

SEANAD ÉIREANN

Dé Máirt, 3 Samhain 2009.
Tuesday, 3 November 2009.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.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 Justice, Equality and Law Reform to outline his views on fixed odds betting machines.

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

The need for the Minister for the Environment, Heritage and Local Government to facilitate an immediate binding mediation process between the Killarney and Muckross jarveys and the National Parks and Wildlife Service to ensure a satisfactory resolution to the ongoing conflict.

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

The need for the Minister for the Environment, Heritage and Local Government to outline the proposals for the payment of a grant to Fellowship House, Spur Hill, Togher, Cork.

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 is No. 1, statements on developments in Northern Ireland, to be taken on the conclusion of the Order of Business and to conclude not later than 5.10 p.m., with the contributions of spokespersons not to exceed seven minutes, those of all other Senators not to exceed five minutes, on which Senators may share time, and the Minister to be called upon not later than 5 p.m. for concluding comments; and No. 2, Industrial Relations (Amendment) Bill 2009 — Committee and Remaining Stages, to be taken at the conclusion of No. 1.

Senator Frances Fitzgerald: Will the Leader to outline to the House the timetable for the various Stages of the National Asset Management Agency Bill which will be taken next week? I ask him for a guarantee that there will not be a guillotine or time restriction on the legislation and that adequate time will be provided to debate the amendments tabled during the course of the debate. The Bill has critical implications for taxpayers and there is increasing anxiety

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and great uncertainty in the country about the shape of the budget and how the public finances are being dealt with. There is a sense that enough has been said by the Government to make every interest group anxious but not enough to give clear direction on where the Government is going in managing the public finances. The House has discussed on a number of occasions the role of social partnership, the role of the Houses of the Oireachtas and how critical it is that Members are given an opportunity to discuss economic and budgetary strategy. This is not in the schedule of business for this week so I ask the Leader to outline when this debate will take place following the NAMA legislation.

I wish to raise a number of issues concerning health. I asked the Leader last week to discuss with the Minister for Health and Children as a matter of urgency the situation in Our Lady's Children's Hospital, Crumlin and the waiting lists for cardiac surgery for young children. Will the Leader inform the House if a decision has been taken to allocate increased resources to the intensive care unit in Crumlin or if the Minister can come to the House and say what is the Government policy? While we wait for the national paediatric hospital, what is going to happen to these children and will the resources be put in place?

There has been another serious outbreak of C. difficile in a Drogheda hospital with disturbing reports about deaths, wards being closed and disruption to procedures. The Minister for Health and Children needs to come to the House to explain how the issue of hospital-acquired infections is being dealt with and what progress is being made. I link that to public uncertainty as to whether people should go to their general practitioner or the HSE clinics for H1N1 vaccination. There is a need for the Minister for Health and Children to show leadership on these issues, to be available and to lead. In the same way that we need leadership on economic issues, we need strong leadership on health issues also.

Senator Joe O'Toole: It is interesting to note the European Union's prognosis for the next couple of years. It indicates that, whereas there will be no growth in Ireland again next year, the rate of growth in the economy in the following year will be greater than 2%, faster than anywhere else in Europe. I make this point because as talks continue between the social partners and the Government, it is very important to look forward.

I recall that during the last election the leader of Fine Gael spoke of a contract with the people. This is something the Government should examine very seriously. There is a need for a social contract. People will not spend while they are afraid, frustrated or until they know what is their future. It is not enough to say to them we must cut their wages or cut back on whatever service. They need to know when it will end. Only when they know when it will end and when they see themselves coming out of it will they have the confidence to put money back into the economy. That is a *sine qua non*.

I would like people to get inside the minds of trade unionists and trade union leaders. I was around in 1987 when we were told there was no money in the country. We found out four years later during the tribunals that the country was awash with money, except that it was all leaving the country. Of the economists lecturing us, not one of them forecast the downturn in the economy. We stated as much to the Leader one year ago. I have an article from the *Irish Examiner* in my office dating from this week last year which shows the forecasts of all these economists for this year. Not one of them was even close to the reality. Let us not be taken in by them. They know no more than we do.

Senator Jerry Buttimer: Hear, hear.

Senator Joe O'Toole: We should sit down and work our way through it. Cuts must be made. However, we should listen to the trade union movement, ordinary people, the Society of St. Vincent de Paul and others who state we cannot look to the social welfare budget.

Those of us in the public sector will have to take more pain than others. However, the process must also be seen to be fair. If we can enter a social contract with the people to deal with some of the issues before us and make them a certain promise, given them confidence and a commitment that there is a future for them, it will allay their fears, relax them and get us back into the economy again. This can only be done if the Taoiseach and the Government talk to the social partners, show them in black and white where we are and say where everyone will pitch in to ensure it is fair. At that point everyone must play his or her part and take the pain. Those of us in the public sector will probably have to take more of it than the rest, for obvious reasons. If that is the way it will be, then as long as everyone understands it, that is the way in which it will work. Until trade union leaders can offer their members something as a way out of the current mess, some future or hope, they will vote for strike action, simply to protect what they have. There is nothing else they can do. They are kicking out against everything. We have an important duty and responsibility to ensure this does not happen.

Senator Alex White: I refer to next week's business dealing with the NAMA legislation. The Government has already made it clear publically that it intends to curtail debate in this House. It announced the legislation would return to the Dáil on Thursday week, 12 November. It has already made it very clear that the debate will finish here on Wednesday night. That will amount to the guts of three days' debate in the House. We know that decision has already been made. Senator Fitzgerald is right to call for assurances but, in fact, both she and we already have our answer. It is intended to finish the debate on Wednesday night or Thursday morning next week.

It is odd to read in the newspapers today that the Minister for Finance intends to introduce further amendments. It is not odd that he intends to introduce further amendments and I have no problem with this. However, the amendments are so complex — I understand this is the way in which it has been reported in the newspapers today — that he is not in a position to introduce them this week. He requires more time and will not be able to introduce them until next week and he will do so in the Seanad. If he must take a further week to devise and deal with the amendments, how are we expected to deal with such complex matters in a period of one day or one day and a half? We will do our best to do so but it is extraordinary since we have had, rightly, months of preparations for the legislation.

However, the Government seems to take the view that when legislation goes to the Dáil and to Seanad in particular, this constitutes the end rather than the beginning of the debate and that the real work is done by the Executive, not by the Parliament. The Government has taken this position and if I am wrong in this regard, I ask the Leader to disprove my point. The Deputy Leader also might agree to my proposal, which is to publish the amendments at the end of this week. The Leader should not wait until Tuesday morning to publish them but should enable Members to see them. This at least would give Members a couple of days to consider these complex amendments and an opportunity to deal with them when they come before this House. The Government should consider this not unreasonable request.

In respect of the day of protest scheduled for this Friday and the general issues pertaining to the trade union response to events, members of trade unions are perfectly entitled to take a day of action and to protest on the streets of their capital city. Not only are they so entitled but they are perfectly justified in so doing. Every time one makes a point about, for example, NAMA or some other issue pertaining to the economy, Members on the other side ask, perhaps justifiably, what is one's alternative. Practically five minutes into a discussion on the subject, the refrain from Members on the other side is what is one's alternative. I ask those who criticise trade union members who are taking to the streets and considering industrial action what alternative do they propose. What alternative do they propose to people who can see their

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living standards have dropped and who can see no real stake in the future? The problem people have is there is no clarity and they can see absolutely no stake into the future regarding how these issues should be dealt with in budgetary terms. What alternative is proposed by those people who fill the airwaves with criticisms of trade unions being lunatics and everything else?

Senator Marc MacSharry: I welcome the three days that have been set aside for the NAMA debate next week. I am sure Members will sit late into the night to ensure a full airing of all the amendments proposed. I also welcome the proposed break in order that Members can prepare their thoughts for it. The Opposition parties, including Fine Gael, the Labour Party and others, can work on their amendments, which Members on this side of the House look forward to seeing. They should be published as soon as they are available in order that Members can evolve their own thoughts on them to have a more full and inclusive debate.

I agree with Senator O'Toole's point that people require certainty as they look to the future. When there is more certainty it will lead to more confidence and in that context, I welcome the European Union's outlook in respect of future economic performance. On a related point, I wish to repeat a request I made in recent weeks that between now and the budget, time should be set aside on a weekly or daily basis to enable Members to come up with suggestions on where cuts should be made, rather than on where money should be spent. I acknowledge that all Members and all trade unions know and have agreed that cuts must be made. Moreover, far from thinking the trade union movement and workers' representatives are lunatics, they are anything but that. They constitute an important and vital aspect of these negotiations and I welcome and support their entitlement to protest if they so wish.

However, Members also must play their part and I believe they should encourage the social partnership process because this is the model, albeit one adjusted from that which obtained from 1987 to the present, which will help to lead us through this crisis. I wish the union leaders well, together with the Cabinet and senior Government representatives, as they continue through negotiations and considerations to ascertain how they can best put together the budgetary process to deal with these crisis. However, as Members of this House also should play their part, a minimum of a couple of hours per week over the next couple of weeks should be made available to all Members to enable them to consider from where, under the various ministerial Votes such as education and agriculture, savings could come.

Senator Paul Coghlan: I wish to add my voice to those of Senators Fitzgerald and Alex White regarding their serious request to the Leader to outline for Members the programme for next week with regard to NAMA. This perhaps is one of the most important items with which this House must deal during the lifetime of this Parliament. Sadly, it is necessitated by the manner in which the bankers fuelled the greed and unfortunately got up to so many shenanigans themselves. No doubt Members will be reminded of this later this evening when our colleague, Senator Ross, launches his book, *The Bankers*. Moreover, today's edition of the *Irish Examiner* also reminded Members of the serious transgressions in this regard.

An Cathaoirleach: Questions to the Leader. We are not launching books.

Senator Paul Coghlan: That was by way of a preamble to another matter. I look forward to the Leader outlining the details for the House. I support the call for the early publication of the amendments. Perhaps the Leader can tell Members with what areas these amendments will deal.

Perhaps the Deputy Leader can inform the Leader when we will have the legislation promised by the Minister for the Environment, Heritage and Local Government, which will provide

for the election by the people of a Lord Mayor of Dublin. Will the legislation address the problem of Dingle-Daingean Uí Chúis, which the people have already sanctioned through a plebiscite and which Mr. Gormley has promised—

Senator David Norris: Which part of Dublin is Dingle-Daingean Uí Chúis in?

An Cathaoirleach: No interruptions, please. Senator Coghlan's time is almost up.

Senator Paul Coghlan: They are obviously separate issues. I am asking the Leader if that important matter of Dingle-Daingean Uí Chúis will be covered in the legislation promised which will provide for the election of the Lord Mayor of Dublin.

Senator Déirdre de Búrca: Will the Leader invite the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to the House? We could raise a number of important matters with him. One concerns the disappointing signals emerging from the negotiations on the climate change agreement for the Copenhagen meeting, which is scheduled for December. An international climate change treaty is now very unlikely to emerge from the Copenhagen meeting and instead a series of political decisions will chart the way forward. That is very disappointing and I would like the Minister to appear in this House to tell us the view of the Irish Government on this matter.

A sticking point in these negotiations was the extent of international aid to be given to developing countries and who would administer the aid. It is disappointing because, after intense negotiations to try to arrive at a consensus before the meeting is held in Copenhagen, those concerned about climate change were hoping a legally binding global climate change agreement would emerge from the meeting. It appears the resolve is weakening and I would like to ask the Minister for his views on this issue and what the Government might do.

If the Minister appears in the House, I would also like to ask him his views on the Dublin Docklands Development Authority. I saw some disturbing headlines in the newspaper today indicating that Mr. Bernard McNamara, the developer, is looking for the Dublin Docklands Development Authority to guarantee his exposure. He is being sued for €140 million as one of the purchasers of the Irish Glass Bottle site in Ringsend at a purchase price of more than €424 million. This site has fallen in value to approximately one sixth of that price. Mr. McNamara said that—

An Cathaoirleach: I do not want the names of developers mentioned in the House. They are not here to defend themselves.

Senator Déirdre de Búrca: The reason I raised this matter and said the Minister should appear in the House is that the Dublin Docklands Development Authority is a statutory agency. There are serious questions about the assurances allegedly given to Mr. McNamara that the Dublin Docklands Development Authority could fast-track planning permission for the site and that it would not be subject to a planning appeal. The background is the annual report of the Dublin Docklands Development Authority. The 2008 annual report has not yet been published and questions must be answered about the finances of the Dublin Docklands Development Authority. For that reason I ask the Minister to appear before the House.

Senator David Norris: I ask the Leader to raise with the Minister for Foreign Affairs the case of a Palestinian Christian woman, Berlanty Azzam, a fourth-year student in business studies. She was arrested on 28 October and held in custody in Netanya. She was taken blindfolded and handcuffed in an Israeli military jeep. The charge is that she is a person from Gaza. The Israeli authorities have decided to strangle the education system as hard as they can and I have

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been asked by Professor John Kelly, former registrar of University College Dublin, and Brother Jack Curran, who is involved in Bethlehem University, to make the strongest possible protest against this violation of a young woman's right to self-development.

I wish to comment on the fact that the Government finds it impossible to provide time in the Dáil to discuss NAMA and must make use of this House to get its amendments through. That should be drawn to the attention of those who believe Seanad Éireann has no function whatever. It plainly has an extremely vital function in getting this important legislation through.

I spoke in this House as a sole voice supporting the Shell to Sea campaign. I know there were other decent honourable Members on the Government benches who felt the same way but were constrained from saying so. Let it be recorded that An Bord Pleanála referred back this planning decision because of concerns that mirrored exactly what had been said by the Shell to Sea campaign — that the pipeline, as currently constituted, was dangerous and too close to houses. The people concerned, including those referred by judges to psychiatrists because of their concerns, have been vindicated at last in this appalling, long drawn out and very questionable process of the Government. We were told in this House that they were gangsters, paramilitaries and lunatics. They were not and they have been justified.

I always like to end on a positive note. I congratulate Trinity College Dublin on yet another major scientific breakthrough in the fight against cancer. It is very important that we know our research institutions are again at the forefront of medical research.

