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Tuesday, 16 June 2009.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for Health and Children to report on children who have gone missing from the care of the State in the previous ten years, the number of children, their ages, steps undertaken to locate them, the number of children found and the number of children who remain missing.

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

The need for the Minister for Social and Family Affairs to re-open the social welfare office in Dunmanway, County Cork, as a matter of urgency.

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

The need for the Minister for the Environment, Heritage and Local Government to publish the Cork docklands report.

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

The need for the Minister of Health and Children to outline how she plans to address the current shortcomings of the preschool education scheme planned to start next year, namely,

[An Cathaoirleach.]

the availability of places given the funding cap, the availability of appropriate specialist teaching personnel, the proposed pupil-teacher ratio and the curriculum associated with a quality preschool education.

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

The need for the Minister for Education and Science to explore, with his Northern counterpart, the expansion of the school day by bringing in outside organisations for out-of-hours learning, which concept is working well in the North.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Maria Corrigan, Michael McCarthy and Jerry Buttimer and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

Before proceeding to the Order of Business I welcome to the Distinguished Visitors Gallery former Senator and now MEP, Mr. Alan Kelly. On behalf of the Members I wish him every health, happiness and success in the European Parliament. He has a very bright future there and I wish him the very best of luck.

Order of Business.

Senator Donie Cassidy: We echo the Cathaoirleach's very kind remarks and wish Alan well. We spoke last week of how proud we were of his achievement in becoming a Member of the European Parliament. We hope the experience he has gained in the Seanad will stand him in good stead in the many years to come as a Member of the European Parliament.

The Order of Business is No. 1, Aviation (Preclearance) Bill 2009 — Report and Final Stages, to be taken at the conclusion of the Order of Business; and No. 2, European Parliament (Irish Constituency Members) Bill 2009 — all Stages, with the Order for Second Stage and Second Stage not to be taken before 5 p.m., with spokespersons having ten minutes to speak, all other Senators seven minutes, on which Senators may share time, and with Committee and Remaining Stages to be taken at the conclusion of Second Stage.

Senator Frances Fitzgerald: The public is outraged at the ongoing cancellation of operations for children in Our Lady's Hospital for Sick Children, Crumlin. I propose an amendment to the Order of Business, that the Minister for Health and Children, Deputy Harney, should be asked to outline to the House the funding decisions which have led to the ongoing cancellation of vital surgery for young children. Given the wealth this country has had, it is outrageous that young children's operations are being cancelled in this centre of excellence. I ask the Leader to convey our views on this matter to the Minister.

A number of Members on this side of the House are concerned that, on an ongoing basis, we are taking all Stages of legislation on the same day. I am concerned at the management in the House of this matter and ask the Leader to ensure there is time between the different Stages of a Bill so that we can consider them adequately.

Perhaps the Leader will comment on the spat between him and the Deputy Leader on the filling of the two Seanad seats, for which there will be an internal election. We do not yet have Seanad reform and therefore the public will not have a say in the filling of these seats. When will the Seanad by-elections be held? Will an additional seat be offered by the Government to the Green Party as part of the ongoing political drama in which it is engaged and, if so, does that mean the filling of these seats will have to wait until the programme for Government has

been renegotiated in the coming weeks and months or will it be tackled immediately? Will the Government give us a date for the by-elections?

I ask the Leader to ensure there is debate in the House before the end of this term on the Lisbon treaty guarantees. We should not take the public or its vote for granted in the lead up to the vote on the Lisbon treaty. We must discuss in the House in a timely manner the detail of those guarantees.

Senator Joe O'Toole: I also wish to be associated with the words of congratulation to former Senator Alan Kelly on his election. I wish him well in his time in Europe. It is a very difficult job to represent the most important part of Ireland. I look forward to his work and encourage him to sell the European message as loudly and articulately as possible, as I have no doubt he will, especially over the next six months. I wish him well in that regard.

The bartering and bargaining with Seanad seats, trying to buy spiritual indulgence and gain by offering seats to the Green Party, reminds me of the old sin of simony. It is unseemly and unacceptable. It gives the impression of the old all-conquering invader walking up the beach with baubles for the native Greens, having trinkets to buy them off and little bits of broken mirrors to pull them over to one side and calm them down. It is unacceptable and it offers another reason for the need for Seanad reform to come to the fore.

Senators: Hear, hear.

Senator Joe O'Toole: It is not good enough. This House is constitutionally far too important to be demeaned and diminished by having its seats used as a barter and a trade to buy political security. This should be looked at very closely.

Senator David Norris: Hear, hear.

Senator Joe O'Toole: My offer to the Green Party is that among us we will certainly find it possible to put forward an alternative candidate, for whom its party members might like to vote along the way. The seat should be left open in that regard. One of those seats was not a Government seat and that should be respected, as would be done on a local authority, to ensure the seat ultimately goes to a non-Government person. There is much to be done in terms of Seanad reform and this is one more example.

On at least three occasions over the past year I raised the importance of, and my frustration at the lack of support for, the Iranian opposition group, the Mojahedin organisation, which seems to be ignored by the West. This was especially the case when the previous President of the United States took the view that one either did business with that renegade regime or else invaded it. There is a third way which is now apparent, but we left it too late. We might have supported those people who came looking for our support. It is a bit hard to listen to Gordon Brown. A year ago his Government called these people terrorists and he was fighting in Europe to stop them getting recognition as a legitimate, peaceful, democratic opposition. There is much to be done. I ask the Leader to bring to the Minister for Foreign Affairs, Deputy Micheál Martin, our concern that he would show support for the opposition in Iran and for the courage and bravery of the people on the streets there.

I acknowledge the good work being done by the Minister over the past week or so on the European project. It is good to see him busy, out there and in the media. I hope it works.

Senator Alex White: Our thoughts and solidarity should be with the tens of thousands of people who took to the streets in Tehran over the past 48 hours and who are still protesting at events in Iran in recent days. Whenever I see such demonstrations and such a response by

[Senator Alex White.]

people in their tens of thousands, I am struck by the fact that when people abandon fear, anything can happen. Many people in Iran have abandoned fear and have taken the political situation, which belongs to them, into their own hands. They are out on the streets seeking to vindicate their civil and democratic rights.

I wish to be associated with the congratulations to my colleague, or as they say in the European Parliament, my dear colleague, former Senator Alan Kelly who is now a Member of the European Parliament. We are also congratulating today many people who have been elected to positions in local authorities around the country, mayoralties and so on. It is right we should congratulate them. However, we are reminded by this, unfortunately, of the constraints and limitations in the powers of elected mayors, deputy mayors and local authority members throughout the country. This is a timely occasion to raise this issue. Last week I asked the Leader to arrange a debate in the House about Dublin. In early or mid-May, the Minister for the Environment, Heritage and Local Government made an announcement in respect of a directly elected mayor for Dublin and, perhaps, other cities.

I would like the Leader to arrange an early debate on how and in what manner the Minister intends the directly elected mayor to operate, because he has made significant claims in that regard. He said on 13 May, "I am making the most significant change to leadership in Dublin since the foundation of the State." That is a big claim and I would like to understand how the mayoralty of Dublin will work. What sort of legislation is it proposed to introduce. I presume there will be legislation, because if there is not, there will be no changes in the powers.

I do not see any colleagues from the Green Party here, but I am sure they are close by. I, like many others in the country, would enthusiastically support the position of directly elected mayor, but it must be a position of power. It must be a position that has real authority associated with it. Otherwise, it simply grafts a post onto the existing weak system of local government. I made the point previously in the House that we have a very weak parliament in Ireland. We have an even weaker system of local government. We now have a good opportunity to debate these issues. Will the Leader ensure the Minister for the Environment, Heritage and Local Government comes to the House to facilitate such a debate at the earliest possible time?

Senator Terry Leyden: I share in the congratulations to our former colleague Alan Kelly on winning a seat in the European Parliament. I thank him for visiting us today to say goodbye to the House. I have no doubt he will make a major contribution in the European Parliament on behalf of Ireland. I wish him every success, health and good wishes.

Will the Leader arrange for the Minister for Health and Children, Deputy Harney, to come to the House, this evening if possible, to make a short statement on the robbery of 15 computers from the offices of the HSE at Lanesborough Road, Roscommon town, at some time on Friday night or Saturday morning? Some 13 of the 15 computers stolen were encrypted, but two were not. One of the computers contained very sensitive material that could affect people's livelihoods. This seems to have been a well-organised, targeted and sinister robbery. I question the lack of security in the offices and believe there was no closed circuit television in place. Many people are concerned that sensitive material on the stolen computers, including information on individuals' livelihoods and health status, including mental health, could be used for blackmail purposes. The laptops may also contain information regarding social workers' dealings with members of the public. This is an extremely serious matter.

I wish the Garda Síochána well in its inquiries into this matter and hope arrests will follow. The incident is sinister because it was carried out with the strategic purpose of stealing computers belonging to managers in the Health Service Executive office in question. If the Minister chooses to make a statement in the other House, she should also acknowledge the Seanad by

making a statement in this House outlining what occurred in this case and what steps are being taken in other Health Service Executive offices to protect computers.

Senator Joe O'Reilly: On behalf of the Fine Gael Party, I warmly congratulate former Senator Alan Kelly on his election as a Member of the European Parliament. He will do the country, his party and himself proud and I have no doubt he will be as capable an advocate in the European Parliament as he was in this House. I wish him well in this important role and have every confidence he will serve the country well. I also join Senator Leyden in extending my best wishes to all those who were elected to local authorities. They, too, have important responsibilities.

The issue I raise is the need for this House to be at the forefront of job creation efforts. This is the greatest onus on the Oireachtas at present. Members must exhort the Government to create jobs, debate the issue of job creation, propose new ideas for generating employment and do everything in our power to assist job creation efforts. The main issue I encountered while travelling around the north west constituency during the recent European election campaign was the need to create jobs. I met large numbers of able bodied people at home at hours of the day when many of them used to be at work. This is a serious issue.

In this context, I draw the Leader's attention to a report published today which was commissioned from Deloitte by the Irish Wind Energy Association. According to this document, the wind energy sector has the potential to create 10,000 jobs in the next ten years. Achieving this will, however, require major investment in the national grid. The IWEA report, the Spirit of Ireland proposition and the Fine Gael Party's recent jobs plan all suggest employment can be created in the wind energy sector. Will the Leader convene a special debate before the recess on the potential to create jobs in the green energy sector? A full-day debate is required to tease out this issue. The House owes the country nothing less.

Senator Cecilia Keaveney: I congratulate former Senator Alan Kelly on becoming a Member of the European Parliament. Senator O'Toole should note that the Government recently treated the Opposition to Senator Cannon.

I join Senator Fitzgerald in raising the issue of Our Lady's Hospital for Sick Children, Crumlin, which appears to be sending out mixed messages. On the one hand, some people are being told their child cannot have an operation while, on the other, either the hospital or Health Service Executive has stated that operations are not being cancelled on account of cutbacks. We need clarity on this issue. Vulnerable groups in the community, particularly children, must not be used as pawns. Will the Leader ask the Minister for Health and Children to provide information on what is taking place in Our Lady's Hospital for Sick Children?

This is national cycle to work week. Unfortunately, despite raising the issue of safety for cyclists for years, I have been unable to persuade others to take the issue as seriously as I do. Yesterday, while walking for about one and a half miles after leaving the House, I was passed by at least 18 cyclists who were clearly taking part in the cycle to work initiative. Only three of them were wearing reflective jerseys, two bicycles had back reflector lights and none of the bicycles had a front light. To comply with cycling protocol and the law, one is supposed to display a front white light and a back red light and wear reflective gear, otherwise one can be fined €1,000. I ask the Leader to find a mechanism to advocate safety for cyclists and respect for other road users. Currently, it is not so bad because the days are long, but the same cyclists operate at night when they cannot be seen and they are a danger to themselves and to others.

Senator David Norris: I wish my colleagues a very happy Bloomsday and thank the Government, particularly the Department of Arts, Sport and Tourism, the Minister, Deputy Cullen, and the Minister of State, Deputy Mansergh, for their continued support of the James Joyce

[Senator David Norris.]

Centre. We have had visitors from all over the world. Russia's leading composer was there last week. This week there was a visit by one of the leading experts on the application of stem cell technology to the treatment of leukaemia. We are particularly pleased that in this difficult time of recession we have increased our footfall at the Joyce Centre. It is a really remarkable tribute to the centre.

I opened a bridge at lunchtime today and I looked around the Irish Financial Services Centre. It is very reassuring to see the activity and the energy down there. It made me think that the Celtic tiger is not a mirage. However, sometimes democracy is. This by-election is not an election, it is a farce. Commentators are talking about it on the radio as we speak and are asking whether the Taoiseach, Deputy Brian Cowen, will give a seat to the Green Party. We all know what is going on. It is a ready-up. There are fewer than 1,000 voters. Be frank and admit it. It is a rotten borough and do not let anybody give us a lecture about democracy.

An Cathaoirleach: Questions to the Leader.

Senator David Norris: Let the newspapers take note. With regard to the Lisbon treaty referendum, bring on the discussion. I would like a straight answer this time about armaments, not abortion or conscription. What is the status of the European armaments group? I would like to be able to campaign for the Lisbon treaty but if I do not get an honest answer this time, I will be out again against it.

