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SEANAD ÉIREANN

Déardaoin, 22 Deireadh Fómhair 2009.
Thursday, 22 October 2009.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for the Environment, Heritage and Local Government to give the names and numbers of water and sewerage schemes in County Donegal that are not in compliance with current European directives and the towns and villages that are still awaiting schemes to come into compliance with all relevant EU directives.

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

The need for the Minister for Health and Children to make Lyme disease a notifiable illness in Ireland, thus increasing the specialist medical help available to sufferers of the illness, as well as publicising the risks of the disease.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

Order of Business.

Senator Donie Cassidy: The Order of Business today will be tributes to the late Senator Tony Kett, to be taken at the conclusion of the Order of Business; and No. 1, European Union Bill 2009 — Second and Subsequent Stages, with the contributions of spokespersons on Second Stage not to exceed 12 minutes and those of all other Senators not to exceed ten minutes, on which Senators may share time and the Minister is to be called upon not later than 1.50 p.m. to conclude the debate. Committee and Remaining Stages shall be taken at the conclusion of Second Stage.

Senator Frances Fitzgerald: I ask the Leader if it is intended the House will sit next week. He might clarify the matter at the end of business today. There are many important issues we should discuss when we next meet. The trade unions made it clear again yesterday that they plan to engage in industrial action, while almost 16,000 families presented a petition to the Taoiseach urging the Government not to deliver yet another child unfriendly budget. It appears there is a danger that the Houses will be sidelined in the debate on the public finances. It is critical, therefore, that we have an opportunity to air our views in the House on the critical decisions that will have to be taken before the next budget.

Senator Jerry Buttimer: Hear, hear.

Senator Frances Fitzgerald: Will the Leader ensure that debate will take place next week?

I raise with the Leader the extraordinary story on the front page of the *Irish Examiner* today that 73 bags of heroin were found in a jail cell in Limerick Prison. A man who had been convicted of murder was found to have 73 ready for sale bags of heroin when his cell was searched. What happened to the policy of the Minister for Justice, Equality and Law Reform of having drugs free prisons? Where are the resources? What is the explanation for this? The Minister must come into the House to explain this extraordinary story. He could usefully come into the House to deal with these issues next week. Given the discussion we had yesterday on Seanad reform and the need to address critical and topical issues, I ask the Leader to ensure that debate will take place next week.

Senator Joe O'Toole: I am glad the Government has taken on board the points Senator MacSharry and I have been making here in recent weeks about the importance of getting the social partners around the table in Government Buildings. It is important to recognise what is going on. I know that Members on this and the opposite side of the House will be disappointed by talk of strike action and agitation, etc. but I would like them to recognise that when they walked into the meeting two days ago, IBEC, the representatives of the six banks and all the others who had created the mess in which the country finds itself sat down at the table and, at a time when we all agree we must make our contribution, looked across at the workers and trade unionists and the representatives of the community and voluntary pillar and told the representatives of the community and voluntary pillar that they were living on social welfare and that they should take cuts. They then told workers, those in the public sector in particular, that they should also take cuts. It may be necessary to do this but I want people to understand that those who created this crisis and were funded by the six banks have made no offer to come up to the plate and do their bit. One can understand, therefore, the frustration of the trade union leadership and workers. They had nothing to do with creating the problem but are already paying the price. They are now being asked to pay even more. I am merely asking that people understand this fact. We will see what happens next month. It is my fervent wish that there will not be any strikes. However, I hope pressure will be exerted on IBEC and the people it represents to step up to the plate. As well as apologising for what they did, I hope they will also indicate what more they can do.

Senator Alex White: I am extremely disappointed that the Government appears to have lost out on the opportunity afforded to it when its representatives met the social partners — I believe they are still referred to in this way but the title may now be something of a misnomer — to engage in any real or meaningful discussion, particularly with the Irish Congress of Trade Unions. The Government's current line is, "We have to do what we have to do". Such an approach does not provide a basis for seeking consensus across society in respect of the difficult situation we face and the undoubtedly serious measures that must be taken. It is simply not good enough that the Government puts out three figures as comprising the €4 billion in savings that need to be made and then announces that this is the way it must be. There will be no consensus in respect of, buy-in to or support across society for this type of dictatorial approach with regard to what is going to happen in the next couple of months. I appeal to the Leader to do what he can, however minimal that might be, to persuade the Government and the Minister for Finance not to take this kind of approach or attitude towards the former social partners. I also urge the Leader to convince the Minister for Finance to use the opportunity that will present itself in the coming weeks to enter discussions with the trade union movement and put it up to its members to contemplate those areas — be they in the public service or elsewhere

— where radical change must occur and invite them to come forward with proposals. I do not know if that is the basis on which the Government wishes to have the discussion on this matter. However, simply announcing a position at this stage will not work.

I wish to comment briefly on the issues which exercised Members yesterday. I listened to the proceedings on the radio in my car and what I heard was quite bleak. It pains me to say it.

Senator David Norris: We missed the Senator.

Senator Alex White: Over and over again, Members were exploding with indignation. I include in that the Senator who has just——

Senator Paschal Donohoe: Exploded.

Senator Alex White: Yes.

Senator David Norris: If that was an explosion——

An Cathaoirleach: Members should cease interrupting. There should not be a repeat of what occurred yesterday.

Senator Alex White: There is a serious point to be made in respect of this matter. It was stated on the radio a few moments ago that in the eyes of many members of the public, the show was over for the Seanad.

It may seem I am adopting a holier-than-thou attitude. However, I accept that I am sometimes not behind the door in interrupting other Members.

Senator Terry Leyden: Why was the Senator not present yesterday?

Senator Alex White: Members of Parliament should have a better sense of what——

Senator Terry Leyden: The Senator should have been here.

Senator Alex White: This is another example of that to which I am referring.

An Cathaoirleach: Senator Leyden should not interrupt. This type of behaviour marked yesterday's proceedings.

Senator Alex White: People who have been Members of Parliament for 20 years or more do not appear to be able to act with a basic level of decorum.

Senator Paschal Donohoe: At least we were here.

Senator Frances Fitzgerald: Yes, we were.

A Senator: Please allow the Senator to finish.

Senator Alex White: During yesterday's proceedings Senator Regan took the opportunity to misquote me. I never stated this House served no useful purpose. I am not a supporter or member of the Fine Gael Party. However, for Senator O'Toole to describe what seems to be a genuine proposal that we consider the concept of institutional reform — including as it relates to this House — as harking back to the 1930s is so absurd as to draw the level of debate so far down that said debate is almost not worth having.

Senator Maria Corrigan: I call on the Leader to request the Minister for Finance to come before the House to outline the agreement or understanding the Government has in place with banks regarding the support of small and medium businesses with existing loans. There have been incredibly disturbing accounts with regard to people who are trying their very best to keep their businesses afloat and their employees in jobs. A relative of one such business owner recently related to me an account of a telephone call the latter had received from a bank. During the conversation the business owner in question was informed that his overdraft was being withdrawn and that his loan was being called in. Thereafter he received three telephone calls a day informing him that the bank wanted its money back. When one receives the first such call, one knows the bank wants its money back. Telephoning someone three times each day borders on harassment, bullying and intimidation. Such behaviour is certainly not in keeping with the message being conveyed to the Government by the banks to the effect that they are extending support, sympathy and empathy to businesses. The banks have indicated that they are extending every support possible to businesses and individual mortgage holders. From what I have heard, I do not believe the case to which I refer is an isolated one. I ask the Leader to request the Minister to come before the House in order that he might place on record the understanding or agreement the Government believes it has with the banks on supporting people in these difficult economic times.

Senator Paul Bradford: There are reports this morning that Nursing Homes Ireland is concerned that a registration fee which will be applicable under the new nursing homes legislation will have to be paid by nursing homes. My comment on that is, “Poor old them.” Nursing homes generally charge up to €1,000 per resident per week. Under the new legislation, the families of these residents will be paying for their care.

A substantial debate on the nursing homes legislation took place in the House some months ago. Those who want to make a case in defence of the Seanad need only reflect on the work it did as part of the process of deliberation on that legislation. Our comments on it were closely observed by the owners of nursing homes. It is fair to state nursing home proprietors will prosper as a result of the nursing homes legislation. I would be gravely concerned, therefore, if this modest registration fee of less than €200 were passed on to the residents of nursing homes and their families. It is disappointing that in advance of implementation of the legislation nursing homes are already sounding warnings about the imposition of further fees on residents.

The Oireachtas has attempted to put in place a new system of caring for the elderly. I have difficulties with parts of that system. However, it is reasonably fair and balanced. I hope nursing homes will not now take advantage of the Minister, taxpayers or, most significantly, the elderly people in their care. I would welcome it if between now and Christmas the House could, as has been the case on many previous occasions, engage in a substantive debate on care of the elderly and nursing homes.

Many Senators, particularly those from rural areas, have been contacted during the past two weeks or so in respect of proposals for the introduction of some kind of windfall tax. I accept that this is a debate for another occasion. However, people in rural areas who wish to sell individual sites — often to neighbours, family members or friends — are deeply concerned that they may be obliged to pay this tax. I would like the position to be clarified in order that we might ease their concerns.

Senator Dan Boyle: On Senator Alex White’s call for more decorum in the House, I suggest that at its next meeting the Committee on Procedure and Privileges examine the events of yesterday. I would go some way towards agreeing with what the Senator had to say. However, the House must also be a place in which Members show anger and passion when the need

arises. I disagree vehemently that the party opposite brought forward the relevant proposal as a sincere attempt at institutional reform.

Senator Frances Fitzgerald: The Senator is wrong about that.

An Cathaoirleach: There should be no interruptions.

Senator Dan Boyle: That is the opinion I am expressing. I am grateful to have 30 seconds to speak on the Order of Business without being interrupted because I consider myself to be the Member who probably is most interrupted in the House.

Senator Jerry Buttimer: The Senator deserves it the most.

Senator Ciaran Cannon: The Senator's 30 seconds are up.

An Cathaoirleach: Members, please.

Senator Dan Boyle: On the call for a special debate on social partnership already made by several Members today, I agree that such a debate must happen and that it should help to inform the process. In particular, I accept the need for employers' representatives to step up to the plate at this time of national need, as there has been little indication of an apparent change of culture among that sector of the economy. That said, the choices that must be made in the budget on 9 December will be unpalatable, whatever they may be. I would be surprised were any suggestion made by the Government to be greeted with anything other than derision by Opposition Members, however needed they might be.

With regard to the issue addressed yesterday on the funding of religious ethos-based schools, it is welcome that a meeting was held between the Taoiseach and representatives of Church of Ireland and other denominational schools yesterday. The Minister for Education and Science is in a difficult position, given that there has been a re-prioritisation of education spending due to the recent review of the programme for Government. However, I appeal to him to examine this issue, in particular, in the light of comments made by several Members yesterday. If there is a continuing constitutional difficulty in respect of this matter, he should examine ways as to how it might be addressed. If there is a need to diminish the funding, it should be done over a longer timeframe rather than singling out such schools to be the only set of schools nationally that will experience a decrease in capitation grants next year.

An Cathaoirleach: I wish to try to call Members who missed out yesterday, despite having indicated.

Senator Nicky McFadden: I sympathise with the Cathaoirleach on the manner in which he was obliged to try to maintain order in the House yesterday. Consequently, Members like me did not have an opportunity to contribute, which I find objectionable. While everyone deserves to be able to express his or her passion and anger, it is outrageous to shout and roar across the House. Some visitors from rural Ireland were in the Visitors Gallery yesterday and could not believe the carry-on in the Chamber. I found it to be offensive and ask my colleagues on both sides to desist from interrupting Members who are trying to be sincere and honest about their contribution.

Yesterday I tried to support my colleague, Senator Healy Eames, regarding the bilateral agreement on Vietnamese adoptions because I had received an e-mail from a constituent stating the Deputy Prime Minister of Vietnam was visiting Ireland and had arrived yesterday. I ask the Leader to ensure the Minister of State, Deputy Barry Andrews, will raise this issue. The lady who contacted me is one of the people who had their applications in on time but one

[Senator Nicky McFadden.]

of the 228 who have been left out. She cannot understand how the applications of 20 people were processed, while she was one of the 228 who were left out. This appears to be an absolute outrage and I ask the Leader to have the issue raised.

In respect of the consideration by trade unions of one-day strike action, I believe the Government can negotiate to find ways other than pay cuts to save the €1.3 billion that must be saved. I have been approached by people in my constituency who still are employed but who run the risk of having their houses dispossessed because other members of the family have lost their jobs. Such individuals cannot deal with another pay cut and their core wages must be protected. There must be flexibility in respect of overtime payments, increments etc. to find ways to not burden such persons any further. The people want Members to legislate for them and not to be bickering, shouting and roaring like buffoons in the Chamber.

Senator Larry Butler: I wish to defend the House, as I did not get a chance to do so yesterday. I also wish to defend the right of Members who rise to speak in the Chamber without being interrupted. I have been interrupted many times and was obliged to write to the Committee on Procedure and Privileges to have it stopped. It is unfair that any Member should be interrupted when speaking. One must honour Members who have been elected to the House; Members are letting themselves down badly if they do not do so. I also wish to defend the right of the House to exist as part of our democracy, for which we fought extremely hard. Moreover, I agree with Senator O'Toole when he states it is easy in difficult times to put a price on what democracy is worth. The democracy in this House is worth keeping. It also is important to bear in mind that in budgetary terms, it would save half a day's expenditure out of a budget for 365 days. I refer to the right-wing thinking of the leader of the Fine Gael Party who proposed the abolition of the House, which is the wrong option. Moreover, Senator O'Toole put it clearly when he stated the other proposal for the Lower House in respect of a list system was completely undemocratic. The list system does not represent the people who elect Members. It represents those who do not want anyone to be elected and represents a diminution of democracy.

Senator Jerry Buttimer: This is a Second Stage speech.

Senator Larry Butler: It is important that Members play a major role in addressing the matters that are not right with the House. I agree that they could deal with their business more efficiently and so forth and it is important that they do so. Changes must be made, of which I am in favour.

An Cathaoirleach: Time, Senator, please.

Senator Larry Butler: I will wind up on a point regarding small businesses, to which a previous speaker alluded in respect of support from banks. However, many small businesses are being put out of business by the rates levied at local authority level. Fine Gael and the Labour Party are in a great position to freeze rates in each local authority this year to help out and ensure——

Senator Maurice Cummins: If they get the money from the Government.

Senator Larry Butler: ——such enterprises stay in business.

An Cathaoirleach: The Senator's time has expired.

Senator Larry Butler: The rates business has been a milch cow for local authorities for many years; there should not be an increase this year.

An Cathaoirleach: I thank the Senator.

Senator Larry Butler: Moreover, Fine Gael and the Labour Party, which control 90% of councils nationwide——

Senator Maurice Cummins: The Government should give the money to local authorities.

An Cathaoirleach: No interruptions, please.

Senator Maurice Cummins: If the Government gives the money to the local authorities, that will be done.

Senator Larry Butler: A total of 90% of councils are controlled by Fine Gael and the Labour Party. Let us see what they will do.

An Cathaoirleach: I call Senator Norris.

Senator Larry Butler: The Opposition is telling the Government what it should do but it is in a position to do something about the matter.

Senator Maurice Cummins: The Senator is paying lip-service to it.

Senator David Norris: It took the leader of Fine Gael four and a half hours to extract a weak vote of support at an unusual meeting of his party members yesterday. Apparently, however, he was supported uncritically and enthusiastically by the leader of Fine Gael in the Seanad, Senator Fitzgerald, as well as Senators Twomey and Donohoe. As two of these Members have served previously in the other House——

An Cathaoirleach: The Senator should ask a question of the Leader on the Order of Business.

Senator David Norris: ——and the other one wants to get into it, they are not really determined to be in this House. In the circumstances, as this proposal was made in the context of an economy measure, is it appropriate that they should continue to serve in this House? Should they honourably surrender their salaries to all the projects they suggested were being cut back because of the existence of this House?

I wish to raise the case heard in Mullingar last week in which a youth of 19 years was sentenced for having consensual sexual relations with a girl aged 16 and three quarters. She was 90 days under the limit and it was accepted that he believed the limit was 16 years. The parents were upset——

An Cathaoirleach: Has this case finished in the courts?

Senator David Norris: The case is finished.

Senator Alex White: No, it is not.

An Cathaoirleach: It is under appeal.

Senator David Norris: The man has been sentenced——

An Cathaoirleach: Because if the case is before the courts——

Senator David Norris: —and the case has been commented upon in *The Irish Times* in a clear way.

An Cathaoirleach: —it may well be under appeal.

Senator David Norris: I wish to raise the fact that the Director of Public Prosecutions gave evidence——

An Cathaoirleach: Please, Senator, he is an independent officer.

Senator David Norris: —to a committee of the Oireachtas that in such circumstances there had been no prosecutions and that there would be no prosecutions. That is the reason I call it the Romeo and Juliet syndrome. The matter must be investigated because this issue was discussed in the House and I warned this might happen.

I wish to raise the sentencing yesterday in an Israeli court of Ezra Nawi, an Israeli citizen with whom I had a long relationship and whom I still value. He was sentenced in a manner that was very close to the Denning judgment. He was engaged in a non-violent protest against

the illegal demolition of the hovels of some Palestinian subsistence farmers. The film evidence, the only evidence available, shows clearly that this was the case.

Previously, there had been attempts by the Israeli Government to have him sentenced on the basis of perjured evidence of soldiers and police, but these were thrown out by a succession of judges. It has now got its way. We should have a debate on the situation in the Middle East. What is really worrying is that Israel, which calls itself a democracy and is always labelled the only democracy in the Middle East, has included conditions in the sentence.

An Cathaoirleach: The Senator's time is up. I call Senator Ó Murchú.

Senator David Norris: He is sentenced to one month in prison but if he takes part in any protest in the next three years, peaceful or otherwise, he will immediately go to jail for six months.

An Cathaoirleach: Thank you, Senator. I call Senator Ó Murchú.

Senator David Norris: That tells the story of democracy in Israel today.

Senator Labhrás Ó Murchú: I refer to the last point raised by Senator Norris. I applaud him each time he raises a human rights issue in the Chamber. This matter should not be left lying. All these issues are important and there should be a method to ensure there is proactive follow-up each time such an issue is raised. I hope the matter raised by the Senator will be taken up and that there will be a response to it.

Senator McFadden's comments this morning on the decorum, or lack of it, in this House were like a breath of fresh air. I have raised this issue in the Committee on Procedure and Privileges. The problem of interruptions has been very distressing, especially in this Seanad. If we act like a circus, we will be perceived as one. That is not fair to this House which has served the State and the nation well. I hope everybody takes Senator McFadden's message on board.

With regard to the economy, most people have braced themselves for a particularly difficult budget. Undoubtedly, the trade unions will look after their members particularly well, as they should. I hope strike action will not be the net result of their actions because I do not believe that will help the country. As I mentioned yesterday, this House has held a particularly energised debate on its existence and future. I wish we could be as energised on social issues. I am particularly concerned about the messages being conveyed at present regarding social welfare recipients. There might be anomalies in the social welfare system but there are families in dire

straits. To take even a few euro from those people will push them over the line. The Members of this House live pretty well. We will not be hungry, cold or traumatised. We are well paid and have good expenses. I believe it is time we gave a voice to the people who do not have a voice at present. There should be a discussion, before the final decisions are made, about people in the social welfare net who are there not because they want it but because the system generally has failed them. It would be very bad if such people in a country like Ireland that has done so well from the Celtic tiger economy were to suffer any further. I hope we get the opportunity to express our views on this issue in the future.

Senator Dominic Hannigan: The Leader is considering whether the Seanad should sit next week. I reiterate the request I made yesterday that the Seanad sit and deal with Committee Stage of the Bills relating to multi-unit developments and the property regulation authority. Thousands of families in Dublin and its commuter belt are feeling the impact of the lack of regulation in this area. Their payments to management companies are often excessive and are often levied without consideration for the actual fees involved and the expenditure incurred. We have been promised action on this for the last number of years. The Second Stage debates on these Bills took place four or five months ago and their passage is being delayed by this House, not the Lower House. I ask that we take Committee Stage of those Bills next week.

I have been asked to raise in the House the European inter-regional programme which affects counties Louth, Meath and Monaghan and counties north of the Border. It is a programme of funding for local organisations in the cross-Border region. The organisations are three years into the programme but still have not received approval from the Minister to spend any funds. In these difficult times money from Europe for this programme could be put to great use in the local economies of the towns and villages in the area. The committee in charge of the programme is seeking a meeting with the Minister, Deputy Brian Lenihan, to find out why there is a delay in the approval of funds. Will the Leader use his good offices to ask the Minister to meet representatives from the committee as soon as possible so this funding can be released to local organisations?

Senator Déirdre de Búrca: I refer to the issue we discussed yesterday, Deputy Kenny's proposal that the Seanad be abolished. I was disappointed I did not get an opportunity to contribute. It was a good and lively debate. I do not agree with Deputy Kenny's proposal to abolish the Seanad, although I strongly believe there is a necessity to reform the Seanad soon. However, what Deputy Kenny is proposing, that the future of this institution is put to the people in a constitutional referendum, makes sense to a certain extent. If this House is to have any legitimacy we need to know that the people of this country support us and believe the work we are doing is important.