Senator Labhrás Ó Murchú: We have had many discussions in the past year on the economy and at times some of us considered there was a lack of reality in many of the discussions. We considered that negativity was beginning to smother any debate that might be positive or that might give us an opportunity to see where exactly we would solve the problem, which we all accept is of a catastrophic nature. I am glad to state one senior trade unionist has shown a sense of reality by stating clearly that if we do not make the cuts now required in the public sector, there will be only one answer, that is, a loss of jobs. That gives us an idea of the two situations with which we have to deal.

Sometimes we miss out on positive news. In recent hours we have seen figures which indicate consumer confidence has taken a major jump; in fact, those who conducted the survey were surprised by the jump. It was the highest in the past 18 months. They went a step further and stated they believed the reason this had happened was that most people accepted that the worst was over and that we were focusing on the solutions that lay ahead.

I do not honestly see what can be achieved by a day of protest.

Senator Mary M. White: Hear, hear.

Senator Labhrás Ó Murchú: I have been a trade unionist all my life; I was an officer in the trade union movement for many years and at all times I defend its rights. However, this is one occasion on which when we must balance requirements in the State. I made the point here on a previous occasion that we needed to be particularly careful regarding most of those on social welfare because they were in a very serious situation as they had no jobs and big mortgages to pay. Those who can keep their jobs are asked to make a sacrifice and that should be the case. I compliment the media because in recent weeks they have adopted a very realistic approach to the problems we face.

Senator Eugene Regan: I will refer to a market commentary in the *Financial Times* today on the fall in the value of Irish bank shares which has continued today. It refers specifically to

delays in the passage of the NAMA legislation and the President signing the Bill. It also refers to the Supreme Court possibly having to pronounce on the Bill. From where did it get these issues? They were raised by the Minister for Finance, Deputy Brian Lenihan, last week in a cheap political shot against the Opposition. If there is a fall in the value of bank shares, the very issues the Minister raised in the Dáil are the ones the *Financial Times*, in its commentary, ascribes to the fall. I do not think the Seanad can be blamed for the fall in the value of bank shares or the delay in the passage of the NAMA legislation because it has not yet come before the House.

Senator Frances Fitzgerald: Hear, hear.

Senator Eugene Regan: If there are discussions about the delay, this point must be borne in mind. When the legislation comes before the House, we will deal with it expeditiously.

With regard to the issue of NAMA and bank shares, is the Minister telling us everything or is he holding back? The passing of the legislation is an issue, but there is also the issue of EU approval. I ask the Leader for clarification on whether the European Commission has expressly approved the NAMA project as set out in the legislation. If not, will there be a delay in its approval of the legislation? How far has the Minister advanced the approval process?

My last point is with regard to the day of protest. It is perfectly permissible for trade unions and workers to agitate, defend their wages and make their cases on the public finances. However, the options the unions are coming up with must be credible. There is an onus not only on the Opposition parties but also on the unions to come up with credible alternatives. The suggested alternative is to tax us out of existence and kill the economy. In addition, a reduction in numbers in the public service, as distinct from dealing with pay and conditions, is not a realistic alternative.

Senator Mary M. White: Last week the CSO revealed figures indicating that 106 people had died by suicide between January and March. This is the equivalent of one person killing himself or herself each day between January and March. These are frightening figures and it was dangerous for the CSO to release them without consulting the relevant scientific organisations dealing with the issue of suicide. Because they were based on year of registration following completion of the inquest, there may be a certain number of suicides that occurred in 2008 and are included in the year of registration figures. Therefore, we must be careful in drawing final conclusions. However, from other sources such as the National Registry of Deliberate Self-Harm, we know that in 2008 there was a strong increase in the number of self-harm cases presenting at accident and emergency departments. In addition, in 2008 the strongest increase in the incidence of self-harm occurred among young men in the 20 to 39 year age group. It is likely this increase is related to the economic downturn which happened very quickly in 2008. Particularly among men, there is a strong link between self-harm and suicide. The increase in the incidence of self-harm among young men in 2008 may be followed by an increase in the number of suicides. If we admit that these are the tragic consequences of the recession in Ireland, we must realise that suicide prevention is the last area in which we should be making further cuts.

Senator Ivana Bacik: I ask the Leader for a debate on a positive matter — in contrast to some of the more negative issues about which we have been talking today — No. 32 on the Order Paper, a motion from the Joint Committee on Justice, Equality, Defence and Women's Rights, of which I am a member, noting the report of the joint committee on women's participation in politics, which was laid before the Seanad on 28 October. I was *rapporteur* to the Sub-Committee on Women's Participation in Politics, of which Senator McDonald was also a

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member. We have drawn up a report which makes important recommendations on improving women's representation in politics. At present, an extremely low 13.8% of Deputies are women. Given that the percentage of women Deputies has never gone above 14%, it is clear that we need to do something. The report has received overwhelming cross-party support from the joint committee and is scheduled to be launched on Thursday. I would like the Leader to arrange for a debate on it in the Seanad because I understand it is to be debated in the other House.

I also seek a debate on transport in Dublin city centre in light of Dublin City Council's decision to lift the bus gate at College Green at certain times over Christmas. As a committed cyclist, I believe the bus gate has given enormous advantages to cyclists. It has made life much more pleasant for both cyclists and pedestrians and the crossing at the College Green junction has been greatly improved. I am disappointed that traders are so strongly opposed to it because it is important that we strive to keep private vehicles out of the city centre.

In tribute to Dublin City Council, the dublinbikes scheme, which I used last week, has received a very positive reaction and is widely used across the city centre with few problems. We should commend the council on instituting this scheme.

Senator John Hanafin: I ask the Leader to arrange a debate on innovation. I have heard good news from Trinity College Dublin regarding a cancer drug. Given the current difficulties in world markets, it is important that we focus on areas which offer advantages. The future of the country and its economy will be based on export-led growth. The population of the Republic is 4.3 million out of a global population of 6 billion. Wonderful opportunities exist on our doorstep. For example, the positive developments on new methods for producing gas from shale will change the energy industry over the coming decades.

I am conscious that the Shell to Sea campaign never wanted a pipeline. We ought to debate this issue because there is no question of not applying An Bord Pleanála's rulings. The most recent ruling does not mean Shell to Sea is correct, however. We continue to need a gas pipeline to take ashore the 200 nautical miles of energy which lie beneath Ireland's seas and if we are to develop our gas resources.

Senator Jerry Buttimer: In light of the impending budget and Friday's national day of protest, will the Leader facilitate a debate on social partnership? Never before was social partnership more needed. I am not sure if the Members opposite understand that we are bordering on civil unrest. People are genuinely angry and frustrated at being unable to see a light at the end of the tunnel. The absence of leadership from the Government is part of the problem. I hope Friday's demonstrations are not a catalyst for people to engage in a different course of action. It will give people an opportunity to protest and agitate. A pre-budget debate is urgently needed. Why can we not include IBEC and ICTU in a meaningful debate rather than merely making statements? This is not a question of political processes or votes. This is about the lives of ordinary people, many of whom are suffering hardship. The Society of St. Vincent de Paul published its pre-budget submission today. The document's title — Don't Push Them Over the Edge — goes to the kernel of the problem. Politicians, specifically the Government, must not push people who cannot give any more over the edge. RTE is pitching the public sector against the private sector and other media are commenting on the issue. Senator O'Toole is correct; economists do not have a bloody clue. They should be put into a boat to set sail from Roche's Point and remain offshore.

I am proud to congratulate the people of my city on Cork's success in making the *Lonely Planet* guide's list of the top ten places to visit in the world. I place this matter on record because I had hoped Senator Norris would refer to it.

Senator Ivor Callely: Having listened to Senators comment on the national day of protest, I urge people to consider how well social partnership has worked over the past decade or thereabouts. I encourage all those involved to use the social partnership model, which has passed the acid test, and call on them to participate in talks and negotiations and do everything in their power to achieve an outcome much more meaningful and beneficial than a simple day of protest or other similar action.

I congratulate the emergency services, especially the Garda Síochána and Customs and Excise, on their work in detecting contraband and illegal substances entering the State. One of the largest hauls of illegal cigarettes ever found was discovered two weeks ago and many other illegal substances have been found recently.

The Dublin City and County Coroner has noted a significant increase in the number of deaths caused by the use of illegal substances, in particular a specific type of drug. I ask the Leader to seek a statement from the coroner on the matter and decide, on the basis of the statement, whether the House should hold a debate on the use of illegal substances.

Senator Feargal Quinn: I recently drew Senators' attention to a track and trace system for counterfeit medicines because it is important the House is aware of the system and its benefits. Yesterday, the European Medicines Agency drew to public attention the efforts being made by criminal gangs to cash in on the H1N1 pandemic by selling counterfeit anti-influenza vaccines over the Internet. This development is likely to catch the attention of many people who would not otherwise consider sourcing medicines over the Internet.

To add to Senator Callely's point, when I raised the issue of counterfeit tobacco in the House a couple of weeks ago, I was unaware that smuggled tobacco was counterfeit or that the products featured Irish markings and health warnings. Last week's coup by the Garda Síochána in detecting a large haul of counterfeit cigarettes from the Far East reminds us of what can happen in that area. In this context, it is important to note that counterfeit anti-viral drugs have joined the list of counterfeit goods such as cigarettes. If we do not draw public attention to the problem, it is likely that many citizens will purchase such items on the Internet.

I understand the latest anti-viral vaccine may not be available to everyone who wants it. For this reason, many people may try to source it on the Internet. That criminal gangs are seeking to sell counterfeit anti-viral medicines on the Internet is a dangerous development. The Minister for Health and Children should be aware that a track and trace system is being tested in Sweden. We should adopt it when it becomes available.

Senator Larry Butler: I ask the Leader to invite the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, to come to the House to discuss the development of the new insulation programme in view of the fact that we are going to introduce a carbon tax. I would like to see the Minister developing the scheme much further. There are 6,000 people working in the industry. The Minister was active in pursuing the proposal I made six or seven months ago and got the scheme up and running. While it is working extremely well, it could be developed much further. It would help to make the new carbon tax more acceptable. People would be able to insulate their houses and install new smart equipment which would cut costs very substantially. It would be a great opportunity.

I disagree with the Senator who commented NAMA was driving down the share prices of the banks. That is not true. It is generally accepted that——

Senator Eugene Regan: It was the Minister who drove down the share price.

An Cathaoirleach: Please, no interruptions.

Senator Larry Butler: It is generally accepted for the last two weeks that because of certain policies in the European Union and certain utterances bank shares have gone down in price.

Senator Eugene Regan: I blame the Minister.

Senator Larry Butler: The Minister made it clear that he did not see any reason for holding up NAMA, provided we do our business properly here. I agree with previous speakers that we should tease out the legislation. This is the House in which to do it, as this is where we have the value. I agree with Senator Norris. It is important that it should come before the House.

On social partnership, the one day strike should be called off in view of the fact that the social partners are now involved in talks. It is fair to say that when things were going extremely well, the social partners took all of the good things. It is now time to give a little back. It is important a more responsible approach is adopted.

An Cathaoirleach: Before I call the next speaker, I am sure Members will join me in welcoming the Rt. Hon. Mr. David Hawker, MP, former Speaker of the Australian House of Representatives. On my behalf and that of all my colleagues in Seanad Éireann, I extend a very warm welcome to him and sincere good wishes for a very successful visit.

Senator Nicky McFadden: I would like the Leader to invite the Minister for Health and Children, Deputy Mary Harney, to come to the Seanad. We have been raising the issue of Our Lady's Children's Hospital, Crumlin for a very long time. We all know of the very sad case of baby Joy who has a hole in her heart and narrowing arteries. Yesterday in my clinic I was visited by a mother of six children, whose youngest child, a seven month old baby, has two holes in his heart. His name is Aidan and he is on diuretics because he cannot be given a bed. His operation has been cancelled twice, on the first occasion because there was no bed available and on the second because of swine flu. I appeal to my colleagues to lobby the Minister because I have made several representations but have got nowhere. The level of stress and strain on the family is outrageous. There are five other children in the family. The baby cannot undergo physiotherapy because of the extent of the damage to his heart. I wonder where this is going to end. I have received representations about two babies and I am wondering how many other little children are suffering like this.

The other issue is swine flu. There were numerous debates yesterday on the national airwaves on the roll-out of the vaccine but I find it quite extraordinary that patients are being referred back to their GPs from the clinics when the GPs may not have the vaccine. The HSE has stated the vaccine has been rolled out but two GPs I have been in contact with today still do not have the vaccine, although they are prepared to give it. They have set up their clinics and staff to do so. As patients must wait for 20 minutes after they receive the vaccine, there is a significant logistic process in organising the vaccine. The Minister has remained quiet on the matter. I will not go on about Drogheda as I will leave it to my colleagues.

Senator Camillus Glynn: I strongly support Senator Mary White's comments on suicide. In the last Seanad I was a member of the Oireachtas Joint Committee on Health and Children and part of a sub-committee which compiled a report on the high incidence of suicide in Irish society. It is time we debated that report and there is no point in brushing suicide under the carpet; it is a fact of life.

As a member of the male sex and given that the incidence of suicide among young males is approximately seven times that in young females, I know young men are particularly at risk. This is primarily because young women will go home and speak to Mam or Dad or to a

friend, but Johnny or Pat do not do so and bottle it up instead. Hence, they are prone to adverse consequences.

At some stage we will invite the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to the House. My colleague and I have made such a request with regard to how we carry out elections and the electoral register. There is also a practice in this country, both in public and private car parks, of people parking in disabled persons' parking spaces when they are not entitled to. I see it on a daily basis and it is the lowest form of motoring practice. There is no doubt that the offence should carry penalty points.

It might be more pertinent to the Minister for Transport, Deputy Noel Dempsey, but we must impose very serious sanctions against those people who have the use of their limbs but who deliberately take up a parking space designated for disabled people just because they are too lazy to look for another space. I repeat that it is the lowest form of motoring practice and it must be stamped out.

Senator Dominic Hannigan: I will follow up a point raised by Senator McFadden earlier that is causing great concern to the people in the north east, namely, the outbreak of the C. diff bacteria in Our Lady of Lourdes Hospital in Drogheda. It has already claimed ten victims. Ireland is one of the first countries in the world to put in a notifiable diseases alert for C. diff and it appears that the staff in the hospital are implementing best procedures in the management of the outbreak. They are referring ambulances and GP referrals to other hospitals in Dundalk, Navan and Dublin. They are also asking that people who suffer accidents turn to other hospitals or use their GP services as opposed to going to the hospital in Drogheda.

