



# SEANAD ÉIREANN

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*Déardaoin, 20 Samhain 2008.*  
*Thursday, 20 November 2008.*

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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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Paidir.  
Prayer.

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## **Business of Seanad.**

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

The need for the Minister for Health and Children to investigate and resolve the situation regarding relief cover for the ambulance service in Roscommon, which is resulting in people having to wait for an ambulance to come from Sligo or Carrick-on-Shannon to bring them to Roscommon County Hospital.

**Senator Joe O'Toole:** Senator Leyden is in government.

**Senator Donie Cassidy:** I ask the Senator to show some respect for the Chair.

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

The need for the Minister for Social and Family Affairs to address the backlog in applications for social welfare supports from people in County Donegal who have recently lost their jobs, which is leaving many of them without social welfare supports for periods of up to and over two months.

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

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to make a statement on the increase in the rate of unemployment in various towns in County Mayo over the past 12 months and to outline the plans she intends to put in place to address the issue.

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

The need for the Minister for the Environment, Heritage and Local Government to ensure that the 2009 local and European elections will take place at a time designed to ensure maximum turn-out and to consider the possibility of providing for voting over a two-day period.

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

[An Cathaoirleach.]

The need for the Minister for Health and Children to comment on the process involved in informing the public when health concerns arise in respect of food or drink products.

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

The need for the Minister for Foreign Affairs to intervene at the highest level of the United Nations on behalf of Roma refugees in the village of Zikovac, in Kosovo, whose lives are being threatened by toxic waste deposits.

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

The need for the Minister for Transport to take the appropriate steps to recognise the day of remembrance for victims of road traffic accidents.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Leyden, Doherty and Burke, and they will be taken at the conclusion of business. Senators Bradford, Keaveney, Norris and Buttimer may give notice on another day of the matters they wish to raise.

### **Order of Business.**

**Senator Donie Cassidy:** The Order of Business is No. 1, Harbours (Amendment) Bill 2008 — Committee Stage (resumed), to be taken at the conclusion of the Order of Business and to adjourn not later than 1.30 p.m., if not previously concluded.

**Senator Frances Fitzgerald:** I am glad the Leader heard the bells ringing this morning following the mishap with them yesterday. I hope he will have a good relationship with those bells over the next few weeks. There are varying views on whether the bells were heard all over the House. Some Members heard them while others did not. It was very strange but I understand they are working effectively now.

**Senator Donie Cassidy:** Hopefully.

**Senator Rónán Mullen:** The bells of St. Donie's.

**Senator Frances Fitzgerald:** I call for a debate on the changes to the Equality Authority and the Irish Human Rights Commission and the abolition of the Combat Poverty Agency, a topic that has been raised by Senators on both sides of the House in recent weeks.

**Senator David Norris:** Hear, hear.

**Senator Frances Fitzgerald:** It is appropriate, at a time when there is ever more pressure on families, individuals and those who are marginalised in our society, that we have this debate and ask the Minister to explain his thinking behind the changes to these organisations. The IHRC, an internationally recognised body, was established to protect human rights. Yesterday the media reported on the case of the woman who was to be deported to Nigeria with her two daughters who are at risk of female genital mutilation. It is important that we have strong independent bodies. The Combat Poverty Agency has been abolished.

In conjunction with that, I would like a debate on equality, which some people think is *passé*. However, it is not *passé*. As we approach the 90th anniversary of women being given the right to vote on 14 December, that would be an appropriate date for the House to debate this issue and to examine why politics remains so resistant to women's participation in society. It is the

last bastion in this regard. We have 87% representation by men in the Dáil and 80% in the Seanad, although this Seanad has the highest representation of women ever, at 20%. That increase in representation is welcome. It would be appropriate that that debate coincided with the anniversary in December.

Families heard this morning that their health insurance will cost them a couple of hundred euro more a year. This must be tallied with the changes in the budget. Families are losing out badly, the details of which will be outlined later in the Finance Bill. Stealth taxes include the increase in third level registration and school transport fees. I attended a meeting in Lucan last night which outlined that schools were recently told the money that had been made available for a pilot project to provide school buses had been withdrawn, thus adding to the chaos around schools every day. The pilot school transport scheme is also affected. We need to have the promised debate on the economy and the Finance Bill as soon as possible. Perhaps the Leader will inform us today when that will happen.

**Senator Joe O'Toole:** I remind the Leader that we still await a debate on the economy. We discussed nothing but the economy in the Members' bar yesterday. During half time in the match last night, we talked about the economy. The newspapers are reporting on the economy and the Taoiseach made an announcement yesterday about the economy. It is being discussed everywhere except in this House.

**Senator David Norris:** Hear, hear.

**Senator Joe O'Toole:** The Government is losing opportunities to give some semblance of confidence to people, which needs to be done through discussion and information. The Taoiseach said yesterday Irish banks were adequately capitalised, which is an important statement. That view was not widely shared in this House or within the Leader's party and the media do not accept it. The Taoiseach has received the PricewaterhouseCoopers report on the banks and it would be interesting if he or the Minister for Finance would come to the House and explain how he sees that proceeding.

I refer to an example of the difficulties being experienced. One of the green shoots that we might see in the economy would be if the housing market were to start moving again. This raises the question of how many houses remain unsold throughout the country. The fact that we cannot obtain information in reply to that question undermines the credibility of Government commentators and economists. We have learned enough over the past year or two to forget about what economists have to say because they do not know. They are decent people but let them go off and do what they do academically.

Tom Parlon of the Construction Industry Federation says there are 50,000 unsold houses while the Institute of Property Auctioneers and Valuers states that the number is closer to 250,000, five times the difference. Its members are in the business of buying and selling and one imagines they should know. Meanwhile the CSO states there are 260,000 empty houses nationwide, of which 50,000 are apartments and 50,000 are holiday homes. These apparently are different from unsold houses. However, having done the maths, the CSO figures mean there are 160,000 unsold houses. Homebond is the only body to trump Tom Parlon. That company has allowed 250,000 poorly insulated houses to be built in Dublin since 1998. Its representatives trumped Tom Parlon by saying there are only 38,000 unsold houses. However, they share the same address as Mr. Parlon as they are tenants in the CIF building. Where are we going? That is just one example and I could give more.

The Leader recently raised the issue of small businesses trying to upgrade.

**An Cathaoirleach:** The Senator can raise these issues during the debate.

**Senator Joe O'Toole:** I thank the Cathaoirleach for his tolerance. Banks are putting more pressure on small businesses to pay their overdrafts by reducing such facilities. The overdraft facilities for many small businesses is less than the period of the banks' Christmas holidays. How will that impact on business and the flow of the economy? They are only two issues but I could raise ten more. It is time we were given clear answers and a clear understanding of where we are going on this.

**Senator Michael McCarthy:** I would also like to raise the issue of the Government health levy announced by the Minister for Health and Children yesterday. This is another form of indirect taxation and another attack on hard-working, hard-pressed families who have been screwed by the budget in a number of different aspects. It gives a lie to the Progressive Democrats myth that we have a low tax economy. It is another attack on those who are feeling the pinch of the downturn in the economic fortunes of the country. The levy represents an average increase of 25% for an average family of two adults and two children. The Minister stated she "hopes the cost would not be passed on to consumers". If this was not so serious, it would be funny. That is like saying she should go to Knock and pray for it. Unless there are legislative proposals to ensure this cost is not passed on, it will be.

This reflects the issue of the banks and the reduction in the ECB rate. The Minister for Finance said he hopes the banks will pass on the reduction to mortgage holders, but the Government should ensure they will do so. It should also ensure the levy is not passed on to hard-working families. No one argued this issue should not have been examined because intervention was needed to ensure elderly people with health cover were not penalised. However, a balance should have been struck. More information will need to be gleaned when the detailed legislation is published and this will lead to more awkward questions.

Those affected by the levy are paying huge mortgages and have experienced huge increases in repayments in recent times. They purchased houses that were over-priced in the first instance. Their children are attending third level institutions and they are facing the possibility of the Minister for Education and Science reintroducing third level fees. That issue is very dear to the hearts of those on this side of the House and, I am sure, others also. The abolition of third level fees was a policy initiative of the rainbow Government, of which we are very proud. We abolished third level fees to ensure those from less well-off backgrounds would have the opportunity to attend university. There is an ideology among some members of the Government, first mooted by the then Minister for Education and Science, Deputy Noel Dempsey, who was bailed out by the then Tánaiste, Deputy Mary Harney, of re-introducing third level fees. When the Government cannot do that, it does it by stealth by raising university registration fees, thus reintroducing fees by the back door.

These families to which I referred have to deal also with the increased health levy and a 1% income levy. Their jobs were safe until the previous general election but they are looking to 2009 with no degree of certainty in that regard, given the downturn in the construction industry which has affected many of these families in that they do not now have job security. These people also pay PRSI. The original spirit behind PRSI was to cover education, social welfare benefits and health. A family paying VHI premia will see them rise by 25% on top of paying PRSI and the 1% income levy. When will it stop for families like this? When will we see any form of Government action which will help these people out of their economic difficulties rather than push them in further?

I agree with Senator Frances Fitzgerald that the decision by the Government to reduce funding to the Equality Authority by 43% is a disgrace, as is its decision effectively to dismantle the Combat Poverty Agency. Is it a coincidence that these organisations, the public watchdogs which were critical of the Government's policies, are the targets of its cuts?

**Senator Camillus Glynn:** I asked the Leader recently to arrange a debate on foster caring. Foster carers provide a tremendous service to children unfortunate enough to suffer many ills that do not befall most children. Foster carers, through their generosity of spirit, provide good, safe and welcome homes for such children. It is always foster carers who stand into the breach for unfortunate families. There has been a call for more people to offer themselves as foster carers. A debate in the House would facilitate that call. Will the Leader, in tandem with our spokesperson Senator Mary White, arrange such a debate at the earliest possible opportunity?

**Senator Maurice Cummins:** The amount of freight carried by rail is minimal. There is a need for more freight to be carried by rail. The Irish Exporters Association has claimed that up to 10% of all freight could be carried by rail if there were a willingness on the part of CIE to do so. I have raised the matter before in the House. CIE has no interest in carrying freight by rail.

**Senator Joe O'Toole:** That is correct.

**Senator Maurice Cummins:** When I worked in Waterford Port, five to six freight trains came into the port every night with up to 150 containers. Nowadays, practically none goes into the port. It is because CIE is uncompetitive and has no interest in carrying freight. I thought it would have been the Green Party's policy, as well as every other party's, to take freight off the roads. I call for a debate on transport, in particular rail transport. There is no willingness on the part of the Government or CIE to introduce the sensible policy of taking container freight off our roads and putting it on rail.

**Senator Jim Walsh:** I support Senator O'Toole's call for a debate on the economy and the serious issues which have arisen. We need to instil some semblance of confidence in the people that what we are going through is a cyclical — admittedly severe — global recession. It is unique to have a recession affect nearly every country in the world. However, we need to guard against what happened in Japan in the 1990s. Its economy had deflation and the authorities there tried to nurse the economy through a burst property bubble. As a consequence, the Japanese economy ended up static for nearly ten years.

Most economists are predicting that 2009 will be a particularly difficult year for all developed countries. Ireland will feel the pain and it will be much more severe than this year. There are serious issues pertaining to unemployment. One factor that will exacerbate these conditions will be a lack of confidence among consumers. Unfortunately, the deflation factor will mean that people holding off on purchasing houses, because they feel prices will fall further, will do the same for all spending. That has significant consequences for employment generally.

**Senator Donie Cassidy:** Is there a question? This is crazy. We are having Second Stage speeches.

**Senator Jim Walsh:** We need to instil confidence among consumers. The Government action on the banks has been very good. Most commentators accept capitalisation will be an issue. The timing of this is important. While Britain is getting much credit for its capitalisation programme, there is a feeling it may have done so too soon. While not an expert in the area, there are differing views on bank capitalisation and it is important we get it right. It is certainly important we debate it and instil some confidence in the public.

I agree we should have a debate on the Equality Authority and the Irish Human Rights Commission. I take a different view, however. Like other Members, I too have been lobbied by people involved in that industry who have made the case for extra funding. No organisation likes to see its funding cut but in this area some organisations, such as Amnesty International, are funded independently of the Exchequer. There is no reason these bodies could not be

[Senator Jim Walsh.]

funded on the same basis. The Oireachtas has a sub-committee on human rights and it is our job to represent all people, including those who are marginalised and disadvantaged. We have a job to do rather than paying boys to do a job for which we are paid.

**Senator David Norris:** God.

**Senator Jim Walsh:** I support a debate on such organisations and would welcome the opportunity to expand on my points. This issue is not a one-way street.

**Senator Rónán Mullen:** I propose an amendment to the Order of Business, that No. 17 be taken before No.1. The purpose of this is to seek the leave of the House to have my Bill, Stem-Cell Research (Protection of Human Embryos) Bill 2008, introduced and prepared for debate. The Bill's purpose is to prohibit the creation of human embryos for research, to prohibit all research involving or deriving from the destruction of human embryos and to provide for related matters. It is limited in its scope and does not deal with reproductive matters.

I believe I enjoy the support of the House when I say that it is very important when we debate these issues, I hope on Private Members' business next Wednesday, that we approach them with a deep respect for the views of others, especially those which differ from ours. These are profound matters relating to when life begins and so forth. The word used by my colleague Senator Bacik yesterday, "fetish", and this type of language serves to demonise others. I hope we will not have that tone in the debate and I will certainly not be employing it. I hope to deal with the arguments of others and allay any concerns they have. I will be open for suggestions for amendments. I hope none of us will be demonised for our points of view.

I support Senator Fitzgerald's call for and would welcome a debate on equality. I, too, have been lobbied about funding for the Irish Human Rights Commission and the Equality Authority. There is great value to the work done by the commission and I would be sorry to see it lose funding. Our debate on equality should be a nuanced one. Areas for abuse can arise in the way equality as a concept gets exploited by groups which seek further particular agendas as if they only reflected the only true interpretation of what equality requires in a given situation. I hope the debate will be generous, champions an authentic notion of equality and is interested in hearing the critique and praise due to people who work to further equality principles in our society.