Senator John Hanafin: Having previously wished my county colleague, former Senator Alan Kelly, well, I do so again. I trust he will have a full and fruitful five-year term in Europe.

Senator Jerry Buttimer: I would not bet on that.

Senator John Hanafin: On the recent local elections, I ask the Leader to make inquiries as to whether it is due to an agreement or legislation that there is media blackout on the day of an election. The *Irish Daily Mail* should be recategorised from a newspaper as a journal of the UK Independence Party—

Senator David Norris: As lavatory paper.

Senator John Hanafin: —because its headline was nothing short of absolute politicking. It has no integrity as a newspaper for independent journalism. I also question so-called independent commentators who are former chairmen of political youth groups, former Ministers and former Taoisigh. It is possible for any of us who have been in political life to be truly independent commentators — I certainly find it difficult to believe it is. Perhaps that is something the regulator might look at. When we are looking for equity and fairness, those who categorise themselves as independent commentators, whose pores exude a particular point of view — individually, they are fine men — have a political preference and are not independent commentators.

I again call for a two-day debate on the €20 billion budget deficit to give each party an opportunity to outline, independently audited, how they would make the cuts and raise the tax.

Senator David Norris: A Chathaoirligh, may I have permission to correct something I said? Apparently, there are only 226 votes for the Seanad by-election. That is a scandal.

Senator Michael McCarthy: Like my colleague, Senator Alex White, I would like to raise the issue of local government. As we all will be aware, a number of people were elected first citizens of their respective cities and towns last night. It is a very important point in the careers

of those involved and it is a huge honour to become first citizen of one's area. We congratulate all those who have been elevated to the position of mayor. However, that raises a very important point, namely, the statement by the Minister for the Environment, Heritage and Local Government, Deputy Gormley, that he will reform local government and create the position of directly elected mayors. Some town councils, including one in my area, have budgets of less than €40,000. They have absolutely no executive functions and are not rated as councils, so the position of mayor is symbolic.

I call for a real and honest debate about local government. The Minister, Deputy Gormley, should come into the House and spell out exactly what he intends to do regarding the directly elected mayorship of Dublin and if he intends to give the mayor real powers. We need to model it on the system in place in London, where Ken Livingstone was mayor of a local authority which had executive powers. Can we bring the Minister, Deputy Gormley, in to discuss this matter?

We also need commitments from him that we will not suffer the drastic cutbacks throughout the country we are currently witnessing in, for example, Cork, where as a result of starving local government of funds recycling centres are being scaled down in areas such as Kinsale and charges are being introduced in neighbouring towns such as Bandon, where people will be forced to pay excessive amounts to access a service that, until recent times, was free of charge. Recycling initiatives are a fundamental part of local government and it is a mockery that a Green Party Minister would starve local government to the point where people are being charged for recycling goods.

3 o'clock

Senator Nicky McFadden: Hear, hear.

Senator Michael McCarthy: I ask the Leader to arrange a debate between the Minister, Deputy Gormley, and the House on the reform of local government.

Senator Ann Ormonde: I congratulate former Senator Kelly and wish him every success in his new role as MEP.

I would also like clarity on the issue of Crumlin Hospital. I listened to many programmes yesterday and mixed messages were coming through on whether operations had been cancelled and for what reason. It is very important to get clarity on that.

I wish the Taoiseach and Minister for Foreign Affairs, Deputy Micheál Martin, well in the final agreement to copperfasten the guarantees on taxation, neutrality and social issues. Perhaps we could find time on the agenda, when all of this has been sealed, to have a full discussion on the Lisbon treaty and discuss the points about which the public at large were very apprehensive.

Before we break for the summer, it is important we start the ball rolling in this Chamber. I have always said we should use this Chamber for any issues that arise regarding Europe and we have a golden opportunity to set the ball rolling on the Lisbon agenda and treaty, which will come up in October.

Senator Eugene Regan: Regarding the Lisbon treaty and the guarantees which are now being put in place, I welcome the progress that has been made. As Senator Norris said, we need clear language on this and we are getting that. We had a confused, emotionally charged referendum campaign on the last occasion and it is time to end the emotional blackmail that existed at that time. We now have clear language being introduced in the decision of the European Council. It will be lodged with the United Nations.

[Senator Eugene Regan.]

There is a precedence for this, namely, when Denmark rejected the Maastricht treaty and it was eventually all incorporated into EU treaties. We know from the last year how important Europe is to us. We are getting support from the European Central Bank and there are political guarantees for a small state like Ireland. There are people who want to isolate us, benefit their own agenda politically by an isolated Ireland and create social unrest.

We have to get this referendum right. We need to start the debate in this Chamber. We all have a responsibility to ensure we ratify the treaty this time and get on with the business of the State and resolve our economic problems, but the prerequisite for that is to endorse and give a mandate for the ratification of the treaty.

Senator Jim Walsh: I join my colleagues in congratulating former Senator Kelly and wish him the very best in his newfound position. He reminded me he can look forward to a five year term. When we look at Seanad reform, the question of a fixed term should be examined.

I support the call for a debate on local government. It is opportune to have such a debate. The Minister for the Environment, Heritage and Local Government, Deputy John Gormley, has been looking at this area. The installation of a directly-elected mayor in Dublin should only be a very small part of overall local government reform. We need to rebalance the controls exercised at central Government level with those of local government. Our local democracy system is weak in comparison with those of most other western European countries and this needs to be addressed. There is a need for balancing in terms of the power vested in the executive side of council. There is an opportunity in a wide ranging debate for us to move towards achieving real local democracy in this country, an issue not addressed by successive Governments in the past despite pledges to do so.

We need to ensure councillors are properly resourced. While many good people lost their seats in the recent local elections there is a great deal of new talent coming on to local authorities. It is important they are utilised and given the resources to enable them to do their job properly. There are many demands on councillors. What they are paid is far from commensurate with the workload of any conscientious hardworking councillor. While people in the media might like to denigrate this, it does not stand up to scrutiny when one considers the responsibilities, workload and the range of expertise required of them. We need to debate this issue.

Senator Fidelma Healy Eames: I congratulate former Senator Alan Kelly and wish him well in Europe. Politics is about people's lives and the positive effect it can have on the quality of their lives. Today, I am particularly dismayed to hear that only ten of the 128 special needs classes which the Minister for Education and Science proposes to cut won their appeal. In one of the unsuccessful classes, which I know well, there are two children who cannot speak, two children who need to be toileted and another child regularly appears in the centre of the classroom having stripped off all his clothes. All of the children in this class have multiple disabilities. These seven children are now to be mainstreamed, which makes absolutely no sense.

My question to the Leader is what type of appeals process did the Minister use and how genuine was it. What was the criteria by which ten classes were successful while the others were not? I believe, as an educator, that the Minister is leaving the State wide open to future litigation on the basis of the unmet educational needs of these children. Not alone will the children have difficulty coping, teachers will have difficulty coping. This is a crying shame. I appeal, through the Seanad, to the Minister for Education and Science to reconsider this situation. While the number of children involved is only 500, this move represents 500 children

dismissed and forgotten. These are children who in the past may have been placed in institutions and who may now not be much better off unless they receive the resources they need in the classroom. The Minister's report published a few years ago stated we are not set up to mainstream children with these needs.

Senator Ivor Callely: I wish to raise matters relating to health. Members will be aware of the ongoing discussion in relation to certain abuses with regard to children. Yesterday was World Elder Abuse Day. In this regard, I would like if the Leader could obtain for me a brief on the developments to address the issue of elder abuse, which I understand is recognised as happening in this country today, and an outline of Government policy on this matter. Perhaps also he could obtain for me a copy of the report of the working group on elder abuse, if available. I would be grateful if the Leader could arrange that for me.

I support the concerns expressed on all sides regarding Crumlin children's hospital. I understand that one of the hospital's theatres is closed at present and I ask the Leader to find out the reason for this closure. Is it due to a lack of funding or because improvements are being carried out to the theatre? I cannot understand the reason for it given that the budget for Crumlin hospital is €140 million in 2009, which is in line with the provision for 2008. I commend all those who work in the hospital on their commitment and dedication, particularly in light of the funding difficulties we are led to believe exist. I understand treatment levels increased during the first four months of 2009.

Senator Ivana Bacik: I join my colleagues in congratulating former Senator Alan Kelly on his election to the European Parliament. Not only did he run a great campaign but he was, I think, the only candidate to have his own rap song, which I understand has become a cult classic on YouTube. I also congratulate the councillors who were elected lord mayor, particularly Emer Costello, the new lord mayor of Dublin. I concur with other Senators on the need for local government reform to ensure real powers for people in those offices.

I support Senator Fitzgerald's call for a debate on the cancellation of surgery in Crumlin children's hospital and the effect of the cutbacks there. Two weeks ago I had the privilege of meeting mothers, who are involved in the magic mum group, of children who are seriously ill and awaiting surgery in Crumlin. These mothers told me in great detail their heartbreaking stories of surgery being delayed or postponed due to cuts. I understand from them that even before the announced cuts, services in Crumlin were seriously inadequate for the level of injuries and chronic illnesses presenting. This hospital is the national centre for very sick children and it is wrong to make cutbacks in such a centre when services were already inadequate. I wrote to the Minister for Health and Children, Deputy Harney, and the head of the HSE, and I ask the Leader to arrange a debate on this issue.

I ask the Leader to indicate whether the legislation promised by the Green Party will be introduced before the end of this term. I refer in particular to the climate change Bill and the civil partnership Bill, which will presumably form part of the review of the programme for Government which the Green Party has sought. These Bills are long overdue——

Senator David Norris: Hear, hear.

Senator Ivana Bacik: ——and we need to see them in this House. I hope we can debate them before the end of this term but I do not think we should hold our breath.

Senator Dominic Hannigan: I join other Senators in congratulating former Senator Alan Kelly on his election to the European Parliament. The rap song he used summed up his campaign and gave me one of my favourite lines, namely, "his opinion isn't outdated like lino in

[Senator Dominic Hannigan.]

kitchens.” I am sure he will do very well in Europe. He received 60,000 votes this time, as he did two years ago when he ran for the Seanad. It is clear that he will have a very long career in politics and we wish him well.

However, the haste of the Green Party and Fianna Fáil in trying to fill his seat is somewhat unseemly. With all respect to failed candidates in the recent local elections, I do not think Seanad seats should be handed out to failed candidates at local elections. The last thing we can afford is to bring this House into further disrepute. The Taoiseach should seek to appoint qualified people to the spare seats on a meritocratic basis rather than engage in partisan favours. I ask the Leader to pass those views to the Taoiseach.

I refer to the Karen people of northern Burma. The European Union has complained to the Burmese Government about the fact that it has driven 3,000 Karen people into northern Thailand. The Burmese Government claims it is an internal matter and that the European Union should not become involved. I ask the Minister for Foreign Affairs, Deputy Martin, to plead with the Burmese to show some consideration to the human rights of the Karen people.

Senator Maria Corrigan: I join colleagues in congratulating former Senator Alan Kelly and wishing him well in his new position in Europe.

I want to follow up on a point raised by my colleague, Senator Callely, in light of World Elder Abuse Day yesterday. We had a especially useful and informative debate on elder abuse in this Chamber earlier this year. In particular, the information campaign run by the Health Service Executive whereby it took the unprecedented step of putting inserts in all Sunday newspapers with the helpline number for anyone who has concerns regarding elder abuse was very welcome. I would press Senator Callely’s call to the Leader further by asking that if the Minister comes to the House it would be of particular benefit for the Minister to discuss with Members progression in terms of the inspectorate, not only for public and private nursing homes for older people but also its commencement in respect of residential services——

Senator Nicky McFadden: Hear, hear.

Senator Maria Corrigan: ——for children and adults with disability and in regard to residential services for non-national children. That would be very useful and I ask the Leader to make those arrangements.

Senator Jerry Buttimer: I second the amendment to the Order of Business. I ask the Leader for an urgent debate on the twin issues of co-location and the role of An Bord Pleanála in the planning process. I do so in light of the decision today by An Bord Pleanála to go against its own inspector’s decision to refuse planning permission to the Beacon Medical Group in the context of the co-located hospital in the grounds of Cork University Hospital. It was a wrong decision and a grave insult to the people and to the residents of Wilton that this proposal was given permission to go ahead. It is about time we had transparency and openness regarding An Bord Pleanála. What is Government policy now regarding co-location given that the Minister, Deputy Martin, and his colleague, the Deputy Leader, Senator Boyle, both objected to the granting of planning permission for this hospital?

Senator Fidelma Healy Eames: Hear, hear.

Senator Jerry Buttimer: I ask the Leader for an urgent debate regarding Seanad reform.

Senator David Norris: Hear, hear.

Senator Jerry Buttimer: It is a folly and an insult to the people that the Leader and the Deputy Leader are fighting over the seat in this House of former Senator Kelly, whom I congratulate on his election to the European Parliament. Are we serious about reform of the Seanad? Do we want to see democracy regarding this issue, which is not in the gift of the Leader or Senator Boyle?

Senator Joe O'Toole: Or the Taoiseach.

Senator Jerry Buttimer: Nor is it in the gift of the Taoiseach. It is about democracy and if we want real democracy we should have reform of the Seanad——

Senator David Norris: Hear, hear.