It is very important to keep this under control and I would like the Leader to raise it with the Minister. If the staff and management of Our Lady of Lourdes Hospital feel they need additional resources to monitor the position and ensure it does not get worse, we should ensure that the Minister will make those resources available.

Senator Jim Walsh: I have listened to many Members express their concern about Friday's planned day of protest and its implications. Will the Leader arrange for a debate on the fiscal challenges that face us? We should concentrate on the macroeconomic issues of the amounts involved, such as the €20 billion wage bill which has gone from €7 billion in 1998, the €21 billion social welfare bill and the remaining amount of €15 billion. That will focus minds on what must be done.

I have read with interest some of the commentary in the newspapers from trade unionists and others. Some of this commentary has been responsible but some is not as responsible. It would not inspire confidence. In that regard, I single out Deputy Seán Sherlock.

Senator Mary M. White: Hear, hear.

Senator Jim Walsh: I extend my compliments to him on displaying a unique show of statesmanship by putting the country first. It was phenomenal and should be recognised. Unfortunately, there is not enough of this from all sides, especially on the Opposition side. We need to put the country first and if we do that, self-interest must take a back seat. Unless we work towards that, we will be in dire straits and will not resuscitate the economy any time soon.

I have a query for the Leader and also perhaps for the Cathoirleach, through the Committee on Procedure and Privileges. One of the proposals I put to a newspaper that surveyed Members recently concerned the whole area of social partnership which served us so well in the 1980s and early 1990s and probably made serious mistakes in the latter part of its term of service. I proposed that relevant persons should come to the Houses and be accountable and open to debate. If we had the ability in this forum to invite trade unionists to make their case reasonably

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and be questioned reasonably, and if we could hear other points of view made, we might have a much more mature approach to addressing the very severe difficulties we now encounter.

Senator Joe O'Reilly: I join Senator Hannigan concerning his remarks about the great problem of C. difficile in Our Lady of Lourdes Hospital in Drogheda. Our hearts must go out to the families of the two deceased people. As a matter of urgency, we need a debate on hygiene in our hospitals, the auditing of it and of staffing levels and investment. The entire area needs investigation and I appeal to the Leader to set aside time for that. People will interpret that as the Seanad responding to an area of great current need.

I wish to raise a distinct issue with the Leader and the House. As we approach the Christmas season the exodus from this country to the North to shop will take further wings and become greater. It is established that at present approximately 250,000 people shop regularly in the North. That number will be added to and it is a very serious problem. In a report yesterday the Drinks Industry Group of Ireland stated 2,000 rural pubs are set to close within the next ten years. That is an enormous issue with regard to local employment and the social structure of rural Ireland. Some 70% of licensed premises have experienced great reductions in their trade over the past five years. Cross-Border shopping has led to a loss of €400 million in revenue to this State in the past year. In my constituency alone there are approximately 300 licensed premises, many of which are rural. Jobs will be lost there. It is extraordinarily serious.

We pay one of the highest rates of taxation on drink in Europe — nine times the EU average. Along with the weakening of sterling *vis-à-vis* the euro, this contributes greatly to the exodus of trade and money from this State. Jobs are at stake and revenue is going. Rather than accruing income, the present VAT position is losing income and this needs radical address in the budget. I ask the Leader for a debate on this issue and that we take it very seriously. Jobs are at issue in the entire Border region and the counties immediately below the Border. I know the Leader comes from that area and I ask him to support this issue.

Senator John Ellis: Problems concerning drugs were mentioned earlier. We are all well aware of the incidents that occurred at the weekend. On a previous occasion I raised the matter of heroin and the fact that 92% of it comes from Afghanistan. In light of the fact the presidential situation has been clarified and President Hamid Karzai has been installed, could we ask the Americans to make it a condition of their significant investment in rebuilding Afghanistan that the poppy industry be put to an end and poppy fields be sprayed as a way of trying to put a stop to global heroin use? This would make a greater contribution than anything else.

Senator Nicky McFadden: Hear, hear.

Senator Rónán Mullen: I was also glad to hear about Deputy Sherlock's comments. I view with concern the move towards strikes and protests. I am thinking of the day of protest on Friday and the day of action on 24 November. An all-party motion in which we would express our concern about this wrong approach to the crisis is necessary. In our statement, we should deplore the effects that the pursuit of selfish or sectoral interests could have on the most vulnerable.

Today, I heard directly about the most vulnerable in our society. I never heard as impassioned a presentation as that of Professor John Monaghan of the Society of St. Vincent de Paul this afternoon. He pointed out that, in terms of food, Ireland is the second most expensive European country, a situation unchanged by deflation. He discussed this point in the context of there being no moral justification for a cut in social welfare or pension payments. He hoped for the reinstatement of the Christmas bonus, which has tended to be used for basics

such as heat, light, food and clothing. The most vulnerable in our society should be the focus in the coming weeks in the lead-up to the budget.

Last week, there was a report on a sad issue relating to children diagnosed with Down's syndrome. In England, more than 90% of such children are aborted. It is sad that, in Ireland, the figure is something like 50%. Professor Fergal Malone of the Rotunda Hospital pointed out that the difference was because children with Down's syndrome are more visible and accepted in our communities here. That is certainly true. Perhaps he should also have pointed out that it owes to legalised abortion being seen as a right in some countries and as a fundamental violation of human rights in others, such as Ireland.

In the run-up to the budget, our primary focus should be on the most vulnerable in society, including families supporting children with disabilities. When it comes to making the right choice, they should always be supported in our laws and budgetary arrangements.

Senator Maurice Cummins: The Lisbon treaty gives the upper houses of parliaments in every member state a role in dealing with legislation on matters relating to Europe, particularly concerning subsidiarity. Perhaps we could debate this issue as I have just learned that the President of the Czech Republic has signed the Lisbon treaty. It can come into effect from 1 January.

Senator Donie Cassidy: That is good.

Senator Maurice Cummins: It is momentous that all member states have indicated that they favour the Lisbon treaty. A debate on the issues relating to this House and its added responsibilities would be apt.

Senator Donie Cassidy: Senators Fitzgerald, O'Toole, Alex White, MacSharry, Coghlan, Ó Murchú, Buttimer, Regan, Callely, McFadden, Hannigan, Hanafin, Walsh and O'Reilly expressed their opinions on matters pertaining to the Order of Business. It is my intention to start the debate on the NAMA legislation at 10.30 a.m. next Monday, with Committee and remaining Stages on Tuesday and Wednesday. The procedure in the House has always been to discuss every section and every line of every Bill. It is our intention to afford as much time as necessary to consider this important Bill. I look forward to the participation of every Senator, as Members will play their part and give of their expertise and experience to the Government where this testing legislation is concerned. We all hope and look forward to NAMA working, turning the economy around, restoring Ireland to its rightful place, putting people back to work and restoring our competitiveness, which is key.

I compliment everyone who played a part in social partnership over the years. I am heartened to hear that talks are ongoing. People can be disappointed, frustrated and annoyed by losing jobs and money in their pay packets, but this matter must be negotiated around the table. I look forward to there being common sense. As far as I can ascertain, everyone wants to play a part, be it on the street, in the workplace or at home. However, I remind the Government that they want to know for how long they must play their parts. Is it for one, two or three years? If possible, there should be a timeframe. Everyone realises the country's difficulties and wants to play a part.

Many Senators expressed strong opinions on the lack of funding at Our Lady's Children's Hospital, Crumlin and the plight of Our Lady of Lourdes Hospital, Drogheda. In recent days, I endeavoured to arrange for the Minister for Health and Children to attend the House this week, but she will be out of the country for the remainder of the week. As a matter of urgency, I intend to bring her to the House the very minute we conclude our deliberations on the National Asset Management Agency Bill next week. I agree with the many concerns raised by

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Senators about emergency operations. One life lost for the sake of money is one life too many. The story of the young person with two holes in their heart would draw a tear from a stone. Every Senator wishes that seriously ill patients be given priority and attended to immediately.

Senators MacSharry, Buttimer, Walsh and Mullen called for a pre-budget debate. Every Senator has already agreed to this and I have given my word that it will occur. I hope that it will be held on the week after the NAMA legislation, which will give us plenty of time ahead of the budget due, as we all know, in the second week of December. All matters pertaining to the economy can be discussed during the debate.

I will forward Senator Coghlan's views to the Minister and make inquiries regarding the legislation on the future lord mayor of Dublin and so on. Senators Glynn and de Búrca called for a debate with the Minister for the Environment, Heritage and Local Government regarding the latter Senator's serious concerns about climate change and the ongoing Copenhagen convention, which we all want to see make progress. The Government intends to play its part. As the Senators stated, legally binding agreements on the serious challenges facing the world would be wonderful.

Senators called for a debate on the Dublin Docklands Development Authority, DDDA. I will do my utmost to determine whether that is possible.

Senator Glynn referred to people who park in disabled spots, but dealing with them is simple. All a disabled driver needs to do is park his or her car outside the spot and leave it there until he or she has finished shopping. If the other driver must wait an hour or two, he or she will learn not to park there anymore. This conduct is unfair. People are generally generous in helping those who are less fortunate and it is only the few who give a bad impression. They should not be allowed to continue doing so. I agree with the Senator that there should be severe penalties for doing so.

I will pass Senator Norris's strong views along and inquire of the Minister for Foreign Affairs about the person arrested on 28 October.

Senators Norris and Hanafin referred to Shell to Sea and planning concerns. Senator Hanafin spoke about the huge opportunity provided by the considerable gas find off the coast of County Mayo. We look forward to gas being brought ashore at the earliest possible time.

As Leader of the House, I join Senators in congratulating everyone involved in Trinity College, Dublin on the breakthrough in dealing with the terrible scourge of cancer. We all heard the wonderful news on television last night and I congratulate wholeheartedly all those involved. I look forward to this breakthrough helping millions in the years to come.

Senator Ó Murchú welcomed the huge increase in consumer confidence. The latest report is a ray of hope and indicates the earliest stages of the green shoots in a return to economic growth. I hope that, with the increase in consumer confidence, unemployment will decline. Like the Senator, I congratulate those in the media who have helped to bring this report to the attention of the people.

Senators Mary White and Glynn called for a debate on the alarming CSO figures for those who took their lives in the first three months of the year and the large increase in the number self-harming. I will have no difficulty in having this issue debated in the House.

Senator Bacik called for a debate on No. 32 on the Order Paper, a motion on the participation of women in politics. I understand the Joint Committee on the Constitution will discuss the issue tomorrow. Some 20% of the Members of this House are ladies. I remember in the 2002 general election——

Senator Ivana Bacik: It is women, not ladies.

Senator Donie Cassidy: —that there were seven candidates in County Westmeath — three men and four ladies — but the three men were elected on that occasion. As we all know, it is up to the electorate to elect the best person.

Senator Ivana Bacik: On a point of order, it is women, rather than ladies.

An Cathaoirleach: The Leader to continue his reply on the Order of Business.

Senator Donie Cassidy: Women, if the Senator so wishes.

Senator Ivana Bacik: Will the Leader allow time for a debate on the report?

Senator Donie Cassidy: I refer to the issue of the bus gate which Senator Bacik highlighted. The damage it is doing to business in the city centre is appalling. Trade in some stores is down by 50%. The issue must be addressed as a matter of urgency. I thank all those who are trying to deal with the difficulties traders are experiencing. If something is not done, many shops in the area will be closed in January and February, not just one or two. I confess the bus gate is working very well for passengers and others but we do not want to see that part of town become a wilderness. That would not be fair or right.

Senator Hanafin called for a debate on innovation. I will have no difficulty in allocating time for such a debate.

Senators Callely and Quinn referred to illegal substances, called for a debate on counterfeit medicines and congratulated the Garda Síochána on last week's huge find of illegal cigarettes. We all congratulate the Garda Síochána and everyone involved in the find. I will have no difficulty in allocating time for a debate on the issues raised.

Senator Buttimer called on the Minister for Communications, Energy and Natural Resources to come to the House to debate the insulation programme. I have no difficulty with such a debate taking place.

Senator O'Reilly referred to people travelling to the North to shop and the challenges facing the hotel and licensed vintners sectors. I will have no difficulty in allocating time for such a debate.

Senator Ellis called for a debate on the scourge of heroin, the difficulties many families are experiencing and the huge challenge our society faces as a result of the abuse of this dreadful drug. I will certainly pass on the Senator's strong views to the Minister for Foreign Affairs after the Order of Business.

Senator Mullen and others congratulated the Society of St. Vincent de Paul on the great work it is doing and has done over many decades. Some colleagues were alarmed by its pre-budget submission made today. To say it was an eye opener would be an understatement. The Society of St. Vincent de Paul is at the coalface and knows what is happening in families and elsewhere. We will support it in any way we can at this very difficult time.

Senator Cummins called for a debate on EU legislation. Now that the 27 member states will sign the Lisbon treaty, I will have no difficulty allocating time for such a debate. Seanad Éireann could play a meaningful role in the scrutiny of EU legislation. The 27 member states will have eight weeks to deliberate on proposals. I intend to bring all proposals made to the House fortnightly, if possible, in order that we can assist the relevant Minister and the Government in teasing them out to determine Ireland's position.

Order of Business agreed to.

Developments in Northern Ireland: Statements.

Minister for Foreign Affairs (Deputy Micheál Martin): I am pleased to have the opportunity to address the House on Northern Ireland matters.

As the Taoiseach indicated when he appeared before this House in July, it is important to acknowledge our collective achievements in bringing peace to this island while also guarding against complacency. At the heart of everything we have achieved, as well as our current work and all that we hope to do, is the Good Friday Agreement. The Taoiseach has described it aptly as the “bedrock of our peace”. It is as relevant and necessary in Northern Ireland today as it was in 1998.

The genius of the Good Friday Agreement, supplemented by the St. Andrews Agreement, is that it addresses all of the essential relationships and elements required, not only to bring the conflict to an end, but also to build sustainable, permanent peace and reconciliation in Northern Ireland and on these islands. It provides us with a forward looking, future-oriented agenda and the necessary framework to achieve it.