A serious programme of reform must be carried out. Unfortunately, 11 reports have been produced in the past 60 or 70 years but none of their recommendations has been acted on. This is, as far as the public is concerned, evidence of complete political inaction on the issue of Seanad reform. If we are facing the possibility that there might be a Fine Gael-led Government in place at some point in the future and given that Deputy Kenny, as leader of Fine Gael, has committed himself to holding a referendum on this issue within the first year of that Government, the onus is on us now to move quickly and seriously on a programme of reform. Personally, I am impatient with the pace at which the process of Seanad reform has been undertaken. We must undertake this seriously and not just have superficial reform. We must examine serious issues such as offering the people an opportunity to directly elect Members of the Seanad, broadening the franchise for the university panel, the criteria under which the Taoiseach should nominate people to the Seanad and giving the Seanad a role in scrutinising European legislation as well as debating more European issues, thus providing a link between

[Senator Déirdre de Búrca.]

the public and Europe and encouraging greater public understanding of European policy and political developments.

Today we will discuss the European Union Bill. The programme for Government refers to the issue of extending voting rights to Irish people living outside Ireland for presidential elections. During the referendum campaign on the Lisbon treaty I was contacted by a number of Irish people working in Brussels and elsewhere for European institutions. They felt strongly that they should have a right to vote in European treaty referenda. They represent this country's interests and work hard on behalf of this country within European institutions. This is an issue we should examine. Will the Leader consider inviting the Minister for the Environment, Heritage and Local Government to the House so we can put that proposition to him?

Senator Jerry Buttimer: I welcome Senator de Búrca's and Senator White's defence of Deputy Enda Kenny this morning. It is welcome that there is broad cross-party support for what he suggested.

Senator Fitzgerald raised a legitimate issue this morning on which I ask the Leader to arrange a debate. A prisoner in one of this country's prisons was in possession of 73 bags or deals of heroin. What does that tell us? It shows there is drug dealing in our prisons. In every city and large town people are dying or are up to their eyes in debt while families are distraught as a result of drug use. The national drugs strategy is not working. We see the Minister of State with responsibility for the drugs strategy, Deputy John Curran, and the Minister for Foreign Affairs, Deputy Micheál Martin, releasing press statements about issues in Cork while organisations such as Fellowship House, Arbour House and Tabor Lodge are in difficulty with the HSE regarding service agreements and finance. People who are making an effort suddenly find that the State is preventing their recovery through lack of funding. I urgently seek a debate on the national drugs strategy programme.

I ask the Leader to facilitate a debate next week on social partnership. Never before have we needed genuine social partnership more. I appeal to IBEC and the unions to stop the gamesmanship and, in the interest of every worker in this country, to sit down with the Government to hammer out an agreement in order to preserve, protect and maintain jobs. I have listened to the pomposity of some self-serving Members this morning on what happens in this Chamber. The single biggest issue is the creation and retention of jobs, not what happens in here.

Senator Frances Fitzgerald: Hear, hear.

Senator Jerry Buttimer: Hundreds of thousands of our fellow citizens are unemployed, queueing in social welfare offices and waiting for six to eight weeks to get social welfare payments. That is what we should be about, not who shouts across the Chamber. I will defend this Chamber everywhere but we need these urgent debates.

Senator Mary M. White: Yesterday, the 3Ts (Turn the Tide of Suicide) and Console launched a 24-hour helpline to help reduce the rate of suicide in Ireland. At the launch, the chairman of 3Ts, Mr. Noel Smyth, said suicide is a scourge in Ireland. Ireland has the fourth highest youth suicide rate in the EU. I congratulate Console and 3Ts for having a 24-hour helpline. Unfortunately, the HSE has utterly failed to provide a 24-hour helpline. Speaking at the launch yesterday, Professor Malone, Professor of Psychiatry and Mental Health Research at UCD, said 80% of those who died from suicide had reached out for help in the previous weeks. The launch of the helpline is a window of opportunity for people to reach out and call the helpline. The number is easy to remember, 1800 247100.

Senator Eugene Regan: I refer to a number of Acts that were passed in this House in July. They were rushed through by the Minister for Justice, Equality and Law Reform. One was the Criminal Justice (Miscellaneous Provisions) Act, which dealt with firearms, the European arrest warrant and the Schengen information system. Another was the Defamation Act, containing the infamous blasphemy provisions. As Bills these were rushed through, particularly the Criminal Justice (Miscellaneous Provisions) Act, on the basis that they were needed as a matter of urgency. These and other Bills that were passed in July have not yet been published. Ignorance of the law is no excuse but access to the law is imperative if people are to be charged under such Acts. I question whether this Government can get anything right. It rushes legislation through yet it does not follow the procedure and publish the Acts so that people can access the legislation.

I ask the Minister to explain the rather simple task of publishing the legislation and explain the extraordinary situation in Limerick prison where a prisoner can have bags of heroin. Given the urgency of these questions, the Minister should come into this House and do so.

Regarding yesterday's debate in the House, I agree with those who believe the shouting and roaring was unseemly. I hope nothing I said provoked unruly behaviour. I wish to clarify one point because Senator Alex White said I misspoke when I referred to "The Late Late Show". When the Leader, Senator Donie Cassidy, defended the House on that show, Senator White stated "Unlike Donie, I think there is a question mark over the relevance of the Senate". It was in that context that I spoke yesterday. I hope that clarifies the position.

Senator Dominic Hannigan: Did the Senator call for its abolition?

Senator Eugene Regan: Senator Norris suggests that people in this House should resign if our party leader is suggesting a referendum should be held on the abolition of the Senate.

Senator David Norris: I did not.

An Cathaoirleach: No interruptions, please.

Senator Eugene Regan: I believe Senator Norris did. The Senate has a constitutional role and we have a constitutional responsibility and obligation to fulfil until the Constitution has been changed in a referendum. The suggestion is quite silly.

Senator David Norris: I do not wish to interrupt but I must say the record will show that I have been misquoted. I hope it is not deliberate.

Senator Eugene Regan: If I misspoke, I apologise.

Senator John Ellis: Is it possible that the Leader could arrange a debate on the proposed carbon tax before the budget? I propose the debate because of the effects the carbon tax could have, particularly on the cost of exporting goods and the cost of haulage and other services. We should be supplied with the various submissions that have been sent to the Department on the carbon tax. It is relevant in the current circumstances.

There is much talk this morning on the availability of heroin. I would love to know what those involved in the war in Afghanistan are doing to prevent the growing of poppies. Some 92% of the world's heroin comes from Afghanistan. What is being done? Let nobody tell me that they cannot prevent this happening. They are well able to fly over and drop bombs but they are not able to fly over and spray crops to get rid of them and prevent the scourge that exists around the world. Rather than talking about wars against violence and wars that will prevent further atrocities, heroin is the greatest atrocity at the moment.

Senator David Norris: What about the question of subsidising the farmers?

Senator John Ellis: Yes.

Senator Feargal Quinn: Last week I referred to the question of illicit cigarettes being imported into Ireland. The figures were startling as far as I was concerned but my attention has now been drawn to new figures. Today, PJ Carroll & Company Ltd announced some job losses but did not say that this was due to a reduction in consumption. Apparently there has been an increase in consumption of cigarettes, which we do not applaud. There is an increase in the importation of counterfeit cigarettes, not just smuggled cigarettes. These are cleverly designed in Asia and the packets contain the Irish tax stamp and a health warning on the back as Gaeilge. This is a highly professional importation of counterfeit cigarettes that contain products different to normal tobacco. These are very unhealthy compared to normal tobacco. The Garda Síochána is very committed to doing something about this and has had some recent successes but it has not been given the resources to combat this. I gather the Garda Síochána has one scanner that can identify what is inside a truck and if the scanner is known to be in Rosslare those who are importing cigarettes elsewhere can proceed.

The other area drawn to my attention concerned the trivial sentences imposed. The State loses some €500 million to €750 million yet those charged, who may not be high-powered gangsters in the operation, face trivial fines of €400 when a fine of €1 million is required. This is important and we should do something about it.

I was disappointed to hear the Minister for Communications, Energy and Natural Resources, Deputy Ryan, saying we should not even discuss genetically modified food. I hope this is a correct reflection of what he said. The world must produce much more food in the future and this is Ireland's strength. We should be able to debate it and discuss whether crop productivity can be improved with science. If so, we should debate it rather than saying it is not open for discussion. I request a debate on this in the near future.

Senator Camillus Glynn: The Cathaoirleach and colleagues on both sides will remember the legislation on the refund of nursing home charges that went through the House. I did not disagree with it and I knew it was long overdue. However, an issue remains to be addressed with regard to those who could not get a bed in a public facility and had to go to a private facility. Throughout the country, many people who took early retirement used their gratuity and others used their savings to fund their relatives' stay in a privately owned nursing home because they could not get a public bed. As the Government spokesperson for health and children at the time I was contacted by a number of people throughout the country and I strongly agreed with their position. What happened was not just. The legislation as it stands does not address their problem. The only people who were refunded were those in public nursing homes or long-stay institutions, including psychiatric hospitals. This anomaly needs to be corrected. I know it will cost money and that we are in bad times but there is a right thing to do and in this case the right thing was not done.

Quite a number of people, including members of my party, have contacted me with regard to the far from satisfactory situation obtaining to people defending themselves and their homes. Will the Leader invite the Minister for Justice, Equality and Law Reform to the House to discuss this matter? The law strongly favours the offender as against the offended and this is intolerable. I do not state that people should come out with all guns blazing but there is a weakness in the law covering people protecting themselves, their families and homes from intruders. It is far from satisfactory.

Senator Maurice Cummins: Last week, I called for the Minister for Justice, Equality and Law Reform to come to the House to outline to us the steps he intends to take to address the chronic overcrowding in prisons. The Minister and his two predecessors gave categorical assurances in this House that we would have drug-free prisons when certain measures were put in place. In view of what we have seen in Limerick Prison, will the Minister come to the House as a matter of urgency and outline what steps were taken to prevent drugs entering prisons? Have these measures been put in place? If they have why are they not working? It is imperative that the Minister comes to the House to discuss this. On a number of occasions, including today, he has been asked to come to the House to discuss various matters. I suggest that the Leader tables statements on justice to be taken next week and that the Minister comes to the House to address the myriad of proposals made, including that made by Senator Glynn. My party proposed a Bill on that matter and received very little support from the other side of the House. Let us address these problems in a proper manner.

I agree with the freezing of local authority rates. It would very laudable to have no increase in rates. However, the Government cannot speak from both sides of its mouth. It must provide proper funding to local authorities to enable them to have a freeze in rates.

Senator Michael McCarthy: In the 1930s, Tom Johnson told the House that for Senators to vote for the abolition of the Seanad would be to engage in a self-condemnatory act. It is my view and that of many that we have been honoured by county councillors throughout the country to be elected to this House on the vocational panels. I consider it a privilege and I consider it insulting for any sitting Senator to propose the abolition of the Seanad. Those Senators should resign their seats or at least get off the Seanad reform committee. That committee was established to examine various ways of reforming the House and there is cross-party consensus that it should be reformed. However, to engage in populist political point scoring undermines democracy and the role we play as Senators.

This morning, the *Irish Independent* reports that the MBNA credit card company is engaging in scare and heavy-handed tactics. It rings, texts and e-mails people up to seven, eight, nine or ten times per day. I call for a debate on the manner in which financial institutions are repossessing people's houses, and bullying and harassing them in the workplace to retrieve the money that they owe. These are unprecedented economic times and people are in huge difficulties. The political system is ignoring this. While the Government is recapitalising banks and bailing them out, we are ignoring the most fundamental need of people. This financial hardship is causing huge psychological damage and breaking families apart. To think that credit card companies which engage in practices that are questionable to say the least can get away with this is offensive and something should be done about it.

Senator Ciaran Cannon: This morning in County Galway alone 24,000 people got up with nothing to do. They are unemployed but the vast majority of them do not want to be unemployed. They are more than willing to roll up their sleeves and make whatever contribution is needed in their communities. I know this because a huge number of them have told me so. At the same time, Galway County Council, like many local authorities, is cash-strapped and looking at a debt this year of €30 million. The largest vacuum it has is in human resources and the vast majority of people who are unemployed are more than willing to fill that vacuum. This is a very straightforward equation. When I raised this issue on 24 September the response of the Leader was:

I say to the Government it is about time whoever is in charge would cover the insurance of tidy towns committees or town development committees for individuals and groups of young people. If young people want to work voluntarily in areas identified by those experts

[Senator Ciaran Cannon.]

who are advising these committees, insurance should not be the problem . . . I certainly will allow a debate on this take place at the earliest time.

The delay in having this debate is mimicked by the Leader's colleague, the Minister of State, Deputy Conor Lenihan, who last July, following the very worthwhile ideas campaign conducted by Aileen O'Toole, took only three or four ideas from that campaign, one of which was to establish a community voluntary corps. This has not happened, the debate promised a month ago has not happened and people are still more than willing to make that contribution.

If the Leader of the House is adamant that the House remains relevant and that the issues we raise have import the notes he so furiously scribbles every day should not be consigned to the bin as he leaves but should result in real and meaningful responses given to the issues that we raise every day.

Senator Paddy Burke: I call for a debate on the funding of local authorities. The combined total owed by local authorities is in excess of €4 billion. That is quite a considerable amount of money. Senator Butler stated that the vast majority of local authorities are controlled by Fine Gael and the Labour Party and that they should reduce the rates on commercial properties throughout the country. Rates should be reduced. Many businesses throughout the country are in very serious financial difficulties and a reduction in rates and water charges would go a small way to alleviating them. However, local authorities also have serious difficulties. Throughout the country the buoyancy of rates is decreasing because ratable businesses are closing. It is not good enough for Senator Butler to state that Fine Gael and the Labour Party have a duty to reduce rates without the intervention of the Government. The Government needs to give extra funding to local authorities to provide services because otherwise services will go. Local authorities will then have to increase rates because they do not have sufficient funding to balance their books. Will the Leader arrange a debate urgently on local authority funding because this is their budgetary season?

I would also like a debate on the National Roads Authority and the funding for national and county roads, to know what roads will be subject to cutbacks.

Senator Paschal Donohoe: Yesterday a member of the Leader's party asked the Leader to give the International Monetary Fund, IMF, an opportunity to address this House. I did not hear the Leader's response to this request but I want to register my complete and utter opposition to such an idea. I do not want the IMF anywhere near this country.

Senator Joe O'Toole: Hear, hear.

Senator Paschal Donohoe: I hope it forgets we exist at the moment.

Senator Dan Boyle: We are members.

Senator Paschal Donohoe: I know we are members but I am completely confident that we have within our own means, with the support of the European Union, the ability to make our country secure. I have great respect for the Member in question and for many of his contributions but I completely oppose this request which sends out the wrong message to those who watch what we do.

On the proposal my party advocated, I agree with the point Senator de Búrca made. I tried to make the same point yesterday. Our proposal is to ask the people whether they want to give their consent to support the continued existence of an institution for which they pay but whose

Members many do not elect. Those who would describe a proposal that seeks the consent of the people as anti-democratic should pause and reflect on that contribution.

Senator John Hanafin: It was an interesting proposal to invite someone from the IMF and it is important that we debate fiscal rectitude. I call for a debate on how we are handling the national finances because the Government is doing an excellent job. We would not need to get outside advice if there was not a cynical application of politics from the Opposition——

Senator Paddy Burke: The Government is cynical. It has been doing nothing for the past year and a half.

Senator Frances Fitzgerald: The Senator should read our proposals.

Senator John Hanafin: ——when dealing with necessary issues, as the Government is doing, and it finds it is in favour of fiscal rectitude but will not agree to any of the proposals.

Senator Paddy Burke: The Senator is not listening.

Senator John Hanafin: I would like to have a debate on the disparity in tax rates between the North of Ireland and the Republic, particularly now that the value of sterling has fallen by a third in the past year. There is a huge moral hazard for people who might get involved in illegal transactions for carbon fuels or other items and will wear a republican or paramilitary hat to justify their existence. These gangsters will be back on our streets if we do not dovetail the tax rates in the Republic with those in the North of Ireland to deal with the large disparities between them. Under the terms of the Anglo-Irish Agreement we should go to the British Government and ensure every month that there is no disparity between the rates at which people can purchase goods in the North of Ireland and the Republic because we are leaving ourselves open to difficulties down the line.

Senator Donie Cassidy: Senators Fitzgerald, Corrigan, Boyle, Cummins and Hanafin all called for urgent updates on the banking crisis and on the budget and budgetary matters. They also want a debate on what is being done for small businesses which are under siege and about rates relief, which many colleagues mentioned this morning. I have no difficulty with these debates taking place. We will have more than one debate on the forthcoming budget. I intend to hold a debate on our financial circumstances every second week between now and budget day. We hope to return to that commitment to assist the Government with the good proposals that will emanate from this House. They will be well-received by the Government.

Senators Fitzgerald, Buttimer, Regan, Ellis and Cummins referred to the 73 bags of heroin that were found in a cell in Limerick Prison. This is very alarming. It is appalling to say the least. It should not happen. The Minister for Justice, Equality and Law Reform will do everything in his power to get rid of the drug epidemic that seems to be rife in certain prisons around the country. I will make an urgent request of the Minister to come to the House to update Members on the national drug strategy, drugs in prisons and overcrowding, as Senator Cummins requested. I will do everything I can to bring the Minister to the House at the earliest possible time so that colleagues can express their views and he can update them on what is taking place.

Senators O'Toole, Alex White, Boyle, Ó Murchú and Buttimer all expressed their views on social partnership and hoped that union members will not engage in the massive strike as they are being called on to do. Everyone has leadership responsibility. The union leadership is no different from that of the Taoiseach or anyone else in a responsible position. We must realise that we do not have the luxury of addressing the country's finances in this budget. We have had 11 fair budgets that helped the poorer sections of our community, and gave double the

[Senator Donie Cassidy.]

rates of inflation to social welfare and everything pertaining to it. This budget will be completely different as we all know. It will be a budget of urgent corrective measures and everyone must play his or her part. I hope that common sense will prevail.

Social partnership has served this country well since 1987 when two out of every three street-lights in the country were turned off and there was no money for anything. We faced a serious challenge and the Taoiseach of the day, the late Charles Haughey, got together with Michael Mullen, the leader of the trade union movement. The present trade union leader has a responsibility, created by his predecessor, along with the present Taoiseach to lead his people in the national interest and to find common ground such that we will not see tens of thousands of our neighbours, our friends and relations on the streets. Everyone wants to play his or her part and to be told that it will be for a period of time. Everyone will play his or her part if that is the case. I call on everyone here today from Seanad Éireann to act in accordance with the wishes of the majority of the people who yearn for the implementation of measures to deal with the challenges facing the Government in this budget.

Senators Bradford and Glynn spoke about the Nursing Home Support Scheme Bill, saying it was a fair Bill which encourages our senior citizens and that the small charge of €190 will ensure standards will be maintained and our senior citizens get the service they deserve and require. When I heard on the radio this morning that the charge would be passed on, I thought how unreal it is that greed has taken over in certain quarters.

Senator Mary M. White: Hear, hear.

Senator Donie Cassidy: The senior citizens of our country gave us the democracy we have. The men and women of 1916 really made sacrifices for Ireland. We made no such sacrifices. They placed their lives on the line so we could have freedom of speech and be in Parliament today freely expressing our views. We may not always agree with the opinions of colleagues but such is the great work of democracy. Most Members of the House have been in total agreement with the job done by the Minister for Health and Children, Deputy Mary Harney, and the Department in this regard. I have no difficulty in asking the Minister to come to the House to update Members regarding her proposals and the Bill which was welcomed so much when it came to the House.

Senator Boyle spoke on funding for Protestant schools. I said yesterday the €2.3 million involved, a small allocation, is a godsend for rural Protestant schools and we must do everything we possibly can to ensure the funding which has been in place for the past 40 years is left with these young students, especially in rural areas.

Senator McFadden spoke on the adoption of Vietnamese children and matters pertaining to the portfolio of the Minister of State, Deputy Barry Andrews. The Minister of State was in the House on two occasions. He visited Vietnam and I understand he is doing everything he can. I will pass on the Senator's strong views to him because the Deputy Prime Minister of Vietnam is in our country now. I shall try to get an update for the House in respect of this matter and report directly to the Senator.

Senator Nicky McFadden: I thank Senator Cassidy.

Senator Donie Cassidy: Senators Butler, Norris, de Búrca, McCarthy and Donohoe expressed their strong views regarding the retention and reform of Seanad Éireann. I am pleased we are meeting next week with the Minister for the Environment, Heritage and Local Government, Deputy Gormley, for the final discussion on meaningful Seanad reform. I very much look forward to this meeting. I hope we can show the people the good work that takes place in

Seanad Éireann. I would like to see an orderly Order of Business take place for an hour one morning a week on national television, as the Dáil does, to let the people know the meaningful work that takes place in this House. Perhaps we can discuss this with the administration committee to see how we might achieve parity or near parity with our Dáil colleagues.

Senator de Búrca mentioned voting rights for persons outside the State who wish to vote in elections and requested a debate on this with the Minister for the Environment, Heritage and Local Government present. I strongly suggest that Green Party colleagues should consider this as a Private Members' motion because a great deal of legislation is coming to the House in coming weeks. This is a worthwhile suggestion and the issue might be considered for Private Members' time when it is the turn of the Green Party.

Senator Mary White is doing great work for unfortunate people plagued by illness that can result in their committing suicide. As she said today, 80% of those who commit suicide reach out long beforehand. The new helpline number, 1800 247100, is welcome. That is an easy number for all of us to remember and we should assist the Senator in what she is doing in this area for people.

Senator Ellis called for a pre-budget debate on carbon tax. I have no difficulty in allowing this as there will be debates on the budget in any case.

Senator Quinn again outlined to the House all the challenges facing the cigarette industry and gave the House his views and the benefit of his experience. He also spoke on challenges facing the Irish food industry. We should do everything we can to assist that industry and I have no difficulty in setting time aside to discuss the matter.

Senators Norris and Ó Murchú called for a debate on the situation in the Middle East and I shall pass on the Senators' strong views to the Minister for Foreign Affairs, Deputy Martin. The House has recently debated the situation in the Middle East but I have no difficulty in arranging another debate soon.

