

SEANAD ÉIREANN

Déardaoin, 19 Feabhra 2009.
Thursday, 19 February 2009.

Chuaigh an Leas-Chathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

An Leas-Chathaoirleach: I have received notice from Senator Shane Ross that, on the motion for the Adjournment of the House today, he wishes to raise the following matter:

The need for the Minister for Education and Science to reverse his decision to cut special teacher support for children with mild learning disabilities in St. Teresa's school, Balbriggan.

I have also received notice from Senator John Paul Phelan of the following matter:

The need for the Minister for Environment, Heritage and Local Government to outline when funding will be distributed to the county councils particularly, to Kilkenny County Council, in respect of the housing aid for the elderly and grants for people with disabilities.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to consider a three-year extension to planning permissions due to expire in 2009 given the current economic environment and the cost associated with re-applying for permission.

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

The need for the Minister for the Environment, Heritage and Local Government to give an update in relation to how well the towns of Buncrana, Moville, Greencastle, Clonmany and Ballyliffen fulfil European standards in relation to waste water and the processes in place between the local authorities and his Department to ensure such regulation compliance.

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

The need for the Minister for Justice, Equality and Law Reform to provide an update on the provision of a CCTV scheme in the Sherriff Street area of Dublin 1; and if funding will be provided for this scheme.

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

The need for the Minister for Health and Children to confirm the current status, including the availability of funding, of the proposed development of the National Rehabilitation Hospital in Dún Laoghaire, as provided for in the National Development Plan 2007-2013 and confirmed by the Department of Health and Children on 23 January 2007.

[An Leas-Chathaoirleach.]

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Ross, Phelan and Ó Domhnaill and they will be taken at the conclusion of business. The remaining 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, motion re the recasting of the Eurodac regulation and the Dublin regulation, to be referred to the committee without debate at the conclusion of the Order of Business; No. 2, motion re European criminal records information system, to be referred to the committee without debate at the conclusion of No. 1; and No. 3, Harbours (Amendment) Bill 2008 — Committee Stage (resumed), to be taken and to conclude following the completion of No. 2.

Senator Maurice Cummins: The proposed public service pension levy is unfair and unbalanced. My party voted against it in the other House. We recognise more than anybody else the need for the €2 billion in savings in current spending in 2009 and we have offered an alternative strategy. However, the Government does not seem to listen to anybody. It will not listen to the Opposition and the social partners, and seems to think it has a monopoly of wisdom on economic affairs. When will the Minister for Finance amend what he proposes in this pension levy to exclude lower paid public servants from it? It is not a question of if but of when he will do it. He will then also have to spell out the proposals of what other economies or cuts will be necessary to make up for that. I hope that next week, when we will discuss this issue, he will amend this unfair levy, especially in the case of lower paid public servants.

On another issue, power companies currently charge consumers for the cost of carbon allowances used in power generation, even though they get these allowances free from the Government. This is not fair. Fine Gael calls again, as it has previously, for a windfall tax to be imposed on power generation, which would raise approximately €300 million. This would certainly help ease the burden in other areas and keep vital services going. Again, this is an area where Fine Gael is making a constructive proposal. It remains to be seen whether the Government will accept the proposal or consign it to the scrap heap, as it has done with all the other suggestions from this party, the Labour Party and other parties and interested bodies. We are offering alternative suggestions daily but the Government is not responding. We hope there will be a definite response next week on this unfair levy. Its unfairness is bringing lower paid workers out on the streets.

Senator Joe O'Toole: I raise the same issue. It must be addressed. We are facing strike action throughout the country after two and a half decades of being the country with the best record in Europe in terms of the lowest number of strikes per year, growing productivity in almost every year of the last 15 until 18 months ago and good industrial relations. That is all fragmenting in front of us. I cannot answer the questions I am being asked. I cannot explain to a person in the public sector on €25,000 per year why he is paying more than if he were in the private sector. He is paying more than the level he or she would pay in the private sector to receive the normal superannuated pension, which would be more or less the same as the €12,000 he would get in the private sector. I cannot explain to workers why people who are earning more than €90,000, €100,000 or €200,000 per year are not being asked to pay anything extra if they are in the private sector. I do not understand the thinking behind it.

I do not accept the idea that this is a public sector versus private sector issue. For me, it is quite simple. If we must pay, we must pay but — the last time I raised this the Leader did not

address it in his response — people earning big money in safe, secure jobs in the private sector should also pay their share. This is not happening and it cannot be explained to ordinary workers. We will be faced with embarrassment everywhere, difficulties, production breakdowns, loss to industry and damage to the image of the country. If the Government intends to make some moves on this, as it appears to be indicating it will, it should sit down with the social partners to ask what can and cannot be done. It should also meet with the Opposition and discuss the matter in the Houses. It should recognise that if movement is to be made, it should be as part of a wider scheme. I ask that there be further engagement on these issues.

Senator Alex White: Over recent months in the current crisis there has been much comment on what has occurred in the banks and the wider economy. An opinion piece this morning by a former, very senior official in one of the organisations that has figured in the news in recent days offers the most eloquent analysis of what has occurred over this period, particularly in the financial institutions. I commend the article in today's *The Irish Times* by Mr. Donal Casey. It is a calm, measured and devastating analysis of what has happened. One of the conclusions he draws is that public trust in the banking system is "shattered beyond repair", to use his phrase. It is a devastating conclusion. He is not somebody who is in any way detached or semi-detached from what has occurred, but has been very closely involved in it. He talks about people living in a parallel universe and so forth.

My colleagues have called for another debate on the banking system. I would welcome such a debate but it should be structured in a particular way, whereby we could examine the question of trust and the issues Mr. Casey raises in his excellent article. We could use that debate on the banks and financial institutions to open a wider debate, which the Leader might consider facilitating, on the issue of confidence and trust in the entire political system. I accept I sound like a broken record on this but I will continue to do so. One can say the banking system is broken but a compelling argument can be made that the political system is also broken. The political system is not responding to the issues people are talking about.

I am not making a partisan point; I could make many partisan points but I am not making this one in a partisan way. Every day we can see that the political system is not seen to be responding and facilitating the type of collective effort the Taoiseach and others say we must make. One of the issues that must be addressed is the profoundly unhealthy relationship that exists between the political system and certain elements of big business, particularly banks and financial institutions. Members on the other side of the House sometimes roll their eyes and think Members on this side are simply being politically correct when we say this. However, there should not be a close association between the Taoiseach or other Government Ministers and business persons. It does not mean that anybody is alleging anything untoward is taking place. It is simply not proper for Government Ministers ever to have private meetings with senior business figures. All relationships and contacts with senior business officials and lobbyists should be conducted publicly. I do not mean out on St. Stephen's Green but they should be conducted in a formal way that is recorded so the people who elect and pay their Government can see what is happening and what are those relationships. I seek a debate on those issues.

When Members on this side of the House talk about, for example, curbs on freedom of information, political donations and the other issues that irritate some people in the community and some politicians, there is a reason for doing that and calling for regulation. That puts some form of control and discipline over the sometimes very unhealthy relationship that tends to develop between Government and business. Judge McCracken spoke about this in his report ten or 11 years ago in the context of his comments on the late Mr. Haughey and the Dunnes payments. To paraphrase the judge, he said that even if a direct relationship could not be proven in respect of a particular payment, it gives rise to a reasonable suspicion in the eyes of

[Senator Alex White.]

members of the community that such things are taking place. People think there is a golden circle. All the pleading, complaining and irritation by the Taoiseach about it will not solve the problem unless real measures are taken to address it.

Senator Terry Leyden: I call on the Leader to arrange an emergency debate today on energy and, in particular, electricity supply. The Minister, Deputy Eamon Ryan, should come to the House for the debate. I welcome in principle the Bord Gáis decision to supply electricity to the residential market. Heating and energy costs are a significant portion of a householder's budget at present. Since last night 3,000 people have already signed up with Bord Gáis. There will be a 10% reduction in price, with another 2% reduction if they are currently Bord Gáis customers. It is a tremendous offer. The company hopes to secure 25% of the ESB's supplies. That could put 25% of workers in the ESB in jeopardy. The knock-on effect will be that Bord na Móna workers will be laid off. I call on the regulator to take the handcuffs off the ESB—

Senator David Norris: Exactly.

Senator Terry Leyden: —and let it reduce its price by 10% as well.

Senator David Norris: I have been saying it for months.

Senator Terry Leyden: Otherwise, it will be a very unfair market. It is grossly unfair. On “Morning Ireland” this morning it got tremendous publicity. Every Member of the House will probably sign up for it by the weekend over the Internet or by telephone. That is the reality. The ESB has increased its workers' wages by 3.5% while its senior executives are getting approximately €650,000 per annum. There are other perks for ESB workers such as free electricity.

Senator Maurice Cummins: What is the Government doing about it?

Senator Terry Leyden: The point is the regulator has been assigned responsibility for it.

Senator Fidelma Healy Eames: It is up to the Minister to mandate him.

An Leas-Chathaoirleach: Senator Leyden without interruption, please.

Senator Terry Leyden: I am calling on the regulator—

Senator Fidelma Healy Eames: Call on the Minister.

Senator Terry Leyden: —to take the handcuffs off the ESB to allow it reduce costs and to reduce the costs—

An Leas-Chathaoirleach: Has Senator Leyden a question for the Leader?

Senator Terry Leyden: This matter requires an emergency debate. I do not see why we cannot have an emergency debate in this House. There is no point in having this debate on Tuesday or Wednesday next when approximately 100,000 suppliers will have joined up to Bord Gáis. Who will read the meters and who will maintain the power lines after a storm?

An Leas-Chathaoirleach: The point is well made. Senator Leyden—

Senator Terry Leyden: The ESB.

An Leas-Chathaoirleach: —have you a question for the Leader?

Senator Terry Leyden: I put that question to the Leader. The question to the Leader is to ask him, in his position of Leader of this House, to invite the Minister for Communications, Energy and Natural Resources——

An Leas-Chathaoirleach: Senator Leyden can make those points in the debate.

Senator Terry Leyden: I wish to get the debate, that is the point.