The consolidation of our peace requires that all of the elements be respected and implemented. The story of the past ten years has been a case of, to coin a phrase, “Much done, more to do”. If we are honest, we must acknowledge we have wasted too much time and lost too much momentum over the past decade in debates about preconditions and sequencing. We need to work together to realise the full implementation of the Agreement across the board. The balanced progressive implementation of all aspects of the Agreement is the best way to complete the journey from conflict to a shared future of permanent peace and reconciliation.

The Government, together with the British Government, is a guarantor of the Agreement. We are conscious of our responsibility in ensuring that the full promise of the Agreement is realised and we are continuing to work hard to achieve its full and effective implementation. This responsibility is both serious and shared. However, the political parties in Northern Ireland also have a fundamental and indispensable role to play in the implementation of the Agreement. This role is of particular importance in the many areas where powers have been devolved to the Assembly. Here the Governments can act as influencers, supporters and persuaders but it is the parties in the Assembly and the Executive who must develop proposals, engage others in debate on them and reach agreement. I urge all parties to live up to their responsibilities in this regard.

At the core of the Agreement is a commitment to partnership, equality and mutual respect. This commitment is manifested in the institutions of the Agreement — the Northern Ireland Assembly and Executive, the North-South Ministerial Council and the British Irish Council.

The Assembly and the Executive were established with power-sharing as their core principle. They are a vital to ensuring that all sides of the community can have trust and confidence in the system of devolved government. Given Northern Ireland’s past, the significance and centrality of the system of joint decision-making which is now in place cannot be overestimated and should not be taken for granted. In many cases this system is neither easy nor straightforward. Political partnerships of all kinds require work. A power-sharing coalition between parties from different traditions with different aspirations is very challenging but it is not impossible and it is worth the effort. The key ingredients are the political will and leadership required to make it work. Power-sharing and devolution is in the best interests of Northern Ireland and its people. It is this system which they voted for in 1998 and it is the resulting democratic legitimacy which keeps everyone on track when times are politically fraught and differences seem unbridgeable.

It is worth noting that the most immediate challenges facing Northern Ireland are not issues which divide people along Nationalist and Unionist lines, rather it is the everyday political challenges of delivery that face the Executive and Assembly — questions which politicians in every parliament face — and for which the people of Northern Ireland look to the Assembly for answers. I refer to questions such as how to attract investment and increase employment, how to develop transport infrastructures, and how to ensure that people feel safe and secure in their homes and neighbourhoods. These are the questions that the political leaders of Northern Ireland can and must answer together for the benefit of all their constituents.

The establishment of devolved institutions within Northern Ireland was a major achievement. Their consolidation will require the Assembly and the Executive to demonstrate that it can sustain the delivery of tangible outcomes for the benefit of all the people of Northern Ireland.

Ten years after the Patten report, it is evident that significant advances have been made in transforming policing in Northern Ireland and in creating a service which is representative of the people and trusted by people from all sections of the community.

The former Chief Constable, Hugh Orde, did tremendous work in this regard and I take the opportunity today to commend him for it. I also want to wish every success to the new Chief Constable, Matt Baggott, who comes to Northern Ireland with an excellent reputation in terms of his commitment to effective community policing. The devolution of policing and justice powers is important in its own right but also as a statement of what Northern Ireland is and how far it has come. It is a statement to those small few on the extremes still intent on division and violence to say that we will not be dragged backwards and are resolute in moving forward. It is also important to demonstrate to the wider world that Northern Ireland is a politically stable place with a normal policing and security infrastructure. The vital importance of political stability in attracting investment has been emphasised in recent weeks by the United States Secretary of State, Hillary Clinton, and by her special economic envoy to Northern Ireland, Declan Kelly.

Many of the preparations for the transfer of policing and justice powers from Westminster to Stormont are well advanced. I welcome the agreement reached recently on a significant financial package for devolution and I commend Prime Minister, Gordon Brown, and Secretary of State, Shaun Woodward, for their hard work and the long hours committed to securing this outcome. The financial package provides a robust basis to move forward. I urge all the parties in Northern Ireland to work together to ensure that the transfer of these powers takes place as soon as possible. The progress made in building cross-community support for policing and justice must be consolidated and built on now and the completion of the devolution of policing and justice is the best way to do this.

It is also important not to lose sight of the significant work that needs to be done at a societal level. We must be honest about the scale of the work needed to create a truly shared and reconciled society in Northern Ireland. It may be the work of several generations to successfully tackle sectarianism and build lasting reconciliation but we need to make progress now and build on it every day. There is an important and continuing role for those at community level but there is also responsibility at political level to set an example and for political leaders to challenge attitudes and prejudices within their own communities. Throughout the Government in Northern Ireland there is a need to develop strategies in support of a shared and better future in Northern Ireland. I encourage the Executive to take the lead and to agree to publish a comprehensive strategy to promote reconciliation.

Parades remain one of the most difficult issues on the road to a shared future. The issue of parading is of fundamental importance to both communities in Northern Ireland. It raises deep and sensitive emotions related to self esteem and mutual respect. In the past decade, the

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contention around parading has been reduced, with much of the progress due to the work of the Parades Commission, together with local engagement and effective leadership at community level. Unfortunately, several parades retain the potential to destabilise the situation each summer.

Parades need to be addressed in a mutually respectful way, acknowledging the importance of the interlocking issues of rights and responsibilities on all sides. Solutions can neither be imposed nor dictated and should not be demanded as a prerequisite for progress in other areas of the Agreement, nor can they be presented as a win for one community over the other. The parading issue can best be dealt with by full and ongoing engagement by the parties in Northern Ireland and at community and local level. Leadership and compromise will be required to arrive at agreement on any improved framework for managing parades. It is essential that as we seek to move to a better future we do not leave behind those who have suffered most in the past. We have an obligation to those who suffered most as a result of the conflict and we have an obligation to try to heal wider society. The question of how to respond to the difficult outstanding issues from the Troubles was examined in detail by the Eames-Bradley Consultative Group on the past, which reported to the British Government earlier this year. The Government is working closely with its British counterpart to consider how the recommendations might be taken forward. Much work has already been done to develop our understanding of the past. The two Governments agreed at Weston Park in 2001 to the establishment of inquiries in certain important and representative cases.

Inquiries into the deaths of Robert Hamill, Rosemary Nelson and Billy Wright are well advanced. In this jurisdiction, the Smithwick inquiry into the murders of RUC officers Harry Breen and Bob Buchanan is also well underway. As the House is aware, the promised inquiry into the death of Pat Finucane has not been established by the British Government. I reiterate the Government's view that a proper, independent inquiry should be established, as recommended by Judge Cory.

We await also the publication of the report of the Saville inquiry into the events of Bloody Sunday. The long delay between the closing of the public phase and drafting the report has been difficult on the families. It had been hoped that the report would be published before Christmas but it now seems that it will be further delayed until March next year. The Government continues to urge the British authorities to do all they can to ensure the needs of the families are respected and the report is published as soon as possible. Looking back at the scars and divisions of the past is difficult and raises many sensitivities. However, the best way we can honour the dead and serve the living is through building a peace which respects the suffering of the past and which contributes to the construction of a better future for everyone on these islands.

In the Agreement the parties dedicated themselves "to the achievement of reconciliation, tolerance and mutual trust, and to the protection and vindication of the human rights of all". These principles are reflected in two important institutions which that agreement created within Northern Ireland, an equality commission and a human rights commission. It is important to acknowledge what these organisations represent. They are a statement that Northern Ireland has learned important lessons from its past and has put in place structures to ensure previous mistakes and injustices are not repeated. The commissions continue to have great relevance in promoting and protecting rights and equality of opportunity in Northern Ireland. It is incumbent on all of us to work actively in support of their important work.

One significant piece of unfinished work in this area is the Bill of Rights for Northern Ireland. This is not a question of British rights, Irish rights, or even Northern Irish rights. Still less is it about orange rights or green rights. What is needed is a statement of universal rights specific

to the present and historical context of Northern Ireland. Such a Bill of Rights is necessary to underpin the foundations of mutual respect and parity of esteem which are essential to stability and progress in Northern Ireland. The work of the Bill of Rights Forum and the Northern Ireland Human Rights Commission have advanced our understanding of the issues related to a Bill of Rights. We look forward to the British Government's consultation paper on this issue in the coming weeks. I emphasise the Government's commitment to seeing this important part of the Agreement implemented and I urge all parties in Northern Ireland to engage constructively with the consultation process.

The promotion and protection of the Irish language remains a priority for the Government. We will continue to support Foras na Gaeilge, the North-South implementation body charged with promoting the language on an all-island basis, and to ensure its continued effective operation.

The Government will also continue to press for the full implementation of Good Friday Agreement commitments relating to the Irish language which fall to the British Government and the Northern Ireland Executive, including the introduction of an Irish language Act and the enhancement of the Irish language in Northern Ireland. I encourage all parties in Northern Ireland to take a fresh look at the Irish language issue. While the language is a valid expression of Irish identity, it should not be seen as the exclusive preserve of one community. The Irish language forms part of the very landscape of our island. It is reflected in the names of mountains and rivers, towns and villages, roads and streets throughout Northern Ireland, as well as in the names of many of its people from both traditions. I encourage all with an interest in the culture and history of their home place to view it as an integral and treasured part of that rich and diverse cultural heritage. In the same spirit, the Government is pleased to support the Ulster Scots Agency in its important work and to promote and celebrate the Ulster Scots tradition on both sides of the Border.

The balanced progressive implementation of all aspects of the Agreement requires the North-South and East-West institutions to reach their full potential as well. Since the restoration of the devolved institutions the British-Irish Council has once again begun to operate as initially intended with representation from all the Administrations on these islands. For its part, the Government is fully committed to engaging constructively within this framework to the mutual benefit of all the peoples of these islands.

In terms of the North-South relationship, I am pleased to say we are increasing all-island co-operation through the North-South Ministerial Council, with a busy programme of ministerial meetings agreed for the months ahead. In addition to four plenary meetings of the council since restoration of the Northern Ireland institutions in May 2007, there have also been some 44 ministerial meetings. Each of these has included Northern Ministers from both nationalist and unionist backgrounds, as well as their Government counterparts. Cross-Border engagement is now a regular feature of ministerial life North and South. We are putting our shoulders to the wheel, delivering substantial initiatives designed to improve the lives of all those we represent, North and South, and to develop our all-island economy. This is the basis for the Government commitment to help upgrade the A5 road to Derry and Letterkenny and the A8 road from Belfast to Larne. It is what underpins our support for Project Kelvin, a €30 million cross-Border initiative, being taken forward with the European Union, to provide high-speed and low-cost broadband to the north west and surrounding areas.

Current economic difficulties compel us to intensify our efforts in the area of North-South co-operation and examine where economies of scale can be achieved by planning, investing and providing services on a cross-Border basis. We have made a good start in this area. For example, patients in certain Border areas can now access general practitioner and cancer

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services in the other jurisdiction. However, there is more we can do to provide better and more accessible public services. We will continue to intensify the North-South programme of work and identify new areas where closer co-operation can bring tangible benefits, economic and social, to people on both sides of the Border. There is more work to be done on North-South institutions. The North South Parliamentary Forum and the North South Consultative Forum remain works in progress and must be advanced to completion.

I express my thanks to all the Members of the House from all parties and none who have throughout the years played a very constructive role in respect of the peace process. I look forward to the continued advice and support of the House in the work that has yet to be done as we work to achieve the full promise of the Agreement and a better and shared future for all on this island.

Senator Maurice Cummins: I welcome the Minister. Before discussing matters pertaining to Northern Ireland, it is appropriate to mention that President Vaclav Klaus has signed the Lisbon treaty into being in the Czech Republic. I am sure all Members will welcome the coming into being at last of the Lisbon treaty in the near future.

I thank the Minister for his comments on Northern Ireland. This debate was listed on the Order Paper as statements on developments in Northern Ireland and consequently it covered a wide range of issues. Members were unsure as to what precisely would be discussed. However, the workings of the Good Friday Agreement should be discussed in this House and I regret to note this is the first time Members have had an opportunity to speak in this House on the North-South Ministerial Council and the North-South institutions. I firmly believe the Seanad should be used to debate the conclusions of meetings of the North-South Ministerial Council as it is an ideal forum in which to have such debates and discussions. The Oireachtas should be informed fully of what goes on at such meetings on a regular basis. The Minister should arrange for this to happen on a more regular basis. As I noted, this is the first time Members have discussed what goes on at North-South Ministerial Council meetings, which is a matter I intend to address.

Certainly, as the Minister noted, the establishment of a devolved parliament in Northern Ireland has allowed politicians to deal with the ordinary business of political life on items such as the economy, tourism, law and order and all the other matters with which any government must deal. I welcome the progress that has been made in this regard. The Minister also noted that the parades issue continues to be a problem, which undoubtedly is the case. This issue must be addressed by full engagement from all sides and tolerance and a recognition of the concerns of each side should be paramount at all times when trying to reach agreement on this issue, which has caused so many problems through the years.

I recently read the communiqué on the most recent plenary session of the North-South Ministerial Council, which discussed issues of great importance in respect of co-operation between North and South. It spoke of the close co-operation on the recent outbreak of swine flu, which is an issue that affects the entire island of Ireland. It also spoke of the framework for the removal of waste that was illegally dumped in Northern Ireland and significant progress has been made in this regard. There also has been progress on the introduction of mutual recognition of driving disqualifications and a co-ordinated approach on the introduction of lower blood alcohol limits. The latter certainly is an item that has taken up a considerable amount of time in recent weeks. It is a matter that, particularly in respect of penalty points and driver disqualifications, should be addressed by the North-South Ministerial Council. Moreover, I suggest that agreement on this issue should be possible in the near future. The council also discussed the important subject of intensified co-operation in respect of child protection

and Internet safety. In addition, progress was made on suicide prevention, including proposals for revised media guidelines to incorporate advice on new technologies, including Internet-related suicides.

The development of a draft all-Ireland animal health and welfare strategy also was discussed and progress was made on co-operation in this regard. In addition, a joint programme of research has been commissioned by the Loughs Agency for the development of a European-wide research programme on the use of genetic techniques to identify the origins of salmon caught at sea. This is another area which is highly important for fishermen and the marine community on an all-Ireland basis. Education and approaches to the integration of newcomer children in schools also has been discussed by the North-South Ministerial Council and continued co-operation is ongoing in this regard. Tourism is a major issue on which there has been considerable co-operation in the recent past and early decisions are required on the achievement of efficiency savings in the business plans of the North-South bodies and Tourism Ireland.