**Senator John Hanafin:** I join with those who call for a debate on transport. It is entirely practical and proper that in these times we should have maximum flexibility. If the Irish Exporters Association tells us we can become more competitive by having rail transport directly to the ports by night then we should take it on board. We are told that in the first nine months of this year exports increased by 4%. That we could increase our exports in the middle of what is a perfect storm of financial and other matters is extremely positive. However, the fact remains that we are in a recession. We will need flexibility on all sides and this will include rail and ensuring we have competitive exports because this is from where future growth will come.

The United States is discussing deflation. If this happens, it would be the first time in 50 years. With this in mind, the debate on the economy should include FÁS training so we can quickly return people to work. In the 1980s workers' co-operatives were introduced. We may have a recession but I do not believe it will be a never-ending recession. An economic commentator stated on the news that it will go on forever but it will not. It will end and better times will come again. We should be ready and we should look forward and be positive.

During the good times, we allowed things to happen that we could afford. With regard to Combat Poverty and duplication, we do not mean duplication because it implies two, we are discussing triplication and quadruplication. Where one job is being done by five, ten and seven different groups what is the point of subsidising it when we cannot afford it?

**Senator Paul Bradford:** I second Senator Mullen's proposal that No. 17 be taken at the commencement of business. I support the call by my colleague Senator O'Toole for an urgent debate on the economic issues facing the Government and the country. Today, the Finance Bill will be published. Let us hope that at least it will lead to robust political debate on the choices facing the Government and the Oireachtas over the next few weeks and months which will be crucial.

Profound economic problems must be faced. The announcement that the budget would be brought forward was made at the beginning of the Government's response. However, since then matters have gone from bad to worse. Taxation, public expenditure, tackling waste and public service reform all need to be debated urgently. The public would demand of us that the economy be the main political item on our agenda from now until Christmas.

As Senator O'Toole stated, on every street corner, in every pub and at every sporting venue, people speak about the economy. People who never previously worried about the economy or offered an opinion on it are deeply concerned. They want to see a response from the Government and political debate. If confidence is to return to the public it must begin with competence at Government level. The Taoiseach and the Minister must put forward the various economic options available to us.

This House must take every possible opportunity to debate the profound economic issues facing us, including job losses and fears of job losses and many other crises on the economic front. Next week should not go by without substantial time being set aside to deal with the issue which, as far as every citizen is concerned, should be the Government's only concern, namely, the economic state of the nation.

**Senator Dan Boyle:** I support the calls for debates on equality and the economy. The first of these is a debate on equality and Senator Fitzgerald suggestion that it should be linked to the first vote for women in an electoral contest is as good a peg as any on which to hang it. With regard to spending curbs on State agencies, no one in the House can state any agency should be unaffected. However, obvious concerns are raised with regard to the proposed curbs on the Irish Human Rights Commission and the Equality Authority. Earlier proposals to merge two agencies would have made this even worse and a proposal to share the secretariat at least is a sensible element to try to keep costs down in both agencies. However, I stated in this House previously, and I will repeat, that the idea of a shared secretariat where one agency is meant to operate in another town is nonsense.

**Senator David Norris:** Hear, hear.

**Senator Dan Boyle:** Until this is clarified we need further debate.

With regard to Combat Poverty and the act in the process of being committed, it is regrettable that a stand-alone independent agency will not be in place. The opportunity to debate this matter in the upcoming Social Welfare Bill will allow as far as possible the body to be formed between Combat Poverty and the Office for Social Inclusion to have a poverty focus, to operate as independently as possible and to issue independent reports. The House will have an opportunity to discuss these issues.

With regard to a debate on the economy, what I stated yesterday on the Order of Business is particularly true today. To have such a debate, and a debate on the economy should be held



[Senator Dan Boyle.]

regularly in the House, it is important that proper information is available to Members. Today's publication of the Finance Bill will help this process as will the Government's meeting with the chief executives and chairs of all of the financial institutions on foot of the internal PriceWaterhouse Cooper report on the future of banking which has been made available to the Government.

Such a debate should be conducted with a note of realism. We can do only three things to restore public finances. We can tax more, curb public expenditure or borrow more. In many of the contributions I heard today about what is proposed by the Government, I heard it is taxing too much, cutting too much or borrowing too much.

**Senator Michael McCarthy:** Taxing the ordinary family.

**Senator Jerry Buttimer:** When Senator Boyle was a spokesperson for finance he was good at it.

**Senator Dan Boyle:** It must be about accommodation. Too much taxation will depress the economy and not allow people the opportunity to restore it.

**Senator Michael McCarthy:** Depress families.

**Senator Dan Boyle:** If too many cuts are made in public expenditure it will also mean recovery is delayed. If too much is borrowed it will place a further burden on future taxpayers and we will not get out of this hole.

**Senator Michael McCarthy:** In the meantime put the burden on families.

**Senator Dan Boyle:** We must achieve a balance.

**Senator Jerry Buttimer:** The Green Party has abandoned the ordinary Irish people.

**An Cathaoirleach:** Allow Senator Boyle to speak. He did not interrupt other speakers.

**Senator Dan Boyle:** I look forward to the debate because some of contributions I heard suggested that any taxation measure or spending curb is wrong and everything can be solved by borrowing our way out of the problem. If one aspires to Government one must make these decisions and place proposals on the table.

**Senator Michael McCarthy:** Why penalise the less well-off? Tax the millionaires.

**Senator Dan Boyle:** We need this debate not so much for the economy of the country—

**Senator Jerry Buttimer:** Senator Boyle has taken the pennies the whole time, fair play to him.

**Senator Dan Boyle:** Someone must save the pennies.

**Senator Michael McCarthy:** Pieces of silver.

**Senator Jerry Buttimer:** All Senator Boyle is short is the State car and membership of Turner's Cross cumann.

**An Cathaoirleach:** Senator Buttimer has made his point.

**Senator Dan Boyle:** We need this debate not so much to consider the future of the economy—

**Senator Jerry Buttimer:** The Leader should give him a membership card.

**Senator Dan Boyle:** —but to assist the parties in Opposition to clarify their own economic thinking should they be in Government some day.

**Senator Jerry Buttimer:** The Turner's Cross cumann would accept Senator Boyle with open arms.

**Senator Alan Kelly:** I call for the Minister for Health and Children to come before the House to debate acute care in hospitals. I do so in the belief that she should resign because we, as Oireachtas Members, and public servants in general are being misled by the HSE—

**An Cathaoirleach:** Members should not have mobile phones switched on.

**Senator Alan Kelly:** —on acute care and the recommendations that have not been published by the HSE with regard to various hospitals throughout the country. I do so in the knowledge that the final report on acute services in the mid-west was completed on 20 December 2007. Why are we attending meetings, engaging in debates and meeting occasionally with the Health Service Executive only to be told reconfiguration plans are being put in place and changes in hospital services implemented? When I ask about the basis for doing this, I am told the report has not been published. In that case, the report should be published. It is a slight on democracy if it is not going to be. Recommendations are being put in place and reconfiguration of hospitals is taking place. It is happening in Mallow, Nenagh, Tralee and elsewhere throughout the State. The reports are not being published for no other reason than because they are politically sensitive. It is as simple as that. The Minister either should ensure the reports are published or pack her bags and resign. It is as simple as that. The HSE must stand over the actions it is taking in regional hospitals throughout the State based on reports that have been concluded and which are being implemented by HSE staff.

**Senator Ivor Callely:** I listened with interest to the various contributions this morning. I return to an issue I put to the floor last week.

**An Cathaoirleach:** Questions should be put to the Leader, not to the floor.

**Senator Ivor Callely:** It is a question to the Leader in regard to procedures. Every day on the Order of Business, different Members put various proposals to the Leader. Last week I suggested that there be a review of procedures, especially in view of the extraordinary climate in which we operate, with many Members calling for a debate on the economy. We all should give consideration to agreeing a procedure whereby a specified timeframe could be allocated weekly for a debate on a topic agreed upon between the leaders of the parties. Whether it be an issue relating to the economy, the health service or otherwise, the debate should at least be focused. Rather than each Member giving his or her views, we should have an agreement on the manner in which we deal with these types of issues. Will the Leader examine whether some agreement can be reached on procedures for allocating time within our weekly schedule for a topical debate?

Many Members referred to the current condition of the economy. There is no doubt that we are in an economic slump. It is my view that a stimulus package is required as well as a clear fiscal policy. It is true that everybody is talking about the economy. I recently attended the launch of Jean Kinane's new book, *E'beth — the Lady*, a fabulous book whose sales proceeds will go to the Marie Keating Foundation, which does a tremendous amount of work.

**An Cathaoirleach:** The Senator is not permitted to advertise books on the Order of Business.

**Senator Ivor Callely:** A man who became known as “Joe the Plumber” was made famous during the United States presidential election campaign for the views he expressed on the economic policies of one of the candidates. We are all meeting Joe the Plumbers wherever we go, whether at a function or on the street, all of whom are anxious to impart their views on what needs to be done to revive the economy.

There is no doubt that clarity is required in regard to the banking system. There is a general view that €20 billion is available for drawing down from the pension fund. It is my understanding that this money is tied up and that penalties will apply if it is removed from the vehicles in which it is invested. I support colleagues’ calls on the Leader to arrange for the Minister for Finance to outline to the House the Government’s fiscal and banking policy. We must have clarity in this regard.

I disagree with my colleague, Senator Hanafin, and support the views expressed by others that the Combat Poverty Agency, Equality Authority and Irish Human Rights Commission have done extraordinary work. Although I agree to some extent that the new Oireachtas committee structure is well equipped to deal with such issues, there should nevertheless be a debate on the situation of these bodies.

**Senator Jerry Buttimer:** I join other speakers in asking the Leader to facilitate a debate on the economy. Since the summer, we have witnessed a Government devoid of a plan. Where is the plan? We read in the newspapers this morning that the Taoiseach will convey this plan at the Fianna Fáil parliamentary party meeting. Four months since the crisis emerged, the only evidence of a plan is his decision to cancel his staff Christmas party.

**An Cathaoirleach:** The Senator should put a question to the Leader. The latter has no influence on Christmas parties.

**Senator Jerry Buttimer:** Fianna Fáil is cancelling Christmas in the Taoiseach’s office.

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

**Senator Jerry Buttimer:** I am developing a point.

**Senator Ivor Callely:** This is a good level of debate.

**Senator Jerry Buttimer:** The reality is that for many people, the economic bleakness of Christmas will continue into the new year. Unemployment is increasing, retail sales are down and house repossessions are on the rise. We have a banking crisis, with the Taoiseach telling us the banks have sufficient capitalisation while it becomes increasingly clear that those same banks have been telling lies to us all for no one knows how long. We are in crisis. I use the word “lies” deliberately. The representatives of the banks misled the Oireachtas Committee on Finance and the Public Service last summer.

The Leader is a businessman and is undoubtedly aware of the difficulties being experienced by small businesses. Will their concerns be taken seriously? We need a Government with a plan. There has been no debate on the economy in this House since the budget. I know Members on the Government side are under pressure and running scared. Ordinary people are also under pressure. We must have a debate as a matter of urgency.

**Senator David Norris:** I join many colleagues in calling for a debate on the economy. We are in a serious situation with new issues arising every day. The impact of a possible €500 annual increase in the cost of health insurance for families will inevitably force people into sole reliance on the public health service which is already creaking and groaning, so to speak. It is important

that we discuss these issues and we need to know the facts. I was interested to hear this morning's remarks by George Lee that the Department of Finance got the figures wrong. I have made the same point on many occasions over the years in this House. It was pointed out to me by a friend who is a bank manager that it always gets them wrong. The forecasts were inaccurate when revenues were rising and they are inaccurate now when they are falling. In the absence of these types of critical data, how is it possible to plan?

The serious financial situation internationally is not a natural disaster but a man-made development. As such, it should be susceptible to being redirected by intelligent thought. Perhaps we can play some role in this. We need new businesses and an entrepreneurial element. I heard a young man speaking on the radio this morning about his business, which produces wooden computers that are biodegradable and recyclable, last for seven years and can be updated. The name of the company sounded like "I'm a con", so I initially thought it was a joke. However, it sounds like exactly the type of entrepreneurship we need. We discuss the economy every day in this House but only on the Order of Business. There must be a structured debate because this issue is currently forcing everything else off the only part of our business which receives some media coverage, in *The Irish Times* and on "Oireachtas Report".

I am glad that Senator Fitzgerald raised the question of the Equality Authority, Combat Poverty Agency, the Irish Human Rights Commission and other bodies. It is essential that the leader of the main Opposition party in the House should hammer home this point. Senator Regan has also raised it, as have Labour Party Members and my Independent colleagues, and there is support on the Government side. I have tabled a motion on this issue on the Order Paper and also proposed it yesterday as an Adjournment matter. Unfortunately, although I put on the record figures that would have answered Senator Walsh and produced and issued a script, there was no media coverage of what I said. It does not matter whose voice it is but the issue must be aired in this House. These groups have been selected and specifically targeted because they are fulfilling their statutory function of being critical of the Government. That is the reason they are going. I was astonished to hear Senator Walsh suggest a type of deregulation or privatisation of this area, which would kill off the statutory bodies. Is he not aware the Human Rights Commission is legally established under the Good Friday Agreement?

I appeal to the Leader to facilitate this debate. It was heartening to hear Senator Callely, as chairman of the Oireachtas sub-committee on human rights, speak out in support of these groups. I would not like the impression to be given that Fianna Fáil was intent on spantelling the voices of the poor. Senator Mullen spoke about a nuanced approach to equality. I am a simple person and there is either equality or there is not, unless one takes the Orwellian line that some people are more equal than others.

I ask the Leader to arrange for a debate as soon as possible on the report of the Ombudsman for Children, Emily Logan, who expressed real concern about the non-implementation of the guidelines, that is, the three-point plan of recognising a situation of abuse, reporting it and responding to it. There is no response. We will walk into a situation similar to that in England with Baby P if we are not careful. A disaster is waiting. We must recognise the situation here and support the groups involved.

