gloss over legitimate complaints from relatively powerless members of society. There is a tendency for certain mindsets which perhaps predominate in the media to be reflected in the way that news and current affairs are treated. It is no secret that the Broadcasting Complaints Committee, which this Bill in a way supplants through the new broadcasting authority of Ireland, has been all gums and no teeth. There has not been a proper sense of accountability. We all know what has happened where people have had complaints upheld. It has been buried somewhere. There has been a bit of an improvement in recent times where there would occasionally be a short written statement before a "Prime Time" documentary. If we really value people's reputations and the obligation of the media, especially the public service media, to have considerable and rigorous fairness in the production and dissemination of material, we will have strong penalties where that falls down.

While one part of me commends what the Minister said about the fines mechanism being merely a light regulatory touch, it should not be too light. We should not just talk about fining people or organisations when they carry too much advertising within an hour or so. There are other ways to damage the public interest and, very often, they happen when issues or people's reputations are being dealt with.

I remember how, in the wake of the divorce referendum in 1995, the then director general of RTE, Bob Collins, said that if somebody was to come down from Mars and observe the coverage of the divorce referendum, they would never think the country was as divided as it was on that issue. I am very much speaking from memory so I apologise to all the parties concerned if I in any way misrepresent what was said. What does Mr. Collins's statement say about the way our media has operated? Has that situation improved in the past 13 years or since John Waters spoke about the discordant drum in his book "Jiving at the Crossroads" when he spoke about the Dublin 4 media dictating to the people down the country whom it despised without really understanding their values? Do we, as legislators, have sufficient understanding and respect for the fact that there is to be proper treatment of the diversity of viewpoints in our society?

We all speak about the issues on which we are most expert. I am the first to put up my hand and say that there are issues I probably watch more closely than other people. I welcome other people's voices on this matter. I was very disappointed recently and have been repeatedly disappointed by media coverage of issues like stem cell research. Perhaps it is wrong to pick out examples but since they are public service broadcasters, I will give myself the liberty to do so. Very often, emotive arguments are made in favour of research that would be destructive of human embryos. That tends to get balanced against the so-called harsh, intellectually rigorous, principled position. It is done very subtly. Do we have a mechanism that can catch that kind of thing, respect people who make complaints about that kind of thing and take action to ensure it does not happen again? It also happened in respect of the same-sex marriage debate recently on RTE's watch. The Small Firms Association, the farmers or other people who have expertise in other areas might be able to tell one the same thing.

Will we move in this Bill towards a situation where we have more teeth and less gums when it comes to the adjudication on legitimate complaints? I am not talking about the complaints of cranks but about complaints that can stand up on the evidence. Will we have mechanisms that will allow the Broadcasting Complaints Committee not just to look at the offending broadcast in question but a series of broadcasts, which I believe the Minister suggested, not only in terms of whether they have satisfied the requirement of balance but also because the series of broadcasts might establish the clear condemnation that there has not been balance over a period of time?

[Senator Rónán Mullen.]

There are some highly paid celebrity broadcasters and media people in this country. I do not begrudge them; they are highly talented people. Sometimes they go too far in their shows, ratings being all-important, and engage in a manipulative kind of current affairs setting. Can we look at that not because we are paternalistic but because we have the public interest at heart? They are the ones who are being paternalistic and we are allowing them to be paternalistic if we do not challenge them.

Every politician worries about being seen to moralise but this is not about moralising. This is about an authentic search for where the common good lies and a determination to try to pursue the bringing about of the common good. That is my philosophical overview of the situation. In saying what I have said, I am in no way suggesting that these issues are not being or will not be taken on board. I am reminded of the first director general of the BBC, Lord Reith, whose dictum that the media should be there to educate, to inform and to entertain. That dictum still persists in the BBC's mission statement. Our media does very well on the entertainment front and somewhat well on the information front. The educational function is there but perhaps the three are not in perfect harmony as things stand, which is something to which we should have regard.

In respect of the common good and joined-up thinking, a lot of people in this society are worried about the fragmentation of things and individualism. I attended an excellent presentation this morning from Headstrong, an organisation that is dedicated to the promotion of positive mental health experience among young people in our country. One of things that clearly emerges from any of these kinds of talks one attends is the need to restore community among people. Even at our meeting, speakers spoke about the importance of people having someone to talk to.