Senator Fidelma Healy Eames: I would say Senator Leyden has convinced the Leader.

Senator Terry Leyden: Remember that Bord na Móna supplies peat to the ESB.

An Leas-Chathaoirleach: Senator Leyden can make those points in the debate.

Senator Terry Leyden: If there is a debate.

An Leas-Chathaoirleach: You are asking the Leader. We will establish that later.

Senator Terry Leyden: If there is not a debate, I must try to make them now.

Senator Maurice Cummins: Surely the Leader will accede to Senator Leyden's request.

Senator Terry Leyden: Finally, I call on the ten shareholders who received €300 million to put their hands up now.

Senator Joe O'Toole: Name and shame.

Senator Fidelma Healy Eames: Name and shame.

Senator Terry Leyden: I have a list here of about four.

An Leas-Chathaoirleach: Senator Leyden without interruption.

Senator Terry Leyden: Relax, I will not name names in this House.

Senator Jerry Buttimer: Go on.

Senator Fidelma Healy Eames: Senator Leyden knows the names.

Senator Terry Leyden: I am asking them, for the sake of the democracy and of politics in this country, to please come forward and announce——

Senator Joe O'Toole: From what party are they?

An Leas-Chathaoirleach: Has Senator Leyden a question for the Leader on this?

Senator Terry Leyden: Senator Ross will have them in the *Sunday Independent*.

An Leas-Chathaoirleach: Senator Leyden, there are other Senators offering.

Senator Terry Leyden: I am making an appeal to those ten persons to please own up, put their hands up and admit that they got €300 million under false pretences——

Senator Maurice Cummins: And pay back the money.

Senator Terry Leyden: ——and pay back the €300 million.

An Leas-Chathaoirleach: Senators Donohoe and Bacik missed out yesterday and they will be taken first today.

Senator Paschal Donohoe: I ask the Leader to arrange a debate on the state of industrial relations in the country, and in particular, what I believe is happening with Dublin Bus where a union has expressed its intent to strike and stay out until many of its demands on what is happening with the company are met. If that is correct and if the union is announcing its intention for an all-out strike, this will deal a hammer blow to the city of Dublin. The morale of people who are doing their best to get in and out of our city to work is already low enough and if they wake up on a Saturday or Sunday morning to find the buses absent that day, and then absent for the days to come, it will be a gigantic problem, not just for those but also for people looking to create work within our city. We all know we are at the beginning of difficulty and to see a move like this being signalled just at the start is extremely worrying. I ask the Government to intervene in this and ensure it does not happen.

I will conclude by responding to what Senator Leyden stated. If he is looking to move an amendment to the Order of Business, I would be delighted to second it.

Senator Terry Leyden: That is a bridge too far.

Senator Paschal Donohoe: On his call for these people to name themselves, there is a serious point.

An Leas-Chathaoirleach: Senator Leyden did not move an amendment.

Senator Paschal Donohoe: It is not the responsibility of these people to name themselves. It is the responsibility of Government——

Senator Jerry Buttimer: Well said.

Senator Paschal Donohoe: ——to come out and state who these people are——

Senator Fidelma Healy Eames: Hear, hear.

Senator Paschal Donohoe: ——as opposed to the Senator standing up and waving a sheet of paper.

Senator Terry Leyden: The Government does not know.

An Leas-Chathaoirleach: Has Senator Donohoe a question for the Leader?

Senator Paschal Donohoe: It is a question to the Leader. As opposed to Senator Leyden standing up and waving a piece of paper claiming he knows who these people are, why are Cabinet Ministers not asking these questions and doing their best to restore faith in the banking system?

Senator Maurice Cummins: Hear, hear.

An Leas-Chathaoirleach: A question to the Leader.

Senator Paschal Donohoe: They should do so as opposed to looking for headlines in a stunt like that.

Senator Cecilia Keaveney: I wish to raise two issues. The Cathaoirleach kindly chose my matter for the Adjournment last week on Project Kelvin, a major project for the north west

that was given to Derry-Letterkenny because of the gateway status and disadvantaged status of the north west and with the goal of making it a very good location for business. I raised last week the issue of the sleight of hand that took place that meant the Telehouse was moved to Coleraine. I ask the Leader to offer my congratulations to all involved who ensured there was a U-turn and the project is now returned to Derry, but to ensure the associated infrastructure and connectivity promised in the original tender will be given exclusively, as intended, to Letterkenny, Derry and Monaghan. This is an important status. The change is welcome but the problem should not have arisen in the first place. The west of the Bann has the same entitlement as the east of the Bann to development and I am glad our voices stating we will not accept this have been acknowledged. It was a shot across the bows and we intend to continue such battles.

There has been a serious spate of burglaries in my area of Inishowen. I can relate to this issue of people wanting heads on plates, but there is such a thing as due process and bringing people with evidence before the courts and laws. Similarly, in the case of burglaries, people are genuinely scared of what they face. Anecdotally, the co-op has run out of pick-axes etc., because people want to defend themselves. This is not a healthy environment.

An Leas-Chathaoirleach: Has Senator Keaveney a question to the Leader?

Senator David Norris: Where can one get a pick-axe?

Senator Cecilia Keaveney: Now that I have put the issue in context, could we have a debate here on neighbourhood watch, community alert, the Garda Reserve and the types of the processes that can be used to ensure communities are as safe as possible? While I understand the Garda has committed complete resources and top priority to resolving this issue, a debate in this House on how we can help the community to look after each other, rather than to look to the concept of vigilantism, would be important.

Senator Ivana Bacik: I echo the criticisms made by Senators Cummins and O'Toole of the public service levy. The real problem at present is the uncertainty surrounding it, the fact that Ministers stated it will be tweaked and yet we have not seen any sign of that tweaking. Previously, there was tweaking done on the medical cards scheme for the over 70s and a U-turn on that. There was a U-turn, or tweaking, which ever way one likes to put it, on the 1% levy. We need to see the public service levy being tweaked in the same way so those on low incomes will not pay this disproportionate amount from their incomes. I am all in favour of a public service pension levy for those public servants who can afford it and for those who are better paid. I accept that when the private sector is taking such pain — we see workers in Dell, Waterford Wedgwood plc, SR Technics etc. being laid off — we need to pay our share in the public service, and I think public servants recognise that. However, this levy must be imposed with fairness and competence. Unfortunately, we are not seeing either of those.

I also echo calls for a debate on the difficulties in banking and scandals in banks. We have seen exposed, not just the light-touch regulation that has been passed in relatively recent times but the heavy hand of the criminal law. Even where there are criminal law powers and quite appropriate criminal law offences in legislation, these are simply not being used. As I stated previously, we are seeing a lack of enforcement as much as a failure in the legislative framework. An interesting debate on the radio last night spoke of there being over 300 staff in the Financial Regulator, and yet we are not seeing enforcement and we are not seeing the issue of simple information that people need to restore trust and confidence in the banking system.

[Senator Ivana Bacik.]

Like Senator Donohoe, I was impressed by Senator Leyden's vocal call for the naming of the ten individuals who bailed out Anglo Irish Bank in this way but it is yet another example of Members on the Government side speaking out of both sides of their mouth.

Senator Jerry Buttimer: Hear, hear.

Senator Ivana Bacik: I would like to see Senator Leyden voting with the Opposition when we have the debate on banking.

Senator Jerry Buttimer: Hear, hear.

Senator Ivana Bacik: Those of us on this side have been calling for accountability and transparency and we will put our money where our mouth is and vote on that. I would like to see Senator Leyden supporting us on that.

Senator Terry Leyden: When hell freezes over. Do not wait too long for that.

Senator Camillus Glynn: In the coming weeks the inaugural meetings of the joint policing committees and the municipal policing committees will be held. This will afford Members of this and the other House as well as local authority members throughout the country an opportunity to meet the Garda and give their views with whatever information is pertinent to the curtailment of crime.

Senator Jerry Buttimer: The golden circle.

An Leas-Chathaoirleach: Senator Glynn, without interruption.

Senator Camillus Glynn: It is a unique opportunity and is something that should be welcomed.

(Interruptions).

Senator Camillus Glynn: We could use old building blocks and plaster.

I ask the Leader to arrange a debate on this subject because many important contributions would be forthcoming from all sides of the House. It is a unique opportunity for Members of the Oireachtas as well as local authorities to do their bit in solving serious crime and tackling it in a manner that reflects the views of the people they represent.

Senator Dominic Hannigan: I join Senator Leyden in calling for action on the whole issue of electricity prices and the ESB. Prices can be reduced. Last year the ESB made hundreds of millions of euro in profits. People desperately need cuts in their monthly bills and they would certainly welcome it. The fact that electronic billing has been introduced will obviously cut ESB costs so it can afford to reduce prices. In the UK many electricity companies are cutting their costs to consumers by as much as 10% because of the advent of electronic billing. There is scope for the ESB, too, to make changes and I would encourage the regulator to impress on the company the need to do so.

I agree with other Senators on the whole issue involving the naming and shaming of the golden circle. I listened to the Minister for Defence, Deputy O'Dea, on today's "Morning Ireland" and he said that to do so might be prejudicial to any future trials. He also said he did not believe it was right to do so just to satisfy curiosity. However, this is not about satisfying anybody's curiosity, it is about trying to restore some confidence, not just in the banking system, but in the political system and our international reputation.

Senator Fidelma Healy Eames: Hear, hear.

Senator Dominic Hannigan: It must be done now.

Senator Fidelma Healy Eames: As other speakers have indicated, the view is widespread among the public that there is a strong likelihood that Fianna Fáil is closely associated with the inner circle, the inner ten, in Anglo Irish Bank. This situation is leading to great instability——

Senator Terry Leyden: Fine Gael has a few friends there too.

Senator Fidelma Healy Eames: ——both politically and economically. The reason people are suspicious includes the following: the Minister for Finance, Deputy Brian Lenihan, did not show real muscle in dealing with the banks. He did not clear out the boards in line with good international practice; he did not adequately protect home owners; and he did not use his leverage to unburden hard-pressed couples with fixed rate mortgages when he had total bargaining power with the banks. This smells rotten and it is time for the Government to come clean, just as has been said.