Senators McFadden and Ó Murchú expressed their serious concern about the behaviour of colleagues in the House with regard to decorum and everything else that has given the Upper House of Parliament its reputation. This was not a one-liner in a poem but was hard earned by the men and women who went before us, including some who became President, Taoiseach, Tánaiste, Ministers and Ministers of State. Colleagues should bear these achievements in mind when somebody says something with which they do not agree and follow with an outburst. It does not look or sound good, as Senator White said, who listened attentively to yesterday's proceedings. I ask colleagues to bear this in mind in the future. The Cathaoirleach has a difficult enough job at times. I fully support the Senators' call.

Senator Ó Murchú spoke about the plight of those currently on social welfare. Going back 50 or more years, when I was a younger person, the most important part of the budget was the social welfare section. That is unfortunately the case in 2009 with so many people unemployed. The chat around the fire at night in the 1950s was whether the Government gave one or two or three percentage points. They thanked God for what was given. I make the strong case, along with Senator Ó Murchú, that social welfare recipients need everything they get and I fully agree with his sentiments. When we have the debate on the budget we can all make our strong views known to the Minister for Finance when he comes to the House.

Senator Hannigan asked me for the up-to-date position on two Bills. Senators will know both the Multi-Unit Developments Bill 2009 and the Property Services (Regulation) Bill 2009 completed Second Stage in the Seanad before the summer recess. During these discussions very many proposals for amendments to both Bills were suggested. Consultations with relevant stakeholders have taken place in the meantime and discussion with the offices of the Attorney General and the Parliamentary Counsel are taking place with a view to preparing and drafting

[Senator Donie Cassidy.]

Committee Stage amendments. I understand that as soon as these are completed the Bills will come back to the House on Committee Stage.

Senator Hannigan also mentioned the remarks of the Minister for Finance, Deputy Lenihan. I will pass on the Senator's views to the Minister.

An Cathaoirleach: Is the Order of Business agreed?

Senator Frances Fitzgerald: On a point of order, will the Leader clarify whether the House is meeting next week?

Senator Donie Cassidy: I understood there was to have been a meeting with the group leaders at 10.15 a.m. I shall meet the leaders immediately after the Order of Business and the following tributes.

Order of Business agreed to.

Death of Former Member: Expressions of Sympathy.

An Cathaoirleach: I welcome the wife and family and the close working and political colleagues of the late Senator Tony Kett to the House. I call the Leader.

Senator Donie Cassidy: I join the Cathaoirleach in welcoming the wife and family of the late Senator Tony Kett. I also welcome Deputy Cyprian Brady and former Senator Chris Wall. It is lovely to see the former Senator here along with the family. I welcome Noreen and all the family to the House and acknowledge the achievements of a great friend and colleague.

It is with great sadness I pay a tribute to a true, great friend and colleague, Senator Tony Kett. Tony was someone for whom I had great personal admiration. He was a truly wonderful person, a highly intelligent Member of Seanad Éireann and a truly excellent public representative. He was an astute, hard working and capable person who was determined to get things done. He will be remembered for his tremendous organisational skills, particularly those that saw the achievement of the former Taoiseach, Deputy Bertie Ahern, in being elected to Dáil Éireann from 1977 to date.

Tony was co-opted onto Dublin Corporation in 1988 and, in the following 15 years, he served the people of Dublin with tremendous dedication. Along with his perseverance and commitment, this saw him re-elected at every local election until 2004, when he stepped down under the dual mandate rule, which prevented Members of the Oireachtas from serving on local councils.

He was first elected to Seanad Éireann in 1997 on the Administrative Panel and was subsequently re-elected in 2002 and 2007. As a three-time Member of the Seanad, he was especially passionate about education and issues relating to people with disabilities. He will be remembered for his great work with the Central Remedial Clinic and his efforts to improve services for children and adults with physical disabilities.

Tony was well regarded by all for his hard work, enthusiasm and warm personality. He will be particularly remembered for his unwavering courtesy and the old-fashioned good manners he displayed to those he met. He treated everyone with equal respect and consideration. It was this courteous and respectful manner that endeared him to all who knew him.

His contributions in public and behind the scenes helped to raise awareness of the many different problems facing those with disabilities. His only aim was to make life better for all of those who were less fortunate than him or us. He spoke with passion and enthusiasm, commanding the respect of all in the House. Tony was an honourable man. He was loyal to the

people he served. For more than two decades, he was an immensely popular figure. His loss will be widely felt by his constituents, friends and colleagues.

A native of Woodlawn, Ballinasloe in County Galway, Tony was a proud supporter of the Galway hurling team, as everyone in the House knows. As an adopted son of Dublin's north side, he was more than supportive of the Dubs except, as we all know, in the 1983 All-Ireland Football final when the blues won. He married Noreen and had three children, Jason, Jennifer and Joanne. Every Member on this side of the House knew Tony to be a loyal member of Fianna Fáil, a party of which he was proud. He was a staunch defender and upholder of the traditional values for which he stood. We on this side of the House will miss him dearly.

I am privileged to have served as Leader three times during Tony's tenure as a Senator. I owe him a great debt of gratitude for the loyalty of his service and for the sound advice and friendship he gave me personally. However, the greatest loss must surely be felt by his family. I would like to extend our heartfelt sympathy to his wife Noreen, his three children Jason, Jennifer and Joanne, his daughter-in-law Zoe, his adored granddaughter Isabelle, his brothers Eric and Shay, his sisters Ann, Rose and Pat, and his nieces and nephews. Go ndéanfaidh Dia trócaire ar a anam.

Senator Frances Fitzgerald: I rise to pay tribute to the late Senator Tony Kett on behalf of the Fine Gael Seanad group and the wider Fine Gael Party. Tony served in public life with distinction, first on Dublin City Council for 15 years and then, from 1997 until his premature death, in the Seanad where he worked among us as a colleague.

Tony always seemed to be a quiet, committed, unassuming, hard working and organised person. The Leader used the word "courteous". All of us would certainly say Tony was extremely courteous in all of his dealings with us in the House. For him, politics was always about people, which was evident for all to see in his commitment to his work at the Central Remedial Clinic and in the attention he paid to education issues. I have no doubt, knowing the work of the Central Remedial Clinic, that many people benefited significantly from his determination to improve services for people with physical disabilities. Over the years, he worked hard to improve those services and was committed to the issue for a lengthy period.

It would be remiss of me not to acknowledge the role that Tony played in the many campaigns of the former Taoiseach, Deputy Bertie Ahern, who has often acknowledged how Tony was a key part of his political organisation in Dublin Central and was among his closest advisers during his tenure as Taoiseach. While both Deputy Bertie Ahern and Tony had a deep and lasting friendship that was clear for all to see, I am told that Tony never fell for Bertie Ahern's love of Manchester United Football Club and remained a staunch Spurs supporter.

Tony achieved much in his life, but one cannot but feel extremely sad that he was taken from this Earth at the young age of 57 years. He bore his illness with great bravery and continued to get on with his job in the House. As we all know, he attended during times that were difficult for him. This must have been difficult for Tony and his family, but he showed considerable determination in continuing in his duties as a Senator and with his work. Senators from all sides of the House will attest to this.

I acknowledge the presence of Tony's family and friends and Deputy Cyprian Brady. I send my deepest sympathy and the sympathies of the Fine Gael Party to his wife, Noreen, his children, Jason, Jennifer and Joanne, the Fianna Fáil Party and all of his friends and supporters. Ar dheis Dé go raibh a anam dílis.

Senator Feargal Quinn: When Tony Kett entered the House in 1997, I got to know him early on. We had something in common, namely, that we were both north siders and felt a little outside the south side background. We ended up with a community feeling.

[Senator Feargal Quinn.]

Tony's main achievement was that he was a doer. He wanted to get things done. He was not the sort of person who looked for publicity or wished to see his name in the newspaper every day. He was much more determined to get things done. He and I discussed his work at the Central Remedial Clinic and his efforts to ensure that those who were disabled were not hindered. I talked with him about the Ability Awards that started in 2002 or so. He said he loved the concept of ability, not disability. About the disabled people he had met who were working in whatever area, he said they were abled in some other way. He said that, whatever way nature or God has made us and whenever we are lacking in something, we seem to benefit in something else. He seemed to be able to identify what we could do to help people who were suffering in another way.

Once, Tony came to me to discuss our supermarket in Northside, which had a spot outside it for disabled parking. It had been reported to him that the spot was being abused. I told him a story of how, when I was once in the supermarket, I met a woman in a wheelchair and asked her how things were going. She said that she got on well in the shop, but she came to me at the checkout and asked me whether I had heard the announcement. When I told her that I had and that someone was wrongly parked outside, she said that the car was hers. The announcement had been ongoing for 20 minutes. The reason I tell this story is because, when I told it to Tony, he enjoyed it. I asked the woman whether I could help her, but she said that she would be out in about 15 or 20 minutes. I asked her what was wrong. She said, "I was just going to pull into the disabled place and I saw an able-bodied man drive in and hop into the shop so I just parked behind him". She said he was probably going to the airport or something but he will not do it again. I admired her sense of humour. When I told Tony that story he said, "That is much better than fines or anything else". There was no way the driver who had created the problem could do anything when the lady in the wheelchair came out to move her car. Tony had a quiet sense of humour and a sense of fun which was apparent once one got chatting to him.

I was jolted to discover he was ill. I did not realise he was ill until almost the point of his death. I remember his funeral very well and the words used. I remember the former Taoiseach, Deputy Bertie Ahern, speaking at the time. I remember in particular the honour paid to Tony by the guard of honour made up of those Senators who were fortunate to be at the funeral. I am not sure if this is a regular occurrence as I have not seen it done before but it was a unique recognition of the work of Tony Kett.

I say to his family and to his friends who are here that we miss him greatly in the House. He was taken away from us at such an early age. None of us anticipates death but none of us anticipates death at that early age. We will certainly miss him. I know his family will miss him greatly but so will so many other friends and so many others who benefited from the great work he did over the years.

Senator Alex White: On behalf of the Labour Party I add my voice to the tributes paid to our colleague in Seanad Éireann, the late Senator Kett. Like Senator Quinn, although I tend to spend more time on the southside these days I too am a northsider and grew up in the area where Senator Kett lived. I welcome the members of his family and his friends and colleagues to the House for these tributes. The tribute paid by the former Taoiseach was perhaps one of the most impressive tributes to the administrative skill and political, strategic expertise of Tony Kett. He said at the funeral that he believed he would never have been elected to the Dáil had it not been for Tony Kett. This is praise indeed. As has been pointed out by other speakers, Tony Kett had a great commitment to education and to issues relating to disabilities — or abilities as Senator Quinn has very eloquently pointed out. Tony Kett would have preferred to

have it described as such. He was a wonderful colleague in the Seanad. I did not know him particularly well because of my relatively short time in the House. We may all be inclined to be like this but some people have “Hello” days, so to speak, while other people have days when they are not sure whether to say hello. In Tony Kett’s case it was always a “Hello” day. He always had a greeting for those he met, both here or in the anteroom of the Chamber. He was always extremely friendly. He was a decent man who was held in great affection by people in the House who admired the work he did, much of it carried out quietly and also his work in the 15 years he spent on Dublin City Council where he did great work on behalf of the people of his area and the city generally.

I add my voice to the tributes and to express my heartfelt condolences to Tony’s family on their loss of Tony at such a relatively young age. It is such a sad loss for them as the greatest wrench is experienced by the members of his family. It is nice to see his family members present and to hear a child’s voice, something we do not hear very often in this Chamber and which is a very nice reminder of our common humanity.

Senator Dan Boyle: Like Senator Alex White I regret that having become a Member of the 23rd Seanad I did not have as much opportunity to interact with Senator Kett due to the nature of his illness. On the irregular occasions when we did meet, I always found him to be friendly, amiable and cordial.

I was very struck by his funeral service where I got a better sense of the man. On that occasion his sense of family and his sense of community were evident to all present. As I had not been a Member of the previous Seanad the funeral ceremony also filled in the gaps in my knowledge of Senator Kett. He was a person of influence who used that influence in a positive way in the community in which he lived. As Senator Quinn has already said, he never sought to draw attention to such influence in a boastful or ostentatious manner and this says something for the character of the person. The sense of occasion on that day, the tributes heard to date and the attendance of Senators today speak volumes for the impression Senator Kett made on this House. Even as a more recent Member of this House and on behalf of my party I wish to be associated with the tributes and to express my condolences to his immediate family, friends and colleagues present.

An Cathaoirleach: A number of colleagues wish to speak. I call Senator Ann Ormonde who shared an office with Senator Kett for many years.

Senator Ann Ormonde: I welcome Ms Noreen Kett and her family and Tony’s extended family. I also welcome the representatives from the CRC, Central Remedial Clinic, and his friends, particularly Deputy Cyprian Brady and former Senator Chris Wall. I welcome them to hear these lovely tributes to the late Tony.

I also wish to be associated with the expressions of sympathy to Noreen and the family of the late Senator Tony Kett. Tony was elected to the Seanad in 1997 where he served with true distinction on policy issues relating to education and disability. I shared an office with Tony for 12 years. He was not only a colleague but also a very good friend and a confidant whom I felt I could trust implicitly. Tony was a great one-to-one person. He was a man with whom to bounce ideas and problems due to his honesty and innate ability to listen combined with great political knowledge and understanding of how the political system worked. I can safely say he was never wrong in the sound advice he gave me and I miss that invaluable trust terribly.

He also had immense expertise in a number of policy areas. He was a regular contributor to Seanad debates on a variety of subjects. I remember him on many occasions sitting in the office preparing a speech. Very often he would read out paragraphs from his speech to ask me for my opinion.

[Senator Ann Ormonde.]

As a knowledgeable man with a wide range of interests, he would speak at length on different topics but his great policy passions were education and issues concerning people with disabilities. Tony was extremely passionate about these subjects and any Seanad debate on these issues would include an intelligent and insightful contribution from him.

A large part of that insight came from his work in the Central Remedial Clinic. He never tired of relating incidents and stories of his time at the clinic and his many experiences there. The people he had encountered in the clinic left a lasting impression on Tony and clearly had a significant influence on his outlook on life and on his policy beliefs.

When he spoke on disability issues one could see the various personalities he had met at the clinic shining through in his words. This was one of Tony's great skills as a politician and as a public representative. He was always able to look at complex legislation and bring it back to its practical implications.

It is fair to say that Irish education and the fight for better rights for those with disabilities has lost a great champion following Tony's death. He was a marvellous character and he would often have great banter and teasing. He was always there for his colleagues. At the many conferences we attended as a group it was evident he enjoyed the camaraderie and good fun with his councillor colleagues and we relished being in his company. I will always remember towards the end of an evening at a conference how people would gravitate towards him because he was a fantastic singer. He would begin with a rendition of "The Town I Loved So Well" and then go on to perform many more. I always admired the way he managed to bring all parties together with this talent and likability. This is something we will miss terribly but we will also take with us, especially at this time. Tony was remarkably popular in the Seanad and the Dáil. Everyone had time for him and was keen to help him in any way possible, especially during his very serious illness. I refer especially to Senator Wilson in this regard. Other party members were also willing to help Tony because he had built such a strong rapport with everyone he met, regardless of party allegiance.

Tony was nature's gentleman, so kind, easy-going and a great listener. He was a proud family man and spoke fondly of his wife, Noreen; his son, Jason, and his wife, Zoe; and his two daughters, Joanne and Jenifer. I felt I knew them very well because of the daily commentary I received on their successes and achievements, of which there were many. He was delighted when his granddaughter, Isabelle, arrived last year. It was very obvious to me at that stage what a fantastic father and grandfather he was.

Kathleen Redmond who works as my secretary was Tony's secretary and talks of him dearly. Tony was very fond of Kathleen and the feeling was mutual. The three of us enjoyed a wonderful working relationship and Kathleen and I cherish the great memories we have of Tony. I very much miss seeing him on the other side of the office table, where he would greet me every week with, "Well, Ms Southside, what is your whinge this week?" Often, I responded with the words, "Well, Mr. Northside...", but will not repeat the many comments that followed in reply, as they are not printable. We always had such banter across the table and he never spared me when he had something very particular to say; he made it his business to get his point across. I was always known as "Southside". I recall one occasion when he was getting under my skin. He was wearing a beautiful suit that day and was really getting at me, but I said, "You can talk, coming from the northside with your one and a half inch pinstripe suit." He roared laughing at that comment.

Tony was his own man and never a groupie or a yes-man — I used to say as much to him. That is why the former Taoiseach respected and treasured him and his advice so dearly. My thoughts and prayers are with Tony's family at this time. Noreen, her family and the wider

circle of friends can take comfort in the knowledge that Tony fought a long and brave battle with a serious illness. He touched the lives of many and, undoubtedly, we are all the better for it. Ar dheis Dé go raibh a anam dílis.

Senator Diarmuid Wilson: I join my colleagues in paying tribute to our late, great colleague, Tony Kett. I also join in the welcome afforded to his wife, family and friends, especially Senator Brady and the former Senator, Mr. Chris Wall.

I had heard of Senator Tony Kett long before I met him, through his association with the former Taoiseach, Deputy Bertie Ahern. I remember very well the first time I met him. It was when he came to canvas me for the Seanad election in 2002. Little did I know at that stage that I would become a candidate on the same panel. Unusually, I was working in my house and dressed in old clothes and unshaven. When I was tipped off that Tony was on the way, I ran outside and began to plant a tree which had been lying outside for a long time. Tony came and we spoke. I planted the tree and I am pleased to report it is still there. Only for Tony it would never have been planted, or certainly would have happened a good deal later.

When I was fortunate enough to be elected to the House, I got to know Tony very well. He was a great man to give advice. He was decent and a fierce character. One never knew whether he was setting you up, but one learned soon enough. I valued very much the advice he provided. I sought an internal party nomination for the last Seanad election and Tony voted for me at the time. When I asked him why he was voting for me — I was the opposition — he replied that he did not want anyone with ability to stand against him. He has been proved right in that sense also.

I thank everyone who participated in the funeral. Senator Quinn referred to the guard of honour. I thank the Fine Gael and Labour Party Whips and all Senators who participated. It was a great honour for Tony and an opportunity for the Seanad to show its appreciation for what Tony had contributed to it and the Oireachtas during his time here. He was an honourable, decent and very humble man, to which Senator Ormonde alluded. I express my sincere condolences to his wife, Noreen, and her family, especially his little granddaughter, of whom he was very proud. May he rest in peace.

Senator Camillus Glynn: Ba mhaith liom comhbhrón a dhéanamh le baintreach agus clann Tony Kett. Fear díograsach, macánta a bhí ann. Bhí aithne agam ar Tony le fada. I had great respect for Tony. While Senator Wilson was on the inside Administrative Panel, Tony and I were on the outside. We first walked in through the doors of Seanad Éireann on the same day in 1997. Tony was a man who not only talked the talk, he also walked the walk. As someone who spent a good deal of time on the hustings, not only at election time, he would relay various stories of his encounters with different people and their problems. He would not go into the detail but he was a great storyteller. He was very funny and had a great turn of phrase.

Tony's friendship with the former Taoiseach, Deputy Bertie Ahern, is well known. If he received credit for being the champion of Deputy Ahern on his election to Dáil Éireann, I do not believe it was unjust; it was the right thing to do. However, Deputy Ahern returned that loyalty to Tony. I recall a discussion with a council colleague in Athlone after the Seanad election. I was speaking to him on the landline but Tony was ringing him on his mobile phone. Deputy Ahern put in the work for Tony and Tony put in the work for Deputy Ahern and that is something I respect. He was a man with a very strong sense of fair play. We held long discussions about his work and I was always interested because I came from a background which was not quite the same but which had some similarities.

It has been said Tony was a great man to give advice. He had an abundance of common sense, which is not as common a factor with many. Not only did he have a great deal of common

[Senator Camillus Glynn.]

sense, he was also able to disburse it in a realistic and meaningful way. I remember the first time he spoke to me openly about the problem he had and we discussed the matter for a long time. He spoke with great courage and conviction and said that with God's help he would be all right. He was a God-fearing, decent man. He will be missed by his wife Noreen, his son Jason and daughter-in-law Zoe, daughters Jennifer and Joanne, and his grandchild. In addition, he will be missed by the people whom he served so loyally in the Central Remedial Clinic, as well as those in the electoral area of Dublin Corporation and by councillors throughout the country. He will be greatly missed by those of us who had the privilege to serve with him.

Many things have been said about Tony, all of them true. He has left a legacy in this House and his interest in traditional music must not go unmentioned either. I have an interest in such music myself and have even been accused of playing a bit of it. At Christmas time when a number of us would get together, Tony would lead with his lovely singing voice. He had a great repertoire of songs and when we all ran out of tunes, Tony would always come up with an extra one.

There is no point in repeating what has already been said; everything that was said about him is true. The turnout at his removal and funeral was truly indicative of the esteem in which he was held, not alone by Members of the Oireachtas but also by his neighbours and the wider community. Ar dheis Dé go raibh sé.

Senator Paddy Burke: I would like to be associated with the votes of sympathy to Tony Kett's wife Noreen, his family and friends who are present here today. I knew Tony Kett since he became a Member of this House back in 1997. He served in public life for 21 years. I can honestly say that I never met a finer gentleman in this House or elsewhere. He was one of nature's gentlemen. The old saying goes that "There wasn't a bad bone in his body", which surely typified him. He was never one for a cheap shot but was always dependable and honourable. I got to know him well through the Oireachtas golf society to which he was a great contributor. He played in all the golf outings and loved that game in addition to hurling. I wish to be associated therefore with the votes of sympathy for a gentleman who has passed through this House.