Senator Jerry Buttimer: ——as the Fine Gael Party proposed earlier this year.

Senator David Norris: It is a rotten borough.

An Cathaoirleach: The Senator without interruption, please.

Senator Jerry Buttimer: I hope we will have meaningful reform of the Seanad and that the Leader and Senator Boyle will put their differences aside and support the alternative candidate from this side of the House for the proposed by-election.

I congratulate former Senator Kelly on his magnificent victory in the European elections in Ireland South. I hope he serves the full five years in Europe and that he will come back to contest the next European elections when we will have a renewal of the battle.

Senator Paschal Donohoe: I congratulate former Senator Alan Kelly on his new role in the European Parliament. I am sure he will be a great success. He will be missed in this House.

It is on a European note that I wish to speak. I support the request from my colleagues for a debate on the Lisbon treaty. We find ourselves in the run-in to another referendum and in an environment where there appears to be support for the treaty being passed. There appears also to be acknowledgement that we need Europe for Ireland to survive and prosper but we are all aware these are the exact conditions that were in place in the run up to the last Lisbon referendum, which was so comprehensively defeated.

The obvious political point to make is that a Government which, during the summer, will be associated with the closure of children's wards in a national children's hospital and the preparation of what will probably be the most searing budget in the recent history of our country is the same Government that will be asking the people to vote "Yes" to this treaty. Given the dissolution of the National Forum on Europe it is imperative that debate on the Lisbon treaty and the potential guarantees be brought firmly back into the Oireachtas.

There are two points on which we could well spend our time. First, what is the legal status of these guarantees and, second, what will be the role of the Oireachtas in regard to all matters European? The consequences of this referendum and its impact on the future of our country are truly chilling. If it is defeated for a second time, we will find ourselves on the edge of Europe again, potentially alongside the Conservative-led United Kingdom. That is where we were 100 years ago and I do not want to go back there. The Oireachtas could play a powerful role in making sure that does not happen and I ask the Leader to respond urgently to the request we are all making on this issue today.

Senator Paul Coghlan: I warmly congratulate former Senator Alan Kelly on his election to the European Parliament and I wish him well. I have no doubt he will do very well there. We are very fortunate in Ireland South that we will be served not by one Kelly but by two. With the power of two, we are indeed fortunate in that they will serve Ireland——

An Cathaoirleach: We are dealing with questions to the Leader.

Senator Paul Coghlan: I am coming to that. I wish former Senator Alan Kelly and his namesake well.

Senator John Carty: What about Brian?

Senator Paul Coghlan: He is well able to look after himself. I wish him well too.

As the Leader is aware, we have had an edict or instruction from the Minister, Deputy Gormley, in regard to Killarney National Park and the provision of so-called equine sanitary devices or horse nappies. This was intended to be mandatory from earlier this month but of course it has not happened. My point, which I made previously, is that we cannot have one rule within the park and another on the streets of our town and the surrounding roadways. We talked much in our condemnation of waste. Many of these devices have been purchased but I wonder whether they will go the way of the e-voting machines and be consigned to the dump.

The serious point I make is that it appears there has been no consultation or dialogue in this regard, which one would have thought was a *sine qua non*. Even at this late stage, I strongly urge that the parties would get together. While I am not suggesting these devices should be required, we need initial consultation and dialogue. If that were to take place, we might hopefully have agreement on a proper way forward.

Senator Nicky McFadden: I listened with shock to the eminent consultant speak about what he termed the “grotesque” cuts in regard to the closure of 45 beds and the cancellation of surgery for seriously ill children in Crumlin hospital. The Minister then had the gall to state this was due to “overstaffing” — that was the word she used. We all received e-mails in this regard and I raised in the House previously the issue of a child being prepared for open heart surgery only to find there was no bed available in intensive care, with the result that the surgery had to be postponed. The definition of elective surgery is the issue here, but I assure the Leader that if a child needs an open heart operation, the condition is life threatening and very worrying for that child and his or her family. I ask the Leader to urgently bring the Minister to the House to discuss this very serious issue. “Grotesque” is the only word I can use to describe it.

It is unfortunate Senator MacSharry is not present. With my Fine Gael colleagues in Sligo, he campaigned vigorously for cancer services to remain in Sligo. On the radio this morning, we heard an interview with Mr. O’Hanrahan and Valerie Cox’s interview with people who have to travel from Donegal to Galway for radium every single day on a minibus, with just one toilet, despite men needing to have full bladders because they have prostate cancer. It is barbaric and an outrage that women with open wounds following breast surgery or due to melanoma must travel on a 16-seater bus from Sligo, to where they must travel from Donegal, to Galway. As the Leader is aware, the position is similar in the midlands and people must travel to Galway, which is 50 miles away. It is not right that people must travel such distances for treatment. There must be satellite centres in places such as Mullingar and Sligo where people can undergo treatments, some of which may take only ten minutes, and where professional people do such outreach work. I call on the Leader to seriously address this issue.

I compliment former Senator Alan Kelly and wish him every success. I know he will not forget the undocumented Irish and that he will continue to be an advocate for them when he goes to Europe.

Senator Donie Cassidy: Senators Fitzgerald, O’Toole, Alex White, Keaveney, Ormonde, Cally, Bacik and McFadden expressed strong views on Crumlin hospital, which has been an outstanding hospital for decades. We have all played our part in fundraising and supporting the causes of those who have worked hard to fundraise for that hospital. Anything we can do to assist those running that hospital will be done. The people have been very strong in their

support of it. I have personal family experience of it as one of my sons was in that hospital for a number of weeks and the care and attention there is outstanding. I will pass on the strong views of Senators to the Minister.

I refer to the request for the Minister to come before the House for an up-to-date response to every issue pertaining to the health portfolio. Senator McFadden referred to an interview on the radio today, which I heard. The situation is unacceptable and unbelievable. Senator MacSharry informed the House of the position of the people of the north west. Members warned about what would happen and their concerns are now being realised. As Senator McFadden correctly stated, we must see what is possible. Some people who require only a ten or 15 minute procedure must travel 200 miles per day to be seen. It seems we should be able to do something about this.

Senator Fitzgerald referred to time breaks between Stages of Bills and the answer is “Yes”. I have always been found co-operative in this area. The Senator contacted me last Thursday about extending time for debate by a day, to which I agreed. It is not ideal and I would like to allow as long a time as is requested, but that is not always possible. As I informed the House, a significant amount of legislation will come before the House in the next four weeks. Depending on how long Senators wish to deliberate on Bills, there will be some very late sittings after this week, particularly on Wednesday nights when we will probably sit until midnight, until the summer recess on 10 July.

I refer to the filling of the vacant Senate seats, I understand there is a timeframe of between 35 and 40 days from the time the writ is moved. This will be no different from any other time. In respect of the electorate, I say without fear of contradiction that there will be a 100% turnout in the total valid poll, unlike one of the panels in the House where it is 33% or 34%.

Senator David Norris: It is 226 votes.

Senator Donie Cassidy: That has been the case not simply for one election but for the past seven elections dating back to the 1981 election. Other than myself, there is only one Senator in the House who fought the election in 1981. We must bear in mind these experiences and in Seanad reform we must address the situation that has been presented to us. It will be addressed and there will be meaningful Seanad reform.

Senator David Norris: Some 226 voters will elect a Member to a national parliament.

Senator Donie Cassidy: The Senator represents a constituency only 34% of whose members vote.

Senator David Norris: Some 34% of 55,000 is a hell of a lot more than 226 votes.

Senator Donie Cassidy: This is Bloomsday and the Senator, who is a representative of Bloom in the House, should make truthful contributions in this week of importance, as pointed out by the Senator.

Senator David Norris: The Senator will get them and we are not in the new Bloom’s club either.

Senator Donie Cassidy: Senators Fitzgerald, Norris, Ormonde, Regan, Walsh and Donohoe called for a debate on the Lisbon treaty and the forthcoming referendum, following the deliberations of the Taoiseach and the Minister for Foreign Affairs in Europe. It is my intention that the Minister or the Taoiseach will come before the House to update it on the deliberations that are taking place this week. Many good and responsible contributions were made today on the Order of Business on this issue and I am very heartened by those contributions. The House

[Senator Donie Cassidy.]

will play a central role in the forthcoming referendum which is of the utmost importance to the country and the challenges facing us all in the coming years.

Senators Alex White, McCarthy and Walsh, called for the Minister for the Environment, Heritage and Local Government to come to the House to debate local government reform and directly elected mayors. I join in the congratulations to all those who have been elected to their high positions as chairmen and mayors of various cities in recent days. On the question of executive powers for the new mayor of the City of Dublin, I would like that debate to take place with the Minister present to see how this matter can be progressed.

Senator Terry Leyden outlined to the House his serious concerns about the missing 15 computers belonging to the HSE in Roscommon. He is concerned about the lack of security and I join with him in wishing the Garda Síochána well in its investigations as everyone in the midlands area is very concerned about this incident.

Senator O'Reilly called for a debate on jobs, job creation and competitiveness. I fully agree with the sentiments expressed by the Senator. With regard to the wind energy sector, I welcome today's announcement that in the midlands area, in the Cathaoirleach's native County Offaly, in the Walsh Island area, Bord na Móna will participate in a proposal for a wind energy farm which will be very significant for the midlands area and I welcome this initiative taken by Bord na Móna and look forward to it being progressed. Senator Keaveney referred to matters of road safety and I will pass on the Senator's views to the Minister.

Senator Norris wished all his colleagues a happy Bloomsday and we all join with the Senator in this regard. He referred to the increase in footfall in the James Joyce Centre. As a near neighbour I am still awaiting the invitation but I wish the Senator well and look forward to the rest of the week and continued success because the Senator has been the champion of the cause and he richly deserves all the credit and accolades.

Senator Hanafin asked that inquiries be made as to whether it is due to an agreement or legislation that there is a media blackout on the day of an election. I always understood the day of an election was a closed day in the media. The Senator highlighted an example for the House and I will pass on the Senator's strong views to the Minister. The regulator could perhaps take a look at this and see what can be done to progress it.

Senator Alex White: On a point of information, it is only a convention; it is not a requirement or a regulation.

Senator Donie Cassidy: It is a respectful decision taken by everyone concerned and it allows everyone to vote under the same conditions for the 15 hours allowed for voting on voting day. This is a respect which the media, in fairness to them, have always shown and the convention should be continued.

Senator Hanafin also asked for a two-day debate to allow all parties to make their policies known to the people and suggested use of the Seanad as the forum for this debate. I am looking forward immensely to this debate taking place in the House. I have requested the leaders of the groups to meet me after the Order of Business on Thursday morning so that we can plan and discuss the next three weeks' sittings of the House in a way that will allow some of these urgent debates to take place as well as dealing with the legislation which needs to be passed by the House before the summer recess.

Senator Healy Eames referred to the allocation for special needs classes. More than €600 million has been allocated through the capital programme this year. This is a significant sum in difficult, hard times and is coupled with a total of 7,000 teachers employed over the past number of years. However, I take the point made by the Senator and I will pass on her strong views to the Minister after the Order of Business.

Senators Callely and Corrigan wished everyone well in this week which included World Elder Abuse Day, which has been an outstanding success. They referred to the Department's policy with regard to elder abuse. Senator Corrigan correctly stated that there was an in-depth debate on this subject in the House this year. I will pass on the views of both Senators to the Minister and I support the points they raised today.

Senator Bacik asked whether the climate change Bill and the civil partnership Bill will be introduced before the end of the term. She asked for the timeframe for these Bills.

I will pass on Senator Hannigan's strong views to the Minister for Foreign Affairs, Deputy Martin, regarding the Burmese Government. Senator Buttimer raised the issue of co-location of hospitals and the role of An Bord Pleanála and he asked about the current Government policy on this issue. I hope to have the Minister for Health and Children in the House to deal with all issues pertaining to the health portfolio. Senator Coghlan asked about Killarney Park. I responded on this matter last week. I suggest the Senator raise this on the Adjournment of the House because it is an issue that would ideally suit an instant response from the Minister.

An Cathaoirleach: Senator Frances Fitzgerald has moved an amendment to the Order of Business: "That a debate on the cutbacks in funding leading to the cancellation of vital surgery in Our Lady's Hospital for Sick Children, Crumlin, be taken today."

Amendment put.

The Seanad divided: Tá, 19; Níl, 23.

Tá

Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.
Healy Eames, Fidelma.

McCarthy, Michael.
McFadden, Nicky.
Norris, David.
O'Reilly, Joe.
O'Toole, Joe.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.
White, Alex.

Níl

Brady, Martin.
Butler, Larry.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Feeney, Geraldine.
Hanafin, John.
Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.

Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Maurice Cummins and Joe O'Reilly; Níl, Senators Labhrás Ó Murchú and Diarmuid Wilson.

Amendment declared lost.

Order of Business agreed to.

Aviation (Preclearance) Bill 2009: Report and Final Stages.

An Leas-Chathaoirleach: I remind Senators that a Senator may speak only once on an amendment on Report Stage, except a proposer of an amendment who may reply to the discussion on the amendment. Each amendment must be seconded. Amendment No. 1 has been ruled out of order because it does not arise from Committee Stage proceedings.

Senator Brendan Ryan: I move: “That the Bill be recommitted in respect of amendment No. 1.”

Question put and agreed to.

Bill recommitted in respect of amendment No. 1.

