

SEANAD ÉIREANN

Dé Céadaoin, 4 Feabhra 2009.

Wednesday, 4 February 2009.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Business of Seanad.

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

The need for the Minister for Justice, Equality and Law Reform to outline his views on proposals to criminalise the act of grooming a child for a crime in light of the many disturbing reports of children being used by criminal gangs to smuggle drugs and weapons.

I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for the Minister for Education and Science to make funding available for a gym and sports hall for Holy Rosary College, Mountbellew, County Galway, with a view to enabling teachers to implement the new junior certificate physical education programme along with other sporting and physical education needs.

I have also received notice from Senator Denis O'Donovan of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to advise on the up-to-date position on the proposed sewerage scheme at Courtmacsharry, County Cork.

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

The need for the Minister for Education and Science to allow Bunbeg national school and Pobalscoil Gaoth Dobhair in County Donegal to proceed to tender and construction for the much needed extensions for which they have applied.

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

The need for the Minister for Education and Science to reassess the withdrawal of extra personal vacation, EPV, days for teachers engaged in voluntary work abroad.

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

The need for the Minister for Communications, Energy and Natural Resources to give an update on the equalisation of mobile telephone technology and the elimination of roaming costs on both an all-island and European Union basis.

[An Cathaoirleach.]

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Fitzgerald, Healy Eames and O'Donovan and they will be taken at the conclusion of business. The other Senators 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, Industrial Development Bill 2008 — Committee and Remaining Stages, to be taken at the conclusion of the Order of Business; No. 2, Electoral (Amendment) Bill 2008 — Second Stage (resumed), to be taken at the conclusion of No. 1 but not earlier than 3 p.m.; and No. 25, motion 31 re human rights, to be taken at 5 p.m. and to conclude not later than 7 p.m.

Senator Frances Fitzgerald: Yesterday I spoke about the need for fairness and equity in any decisions taken by the Government to address the current economic difficulties. I regret that the measures announced yesterday were neither fair nor equitable. In a radio interview this morning, the Minister for Health and Children, Deputy Harney, certainly could be said to have refused to apologise for the Government's role in the current difficulties through its mis-handling of the economy. It is a feature of the current debate that there has been no apology from the Government for its role in creating the economic crisis.

Senator Fidelma Healy Eames: Hear, hear.

Senator Frances Fitzgerald: There are undoubtedly international factors at play but to deny that the poor decision making of recent years, including the reliance on property taxes, the inflationary budgets and the appalling waste, have played a part, and to refuse to apologise for this, is outrageous given that ordinary workers are being asked to put their hands in their pockets and give over their hard earned money. This is particularly so in the case of those on lower incomes. Where is the equity in that? The lack of acknowledgement by the Government of its poor decision making does not go down well with the public. Some recognition by the Administration of the mistakes it has made, which have resulted in ordinary workers bailing out bankers and property developers, is in order.

In the United States, a strict regime is being introduced for the regulation of the banking sector. There will be no room for excesses. For example, no bonuses may be awarded until taxpayers' money is repaid. Irish taxpayers must be similarly reassured that strict regulation will accompany any further capitalisation of the banks. It would have been reassuring for the public to have been informed yesterday of the Government's overall plan instead of only certain aspects of it.

The Government will undoubtedly argue that the reduction in the child care allowance announced yesterday is minimal. Will the Leader accommodate a debate on this issue? Perhaps he will come back to the House on this. We asked for a debate on childcare. I hope it is not indicative of the Government's priorities that it intends to reduce investment in children, child-care and families. Those are not areas to be cut back in a recession. We already have a very poor infrastructure in this county and poor support for families. Priority cutbacks should not be made in this area.

New employment figures are coming out today. I ask the Leader to arrange for a Minister to come into the House, as soon as possible, to outline the Government's plans in respect of job training and job creation. The House needs a detailed debate on these matters and on supporting business.

Senator Joe O'Toole: I have just put down the telephone from a couple who were in tears, a nurse married to a teacher, comfortably off, with their own house and paying back their mortgage. They outlined to me what their position will be after yesterday. His mother is in a nursing home and he has only one other sibling with whom he shares those costs after his mother's pension is included. The couple used to get a 40% pension break on what they were paying for the nursing home fees but that has been reduced to 20%. When all reductions are put together, they will be more than €1,000 per month worse off. They asked me if I thought this was fair. The woman is a nurse and deals with consultants on a daily basis. The consultant she dealt with this morning earns €200,000 to €300,000 per year. She does not begrudge this to him but he has been asked to pay 2% extra by way of the levy. She has been asked to pay the levy, the pension levy and additional costs for the nursing home, amounting to more than €1000 per month. There is something wrong in that system. It is grossly unfair and unacceptable.

We have seen one side of this. I said yesterday, and will say again, that if the Government must take unpopular decisions then it must do so. If it must demand of the public sector that those people punch above their weight then it must do that. My telephone was ringing all last night and this morning. What I cannot explain to people is where fairness comes into the equation. Will someone explain to me why a person who earns more than €100,000 per year, whether in the public or the private sector, cannot be asked to pay a fair share through taxation?

I conceded yesterday that as future public service pensioners it is only right that we should be asked to pay more. I do not begrudge that. I spent four years in the Commission on Public Service Pensions and I never denied that point, nor will I do so now. However, there is a gross lack of fairness and a number of issues must be examined. The point I made yesterday has been made by many people on these benches for the past two months. We are now scraping money from ordinary people to pay off bankers and developers who are still *in situ*—

Senators: Hear, hear.

Senator Joe O'Toole: —with their big multi-million pay deals, who pay no price at all. This will not hold. It will bring social and industrial unrest. It cannot hold at the centre unless we bring balance to it. One cannot explain to public servants why they must do what is being asked of them if there is not a balance somewhere else. I am being told also of employers in profitable industries who are using this opportunity not to give pay rises. Why is that allowed? I hear that employers are sacking people they do not like on the basis that they must let go people.

This action will not hold together without balance. There must be recognition that people who are earning good money, whether in the public or the private sector, must pay their share. Senators, including Senator Cummins, clearly made this point yesterday, using the example of the Waterford Crystal pensioners. There must be mortgage protection and an absolute certainty that people will get a better mortgage tax deduction. Nobody should lose his or her house because he or she cannot pay the mortgage after these new changes. An absolute commitment must be given to pensioners in the private sector, where pension trustees have dipped into their funds to do the wrong thing, that the Government will take up the slack. This is about fairness and equity. Until we deal with some of these issues people will not accept what is being asked of them by the Government. Unfairness, inequity and lack of balance must be adjusted.

We should discuss this matter today. I said this yesterday but the Leader did not allow it. He is leaving the issue until tomorrow because he hopes the sting will go out of it. It will not. Our Order of Business is now irrelevant to what is being discussed on radio, in pubs, lounges,

[Senator Joe O'Toole.]

schools and hospitals everywhere. We are here, talking in a world of our own, completely disconnected and not engaged with what is happening in the world.

Senators: Hear, hear.

Senator Joe O'Toole: It is time we got our act together and stopped whingeing about not getting coverage in the media or elsewhere. As long as we continue to talk on our own planet, when the world is somewhere else, we will never get coverage.

Senators: Hear, hear.

Senator Joe O'Toole: I ask the Leader to reassess the Order of Business today and to deal with the issues everybody else is discussing.

I also ask the Leader to convey to the Minister for Foreign Affairs the need to meet with the Irish Ambassador to the Vatican, who has very little to do most of the time, and request that he speak to the Head of State in the Vatican to clarify for us——

Senator David Norris: Hear, hear.

Senator Joe O'Toole: ——that state's view on the rehabilitation of Bishop Williamson and to discover its view on that bishop's denial of the Holocaust. I was one of those who gave the benefit of the doubt to the Pope on the question of his being a member of the Hitler Youth or similar group, on the grounds that it was unfair to make judgments on what he did as a young man. However, I am really horrified at this latest development.

Senator Phil Prendergast: I wish to highlight the circumstances surrounding the proposed closure by the Health Service Executive of St. Brigid's elderly care ward in St. Patrick's Hospital in Waterford. The reason given for the closure, as reported by the media, is to address health and safety concerns in the ward which is situated upstairs in the hospital. However, these health and safety risks have been already identified and dealt with in the ward in the past year. The number of beds has been decreased to make the area ergonomically safe. Public moneys of €50,000 were put into that unit in 2008 and €300,000 was paid out for it in the period from 2005-07, of which €100,000 was national lottery money. This was announced and approved by the Minister for Health and Children, Deputy Mary Harney, on a visit to the hospital. That money was invested in the ward over this period in conjunction with the Health and Safety Authority, the HSE and the Friends of St. Patrick's Hospital, allowing all the required standards to be met.

The fundraising body for St. Patrick's Hospital contacted me. It questioned the HSE on its decision to close beds for the most vulnerable in society at a time when all statistics show the rise in our older population demographics and the demand for elderly care. Fundraising to support so many projects in St. Patrick's Hospital has been made possible only because of the support of the people of Waterford and south Kilkenny. These people are flattened at the moment by all the incidental events in the area, at Waterford Crystal, Bausch and Lomb and other places. Contributions, to date, of €500,000 have transformed the hospital. The care given is of the highest standard in the country. Staff have taken great pride in the fact that word of the hospital's excellence and its developments have been quoted nationally by Professor Drumm and by the Minister, Deputy Harney, following their visits and meetings with patients. These visits came about following nationally led projects for the elderly put in place by the skilled and dedicated staff of St. Patrick's who had a vision to improve the care of their elderly patients. They were aided by the facilities and enhanced services at the hospital.

It is amazing to see the relationship between the staff and the patients. The Friends of St. Patrick's Hospital is a registered charity and has always worked well with the HSE, under guidance and trust, to support buildings and extensions, dayroom and therapeutic areas within the hospital. All the goals have been met with regard to enhancing——

An Cathaoirleach: I do not want a speech. This should be a question to the Leader.

Senator Phil Prendergast: Future financial planning for our health service should take into account the need for service provision for older patients, not only for those now in the beds but for those who will need it in the future. Why is the HSE closing a ward in which so much public money has been invested? Where will the frail and elderly dependants in Waterford and surrounding regions go now?

St. Patrick's has addressed the health and safety standards and decreased by seven the number of beds in its upstairs ward. Now the community of Waterford is being asked to lose another 19 beds for elderly patients. We must ask what is the reasoning behind this decision. All the hazards have been eliminated and the health and safety risks have been met. All the staff, not only the nurses, have done their health and safety education and lifting techniques. They have ticked every box with regard to providing the best service they can for these people. This is one more cut and I believe it will be a cut too far.

I ask that the Minister for Health and Children to come to the House and be accountable. I further point out that any relevant parliamentary questions which are addressed to any Department are being reassigned to the HSE for answer. That agency is not answering and is not accountable.

Yesterday I raised the policy decisions on midwifery services where there was an implication that one needs a certain number of deliveries to provide safe delivery of care. That casts aspersions on community midwives, professional midwives, doctors in the community and ambulance personnel who have to deliver babies *en route* to hospitals. This is wrong and must be addressed.

Senator Nicky McFadden: Hear, hear.

Senator Dan Boyle: Tomorrow this House will have an opportunity to speak on yesterday's announcements in the other House. It is the first in a series of difficult and unpopular decisions by the Government and there will be more such decisions. Each of those decisions, as they are made, will provoke a response from the Opposition that it is the wrong decision. That is the nature of government. This year our anticipated tax take will be €37 billion, €20 billion of which goes on public sector pay. The options on controlling public expenditure are to employ fewer people in the public sector, pay people in the public sector less or, the mechanism which was chosen, to try to account for the economic cost of the pensions provided for people in the public sector. None of those options is simple or easy.

This House needs to debate the constant cheap jibe being thrown that people are being dealt with in isolation. A series of decisions is being made that will impact on all in our society but most on those who have achieved most in the Celtic tiger years and who have been seen to contribute most to the damage to our economy.

Senator Fidelma Healy Eames: We need to hear that.

Senator Dan Boyle: In this House we will debate the bank recapitalisation, how the political system will feel the pain the people are feeling, the added numbers who are unemployed and

[Senator Dan Boyle.]

the changes in the public sector. If the Opposition is serious about dealing with the economic crisis, it is time to come up with common solutions and stop making cheap jibes.

Senators: Hear, hear.

Senator Jerry Buttimer: Senator Boyle is back home.

Senator Paudie Coffey: I fully support Senator Prendergast's concerns about the closure of St. Brigid's ward at St. Patrick's Hospital in Waterford. This is being closed for the dubious reason that it does not reach the high standards required by HIQA. I call the HSE's bluff today. I call on HIQA to go into St. Brigid's ward in St. Patrick's Hospital and investigate all allegations made by the HSE. Let the truth be told and let us have transparency around this decision. This ward is the home of 19 highly dependent, elderly people. I have spoken to some of their families and they are seriously concerned about this move. For more than ten years we have been promised a 50-bed unit for the elderly in Waterford and the entire region. We welcome the support we have had from public representatives in south Tipperary, south Kilkenny, Wexford and Waterford fighting this case to keep St. Brigid's ward open. However the HSE shrugged its shoulders and said the decision has been made. As a public representative I say that is unacceptable.

I ask that the Minister come into this House to explain this decision. She can no longer say it is the responsibility of the HSE. She can no longer wash her hands, like Pontius Pilate, and say it is a decision by others. This affects people and their lives in the most detrimental way and I call on the Minister to explain those actions. I call on HIQA, which has high standards and which we welcome, to investigate this claim by the HSE that this ward does not reach the standards. If this ward is closed, umpteen wards, hospitals and nursing homes in this country should be also closed. We cannot use these standards as a dubious claim to make the closure. It is a cost-cutting measure done in the most ridiculous way that affects the elderly, those who are most vulnerable.

I add my voice to that of Senator Cummins, who yesterday raised the real concerns of the Waterford Crystal workers regarding their redundancy and pension rights and entitlements. More than eight months ago I asked for a debate in this House on Waterford Crystal and the trouble it was in. Had that debate been granted we could have analysed in a proper, timely fashion the implications on all workers not just in Waterford Crystal but in manufacturing generally. That debate was not granted. We did not want to examine the crisis in the manufacturing industry. We wait for factories to close down before we react and respond, and that is not good enough.

Senator O'Toole is correct. We are not responsive enough in this House and Parliament. We need to react to the daily issues that occur and that is the closure of manufacturing industries around this country. In Waterford we have Waterford Crystal, Honeywell, Hasbro and Bausch & Lomb, all iconic names and international, high-value trading companies, that are closing and going on short time. What are we doing here? We are sitting down talking about other issues. We need to wake up, smell the coffee, get real and get out there and represent the people we were elected to represent.

Senators: Hear, hear.

Senator John Hanafin: I support Senator Boyle in his calls and in welcoming tomorrow's debate. I am very conscious of the fact that the Government took the correct decision yesterday. I am also conscious of very recent history when, while claiming to be responsible in

opposition, the Opposition has voted against vital measures including the bank and credit institution guarantee scheme and the nationalisation of Anglo Irish Bank.

Senator Fidelma Healy Eames: Will the Senator be specific?

Senator John Hanafin: Had there been a different result at the last general election, those who voted against these measures in opposition would not have accepted them in government. I must take this on good faith, otherwise it would be a very cynical exercise. That would have undoubtedly resulted in a collapse in one of our banks and we would be in the same situation as Iceland. Instead of dealing with our problems ourselves we would have the IMF here. The IMF is very straightforward. It would tell us to cut pensions by 20% and public service employment by 30%. If we say we cannot do that, the IMF would say we will not get the money. It would be very straightforward. The IMF would tell us taxes must increase to 58%, and would then leave via the airport saying, “Good luck. No hard feelings.” Or, would the Opposition have acted responsibly in Government? That is its question to answer.

Senator Rónán Mullen: I echo the point about the need for a debate on the Government’s cuts as soon as possible. I agree with the sentiments expressed by others on how much it must stick in the craw of ordinary folk who find themselves hard hit in recent times and who seem to be taking the pain while others who are more responsible for the problems we face appear to be getting off scott free. We all agree it was time for the public sector to play its part in a particular way and nobody quibbles with the essence of yesterday’s decision by the Government. However I would like there to be a debate as soon as possible on our overseas aid budget. It is scandalous that €95 million is being slashed from the overseas aid budget. It is no argument to say we are still on target to meet 0.7% of our GDP by 2012. We are seeing a selfishness in times of hardship to match the waste we saw during times of plenty. The poorest of the poor, the most vulnerable people in the world, put some of our needs in the shade. How much better an expression of our national character it would be in this time of national crisis if we were to say we will not touch overseas aid by one iota. By all means we could examine how we spend some of it, for example the UNFPA getting €5 million is scandalous.

11 o'clock

Senator David Norris: Scandalous stuff, well done, congratulations.

Senator Rónán Mullen: The principle of supporting the most vulnerable in the world should not have been attacked in the way it was yesterday.

I compliment Senator Norris on last week bringing up the issue of the “Bodies” exhibition. I will raise this as an Adjournment Matter. I wonder why no serious questions have been asked about the provenance of these bodies and why an exhibition essentially about entertainment seems not to have been required to pass the scrutiny of anybody in authority in this country. Was the Irish Museum Association informed? Has it any brief in this area? Is anybody in Government taking an interest in this matter? We cannot ignore these matters.

While complimenting Senator O’Toole on quoting William Butler Yeats I was reminded of another quote from Yeats:

The clever man who cries

The catch-cries of the clown

When I heard Senator O’Toole, whom I respect greatly, give evidence that he does not know very much——

An Cathaoirleach: The Senator should ask a question of the Leader, not give quotes.

Senator Rónán Mullen: It is not appropriate that people should call on the Irish ambassador to the Holy See to make known views when people raising these matters clearly know very little about what has gone on. This has nothing to do with Holocaust denial and everything to do——

Senator Ivana Bacik: Of course it has.

Senator Rónán Mullen: It has absolutely nothing to do with it. It is disappointing to hear people who are expert in other areas proceed blithely to deliver themselves of their opinions without, apparently, knowing the essence of the story.

Senator David Norris: Cardinal Kasper certainly seemed pretty anxious about it, and he ought to know. He is a German and he is a cardinal.

An Cathaoirleach: The Senator without interruption, and questions to the Leader, please.

Senator Rónán Mullen: Those who believe in the separation of church and state should surely wonder at the leader of the German Republic's——

Senator David Norris: Why do we have an ambassador at all?

Senator Rónán Mullen: ——presuming to tell one of her countrymen what he should be doing or saying on behalf of the Church. However, this is not the place or the forum to explain to the ignorant what has gone on here. I would encourage the ignorant to inform themselves before they deliver themselves irresponsibly of certain comments.

Senator Jerry Buttimer: Methinks the Senator protests too much.

Senator David Norris: How very Christian of you, Monsignor.

Senator Ann Ormonde: I welcome the debate we are to have tomorrow on the cutbacks. I listened attentively to what Senator O'Toole had to say about the fairness or unfairness of some of them. I have had many phone calls from ex-colleagues in the teaching profession who explained how they would be affected. We all have to face these cutbacks. I am concerned about jobs and that is why I say to my colleagues that they have jobs and they must try to work it out somehow at this point. I do not like having to tell them that and I do not like having to hear what is going on in the world. Nevertheless, we must face up to the reality. I welcome the debate tomorrow, at which we will discuss and tease out the fairness or unfairness of the cutbacks.

I do not like the cut in overseas development aid either. I visited many countries, including many African countries, and saw the impact of our aid and how it was reaching out to the poorest in the world. Nevertheless, we must ask our embassies to consider how we can do more with less money to help those who are most needy.

I would welcome a debate on the updating of FÁS and the courses it is to introduce to achieve the necessary upskilling of the workforce. I would like the Minister to come to the House and give us an update. There are still courses in FÁS which are not relevant today, and I hope they will have been cancelled and new courses put in their place. I welcome a debate on this, and therefore I ask the Leader to ask the Minister to come to the House and give us an update so that we can thrash out the issue at length.

Like Senator Coffey, I am worried about the situation in Waterford, and I hope we will have a hasty decision on the future of Waterford Crystal. It is the history of the company with which I am concerned. It goes back a long way. I want every effort to be made.

Senator Jerry Buttimer: The phone is ringing. It is the Minister.

Senator Ann Ormonde: I would like the Minister to come in and give us an update and listen to the suggestions that have been put forward today as to how we can help those involved, particularly the pensioners and others who are being deprived. I welcome the decision of the Waterford Crystal workers to hold out on this issue.

Senator Maurice Cummins: The Health Service Executive is rolling out its service plans throughout the country at present. This is really Hanly by the back door. That is what they are introducing.

Senator Phil Prendergast: Hear, hear.

Senator Maurice Cummins: In a city the size of Waterford, we only have 72 long-stay beds for the elderly. This covers south Kilkenny and part of south Tipperary. There is a proposal, as has been stated, to take 19 beds and close St. Brigid's ward in St. Patrick's Hospital, which is ludicrous. There are proposals for a 50-bed unit to be built on the site. This has been a priority for the past ten years, and the HSE is telling us now it will have it built by next year, but it still does not know where the site is. It is ridiculous. The HSE is saying the closure is for health and safety reasons, but it is really a cost-cutting exercise. There is no question about it. In addition to the 19 beds in St. Patrick's Hospital, 20 are going in St. Otteran's Hospital in Waterford and 30 in Waterford Regional Hospital. Thus, the cuts are not confined to the geriatric hospital in St. Patrick's. Senators on the Government side should look at the service plans the HSE is introducing in each of their constituencies. The measures are even more draconian than those proposed in the Hanly report.

We on this side of the House are getting fed up listening to lectures about what we should be doing and how responsible we should be to help the economy. We have made concrete proposals, not only over the past 12 months but over the past seven years, that have not been listened to and have been scoffed at by the other side of the House.

Senator Jerry Buttimer: Hear, hear.

Senator Fidelma Healy Eames: Hear, hear.

Senator Maurice Cummins: We are not prepared to accept lectures on responsibility at this time. What is being shown on the other side is far from responsibility. Even yesterday the Taoiseach refused to brief the leader of the Opposition on what was going on. That side is now looking for co-operation. It is an absolute disgrace. People should know the Government is doing things its own way, as it has done for the past ten years or so, and has brought the country to its knees.

Senators: Hear, hear.

Senator Ivor Callely: I must disagree with my learned colleague, Senator Cummins. Today and yesterday have been very important days. There is a key message we need to send out from the House, and I would like it to be a united message. The Government has a great determination to stabilise our public finances, to keep people at work and to improve the skills of those who have lost their jobs. I ask Senator Cummins and others to consider the seriousness

[Senator Ivor Callely.]

of the situation and the clear determination of those in authority to help us through this difficult time.

I ask the Leader to ask the Minister for Social and Family Affairs to ensure adequate supports are in place for people who have lost their jobs, especially in the form of services such as the money advice and budgeting service, MABS, whose work is of great value. The mortgage interest supplement is under pressure. The number of people claiming mortgage interest allowance in December 2008 was nearly double the number claiming in December 2006. This is putting huge pressure on people in terms of the funds required. We are talking about the difference between keeping and losing one's home. Because of that, I ask the Leader to raise with the Minister the need to ensure adequate funds are in place for people in this risk category.

Senator Alan Kelly: It was novel to see the leader of a country such as the United States apologise in his first month in office for a mistake he made. It is a lesson that our current Government could learn quickly, which would be great for all of us. It should certainly be apologising. I agree with the sentiments of colleagues who said it should apologise for the way it has stumbled in this crisis. Its actions have not demonstrated any confidence or ideas as to how we can get out of it.

I was amused to hear Senator Boyle, in particular, and then Senator Hanafin explaining that we need to put on a united front. It is laughable. The ideas and strategies of the Government for recovery of the economy have shown it in a very bad light. The Labour Party was the first party to issue such a strategy. The Government has not had one single good idea at any stage in the past six months. We have a Minister who has stumbled from one crisis to another and a Government that has got its figures wrong on six different occasions.

An Cathaoirleach: It is questions to the Leader. I have at least 12 Senators who wish to speak.

Senator Alan Kelly: I appreciate that.

An Cathaoirleach: It is questions for the Leader. If he agrees to arrange that debate, you can make those statements.

Senator Alan Kelly: Equity is good too.

An Cathaoirleach: I ask the Senator to obey the rules of the Chair and to put questions to the Leader.

Senator Alan Kelly: Yes, a Chathaoirligh, as I always do.

An Cathaoirleach: The Leader will reply to questions. I ask the Senator to do that. I do not want any smart remarks.

Senator Alan Kelly: There were no smart remarks. All I am looking for is fair treatment.

An Cathaoirleach: Okay.

Senator Alan Kelly: With regard to the package of cuts in the public service announced yesterday, how can one justify low and middle income public servants having to pay up to €2,000 in tax? It is a tax and we should call it that. We might as well get used to it. Members should not be so vain as to call it a contribution to pensions; it is a form of tax. Some of the low income earners will be paying a contribution to a pension from which they will not benefit. Their income is so low in the first place that, from a contribution point of view, they will not gain. Is that equitable? I say it is not.