I want to ask the Leader where is the former Taoiseach, Deputy Bertie Ahern, in all of this. The chances are that he has a great deal of information he could share with us. I call on him today to also come clean and give information for the sake of the country's political and economic stability. It is really a case of Rome burning while Nero fiddles, and the farmer is now burnt.

Poor management by the Minister for Agriculture, Fisheries and Food in relation to the farm waste management scheme leaves some farmers in dire straits. Some 1,400 farmers in Galway have not been paid for the farm waste management scheme and I am now getting calls to the effect that some are having difficulty paying for their groceries.

An Leas-Chathaoirleach: Is the Senator looking for a debate.

Senator Fidelma Healy Eames: I am coming to a question. Their working capital to run their farms and provide for their families is gone. They entered into bridging and term loan arrangements, with genuine expectations of being paid. It is absolute rubbish to say that the Minister did not know. Applications were approved and signed off by the Department of Agriculture, Fisheries and Food.

An Leas-Chathaoirleach: Has the Senator a question?

Senator Fidelma Healy Eames: Will the Leader please invite the Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, to address the Seanad? These farmers must be paid. We need an urgent debate on this. It is not fair to scapegoat farmers, who do not leave the country but continue to work, even when they are unemployed. Now they find themselves in difficulty in paying for basics.

An Leas-Chathaoirleach: These points may be made in the debate.

Senator Fidelma Healy Eames: I ask the Leader urgently to please bring the Minister into the Seanad to address the issue of the farm waste management scheme.

Senator Marc MacSharry: I join others in welcoming an early debate next week on the pension levy. It remains my hope and that of colleagues in this House that a mechanism can be found whereby we can ensure those people in the lower paid brackets are looked after in a better way than is currently proposed. The measures that have had to be introduced are enor-

[Senator Marc MacSharry.]

mously traumatic for a generation and a half, effectively, which has known nothing other than increments and benchmarking, with positive steps and measures. However, the situation has changed drastically and measures have had to be introduced that were unimaginable some months ago, never mind years ago.

Nonetheless, while we cannot direct the wind, we can adjust the sails. I hope that, in the context of the debates in both Houses on the levy legislation, a mechanism can be found that is equitable and fair to all concerned, particularly those who are less well-off. We must spare a thought for the unemployed and the many people in the private sector who face the prospect of unemployment and the lack of security because, after all, they comprise 80% of the workforce, which is much higher than the number of those of us in the public sector who are somewhat luckier.

I share Senator O'Toole's concern for the level of industrial action we are about to see. It is highly regrettable and I believe——

An Leas-Chathaoirleach: Those are points that can be made in the debate.

Senator Marc MacSharry: I thank the Leas-Chathaoirleach and I look forward to the same level of indulgence being afforded to me as to other Members of the House.

An Leas-Chathaoirleach: The Senator is getting the same.

(Interruptions).

Senator Marc MacSharry: I repudiate any suggestion as completely unfounded that the chances are, to quote another Senator, the situation of Anglo Irish Bank and the so-called golden circle is associated with Fianna Fáil.

Senator Terry Leyden: Hear, hear.

Senator Marc MacSharry: That is absolutely disgraceful.

Senator Fidelma Healy Eames: That is what everyone in the street is saying.

(Interruptions).

An Leas-Chathaoirleach: Senator MacSharry, without interruption. Has the Senator a question for the Leader?

Senator Alex White: How does Senator MacSharry know that?

Senator Marc MacSharry: How does the Senator know it is any different?

An Leas-Chathaoirleach: Senator MacSharry, without interruption.

Senator Jerry Buttimer: Would Senator MacSharry mind sharing this urgent information with the House?

(Interruptions).

Senator Marc MacSharry: I would like an urgent debate on the standards of probity being adhered to within this House when people are making suggestions, statements or accusations based on anecdotal rubbish from the streets and gutters.

Senator Fidelma Healy Eames: They are the ordinary people of Ireland.

An Leas-Chathaoirleach: Has Senator MacSharry a question for the Leader?

Senator Marc MacSharry: I am continuing with my question. My question for the Leader is at what time may we have an early debate about this so that we might ensure that we can have justice in a way that respects due process? As Senator Keaveney said recently and I said the other day, medieval times are over. We cannot set up the guillotine on Leinster Lawn or within St. Stephen's Green and behead people based on anecdotal rumour.

An Leas-Chathaoirleach: Those points can be made in the debate.

Senator Marc MacSharry: I look forward more than anybody else to see the rigours of the law imposed on those who are responsible for the situation we find ourselves in, but I will not be party to any debate that is rubbish and nonsense, based on no fact and trying to say that Fianna Fáil is directly associated with this type of thing. It is disgraceful.

An Leas-Chathaoirleach: Those points may be made in the debate.

Senator David Norris: I have the highest respect for my colleague, Senator MacSharry, but the present Government has been in power for so long that, accident or not, it has presided over a situation where the four pillars of society have come into disrepute, the church, the law, the banks and politics. Not a single one of them can stand with its head high in this State. That is partly because the Government has been in power for too long and it has become too lax. We have heard about tweaking the pensions Bill, but one thing is certain, the people will tweak the Government at the first opportunity.

As regards the pensions Bill, I would support the Government in taking hard decisions, and so would the people of Ireland, but they will not do it when there is an unsteady hand on the tiller and when there is complete uncertainty and total amateurishness in evidence. Unfortunately — I hate to have to say it — this is what has happened. The pensions reserve Bill has been instanced.

I was in this House before Christmas, at the time of the budget, when the Minister for Finance gave an undertaking that the weakest, the poor, the children, the needy etc. would be preserved. Now early in the new year we have the pensions reserve legislation, under section 17 of which early child care supplement is to be cut by 10% and the entitlement of children is to be terminated six months early. This is an extraordinary abandonment of the weakest people in society.

An Leas-Chathaoirleach: Does the Senator support the calls for a debate?

Senator David Norris: I support them strongly for the reasons I have set out. An attempt was made to conceal this measure by sticking it into the final, non-procedural section of the Bill.

I want to address the question of the pensions levy. It is astonishing to me that the Government did not seem to know what it was doing. Two Ministers gave two totally different answers to the question of whether the levy will be gross or net of income. One said it will be gross, whereas the other said it will be net. There is a difference between the two.

Senator Alex White: Half a billion euro.

Senator David Norris: Everybody receives a tax break on pensions. The Government set the levy at 3%, 6% and 10% depending on the rates of taxation. The actual rate is therefore 2%,

[Senator David Norris.]

5% and 6% because the people on the highest salaries receive the largest tax breaks. That is a difference of €215 million.

An Leas-Chathaoirleach: The Senator can make these points during the debate.

Senator David Norris: These people are obviously asleep at the wheel. Unlike private sector pensions, which are paid directly into a pension fund, public sector pensions were until recently paid from current expenditure. Now that we have the National Pensions Reserve Fund, that is where the money will go. Instead of reducing Government debt, it will top up the emergency fund to get Seán FitzPatrick and the rest out of a hole. That does not gladden my heart.

I ask the Leader to seek comment from the Government on the apparent inability of leading people in the financial sector to tell the truth. We are offered a classic example of this on the front page of *The Irish Times* of today. A gentleman called Dr. Michael Walsh has resigned, giving as his reason that the institution over which he presided cannot survive without a financial injection from the Government. His board, led by Mr. Michael Fingleton, denies any financial implication. That cannot possibly be true.

Next Monday, Louise O’Keeffe will be persecuted in the Supreme Court for the costs of a case she took, the facts of which are inarguable. She was sexually abused in a church-run school. The church passed the buck to the State, which passed the buck back to the church. She is now being hounded and could lose her home. Even as we let FitzPatrick and the rest of the golden circle, the existence of whom I have no doubt regardless of whether they were in the tent in Galway, off the hook, we persecute an ordinary citizen.

An Leas-Chathaoirleach: Senator Norris, this case is before the courts.

Senator David Norris: I hope to God she goes to the European Court of Justice and we get a bloody nose.

An Leas-Chathaoirleach: We cannot discuss that case while it is before the courts.

Senator Eugene Regan: We have been presented with the Financial Emergency Measures in the Public Interest Bill 2009 to deal with the pensions levy. It appears the Government is intent on legislating by emergency whenever the opportunity arises. We have done this in regard to the State guarantee scheme and the nationalisation of Anglo Irish Bank and now we are about to rush this legislation through the Houses. That is an entirely inappropriate practice because we should be given time to consider this legislation. With the benefit of time, more knowledge has been made available by the Government to the Opposition than was the case when these legislative matters were rushed through.

In regard to revealing the identities of the ten people involved in the circular loans and funding for Anglo Irish Bank——

Senator Alex White: The dig out.

Senator Eugene Regan: ——the Taoiseach stated it was equivalent to asking the Garda to identify the suspects in a particular case. The act in which these people were involved is not similar to an ordinary criminal investigation. The issue of what has happened is known and the persons involved are known. It is not a question of looking for suspects because ten parties have already been identified in connection with the transaction.

An Leas-Chathaoirleach: Has the Senator a question for the Leader?

Senator Eugene Regan: It is a question of disclosing the identity of the aforementioned ten parties. This and previous Fianna Fáil-led Governments have hidden behind tribunals of inquiry.

Senator Donie Cassidy: No questions.

Senator Eugene Regan: It is about time the Government treated the Opposition and the public as adults by coming clean with information when it is requested to do so. The Oireachtas could thereby become more relevant and better perform its functions on behalf of the community. We could also move on from the banking crisis to address the real issues that are confronting the economy.

An Leas-Chathaoirleach: Has Senator Regan a question for the Leader?

Senator Donie Cassidy: No questions.

Senator Camillus Glynn: A speech.

Senator Paul Coghlan: Senators on the opposite side who practice that should know. Rambles.

An Leas-Chathaoirleach: Allow Senator Regan to continue without interruption.

Senator Eugene Regan: I ask my colleague to avoid interrupting me.