As for the impact of cutbacks in the South on the North-South Ministerial Council, the Minister should state whether cutbacks that may impinge on the council and associated structures will be communicated to Oireachtas Éireann before being discussed by, or communicated to, the Northern Ireland Executive. Members of the Oireachtas must be informed of matters that will affect the North-South Ministerial Council. The council's 13th conclusion welcomed "the establishment of two working groups, by the Oireachtas and the Northern Ireland Assembly respectively, to progress discussions on the establishment of a North South Parliamentary Forum". I have concerns regarding what I consider to be——

An Leas-Chathaoirleach: The Senator has one minute.

Senator Maurice Cummins: Is that all? I have only started. I have concerns regarding the quangoisation of North-South relations. I fear that bodies have been created without concern for either value for money or proper public scrutiny. Such bodies were created in more financially extravagant times and both value for money and a focus on proper public scrutiny are required in the Oireachtas and the Northern Ireland Assembly.

I wish to turn to the issue of violence within Northern Ireland. There is relief that the brutal murders of Sappers Patrick Azimkar and Mark Quinsey from London and Birmingham, respectively, as well as that of Police Constable Stephen Carroll in Craigavon, have not marked the beginning of a new campaign of violence. However, I note the comments of Deputy Chief Constable Judith Gillespie that dissident republican groups pose a severe and increasing threat. She stated "we are obviously very concerned at the level of threat and it behoves us...to work together". The issue of law and order and co-operation to tackle dissidents is extremely important. In addition, it is feared that dissident republicans were linked to or were behind the recent importation of 120 million cigarettes near Dundalk. I know of smokers who buy their cigarettes for half the price that obtains in shops. Such people need to be made aware that such cigarettes——

An Leas-Chathaoirleach: I ask the Senator to conclude.

Senator Maurice Cummins: —— may be funding dissident terrorist groups. This message must go out to people.

Fine Gael believes in the importance of achieving devolved policing in Northern Ireland. It understands the sensitivities but appeals to all sides to avoid sectional interests in this regard. Certainly, Fine Gael in government will look forward to working with a Northern Ireland Executive that includes a Minister with responsibility for devolved policing.

An Leas-Chathaoirleach: I ask Senator Cummins to conclude.

Senator Maurice Cummins: I conclude by welcoming the statement from the INLA that it has ended what it calls the armed struggle. However, I note it has not decommissioned its weapons and made no mention of that. As for remaining non-decommissioned weapons, the threat and risk remains because for as long as there are guns in the system, a risk exists. This option must be closed off definitively and absolutely and the INLA should decommission its weapons. While I welcome its statement, one must be on one's guard at all times regarding the risk posed by the remaining dissident republican groups.

Senator Donie Cassidy: I welcome the Minister and take this opportunity, as Leader, to congratulate him for all he did for the safe return of Sharon Commins and her friend. I wish the Minister well, along with GOAL and all those who worked hard on this matter. I also wish the Minister well with regard to Father Sinnott. We all hope and pray that he will return to his congregation and his family in the not too distant future.

I have served with many eminent Members of the House from Northern Ireland. The first Deputy First Minister, Seamus Mallon, was a Member of this House in 1982, as were former Senators John Robb, Brid Rodgers, Gordon Wilson — who we all loved and respected — Edward Haughey, Maurice Hayes and Sam McAughtry. All made an immense contribution over the past 28 years. As a member of the Joint Committee on the Implementation of the Good Friday Agreement and the British-Irish Council, it is great to see the Minister of Foreign Affairs in this House to listen to the statements of Members on Northern Ireland.

It is important to recognise the progress made in recent years in Northern Ireland and that the institutions of the Good Friday Agreement are becoming firmly embedded. Northern Ireland is experiencing a period of sustained stability and promise but there is more to be done. Since the restoration of the institutions in 2007, the Executive and the Assembly have been dealing with the day-to-day issues of Government and representing the needs of all the people of Northern Ireland. Responsibility for jobs, health care, transport and education now lies with the Executive. This is an important step in normalising Northern Ireland's society. It is our sincere hope that policing and justice powers will also be devolved shortly.

As the Minister outlined to the House, elements of the Good Friday Agreement and the commitments made at St. Andrews remains outstanding. It is vital that we step up our efforts to ensure these are implemented.

I draw to the attention of the House to the need for an Irish language Act for Northern Ireland. The British Government committed to an Irish language Act at St. Andrews. This is now a devolved matter, dealt with by the Executive and the Minister of Culture, Arts and Leisure. An Irish language Act will provide a meaningful framework for the Irish language in Northern Ireland. Irish is part of our living culture as well as an integrated part of our shared history. An Irish language Act will ensure that it is part of our shared future, for all to appreciate and enjoy.

The Minister has spoken about the importance of relationships and, as parliamentarians, we have a significant role to play. At the East-West level the British-Irish Parliamentary Assembly, which just met for the 38th time, goes from strength to strength. A good relationship between Ireland and Britain remains essential to the stability of Northern Ireland but the relationship has grown so much beyond that. The assembly has played an important part in helping to develop and deepen relations on an East-West basis and foster co-operation, collegiality and camaraderie. The participation of representatives from the DUP and UUP at the assembly is particularly welcome and is a further sign of how far we have come. When we met, we meet as equals with the aim of improving relations and opening new channels of communication.

Considering the North-South dimension, I am pleased the Joint Committee on the Implementation of the Good Friday Agreement has been up and running for almost two years and has made a valuable contribution. I am mindful that Members of the Oireachtas are tasked, along with our colleagues in the Assembly, with making progress towards a North-South parliamentary forum and I look forward to further positive developments in this regard. In these economically challenging times, effective North-South co-operation is crucial. It is heartening that, through the North-South Ministerial Council, the Government is co-operating with the Executive to deliver effective services for people on both sides of the Border. There is great scope for further co-operation on a North-South basis. The potential to deliver services and efficiencies is immense.

Colleagues on all sides of the House, but particularly Fianna Fáil Members, are strongly of the view that, as expressed in our submission for Seanad reform, we should examine the possibility of entering an arrangement with the Northern legislative Assembly, whereby the Assembly and Seanad Éireann would exchange the right of audience of up to ten members of each of the sittings. This would involve the right of audience with no voting rights. I endorse that and look forward to the day when colleagues from the Executive will address this House and *vice versa*.

One of the most heartening appointments Barack Obama made was the appointment of Senator Hillary Clinton as the United States Secretary of State. She will be the person representing America in Northern Ireland. The Secretary of State visited Dublin and Belfast on 11 and 12 October. Secretary Of State Clinton met the President, the Taoiseach and the Minister for Foreign Affairs in Dublin. In Belfast she met the First Minister and Deputy First Minister, delivered an address to the Assembly, officially reopened the city hall and spoke at a business event at Queen's University. In her speech to the Assembly, she urged the parties to move forward with the devolution process and reminded the Assembly of its duties to lead Northern Ireland responsibly. She drew particular attention to the link between peaceful stability and economic development and reiterated the commitment of the United States Administration to Northern Ireland. I look forward to the day when we will see Senator Clinton addressing this House on matters of importance for North-South, the Good Friday Agreement and the British-Irish Council. In my lifetime as a Member of this House, outside of the membership of Dáil Eireann and Seanad Éireann no one has done more for the peace initiative in Ireland than former US President, Mr. Clinton. I look forward to the Secretary of State playing a role in the meaningful way in which the Clintons have been accustomed to doing. I reassure the Minister of the support of Seanad Éireann in seeking to ensure the full and effective implementation of the Good Friday Agreement.

Senator Feargal Quinn: I wish to share time with Senator Mullen. I welcome the Minister and I welcome his words. I regard myself as the only northern representative here. My mother came from County Armagh, my father came from County Down, they met in Dun Laoghaire and I was born in Dublin. Those who live far from the Border think of the North as a different country. I will exclude the Minister for Foreign Affairs, Deputy Martin, from this. On one occasion I went shopping for a wedding present in Dublin with a Limerick person. I suggested getting some Irish linen but she said that this was from the North and suggested buying some of our own. She has suffered for this remark ever since every time I remind her of what she said. I say this because someone referred to those leaving this country to shop up North. It was a slip of the tongue but we become partitionist the further away from the North we live and the more we regard shopping in Newry as being disloyal to the country. I regard Newry and Dundalk as being in the same country. We must ensure we solve the problem by reducing our costs, getting the economy right and watching how we handle the matter, not by systems under which we regard shopping in the North as something of which we should be ashamed.

[Senator Feargal Quinn.]

On another occasion here I mentioned being in Dundalk when a shop in which I was involved was closing. I asked some of the butchers there where they were going to get work and they said they did not know. I stated they could go across the Border, to which they replied their pay was one third of what they could earn there. This is a reminder of how much higher our costs are than in the North, which explains to a very large extent why Northern prices are so much lower than here. Earlier today Senator Mullen stated the Society of St. Vincent de Paul had stated we had the second highest food prices in Europe. We must become more competitive as that is how we will solve the problem.

Some take for granted the peace and stability achieved in the North. However, they are very fragile. Recently I read that the man thought to be the UDA brigadier in north Antrim and Derry had admitted that the dissident republican killings at Massereene barracks and the murder of Constable Stephen Carroll, to which Senator Cummins referred, had placed considerable strain on the loyalist organisations' ceasefire. Another leading loyalist from north Antrim stated the Deputy First Minister, Martin McGuinness's statement that the murderers were traitors to the island of Ireland had helped to stop an escalation of the violence. Let us remember that violence is never far away and that even in our economic circumstances we should do our utmost to support peace in the North. The Minister has done so today by reminding us of the work taking place.

I was also reminded of the Patten commission and what it did. Senator Cassidy spoke about the various former Northern Members of the House, one of whom was Maurice Hayes who worked with the Patten commission which established the Police Service of Northern Ireland. What a change has taken place. The viewpoint of both communities was that the RUC was a sectarian force. Now, they look on the PSNI as something they are much more likely to recognise as a fair, moderate and even-handed police force.

I would love if we in the South and Northern Ireland could be encouraged to join the Schengen travel arrangements. It would not be easy for us to do so on our own but the benefits would be large. It appears that one needs, if not a passport, then photo identification to travel from Northern Ireland to the island of Britain. On that basis, it seems it would be quite easy for Northern Ireland and us in the South to work together to join the Schengen travel arrangements and give both sides the benefit of being able to travel throughout Europe without needing a passport in going from one country to another. I urge the Minister to consider putting this matter on the agenda and see whether we can coax Northern Ireland to do the same.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire agus tréaslaím leis as ucht an dea-obair a rinne sé, go háirithe i gcás saorú na hoibríthe deonacha le Goal le déanaí. Táimid uilig ag iarraidh agus ag súil go mbeidh toradh chomh dearfach le fáil i gcás an Athair Sinnott.

Tá áthas orm faoin méid adúirt an Aire maidir leis an Ghaeilge. Aontaím go huile agus go hiomlán leis chomh fada agus a bhaineann sé le obair Fhoras na Gaeilge. Tá sé an-tábhachtach go n-amharcfar ar an Ghaeilge mar oidhreacht gach duine sa tír, idir Caitliceach agus Protastúnach, Náisiúnaithe agus Aondachtóirí agus is cóir don Rialtas aon rud ar féidir leis a dhéanamh chun sin a chur chun cinn. Is cuimhin liom nuair a bhí mé san ollscoil agus i ndiaidh sin gur minic a raibh daoine diúltach faoin Ghaeilge mar go ndearna siad nasc intleachtúil idir an Ghaeilge agus cúrsaí poblachtánachais agus míleata. Tá sé an-tábhachtach go ndéanann muid uilig ár seacht ndícheall chun a cinntiú go n-amharcfar ar an Ghaeilge mar acmhainn chultúrtha, shaibhir ar léi an tír ar fad í, ó Thuaidh agus ó Dheas.

Aontaím chomh maith leis an méid adúirt mo chomhleacaí an Seanadóir Quinn faoi siopa-dóireacht sa Tuaisceart. I am often very surprised at the implication that the practice of going shopping in the North in response to the economic crisis is somehow less than patriotic. We

need to view our economic well-being on an all-Ireland basis. I did not have time to check this because it was Senator Quinn's comments that prompted the reflection, but I seem to remember rather unfortunate comments being made by some who would have regarded themselves as Nationalists about Austin Curry when he was a candidate for the Presidency of Ireland, that he should go back to where he had come from. This reflected the contradictions in the minds of some when they have not fully thought through a positive nationalism for themselves.

I welcome the Minister's statement that he is looking forward in the coming weeks to the British Government's consultation paper on a Bill of Rights for Northern Ireland. Does he consider the British Government is stalling on the issue? Does he believe there will be progress? The public consultation document will bring the United Kingdom closer to fulfilling its commitments to introduce legislation under the Belfast-Good Friday Agreement. Is the Minister concerned about this process, given that no legislation is scheduled to be introduced at Westminster prior to the dissolution of Parliament?

Is the Minister concerned about the process of creating a Bill of Rights for Northern Ireland if there is change of Government in the United Kingdom? It is known that the Conservative Party supports a UK Bill of Rights, whereas the Labour Party supports a distinct Bill for Northern Ireland. Given that 83% of people in Northern Ireland believe it is important that Northern Ireland has its own Bill of Rights and that the Human Rights Act 1998 is operative in Northern Ireland, it is important that there be a Bill of Rights particular to Northern Ireland. That is the type of Bill that should be promulgated considering the recent traumatic history of our neighbours.

The caveat I insert is that any proposed Bill should remain faithful to the important international rights instruments comprising the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. However, it is important to have a localisation of international human rights precisely because it is such an important part of normalising political and cultural discourse in Northern Ireland and because of the normative influence such a Bill of Rights would have in championing authentic cultural and human rights. I state this because I am quite conscious that sometimes the concepts of rights and human rights are abused and that one ends up with people taking liberties with authentic human rights in the name of human rights.

Senator Dan Boyle: I welcome the Minister. It is interesting to receive an update and have a discussion on developments in Northern Ireland, particularly on standing agreements. This House has been spoken about and has spoken to itself about its future function. One of the functions that has been strongly mooted is a stronger role in Northern Ireland affairs, not only in assessing the ongoing political situation but also in having identified roles. Senator O'Toole has mentioned how we lack a direct link between the British-Irish Council and this Parliament. In much the same way as we seek interaction with members of the Cabinet after European Council meetings there could and should be a role for this House in respect of ministerial meetings of the British-Irish Council. I put that to the Minister for his consideration.