I agree with Senator O'Toole who said previously that some businesses who have declared serious profits in the past are using this situation in an exploitative manner, to get rid of workers that do not fit their bill. That is unacceptable. Furthermore, when dealing with the banking situation, why did the Government not impose conditions in the bail out regarding the salaries of senior executives?

Senator David Norris: Hear, hear.

Senator Alan Kelly: It has been done in America, so why could it not be done here? That is something on which all Members of the House would agree. It would have been a common-sense approach and would have bought the public's good will.

In conclusion, I agree with much of what Senator Coffey and Senator Prendergast said about the HSE. I visited St. Patrick's recently. As I have said previously, I agreed with the Health Information and Quality Authority's investigations, particularly into cases such as Rebecca O'Malley's. However, there is a question about the HIQA's overall role, the extent of that role, how it interacts with the HSE and how the HSE is using the HIQA in many cases to justify what many consider to be service cuts to save money. This must be addressed in cases such as St. Patrick's and the acute hospitals plans that have been announced in recent months.

The consultants' contracts were renewed recently. The HSE announced that the €80,000 due to consultants will be paid in forthcoming weeks. Was that under consideration, particularly in the case of non-exclusive public consultants, by the Government in the recent past when it was examining ways to save money?

Senator Jim Walsh: Like most Members of the House and people in the public service, I do not welcome a reduction in pay. However, most people, including many of the people interviewed in the media, recognise the seriousness of the situation and the fact that something must be done. This action might well preserve the very generous pensions we enjoy in the public service. Somebody who is earning €50,000 in the private sector would require a fund of approximately €1 million to buy a pension of €25,000 under the annuity schemes. What we have is extremely valuable and we must be seen to be paying our part.

I fully subscribe to the comments made by Mr. Jack O'Connor on the "Prime Time" television programme last night. It is indefensible if people on modest salaries in the public service are paying this levy and hospital consultants are not. I believe hospital consultants' fees should be revisited and renegotiated. They are not sustainable at the current level. The salary is €250,000 when a comparable position in the UK commands a salary of approximately £170,000. We should consider a serious adjustment in the fee. It definitely must be revisited because it must be seen to be fair.

I previously raised the issue of the legal fees extracted from this economy by barristers, particularly in the tribunals. I am aware of young people who have gone from college to work in the tribunals, doing what is effectively administrative work and who are millionaires after two or three years. That is unacceptable and must be tackled. It is not the 8% proposed by the Government which should be considered but a very significant reduction in the fees. The fees are €2,250 per day. The Government sought to reduce them to €969 but, following representations from one, if not two, of the chairmen of the tribunals, the fees were left at the current level. That must not continue. I am prepared to put my name to a motion, hopefully an all-party motion, calling on the Government to introduce a maximum fees order for the legal profession which will not be greater than the €969 per day, which was proposed. If other Members are of the same mind, they should contact me. I am prepared to put such a motion before the House. We should support such a motion. There must be equity and fairness.

[Senator Jim Walsh.]

Finally, Members might have seen the television programme last night which dealt with an issue of which we must be aware, that is, a trend towards or indications of protectionism in the major economies. We have seen it in Britain where protectionism is sought in segments of the labour market. There is a more serious situation in the United States, where the rescue package of the new administration is being hijacked in an effort to protect the steel industry there. If that happens, there will be huge adverse global effects and, with its open economy, Ireland will be exposed to them. I compliment Mr. John Bruton, who participated in the programme last night. He was excellent. He appeared before the Seanad previously. I believe we should invite experts on these issues to address the House in order that we can have a good, informed debate on matters of such significance.

Senator Eugene Regan: I appreciate the praise from the Fianna Fáil benches of a former Fine Gael Taoiseach. It is obvious that the Senators on the Government benches consider that attack is the best form of defence. As they read from their prepared scripts today, they are attacking the Opposition——

Senator Geraldine Feeney: There are no prepared scripts. We are consulting notes.

An Cathaoirleach: Senator Regan without interruption. He did not interrupt anybody else.

Senator Eugene Regan: They are attacking and criticising the Opposition. That criticism is rather cheap. In both Houses we have supported the Government and taken it on trust with regard to the State guarantee. We knew decisions had to be made. At the time we suggested that recapitalisation of the banks would have to be addressed. That was rubbished by the Government, yet ultimately it realised that it had to be done. The Opposition opposes not for its own sake; it opposes bad policies, that is, policies that are ill conceived, ill thought out and do not represent a balanced and fair way of trying to resolve the country's problems. The Government cannot have it both ways. It cannot deny information to the House and bypass the Houses of the Oireachtas when developing economic policy and still suggest the Opposition is not being constructive. The Leader should address that issue in his response.

The issue of fairness has been raised with regard to the measures that were belatedly adopted by the Taoiseach yesterday. The fact is the Taoiseach failed in his objective. He worked to get an agreement with the social partners and stood by that process as the way out of the current economic morass. He failed in that endeavour. He put a brave face on it in the Dáil and cobbled together a programme that is supposed to deliver savings of €2 billion this year. We will see if he delivers on that.

There is, however, the issue of fairness. I can understand that many civil servants feel aggrieved that they are being targeted when one contrasts that with the way this Government has dealt with the banks, executives and officials in the banks and the issue of pay in the banks. When the issue of loans in Anglo Irish Bank was raised last December, the Minister for Finance said it was disappointing. There are still executive directors, one of whom was responsible for group risk analysis, on the board of that bank. A risk officer was moved aside after raising questions about the procedures in the bank. Nothing has been done about this. Consider what would happen in any other organisation where there were such goings-on in terms of the approval and transfer of loans. Who approved and signed off on them? Who dealt with that documentation? All of those people would pay a price in any other financial institution in the world. It is that example that needs to be given by the Government both domestically and to the international market. I ask the Leader to address those two points.

Senator Marc MacSharry: I welcome the opportunity to make the following points. The first is that I have no notes or prepared script, although I notice the Senator always has that beleaguered stance as he prepares his notes when he is making his contributions.

Senator Eugene Regan: At least they are my own notes.

Senator Nicky McFadden: It is a childish point.

Senator Jerry Buttimer: It is spin city.

An Cathaoirleach: Senator MacSharry, without interruption.

Senator Marc MacSharry: In any event, I welcome the decisive action by the Government yesterday. I share the frustration and anger of many people within the public service that this had to be done. However, I am afraid circumstances and realities have intervened to make that essential.

Senator Jerry Buttimer: It is bad leadership from the Government.

Senator Marc MacSharry: It is a question, as the Senator rightly said, of providing leadership. Politics is not about popularity, it is about leadership. When the good times rolled and there were lots of resources and very high tax takes, things were possible which are no longer possible.

Senator Fidelma Healy Eames: You spent it.

Senator Marc MacSharry: I do not interrupt anybody.

An Cathaoirleach: There should be no interruptions. I will adjourn the House if this continues.

Senator Marc MacSharry: Extremely difficult decisions have had to be taken and more will have to follow — there is no question about that. This is just the first. It will mean more pain for almost everybody in society. I consider myself to be exceptionally lucky because I am in the public service, one of 350,000 people with a defined benefit pension. Some 80% of the workforce do not have that benefit and, I would say, would give their right arms for the security of a job at this time——

Senator Donie Cassidy: Hear, hear.

Senator Marc MacSharry: ——which they do not have and are not likely to have for a while to come.

I look forward to participating in the debate tomorrow. It is incumbent on all of us to ensure that the burden is spread as widely and as fairly as it can be. I fear, however, there is no absolute way to make that equitable and fair to the point that it will not raise the anger and frustrations of many of us, including some in this room. We must be frank about that.

An all-party agreement on the way forward is an absolute impossibility in these times. The function of the Opposition, as Deputy Enda Kenny said in the other House on the last occasion, is to provide opposition. There is a majority on this side of the House for the moment, so we do not require a Tallaght strategy. However, it is worth noting that for the 1987 budget there was no Tallaght strategy. This is the budget widely acclaimed to have turned the tide at that time and it was a minority Government that put it through. The Tallaght strategy did not exist until the following September.

[Senator Marc MacSharry.]

The Opposition should oppose as it must. Any constructive points will be taken by this side of the House, as this side of the House determines——

An Cathaoirleach: We can have this debate tomorrow.

Senator Marc MacSharry: ——but the Opposition should not think we are begging for help. I believe the leadership in the Government has what it takes to take the appropriate actions, painful as that may be. Politics is about providing leadership in these difficult times and taking the difficult decisions. We are not concerned with electoral success at these times——

Senator Paschal Donohoe: It is just as well.

Senator Marc MacSharry: ——nor can anybody be. We must take the decisions that are necessary to secure the future for our children and grandchildren.

Senator Ivana Bacik: I echo the calls by Senator O'Toole and others for a debate today on the Government's economic package. I take issue with those on the other side of the House who suggest we are not being constructive. We need to take issue constructively with the elements of the package that has been proposed by the Government. We have heard the mantra from Senator Boyle, the Minister, Deputy Harney, and others on this morning's radio that it is unpopular and therefore it is right. Just because something is unpopular does not mean it is right.

We all accept the need for the public service to pay its share and to make sacrifices at this difficult time. However, what seems profoundly unfair, and the reason some elements of this package are profoundly unpopular, is the profoundly inequitable way in which this is being done. To insist that the lowest paid in the public service, the nurses and teachers we have been hearing about, would bear such a disproportionate burden of the pension levy is most unfair. Those of us in the public service who earn more should be asked to pay more.

Senator Donie Cassidy: This is a Second Stage speech.

Senator Ivana Bacik: We had this debate last year when the Government proposed a 1% levy, which they were to impose equally on all up to a certain level, and it had to revise that. It saw it was profoundly inequitable to charge the same percentage levy on the lowest paid. It must do the same U-turn on the pension levy. It would be most unfair to charge people on €15,000 and €20,000 a 3% levy to pay for pensions. We need to revise this.

There is real concern among public sector workers that they are being scapegoated while they have done nothing wrong and done nothing to contribute to the dreadful state of the economy. They have not seen bankers' pay being cut. President Obama has proposed a cap on bankers' pay in the US and we need to debate a cap on bankers' earnings here in Ireland also.

Senator Fidelma Healy Eames: Hear, hear.

Senator Ivana Bacik: That would make it appear more equitable and would make it easier to bear the pain of these unpopular measures. We need to engage constructively and we need to do so today.

I also ask that the Leader would take on board the wording I proposed to him last week of a cross-party motion from this House calling on the Minister for Justice, Equality and Law Reform to grant Pamela Izevbekhai and her daughters leave to stay here on humanitarian grounds. I e-mailed the motion to the Leader and some other Senators who had expressed

support. I believe there is cross-party support. The motion I have drafted refers to “notwithstanding any legal proceedings” and it simply asks the Minister to grant the family leave to stay here on humanitarian grounds. I ask the Leader to take up that and put it to the House tomorrow.

Senator David Norris: Hear, hear.

Senator Phil Prendergast: Hear, hear.

Senator Ivana Bacik: I welcome Senator Mullen’s expression of support for the separation of church and State. I am delighted to hear it.

Senator Rónán Mullen: It has always been there. It is to prevent tyranny from people like Senator Bacik.

Senator Ivana Bacik: Many of us have long called for a true separation of church and State in Ireland, particularly in the education and health care systems, and I am delighted to hear Senator Mullen support that.

I take objection to the way he lectures anyone——

Senator Jim Walsh: The Senator is not bad at it.

Senator Ivana Bacik: ——who dares to criticise the Pope’s decision or the Vatican State’s decision on Bishop Richard Williamson, who clearly denied the Holocaust on Swedish television, which is appalling. Chancellor Angela Merkel is correct to make a diplomatic issue of this with the Vatican State.

Senator Rónán Mullen: We all agree it was appalling. That was not the point.

An Cathaoirleach: Many Senators still wish to speak. Unfortunately, two Senators who indicated yesterday did not get an opportunity and I will take them now. I call Senator McFadden to be followed by Senator Donohoe.

Senator Nicky McFadden: I want to raise the issue of the 350,000 public servants who are €3,000 worse off today than they were yesterday. People have contacted me who are very concerned about how they will pay their bills. These are people who are keeping money in circulation through spending, which is what we need to do in the economy. These people are terrified as to how they will make ends meet.

I resent Senator Boyle’s criticism of the Opposition when he speaks about the nature of government being to govern and to lead. I have not seen any leadership or governing from this sad, tired Government. I resent the lecturing. I believe the last election was bought by the Taoiseach of the time, Deputy Bertie Ahern, by saying——

Senator Geraldine Feeney: It was won by the present Taoiseach.

Senator Nicky McFadden: No, he bought the election by saying that if people did not vote for Fianna Fáil, the economy would suffer. That is how that election was bought. Look at what has happened to our country. I resent the patronising way the Government side is speaking to us. Only yesterday, our leader, Senator Fitzgerald——

Senator Geraldine Feeney: What about the way the Senator is speaking to us?

Senator David Norris: Senator McFadden never interrupts anybody else.

Senator Nicky McFadden: —spoke about supporting good decisions and good leadership from the Government, as has our party leader, Deputy Enda Kenny. Deputy Richard Bruton has been giving suggestions to the Government for at least a year and has not been heeded. I resent that entirely.

Senator Paschal Donohoe: I support Senator McFadden. We will not take lectures on responsibility on this side of the House. Where was responsibility on the other side of the House when the Government went out and destroyed our tax system? The price for this is now being paid. It presided over the banking system but did not want to make any decisions about it and, again, we are seeing the consequences.

An Cathaoirleach: We can discuss that tomorrow in the debate.

Senator Paschal Donohoe: I have three questions to put to the Leader on this matter. First, this is just the beginning. The Government has said it needs to find €2 billion worth of savings this year, €4 billion next year and €4 billion the following year. Will the Leader provide an explicit guarantee to the House that social welfare payments and pensions will not be cut? This is the beginning.

When will we see action to deal with the fact that this country is the most expensive in the European Union in which to do business and in which to live? At a time when incomes and confidence are falling, can we not see some action from the Government?

Senator Joe O'Reilly: Hear, hear.

Senator Paschal Donohoe: I concur with some remarks made by Senator O'Toole. I believe there is a small but growing risk of social unrest in the country. People see such unfairness in the way decisions are made. W.B. Yeats has been quoted twice in the House in the past two days and I wish to add another more ominous quote: "Things fall apart; the centre cannot hold." We face that risk. One word, "sorry", would dilute and deal with that risk. The people deserve to hear that word from the Government.

Senator Donie Cassidy: Senators Fitzgerald, O'Toole, Boyle, Hanafin, Mullen, Ormonde, Callely, Kelly, Walsh, Regan, MacSharry, Bacik, McFadden and Donohoe expressed their views regarding the announcement yesterday by the Taoiseach of plans for the correction of the State's finances. As the House is aware, all day tomorrow will be made available to discuss the matter. I wish to discuss arrangements with the leaders of the groups following the Order of Business this morning to determine the length of time we propose to allow for spokespersons, leaders, Senators and Whips to make their views known to the House in the presence of the Minister. Many opinions were expressed this morning and tomorrow will be an eventful day in the House, because good suggestions should always be taken on board. I support the suggestion from Senator Frances Fitzgerald regarding the new banking regulations being introduced in the USA. We should take the lead here and follow suit. There is enough expertise in the House to give a view on the matter tomorrow when the Minister is present. I ask those with expertise to let the Minister know their views regarding that very worthwhile proposal.

We could get involved in argy bargy and try to score political points, but the state of the nation and future generations depend on the decisions made by legislators at this time. I will not indulge or waste the time of the House this morning in responding to the allegations made. I will only say the people have spoken on three occasions in succession and have placed their confidence in the Government. I was pleased to see the determination of the Government yesterday in the fightback. It was only the beginning of the necessary corrective measures from Dáil Éireann and Seanad Éireann in the coming months and years.

I thank all Senators for their co-operation and support to date in this session. As I explained yesterday, a debate on the economy has taken place in the House every week for the past three weeks, and the debate tomorrow will make this week no exception. It is no pleasure to have to discuss the economy every week the House sits. Be that as it may, that is the duty, responsibility and privilege which the people have placed in the House. We are here to assist the Government, Departments and the people to deal with the necessary corrective measures.

Senator Fidelma Healy Eames: We are not being allowed to do so.

Senator Donie Cassidy: I call on all Senators to make their contribution tomorrow in the interests of those whom they represent, namely, the people. I look forward to a lengthy, all-day debate on this very important issue.

I refer to the matter of job creation. I will allocate time in the coming weeks to hold a lengthy debate in the presence of the Minister for Enterprise, Trade and Employment to discuss job creation.

I refer to matters raised by Senators O'Toole, Mullen and Bacik. I will pass on their views to the Minister for Foreign Affairs regarding the Vatican, the Holy See and his holiness the Pope. I must not let the occasion pass without mentioning that Senator Mullen and I attended a very joyous celebration in Mullingar last Sunday. It was the silver jubilee of the Bishop of Meath, the Rev. Michael Smith. It was one of the great days in one's life and we were honoured to be present and to represent the Parliament in Christ the King Cathedral, Mullingar.

Senators Prendergast, Coffey, Cummins, Kelly and Walsh expressed their concerns regarding the issues in St. Bridget's ward in St. Patrick's Hospital, Waterford. I will ask the Minister for Health and Children to come to the House, to hold a debate and to provide an update on the Health Service Executive as a matter of urgency.

Senators Coffey and Ormonde expressed concern and support for Waterford Crystal as a global brand name of which Ireland has been so proud for generations. It has been a great employer in that part of the country. I wish everyone well in their deliberations in the coming days and we can review progress on the issue tomorrow. The House supports the people in Waterford and Waterford Crystal. It is to be hoped it will be able to continue and to promote the product and the marvellous brand name.

Senator Mullen expressed his opinion on the bodies exhibition in O'Connell Street. I understand it has been very well attended. I will pass on his views to the Minister on this matter.

Senator Ann Ormonde called for a debate on FÁS and job creation. I have already given a commitment that this will take place at the earliest opportunity.

Senator Callely expressed his views on mortgage allowances and the Minister for Social and Family Affairs and I will certainly pass the Senator's views on to the Minister. I will examine the motion proposed today by Senator Bacik and revert on the matter tomorrow.

Senator Ivana Bacik: I thank the Senator.

Order of Business put and declared carried.

Industrial Development Bill 2008: Committee and Remaining Stages.

Sections 1 and 2 agreed to.

SECTION 3.

An Cathaoirleach: Amendments Nos. 1 to 5, inclusive, are related and amendments Nos. 7 and 8 are cognate and may be discussed together by agreement. Is that agreed? Agreed.

Senator Dominic Hannigan: I move amendment No. 1:

In page 4, paragraph (a), line 11, to delete “inserted” and substitute “as substituted”.

I welcome the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Billy Kelleher, to the House. These are drafting amendments and I propose to discuss amendments Nos. 1 to 5, inclusive, and amendments Nos. 7 and 8 together. The following points arise. The sections referred to in the Bill are all substituted sections and were not inserted in the 2003 legislation. The amendments correct this inaccuracy. The Office of the Parliamentary Counsel drafting manual clearly distinguishes between inserting and substituting provisions. This distinction appears on page 73 of the manual. The amending sections refer to substituting rather than inserting and, consequently, I believe the Minister of State should accept the amendments.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I thank the Senator for raising this issue. While the Government obviously would like to be flexible and accommodating in respect of this Bill, I have consulted the Office of the Parliamentary Counsel and the advice I received stated the amendments are not to be accepted in the context of that office’s drafting practice. While I would have had no difficulty in respect of this amendment, I have been advised that it would be ill judged to take on board the Senator’s amendments, given they are not in accordance with the drafting practice of the Office of the Parliamentary Counsel. Unfortunately, I cannot accommodate them.

Senator Dominic Hannigan: I thank the Minister of State for his comments and accept the advice he has received. While I reserve my position, I will not press these amendments.

Amendment, by leave, withdrawn.

Amendments Nos. 2 to 5, inclusive, not moved.

Senator Dominic Hannigan: I move amendment No. 6:

In page 4, paragraph (f), line 26, to delete “the substitution of” and substitute “substituting”.

This drafting amendment has been tabled for two reasons. First, the Labour Party hoped to ensure consistency with the previous paragraphs (a) to (e). Second, page 73 of the drafting manual clearly prefers “substituting”.

Deputy Billy Kelleher: My response is similar to that in respect of the previously discussed amendments. I would have no difficulty in accepting this if the advice were to the effect that I could accommodate it. Again, however, this wording is not in accordance with the drafting practice of the Office of the Parliamentary Counsel and, for that reason, I am unable to accept this amendment.

Senator Dominic Hannigan: I accept the Minister of State’s hands are somewhat tied on this issue and that he has received this advice. Consequently, I will not press the amendment.

Amendment, by leave, withdrawn.

Section 3 agreed to.

Amendments Nos. 7 and 8 not moved.

Section 4 agreed to.

NEW SECTION.

An Leas-Chathaoirleach: As amendment No. 11 is consequential on amendment No. 9, amendments Nos. 9 and 11 may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 9:

In page 4, before section 5, to insert the following new section:

“5.—(1) All property vesting in the Minister under section 19 of the Act of 1961 immediately before the commencement of this section shall, upon such commencement, stand vested in Enterprise Ireland.

(2) Any patent in respect of an invention or discovery to which section 19 of the Act of 1961 applies that immediately before the commencement of this section vested in a relevant person shall, upon such commencement, stand transferred to Enterprise Ireland.

(3) Any application for a patent in respect of an invention or discovery to which section 19 of the Act of 1961 applies made by a relevant person, and pending immediately before the commencement of this section, shall be deemed to have been made by Enterprise Ireland.

(4) All rights and liabilities of the Minister arising by virtue of any contract in force immediately before the commencement of this section and relating to any property transferred by virtue of this section shall, upon such commencement, stand transferred to Enterprise Ireland.

(5) All rights and liabilities of a relevant person arising by virtue of any contract in force immediately before the commencement of this section and relating to—

(a) any patent transferred by virtue of this section, or

(b) any application to which *subsection (3)* applies,

shall, upon such commencement, stand transferred to Enterprise Ireland.

(6) Particulars of the transfer of patents effected by *subsection (2)* shall be entered by the Controller of Patents, Designs and Trademarks in the Register of Patents as soon as may be after the commencement of this Act.

(7) All acts done, or purporting to have been done, before the commencement of this section, by Enterprise Ireland or a relevant person in respect of—

(a) any patent or other property transferred by this section, or

(b) an application to which *subsection (3)* applies,

being acts that by reason only of section 19 of the Act of 1961 would (but for this subsection) be invalid, shall be and be deemed always to have been valid and effectual for all purposes.

(8) Every right and liability transferred by this section to Enterprise Ireland may, on and after the commencement of this section, be sued on, recovered or enforced by or against Enterprise Ireland in its own name and it shall not be necessary for Enterprise Ireland to give notice to any person of the transfer of any right or liability by this section.

[An Leas-Chathaoirleach.]

(9) Enterprise Ireland shall have the power to transfer, assign, licence or otherwise dispose of any or all of the property vesting in, or transferred to, it under this section.

(10) Section 19 (other than subsection (2)) of the Act of 1961 is repealed.

(11) In this section—

“Act of 1961” means the Industrial Research and Standards Act 1961;

“relevant person” means—

(a) Institute for Industrial Research and Standards,

(b) Eolas,

(c) Forfás, or

(d) Forbairt.”.

Deputy Billy Kelleher: These amendments pertain to intellectual property rights affected by section 19 of the 1961 Act. I will clarify the reason for these amendments. Under the Industrial Research and Standards Acts 1961, there is a provision that any discoveries or inventions resulting from research carried out by or on behalf of the Institute for Industrial Research and Standards are the property of the Minister. Subsequent amendment to the legislation has resulted in a development whereby under this Act, research carried out by Eolas, Forbairt, Forfás and Enterprise Ireland, as well as the Institute for Industrial Research and Standards, are the property of the Minister for Enterprise, Trade and Employment. Historically, employees of the agencies carried out research on behalf of the agencies. Over time, however, the role of the agencies has changed and research no longer is carried out directly on behalf of agencies such as Enterprise Ireland.

To retain ownership of intellectual property that is created in this manner would not contribute to the strategy of fostering and promoting innovation. The current practice is that when a State agency funds research that leads to the creation of intellectual property, under the national code of practice such intellectual property is owned by the responsible research institution, which often is a university, as opposed to either the research funder or the individual researcher. While I could continue, I believe I have provided sufficient clarity in this regard.

Amendment agreed to.

SECTION 5.

Government amendment No. 10:

In page 5, lines 1 and 2, to delete subsection (3) and substitute the following:

“(3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

Deputy Billy Kelleher: The introduction of the additional section to provide for patents and intellectual property issues necessitates amendment to the Long Title. I refer to the amendment to the existing section 5(3). Following the introduction of the proposed new section 5, this

section will become section 6(3). It is proposed to amend the wording of the existing section 5(3) as follows:

This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

The wording has been amended by the Office of the Parliamentary Counsel.

Amendment agreed to.

Section 5, as amended, agreed to.

Schedule agreed to.