Senator Brendan Ryan: I move amendment No. 1:

In page 7, between lines 26 and 27, to insert the following:

“(2) A preclearance officer may not be in possession of a firearm in the course of exercising any function under this Act.”.

The purpose of the amendment is to make it clear that the officials from the United States of America must be unarmed. On Committee Stage I welcomed the statement from the Minister that only Irish legislation would apply to the operation of the joint agreement between Ireland and the US on preclearance. It is important, therefore, that every possible contentious issue is clearly referred to in the legislation and covered to the satisfaction of the Irish people. I do not believe the Irish people would wish the US preclearance officers to be armed.

The United States Customs and Border Protection, since its inception in 1924 when it comprised volunteers from the Texas Rangers, has always been an armed force. It is important to deal with that and prevent the possibility that its members could be armed in this country.

Senator Paschal Donohoe: We discussed this on Second Stage, when both I and Senator Ryan raised the matter. The Minister gave a categorical assurance that a preclearance officer would not be in possession of a firearm. The amendment seeks to copperfasten that. This is a matter of potential sensitivity to the Irish people and while we accept the Minister’s *bona fides* in this regard, it is such an important point that it merits inclusion in the legislation.

Minister for Transport (Deputy Noel Dempsey): I made it clear on Committee Stage that preclearance officers will not be allowed to carry any weapons in the preclearance area. The use of any type of weapon by preclearance officers was entirely rejected by the Irish negotiating team during the preclearance discussions. We were specific and clear on the matter and that was agreed. It was made clear beyond doubt in the agreement that security within the preclearance area would be provided by the Garda Síochána.

The intention behind this amendment is to make it explicit in the legislation that the US officers will not be allowed to possess firearms in the course of exercising any function under the legislation. However, in their wording of the amendment the Senators might actually be causing problems in this regard. By confining the prohibition in the amendment specifically to firearms, it could be read by implication to infer that the preclearance officers have a right to carry other types of weapons, which is clearly not the intent of the Senators. In trying to make explicit something I have already clarified to be part of the agreement the Senators are opening a door to allow for other types of weapons to be used by preclearance officers. It creates that doubt.

4 o'clock

I accept what Senators have said and I hope they will accept my response on this matter. I cannot accept the amendment but, to give due regard to the Senators' intent in the amendment, I hope they will accept an assurance that, between now and Committee Stage in the Dáil, I will examine the matter further and perhaps propose an amendment to deal with it.

Senator Brendan Ryan: I do not agree with the Minister the amendment opens up the possibility that other forms of arms would be allowed, but I hear his assurances. If he feels he can return with a wording that maintains the spirit of our amendment in not allowing firearms, and can improve on it, I will accept his assurance in that regard. I will not press the amendment.

Amendment, by leave, withdrawn.

Bill reported without amendment.

An Leas-Chathaoirleach: Amendment No. 2, in the names of Senators Ryan, White, McCarthy, Prendergast and Hannigan, is out of order.

Senator Brendan Ryan: May I comment on that?

An Leas-Chathaoirleach: I am afraid you cannot, Senator. The amendment is ruled out of order.

Senator Brendan Ryan: According to a letter I received, the proposed amendment is similar to one that was negatived on Committee Stage. Although there is some similarity, this amendment deals with the response of the Minister on the day.

An Leas-Chathaoirleach: The Cathaoirleach ruled it out of order and there is nothing I can do. I cannot allow discussion on it.

Senator Brendan Ryan: You are Acting Chairman.

An Leas-Chathaoirleach: The decision was made by the Cathaoirleach, who ruled the amendment out of order. I do not have latitude concerning a discussion of it.

Senator Brendan Ryan: I accept the ruling but under severe protest.

Amendment No. 2 not moved.

An Leas-Chathaoirleach: Amendment No. 3, in the names of Senators Ryan, White, McCarthy, Prendergast and Hannigan, arises out of committee proceedings.

Senator Brendan Ryan: I move amendment No: 3:

In page 9, line 5, to delete "or is otherwise expedient" and substitute the following:

"or the person being searched is a minor or a person with an intellectual disability and the person of the other sex who is present is a parent, guardian or relative of that person or is a person whose presence is otherwise in the best interests of the person being searched".

We argued this on the previous occasion. The reference to "expedient" renders the protection meaningless. It undermines the right of a person not to be searched in the presence of the other sex. When he visited the House last week to discuss this on Committee stage, the Minister said this was intended to protect minors. I believe he and his officials are sincere, but if that is the case the section should be phrased in tighter terms to limit those persons who can be present when an underage child is searched in a manner that involves the removal of clothing.

[Senator Brendan Ryan.]

We dealt with the Minister's response and improved the legislation. I believe he should accept this amendment.

Deputy Noel Dempsey: I very much appreciate what the Senator is trying to do and I do not disagree with his intent in this regard. I gave the matter some thought following the discussion we had. I know Senator Ryan feels strongly that the Bill should be reworded to avoid the use of "expedient" and "expediency". These probably have a different meaning in everyday language than in legal parlance and that is causing a difficulty for the Senator. On the previous occasion I made it clear that the phrase "or is otherwise expedient" was intended to protect minors. The Senators have returned with an amendment to cover minors and persons with an intellectual disability and cases where a person of the other sex is present. However, I am informed from a legal point of view, that when a number of exceptions to the general rule are specified there is always a danger that a particular exception might be excluded. In this case the Senators propose that the final phrase be deleted and replaced by their amendment which specifies a number of exceptions to the general rule that no person of the opposite sex should be present during the search. When one tries to specify all such exceptions the danger is that a particular one might be excluded and I know that is not what the Senators intended.

One situation I can think of which might fall into this category is that of a traveller with a visual impairment who might want a spouse or partner present while being searched. There is a real problem when one starts to specify in legislation that such a category of person should not be included.

If the Senator is willing, I would like to try to meet him part way on this issue. I shall give it some thought before the Bill reaches Committee Stage in the Dáil to see whether we can redraft the wording to give better expression to the intention the Senators and I have. I reiterate what I stated on the previous occasion, that according to the legal advice I have, this wording is sound and using the phrase "or is otherwise expedient" gives enough discretion and so on. I can see the Senator's point of view and if he is willing to withdraw the amendment, I shall certainly examine it before Committee Stage in the Dáil.

Senator Brendan Ryan: The Minister will recall that our difficulty with the wording in this section concerned the use of the phrase, "or is otherwise expedient". Our original amendment proposed to remove only that wording. We felt the preceding wording was sufficiently strong to deal with the issues. The Minister's response was to raise the matter of minors. We were happy to come up with a form of wording which dealt with that issue but would have been happy to leave out "or is . . . expedient" and leave the first section as it was. We felt it was sufficiently strong and that the use of that phrase undermined the assurance given. That is our position.

We feel the amendment is very important and if the Minister would reconsider it or perhaps consider returning to our original amendment, leaving out "or is otherwise expedient", we would be happy with that. However, I am happy with the assurances given by the Minister and shall withdraw the amendment. I am interested to hear the Minister's comments about reverting to our original amendment or on whether leaving out "or is otherwise expedient" might be sufficient.

Deputy Noel Dempsey: The reason I quoted the example of a minor was that it was only one possible case and was not intended to be an exhaustive list of cases. The Senator came up with some examples in his amendment. I will look at it again to see whether there is any wording or phrase we might use to try to meet the concern of everybody. I will consider leaving out "or is otherwise expedient" but I believe this would tie people's hands too much. The

situation would be black or white with regard to who might or might not be present. I will consider it further because it is worthy of further consideration.

Amendment, by leave, withdrawn.

Government amendment No. 4:

In page 9, to delete lines 34 to 41 and substitute the following:

“(d) persons authorised by the airport authority who require entry for a purpose relating to their employment, shall not enter—

(i) a preclearance area, or

(ii) where regulations are made to which *section 2(2)* applies, a place referred to in that subsection that is, for the time being, operational for the purpose of preclearance.”.

An Leas-Chathaoirleach: An amendment was tabled also by Senators Ryan, White, McCarthy, Prendergast and Hannigan, arising from committee proceedings.

Deputy Noel Dempsey: This Government amendment was drafted on foot of a similar amendment by the Labour Party Senators and is purely technical, concerning the alignment of the words “shall not enter” in section 7. In the printed text of the Bill the words are associated with section 7(1) (d) when the intention is that they also refer to paragraphs (a), (b) and (c) of section 7(1). The amendment now makes it clear that the words “shall not enter” refer to all the provisions of section 7(1). I thank the Labour Party Senators for bringing that matter to my attention.

Senator Brendan Ryan: I have nothing to add. The amendment was merely to correct a drafting error and I am happy the Government has accepted and moved it.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Transport (Deputy Noel Dempsey): I thank the Senators for engaging in such a positive way with the passage of the Bill and for proposing amendments. There were not many because the Bill was reasonably straightforward, although its drafting was complicated. I thank the Senators for the proposals and amendments. I thank the staff in the House, my staff and everybody involved in bringing forward the Bill.

Senator Paschal Donohoe: I thank all involved in the production of the Bill and in getting it to this point. It is important legislation that will make a difference to the airports and the regions they are in. I acknowledge the work done by Senator Ryan in improving parts of the Bill which will improve its operation. I acknowledge, too, the positive attitude of the Minister towards the amendments tabled in the Seanad. I am impressed that when previous legislation came from his Department, whether handled by the Minister or the former Minister of State, Deputy Noel Ahern, they listened to what Senators had to say, responded to our points and took amendments on board. When they felt they could not, they came back with ones that met the intent of what we sought. I wish the public could see more of this kind of work.

Senator Brendan Ryan: I thank the Minister for the spirit in which he engaged in debate on the Bill and on the amendments tabled by Senators. I welcomed the Bill on Second Stage and

[Senator Brendan Ryan.]

congratulated the Minister on his part in bringing the agreement forward. It is something that will benefit the people and has the potential to benefit business. I thank the Minister for his positive response.

Senator Denis O'Donovan: I compliment the Minister and his staff on bringing this Bill forward. It is excellent legislation. I had prepared a few words for Report Stage, but was late reaching the Chamber and the Minister was on his feet. Almost half of my siblings live in the United States and in 1986 I had a difficult experience in JFK Airport in New York. This legislation will now deal with problems of a technical or other nature at this end. It is practical legislation which will be welcomed by any person who travels. It is a step forward and will fit in well with other legislation that has brought us to a position where almost everything can be sorted at this end when we travel. That can only be good for the travelling public. It is wonderful legislation. I thank my colleagues on all sides of the House for their co-operation and thank the Minister for bringing forward this welcome and positive legislation. It is to be hoped the public will see its merits when it is on the Statute Book and signed into law by the President.

Question put and agreed to.

Sitting suspended at 4.15 p.m and resumed at 5 p.m.

European Parliament Irish Constituency Members) Bill 2009: Order for Second Stage.

Bill entitled an Act to make transitional provisions for the payment of salaries to certain Members of the European Parliament, to provide for matters relating to those and other Members of that Parliament, to amend Part 5 of the Taxes Consolidation Act 1997, to amend section 55 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001, to amend the Houses of the Oireachtas Commission Act 2003 and to repeal the European Assembly (Irish Representatives) Act 1979.

Senator Marc MacSharry: I move: "That Second Stage be taken today."

Question put and agreed to.

European Parliament Irish Constituency Members) Bill 2009: Second Stage.

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

Minister of State at the Department of Finance (Deputy Martin Mansergh): I am grateful for the facility offered by the Seanad and its Members to introduce the European Parliament (Irish Constituency Members) Bill 2009 and thank Senators sincerely for their co-operation.

Given the nature of the legislative proposal being made, I congratulate the 12 Members of the European Parliament elected to represent Ireland at the recent election in this jurisdiction. I compliment from this House, former Senator Alan Kelly from County Tipperary who represents the Labour Party, on his election. Equally, I extend my sympathy to the unsuccessful candidates and compliment all candidates, successful or otherwise, on the extensive campaigns undertaken by them in seeking election to represent Ireland in the European Parliament. I am pleased turnout for and interest in the election were considerable.

Under the Lisbon treaty, the co-decision making powers of the European Parliament will be further enhanced. However, as far as Ireland is concerned, it would be a great exaggeration to claim that 80% of our primary legislation now comes from Europe. In my estimation, a figure of between 20% and 30% would be much more accurate. In regard to budgetary decisions, sovereignty remains for all intents and purposes with the member states in the areas of expendi-

ture and taxation. The European Union budget accounts for less than 1% of public expenditure compared to national budgets which are 40 to 50 times greater. It has been said the European Union is a regulatory giant but a budgetary dwarf.

Across Europe, not only in Ireland and Britain, the pay and conditions of parliamentarians have come under intense scrutiny in recent times against the backdrop of an acute recession, the like of which has not been experienced for at least half a century. There is an insistent demand for greater transparency, an issue each national parliament must deal with separately in light of its own rules and circumstances. This, however, is relatively technical legislation, designed to achieve a greater uniformity between MEPs elected in different member states. This will, in turn, assist greater transparency.