That is offset by the fact that many people are extremely busy and are retreating into their own life experiences. It is our job to ensure our media does not exacerbate that problem but deals with it by promoting a communitarian vision in society and by ensuring that material that is exploitative, abusive or tends towards individualism is not only discouraged but, where appropriate, punished.

I welcome the provisions in section 8 relating to the procedures for the appointment of the membership of the BAI and its statutory committees. I commend the Minister on providing that the joint Oireachtas committee will have a role here, which is very innovative. I wonder if it might be appropriate to ensure that the Oireachtas committee has as direct a role in the appointment of the two committees. It will have an indirect role, in so far as the BAI will be involved in the appointment of the two committees. Could we take it even further, now that the toe has been dipped into the water? I hope it will not be just a case of whispered consultation among members of the committee but that there will be some mechanism for hearings to take place and for interested parties who believe they have something to offer to be heard by the committee. Obviously, it cannot be too self selecting but I hope there will be some way in which the committee will hear possible contenders before making its recommendations to the Minister. That will make it more likely that the recommendation will be heard and heeded.

I note provisions relating to gender in more than one place in the Bill. I know the Minister is under obligation here and the programme for Government refers to achieving a minimum of 40% representation of women on State boards. While we should have policy on these matters that is strongly oriented towards gender inclusion, I am opposed to quotas. I am opposed to such a strict laying down of the law because it is not necessarily meritocratic. While I would want the legislation to refer to the importance of gender inclusion, I would warn against a situation where the only type of inclusivity we think of is gender. That is the problem with a

gender quota — it forgets that there are other interests in society. It also, perhaps, in an indirect way perpetuates a division between men and women. That is a personal view but in expressing it I am in no way suggesting that careful regard should not be paid to the need for gender inclusivity in choosing the boards of TG4, RTE, the BAI and so forth.

I wish to focus on the Minister's comments regarding section 42, which allows for the children's advertising code to specifically prohibit advertising for foodstuffs aimed at children. I know the Minister is sincere about that but I did not come down on the last cloud either and I know it is an attention grabber. If we are going to be so specific, should we not be also equally specific about alcohol? Can this Bill do something more than merely enable strong regulations that might see us prohibit, over time, the advertising of alcohol? Do we really need alcohol advertising? When one considers the amounts of money that alcohol companies spend on advertising, it is clear it is doing some good from their point of view. Although the code requires, for example, that alcohol advertising should not be associated with sporting or sexual success, the reality is that alcohol advertising is extremely manipulative. The day is coming when we should not see such advertising on our television screens. I ask the Minister to give equal attention to that issue.

I ask the Minister to give attention to things such as tarot cards, which target and exploit, not just financially, but emotionally and play on the vulnerabilities of people who wish to know about their future. We could take a *laissez-faire* view of this and say if they are fools enough to buy these services, then so be it but that should not be our approach. There is an element of protection called for here. I would also say the same in the context of human trafficking. We must ask what we can do in our broadcasting legislation to ensure that any broadcaster operating in this country does not carry advertisements of an exploitative nature, particularly where women and sexuality are concerned. That has been a feature of our television diet in recent years, although not on RTE. That is the kind of public interest consideration the Bill should not overlook.

There are other issues which I could raise with more time but I have raised the salient ones for now. I thank the Minister for introducing the Bill and I am glad that it has been initiated in the Seanad. I hope that is a hint that there will be more than mere discussion of the various amendments that are tabled. I trust that serious issues will be dealt with in the course of the debate on the amendments and I look forward to further discussion. I also hope the Minister will take the Bill on Committee Stage.

Senator Déirdre de Búrca: I welcome the Minister to the House and am glad of the opportunity to discuss the Broadcasting Bill 2008. This is very significant legislation and I congratulate the Minister on producing it within the first year of assuming his portfolio. The Bill seeks to revise the law relating to broadcasting services and content generally and repeals all the existing broadcasting content legislation.