TITLE.

Government amendment No. 11:

In page 3, line 9, after “1993;” to insert the following:

“TO PROVIDE FOR THE TRANSFER OF ALL PROPERTY OF THE MINISTER UNDER SECTION 19 OF THE INDUSTRIAL RESEARCH AND STANDARDS ACT 1961 TO ENTERPRISE IRELAND;”.

Senator Ivor Callely: I have a question regarding costs to the Exchequer. While I understand no costs will be incurred, I wonder how all these changes can take place without incurring any costs.

Deputy Billy Kelleher: There will be no particular cost to the Exchequer. Obviously, IDA Ireland and Enterprise Ireland already have the resources. Consequently, no additional cost will arise from the changes this legislation will enact.

Senator Ivor Callely: While I appreciate the Minister of State’s response, I wish to ascertain whether there will be costs to any of the agencies regarding the requisite formalities on foot of the enactment of this legislation. I appreciate that both the Minister of State and the Bill’s explanatory memorandum have noted there will be no cost to the Exchequer. Surely, however, measures such as the transfer of shares or the transfer of a nomination of one person to another necessitate the exchange of some legal documents. While my point does not necessarily pertain specifically to this Bill, I am trying to establish who carries the costs when such changes are required. Is it the case that there will be no costs whatsoever at any level? I ask out of curiosity.

Deputy Billy Kelleher: These programmes already have been put in place as part of the national development plan and, every year, such anticipated costs will have been included anyway. Consequently, the effect of this legislation will not place any additional costs on the agencies as such costs already will have been anticipated.

Senator Ivor Callely: I greatly appreciate the Minister of State’s reply in that regard. When the required changes go through the required processes, may I take it that should any costs be incurred by those involved in the process, they would not be asked to fund them from their existing budgets but that the requisite additional costs would be allocated to them? It has been brought to my attention that on previous occasions, people have been asked to comply without a budget allocation having been made on the matter because they were told there would be no

[Senator Ivor Callely.]

costs. While I am quite satisfied by the Minister of State's remarks, I make this point because it has been brought to my attention in the past.

Deputy Billy Kelleher: One has the national development plan as outlined, and every year an Estimate is taken from that, which means that any costs are included and calculated therein. However, I am led to believe no additional cost will be incurred in this regard. Were the Senator to point out exactly where he can discern anticipated costs, I may examine it, but my assumption is that no additional costs will be involved.

Senator Ivor Callely: I thank the Minister of State.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendment and received for final consideration.

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

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I thank the Leas-Chathaoirleach, Senators and Seanad staff. I also thank the officials in the Department of Enterprise, Trade and Employment who have been working diligently on this Bill for many long hours. Given the efficiency of the House, I might initiate much more legislation herein.

Senator John Paul Phelan: We are efficient.

Deputy Billy Kelleher: Yes. I thank everyone.

Senator John Paul Phelan: I thank the Minister of State and his officials. We have shown our efficiency through the manner in which the Bill has been dealt with. The legislation is not contentious. Largely technical in nature, there was no need to make significant amendments.

Senator Ivor Callely: I thank the Minister of State, Deputy Kelleher, for attending to deal with Committee and Remaining Stages of the Bill. I will take the opportunity to express my appreciation for the officials who participated today and the last time.

Regarding the Seanad's efficiency, much was teased out when the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Coughlan, attended previously. Knowing that the Minister of State is from the rebel county, my colleagues and I believed it best to give him an easy time lest he react.

Senator John Paul Phelan: He might be needed for the hurling yet.

Senator Ivor Callely: It may be part of the reason for our efficient dealing with the Bill. On a serious note, I welcome the passing of the legislation and, given the current climate, I hope it will assist agencies in ensuring the right environment is created whereby people, particularly entrepreneurs, are able to do the good work of which we know they are capable.

Question put and agreed to.

Sitting suspended at 11.50 a.m. and resumed at 3 p.m.

Electoral Amendment Bill 2008: Second Stage (Resumed).

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

An Cathaoirleach: Senator Jim Walsh was in possession. He has four minutes remaining.

Senator Jim Walsh: There is an argument for changing from multi-seat to single seat constituencies, as Senator Bradford said last week. There have been unsuccessful referenda on this subject. My first political campaign was for this change in the late 1960s. I have observed multi-seat constituencies since and see that there is a need for close scrutiny of, and constructive debate on, single seat constituencies. Those of us involved in politics are slow to move from a system in which we found success to a new one.

There are tremendous demands on politicians. I live in a five-seat constituency where many events place demands on the politicians which is not the most productive use of their time. This probably also has an impact on the quality of service. In some instances people concentrate on the immediate area that is the source of their core vote. There are four main urban areas in Wexford which fall into the four electoral divisions for local government and consequently there is a local base of support for candidates in a general election. There is an argument for considering a single-seat transferable vote system which would encourage a more focused approach from the Member and give him or her a closer identification with the area. This might be also more efficient.

This Bill originated after the 1977 general election when a reconfiguration of the constituencies by the then Minister for Local Government, Jim Tully, backfired spectacularly. Jack Lynch, I think, undertook to set up an independent commission to examine the constituencies. There are no politicians, current or past on these commissions. It seems odd to exclude people who may have spent their lives in that career from commissions whether examining boundaries or issues concerning the electoral process.

Like Senators Coffey and Cassidy, and others, I have complained about the exclusion of councillors from many national bodies. Officials are less enthusiastic, however, about excluding themselves. These commissions are dominated by officials who have no direct experience of politics. I would prefer a system which involved people from all parties considering electoral issues with certain criteria, such as respecting county boundaries.

I am amazed at local election time to see urban areas excluded from town council elections. Many people are aggrieved at this because they depend on their local town councillors to service the area in which they live but cannot choose those representatives.

The local government and European elections are on our doorstep. Apart from boundary issues there is a reference in the Bill to curtailing expenditure, which is right. In general elections large sums of money can be spent from six months before the election to the date on which it is called. There should be a longer time limit on expenditure while allowing people time to get their messages across to the electorate. That requires striking a fine balance.

Democracy will come under pressure in Western countries because of their economic situations and it behoves those of us involved to ensure our actions are measured and fit for their purpose.

Senator Paudie Coffey: I welcome the opportunity to contribute to the Second Stage debate on this Bill.

The Bill applies fundamentally to our democracy and the basis for this and the European Parliaments. The provisions of the Bill will affect the number of representatives we elect to Dáil Éireann and to the European Parliament. It is essential that the Bill is in place and that

[Senator Paudie Coffey.]

it reflects the existing demographic in the country. That is what it sets out to do, which is why Fine Gael generally agrees with this Bill.

We also support the idea of an independent constituency commission. In the past, politicians were directly involved in the drawing of boundaries, and it left the issue open to attack from those who would be cynical or otherwise. It is important we recognise the total independence of the commission in law. Fine Gael fully supports that. I take Senator Walsh's point that since politicians are directly engaged with their electorate daily, it might be a good idea to allow them to be directly involved with the commission. However, there are sufficient mechanisms within this Bill to allow politicians and political parties make submissions to the independent commission. I certainly hope that any submissions made by public elected representatives or their parties are fully taken into account by the commission.

The membership of the commission is set out quite clearly in the Bill. The commission is composed of esteemed members, and I do not think anybody could doubt their merit. It consists of a judge of the Supreme Court, the Ombudsman, the Secretary General of the Department of the Environment, Heritage and Local Government, the Clerk of the Dáil and the Clerk of the Seanad. These are all esteemed people who are fully aware of the demands and the significance of a system that is so important to a democratic institution. We are quite happy with the constitution of that commission and the concept of independence that goes with it.

It has been set down that the number of Dáil Deputies will remain at 166, who will represent the 43 constituencies throughout the country. It is important our elected representation is reflective of the ratio in each constituency. We would not like to see larger urban areas that have grown massively in recent years, such as Dublin West, having a representation in the Dáil that is below the national average. It is incumbent on the Government to ensure our electoral system is constantly reviewed to reflect fairly and equitably the population numbers in those constituencies. For that reason alone, it is important to have a very accurate census. The last census was in 2006, and some claims were made that it was not very accurate, but I believe it was as accurate as possible. However, the census needs to be reviewed and updated constantly. If there are more efficient or more accurate ways of collecting census figures, we should always take on board those views because parliamentary representation is taken from those figures. It is vital we have an accurate census from the beginning.

I am from Waterford, but I am sympathetic to people in County Leitrim who feel in their own hearts that they are not represented in the national Parliament, because they do not have a constituency in their own right. How that circle is squared is up to the commission, and I hope that rather than just look at numbers, it looks at real ways where people can feel represented. The commission has been given terms of reference by the Minister on population ratios, but I believe there should be a term of reference that allows people from places like Leitrim to be represented, so that their views can be taken into account. All politics is local to some extent. If I were from Leitrim and I did not have a Leitrim person in the Parliament speaking on my behalf, I would feel I did not have the same access to representation as people from other constituencies. The Minister of State is very near that hinterland and has represented some of those people in the past, so I am sure he is very sympathetic to that view.

Waterford shed quite a bit of its population to the constituency of Tipperary South. The northern boundary of County Waterford, from the Clonmel suburbs down to places like Kilmanahan and Ballymacarbery and on towards places like Derrinlaur near Carrick-on-Suir is now in the Tipperary South constituency for general elections. However, local elections and local administration are under the auspices of Waterford County Council. From speaking to a few people in the area, they often feel that there is a conflict between local and national administration. They often feel that they are falling between two stools when they want their

voices heard. I do not doubt that the public representatives strive to represent those people as well as representatives represent people in any other constituency. However, they feel at times that as they are from Waterford but in a Tipperary constituency, they are at a slight disadvantage.

County boundaries still mean much to people today. They were set up many years ago and I do not know the full history of them, but people are very loyal to their counties and they feel that an affinity to those counties should be further represented in Parliament. The independent commission needs to take this into account, and I am sure it does the best it can when it comes up with the figures. No system is perfect, but I hope that any redrawn constituency boundaries can keep as much as possible within the county and city boundaries. It is important that people feel represented in the areas with which they identify.

Article 16.2.4° of the Constitution is recognised in the Bill, and it provides that the Oireachtas shall revise the constituencies at least once in every 12 years. With the sharp rise in population in some areas, I believe that the constituencies should be revised more often than once in 12 years. The Bill provides that where population increases are fairly substantial, constituencies are reviewed to reflect proper representation in those areas. Where the initial census figures are produced, the commission can look at those figures at an earlier stage rather than being reactionary and waiting until the population is very large with small representation. It can look at an earlier stage at projections of population increases and make recommendations to the Minister on constituencies. People in those areas would be happier as their needs and demands would be taken into account by an independent body that would make recommendations to the Minister who ultimately has the power to make changes to their constituencies.

I have no strong views on the fact that there are 166 Members in the Dáil. Some people think we should have fewer TDs, but I am not so sure, especially in times of crisis when people are really turning to their public representatives so that their voices are heard in the national Parliament. The figure of 166 is adequate to service those needs, and it is important that people feel they have a voice that is close and accessible to them. The same thing applies to the European Parliament. The Constituency Commission has recommended that Ireland should have 12 MEPs. The Dublin European Parliament constituency will lose a seat. The Longford-Westmeath Dáil constituency, which Senator Cassidy used to represent, will be transferred from the East European Parliament constituency to the North-West European Parliament constituency. People from that area will be more familiar with its demographics. I am sure the Constituency Commission investigated such matters adequately.

It is important to have a correct, efficient and accurate register of electors. When Bills of this nature are being drafted, the Constituency Commission needs to rely on the census of population if it is to work properly. I am a member of the Joint Committee on the Environment, Heritage and Local Government, which is doing a great deal of work and making recommendations on how to improve this country's system of updating the electoral register. It is recommending that an independent electoral office be established and that dedicated staff be employed to keep the register of electors updated and accurate. It is considering the use of personal public service numbers to ensure there are no forgeries and no misinformation gets onto our register. Fundamentally, our democracy depends on such systems.

I welcome this Bill on behalf of Fine Gael. It uses this country's revised population figures to ensure that the people are represented adequately, which is ultimately and essentially what democracy is all about.

Senator Donie Cassidy: I am a Member of this House once more as a consequence of the foresight of the Constituency Commission. I should mention that I was elected with the permission of Members of the Oireachtas and members of local authorities throughout the country.

[Senator Donie Cassidy.]

I consider it to be a great privilege and honour to be a Member of the Seanad. Having said that, politics is defined as the art of the possible.

The Title of the Bill being considered by the House states that it is “an Act to revise Dáil and European Parliament constituencies, to provide for the number of Members to be elected for such constituencies, to amend the law relating to the Constituency Commission, and for those and other purposes to amend the European Parliament Elections Act 1997 and certain other enactments”. I am tempted to propose an amendment to the Bill on behalf of the people of north Westmeath, with whom I was bred, born and reared. I have been privileged to represent that area for the past 27 years in the Dáil and the Seanad. I also represented my local area on Westmeath County Council for more than 18 years.

The wisdom of the Constituency Commission leaves a lot to be desired. I mean that in the kindest sense. When the terms of reference of the commission were drawn up, instructing it to observe county boundaries wherever possible, I did not imagine that such little wisdom would be displayed in respect of north Westmeath. Senators have commented that the parliamentary representation of the people of the Dublin West constituency is below the national average. I suggest that 10,000 people in a few small townlands and estates in the Clonee area of the constituency could have been moved into the Meath East constituency, rather than moving 31% of the land area of north Westmeath into a new constituency. The area to which I refer is thinly populated, just like the Cathaoirleach’s home area.

It was a serious misjudgment to move part of north Westmeath into the Meath West constituency. It disenfranchised people in north Westmeath. That part of the county did not have a resident Oireachtas Member for many years. In 2002, I was honoured and privileged to be elected to represent the people of north Westmeath. At the time, north Westmeath was included in the then constituency of Westmeath. I will give the House an idea of what it means for such an area to have a Deputy on the Government benches. The people of Mullingar town are aware of a project in respect of which a site has been purchased, tender documents have been agreed and a contractor has been appointed. The Minister for Education and Science will open the head office in Mullingar, which will be staffed by more than 320 people. I can say with certainty that the project in question would not be as advanced if the people of the area had not elected me to represent them in the Dáil, on the Government side, at the 2002 general election.

Senator Paudie Coffey: Good man.

Senator Donie Cassidy: Until that election, beautiful hospital buildings in County Westmeath had been standing idle for between 11 and 12 years because no money had been available to fit them out or tog them out. The people of that area had not been well served by the failure to secure funding for the hospital in question. The state-of-the-art wards at the hospital are now open, thank God. I congratulate everyone in the Government who was associated with the project, including the then Minister for Finance, who is now the Taoiseach. He provided money on foot of the strong and consistent representations that I made on a weekly basis in that regard.

There is a new fire station in the Castlepollard area, which I represent. Would it have been developed as quickly if the people of the area had not elected me in 2002? A new state-of-the-art sewerage system is serving the development that has taken place in the village of Castlepollard, where I was bred, born and reared. There is a state-of-the-art one-stop-shop in the new Westmeath County Council offices. People can use the new facility to apply for planning permission, meet engineers, tax their cars and get driving licences. The membership of the local

library, which is in a rural area, has been trebled to ensure it remains self-sufficient in Castlepollard. I assisted in that process, as a Member of the Oireachtas at the time. The Minister in the neighbouring constituency, Deputy Dempsey, approved the development of a second-level college, Coláiste Cionn Torc. The college has now been built and is hugely successful. Not only is it educating students during the day, but it is also providing night classes in a rural area. I am proud that my 23 years of hard work helped to bring that project to fruition.

These things are even more important for rural Ireland during the current economic downturn than they were when the economy was going well. I cannot understand why the Constituency Commission, in its wisdom, did not move a small portion of the Clonee area into Meath East, where the numbers badly need to be increased to give the people adequate representation, rather than decimating all of north Westmeath. As I have said, 31% of the land area of north Westmeath has been taken. Having said that, I continue to represent the people of north Westmeath as a Member of the Oireachtas. I am honoured and privileged to be the Leader of Seanad Éireann, with the status of the Government's representative in this House.

Senator Diarmuid Wilson: Hear, hear.

Senator Donie Cassidy: I will do the best I can for the people of north Westmeath, who have been disenfranchised. I refer to people in my home village of Castlepollard and other villages such as Collinstown, Delvin, Fore, where my mother was bred, born and reared, Drumcree, Clonmellon, Riverdale, Whitehall and Crookedwood. People in such areas were not represented by a resident Member of the Dáil for many years. As Senator Coffey said, all politics is local. Every area deserves its fair share of representation in Dáil Éireann, as all areas enjoy at local authority level.

All Senators are aware that the register of electors is important. I am convinced that when a family moves into an area, the first person to know about it is the local postperson, whether it is a postman or a postwoman. Some years ago, the first person to know would have been the local doctor, priest or garda, but that is no longer the case. I propose that the Minister should consider, on a once-off pilot basis, giving responsibility to postpersons for compiling the next register of electors that will be required. They will carry out that function with 97% or 98% accuracy because they are familiar with everyone who lives in or moves into an area. I worked in such a position for four years and ten months when I was starting out in life. I know exactly what is involved in accurately tabulating and compiling the register of electors. It involves maintaining a list of those who are residing in an area until the date on which the register is published. At present, we are asking public servants in other fields to undertake the onerous task of compiling the register of electors. Such people do not knock on doors, call with post or visit on a weekly basis as postpersons do. The Minister should examine this suggestion to see what can be done to ensure the register of electors is as accurate as we all need it to be. I have made this suggestion in the House on previous occasions. I am aware that the former Minister, Deputy Roche, considered it when he was responsible for this area. If it is accepted, we will make a great deal of progress with the compilation of the register of electors.

The European elections have been mentioned. I am probably the longest-serving substitute in Europe for a Member of the European Parliament. This is my 25th year as a substitute. It gives me no great pleasure to say that people in the north Leinster area were disenfranchised again when the Longford-Westmeath Dáil constituency was placed in the North-West European Parliament constituency.

Senator Paudie Coffey: The Senator is very welcome.

Senator Donie Cassidy: Parts of the four provinces will fall within that one constituency area. From that point of view, we might examine the provision of single seat constituencies for the European Parliament in the future. The new constituency in which Longford-Westmeath will be placed, that of the old Connacht-Ulster constituency, covers a massive area, illustrated by the long distance from Malin Head in Donegal to the furthestmost part of Clare or to my parish of Castlepollard.

Because I am under the three-line Whip of the Fianna Fáil Party, to which I signed a pledge when I took the oath for the office I hold, I certainly will have to support the passage of this Bill, but I do so reluctantly and with a heavy heart.

Senator Marc MacSharry: I am pleased to have this opportunity to make a few points on the Bill. Prior to doing so, I welcome the Minister of State, Deputy Barry Andrews, to the public Gallery and encourage all members of the Cabinet to come to the Seanad and hear first hand the quality of debate and scrutiny of legislation that takes place here. I also welcome the Minister of State, Deputy Michael Kitt, to the House as this is my first opportunity to do so.

My main issue with the Bill concerns the situation in Sligo-north Leitrim and Leitrim in general. I firmly believe it can never be allowed happen again that a county is left without a county man or woman to represent its people's interests in the Houses of the Oireachtas. It is wholly inappropriate to do that. It has happened because we are designing a set of clinical parameters within which we must operate.

On the day Deputy Cowen became Taoiseach of this country, he said we should not be bound or restricted by independent reports. I agree with his assertion in that regard. While it is important to have a level of independence in drawing up electoral boundaries, they are brought back to the Oireachtas for us to debate their merits and consider the difficulties that arise from sticking to the parameters which are clinical.

If we were to focus specifically on numbers of population alone, the factual position would be that in 20 or 30 years' time, we would have 100 TDs in the greater Pale or Leinster area with a concentration around Cork and Limerick and none in the west. What would we do then? Many Departments, State agencies and other bodies would have the west and north west as the sole destination and weekend retreat for those in the gin and tonic belts in Dublin and elsewhere who could look forward to going there and perhaps seeing the likes of Peig Sayers looking out over a half door, smoking a pipe and having a pint of Guinness. However, much more than that happens in the west. We are no less contributors to this great State.

Whatever has to be done must be done to take due cognisance of county boundaries to ensure that all Twenty-six Counties, and in the fullness of time I hope all Thirty-two Counties, would have at least one representative in the Houses of the Oireachtas in order that he or she can bring to the table the unique views of his or her county colleagues in all the relevant debates on legislation and issues of public concern.

Some years ago the national spatial strategy, of which I am a huge fan, was published to great acclaim, but I regret it has only emerged and been mentioned from time to time. When a policy is being pursued or a new measure is being introduced, if it is consistent with the spatial strategy, the Ministers in the relevant Departments will say it is in line with the spatial strategy. When it is not in line with the strategy, they will say a sufficient population is not in the region to support it. That is the case, but if we were to adopt that approach, we might as well shut down the west. We might as well say there is no reason Bord Gáis Éireann should spread its network because there are insufficient people in the region or there is no reason the ESB network should upgrade its facilities in lower populated parts of the country. We might well ask why are we rolling out broadband to the western region. If we were to follow through on

the same kind of parameters, which must be followed by the electoral commission, we would effectively shut down the least populated parts of the country.

The spatial strategy envisaged the creation of capacity before demand and that, rather than having the conurbation that has become the eastern region around Dublin, pressure would be taken off cities such as Dublin, Cork, Belfast, Galway, Limerick and Waterford by other gateway cities such as Sligo, Letterkenny and gateways towns in the centre of the country playing their part in terms of the increase in population predicted in coming years. I would like there to be a return of focus to that policy, but it must be a prerequisite that we seek to invest in all parts of these counties equitably and not merely based on a *per capita* criterion, which is flawed in itself. We must begin to spread equally all levels of infrastructural investment throughout this country and create extra capacity in those parts of the country that are better placed to take it rather than only in the larger cities where costs are higher and quality and standards of living are under more pressure because of the numbers already living there.

I ask the Minister of State to take on board a few of those points. Given the part of the country from which I come, I stress that the Leitrim situation can never be repeated. My colleague, Senator Ellis, raised this issue on the last occasion we discussed this Bill. That is not to suggest the people of Leitrim are not getting a sterling level of service from the Deputies who represent the constituency in which it falls, including the county of Leitrim, in the other House, or from the Senators in this House. However, it is only right and proper that they should have one of their own representatives, from whatever party or none, representing their views in the Lower House and in this House.

Senator Mark Daly: I welcome the Minister of State to the House. Like Senator MacSharry, I am deeply concerned about the situation in Leitrim, to which I will refer later. I would like first to discuss the issue of Kerry. The speculation prior to emergence of the report was that Kerry would be a five-seater constituency, a reduction in the current number given that Kerry North and Kerry South both having three Deputies. I am sure members of the commission see Kerry only on their holidays. To ask a person to represent a county that stretches all the way from Lauragh up to Tarbert, a journey that would take two hours to complete by road, is impractical in the extreme. The bean counters were not doing Kerry a favour when they decided to retain the three seats — the figures must have simply added up. They were no doubt looking at maps and putting pins on them. This proposal does not reflect the reality of trying to represent such a vast constituency. The electoral commission has already done a disservice to counties such as Mayo, which has a huge sprawling constituency stretching from Claremorris all the way to Bellmullet. As the Cathaoirleach would know, that journey to Bellmullet is a long one when canvassing for a Seanad election. Bellmullet is a lovely place on a fine summer's day but it is not ideal in the depths of winter.

The electoral commission did not decide to do likewise in terms of Kerry. It joined north Kerry in with west Limerick. Having lived in Limerick for some time, next to a former Minister for Justice, Gerry Collins, I am glad we have got a little of Limerick in the constituency, and Limerick might benefit from our football. Unfortunately, however, for the people of west Limerick who were used to the services of the Collinses, Deputy Cregan and others, they are now being represented on the county council by their councillors and in the Oireachtas by Deputy McEllistrim among others. When the commission writes another report, which we will be asked to rubber-stamp, there is nothing to say Kerry will not end up in the same situation as Mayo.

Although it is far removed from my own county geographically, the situation in regard to County Leitrim is disturbing for us all. While Senator Ellis does an excellent job representing the people of Leitrim in the Oireachtas, it is vital for any county to have its own Dáil represen-

[Senator Mark Daly.]

tative. It is my view that the commission breached its terms of reference in this regard and, in so doing, has done a great disservice to public representation. In reaching its recommendation, the commission ignored the petition signed by 14,000 Leitrim people. Of the 327 submissions received by the commission, 241 were from residents of that county. Why did the commission bother to seek submissions if it intended simply to ignore them? It seems it was concerned merely with looking at the numbers. If this situation is not rectified, one or more Leitrim voters may ultimately take constitutional action. Leitrim people are well represented in Dublin city in various guises. The current situation cannot continue in the long run.

It is clearly unacceptable that the Leader could not vote for himself in the last election. County boundaries are extremely significant in Gaelic football and other sports. People have an affinity with their county and feel great loyalty towards it. When it is divided for administrative purposes, as the commission has done in several instances, this sense of connection is lost. The situations of Kerry North and Limerick West and of Offaly and North Tipperary, which is of interest to the Cathaoirleach, are similarly unsatisfactory. Recommendations are being made by bean counters. As public representatives, we will be accused of gerrymandering if we are seen to interfere with their decisions. In the case of Leitrim, however, public representatives must intervene.