In introducing this Bill it is relevant to look back to when existing legislative provisions providing for the payment of Members of the European Parliament were made. The Oireachtas debates which took place during the passage and enactment of the legislation in question, the European Assembly (Irish Representatives) Act 1979, make interesting reading. Many of the contributions espoused the view that it was not appropriate for one Parliament, namely, the Oireachtas, to make provision for the payment of members of another Parliament, different salary scales for MEPs based on the salary of the parliamentarian in their national state leading to different salaries for MEPs based on their nationality was cumbersome and a waste of parliamentary time, and the system then proposed was the result merely of a political compromise. More particularly, the view then put forward was that the European Parliament would shortly develop and adopt proposals for a unitary system for the payment of all MEPs. While the Parliament developed proposals for providing a unitary system for payment of MEPs, it took more than 20 years to do so.

In December 2003, the European Parliament voted in favour of a formula establishing, *inter alia*, the principle of independence of MEPs and parity of treatment between Members. Detailed implementation arrangements were developed by the European Parliament, having regard to the opinion of the Commission and approved by the Council of Ministers in July 2005. Accordingly, the proposals developed have the full agreement of the three major institutions of the European Union.

The agreed implementation arrangements are set out in the Decision of the European Parliament 2005/684/EC adopting the Statute for Members of the European Parliament and will come into effect in July 2009. The legal position in relation to the statute is that its terms, in so far as they are addressed to member states, are binding by virtue of European law. National legislation is required to give effect to certain provisions of the statute.

The current legislative provision for the payment of MEPs in Ireland, the European Assembly (Irish Representatives) Act 1979, provides that Irish MEPs shall be paid an allowance equal to that paid to members of Dáil Éireann out of moneys provided by the Oireachtas. Payment of this allowance is effected by the Houses of the Oireachtas Commission. The statute provides that for newly elected MEPs beginning in the 2009 parliamentary term, salary provision will be made by the European Parliament directly to MEPs. However, it includes a transitional provision applicable to only those MEPs who were Members of Parliament in the previous term and who were elected to be Members for the term beginning in 2009 allowing them the option of electing to continue to be paid under national arrangements or move to payment under the European Parliament system.

The purpose of the Bill is to change the current statutory provisions providing for the payment of Irish MEPs by the Oireachtas by revoking the European Assembly (Irish Representatives) Act 1979; make statutory provision for current MEPs who are re-elected and wish to continue to be paid by the Oireachtas; confirm that the existing pension scheme, the

[Deputy Martin Mansergh.]

European Assembly (Irish Representatives) Pension Scheme 1979 — Statutory Instrument No. 387 of 1979 made under the 1979 Act — remains in force to discharge existing and preserved benefits; and provide a statutory basis for certain tax, pension, administrative and conflict of interest issues which I propose to set out in detail.

Section 1, which deals with definitions, is a standard type provision providing for the definition of terms used in the Bill for interpretation and other purposes. Section 2, which deals with the salaries of Irish Members, provides for current MEPs who are re-elected and exercise the option available to them to continue to be paid under the Irish national system. The salary paid will continue to be paid at the same rate as a salary for a Member of Dáil Éireann.

Section 3, which deals with the superannuation of Irish Members, provides powers to the Minister for Finance in relation to superannuation, similar to those contained in the 1979 Act. It empowers the Minister to make, amend, or revoke a contributory pension scheme for Members and former Members of the European Parliament and provides continuity for the existing scheme established under the 1979 Act by confirming it remains in force. Continuation of the existing scheme is required to enable the discharge of existing liabilities due to former MEPs and preserve accrued benefits for current MEPs. Section 4 deals with disqualification of Members for membership of or employment by certain bodies.

Section 5 of the 1979 Act provides for the disqualification of Irish MEPs for membership of, or employment by, certain bodies. The relevant bodies are detailed in the Schedule to the Act, and this section makes similar provision in the new Bill.

The purpose of section 5 in the 1979 Act was to avoid potential conflicts of interest arising for MEPs by having direct involvement in the affairs of State-sponsored bodies. It sought to extend the then existing limitations in the individual statutory provisions for each of the bodies, which generally were designed to ensure that a person should not at the same time be a Member of the Oireachtas and a member of a board or staff of a State-sponsored body. It would not have been practical at the time, in 1979, to seek to amend each of the individual statutory provisions for each of the bodies to deal with the issue of membership of the European Parliament, and the matter was addressed in the 1979 Act by section 5 and the associated Schedule.

The opportunity provided by the new Bill is being taken to update the Schedule. In this context, the individual legislative provisions applying to the bodies in the Schedule have been reviewed with a view to determining the bodies that may now be excluded from the schedule of bodies to which this provision will now apply. The outcome to the review undertaken is that changes in circumstance, legislation and status affecting the bodies require only ten of the 41 bodies listed in the Schedule to the 1979 Act to be included in the Schedule to this Bill.

One additional body has been proposed by the Minister for Communications, Energy and Natural Resources for inclusion in the Schedule to the Bill. The Irish National Petroleum Corporation Limited is a legacy State company, which was established under the Companies Act by the Government for oil trading purposes during the oil crises in the late 1970s. The memorandum and articles of association for the company exclude membership in the Oireachtas for directors, but do not include a similar exclusion from membership of the European Parliament. For consistency purposes, and as the opportunity exists under the Bill to address the issue, it is included now in the Schedule to the Bill.

Article 12 of the Statute makes provision for member states to apply national taxation provisions to the salary paid by the European Parliament to MEPs, subject to the avoidance of double taxation. Section 5 of the Bill inserts a new section 127A in the Taxes Consolidation Act 1997. This section makes provision for the application of national taxation provisions to

the salary paid by the European Parliament, subject to avoidance of double taxation of the salary. It provides for the granting of a credit against Irish tax due on a MEP's salary of an amount equal to the tax paid by the MEP for the benefit of the Communities in respect of that salary. The section also clarifies under which income tax schedule a MEP's salary is taxable.

Section 6 is a technical amendment of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001. For the avoidance of doubt, it confirms that service as an MEP for which the Member obtains preserved or paid pension benefits from the European Parliament cannot be treated as pensionable service that can also be transferred and be reckonable for the purposes of the Oireachtas pensions scheme, or the European Assembly (Irish Representatives) Pension Scheme, 1979.

The purpose of section 7, amendment of the Houses of the Oireachtas Commission Act 2003, is to provide a legislative basis to enable the Houses of the Oireachtas Commission to conclude a service agreement with the European Parliament to act, on a recoupment basis, as a paying agent in respect of certain costs. The European Parliament has sought the agreement of all national parliaments to act as paying agents.

The proposal from the European Parliament relates only to the costs of parliamentary assistants to MEPs, that is, the cost of a contract of employment and the cost of a contract for services provided locally. The proposal requires the national parliaments to facilitate payments directly to local assistants or employees of MEPs, under a contract for services directly to a service provider, and make all necessary statutory and other contributions and deductions which apply in the member state concerned. Payments made will be recouped from the European Parliament and retained by the Oireachtas Commission. Accordingly, the Houses of the Oireachtas Commission will act simply as an agent for making certain payments on behalf of the European Parliament. Funding, rates and liability for costs etc. remain a matter for the European Parliament. The Houses of the Oireachtas Commission is amenable to the request made by the European Parliament, and enabling legislation is required to facilitate the conclusion of a service agreement.

Sections 8 to 10, inclusive, are standard type provisions providing for the repeal of the 1979 Act, in section 8; expenses incurred in the administration of the Act to be paid out of moneys provided by Oireachtas, in section 9; and the Short Title of the Act and designating when the Act comes into force, in section 10.

The current annual cost to the Exchequer for funding salaries for MEPs is €1.2 million. The implementation of the European Parliament decision will involve the Parliament assuming the cost of funding of salaries for MEPs from July 2009. This will potentially provide a maximum €1.2 million per annum reduction in costs to the Exchequer, but this sum may be reduced somewhat depending on the number of MEPs who qualify for and decide to avail of the option to maintain their existing salary provisions from the new parliamentary term beginning in July 2009.

Current funding of pensions for former MEPs, which amount to €600,000 per annum, will continue in the short term, but will reduce over time as existing liabilities under the pension scheme are discharged and the future liabilities for MEP pensions are met by the European Parliament. Ultimately, over time, all liability for salary and pension benefits for Ireland's MEPs will fall on the European Parliament, amounting to a saving of €1.8 million in 2009 terms on costs to the national Exchequer.

I draw Members' attention to the need to give legislative authority to the provisions of this Bill in compliance with our European obligations before the beginning of the 2009 European Parliament term commencing in July next. Accordingly, I commend the Bill to this House.

Senator Ciaran Cannon: I welcome the Minister of State, Deputy Mansergh. I join with him in congratulating all those who have been given the immense honour of representing the nation in the European Parliament and, in particular, our colleague and friend, former Senator Alan Kelly.

Members of the European Parliament are currently paid out of their respective national budgets, and at unequal rates ranging from just €840 per month in Hungary to over €12,000 in Italy. None of us would argue that Senators from Dublin should be paid more than those from Sligo, Cork or Galway, and it is time the inequity to which I refer was brought to an end.

It is important to recognise that every MEP represents an electorate of equal importance and it is only fair and appropriate that this longstanding disparity in pay and entitlements would be rectified. All MEPs should be paid an equal amount, thus giving them parity of treatment. The fact that MEPs will be paid by the EU and are not dependent on their respective national exchequers for remuneration will also offer a greater degree of independence to all of the members of the European Parliament.

New rules governing the remuneration of MEPs were adopted by the EU in September 2005 and this Bill is reasonably straightforward in that it seeks to put in place measures in Irish law to allow us comply with these new rules. MEPs who have been re-elected have the choice of opting for the new EU scheme or to continue to be paid by the Oireachtas, and this Bill makes statutory provision for that arrangement.

In the recent past there have been quite rightly many calls to provide greater transparency in the expenses regime that applies for MEPs and, indeed, for all politicians. In Ireland, there is total transparency of politicians' expenses and, thankfully, the EU seems to be heading in a similar direction.

From July of this year a number of new measures will be implemented that will provide for such transparency. Included in these measures is a proposal that all staff employed by MEPs will now be paid directly by the EU, and this Bill allows for that to occur.

No doubt the new arrangements first proposed by the EU and facilitated by this Bill are to be welcomed. They will provide for equitable treatment for all MEPs and much greater transparency in their expenses regime.

Senator Marc MacSharry: I join Senator Cannon in welcoming the Minister of State, Deputy Mansergh, and I welcome the opportunity to make a few brief points on the legislation. Like other Senators, I congratulate all members of the new European Parliament who were elected on these islands. In particular, I congratulate the esteemed former Senator Alan Kelly who put in a tremendous performance. Indeed, we are all proud not only that he is going straight from this House but that he is also the youngest member of the Irish delegation. We all wish him well, there is no question about that.

Like my colleague, Senator Cannon, I welcome the fact that finally there will be some level of equality in terms of payment scales throughout the European Union. While Hungary is a most extreme and perhaps more recent case, for many years Spain's MEPs were the lower paid ones while the MEPs of Ireland and other countries enjoyed pay scales and expenses that were very generous indeed. It is good that the 2005 recommendations are finally becoming law in this and other countries. I very much hope other countries will be rowing in as we have, and this can be the beginning of many reforms that are required throughout the European establishment.

As we do not get too many opportunities to speak about the European Parliament in the Seanad, I ask the Minister of State, Deputy Mansergh, to indulge me. He might take the message back that in the context of Seanad reform we would like to see all European legislation

brought before this House at proposal stage so the Houses could debate the merits and issues that may arise regarding proposed EU legislation, rather than just inheriting EU directives through the committee system into law. The current system means we do not act in as representative a way as we should in the context of interpreting proposed EU directives. I would appreciate it if the Minister of State could take that on board.

As Senator Cannon said, this is a highly technical Bill and concerns a housekeeping matter. However, an issue has emerged which has been brought to my attention. In these days of scarce resources it would seem unusual that, if the European Parliament is prepared to pay the salaries of all of our MEPs, we should have an option for them to opt for a higher pay scale. I understand this provision is contained in section 5. The Minister of State mentioned the overall cost to the Exchequer is some €1.2 million. It may be less than that now because newer MEPs, such as Alan Kelly, will not be able to avail of the old regime. The vast majority of our MEPs will, presumably, avail of it, which will mean they will be on a higher pay scale of some €100,000 and would pay taxes here. We should seek to save money and on that basis we should try to incentivise all MEPs to opt for the new system, which provides for a salary of some €90,000. It would allow them to avail of a system that gives them a very generous free pension contribution of some 3.5% and makes them comply with European taxation, which would apply to the total amount of €90,000 without exemptions. The rate is substantially less and is 15% or 16%, but it would mean the European Parliament would save money.

There may be a loss in direct taxation to Ireland, but the overall saving of almost €1 million which would be paid to those who are eligible for the old scheme adds up to €5 million, €6 million or €7 million over the next five years. It makes sense to try and incentivise the MEPs concerned by asking them to be taxed at the European as opposed to the Irish level. We will then have direct savings on the payment of their salaries. It is something we should look at. If we cannot examine this issue in the House today, perhaps the Minister of State, if it comes before the Dáil, could consider it.

The issue arises over and above European taxation for MEPs who opt for what the Oireachtas is paying directly and are taxed and assessed on the balance, in terms of Irish taxation levels. In this day and age we should try to incentivise MEPs to opt for the cheaper scheme and, effectively, save the Irish Exchequer the money which can currently be saved. I understand, having spoken to a number of MEPs, this may be looked favourably upon and I welcome it.