These things are taking place within the family. I have warned against making a shibboleth of the family. Families are wonderful when they are good. One of the nasty slogans of the pro-life campaign was that the most dangerous place for a baby to be was in the womb. There are times when it is not so safe within the family so let us understand the family. Even I come from a family; I did not come down the hot tap in the bathroom. Let us look at the family, but let us look at it in a reasonably intelligent and critical fashion.

**Senator Dominic Hannigan:** With all the recessionary talk, it is great to have sport to raise one's spirits. Earlier this week we watched the match in Limerick which helped raise spirits there. Last night, I had the pleasure of attending Croke Park to watch the Ireland v Poland game. I was in the Polish crowd and was a little confused at the start. Given that it was Croke Park, all the red and white flags would lead one to think one was with Cork supporters. The fact that I could not understand the accents added to the impression. It was a fantastic spectacle. There were 75,000 spectators, Irish residents of different nationalities and ages, watching teams made up of 11 residents of Poland and 11 residents of England managed by an Italian.

**An Cathaoirleach:** There should be a question for the Leader.

**Senator Dominic Hannigan:** I doubt one could get a better example of how Ireland has changed. I congratulate the GAA for opening Croke Park to other organisations. However, the Leader should impress on the Minister for Arts, Sport and Tourism the need to ensure that the GPA is properly looked after. There were rumours from his office yesterday that the Minister might be trying to renege on his previous commitments in that regard.

**Senator Michael McCarthy:** Senator Boyle says we should not say anything about the cuts.

**Senator Ann Ormonde:** As has been said repeatedly, we must have a debate on the economy. That debate should incorporate the role of FÁS and how it is briefing itself with regard to upskilling and conducting research on the types of jobs we should plan for in the future. The world of work is going to change drastically. We will have to think about what work is, how it should be done, whether jobs should be from nine to five and whether they should be in a different setting. There are many issues we could discuss in this area. If we are to have an ongoing debate on the economy, it must incorporate those ideas and ideas for the future. We are at a starting point again. The old economy is changing and we must start thinking about where we go from here, the ways people work and the quality of life in the future. It is a bigger issue than simply saying the economy is on a downturn. Of course, we must discuss the banks. I hope we can have a long discussion on the banks and give them as much bad press as we can.

I would welcome a visit by the Minister for Health and Children, Deputy Harney, to the House. I do not have the answers. Members are saying hospitals are closing or not operating and so forth. The Minister is always willing to come to the House to answer questions and face any challenges put forward in this Chamber. I ask the Leader to arrange for the Minister, Deputy Harney, to come to the House to answer Members' questions.

There has been a request for a discussion about the amalgamation of the Combat Poverty Agency, the Equality Authority and the Irish Human Rights Commission. I do not know whether it is a good or a bad idea. However, we should discuss how these organisations work. Perhaps they can still do their job with integration.

**Senator David Norris:** They cannot function; they have said it already.

**Senator Ann Ormonde:** I am not saying they should be abolished but there should be a rationalisation whereby they can do their jobs more effectively with fewer staff. That might work. That can be part of the discussion.

**Senator David Norris:** It might work here too.

**Senator Ann Ormonde:** I would welcome a debate on the issue.

**An Cathaoirleach:** A number of Senators are anxious to speak but they have little hope as the time is almost up. I call Senator O'Reilly.

**Senator Joe O'Reilly:** I join the call for an urgent and comprehensive debate on the economy. A meeting is planned today between the Taoiseach and the heads of the financial institutions. I appeal to the Leader to ensure the following issues of concern to the public are put on the agenda. The public needs to know that future interest rate reductions will be passed to the consumer immediately, that is, on the next day. The public also needs to know there will be a flexible attitude to people who are having difficulty with their mortgages and that credit facilities will be made available. The public knows that the chief executive officers and mandarins in the banks have caused huge difficulty for this country in terms of their exorbitant salaries and the reckless decisions they made in the financial sphere by allowing millions to be paid for sites without value, sites subject to planning permission and so forth. That waste and profligacy on the part of the banks has come home to roost. The banks must now exert a common-sense approach and demonstrate some compassion for consumers by passing on interest rate cuts and making credit available. The people urgently need to know that this will happen immediately.

**Senator Labhrás Ó Murchú:** B'fhéidir go mbeadh an Ceannaire in ann cuireadh a thabhairt don Aire, an Teachta Éamon Ó Cuív, teacht isteach anseo roimh deireadh na bliana chun stádas na Gaeilge — ní amháin sa tír seo, ach san Eoraip freisin — a phlé. Mar is eol dúinn go léir, ta reachtaíocht nua ann anois atá thar a bheith ilghabhálach. Tá an-chuid rudaí ansin gur chóir dúinn a phlé. Tá a fhios agam go bhfuil cuid dóibh pléite ag coistí an Oireachtais cheana. Ba chóir dúinn nithe den tsórt seo a phlé sa Teach seo go rialta. Tugaim faoi ndeara go bhfuil dea-thoil ann don Ghaeilge sa Teach seo, agus i dTeach Laighin i gcoitinne. Tá mórán daoine ag úsáid an Ghaeilge, go mórmhór i gcúrsaí comhrá. Ba mhór an trua é muna mbeadh sé sin aitheanta againn. Ba chóir dúinn chur leis freisin.

Perhaps the Leader will invite the Minister, Deputy Ó Cuív, to the House. There are many issues on which I wish to hear the Minister's opinion, particularly in regard to the language Act and what success has been achieved and, second, in regard to official working status for the Irish language in the European Union. These are major issues. We were delighted with the progress that was made at first but I believe we should have an ongoing monitoring role of that progress. Perhaps the Leader will be able to accommodate this request before the end of the session.

**Senator Ivana Bacik:** Will the Leader arrange a debate on equality in health care provision? I note from reports yesterday that the Minister for Health and Children will intervene to ensure that older people will not have to pay massive premiums on foot of the Supreme Court decision on risk equalisation. It would be timely in that context to discuss equality and universality in the provision of health care. Clearly, the most equitable way to provide for health care would be to provide for a universal health insurance system. We should all be concerned about the Government announcement that it will introduce measures to penalise those who take out health insurance late. We need to debate universality of health care provision.

I support Senator Fitzgerald's call for a debate on women's representation in politics, which is another aspect of equality about which we should all be concerned. The percentage of women representatives in the Dáil and Seanad is very low and Ireland ranks very low by international standards in this regard. I am organising an event to commemorate the 90th anniversary of the election of the first woman, Countess Constance Markievicz, and the first occasion when women were entitled to vote, which was the 1918 general election held 90 years ago this December. On 9 December I will host an event for former and current women Members of the Oireachtas to celebrate the achievement of women in politics.

**Senator David Norris:** Well done, Senator.

**Senator Ivana Bacik:** The event will also illustrate to all of us how low the proportion of women in political life remains. It would be very useful for us to have a debate in December on how best we can achieve a greater number of women in the Oireachtas.

**Senator Larry Butler:** It has come to my attention that some of the banks are not passing on the cut in interest rates to businesses.

**Senator Michael McCarthy:** Hear, hear.

**Senator Larry Butler:** That is disgraceful.

**Senator Dominic Hannigan:** Hear, hear.

**Senator Larry Butler:** Businesses are finding it very difficult to continue. At the very least they require lower interest rates, which help everyone, including those hard pressed with mortgage and business repayments. However, I defend the cautious approach of the Taoiseach and the Minister for Finance to the banking situation in finding out exactly what the underlying problems are within the banking system, of which there are many not only in this country but worldwide. It is wise to carry out audits and find out the banks' debt problems in respect of property development. Even if the Exchequer had to support the banks, it appears it could buy the banks much cheaper today than they could have done six weeks ago. A cautious approach has been taken, which I believe is correct.

**A Senator:** Hear, hear.

**Senator Larry Butler:** Recapitalisation of the banks must happen and we must ensure the taxpayer benefits significantly. On this occasion we should put the boot in as far as the banks are concerned. They have been putting the boot in to us for a long time.

**Senator Dominic Hannigan:** Hear, hear.

**Senator Larry Butler:** We now have an opportunity I believe we should take it. I say to those who urge faster action to consider events in the economy in Britain, which is very close to us, although it has a different currency, where it has not yet fixed all the problems in its banking system. Recapitalisation will fix certain problems.

**An Cathaoirleach:** The point is made.

**Senator Larry Butler:** Management thinking needs to change. There is much to be done following recapitalisation of the banks and there must be regulation.

**Senator Donie Cassidy:** I accept the proposed amendment to the Order of Business, that No. 17 be taken before No. 1, proposed by Senator Mullen and seconded by Senator Bradford.

Senators Fitzgerald, O'Toole, McCarthy, Hanafin, Bradford, Boyle, Callely, Buttimer, Norris, O'Reilly, Ó Murchú and Butler expressed serious concerns regarding issues pertaining to the banks. They again called for a debate on finance. The Finance Bill 2008 will be published today at 3 p.m. In one way or another we share the many strongly held views expressed on the matter this morning. The best way to describe the matter in a lay person's language is that not in living memory have we seen such a downturn in the global economy. We previously witnessed it in Ireland and in other nations, but not globally. The challenge is to try to get the economies of the world to start to turn the corner. It has been frequently said in the House that when the banks stop lending to each other, credit decreases, and credit is the lifeblood of business, commerce and jobs; it is everything.

A package was considered by the G20 group of nations last week in which the Government played an active part. We are a small economy of 5 million people and we notice the downturn more quickly than most, but we will also, because of our size, be the one nation that will turn the corner quicker than most when the upturn comes. However, we must wait and see. As Senator Butler, who has been a long time in business, noted, while a cautious approach may not be palatable for three or four weeks it will serve us well. I look forward to the Government's initiatives.

The Finance Bill 2008 will be published today. Second Stage will be taken in the Dáil next Tuesday and Wednesday, to conclude on Wednesday night. Committee Stage will be taken the following week in the Dáil, with Report and Final Stages to conclude the following week, at 5 p. m. on Thursday, 17 December. That is the timeframe for the Finance Bill 2008 in the Dáil. The Social Welfare Bill 2008 is proceeding at present and it will be before this House also. I say this because I am trying to work out a timeframe. There will be legislation every day from now until the Christmas recess. Therefore, I wish to discuss with the party leaders in the House at the next meeting how we can facilitate before Christmas the very urgent debates called for on education, finance and other serious matters, such as an update on the Health Service Executive. That will be the first item on the agenda for the meeting of party leaders next Tuesday and we will try to find a way to progress the requests made by many colleagues this morning. That applies also to the requests regarding debates on the Equality Authority, the Irish Human Rights Commission and the Combat Poverty Agency. It applies also to the requests for debates on school transport and other issues highlighted this morning.

Seanad Éireann has a 20% representation of women, which is the highest of any western parliament. We look forward to more ladies participating. In my constituency of Longford-Westmeath during the general election of 2002 there were seven candidates, including three men and four very excellent ladies.

**Senator Dominic Hannigan:** There were four of each.

**Senator Donie Cassidy:** The three men were elected but the four ladies were not, which was a decision of the electorate.

**Senator Michael McCarthy:** Where are they now?

**Senator Donie Cassidy:** Thankfully, one is back in the Dáil.

**Senator Jerry Buttimer:** Were they ladylike about it?

**Senator Donie Cassidy:** Another is a colleague of ours in this House.

**An Cathaoirleach:** I call the Leader, without interruption, please.

**Senator Donie Cassidy:** There is an opportunity to succeed if one stays at it long enough. However, being in public life means being available 100 hours per week and that is a very difficult occupation. The minimum commitment to public life is 100 hours per week, including working on Sundays and, in my area, Christmas Day. It is a pleasure and an honour to serve, but that is the commitment required. That is the reason it is so difficult to break through. I encourage the introduction of any possible measures to increase participation by ladies in public life.

**Senator Frances Fitzgerald:** The Senator means women.



**Senator Donie Cassidy:** Countess Constance Markievicz had a significant part to play in getting the franchise for women in 1918, as the Deputy Leader remarked. We had to wait until the arrival of the former Minister, Máire Geoghegan Quinn, who was the next woman in Cabinet. That is how difficult it was for ladies, whereas now it is the norm. There are two ladies in Cabinet and there is a lady Tánaiste. Matters are progressing and women are becoming more prominent and giving example to others. It sends the message that we encourage ladies to be involved as much as is humanly possible.

Senators McCarthy and Bacik spoke on the Government levy that was announced yesterday. I hope it will be received in the spirit in which the Government, particularly the Minister for Health and Children, made the announcement. Age Action Ireland welcomed this and stated that the Government's intervention is timely and will ensure many of the 600,000 people over the age of 50 with private health insurance will be able to afford to keep the cover. That is the spirit in which it was proposed and implemented. I have no difficulty with debating this in the House in future.

Senator Glynn again called for a debate on foster carers. I am pleased to inform the House, with permission of the Fianna Fáil Party, that we will take this in party's next slot for Private Members' business. We only have one more slot before Christmas, which shows how tight it will be to get debates other than those on legislation to take place.

Senator Cummins made a common-sense proposal when he called for a debate on the carriage of freight to assist Irish exporters. He also mentioned the port of his native city of Waterford and called for the rail transport division of CIE to seize the opportunity if it arises. There is no reason such an opportunity should not exist, and we will have no difficulty facilitating a debate on that. I can also agree to the call by Senator Norris for a debate on the report of the Ombudsman for Children.

Senator Hanafin and others made strong proposals to avail of the downturn by focusing on job creation. The future is in training. About €4.3 billion will be spent by FÁS on retraining people between now and 2020, as 60% of today's workforce will have to be upskilled by that date. I look forward to this debate, and I know that many colleagues want to make a contribution. FÁS rallied to the cause magnificently in the 1980s, and we look forward to its participation in the challenges faced by those who are unfortunate enough to be losing their jobs at the moment. They will be able to avail of this upskilling and retraining immediately.

Senator Ó Murchú called for a debate on the Irish language, and I have no difficulty in leaving time aside for this. I welcome the students of Coláiste Treasa from Kanturk to the Visitors Gallery who are here for the conclusion of the Order of Business.