There have been many positive developments which the Minister outlined in his speech. All Members of the House take succour in the fact that the process is in a relatively healthy state and is going in the right direction, especially the further moves in decommissioning by the INLA and the move by the UDA towards finally getting rid of the gun in Northern Irish politics. This is something that all right-thinking democrats on this island should welcome.

The further progress of the peace process depends on the development of the three strands of the Good Friday Agreement and the St. Andrews Agreement. The most important relationships are those within Northern Ireland. The publication in September of the Department of Justice Bill is an important final piece of the jigsaw in bringing about a fully functioning

[Senator Dan Boyle.]

Northern Ireland Assembly. We would all like to see that legislation placed on the Statute Book as quickly as possible.

Those of us who have had the opportunity of visiting Stormont regularly — my party is an all-island party and we have one member of the Northern Ireland Assembly — are struck by the fact that in Stormont there used to be a Northern Ireland Senate. This was removed when the former Northern Ireland Parliament was removed in 1972 and is now used as the main committee room of the Northern Ireland Assembly. It is one of the more poignant aspects of the Stormont building that there is a plaque outside it dedicated to the memory of two members of that Senate who were killed as part of the ongoing conflict. A Member of this House, Senator Billy Fox, also suffered in the same way. We should never forget those who committed themselves to public life and paid the ultimate price.

The addition of Unionist parties to the British-Irish Parliamentary Assembly, formerly the British-Irish Inter-Parliamentary Body, in the last number of meetings is welcome. The presence of DUP and UUP members ensures the body has a full complement. It was interesting that at the last meeting, which was held a number of weeks ago in Swansea, there was a presentation from the Northern Ireland Human Rights Commission headed by Monica McWilliams. Following on from the comments made by Senator Mullen, it is important that this aspect of the Good Friday Agreement and St. Andrews Agreement is also followed through because we need not only a rights Bill in Northern Ireland but also a charter of rights such as was envisaged in those agreements so that we can have a consistent approach to rights across this island. Our own Irish Human Rights Commission must continue to work in parallel with this body and must be given the necessary resources to carry out its work.

The final aspect of developing relationships and maintaining progress on the peace process is the North-South element. I mentioned already that this House could be more involved in the British-Irish Council. The Office of the Ceann Comhairle and the Speaker of the Northern Ireland Assembly have been making progress on the idea of a parliamentary assembly between Northern Ireland and the Houses of the Oireachtas. We should encourage that work to be completed as soon as possible because it is an important part of the jigsaw which has so far been left hanging. If we have as many opportunities as possible to interact with those from Northern Ireland and discuss and develop common areas of policy, the tragedy that was Northern Ireland for 30 years can finally be confined to the pages of history books.

Senator Alex White: I wish to share time with Senator Pearse Doherty.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Alex White: I welcome this opportunity for a discussion on developments in Northern Ireland and welcome the Minister. Much of his speech could not be disagreed with. It was a reasonable summary of what has happened to date, the position on the institutions, policing and justice, and other areas of controversy that are slowly but surely winding their way towards resolution. I agree with the Minister's comments welcoming the progress on policing and justice within the last couple of weeks. The so-called Gordon Brown package seems to represent considerable progress. I welcome the fact that the position of the Irish Government is as strong and robust as ever in demanding an inquiry into the death of Pat Finucane. I am glad to see the Minister is maintaining the pressure in so far as it can have any effect and can bring about the outcome we all want to see in that regard.

Like other speakers, I would like to see Members of both Houses engaging on a more practical, everyday level with our counterparts in the North on the issues that preoccupy people both here and in the northern part of the country. This debate is important, but I hope a time

will come reasonably soon in which we can move on from the set-piece speeches we make, although I am not denigrating those in any sense, and engage on a practical level with the political and economic questions facing people both North and South. We also need to engage with the possibilities and challenges involved in genuinely working together towards an all-Ireland economy and similar aspirations.

Senator Boyle and others mentioned the need for closer parliamentary co-operation. The only opportunity I have had to travel since I was elected to this position has been to the North. I was delighted to be part of a delegation to Stormont, along with the Leader and the other members of the Committee on Procedure and Privileges, to meet members of the corresponding committee of the Assembly. It was an extremely useful day. We in the Labour Party also have our political affinities and connections in the North. We and the SDLP are both members of the Party of European Socialists and we engage with it in this regard. I am aware that members of Fianna Fáil also have aspirations with regard to the SDLP. We are all engaging with politicians in the North, but we need much more of this.

Senator Quinn is right. There still remains an extraordinary psychological barrier for many people, including those who should know better, when it comes to Northern Ireland. Even on a basic, practical level, people need to travel more to the North. I know people are already travelling to the North for reasons that may upset some from an economic point of view, but we need to know the North better by being in it more. We need to engage on a political, cultural and linguistic level. We need to go there and invite people from the North to this part of the island far more frequently than we do.

Senator Mary M. White: The Senator should speak for himself.

Senator Alex White: I go there frequently, in fact.

(Interruptions).

Senator Alex White: There is somebody speaking in my ear. I am not sure who it is.

An Leas-Chathaoirleach: Senator Alex White, without interruption.

Senator Alex White: Senator White has gratuitously taken the view that I do not visit the North.

Senator Mary M. White: The Senator says that about everybody else.

Senator Alex White: I can show her my diary and demonstrate to her that in fact I do. We are not in a confession box here; we do not have to specify exactly how many times we have visited Northern Ireland. However, I can assure my colleague——

Senator Mary M. White: The Senator is inclined to be holier-than-thou about it.

Senator Alex White: ——that I certainly do go there, and I know other Members of the House do too.

An Leas-Chathaoirleach: Senator White, without interruption.

Senator Alex White: What is the problem? Nobody has a claim to absolute righteousness in that regard.

An Leas-Chathaoirleach: The Senator's four minutes have expired.

Senator Alex White: Mainly thanks to Senator Mary White who has taken up a good minute and a half of it.

The economic crisis changes the parameters of the debate. I note the Minister's statement that "the most immediate challenges facing Northern Ireland are not issues which divide people along Nationalist and Unionist lines". He is correct in this regard. The challenges are much greater, and the political parties in the North are not particularly well equipped to deal with differences on economic questions. We have the same problem in this part of the country. The problem with our party political configuration in the South is the polar opposite of that in the North.

That point was made by James Connolly 100 years ago.

Senator Pearse Doherty: Gabhaim buíochas leis an Seanadóir as a chuid ama a roinnt liom. Cuirim fáilte roimh an deis chun ceist na Sé Chondae a phlé sa Seanad, go háirithe an próiseas síochána agus cur i bhfeidhm Chomhaontú Aoine an Chéasta agus Chomhaontú Chill Rímhinn.

I welcome this opportunity to address developments in the Six Counties in respect of the Good Friday Agreement and the St. Andrews Agreement. I participated in the talks in Hillsborough and St. Andrews on these agreements. It is also important that we address the need for all-Ireland development, an end to partition and national reunification.

The most pressing issue in terms of implementation of the Good Friday Agreement and the St. Andrews Agreement is the transfer of policing and justice powers from London to Belfast. This is a long overdue and absolutely essential element of the Good Friday Agreement. For the new dispensation to function in the North we need a new beginning to policing and justice.

While progress has been made on funding the transfer of these powers, new obstacles have been thrown up by the DUP over the past several days. Many citizens will be concerned at the DUP's insistence that the issue of contentious Orange parades be resolved as a precondition to its final agreement to the transfer of policing and justice powers. It has always been Sinn Féin's position that the issue of parades can only be resolved through dialogue between the loyal orders and local communities. Irish republicans respect the rights of the Orange institutions to parade but this has to be done on the basis of equality and mutual respect and tolerance.

While the overwhelming majority of Orange parades take place without rancour or dispute, a small number each year give cause for concern. The Orange Order should engage in dialogue with local residents to resolve these contentious parades. Regardless of the structure put in place to mediate contentious parades there can be no resolution or agreement without dialogue.

An Leas-Chathaoirleach: The Senator's time has concluded.

Senator Pearse Doherty: It is unfortunate the time available to us in this debate is so limited.

Senator Mary M. White: It is crazy.

Senator Pearse Doherty: It is ridiculous that, as the sole representative of Sinn Féin in this Chamber, the time allowed to me for discussing the North has been squeezed.

An Leas-Chathaoirleach: The Senator will have to raise that issue with somebody else because he is out of time.

Senator Pearse Doherty: I urge the Leader to facilitate an all-party debate on the North. As someone who has had the opportunity to participate in the important negotiations in Hillsborough and St. Andrews, it is ridiculous that I cannot address other significant issues.

Senator Cecilia Keaveney: I concur with the previous speaker on the importance of this issue to those of us who live in the North. I confuse people everywhere I go when I say I am geographically north but politically south. From spending seven years at a Belfast university, I have seen the benefits of the agreements first-hand. It is interesting to observe the real South as it discovers the challenges of Border life in terms of shopping trips and commercial activity.

I recognise the importance of cross-Border activities such as Project Kelvin. I understand a spur to Newry has been suggested for that project. Perhaps the Minister would consider a spur to the Inishowen Peninsula. I appreciate much good work is being done by the North-South Ministerial Council but we do not know in advance of meetings what issues will arise at them. The council's proceedings are discussed in Stormont and Members of these Houses would also like to contribute to the debate. We do not underestimate the abilities of the Minister or his officials but we have first-hand experience of these issues because we live this life.

I could throw a rock into the Foyle from my house. The Foyle is not being exploited for tourism or enterprise. Third parties are making claims on which I cannot get confirmation. Some people claim we are conducting a flag wrapping exercise to take over the Foyle by stealth but we are simply saying that, of all places in Ireland, the north west needs economic development. The Foyle, Carlingford and Irish Lights Commission is a wonderful body which deserves our Government's active participation but we should expand its powers so that it can deal with all issues pertaining to the Foyle and its tributaries, from planning permission to jet ski and angling sites.

I produced a report for the Council of Europe on teaching history in areas of recent conflict. In the Soviet era, teachers were told to teach a single truth. Catholics and Protestants in the North have long held to their respective single truths, although that is beginning to change. The chairperson of the education committee in the North recently agreed with me that schools should be a safe haven, although he did not realise that I raised the issue with sarcastic intent. I ask for the Minister to comment on my report, which will probably be sent first to the Minister for Education and Science via the Council of Ministers.

I am currently investigating the issue of hate music. The Lambeg drum was used in Riverdance as a symbol of togetherness but it is also an element of the marching season. Sport and the arts can be used for division as well as reconciliation.

My grandfather was held for 13 months in 1920 and 1921 as an internee in Ballykinlar. British troops are to withdraw from the base at Ballykinlar by 2016 although, as I said to Jim Wells, perhaps 2014 would have been an easier date to commemorate. When the base is handed over to Stormont I ask that some mechanism be found for commemorating both internees and the soldiers of the 36th regiment who were sent to the Somme.

Senator Paul Bradford: We need more time to debate this important issue thoroughly. This is my first time to address Deputy Martin in his capacity as Minister for Foreign Affairs but I hope I will have further opportunities to debate Northern Ireland with him because a considerable number of substantive issues remain to be solved.

I first spoke about Northern Ireland as a Senator during the tragic times of the late 1980s. Thankfully we have moved on from those atrocities and can now deal with matters on a more constructive basis. However, it would be remiss to assume that all the problems have been solved.

Last night I listened to an interesting radio programme on the importance of symbols such as the Easter lily and the poppy. We must recognise that language is important in Northern Ireland. One person's problem could be someone else's solution. Senator Doherty has raised the question of Irish unity on a number of occasions over the past several months. This issue

[Senator Paul Bradford.]

is worthy of debate, although it is one which needs to be debated in the broader context of the developments of the past 60 or 70 years. The use of language remains important when debating the North.

An Leas-Chathaoirleach: The Senator should conclude.

Senator Paul Bradford: I must conclude although I have not yet made a contribution. I hope the Minister will come before the House again soon to discuss this developing topic at greater length. A large number of economic, social and political issues were raised and need to be addressed.

Senator Mary M. White: The leader of the Leas-Chathaoirleach's party called for this Chamber to be dissolved. I am appalled and ashamed that Senators who wish to speak on Northern Ireland are not being given an opportunity to do so.

An Leas-Chathaoirleach: The Senator is not in order.

Senator Mary M. White: The urgency with which this debate is being wrapped up is extraordinary.

An Leas-Chathaoirleach: I must act in accordance with what Senators agreed on the Order of Business. The House agreed that the Minister would conclude the debate at 5 p.m.

Senator Maurice Cummins: Senator Mary White attacked the Chair who has no hand, act or part in this matter. She should withdraw her comment.

Senator Mary M. White: I will not withdraw it.

An Leas-Chathaoirleach: I must act in accordance with what Senators agreed on the Order of Business.

Senator Mary M. White: Three Senators wish to speak.

An Leas-Chathaoirleach: I must call the Minister at 5 p.m.

Minister for Foreign Affairs (Deputy Micheál Martin): I thank Senators who contributed to the debate and note the difficulty created by the short timeframe for the debate. I have undertaken with the Leader and other Senators to make a debate on Northern Ireland and other issues a regular feature of my Department's engagement with the House. We can learn lessons from this debate but it has been a good start. Senators are assured of my Department's continued engagement.

The Seanad is an important forum for the discussion of Northern Ireland. I was taken by Senator Cassidy's recollection of some of the former distinguished Members of Seanad Éireann from Northern Ireland, all of whom made a distinctive contribution to the House and Irish life.

5 o'clock Not only did they broaden the relationship between North and South but they also contributed on many general issues. Former Senator Maurice Hayes, for example, played a key role in the National Forum on Europe and a range of other bodies on which he has served. It is worth recalling this when considering the efficacy of this House and its importance in political life and influence, for which it has not been given credit.

People may take for granted the presence in the Seanad of individuals such as Seamus Mallon and Gordon Wilson who changed opinions in the South and helped shape our perspectives and

educate us on broader North-South issues and our respective cultures and so forth. It is worth bearing their contribution in mind for future debates. It is not for me to become involved in the debate on the future role of the Seanad, an issue on which I have strong views. It is an issue that is broader to democracy.