It is appropriate to welcome Alan Kelly, MEP to the Gallery. We are all very proud of his achievements. He is a former finance spokesman for the Labour Party and I will miss the banter he and I had throughout various debates.

I welcome the Bill in terms of the streamlining it is trying to do in this area, but I ask that the area I referred to be examined because it is an anomaly. It is something we could proactively do and it would result in direct savings. Some tax would be given away in the context of allowing existing, former or re-elected MEPs to avail exclusively of the European taxation amount in the same way as Commissioners, auditors or other civil servants appointed by Ireland who are based in Brussels can. Theoretically it is a residence issue, but MEPs from all parties or none are based in Brussels or Strasbourg from Monday to Friday. It would be remiss of me as finance spokesman for this side of the House not to highlight a potential saving where one exists and this is certainly one.

Senator Michael McCarthy: I welcome the Minister of State, Deputy Mansergh, and the debate on the Bill. As Senator Cannon quite rightly said, in the spirit of transparency and accountability it is good that the House is putting on the record the very important matter put

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before us in this legislative proposal giving effect to European decisions made in December 2005.

I did not get a chance on the Order of Business to put on the record my profound, warm and sincere congratulations to my former colleague on this side of the House, Alan Kelly, who is now a Member of the European Parliament. I pay tribute to all Members of this House who contested the European elections. It was rumoured the Leas-Chathaoirleach would run in Munster, such is his standing in the constituency, but perhaps he will run next time. It is an outstanding achievement for the Labour Party, not just in north Tipperary but throughout Munster. I join my colleagues in wishing Alan the very best for his tenure in Brussels and wish his wife, Regina, and his family, who are quite rightly very proud of achievements, the best in the future.

Former Senator Kelly has brought to my attention a matter regarding taxation. I would appreciate if the Minister of State, Deputy Mansergh, could clarify an issue. I understand there is a taxation issues regarding salaries and a likelihood that Members of the European Parliament would be subject to a 15% tax in Brussels on their salaries and would also be subject to the appropriate rates of taxation here. If that is the situation, I would appreciate if the Minister of State could clarify that issue and outline the thinking behind it or the clarification because, all things being fair and equal, it is something that may not be allowed to happen.

Senator Cannon made a very important point. In terms of equality of membership and the Members of the European Parliament, the salary of Hungarian MEPs is quite paltry compared to that of Italians and others. It is right and proper that salaries are being put on a level playing pitch and we are doing our bit to ensure we are moving forward.

I wish to make a number of points. I welcome the discussion on the European Union and hopefully between now and the next European referendum we will get a chance to discuss it at much greater length. The Minister of State was a Member of this House during its last term when there were discussions between the various MEPs, from all hues and none, who came into the House and put forward their points of view. That was a very successful outing and I suggest we do it again because it connects this House with the European Parliament and gives us an insight into the thinking of our MEPs.

In terms of European elections we are all fighting one corner or the other and we put forward the unique policies of our own parties. However, when our MEPs are in Brussels they all don the green jersey, do the best they can for us at that level and sing from the same hymn sheet. I suggest MEPs come back to the House between now and the next European treaty so we can have discussions and debates on the implementation of the next treaty.

The issue of salaries and expenses is important. We have seen from events in the United Kingdom that there is cynicism about politics, which is being fuelled by certain elements of the media. One can understand that, given what has happened in the UK, but it will seep into other parts of the European Union. It is very important we state how we do our business and what is debated in the House, and are quite clear about how we want salaries and expenses put in a public forum and not just debated here. Such information should be available for public consumption so people are aware of what goes on here and the manner in which we have sought to give legislative effect to European directives.

Europe is an very important part of our lives. We are part of Europe as much as Europe is part of us. We are at a critical juncture in this country. We will need the support of the European Union in terms of a course forward given the economic difficulty in which this country finds itself and the challenges that now exist. We need to be part of the European

Union to meet those challenges. This is an important step in terms ensuring co-operation between Ireland and Europe.

Whatever side one takes in terms of the Lisbon treaty it is always important to ensure one has accurate and fact-based information. I supported ratification of the Lisbon treaty on the previous occasion. It was quite clear to anyone who had any form of contact with the public at that time that it was not going to succeed and that it was destined to fail. While I do not wish to point fingers, there was a certain amount of taking for granted on the part of a number of political parties on what I would deem to be the right side of the campaign. I wish the Minister for Foreign Affairs, Deputy Martin, well in the negotiations with his European counterparts. We must ensure that if and when we put the same treaty before the people we spell out clearly what the treaty is about and we are clear in terms of the guarantees. Any guarantees the Minister can extract from the current negotiations must be watertight and above board. Media commentary in recent days has suggested there is a question mark over the legality of these guarantees. We must be sure that whatever is agreed in the negotiations this week can be put to the people as being precise without fear of contradiction.

The National Forum on Europe, a Labour Party proposal introduced by the previous Government, was an effective forum in terms of the bringing together of all views. Former Senator Maurice Hayes was an important driver of the forum which I regret is no longer in existence. It was an important forum for us in terms of Europe. That it no longer exists is not good.

I would be grateful if the Minister of State, Deputy Mansergh, could provide Members with clarification in respect of the taxation issues. I look forward to hearing his reply.

Senator John Hanafin: This is essentially a technical Bill. In supporting it we are supporting a welcome change in payment method from the Oireachtas to Europe to allow parliamentarians in Europe to look after their own affairs from a financial perspective, which is only right and proper.

Other changes appear to be warranted, including the single payment for all MEPs. This change is laudable in terms of the differences in pay available to parliamentarians from each member state of the EU. I am conscious that a member from Italy may well benefit from €140,000 while a member from Hungary might benefit from only €14,000. This measure provides certainty and ensures the system is uniform. Provision is also made for changes to superannuation. While the superannuation scheme is a generous one, when all is taken into account, and not everyone likes flying, especially during the winter months, Members deserve it. Even though they are well paid, they work hard and their constituencies are enormous. For example, the Ireland South constituencies is the size of many small states, including Israel and Lebanon, and at least five or ten of the US states are smaller. The Ireland North-West constituency is, I imagine, even larger, stretching from the top of Donegal to the Shannon and including parts of Ulster such as Donegal, Cavan and Monaghan, parts of Leinster including Longford and Westmeath and all of Connacht and part of Munster, including Clare.

This is a technical Bill which seeks to ensure our Members are well looked after in Europe, that any anomalies that appear, such as questions that have arisen in respect of the claiming of expenses which are to be vouched in future, are addressed and that Members who turn up to perform their duties will receive a significant payment. The level of commitment, constituency size, input and expertise necessary requires that payment in this area reflects that paid in the private sector. That is the way we have always envisaged the public sector would work.

The measures introduced in this Bill will result in a €1.8 million per annum saving to the Irish Exchequer, which is broadly to be welcomed. Members may choose to become part of

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the new system or, if existing Members, opt to remain part of the old system. The Bill is technical and is broadly to be welcomed. I am sure it will find support on all sides of the House. It includes amendments of the Taxes Consolidation Act 1997 and amendment of the Houses of the Oireachtas Commission Act 2003 and, in doing so, improves the lot of our Members in Europe. It streamlines how membership operates while ensuring responsibility for Members is retained by the Oireachtas. It ensures Members will be looked after and will have the facilities they need to operate. While the allowances provided may seem generous they are only proportionate to their responsibilities. I believe this technical Bill should be broadly welcomed.

Senator Joe O'Toole: I welcome the Minister of State to the House. I agree with the general thrust of this legislation which I believe is necessary. That said, I have a number of questions for the Minister of State.

Whereas there is broad public acceptability — I have no doubt this issue is again running in front of the media and public opinion — that service in the European Parliament may not be included as service for the superannuation schemes under the Houses of the Oireachtas, I would like to make a few comments on the matter. This goes against the spirit of most pension schemes where like work can be counted as long as contributions are made. I believe this provision is unnecessary. It also goes against the major tenet of the European view on pensions which is that they should be portable from one type of occupation to another, in particular within the European Union, and that they should be designed in that way. This is a much more sensible way of dealing with the question of double pensions or whatever concerns the Taoiseach has at this time.

I cannot understand — I did not hear the Minister of State mention this in his Second Stage speech — the reason for the schedule of exclusions. Why should a Member of the European Parliament not be an employee of Bord na gCon, on the board of An tÚdarás um Ard-Oideachas or on the Law Reform Commission? I am not seeking an explanation for this as I know there is none. I would like to know if any Minister ever asks a draftsman the reason for inclusion of these exclusions. I would like to know whether the officials — I know they cannot answer me — ever challenge the draftsperson on the inclusion of these exclusions? This is akin to saying that a person, because he or she is a politician, is too corrupt to stand on these other issues. I do not see the point in this measure.

The issue of pay is dealt with well in the legislation. Also covered is the issue of expenses. There has been continuous war about expenses in the European Parliament and in the UK about expenses there. I know exactly how this happened as the same almost happened in this Parliament. There are many people in both Houses of this Parliament who believe that the easy way to reward is through expenses rather than salaries. Thankfully, both Houses of the Oireachtas have rejected that option over the past 20 years and insisted instead on dealing with salary claims in public. People can argue about what politicians are paid but they will not be able to look under the carpet for the sorts of issues that arose in London.

How are expenses calculated in the European Parliament and the Oireachtas? We have nothing to lose in asking outside bodies to develop a formula for Members' expenses. If I live in Schull and represent Cork South-West in the Dáil, I would have to travel to Dublin several days per week while also maintaining an office in my constituency. I would inevitably incur expenses in terms of research and secretarial staff and telephone and Internet communications. In the private sector, it is not difficult to work out the reasonable cost of these outgoings. Politicians' outgoings are high not because they are paid higher expenses than anyone else — they are tied to the rates paid to public and civil servants — but because some Members live on the other side of the country and travel several times per week to Dublin while also looking

after large constituencies at weekends. No private sector operation would or could be designed in that manner.

Expenses have to be addressed to sustain our system of democracy. The task is not difficult once one realises that a Member has to be in Dublin a number of days per week and is required to keep an office. Reasonable mileage allowances can be calculated based on constituency size so that representatives can attend meetings and functions over the course of a year. That is 20 times more effective than the current system of vouching expenses which entails large back office operations and considerable paperwork because someone has to decide whether a particular meeting involves representation or simply canvassing. People make mistakes or abuse the system because all systems can be abused.

I discussed this matter previously with the Minister of State when we were wearing different hats. I have consulted several international companies, such as American Express, and found that they take a simple approach to the matter. They work out a figure based on where an employee lives and what they would reasonably require from him or her over the course of a year in terms of travel, accommodation and communications and they only ask for receipts if the annual claim exceeds 80% of the estimate. That system saves the companies money in back office operations and is easier on everybody.

In terms of the European project, it is important that Members of the European Parliament are properly resourced. Equally, however, it is important that the public has confidence in them. Throughout Europe politics is currently at a low ebb. Anti-politics votes are being cast all the time. We must realise, however, that whatever the flaws of democracy, the alternative is unthinkable. We only have to look at the images coming from Tehran over recent days or recall the protests by Solidarnosc in Poland or against the other side of autocracy, the Shah, in Tehran in the 1970s.

It is important that we sell this message as part of our efforts to gain support for the Lisbon treaty. The Minister of State made an elegant comment about Europe being minor in budgetary terms but major in regulatory terms. These are important issues. I commend the IFA on its forward thinking in outlining the impact of Europe on Irish agriculture and the food industry, although I will not comment on its carry-on last year. Over recent weeks the Minister for Foreign Affairs, Deputy Martin, has done a fine job in raising these issues.

I do not want us to spend the next six months sorting out people who are never going to buy into this deal. We have heard how we should proceed and we have done the business in terms of reaching agreement with our European partners. Most reasonable people will accept our explanation if it is made by all groups. I hope all Members of the Government take a strong stand on these issues, and not only the Minister for Foreign Affairs and the Minister of State at the Department of Foreign Affairs. I support this Bill, even though I raised a number of questions which I hope the Minister of State will consider for the future.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I thank Senators for their contributions and for facilitating the passage of this Bill through the Seanad. Given that today is Bloomsday, I remind them that a notable feature of James Joyce's writing was how steeped it was in Europe and its awareness of how Ireland both enriched and was enriched by being a European country.

As I indicated in my opening comments, this Bill is the culmination of many years of discussions among Members of the European Parliament and the principal institutions of the European Union. It represents the views and considerations of all member states and for the first time establishes a single and appropriate system for remunerating MEPs. In doing so, it

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fulfils a long-standing ambition of the European Parliament and reflects its growing role in the affairs of the European Union.

The statute on which the legislation is based forms part of European law and is binding on member states. This statute will enter force on the first day of the new parliamentary term, 14 July, and will form a single and transparent set of terms and conditions under which all MEPs will work. While the Bill before us only addresses a small part of these measures in terms of certain transitional provisions for serving MEPs who were re-elected in the recent election, the statute is an extensive document which sets out the rules and general conditions applicable to MEPs in the exercise of their important mandate. It provides, *inter alia*, for the enshrinement in law of the freedom and independence of Members, the free and non-binding nature of their mandate, the right of initiative within the Parliament, the right to inspect parliamentary files and the preservation of linguistic diversity. These provisions are necessary for enhancing the credibility of a parliament which continues to grow in stature.