**Senator Michael McCarthy:** On a point of order, I asked the Leader about the Combat Poverty Agency and the Equality Authority and whether it was a coincidence——

**An Cathaoirleach:** That is not a point of order. The Leader replied to the Deputy. He may want to come back in.

**Senator Michael McCarthy:** He did not answer the question.

**Senator Donie Cassidy:** I remarked that I was going to discuss the matter with the Senator's leader next Tuesday to see if we have time to accommodate the urgent requests made to me by all Senators this morning. I included Senator McCarthy's comments in that. There are serious requests being made to me every morning. It is a matter of getting time to facilitate those requests. I was going to propose to party leaders that we would consider an all-day debate on Friday, 5 December on many of these issues. I am a consensus leader and I communicate,

consult and negotiate all the time with everyone in authority to facilitate the diaries of Members.

**Senator Michael McCarthy:** I thank the Leader for his reply.

**An Cathaoirleach:** The Leader has indicated that he accepts the amendment proposed. Is that agreed? Agreed.

Order of Business, as amended, agreed to.

### **Stem-Cell Research (Protection of Human Embryos) Bill 2008: First Stage.**

**Senator Rónán Mullen:** I move:

That leave be given to introduce a Bill entitled Stem Cell Research (Protection of Human Embryos) Bill 2008.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Second Stage?

**Senator Rónán Mullen:** Next Wednesday.

Second Stage ordered for Wednesday, 26 November 2008.

### **Harbours (Amendment) Bill 2008: Committee Stage (Resumed).**

#### SECTION 18.

Debate resumed on amendment No. 7:

In page 17, between lines 21 and 22, to insert the following:

“‘public consultation’ means a publicly advertised invitation for submission from stakeholders and the general public;”.

—(Senator Jerry Buttimer).

**Senator Michael McCarthy:** Am I correct in saying that this amendment is about consultation?

**An Leas-Chathaoirleach:** Yes.

**Senator Michael McCarthy:** I feel we have not discussed this amendment enough, and I look forward to the exchanges on it between now and 1.30 p.m.

**Senator Denis O’Donovan:** In case we have lost track of what has happened since we last debated this two weeks ago, the amendment proposed by Senator Donohoe states that “public consultation” means a publicly advertised invitation for submissions from stakeholders and the public. I am support this issue and I spoke about it with some brevity on the previous occasion.

In case I had the wrong meaning of the word “consultation”, I did a Google search on the word and looked up some dictionaries as well. It means meetings, discussions and decisions, among other things. In old English law, it refers to a writ returning a case to an ecclesiastical court from a temporal one. In Australia, it can mean a lottery. In the old Latin dictionary,

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*consultatus* or *consultare* mean that there must be discussion between people. In support of the amendment, my understanding is that such a consultation process has not taken place.

I acknowledge the olive branch offered by the Minister of State, when he stated that he might be prepared to accept consultation in the Bill. I mean no disrespect to him, but the difficulty is that this reminds me of someone being taken to the gallows. The person is prepared emotionally and physically for this trauma and the hood is put over him. He is then told that we may not decide to put the rope around his neck and let him swing for an indefinite period. The enactment of this Bill effectively states the same thing. When section 18 is enacted — I have not dealt with that yet — Bantry Bay Harbour Commissioners will be no more.

This legislation may be described by some as “enabling”, but I see it as totally disabling the current situation in Bantry. I must labour this point and will do so next week or whenever the Bill comes before us again, although I will probably be running out of ammunition. It is a central plank of my argument that the consultation referred to by Senator Donohoe and supported by me and other speakers, has not been adhered to up to now. It is little solace to the people of the greater Bantry area, and those using the port, to know that when the legislation is in place we will be consulted, having by then been crippled by the Act. That applies across the board whether at Whiddy Island, or the mussel or salmon farms, or the stone-exporting industry at Leighhill in Adrigole, or to other port users. It goes against the grain. Since contributing to the debate on the last occasion, I have spoken to the west Cork manager and other interested parties who are somewhat despondent and disillusioned that this step is being taken despite the fact that a number of discussions had taken place.

I wish to put on the record what has been happening for some time regarding Bantry Bay. Although I was not present at it, I was involved in setting up a meeting on Wednesday, 7 July 2004, at the Port of Cork offices. I have a memorandum from the Harbour Commissioners about this meeting which was to discuss a proposal from the then Department of Communications, Marine and Natural Resources re Bantry Port's future. Present at the meeting were Mr. Vivian O'Callaghan, Mr. John O'Riordan and Mr. Alec O'Donovan from Bantry, while the Port of Cork representatives were Mr. Dermot O'Mahony, Mr. Brendan Keating and Captain Pat Farnan.

On that occasion, which was only four years ago, but it is significant, it was said by some people from the Port of Cork, regarding the issue of consultation, that Cork would agree to join with Bantry — not for Bantry to be subsumed — only with agreement with Bantry, provided the Minister approached them and there was a consensus. They had detailed discussions with some Department officials and the whole tenet of those discussions on that date, 7 July 2004, was of joining up and becoming a partnership, which is not envisaged in this Bill. That is why Senator Donohoe's amendment is so pertinent.

I am loath to mention people outside the House but the then chairman of the board of the Port of Cork, Mr. O'Mahony, said that if agreement was reached the condition would be that the Department would bank-roll all the costs involved. I think the agenda was that outstanding issues for Bantry would be dealt with prior to any partnership. At the same meeting, according to a synopsis of the minutes taken, Mr. O'Riordan from Bantry Port said that Bantry was viable as a port and had no outstanding financial commitments. Mr. Vivian O'Callaghan went on to say that one of the prerequisites was that a pier must be built. We have no plans at the moment in that regard. We all know that if Cork Port takes us over that will not happen in this century, whatever about the 22nd century.

Mr. Brendan Keating from Cork Port said quite clearly that whatever happened consent would have to be forthcoming and available from the Bantry board. In the ongoing discussion,

Mr. O'Mahony went on to say what Cork would bring to Bantry in this whole area. This was all about consultation which, unfortunately, seems to have petered out. It was suggested that the Conoco facilities at Whitegate and Bantry could perhaps generate more cargo.

As I said previously, this all concerns consultation or the lack of it. I cannot emphasise that enough. At that meeting, Mr. Vivian O'Callaghan pointed out, as was agreed by many, that health and safety was the main aspect behind the pier because our facilities are inadequate in that respect. On the last occasion, I read into the record some of the comments made by the eminent former High Court judge, Mr. Justice Costello, regarding the Whiddy Island disaster.

It was said at the time that the Whitegate and Whiddy facilities would envisage progress but it was pointed out that, apart from the cargo trade, Bantry also had recreational potential. A very important point was made at that meeting when the weasel question was referred to by Mr. Dermot O'Mahony. He asked clearly and succinctly if there was a dredging problem for Bantry pier and the inner harbour. The facts are, and I am deviating slightly——

**An Leas-Chathaoirleach:** A little bit.

**Senator Denis O'Donovan:** I am still on the question of consultation which is tough, but I must read it into the record because there is still a problem in that regard. Mr. O'Mahoney suggested that Bantry Bay Harbour Commissioners should write to the Department before they would consider any amalgamation or partnership. The whole pier would have to be sorted out financially and the dredging done before any partnership.

*12 o'clock*

In other words, the chairman of Cork Port said that they would not have anything to do with Bantry if there were outstanding issues which cost money, such as building the pier extension or dredging. Reading between the lines, he was saying that they had no notion of spending Cork Port's money for Bantry's extensive plans.

At the same meeting, they also discussed the commitment to €1.9 million for the pier under the national development plan. Those were among the points raised at that important meeting. However, had more such meetings taken place, I would not be standing here today facing up to the issue again. This all concerns the process of consultation as referred to in the timely amendment tabled by my colleague, Senator Donohoe.

Subsequent to that meeting, on 8 July 2004, the then chairman of Bantry Port, Mr. Vivian O'Callaghan, wrote to Mr. Michael Guilfoyle, an assistant secretary at the then Department of Communications, Marine and Natural Resources, at 29-31 Adelaide Road, Dublin. The letter states

Dear Mr. Guilfoyle,

In my capacity as Chairman of Bantry Bay Harbour Commissioners, I had a recent meeting with the Chairman and some officers of the Port of Cork, with a view to discussing matters of mutual interest. At this meeting it emerged that you had recent discussions with the Port of Cork, concerning the possible amalgamation of the Bantry Bay Harbour Commissioners and the Port of Cork. Needless to say this came as a bit of a surprise to me and the other members of my Board, who were present. Mr. Dermot O'Mahony, Chairman, Port of Cork, also advised that you had indicated that you proposed to come to Bantry to meet the members of my Board, that meeting occurring some time at the end of May.

This is important because the meeting never occurred and even though Cork Port knew about it, Bantry was not told. The letter continued as follows:

As this meeting has not taken place, I can only conclude that the discussion concerning the future of Bantry Bay Harbour Commissioners is continuing without any input from my

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Board. As one who has served on the Board of Bantry Bay Harbour Commissioners for over twenty-five years and am currently the Chairman, I find it quite remarkable that any of these suggestions should be discussed in the absence of an opportunity from my Board Members to have a serious input.

I feel I should also point out that the lifetime of this Board will conclude in October and I would suggest to you with great respect that you might avail of this opportunity to come to Bantry to discuss the matters raised above.

This was as clear as a letter can be about consultation, whether a lack of it or urging it. It is a notice to treat by the Bantry harbour board asking Cork Port to come to discuss this issue.

**An Leas-Chathaoirleach:** We are discussing the amendment.

**Senator Denis O'Donovan:** It is all about consultation.

**Senator Michael McCarthy:** Hear, hear.

**Senator Denis O'Donovan:** The Leas-Chathaoirleach might have missed it on his resumption of that beautiful position.

**Senator Michael McCarthy:** A well-remunerated position.

**Senator Denis O'Donovan:** Senator Pascal Donohoe, for whom I have great respect and who has recently been promoted, tabled this amendment, which states:

In page 17, between lines 21 and 22, to insert the following:

“‘public consultation’ means a publicly advertised invitation for submission from stakeholders and the general public;”.

In other words, he is making the important point that consultation should take place. I argue it has not taken place and that even if we are promised it into the future, it is like closing the stable door when the horse has bolted. When the horse gets out and the stable is bolted, there is nothing in the stable.

I will continue with your kind indulgence, a Leas-Chathaoirligh. I have only about an hour left and I promise we will move as quickly as possible. I wish to read into the record a further letter regarding consultation with Cork Port. On 4 August 2004, the board chairman, Mr. Vivian O'Callaghan, wrote to the then Minister of State at the Department of Communications, Marine and Natural Resources, Deputy John Browne, at Leeson Lane, Dublin 2. The letter reads:

Dear Minister,

I refer to my letter of December 3rd 2003, in which my Board requested you to meet us to discuss a number of items. We are quite amazed and surprised that eight months later, we still have not received either an acknowledgement or reply to our letter.

One can understand the disquiet and lack of faith, so to speak. The letter continues:

You will recall that subsequent to the letter referred to above, Deputy Denis O'Donovan TD and I met you in your office in Leinster House in early March 2004. At that meeting you indicated that you proposed to travel to Bantry to meet the Board sometime after St Patrick's weekend. This meeting has not yet taken place. You also indicated on that occasion that you

proposed to dispatch Mr Michael Guilfoyle to Bantry to discuss the possibility of amalgamating our Board with the Board of Cork Port Company.

These were open, transparent discussions set out by the harbour board vice chairman. The letter continues:

You can imagine our surprise recently at a meeting held with the Cork Port Company, to discuss items of mutual interest, it emerged that Mr Guilfoyle has already held meetings with Port of Cork management concerning this amalgamation. This despite the fact that no meeting of any description to discuss this matter has been held with Bantry Harbour Commissioners.

I feel quite sure you can appreciate how disappointed and annoyed my Members feel at this kind of treatment from the Department. You are probably aware that the present Board of Bantry Harbour Commissioners will leave office in October 2004. I am determined to ensure that, as the last Chairman of this particular Board, that this Board not be treated in such a cavalier fashion.

I await your response with interest.

Yours sincerely,

Vivian O'Callaghan, Chairman.

In case anyone suggests I am in any way transgressing in my manner of dealing with this debate, all of this concerns consultation or the lack of it. I have to get a clear picture of what has happened in recent years and put it on the record. This is important as I may never again have the opportunity to do so.

In the same year, 2004, the chairman also wrote to Mr. Creaney, private secretary of the Minister of State at the Department of Communications, Marine and Natural Resources, stating:

Dear Mr Creaney,

With reference to your letter of 9th August 2004 the members of Bantry Bay Harbour Commissioners would be available to meet the Minister of State, Mr John Browne on the occasion of his visit to Cork on the 6th September.

Again, they are seeking meetings, not shying away from them. The letter continues:

I feel the following items in relation to Bantry could be discussed to our mutual benefit at this meeting.

- 1) Bye-Laws.
- 2) Corporatisation.
- 3) New Pier Funding.
- 4) The Burke Report.

May I suggest our office at Wolfe Tone Square, Bantry as a suitable venue for the meeting.

Yours sincerely,

Vivian O'Callaghan.

[Senator Denis O'Donovan.]

There is a further important letter, written on 16 September 2004 on the headed paper of the then Department of Communications, Marine and Natural Resources, to the then chairman, Mr. Vivian O'Callaghan, Bantry Bay Harbour Commissioners, Wolfe Tone Square, Bantry, where it was received and stamped on 17 September 2004. It reads:

Dear Chairman,

As agreed at our meeting on 6 September last, I am writing to set out my understanding of the outcome of the meeting and of how to ensure that the dialogue between the Department and Bantry Bay Harbour Commissioners can be progressed in the future on a positive basis.

#### Pier Development

As stated at the meeting, the interruption in the dialogue with the Commissioners and the referral of the matter to the Attorney General was a direct consequence of the unilateral decision by the Commissioners to place a contract while discussions with the Department on the viability of the project were ongoing. Up to the point of interruption of the dialogue, the Department had not been satisfied that the project was viable and would not have resulted in serious financial harm to the Commissioners. For this reason, the Department officials were most surprised at the decision taken by the Commissioners at that time to enter into the contract in March 2002, given that there was not a shared understanding on the viability of the project, in respect of which the Department was being asked to provide support.