Senator Cecilia Keaveney: Should we stay or go?

Deputy Micheál Martin: The only relevance of the debate about the future of the House arises in the context of the architecture we have established in Northern Ireland through the peace process to achieve balance between different perspectives and opinions. The reason we had strands one, two and three and insisted on decision by power-sharing and cross-community representation was to ensure we could facilitate the full flowering of democracy in the context of Northern Ireland's unique past. The implication of this is that one should always be careful about dismantling institutions in a democracy. While we can certainly enhance and reform institutions, we should always seek ways to use them in the best manner possible to broaden participation in democracy across society generally. I did not intend to digress.

Senator Cummins raised a number of important issues. On penalty points, the mutual recognition of driver disqualifications between the North, the South and Great Britain will come into force next year. A project plan is under development to achieve mutual recognition of penalty points within an agreed timeframe. Both Administrations are also committed to co-ordinating their approaches to the introduction of lower blood alcohol levels for drivers in each jurisdiction. The Northern authorities published a consultation document in April which advocates a reduction in blood alcohol levels in that jurisdiction. It is important for road safety and enforcement on both sides of the Border to have the same blood alcohol levels, if possible.

Senator Cummins also raised child protection. This issue was added to the agenda of the North-South Ministerial Council last year. We are grateful to have an opportunity to make progress on child protection through the council. There has been a valuable exchange of information on ideas and issues such as Internet safety and the development of a protocol for the movement of vulnerable children and families across the Border. Work is also continuing on advice and guidance material for parents, carers and employers aimed at strengthening safeguarding arrangements on both sides of the Border. This co-operation complements the excellent working relationship between the Garda Síochána and Police Service of Northern Ireland on the management of sex offenders.

Swine flu is a good example of important co-ordination and co-operation between North and South. The Minister for Health and Children, Deputy Harney, and her Northern counterpart, the Minister for Health, Social Services and Public Safety, Mr. Michael McGimpsey, met at Farmleigh at the beginning of June to discuss co-operation following the outbreak and have been in regular communication since then. The two departments and the Health Service Executive have worked closely together for some time on infectious disease emergency planning with particular emphasis on pandemic influenza. In addition, various individuals on both sides of the Border, including the chief medical officers, have been in regular contact.

Given the importance of the North-South bodies to the peace process and developing relationships, North and South, we must do everything possible to maintain their budgetary position. This will be a difficult task and where there is room for efficiencies, these should be found, where possible. However, the North-South bodies are unique constitutional political entities. In the overall scheme of things, they do not impact significantly on the budget. We must not lose sight of the uniqueness of the political entities established by the Good Friday Agreement. The North-South bodies are jointly overseen by the relevant bodies, North and South.

[Deputy Micheál Martin.]

Senator Cummins asked if changes would be reported to the Oireachtas. We must work jointly with our colleagues in the North. The North-South bodies form an integral part of a delicate institutional balance, as was acknowledged in an *bord snip*'s report. I have spoken to all Ministers along similar lines. I am, however, favourably disposed to the proposal to make regular reports to the Oireachtas.

Senator Cummins referred to the “quangoisation” of North-South relations. I sound a note of caution about using this language in referring to unique constitutional bodies. The purpose of our work is to develop a framework and structure to ensure we have ongoing formal and important dialogue, North and South. Removing or abolishing bodies would be a step backwards.

Senator Cassidy raised the issue of the Irish language and the establishment of a North-South parliamentary forum. We would dearly love to see more progress on such a forum. It is a matter for the Parliaments and good discussions have taken place on it. A parliamentary forum would help to develop stronger relationships among parliamentarians, North and South, and contribute to the overall enhancement of shared understanding of each other's backgrounds. Only good would come from it and it would not present a threat to anybody or any community. It is an important part of the Good Friday Agreement which we would like to come through.

I am interested in Senator Cassidy's reference to an arrangement between the Assembly and Seanad. This issue could be explored in future. I accept his comments on Secretary of State Clinton and her genuine personal commitment to the peace process. Her appointment of Declan Kelly as special economic envoy from the United States to Northern Ireland has been well received in the North. Mr. Kelly has been very active since his appointment, as has Secretary of State Clinton since her appointment, having visited the North and South. Her key point has been that political stability is essential for economic prosperity. Related to this is the whole area of the devolution of policing and justice, an issue about which I spoke at length earlier.

Senator Quinn gave a very fresh oversight and a good perspective on North-South shopping and the volatilities which can often ensue. He made an important point which we should not ignore. It creates challenges and we have to be creative in terms of how we respond to the economic realities. There is no doubt there are challenges.

On the Schengen issue, we are committed to free movement between these islands and, in particular, on the island. The Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, is the key Minister and discusses common travel areas and related issues with his British counterpart on an ongoing basis. It would be difficult for the island to move into Schengen on its own without Britain. There are always concerns about the EU's external border, which is another issue. We will keep the wider issue under review. It is a reasonable point.

The issue of the paramilitary threat and activities was also raised. We are concerned about the threats which are emerging. They are significant and highlight the absolute need to fill the vacuum and underpin the importance of the policing and justice issue. Significant investment has been made by all parts of the community, in line with the Patton recommendations, to transform the whole policing environment in Northern Ireland. That has happened and the final leg is the devolution of policing. It is important, in the context of the threat the dissidents present to peace and stability, to get that over the line.

In light of comments from all Senators on this issue, I want to take the opportunity to pay a warm tribute to the Garda Síochána and the PSNI who have an excellent working relationship which has reaped significant benefits in terms of the saving of lives and the foiling of many

attempts by the dissidents to kill and maim people. It has been an excellent relationship and I give full credit to all who have been involved in nurturing it and ensuring its continuance.

Senator Keaveney referred to her student days in Belfast. She spoke very fast and was the most effective Senator in getting everything said within three or four minutes, which is probably as a result of her Northern background. I acknowledge the point she made on Project Kelvin. I was going to say those in the North are insatiable in terms of the project because there is always an extra spur or leg somewhere involving it, but it is a great project which will transform——

Senator Paul Bradford: I think the Senator was talking about Kalvin.

Deputy Micheál Martin: ——the broadband issue.

We have made good responses to some of the representations on Lough Foyle. Heads should not be nodded in the negative because my officials have worked extremely hard on the ferry service. It has been very effective. The issue is how we manage this and all work together to realise the potential which is there.

Senator Boyle identified the need for a stronger role for the Senate in Northern Ireland and the Bill of Rights issue, which is important and we look forward to a consultation paper on that. Senator Alex White referred to the inquiry into the death of Pat Finucane. We are pursuing it with the British Government. It is important and a variety of inquiries have taken place so far which, to be fair to all concerned, have been extensive and comprehensive. The Eames-Bradley initiative raises the broader question of how we deal collectively with issues from the past, which will not be easy and poses significant challenges.

I referred to the issue raised by Senator Doherty. I take his comments on the issue of parades. I accept it is ultimately about dialogue on the ground. A number of parades continue to cause difficulty and have the potential to cause further difficulties. Each summer I receive a report on all the parades from our people who attend them across the North to get a sense of the progress which has been made over the years. I pay tribute to all those who steward the parades in various locations, including members of Senator Doherty's party, other community bodies and civic society, who have worked hard to try to lower the temperature and prevent violence. I take the Senator's point that continuing efforts between the Orange Order, the community and all involved are needed to reduce the potential threat. I also note his wider comments on parades, that is, he respects the right of people to parade but that there is a context in terms of how it is done.

I have covered everything at this stage. Senator Bradford——

Senator Paul Bradford: Mention that I spoke.

Deputy Micheál Martin: I am glad to know the Senator has spare time to look at documentaries and so on. It is refreshing.

Industrial Relations (Amendment) Bill 2009: Committee and Remaining Stages.

Sections 1 to 9 agreed to.

SECTION 10.

Senator Brendan Ryan: I move amendment No. 1:

In page 7, between lines 31 and 32, to insert the following:

[Senator Brendan Ryan.]

“(a) in subsection (1) after “designated for the time being under subsection (3)”

to insert:

“, and includes a person who was formerly a worker but has ceased to be a worker prior to the making of a claim of breach of the said Acts relating to a period during which the person was a worker”,.”.

I welcome the Minister of State. There is an unjust provision whereby a person who does not refer a complaint to the employment rights mechanisms prior to ceasing employment or retiring is deprived of redress. The amendment would define “worker” to include former workers. This is very important, as it must be open to former or retired workers to seek redress where they were deprived of rights when working. The requirements of justice are such that the legislation should be amended to provide a facility for such workers to have their grievances examined. I, therefore, ask the Minister of State to accept the principle of justice involved and the amendment.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I thank the Senator for tabling this constructive amendment. I am very sympathetic to the suggestion made in it. The amendment, as he outlined, seeks to address the issue whereby retired people do not have access to the industrial relations machinery in circumstances where they did not proffer their claim prior to retirement. This issue arose over 30 years ago. At the time the Labour Court obtained advice from the Attorney General on whether a retired person could have *locus standi* to make a claim under the Industrial Relations Act 1969. The Attorney General advised that a retired person could not be regarded as a worker for the purposes of the Act. The advice was subsequently confirmed by the Attorney General some years ago in a case involving former Forfás workers. The matter has arisen on a number of subsequent occasions, most recently in two cases before the Labour Court in 2008 involving University College Dublin and two of its retired employees.

I acknowledge that the requirements of good employment practice dictate that retired people should have a facility whereby grievances can be examined on merit. The Department has raised the matter with the Attorney General and is exploring how the proposal can best be facilitated. It is only reasonable, therefore, that there should be some limitation on the access to be provided with regard to a time limit on claims. I am sympathetic to the Senator’s suggestion and want to consider further the scope for setting a time limit on the bringing of claims. Therefore, I am not yet in a position to accept the amendment, although I hope to address the issue during the Bill’s passage through the Dáil. In that event, this House will have the opportunity to examine the matter again.

Senator Brendan Ryan: I thank the Minister of State. Having listened to his comments, I am happy to withdraw the amendment, given the commitment he has given. I hope we will have a successful outcome.

Amendment, by leave, withdrawn.

Senator Brendan Ryan: I move amendment No. 2:

In page 7, line 35, to delete “(cc)” and substitute “(d)”.

This is a drafting amendment. If the existing paragraph is to be deleted, there is no reason the new paragraph should not be labelled “(d)”, rather than the unwieldy “(cc)”. I ask the Minister of State to accept the amendment.

Deputy Dara Calleary: It is generally the practice of the Parliamentary Counsel in the Attorney General’s office not to reuse section or paragraph numbers because to do so can cause confusion. For example, a reference to paragraph (d) in future legislation might inadvertently be taken to refer to paragraph (d) being substituted by this provision. Accordingly, I am not in a position to accept the amendment.

Senator John Paul Phelan: It is a little bizarre.

Senator Brendan Ryan: I am not prepared to press the amendment at this point but will reserve my position and may resubmit the amendment on Report Stage.

Amendment, by leave, withdrawn.

Senator Brendan Ryan: I move amendment No. 3:

In page 7, paragraph (b), line 38, after “(6)”, to insert the following:

“and in lieu thereof by the insertion after subsection (4) of the following:

“(5) Where having regard to the particular economic circumstances affecting any particular category of workers, the Government is of opinion that it is expedient that the procedures under the *Industrial Relations Acts 1946 to 2009* ought to be available to members of that category, the Government may by order declare that members of that category shall be deemed to be included in the definition of “worker” in subsection (1) and may by order revoke or amend any such order.

(6) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House, within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder” ”.

The effect of the Bill and the amendments therein is to remove the power to make changes to the definition of “worker” by ministerial order and to ensure, in line with the decision in the Mulcreavy case, future changes to the definition of “worker” will be made in primary legislation. It is our view that the removal of the Minister’s power to amend the definition of “worker” will create inflexibility. While we appreciate the existing provision may be constitutionally doubtful, we suggest the reworded provision in the amendment might pass the constitutional test. I note that the original section states the Government may, by order, amend the definition of “worker” in subsection (1) and may, by order, revoke or amend any other such order. We are attempting to reinstate the power of the Minister, rather than have it taken away. We want the matter to be dealt with on the basis of a wording which we consider would not meet with constitutional difficulty and where the Minister would have the power to deem a certain category of worker to be included in the definition of “worker”. I ask the Minister of State to accept the amendment.

Deputy Dara Calleary: There are two issues involved. It is not, as the amendment states, particular economic circumstances affecting any category of workers that would be expected

[Deputy Dara Calleary.]

to determine whether a category of worker should be included in the definition but instead the outcome of negotiations between the relevant employer and workers on the appropriate dispute settling framework for those workers. In addition, the amendment proposes to revert to a position where the definition of “worker” might be amended by order, albeit with some Oireachtas scrutiny. The Government has decided to remove the power to make changes to the definition of “worker” by order and to ensure that, in line with the decision of the Supreme Court in the case referred to by Senator, Mulcreevy *v.* the Minister for the Environment, Heritage and Local Government, future changes to the definition will be made in primary legislation. In accordance with that judgment, we are not in a position to accept the amendment.

Senator Brendan Ryan: The amendment seeks to step back and remove any constitutional difficulty. Primary legislation can be the subject of a very lengthy process and there can be considerable and unnecessary delays before a defined matter may be included within the scope of the legislation. However, I take the Minister of State’s point. I do not propose to press the amendment but may consider resubmitting it on Report Stage. I ask the Minister of State to reflect on the matter and take further legal advice as to whether the wording we propose might overcome potential difficulties.

Amendment, by leave, withdrawn.

Section 10 agreed to.

Section 11 agreed to.

NEW SECTIONS.

An Cathaoirleach: Amendments Nos. 4 and 5 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator John Paul Phelan: I move amendment No. 4:

In page 8, before section 12, to insert the following new section:

12.—(1) The Court shall not permit the establishment of more than one committee for a single sector.

(2) All committees shall operate on a national basis.

(3) Any Employment Regulation Order agreed after the commencement of this Act shall apply to all members of a particular sector.