We have a long history of boundary commissions, the most famous being the one which gave its verdict in 1926 and which came up with results that did not suit us. We were given many promises in the negotiations that led to the treaty establishing the Free State by learned men such as Winston Churchill and Lloyd George. They did not live up to their words, as they often failed to do. Their words were not worth the paper on which they were written.

I am glad Kerry has not been as badly affected as Mayo, for example. I ask the Leader to intervene on behalf of the people of County Leitrim.

Senator Brian Ó Domhnaill: I support much of what was said by colleagues in regard to the work of the commission and its recommendations. The background to this constituency review was the indication in the most recent census figures of an increase in population of more than 320,000 from 2002 to 2006, giving an average of 25,541 voters for each of the 166 Dáil Deputies. None of us has a difficulty with the establishment of the commission for the purpose of bringing about a more equitable spread of constituents per Dáil Member in view of the fact that some constituencies were over-represented while others were under-represented.

When the Minister for the Environment, Heritage and Local Government, Deputy Gormley, spoke in the Dáil last September, he outlined the main features of the constituency commission's report into Dáil constituencies. He pointed out that there would be no change in the current level of Dáil membership. We all welcome the recommendation that the number of Members should remain at 166. He indicated that the number of constituencies, at 43, would remain the same and that no change would be made in 19 of those constituencies. Thus, change was to be recommended in the remaining 24. The Minister explained that the Louth and Dublin West constituencies were to increase by one seat, with changes to be made in the areas covered by these constituencies. These changes arose from the increase in population in these areas as people moved out of Dublin city and into the suburbs and neighbouring counties. The Dún Laoghaire and Limerick East constituencies were to be reduced by one seat, with the latter to be renamed Limerick City and changes to be made in the areas covered by both constituencies.

Senator Daly referred to the creation of the new constituency of Kerry North-West Limerick. The Leader, likewise, made particular reference to his own constituency. I empathise with his position. Having represented the people of his constituency as a Member of Dáil Éireann, the changes recommended by the commission have disenfranchised that representation. We all

agree with the point made by Senator Ellis and the general view from County Leitrim. While the commission's terms of reference may have been a little vague, the decision to disenfranchise a county is always wrong. If the terms of reference were not sufficient to give this type of protection, they should have been corrected and proper direction given to the commission prior to the commencement of its work. On the other hand, it may be that the commission did not implement the terms of reference it received.

Coming from County Donegal, which is to the north west of County Leitrim, I am aware that the people of that county are disappointed not to have their own Deputy. While they are receiving excellent representation in the northern part of the county from the Sligo-North Leitrim representatives, the county as a distinct entity should have been protected. Senator Ellis made the case in this regard much better than I could ever do. I wholeheartedly support everything he said on this matter. I will go further by supporting the questioning he put forward of the commission's work, whether in the sense that its term of reference were too narrow or vague or, alternatively, that it did not fully implement the terms of reference it received.

The Electoral (Amendment) Bill refers not only to the Dáil constituencies but also to the European Parliament constituencies and local government electoral areas. I understand it is a matter ultimately for the Minister for the Environment, Heritage and Local Government to bring about changes to local electoral areas, of which there are 83. An issue that could and perhaps should have been addressed in this Bill is that of the disparity of spending levels between different local election candidates, with some spending vast sums in the absence of any upper limit. We hear stories, for example, of candidates spending in excess of €50,000. Spending limits should be imposed on candidates in all elections, including local elections. This issue should be addressed before the next local elections to ensure there is a more level playing field for all candidates. Currently, some choose to spend very little while others spend huge sums. There must be some level of comparability and equality in terms of candidate expenditure in local elections.

Much has been said about the different constituencies and about the work of the commission, bringing into question its remit and its implementation of the terms of reference. I support that position, especially with regard to the geographical area of County Leitrim. I hope the Minister, Deputy Gormley, will take another look at this issue but I do not believe that will happen. It does not rest well. I do not come from County Leitrim but from the neighbouring county and I know the position of the people of County Leitrim. Senator Ellis speaks on their behalf in this House. From speaking to people in the county I know they feel their county has been torn apart.

We should never forget the way this country was founded, on the baile fearainn, the townland and the county boundary. That was sacrosanct. On Saturday night we had the 125th anniversary of the GAA in Croke Park. That association represented the baile fearainn, the townland and the parish, from which the GAA club came. The county boundary defined the county individuals played for. The commission's remit should have been restricted to coincide with that structure which was founded a long time ago and has stood the test of time, both electorally and, in sporting terms, within the Gaelic Athletic Association.

I am not sure what can be done about listening to the concerns of residents, especially in County Leitrim but also in other counties. The population will rise or fall but it will not remain stagnant. The population is decreasing rather than increasing. Perhaps the figures are out of date even before the Bill has been implemented into legislation. If a boundary commission is ever again to be established, its terms of reference should be very clear and unambiguous and its findings should be debated in both Houses of the Oireachtas before they go for implementation. It is important to give elected representatives their say before a commission implements

[Senator Brian Ó Domhnaill.]

terms of reference. We should all have a say on specific terms of reference in respect of our communities before the matter is handed over to a commission that was not elected and which does not represent any area. I do not call into question the professionalism of the individuals involved but I believe democracy should have its say before terms of reference are decided and implemented.

Senator Diarmuid Wilson: I welcome the Minister of State, Deputy Michael Kitt, to the House. The main purpose of the Bill is to implement the recommendations in the report of the independent Constituency Commission on revisions to Dáil and European Parliament constituencies, published in October 2007. In addition, the Bill amends the law relating to the constituency revision process and provides for the introduction of alternative procedures for the nomination of non-party candidates at European Parliament and local government elections. Parts 2 and 3 provide for implementation of the recommendations of the constituency commission's report on Dáil and European Parliament constituencies. Article 16.2.4° of the Constitution provides that: "The Oireachtas shall revise the constituency at least once in every twelve years, with due regard to changes in distribution of population". This article requires that constituencies be revised whenever population changes, as shown in a census, bring about population to Deputy ratios in individual constituencies that are significantly out of line with the national average. That is the case now and the Oireachtas must respond accordingly.

In accordance with section 5 of the 1997 Act, a constituency commission was set up in April 2007, chaired by Mr. Justice Iarfhlaith O'Neill. The other members of the commission were Mr. Kieran Coughlan, Clerk of the Dáil, Ms Deirdre Lane, Clerk of the Seanad, Ms Geraldine Tallon, Secretary General of the Department of the Environment, Heritage and Local Government and Ms Emily O'Reilly, the Ombudsman. The main features of the commission's report on the Dáil constituencies were as follows: there should be no change in the existing level of Dáil membership, namely, 166 seats; the total number of constituencies should remain at 43 and no change should be made in 19 constituencies; there should be an increase of one seat in both Louth and Dublin West constituencies, together with changes in the areas covered by the constituencies; there should be a reduction of one seat in both Dún Laoghaire and Limerick East constituencies, with the latter to be renamed as Limerick City and there should be changes in the areas covered by the constituencies; the area and names of two constituencies should change, with Kerry North and Limerick West to be amended to Kerry North-West Limerick and Limerick, respectively; and six changes, many of which are small, should be made to the areas of 18 other constituencies.

Like many who spoke in the House last week and today, I am disappointed with the commission's recommendations in respect of a number of constituencies but particularly concerning the division of County Leitrim. I come from County Cavan which borders a good part of that county and I am familiar with the thinking of the people there. They are disgusted by the decision and the recommendation before us in the Bill. They believe they have been disenfranchised. This happened before. They were divided for 20 years until 1981 when the constituency became Sligo-Leitrim and remained so until the previous general election. They were very disappointed on that occasion but were given to understand that when the constituency came again for revision, County Leitrim would once again become the constituency of Sligo-Leitrim and hold its county boundaries. As Senator Ellis stated the other day and as Senator Coffey noted today, the people of a county feel they should have a representative who was born in that county. Unless the recommendations of this report are changed, the people of County Leitrim will never again have a native-born person representing them. That is a fact.

Senator Ellis raised a point of order with the Minister, Deputy Gormley, and asked him to clarify that the main feature of the commission's report in respect of Dáil constituencies was that no change was to come in the existing level of Dáil membership of 166 seats. He asked if that were the true position and the Minister responded that it was. Senator Ellis has received independent legal advice which suggests that, if such is the case, this Bill is unconstitutional. Last week, Senator Ellis said in his contribution on this Bill that he had made requests under the Freedom of Information Act 1997 regarding the report. He was told that no information can be provided as this is a sacrosanct decision. He also contacted the Ombudsman who made the same ruling and told him the only place where this Bill could be challenged was in the High Court.

It is very regrettable that a public representative, not to mention an ordinary member of the public, is not entitled to see the documentation relating to how this commission came to its decision. Senator Ellis is convinced, as are many of the public representatives in County Leitrim, that this Bill is unconstitutional and, if challenged, would fail. This is where I disagree with Senator Coffey. If the commission had decided to increase the number of Deputies from 166 to 168, which it was entitled to do, this would have avoided the counties of Limerick, Meath and Leitrim being divided. This decision is regrettable and should be re-examined. I appeal to the Minister of State to appeal to the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to revisit this before it ends up in the courts. I am assured by Senator Ellis that this will happen. The people of county Leitrim feel disenfranchised. That is not good enough.

I pay tribute to the Dáil and Seanad representatives who represent Leitrim. They are excellent, first class public representatives, but the people of county Leitrim are entitled to have their boundaries reinstated. A six-seater constituency of Sligo, Leitrim and Roscommon could be created to effect this.

Regarding the European constituencies, I welcome the fact that counties Westmeath and Longford are in the constituency of North-West, joining the provinces of Connacht and Ulster and County Clare. This gives the opportunity to the people of the part of the country from which I come, Cavan, Monaghan and Leitrim, a realistic opportunity of having somebody elected to the European Parliament. I welcome that fact and look forward to the Minister's comments, especially on County Leitrim.

Senator Terry Leyden: I welcome the Minister of State, Deputy Michael Kitt, to the House. This is an interesting debate on constituency revisions and the Bill. The commission is composed of very worthy people and they are very conscientious, but they rely on the statistics and personnel of the Department of the Environment, Heritage and Local Government. With respect, I do not know whether one can have a completely independent and neutral commission if one relies on statistics, facts, figures and maps from the Department which may influence the division of constituencies. I bring this up because my first constituency, in 1977, was Roscommon-South Leitrim. Because of the constituency composition, the outgoing Deputy, Pat Joe Reynolds, from Ballinamore, County Leitrim, lost his seat. The late Sean Doherty, Joan Burke, who is hale and hearty, and I represented Roscommon-South Leitrim. Senator Ellis was elected a Senator at that election and worked very hard in that constituency. The other Deputies and I gave great attention to the southern part of County Leitrim, which we represented. However that does not mean there was a Leitrim Deputy at that time.

The next constituency I was involved in was the Roscommon part of Galway-East, which was the constituency of the Minister of State, Deputy Michael Kitt. It was very fortunate for me that Galway was right beside where I lived in Castlecoote. However, it affected the political future of Tom Hussey, a sitting Deputy, whose whole base was removed from him. That was

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not very fair. I personalise this because the best way to explain how constituencies affect people is to illustrate how they affect oneself.

The independent commission of 1991 drew up the great idea of retaining two or three seats in County Mayo, against all the numerical odds, taking parts of Galway in one part of the constituency, and leaving Roscommon tied up with County Longford. This is as defective as the south Leitrim situation, if not more so, because Longford is in the province of Leinster. We had the River Shannon between Roscommon and Longford with only two points where both counties could be accessed, in fact the bridge at Lanesborough was the only bridge that directly linked into the constituency of Longford. One of the members of the commission, who was representing the Clerk of the Dáil, suggested I buy a boat, which was very worthy of him and a very helpful suggestion. It was a four-seat constituency.

Senator Paudie Coffey: Did Senator Leyden go canvassing on a boat?

Senator Terry Leyden: It was so I could cross the Shannon to canvass Longford.

Senator Diarmuid Wilson: It did not stop him during the Seanad election.

Senator Terry Leyden: The point is that it broke every rule. I regret to some extent not taking a High Court case because I was eliminated, having lost part of Galway and gained Longford. The survey did not comply, and that is why I would not give much hope to a High Court case because the commission broke the rules on natural boundaries. The River Shannon is the largest river in these islands.

Senator Diarmuid Wilson: It rises in Cavan.

Senator Terry Leyden: Yes. It divided us right down. The constituency included two provinces, Leinster and Connacht, two health board areas and two tourism areas. Everything was separate. However, the commission had no regard for any submissions I made to it. The same applies to part of County Offaly, where the President of the United States has roots. Part of that area is gone into Tipperary, which is very inconvenient for the people of Offaly. It is a great opportunity for Offaly that the great grandson of a native of County Offaly is President of the United States. That the area has gone into Tipperary means they are not happy there, however.

There is a better way of doing this job and it must be examined very carefully. The political parties must examine this situation in the future. The people of County Leitrim feel terribly disenfranchised although they have hard-working Deputies who do their utmost for them in Sligo-Leitrim in Deputies Scanlon, Perry and Devins and in Longford-Roscommon in the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Finneran, and Deputies Feighan and Naughten. They also have Senator Ellis working very hard in County Leitrim. There is no other resident Senator working in the area. I can say without fear or favour that Senator Ellis has a full-time constituency office and has given as good a service as any Deputy would give. He was nominated by the then Taoiseach, former Deputy Albert Reynolds, who recognised that Leitrim had to have a representative in the Oireachtas.

I would not hold my breath regarding the changes. This will not be the change for the general election in 2011 or whenever it is. They will be due to numerical and population changes. The change to the economy will affect the population in different areas through unemployment, and other issues will affect the outcome of the next Constituency Commission.

Concerning the European constituencies, with a certain contradiction I welcome Longford and Westmeath to the North-West constituency. It gives an opportunity for somebody in that area. There was a Leitrim MEP in the past and he survived the situation where he had no hinterland such as any candidate will have now. It is a very unwieldy constituency and will be very difficult to represent, but I wish the MEPs every success.

I decided to give my personal experience of this area. It is very unfair on the Leader of this House that his area went into Meath. It is very unfair on sitting Deputies whose constituencies have been divided in such a way that they are completely disenfranchised and they live in one constituency and represent another. The same applies to the local government changes where some places are very unsatisfactory. For example, in County Roscommon an area has been created, as a consequence of which one of my colleagues, Councillor Paddy Kilduff, must change to another area to be re-elected, he hopes, next June. There are question marks against such divisions also. They are very unfair on those who have served the public. Some regard should be had to the position of sitting Deputies or councillors in an area in order that they are not removed from their electoral base. It is grossly unfair on them if they are left out in the cold in that way. Senator Cassidy was particularly badly treated in that regard. Some Deputies also lost out.

Senator Diarmuid Wilson: Deputy Johnny Brady in his home town.

Senator Terry Leyden: Deputy Brady's home area was transferred from his constituency to that of Meath East.

The Minister is in a difficult position. He must comply with the legislation under which the commission was set up. We do not want to return to the Tully gerrymandering which benefited Fianna Fáil in 1969. Those days are gone. This is a step in the right direction, but the matter needs to be looked at again. When terms of reference are given, they should be complied with by the commission. I make one appeal: that the commission be advised by eminent specialists from the universities who are totally independent on maps and population. With respect to the Department of the Environment, Heritage and Local Government and its officials, I cannot see how they are independent if under ministerial control. I know what I would do if I was in the Department and what other Ministers have done.

Senator Paudie Coffey: Is the Senator saying they would gerrymander?

Senator Terry Leyden: No, they would not, but they might express an interest in certain areas. I remember the creation of a particular four-seat constituency in north Dublin. As somebody involved in the commission was very anxious for an appointment, he did not do any harm to the sitting Deputies.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): I thank Senators on all sides of the House for their contributions to the debate which was interesting. Because I was only here for part of it I cannot comment on all that was said, but I was very interested in what I heard. In the time available I will respond to some of the issues raised; matters can be examined in more detail on Committee Stage.

Most Senators acknowledged the integrity and independence of the Constituency Commission, to which I express my thanks for its work. Some Senators had difficulties with specific recommendations made by it. I understand these concerns, including those expressed about County Leitrim by Senator Ellis and others. However, we must bear in mind that constituency formulation is not a perfect science. People do not always live in areas that enable constituencies to be drawn in a way that meets with general approval. The overriding constitutional

[Deputy Michael P. Kitt.]

requirement of equality of representation means that breaches of obvious boundaries are unavoidable in certain cases. In looking at the commission's report and recommendations the Minister is in the same position as every other Member of the House in that he has no information on process or substance other than that set out in its report. In constituency revision somebody's interests must inevitably be affected. That is the price we must pay for our democratic system. We are all agreed that the job should be entrusted to a commission. The commission has done the job in the way that seemed best to it. The House should therefore accept its report as framed in the Bill.

The debate shows the strong attachment to county boundaries. While such attachment is understandable, the terms of reference of the commission are subordinate to the relevant constitutional provisions which do not refer to counties. In the High Court judgment of Mr. Justice Budd in the O'Donovan case it was stated on the page 146:

. . . although a system in the main based on counties has in fact been adopted, there is nothing in the Constitution about constituencies being based on counties. The Constitution does not say that in forming the constituencies according to the required ratio, that shall be done so far as is practicable having regard to county boundaries.

There is, therefore, no absolute prohibition on the breaching of county boundaries. The experience has been that at times the constitutional provisions require such action, difficult though it may be. The 2007 commission report is no different in this regard.

Some contributors to the debate, including Senators Buttimer and Hannigan, referred to the procedures to be followed by the commission in carrying out its work. As the Minister said in his opening statement, the Bill provides for updated and improved consultation arrangements, including a minimum of three months for the making of submissions to the commission. These are important new measures that will be implemented, while retaining the essential framework that has allowed the commission to operate effectively for many years. I urge people to engage to the maximum extent possible in the process at the appropriate time rather than waiting until after the commission has reported to express their views.

A number of Senators, including Senators Boyle and Bacik, commented on the proposals in the Bill regarding nominations. Regulating access to the electoral process is a common feature of most parliamentary democracies and widely seen as necessary to discourage an overly large number from contesting an election. The proposals made in the Bill strike the right balance, providing for a reasonable test of the bona fides of a prospective candidate, while not setting the conditions so high as to unduly restrict people from seeking election. Candidates who are not in possession of a certificate of political affiliation will now be able to choose which option best suits their circumstances, either collecting a limited number of assents which requires the completion of statutory declarations by assentors in the constituency or lodging a reasonable deposit with the returning officer before the deadline for receiving nominations. This represents a significant improvement on the previous arrangements and, I am satisfied, fully meets the relevant constitutional requirements.

Senators Walsh, Burke, Bradford and others referred to spending limits at the upcoming local elections. The Minister intends to bring forward in the near future a Bill with proposals for legislative change to allow for the introduction of spending limits at these elections. The programme for Government contains a commitment to examine spending limits at local elections as part of the Green Paper on local government. Submissions made in the course of preparing the Green Paper, published in April 2008, were generally supportive of some expenditure limit. Last October the Minister consulted the Joint Committee on the Environment, Heritage and Local Government on the issue. Following on from this and after consideration

in the Department and by Government, the Minister hopes to be in a position to announce details of the limits shortly.

Senators Burke, Bacik and Hannigan referred to the need for the establishment of an electoral commission. The House will be aware that the programme for Government contains a commitment to establish an independent electoral commission which will take responsibility for electoral administration and oversight, implement modern and efficient electoral practices, revise constituency boundaries, take charge of compiling a new national rolling electoral register, take over the functions of the Standards in Public Office Commission relating to election spending, and examine the issue of financing the political system. The establishment of an electoral commission will be a major piece of work, with issues arising for consideration, including international best practice, the commission's structure and function, to whom it reports, its relationship with other bodies currently involved, and the approach to be followed with regard to the extensive legislation that will be required. The Department appointed consultants to research the issues arising in the establishment of the commission and make recommendations on the way forward. The consultants' report was received before Christmas and is being examined. This is an important input to future Government decisions in the area.

Senators Coffey, Cassidy, Burke and Hannigan referred to the register of electors. In law, the preparation of the register is a matter for each local registration authority. It is its duty to ensure, as far as possible and with the co-operation of the public, the accuracy and comprehensiveness of the register. In working to compile the register for 2007-08 local authorities undertook and completed, with assistance from my Department, the most extensive registration campaign in decades. On the basis of the work undertaken, I am satisfied that local authorities achieved a significant improvement in the accuracy and comprehensiveness of the register compared to previous years. The task for local authorities with regard to the register for 2009-10 was to maintain and build on the progress made in previous years. Authorities were required to publish the final register for 2009-10 by 1 February 2009 and it is now available for checking. Individuals not on the register can avail of the supplemental register up to 15 days before the next polling day. The recent report of the Joint Committee on the Environment, Heritage and Local Government on the future of the electoral register in Ireland and related matters is very welcome. It is consistent with the commitment in the programme for Government to establish an electoral commission with responsibilities to include compiling a new national rolling electoral register, which I have already mentioned.

I was interested in the points raised by the Senators. Senator Daly referred to the breach of county boundaries, Senator Ó Domhnaill spoke about spending limits as well as the breach of county boundaries, Senator Wilson set out the terms of reference while Senator Leyden talked about the changes, with which I am familiar, relating to Galway, Roscommon and Mayo. As a representative from the west, I have always appreciated the support of the other representatives from Galway and Mayo for the projects we are working on, particularly the western rail corridor which travels through many counties on the western seaboard.

To conclude, the Government's view is that the Constituency Commission's recommendations are a package which must be accepted or rejected in its entirety. The Government has decided to follow the established practice of implementing in full the recommendations of the independent commission. That is the best way forward. I thank the Senators again for their contributions to this debate.

Question put and agreed to.

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

Senator Diarmuid Wilson: Next Tuesday.

[Senator Diarmuid Wilson.]

Committee Stage ordered for Tuesday, 10 February 2009.

Sitting suspended at 4.20 p.m. and resumed at 5 p.m.

Human Rights Issues: Motion.

Senator David Norris: I move:

That Seanad Éireann, in the light of:

- the abolition of the Combat Poverty Agency;
- the destruction of the Equality Authority;
- the downsizing of the Irish Human Rights Commission;
- the absorption of the National Consultative Committee on Racism and Interculturalism;
- as well as the refusal to advocate the monitoring of the human rights protocols attached to the external trade agreement between Israel and the EU;
- the abandonment of the people of Tibet in the interests of trade;
- the historic collaboration with the Bush Administration in the rendition programme;

calls upon the Government to strongly and publicly affirm its commitment to human rights and to the individual exercise of those rights both domestically and internationally.

I welcome the Minister of State at the Department of Foreign Affairs, Deputy Peter Power, to the House. While the principal focus of the motion is on areas that concern the Department of Justice, Equality and Law Reform, I am sure the Minister of State will transmit this information to his colleagues.

This is a time of severe economic strain and some may wonder why in this environment, instead of taking an issue related to our finances, I have chosen instead to address human rights. I have done so precisely because of the current situation. In an economic blizzard such as we are facing, it is all too easy for human rights to be blown off the public agenda. This tragically seems to be happening here in Ireland. Moreover, just as the al-Qaeda attacks on the United States were used as a cover for the comprehensive undermining of human rights in that country, here there is a parallel danger that our economic and budgetary difficulties may serve as a camouflage for the deliberate dismantling of the various human rights organs of the State which act as a fundamental safeguard for ordinary citizens.

Over recent months there has been what can only be described as a series of systematic attacks by the Government on virtually all State organisations engaged in the area of human rights. This appears to be an attempt to muzzle or drown out the voices of the disadvantaged at the very time when they most need to be heard. It is only by allowing these voices to be heard that we can come together as a community to address the very difficult times in which we live. Organisations under siege include the Combat Poverty Agency, the National Consultative Committee on Racism and Interculturalism, the Equality Authority and the Irish Human Rights Commission. That the economic arguments employed to justify these measures do not stack up was bravely placed on the record by a Member on the Government side in this House during a debate some weeks ago. The excuse of financial stringency has been exposed as absurd and self-contradictory.

The Government, however, by keeping the brand name alive while destroying the substance, pretends these organisations have in some sense survived abolition, absorption, financial castration and forced decentralisation. The mere ghost existence of such groups is a fig leaf concealing the sinister reality that not one of them is now in a position realistically to vindicate the rights of citizens. There is no point whatever in citizens allegedly having rights if they are discouraged or prevented from exercising them. That is, most unfortunately, the state which we have deliberately created in Ireland and collaborated with at international level.