The net effect of this Bill is to transfer liability for payment of MEPs' salaries from the Oireachtas to the European Parliament. Ultimately it will transfer the current charge on the Exchequer for salaries and pension costs amounting to €1.8 million in 2009 terms to the Parliament. Given the ongoing restraints on public expenditure in Ireland, this is welcome.

I turn now to some of the points made by Senators during the course of the discussion. Senator MacSharry suggested there should be some incentive for previously elected MEPs to shift to the new system. I wonder whether that should be necessary. When the point is given public spirited MEPs will not lose out by shifting to the new system. On the other hand, the Exchequer gains. All members should be encouraged to shift to the new system and I am sure each party can do that, should it be necessary, with their members.

During my opening contribution I was pleased to see the former Senator Kelly in the Gallery. I congratulated him outside the House earlier. The European Parliament elections were, in some respects, satisfactory for all the main parties. I regret the loss of Eoin Ryan's seat in Dublin but the net effect was to strengthen the country's commitment to Europe. There were eurosceptic candidates and movements challenging which were, I am glad to say, not successful and we are that much further forward as a result.

Obviously, there will be no double taxation. If tax is levied in Europe, credit will be allowed under the national taxation system.

I was present on two occasions in the last Seanad when MEPs addressed this House and it was a very successful exercise. It was organised by this House. It is within the powers of the Leader, the Chair and the Whips and there is nothing I am aware of to prevent that being done again. It provided a useful connection between Members of the European Parliament and this House and it was a very appropriate use of this House in that regard.

I agree that after our experiences last year, and indeed earlier in the decade, there can be no complacency about the second referendum that will take place but the point has been made in this House by Senator O'Toole and I am sure others that reassurances have been sought and, subject to the European Council meeting, we can be reasonably sure they have been obtained and that they will deal with the concerns that are genuine and bona fide. Equally, there are many forces outside this House which will not be satisfied, whatever we come back with, and which will be determined to find conspiracies and dangers lurking and will urge people to vote "No".

It is right that there should be argument and debate and that there should be two sides to the argument but the key questions that must be asked are what conceivable benefit or advantage to Ireland would there be from rejecting the Lisbon treaty the second time, and how will

it help our economic position. Parties opposite aspire to be in government, and I know they support the ratification of the Lisbon treaty. It would be a nightmare for them as for us if it were not ratified. If any Government, be it the current one or a future one, had to operate in a position where we were out on a limb, where our continuing membership of the European Union would be daily challenged and where we would be acting to create a major breach, following the next British general election, in what has been achieved in Europe in the past 40 years, we would bear a significant part of the blame for that.

I would not be unmindful of the fact that a large percentage of the arguments being used against Lisbon are straight imports from across the water, especially from the media and, to a point, significant parts of the political system where it does not seem to be possible to have any serious, rationale and unprejudiced discussion on Europe. I would hate for this country to be dragged along behind that particular chariot.

I entered public service first 35 years ago and I recall one of the first questions I was asked when I was interviewed to go into the Department of Foreign Affairs. It was 1974. Britain had entered the EEC with us in 1973 but a referendum on a possible British exit was being mooted; it was held the following year. I was asked what I thought Ireland should do in those circumstances and my clear answer was that I believed Ireland should stay put in the EEC regardless of what Britain chose to do, and that answer remains valid.

It horrifies me that we would even think of overturning what has been, by and large — I do not want to sound too utopian about it — one of the most successful steps in Irish foreign policy, which was to seek EEC membership in the early 1960s, achieve it and then make the most of it. It is unthinkable to me that we would revert to being some sort of semi-dependency on our next door neighbour because there will probably be few other choices left to us at that time.

We have not heard a Sinn Féin voice in this House today but I find it extraordinary the side of the argument it is on because it appears we have two choices. We are in partnership with the whole of Europe, which includes Britain, or we effectively reject the path we were on and committed membership of Europe. We adopt what an ambassador chided me for calling a eurosceptic — he said it was europhobic — attitude in which case we go back to the type of claustrophobic relationship from which we have successfully escaped. Senator O'Toole, in praising the exercise of democracy, contrasted it with other places in the world, for example, in the context of the turmoil in Iran, and one could also mention Burma, or Myanmar it is now called, where the opposition leader is outrageously held in detention.

Senator O'Toole and I were members of the Houses of the Oireachtas Commission under the last Seanad. I remember with a shudder that we were urged by many good people that what we needed to do was to adopt the state-of-the-art British vouched expenses system for parliamentary salaries and allowances. We have been able to see in the past month or two exactly what sort of model that is.

The question was raised about the exclusions from membership of certain listed semi-State bodies, which is really a carryover from other legislation. I would have some doubts as to the practicability of this. We have got rid of the dual mandate in regard to the European Parliament and membership of this House. For a long time, it was the case that if one was elected to the European Parliament, one had to decide at the next election which of the two to opt for. Now, the break is instant. I do not believe a person would be satisfactorily able to serve on the board of a semi-State body and be a member of the European Parliament given the amount of travel that is involved.

[Deputy Martin Mansergh.]

I will not delay the House any longer. I thank Senators for their co-operation.

An Leas-Chathaoirleach: I congratulate former Senator Alan Kelly, now MEP, and wish him the best of luck during his term in the European Parliament.

Question put and agreed to.

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

Senator John Hanafin: Now.

Agreed to take remaining Stages today.

European Parliament Irish Constituency Members) Bill 2009: Committee Stage.

Section 1 agreed to.

Question proposed: “That section 2 stand part of the Bill.”

Senator Marc MacSharry: While I am not opposing section 2, I wish to clarify the point I was making in terms of the former re-elected MEPs opting for the Oireachtas payment of the salary — the higher level. It is not to get more money for the MEPs that I suggested this but to save more money for the Exchequer. Despite the fact that the Bill will pass today, I ask that this change be considered before it comes before the Dáil. There could be a saving to the Exchequer, which is my motive for raising the point. It is not necessarily to enhance the remuneration of any of the Members.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I understand the motive perfectly. One is talking about a very small class of people who have been re-elected — just a handful. In those circumstances, persuasion should suffice without devising incentives which would be very easily and quickly misrepresented by our popular media.

Question put and agreed to.

Sections 3 to 10, inclusive, agreed to.

Schedule agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

Deputy Martin Mansergh: I thank Members for assisting the speedy passage of the Bill and at the same time allowing an interesting discussion on some relevant and related matters.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator John Hanafin: Tomorrow, at 10.30 a.m.

Adjournment Matters.

Children in Care.

Senator Maria Corrigan: I welcome the Minister of State, Deputy Áine Brady, to the House and I thank the Cathaoirleach for the opportunity to raise this very important matter. I seek an update on the exact number of children who have gone missing from the care of the Health Service Executive, HSE. I am aware that in recent years in excess of 360 children have gone missing from the care of the HSE, including Irish children and unaccompanied non-national minors. I seek also an update on the measures employed to locate these children, whether the Garda has been informed, if search campaigns have been launched, how many of the missing children have been found and, when found, what measures were undertaken to ascertain the reasons for going missing from the care of the HSE. This matter is especially pertinent in light of the recent Ryan report which drew attention to the fact that in the past children frequently went missing from the care of the State in cases in which it was a reflection of another underlying matter of distress. Therefore, in the case of any child who goes missing it would be very useful to ensure there is in place a procedure to establish the cause of running away.

I am aware, especially in the case of unaccompanied non-national minors, of anecdotal accounts of some children who, upon arrival to the State unaccompanied, enter the care of the HSE but then go missing because they try to join up with their families who are already in the State. However, I am also aware there is concern that some of these children may be intentionally trafficked to Ireland. We have signed the Hague Convention and we are amending legislation through the new Adoption Bill to ensure we are in compliance. We have a particular responsibility not only on a human level but legislatively to ensure we discharge our requirements in preventing trafficking. I seek further information from the Minister of State, although she may not have it to hand. There is concern with the reunification procedures for uniting unaccompanied children with alleged family members. Anecdotal evidence suggests the authorities ask the children for an account and they then ask the adult, allegedly the family member, for an account. If both accounts tally, the authorities are then satisfied that those concerned are members of the same family. There is concern that if a child is being trafficked to Ireland it would be easy to give the child a story and to ensure whatever adult turned up to claim a familial relationship to have the same or a similar story. Will the Minister of State have this matter and the procedures for unification re-examined? Is it possible to update our procedures to reflect the advances in science? There is no reason a DNA, deoxyribonucleic acid, test should not be required to prove, beyond doubt, that there is a familial connection between the adult claiming the relationship and the child.

I welcome the commitment given that residential facilities for unaccompanied, non-national children will no longer be exempt from inspection. Will the Minister of State indicate if there is a timeframe for the commencement of the inspectorate for these residential facilities for children?

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I am taking the Adjournment on behalf of my colleagues, Deputy Mary Harney, Minister for Health and Children, and Deputy Barry Andrews, Minister of State at the Department of Health and Children with responsibility for children and youth affairs. I thank Senator Corrigan for raising this matter and I welcome the opportunity to respond to the Adjournment.

[Deputy Áine Brady.]

The HSE has indicated that in the short timeframe available it is unable to provide all the information requested due to definitional variances between the different HSE areas. The most recent complete and verified full year data in respect of children missing from care are for 2006. The HSE has advised that in 2006, 181 children went missing from the care of the HSE and, of these, 180 were subsequently accounted for. The figure does not include separated children seeking asylum.

Information in respect of the numbers of separated children seeking asylum and missing from care is provided from 2000 to 2008. In this period 454 separated children seeking asylum went missing from the care of the HSE and, of these, 58 were subsequently accounted for. These figures relate to the Dublin south east area where the majority of separated children seeking asylum are cared for.

The majority of separated children seeking asylum who go missing are aged between 16 and 17 years and, in many cases, abscond very soon after arriving in the country. The suspicion is that many of these children may have preplanned this with persons unknown prior to entering the country. This may be done with the objective of reuniting with their families, who have already arrived in the State, or with the intention of relocating to other European countries where their families are located.

As part of its response to this problem, the HSE has commenced a process to change its model of care for separated minors such that they can avail of foster care and residential care arrangements across a broader spectrum than previously.

There is recognition that the service needs to be considered on a national basis. Plans are in progress to move the focus away from Dublin as a service point and in the future separated children will be placed appropriately across the country. As a parallel process, the hostels currently in use in Dublin will be phased out. It is the objective of the HSE that all separated children will, in the future, as soon as is feasibly possible, be placed in foster care in a registered residential care placement or its equivalent. The increased supervision these care arrangements will provide should result in fewer children going missing. I am aware that the HSE has developed a strong working relationship with the Garda National Immigration Bureau in relation to missing children.

Every incident of missing children is taken very seriously. The reasons for children going missing from care are varied and complex and cannot be viewed in isolation from associated factors such as in-care experience and home dynamics. Every missing child episode should attract proper attention from the professionals involved and they must collaborate to ensure a consistent and coherent response is given to the missing child on his or her return. A joint national protocol between the HSE and the Garda authorities regarding all children who go missing from care was signed on 22 April 2009. The protocol outlines the roles and responsibilities of both agencies regarding children missing from care. The protocol seeks to maximise inter-agency co-operation and promote the safety and welfare of children. The joint aim of the protocol is to reduce the incidence of children going missing from care placements, to prevent those children from suffering harm and to return them to safety as soon as possible. The protocol is being disseminated nationally.

A key element of the protocol is a commitment from the HSE to ensure that sufficient knowledge and information about the child is recorded to provide the Garda Síochána with the information necessary for the investigative process, in the event that the child goes missing. This includes keeping a recent good quality photograph of the child on the child's record.

Another important feature of the protocol is the establishment of a Garda liaison role with the HSE care placements at local level. The local liaison role includes a mechanism to identify children in care who are reported missing frequently and to escalate responsibility for them to an appropriate level of authority in both organisations.

The Government is committed to ensuring that all children in care are cared for in a safe and secure environment. It is hoped that the implementation of the joint national protocol will reduce the incidence of children going missing from care and will ensure their safe return.

Senator Maria Corrigan: I welcome the improved measures but I am really shocked by the number of children still missing. According to these figures, just fewer than 400 children have gone missing from the care of the HSE. While I appreciate the detail in this reply, particularly with regard to protocols and procedures for the future, it is very difficult to get a sense of what is being done for the 400 children who are still missing. My concern is that this indicates that Ireland could easily be perceived as a soft location for people who wish to traffic children and, from that perspective, the reply is alarming.

I appreciate the Minister of State is replying on behalf of her colleagues but I note full figures are only available for 2006 in the case of Irish children. I ask that the figures for 2007 and 2008 be forwarded when they become available. I note the report says there can be complex reasons for children to go missing and some reasons reflect in-care experience or other social factors. However, there is no sense in the report that we have tried to establish the reason in the cases of each of these children. I ask the Minister of State to refer this to her colleagues as a matter of urgency. The Minister of State may not have the information to hand but, if possible, I ask that the inspectorate of residential services for children be treated as a matter of urgency and that the reunification process for reuniting children with their families be reviewed.

Social Welfare Offices.