The Minister's capacity for policy innovation is well recognised and on examining the legislation, it is clear that he has put his own stamp on it. The Minister has a very high regard for public service broadcasting and the important role it could and should play in public life. This is reflected in the provisions of the Bill, whereby a statutory and legal framework is put in place for the broadcasting sector that recognises the special character of public service broadcasting, provides appropriate supports for it but also has legitimate expectations of that sector. The Minister's well-recognised business acumen means he sees the need for the public service broadcasting sector to provide value for money and the Bill recognises this by requiring it to be financially accountable and to function in an increasingly competitive environment.

It is clear the Minister wants to encourage healthy competition to the sector. The Bill very clearly sets out and defines the different sectors, commercial, community and public service,

[Senator Déirdre de Búrca.]

and attempts to cater for the very specific needs of each sector and succeeds very well in that regard.

The Minister is also known for his consistent promotion of high ethical standards in public life and some of the provisions of this Bill reflect that commitment. The measures dealing with the systems of appointment to the new structures within the Broadcasting Authority of Ireland and those relating to disclosure of interests are clear examples in this regard. These provisions will help to ensure the integrity, transparency and public confidence in the system.

The Minister has great imagination and confidence and in that context, I wish to refer to a number of measures in the Bill which reflect these attributes. All Members of the Oireachtas will benefit from the provision of a free-to-air television service in respect of the proceedings of both Houses. To include such a provision took a certain amount of confidence on the Minister's part. There is a popular perception that the proceedings of the Houses of the Oireachtas should be aired only late at night by the public service broadcaster because there is such a lack of public interest in those dull proceedings. I do not believe that is the case. It will present a challenge to those who provide the service to do so in such a way that they engage the public's attention. I commend the Minister on including that provision in the Bill. It is up to us to perform well in the Houses of the Oireachtas, to be well prepared and so forth, in order that when members of the public tune it, they see people who are capable of discussing the issues of the day and dealing with complex legislative issues in a way that they can understand and relate to.

Another very innovative measure in the Bill is the creation of the free-to-air Irish film and television channel. I commend the Minister on this provision. One of the provisions of the Lisbon treaty deals with measures for member states who wish to protect their cultural and audiovisual services.

There is a recognition in international trade negotiations that the broadcasting sector is especially vulnerable, as is the general cultural sector. There is a saturation of these sectors largely by American produced programme content. There are special provisions in the Lisbon treaty to protect the unique cultures of all the member states of the European Union. The particular measure the Minister has inserted in the Bill providing for the Irish Film Board to establish a free-to-air Irish film television channel will do just that. It will broadcast largely Irish film work and it will ensure there will be a platform and an opportunity for Irish film makers to present their films and cultural products to the Irish public.

I congratulate the Minister on the broadcasting fund and grant scheme. It will be made up of a certain percentage of the revenue from the television licence scheme. That is a positive and innovative development, which I welcome.

The Bill seeks to establish a broadcasting content regulator to be known as the Broadcasting Authority of Ireland which will perform the existing functions of the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission, but it will also undertake new functions. One of the important ones it will undertake, which relates to my earlier point, is the oversight of public funding to the public service broadcasters. There is a strong public demand for this. The public have no difficulty in public service broadcasters being generously supported by the State as long as there is clear oversight of the expenditure of the revenue that is given to them. The Bill will ensure that. It also revises the statutory basis for the television licence, which was due.

Another innovative measure of the Bill I welcome is that the proposal that the Broadcasting Authority of Ireland should be funded primarily by way of a levy on the broadcasting sector. This is right and proper. If the Bill, once enacted, is successful in its objectives, it will deliver on

much better outcomes for the operators within the broadcasting sector. It is not unreasonable to ask that the broadcasting sector would support the creation and maintenance of this regulatory authority.

In terms of other provisions, the Bill provides for a clear definition of commercial, community and public service broadcasters and their role. This is important, especially as far as the community broadcasting sector is concerned. This is a growing sector, which to a certain extent has been neglected and overlooked in official terms, possibly because of its newness. The Minister showed great foresight in setting out a very clear role for the community broadcasting sector and putting supports in place for it.

Sections 5 to 7, inclusive, provide for the establishment of the broadcasting authority of Ireland. There is a sensible separating out of the different functions of that new authority and its two statutory committees, the contract awards committee and the compliance committee. The Minister, who is committed to ethical standards being integrated into the Bill, has made sure that it sets out procedures for the appointment of the memberships of the broadcasting authority and its two statutory committees.