Senator Paschal Donohoe: I also want to be associated with the condolences expressed by my colleagues. I knew Senator Kett before I became a Member of this House. I first got to know him as a representative of the constituency of Dublin Central. The run-up to an election there, no less than in any other constituency, can be a fraught time. I came across him most during those pre-election periods. When I first got to know him and saw him in action, even though we were political opponents, it was immediately apparent to me that all the qualities of which other colleagues have spoken were radiant in him. They were apparent to everybody and I want to echo what has already been said by my colleagues in that respect.

I also wish to extend my condolences to Deputy Cyprian Brady and former Senator Chris Wall who are here today. They were brothers in arms with Tony Kett for many years in the constituency. They were colleagues and friends and worked so hard together.

I first became aware of Senator Kett's illness when I met him on Eccles Street one morning while dropping my children off to school. I was leaving the school when I saw him sitting in his car so I went over to say "hello". I did not realise he was ill. To be honest, it was quite an uncomfortable moment because the public face, which was all I had really known of Tony over the years, immediately met the private reality of somebody who was suffering and in pain. I will never forget the way he conducted himself that morning when he spoke to me with such dignity and friendliness. He told me the suffering he was going through, his view on it and his

attitude to life. He was at his finest that morning when I met him. That memory sticks with me as I speak here today.

Other colleagues have referred to the guard of honour we formed at his funeral. I was very proud to stand in that guard of honour as a Senator, a former colleague and somebody who worked in the constituency with him serving our constituents. I was proud to honour him that day.

All my colleagues have offered their sympathies to the Kett family and I wish to do the same. In particular, I want to offer my condolences to his granddaughter. It is beautiful to hear the sound of new life from a life that has passed on. I hope that in the years to come, when his family reflects on Tony's memory, the record of what we have said here will be of help to them in recognising the quality of the man with whom we were all honoured to serve.

Senator Ivor Callely: I join colleagues in saluting and paying tribute to the late Tony Kett. He was a constituent of mine, as Noreen and their family have been for a number of years. Tony and I were elected together to Dublin City Council back in 1988. It is only when one starts totting up the years that one realises how fast they pass by. We both worked on Dublin City Council and enjoyed ourselves there. We shared a learning curve together at that time. I see some of his colleague scouts here today. We had great fun because there was a lot of banter between the constituencies of Dublin Central and Dublin North-Central. Tony was simply a good and lovely man who displayed great loyalty and compassion. He went about his business in a very gentle manner. He has left behind him the record of a distinguished political career as well as his work with the Central Remedial Clinic. I see Mr. Paul Kiely and other colleagues are present from the CRC.

I greatly appreciate all the good work that stands as a testimony to Tony's service on the north side of Dublin. I extend my sympathy to Noreen, Joanne, Jennifer and Jason, as well as Tony's brothers and sisters, Deputy Cyprian Brady, former Senator Chris Wall, Deputy Dooley and other friends and colleagues. We have walked the highways and by-ways. We have had good, bright days as well as bad, dark ones, but we stood together.

In the final months of his life, I admired the courage he displayed when facing illness. I join everyone on this sad day in reflecting on the great legacy Tony has left us. My thoughts are with you.

Senator Joe O'Toole: In acknowledging the presence of Tony Kett's family and friends here, I apologise for my rudeness in not being here for the beginning of these tributes to him. It is one of those things that happens in the life of a public representative, but it reflects what I want to say. No one more than the family understands the impact of public representation on family life and leisure time, which people in other jobs take for granted. Family events have to be slotted in. In a time of increasing public cynicism about the role of politics and public representation, whatever people outside these Houses may think, I want Tony Kett's family and friends to know that we recognised him as a hard-working, honest and effective public representative. He discharged his role as a public representative with dignity and style and in a way that he considered it a privilege to be in a House of Parliament, a belief I hope many of us share. He never lost that and I often discussed this with him. I knew Tony for years before he was elected to the House through our common interest in education and special education, in particular. At an earlier time the north inner city and north Dublin were my special responsibility and I engaged with him and that area over many years. We had a coincidental interest in the area.

He was just one more of us in both Houses but, however much we argue and however much we are representative, we also recognise when people do a good job. This man made his mark

[Senator Joe O'Toole.]

and he was effective. I would like to be associated with all the positive comments made. His family can be proud of his contribution and should take away the message that we recognise that and we share their pride in his work. Ar dheis Dé go raibh sé.

Senator Jim Walsh: Ba mhaith liom aontú leis an comhbhrón do chlainne Tony Kett. I feel proud but sad to be able to pay tribute to Tony. He was, as has been said by many Members, a friend and colleague over a long number of years. I first got to know him in 1997 when we were both elected to the House and I got to work closely with him. I was chairman of the Local Authority Members Association at the time and it did not have a representative of Dublin City Council. I recall shortly after we entered the House suggesting to Tony that he might consider securing the nomination from the council, which he did. I have happy memories of that time because when venues coincided with both our routes, we travelled together to meetings and I learned a great deal about politics and, in particular, Fianna Fáil politics in the inner city, the manner in which they operated, his close friendship with Deputy Bertie Ahern, the then Taoiseach, and his loyalty and other good attributes. We spoke about colleagues, councillors and all the subjects politicians cover when they get together.

However, one time that stands out is when we were promoting a strong relationship with councillors in Northern Ireland. We arranged conferences together and late at night when the more sensible councillors had gone to bed, a sing song would commence among those who remained. Those who knew him will be aware Tony was a beautiful ballad singer and he loved Jimmy McCarthy's songs. They will also know the entertainment value of his singing. A number of our northern counterparts were fine singers, particularly those from the Unionist tradition, and it was great to see Tony start up to represent us. We felt proud when he started with the lines: "I took the train to Belfast to see my friend McRory" or sang the Bright Blue Rose, which the former Taoiseach mentioned at his funeral. It resonated with the words he quoted that day.

I have many other memories. Some Members will recall our Christmas parties where, with the backing of Senator Glynn and Deputy Micheál Kitt on guitar, we would go until such time as the ushers ejected us from the House and there was none better to join in the entertainment and to extract real joy out of it than Tony. On another occasion, I travelled to Newcastle with my family and friends to see Manchester United play Newcastle United. I had forgotten Tony was a Spurs fan, which Senator Fitzgerald alluded to, because I was such a dyed in the wool United fan and because he travelled so much with Deputy Bertie Ahern to Old Trafford. I had overlooked this until the funeral when the Deputy reminded us of that fact. As the airplane was about to land, we were in conversation when we suddenly realised it was climbing again. That stopped our conversation. Tony and Deputy Ahern were towards the front of the plane and we were at the back. I asked an air hostess what was the problem after the captain had said he was not lined up properly and he would make another attempt to land. To my consternation, she replied that they had a trainee pilot and she was not lined up properly for the landing. I passed a comment about women drivers. I thought I would never get back and I said to Tony that I thought travelling with the Taoiseach would have secured our safety. He was able to trump me by saying that on the trip to Newcastle he had not only met Brendan Foster, the great Olympian runner from Gateshead, but together with the former Taoiseach, he had also had a good conversation with Alex Ferguson, which made me envious of the fact that I had not been in their company.

Nothing defines us more than how we deal with adversity. When Tony fell ill, and before he was diagnosed with a serious illness, we often talked in his office with Senator Ormonde and others. Previous speakers mentioned the manner in which he coped and the great courage and

dignity with which he bore and dealt with his illness. It was an example to us all. I offered words of encouragement to him on a number of occasions, as did many others, and I told him how important it was to keep positive but he sometimes turned to me and said, "I have my moments". That is the human side of all of us.

We will miss Tony for his contributions, integrity and the example he showed. Following the 2002 election, I went on holidays and when I returned the Taoiseach had met the Fianna Fáil Seanad group. I inquired of Tony what positions we might be getting and he replied that the Taoiseach seemed to have all the positions under control bar one. There was nobody in the group with justice or legal qualifications and he said I might be good at that. I said that would be too onerous and complex for me but, to my surprise, I got the call and I was given the portfolio. I went back to Tony thinking he probably had a part to play in it but he completely disarmed me when he said he was sharing the portfolio. He took responsibility for equality and the disability sector, in which he was keenly interested.

He was so proud of his family. I always felt I knew Noreen before I ever met her and I am aware of the pride he took in Jason, Jennifer and Joanne and their sporting achievements, and how delighted he was with the arrival of his grandchild. They can also be proud of him not just for the public figure and politician he was but for the man he was. He was exemplary in many ways and that is typified by the generous and genuine comments by other Members. As one generation passes, another arrives and it was great that Tony lived to see his granddaughter. Ar dheis Dé go raibh a anam uasal.

Senator Maurice Cummins: I would like to join the tributes paid by colleagues. I was glad to call Tony Kett a friend during my time as a Member. Tony was always one of nature's gentlemen. He was always courteous and he had a quiet manner but I always recall his mischievous smile when we had a chat about somebody or something. I am Whip of the Fine Gael group and, through Senator Wilson, we provided a permanent pair for Tony throughout his illness. He was always grateful for that and we would always have a chat in the anteroom whenever he came to the House. He bore his illness with great dignity and bravery.

When Tony spoke in this House people listened to him because he always had something proper to say. His contributions in this House were excellent at all times. I convey my deepest sympathy to Tony's wife Noreen and family. Ar dheis Dé go raibh a anam dílis.

Senator Maria Corrigan: I extend my deepest sympathy to Noreen, Jason, Jennifer and Joanne and to all of Tony's family, friends and colleagues. I would like to be associated with the warm and wonderful tributes paid by colleagues this morning which are a testament to the exceptional man that was Tony. I pay particular tribute to Tony's role as Government Seanad spokesperson on disability and mental health. Tony was a gentleman and a man of compassion, with a deep sense of justice and fair play. These were traits he brought to his role as spokesperson, advocating strongly for a section of our society who can frequently be left behind but whose lives have undoubtedly benefited from the contribution made by Senator Tony Kett. He made a real difference. May he rest in peace.

Senator Francis O'Brien: I join previous speakers in tributes to the late Tony Kett. Tony Kett was a gentleman. He was very kind and courteous, and it is wonderful to hear all the tributes being paid to him. I came to know Tony Kett on his rounds for his first Seanad term when he was canvassing various councillors in the different counties. He was always good humoured and full of fun. I agree with the comments about his contribution in this House, his good humour at conferences, with parties going on late into the night, but no one mentioned his dancing skills. I saw him on the dance floor and he was a very good dancer. I express my

[Senator Francis O'Brien.]

deepest sympathy to Tony's wife, Noreen, his family, his grandchild and his friends who are here. May he rest in peace.

Senator Kieran Phelan: I welcome Noreen and the family and thank them for giving us an opportunity to pay tribute to the late Senator Tony Kett. I also welcome Deputy Cyprian Brady, former Senator Chris Wall and Tony's colleagues to the House.

I enjoyed Tony Kett's company very much. My office was on the third floor also. Senator Feeney and I were in the office next door. I used to call in to both Tony and Senator Ormonde on a regular basis and it was an education at times to hear Seanad elections, votes and so on being discussed. Tony was great craic when it came to elections.

I happened to be in the office one day and he told me that I seemed to have many connections in north Tipperary. I told him I had, and he asked me who they were. I told him my mother is from Gortnahoe. He said that was strange, and he asked her name. I told him it was Delia Fennelly, and he said that was twice as strange. He told me he had a brother in law, Paddy Ryan, from Gortnahoe and that Paddy's sister was married to my uncle, Martin Fennelly, my mother's brother. That was the first time I heard that. I had been a Member a number of years but I never knew that until that day. We remained great friends. I sat beside him here. I was bell 4 and he was bell 5 when it came to a vote. It was great when a vote was called because Tony would always have a good yarn to tell.

I did not know Tony until I arrived in this House in 2002. I express my sympathy to Noreen and Tony's family. I am delighted to join with others in the lovely tributes paid to Tony. May he rest in peace. I have no doubt Tony is in Heaven.

Senator Ned O'Sullivan: This is my first term in the Seanad but I knew Tony Kett for many years. I had the pleasure of voting for him regularly on his panel when I was a county councillor. He enjoyed tremendous support from the councillors of Kerry, partly because of his association with Bertie Ahern but also because of his great personality. People used to say he was a sure bet for the Seanad because of his friendship with Bertie Ahern. That may have got him off the ground initially, so to speak, but I assure everyone that he was extremely popular with rural councillors throughout the country. As Senator Ormonde said, he had a way about him at conferences because all Senators, and I do it myself now, try to work the room when we meet a group of councillors. Tony never worked the room. He was just himself. He had his drink and his sing-song and everybody seemed to gravitate towards him. That is the type of man he was.

To Tony's wife and family and all his colleagues from Drumcondra including Deputy Cyprian Brady, former Senator Wall and all the other famous names that have become the stuff of legend, I offer my deepest sympathy. I know Tony was an integral part of a political organisation that has become the stuff of legend. Bertie Ahern went out of his way to pay tribute to his organisation, of which Tony was a key part, on the night he launched his book. I have read that book from cover to cover. Tony will be remembered for what he did but he will always be associated with Bertie Ahern and for the contribution he made, along with his colleagues who are present, to the formation and presentation of Bertie Ahern who was probably the most able and brilliant politician of my generation. Tony Kett deserves special thanks for that.

Like Deputy Kieran Phelan I sat beside Tony for voting purposes and his strength and humour in his final illness was wondrous to behold. He always had a joke and a smile, but he promised me something on which he did not deliver. He always said he would take me on a pub crawl in Drumcondra some weekend and visit all those famous places. I was looking forward to that but, unfortunately, his illness overcame him. On the week Tony died I went on

a personal odyssey and visited all those pubs and everybody I met — publicans, customers and the fellow who had the menswear shop in Drumcondra — had nothing but the most wonderful things to say about Tony Kett. I am glad to be here to be part of these tributes. Ar dheis Dé go raibh a anam.

Senator Fiona O'Malley: I want to be associated with the warm tributes to Tony Kett and I extend sympathies to his family. I did not know him very well having only been appointed to the Seanad in 2002 but when one goes to a funeral one really enjoys, if it is fair to say that, one comes away from it wishing I had known the man better. That is a measure of who he was, and that is what I felt at his funeral. The most touching aspect was the poem his daughter wrote because the love, tenderness and closeness within his family was obvious. At the end of the day, one's family is the most important thing. Despite all his achievements in public office through the Fianna Fáil Party, the Central Remedial Clinic and all other areas working for his community, to which every Member has paid tribute, the one aspect I got from the little I knew of him was that he was a terribly modest man but, as Senator Fitzgerald said, a hard-working man who got things done. That was very much in evidence among the community who attended his funeral.

I am glad Tony's family and friends, the people who were the cornerstone of his life, are present to hear the tributes being paid to him because he was a remarkable individual. I was glad to know him in the short time I did. As I said — if it is not insensitive to say such a thing — I enjoyed his funeral a great deal. He was a remarkable man who brought much warmth and happiness to many people's lives. I am glad to have had the opportunity to pay tribute to him.

Senator Geraldine Feeney: I thank the Cathaoirleach for allowing me to contribute. It is a measure of the man to whom we pay tribute and in respect of whom we offer our respects that so many colleagues are offering words of sympathy. In my seven years in the House I have never heard so many paying tribute to someone who has died.

A previous speaker stated Tony Kett was a friend. I was honoured to call him a friend. On the day four of us travelled to the Kett home to visit Noreen and the family, she greeted each of us by name. This was despite the fact that she had never met us before. She informed us that he had never stopped talking about us. On the return car journey someone said, "Jesus, wasn't Kett a right one?" One would never think he was your pal but obviously he was because Noreen knew everything about the four of us who travelled out to see her.

Other speakers referred to Tony visiting their offices. As Senator Kieran Phelan stated, our office is located one away from that which Tony occupied. He never passed by without either knocking or kicking on the door and coming in. He would look around and say, "I have a right one to tell you today". It was always a very clean joke that one could repeat to others. I recall the laughter that used to emanate from the office when he came in and told a joke. What I remember most about his visits to our office is that he was always great for providing advice on how your pension would benefit you. I recall thinking when he died that it was so sad that while he knew so much about figures, pensions and voluntary contributions, he never had the opportunity to enjoy his own pension.

It is a lovely tribute to Tony that details relating to his funeral service are pinned on the noticeboards of every office on our floor. As a result, there is not a day that goes by when one does not have occasion to think about him. That is another indication of what Tony meant to every one of us.

I smile when I hear people refer to parties. We have had some great parties in Senator Walsh's office but we have not had one in some time. I must inform Senator O'Brien that there

[Senator Geraldine Feeney.]

was never any room for dancing. However, we were often treated to a rendition of Mary Black's "Bright Blue Rose". Even then, Tony was modest about his ability to perform a song.

When I first ran for election in 2002, I met Tony and former Senator Chris Wall at the council offices in Longford. Like me, Tony was anxious to meet the councillors and then travel on to his next appointment. I arrived perhaps 30 seconds before him. Chris Wall told him to go in first but being the gentleman he was, Tony allowed me to go in ahead of him. He rang me that night to inform me that I had done well. I asked him how he knew that and he stated those present had spoken about me when I had left. As it happened, he was right because I happened to be elected on that occasion.

I always found Tony to be a very modest and caring man. He will be remembered fondly and for a long time in this Chamber. He will be sadly missed. May he rest in peace.

Senator Larry Butler: I express my sympathy to Tony's family, his many friends, Deputies Cyprian Brady and Dooley and former Senator Chris Wall. I knew Tony long before I ever became a Member of the Seanad. I knew him through his work at the city council and also that which he did in his constituency and at election time. He was a key man in all of Deputy Bertie Ahern's election campaigns on the northside of the city.

The good work which Tony, as a member of the city council, did for people will never be forgotten. He will be remembered for it and his family should be extremely proud of him. When we remember Tony Kett, we will remember a man who made a difference. It is important to recall that he became a Senator and a county councillor because he wanted to make a difference to society and the people for whom he worked.

Previous speakers referred to Tony in different ways. To me, he was a real politician and a man who had conviction with regard to what he did. I will always remember him as that type of person. He is an example of how people in public life should conduct themselves. I offer my sincere sympathies to his family and thank them for coming to the Chamber today. I am glad to have had this opportunity to express my feelings about Tony.

Senator Denis O'Donovan: I wish to be associated with the tributes to the late Senator Tony Kett. I offer my condolences to his widow, Noreen, and the other members of his family.

During the 2002 election, as a result of Deputy Bertie Ahern's connections in west Cork — his mother was from Bantry and his father from the Kinsale area — I used the slogan "Let Bertie's boy be put to work for west Cork". However, that was just for electoral purposes because Tony was the real "Bertie's boy".

Member will be aware that I regard canvassing for election to the Seanad as being tougher than canvassing for election to the Dáil. It is like fishing, one has good days and one has bad days. It is similar to the parable in which the fishermen were out all night but caught nothing. During the most recent Seanad election campaign I recall enduring an extremely frustrating time while trying to canvass parts of Dublin on a Sunday. Canvassing in rural areas can be difficult but there are ways and means of doing so. Dublin is a different story. On the day in question I met two or three individuals early on — either after mass or before lunch. Unfortunately, in my eagerness to get out on the canvass I had completely forgotten that Dublin were playing in Croke Park in the Leinster championship on that day. I wasted approximately five hours trying to negotiate the match day traffic and eventually decided to throw in the towel because I was going nowhere. Tony sent me a message on my mobile phone — possibly as late as 10.30 p.m. when I was contemplating returning to the nest — to the effect that I should go to a certain pub on the northside. It was like landing a haul of fish. There were five or six people there, including the then Taoiseach, Deputy Bertie Ahern; his brother, Deputy Noel

Ahern; Deputy Finian McGrath and a couple of others. This made what had been an extremely frustrating day worthwhile. I am not stating those present all gave me their No. 1 vote. However, I will always remember Tony's gesture of kindness, particularly, as stated, I had spent a frustrating few hours — it must be remembered that it was a fine day and people had either gone out or were attending the match to support Dublin — during which I could not meet anyone. I was so happy that I got to meet five or six potential voters at one venue in north Dublin. To put the icing on the cake, Tony called to Deputy Bertie Ahern who was at the bar and told him to be sure to buy me a pint. That night I got the first and only drink Deputy Bertie Ahern has ever bought for me thanks to Tony. Ar dheis Dé go raibh a anam dílis.

Senator Terry Leyden: It is wonderful to be associated with the vote of sympathy to the family of the late Senator Tony Kett, to whom some excellent tributes have been paid. I extend my sympathies to his widow, Noreen; his family and lovely granddaughter, whom I had the honour to meet outside the Chamber.

In years to come when she gets older, she will look back on today, read these tributes and realise what a wonderful grandfather she had. I wish to extend my sympathy to the extended Kett family, as well as to friends and relations. I also wish to sympathise with his personal friend, Deputy Cyprian Brady, and former Senator Chris Wall. I note the presence in the Gallery of Deputy Dooley, who also was a colleague of Tony's in the Seanad. That great Drumcondra team are wonderful people. They may be down and have had their difficulties but they will rise again. They have missed Tony and his wonderful work in that constituency but matters will improve for them in the future. I also extend sympathy to the former Taoiseach, Deputy Bertie Ahern, who was a deep personal friend.

Tony carried out tremendous work in the Central Remedial Clinic and provided a great service there. I believe he was responsible for building up that organisation to its present strength and it constitutes a living tribute to his work. I served in this House from 2002 until his death and his funeral was marked by a wonderful guard of honour from all sides of the House. His death was premature and although he lived and achieved a great deal in a short time, he never complained about his illness. Even while very ill, he often appeared in the House to vote, which is a tribute to his style. I refer to the continuity represented by his granddaughter and to his lovely family and note the wonderful tribute to him today, which is sincere and genuine. We have missed a truly great man in Senator Tony Kett. He was a wonderful husband and family man, a great friend to this House and I am proud to have known him. I express my deep sympathy to all the family who are present.