In an Adjournment debate on 18 November 2008, I made a strong case for the retention and strengthening of the Combat Poverty Agency, the Equality Authority and the Irish Human Rights Commission. Events have moved on since that debate. We have had the honourable resignation of Niall Crowley, chief executive of the Equality Authority, on the grounds that the Government's action rendered the authority ineffective. The chair of the board significantly declined to support her chief executive and those other members of the board who attempted to resist the Government attack. There has been another series of resignations since. On 19 January this year, the ICTU representatives, Louise O'Donnell and David Joyce, both resigned. They had stayed on to see what could be rescued from the debris. In her resignation letter, Ms. O'Donnell said that she was "greatly concerned about the direction the chair is taking" and stated that the chair "had clearly indicated that she wishes to diminish the role of professionals within the organisation and to move away from its role as an advocate for those who cannot represent themselves".

The downsizing of both staff and budget appears to be having a catastrophic effect on the capacity of the authority to fulfil its mandate. Reductions in staff numbers, replacement of key personnel by persons inexperienced in the area of human rights as well as the farcical insistence on decentralisation has, according to board members, "led to a huge loss in corporate memory". It is, in addition, very disquieting, despite all the talk of economic necessity, that the Government in July 2008 added in by nomination an extra four members of the board at a cost of €40,000 per annum. This appeared to be done to load the vote on the board in the Government's interest.

This is not good governance and the situation must be addressed urgently. The chair of the Equality Authority should resign immediately, having signally failed to protect the interests of her own organisation and presided over the resignation of the chief executive and now up to half the board. I publicly call upon her today to do so. In addition, the tattered remnants of the serving board should also pack up their kit and salvage what little dignity they have left. Like the ancient Israelites, they are being commanded to make bricks without straw. We are not living in the middle kingdom of ancient Egypt. We are in a 21st century European democracy and they should land this task, which has been deliberately made impossible, back in the lap of the Government. The fraudulence of the Government's pretended commitment to human rights should be publicly exposed.

One of the reasons for the Government's attitude appears to be that the preponderance of issues taken up by these groups involves criticism of services provided by Government agencies. Historically, we have a good and proud Civil Service establishment but it is only human to resent what may be perceived as incessant criticism. However, it is the responsibility of Government to resist this tendency. Unfortunately, the Government has fostered this climate of resistance, denial and spiteful payback. Just as there has been shown to be a golden circle in our financial establishment, so it seems there is a brass circle in our bureaucratic establishment that is only too happy to incite or collaborate with Government in the undermining of agencies perceived to be critical of the State.

[Senator David Norris.]

I am astonished at the docile response of the trade union leadership and I call upon them at this late stage to make the restoration of Government support for human rights agencies a major plank of their negotiations concerning social partnership. Indeed, it seems as if all the agencies I have mentioned in my motion are being targeted precisely because of their independence and an attempt is being made to remove their professional capacity. Almost 70% of the Equality Authority case files, for example, involved allegations of discrimination against public sector service providers. However, rather than reinforce the work of the Equality Authority to secure necessary change, eliminate discrimination and promote equality in key areas such as the provision of health services, education and housing, the Government has chosen to kill off the Equality Authority completely.

This is not new. I have on several occasions before in this House instanced the appalling example in which the Equality Tribunal upheld a case of discrimination against a transport company for not extending the same travel rights to a gay couple which were automatically granted to heterosexual couples, whether married or not. Instead of acting to rectify this situation, the Government intervened legislatively to copperfasten the discrimination by redefining the word "spouse" specifically to exclude gay couples from the rights to which the very Equality Tribunal established by Government decided they were entitled. This resulted in the only European legislation with which I am familiar which actively introduced discrimination in this area.

We have equality legislation on the Statute Book but this is vitiated by the exemption of the churches from the equality legislation. They continue to be entitled, despite their deplorable record in terms of child molestation, to terminate the employment of teachers in jobs that are paid out of the tax dollars of citizens merely because of their sexual orientation. Once again, we have legislation in place that is marred by obvious lacunae.

The establishment of the Irish Human Rights Commission was trumpeted by Government as a move of European-wide significance and as part of the agreement between the United Kingdom and the Republic of Ireland Governments to ensure human rights developed on both sides of the Border in directly parallel ways. Nevertheless, even before these cuts the Northern Ireland equivalent was significantly better resourced and financed. Now the IHRC is left to struggle desperately but honourably to accomplish its remit in circumstances that make such an achievement almost impossible.

Turning to the international context, there has been our ignoble acquiescence in the Iraq war. I think I can say that I have been consistent in this matter. I spoke out for human rights in Iraq over many years against the Saddam Hussein regime and I opposed the naked barbarity of the war on Iraq launched by George Bush. The Government, in defiance of the wish of the people clearly expressed in mass demonstrations, adopted a position of queasy equivocation. All over the world people protested while governments did nothing. Had the United States of America been persuaded against this action, we might not have had the tragedy in Gaza. The two military assaults have certain clear, significant similarities in the exclusion of the press, the mass attacks on centres of civilian population and the use of white phosphorus in highly questionable circumstances. Most incredibly, the leader of the free world, the United States of America, assented to the horrors of kidnapping and torture, first denying and then attempting to justify and legislate for these moral aberrations.

Once again, Ireland acquiesced and, more than that, refused to confront the manifestation of this evil on our own soil in the form aircraft which were used in the unbroken circuit of rendition being refuelled on a number of occasions at Shannon Airport. Response to questioning in the Oireachtas was shifty and dishonest. Spokespersons from the Minister down refused

to answer clear questions, instead answering questions of their own confection. Time and again we were told that there was no evidence that prisoners in shackles were being taken through Shannon Airport, although even this proved to be untrue in one curious case. Never was the central question, the refuelling at Shannon of American aeroplanes whose only known purpose was rendition, addressed.

The committee of inquiry of this House, which was in the process of being established with all-party support to determine the facts in an impartial manner, was shamefully disbanded at the instigation of elements within the Government. Official Ireland accepted bland assurances, that had no legal value or basis, from Ms Condoleezza Rice that the USA did not engage in torture. What else is water boarding, drowning and medical resuscitation of victims but torture? Even the USA legal establishment has now belatedly come to acknowledge this, and in recent weeks a judge of the American military tribunals has dismissed charges against a Guantanamo inmate on the basis that he was subjected to torture. The President of the USA, Mr. Barack Obama, has openly spoken about having to dismantle the apparatus of torture after the demise of the discredited Bush regime.

In the Middle East, Washington has so far played a malign role. Under the cloak and protection of the Bush administration's guilty practices, Israeli authorities felt enabled to launch a blitzkrieg against the already suffocating population of Gaza. The European Union had paved the way for this by refusing to accept the democratically expressed will of the people of Gaza in electing a Hamas-led Government while simultaneously preaching the virtues of democracy. The EU cut off all sources of finance to the beleaguered people. In recent years, I have repeatedly tabled motions requesting that the human rights conditions of the Euromed partnership, especially Article 2 of the external association agreement between Israel and the European Union which places as an essential element the respect for human rights and democratic principles, should be examined. This was a mild step, but it was not adopted nor was it even advocated by Ireland.

In the war on Gaza there is now ample *prima facie* evidence of war crimes committed by the Israeli forces. As with the USA in Iraq, reporters were excluded, civilian areas were intensively bombed and civilian schools and medical facilities were targeted. Even UN facilities, the coordinates of which were repeatedly made known to the Israeli military, were subject to attack. Chemical materials of an extremely dangerous nature such as white phosphorus were extensively used. There is some lenience in international law for the use of white phosphorus but merely as a masking agent to create a smokescreen for troop movement. Its use against humans, either soldiers or civilians, is expressly forbidden in densely populated areas. Any use of white phosphorus in a place such as Gaza is bound to cause civilian casualties. Almost the whole of Gaza is, in fact, a built-up area in which 1.5 million people live crammed into a place about the size of greater Dublin. In the enormous ghetto that is Gaza, there is simply nowhere for a civilian population to escape.

There is ample evidence of families rushing desperately from one refuge to another before finally being wiped out like rats in a trap. Mr. Christopher Cobb-Smith, an acknowledged weapons expert who was in Gaza as part of an Amnesty International fact finding team stated, "We saw streets and alleyways littered with evidence of the use of white phosphorus, including still burning wedges and the remnants of the shells and canisters fired by the Israeli army."

The reports speak further of the inevitable endangering of civilians. In one case recorded on 21 January, Ms Abu Halima, matriarch of a farming family in Beit Lahiya, was caught in an inferno that burnt her husband and four of her nine children to death. Her own evidence stated:

Fire came streaming from the bodies of my husband and my children. The children were screaming fire, fire and there was smoke everywhere and a horrible suffocating smell. My

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fourteen year old cried out I am going to die I want to pray. I saw my daughter-in-law melt away.

Even an Israeli who was a part of the Amnesty investigation, Ms Donatella Rovera, stated in an interview: "We do not know why they used them, but we do know that it could constitute a war crime."

New weapons are being used including dense inert metal explosive, DIME, munitions. These may cause a small wound to the individual initially. Then having insidiously entered the body it operates with extraordinary and devastating impact on the internal organs. According to the Norwegian doctor, Mads Gilbert, who worked in Gaza in the Shifa Hospital:

There is a new generation of very powerful small explosives. There is a very strong suspicion I think that Gaza is now being used as a test laboratory for new weapons.

Italian scientists in a new weapons research committee have said in a statement: "Evidence is mounting of DIME munitions wounds that may be untreatable due to the incorporation of metals such as tungsten." I have more information on this matter which I will provide later on.

Once again, the United States of America is supplying these materials of death and destruction and Ireland may be implicated. Immediately prior to the first use of white phosphorus by the Israelis in Gaza, a USA military plane, a C-130 Hercules, No. 92-0552, with unusual cargo handling modifications landed at Shannon. This plane is based at Little Rock air force base in Arkansas, USA, almost beside the Pine Bluff Arsenal white phosphorus facility, the only active producer of white phosphorus for the USA military. As in the case of rendition, we cannot conclusively say whether this plane was carrying white phosphorus or whether, as a result, we have criminal involvement in the perpetration of the horror of Gaza.

However, I am pleased that the Minister for Foreign Affairs supported the call, along with Cyprus, Sweden and Portugal, for the establishment of a war crimes inquiry. Opposition to this very reasonable move was led by Germany, prompting the question why the unfortunate Palestinians should have to pay for the guilty conscience of Germans. I urge the Minister to continue discussions with those countries that supported the call for an international war crimes investigation with a view to getting some accountability for civilian victims of the war.

Of course, there were Israeli victims too, although the numbers were very small, with casualties running in the region of 100 Palestinians to one Israeli, and three of the 13 Israelis who died did so as a result of so-called friendly fire. There were rockets fired by Hamas. This is wrong and regrettable. However, was it never to fight back? Its country was economically strangled, civilians and military personnel assassinated by remote control, any attempt at exports smothered and fishing boats shelled. What were the people there to do? Perish passively and slowly or move into intolerable subjection? One is reminded of the rhetorical question of the O'Casey character who asked, when confronted by the allegation that Irish republican irregulars were not playing fair, "Do they want us to come out in our pelts and throw stones at them?" Indeed, pathetically in many instances, as we know, this was to all intents the extent of the military response by the Palestinian population.

The Palestinian people are left isolated and unprotected. Protestations of Arab solidarity are an insulting nonsense. At the instigation of the Fatah authorities in Ramallah, the Egyptians refused to allow international medical teams to enter Gaza during the conflict through the Rafa crossing point. According to newspaper reports they used gas against Palestinians caught in the network of underground supply tunnels running between Egypt and Gaza. Most horribly of all, they are still refusing to permit the exit of seriously wounded children who require urgent treatment in European hospitals. Still we do not even attempt to monitor the implementation

of human rights protocols attached to significant international treaties. Once again, an empty formal gesture to human rights exists on paper while the actual exercise of these provisions remains deliberately and cynically dormant.

In this context, I welcome very much a new motion passed by the Joint Committee on European Affairs on 15 January 2009. The first was proposed by Deputies Michael Mulcahy and Timmy Dooley of Fianna Fáil concerning possible breach of Article 2 of the EU-Israel Euromed agreement in light of the action in Gaza, and the other, proposed by Deputy Joe Costello of the Labour Party, was a composite motion concerning both the Euromed agreement and the matter of possible war crimes.

The attitude of the Government is now changing as it slowly wheels itself into line with the view of the new administration of Mr. Barack Obama in Washington. Nevertheless, economic interests dominate even now. That is why there is little formal hope of Irish engagement on the issue of the continuing question of Tibet and the Chinese colonising forces. As we speak there is a forceful crackdown by the Chinese military on the people of Tibet, especially in Lhasa. Our position regarding the historic independence of Tibet has been shifted insidiously, but meticulously, despite protests from honourable members of the Government in recent years and without any debate on the issue or any reference to either House of the Oireachtas. Effectively, the human rights of the citizens of Tibet have been abandoned in the interests of trade. This debate in the Seanad coincides almost exactly with the 50th anniversary of the escape of the Dalai Lama from Lhasa to northern India. The Chinese, with characteristic cultural sadism, have declared a new holiday marking that anniversary, allegedly to celebrate what they call the liberation of the people of Tibet. Those of us in Europe, mindful of the gigantic economic power of the People's Republic of China, utter not a squeak.

There are reports that the Government may move to cut back our commitment to overseas development aid. This is despite the fact that we announced our intention to achieve the target of 0.7% of gross national product in the coming year or two. I believe this would be a very regrettable step, especially since our contribution is calculated not as a gross sum but as a percentage. The actual cost to the Exchequer will decline automatically in parallel with the contraction of our economy. I will conclude my remarks at the end of the debate.

Senator Joe O'Toole: I welcome the Minister of State at the Department of Foreign Affairs, Deputy Peter Power, to the House. I congratulate Senator Norris on proposing a motion covering such a wide range of issues which he has raised consistently, regularly and energetically for several years in the House. We should congratulate Senator Norris on highlighting these issues. We call on the Government to affirm strongly and publicly its commitment to human rights and to the individual exercise of those rights both domestically and internationally. Will the Minister of State indicate in his response whether he can endorse that part of the motion, and that the Government has no difficulty strongly and publicly affirming its commitment to human rights and to the individual exercise of those rights, both domestically and internationally? It is important to put this on the record, despite the extent to which we are critical of the Government in terms of how it has dealt with the matter today. I wish to strike that balance, which is important for those reading the record of the debate. We can argue about the implementation and the funding but at least our objectives should coincide.

In the last hour, I have listened to the Minister of State, Deputy Peter Power, defending the Government's position in the other House. My point is that people must retain the objective and the philosophy and then they will deal with the issue.

Senator Norris has quite correctly raised these matters in his motion. Issues arise in this regard and, while I will not have time to cover all the areas, I wish to refer to a few of them. In the past five years, before the departure to China of every ministerial group, I have written

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to the Government asking it to raise the questions of Tibet and Chinese human rights. The Government should do this and a balance can be found in this regard. Ireland has gone in one direction only and has not raised the issue of rights with the Chinese Government. On every occasion, I should at least be reassured that the Government has stated that this is a matter with which the western world will not put up and about which it must see change. We should at least bargain with the Chinese Government and move it along. The International Olympic Committee tried to do so and was given commitments, which were not delivered on. This is the kind of matter about which we must care. Twenty years have passed since I first raised the issue of Tibet in this House and I have raised it consistently ever since. I recall seconding a motion tabled by the then Senator Mary Robinson in this House, however long ago that was, on this issue.

Such issues define us as a State. We are proud of such institutions. I recall that after the Good Friday Agreement and the consequential establishment of the Human Rights Commission, we basked in the applause of Europe because as an island we were moving forward to deal with such issues. In this House, Members congratulated their former colleague, Senator Maurice Manning, on his appointment to head that organisation. I spoke to him and to his organisation recently and from memory, its budget has been reduced from €2.3 million to €1.4 million or €1.5 million. Because of the nature of the business in which I have been involved, I asked them a simple question, namely, how much of that budget was for salaries and how much did the commission have for its work. Its total budget will barely pay the salaries of its employees. Consequently, although it can perform work at that level, it cannot go beyond it, which is highly restrictive.

I chair Co-operation Ireland's parliamentary group in Leinster House and the matter that concerns its members more than anything else is the lack of depth in community activity and in peace activities. When people are not being killed, the world turns away and thinks all is well but this is far from being the case. I was in company last week, when the Uachtarán travelled to Belfast to visit the peace walls, and three people in that company asked what were peace walls. People do not realise that actual, and not metaphorical walls still are being built in Belfast to separate the Shankill Road from the Falls Road, as well as in other locations. People in the South think that everything is rosy in the garden up there. These issues are defined by the Good Friday Agreement and are hugely important to us. The Minister of State must ensure that the commission can continue in business. I will put it another way. Were Members to find out that human rights in the North were being compromised in some way by activities of a Unionist Government or Assembly, they would have searching questions to ask and would be unhappy about aspects of it. Such a balance also is necessary down here.

As I stated, such matters define us as a State. When one considers the weak and the vulnerable in society, what is important is how we give them voice, representation and their rights. All the organisations, authorities and commissions mentioned in the motion tabled by Senator Norris are conduits through which we do so. I view this development with a certain sense of sadness and poignancy. In the early or mid-1970s, I canvassed for the enactment of employment legislation and the Employment Equality Act finally was enacted in 1977. We then celebrated as it was a huge development of great importance. A couple of years later, in 1978 or 1979, I represented the first teacher to win a case under the equality legislation. Consequently, I have had a long association with this issue and watch it carefully. I admire the work of the Equality Authority. While I know it is an irritant, anything good in a democracy is an irritation. If it does not irritate or catch one's heels at some point, it is not doing its job.

Senator David Norris: Hear, hear.

Senator Joe O'Toole: That is extremely important. No matter what walk of life one comes from, a person who tells one what one wishes to hear, rather than what one needs to hear, is not needed. People who tell others what they need, but may not wish, to hear should be valued in a democracy. I believe that is what the Equality Authority was doing and I deeply regret the resignation of Niall Crowley. I say that as an objective observer of the work he was doing. I did not agree with all the issues it raised. Having been elected to this House, Members are part of the establishment and look at matters from a different viewpoint. Nevertheless, I welcomed all the issues it raised. I welcomed them for the discussion they caused, the challenge they created and for the debates Members had on such issues in which they argued among themselves as to whether they were right or wrong. Such creative tension of argumentation advances the political process and is of great importance.

An Leas-Chathaoirleach: One minute remains to Senator O'Toole.

Senator David Norris: Senator O'Toole is not speaking fast enough. He should learn from me.

Senator Joe O'Toole: That is unfortunate. As a former president of the ICTU, I regret that the two ICTU delegates to the Equality Authority, Louise O'Donnell and David Joyce, with whom I have worked closely over the years on many issues, have found it necessary to withdraw from it. This is terrible and tragic. These people have a great commitment to such issues, energetically make the effort and make it work. From the ICTU perspective, two issues of extraordinary importance were being dealt with this year. The first pertained to the question of people using agency workers as a means of circumventing the rights of workers. I refer to the use of agencies based in other countries or jurisdictions or in this jurisdiction in an effort to get around the rules dealing with labour legislation. ICTU simply seeks an investigation into this issue, which is the purpose of the Equality Authority. Similarly, ICTU also wanted the authority to examine the manner in which people with intellectual disabilities are being dealt with in sheltered workshops, how such workshops operate, what support exists for them and so on. While the Minister of State may respond by saying the authority still will set about doing so, having considered the budget, one should not cod oneself. This cannot be done in the desired manner.

Will the Minister of State re-examine this issue? I refer to the urgency with which this was done. It could have been stated that the country was going through a bad year and that although cutbacks in the budget were required this year, it would be reinstated in the following year. People could cope with that and could submit a plan, however much one might argue with it. However, it appears as though the authority has been knocked, weakened, handcuffed and shackled. Its energy has been compromised and its force has been diluted. The aforementioned agencies will fail to discharge what is required of them legislatively. As Members established them to perform a task, they must give them support. I want the Minister of State to state the Government hopes to return such a level of support and resources to these agencies next year or the year after. I would like to hear a commitment in this regard.

I second the motion.

Senator Ann Ormonde: I move amendment No. 1:

To delete all words after "Seanad Éireann" and substitute the following:

“ — notes that it is not the Government's intention that the Combat Poverty Agency will simply be absorbed into the Office for Social Inclusion in its existing form, but rather that a new strengthened division will be created that will make the best use of the

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considerable experience and expertise of the staff of both existing bodies and will seek to provide a stronger voice for those affected by poverty and social inclusion issues;

- acknowledges that the very difficult budgetary situation resulting from the global economic crisis has led to necessary reductions in the budgetary allocations to a number of State bodies including, the Equality Authority and the Irish Human Rights Commission;
- welcomes the establishment of the Office of the Minister for Integration and the measures being taken in promoting interculturalism and tackling racism which are being resourced as core activities by that office;
- welcomes the Government's commitment to work with the Equality Authority and the Human Rights Commission to ensure they can fulfil their functions, secure economies in overhead costs and minimise the impact of cuts on core activities;
- welcomes the 15% increase in the provision for the Equality Tribunal, which will enable it to tackle the backlog of cases before it;
- recognises Ireland's strong record of highlighting human rights concerns internationally, including in regard to places such as the Occupied Palestinian Territories, Burma, Zimbabwe, Sudan and Tibet;
- shares the Government's consistent and complete opposition to the practice of so-called 'extraordinary rendition' and notes the commitment in the programme for Government to 'ensure that all relevant legal instruments are used so that the practice of extraordinary rendition does not occur in this State in any form'; welcomes the creation of a Cabinet committee on aspects of international human rights to expedite the programme for Government commitments on extraordinary rendition; and welcomes the commitment of the new United States Administration to review US policy in this regard; and
- welcomes the Government's strong and continuing commitment, both domestically and internationally, to the protection and enforcement of human rights."

I welcome the Minister of State to the House and welcome the opportunity for a debate on the issue of human rights and the protection of human rights on both the domestic and international fronts. However, I also wish to put forward a counter-discussion in this regard and to acknowledge and reinforce the Government's strong and continuing commitment, both domestically and internationally, to the protection and enforcement of human rights. While I acknowledge the points raised in respect of the Equality Authority and the Human Rights Commission, I also respect the point that the decision on the expenditure for 2009 was made having regard to the need for substantial savings. The Minister for Justice, Equality and Law Reform has stated many times that his main priority in the justice sphere will be to tackle crime and, therefore, funding must reflect that priority. The announcement to integrate the administration and office facilities of the Equality Authority and the Human Rights Commission made good sense and will go a long way towards reducing costs. Further savings will be realised by the completion of the transfer of staff to Roscrea.

Both bodies have been asked to reduce spending on consultants, advertising and promotional activities. The practice of publishing reports in glossy formats must cease and will result in significant savings and better efficiencies. I do not doubt this will be all that will be expected.

It will be good because there was much loose money and abuses of spending. I will have no difficulty with this measure.

Senator David Norris: Not in the Equality Authority. The Senator should provide facts and figures.

An Leas-Chathaoirleach: Senator Ormonde without interruption.

Senator Ann Ormonde: I welcome the 15% increase in the provision for the Equality Tribunal to adjudicate on individual claims and to tackle the backlog of cases. We endorse the core function of the Irish Human Rights Commission, IHRC, which is to scrutinise legislation that affects human rights. Likewise, the Equality Authority will continue to be an independent voice in order to eliminate discrimination and to promote equality. I hope this will be the Government's commitment. When the Minister of State contributes, I do not doubt he will endorse my sentiment. I would not want it any other way.

Every Senator will wholeheartedly support Ireland's stand on human rights internationally, but I cannot accept the terms used in the motion, namely, that we have abandoned the people of Tibet. It is not true.

Senator David Norris: We have. What have we done?

An Leas-Chathaoirleach: Senator Ormonde without interruption.

Senator Ann Ormonde: The Government continues to monitor closely all issues regarding human rights in China, including the situation in Tibet. These issues are raised regularly through bilateral contacts with the Chinese Government and in concert with our EU partners. Issues for discussion are those of special importance to the people of Tibet, including freedom of expression and the preservation of culture and religion.

The Government is aware of events in the Israeli and Palestinian territories. The rights of both sides must be respected. During the Minister of State's last visit, he raised with the Israeli authorities the issues of settlement with the Palestinians and restrictions on movement. Senator Norris has acknowledged the Minister of State's ongoing and open-ended good work in this regard. We are all watching the situation carefully. Zimbabwe and Sudan have seen human rights violations and intimidation. The Government is engaged in dialogue with their embassies, authorities and officials to try to highlight human rights abuses.

As has been made clear many times, including in the House, the Government is opposed to the practice of extraordinary rendition. The policy has not changed. The programme for Government contains a number of commitments on which action is already being taken and that will be carried forward by last October's establishment of a Cabinet committee on aspects of international human rights. With a view to strengthening legislative provisions, as necessary, the committee is to review the statutory powers currently available to the civil and police authorities to search and inspect aircraft in the context of the State's obligations under the Chicago convention. As has been often stated, the Garda has full powers of search and inspection where it has reasonable grounds for suspicion. In keeping with the programme for Government and in light of international developments, this is an opportune time to confirm that the legislation is as effective as it can be.

As requested by the committee, the embassy in Washington made early contact with the transition team of the new US Administration to seek a clear statement of intent that extraordinary rendition would cease and would not resume during the new President's term of office.