I welcome, as Senator Mullen said, the inclusion of the advice of the Oireachtas joint committee with responsibility for broadcasting matters in the nomination of some of the members of these structures. It allows for all-party input, which is a welcome departure from practices in the past, but it also recognises the expertise of the relevant Oireachtas committee. It also sets down specific and necessary provisions on the requisite experience that people require to be nominated to the board, the terms and conditions of membership and procedures for removal, suspension or exclusion from membership. All these provisions are important.

Several sections deal with disclosure of interest, code of conduct and so on, which are welcome. The independence of the authority is also ensured because section 30 empowers the Minister to issue policy communications to the broadcasting authority, but while the Minister's communications must be considered by the authority, they do not bind it. This section excludes the functions of the contract awards committee and the compliance committee, which is right and proper.

The Minister also mentioned the issue of excessive regulation. The Bill rightly requires the broadcasting authority and its statutory committees to review the regulatory burden they impose on broadcasters, which will ensure the level of regulation is as light as it should be.

I congratulate the Minister on a well-thought out, comprehensive and innovative Bill in the important area of broadcasting. I am confident the broadcasting sector in Ireland will be well served by this Bill, once enacted. It anticipates the challenges of the future in the broadcasting sector and makes imaginative provision for those. I commend the Minister on the Bill.

Acting Chairman (Senator Paul Coghlan): I now call Senator Ryan. He has 20 minutes to contribute but will only have a few minutes to do so today.

Senator Brendan Ryan: I wish to share my time with Senators McCarthy and Hannigan when we next resume the debate on the Bill.

Acting Chairman: Is that agreed? Agreed.

Senator Brendan Ryan: I also welcome the Minister to the House to introduce this Bill. The Labour Party broadly supports it, but we will table amendments to it on Committee Stage.

The provision that the appointment of some members of the new broadcasting authority will be made by the Minister with advice from the relevant Oireachtas committee is to be welcomed. The Minister might expand on how this will work and the mechanics of it when we resume the

[Senator Brendan Ryan.]

debate on the Bill next week. Will he retain any veto in that respect? I would be interested to hear his comments on that.

It is disappointing that the broadcasting fund, to which Senator O'Reilly referred, has not been changed and that only 5% of the revenue from the television licence fee will be allowed for the independent sector. We had hoped there would be an increase in the fund to encourage and support the independent production sector. There had been strong indications and considerable speculation that the fund would be increased and, therefore, it is disappointing it has not been. We may table amendments in this respect.

Given that the Minister has expressed strong support for TG4, would it not have been possible to have given the station long-term funding as opposed to the current approach of funding on a year-to-year basis? Will the Minister consider that matter? We may table an amendment to that effect.

We face a changeover to digital television in 2009, the most immediate effect of which will be the loss of service from Britain to analogue television users, especially on the east coast. We are disappointed there is nothing in the Bill to assist the viewers who will be affected. I would like the Minister to comment on that.

One of the main issues on which I wish to focus is the code of advertising targeted at children. The Minister has provided for a code to control the advertising of food targeted at children in an effort to tackle obesity. I wish to focus on this issue. The provision in this respect is wishy-washy and does not go far enough to deliver the type of change that is needed to protect children. It should go beyond prohibiting the advertising of junk food and cover other forms of advertising targeted at and focused on children. It is inappropriate for advertisers to target children, particularly in terms of fast food which may possibly be injurious to their well-being. Children are entitled to a childhood free from commercial pressures.

We should ensure as legislators that RTE and other Irish broadcasters provide a number of periods of children's programming during the day which are advert free, as happens in other jurisdictions. We know that advertising targeted at children works. It is considered to be lucrative in the advertising industry. Practically all the top advertising agencies today have introduced children's divisions with the obvious objective of targeting this group of citizens. Children under the age of 12 may not be able to recognise traditional advertising as opposed to routine programming and recognise its sales promoting nature.

Debate adjourned.

Acting Chairman: When is it proposed to sit again?

Senator Martin Brady: At 2.30 p.m. on Tuesday, 27 May 2008.

Adjournment Matters.

Public Private Partnerships.

Senator Paschal Donohoe: I welcome the Minister of State, Deputy Finneran, and wish him the best of luck in his new role.