Senator Mary M. White: I am glad to join with my colleagues in honouring Senator Tony Kett. My first meeting with Tony took place in the Central Remedial Clinic when I was canvassing during my first campaign for election to the Seanad. He painstakingly explained all the election's intricacies to me because as a novice candidate, it was a complicated process, particularly as I had only made up my mind to stand about two weeks previously. However, he was patient and kind and I forever will appreciate the time he spent with me. He spent an hour with me explaining everything I should and should not do. For example, I remember he advised me not to talk about one candidate to another and not to mention anyone else's name. This advice has always stuck with me.

Every time Tony sat in this Chamber, he never failed to acknowledge me as a human being, which I appreciate. He had the ultimate west of Ireland charm and interest in other people. Every time he appeared in the Chamber, he smiled at me and I appreciated that very much. At Tony's funeral, I told Noreen that when the previous Taoiseach, Deputy Bertie Ahern, was under pressure, I discerned in Tony's face his anguish and empathy for his friend. I must make

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the point that the former Taoiseach, Deputy Bertie Ahern, was privileged to have such a loyal friend as Senator Tony Kett.

Senator John Ellis: In common with all my colleagues, I wish to express my sincere sympathy to Tony's wife and family, as well as to his friends and colleagues. Undoubtedly, having watched him in this House over the years and even before he became a Member, he always was part of the former Taoiseach's back-up team and inner cabinet outside the real Cabinet. One might state that as Taoiseach, Deputy Bertie Ahern's Cabinet was in St. Luke's rather than in Government Buildings and on many occasions, Tony Kett's counsel held well both for the people of Ireland and the then Taoiseach. Senator Kett bore his illness by going about as though nothing was wrong and it is a tribute to the man that he never complained to any of his colleagues in this House about it. All Members were shocked, having seen him in the House the previous week, by his sudden and untimely death. In common with all my colleagues, I wish to be associated with the vote of sympathy to his wife, his family and especially to his granddaughter. I suppose it is appropriate that his granddaughter probably will remember this day more than anyone else because she has received greater mention than anyone apart from Tony himself. This is only right because she represents another generation. She spans the generations and when she reads these tributes in 20 years' time, she will realise what a loss it was to her not to have really known her grandfather.

Senator Mark Daly: I also wish to join with my Seanad colleagues in paying tribute to Tony Kett, who was on the Administrative Panel with me. In the words of Yeats, "Think where man's glory most begins and ends, ... my glory was I had such friends". I am sure the former Taoiseach, Deputy Bertie Ahern, would agree with Yeats that his glory was that he had Tony Kett as a confidant and close adviser. All Members have close advisers in the background without whom many would not have reached this House because they prevent one from doing the things one should not and advise and encourage one to do those things one is afraid to do. If behind the great Bertie Ahern was Tony Kett, then the statement also is true that behind every great man is a great woman. I extend my deepest sympathy on their great loss to Noreen, her family and Tony's granddaughter.

Senator John Hanafin: I wish to share in all the tributes that have been paid to Tony. It particularly springs to my mind that Tony was a gentleman and he was kind. While he was part of an organisation within the Fianna Fáil organisation that achieved a great deal in its time, he was a very humble man who showed how hard work, discipline and attention to detail without any fanfare can achieve so much. He was very much part of that group that achieved so much in Irish politics and in Irish life. I wish to pay tribute to Tony. Tony chose to be gentle and kind and that constitutes a tribute to him that has been remembered by all Members today. I wish to extend my sympathy to his family.

Senator Martin Brady: I wish to be associated with the expressions of sympathy to Tony, his wife and family. I got to know Tony many years ago when I worked with him on the city council. Tony had some great qualities and I will touch on a couple of them. I do not wish to go on for too long because many good things already have been said and there is no point in repeating them. As a person, Tony always had time for one and always would greet one with a smile wherever one met him. He never was one to state he was obliged to go to a meeting, was on the telephone or whatever but always stayed with one. He also was very helpful and if one had a personal problem, he would give his time to discuss it.

Another point about Tony is that he was a humble and modest person. Senator Ellis mentioned his friendship with the Taoiseach. While there are those who have friends in high places

who make a big thing about it, Tony never did that. Were one to sum up Tony in a few words, one would state that above all his other qualities, he was a proper gentleman. I will sum him up by saying the best thing one can say about anyone, which is that he was a sound man. Ar dheis Dé go raibh a anam.

An Cathaoirleach: I wish to be associated with the tributes paid to the late Tony Kett who, as already has been stated, was a Member of this House from 1997, when he was a nominee of the Central Remedial Clinic. He worked for many years as an administrator at the Central Remedial Clinic and his expertise and knowledge in issues relating to disabilities and education were greatly valued by his colleagues in Seanad Éireann. He made a huge contribution to Irish political life and to the Houses of the Oireachtas in his role as a Senator. He was reliable, good-humoured and totally committed to the Fianna Fáil Party and to Seanad Éireann. I was the Government Whip for five years. If Tony had other commitments or meetings but told me he would be here for a certain time, I never had to check. He was always on time and as soon as he arrived in the building he would ring me to notify me he was back. He will be sadly missed by his many friends in the Oireachtas and especially by his wife Noreen, son Jason, daughters Jennifer and Joanne and his grand-daughter. May he rest in peace.

Members rose.

European Union Bill 2009: Second Stage.

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

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): It is an honour to introduce this Bill whose purpose is to amend the European Communities Act 1972 to give effect to the relevant provisions of the Lisbon treaty in the domestic law of the State and to provide for related matters. The provisions necessary to enable the State to meet its obligations under the treaty must be enacted into domestic law before the treaty enters into force.

As the House knows, the people of Ireland voted by a majority of 67.1% on a turnout of 59% on Friday, 2 October, to approve the proposal to amend the Constitution in the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009. That Bill has now been enacted having been signed into law by the President on Thursday, 15 October. On Thursday, 8 October, Dáil Éireann approved the terms of the Treaty of Lisbon in accordance with the terms of Article 29.5.2° of the Constitution and on Friday, 16 October, the President signed the instrument of ratification. The ratification process will be complete when the instrument of ratification is deposited with the Italian Government in accordance with Article 6 of the treaty. I will do that tomorrow. By lodging the instrument of ratification we will have met all our obligations in time for Thursday's European Council meeting.

At the European Council in December 2008, the Government committed itself "to seeking ratification of the Treaty of Lisbon by the end of the term of the current [European] Commission". The Commission's mandate expires at the end of this month. The treaty will enter into force on the first day of the month following which all member states have lodged their instruments of ratification with the Italian Government. A total of 25 of the 27 member states have already completed the ratification process. Two countries are outstanding: Ireland and the Czech Republic. We will complete our part of the ratification tomorrow. If all instruments are lodged by the end of this month, the treaty will enter into force on 1 November.

When the treaty comes into force, the legally binding guarantees secured by the Government in June on taxation, the protection of the right to life, the family and education and Ireland's traditional policy of military neutrality will also enter into force. The legally binding guarantees are in the form of a Decision of the Heads of State or Government of the 27 member states

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of the European Union, meeting within the European Council. This decision will have the status of an international agreement. The decision, the Solemn Declaration on Workers' Rights, Social Policy and Other Issues and the national declaration by Ireland on security policy have been annexed to the instrument of ratification which will be deposited with the Italian Government. In addition, the legally binding decision will be registered with the United Nations when the treaty enters into force.

The European Council also agreed in June that the decision, that is, the legally binding guarantees on taxation, the protection of the right to life, the family and education and our traditional policy of military neutrality, will be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union as a protocol at the time of the next accession treaty. It is to be hoped that will be quite soon. Protocols form an integral part of the treaties and, in legal terms, have treaty status.

On Friday, 2 October, the Irish people issued an emphatic confirmation of Ireland's European vocation. A total of 1,214,268 citizens voted in favour of the Lisbon treaty. No other European treaty has ever received as many votes in its favour in an Irish referendum. In fact, yesterday, for the debate in the Dáil, I looked at the data on referenda over the years. It was fascinating to see the number of referenda that had been passed by significantly lower turnouts and significantly lower "Yes" votes. The referendum result has given new momentum to Ireland's economic recovery and it will infuse the Union with renewed confidence in our ability to continue delivering for our citizens. Not only was it a positive development from Ireland's point of view, it was fascinating in the days following the referendum to speak to colleagues across the European Union and to see how it energised Europe.

The people of Ireland made a democratic decision on the Lisbon treaty. After a hard-fought referendum campaign with real engagement on all sides and in which its merits were thoroughly debated, they decided overwhelmingly to approve the treaty. The fact that such an emphatic "Yes" vote was delivered underlines the commitment of the people to the European Union and also the determination of the Government and the main Opposition parties to maintain Ireland's position as a positive and constructive member state at the heart of the Union. The legally binding guarantees secured by the Government in June that addressed the Irish people's concerns on taxation, ethical questions and our traditional policy of military neutrality, taken together with the new commitment on the Commissioner and the Solemn Declaration on Workers' Rights, Social Policy and Other Issues, were, I believe, crucial to the outcome in the referendum. They changed the context of the debate.

The European Union delivered for Ireland in June and the people endorsed the new package. The Union works best when it listens and accommodates the concerns of individual member states. I am grateful to our European colleagues for their positive and constructive response to the Irish people's concerns.

One of the points in the debate that aggrieved me was the suggestion the European Union operated as a bully. Nothing could be further from the truth. We have reason to be grateful to our European colleagues for their positive and constructive response to Ireland's decision and concerns in the first referendum. They listened and were willing to take on board our concerns. They were willing to make the necessary arrangements to deal with them.

The Government worked hard to explain the Lisbon treaty, as did the main Opposition parties, civil society and a variety of groups across society. The referendum success was the result of a real collective effort. In the Lower House yesterday I stated that if we could do this more often, finding issues that take us beyond partisan politics and working together, we could do great things. I am grateful to Members on all sides of this House, trade unions, employers,

farming organisations and the various civil society organisations which came together to ensure a positive engagement with the citizens in order that the treaty would be ratified.

It would be remiss of me not to mention the work of the Sub-Committee on Ireland's Future in the European Union under the able chairmanship of Senator Donohoe. The work of the sub-committee and its recommendations were key elements in the strategy that brought us to the fortunate position we are in today. On several occasions I have expressed my personal admiration for the work of Senator Donohoe and all members of the sub-committee. It is a good example of something very positive that can be done in this House. The Lisbon treaty will bring clarity to the direction and workings of the European Union and should help to address the democratic deficit that concerns many. It was concern about the democratic deficit that motivated Mr. Joschka Fischer all those years ago in Humboldt University to argue that there was a need for a new treaty based on the desire to create a more democratic space in Europe. This is what the treaty does.

It is worth recalling the provisions of the Lisbon treaty. The foundations of the European Union stretch back to the European Coal and Steel Community, established almost 60 years ago. Ireland joined the process in 1973. The Union is made up of 27 member states and operates on the basis of an agreed set of rules, the European Union treaties. These are its basic legal documents. Changes to these treaties have been agreed by the member states from time to time to update them to meet Europe's changing needs. The Lisbon treaty is the latest proposed update of the Union's operating rules. It was signed by the Heads of State and Government of the European Union in Jerónimo's monastery in Lisbon on 13 December 2007. I always recall that it was a Friday and I said to people that I hoped we were not doing the wrong thing by signing the treaty on the 13th.

The Lisbon treaty sets out the nature of the European Union, its objectives and values. It states the Union's aims are to promote peace and the well-being of its peoples. We lost sight of this in the debate in Ireland. People talk about militarising Europe but it is hard to think in these terms because the Union is dedicated to peace, human rights, democracy and the rule of law. Its values are our values as a nation and as a people. The treaty states the Union can act only within the limits of the competences given to it by the member states. The Irish people can take some quiet satisfaction from the fact that the conferral principle is so clearly spelled out in the treaty. It is one of the issues to which we sought a change in the Convention on the Future of Europe.

The Lisbon treaty proposes some changes to the operation of the European Union's institutions. These include the European Parliament, the body directly elected by citizens that will become more intimately involved in making laws for the Union; the Council of Ministers, made up of the representatives of member state governments, and the European Commission, a body with one person from each member state, which proposes draft European Union laws. This is the guardian of the treaties. The treaty also gives formal institutional status to the European Council which brings together the Heads of State and Government of the member states.

The Lisbon treaty simplifies the European Union's structures and operation. It proposes new competences for the Union in areas such as energy, tourism, sport and humanitarian assistance. These are not major changes in competences but are welcome, particularly that relating to energy. The treaty also proposes to make the Charter of Fundamental Rights part of European Union law. The charter sets out the fundamental rights, including workers' rights, of European citizens. It is one of the best documents produced in Europe. It is an uplifting document that celebrates the rights to which we all aspire and advocate within the Union. It will oblige the Union, when implementing its policies and activities, to take into account the promotion of a high level of employment and the guarantee of adequate social protection. It will give a new

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role to national parliaments, including Dáil Éireann and Seanad Éireann, in the European law-making process. One of the reasons we had to hold a referendum was that the treaty gave remarkable new powers to both Houses, particularly this House, that the Houses do not enjoy under Bunreacht na hÉireann.

The Lisbon treaty will give more responsibility to the directly elected European Parliament. In this Chamber I recall the former President of the European Parliament saying that when he was elected in 1979, he could not have envisaged the Parliament witnessing such an expansion of its democratic role, as achieved by the Lisbon treaty. The treaty will streamline the voting system under which some future European Union decisions will be taken and make European Union decision making easier in the fight against cross-border crime.

The Lisbon treaty will make specific provision, for the first time in the treaties, for European Union action to combat climate change, one of today's major global challenges. It will give the Union greater capacity to prevent and resolve conflicts in other parts of the world by providing for the appointment of a full-time President of the European Council and a new High Representative for Foreign Affairs and Security Policy, whose responsibility will be to give the Union a clearer voice in international affairs. Members will recall Henry Kissinger's famous question of who he should ring in Europe. He would now have a face, a name and a phone number.

When the people voted at the beginning of the month, they affirmed Ireland's commitment to the European Union within which the member states work together to promote peace, shared values and the well-being of their peoples. I am particularly interested in that phrase because it is at the top of the decision that the people made and a commitment to the Union based on that principle. The Lisbon treaty is the culmination of a process that began nearly ten years ago when the Heads of State and Government of the 27 member states declared that the Union needed to come closer to its citizens and become more responsive to their needs and expectations.

The European Union Bill 2009 will give effect to the relevant provisions of the Lisbon treaty in Irish law and, in so doing, will ensure the Union can work with the member states to promote the well-being of the peoples and respond to their needs and expectations. The Bill is necessary to amend the European Communities Act 1972 to give effect to the relevant provisions of the treaty in the domestic law of the State and provide for related matters. The content of the Bill is in line with earlier amendments of the European Communities Act 1972 through which provisions of previous European Union treaties have been given domestic legal effect.

The Bill also takes account of the fact that the Lisbon treaty confers explicit legal personality on the European Union and makes certain institutional and terminological changes. The Bill provides for the conferral of the new powers on the Houses of the Oireachtas under the terms of the treaty I mentioned. In addition, it provides for the continuation in domestic law of certain statutory instruments giving effect to European Union directives, regulations or decisions.

The Bill is relatively short, containing only nine sections, most of which are technical in nature. Section 1 provides that the "Act of 1972" means the European Communities Act 1972, that "European Union" and "treaties governing the European Union" have the same meaning as they have in the 1972 Act and that "Minister" means the Minister for Foreign Affairs.

Section 2 inserts into section 1 of the 1972 Act definitions of "European Union", as established by the Lisbon treaty and the European Atomic Energy Community, "Lisbon treaty" and "treaties governing the European Union", that is the Treaty on European Union, the Treaty on the Functioning of the European Union, the Lisbon treaty and the treaties currently govern-

ing the European Communities, excluding provisions of the European Union's Common Foreign and Security Policy in respect of which the Court of Justice of the European Union will not have jurisdiction. This just goes to prove that it is not only in Brussels that long and complex sentences are written. We have this capacity here as well.

Section 3 amends section 2 of the Act of 1972 which sets out the European Union legal instruments that are binding on the State and part of domestic law. It provides that once the Lisbon treaty enters into force the treaties governing the European Union, the acts of the institutions of the European Communities in force prior to the entry into force of the Lisbon treaty, the acts of the institutions of the European Union and acts of bodies competent under the treaties shall be binding on the State and part of domestic law, with the exception of the non-justiciable acts adopted under the provisions relating to the European Union's Common Foreign and Security Policy, CFSP, in respect of which the Court of Justice of the European Union will not have jurisdiction.

As I indicated, under the current treaties there are three broad areas or so-called pillars of European Union activity. The first area broadly covers economic and social policy, the second relates to the CFSP, and the third covers justice and home affairs. The Lisbon treaty provides for a European Union with explicit legal personality that will replace the European Community established by the Treaty of Rome and the old Union established by the Treaty of Maastricht. Since the Treaty of Maastricht, the situation in Ireland has been that only those elements that relate to the European Communities or were otherwise justiciable before the European Court of Justice, ECJ, should form part of the domestic law of the State. The intergovernmental second and third pillars were therefore excluded.

The confusing distinctions between the European Communities and the European Union are to be abolished by the Lisbon treaty. The three pillars will be merged, but special arrangements will continue to apply in the case of the CFSP. There will be limited involvement by the European Parliament, the European Commission and the ECJ in this area. Thus, in line with our existing practice, the provisions of the Lisbon treaty in this area are not being brought by the Bill into domestic law except where the ECJ will have power with regard to persons, bodies or companies that are subject to European Union sanctions or in respect of the boundary between the CFSP and other areas of Union competence.

Since the Lisbon treaty provides for a European Union with explicit legal personality which will replace the current European Community, section 3 provides that acts of the current Communities shall be carried over and remain valid in the new arrangements. The European Atomic Energy Community, EURATOM, is legally distinct from the current European Community and European Union, though they are served by common institutions. EURATOM will survive the entry into force of the Lisbon treaty and it comes within the definition in section 3 of treaties which will be binding on the State and part of Irish law when the Lisbon treaty enters into force.

I might mention here that Ireland, together with Germany, Austria, Hungary and Sweden, made a declaration annexed to the final act of the 2007 Intergovernmental Conference noting that the core provisions of the EURATOM Treaty have not been substantially amended since its entry into force and need to be brought up to date. The Government still favours an extensive review of the EURATOM Treaty, leading to a significant updating of its provisions. I am not sure whether Members of the House have had an opportunity to peruse the contents of the EURATOM Treaty but if they do so they will see that many of its provisions have not stood well the test of time. They are archaic.

Section 4 amends section 3 of the Act of 1972 by updating the references to treaties and acts of the European Union for which it is permissible in implementing regulations to provide for

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indictable offences. There is no substantive change in this area. Members of the other House had concerns about this but there is no substantive change.

Sections 5(1) and 5(2) provide that references in enactments other than the Bill and the Act of 1972 to the European Communities shall be construed as including references to the European Union and such references to the treaties governing the European Communities shall be construed as references to the treaties governing the European Union.

Section 5(3) provides that references in any enactment to the Treaty establishing the European Economic Community or the Treaty establishing the European Community shall be construed as references to the Treaty on the Functioning of the European Union. This takes account of a provision in the Lisbon treaty to the effect that the Treaty of Rome, which is currently formally called the Treaty establishing the European Community and prior to Maastricht was called the Treaty establishing the European Economic Community, will henceforth be called the Treaty on the Functioning of the European Union. It also provides in section 5(4) that “enactment” shall include a statutory instrument.

Section 6 amends section 1 of the European Union (Scrutiny) Act 2002 by updating the definition of “measure” to take account of terminological changes consequent on the entry into force of the Lisbon treaty. The change in title of the Treaty of Rome has been reflected in paragraph (a). Paragraph (b) reflects the fact that the different types of legal instruments used in the existing second pillar - joint actions and common positions — are replaced by a legal act used across all areas of the Union’s activities, namely, decisions. Accordingly, a “joint action adopted under Article 14 of the Treaty on European Union” and a “common position adopted under Article 15 of the Treaty on European Union” will become a “decision adopted under Article 28 or 29 of the Treaty on European Union”. This is necessarily complex because it is taking differences in terminology which have caused comment over the years and giving them the same title.

Paragraph (c) reflects the fact that the constitutional amendment facilitating the ratification of the Lisbon treaty has simplified and updated the provisions of the Constitution relating to our membership of the Union by replacing the current wording in the 2002 Act referring to a measure requiring the prior approval of both Houses of the Oireachtas pursuant to Article 29.4.6° and 29.4.8° of the Constitution with wording referring to an act requiring prior approval of both Houses of the Oireachtas pursuant to Article 29.4.7° or Article 29.4.8° of the Constitution. These are the provisions in the Constitution which require the prior approval of both Houses to be obtained before the State can participate in certain European Union measures, including acts adopted under the areas of freedom, security and justice.

Section 7(1) provides for the operation of the new powers for the Houses of the Oireachtas under the terms of the treaty. These powers will allow either of the Houses, by means of a resolution, to object to a proposal to move from unanimity to qualified majority voting in the Council of Ministers or to move from a special legislative procedure to the ordinary legislative procedure provided for under Article 48.7 of the Treaty on European Union as amended by the Lisbon treaty, the so-called general passerelle or bridging clauses which were subject to so much misleading comment over the past 18 months in this country. People had a genuine concern about this and while I should not state this concern was baseless as people’s concerns come from all types of motivation, the reality is that people can be confident that the Houses of the Oireachtas and their sister parliaments throughout the Union will play a much more active and focused role than was ever the case.

The ordinary legislative procedure involves an equal decision-making role for the Council of Ministers and the European Parliament in the adoption of regulations, directives and decisions.