Senator Michael McCarthy: I welcome the Minister of State, Deputy Áine Brady, to the House and I congratulate her on her appointment. I was one of the first people to meet her on the day of her appointment and I wish her well in her Ministry. I know her brother, Deputy Tom Kitt, quite well.

I have raised the issue of the local social welfare office on a number of occasions in this House. To put it in its historical context, this matter goes back to two years ago. I declare an interest in that the late Mr. Kieran McCarthy who managed the branch office in Dunmanway was a cousin of mine. He died unexpectedly in July 2007. He ran that office very professionally. Since his death, the office has remained closed. The Minister for Social and Family Affairs has not made a statement as to whether its closure is permanent but as it is two years since it closed we must assume it is. However, I wish to hold on to any chink of hope that may exist.

This office provided a very important local service. We are all aware of the plight of the unemployed and, given that the rate of unemployment is now alarming, this issue is more urgent than it was when the office closed. Dunmanway is no different from any other part of west Cork or County Cork, or any other part of the country, in terms of unemployment figures. There was a high dependency on the construction industry in Dunmanway and it had just recovered from the loss of 119 manufacturing jobs through the closure of the company which manufactured surgical gowns. It also experienced and is in the process of experiencing the transfer of jobs from Dunmanway to Macroom in O'Donovan Medical, a firm making aluminium joints. A substantial number of jobs have been lost to the area although salaries will

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be retained in the local economy because people will not move. Nonetheless, a significant number of people will be moving out of the area.

The closure of the local social welfare office has caused considerable discomfort to people who have lost their jobs, those who need to access a local unemployment office and to meet an official over the counter, a person who is familiar to them, a person who can give them advice and assistance with application for a job-seeker's payment. I have been in the office on a couple of occasions and it is not very edifying to stand in a queue for social welfare assistance. It is an awful experience and more so in the current climate because of people's debt levels and responsibilities. Going from having a well remunerated job to unemployment is very daunting and traumatic and is a personal tragedy.

People in Dunmanway must now travel to other west Cork towns, Macroom, Skibbereen, Bandon, Clonakilty and Bantry, for social welfare assistance. There is no Luas tram in west Cork and unemployed people who do not have access to personal transport find it difficult enough to pay bills never mind finance transport. There is a bus service but unfortunately CIE thinks it is not worth while to make a bus service available in west Cork. It is cutting the service from Skibbereen to Baltimore, which is the harbour for the islands of Sherkin and Cape Clear. This is a controversial local issue because people depend on that bus service. There is no bus service that connects to other west Cork towns. There is only a limited service which people are happy to use but it is not the solution for those who are unemployed.

There is a premises and local expertise is available among the people who worked in the office previously. There is local demand for the service, which should be reinstated. I request the Minister of State to urge her colleagues in government to consider this matter. It would be a way of showing a commitment to the people of the area. The Government should acknowledge that the service was discontinued as a result of a tragic event, but that does not mean it cannot be reinstated. As a public representative, I have been monitoring the unemployment figures for the whole area, not just Dunmanway. I am sure that the Cathaoirleach has been monitoring his area. When the figures become available, we examine them and make a political case for upskilling and training to ensure that people do not become locked into the long-term unemployment that was the blight of this country in the 1980s. We need to avoid that situation recurring.

Making an overall judgment of the unemployment figures in my area is impossible. Since people are feeding into other social welfare offices, we do not have a particular set of figures. However, many more people need the service locally than needed it two years ago. I urge the Minister of State to consider the matter, which I raised in the House previously. The constituency of the Minister for Education and Science, Deputy Batt O'Keeffe, includes the area in question. I made the point to him that some of his constituents were using the service. Obviously, no one will travel from County Kildare to west County Cork to do so, but we must reinstate this important service.

Deputy Áine Brady: I am taking this debate on behalf of my colleague, the Minister for Social and Family Affairs, Deputy Hanafin. I thank Senator McCarthy for raising this important matter. The Department of Social and Family Affairs delivers a front line service to its customers through a network of 62 local offices and 62 branch offices. The main services provided from these offices include jobseekers payments, one-parent family payments and a customer information service. The 62 local offices are staffed by departmental staff and the branch offices are run by branch managers who are employed under a contract for service by

the Department to administer certain social welfare services to members of the public in their catchment areas.

Due to the sad and untimely death of the branch manager in Dunmanway, arrangements were put in place immediately to ensure continuity of service to customers. All claims originally catered for in Dunmanway were transferred to the Department's office in Bantry as an interim arrangement to ensure that payments were not interrupted. The number of customers involved was approximately 350 and arrangements were subsequently made to distribute the claims between five neighbouring branch offices in Bandon, Bantry, Clonakilty, Macroom and Skibbereen.

In cases where customers are living more than 16 kilometres from their designated branch office, their signing arrangements were changed to quarterly signing as opposed to the normal monthly signing arrangements. This means that these customers need only call to the branch office once every three months. Service to customers has not been interrupted by these arrangements and payments are continuing as they fall due. It is open to people residing in the Dunmanway catchment area who become unemployed to make a claim for jobseekers benefit or allowance at any of our offices convenient to them. Customers claiming illness benefit can forward medical certificates directly to the illness benefit section in Dublin or to any local or branch office. The service provided by the social welfare inspector in Dunmanway is being maintained. The office of the inspector is open to the public on Tuesday mornings and deals with any information queries.

As provided for in the Department's modernisation action plan, a strategic review of customer-facing services was undertaken in 2008. The purpose of the review was to determine what services will be delivered in the Department's front line environment in future. It was undertaken to identify the range of the Department's customer-facing services and related activities that would be most appropriately delivered in a front line environment, the locations from which these services would be best delivered and the layout of the offices that would enable their optimum delivery. Having considered the nature and extent of future customer-facing services, the terms of reference for this review provide, *inter alia*, for recommendations on the criteria to be used to determine the locations in which the Department should have a local or branch office presence.

The review noted that, given the significant ongoing changes as part of the channels programme, the Department's future service delivery model will be radically different from the current model. I will supply examples of some of the changes that will transform the service. A full range of alternative channels to include Internet, telephony and SMS services will significantly reduce the number of people calling to local and branch offices. The signing on process will be revised to take advantage of these services and will be based on customer profiling and risk assessment. An appointment system will be put in place to conduct a range of services, thereby reducing the footfall in offices.

Given the significant impact that these changes will have on customer levels as key criteria for determining the location of office presences, the Department will carry out a review of locations for services once the channel strategy is implemented across the local and branch office network. The Department is satisfied that the service being provided to people from the Dunmanway catchment area meets service requirements and there are no immediate plans to open an office in the town.

Senator Michael McCarthy: I thank the Minister of State for her response, but I wish to point out a number of issues with her reply. While her earlier comments were correct, the termin-

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ology used, “were transferred”, “were not interrupted” and “was approximately”, was past tense. Given that this issue will be two years old next month, the 2007 figure of 350 will probably have doubled by now.

According to the Minister of State, it is “open to people residing in the Dunmanway catchment area who become unemployed to make a claim for jobseekers benefit or allowance at any of our offices convenient to them”. The essence of my contribution is that it is not convenient for them. She also stated: “The Department is satisfied that the service being provided to people from the Dunmanway catchment area meets service requirements and there are no immediate plans to open an office in the town.” While I accept this, the genesis of the issue is the reopening of an old office, not the creation of a new service.

I thank the Minister of State for taking the debate, but I will continue to raise the issue. Given its local importance, I cannot allow it to be fobbed off. However, I appreciate the Minister of State’s reply.

Departmental Reports.

Senator Jerry Buttimer: I thank the Cathaoirleach for again allowing me to raise the issue of the publication of the Cork docklands forum report. The development of the Cork docklands is critical in terms of infrastructure and employment. Cork is the country’s second city and, under the national spatial strategy, a gateway city. It is the obvious counterfoil to Dublin.

In 2007, the Government established the Cork Docklands Development Forum, and herein lies the tale. The forum’s report, now completed, is lying in the Minister of State’s Department. Cork City Council has done all the preparatory work, namely, the establishment of different fora, reports, task forces and a directorate to ready the docklands for development. The project has the potential to create approximately 20,000 jobs in the city and to be a stimulus to propel Cork forward. The area is the last available land for the development and regeneration of Cork city.

Why has the forum’s report not been published? Of what is the Government afraid and from what is the Minister, Deputy Gormley, hiding? We have been given different dates for the report’s publication. Last October, I raised the matter by way of an Adjournment debate and the House was told that the report had been submitted in July 2008. Subsequently, I was told that an interdepartmental group would meet and publish a response to the report. Has it met, what was the nature of the meeting, has the group concluded its deliberations and has it reported to the Minister?

Through the construction of the eastern gateway bridge, the docklands will be an opportunity to bring Cork forward. At a time when unemployment in the city is staggeringly high, the development would afford us an opportunity to regenerate Cork, the only city with a decreasing population. It is necessary for Cork that the docklands are developed. Movement is necessary and Government commitment to infrastructural development is vital. There has been a lot of debate on the docklands and much debate will continue on who will drive the project forward, be it the city council or a newly created powerful agency, which is a contentious point.

At a time of economic recession, every opportunity must be taken to allow Cork to develop. This project is of paramount importance and investment is necessary.

Publication of this report will be a trigger for the redevelopment of Cork. I have a copy of the leaked report with me in the Chamber. It was published in a national newspaper. The Minister will see that the report is a huge tome. If I and journalists can get a copy of the report,

why can it not be published by the Government? I appreciate that this does not relate to the Minister of State's Department and that she is deputising for the Minister, but I look forward to her reply.

Deputy Áine Brady: The redevelopment of Cork docklands was identified as a priority project in the National Development Plan 2007-2013 and the National Spatial Strategy 2002-2020. As Ireland's second city, Cork has the potential to create a second major node of development in Ireland, both by itself and as a key linked gateway city along the Atlantic gateway corridor.

Located in the heart of the city centre, the 160 hectare docklands offer the prospect of developing a modern, mixed use city quarter. Current plans anticipate that over a 20 year period, the docklands could cater for a population of some 22,000, through the provision of over 9,500 residential units, including nearly 2,000 social and affordable units. It is estimated that this regeneration project could sustain approximately 27,000 new jobs, in retail and financial services, industry, ICT, higher-level educational institutions and leisure and cultural activities.

Following considerable work by Cork City Council, and recognising that the project could be of national and international significance, the Government established the Cork docklands development forum in December 2007. The role of the forum was to promote the effective co-ordination and delivery of sustainable investment by the State in key infrastructure to facilitate docklands regeneration, so as to incentivise private investment towards realising the Cork docklands vision. The forum was also tasked with addressing options relating to incentives to overcome barriers to the development of the area.

The Cork forum submitted its report in July 2008, setting out a policy and economic rationale for the regeneration project. Among its outputs were: identification of economic and other drivers essential to the realisation of the vision for the area; identification and costing of critical public infrastructure required over the lifetime of the project — out to 2027, at least — to underpin subsequent private investment; consideration of significant constraints and barriers to the intended redevelopment; consideration of how this redevelopment might be incentivised; and recommendations regarding institutional arrangements to bring the project forward.

The report envisaged significant investment in public infrastructure, including the proposed eastern gateway bridge, as well as possible supports for relocation of port and other activities. While funding decisions relating to the bridge and other related projects under the gateway innovation fund have been deferred, the Finance Bill 2009 provides for a new tax incentive scheme to facilitate the relocation of Seveso-listed industrial facilities that hinder the regeneration of docklands in urban areas. This scheme is subject to European Commission clearance regarding compliance with state aid rules.

In light of current economic and budgetary constraints, the House will appreciate that a report of this nature, which provides a long-term perspective for development of a key gateway site, requires careful and ongoing consideration. The Government established an inter-departmental group, chaired by the Department of the Environment, Heritage and Local Government, to consider the analysis and recommendations in the report. The group is considering appropriate actions to move this project forward, including the question of publishing the forum's report.

The Government remains firmly committed to development of key city centre sites in the gateway cities and recognises the potential and the opportunities afforded by the Cork docklands development project. Cork City Council has established a special directorate to co-ordinate and promote delivery of the docklands project, as well as a docklands policy commit-

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tee comprising six councillors. The directorate has extensive interaction with relevant stakeholders, including property owners, developers, public agencies and other stakeholders, as well as with the main Departments represented on the interdepartmental group. The city council is also working closely with the Department of the Environment, Heritage and Local Government as the Cork docklands are one of the strategically located developing areas under the Government's developing areas initiative.

Senator Jerry Buttimer: With respect, the reply from the Minister for the Environment, Heritage and Local Government is not satisfactory. It is an appalling response from a Government that has had 11 months to peruse, deliberate on and arrive at "an appropriate response" to the report. Why is there a question about the publication of the forum report?

I accept this is not the Minister's Department but the reply is a disgrace. It made no attempt to explain why the report has not been published, when it will be published and whether the Government is serious about the Cork docklands. We already knew everything in the reply, aside from two paragraphs. It is unacceptable that I have this report with me tonight even though it is unpublished and there is no guarantee that it will be published. I ask the Minister of State to speak to the Minister, Deputy John Gormley, and ask him to set a time for the report to be published. This is vital. The reply I received tonight is an insult to the people of Cork. I do not blame the Minister of State, Deputy Áine Brady, as it is not her Department.

The Seanad adjourned at 6.45 p.m. until 10.30 a.m. on Wednesday, 17 June 2009.