Senator Paul Coghlan: *Sine qua non.*

Senator Eugene Regan: In regard to some of the measures to which I have just referred, I ask about the quality and independence of the advice given to the Government. It has been reported in the newspapers that PricewaterhouseCoopers advises and acts as auditor for Bank of Ireland while at the same time advising the Government. Arthur Cox solicitors advises Bank of Ireland as well as the Minister for Finance, Deputy Brian Lenihan, who gave the blasé response that such organisations have Chinese walls to prevent any conflict of interest.

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

Senator Eugene Regan: This is not quite a situation of a law firm acting for both parties to the same transaction. It is like a law firm acting for the buyer, the seller and the funding organisation——

An Leas-Chathaoirleach: Has the Senator a question to the Leader?

Senator Eugene Regan: ——in one of the most important transactions in the history of the State. I ask the Leader to refer the matter to the Minister for Finance and that he would request that the Minister, when he is taking legal advice——

An Leas-Chathaoirleach: Has the Senator a question to the Leader?

Senator Eugene Regan: I am in the middle of my question.

Senator Donie Cassidy: What is the question?

Senator Eugene Regan: When the Minister takes advice from auditors, accountants, consultants or legal firms, I ask that he seeks independent legal advice and ensures they are not acting for other parties who have an interest in the same transaction. We might thereby make better

[Senator Eugene Regan.]

decisions and better legislation in these Houses. I would be much obliged to the Leader if he could address that question.

Senator Larry Butler: We have to hold a proper debate on the banking crisis. The contributions which I have heard in this House are not helping the situation in terms of our international standing. We need to take responsibility and be measured in what we say as we deal with the banking crisis in a proper way as legislators in this House. I ask the Leader to arrange a debate on the possibility of new legislation to govern the banking system to ensure we have a proper such system that is recognised internationally. The current system and the people who run it have failed us. It is now time that we in this House, instead of throwing muck or indulging in ill-considered debate, which some Opposition Members have done, would meet their responsibility to the 1.8 million people who work and have livelihoods in this country.

An Leas-Chathaoirleach: Has Senator Butler a question for the Leader?

Senator Larry Butler: I already put my question to the Leader. I am not finished. The Leas-Chathaoirleach allowed a degree of latitude to other speakers.

Senator Alex White: That is not fair.

Senator Eugene Regan: Respect the Chair.

An Leas-Chathaoirleach: The Senator should have asked a question after speaking for one and a half minutes.

Senator Larry Butler: The three barristers who sit in this House should know the legalities of the matter better than most. We cannot hang or flog people. I call on the legal professionals in this House to make their contributions in a more level manner. I also ask those in the legal profession who have been paid €2 million——

An Leas-Chathaoirleach: Has the Senator a question for the Leader?

Senator Larry Butler: I have and I am coming to it.

An Leas-Chathaoirleach: We are on the Order of Business.

Senator Larry Butler: I will give it to you like Senator Regan gave it to you. I call on Senator Regan and others to ask the people who were overpaid by the State by €2 million to have the decency——

An Leas-Chathaoirleach: Senator Butler must put a question to the Leader.

Senator Larry Butler: I have not heard one legal person ask for that money to be returned.

An Leas-Chathaoirleach: Senator Butler must put a question to the Leader.

Senator Larry Butler: Furthermore, Senator Regan's colleagues on the other side of the House——

An Leas-Chathaoirleach: The Senator must put a question to the Leader.

Senator Larry Butler: ——have been involved in tribunals.

An Leas-Chathaoirleach: Does Senator Butler have a question for the Leader?

Senator Larry Butler: The Leader is simple——

Senator David Norris: Yes, he is. There is no doubt about that.

Senator Larry Butler: I ask the Leader to provide time for a discussion on the banking crisis. I am expressing my thoughts, which I am allowed to do.

An Leas-Chathaoirleach: We cannot have a debate on the issue today, Senator.

Senator Feargal Quinn: I am concerned the Financial Emergency Measures in the Public Interest Bill 2009 — a long title for a Bill — is to be rushed through this House next week. The Leader has stated the Bill will be taken in the House next Wednesday at 8 p.m. From memory, we, in both Houses, do not do a very good job when we pass legislation in this manner. Rushed legislation is usually bad legislation. I recall the Leader, following a point made by Senator Ross in regard to legislation being debate in this House some six or seven years ago, coming into the House at midnight and informing us the Bill was being dropped. Legislation which receives attention is usually better legislation. The Financial Emergency Measures in the Public Interest Bill was published yesterday and the first opportunity which this House will have to debate it will be at 8 p.m. next Wednesday. I urge the Leader to ensure this House gives more consideration to this legislation.

A number of Senators spoke about energy and electricity. It is time we debated energy in general. I am concerned we are not considering this issue in the long term. We import practically all of our power. I gather that if we do manage to obtain sustainable energy, be it wave, tidal or wind — it is unlikely to be solar — it is likely to be of only minimal benefit during the next 20 years. We should debate this issue and should not exclude from such debate the issue of nuclear energy. I am not proposing we use nuclear energy as I do not know enough about it. However, I read earlier in the week that 43 countries in the world have nuclear energy. Two thirds of the world population live in countries that have nuclear energy. We have decided not even to consider nuclear energy or include discussion of it in our debate. I suggest we have a debate on energy which includes all options.

I am concerned at the closeness of crime to normal business. I learned this week of a debt collecting agency which has employed a person known to have been a criminal in the past. I am concerned at the acceptance of this as a means of collecting debt. I was impressed to hear this week that a shopkeeper in Galway seeking to recoup debts for some years has displayed on his window the names of his debtors.

Senator Terry Leyden: County Cavan.

Senator Feargal Quinn: I apologise I thought it was in Galway.

An Leas-Chathaoirleach: Is Senator Quinn seeking a debate on the matter?

Senator Feargal Quinn: I would like a debate on the ability to run businesses without having to resort to criminality.

Some years ago, a bad debt collecting company was established. The debt collector would park outside the debtor's door, knock and ask to speak to the debtor and if told the person was not home, would sit outside and wait until the person came home. People who had bad debt collectors sit outside their homes or businesses for 24 hours quickly paid up. It is time we debated the issue of criminality once again.

Senator John Hanafin: I ask that the Leader provide time for a debate on social partnership. The reality is that social partnership has served this country well. Reference was made earlier

[Senator John Hanafin.]

to the difficulties in the past couple of months in the social partnership framework. If we are to move forward in these difficult times we must request the Taoiseach to make a state of the nation address on television, give the clear facts, without party political implications, and tell the people we can and will get through these difficult times if we work together. We cannot continue saying that the next income grade should pay higher tax or that before we are prepared to do our bit we want something done to sort out issues in other areas. Many of the issues with which we must deal are immediate. We need to take action now. We cannot wait until the world is perfect to ensure we do what is right.

I make a renewed call for a debate on social partnership to restate the benefits it has brought to this State and to request that everybody works together to ensure we move forward.

Senator Michael McCarthy: I support Senator Hanafin's call for the restoration of the social partnership process, an issue I also raised yesterday. Social partnership has served us well in the past, in particular in the 1980s when we had massive economic difficulties, worsened by unemployment and mass emigration. I support the call for the restoration of the social partnership process, not least to bring everybody on board and to find a fair and balanced way forward. Rather than dump the economic crisis on the backs of public sector workers, in particular low earners, we should go after others to ensure they pay their fair share.

In an effort to restore confidence not alone in the political system but in the banking system, it is important the Government takes the lead and, if possible, identifies the ten people involved in the controversy at Anglo Irish Bank. It is important in these straitened times, when people are expected to put their shoulders to the wheel, that there is some element of credibility at the highest level in society, including in the banking system. People need to have confidence in the banking and political systems at this difficult time. I ask that the Leader request his colleagues in Government to ensure there is as much transparency as possible in regard to this issue, and that involves naming the ten people involved in the controversy at Anglo Irish Bank.

Senator Paul Coghlan: Senator Alex White referred earlier to an article in today's *The Irish Times*, which is good. However, I sincerely hope the damage to our banking system is not beyond repair. We must have hope. There is no doubt but that the drip feed of allegations and wrongdoing have been damaging to the system. Reference was made to the resignation of the chairman of Irish Nationwide, a man who has done nothing wrong. However, he has cleared the way for the Government to act in regard to that bank, which is one of the six institutions covered by the bank guarantee scheme.

Will the Leader tell us the reason for the Government's delay in introducing the necessary restructuring of the banks, including Irish Life & Permanent? We need to make a clean breast of things and stop dilly dallying. Two public interest directors have been appointed to each of the six institutions covered by the bank guarantee scheme. These people of experience and repute have been in place long enough to determine if there are people in those institutions whose positions are untenable, either at board or executive level. For the sake of the country, these people should take themselves off the stage. The public interest directors——

An Leas-Chathaoirleach: The Senator must put a question to the Leader.

Senator Paul Coghlan: ——should be guiding the Government in this matter and ensuring matters are rectified. As I said yesterday, if they could get the banks to apologise publicly for what happened, as their British counterparts have done, that would help. Many Senators have spoken of the need for trust and confidence. We will have neither without first clearing the decks. We cannot move forward until that is done. Perhaps the Leader will respond to my

question in regard to restructuring of the six institutions covered by the guarantee scheme and in regard to how we can move forward.

I agree with Senator Cummins's remarks in regard to the pension levy.

An Leas-Chathaoirleach: Senator Cummins made that point very well.

Senator Paul Coghlan: Yes, he did. I concur wholeheartedly with everything he said in that regard. Fairness is what is important.

Senator Jerry Buttimer: Hear, hear.

Senator Paul Coghlan: As Senator O'Toole said, we must have immediate engagement on this issue. Nobody wants to savage anybody in receipt of the minimum wage.

Senator Jerry Buttimer: Well said.

Senator Shane Ross: I support the Senators who have called for identification of those involved in the support operation for Anglo Irish Bank. The sooner it is done, the better because there is a kind of opaqueness about what is going on with this shadowy carry-on which people cannot understand and which nobody is prepared to reveal to them.

Senator Paul Coghlan: Hear, hear.

Senator Shane Ross: There are people not far away from here who know those names. It certainly would relieve some of the reasonable public disquiet if they were released without any prejudice.