Senator David Norris: It is called shutting the stable door.

Senator Ann Ormonde: On 22 January, President Obama signed three executive orders concerning a number of issues under the committee's remit, including an order on ensuring lawful interrogations, which provides that all persons detained following armed conflicts shall, in all circumstances, be treated humanely and shall not be subjected to violence or outrages to personal dignity. A task force to evaluate the policy of transferring individuals to third countries to ensure that it complies with all obligations has been also established by President Obama. We will monitor its progress. I welcome the new Administration's commitment to review and examine US policy on these issues and will continue to follow developments closely.

In opposing Senator Norris's motion, the Government is honouring its national and international commitment to the protection and enforcement of human rights. I have tabled the counter-motion to this effect.

Senator Maurice Cummins: I commend the motion so ably and passionately proposed by Senator Norris, as it is necessary. I also commend him on using a Private Members' motion to raise concerns about human rights and the decimation of a number of agencies that deal with them and equality.

In December 1948, the United Nations adopted one of the most profound documents in the history of humanity, namely, the Universal Declaration of Human Rights. Article 1 sums up human rights simply by stating:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The principle of inalienable human rights runs through many constitutions and declarations worldwide. The European convention on human rights, to which Ireland and other countries are signatories, enshrines fundamental rights such as the right to life, the prohibition of torture, the banning of slavery and forced labour, rules on lawful detention, the right to a fair trial, a right to privacy, freedom of conscience, religion and association and the prohibition on discrimination. Signing up is one matter, but adhering to those principles is another.

Abolishing pointless quangos and amalgamating others is all very well, but the only ones that seem to have been targeted are those that dared to stand up to the Government, as mentioned by Senator O'Toole. The Government has strangled the Combat Poverty Agency, savaged the Equality Authority to the point of being effectively unworkable and tried to silence the IHRC by slashing its budget. These are the facts.

My party has criticised these decisions because the Government has not used the cutbacks to get efficiencies, but to silence criticism and to send a message to other groups, namely, that they will be left alone if they do not cause it trouble, but that they will be crucified, like the organisations to which I have referred, if they stand up and point out that the Government is wrong. It was cynical, dishonest, reprehensible and wrong to do so.

Fine Gael tabled motion No. 32 on the Order Paper to address this matter. We are prepared to back fully the motion proposed by Senator Norris and seconded by Senator O'Toole.

Fine Gael regularly stresses the importance of ethics and the rule of law in foreign policy. During the recent war in Gaza we called for independent verification of all claims by all sides and that all breaches of international law and human rights obligations by Israel or Hamas be prosecuted.

Once a trade deal includes human rights protocols they must be followed and monitored. Human rights should never be sacrificed for trade. Fine Gael places strong emphasis on the rule of international law. There must be no running away from human rights. Trade is crucial but lives are sacrosanct and human rights are central.

Fine Gael always has and always will oppose extraordinary rendition. We understand the sense of fear that existed after the terrorist attacks on 9 September 2001 in the United States but to use the words President Obama addressed to his fellow citizens at his recent inauguration, "As for our common defence we reject as false the choice between our safety and our ideals". We hope that the election of President Obama means an end to rendition and that a new foreign policy, radically different from some of the appalling policies of President Bush, will be pursued.

Anything that compromises the fundamental principles of human rights in a society is a defeat for that society. Human rights are neither optional nor negotiable. We in Fine Gael do not accept the abandonment of the rights of the people of Tibet purely for economic gain, nor do we accept the denial of human rights to the peoples of Israel and Palestine. That does not mean we do not have contact with the governments of these people or that we must not have trade with them but we must at all times keep diplomatic channels open. Contracts on trade must never mean silence on human rights. I agree with Senator O'Toole that when we go on diplomatic visits to countries such as China we should not be afraid to voice our opinions and our concerns about human rights in Tibet and other nations. We should be prepared to speak and people will respect us for our principles. Conscience must never be sold for 30 pieces of silver or any other currency.

I strongly agree with the principle of this motion that this House call upon the Government to strongly and publicly affirm its commitment to human rights and to the individual exercise of those rights domestically and internationally. Principle belongs in politics and there is no more fundamental principle than the commitment to human rights. For this reason my party fully supports the motion proposed by Senator Norris. I refer to our similar motion No. 32 on the Order Paper which we may move at a later date if we do not see any progress on the issues raised here this evening.

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I thank the Senators, particularly the Independent Senators, for their contributions. As usual they were incisive, constructive and extremely well informed on the important issue of human rights for which Ireland has an international reputation.

The Independent Senators have put down a motion on a series of human rights, equality and poverty issues of mixed ministerial and departmental policy responsibility. There are several foreign policy aspects which are the policy responsibility of the Department of Foreign Affairs which I am happy to address in the absence of the Minister for Foreign Affairs, Deputy Micheál Martin, who is on an official visit to the Middle East and Gulf region this week. Such a visit affords the Minister the opportunity to raise and discuss some of the international human rights issues which are the subject of this evening's motion here.

There are several domestic issues contained in the motion for which the Department of Foreign Affairs has no policy role. Some, including the Equality Authority, the Irish Human Rights Commission and the National Consultative Committee on Racism and Interculturalism, NCCRI, are the responsibility of my colleagues the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern and the Minister for Social and Family Affairs, Deputy Mary Hanafin, who has policy responsibility for the Combat Poverty Agency.

The Government side regrets the overly and unfairly negative tone of the original motion and some of the comments of the Senators in their statements to this Chamber today.

Senator David Norris: The Minister of State was great to know the comments before we uttered them.

Deputy Peter Power: We have tabled a counter-motion which sets out the Government's approach to the issues raised.

I propose to address the various points which are the subject of today's counter-motion, moved by Senator Ann Ormonde, in the order in which they appear in the motion.

The Minister for Social and Family Affairs said that the Government's decision to integrate the Combat Poverty Agency and the office for social inclusion within the Department of Social and Family Affairs was informed by a review of the Combat Poverty Agency, undertaken on foot of a Government decision on 6 June 2007.

The review noted that the office for social inclusion and the Combat Poverty Agency had similar agendas and functions and highlighted the advantages of bringing them together. The legislative provision to give effect to this change is contained in the Social Welfare (Miscellaneous Provisions) Act 2008. It is not the intention of the Minister for Social and Family Affairs that the Combat Poverty Agency will simply be absorbed into the office for social inclusion in its existing form. A new, strengthened division will be created that will make the best use of the considerable experience and expertise of the staff of both existing bodies and will seek to provide a stronger voice for those affected by poverty and social inclusion issues.

The Minister advises that the new division will provide a unified institutional structure to support Government, officials and the wider community in addressing issues of poverty and social exclusion. It will play a central role in co-ordinating the ongoing development and implementation of the national action plan for social inclusion in collaboration with the senior officials group on social inclusion, Departments, local authorities and agencies. Key functions will include policy advice, research, data availability, communications, poverty impact assessment and the strengthening of social inclusion strategies.

Consultation and collaboration with the social partners, including the community and voluntary pillar, will be a major part of the process. The Minister has asked the new division to prioritise the development of procedures to ensure that the views of these and other stakeholders, including people experiencing poverty, continue to be available to Government in developing and monitoring social inclusion strategies.

The Minister asked that I emphasise that the Department of Social and Family Affairs is working closely with the board and staff of the Combat Poverty Agency in completing the necessary arrangements for the smooth integration of the Combat Poverty Agency and the office for social inclusion. A detailed implementation plan, which has been developed with the expert input of the staff of both bodies, is in place. It is envisaged that the key strands of the integration process will be substantially finalised by the beginning of July.

Senators Bacik, Norris and O'Toole have raised several domestic human rights and equality issues today and in the past on several motions which have come before this House. My colleague, the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, asked me to say that the context in which financial provisions have been made by the Government for the National Consultative Committee on Racism and Interculturalism, NCCRI, the Irish Human Rights Commission and the Equality Authority were outlined in the budget statement on 14 October last. That context is the wholly exceptional circumstances in which decisions on spending for 2009 have been made, having regard to the need for substantial savings. Not alone were decisions made following the budget which was announced before Christmas, but also following the further deterioration of the public finances and the further Government decision in the past 24 hours.

The Government announced, as part of the budget measures, that funding to the NCCRI would cease and its functions would be absorbed into the office of the Minister of State responsible for integration, and be administered directly that office. The NCCRI has received funding

from the justice Vote over the past decade and has done valuable work in combating racism and promoting diversity. However, in light of the great increase in immigration to Ireland, the Government decided to appoint a Minister of State at the Department of Justice, Equality and Law Reform with special responsibility for integration policy. The Minister informs me that the establishment of the office of the Minister of State responsible for integration and the new arrangements outlined in the policy statement, Migration Nation, mean that he must review the purpose of existing expenditure, and he believes it was appropriate to cease this funding and absorb the functions of NCCRI into the office of the Minister of State responsible for integration.

The Government recognises that the reduced budgets will cause some difficulties for the Human Rights Commission and the Equality Authority. However, it is satisfied that sufficient funding has been provided to the bodies to enable them to discharge their core activities in 2009. The Minister rejects as completely false and misleading suggestions that the Equality Authority has been rendered unworkable, or destroyed, as has been stated. He has said that these are suggestions with which the majority of the board of the authority do not agree. The authority has stated that it can work within its budget for 2009, primarily by reducing overheads, and that it can maintain programme expenditure at the level it originally proposed in December 2008. In particular, the provision for non-pay expenditure on legal advice and representation shows no change. The provision for research shows a slight increase. There is no change in the original plan for equality mainstreaming.

Contrary to what is being alleged, the Minister contends that the authority is maintaining its core activities and this will be achieved by a dedicated use of the skills and talents of the staff of the authority, combined with a significant reduction in the extraordinary reliance heretofore on external consultants to carry out authority functions. The Government believes that significant efficiencies and savings can be realised by both bodies sharing office facilities. Other areas where savings can be made are likely to include shared information technology and telecommunications facilities.

The 2009 provision for the Equality Tribunal, which adjudicates on individual claims of inequality, has been increased by 15% to reflect the priority that should be given to people who have a grievance in this respect. The social partnership agreement, Towards 2016, set as a priority in the equality sphere the elimination of the backlog of cases at the tribunal. The allocation of resources in the 2009 Estimates reflects that priority. The Government is keenly aware of the difficulties facing the marginalised and vulnerable in society. For this reason, the 2009 Estimates for the Department of Justice, Equality and Law Reform maintain funding for disability and civil legal aid close to what it was in 2008.

The Government is committed to the principles of equality and the elimination of discrimination, as enunciated in the equality legislation passed by the Oireachtas. The Minister commends the work of the Equality Authority and the Human Rights Commission and states his commitment to seeing a secure and viable future for that agency. This Government and its immediate predecessors promoted the principal Equality Acts and Human Rights Acts and established the Equality Authority and the Irish Human Rights Commission. The Government will continue to earmark substantial taxpayer resources to the Equality Authority and the Irish Human Rights Commission to allow them to carry out their core functions as per the legislation. When national finances permit, the Minister for Justice, Equality and Law Reform will also ensure the budgets of the Equality Authority and the Irish Human Rights Commission are appropriately increased.

The Government is committed to helping all our citizens in these difficult times. The Minister has informed me that departmental officials are having ongoing meetings with both the

[Deputy Peter Power.]

Equality Authority and the Irish Human Rights Commission to ensure they can effectively manage their 2009 budgets.

I emphasise our strong commitment to the full range of international human rights issues. Ireland has a very strong record on pursuing human rights concerns at an international level. With regard to the issues specifically raised in the motion, respect for human rights lies at the very heart of the Government's policy on the occupied Palestinian territories. We have based our responses firmly on the principle that both Israelis and Palestinians have the same rights to peace, security, freedom and development, and that the rights of one side do not negate those of the other.

The human rights provisions of the EU's association agreement with Israel have provided a mechanism — as they do with other countries — for us to raise human rights cases directly with the Israeli Government. Ireland has consistently worked at EU level for robust engagement on these issues. Ireland took a leading role on this issue, especially since 28 December. The Minister for Foreign Affairs took a leading role in Council meetings to highlight the plight of those who are disadvantaged in Gaza and in the occupied Palestinian territories. The Minister and I collaborated in providing an additional €500,000 to UNRWA, which is the primary delivery body in that area and is at the forefront of the humanitarian response there. We are one of the biggest donors to that body and we will not be found wanting once the needs assessment on reconstruction is completed in the coming weeks and months. In response to the concerns of human rights groups, we have successfully argued for the establishment of a full human rights sub-committee under the agreement.

The Government has also acted in support of human rights on the ground. Through the human rights and democratisation programme of Irish Aid, the Government funds a number of human rights non-governmental organisations in Israel, the West Bank and Gaza. Our embassy in Tel Aviv and the representative office in Ramallah have been very active in working with NGOs, assisting individuals, making representations to Israeli and Palestinian authorities, reporting on human rights issues, and helping human rights defenders move in and out of Gaza and the West Bank.

The Government remains committed to helping the Burmese people in their struggle for justice, democracy and development. In pursuit of this goal, the Government has engaged in diplomatic activity with Burma's neighbours and in international fora, and it has provided support to groups working to promote democracy, human rights and development for the people of Burma. This House has been very active in supporting the humanitarian relief in the aftermath of Cyclone Nargis, which devastated the Irrawaddy Delta in the south of the country and which left up to 140,000 people dead within weeks of the disaster. The figures put into context some of the other international disasters, be they man-made or natural.

At the end of January, the Department of Foreign Affairs funded a visit to Ireland by the democratically elected members of the Burmese Parliamentary Union and the members of the National Coalition Government of the Union of Burma to enable them to hold their fourth congress and consultation meeting here. The purpose of the meeting was to plan
6 o'clock future strategy, to seek to advance national reconciliation and union within
Burma and to garner the support of the international community so the process
of democratisation in Burma can be furthered. I am delighted we have been able to support
their work in this way.

Having listened carefully to Senator Norris's comments on Tibet, I recognise his ongoing commitment to the area. The Government shares that commitment and remains deeply concerned about the situation in Tibet, which remains extremely tense following the disturbing

events there in March of last year and in the run-up to the Olympic Games in Beijing. The Chinese authorities have been engaging in a security operation in the Tibetan capital over recent weeks. They have run checks on almost 6,000 people and detained 81 of them. The Department of Foreign Affairs, at ministerial and official level, maintains close contact with the Chinese authorities regarding Tibet. It also supports efforts at EU level. I can respond to Senator O'Toole's constructive contribution by assuring him that Ireland is using its contacts to underline the importance it attaches to human rights and emphasise the right to freedom of expression and peaceful protest. Dialogue between the Chinese authorities and the Dalai Lama, or his representatives, remains the most effective way of protecting Tibetan culture, identity, religion and human rights, and securing some measure of autonomy for Tibet within China. The unsatisfactory pace and substance of the dialogue process needs to be accelerated and upgraded, however. Ireland has consistently outlined its strong concerns about human rights issues in number of countries, including Zimbabwe and the Darfur region of Sudan.

I confirm the Government's total opposition to the practice of extraordinary rendition, which all Members of the House have raised during this debate. Not only is it illegal in this country, it is also contrary to our constitutional provisions on personal freedom and our international human rights commitments. The US authorities were made aware of the Government's position as soon as the first allegations regarding this practice emerged. It is crucial to reiterate that none of the various investigations into allegations of extraordinary rendition has revealed any evidence, or even a specific allegation, that any person has on any occasion been subject to extraordinary rendition through Ireland. The Government has received uniquely clear and categorical assurances from the US that no extraordinary rendition has taken place through Ireland. Those assurances have been confirmed repeatedly on the US side.

The programme for Government contains a number of commitments on which action is already being taken by the responsible Departments. The programme states that the Government will "ensure that all relevant legal instruments are used so that the practice of extraordinary rendition does not occur in this State in any form". The House will be aware that a Cabinet sub-committee on aspects of international human rights was established last autumn. As part of its remit, the sub-committee has reviewed the programme for Government commitment in which this country's total opposition to extraordinary rendition is outlined. Following a decision that was made by the Cabinet sub-committee, the Irish embassy in Washington made early contact with the transition team of the new Obama administration to seek a clear statement of intent that extraordinary rendition will cease and not resume during the new President's term of office, that the detention facility at Guantanamo Bay will be closed at the earliest opportunity and that intensive interrogation techniques such as water boarding, which are internationally considered to constitute torture, will be clearly prohibited.

On 22 January last, the new US President, Mr. Obama, signed three executive orders which address these issues. The first order requires the closure of the Guantanamo Bay detention facility as soon as practicable and within a year at the latest. I warmly welcome this move for which Ireland has been calling for several years. A second presidential executive order, which will ensure all interrogations are lawful, provides that all people detained following armed conflicts will be treated humanely in all circumstances and will not be subjected to violence or outrages to personal dignity. The US President, Mr. Obama, has established a task force, one of the functions of which will be to evaluate the policy of transferring individuals to third countries to ensure it complies with all obligations and is sufficient to ensure all individuals will not face torture and cruel treatment if transferred. I assure Senator Norris that the Government will convey its strong support for the steps taken to date by the Obama administration in its future contacts with that administration at political and official level. We will continue to follow developments in this area carefully.

[Deputy Peter Power.]

I assure all Senators that the Government will maintain its strong commitment to the protection and enforcement of human rights, domestically and internationally. It will continue to meet its national and international obligations in this regard. I commend the motion, as amended, to the House.

Senator David Norris: I believe the Minister of State is commending the amendment.

Deputy Peter Power: I made that clear in my presentation. I commend the amended motion to the House.

Senator Dominic Hannigan: I welcome the Minister of State to the House. I thank Senators Bacik, Norris and O'Toole for proposing this motion. In times of crisis such as that we are currently experiencing, it is easy to retreat into narrow and confined self-interest. During such times, priorities change quickly, previously held beliefs are diluted and core principles are often relegated to fringe concerns. We all know we are facing an extended period of economic contraction. A new set of priorities is needed if we are to face our new challenges. That will involve sacrifice and compromise. We must not let our difficulties and challenges serve as a smokescreen for moral cowardice. While the scale of the financial crisis in this country is unprecedented, it does not provide political cover for a fire sale of our values. It is too easy to argue that everything has a price and that nothing is sacred. It is important to send a message that our culture of philanthropy, promotion of common decency and commitment to human rights is not for sale at any price.

Nationally, the past 15 years have seen considerable advances in the promotion and development of human rights across a range of sectors. Today and previously in this House, Senators have expressed concern that these advances are under attack from the Government. My party shares these concerns. On a personal level, I am deeply concerned that the debacle surrounding the dilution of the power of the Equality Authority — I refer in particular to the resignation of its chief executive, Mr. Niall Crowley, and other members of its board — has set a disturbing precedent for how the Government intends to proceed. It is beyond doubt that this episode was politically motivated. The Minister for Justice, Equality and Law Reform and other members of the Government continue to insult our intelligence by denying this is what happened. We should call it what it is — an insult.

Like the first Freedom of Information Act, the Equality Authority has been a victim of its own success. It went about its business in a forceful manner. It rattled many cages by doing what it was supposed to do. The Government opted to strip the Equality Authority of the resources it needed to carry out its work. That should not come as a surprise to us because the Government frequently regards dissent as an unfortunate by-product of democracy. The dissemination of lies, spin and misinformation to discredit Mr. Crowley and his fellow board members as they tried to conduct the authority's work was unedifying in the extreme.

Senator David Norris: Hear, hear.

Senator Dominic Hannigan: I commend certain people in the media and the community on exposing the Government's cynical, calculated and disgraceful campaign.

Many Senators spoke about international human rights issues in Tibet, Burma and elsewhere. I ask the Minister of State to try to put some pressure on the EU to deal with the situation in north-east Sri Lanka. Approximately 250,000 people have been sealed into an enclave, in effect, by the Sri Lankan authorities. No journalists are being allowed into the region. I am concerned about what is going on in the enclave. We are all aware of how we missed the boat, to a large

degree, when ethnic cleansing was occurring in places such as Rwanda. Pressure needs to be imposed at European and international level to ensure the Sri Lankan Government is in no doubt that it will be brought to account by an international court if it carries out any crimes during its current campaigns.

I would like to speak about the rights of prisoners. Like the Minister of State, I was glad to hear about the commitment given by the US President, Mr. Obama, to close the Guantanamo Bay detention centre. I refer to a report on prison conditions that was published last year. It states:

...conditions were cramped with two prisoners being accommodated in cells of 8 sq. m. The pervasive smell from the use of chamber pots in each other's presence compounded these deficiencies. ... The delegation [to the prison] came across three prisoners ... sleeping on a mattress on the floor; at the time of the visit, food had been served without the chamber pots having been emptied and the air in the cell was rank and humid.

That report was written, not about a Cuban prison 3,000 miles from here, but about a prison three miles from here, Mountjoy Prison, a few streets away from where Senator Norris lives.

Senator David Norris: Hear, hear.

Senator Dominic Hannigan: It was written by the Committee for the Prevention of Torture. According to it, our prisons are unsafe for both inmates and employers. They are overcrowded, have poor hygiene and a culture of violence. Coupled with that, the closure of hospitals that served people with a mental illness throughout the country has resulted in an increase in mentally ill people being placed in jail, a totally inappropriate course of action for people who should be afforded real health care in line with their illnesses. How can we expect any level of rehabilitation if we continue to place prisoners and mentally ill people in such conditions? I note the Minister of State warmly welcomed the move to close the detention facility at Guantanamo. I am glad to note that but, with respect, he needs to give us a clear picture as to his intentions regarding penal reform in this country.

I would like to make a few remarks on our international commitments to the support and development of human rights on an international level and in regard to the fundamental right to life and the fundamental right to food. I was extremely disappointed by the Government's intention to reduce the overseas aid budget by €100 million. The establishment of Irish Aid and the commitment of successive Governments to the delivery of development aid has been a hugely commendable reflection of our global priorities. When the Minister of State spoke on this issue in the other House, he said that tonight 1 billion people will go to their beds hungry and that for every person in Ireland there are 250 people worldwide who will not have enough food to eat today. Yet the aid budget will be cut at a higher level than the cut in any other budget. I have seen at first hand the benefits of the aid programme, as has the Minister of State and I acknowledge his commitment to this area. The benefits we get in terms of health, education and betterment of civil governance is money well spent and expenditure of which we as a nation can be extremely proud.

The proposed scale of this cutback is worrying. It will send entirely the wrong message to the international community. Other donors could simply say the Irish are cutting their aid programme and that they can do the same. The end result is that the Third World will lose out. What kind of example are we showing?

I ask the Minister to reconsider this proposed cut? Senator Ormonde, who is present and other Senators, including Senators Boyle and Ó Murchú, on the Government side of the House, have credibility on this issue and are committed to overseas aid. I ask the Minister of State to

[Senator Dominic Hannigan.]

reconsider what is proposed here. The cut proposed is too great. I ask the Minister of State to reflect on this and to reconsider if the proposed cut can be reduced.

I commend the Senators who brought forward this motion for debate tonight. We are facing into a period where only hard decisions will ensure our safe passage through this mess. However, it is important to point out that sometimes hard decisions involve retention rather than abolition. We should keep at least a tentative eye on the kind of nation we want to be when we emerge from this crisis. A populace race to the bottom is in nobody's interest. Our commitment to the promotion and development of human rights should not be a fair weather pursuit at home or abroad.

Senator Dan Boyle: A problem I have with this evening's compendium Private Members' motion tabled by the Independent Members of the House is that seven items are directly referred to in it but, with only eight minutes in my time slot, it is difficult to divide my time accordingly. However, I will make a valiant attempt to do so.

I am on record in this House as having expressed concern and unhappiness about decisions relating to the many issues covered in this motion. In the nature of politics and Government, one makes one's case and accepts decisions that are arrived at collectively. I will respond to many of the points raised in the motion.

My first point is that an impression has been created that the only decisions relating to rights-based agencies have been those that have affected decisions to amalgamate or cut the number of State agencies. The largest such amalgamation proposed in events last year was the move to have greater co-ordination between the National Consumer Agency and the Competition Authority, each of which is a large organisation in its own right and each of which has an individual budget. That move was the most telling of Government decisions in that regard.

Nevertheless, the type of thinking that prevailed then and continues to prevail in the system was that concerning the Equality Authority and the Human Rights Commission. Arguments were made as to whether one body should be in existence in place of both. Arguments were raised against that idea and instead of a new single entity, it was decided that the budgets of both, in terms of public expenditure that exists now, would be cut.

In the case of the Equality Authority that has led to the subsequent resignation of its chief executive officer and five members of its board, both actions that are to be regretted because the Equality Authority has done and will continue to do excellent work in this regard. In announcing the resignations of both the directors and the chief executive, concern about the authority being able to operate within a severely restricted budget, of at least one third in terms of cuts, was publicly announced by all concerned. The gap between how the Equality Authority can operate effectively and how it is being allowed to operate is something that can be and is still being addressed.