I am keen that the Commissioners and the Department re-engage in a constructive and fruitful manner, having regard to previous expression of support for the project. I can assure the Commissioners that the services of the Department and myself will be applied positively to this end.

From our discussions, I understand that the Commissioners believe that the business environment for the project has shifted from that originally envisaged. As you are aware, the projected costs have escalated since the consideration of Exchequer support of €1.9 million by the former Minister. Furthermore, no progress appears to have been made on the conditions contained in the former Minister's letter of 15 May 2002 ... which letter expressly instructed the Commissioners not to enter into any contractual commitments pending a report on progress in relation to the two stipulated conditions [In the event, the contract had already been placed]. Accordingly, I would propose that the project be reviewed in terms of its viability, the financial implications for the Commissioners of increased borrowings for the project due to its escalated cost and the risks to the project posed by the dominant position of the terminal operator. To this end, I invite the Commissioners to submit for consideration a ... detailed updated proposal for the project, including a comprehensive business plan with financial projections. The Department is available to assist the Commissioners in elaborating its requirements in terms of the proposal.

I believe that plan was submitted. The letter continued:

#### The future management of Bantry Harbour

You will be aware that the Oireachtas decided in 1996, through the passage of the Harbours Act 1996, that the latter represented the best legislative model within which a commercial port should operate.

It is thus a matter of longstanding policy that the Harbours Act 1946 is no longer regarded as a suitable instrument for the management of State harbours. Accordingly, it is proposed,

over time, to effect the dissolution of all the harbour authorities currently operating under the Act and, where appropriate, to transfer responsibility for the control and management of each harbour to a local authority or to a port company.

I regard Bantry harbour as a significant port in terms of business and location in the Southwest. It is therefore, firm policy to maintain the harbour and, where possible and appropriate, to develop it. Consideration has been given to the best means of ensuring that Bantry harbour is positioned and equipped to fulfil its commercial port functions in a modern, professional way. It is essential, in that context, that Bantry has available to it the best marketing, project management and technical and general management skills as befits its importance and potential.

I cannot disagree with any of that. It further states:

It is my view that the harbour should be operated within the provisions of the Harbours Act 1996. This Act, together with the Code of Practice for the Governance of State Bodies, will provide the necessary framework to ensure the effective corporate governance of the State body concerned.

It is the Department's view that the business associated with the harbour falls below the minimum level of activity necessary to justify the establishment of a new company when compared to the alternative available to the State and that the Port of Cork Company is ideally positioned to ensure that Bantry has access to the best regional port management expertise, marketing skills and strategic development planning.

I would urge the Commissioners to assess fully the pros and cons of the options mentioned above and to explore fully with the Port of Cork the conditions which might surround any amalgamation of Cork and Bantry, which would protect the interests of Bantry. I fully appreciate that the Commissioners will enter any discussions with the Port of Cork Company on a 'without prejudice' basis and I can assure the Commissioners that no final decision will be taken other than in full consultation with them.

That statement that no final decision will be taken without full consultation with them is critical. That has not taken place and that is the reason my colleague's proposed amendment is critical to this issue. This is material I have researched since the last occasion I spoke here.

**An Leas-Chathaoirleach:** The Senator has been busy.

**Senator Denis O'Donovan:** And I will get busier, unfortunately.

**An Leas-Chathaoirleach:** Bed time reading.

**Senator Jerry Buttimer:** It is like "The Book on One".

**Senator Denis O'Donovan:** This letter, which is dated September 2004, further states:

As was agreed at our meeting, Mr Michael Guilfoyle, Assistant Secretary General, will work with the Commissioners in identifying the issues to be addressed in relation to the pier development and the future of the harbour. He would envisage, as agreed at our meeting, meeting the existing Board again (or a subgroup) on these issues at an early date. Prior to that meeting, it would be useful and productive if the Commissioners had progressed a project plan for the pier development and had some discussions with the Port of Cork.

It goes on to state:



[Senator Denis O'Donovan.]

As you are aware, the powers of harbour authorities to make bye-laws for the good rule and government of a harbour are set out in section 60 of the Harbours Act 1946. Specifically, in relation to pilotage bye-laws, the Attorney General advises my Department that no further bye-laws can be made under the Pilotage Act 1913 following its repeal.

In relation to past proposals of the harbour authority for bye-laws to be made under section 60 of the Harbours Act 1946, the Department's file indicates that there has been ongoing correspondence between the harbour authority and the Coastal Zone Management Division of the Department. Arising out of this process, the Commissioners were invited in August 2003 to submit redrafted bye-laws taking into account objections received and changes agreed with the Coastal Zone Management Division.

Where now lies the coastal zone management division? Is it extinct like the famous dodo or does it operate in some other guise? That division had an important role to play in the overall strategy and development of coastal zoning in all of west Cork. I understood it acted under the remit of the Department of the Environment, Heritage and Local Government but I could be wrong on that. The Minister, when responding, might reassure me as to its role and status currently and into the future. The letter further states:

I can assure you that we will deal expeditiously and constructively with any resubmitted byelaws and will address concerns regarding pilotage in that context. You should contact Patrick McHale, Assistant Principal, at 01-678 2271 in that context.

It goes on to state that Patrick McHale should be contacted and gives a telephone number, which is not relevant to the issue.

To come to the conclusions in this important letter, the last sub-heading concerns the proposed sale of foreshore at the inner harbour. It states:

As the Commissioners are aware, under section 159 of the Harbours Act 1946, the sale of surplus land requires Ministerial consent. Also directly applicable is section 5 of the Code of Practice for the Governance of State Bodies which deals with disposal of assets and access to assets by third parties. Specifically, the Code states that it should be standard practice that the disposal of assets with an anticipated value at or above a threshold of €70,000 should be by auction or competitive tendering process, other than in exceptional circumstances. The Code provides guidance in relation to the determination of the anticipated value. A copy of section 5 of the Code is attached for ease of reference.

I wish the Commissioners well in their remaining endeavours; I assure them of my continuing support and thank them for their important contribution to making the Harbour a successful and strategic element in the State's port infrastructure.

The letter is signed by the then Minister of State, Deputy John Browne. That is a significant and important letter because it sets out certain facts and a road map for progression in terms of Bantry Harbour Board and port.

I accept and say to the Minister of State and his advisers that Bantry Harbour Board may have made certain procedural and basic errors in some of its dealings over the years but as a former member I contend that any such deviations from protocol, rules or corporate governance views were unintentional. It should be remembered that the Bantry Harbour Board is made up primarily of what I would call ordinary people. We do not have a chief executive, a full-time chairman or paid directors. It has people from the chamber of commerce, county

council members, town council members, people from the port users association and a minimum requirement of at least one union representative.

The board did not set out in a premeditated way to antagonise the Department. I welcome the fact that this letter examined the consultation and some would say courtship process among boards. The culpability that lay with the board appears to have been forgiven. A clear message was given at that point to move forward, and that is what has happened.

On 9 November 2004 a letter was sent from the board and it relates to the process of consultation or lack of it on this amendment. It is a short letter. It was written to Mr. Michael Guilfoyle from the Bantry Harbour Commissioners. Mr. Guilfoyle was then assistant secretary at the Department of Communications, Marine and Natural Resources. It is dated Dublin, 9 November 2002. It states:

Dear Michael,

Following our recent telephone conversation, I now wish to formally request a meeting with yourself and a delegation from the Harbour Board.

The purpose of the meeting is to reengage with the Department in a constructive manner. As Chairman of the new Board, I would like to take a fresh look on how we can go forward with the full co-operation and support of the Department.

The main topics of discussion will be (a) new pier and (b) the future of Bantry Harbour Board. We would appreciate an early response to an agreed date for a meeting.

Yours sincerely,

Aiden McCarthy Chairman.

The issue is set out in clear terms in the correspondence to the Department, from the Minister, and by the two chairmen, including Vivian O'Callaghan, and it tries to set out a road map for the future in terms of consultation. I am grateful to the Minister for his suggestion — I accept it is not a guarantee — that he might incorporate Senator Donohoe's amendment to allow for consultation on Report Stage. My view is that at that stage a shotgun marriage — I know the Minister does not like that phrase — will have taken place and the potential for Bantry Harbour Board to have some magnanimity and strength in the future will be severely curtailed because it will have no wriggle room, so to speak, and will be subject to restrictions in that way.

A meeting took place at 11 a.m. on 6 September 2004. It was one of those meetings we all look forward to, where there was consultation. We awaited with great expectation the visit from the Minister and some senior people from his Department. That meeting was attended by the then Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Browne, Mr. Michael Guilfoyle, and, present from the Harbour Board, Mr. Vivian O'Callaghan, chairman, Mr. Pat Kelly T. C., Mr. John Hunt representing the port users, Mr. Michael Hennebry and Ms Patricia Murphy representing the Chamber of Commerce, Mr. John O'Riordan, Mr. P. J. Sheehan MCC, now Deputy Sheehan, Mr. Timmy Minihane, a trade union shop steward living and working on Whiddy Island, Mr. Eugene Cronin T. C. and me. There was full attendance. That meeting took place in Bantry.

Some important issues about discussions and consultations took place at that meeting and the minutes are as follows:

The chairman thanked the commissioners for taking time out to attend the morning meeting [it was a special meeting]. He reminded all present of the agenda which was agreed for the meeting and asked members to adhere to it [and not to stray]. He said he would inform

[Senator Denis O'Donovan.]

Mr. Browne of the appalling way in which the Harbour Board has been treated and request him to clear up many out-standing issues.

The commissioners were joined by Minister John Browne, Mr. Michael Guilfoyle [and me].

The chairman welcomed Mr. Browne TD and Mr. Guilfoyle and thanked them for meeting the commissioners. He informed the gentlemen that the current board would be leaving office shortly and that the commissioners were keen to establish what the status was in relation to funding for the pier. He said despite numerous requests, the commissioners were not afforded a meeting with Minister Dermot Ahern [who was then senior Minister]. He said the impression of the local community in Bantry was that the current commissioners did not undertake their duties in a proper manner. [This is still the view and is a cause of serious concern and disquiet.]

Mr. O'Riordan said while the commissioners always showed respect for officials in the Department of the Marine, they were now very angry. He proceeded with the various events which have occurred, beginning with Minister John Wilson's pledge in 1993 towards dredging of the existing pier and ending with the present position, including awaiting the outcome of the Attorney General's response. He said the board had purchased land at Whiddy for ready access to the island and reminded the meeting that the pier option chosen would not require dredging. Mr. Hennebry [one of the board members] concurred with Mr. O'Riordan's presentation and said he was very surprised with the delay from the Attorney General's office. Ms Murphy said following the installation of the single point mooring, the necessity of on-shore facilities were over-looked. She said the Government should learn from a tragedy such as the Betelgeuse disaster in 1979.

Mr. Browne TD thanked the commissioners for their invitation to Bantry. He said there was no slight on the commissioners and he came to open discussions. He said there are ongoing talks about the amalgamation of ports and this is taking up much of their time. He said he had read the Bantry file and it appeared it did not contain a business plan. He said this was a matter of concern for his officials but that talks would continue. Mr. Browne said he visited the pier on Sunday evening and he appreciated what was required.

Privately, the then Minister, Deputy Browne expressed to me that he was appalled at the lack of facilities at low water at Bantry pier to do with any type of access to or from Whiddy Island, the terminal, the islanders or any boats. When he visited in 2004 and saw the pier, it was plain to be seen how inadequate the facilities were, and unfortunately they have not improved. I will continue to read the minutes of this meeting:

He said he also wanted what was best for Bantry and understood Mr. Denis O'Donovan's keen desire to get the pier under way. He said he would put a timescale of year-end for discussions. [Four years have passed since that meeting on 6 September 2004.] Mr. Sheehan reminded Mr. Browne TD and Mr. Guilfoyle of the Department of the Marine's suggestion that the board apply for funding of IR£2 million from NDP in July 2001 and of Minister Joe Walsh's media announcement in May 2002 that this funding had been granted. [This was a correct assessment.] Mr. O'Riordan said a business plan was prepared by PriceWaterhouse had been lodged with the Department of the Marine. [Again, there is a lack of consultation or wires crossed. PricewaterhouseCoopers did a very comprehensive report and that report was presented and forwarded to the Department.] Mr. Michael Guilfoyle said the board's signing of contracts came as a shock to the officials in the Department of the Marine. He said prior to this, discussions were ongoing. But following this, he said it was difficult for them to engage in further discussions. He said this was the first time that contracts had been signed without prior approval. He said they were not aware of the NDP funding approval.

However, some correspondence mentioning this may have been construed as approval, this was not the case. He said the situation with the Attorney General's office is that they have offered a consultation with the Department of the Marine.

Mr. O'Riordan said the Department of the Marine was made aware that the contracts were being signed and it took six months before the commissioners were made aware of any disquiet on the issue in the Department of the Marine.

A contract was signed with a contractor in spring 2002, around the time of the visit of the then Taoiseach, Deputy Bertie Ahern, to the port. In late April or early May 2002 it was widely perceived that a pier development would begin, the money was in place and a contract should be entered into. That is history. Consequent to this, the Department, in its wisdom, referred the matter to the Attorney General's office and a legal opinion was got by the board and the Department on the propriety or otherwise of that contract. Although that is history, despite those announcements by the then Minister, Deputy Joe Walsh, and the then Taoiseach on his arrival in Bantry, we have not moved an inch from that time. That is a serious worry to me and the people I represent. I will continue to read from the minutes of this meeting, which I attended:

Mr. Guilfoyle re-iterated the alarm expressed in his Department when it was discovered that the contracts were signed, particularly Mr. David Glynn. He said they have to be satisfied that adequate finance is in place to support any loans. Mr. O'Riordan said in 2002 this was a viable project. He accepted matters have changed but now it was time to work together towards a new plan.