It requires the Council to operate by qualified majority and the Parliament by a simple majority of those voting. However, if unanimity is required in the Council or the Parliament has a lesser role in the decision-making process, this is known as a special legislative procedure.

Section 7(1) is complementary to the provisions of the new Article 29.4.8° of the Constitution which requires the prior approval of the Houses of the Oireachtas before the State — *de facto* the Taoiseach operating in the European Council — can agree to any change under Article 48.7 of the Treaty on European Union.

Section 7(2) provides a similar power with respect to a proposal to move to the ordinary legislative procedure family law matters with cross-border implications under Article 81.3 of the Treaty on the Functioning of the European Union. The prior approval of the Houses of the Oireachtas is required in this area under Article 29.4.8° of the Constitution. In addition, as this is a matter which falls within the area of freedom, security and justice, the prior approval of both Houses of the Oireachtas would also be required under the new Article 29.4.7° of the Constitution in accordance with Ireland's opt-in arrangement under Protocol No. 21 to the treaties. The veto mechanism provided for in sections 7(1) and 7(2) is known colloquially as the “red card”.

Article 6 of Protocol No. 2 to the treaties on the application of the principles of subsidiarity and proportionality provides that, if at least one third of national parliaments in the European Union issue reasoned opinions on a draft legislative act's non-compliance with the principle of subsidiarity, then the draft must be reviewed. That is an extraordinary move forward from the point of view of giving powers to parliaments. The threshold is a quarter in the case of draft legislative acts submitted in the area of freedom, security and justice. The institution proposing the legislative act, normally the Commission, may decide to maintain, amend or withdraw the act and must give reasons for their decision. This mechanism is known as the “yellow card”.

If the draft legislative act is made under the ordinary legislative procedure and if a simple majority of national parliaments issue reasoned opinions on non-compliance with the principle of subsidiarity, the Commission must justify any decision to maintain the proposal in a reasoned opinion submitted to the Council and the European Parliament. This procedure is known as the “orange card”.

The principle of subsidiarity means that, in areas where the member states and the European Union share a competence, action may only be taken at Union level where this is deemed likely to be more effective than action taken at national or regional level. We are very familiar with the subsidiarity principle which has been part of political debate for many years. The emphasis on the principle in the Lisbon treaty is very welcome. That, together with conferral and proportionality, were not sufficiently discussed here but they dismiss any proposition about creeping federalism or Europe becoming a super state. None of those fears can ever be realised.

The mechanism for the exercise of the “yellow card” and the “orange card” is the same and this is provided for in section 7(3). The section provides that either House may issue a reasoned opinion on whether European Union legislative proposals comply with the principles of subsidiarity in accordance with Article 6 of Protocol No. 2. The consequence, however, of an orange card, rather than a yellow card, is more stringent. If the Commission wishes to proceed with its proposal the European Parliament and the Council of Ministers are obliged to consider the opinions of the national parliaments and the Commission's justification before deciding to proceed with, or terminate, consideration of the proposal.

Section 7(4) covers acts, rather than draft legislative acts, of an institution of the European Union. It provides that, if either of the Houses of the Oireachtas gives a reasoned opinion to the Minister for Foreign Affairs that an act of the European Union institutions infringes the principle of subsidiarity, the Minister shall arrange for proceedings seeking a review of the act

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concerned to be brought in the Court of Justice of the European Union in accordance with Article 8 of Protocol No. 2.

Section 7 will form the basis for a new role for the Houses of the Oireachtas in the European law-making process. It will be a welcome addition to the role that our Parliament plays in European affairs. This new role is proof, if we need it, that the Lisbon treaty will make the Union more, not less, democratic.

It is not proposed to make provision in this Bill for broader questions such as Oireachtas scrutiny of draft European Union legislation or the transposition of directives. The Government is of the view that it would not be possible to deal with these issues adequately within the tight timeframe available, but we accept that these issues will need to be dealt with at a later stage when we have had time to have a proper consultation process.

Section 8 deals with the implementation in Irish law of European Union codification directives. European Union codification directives are a relatively new phenomenon. Such directives repeal pre-existing directives in a particular subject matter and consolidate them, with a view to making the European Union legal system more transparent and easier to understand. It mirrors steps being taken at domestic level to consolidate the Statute Book.

The section provides that statutory instruments giving effect in domestic law to acts of the European Union institutions, which have been repealed and replaced by codifying acts of such institutions that do not materially modify the rights or obligations conferred by the repealed acts, shall have effect as if they had been made for the purpose of giving effect to the codifying acts concerned. The provision is confined to European Union codification directives which do not change existing law. The net effect of this is that there will not be any creeping extension of legislation in the act of codification.

The Government is committed to mirroring at domestic level the simplification being carried out by the European Union and therefore Departments will, as a matter of policy, be expected to prepare codifying statutory instruments to ensure transparency. The provision in the Bill is a technical one that will avoid the possibility of opening any lacunae in enforcement of our European Union obligations pending the making of such statutory instruments.

The effect of section 9 is that section 8 on European Union codification directives will come into force on the enactment of this Bill but the rest of the provisions will not come into force until I sign a commencement order, which the Minister will do as soon as the date of entry into force of the treaty becomes clear. It would be improper to sign this before we know that the treaty is coming into effect. The Act must come into effect on the same date as the treaty enters into force. As the Minister said elsewhere this could be as early as next week.

These are the provisions of the Bill. I apologise that the explanation has been rather complex. There are some complex elements in the Bill. Now that the entry into force of the treaty is within sight, I would like to indicate to the House some of the next steps the Government proposes as we move towards implementation. In his statement on the outcome of the referendum the Taoiseach said:

The European Union is shaped by its peoples and nations to serve its peoples and nations. Today's vote is a declaration of intent by the people of Ireland to remain at the heart of Europe, where our future belongs.

With that in mind, the Government is committed to pushing for the early adoption at European Union level of the procedures and conditions necessary for the citizens' initiative provided for by the treaty and the Government will take any steps at domestic level that might be necessary on foot of this. Under the new citizens' initiative, at least 1 million citizens who are

nationals of a “significant number of Member States” will be able to invite the Commission to submit proposals on a matter within its competence. This is an important and welcome development under the treaty and putting it into place is a priority for the Government.

If there is sufficient clarity in the coming days on the intentions of the President of the Czech Republic, the European Council will discuss institutional issues, including implementation of the treaty. Consideration will have to be given to two new high level appointments, namely the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy. In addition, the Irish member of the European Commission will need to be appointed and the Government is considering this.

After intensive contacts and negotiations, the European Council in December 2008 defined a path to allow the treaty to enter into force by the end of 2009. The Council agreed that, provided the treaty enters into force, a decision will be taken to the effect that the Commission shall continue to include one national per member state. This represented a clear and positive response to a key concern that arose in last year’s referendum. It can truly be said that the Irish people made that arrangement by their vote. The Irish people formed the catalyst for the rethinking of national attitudes to the proposal for one commissioner per member state over the past 12 months.

Debate Adjourned.

Business of Seanad.

Senator Terry Leyden: The Order of Business states the Minister must conclude the debate at 1.50 p.m. As that is not possible I propose an amendment to the Order of Business, that the Minister be called to reply to the Second Stage debate at 2.30 p.m. if not before.

An Leas-Chathaoirleach: Is that agreed? Agreed.

European Union Bill 2009: Second Stage (Resumed).

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

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): When the Lisbon treaty enters into force we will be sure to have an Irish Commissioner at the Commission table. However, if the ratification process is not completed and the Nice treaty remains in force, the size of the Commission will be reduced and no country, including Ireland, will be guaranteed a place at the table.

The Lisbon treaty will simplify and stabilise the Union’s external representation. One of the key elements in this area is the establishment under the treaty of two important new positions which are relevant to the foreign policy area. I have mentioned both already so will not repeat them. I shall say a few words about the post of High Representative because there was some misrepresentation on this matter. This new post will improve the interaction and coherence between the Council and the Commission in that the High Representative will also be a Vice President of the Commission, with responsibility for external relations. The High Representative will be able to make proposals in respect of the common foreign and security policy and elaborate the Union’s external action on the basis of the strategic guidelines laid down by the European Council. He or she will be assisted — this is a considerable innovation — by a European external action service which will have a presence both in Brussels and in third countries. The EEAS will include staff seconded from the national diplomatic services of the member states as well as officials currently serving in the Commission and the general secretariat of the Council.

[Deputy Dick Roche.]

Turning to more general points, I wish to refer to the European Defence Agency. The Lisbon treaty also puts the European Defence Agency, which was established during the Irish Presidency in 2004, on a treaty basis for the first time. The purpose of the agency is to assist and support the member states to develop the necessary capabilities to undertake peace support and crisis management operations. It is important to say that participation in specific EDA projects is entirely voluntary and is for national decision on a case-by-case basis. The legally binding guarantee on our traditional policy of military neutrality, secured by Ireland at the June Council meeting, provides that it will be a matter for each member state to decide, in accordance with the provisions of the treaty and any domestic legal requirements, whether to participate in the EDA.

The Defence (Miscellaneous Provisions) Bill 2009, which was published last month and introduced in the Dáil last week by the Minister for Defence, Deputy Willie O'Dea, makes clear that Irish participation in EDA programmes will be subject to the prior approval of both the Government and Dáil Éireann. It also provides that the Government will not approve participation unless it is satisfied that such participation would contribute to the enhancement of capabilities for UN-mandated missions in peacekeeping, conflict prevention or the strengthening of international security in accordance with the principles of the Charter of the United Nations.

I hope that, with the passage of this Bill, we will be able to turn a page and move on from the protracted discussions on institutional issues and focus our efforts on issues of direct consequence and relevance to the citizens of Europe. That is not only the view of the Irish Government but is the common governmental view throughout the Union. We want to take Europe away from internal discussion and navel gazing about institutional arrangements and move onto the bigger issues of concern to citizens. I have in mind issues such as climate change, energy security and the global economic crisis. The Lisbon treaty gives the Union the tools it needs to tackle big-ticket issues such as these and issues which are beyond the scope and competence of any individual member state.

European Union membership continues to be vital for our future and the ratification of the Lisbon treaty represents an important step we can take on the road to national recovery. I recall, as the Minister, Deputy Martin, did yesterday, what Jack Lynch said in April 1972, namely, that the decision to be taken in our referendum on EEC membership would in future times “be recorded either as an unprecedented opportunity which we chose to grasp with incalculable gain or which we chose to throw away with irreparable loss”. The people faced a similar decision on 2 October and once again made a wise and comprehensive decision.

Again, I offer my personal gratitude to Members from all sides who participated in an extraordinary referendum effort. If we as a nation might sometimes put partisan considerations to one side and focus on the big-ticket issues, we could achieve wonderful results. I thank the House.

Senator Maurice Cummins: I welcome the Minister of State to the House and thank him for what was probably the lengthiest and most comprehensive contribution on a Bill heard in this House for some time. I had intended to go into some technical areas of the Bill but if I were to do so at this stage I would probably get a red card from the Leas-Chathaoirleach. I compliment the Minister of State on the role he played in securing a positive vote on the Lisbon treaty.

It is with considerable relief that Senators consider the European Union Bill today. One of its many aspects is that it gives effect to the Lisbon treaty. For those of us who believe that the passage of that treaty is of fundamental importance to the future of Ireland, the referendum result and, in particular, the large majority achieved is a very welcome development.

In the campaign my party focused heavily on the economic aspects of the Lisbon treaty. In the real world the importance of the treaty lies not alone in its contents but in the message its passage represents. It tells Europe that Ireland is at the heart of and committed to the European project. A “No” vote would have sent a disastrous message. The reality is that the treaty could not come into force without a “Yes” vote in Ireland. There is nothing in the treaty for Ireland to fear. However, key for us was the message the “Yes” vote sent out, not only to Europe but all around the world. The real danger was that a “No” vote would have been seen as a sign of disengagement, that Europe and Ireland were separating. A “No” vote would not have terminated our relationship but would have created all sorts of negative impressions worldwide. Anything that cast question over that relationship or created the impression the relationship was under threat or was being reviewed would have been an absolute disaster for Ireland. Jobs would have been put on the line. Both existing and new jobs might have been moved elsewhere. It was vital for us, our economy and our recovery that the message of Ireland’s commitment to Europe was sent out, as it was by the people, loud and clear.

I pay particular praise to Mr. Justice Frank Clarke of the Referendum Commission who conveyed clearly and effectively the truth about the Lisbon treaty to voters. He exposed the lies and told the truth. If that truth hurt the “No” side, it tells its own message, namely, that its people were the ones telling whoppers about the treaty, claiming it would do things it could not and would not do things it clearly could. In the first Lisbon treaty referendum the “No” side’s falsehoods set the agenda. Myths were stated and believed as fact. Untruths — I could use stronger language but will not — were peddled that were, to those of us who knew and had studied the topic in detail, mind-boggling in their absurdity. The “No” side in the first Lisbon treaty referendum tapped into that old Lyndon Johnson adage about telling lies to force one’s opponent to deny a ludicrous claim. That way they planted doubts in people’s minds about what the treaty really contained. These were genuine doubts among voters but they were baseless.

Twenty-six of the EU states have ratified the treaty. It has been ratified by the Czech Parliament and simply awaits the Czech President’s signature. He is waiting now for the outcome of yet another court challenge. I note that CTK, the Czech news agency, reported that those senators who initiated the challenge against the Lisbon treaty have launched further challenges against the constitutionality of the Treaty of Rome which are also before the Czech constitutional court. It seems to many of us that what we are witnessing is an increasingly frantic grasping at straws to find any means to stop the Lisbon treaty. I hope that, if the courts in the Czech Republic rule the treaty is constitutional, President Klaus will sign the document and allow ratification to proceed. Any more cynical game-playing would be unhelpful to everyone. Some 27 parliaments in 27 countries have spoken, as have millions of voters. I trust that, as a democrat, the President will respect these democratic decisions.

The Bill is not simply concerned with implementation of the Lisbon treaty, it also improves the oversight mechanisms of the Oireachtas in respect of the European institutions. Many of us are concerned that the Oireachtas has not been as thorough in its oversight role as it could be. I welcome the contents of the Bill on this matter, but further developments may be required. Fine Gael is committed to radical reform of the Oireachtas, reforms that would impact directly on the future of this House. We will be aiming to ensure a reformed Oireachtas would be active in its oversight role.

It is important that the Government outline for the Oireachtas how it intends to ensure this Parliament can exercise its new rights to call for draft EU legislation to be changed. The Lisbon treaty contains specific time-limited procedures, but the Houses only sit for approximately 90 days a year and have long recesses. How does the Government propose to reform the sitting

[Senator Maurice Cummins.]

arrangements of both Houses to ensure that, when needed, they can comment on proposals within the limited timeframe laid down in the treaty? It would be unacceptable for us to find that, at a key moment, the Oireachtas could not discuss draft legislation within the timeframe because the Houses were in recess. We will need to co-ordinate with European institutions on the timing of recesses to ensure we will be available to exercise the new powers and rights we have gained under the treaty.

I join the Minister of State in complimenting my colleague, Senator Donohoe, who chaired the sub-committee of the Joint Committee on European Affairs so ably. The sub-committee's work was excellent and helpful.

I welcome the Bill's introduction, which marks the beginning of a new phase in the relationship between Ireland and the European Union. We will certainly support the Bill.

Senator Terry Leyden: I welcome the Minister of State, Deputy Roche, and compliment him and his officials on their work in providing a comprehensive overview. It is important for the Oireachtas that this be available, as it outlines past, present and future directions. I also compliment the Minister of State and his colleague, the Minister for Foreign Affairs, Deputy Martin, on their negotiation of the protocols, assurances that made all the difference in the second Lisbon treaty referendum.

The Minister of State's contribution was worthwhile. He stated:

When the treaty comes into force, the legally binding guarantees secured by the Government in June on taxation, the protection of the right to life, the family and education and Ireland's traditional policy of military neutrality will also enter into force. The legally binding guarantees are in the form of a Decision of the Heads of State or Government of the 27 member states of the European Union.

The Minister of State's reference to this and its inclusion in the legislation are important.

The Bill clearly indicates that the Upper House has a particular role to play in terms of the Lisbon treaty and the Bill. The recent policies outlined by other parties on the future of the House came as a jolt and, if we are not radical, the House will become redundant. In the light of the Bill and finalisation of the treaty, we have an opportunity to provide the House with a distinguished role in the scrutinising of legislation. We have time to prove how worthwhile the House can be as regards the treaty. Let people judge the outcome of the changes that must be made to accommodate the scrutinising of Bills in the House. The legislation is clear. It does not read "joint committees of this House"; rather, it reads "Houses of Parliament". As there are only two, the Dáil and the Seanad, there is a clear distinction. We must utilise the role we have been given if Deputies and Senators are to give citizens an opportunity to scrutinise legislation and refer it back to them.

I welcome the passing of the Bill through the House. At times the road has been rocky, but I am certain that it will benefit Ireland, its citizens and the European Union. The rationale for the Lisbon treaty, first drafted ten years ago, was to inject and accord increased democratic and political legitimacy to the workings of the Union. The tenets of democracy and legitimacy should not be lost on my fellow Senators, as these objectives have been under some scrutiny of late.

I do not intend to recant the Bill section by section, but I will draw the attention of the House to the cornerstones of the Bill and, by way of an analogy, the treaty that made support for the treaty such an obvious and pragmatic position to take. Before I do so, I wish to digress for reasons I hope my colleagues will consider worthy. I record the gratitude of the House to

all those groups, people, organisations and parties which took part in the debate. I refer, in particular, to the Minister, Deputy Martin, and the Minister of State, Deputy Roche, who canvassed in the towns and villages of County Roscommon and made a good impression during the campaign. The overall majority can be attributed to their work.

Like Senator Cummins, I congratulate Mr. Justice Frank Clark, chairman of the Referendum Commission, on his excellent work. He was fair and objective and made a good impression. He appeared on “Morning Ireland” to discuss the agenda for the day. I compliment the national broadcaster, RTE, on providing that facility for him and the commission in order that they could tell the truth.

Never before was there such visible participation by civil society groups. At a time when private citizens could be concerned more about their own plight, be it unemployment, constrained finances and so forth, they stepped up to the plate for their country. This statement should apply to both sides of the debate.

The work of Senator Donohoe and Deputy Dooley, Vice Chairman of the Oireachtas sub-committee appointed to examine the future of Ireland in the European Union, should be acknowledged. The sub-committee’s recommendations on the need for the Houses of the Oireachtas to engage fully with the European Union will serve this House well into the future.

The principal theme apparent throughout is Oireachtas oversight, which embodies the important linkage between the European Union and Ireland. This manifests itself in a number of ways. The protocol on the role of national parliaments annexed to the treaty creates the opportunity for increased parliamentary involvement in EU activities. These arrangements apply to both Houses. Section 7 of the Bill cites a number of instances in which our parliamentary structure may interact with the structure of the European Union, affording either House the opportunity to oppose a decision notified to the Houses under Article 48.7 of the treaty within six months of notification. Either House may, not later than eight weeks after the transmission of a draft legislative measure, send to the Presidents of the European Parliament, the European Council and the European Commission a reasoned opinion in accordance with that article if the House concerned passes a resolution authorising it to so do. The House will need greater flexibility in so far as this issue is concerned and should not operate on a party political basis. If a suggestion is made, Senators should be allowed to discuss European legislation and reach a consensus, as opposed to making a decision by way of majority control. If the House was of the view this legislation was not in the best interests of Ireland then it should not be done on the basis of the number of seats on any side of the House but rather on the basis of a majority of the House being of the view that it should be referred back. I make that appeal to the Minister of State and to the Government to give that autonomy and flexibility, freedom and democracy to the House.

The Bill is replete with other examples of where Dublin can interact with Brussels, not least in the area of subsidiarity; where if in the view of this House the principle of subsidiarity is being infringed, a review may be requested of the relevant Minister and the Minister shall arrange for such proceedings to be brought. In the context of Europe we have heard much talk of the democratic deficit or the gap between Ireland as a member state and Europe. This treaty represents an opportunity to address this accusation. The treaty represents a real and constructive role for the Seanad to step into this breach. We will have the opportunity more so than the other House which is involved in day-to-day business. In 2004 the sub-committee on Seanad reform concluded that the Seanad would be a suitable Chamber to scrutinise EU legislation. The findings of the sub-committee stated the Seanad should be given a new role in EU affairs with responsibility for assessing and reviewing EU legislation, in addition to providing Irish MEPs with a domestic forum to discuss EU issues and account for their work.

[Senator Terry Leyden.]

In February 1930, Sir Winston Churchill, in response to the first shoots of a European project stated, “We have our own dreams and our task. We are with Europe, but not of it.” I say Ireland’s position is resolutely different; we are with Europe, we are of Europe and we are for Europe. There is a responsibility on this House to allow our MEPs to come here to discuss European legislation with Members of the Oireachtas because they would hear our opinions and views. The citizens, by means of the Members of the Oireachtas, could convey their concerns and worries. I refer to the EU directives on bog-cutting and the removal of eel fishing from this country by means of a 90-year ban which has come about without the proper involvement of Irish citizens. The commitments given by us and by the Government on 2 October is a great moment for the country.

I note in the Minister of State’s speech a reference to the external connections with the European Union. It is important that Irish officials should be involved in this regard. The European external action service will have a presence both in Brussels and in third countries. It will include staff seconded from national diplomatic services of the member states as well as officials currently serving in the Commission and the general secretariat of the Council. The Government is examining a renewed strategy for engagement with the European Union with a view to maximising Ireland’s influence on European Union laws and policies. This strategy will include support for the employment of Irish personnel in European Union institutions and bodies. This is very worthwhile. Because I served as a Minister with responsibility for trade and marketing and I was delegated with the responsibility for negotiating the Single European Act, I know the strength of our diplomatic involvement in Brussels is second to none. The public is not as aware as those of us who have served in Europe. We know how democratic and fair a system it is. There is no bullying; everything we sought was given. We debated the issue around the table. The Union is larger than when I was there. The proof of the pudding will be in the eating and people will really understand that their decision was worthwhile and will be fulfilled by this Bill and by the Government and by the honesty of the European Union.