In having a continuing two-organisation policy towards the Equality Authority and Human Rights Commissions, it was considered that one area of savings could be made in terms of a shared secretariat. I have said in this House on many occasions in the past that the idea of a shared secretariat is undermined by attempts to move most of the operations of the Equality Authority to Roscrea, some 80 miles away. The resignation of the CEO and the board members is leading to ongoing consideration of this policy element. I am convinced that decisions can be and will be made in this regard.

In regard to the National Consultative Committee on Racism and Interculturalism, the programme for Government introduced, at the suggestion of the Green Party as one of the negotiators, an office of a Minister of State with responsibility for integration. It was considered in

the new climate prevailing that some bodies have a natural life and can be operated in a different format. As one who is chair of a migrant organisation in Cork, I believe this can be applied to the National Committee on Racism and Interculturalism. It has served a purpose and done its work well but it could not be seen as an institution that would have an ongoing life for ever and ever. There are times such decisions need to be made about State bodies.

The point concerning the monitoring of human rights protocols attached to the external trade agreement between Israel and the EU is probably one on which I would agree with Senator Norris, but it must be acknowledged that the Irish Government's position in criticising the recent appalling behaviour of the Israeli Government and demanding international action was among the best in the European Union.

Senator David Norris: I certainly agree with that.

Senator Dan Boyle: We cannot be churlish about that.

The point concerning the abandonment of the people of Tibet in the interests of trade is an issue on which I share many of Senator Norris's concerns. At the time of the Olympic Games last year there was an international impetus to force the Chinese Government to engage in negotiations with representatives of Tibet, but how sincere they are and how that process is progressing is something about which we can ask legitimate questions. My party leader made a few remarks at our party convention that upset the Chinese ambassador at the time.

Senator David Norris: That was a good thing too.

Senator Dan Boyle: I am not afraid of using platforms like that to remind people of human rights obligations. It was also fair, even though he digressed slightly from the motion before us, that the Minister of State spoke about our having a policy in regard to stateless people here and how we support them. The example of Burma was excellent. I had the privilege of being the only Member of either House of the Oireachtas to attend a gathering in Iveagh House when the National League for Democracy representatives were being hosted by the Irish Government which allowed them to hold their fourth convention, which examined the idea of a new Burmese constitution and how and when democracy can be firmly established in that country. We can be very proud of the role that Ireland is playing there.

In regard to the historic collaboration with the Bush Administration in the rendition programme, I am not sure whether "collaboration" is the correct word or whether the outgoing President of the United States is a person one would wish to be seen collaborating with in any case. The reality is that the foreign policies of that Administration have been widely discredited. The commitment to having a firm position on rendition was a key component of the programme for Government. On an individual basis, I was pleased to have negotiated this issue into that document. Yes, it took some time to put that into practice but the reality is that we can be sure that any attempt to do so would have been treated with disdain by the previous Administration. The right opportunity was taken at the right time to coalesce the interests of the Government in respect of its attitude to rendition and the existence of detention facilities such as that at Guantanamo Bay with those of the changed regime in the United States. That was the correct approach and we will reap rewards for it in the future.

I wish to respond to Senator Hannigan's points regarding overseas development aid. I heard the Minister speak on this issue in the other House earlier today. Yes, it is unfortunate that a decision of this nature has been made. However, most of the money being saved through the cutbacks is money that would have been saved in any case. As I calculate it, the effective cut is in the region of €30 million to €35 million. Although this is unfortunate, I am convinced, in terms of our *per capita* contribution and our commitment to reach our target by 2012, this

[Senator Dan Boyle.]

target remains as steadfast a Government policy as it has been. It is certainly the case that we remain on track to advance our target of 0.7% of GDP well ahead of the agreed European Union target of 2015. As and when we achieve that, we can take pride as a nation.

Senator Eugene Regan: I propose to share time with Senators McFadden and Fitzgerald.

An Cathaoirleach: Is that agreed? Agreed.

Senator Eugene Regan: I welcome the Minister of State, Deputy Peter Power. He has done a good job as apologist for the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, in regard to the disproportionate cutbacks in the budgets of the Human Rights Commission and the Equality Authority and the elimination of the Combat Poverty Agency. The Minister of State's speech suggests that fundamental human rights are an issue of concern only to those in faraway places and not to the citizens of this State. The reality, however, is that these bodies are concerned with respect for human rights in this country. The cutbacks have neutered those bodies and reduced if not eliminated their effectiveness. This is clear from the resignation of the former chief executive officer, Mr. Niall Crowley, and several members of the board of the Equality Authority.

It has been suggested that the budget of the Equality Authority increased from €378,000 in its first year of operation to €5.8 million before the budget cutbacks. The reality, as Mr. Crowley pointed out in his interview with *The Irish Times* in January, is that the figure of €378,000 related to the cost of setting up the authority and that its operational budget in 2000, its first year of operation, was €3.8 million. Now the budget is reduced to €3.3 million, representing a draconian cut in its operating budget.

It is clear that the bodies targeted in these cutbacks, particularly the Equality Authority, have raised fundamental issues that have irritated and annoyed the Government. They are paying the price for that now. The measures adopted are nasty, vindictive and short-sighted. Moreover, they bring the State into disrepute. The United Nations has made known its views in regard to the functioning of the Human Rights Commission and the need for it to be sufficiently resourced. The Minister has ignored that warning.

In his statement, the Minister of State, Deputy Peter Power, speaking for the Minister, Deputy Dermot Ahern, said the Government recognises that their reduced budgets will cause "some difficulties" for the Human Rights Commission and Equality Authority but that there are ongoing discussions between departmental officials and representatives of those bodies. In light of the draconian cuts involved, this is of little use to them. The decision has been made and the Government is determined to eliminate the irritants that have raised issues regarding Government policy, whether in respect of discrimination based on age, rendition or otherwise.

The Minister of State has raised the issue of the European Union association agreement with Israel, stating that it provides a mechanism to raise human rights concerns. I appreciate that the Government has raised its concerns with the Israeli authorities regarding the recent invasion of Gaza. However, I do not see any sustained and consistent policy from the Government on this issue. It is insufficient to raise it once and leave it at that. It is incumbent on the Government, in light of our own experience, to make a sustained effort to change European policy in this regard.

Senator Nicky McFadden: In regard to children's mental health, a frightening recent statistic indicates that 83% of children in a particular detention centre face an average of three forms of mental health difficulty, for which none of them is receiving dedicated treatment. In 2006, €11.2 million was allocated to mental health services for children but this provision was sub-

sequently deferred to another area in the large black hole that is funding for the Health Service Executive. It is clear that children's rights are being denied. Last week in Athlone, a judge was obliged to remand a young person with an intellectually disability to a detention centre because there was nowhere else to place him. This is an absolute scandal. I ask the Minister of State to review this area without delay.

In north-east Sri Lanka, the Government there is dropping cluster bombs on its own citizens. This is an outrage. The Norwegian Foreign Affairs Minister drew attention recently to the slaughter of 66 civilians in three days in the region, with more than 200 others being wounded. We also learned that the intensive care unit of a hospital was bombed, which is illegal under Article 18 of the fourth Geneva Convention. Yet the international community seems to be turning a blind eye to what is happening. I ask the Minister of State to do what he can to highlight this serious issue.

Senator Frances Fitzgerald: I congratulate Senators Norris, O'Toole and Bacik for tabling this motion. There is a similar motion on the Order Paper from the Fine Gael Party which the Minister of State may care to examine. I note his remark that there is an overt and unfair negative tone to the motion. However, in light of the decisions taken by the Government in regard to the Combat Poverty Agency and the Equality Authority, this negative tone is not surprising. The actions taken are extraordinarily undermining of our human rights legacy and the attempts to build a strong human rights base in this State.

These bodies arose from legislation passed in this House, itself arising from our international and European Union obligations. The past ten years have seen a slow building up of structures to support human rights in the State. It has been a difficult battle. It is easy to forget that it is not so many years since there were heated arguments arising from the attempt to put employment equality and human rights legislation on the Statute Book and to facilitate the establishment of bodies such as the Equality Authority and the Equality Tribunal. It has taken a long time to build up the skills, expertise and information they have, especially staff expertise. The steps taken by the Government have brought disruption to that expertise. In the case of the Combat Poverty Agency, the Government effectively abolished that independent voice. Unfortunately, that is typical of this Government which seems to have reached a point where it is extremely concerned about independent voices. It has got so used to the partnership model that when people speak independently and offer a critique, which is a critical part of an independent democratic society, the Government intervenes and undermines them. Never was this so blatant as in the case of these two organisations.

The Government has given a commitment to working with the agencies. I would like to see that developed in the coming weeks and months but I regret very much the actions taken with regard to these bodies. They are a retrograde step for the country and for democracy.

Senator John Hanafin: I wish to share my time with Senator Callely.

An Cathaoirleach: Is that agreed? Agreed. Is that four minutes for each speaker?

Senator John Hanafin: Yes.

I welcome the Minister of State to the House and agree with what he said. The role that the Combat Poverty Agency is to play now will be central in co-ordinating the ongoing development and implementation of the national action plan for social inclusion. Funding has ceased for the National Consultative Committee on Racism and Interculturalism, NCCRI, and its function will be absorbed. It seems entirely appropriate that the office of the Minister of State with responsibility for integration should look after that function. Regarding the Equality Authority, the suggestion was made that the majority of its board do not agree with the statements

[Senator John Hanafin.]

in the motion. The authority has said it can work within its budget for 2009, primarily by reducing overheads, and it can maintain a programme for expenditure at the level originally proposed in December 2008.

As Members of the Oireachtas, we get a great deal of literature from many different agencies in tomes that are very fancy and very expensive. Very few are read from cover to cover. They would be just as useful in the library instead of costing €20 per copy. I notice even lighthouse keepers have their own volume. There cannot be too many of those left and yet we regularly get information from that group. I wonder at the benefit of sending out a big information booklet in full colour, at such cost. Costs must be looked at very seriously in many places from which we get our information. We all have e-mail. In most cases, a summary is all we need. If we require further information we know where to find it — in the library. We must watch our costs. We are in a much changed situation and it would do the Government and the country good to ensure we watch all costs, see what waste there is and get rid of it.

There is a proposal in the motion regarding the external trade agreement between Israel and the EU and, in that respect, I advocate the monitoring of the attached human rights protocols. It would be very much in order if the EU were to do a deal, not only with Israel but with the West Bank and Gaza, the Palestinian territories, to ensure all those areas would be included in external trade agreements. It is an ideal opportunity to ensure that both sides maintain a proper neighbourly relationship in a manner that is acceptable to the rest of the world. This is a chance for us to ensure that, arising from this wonderful opportunity of trading with the EU at a preferential level, such trade would continue as long as certain criteria were being met by both sides. If any country trades with another, even one with a comparative or an absolute advantage, over time both countries' levels of income will rise. Everybody benefits from trade. We are giving Israel a wonderful opportunity and I suggest it should be extended to Gaza and the West Bank and used to make sure both sides comply with proper neighbourhood country relations.

Senator David Norris: Good idea.

Senator John Hanafin: I thank Senator Norris. I also propose looking at the situation with China. China is viewed by many countries as a country to which to turn as a last resort. The Sudans, Zimbabwes and Burmas of this world look to China now and I suggest that may be another area to examine within the Department of Foreign Affairs. China should be discouraged from taking on board these countries and providing any support for them. Some are definitely rogue countries and have acted in a manner that is totally unacceptable.

With regard to rendition, no Member of this House has at any stage been in favour of, or has agreed to, anything that in any way affects human rights anywhere in the world.

Senator Ivor Callely: I thank my good friend and colleague, Senator John Hanafin, for sharing his time. I congratulate my Independent Seanad colleagues for tabling the Private Members' motion before the House.

My good friend, Senator Hanafin, has adequately dealt with the first part of the motion, concerning the Combat Poverty Agency. The strengthening of the Combat Poverty Agency is to be welcomed.

Senator David Norris: It would be wonderful if that were true.

Senator Nicky McFadden: It would add an independent voice.

Senator David Norris: It would be a miracle.

An Cathaoirleach: One speaker, please.

Senator Ivor Callely: It is being strengthened. There is no disruption to the Equality Authority nor any downsizing of the Irish Human Rights Commission.

Senator David Norris: Extraordinary.

Senator Ivor Callely: That aspect of the motion is simply incorrect. I congratulate Senator Hanafin and Senator Ormonde, who already responded on these points.

I support the view that Ireland has a very important role to play. We must express our voice in world affairs, especially in matters relating to human rights. Small nations such as ours can, and do, make an important and valuable contribution in advancing the protection of human rights. Our neutrality places Ireland in a very special position around the globe. It is widely recognised and respected and enables us to play a full, measured and constructive role in the volatile modern world. Our Government, ambassadors, diplomats and NGOs carry out critically important work both in individual cases and in support of wider human rights issues.

Senator Hanafin referred to “rogue” areas. It is clear that large areas of the Middle East, Zimbabwe, Sudan, Tibet, Burma and Palestine are corrupt. There is no fair or impartial administration of justice or of political systems. There is no civilised level of human rights and, in certain instances, blatant abuses and deteriorating humanitarian situations exist.

I congratulate the Minister of State, Deputy Peter Power, on the work he has done in the Department and I congratulate, equally, our colleague, the Minister, Deputy Micheál Martin, the team in the Department and those working with the Department, on their work to date in actively raising Ireland’s concerns on a number of fronts. In the Middle East Ireland has been to the fore in ensuring that the EU conveys its serious concerns about human rights protection to both the Israeli and the Palestinian authorities. The Minister visited the region and directly raised matters of concern on human rights, access for defenders of human rights and compliance with international human rights law, among other matters.

Ireland has consistently called for genuine power-sharing government in Zimbabwe and for the strengthening of sanctions against supporters of the Mugabe regime who are involved in violence or human rights abuses. At the United Nations Human Rights Council we have been an advocate on the human rights situation in Darfur and Sudan and we have emphasised the importance of dialogue between the Chinese government and the representatives of the Dalai Lama——

An Cathaoirleach: The Senator’s time is up.

Senator Ivor Callely: ——as the best means to address and resolve the practice of religion, freedom of expression and preservation of cultural identity in Tibet. I am sorry my time has run out because I have only another few words to say, but I will leave it at that.

Senator Ivana Bacik: May I give the last minute of my time to Senator Doherty? I welcome the Minister to the House. It gives me great pleasure to support Senator Norris’s motion. It is a very important time for us to debate the Government’s commitment to human rights. We have all acknowledged we face a deeply difficult economic period, but at a time like this we need to renew our commitment to human rights and ensure it is not undermined. The most vulnerable are being targeted disproportionately by the Government’s economic package through imposing levies on even the lowest paid in the public service. We need to remind ourselves of the need to ensure a commitment to equality, human rights and social justice throughout Government policy at national and international levels. Senator Norris’s motion

[Senator Ivana Bacik.]

powerfully reminds us of the many ways we need to ensure a commitment to human rights, nationally and internationally. He has brought a wide range of issues into the motion, which I do not hope to cover in detail, but I will pick out a small number of them.

The Government's amendment to this motion is disingenuous and misrepresents the reality of the cuts that have been imposed on different national bodies and on our overseas aid budget, which were announced yesterday and which undermine the stated or professed commitment to equality. There is a theme running through the Government's amendment and the words of the Minister and those on the other side of the House tonight, namely, rhetoric as opposed to reality. I welcome the very powerful pro-human rights rhetoric from the other side and the Minister, and it is very important. The problem arises where the reality does not match that rhetoric and we see swingeing cutbacks imposed on overseas aid budgets, the Equality Authority and the Irish Human Rights Commission, etc. We must then ask ourselves whether the rhetoric has any substance in reality.

There was an extraordinary use of language by some Senators on the other side, who spoke of the strengthening of the human rights institutions of this country, at a time when their budgets have been cut and the chief executive of the Equality Authority has had to resign because he says his authority can no longer function. It is extraordinary to listen to those on the Government side suggesting that equality and human rights measures and institutions have been strengthened in some way.

Senator Nicky McFadden: Hear, hear.

Senator Ivana Bacik: We must bear in mind the language used here.

I want to speak about the Equality Authority in more detail. Saturday's *Irish Times* carried a very powerful letter by the seven saoihe of Aosdána, among them Louis le Brocquy, Seamus Heaney, Brian Friel and Camille Souter. They expressed grave concern at the position of the Equality Authority following the recent resignation of its director, Niall Crowley, and the subsequent resignation of several board members. In their letter the saoihe, who speak with a voice of moral authority, asked the Department of Justice, Equality and Law Reform, to restore adequate funding to the Equality Authority as a matter of urgency. I support their call.

The resignation of Mr. Crowley, a well-respected chief executive who had developed for his authority an international reputation for its commitment to implementing equality legislation, was on principled grounds because the Department of Justice, Equality and Law Reform cut his budget by a staggering 43%, a disproportionate cut compared to those imposed on the other agencies of the Department. The authority had also been singled out in the decentralisation programme, with its move to unsuitable and inaccessible offices outside Roscrea continuing even when the programme had been abandoned for other State agencies. The Department has offered no satisfactory explanation for this extraordinarily hostile approach to the Equality Authority. This is not this Minister of State's direct responsibility but I ask him to take the comments and concerns expressed by many of us on this side about the treatment of the Equality Authority to the Minister. The only conclusion one can come to is that there was some particular reason for singling out the Equality Authority. It could not have been simply due to financial constraints, as suggested in the Government's amendment and in Ministers' speeches here and elsewhere.

Other explanations have been suggested. Elsewhere I have written that it seemed to me a quiet coup was orchestrated against the Equality Authority, or perhaps better described as a "GUBU" coup, in the words of the late Conor Cruise O'Brien. The sequence of events leading up to the cut to the Equality Authority and Mr. Crowley's consequent resignation was gro-

tesque, unbelievable, bizarre and unprecedented. There was the appointment in September 2007 of an entirely new set of board members headed by Ms Angela Kerins, who is also chair of the National Disability Authority and chief executive of Rehab. Senator Norris has already spoken about her position and I do not want to labour the point. Following that complete change of board personnel one can see in retrospect that the writing was on the wall. The board's reaction to Mr. Crowley's resignation was rather restrained, to say the least.

The credibility of the authority and its continued efficacy as an agency is in question. Not only will this have consequences for people in Ireland suffering discrimination, it will have consequences for the Government at EU level. There will be negative legal consequences for us in the European Union if equality directives are not seen to be adequately implemented because there is a lack of a credible and strong voice for the disadvantaged in supporting people making claims of discrimination. That is a serious matter for the Government to deal with.

I turn to the treatment of the National Consultative Committee on Racism and Interculturalism, NCCRI, which has been effectively abolished. It is a difficult and dangerous time to undermine a body that has been so effective in tackling racism and has worked so hard in educating and informing us about racism and anti-discrimination measures. When we see in Britain a very disturbing rise in demonstrations against so-called foreign workers being employed, one can see that in an economic downturn new, immigrant communities tend to be targeted by those who feel their jobs are under threat. That is a real worry for us and shows the need to ensure continued commitment to tackling racial discrimination. The Minister said the office of the Minister of State with responsibility for integration will carry out the same programme. I have my doubts about whether the Minister can be as effective as the NCCRI had been, given its wide remit and the very experienced personnel it had. We are losing the experience and expertise of those personnel, all of whom effectively have been sacked, just as we are losing that of so many people on the equality legislation side with the downgrading of the Equality Authority. It seems such a waste.

On so many other issues, the Middle East, prisoners' rights etc. we need to see a match of reality with rhetoric. I ask the Minister to do that.

Senator Pearse Doherty: I thank Senator Bacik for sharing her time. My party and I fully support the motion and I commend the Senators on putting it down. In recent times, under the cover of recession, the Government has systematically dismantled the human rights infrastructure of the State. In the case of the bodies whose finances are directly under its control it is doing this through crippling cuts. In the case of human rights NGOs it is using the Charities Bill to eliminate the progression of human rights as an objective for the purpose of registering as a charity. This means important public interest cases will not be brought before the courts. It means more people who are by definition vulnerable because their fundamental rights have been compromised will have to fight their fights alone, if at all.

We have heard about the Equality Authority's budget being cut by 43%. The recession is being used as an excuse to attack the Irish Human Rights Commission and to dismantle the human rights and equality architecture. This fact is also evidenced in the budget cuts to the Free Legal Advice Centres, 5%; the National Women's Council of Ireland, 5%; equality proofing, 30%; the new Cosc office to address domestic, sexual and gender-based violence, 18%; equality monitoring, 8%; gender mainstreaming and positive action for women, 45%; the Office of the Data Protection Commissioner, 9%; and the Garda Síochána Ombudsman Commission, 5%.

An Cathaoirleach: The Senator's time is up.

Senator Pearse Doherty: I want to clarify a point because Senator Hanafin said no person in these Houses supports rendition. That is incorrect. I will prove to this House that the previous Minister for Transport called for rendition flights to be brought to Donegal.

An Cathaoirleach: The Senator's time is up. My hands are tied with the rules of the House.

Senator Mark Daly: I rise to address some of the issues, particularly the human rights protocol attached to the external trade agreements, raised by the independent Senators. The Israeli Ambassador came before the Joint Committee on Foreign Affairs, where he received quite a questioning. The same week, a motion by Fianna Fáil Deputies was put before the Joint Committee on European Scrutiny in which we asked that the EU be forced to put this on the agenda. We have asked that the UN Secretary General carry out a report. We should take the issue away from the EU, which obviously has a vested interest, and let the UN Secretary General make a determination. However, we are alone in the wilderness; there are few supporting us. The big nations in Europe stand idly by on this issue, which is worrying. Nonetheless, it is worthwhile to pursue it.

Senator David Norris: Senator Bacik and I congratulated Fianna Fáil on the record for that.

Senator Mark Daly: I thank the Senator for that, but it was the Minister, Deputy Martin, along with others. It was Fianna Fáil TDs who put forward that motion.

Senator David Norris: I said that.

Senator Mark Daly: The Labour Party Deputies also put forward a motion but, amazingly, the Fine Gael Members could not see their way to supporting us on that issue.

Senator Nicky McFadden: What is the Senator's point?

An Cathaoirleach: The Senator without interruption.

Senator Mark Daly: My point is that Senator Regan was in here going on about us and our external trade agreement, yet when all Members had the opportunity to support our motion at the Joint Committee on European Scrutiny, it was our party, along with Sinn Féin, the Independents and the Labour Party, that supported it. Now we are being lectured by others who do not seem to connect with their own party, because it was their members who would not support our motion, or the Labour Party motion either, as far as I can remember, and chose to stand idly by. A lot of good they would be to the people in the West Bank and Gaza.

Senator Nicky McFadden: Who has the funding?

Senator Mark Daly: Lack of funding?

Senator Nicky McFadden: Who has the funding?

An Cathaoirleach: The Senator without interruption.

Senator Nicky McFadden: The Senator is provoking me, a Chathaoirligh.

Senator Mark Daly: It does not take much to go off and ask the UN Secretary General to compile a report. We asked for action. We were accused of not taking action, but we asked for action. We were not supported by all but we were supported by many. We will take that support and go on. We have been lectured by the Opposition, but I will send the transcripts to Senator Regan to let him know his party is not quite as cohesive as he thinks.

I have been to the Holy Land, where the situation is disturbing. We have called on the US to intervene but, as Members can appreciate, the US has enough problems of its own, a lot of them of its own creation in Iraq and Afghanistan, so I do not think we can ask it to intervene here. It is spending billions a day. We must look to Europe. In reality, it is a long way from the US. The EU has chosen to do nothing, as it did in the Balkans, and we looked to the US to step in. Senator Hanafin made a great contribution with his suggestion about trade. Ultimately, money talks. Senator Norris will correct me if I am wrong, but 85% of Israel's produce——

Senator David Norris: 75%.

Senator Mark Daly: I thank the Senator. A total of 75% of its produce comes to the EU. If we threaten that, as we did with South Africa, things may change. During the time of apartheid, the UK and the US stood idly by, but eventually things can change. The process takes a long time, however. It is not a matter of a triumphal entry into Baghdad and saying “mission accomplished”, as some would have it, but it is far more effective — fewer people die. I commend the Minister and I thank the Opposition Senators and Deputies for their support on this issue. Obviously the Israelis are not happy; however, this is not about making people happy but saving people's lives.

Unfortunately, the issue of Sri Lanka, which is not in this motion, has gone off the radar because of the headlines from Gaza. The Sri Lankan Government has attacked what it declared were safe areas for civilians and imprisoned civilians. The Minister might take up this issue. A ceasefire would save lives. I hope Senator Norris and others will assist in this regard.

Ireland has a small army, which we have sent to Darfur, the Lebanon and other places, but ultimately it is trade which will result in a better outcome in the Holy Land. I fear for what will happen in the immediate future. I do not think the Israelis have the political will for change. I said in the House before that it was the most amazing piece of electioneering to start a war to get support before a general election. It has been done before, but the Israelis seem to have used this tactic in the case of the attacks on Gaza, to the detriment of the Palestinians. The Iranians are also playing their part in destabilising the region. They are waging a proxy war through Hamas, also to the detriment of the Palestinians, and the EU is, of course, standing idly by. The best we could hope for from the USA would be neutrality on the side of the Israelis, but unfortunately it is not even committing to that much. It is not going to be neutral. Americans have too many other things on their plate. Because of this, we must rely on ourselves to put on the pressure.