I tabled this Adjournment matter in light of the events which took place this week. Five housing projects in the city of Dublin, due to be delivered for those most in need of them, were cancelled or have been significantly delayed owing to problems with the public private

partnership scheme. Four of the five affected projects are in my constituency. I am very much aware of the needs of the communities in O'Devaney Gardens, Infirmary Road and Seán MacDermott Street. The people looking for these housing projects to be delivered and community facilities to be built are, by and large, those who have had the positive things which have happened in Irish society pass them by. These people are in the greatest need in terms of housing and the facilities these projects were due to deliver. Through no fault of their own, the developer in question has pulled out.

Having had discussions with Dublin City Council, it is clear the only two options open are to restart the public private partnership process and to try to get the ball rolling with another developer or for the council to reallocate the capital funding it has and use it to kick-start these initiatives or to fund them itself.

I call on the Department of the Environment, Heritage and Local Government and the Government to give every support they can to Dublin City Council to ensure the delivery of these projects is not impeded and that they are delivered as quickly as possible given the distress caused to the community and the people involved. It is very likely that Dublin City Council will have to step in and provide capital funding to deliver these projects. That will require substantial support from the Department of the Environment, Heritage and Local Government and the Government. We must not reach a stage where we believe it is wrong to commit taxpayers' money to provide social housing and housing projects for communities which need them. The Department of the Environment, Heritage and Local Government may need to step in quickly. I would like to hear the Government's response to this matter and I thank the Minister of State for coming to the House to give it.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I thank the Senator for his good wishes to me on my appointment. I also thank him raising this matter. It is one of particular importance to the communities in the areas concerned which are naturally disappointed with this week's developments and have concerns about the implications for the regeneration of their areas.

To put the matter into context, I emphasise that the use of public private partnerships is only one of many approaches to the delivery of social housing. Significant progress on social housing is also being made in other ways, namely, through programmes funded directly by the Exchequer, through the Part V mechanism and through long-term leasing arrangements.

The recent announcement by Dublin City Council will not prejudice the overall ambition of the social housing investment programme either in Dublin or nationally. My Department is providing funding of more than €1.2 billion this year alone to support the housing programmes of local authorities around the country.

More than €250 million from the 2008 investment programme is being provided to fund housing construction and regeneration activities in the Dublin City Council area. Building on the success of recent years which, not taking account of units provided as part of regeneration programmes, saw the completion of 3,000 social houses in the city council's area since 2002, I am confident that the council will continue its strong performance in delivering social houses in 2008.

Following the announcement by the city council that the public private partnership projects which it has with Castlethorn-McNamara's in St. Michael's Estate and O'Devaney Gardens, and with NcNamara's on Dominick Street, Convent Lands in Seán MacDermott Street and Infirmary Road will not now go ahead as planned, my Department is engaging closely with the city council on the next steps. The city council is committed to working with its tenants in these areas to explore the options for regeneration. It is envisaged that the council will meet shortly

[Deputy Michael Finneran.]

with the regeneration boards for St. Michael's Estate, O'Devaney Gardens and Dominick Street to discuss the issues involved.

The city council has also undertaken to examine all the social, economic and legal implications of the developer's decision and, following its discussions with stakeholders, will put forward alternative proposals so that the process for the regeneration of these areas can proceed. I assure the Senator and the House that my Department will continue to engage actively with the council in that regard.

The announcement in regard to the five projects in Dublin requires us to look more closely at our PPP model as it applies to the housing area. PPPs are identified in the Government's housing policy statement, *Delivering Homes, Sustaining Communities*, as a positive means of supporting sustainable communities through encouraging social, income and tenure mix in an economically efficient way. At present, local authorities use a partnership model to develop these projects whereby the housing authority will optimise the use of its existing land holdings to leverage private finance. The developer in turn provides the authority with an agreed number of social and-or affordable housing units, as well as funding the overall development in whole or in part from the sale of private housing units.

The changes in the overall economic climate and within the residential development sector, which were cited as factors influencing the decision of the developers involved in the Dublin City Council projects, must be carefully considered. This will form part of the Department's consideration of any potential impacts for the wider PPP programme.