Senator David Norris: I wish to share time with Senator Feargal Quinn with the agreement of the House.

An Leas-Chathaoirleach: Agreed.

Senator David Norris: I welcome the Minister of State. We have had a certain amount of sparring over the period on this matter but we have finally managed to bring our views into a certain degree of alignment. I welcome this opportunity to speak on the Bill because I was probably the first person in this House at the time of the previous referendum to declare a position against the Lisbon treaty. I made my reservations and the reason for those reservations perfectly clear. They were because of what I perceived as the increasing militarisation of the Union and my inability to get this taken seriously at Government level, particularly the “morphing”, to use a horrible modern word, of the European armaments group into the less sinister-sounding European Defence Agency. I tried to raise this with the Oireachtas joint committee established but they ignored it. I tried to raise it with the Minister for Foreign Affairs, Deputy Micheál Martin, and it was deflected in a manner fairly similar to the way in which the abuse of Shannon Airport during the rendition flights period was brushed aside by answering completely different questions to the ones I raised. However, I was very pleased with the assistance of some of the departmental officials who are here today to extract in the weeks before the final vote on this referendum a specific commitment from the Minister on behalf of the Government and signed and delivered to me and with the indulgence of the Chair I wish to put some of this correspondence on the record of the House. It is the instrument that

allowed me to change sides, which I wanted to do, because I have always supported the European Union and the European movement generally. He first wrote some nice things about my change of heart and then continued:

I am happy to give you the reassurance you request regarding Ireland's position on an EU munitions industry. We would have no interest in supporting any efforts to develop a European munitions industry for export. The Lisbon Treaty does not contemplate any such policy initiative or make any provision for movement in that direction. Ireland would indeed resist any pressure which might be exercised in future by any Member State to take the Union down such a route, which would, of course, require a unanimous decision in the unlikely event that any such move were ever to be contemplated at EU level.

In my opinion this amounts to a commitment to use the veto. The reason for my concern is the kind of incautious things said over the preceding years and also during the first referendum campaign by, in particular, the French, who seemed to be driving in this direction. It appeared to me they were determined to use the kind of shelf company of the European armaments group to promote this idea of a munitions industry for export and to go into competition with the American munitions industry. In my view this explained the intervention of Mr. Declan Ganley because he was plugged in to certain aspects of the American munitions establishment. I thought that was one of his principal motivations in campaigning against the Lisbon treaty because he saw the danger of competition in this area. This aspect was never explored by people in public, so far as I know.

He was a bit of an embarrassment on the occasion when I was on the "No" side but there were a lot of other embarrassments. I refer to those people who said that if we voted for Lisbon, we would get homosexual marriage and abortion information and God knows what else. As I said at the time, if I thought that, I would vote for it. Although I am not sure that sexual orientation is actually included in the provisions of this Bill——

Deputy Dick Roche: I draw the Senator's attention to the charter which is a wonderful expression of all the rights and is a wonderful expression of the safeguarding of citizens for a whole variety——

Senator David Norris: That is rather general.

Deputy Dick Roche: It is very specific.

Senator David Norris: It shows the kind of incremental development. I well remember the time in Paris when at a COSAC meeting I had an engagement with Monsieur Alain Juppé. He rounded on me and said the European Union is not a human rights organisation, it has no human rights competence. This is now incrementally growing and it is to be welcomed.

At the conclusion of the Minister's correspondence he states:

On another matter in which I know you take an interest, [I had raised it with him in a message] I would like to assure you that the promotion and protection of human rights — including those of children and women affected by armed conflict — are integrated fully into the planning and conduct of the EU's civilian and military missions. An outstanding example is the mission in Chad . . . Support for human rights in areas of armed conflict is an important part of the Government's overall approach to human rights, peace-building and development issues.

This statement is very important. The Minister is committed to arms reduction and to protecting the rights of civilians in these areas.

[Senator David Norris.]

I wish to raise one or two other issues. I deplore the inactivity of President Václav Klaus. It really is a defiance of democracy that he is still refusing to sign the treaty, despite the express wishes of his elected parliament.

Will the Minister of State look into the wheelie bin controversy of the previous referendum in which 3,000 votes in Donegal went missing? There has been no satisfactory explanation of it or of the responsibilities either of the returning officer or the Garda, despite citizens' concern about this matter.

I have always stated and I still maintain that even if we had voted "No", we could not have been thrown out of the European Union. Even if we had voted "No" we could not have been relegated to second class citizenship, legally or officially. However, the European Union is something that works on political goodwill.

An Leas-Chathaoirleach: We are working on a timeframe, Senator.

Senator David Norris: I am finishing now. Political goodwill is the lubrication of the European Union and we have had very fine diplomatic representation in Europe, as previous speakers have stated. We have a very high reputation. I was concerned that in this difficult economic time we might sacrifice that goodwill and turn it into ill will, such that although we could not be punished legally, there are other ways of skinning a cat.

Senator Feargal Quinn: I thank Senator Norris for allowing me to share time. Ní neart go chur le chéile. The best way to translate that is there is no strength without co-operation. I fully believe the benefits we have received from Europe are those we cherish, those we value and those we wish to maintain. I have been fairly active in European affairs in recent years, especially with EuroCommerce. Through that organisation I met federalists for the first time, people who believe in a federal Europe. The real benefit we will gain from the Lisbon treaty is that we will avoid a federal Europe. This aspect has me in favour of the treaty.

Senator David Norris: I have confirmed with the Minister of State that sexual orientation is in the charter. I apologise for the interruption.

Senator Feargal Quinn: I realise the Senator would not have a problem with that. We do not hear it much but it seems to be a nasty word for anyone to declare themselves a federalist. I have met a number of senior people who believe in a federal Europe. The great benefit of the Lisbon treaty is that it avoids precisely this. It allows us the opportunity to have a more efficient Europe than would otherwise be the case.

The difficulties of trying to run a business with a board of eight, ten, 12, 15 or 25 members are clear. It becomes more and more difficult to run a board the larger it becomes. However, if that board of management had to have unanimity on every item of discussion then it would be almost impossible to make decisions. I hope the treaty will be approved very shortly and we will have a European Union with a much more efficient method of operation. I believe the balance negotiated regarding voting rights is well thought out, planned and argued. Therefore, it will avoid the difficulties referred to by those federalists who seek a totally united Europe similar to the United States with a good deal more power heading to Brussels.

The other man I met some years ago to whom I referred earlier was Václav Klaus. I have not met him in recent times. I came to know him in between his terms as Prime Minister and President of the Czech Republic. He was strongly committed to certain views at that stage which he expressed when I outlined my enthusiasm for Europe. He referred to the fact that he had previously had a Big Brother from Moscow for many years and he did not wish to substitute

it with a Big Brother from Brussels. He seems to have taken this view to an extreme to the extent that when he visited here with Mr. Ganley, he did not pick up the telephone to inform me he was coming or to discuss what he wished to achieve.

I refer to two or three things which I would like to see take place. I refer to the Single European Payments Area, SEPA. It is very significant not only for business but also for the citizens of Europe and for the customers of almost every business. I believe in removing the barriers, especially in the eurozone. This must be a target and we must do our best to try to achieve this. I held some concerns at the time of the first referendum concerning the four main issues raised by others. I did not declare which way I would vote until I was satisfied in my mind. The issues included, in no particular order, neutrality, which the Minister of State clarified, the issue of the Commissioner, which has been solved, the tax situation, about which I am now satisfied, and the question of Ireland's right to legislate itself with regard to abortion. Such issues were resolved. I did not make up my mind or decide until those issues were clarified.

My challenge for the Minister of State is to address several other issues. Can we manage to do something about joining the Schengen Agreement area? We should convince Northern Ireland to participate on its own because citizens of Northern Ireland now need photo identification and probably a passport to travel to Britain. It seems a reasonably simple task to encourage people to join Schengen even if Britain does not join. However, it may mean having to convince Northern Ireland.

I refer to another issue that has nothing to do with the European Union but the Minister of State may be able to do something in this regard. I wish to join Central European Time, especially this weekend. We should operate in the same time zone as the majority of Europe. I tackled Mr. Barroso, the President of the European Commission, on the matter when he was here. I accused him of being the one who ruined it because Portugal moved from Central European Time and joined our time zone six or seven years ago. He claimed he was on my side and he did not wish it to take place. The Minister of State should consider if there is something we can do in this area. Let us consider the benefits. For example, next week we would not have to put the clocks back.

Senator Déirdre de Búrca: I welcome the Minister of State to the House and I welcome the opportunity to engage in the Second Stage debate on the European Union Bill. The purpose of the Bill is to give domestic effect to the provisions of the Lisbon treaty. Before I refer to the provisions of the Bill I welcome the very strong and decisive vote in favour of the treaty cast by the people on 2 October. I congratulate the Minister, his colleagues and everyone else involved in the campaign to have the treaty ratified.

One reason the people voted in such large numbers in favour of the treaty was because they see Ireland's economic future as bound up with our continued membership of the European Union. They are very aware of the critical role the European Central Bank is playing in keeping our banks afloat. There are also expectations concerning the role of the European Union in helping us to tackle other deep-seated economic problems, including the growing level of unemployment. In the coming years this will be a major issue for the public. I hope there is a good deal of fresh thinking within the Council of Ministers and other European institutions regarding a co-ordinated European effort to try to stimulate economic activity and the accompanying employment or job creation opportunities. If there is no such attempt and if individual member states simply look after their own populations, real opportunity for economies of scale in terms of large infrastructure projects will be missed.

In addition, we must pursue the stimulation of more economic activity through the full implementation of the services directive. The directive may help many environmental companies which wish to deliver services in other member states to do so. However, the framework must

[Senator Déirdre de Búrca.]

be in place for European-wide co-operation in the emerging area of economic opportunity, that is, the green economy. If this is to take place we must consider common training standards for green collar jobs and common accreditation systems and we must ensure the services directive is fully and effectively rolled out. We must ensure also that infrastructural projects are undertaken. We need a co-ordinated European approach. We require a stimulus package that is genuinely European rather than each member state putting in its own funding into the pot and reserving it for its own population. Major benefits could be derived from that and I hope the Minister of State will carry this issue forward and raise it at the Council of Ministers.

The incorporation of the Lisbon treaty provisions into domestic legislation is a formality but, as others have mentioned, a number of issues are worth highlighting. The key provision in the Bill is the update of the European Communities Act 1972 for a number of reasons. First, the Union will have legal personality. In other words, it will be a subject of international law following the ratification of the Lisbon treaty, which means this part of the European Communities Act needs to be updated. Once the legislation is adopted, laws made by the Union, which has effectively been founded anew by the Lisbon treaty, will have the same force and effect as those made by the Union, as established and altered by the Maastricht, Amsterdam and Nice treaties and so on.

The exception relating to the European Court of Justice is included in the legislation. Section 2 gives the laws of the EU pre-eminence over domestic law. A great deal of misinformation was put out about this during the Lisbon treaty campaign. That has been the position in all previous treaties and this means the European Court of Justice will have authority to make final determinations in disputes between member states and the rights to make final interpretations of EU law, to review the legality of EU law or any measures taken by a European body and to rule on the adequacy of the member states' transpositions of EU measures into domestic law. Ireland has felt the impact of this on a number of occasions. The treaty states the court will not have jurisdiction with respect to the provisions of the Common Foreign and Security Policy or acts adopted on the basis of provisions and the Bill reiterates that exclusion.

The issue of Oireachtas oversight is important. Section 7 provides that the Houses of the Oireachtas can exercise oversight over the changes proposed in the Lisbon treaty to legislative procedures, which are complicated by the ordinary procedure, the simplified procedure and the passerelle clause, to which Sinn Féin referred frequently during the referendum campaign. The Houses of the Oireachtas has a role in blocking these changes if they do not believe they are in the country's interest.

Business of Seanad.

An Cathaoirleach: We have gone over the time allocated. Will the Acting Leader extend the debate?

Senator Maurice Cummins: If the debate is being extended, time should be given to the Labour Party to contribute. It would be ridiculous if the party did not participate and Senator Alex White is present.

An Cathaoirleach: Has Senator White contributed?

Senator Alex White: I would like to contribute.

Senator Terry Leyden: The Minister has been patient but I appreciate Senator White would like to contribute and, therefore, I propose to extend the sitting to 2.45 p.m.

An Cathaoirleach: Is that agreed? Agreed.

European Union Bill 2009: Second Stage (Resumed).

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

Senator Déirdre de Búrca: On the issue of subsidiarity, section 7(3) provides that either House can adopt a resolution to prevent a particular EU legislative measure if it believes it is in breach of the principle of subsidiarity. The Seanad could have an independent role in this regard. If the proposed process of reform led to the House taking on a role scrutinising legislation without having to consult the Lower House, we could pass a resolution to block an EU measure if we believed it was in breach of the principle of subsidiarity. I welcome this important measure.

Senator Alex White: I welcome the passing of the Lisbon treaty by a large majority of 2 to 1, which was an excellent outcome. I congratulate the Minister of State and all the leading spokespersons who ran a much better campaign this time than on the previous occasion. The issues were ventilated more carefully and comprehensively, although the quality of debate, for which we all must take responsibility, on European affairs still leaves a lot to be desired. There were claims and counterclaims during the campaign and it was possible to make polar opposite claims about the same proposition in the treaty. How the two sides could have had polar opposite interpretations of the same measure frustrated many decent citizens who were genuinely troubled about what they should do.

For example, during a wet August day, I decided to go cycling and I stopped at a pub for a sandwich. A well informed, cultured lady in her 70s, who I would guess was a teacher, had also entered the pub. The woman behind the counter, who was also a farmer, asked the teacher how she should vote in the referendum. The teacher said, "Well, for course, you'll vote for it. No question you'll be voting 'Yes'." The woman behind the counter contemplated this and said the teacher was probably right. However, she said that during the previous referendum campaign she attended a local IFA meeting where she was told she had to vote "No" because farmers would not get their payments unless they did so. She attended a similar meeting the week before I arrived in the pub and the same people said she had to vote "Yes" or she would not get her payments. I felt like leaning across to point out neither proposition was true. They were both equally untrue. This demonstrates that the quality of debate left a lot to be desired. It probably will be a long number of years before a treaty similar to this will be negotiated at this level but it is a lesson for us that we need public discussion while such treaties are being negotiated and not just at the time they are presented to the people as a *fait accompli*. The Minister of State will correctly point out that information was available and there was discussion. However, most people are not interested or do not have time to engage in the detail of treaties. They throw the document on their kitchen table a week before they decide to vote but they need time and the documents need an opportunity to breathe.

I refer to the measures relating to the involvement of the Oireachtas in the future. We do not know how many of them will work. They are set out in bald terms in the treaty but they must be made to work. They will not work on their own and, as Senator Cummins stated earlier, the flexibility needed in the Oireachtas should be addressed. We have been killing ourselves regarding our relevance and the relevance of the House over the past few days but there is a great deal of time wasting. I do not denigrate the Chamber but we do not need to do much of the stuff we do. We could, for example, wrestle with the detail of draft European directives.

Senator Terry Leyden: Correct.

Senator Alex White: It is not pretty. We have all had to examine European directives and other measures for different reasons. I have to struggle with them in another life. It is not exciting or entertaining and it is extremely difficult. We have bound ourselves to doing this work having passed the treaty. Senator Cummins is correct that we need to be better equipped. While I acknowledge these are tight times and the Houses will be unable to secure new resources, perhaps resources could be reoriented towards providing Members with the expertise to make proper judgments and to engage in productive analysis of directives and other measures passed by the EU in order that we can mediate them to the public and be part of assisting the public to understand and make up their minds about them. Senator Leyden fairly pointed out we should not fall into the trap early on of engaging in a partisan approach to these measures because, very often, they do not admit a partisan response. They need a different type of analysis.

The charter is at the heart of everything but it will need a great deal of support, with many people wanting to make it happen. It is a measure that can be invoked in the context of the European Union dealing with European matters and where institutions are dealing with issues that bear on a relatively limited number, although highly important, range of issues.

I hope the trade unions, for example, who see some hope in the charter, as I do, in regard to expanding employee and labour rights, use the charter, take the cases to court, perhaps lose them at lower levels but get to the European Court of Justice and have those battles. The only way to make a measure work is to invoke it and try to have law moulded in a way that suits one's objectives.

In respect of the overall European project, we were too reticent, especially in the first Lisbon referendum, in regard to getting on the highest step possible and arguing forcefully for the great project that is the European project. We allowed ourselves to be drawn very often into the detail, and I accept the detail is important, and not what is the incredible achievement of such enormous historic proportions and what it can be in the future.

I agree with those in other parties who have made the point regarding climate change, for example, which is the single biggest threat facing all of humanity. We are nothing on that issue if we do not work with other countries, for example, and our partners in the European Union. That is where the fight, the arguments and the compromise will have to take place. That is where we need to be, not just to get things from it but to make our historic and unique contribution to change at that level in the interests of the generations coming after us. It is that big of a project and that noble a challenge.

I congratulate all concerned with the "Yes" vote. It was not always clear that was the way it would go. I will wind up in deference to the time pressures, and I thank Senator Cummins for reminding the House that, unfortunately, this is not the first time we have ended up being squeezed, so to speak, but that is an issue for another day. I thank the Cathaoirleach and Senator Leyden for agreeing to extend the time. I will support the Bill on Second Stage.

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): I had anticipated that a colleague would come in to conclude the debate but I am pleased to do so.

The point Senator Cummins made about recess is a valid one and is one of the issues we must work through. We now have a blank canvass on which we can explore a much more meaningful role on the part of the Houses of the Oireachtas.

I agree wholeheartedly with Senator Alex White that we must elevate the debate about Europe in this country. It must get away from the minutiae and the meaningless "Yes it does, no it doesn't" exchange which is irritating, boring and drives people away. It must focus on the higher plain and the issues Senator Quinn touched on, which are the concerns about federalism.

The argument that has gone on in Europe for far too long about whether Europe is federalist or unitary is a nonsensical argument because Europe is an entirely different project. It is a remarkable project, and that is the sense I get from the last contribution. It is a project where 27 sovereign states pool small amounts of their sovereignty to achieve a greater purpose. What greater purpose could have been achieved in the second half of the 20th century than to create an area of peace? That is what was created, but all too frequently the value of that contribution is overlooked.

Senator Norris raised a concern, and I am glad Senator White touched on the issue of the charter, but in that respect I will mention one issue in the charter which I believe shows how uplifting this treaty is. It is not a prosaic piece of text. On the issue of non-discrimination, Article 21 states: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited." It is extraordinary to aspire to a Europe where all people are equal.

At the outset the charter expresses the very essence of Europe and the perversity of some of the arguments that are made. Article 6 states that everybody has the right to liberty and the security of the person. Senator White is correct in that it is up to us to make the charter work. Article 1 states that human dignity is inviolable and must be respected and protected. We live in a Europe which is based on principles and which has been crafted by men and women who knew the horrors of war. We live in a Europe that has been built on solid foundations. I thank the Senators for the strong engagement in today's debate and I regret that it could not have been a more extended one.

What we have seen in the 15 months between the first and the second Irish referendum is something magical. We have seen democracy at work in this nation where the people rendered a judgment in June of last year that shocked many of us and the Taoiseach, standing in Government Buildings, said that was the sovereign decision of the people. We may have wished it would have been otherwise but that is what bound us in our actions. We then took that decision to our European colleagues and partners and did they point the finger? No. Was there bullying? No. Was there hectoring? There was not. There was a respect that this was the voice of a sovereign people and it had to be listened to.

Shortly after the referendum President Sarkozy came here and while travelling to the French Embassy we had a private conversation on the issue of the Commissioner. There were many coherent arguments, and Senator Quinn made some of them, for having a smaller Commission but he said if that is what the Irish people have said is required, we must listen to the Irish people. This was such a different view of Europe from the view characterised on a poster, with three monkeys saying: "Won't see you, won't hear you, won't speak for you." That was so wrong. That is why I am pleased with the contribution made by Senator Alex White, and I do not say that in a patronising way. I agree with him that we must somehow or other elevate it.

Whatever the debates about what will happen in terms of the Houses of the Oireachtas, Members of the Oireachtas have a real role to play now. We can show the people that we are worth what we are paid and that we can deal with their cases. Whether it is the bog issue or an issue of some wider national importance, we can have real debates in both Houses and the pressure will be on us to make a coherent contribution.

On the issue of federalism, it is ironic that the debate did not deal with that issue because while some people see federalism as the way forward, we see it as a different way. The arrangements which have been made in Europe are the arrangements which accommodate both views.

The legal guarantees achieved were not just a triumph of Irish negotiations, as suggested in one of the British newspapers, or even a triumph of a government, although governments like

[Deputy Dick Roche.]

to claim triumphs, they were a triumph of the Irish people. When we did the analysis last year we identified clear strands in the Irish people's decision in June 2008 and we took those concerns to our European partners. They listened to those concerns and responded in a way that allowed people who voted "No" on the previous occasion to change their view, as we have heard from Members of this House.

I thank the Members of the House. I regret I have to withdraw from the balance of the debate. The Minister of State, Deputy Mansergh, will replace me. I extend a heartfelt thanks to all the Members of this House for their kindness and their comments but, most importantly, for their support for this project.

Senator Terry Leyden: I thank the Minister of State for attending and wish him well on the road to Rome.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Committee Stage?

Senator Terry Leyden: Now.