In 2001-02 the board, in consultation with and with prior knowledge of the Department and the Minister, examined the possibility of borrowing money. I was present at some of the meetings with the banks. That may not be considered appropriate in the current economic climate. There was a receptive, accommodating view by the banks that they would provide substantial borrowing to the board. The board had the capacity, from the income it was making primarily from harbour dues from the ConocoPhillips oil terminal at Whiddy Island and Bantry Bay, to repay a substantial loan. They also envisaged that they would get almost £2 million, which had been committed — I would say promised — by the Government at that stage. Furthermore, they believed they would get assistance from the local authority, Cork County Council, in providing infrastructure. That is history. Nothing has happened since, unfortunately.

The minutes continue:

Mr. Denis O'Donovan TD said the Board was under the impression that it was all systems go. He said there are other issues also, safety and social issues and he highlighted the importance of access to Whiddy Island.

Ms Murphy requested that in the future, there would be free movement of information between the Dept and the Harbour Board. Mr. Kelly said An Taoiseach Mr. Bertie Ahern complimented the Harbour Board on its achievements and enquired if he had informed the Dept of the Marine of any concerns he had with the contracts being signed.

Mr. Browne said the departments work independently of each other. It was agreed Mr. Guilfoyle would revert to the Commissioners on matters pertaining to the Burke Report and would bear in mind the short time-scale involved for the current Board.

That was in view of the fact that the board has a five-year cycle. A new board was due to be put in place, for the following five years, in October of that year. The last time the House considered this Bill, I made the point that this enabling legislation — or disabling legislation,

[Senator Denis O'Donovan.]

as I call it — is not of critical importance, other than in so far as it provides for corporate governance and tidies things up for the Department. The board can roll over from October 2009 to October 2014, within which time the courtship of Cork Port could be completed and the two most important outstanding issues, the extension to the pier and the dredging, could occur in calmer waters.

The minutes continue:

When asked to comment on the subject of Corporatisation, Mr Guilfoyle said cost-cutting factors are being looked at for all ports and he encouraged talks with the Port of Cork on the subject of amalgamation. Mr. Hunt reminded the meeting that the situation in Bantry is very different to other ports in that it's activities are not duplicated elsewhere.

This is an important point because Mr. Hunt is a fully licensed pilot. He is a man of significant international experience with ocean-going tugs etc. He made the valid point that Bantry Port is very different from other ports as its activities are not duplicated anywhere else on the island of Ireland. I could not have made that critically important point any better.

At this stage, I remind the House of an important fact. Many Members may not be aware of the aguisín I wish to put on the record. In the event of a major international problem or catastrophe, it is proposed that much of this country's national oil reserve — not all of it, unfortunately — would be stored in the Whiddy Island facility to keep this country ticking over. I am aware that some of the reserve would be stored in places like Norway. That gives Bantry Bay and Bantry Port an added dimension to which I have not referred before now.

The minutes continue:

On the subject of Bye-Laws, Mr. Guilfoyle undertook to revert to the Board at the earliest possible opportunity.

The Chairman informed Mr. Browne TD of the request from a local developer to purchase some foreshore from Bantry Harbour Board and of the limited time scale on the developer to commence the proposed development.

Mr. Denis O'Donovan TD [I was a Member of the other House at the time] said he would continue with his endeavours to get the new Bantry pier up and running and congratulated Mr. O'Riordan on his comprehensive presentation for the meeting.

Mr. O'Callaghan thanked Mr. Browne TD and Mr. Guilfoyle for meeting the Commissioners and said he looked forward to having many out-standing issues resolved at the earliest opportunity.

Mr. Browne TD said he would write to the Commissioners acknowledging the meeting and congratulated all concerned for their on-going efforts on behalf of the community of Bantry.

Mr. Kelly took the opportunity to thank Mr. V. O'Callaghan and Mr. P. Sheehan in particular for their long years of service to the Board of Bantry.

That was how the meeting concluded. The letters from which I have quoted are of pivotal and critical importance to the consultation process. We are moving away from that in this Bill, unfortunately. A new board was put in place in October 2004. Changes in legislation meant that as a Member of the Oireachtas, I had to step aside from the board, unfortunately. It is critical that the new board has been very co-operative. It has complied with the demands and requests made by the Department in respect of various issues. It has acted transparently, learned from its mistakes and done exceptionally well in its consultations and deliberations with the various authorities.

I wish to quote from the minutes of the meeting of Bantry Bay Harbour board at 9.30 a.m. on Monday, 13 December 2004. I am speaking about the consultation process, which is the subject of Senator Donohoe's amendment. At the meeting in question, the board met Mr. Michael Guilfoyle of the then Department of Communications, Marine and Natural Resources. The then chairman of the board, Mr. Aidan McCarthy, was present at the meeting. Ms Letty Baker, Mr. John O'Riordan, Mr. Donal Casey, Mr. Mario Minehane, Mr. Timmy Minihane, Mr. John O'Shea, Mr. Eugene Cronin and Ms Kathleen Tessyman were also in attendance, as was the secretary of the board, Ms Goggin. The agenda of the meeting primarily involved dealing with the proposed pier project, the Burke report and the issue of corporatisation.

While we are talking about consultation, I should mention that the proposed pier project is an old herring that has been under consideration for 20 years. I believe that the pier project, like the dredging project, will be abandoned if the provisions of section 18 of this Bill, which has yet to be debated, come into vogue. It is important for me to read briefly from the minutes of the December 2004 meeting:

An apology was received from Mr. Patrick Kelly. The Chairman opened the meeting by welcoming Mr. Guilfoyle back to Bantry and thanked the Commissioners who made the effort to come to the meeting.

The members of the board, all of whom are volunteers, had to make an effort to attend a meeting at 9.30 a.m. on a Monday morning. At that stage, they were not getting any stipends for attending the meeting. The minutes of the December 2004 meeting continue:

Mr. Guilfoyle thanked the Commissioners for their welcome and said he was in Bantry to progress relations between the Harbour Board and his Department. He said he and his colleagues are responsible to the Auditor General and the Secretary General of his department. They have to ensure that all processes are adhered to and ensure the tax payer gets value for money.

I suppose the latter point is a valid one, but I do not know where value for money was coming from when so little was being done. I remind the Members of the House that this meeting was an important one in the context of the discussion we are having on the amendment relating to consultation. The section of the minutes of the meeting that covers the discussion on the proposed pier project reads:

Mr. Guilfoyle said at a meeting on 6th September last in Bantry with the Commissioners and Mr. John Browne TD, it was identified to the Commissioners that his department were disappointed with the break-down in communications which had occurred. He said it was time to move away from this issue and focus on the future of the project and put some procedures in place. He said upon investigating the files, it had come to his notice that viability of the project had not been established at the time the contracts were signed and this issue was taken very seriously by his department. He recommended that we would return to the stage of appraising the project.

I remind the House that the project in question is the proposed pier project. The minutes continue:

He said neither the Minister of State nor the senior Minister have come to any decision. He also said there was a question in relation to the €1.9m and that this would not be confirmed until the entire project stacks up, there is a good return on the project and that borrowing will be met.

[Senator Denis O'Donovan.]

Everything comes down to consultation and relationships with Ministers and departmental officials.

The board sinned and made mistakes but most of the board members had different professions. The board did not have a full-time chief executive similar to major ports, such as Cork, Dublin and Foynes. The board members had other jobs. While they acknowledged their culpability and the somewhat careless approach in their naked ambition to progress the project, it does not auger well that a Department would have a stand-off with the board for two years on this issue.

The Department should have held an urgent meeting and called in the board members to tell them they had sinned and done wrong and to resolve the issue there and then. The stand-off and breakdown in communications did not help. The problem started with the actions of the board but I am totally unhappy that a Department should take such issue, like a sullen child in a classroom, stand back for two years and not engage with the board. That sticks in my craw a little. Reference was made to consultation and moving forward but I would like to turn the clock back to establish how we arrived at the current position.

The minutes of the meeting of 9 December 2004 further state:

Mr O'Riordan said in view of the fact that many of the current Commissioners were new to the Board, he wished to confirm that in the initial procedures, the project did stack up [that is, its financial viability], based on the then ambitions of the oil company. However, this could change again in the future. He reminded Mr. Guilfoyle that Mr. Glynn and Mr. Sheridan were furnished with Bantry's Business Plan. He also said it was regrettable the Commissioners did not sight the letter which was received by Mr. Denis O'Donovan because the Board would have had the opportunity to negotiate the matter of rates with the oil company.

Mr. Guilfoyle said his department would encourage any state body to engage with a private company, in Bantry's case, ConocoPhillips, thus taking some pressure off the state body,

Ms Baker enquired if the same criteria was applied to all ports when projects were forwarded to the Department. Mr Guilfoyle said it was factored in to any decisions and that he would leave some documentation with Mr A. O'Donovan [who is still acting harbour master] to this effect.

Mr. M. Minehane said the matter of Bantry starting at the bottom of the ladder should be taken into account, considering other ports would already have infrastructure in place. He added that ConocoPhillips Ltd have already invested much capital into the area and enquired as to the legitimacy to expect the oil company to provide further support.

Approximately €60 million was ploughed in by ConocoPhillips and its predecessors in developing and refurbishing the tanks and other facilities, including the setting up of the single point mooring, SPM, buoy for the loading and off-loading of oil and related products, such as bunker oil, at the facilities on Whiddy Island. Mr. Mario Minehane was an important figure because of his experience as a naval officer in his younger days. It was suggested ConocoPhillips should plough money into Bantry Port facilities again.

Since Gulf Oil arrived in Bantry in 1965, significant money was involved in movement of oil through Whiddy Island. For example, the oil tanker hijacked by Somalian rebels off the coast of Somalia was carrying crude oil worth €100 million and its crew has been taken hostage. However, it is much smaller than those that docked in Bantry. Mr. Minehane who worked with ConocoPhillips — I am not sure if he still does- wondered why the company should be asked

to plough millions into the port to provide other facilities that should have been in place 40 years ago and which still have not been provided today.

The minutes continued:

Mr. O’Riordan said when Mr. Packar re-visited the Board’s capital requirements, he put the Bantry project on a higher scale than it previously had been. He said the project had also been recommended for funding by Mrs. Mary O’Rourke TD, the then Minister for the Environment.

Mr. Guilfoyle read from a list of projects. Bantry was quite low on the list and therefore, NDP had been spent by the time Bantry’s name was reached.

Mr. Cronin said the matter of inflation should be borne in mind as building costs have inflated in recent years.

When Ms Baker enquired if the application could be made under the heading of infrastructure, Mr. Guilfoyle said any available funding has been allocated and there was no programme in place for infrastructure. He said a new policy regarding ports will be put to the Government this week whereby all ports will be encouraged to attain support from the private sector. Projects requiring the least Exchequer investment will be considered favourably.

The minutes give a flavour of the position but I am concerned about what happened to the commitment to the €19 million allocation. Did it evaporate? Why was it not ring-fenced for this provision? I always had reservations about the major new pier being moved to a different location. The dredging of the inner harbour near the existing pier and an extension into deeper waters probably would have involved a less expensive project but that was shelved and the pier was moved from one place to another.

*Notice taken that 12 Members were not present; House counted and 12 Members being present,*

**Senator Denis O’Donovan:** A bit like Bantry pier running out of water, the way I am going, I will soon run out of steam. I was in the process of reading into the record correspondence and minutes which deal with consultation and, in some cases, the lack of it. It is relevant to the amendment and to the section. Most of the minutes and letters to and from the Department refer to different areas of co-operation, consultation and so forth. I hope the Cathaoirleach will give me some indulgence in this matter. I will continue to read the minutes of the meeting of 9 December 2004:

Mr. O’Riordan said a matter that could be considered was that of the rates which are being paid to Cork County Council in respect of the SPM [single point mooring buoy], a facility which is unique to Bantry. These fees would be of immense assistance to the Port of Bantry. Mr. Guilfoyle said he would imagine the Department and the council would have strong objections to a diversion of these funds.

Will the Minister of State inquire as to the status of the rates being paid for the single point mooring buoy, how much is paid annually and how much as has been paid since the buoy was put in place eight years ago? I do not want a side-step answer claiming this is a matter for the Department of the Environment, Heritage and Local Government. It is critical to the board’s finances. Bantry Bay Harbour Commissioners are historically, almost umbilically, tied to the Department for good or for bad.

The minutes continued:



[Senator Denis O'Donovan.]

Mr. Guilfoyle suggested he would arrange for a liaison officer in his Department, with whom the board would have regular contact with. Despite invoices being lodged with the Department, he said there was a query with regard to the €1.9 million as promised by [the then Minister] Deputy Frank Fahey, pursuance of same could be a legal matter.

The meeting then went on to deal with the Burke report. The minutes read:

Mr. Guilfoyle said this matter was tied in with issue of corporatisation. He said his Department's view was that it was in Bantry's best interests to amalgamate with the Port of Cork. He suggested to make contact with personnel there and to explore all aspects of the operations of an amalgamation that would best serve Bantry.

When the chairman inquired as to the public private partnership possibility, Mr. Guilfoyle said his Department would have an open mind on the issue.

I would imagine the PPP would have been involved in the construction of a new pier and other ancillary items such as dredging and the development of the inner harbour.

The minutes continued, "Ms Baker inquired as to the scenario if the board was not in favour of joining Cork, Mr. Guilfoyle said it would result in complex legislation." Interestingly, we are now in the throes of complex legislation which will have a major impact on Bantry. The minutes noted, "The latter said it was the view of the EU that Ireland has too many ports, hence all ports are being encouraged to work together." I must add the working relationship between the Bantry Bay and Cork Port authorities has been quite successful without any hitches in recent years.

*1 o'clock*

The minutes continued:

Ms Baker inquired as to Mr. Guilfoyle's vision for Bantry. The latter replied that at the end of the day it was a matter for the people of Bantry.

That is a most critical response by Mr. Guilfoyle, an eminent official whom I got know and an honourable and decent man.

The minutes continued, "He [Mr. Guilfoyle] encouraged maximum utilisation of the port's natural resources." I cannot see how maximum utilisation of the port's natural resources can occur in a forced amalgamation with Cork Port. The authority has said there are certain aspects of Bantry Bay and workings of Bantry Port that are not an issue for it.