That said, we are in danger every day in this House of whistling past the graveyard. I ask the Leader to comment on the following. I have a great deal of sympathy with much of what was said on the economy on all sides today about the real problems which are being faced, but I am not sure people realise the situation we are in. This is not just a matter of one problem here and another problem there being solved — the pension levy, the banks and so on, which are all cumulative and disastrous. The real question is whether Ireland is facing national bankruptcy. Although I did not hear it expressed in the House, I heard it expressed yesterday and it is the question on people's lips which is not often uttered publicly. I was staggered to hear this question asked yesterday on George Hook's programme on Newstalk radio where an absolutely reputable economist from overseas, not in the pay of any of the banks, asked the question whether Ireland is facing national bankruptcy. He suggested we were heading in that direction.

That is not alarmist. It is actually where we are going and is what everybody outside this country but not inside it is suggesting.

An Leas-Chathaoirleach: Has the Senator a question for the Leader?

Senator Shane Ross: I have. I want to ask the Leader if we could have a debate on a particular aspect of this. That is a question which everybody outside this country is muttering. One can see by the credit rating in the international markets what they think. The answer is we are in danger of defaulting at some stage. It is an issue we will have to face up to because it is the kind of situation we are in.

It is not necessarily helpful to constantly bash the Government, so to speak, on this issue. There are other people involved who have contributed to it. The root problem in financial regulation is the Financial Regulator. I am tired, every time I hear a politician defending what has been going on the banks, of hearing them say: "Do not worry, it is being investigated by

[Senator Shane Ross.]

the Financial Regulator.” They topped Mr. Neary, which is fair enough, but the Financial Regulator——

An Leas-Chathaoirleach: Those are points that can be made in the debate.

Senator Shane Ross: I am asking for a debate on this for the following reason. The Financial Regulator is an institution which has lost the faith of the international markets. They do not think it can do it because they think it is absolutely genetically flawed. That is the problem we will have to attack next. We will have to face it because it is no good not facing these appalling facts which the international markets, which are sinking Ireland into the mire, are beginning to face. We will have to do the following, namely, ask whether we are facing financial bankruptcy and ask whether the whole institution of the regulator has the confidence of the international markets, which it does not.

Senator Jerry Buttimer: At a time when people are afraid of losing their jobs and not having money to pay bills, mortgages and groceries, of evaporating retirement funds and a complete lack of confidence in the key State institutions, as Senator Ross rightly said, I want to ask the Leader a series of questions. In so doing, I emphasise that the Fine Gael party will vehemently oppose any plan to rush through the emergency legislation next week. We will fundamentally oppose the Government, first, because the legislation is rushed and, second, because it is unfair. In light of the comments of the Minister for Finance in his so-called tweaking U-turn on the Bill, we need time to debate it.

An Leas-Chathaoirleach: Those are points that can be made in the debate on the Bill.

Senator Jerry Buttimer: I appreciate that. I want to ask the Leader a series of questions relating to the economy and governance, and I would like a response. Who is telling the truth to the people regarding the real state of the economy? Is what Senator Ross said correct? If it is, we need to hear it. We have been told lies for long enough. Is there any real accountability with regard to the regulator, the banks or the Government? Who is accountable and where is the accountability to the ordinary people who are standing today in the dole queue at Clarke’s Bridge in Cork? Who is in charge? Is it the Government, the cosy cartel, the golden circle or the banks? Where has the leadership been for the past 12 years?

With regard to the so-called golden circle, all I can say is that I am not one of them. Senator Leyden might think he knows who they are.

Senator Terry Leyden: I am not one of them either.

Senator Jerry Buttimer: They have done the ordinary person in this country a complete disservice and they are a disgrace to the island of Ireland. They should be held accountable along with their buddies and the Government which failed to govern for the past 12 years.

I want the Leader specifically to answer those questions because the people outside, the people working in this House, ordinary people paying their taxes——

An Leas-Chathaoirleach: Those are questions that can be asked during the debate.

Senator Jerry Buttimer: I will conclude. Those people want answers. They do not want spin or Fianna Fáil-speak, they want cogent, clear answers and confidence to be restored.

Senator Nicky McFadden: This morning we all received a survey from the Irish Small and Medium Enterprises Association suggesting that 48% of those in small and medium businesses

who were surveyed had been refused credit by the banks we are discussing today. I completely agree with Senator Ross that it is a culmination of all the crises which will cause our country to go down the tubes. The banks have a huge role to play in giving credit to small and medium enterprises so they can function, maintain jobs and keep money in circulation. I know the Leader has a keen interest in small and medium enterprises and I ask him to invite the Minister to the House to discuss this issue.

In a discussion last night with friends, I was told of the situation in Iceland, which has gone bankrupt. People there are driving up to get food relief in their swanky 4x4 vehicles. This is happening not far from here. Thank God we are part of the EU and, please God, we will not be in the same situation.

Senator Donie Cassidy: Senators Cummins, O'Toole, Alex White, Leyden, Bacik, Hannigan, Healy Eames, MacSharry, Norris, Regan, Buttimer, Quinn, Hanafin, McCarthy, Coghlan, Ross and other Senators have again highlighted their concerns in regard to the banking dilemma in which we find ourselves.

The Irish people have been a resilient race for many generations. In the time I have been around, I have seen at least three downturns in the economy. On every occasion, the Irish people came back and proved to the world their massive ability. The fact is we have had huge success in our lifetime, if we look back on it. Never could we have imagined the success our country has had, and the younger generations have had, in the past 12 to 15 years. We must acknowledge that a huge amount has been achieved. We have all lived to see it, we have all participated in it and we have played a part, as legislators, in assisting Governments of the day so that this could happen and that the correct policies were in place for it to happen.

However, there is currently a world downturn. We are no exception and certainly we are affected. As I said in the House on Tuesday, 80% of the produce of the farming community must be exported and 31% of all exports are from agricultural produce, whether beef, cereals or otherwise. Given our status as an island nation, energy costs, which have been highlighted by many colleagues, are vital. An opportunity has now presented itself, with Bord Gáis coming in with reductions of 10% and 12%, and 14% for those who are customers. Last Friday in Mullingar the Taoiseach instructed the regulator to ensure the ESB reduces its charges to the consumer by 15% in the next month or two. That represents a reduction of almost 30% in energy costs. Progress is taking place in areas affecting those most in need. That is why the contributions of Members in the Dáil and Seanad on the Order of Business are invaluable. They highlight the concerns of constituents on a daily basis and we can pass on these serious concerns and views to Ministers and Departments. I have heard Senator Ross outline to the House his serious concerns and he has significant experience in the field of finance. I have also heard concerns from those with legal qualifications on the Opposition side. There are three legal people on the Opposition benches. We are all aware that the majority of those in the Law Library are not on the Fianna Fáil side.

Senator Michael McCarthy: That is outrageous.

Senator Donie Cassidy: We are all aware that the majority of those in senior positions in banks are not on the Fianna Fáil side. Fianna Fáil does not get any contributions from trade unions when we stand at election time, despite the fact that more than 40% of the membership of the trade union movement are Fianna Fáil members.

Senator David Norris: They simply use brown envelopes.

Senator Jerry Buttimer: What about the Galway tent? It is falling down around the Senator, who is suffocating inside it.

Senator Donie Cassidy: The facts must be stated in the House. Colleagues who have raised questions this morning have received contributions from trade union movements when standing to be Members of the House.

Senator Jerry Buttimer: Name them.

An Leas-Chathaoirleach: The Leader without interruption, please.

Senator Donie Cassidy: It is very well known because on 31 January Members were obliged by the Houses of the Oireachtas Commission to disclose from where donations came at election time.

Senator Alex White: Who is the Senator talking about now?

Senator Donie Cassidy: They are freely available in the House. I am correcting the record.

Senator Alex White: I certainly did not.

Senator Donie Cassidy: I am correcting the record in respect of where conflicts of interest or loyalties can lie. Fianna Fáil are not the angels that——

Senator Maurice Cummins: We know they are not.

Senator Jerry Buttimer: The Senator is dead right they are not angels.

A Senator: That is fair to say.

Senator Donie Cassidy: There is an even playing field.

Senator Jerry Buttimer: The Senator should back track and come back out again.

An Leas-Chathaoirleach: The Leader without interruption, please.

Senator Donie Cassidy: There should be a level playing field.

Senator Jerry Buttimer: It is like the song title, “You’ve got to pick a pocket or two”.

Senator Donie Cassidy: I put it on the record to allow people to make a decision when they read the record of today’s proceedings in Seanad Éireann.

Senator Cummins and many other Senators said——

Senator Michael McCarthy: On a point of order, will the Leader clarify who got the trade union sub?

Senator Donie Cassidy: It is very well known.

Senator David Norris: That is not an answer.

An Leas-Chathaoirleach: That is not a point of order. I call the Leader without interruption, please.

Senator David Norris: I am not satisfied with that. The Leader has made very broad ranging swingeing accusations against every Member on this side of the House and I object to it. If he has something to say he should put it clearly on the record and say what he is alleging.

An Leas-Chathaoirleach: That is not a point of order.

Senator David Norris: He should name the people his is alleging, otherwise he is bringing the whole House into disrepute.

An Leas-Chathaoirleach: I call the Leader without interruption.

Senator Donie Cassidy: To be helpful to Senator Norris, I was not including him.

Senator David Norris: I got nothing, unlike some of my colleagues.

Senator Donie Cassidy: It is available in the Library for anyone who wishes to see it.

Senator Jerry Buttimer: The Senator should not make such general accusations. As Leader of the House the Senator should act responsibly.

An Leas-Chathaoirleach: The Leader without interruption.

Senator David Norris: We should read the entire thing into the record tomorrow or next week.

Senator Donie Cassidy: I must place it on the record.

Senator Jerry Buttimer: The Senator should name the people.

Senator David Norris: That includes all the financial associations on both sides of the House. That would make most interesting reading.

An Leas-Chathaoirleach: I call the Leader without interruption.

Senator Donie Cassidy: I must place it on the record and give the benefit of our experience to the younger Members.

Senator Paul Coghlan: The Senator has taught the younger Members well.