It is clear that we will still need private finance, in whatever form this takes, if we are to achieve our objective of building sustainable, mixed communities. It is not acceptable for us to return to the age of sprawling social housing estates which we now know contribute so significantly to economic and social deprivation in the areas involved. The Department will continue to actively engage with the city council in taking forward its full examination of all the issues involved in the future of the five regeneration projects affected by this week's announcement, with a view to ensuring that these projects can progress as quickly as possible.

Tax Code.

Senator Dominic Hannigan: I welcome the Minister of State, Deputy Martin Mansergh, to the House and congratulate him on his recent appointment. We are all delighted to see somebody who served time in this House being promoted from within the ranks.

The issue I wish to raise concerns tax rebates for people who park their cars at train stations to travel to work. We welcome the major improvements that have taken place at some stations around the country because this has led to a much easier commute for people. They no longer have to wade through muck at stations, but have proper parking facilities and can walk in comfort to the platform. There has been major improvement, but this must be paid for. We have seen charges introduced at stations like Ennis, Mallow and, in my area, Stamullen and people must now pay approximately €250 per year in car parking charges, on top of their train fares to and from Dublin daily.

These charges discourage people from using the car parks in order to take the train to work, particularly if they have an alternative means of travelling. Some people choose to drive all the way to Dublin. If they have parking at their place of work, they may choose to use that rather than pay the extra €250 per year in car parking charges.

The Government is trying to encourage the use of public transport. Projects such as these car parks can help to encourage people to commute by train, but we need to do more. Bearing in mind the ambitious targets we have to reduce emissions, we need to do what we can to

ensure people use public transport. Would it be possible to include car parking charges in the tax rebate structure? Currently, people can apply to get tax back on their commuter travel tickets. Would the Minister be willing to consider including car parking charges at stations into that tax rebate structure?

Minister of State at the Department of Finance (Deputy Martin Mansergh): I thank the Senator for his kind comments. I am glad to be back in the Seanad, this time in a speaking capacity. I have fond memories of my time here.

I am pleased to have the opportunity to address the Seanad on this matter, one on which I have some personal experience as I sometimes park my car at railway stations in either Dublin or Tipperary. Yesterday, I spoke in the Dáil on the broader subject during the debate on the Dublin transportation authority and referred specifically to park and ride facilities, which are necessary if full use is to be made of the extra public transport capacity being provided as part of Transport 21.

In the matter of provision of park and ride facilities, the Government has made available considerable resources. Iarnród Éireann has begun a network-wide programme of expanding existing or developing new car parks with the assistance of Exchequer funding to cater for record demand — up 45% since 1997 to 43 million passenger journeys in 2006. Its policy for new car parks is to introduce a pay and display facility, with nominal charges to cover running costs of the facility and ongoing maintenance. This represents the cheapest pay parking in the country, and is often significantly lower than that charged by local authorities for on-street parking, for parking at local authority facilities adjacent to rail stations, or the fee for Luas commuters. Iarnród Éireann intends over time that the majority of parking will be pay parking.

Guiding principles for the implementation of rail-based park and ride sites developed by the Dublin Transportation Office provide, *inter alia*, that rail users only should use park and ride spaces, and may have to pay to use them and that those who benefit from park and ride should contribute to the cost of providing and maintaining it. The charges being imposed by Iarnród Éireann to cover operational and security costs are to discourage non-rail users from taking spaces and to reserve spaces for those who have to use a car to access the station.

With regard to the tax reliefs available to encourage the use of public transport, the position is that in the context of budget 1999, an exemption from taxation as a benefit-in-kind was provided for certain commuter travel passes given to employees by employers. I was a member of the tax strategy group at the time. I remember the issue being discussed and as a keen supporter of public transport was very much in favour of it. The provision allows employers to incur the expense of providing an employee with a monthly or annual travel pass without the employee being liable for benefit-in-kind taxation. The public service supports and operates the scheme. I am aware of that because I purchased an annual ticket in 2002. As a former member of the Oireachtas Joint Committee on Finance and the Public Service, I have urged the Revenue Commissioners and others to ensure the provision is more widely publicised.

The exemption applies to passes issued by CIE, its subsidiaries and operators who have a licence under the Road Transport Act 1932, as well as Luas services. The exemption was further extended in 2005 to include passes for travel on commuter ferry services which operate within the State in respect of journeys which begin and end in the State.