The minutes continued:

The chairman inquired as to the viability of a marina. Mr. Guilfoyle said they are satisfactory only in areas of high population. There was no provision for funding in the Estimates for marinas at the moment, nor in next year's Estimates.

I always thought marinas came under marine tourism. However, with so much reconfiguration of various Departments, I am somewhat confused. Is marina funding still under the Minister of State's remit?

The minutes noted:

With regard to the foreshore, the chairman stated the line identifying the watermark must be accurately established and developments are ongoing to clarify this matter.

At the suggestion of Mr. Timmy Minihane, it was agreed the chairman and Mr. Alec O'Donovan would accompany Mr. Guilfoyle to visit the pier while the tide was out [which was done].

The chairman, Mr. O'Riordan and Mr. Casey thanked Mr. Guilfoyle for coming to Bantry to meet with the commissioners. Mr. Guilfoyle said he looked forward to working with the commissioners in the future. The meeting was then closed.

I am running out of correspondence on this issue but I have a few letters still to read out. They all have to do with Senator Paschal Donohoe's amendment. The next letter is from the then Minister of State, Deputy John Browne, dated 8 September 2004, to Ms Laetitia M. Baker, An Muileann, The Quay, Bantry, County Cork, re her appointment to the board of Bantry Bay Harbour Commissioners.

It states:

Dear Ms Baker,

I am pleased to inform you that you have been nominated to be an appointed member of the Bantry Harbour Board until the day preceding the second Thursday of the month of October in the next election year.

It should be borne in mind that this Department is currently in active discussion with the Department of the Environment, Heritage and Local Government on the modalities for the transfer of harbours currently operating under the Harbours Act 1946 to local control i.e. to the appropriate local authority or port company. The tenure of harbour board members will end should the harbour be transferred to local authority or port company control subsequent to the 20.04 harbour elections.

The warrant of your appointment is enclosed.

The rest is not relevant as it is a letter of appointment. With regard to consultation, I am making the point succinctly that for good or evil, whether consultation took place during the past decade, we are at a juncture where the consultation process has been sidelined. It has received a yellow or a red card.

A critical event took place in Dublin on Thursday, 6 January 2005, at a time when many people would still be on vacation. A press release was issued from the Department of Communications, Marine and Natural Resources and received by the Bantry Harbour board office. It states:

Marine Minister Pat the Cope Gallagher today launched the Government's Ports Policy Statement 2005. The Minister said that the policy statement aimed to better equip the port sector and its stakeholders in order to meet national and regional capacity and service needs through:

Clearer and more focussed commercial mandates for the ports and their Boards.

Enhancing Board performance through reform of the structure of port Boards.

An urgent search for good, viable projects to ensure that we do not suffer from capacity shortfalls.

Exchequer funding of major projects where necessary.

Encouragement of private sector investment and involvement.

Sanction for the use of non-core assets to fund new port development but not to mask inefficiencies.

Encouragement of healthy competitive conditions within and between ports.

[Senator Denis O'Donovan.]

Better consultation and dispute resolution between port companies and users through appropriate information sharing and arbitration mechanisms.

Encouragement of mergers where a business case exists.

Better transport policy coordination.

It was critical that the area of consultation was pronounced in this launch. A consultation process should have taken place between Cork Port Company and Bantry and possibly refereed and supervised by the Minister and the Department. The harbour board in Bantry was proactive in seeking to engage with Cork Port on consultation and to meet the Department. The publication of this Bill was like a bombshell to the consultative process that should have been let run its course. Perhaps then I would not be here fighting the cause in this regard.

The press release continued:

Minister Gallagher said, "The policy outlined here today will provide the framework for the efficient operation of our ports into the future. There are a number of areas which we must address to achieve this. Ports have clear commercial mandates and the challenge for them is to realise their full commercial potential so that they can provide adequate infrastructure and services to meet customer needs."

The Minister added, "To enable ports to achieve these goals the correct supports must be in place. We will also ensure that the future direction of our ports involves the input of the port users and all relevant stakeholders."

This is a critical line from the Minister of State, Deputy Pat the Cope Gallagher, which he stated in January 2005 and I emphasise it.

The press release continued:

The Marine Minister said that one of the key challenges that lay ahead was the timely provision of adequate in-time port capacity. The internal resources of our commercial ports are not sufficient in general to fund large-scale infrastructure projects. This is a significant challenge in view of the need for additional capacity at our ports over the coming years, particularly for unitised trade. The Government will part-fund such projects where own or private sector resources are insufficient to deliver on the capacity requirements for the growing Irish economy."

Minister Gallagher said that his Department will consult with the commercial ports concerned to determine their view of port capacity and how they intend to deal with the projected capacity needs.

Some of this may refer to other ports but a few more paragraphs deal with this issue and it is important to put them on the record. The press release also stated:

In this regard, the Department would seek to identify the key projects proposed by the commercial ports as essential to deal with anticipated capacity deficiencies to 2007 and beyond, and would establish whether the ports see these being funded from their own resources or in partnership with the private sector.

My learned colleague, Senator Buttimer, might be interested in how this relates to Cork Port, which is in courtship with Bantry or, should I state, like an angry father seeking a shotgun marriage. The major proposal which I supported was a major expansion of the freight capacity of Cork Port, which was ambitious. Under the Planning and Development (Critical Infrastructure) Act, Cork County Council was not involved but it went straight to An Bord

Pleanála which rejected the ambitious and timely development in Cork Port. That was a mistake.

The press release contained additional information which explained that:

The State ports have evolved from being essentially public utilities with unclear mandates to entities with clear commercial mandates. They are generally regarded as being operationally efficient. Private sector involvement in providing services within the ports has increased.

This is critical with regard to consultation with Bantry.

In one of my little interactions here I made a point on the issue of the viability of Bantry. In every year except one of the past ten or 12 years it was in the black and commercially strong albeit relatively small in comparison to the major ports. It has an excellent track record. If we had lost €400,000 or €500,000 every year and had debts of a couple of million euro, I would not be here today to support the cause.

The Department pronouncement by the then Minister of State also states: “Current policy is to require the ports to operate commercially, without Exchequer support, and to provide adequate capacity for the future needs of the economy.”

What is stated with regard to port company boards is important for this Bill and its wider remit as well as the lack of consultative process.

Board members should have the appropriate mix of competencies and skills to contribute to advancing the business and corporate governance of the company. Local authority representation will be reduced to one, staff representation will be confined to one and user representation will cease. A panel of appropriately skilled potential Board member candidates will be established.

The Opposition called a vote on this. We have dealt with the matter, but the Bill will affect it. It is a retrograde step that port user representation and local authority representation is at an end.

I will move on as I am mindful of the time. The next subhead in the press release is “Seaport Capacity and Funding” and it states: “A requirement for additional seaport capacity is predicted in the period up to 2014, with a particular emphasis on the growing unitised trade sector.” As a matter of record, this is the period of time that I want the Minister to consider letting the *status quo* prevail in Bantry. The remainder of the paragraph states:

Given long lead-in times and the need to have in-time capacity in place, it is essential that a policy framework within which to identify, fund and progress any new capacity additions be put in place as soon as possible. The Minister envisages urgent consultation with ports and private sector providers on capacity needs and plans, and thereafter, identification of a small number of high quality projects aimed at providing the required capacity. Clearly, not all proposals are likely to proceed.

The former Minister of State, Deputy Gallagher, in this departmental press release of January 2005, is the third or fourth Minister to set out clearly the parameters for consultation and why it should take place. I will lead on to the more critical issue of due diligence in due course. That is central to the debate.

Under the subheading, Integrated Transport Policy, the document states: “Co-ordination with the Department of Transport will be intensified in order to ensure effective integration of transport policy across all modes.” Under the next subheading, Competition, we are told:

[Senator Denis O'Donovan.]

Competitive conditions are present within and between ports. The Minister will seek to ensure that future capacity constraints do not lead to dominant or monopolistic conditions.

The document goes on to state under the subheading, Regulation:

The Minister considers that there is an insufficient case for the extension of an economic regulator to the port sector. He intends, however, that disputes between port stakeholders and the port will be addressed to an arbitrator whose opinion will be binding.

Will the Minister of State comment on the proposal to set up an economic regulator for the ports in the event of disputes between users and so on? Such disputes have occurred in the past. For example, there were tensions between the aquaculture industry in Bantry Bay regarding rights for shipping lanes. There was also, to a lesser extent, tension between the owners of pleasure boats and those engaged in inshore fishing. Whether Bantry stands alone or is amalgamated with Cork, there must be clarity as to how such consultation is proposed to take place.

Under the subheading, Mergers, the document states: "The Minister sees groupings and partnerships of ports as options to reduce costs, create synergies and improve marketing and critical mass." I have no difficulty with partnerships. This goes to the core of what I have been saying on this issue. However, what is proposed for Bantry is not that we will be partners of any description, junior or otherwise. Instead, we will be sucked in and taken over by Cork Port. It is infuriating that consultation will take place only after the event. I was never a trade union member, although I have great respect for them. If something similar happened in trade union circles, the ICTU and other organisations would kick up a stink. They would not tolerate a situation where one is presented with a *fait accompli* and only then is consideration given to consultation.

The document goes on to state under the subheading, Privatisation:

The potential and strategic significance of the ports varies between one port and another. The Minister intends to maintain an open mind on privatisation of port ownership and will seek to maximise private sector involvement in the ports, including funding.

Bantry Bay is of significant strategic commercial importance. It had the pride of holding the entire British navy when its fleet was at its largest. That entire fleet could be and, regrettably, was sheltered in Bantry Bay.

There are issues to consider in regard to the consultation process as outlined by the Minister of State before we come back on Report Stage, at which point I will have to sink or swim. First, under existing legislation, the Minister can, with the consent of the Minister for the Environment, Heritage and Local Government, sign an order to the effect that, for example, Bantry Bay Harbour will be taken over by Cork County Council. I hold some favour with this proposition.

The second issue is privatisation, as the Minister of State calls it, although we used to call it corporatisation. Is the Department now saying that this process is no longer an option for Bantry? If so, will he provide facts and figures to support that position? When we had a five-hour debate one night, going into the early hours of the morning, on the various options in Bantry, we all rejected the idea of being taken over by Cork Port. Nor did I favour corporatisation for various reasons, which I will expand upon when we discuss section 18.

The final paragraph, which has the subheading "Consultation with Port Users", is critical. It states:

The Minister is committed to ensuring that change at the policy-strategy level is designed, implemented and progressed in full consultation with relevant stakeholders. He intends to

instruct ports to ensure that a forum exists within each port for local users to voice their views and concerns.

What is happening in Bantry is in total contradiction of what was envisaged by the previous Minister of State, Deputy Gallagher, in this press release of January 2005. With all due respect, what has happened flies in the face of the notion of consultation as promulgated in this policy statement announced just three years ago.

That is why I am speaking in support of Senator Donohoe's amendment. It is there in black and white. I have great difficulty in understanding why this statement of departmental policy, issued only three years ago and clearly setting out the requirement for consultation with port users, has not been adhered to. I am now being told that consultation will take place when the Bill comes into law, having been passed by both Houses and signed by the President. The board of Bantry Port has looked at the possibility of judicial review and consulted eminent senior counsel to this end. There is a dread of what the future holds. This consultation should have been embarked upon and completed within a defined timeframe. The Minister should have come to the people in Bantry — the same could apply to Fenit or other ports — and said, "We are giving you 18 months to get your house in order and we are also asking Cork Port to negotiate and engage with you, to work out the pros and cons of such an amalgamation." If that had been done, according to the Department policy as enunciated in this edict of 6 January, I would be saying here that we had been given the opportunity and, for whatever reason, it was not successful. We would have to put our hands up and say we had failed to comply.

In the Department, and politically in the Minister, there has been a shift in policy within the past three years. I find that difficult to accept. The shift in policy will be detrimental, especially to the port of Bantry. The Minister says this is enabling legislation and might not come to pass in the short term. Why in the name of God put a poor old soul like me, in the month of the holy souls, under such stress and strain in the Seanad when it might never come to pass? Why was the consultation set out by the former Minister of State, Deputy Pat the Cope Gallagher, when he pronounced Government policy on 6 January, not followed?

Lest my good friend and colleague, Senator Buttimer, when he is travelling socially through the constituency, should say that I was giving out about Cork Port, its officials and so forth, I should point out I have nothing against the people there. Good luck to them. They have big plans and I support most of what they do. However, Cork Port will find it impossible in practical terms to work with Bantry if there is no consultation. If what is set out in Senator Donohoe's timely amendment were to be achieved, it would comply with clearly stated recent Government policy. It is not policy from the 1960s, 1970s or 1980s but policy from barely three years ago before the publication of this Bill.

I am dismayed, stung and surprised that we are now proceeding with certain aspects of this Bill that fly in the face of policy. In fact, I find it difficult to accept what is being done. I will be here until Christmas Eve and during next year saying that consultation, a key element in this amendment, has been sidelined. In case somebody should claim I am reminiscing, every word I have spoken into the record today is material I have gone to the trouble of finding, even over the weekends, in researching reports and finding issues of relevance to this Bill. My comments today and the quotations I have used have not been made by me previously. I am glad I went through that material and that I have put the final paragraph from the edict or policy statement by the former Minister of State, Deputy Pat the Cope Gallagher, in 2005 on the record. It deals with the kernel of the issue before us, what was said in 2005 and what I and the port users and members of the harbour board in Bantry understood to be the case.

Why the rush with this legislation and why the lack of consultation? There is a list of approximately 12 or 15 other small ports. They are not commercial, although that is arguable in the case of Baltimore in west Cork which has an unusual mix of sailing, fishing boats and trawlers and an important daily ferry to Sherkin Island and Cape Clear. It is in limbo. To emphasise

[Senator Denis O'Donovan.]

the point about the lack of consultation, I believe this will happen to that port. It is not provided for in the Bill. I do not know why but perhaps it is not necessary because it can deal with Cork County Council.

I will outline the facts. I have been dealing with this on a hands-on basis for many years. I sometimes get strained because I feel very emotive about this issue. However, I will tell the story of Baltimore and Cork County Council in my own way. I knew a character at one time who has now gone to his grave. I was at his funeral. He was fond of the drop of Katie Daly or poteen. He was a fierce character and he courted a girl who was totally against the dropeen. It was a case of never the twain would meet. He always said he would never marry her unless he was drunk and she said she would never marry him unless he was sober. It never happened. It is the same story with Baltimore and Cork County Council.