Senator Donie Cassidy: In future, when they are addressing the House they will bear these things in mind.

Senator Maurice Cummins: The younger Members have been taught well at this stage.

Senator Jerry Buttimer: The Senator should name the people.

Senator Donie Cassidy: I refer to the request from Senator Cummins and other Senators for a special debate. Senators Leyden, Hannigan and Quinn called for a debate on energy, wind power and alternative energy. I have no difficulty allocating a half a day for this purpose. We are an island nation. This is a very serious opportunity to address the challenges of alternative energy for industry and especially for the creation of jobs.

Senator Donohoe called for a debate on industrial relations in general. I have no difficulty in allocating time for that. Senator Keaveney offered her congratulations on the project brought back to Derry. I wish to be associated with those comments and I will remember the views of the Member regarding future debates in this area. Senator Keaveney called for a debate on the

[Senator Donie Cassidy.]

Garda reserve force, neighbourhood watch and all the various community help organisations. I have no difficulty in putting aside time for this at some point in the future. Senator Camillus Glynn called for a debate on the establishment of joint policing committees. The committee in Mullingar will begin work tomorrow morning.

Senator Nicky McFadden: I cannot wait.

Senator Donie Cassidy: Oireachtas and local authority members will meet with officials and the Garda to establish how we can help and assist in respect of the matters and challenges in each constituency area. I have no difficulty in holding a debate on this matter.

Senator Healy Eames referred to farmers and the waste management scheme. We are all aware there was €150 million allocated for the scheme last year. However, the success of the scheme amounts to between €416 million and €417 million. As we are aware the Minister for Agriculture, Fisheries and Food has been a hard working, dedicated rural man from our neighbouring constituency in Cavan-Monaghan. I can only speak in the highest terms of the Minister, Deputy Brendan Smith. Everything that can be done is being done and payments will be made. I understand that negotiation, discussion and consultation is taking place at the highest level involving Mr. Padraig Walsh and his team along with the Minister's team to establish how we can help those who need help first and who need this grant.

Senator Quinn highlighted concerns regarding crime and bad debt collections and his experience in the past. His suggestion to the House was not a bad idea. For those allegedly involved in crime to be collecting bad debts for anyone is not to be recommended and I take the proposal in the spirit in which it was given. We hope to have a lengthy debate on justice and related matters at the very earliest opportunity. There are many Bills due before the House related to the Department of Justice, Equality and Law Reform and the portfolio of the Minister for Justice, Equality and Law Reform. There is often an opportunity on Second Stage when the Minister is present and later on Committee Stage for questions and answers and the up to date position can be provided by the Minister in this area.

Senators Hanafin and McCarthy called for a debate on social partnership. I have no difficulty in this taking place. I wish to see the social partners and the Government staying close together. The success of our country since 1987 has been the success of the Government and social partners and everyone participating in our discussion.

Senator Alex White: Does the Senator call that success?

Senator Donie Cassidy: That is incredible success.

Senator Michael McCarthy: It was flushed down the toilet by the Government.

Senator Donie Cassidy: I realise Senator White is going for Europe and we wish him well.

Senator Alex White: On a point of order, I realise the Leader tries to keep himself informed, but I am not going anywhere near Europe.

An Leas-Chathaoirleach: That is not a point of order.

Senator David Norris: On a point of information, we are already in Europe.

Senator Donie Cassidy: We are pleased to hear that Senator White is staying with us.

Senator Michael McCarthy: I hope he does stay with us or we will be ruined.

Senator Donie Cassidy: The achievements of the social partners have been acknowledged worldwide. They have been examined by many nations, some of which have sent delegations here, including the United States of America. I had the great honour of meeting Mr. Tim Kaine, the Governor of Virginia. He acknowledged the wonderful achievements of Ireland in the 20 years during which the social partners were closely involved in deliberations. That success must be acknowledged.

Senator McFadden referred to small and medium sized businesses and the 48% which have been refused credit. I understand this has been the norm for the past 12 months. However, now some 12 months have past and we have assisted the banks in their hour of need. I understand the Government initially participated in assisting the banks in the interests of the depositors and is now re-financing them. On the Order of Business last Tuesday I welcomed the fact that two major banks are making loans available to first-time buyers at 2.45%.

Senator Jerry Buttimer: They had no choice.

Senator Maurice Cummins: It was about time.

Senator Donie Cassidy: Approximately 10,000 first-time house buyers will benefit from the €2 billion that these two banks are making available. The next challenge for the banks and for us as legislators is to ensure that the banks make credit available to the small and medium-sized businesses that employ more than 800,000 people. I want to hear on the Order of Business from colleagues in the House if this is not happening in their areas. If it is not, we on the Government side will bring the strongest possible pressure to bear and tell the Minister for Finance why and where this is the case. We will consider what we in the Seanad can do to highlight this issue every week.

Order of Business agreed to.

Proposals for EU Regulations: Referral to Joint Committee.

Senator Donie Cassidy: I move:

That the proposal that Seanad Éireann approves the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measures:

(i) a proposal for a Regulation of the European Parliament and of the Council concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EC) No. [. . ./. . .] [establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person]; and

(ii) a proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person, copies of which proposed measures were laid before Seanad Éireann on 5 January, 2009, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 25th February, 2009,

[Senator Donie Cassidy.]

shall send a message to the Seanad in the manner prescribed in Standing Order 72, and Standing Order 74(2) shall accordingly apply.

Question put and agreed to.

European Council Decisions: Referral to Joint Committee.

Senator Donie Cassidy: I move:

That the proposal that Seanad Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA

a copy of which proposed measure was laid before Seanad Éireann on 28th November, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 25th February, 2009, shall send a message to the Seanad in the manner prescribed in Standing Order 72, and Standing Order 74(2) shall accordingly apply.

Question put and agreed to.

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

SECTION 18.

Debate resumed on amendment No. 8:

In page 17, to delete lines 23 and 24.

— (Senator Denis O'Donovan).

An Leas-Chathaoirleach: Amendments Nos. 8, 9, and 13 to 17, inclusive, are related and are being discussed together by agreement.

Senator Michael McCarthy: We have debated this Bill at length, for approximately 12 to 14 hours, and everything that could possibly be said about these amendments has been said so I will not add to my comments on them. The points have been well made on all sides of the House, not least on the Government side where there is a filibuster.

I intend, however, to reintroduce some of these amendments on Report Stage.

Senator Paschal Donohoe: I support Senator McCarthy. All the points that could possibly be made, not only on this legislation, but about the future development of our ports, have been made at length in this debate. We have supported amendments on how these ports should be formed and run and expressed our concerns regarding many aspects of the Bill. We have nothing further to say. I reckon that we have debated the Bill since the middle of last October. I ask that in any further discussions we find a way to do the right thing in expressing our concerns about the Bill while also bringing it to a conclusion.

Senator Ned O'Sullivan: I welcome the Minister of State at the Department of Transport, Deputy Noel Ahern. Like the previous speakers, I do not intend to go into further fine detail

on a Bill that has already been fairly well thrashed out in the House. However, it would be remiss of me not to go over one or two points raised by my colleague, Senator O'Donovan, who is indisposed today and cannot be with us. He, and other colleagues, put up a long battle against the proposed amalgamation of Cork and Bantry harbours. He pointed out that this is not popular in Bantry where it is seen as totally unnecessary. Were he here today, I am sure the Senator would continue at further length on that point.

It is comical to suggest to people in Fenit that Shannon Foynes Port, with which it is to be associated, is its local port. Cork is nearer as the crow flies and Fenit would have more in common with Cork than with Shannon Foynes, which is a large industrial and commercial port.

Last weekend I chanced upon the chairman of the Wexford Harbour Commissioners. While they do not fall under the remit of this Bill, he said they object strongly to proposals that the Department take them over. There is a fair amount of disquiet about this matter, not all centred on the west coast.

The directors and connections of the Shannon Foynes Port Company are horrified at the idea that they must take responsibility for Fenit. There is so much happening in the Shannon Estuary that it is not practical to divert the company's business focus from the estuary to Fenit, which is an angling and tourist base, with the exception of one major commercial customer. The reports are that the LNG project in the Shannon Estuary, which is crucial to our energy requirements, is getting the go-ahead in its latest planning stages. The Foreshore Act sets one final hurdle for it but I hope that it will go through without further objections.

The future of the region depends on this development, with many jobs at stake. In this recession the country badly wants a major project such as this, and money up front. As a member of the Oireachtas Joint Committee on Climate Change and Energy Security, I am aware of the significance of an alternative new energy source in LNG which will free us from the tyranny of dependence on the infamous Russian gas pipeline. This is the Shannon Foynes Port Company's baby.

We must also consider the future of Aughinish Alumina, one of the biggest employers in the country, which, as its biggest single customer, contributes significantly to the budget of the Shannon Foynes Port Company. There have been scares about the future of the plant and it is not possible for the harbour board to deviate from concentration on such a large client to deal with other smaller fish. There is a board in Fenit which is more than happy to run, and is capable of running, the harbour at a profit. It has drawn up interesting new development plans with the Department.

There is also an issue in the Shannon Estuary regarding the future of Tarbert power station. Until recently, it was one of the major contributors to the national grid. Moneypoint is on the other side, and both stations are big customers of the port company. There is also an emphasis in Limerick city on the Limerick docklands initiative which was stalled owing to local politics and business politics in the city. That was a shame because I was in support of it as a director of the port company. It is to be hoped the initiative will re-emerge. The port company has enough to do on all of these issues without having to get involved with Fenit.

We have thrashed this issue out by now. The Minister of State has heard just about enough. I am sure it will be thrashed out again at a later stage when Senator O'Donovan is back in full health.

Minister of State at the Department of Transport (Deputy Noel Ahern): I thank the Senators for their contributions. We have had much discussion on the matter and I have replied before to the strong views expressed.

12 o'clock

Senator Michael McCarthy: The Minister has replied several times.