Agreed to take remaining Stages today.

European Union Bill 2009: Committee and Remaining Stages.

An Cathaoirleach: I welcome the Minister of State at the Department of Finance, Deputy Mansergh.

Section 1 agreed to.

Amendment No. 1 not moved.

Section 2 agreed to.

Amendments Nos. 2 and 3 not moved.

Section 3 agreed to.

SECTION 4.

Amendment No. 4 not moved.

Question proposed: "That section 4 stand part of the Bill."

Senator Alex White: The issue to which I wish to refer also arose in the context of the 2007 Act. The Minister of State may be familiar with the position my party took on that occasion. I take this opportunity to reiterate that position. This matter may also have been raised during the debate on the Bill in the Lower House.

My concern relates to the authority given to the Minister to specify indictable offences by way of secondary legislation, namely, statutory instrument. It should be a cardinal rule, in respect of which we should admit few, if any, exceptions, that when an indictable offence is being established in this jurisdiction, it should be done on foot of debate and the enactment of primary legislation in the Houses of the Oireachtas. It simply is not appropriate that a Minister — I am sure he or she would be well meaning and act in good faith and in accordance with the principal legislation — should have the power to establish by way of statutory instrument indictable offences which are serious and often attract extremely large fines. That which I am

describing is wrong in principle and flies in the face of what everyone agrees is the considerable advance included in the Bill, namely, the opportunity for the Oireachtas to become far more deeply involved in European affairs and law-making, particularly in the context of what has been done in the Lisbon treaty. Section 4 runs counter to the very laudable principle of involving the Legislature, legislators and, by extension, the wider community in discussing what is being done in their name.

For the reasons I have outlined, it is wrong in principle for the matters to which I refer to be the subject of a statutory instrument. This provision flies in the face of the wider achievement that has flowed from the passing of the referendum on the Lisbon treaty. We are changing and enhancing the role of Members of both Houses. Why, therefore, should the latter not be involved in the proper fashion in the determination of laws which deal with indictable offences? While it may be argued that the matter does not strictly arise in respect of this Bill because it was dealt with in the 2007 legislation, it is important to again record the fact that this decision is bad and wrong and contradicts the remainder of the very good work being done.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I recognise and appreciate that the Labour Party was opposed to the 2007 amendment which made it permissible in implementing regulations to provide for indictable offences. However, the issue was decided by the Oireachtas at that stage and is now law. Section 4 makes no substantive change to the position and simply reaffirms the arrangement in the new Lisbon treaty context. I regret, therefore, that I cannot facilitate the Senator.

Senator Alex White: Whereas the Bill does not bring about any particular change, it is certainly highly relevant. I am not, as has been suggested, merely seizing upon a convenient opportunity to bounce the ball again. My concern about this matter could not be more relevant to this section, particularly in the context of the Lisbon treaty. It is somewhat unsatisfactory for the Minister of State to merely indicate that the matter was dealt with in 2007. We already know that. The Government is essentially confining to a Minister the power to establish an indictable offence. It would be better if the Minister of State made an effort to address the issue of substance and indicate, even if this was done two years ago, why such this measure will remain in place.

Deputy Martin Mansergh: I accept that the Senator is registering a protest and that he would like to reverse the position which has obtained since 2007. However, I have no discretion in that regard.

Question put and declared carried.

Amendment No. 5 not moved.

Section 5 agreed to.

SECTION 6.

Amendment No. 6 not moved.

Question proposed: "That section 6 stand part of the Bill."

Senator Terry Leyden: I wish to clarify that this section refers to both Houses of the Oireachtas and that it does not confer power to joint committees. Under it, the Seanad has equal status to the Dáil. That is one of the most innovative changes in the status of the Seanad since its foundation under the 1937 Act.

Deputy Martin Mansergh: I merely wish to make the general comment that as the previous Seanad, of which I was a Member, showed, this House is, on an equal basis, extremely well placed to scrutinise EU legislation and developments. Long may it continue to do so.

Senator Terry Leyden: Well said.

Question put and agreed to.

Amendment No. 7 not moved.

Section 7 agreed to.

Amendments Nos. 8 to 13, inclusive, not moved.

Section 8 agreed to.

Amendment No. 14 not moved.

Section 9 agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Minister of State at the Department of Finance (Deputy Martin Mansergh): On behalf of the Minister, I thank Members for expediting this legislation through the Seanad. The conclusion of consideration of the Bill in this House sees the completion of its course through the Houses of the Oireachtas. This means that Ireland will complete the ratification process of the Lisbon treaty ahead of next week's meeting of the European Council with the deposit of our instrument of ratification with the Italian Government in Rome. I believe the Minister may have been heading to Rome for precisely that purpose. The treaty could enter into force as soon as next Sunday week, were all 27 instruments of ratification to have been deposited before the end of the month. However, everyone is aware from reading newspaper reports that there still may be one or two complications.

I reiterate that with the approval of this Bill by Seanad Éireann today, consideration by the Oireachtas of matters directly related to the Lisbon treaty will be concluded. Obviously, Members must return to other issues in due course. For example, issues such as Oireachtas scrutiny of draft European Union legislation and the transposition of directives will require appropriate consideration by the Houses.

Senator Terry Leyden: I thank the Minister of State, Deputy Mansergh, for coming into the House for the Final Stages of the Bill. I also thank the Minister of State, Deputy Roche, for his excellent and comprehensive speech. The Leader of the House and the other leaders in the House should note this constitutes an opportunity for Members to come together and study. Following the treaty's full ratification by the Czechs, Members should immediately move into action. Members should agree through the Cathaoirleach and the leadership of the House on protocol and procedures to enable the House to act straight away on a regular basis, be it weekly, fortnightly or whatever is required, in respect of legislation passed or recommended by the Commission as by so doing, Members will provide an opportunity to people nationwide. As people will know what business is planned in the Seanad, they will be able to make submissions to the House through the Clerk or the Leader to the House in order that their views

and concerns may be dealt with in a comprehensive manner. In addition, Members also have the opportunity to invite members of the European Parliament to the Chamber to discuss their attitude to such issues.

This is a very exciting time and affords an opportunity to this House to prove to those who may have doubts that it can justify its existence. While there may be policy changes in this regard in the future, at least this will prove to be the most historic change to the workings of the Seanad since 1937. This is a very exciting time and I am delighted with this Bill. Moreover, I am pleased the Minister of State is present to discuss this matter. I believe that irrespective of the future, this House can play one of the most important roles in respect of the European Union and the question of policies, decisions and Bills that come through the Oireachtas.

Senator Maurice Cummins: I thank the Ministers of State, Deputy Roche and Deputy Mansergh, for coming to the House. Members heard a comprehensive speech from the Minister of State, Deputy Roche. This Bill brings into effect what the people decided by voting in the referendum. I also thank the departmental officials for their work on the Bill.

Senator Alex White: I also thank the Minister of State and his officials for their attentive approach, as always, to the debate in the Seanad. As Senator Leyden observed, it is an important moment for the Seanad. It also is important for both the Oireachtas and the people, that this treaty finally has been passed and one hopes it will come into operation sooner rather than later. I agree with Senator Leyden's comments on the practices of this House. There is a real need for Members to consider the possibilities that present themselves, as well as the necessity for Members to move quickly to take whatever steps are required to equip them to carry out the role envisaged for them in the treaty and the various instruments relating to it. Without wishing to be too light-hearted about it, amongst its many achievements the Lisbon treaty might even be a factor in saving this House from itself.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: At 2.30 p.m. on Wednesday, 28 October 2009.

Adjournment Matters.

Water and Sewerage Schemes.

Senator Cecilia Keaveney: I thank the Cathaoirleach for allowing me to raise this issue, the need for the Minister for the Environment, Heritage and Local Government to give the names and numbers of water and sewerage schemes in Donegal that are not in compliance with current European directives and the towns and villages that are still awaiting schemes to come into compliance with all relevant EU directives.

I thank the Minister of State, Deputy Áine Brady, for attending. She is a regular visitor to the Seanad. My home town does not have a sewerage scheme and the raw sewage is being discharged untreated into the River Foyle. It is not the only town in that situation. Carndonagh was provided with a water and sewerage scheme recently but the scheme in Buncrana requires upgrading. As the bigger villages and towns are not being dealt with, small villages such as Ballyliffin do not have schemes either as they are awaiting prioritisation.

I am concerned about the delay in addressing this situation. It is almost 30 years since it was suggested that Moville would get a sewerage scheme. There is controversy over where it should

[Senator Cecilia Keaveney.]

be sited but I will not come down on either side other than point out that there must be an end to a process as well as a start. I am aware that legislation was passed to speed up the provision of infrastructure but our current economic situation is not as good as it was, although investment for water and sewerage schemes remains high and there is a strong commitment to it.

A number of years ago directives were issued by the European Union relating to water quality and bathing water. These demand that the Irish Government and the local authorities bring towns and villages into compliance with standards. Deadlines were set for towns and villages with populations of over 15,000, 10,000, 5,000, 1,500 and under 1,500. Aside from my concern that towns do not have a sewerage scheme and the necessary upgraded water supplies, there is also the concern that Europe might fine Ireland with daily fines for not being in compliance with directives. We have already had our knuckles rapped by Europe with regard to Letterkenny.

The impediments to getting this basic infrastructure in place must be met head on. I am not trying to subvert the process but there have been processes taking place in some places for decades. The EU directives loom before us and the worst way we should spend money at this point is in making compensation payments to Europe for failing to comply with the directives. My aim in this regard is simple. Sometimes I have a great deal to say about an issue but not on this. It is very clear. I have asked the Minister to highlight the number of schemes in Donegal, why they are not progressing and what the Minister will do to ensure they will progress. If the compliance date has not already been breached in the case of most of these schemes, it will be soon. I want to be able to say that at least I tried to warn the Minister before we get into a situation where we are paying what could be up to €100,000 per day for non-compliance with the directives. I would prefer that money was spent more constructively on my constituents instead of the taxpayer paying the cost of fines for uncompleted works. It is as simple as that.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Áine Brady): I will reply on behalf of my colleague, Deputy John Gormley, Minister for Environment, Heritage and Local Government. The compliance of water supplies and waste water discharges with regulatory requirements is a matter of the utmost concern and I thank the Senator for raising this important subject. We have been addressing deficits in the water sector through a combination of investment, legislative reform and stronger monitoring and enforcement in recent years. The priority attached by the Government to investment in water services is reflected in funding of €500 million for investment in water services this year.

As the Senator will probably be aware, the operation and management of public water services is the responsibility of city and county councils. These councils carry out their water services functions under the general supervision and guidance of the Environmental Protection Agency. As part of the agency's remit, it regularly publishes reports on the provision and quality of drinking water and the discharge of urban waste water. The most recent, and relevant, reports on these topics are *The Provision and Quality of Drinking Water In Ireland — A Report for the Years 2007 — 2008* and *Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons — A Report for the Years 2006 — 2007*. Copies of both of these reports are available in the Oireachtas Library.

With regard to drinking water, the EPA's report demonstrates that the overall quality of our water is good and that further progress has been made in improving water quality in recent years. The report indicates that the overall compliance in County Donegal was 95.3% in 2007 which was a slight improvement on the position in 2006. A number of public water supplies in

County Donegal were included on a remedial action list, which was first prepared by the EPA in 2008. Inclusion on this list means the scheme requires detailed profiling from catchment to consumer to determine whether the supply needs to be replaced or upgraded, or operational practices improved to ensure the water supplied to the general public is clean and wholesome. The Department of the Environment, Heritage and Local Government and the EPA have put in place quarterly monitoring arrangements to track progress on the implementation of remedial actions on the supplies on the list. The latest available list includes 23 supplies in County Donegal that require some form of remediation. I will make a list of these supplies available to the Senator and it will be recorded at the end of this reply.

In overall terms, some of the supplies on the remedial action list are already included for upgrades under the Water Services Investment Programme 2007-2009. In other cases, the issues can be addressed through operational improvements or minor improvements works. Special funding has been provided in both 2008 and 2009 for such minor improvement works. The total funding amounts to almost €18 million, of which €1.2 million was allocated to County Donegal.

Turning to waste water, since 2000 Exchequer investment of €2.5 billion on major schemes has resulted in an increase in waste water treatment capacity equivalent to the needs of a population of 3.6 million. Compliance with the requirements of the EU urban waste water treatment directive relating to secondary waste water treatment facilities now stands at some 92%, compared to 25% at the start of 2000. A number of the larger urban locations highlighted in the report as being non-compliant in 2006 and 2007 now have treatment plants in place, for example, in Donegal town and Ballyshannon. The remaining schemes in County Donegal that the EPA lists as requiring secondary treatment, in Dungloe, Falcarragh, Moville and Killybegs, are included for planning in the Water Services Investment Programme 2007-2009.

Over the past few months local authorities have been preparing an assessment of needs for both water and sewerage services. These assessments, due for return to the Department of the Environment, Heritage and Local Government this week, will form a key input to the development of the 2010 to 2012 water services investment programme. In conducting their assessments, local authorities have been asked to prioritise schemes and contracts for progression over the coming years based on key environmental and economic criteria.

The County Donegal remedial action list schemes are: Ballintra, Ballyshannon, Burnfoot, Carrick — Teelin, Carrigar — Downings, Cashilard, Creeslough, Fanad West — Tullyconnel, Presses — Inver, Glenties — Ardara, Gortahork — Falcarragh, Greencastle, Inishowen west, Killybegs, Letterkenny, Lifford (old), Lough Mourne, Malinmore, Pettigo, Portnoo — Nairn, Rathmullen, Rosbeg, Rosses regional.

Senator Cecilia Keaveney: The Minister has clearly avoided the issue. First, Moville will require tertiary treatment and, second, it should have been in the pipeline for the last 30 years but it has not. The Minister says it is at the planning stage but various reports have gone to various bodies over the last decade. The Minister will not have the information to hand but could the Department supply me with a full report on when Moville was first on the Department's agenda and what has happened at every six month stage since then? To state that it is still in the planning process and that key environmental and economic criteria must be examined as to when this issue will be addressed does not take into account that raw sewage is going into the River Foyle. It is a key environmental concern. The fact that Moville does not have basic facilities such as water and sewerage means I cannot attract industry to the area. This is not in compliance and it says it is not in compliance. What will the Minister do to address this, along with the local authority?

Infectious Diseases.

Senator Shane Ross: This matter concerns the need for the Minister for Health and Children to make Lyme disease a notifiable illness in Ireland, thus increasing the specialist medical help available to sufferers as well as publicising the risk from the disease. I raise this issue because one of my constituents has suffered from this disease over a long period of time. Her frustration has been painful, both mentally and in terms of the disease itself. Lyme disease is hardly above the radar in terms of medical recognition in Ireland. The idea is to ensure the Government recognises it as a notifiable disease, defined as any disease required by law to be reported to the Government authorities. The disease is widespread and can be caught in the hills of Wicklow or in South Africa. There is a misconception that one must go abroad to get Lyme disease but that is not true. One can get it from a tick bite that one can find in any country in the world. It is a serious disease in that no cure is known at the moment.

The problem is one of recognition and diagnosis. By making it a notifiable disease it will get that recognition and diagnosis. It is a bacterial infection and needs early diagnosis. It is difficult to diagnose the 300 symptoms that reveal the presence of this disease. Doctors have not recognised Lyme disease until now and have misdiagnosed it as something else. Many other diseases, including the common flu and Bell's palsy, have been mistaken for it. I would like the Minister to consider instructing the HSE to make it a notifiable disease because this is not a matter of getting treatment or monetary benefit for a patient but getting better monitoring of the disease. This is not a special pleading. The great advantage of making this a notifiable disease is that doctors will immediately know more about it and patient awareness will be greater. It will then be diagnosed more quickly. I cannot see any reason it has not then made notifiable by now but I can only imagine that we have not got around to it at this stage.

Patients who suffer from this in Ireland have tended to seek cures that are unnecessary. They tend to head overseas for medical treatment, which is very expensive, or they have gone for less orthodox cures that are not in their interests. The frustration of not finding out what is wrong and the unwillingness of doctors to admit that this is the case means the information flow is lacking in respect of the cure and the treatment.

A company called Trinity Biotech has produced a diagnosis screening process that allows the disease to be diagnosed and resolved. Although it is difficult to treat, if the Government recognised it, the solution could be used to make the suffering of these people much easier. I am not suggesting this is a cure but it will ease the pain of patients and the Minister can do this by providing notifiable disease categorisation which will put the information out in the open and make their lives easier.

Deputy Áine Brady: I will respond to this matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney. I thank Senator Ross raising this matter as it provides me with an opportunity to outline to this House the importance attached to the issue by the Department of Health and Children and the HSE. Lyme disease, also known as Lyme borreliosis, is an infection caused by a spiral shaped bacterium called *Borrelia burgdorferi* that is transmitted to humans by bites from ticks infected with bacteria. The infection is generally mild affecting only the skin but can sometimes be more severe. Lyme disease has been reported in North America, Europe, Australia, China and Japan. The ticks feed by biting and attaching to the skin and sucking blood, normally from animals such as sheep and deer. Infected ticks are most likely to be encountered in heathland and lightly forested areas of North America and northern Europe. Lyme disease can affect anyone but is most common among ramblers, hill walkers, hikers, campers and others whose leisure activities and work takes place in heathland or light woodland areas or brings them in contact with certain animals such as deer.

Summer and autumn is the period when most cases occur. Cases of Lyme disease appear in Ireland every year.

Although Lyme disease is not a notifiable disease in Ireland at present, it is recognised as an important vector borne disease. Like any disease, Lyme disease can present a very mild illness or, in a small percentage of cases, it can lead to fairly serious complications. As most people suffer only mild symptoms and recover without recourse to a general practitioner, making the disease notifiable would not detect these cases. In cases where the diagnosis is unsure, general practitioners and physicians have access to the National Virus Reference Laboratory which can diagnose the illness serologically by internationally accepted laboratory methods. In Ireland, surveys have indicated that the Cork and Galway regional clinical laboratory services receive about 500 requests for Lyme disease tests per year, of which 5% to 10% turn out to be positive. Many affected people have no symptoms at all. The most common noticeable evidence of infection is a rash called erythema migrans that is seen in about three quarters of infected people. This red, raised skin rash develops between three days and a month after a tick bite and spreads outwards from the initial bite site. This rash can last up to a month and be several inches in diameter. People can also complain of flu-like symptoms such as headaches, sore throat, neck stiffness, fever, muscle aches and general fatigue. Occasionally there may be more serious symptoms involving the nervous system, joints, the heart or other tissues. Common antibiotics such as amoxicillin are effective in clearing the rash and helping to prevent the development of complications. Currently, there is no vaccine available in Ireland against human Lyme disease.

A number of awareness initiatives have been undertaken by the Department and the HSE to address the threat of Lyme disease in Ireland. In terms of public awareness, information has been placed on the website of the HSE health protection surveillance centre and leaflets designed for distribution at the reception areas of Ireland's national parks by forestry staff of the Department of the Environment, Heritage and Local Government have been distributed and are available for download from www.hpsc.ie. In addition, as the best protection against Lyme disease is to protect oneself against tick bites when walking in grassy, bushy or woodland areas, the health protection surveillance centre has produced information and guidance on its website to allow people to take steps to protect themselves and their families.

The issue of Lyme disease has been discussed and raised with fellow professionals through the health section surveillance centres vector borne sub-committee. This autumn, an article on Lyme disease is planned for the health protection surveillance centre's regular publication with the intention of raising awareness among general practitioners and non-specialist clinicians.

Senator Shane Ross: Perhaps it is due to my complete ignorance but I do not know what vector borne means. I do not have a clue what that means so it would help if I could have an explanation for it. I do not accept the response of the Minister of State, which states: "As most people suffer only mild symptoms and recover without recourse to a general practitioner, making the disease notifiable would not detect these cases." I am not interested in the milder cases; it is a severe case we are discussing. The response suggests that most people get this mildly and only a few people get this badly. I want to know about the people who get this disease badly. Why should they be condemned to having it misdiagnosed or not diagnosed at all? These are the people to whom I refer. It is like many diseases which most people do not suffer from very badly. It is like swine flu and ME and many other illnesses. It is the people who suffer from it acutely who are important. To state most people contract it in mild form that we need not worry about the others is not enough. The reason for making it notifiable is to recognise those who suffer badly from it. Will the Minister of State tell me why they are not being considered and, of course, what "vectorborne" means?

Deputy Áine Brady: I did not state it would not be considered a notifiable disease. It appears that the main focus is on awareness. I did not state the Department was not considering making it a notifiable disease.

Senator Shane Ross: Therefore, the Department is considering making it a notifiable disease.

Deputy Áine Brady: Nothing in the response states it is not considering making it a notifiable disease. However, the focus is on making people more aware of it.

Senator Shane Ross: The point is that in making it a notifiable disease we would make people more aware of it. That is the point of the Adjournment motion.

Deputy Áine Brady: I take the Senator's point.

Senator Shane Ross: Will the Minister of State tell me what "vectorborne" means?

Deputy Áine Brady: No, but I presume it has something to do with ticks because they feed on the blood of animals such as deer and live in heath or bushy or grassy woodland areas.

Senator Shane Ross: On a point of order, I am not trying to be insulting to the Minister of State in any way but it is indicative of the way this House is sometimes treated that a Minister of State comes in with a script and does not know what the reply means. We should have the right Minister here.

An Cathaoirleach: The Minister of State will convey the Senator's concerns to the relevant Department

Senator Shane Ross: Yes, but if we had the right Minister here, presumably he or she would know what "vectorborne" and the reply meant.

Deputy Áine Brady: I will send the meaning of the word to the Senator.

The Seanad adjourned at 3.35 p.m. until 2.30 p.m. on Wednesday, 28 October 2009.