When the Israeli Ambassador appeared before the Joint Committee on Foreign Affairs, I mentioned a quote from the Old Testament. We were talking about proportionality in the attacks on Gaza. Members should know that Israel will attack again because, unfortunately, Hamas will get more rockets from Iran and fire them at the Israelis, and the Israelis will go back in. The quote from the Old Testament was, “But if there is any further injury, then you shall appoint as a penalty, life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound and bruise for bruise.” The response to that, of course, is that an eye for an eye leaves the whole world blind. The Israeli Ambassador, when we asked him about the use of phosphorus shells, did not answer the Chairman, Deputy Woods, but when I asked him to answer the question he eventually admitted that there were phosphorus elements in the shells. Phosphorus shells are only permitted to be used in open battlefields, not in urban areas such as Gaza. This is a breach of the Geneva Convention and many other conventions. We should pursue Israel on this but, unfortunately, it does not seem that our gallant allies in Europe will assist us. If we have to forge ahead alone we will do so.

Senator David Norris: I thank all my colleagues who took part in this debate, which was extremely useful. It was a good debate on all sides, including that of the Minister of State, with whom I do not agree — I will say a few words about that later. This is precisely why I entered politics. As an Independent, non-Government Member I have the luxury of applying the litmus test of principle to Government actions. I know it is not always possible for the Government to act in a completely principled way; government is of its nature pragmatic from time to time. That is why it is important to have gadflies such as myself and others in the House to point out what the principle is and from where it is being diverged.

I thank my colleagues in Fine Gael for their strong support, particularly their spokesman Senator Cummins, but also all the other Senators who spoke, including Senators McFadden and Regan. It was, as I said, an extremely good debate. I am glad that Fine Gael also has another strong and amplified motion in the same area, which covers other aspects of the matter. It is interesting to note that the debate has revealed a left-right divide in my own ranks of Independents. I was supported by Senators O'Toole and Bacik; my colleagues Senators Ross, Mullen and Quinn declined to either sign the motion or support me this evening. That is a useful development, in my opinion. I wish there was more of it in Irish politics. I like the idea of a left-right divide and I am happy to place myself firmly on the left, even if that makes my supporters this evening in Fine Gael feel a little uncomfortable.

Senator Nicky McFadden: Not at all.

Senator David Norris: That is excellent. They have joined the socialists with Deputy Bertie Ahern.

I was also interested to note that this motion was taken by the Department of Justice, Equality and Law Reform. Of the two principal Departments dealing with this area, the Department of Foreign Affairs has the better record. I am not surprised the Department of Justice, Equality and Law Reform flunked it, which is what it did. The truth is rather unpleasant, particularly in that area, and the record is not patchy. It is disgraceful. Instead of fostering a human rights culture, the Government has destroyed the substance of the organisations we named by leaving them a vestigial presence in order to save face. On the surface we can say we have a Human Rights Commission, an Equality Authority, and so on, but they exist in such a reduced form that they are incapable of fulfilling their mandate. That is a shocking indictment of the Government. However, there is remarkable talent in the present Government, including the Minister of State who is present. He is able to prophesy because he anticipated what would be said before it was said. In the printed copy of his speech he regrets some of the comments of Senators in their statements. He can only have done that by divine wisdom.

7 o'clock

With regard to some of the comments that have been made, at the instigation of the Department of Justice, Equality and Law Reform, about the majority of people on the board, what is the majority? The Government had to buy four votes. It is quite an astonishing performance. I am aware from talking to them that some board members remained on the board only because they are so deeply suspicious of this Government they think it would welcome the opportunity to abolish the board entirely. That is the type of climate with which we are dealing. Then there is this ludicrous idea of shared IT and so forth. It reminds me of the slogan from some years ago — “Save water, shower with a friend.” It is at that level; it is complete bloody nonsense, and we all know it. There is also the issue of rented space. Who rented the space? It was rented by Government agencies, not the Equality Authority. There is a black mark for that.

I am aware we have done a fair amount with regard to Israel, but we did not push sufficiently on the external trade association agreement. Senator Daly is correct that 75% of Israel's agri-

cultural produce is imported into the European Union. The European Union could have switched the war off in five minutes, if it had threatened that. There was an excellent suggestion from Senator Hanafin to include the Palestinians. I have been to the area and have listened to the bilge from the Israeli ambassador. He claims the Israelis left the Palestinians a few greenhouses, but they have strangled the exports from Gaza. I have been there and seen, as I am sure Senator Daly has, mounds of rotting vegetables. The Israelis will not let one strawberry out.

I must pay tribute to John Ging of UNRWA, an Irishman of whom we can be immensely proud. I am glad the Government is in contact with him. He does all of us proud. The situation there is appalling. People who suffered, Jewish people, have done this, the sheer bureaucratic efficiency and mechanistic denial of all humanity. According to a surgeon:

The amount of damage done by these weapons [the DIME weapons] is not commensurate to the wounds. We found computer chips, magnetic pieces and transistors in wounds. Sometimes there are only minute pin-point punctures to the abdomen and chest, but you see huge damage to internal organs. One patient had his liver burned black, as if it had been grilled.

The surgeon was quoted in an article by Lara Marlowe in *The Irish Times* last Saturday.

Finally, I have information that in Tibet at present the authorities are trying to force the Tibetan people, who decided to cancel forthcoming religious celebrations, to celebrate them. It is similar to trying to force us to celebrate Christmas if a decision had been made by the religious authorities to suspend it out of solidarity with some disaster that had occurred. People in Tibet are being killed. I wish to mention in particular Pema Tsepak, a 24 year old man from Punda Town in Dzogang County, Chando Prefecture, who was murdered in custody because he protested on behalf of the independence of Tibet.

I had intended to walk out of the 1919 Dáil commemoration because I was horrified that the wonderful inspiring words of the founding members of our democratic system about equality and human rights were being read by people who are part of an Administration that is dismantling them. It was suggested, however, that if I did so, it would simply concentrate attention on my action and would be seen as a gimmick. Tonight, in the Seanad, I was allowed to raise these issues in a proper way and to listen to the contributions of the Minister and my colleagues on all sides of the House. It has been a proud day for the Seanad. This is the reason I am in politics, and I thank you, a Chathaoirligh, and my colleagues for it.

Amendment put.

The Seanad divided: Tá, 26; Níl, 16.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callanan, Peter.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
de Búrca, Déirdre.
Ellis, John.
Feeney, Geraldine.
Hanafin, John.
Keaveney, Cecilia.

Leyden, Terry.
MacSharry, Marc.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
Wilson, Diarmuid.

Nil

Bacik, Ivana.
Bradford, Paul.
Burke, Paddy.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.

Fitzgerald, Frances.
Hannigan, Dominic.
Healy Eames, Fidelma.
McFadden, Nicky.
Norris, David.
O'Reilly, Joe.
Regan, Eugene.
Twomey, Liam.

Tellers: Tá, Senators Labhrás Ó Murchú and Diarmuid Wilson; Níl, Senators Ivana Bacik and David Norris.

Amendment declared carried.

Question, "That the motion, as amended, be agreed to", put and declared carried.

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

Senator Donie Cassidy: Ag 10.30 maidin amárach.

Adjournment Matters.

Water and Sewerage Schemes.

Senator Denis O'Donovan: I thank my colleague for the opportunity to speak first as I have another commitment. This issue concerns an outstanding scheme in Courtmacsherry and Timoleague in west Cork which has been committed to for many years. We were told money was ring-fenced for it. When is it likely to begin and is that money ring-fenced? When will we have progress of this scheme? At local authority level, it is said the matter is held up in the Department. The buck is being passed. I hope the Minister of State has positive news.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I thank Senator O'Donovan on behalf the Minister for the Environment, Heritage and Local Government for the opportunity to clarify the position in regard to the Courtmacsherry and Timoleague sewerage scheme. The scheme is included for funding in the Department's water services investment programme 2007-09. It is one of more than 20 water and sewerage projects, with an investment value of some €122 million, earmarked in the programme for Cork County Council's western division.

The Minister for the Environment, Heritage and Local Government is aware that it is necessary to improve and expand the waste water infrastructure in these two villages. The Minister is also conscious of the importance of the new scheme to the tourism industry in both locations, especially in Courtmacsherry, which has seen significant tourism, residential and other commercial development in recent years.

The Department is currently assessing Cork County Council's preliminary report, which sets out the design parameters and objectives of the scheme. The works proposed involve upgrading and extending the waste water collection networks in both villages, along with new pumping stations and rising mains to connect the collection systems to a new waste water treatment plant to be built to the west of Courtmacsherry.

In addition to the technical aspects of the preliminary report, the Department is examining Cork County Council's latest €6.33 million cost estimate for the scheme, which has been received only in the past week. A key component of this costing is the significant additional capacity proposed for new commercial development. Under water pricing policy, otherwise known as the polluter pays policy, the related costs would not be funded by the Department and would fall to be met by the Council from its own resources. In addition, the Council is proposing to install tertiary treatment, which is higher than the standard required for effluent discharges to Courtmacsherry Bay to achieve compliance with the urban waste water treatment directive.

The Department's role under the water services investment programme is to ensure that capital expenditure on new infrastructure represents good value for money and achieves compliance with relevant statutory, public health and environmental standards. In accordance with water pricing policy, the Department generally meets the full capital cost of services for the existing domestic population, with an allowance for organic growth, plus up to 40% of the cost of servicing planned residential development. The marginal additional cost of serving current and future non-domestic activity, such as shops, offices, hotels, restaurants and so on, must be funded locally through a combination of commercial water charges and development levies. It is a matter for the local authority to adopt a scheme design that maintains the local share of the overall cost at an affordable level.

The Department is well advanced with its assessment of Cork County Council's current proposals for the Courtmacsherry-Timoleague scheme. The Department is giving careful consideration to all aspects of the project, including overall costs, to determine an equitable apportionment of those costs between the council and the Department. The Minister expects to be in a position to notify Cork County Council of the outcome of this process in the near future.

Crime Prevention.

Senator Frances Fitzgerald: I am grateful for the opportunity this evening to raise with the Minister for Justice, Equality and Law Reform the need to outline his views on the need to criminalise the act of grooming a young child for a crime, in light of the many disturbing reports of children being used by criminal gangs to smuggle drugs and weapons. Some very startling and disconcerting information has come to light in recent days. This includes a report, yet to be published, but discussed in the media. The report details a significant rise in the number of children being coerced by criminal gangs to act as foot-soldiers and couriers in drug crimes. It has become clear that cases involving €4 million worth of drugs have come before the Children's Court in the past year. Another study shows that more than 100 children have had to be placed in detention for their protection. These are disturbing facts and they raise serious questions. A lawyer appointed by the Government as a child protection expert called on the Minister to review Ireland's laws on children and to protect children being exploited and groomed by criminal gangs.

The revelations are disturbing. This has occurred in other countries, but people are still quite surprised and find it difficult to believe it could occur in this country. A case involving a 15 year old boy appeared before the courts in which the boy stated that he was threatened that his head would be blown off if he did not agree to hide a loaded hand gun for a gang. In another case a 14 year old boy was found in possession of a double-barrelled shotgun and 12 cartridges, and yet another case involved a 14 year old caught driving a car while wearing a bullet-proof vest and carrying a knife. A Garda chief superintendent commented last year that some gangs were preying on children from dysfunctional families. Significant child protection issues arise and a discussion on child protection services has already taken place in the House.

[Senator Frances Fitzgerald.]

These are the most extreme cases which have come to the attention of the Garda and the HSE and the matter requires a multifaceted approach; of this there is no doubt.

Will the Minister outline whether the Government is considering legislation to make it a criminal offence to groom a child for criminal activity? What steps is the Government taking to protect such children and to develop the social supports such children clearly need? Has the Minister discussed this growing problem with the Garda Commissioner? What studies and reviews have the Government undertaken to clarify the situation regarding the number of children involved with the gangs?

I thank the Minister of State for appearing in the House and I look forward to hearing the comments of the Minister for Justice, Equality and Law Reform on this issue. I hope the Government will play its part in intervening in this very serious and developing social problem.

Deputy Seán Haughey: I take the Adjournment matter on behalf of my colleague, the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. I thank Senator Fitzgerald for raising this important issue.

Any abuse of children must be condemned in the strongest possible terms and using children to commit crimes is abuse. I will outline the strategy of the Garda Síochána in dealing with gun crime and drug trafficking and then outline the present legislation governing the type of activity referred to by the Senator. Of course, if the Minister for Justice, Equality and Law Reform becomes aware that the legislation in place is not adequate, he will not hesitate in introducing new measures.

One of the main priorities set for the Garda Síochána is to target gun crime, organised crime and drug trafficking through a range of measures, including the use of the Garda specialist units and targeted operations such as Operation Anvil. Operation Anvil commenced in the Garda Dublin metropolitan region, DMR, in May 2005 to deal with such serious crime and it was extended nationwide in 2006. The primary focus of the operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive, additional, overt, visible patrolling and static checkpoints by uniformed, mobile and foot patrols, supported by armed plain clothes patrol.

Under Operation Anvil, up to 18 January 2009 more than 2,200 firearms were seized, including 1,220 in the Garda DMR. There have been more than 7,300 arrests for the serious offences of murder, serious assaults, robbery and burglary. More than 69,000 searches have been carried out related to firearms, drugs and theft. Property to the value of almost €31 million has been recovered.

An allocation of €20 million was provided for Operation Anvil in 2008 and a provision of €21 million in 2009 will enable the Operation to continue with targeted disruption of serious and organised criminal activity throughout the country.

Garda activity in pursuing criminals and preventing criminal acts is and will continue to be relentless. Recently, several successful operations have been carried out by the Garda to deal with such crime. The force will continue to respond as appropriate to developing situations.

The criminal law has been considerably strengthened, for example, by making it more difficult to get bail in drug trafficking and firearms cases. The periods for which the Garda can question people suspected of involvement in serious crime have been extended, and the law on the right to silence has been updated.

The Government has approved proposals by the Minister for Justice, Equality and Law Reform to introduce new legislation underpinning the use of covert surveillance methods principally by the Garda. Under the legislation, the State will be able to use collateral material

obtained by means of covert surveillance as evidence to support or strengthen the case for the prosecution at a criminal trial.

For the information of Senators, I now will outline briefly the present law and its origins with regard to offences committed by children with adult involvement. Section 52 of the Children Act 2001 provided for a raising of the age of criminal responsibility to 12 years. Under the common law, it had for centuries been seven years, that is, the age at which a child is supposed to be able to distinguish right from wrong. It also provided for a rebuttable presumption that a child between 12 and 14 years of age was incapable of committing an offence. The implications for opportunistic and unacceptable abuse of children by adults within the criminal justice system of the enlightened policy on the age of criminal responsibility was clear. Therefore, section 54 of the Act provided that where a child under 14 years of age was responsible for an act or omission which, but for section 52 would constitute an offence, any person who aided, abetted, counselled or procured the child in or in respect of that act or omission committed an offence and could be indicted, tried and punished as a principal offender.

The provisions on the age of criminal responsibility did not come into operation immediately but came into operation following some changes made in the Criminal Justice Act 2006. The ancient common law rule governing the age of criminal responsibility was abolished in the 2006 Act and replaced by statutory provisions under which, in most cases, a child under 12 years of age is regarded as capable of committing an offence but cannot be charged with or convicted of the offence. This meant that section 54 of the 2001 Act was superfluous and accordingly was deleted. The position now is that the general law with regard to assisting offenders applies to adults who aid, abet, counsel or procure the commission of an indictable offence, no matter who commits the offence. They can be tried and punished as a principal offender. It does not matter that a child cannot also be tried and punished, it is enough that he or she committed the offence. In such circumstances, while the adult is charged with an offence, a range of alternative interventions are available in the case of the child, if required, ranging from admission to the Garda diversion programme to HSE involvement.

Finally, I wish to say a few words about a subject that is not directly covered by the text of the Adjournment matter but is related, that is, sexual grooming. Under the law as set out in the Criminal Law (Sexual Offences) (Amendment) Act 2007, it is an offence to meet a child for the purpose of sexual exploitation following grooming, whether or the Internet or otherwise. The Minister for Justice, Equality and Law Reform at present is preparing further sexual offences legislation in which he intends to improve on that provision. He also is examining whether it would be possible to provide an offence of actual grooming, in particular where the grooming has taken place using a communications device, such as a telephone or the Internet. If a form of words can be found that is fair and proportionate and does not criminalise normal and non-sinister communications, he will provide such an offence in the forthcoming legislation. The draft legislation is at an advanced stage of preparation but I understand the Minister at present is reviewing other aspects of the criminal law governing the protection of children against sexual abuse and exploitation for inclusion in the Bill, such as electronic monitoring and incest.

I again thank Senator Fitzgerald and assure her that both the Garda Síochána and the Minister take very seriously the procuring of children to commit offences on the basis that they will be dealt with leniently by the authorities. I assure her that the adults will not be dealt with leniently and if more legislation is needed, and the present view is that it is not, it will be forthcoming.

Physical Education Facilities.

Senator Fidelma Healy Eames: I wish to share my time with Senator Mullen, if possible. Perhaps the Leas-Chathaoirleach will let me know when I have spoken for three minutes to enable me to pass on the final two minutes available to me.

An Leas-Chathaoirleach: Very well.

Senator Fidelma Healy Eames: I thank the Minister of State for his attendance and for taking this Adjournment matter. I wish to make the case for Holy Rosary College, Mountbellew, County Galway, to get its own PE hall. It is a large secondary school in Mountbellew, which is in north-east County Galway. that never has had its own PE hall or gymnasium. Both Senator Mullen and I speak from experience in this case because we both are past students of the school and I have a particular interest in this case for that reason.

I will provide the Minister of State with a brief summary of the background. Holy Rosary College was approved for a new school building in 1968, which was to include a PE hall. However, due to a difficult financial situation at the time, more than 40 years ago, a PE hall was not sanctioned. Since then, the school has endeavoured consistently to acquire a PE hall and a major extension to the school to include a PE hall, as well as refurbishment of the existing building, was agreed with the Department of Education and Science in 2000. Following advertisement of the project in the *EU Journal*, the design team was appointed eight years ago on 1 February 2001. A stage 1 submission for site suitability, briefing and site report was made to the Department of Education and Science on 2 November 2001. Seven years ago, the Minister of State's colleague, the then Minister of State with responsibility for science and technology, Deputy Treacy, officially opened the school's new physics lab on 26 February 2002. At that time, Deputy Treacy met a staff delegation after the opening and expressed confidence that this project would move ahead quickly. The then Minister of State, Deputy Treacy, referred to the school's PE facilities as being Third World in nature, in that it possessed only outdoor PE facilities, such as basketball courts etc. The school had meetings with departmental officials on 18 July 2002 and 26 February 2002. The next meeting with departmental officials took place in February 2007, after a lapse of five years during which there was no communication. Moreover, it has taken from February 2001, when the design team was appointed, to arrive at this point and in February 2009, the school still awaits stage 3 approval. Within the last month, on 15 January 2009, the school again wrote to the Minister for Education and Science, Deputy Batt O'Keeffe, pointing out the completely inadequate PE facilities possessed by Holy Rosary College, Mountbellew. In a time of severe financial constraints in schools, it has become impossible for the school to continue to pay for the hire of a sports facility in a local hall. At present, it is paying €20,000 per year in rent. It has been waiting for 41 years for proper PE facilities and while all the school's teachers have been trained in the junior certificate physical education programme, they have no place in which to implement it.

The gains in this regard are obvious. There are lifelong gains for young people who have been trained in good physical education habits, as well as obvious educational outcomes. Above all, however, there are health benefits, as efforts are made to contravene the rise in obesity. The Minister of State should indicate to Members when approval in respect of funding will be made for the PE hall and when construction is likely to commence.

Senator Rónán Mullen: I thank Senator Healy Eames for sharing time with me. It is a matter of pride to both of us that we are past pupils of Holy Rosary College, Mountbellew. It is a school in a medium-sized town in rural Ireland with approximately 500 students and we are glad that two representatives in the Seanad have come from it. Both Senator Healy Eames and I can and do state that, in a sense, this school typifies all that Irish education can be in terms

of the quality of education on offer, the dedication of teachers, the support of the local community, the attention to high standards of education and a strong and unyielding focus on the dignity of each student and on care for their needs in the most holistic way possible. It is with particular enthusiasm therefore, that Senator Healy Eames and I wish to help to make the case and to ask the reason the necessary facilities have not been provided to date, given how deserving is this school and given that the Government has stated that notwithstanding the economic downturn, there is to be no let-up in terms of the investment at capital level in education——

Senator Fidelma Healy Eames: Hear, hear.

Senator Rónán Mullen: ——because we are educating people for the future for the sake of our society.

I have to hand an extract from the Department of Education and Science's website from April 2005, which lists 124 schools that were to progress through the architectural planning process of the school building and modernisation programme. It states that the schools in question had been assessed as being priority projects. At a meeting with representatives of the Department of Education and Science in November 2007, to which Senator Healy Eames has referred, departmental officials told representatives of Holy Rosary College that they were anxious to progress the project. These are snapshots of a seven-year story.

Given everything that is said concerning physical education, its importance in society, namely, *mens sana in corpore sano*, and the new emphasis on sport as a necessary part of the curriculum, it is ironic that this excellent school has not had the requisite facilities for years. The sports facilities are a part of the wider extension project that, in progress since 2001, is intended to double the school's size to approximately 5,000 sq. m. The project's design has been approved, but it is stuck on stage 3. Why can the school not get approval to apply for planning permission and to seek tenders? Are school projects being unnecessarily held up as they progress through the system due to a reluctance to spend? Is there a fear that, when they reach tender stage, the Department will need to tell them "No" for money reasons? Given the number of years that have passed and the Department officials' apparent enthusiasm for the project, there seems to be no good reason for not allowing Holy Rosary College to progress to the tender stage.

In 2007, minor technical design matters were raised at a meeting of the various parties involved, but those questions were answered in full. Since the end of November, there has been no word. An unaccountable delay is frustrating the ability of an excellent school and committed staff in a supportive community to do what they do well, that is, provide top quality education in east County Galway. Given that the school was on the 2005 priority list, we would be grateful if the Minister of State could provide us with good news to the effect that Holy Rosary College is to be allowed to proceed to planning and tendering stages post haste.

Deputy Seán Haughey: I am taking this Adjournment matter on behalf of my colleague, the Minister for Education and Science, Deputy Batt O'Keeffe.

I thank the Senators for raising this matter, as it provides me with the opportunity to outline to the Seanad the Government's strategy for capital investment in education projects and the current position in respect of Holy Rosary College, Mountbellew, County Galway in particular. I do not doubt the school is proud of its two past pupils who are now Members of Seanad Éireann.

All applications for capital funding are assessed in the modernisation and policy unit of the Department of Education and Science. The assessment process determines the extent and type of need presenting based on the demographics of an area, proposed housing developments,

[Deputy Seán Haughey.]

condition of buildings, site capacity, etc., leading ultimately to an appropriate accommodation solution. As part of this process, a project is assigned a band rating under published prioritisation criteria for large-scale building projects. These criteria were devised following consultation with the education partners.

Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to a project. In other words, a proposed building project moves through the system commensurate with the band rating assigned to it.

There are four band ratings overall, of which band one is the highest and band four the lowest. Band one projects, for example, include the provision of buildings where none currently exists, but there is a high demand for pupil places, while a band four project makes provision of desirable, but not necessarily urgent or essential facilities, such as a library or new sports hall. The proposed extension and refurbishment of Holy Rosary College has been assigned a band rating of 2.2.

The brief for the Holy Rosary College project is to provide adequate accommodation for a long-term projected enrolment of 550 pupils. This brief is considerably wider than the provision of a stand-alone physical education hall and includes the provision of other accommodation, such as a language lab, computer room, music-drama area, religion room and other ancillary accommodation. Some refurbishment of the existing school building forms part of the brief.

Information on stage 2a, that is, developed sketch scheme of architectural planning, was submitted by the design team in early 2008 and, on review by the Department's technical team, further information was requested in July. This was submitted to the Department in January 2009. It is being assessed and officials from the Department will be in further contact with the school authorities when the assessment is completed.

The progression of all large-scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department's capital budget. The project will be considered on an ongoing basis in the context of the Department's multi-annual school building and modernisation programme.

The allocation for school buildings in 2009 is €581 million, which represents a significant investment in the school building and modernisation programme. This level of funding for the building programme at a time of great pressure on public finances is a sign of the Government's commitment to investing in school infrastructure and will permit the continuation of progress in the overall improvement of school accommodation. The Senators will be aware that, under the recovery plan announced last night by the Taoiseach, additional funds have been allocated to the schools building programme.

I thank the Senators again for giving me the opportunity to outline to the Seanad how the Department intends to address the needs of Holy Rosary College. However, in light of current economic circumstances and with competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

The Seanad adjourned at 7.45 p.m. until 10.30 a.m. on Thursday, 5 February 2009.