Deputy Noel Ahern: The fundamental point is that this is enabling legislation that follows on from various consultants' reports and from the Government's ports policy published a few years ago. Senator O'Sullivan mentioned Wexford, but Wexford is in a different category. The reason Bantry and Fenit are mentioned is that when the original legislation was being published, the option existed to set up a private company or transfer them to a local authority. Wexford does not have any commercial traffic of significance. Talks are ongoing between Wexford Harbour board and Wexford County Council about transferring that. This has happened with a number of smaller harbour commissioners where the functions have been transferred to the relevant local authority.

Bantry and Fenit are different and this came out of the Government's ports policy document which stated that if Fenit was only about angling and fishing and tourism — I spent a week in Godley's Hotel once when the children were small and I meandered up and down every cul-de-sac at the time, but that was a while back——

Senator Michael McCarthy: The Minister of State should have gone to west Cork.

Deputy Noel Ahern: Whatever.

Senator Ned O'Sullivan: The brother goes to Dingle.

Senator Michael McCarthy: He has cousins in west Cork.

Deputy Noel Ahern: The point I am making is that there is a difference due to the significant amount of commercial traffic from Liebherr in Killarney to Fenit. That company is very attached to Fenit because it suits its operation. If Fenit was only about tourism and angling, we would not be talking about putting it under the control of the Shannon-Foynes Port Company because it would be transferred to Kerry County Council. It is because there is a significant amount of commercial traffic in Fenit and Bantry that we are doing this.

The different perspectives of the different Senators have been very interesting, but there has been a long process of various reports, the results of which mean that this has been transferred to the Department of Transport. It is a very good model when dealing with the big ports and with the amalgamation of roads and ports under the same Department. I accept the argument made by some that it is more difficult to see the synergies when one is talking about smaller harbour commissioners, but that policy was approved by the Government a few years ago. Wexford is in a different category because the harbour commissioners there would come under the local authority. The option for Fenit and Bantry to link in with a port with professional expertise and corporate governance is due to the significant amount of commercial traffic at those ports. If Liebherr was not delivering to Fenit and if the oil terminal was not in Bantry, we would not be talking about this. We would be talking about transferring the competencies of those ports to the local authority.

I can see that there are strong local views on this and we have agreed to look at some amendments on more consultation and reflect on them before the Bill is passed. While we feel that the consultation that took place has been exhaustive, we have agreed to look at Senator Donohoe's amendment to formalise a consultation process in a statutory way. This will not happen in three months or six months. There have been suggestions that the previous consultation was at a high level and that individual local groups or fishermen were not involved. Sometimes we do not shout early enough but wait until decisions are nearly made and then jump out of the rafters, as it were. If any groups felt that they did not get the opportunity to

speak on this issue, we are looking at wording that can be put into the Bill to allow for a consultation process in which every group and every individual can make their views known.

I cannot accept any of the amendments tabled but I hope that, in time, people will be happy with the process as laid down in the Bill.

Question put: "That the words proposed to be deleted stand."

The Committee divided: Tá, 24; Níl, 13.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.
Keaveney, Cecilia.

Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
Bradford, Paul.
Buttimer, Jerry.
Cummins, Maurice.
Donohoe, Paschal.
Fitzgerald, Frances.
Healy Eames, Fidelma.

McCarthy, Michael.
McFadden, Nicky.
Phelan, John Paul.
Quinn, Feargal.
Ross, Shane.
White, Alex.

Tellers: Tá, Senators Camillus Glynn and Diarmuid Wilson; Níl, Senators Paschal Donohoe and Michael McCarthy.

Question declared carried.

Amendment declared lost.

Amendments Nos. 9 to 16, inclusive, not moved.

Section 18 agreed to.

Amendment No. 17 not moved.

Sections 19 to 21, inclusive, agreed to.

Schedules 1 and 2 agreed to.

Question proposed: "That the Title be the Title to the Bill."

Senator Michael McCarthy: No.

Senator Paschal Donohoe: Both Senator McCarthy and myself wish to express the view that we are not supporting the Bill but we will not call a vote on it. My understanding is that Report Stage will be taken next week.

Question put and agreed to.

Bill reported with amendments.

Report Stage ordered for Tuesday, 24 February 2009.

Acting Chairman (Senator Dan Boyle): When is it proposed to sit again?

Senator Ned O'Sullivan: At 2.30 p.m. next Tuesday, 24 February 2009.

Adjournment Matters.

Special Educational Needs.

Senator Shane Ross: I raise the need for the Minister for Education and Science to reverse his decision to cut special teacher support for children with mild learning disabilities in St. Teresa's school, Balbriggan. I cannot understand why children with special needs should be victims of cuts, especially those in education. We agree that everybody should take his or her fair share of the pain but I do not believe it is fair that any children with disabilities, who need special teachers, should take this cut announced by the Minister on Tuesday of the week before last.

In excess of 530 children and 119 schools are affected by the cuts. No great thought can have been put into this matter. These cuts will save the Exchequer only €7 million and will victimise the most vulnerable in our society.

I am particularly interested in St. Teresa's School in Balbriggan because a constituent who has a mildly disabled child asked me to raise this issue. The child needs special education teachers. St. Teresa's has a facility for two special needs classes but after the cut announced by the Minister it will have only one. The result, as the Minister will probably know, is that some of those pupils will have to go elsewhere, either to a special needs school or to a special needs class in another school, or will have to go into mainstream classes. The Minister said there are not enough children to avail of special needs schools. That is not an adequate explanation. There are never enough classes for the children in question. He should not count the children but should count the classes first and put the children into them. It is absurd to count the children and then say some must suffer while others do not. It is very unfair especially as the number of children allowed into such a class is nine. That seems a rather rigid and inflexible allowance which should be varied, and every child with special needs should be accorded the suitable education he or she deserves.

Putting children into mainstream classes, which was proposed as a possibility for St. Teresa's, is acknowledged not to be the optimum solution. It is extremely disturbing for the children involved. Even if they are only mildly affected it dislocates them when they have begun a form of education that suits them. They would have to adjust to an education that is not suitable for them.

While the Minister has made some concessions in recent days, it is very important the Minister of State, who is in the Chamber, should spell out the effect of such concessions and what they will mean to St. Teresa's school in Balbriggan. I would like to disassociate myself from these cuts and ask the Minister not just to look after the children in Balbriggan but to completely reverse these cuts, which are saving only €7 million. The Minister should consider the children who need this. They are children with autism, Down's syndrome or other mild or more

severe special needs. I ask him to reverse these cutbacks, particularly in this case, and to spell out what the future holds for those children who really need special teacher support.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I will take this Adjournment debate matter on behalf of my colleague the Minister for Education and Science, Deputy Batt O’Keeffe.

I thank the Senator for raising this issue as it gives me an opportunity to clarify the position. It is of tremendous concern to me and to the Minister, Deputy Batt O’Keeffe, that there has been a staggering level of misinformation and misrepresentation of the notification to a number of schools by my Department that they were no longer entitled to retain teachers in classes for pupils with mild general learning disability.

The first and most important point is that all pupils with a mild general learning disability have, and will continue to have, additional teaching resources to support their education. All primary schools have been allocated additional teaching resources to enable them support pupils with high incidence special educational needs including mild general learning disability. Each school was given these additional teaching resources under the general allocation model of learning support-resource teaching introduced in 2005.

I emphasise that these additional teaching resources have not been withdrawn from any school. Schools can decide how best to use this allocation based on the needs of the pupils. Most pupils with a mild general learning disability are included in ordinary classes with their peers and are supported by their class teacher. The curriculum is flexible so that teachers can cater for the needs of pupils of different abilities. This policy of inclusion has widespread support within the educational community. Schools can use their resource-learning support allocation to give pupils special help if they need it. This might be done with a teacher working with a group of pupils or on a one-to-one basis for a few hours each week.

Before the general allocation model was introduced, some schools grouped pupils with a mild general learning disability into special classes. Senators are aware that allocations to schools typically increase or decrease depending on pupil enrolment. In the case of classes for mild general learning disability the normal pupil teacher ratio is 11:1. My Department, however, allows for a small reduction in this number and permits a school to retain a teaching post where it has a minimum of nine pupils in the class. The rules also provide that a teacher would no longer be allocated where the number of pupils fell below nine. In the schools in question, the number of pupils dropped below this minimum and the schools no longer qualify for the teaching posts in these classes.

In 2005 when the general allocation model was introduced, schools with additional teachers in classes for mild general learning disability were allowed to retain the teachers for these classes. Effectively, these schools received a double allocation. The number of these special classes has decreased over the years and schools have integrated the pupils into age-appropriate mainstream classes. All the other primary schools in the country which do not have classes for pupils with mild general learning disability cater for these pupils from within the general allocation model. Surely commentators are not suggesting that three or four pupils with a mild general learning disability should be kept in a class of their own when they could benefit from the interaction of other peers with support from their teacher.

Senator Ross will be aware, however, that the Minister, Deputy Batt O’Keeffe, is open to listening to proposals from schools where they can demonstrate that it is educationally more beneficial for the pupils involved to be in a special class of their own rather than to be integrated with their peers and supported by the mainstream classroom teacher and the learning resource teacher.

[Deputy Seán Haughey.]

There has been unprecedented investment in providing supports for pupils with special needs in recent years. There are approximately 19,000 adults in our schools working solely with pupils with special needs. There are more than 8,000 resource and learning support teachers in our schools compared with just 2,000 in 1998. In excess of 1,000 other teachers support pupils in our special schools. Some 76 classes for pupils with mild general learning disability are being retained where there are nine pupils or more in these classes.

Priority will continue to be given to provision for pupils with special educational needs. The establishment of mild general learning disability classes predate many of the developments in special education policy in recent years and we now have a system for providing schools with supports for pupils with high incidence special needs through the general allocation model. The parents of all children with mild general learning disability need to know their children in mainstream classes are getting a quality education delivered by committed class teachers and supplemented by additional support from the resource-learning support teacher. This is happening every day in schools throughout the country and it will continue happening. I again thank the Senator for giving me the opportunity to clarify the position in relation to this matter.

Senator Shane Ross: I thank the Minister of State for his reply, in which he read, “The Minister, Deputy Batt O’Keeffe is open to listening to proposals from schools where they can demonstrate that it is educationally more beneficial for the pupils involved to be in a special class of their own rather than to be integrated with their peers and supported by the mainstream classroom teacher and the learning resource teacher”. Is that a kind of let-out clause? Does it mean the parents or teachers of the pupil to whom I refer in Balbriggan can make representations to the Minister which will allow him to restore the special teaching facilities to which they were formerly entitled?