The scheme also accepts the use of the “salary sacrifice” system, whereby an employee agrees to forego or sacrifice part of his or her salary on the basis that the employer provides a travel pass, subject to conditions imposed by Revenue to ensure that the scheme is being operated in a genuine manner. For example, employees are only eligible to participate in the scheme as long as their commuter tickets are applied for and provided by their employer. Employers and

[Deputy Martin Mansergh.]

employees must sign a contract setting out the terms under which they will participate in the scheme. The policy objective underlying the existing arrangements is to encourage taxpayers to use public transport when travelling to and from work and thus contribute to the easing of traffic congestion and to the improvement of the environment.

This scheme has provided major benefits to employees and employers. The employee is not liable for tax, PRSI or health levy on the cost of the travel pass while the employer does not have to pay employer PRSI contributions on the cost of the pass. Employers can realise PRSI savings of up to 10.75% while employees can save up to 48% of travel costs as a result of tax, PRSI and health levy savings.

Overall, the scheme has proved very popular with both public and private sectors. The most recent figures, supplied by the main public transport providers, show the number of travel passes provided by the scheme has increased from 894 in 1999 to some 41,388 in 2007. The message is beginning to get through. These figures include both monthly and annual passes. The cost of the scheme, in terms of tax revenue and PRSI forgone, is approximately €10 million annually. Perhaps one would need to calculate against that the fact that increased use means less subvention.

The extension of the scheme to include the cost of parking facilities at train stations would involve additional loss of tax revenue and it is not clear that it would contribute significantly to a reduction in traffic congestion. It could possibly encourage increased and not strictly necessary use of parking spaces. The daily charge for the parking facility at stations has not acted as a serious disincentive to the use of those facilities. Free parking is provided by local authorities at some stations and the proposed change in tax would almost certainly lead to charges being introduced or increased. While all tax reliefs and exemptions are kept under review, especially in the context of the annual budgetary process, there are no plans to extend the scope of the scheme in the manner suggested. Tax reliefs can be worthwhile but they also reduce the tax base and can make other more general reforms of the tax system more difficult.

One would need to consider the dynamic effect of allowing tax relief and whether it would increase pressure on available parking spaces. To find a parking space at the Luas stations in Stillorgan and Sandyford one would need to be there at 8.30 a.m. At Limerick Junction or Thurles one may have some difficulty finding a parking space unless one goes very early. The Senator does not suggest parking places remain free and one of the merits of some charge is that it reduces what one might call unnecessary pressure on parking. Nevertheless, the points raised by the Senator will be borne in mind in the context of the annual budget and Finance Bill process.

Job Protection.

Acting Chairman (Senator Martin Brady): I welcome the Minister, Deputy Billy Kelleher and congratulate him on his appointment and the good job he is doing. We wish him well for the future.

Senator Paudie Coffey: I intend to share my time with Senator Cummins. I also welcome the Minister of State to the House. Yesterday we raised the predicament in which Waterford Crystal finds itself regarding sustaining its future, which is a matter of national significance. Being from the south of the country the Minister knows well what Waterford Crystal means not only from a manufacturing perspective but also to the tourism industry of Waterford city, the south east and the country in general. It is an iconic international brand and a flagship tourism attraction. It is one of the top visitor attraction sites in the country which hundreds of thousands of tourists visit every year. There is a spin-off value that cannot be underestimated

to the hotel and restaurant trade. The luxury liner industry coming in to Waterford estuary has been developed over the years.

As the Minister of State knows, manufacturing in general is under major pressure in Ireland owing to a lack of competitiveness and we are beginning to see the effects being hammered home where good jobs are under serious threat. Thousands worked in Waterford Crystal at one stage. It has consolidated and restructured to respond to the new economic challenges it meets. Some 500 jobs are on the line if the company cannot find a sustainable future. The Minister is aware that a request was made to the Government to underwrite a loan of €39 million and this has been declined. I am interested to hear what the Government proposes to say to this company and how it can assist it to remain viable and sustainable into the future.