The county council is saying it has no intention of taking over Baltimore because it has problems and no infrastructure. I accept money was spent on the harbour recently but there are complex issues such as the daily necessary ferry to Cape Clear, Oileán Cléire, and Sherkin Island. There are passenger ferries as well as ferries dealing with commercial traffic. If one wishes to build a house on Cape Clear, the blocks, gravel, timber and so forth have to be brought by ferry. There is a roll-on roll-off ferry for such traffic. There is also the yachting fraternity and the few surviving fishermen, to whom I am very close. There are also marine leisure facilities at the port.

Under this Bill, Bantry Harbour is being asked to allow Cork Port to take it over. Baltimore, however, is in limbo. I have encouraged meetings between the manager of Cork County Council and the Baltimore Harbour board to see if they can come together and work out a strategy for the future. The Department stands aside and says it will happen sometime. It will not because of the amount of money that was spent in Baltimore and to a lesser extent in Kinsale. Senator Ned O'Sullivan makes other valid points about places such as Fenit. There is a case where consultation has worked. I do not have in-depth knowledge but from my inquiries I understand that what happened in Sligo was the result of consultation and agreement. That model could be replicated. It is a different port with different issues but that example should be examined carefully.

Kinsale is another port in my constituency with a great history from before 1601. The situation there is another recipe for disaster. There are major potential problems. The harbour is close to Cork and has commercial activities, including fishing. I know the town well. It is a beautiful town that has a strong culture and heritage. More importantly, over the past 40 years it has become the culinary capital of Ireland with its great restaurants. However, unless there is consultation, there will be problems in the future for that harbour.

I can only speak on this Bill and about the issue of consultation. I might have time to put a letter on the record. It is a letter written by Mr. Aiden McCarthy, chairman of Bantry Bay Harbour Commissioners, to Mr. Dermot O'Mahony, chairman, Port of Cork Company, Custom House Street, Cork. I will soon turn to the issue of due diligence which will take another couple of hours on the next day of the debate. The letter is dated 17 February 2005 and states:

Dear Dermot,

As the newly elected Chairman of Bantry Bay Harbour Commissioners, I would like to arrange a meeting with you at your earliest convenience.

The main topic of conversation would be the Directive [this is the directive I referred to earlier] from the Department of Communications, Marine and Natural Resources to explore the possibility of amalgamation. Following a meeting with Mr. Michael Guifoyle in Bantry, he encouraged us to set up this meeting as soon as possible.

We would be happy to travel to Cork when a suitable date can be arranged.

I look forward to hearing from you.

Yours sincerely[.]

This letter shows the response of the board in Bantry, of which I was a member, to the edict or policy statement. The chairman, within roughly one month of getting that policy edict—

**An Cathaoirleach:** As it is now 1.30 p.m. I ask the Senator to report progress on the Bill.

Progress reported; Committee to sit again.

**Senator Denis O'Donovan:** It is proposed that the House will sit again next Tuesday, 25 November at 2.30 p.m.

### Adjournment Matters.

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#### Live Register.

**Senator Paddy Burke:** I welcome the Minister of State at the Department of Health and Children, Deputy Mary Wallace, to the House. This is an important motion. In the past ten years County Mayo has seen the greatest level of economic growth in the history of the State. We have not seen the creation of jobs to match this growth in Mayo, although that is not the case in other counties. It is clear there is a significant downturn, with a sizable increase in the number of people on the live register. From October 2007 to October 2008 there was a 52% increase in the number of people on the live register in Ballina, a 75.7% increase in Ballinrobe, a 29% increase in Belmullet, a 72.8% increase in Castlebar, the capital of the county, an 80% increase in Claremorris, a good market town, a 57.8% increase in Swinford and an 89.4% increase in Westport, which is one of the tourist capitals of the west.

The equivalent figures from April 2008 to October 2008 also show a significant increase: a 28% increase in Ballina, a 28% increase in Ballinrobe, a 37% increase in Castlebar, a 22% increase in Belmullet, a 33% increase in Claremorris, a 26% increase in Swinford and a 53% increase in Westport. By all accounts these figures are on the increase. County Mayo is the third largest county in the country. Various Deputies have submitted parliamentary questions in recent months regarding the number of jobs created in the county in the past ten years. IDA Ireland has only created approximately 500 jobs in the county in that time, although it is supporting several projects and companies by way of financial grants and so on.

Let us compare this with investment in County Cork, the largest county in the country. There is a significant difference in the amount of investment there. I recognise the difference made by the presence of Cork city and that the county is a good deal bigger, but perhaps the variation in investment levels is because the former Minister for Enterprise, Trade and Employment comes from Cork. An Adjournment debate in the House last week highlighted this point.

In the good times the people of County Mayo suffered greatly as the county has not seen the same increases in employment that occurred in other parts of the country when the economic boom came, but now that there is a downturn in the economy the live register figures indicate very significant increases in the towns mentioned. What plans does the Minister of State have to reduce these figures? What plans does the Government have for job creation throughout the county in the coming years?

**Minister of State at the Department of Health and Children (Deputy Mary Wallace):** The recent increase in the numbers on the live register is unwelcome and is an indication of the challenges that face the labour market and the economy as a whole.



[Deputy Mary Wallace.]

The Government is taking specific measures to address these challenges and to ensure job losses are minimised as much as possible. Our priority is to create the environment that will allow those who have lost their jobs to quickly return to the labour market. The enterprise development agencies, with FÁS, are actively engaged in facilitating job opportunities in County Mayo.

In line with the national spatial strategy, IDA Ireland seeks to attract foreign direct investment into the county through the linked hubs of Ballina and Castlebar, as well as the town of Westport. IDA Ireland's sectoral emphasis in Mayo is on attracting new knowledge-intensive projects in the medical technologies, life sciences, information communications technology and international services sectors.

At present there are 19 IDA Ireland supported companies in Mayo employing slightly fewer than 3,000 people in permanent jobs and approximately 500 more in temporary and contract employment. IDA Ireland is actively working with the existing base of overseas companies in County Mayo to encourage them to grow and expand. Baxter International Inc, a world leading health care company, announced in November 2007 that it intended to invest more than €75 million over a six year period. This investment is part of a strategic programme to introduce new technologies, higher value products and the reskilling of its workforce to its manufacturing plants in Castlebar and Swinford, County Mayo.

The agency is investing significantly in the provision of planned and focused property solutions in the county by developing world-class business and technology parks in Ballina, Westport, and Castlebar. The agency has invested €3.5 million on site development and in a landscaping programme for the park in Westport. IDA Ireland is closing the sale of approximately 1.2 hectares to the ESB and is at an advanced stage of negotiations for the development of a 110 KV sub-station on this site, which will service the development of the park and significantly enhance the power provision for the region.

IDA Ireland is an active participant in the county development board and works with local groups, utility providers and other agencies to ensure that Mayo secures the appropriate infrastructure to enable the existing companies to develop and to make the area sufficiently attractive for new projects. IDA Ireland has been deeply involved with local partners in the development of regional planning guidelines and it collaborates with other stakeholders in the county to promote the infrastructure and environment for enterprise and job creation.

New indigenous companies have also been established and have created employment in the county. In April 2007, Ovagen announced 60 jobs for Ballina. An important feature of Enterprise Ireland's work in Mayo is the development of high potential start-up companies. Companies supported include Home Textiles Direct in Westport and Theta Chemicals in Ballindine. Enterprise Ireland works with 124 client companies in the county that employ 3,155 people. Funding through Enterprise Ireland was made available in 2007 to ensure that ideas, research and technology generated in Irish universities and colleges are used to keep Irish companies at the cutting edge of the knowledge economy. In the west, this will allow for the appointment of three high calibre commercial technology specialists, based in NUI Galway, to develop strong commercial links between universities and business.

Enterprise Ireland has approved support for community owned enterprise centres in ten locations in the county. These are Ballina, Ballyhaunis, Brickens, Castlebar, Charlestown, Claremorris, Crossmolina, Foxford, Killala and Kiltimagh. This helps to provide much needed workspace for the creation of new projects and businesses. In April 2007, a new community enterprise centre scheme was announced to provide €21 million of capital funding for the period between 2007 and 2009 to assist community groups in building enterprise centres

Employment services are available at the FÁS offices in Ballina and Castlebar. FÁS funds the local employment service through the Mayo Partnership Company. This company runs the Obair offices in towns throughout the county to support the unemployed, with a particular emphasis on those who are most distant from the labour market. There are approximately 1,500 people participating in FÁS training programmes in County Mayo, with 842 participating in community employment projects. The other programmes in the region include the job initiative, local training initiatives, supported employment, specialist training providers and job clubs.

For those who have lost their jobs and those in employment, the importance of upskilling to this economy's competitiveness is vital. The skills of our workforce will need to adapt quickly to meet the challenges posed by a rapidly shifting global economic market. The participation of ever greater numbers of our population in lifelong learning is essential to ensure that this country's economy remains adaptable against the background of the kind of economic challenges that we face today. Through individually tailored training programmes run by FÁS and Skillnets, the Government is demonstrating its commitment to life-long learning for our workforce.

These are challenging times and as a small open economy, Ireland is particularly prone to the effects of a global economic downturn. However, as outlined here today, the Government continues to develop the necessary policies and initiatives to tackle the issues facing us.

### **Ambulance Service.**

**Senator Terry Leyden:** Thank you, a Chathaoirligh, for allowing this motion on the Adjournment. I apologise to the Minister of State for arriving late, but I was expecting a vote on the Harbours (Amendment) Bill 2008.

The matter I raise was brought to my attention by Councillor Orla Leyden, who has contacted Professor Brendan Drumm of the HSE and the Minister for Health and Children. It relates to the non-cover of ambulance services at Roscommon County Hospital on Friday, 14 November 2008. We have an excellent ambulance service based at the hospital. It is vital that it is maintained on a 24-hour basis for 365 days of the year. There was no ambulance service in Roscommon on the weekend in question due to the lack of relief staff and overtime hours. It is vital that ambulance services in Roscommon are adequately staffed both day and night. We have an excellent ambulance service, with conscientious staff, excellent ambulance vehicles and a state-of-the-art accident and emergency department at Roscommon County Hospital. These services are being undermined by the lack of a vital link in the chain, which is the relief of staff to cover the ambulance service.

We cannot allow a situation to arise where people in the area must wait for an ambulance to come from Sligo, Carrick-on-Shannon or Boyle to bring them to Roscommon County Hospital, which is on their doorstep. I ask the Minister of State to ensure that immediate action is taken to rectify the situation. The HSE website states that the objective of the ambulance service is to provide clinically appropriate and timely pre-hospital emergency care and patient client transport services, and that immediate responses are provided to emergency calls. That was not the case in Roscommon last weekend. If a road traffic accident had occurred in the area, which is a far too common occurrence these days, there would have been no immediate emergency ambulance response available.

This has been the cause of great concern in the area, especially in light of the debate on the amalgamation of services between Portiuncula Hospital in Ballinasloe and Roscommon County Hospital. The key to the development of these services is the continuation of a first-class ambulance service based in the hospitals in Roscommon and Ballinasloe. In the golden hour following an accident or an emergency call, it is imperative that an ambulance would be on call quickly. A hospital service must be on call for 24 hours a day, seven days a week. It cannot function without that basic infrastructure.

[Senator Terry Leyden.]

I compliment the staff of Roscommon County Hospital and the staff of the ambulance service, who provide an excellent service. Anyone can get sick and anyone can find it difficult to turn up at a particular time for an emergency. However, there must be an adequate relief service for such an event. I ask the Minister of State to bring this matter to the attention of the Minister for Health and Children. I look forward to her reply on this issue. The people of Roscommon deserve the best possible hospital service, including the service to bring patients to a hospital in their locality. It is unacceptable that, while we in Roscommon have a top-class hospital, we have no ambulance service in the area to bring patients to the hospital in a speedy manner.

**Deputy Mary Wallace:** I thank the Senator for raising this important issue and I also thank Councillor Paula Leyden for bringing it to his attention.

The HSE wishes to ensure the availability of the highest quality emergency ambulance service across the HSE western region. Ambulance services for County Roscommon are provided primarily by ambulances from Boyle, Roscommon town and Ballinasloe. In addition, these stations are, when necessary, supported by the deployment of crews based in Carrick-on-Shannon, Longford, Athlone and Loughrea.

As it is a regional service, the western regional ambulance service will direct its resources to those areas where the need is greatest at any given time. When ambulance personnel are absent from duty for reasons such as sick leave, annual leave or for training purposes, service delivery across the region is drawn from the full range of ambulance resources. Where necessary, staff can be moved to different stations across the region to ensure maximum service availability. In addition, some stations with low volume call-outs are covered from another station.

The Minister wishes to assure both Senator Leyden and Councillor Paula Leyden that the HSE is committed to ensuring the availability of emergency ambulance services across the HSE west region and that this is being achieved by maximising the use of available resources.

**Senator Terry Leyden:** I thank the Minister of State for her response but it has not dealt with the fact that there was no ambulance service cover on 14 November this year for Roscommon County Hospital. I intend to pursue this matter further to investigate the circumstances surrounding that situation. I will try to get an assurance there will no recurrence of a situation whereby we do not have an ambulance service on call at Roscommon County Hospital 24 hours a day, seven days a week. That is what I am calling for and I hope the Minister of State will convey this to the Department. If I do not obtain a more detailed response from Professor Drumm in due course, I will take this matter up further in the House. The Minister of State's response was general, but on a specific night no ambulance service was available. I have spoken to the ambulance services——

**An Leas-Chathaoirleach:** The Senator should ask a question.

**Senator Terry Leyden:** I thank the Minister of State for attending the House and I recognise her goodwill in this regard. I know she will convey my views to the Department to ensure there will be no recurrence of this situation in future.

The Seanad adjourned at 1.50 p.m. until 2.30 p.m. on Tuesday, 25 November 2008.