There was a very noticeable omission in the Minister of State’s reading of the script. I do not know if it was deliberate. In the last paragraph the script reads, “The natural sympathy we all have for pupils with special needs and their parents makes it all the more important that we do not cloud facts with emotion”. What does that mean and why was it left out?

Deputy Seán Haughey: Since the letters went out to the schools the Minister, Deputy Batt O’Keeffe, said he is open to listening to proposals from schools where they can demonstrate it is more educationally beneficial to the pupils involved to be in a special class of their own rather than be integrated with their peers and supported by the mainstream classroom teacher and learning resource teacher. He has also said he is open to listening to suggestions regarding combining resources of schools in a particular locality. The Senator has to take it at face value that he is open to listening to proposals from wherever.

Senator Shane Ross: From whom should the proposals come: the teachers or the parents?

Deputy Seán Haughey: They should come from schools. To be brutally honest with the Senator, I am not sure the line that was left out was of any help with the debate.

Senator Shane Ross: It was deliberately omitted then.

Housing Aid for the Elderly.

Senator John Paul Phelan: I welcome the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Finneran. I want to ask him about the schemes administered by local authorities for housing aid for different groups, mostly for elderly or disabled people. Within the past 12 months responsibility for a number of schemes that

previously rested with the former health boards has been transferred to local authorities. Those schemes have been combined with a number of existing schemes run by local authorities and as a result, last year local authorities were inundated with applications for funding under the schemes.

I raise this on the Adjournment due to the fact that in Kilkenny, the area with which I am most familiar, there are a number of outstanding difficulties for people who are trying to get funding to provide necessary improvements to their homes. The current position in the housing department of Kilkenny County Council is that it will provide funding for repairs to roof damage and similar, related problems, but if elderly people have problems with poor windows or lack of heating, the local authority cannot address them this year. A standard letter issued by the county council states that this year's funding will largely be spent on roof repairs and that any repairs to windows or the cost of installation of heating cannot be covered because it does not have the money for it.

I note that within the past week a parliamentary question was put down in the Lower House about the current position with this funding. In his reply, the Minister stated that his Department is liaising with local authorities with regard to how much funding will be allocated. What is the position with that? It should have been concluded by now. There is a huge backlog of people in the system who have been approved for work to be carried out, but local authorities cannot give them the money to complete the work as the funding is not available. A number of local authorities are allowing people to do the work. People can borrow from the credit union or elsewhere and the money will be repaid when the grant is paid. However, the people seeking this funding are either disabled, elderly or ill — some are in all three categories — and many of them are not in a position to get a loan from a credit union or any other institution. It is not the best time to be seeking loans from any institution.

Perhaps the Minister will shed light on this issue. I refer specifically to the essential repairs grant, the disability grant and the housing aid for older people grant. Will there be an increase in funding for those schemes this year given that there is such demand for them? When will the funding for local authorities be announced? Is the Government serious about tackling the backlog that exists as a result of the amalgamation of the schemes that were previously operated by the health boards with those operated by local authorities?

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I thank the Senator for giving me this opportunity to discuss the operation and funding of the suite of housing adaptation grant schemes for older people and people with a disability in 2009. The new suite of grant schemes replaced the previous disabled person's and essential repairs grant schemes late in 2007.

I attach great importance to these schemes which play a vital role in facilitating the continued independent occupancy of their own homes by older people and people with a disability. In line with my objective of prioritising the needs of the most vulnerable households, I underlined my commitment to ensuring the continued effectiveness of the schemes by announcing an 8% increase in funding for the schemes in 2009. The new suite of grant schemes is funded by 80% recoupment available from my Department together with 20% contribution from the resources of the local authority.

As the Senator will be aware, funding and activity under the schemes has been accelerating year on year, with expenditure increased from €13 million in 1997 to over €71 million ten years later. During that time, 74,000 grants have been paid. This represents 74,000 older people and people with a disability who have been assisted in remaining in their own homes and communities for as long as possible. In May 2008, I announced a combined capital allocation of €71.4 million for the operation of the schemes for last year. In addition, to take account of the

[Deputy Michael Finneran.]

significantly increased levels of activity under the grant schemes experienced by local authorities in 2008, supplementary Exchequer allocations totalling €15 million were made in September, October and December. This level of funding supported the carrying out of badly needed adaptation works to over 12,000 disadvantaged households.

In preparing the allocation of funding to individual local authorities for the operation of these schemes in 2009, my Department has been in regular contact with individual local authorities on a range of relevant issues, including the levels of activity experienced under the schemes in 2008; the levels of claims on hand; the degree to which prioritisation of applications has taken place and the anticipated levels of activity in 2009. In view of the anticipated high levels of demand under the schemes once again this year, I am conscious of the need for local authorities to be able to deploy available resources as early as possible in order to maximise their impact for households availing of the schemes. Local authorities will therefore be notified of their capital allocations in respect of the housing adaptation grant schemes for older people and people with a disability immediately following the publication of the Revised Estimates for Public Services 2009.

As in previous years, it will then be a matter for each local authority to decide on the specific level of funding to be directed towards each of the schemes from within the combined allocation notified to them by my Department and to manage the operation of the schemes in their areas from within this allocation.

Senator John Paul Phelan: The Minister said there will be an 8% increase in funding for the schemes in 2009. Is that an 8% increase on the €71.4 million originally allocated for 2008 or the €86.4 million spent in 2008?

Deputy Michael Finneran: The Revised Estimates will be available shortly and they will determine the allocation. I provided in the original Estimates for an 8% increase.

Senator John Paul Phelan: It appeared in the response to the parliamentary question that it is an increase on the €71.4 million.

Deputy Michael Finneran: It is an increase of 8% on 2008.

Senator John Paul Phelan: Yes, on the original allocation for 2008.

Planning Issues.

Senator Brian Ó Domhnaill: I hope the Minister will look with favour on my proposal regarding planning approvals which were granted in 2004 to people, particularly young couples and members of the indigenous community, for one-off houses. Those planning approvals are due to expire this year. The applicants are finding it extremely difficult in the current climate to obtain a mortgage or financing to build the house for which they have planning approval.

I ask the Minister and the Department to examine the possibility of permitting local authorities to grant a three-year extension to these approvals. The reason I seek a three-year extension is that, in light of the current economic situation, three years might give people the opportunity to obtain the finances required to build their houses. I do not call for developers to be given a three-year extension but that it should be given to individuals who sought and received planning permission for one-off houses.

Consider the cost of reapplying for planning permission. I met a couple last weekend who told me that it cost them €2,500 to reapply for permission this year for the house for which they were approved in 2004. That is a huge cost. It might provide finance for architects and

keep them employed, but it is a burden for young, local couples. In many cases the planning permission is expiring and these couples are not reapplying, with the result that they are on the local authority housing list. It would be a progressive step if we granted to those young couples in particular who have applied for permission a three-year extension. It would allow them to continue to save to build up their resources in the hope that they would build a house in the next three years. Otherwise we are burdening the local authority in terms of housing lists. That is a burden we cannot afford given that many people are going on to local authority housing lists throughout the country.

I am not sure of the legalities of this issue or whether legislation would be required, and I am not sure whether the Department would consider it. I am requesting it today because many people, including county councillors, have raised this issue with me. While I do not expect a conclusive response today, I hope the Department will at least consider the proposal.

Deputy Michael Finneran: I thank Senator Brian Ó Domhnaill for bringing this matter to my attention.

Under section 40 of the Planning and Development Act 2000, the duration of a planning permission should normally be a period of five years from the grant of permission. However, under section 41 of the Act, a planning authority or, as the case may be, An Bord Pleanála, may, having regard to the nature and extent of the relevant development and any other material consideration, specify a period in excess of five years during which a permission is to have effect. It is, however, the responsibility of an applicant in the first instance to request such a longer duration in appropriate circumstances.

Under section 42 of the 2000 Act, the holder of a planning permission may apply to the relevant planning authority for an extension of the period originally specified. Subject to compliance with certain requirements, including that substantial works were carried out pursuant to the permission during the period originally specified, a planning authority may extend the duration of the permission by such additional period as it considers necessary to enable the relevant development to be completed.

This additional period may be further extended where, upon application, the planning authority is satisfied that the development has not been completed due to circumstances beyond the control of the applicant.

It is apparent therefore that reasonable provisions were made in the 2000 Act to allow flexibility within the planning system to accommodate the specific circumstances of individual developments.

However, in the current economic situation, it is evident that cases may arise where, due to external circumstances beyond the reasonable control of a developer, it may not be possible to commence a development within the period originally specified in a planning permission or, indeed, to carry out substantial works under a permission.

In addition to the latitude currently available, therefore, the Minister for the Environment, Heritage and Local Government is disposed, in the context of the drafting of the planning and development amendment Bill, to enable planning authorities, on application, further to extend the period of a planning permission where particular considerations beyond the control of the planning applicant would warrant it.

The Minister considers that such further flexibility, which may be exercised by planning authorities on a case-by-case basis, would be a more appropriate response to current circumstances than provision for a blanket extension of all existing planning permissions. He does not consider that a fee of the level imposed in respect of an application for an extension of the duration of a planning permission — currently €62 — is a significant impediment or cost.

[Deputy Michael Finneran.]

I understand that it is the intention to publish the planning and development amendment Bill soon and this provision will be included. I am glad to be of assistance to the Senator today. We have already contemplated what he has proposed and we hope to be in a position to accommodate it in the Bill that will be published shortly.

Senator Brian Ó Domhnaill: I thank the Minister of State, Deputy Finneran, for that favourable response and acknowledge his input in ensuring that young people across the country are given the opportunity of the extension they require. I appreciate fully that it is a matter for local authorities more than the Department but if local authorities are given the flexibility considered by the Minister, it will be a significant step forward.

The Seanad adjourned at 1.05 p.m. until 2.30 p.m. on Tuesday, 24 February 2009.