We talk about protecting our heritage and art. This company is living heritage. It is manufacturing, but also a living, working part of our heritage and a tourism attraction that cannot be built up again once lost. That is the significance of this issue. The Government said it could not guarantee the loan but would consider future requests from the company for conventional forms of financial assistance. I would like to hear specifically what is meant by that and what assistance the Government can offer to this company. I hope the Minister of State will outline this in his response. I call for the Tánaiste and her officials to meet the officials, management and union leaders of Waterford Crystal to see if a workable mechanism can be found to sustain this company. Members on all sides of this House must do all in their power to protect jobs and that is what we were elected to do. I call on the Minister of State to make a direct intervention in this issue and see what support can be given before it is too late.

Senator Maurice Cummins: Waterford Crystal provides 990 jobs. More than 400 are to go under a redundancy and restructuring package, which leaves more than 500 jobs. As Senator Coffey said, a request was made that the Government guarantee a loan of €39 million. It was not granted because to do so could set a precedent for the future. There have been many precedents, such as PMPA, the Goodman group and many other companies that were bailed out by the State. The precedent argument does not wash. There is palpable anger in the city from which I come at the Government's stance on this issue. Not so long ago there were more than 3,000 jobs in Waterford Crystal in Dungarvan and Waterford City. That is down to 500. With more than 3,000 people on very good wages paying PRSI and PAYE Waterford Crystal probably contributed more than any other company in the country over the years. To be denied the loan guarantee over the next three years does not go down well in the city.

As my colleague stated, we need clarity on what assistance the Government will give. Pious platitudes like retraining grants do not wash for this flagship company. We need to know what the Government will do and what specific actions it will take to help the company to continue to exist in Waterford. The company and unions are very disappointed about the decision made. They were hopeful in recent weeks that a positive response would be forthcoming from the Government.

I tabled an Adjournment matter in the House three weeks ago to find out the Government's stance and I withdrew it in the interests of the workers, the company and the unions because negotiations were at a delicate stage. I did not think I would be coming back to the House three or four weeks afterwards to speak on the issue because the response to the request from Waterford Crystal was negative. It is certainly a kick in the teeth to the people of Waterford and the remaining workers. I hope in his response the Minister of State would have concrete proposals on what the Government intends to do to help the workers of Waterford Crystal.

2 o'clock

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I thank the Acting Chairman for his kind words. I thank Senators Coffey and Cummins for raising this important matter. For some months past the Government has engaged with the management of Waterford Wedgwood plc following a request from the company for support to assist in the implementation of a restructuring plan. The support sought was to fund planned restructuring in Waterford Crystal which would entail approximately 500 redundancies.

As Waterford Crystal is a major Irish employer with an internationally recognised brand and a solid history of exporting achievement, especially in the US market, the Government was most anxious to ensure its request for assistance received the fullest consideration. Accordingly, detailed discussions were held with the company with a view to identifying possible interventions that would assist it to complete the planned restructuring in Waterford successfully, while not undermining the policy position that has underpinned our enterprise development strategies over recent decades. Unfortunately, it was not possible to accede to the company's request.

The thrust of enterprise strategy adhered to by all Governments over the past 20 years or so is to concentrate State support to firms on investments which will help them to compete successfully in an increasingly globalised economy. The Government sees its role as helping to create an economic environment where business can prosper, focusing on interventions that are related to developmental investment by companies, such as research and development grants, support for upskilling, etc. Such policy does not extend to providing the type of support sought by the company in this case.

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 aimed at equipping 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. Our attractions include a competitive tax and regulatory environment, a well-educated workforce, rapidly improving infrastructure and a commitment to world-class standards of research, development and innovation. Maintaining and improving these standards is vital to sustaining Ireland's competitiveness.

While it has not been possible to accede to the company's request for support in this case, the Government believes there is a solid future for a restructured Waterford Crystal operation in Ireland and asks that the board of Waterford Wedgwood, its management and its staff work together to agree such financial and other measures as are necessary for the successful implementation of the restructuring plan. Reference was made to the following point. Any request or proposal from the company for aid for new investment will be considered sympathetically by the enterprise development agencies as appropriate.

We fully understand the depth of feeling and the concerns expressed by the Senators, but we also have strategies in place and we are confident that what we are doing in the context of the south east will provide job opportunities and investment through the State agencies in the greater Waterford area. I thank the Senators.

Senator Maurice Cummins: It is poor consolation to the workers.

The Seanad adjourned at 2.05 p.m. until 2.30 p.m. on Tuesday, 27 May 2008.