Amendments Nos. 4 and 5 are related in that they both deal with joint labour committees. I welcome the Minister of State back to the House and have a general question that I may ask later. With regard to the amendments, about a month ago on Second Stage there were a couple of issues about which I expressed concern, one being the geographical spread of joint labour committees — that there is more than one such committee in many areas. I understand this may have been necessary in certain circumstances when the committees were originally established and that particular committees were required for certain sectors of the economy. This Bill is a missed opportunity to streamline the system and process by which joint labour committees operate. That is the fundamental difficulty Fine Gael has with it. Amendment No. 4 seeks to ensure we would have joint labour committees which would operate across the State. This

is entirely reasonable and I hope the Minister of State may be able to respond positively to the amendment. Amendment No. 5 relates specifically to a Private Members' Bill that was published, although not read a Second Time, in the other House by my colleague, Deputy Leo Varadkar. The Industrial Relations (Protection of Employment)(Amendment) Bill 2009 deals again with joint labour committees and specifically with the chair of the JLCs. As constituted at present the committees have an equal number of members, comprising employers and workers in the related areas. The chairperson of the committee has a vote. Ultimately, when it comes to negotiations on terms and conditions, which is what joint labour committees are all about, the casting vote of the chair almost invariably comes down on the side from which the chairperson originates. This amendment is geared towards trying to get a genuine consensus and meeting of minds between the two sides who compose the JLC and removing the right of the chairman to have a casting vote. It is a genuine attempt to ensure we have proper agreement between both sides within the joint labour committee structure.

It is important to point out that in a number of JLCs the workers are represented by union representatives in sectors of the economy that are non-unionised. A number of JLCs deal with specific areas where trade union membership is low and, in some areas, almost non-existent. The workers are being represented by people who, it could be argued, are not representative of their views but are none the less members of the JLC. This amendment simply seeks to ensure the independence of the chair and remove the right of the chair to have a casting vote in respect of future agreements on joint labour committees.

Deputy Dara Calleary: I thank Senator Phelan for his amendments. Regarding amendment No. 4, which provides that all JLCs and employment regulation orders produced by them should apply nationally, the Towards 2016 social partnership agreement provided for a commitment to modernise the joint labour committee system. To this end, the Labour Court was asked by my Department in late 2006 to draw up measures to give effect to that commitment. To assist the court in its task, a working group was set up comprising representatives of the court's administration, the Irish Congress of Trade Unions and the Irish Business and Employers Confederation. The court also involved the National Employment Rights Authority in its deliberations.

The working group concluded its work last year and prepared a report on the progress made on the various issues. Among the issues addressed in this exercise were the amalgamation or abolition of some JLCs. Implementation of the report's recommendations in this regard was progressed by my predecessor, the Minister of State, Deputy Billy Kelleher, during 2008. This exercise resulted in the abolition of one JLC and the amalgamation of a number of others in the contract cleaning, hairdressing and clothing sectors. In addition, following their agreement to harmonise their terms and conditions, especially with regard to the Sunday premium in employment regulation orders, the two JLCs in the catering sector have agreed to amalgamate. This has resulted in the number of JLCs being reduced from 19 at the end of 2006 to 13 at present.

It is important to stress that applications for the establishment of a joint labour committee are made to the Labour Court by representative employers or employees. It is a matter for them to determine the geographical and precise sectoral scope of any individual committee.

As I stated, the Government is encouraging businesses in sensitive sectors to ensure employer and trade union representatives on JLCs are responsive to the very severe challenges for the continued viability of services and, in particular, the sustainability of employment. In this context, in addition to the catering JLCs, the hotels, agriculture and retail JLCs have recently

[Deputy Dara Calleary.]

reached agreement on labour cost-cutting measures in their respective sectors. These recent initiatives demonstrate the responses of both employers and trade unions to the challenges faced. It also shows a willingness to find practical solutions to the economic problems faced on the basis of agreement among those directly involved and should be encouraged rather than enforced. Accordingly, I cannot accept amendment No. 4.

Concerning amendment No. 5, the review of the operation of joint labour committees was undertaken by researchers from the University of Limerick on behalf of the Labour Relations Commission. These researchers adopted a consensus approach to their brief. Regarding the role of the chairman, the report commission concluded that abolishing the casting vote would undermine the entire JLC system. The likelihood of deadlock would mean that issues would have to be resolved elsewhere, such as the Labour Court, and would unnecessarily lengthen the process of setting employment regulation orders, EROs.

I acknowledge the crucial role the chairman of a JLC plays in the process. In this context, it has been the policy for some time that as positions of chairman of JLCs arise, they are being filled by industrial relations officers of the Labour Relations Commission whose independence in the area of collective bargaining is not in doubt. Accordingly, apart from putting forward the provision dealing with the term of office of the chairman, at this stage I do not propose to introduce further changes to the role of chairperson.

Senator John Paul Phelan: I do not agree with the Minister of State regarding amendment No. 4. The remit of a JLC should apply across the State, not to specific geographic areas, and it was to that the amendment applied. However, I will not press it at this juncture.

Regarding amendment No. 5, the Minister of State said that if it were accepted the JLC structure would be undermined and there would be deadlock. Surely the purpose of the committees in the first place was to have a meeting of minds between employers and employees. Invariably, each side comes to the table with its own perspective on an issue. If we are concerned with trying to reach a genuine agreement, surely the JLC is the right structure to achieve that, not by allowing the chairperson have the casting vote but by having genuine agreement between both sides. At present, that does not happen in practice in some JLCs. I do not question the credibility of people who fulfil the role of chairperson of JLCs at present but I believe their role would be strengthened if they were not permitted to have a casting vote when areas of disagreement arise. As it stands, the JLC structure was designed to try to achieve agreement between both sides within a particular sector. Amendment No. 5 would help to ensure that and therefore I press it.

Senator Brendan Ryan: If the casting vote of the chairperson is removed I believe this could very well result in the deadlock to which the Minister of State refers. I would not have concerns about the chairperson siding one way or another. Before I entered full-time politics I had dealings on the opposite side to the unions and also had many dealings with the Labour Relations Commission and the Rights Commissioner. In many cases where I might have expected that a person such as the Rights Commissioner, for example, or somebody from the employers' side, would go a particular way, that proved not to be the case. I have no question about the independence of that group of people. I do not see the merit of this amendment and believe it could result in difficulties.

Amendment, by leave, withdrawn.

Senator John Paul Phelan: I move amendment No. 5:

In page 8, before section 12, to insert the following new section:

12.—(1) The Fifth Schedule of the Act of 1990 is amended by the substitution of the following for paragraphs 2 and 3:

“2. (1) A Committee shall be appointed by the Court and shall consist of:

(a) a Chairperson, who shall be a rights commissioner;

(b) such number as the Court thinks fit of persons (in this Schedule referred to as representative (employer) members) who, in the opinion of the Court, represent employers in relation to whom the Committee is to operate;

(c) an equal number of persons (in this Schedule referred to as representative (worker) members) who, in the opinion of the Court, represent workers in relation to whom the Committee is to operate;

(d) in making an appointment under *paragraphs (b) and (c)* the Court shall take all practicable steps to ensure that such representatives are representatives of the employers and workers, as the case may be, and shall in particular, have regard to the interests and protection of workers who are not members of a trade union, even in circumstances where they are represented by a trade union at the Committee.

(2) The Chairperson of the Committee shall not be vested with the right to vote on an employment regulation order.

(3) All decisions of the Committee shall be made by a simple majority of its members. Failure to reach a decision shall result in no employment regulation order being made.

(4) In order to constitute a meeting of the Committee, the Chairperson and at least one third of the members shall be present.

(5) In order to constitute a meeting of the Committee there shall be at least one of both the representative (employers) members and representative (workers) members present.

(6) Where a representative member of the Committee ceases, in the opinion of the Court, to be representative of the employers or, as the case may be, workers whom he or she was appointed to represent, the Court shall determine his or her membership.

(7) The Court may, in its discretion, determine the membership of any representative member of a Committee. Where the Court has so determined, the member shall cease to be a member of the Committee.”.

Amendment put.

The Committee divided: Tá, 12; Níl, 32.

Tá

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Coghlan, Paul.
Cummins, Maurice.
Fitzgerald, Frances.

McFadden, Nicky.
Mullen, Rónán.
O'Reilly, Joe.
Phelan, John Paul.
Regan, Eugene.
Ross, Shane.

Nil

Bacik, Ivana.
Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Doherty, Pearse.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hannigan, Dominic.
Keaveney, Cecilia.
Leyden, Terry.

MacSharry, Marc.
Norris, David.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Prendergast, Phil.
Ryan, Brendan.
Walsh, Jim.
White, Alex.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Maurice Cummins and John Paul Phelan; Níl, Senators Diarmuid Wilson and Camillus Glynn.

Amendment declared lost.

Section 12 agreed to.

NEW SECTION.

Senator John Paul Phelan: I move amendment No. 6:

In page 8, before section 13, to insert the following new section:

“13.—An Employment Regulation Order which is in being at the time of the passing of this Act shall expire within six months of its passing, or upon the making of a new Order in accordance with the provisions of the Principal Act as amended, whichever be the earlier.”.

This amendment concerns employment regulation orders and proposes a mechanism whereby orders would be renewed only by positive action rather than as happens at present where some EROs may be in place for a number of years. The amendment proposes a definitive time period within which an ERO would have to be renewed.

On Second Stage the Minister of State agreed with Opposition spokespersons on the need for an inability to pay clause and indicated that an amendment would be tabled to include one. Four or five weeks have passed since Second Stage and I thought the amendment would have been tabled on Committee Stage but it will probably be when the Bill is taken in the other House. Perhaps the Minister of State might indicate his position on the matter, as well as on this amendment on the need for a mechanism for the renewal of employment regulation orders.

Deputy Dara Calleary: I hope to update the House at a later stage on the amendment providing for an inability to pay clause.

Amendment No. 6 provides that, in the event that an existing ERO is not varied within six months of the passing of the Bill, that ERO would lapse. In recent months I have sought to encourage businesses in sensitive sectors, especially the hospitality and retail sectors which are being affected by the collapse in domestic demand and in which a relatively high proportion of employees are on minimum wage rates, to ensure the employer and trade union representatives on joint labour committees are responsive to the severe challenges faced by these sectors.

Already progress is being made in a number of sectors, especially in the catering, hotels, agriculture and retail sectors, where agreement was reached on measures to address labour cost difficulties. These efforts demonstrate the responsiveness of both employers and the trade unions to these concerns and a willingness to find practical solutions to the severe problems we face.

The introduction via this amendment of a provision that effectively would require mandatory renegotiation of existing EROs would detract from the flexibility available to the parties involved and would not be in keeping with the co-operative approach adopted to addressing difficulties which have been evident in recent months. Accordingly, I cannot accept the amendment.

Amendment put and declared lost.

Section 13 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 Enterprise, Trade and Employment (Deputy Dara Calleary): I thank everyone who has shown an interest in the matter on Second and Committee Stages for his or her helpful contribution to the debate which has shown the usefulness of this

6 o'clock House in such debates. The legislation will strengthen and ensure the continued effective operation of the joint labour committee and registered employment agreement systems. As Senator John Paul Phelan stated I indicated I propose to bring forward proposals to include in the Bill a provision providing for the inclusion of an inability to pay provision in both the EROs, employment regulation orders, and employment regulation Acts. Such a provision is necessary to balance the current demands of both trade unions and employers by continuing to modernise and streamline the JLC, joint labour committee, system and to strengthen the legal status of REAs, registered employment agreements, while also alleviating the very great pressures on employers facing financial difficulty currently experienced under both systems. The final details of this provision have still to be settled and will be the subject of further discussions with the social partners. In these circumstances I propose to introduce an amendment to the Bill in the Dáil to give effect to this objective.

I have also indicated I am favourably disposed to proposals from Senator Ryan and his Labour Party colleagues to amend the definition of "worker" to give retired workers access to the Labour Relations Commission and to the Labour Court and I am considering how best to give effect to this objective.

My officials are also in discussion with the Department of Finance regarding a request from Civil Service unions who also wish to have access to the industrial dispute resolution agencies of the State. This would also involve an amendment to the definition of "worker" in the Industrial Relations Act 1990 and such an amendment will be considered on Committee Stage in the Dáil.

I regret I have not been in a position to introduce the proposed amendments in this House. However, such amendments may be considered when the Bill returns to the House at a later stage.

Senator Brendan Ryan: On a point of clarification, is it proposed to complete the Bill tonight? I assumed that with regard to some of my amendments —

An Leas-Chathaoirleach: We are discussing the question that the Bill do now pass which is the Final Stage. It was agreed on the Order of Business that all Stages be taken today.

Senator John Paul Phelan: I agree with Senator Ryan. The schedule did not state that all Stages would be taken; it only listed Committee Stage for today.

An Leas-Chathaoirleach: I am informed by the Clerk that the Leader proposed that all Stages be taken.

Senator John Paul Phelan: I was not present for the Order of Business. The Leader is making it up as he goes along.

I thank the Minister of State and his officials one of whom was very helpful to me on Second Stage. I accept the Labour Party amendment to amend the term “workers” and I understand that following on from the court decision, the Government has to act and to define “worker” within primary legislation. That definition needs to be extended somewhat. I hope we will be in a position to debate an amendment in this House on inability to pay when the Bill returns from the Dáil.

Senator Brendan Ryan: I have great difficulty with this procedure although I accept the Clerk’s advice. The communication about today was that the House would deal with Committee Stage. Notwithstanding any decision this morning, there has been no communication clarifying a change in the schedule for today, as far as I am aware, and I have been in constant contact with my office throughout the day. I have difficulty with this arrangement and I would like it to be changed.

An Leas-Chathaoirleach: There is nothing I can do at this stage. The Senator will have to speak to the Leader of the House. It is clear from the Order of Business which was agreed by the House that Committee and Remaining Stages would be taken today.

Senator Brendan Ryan: I withdrew some of my amendments on Committee Stage on the basis there would be an opportunity to put them forward on Report Stage. If it was known in the House that Report Stage was to be taken today, that should have been brought to my attention. Perhaps the blame lies with me but I do not see it that way.

An Leas-Chathaoirleach: I apologise to the Senator but there is nothing I can do at this stage as my hands are tied by the Order of Business.

Senator Ivor Callely: I thank the Minister of State and his officials for their assistance in the passage of this Bill.

I did not make a contribution when Senator John Paul Phelan tabled his amendment. I will take this opportunity to bring to the attention of the Minister of State that I received a submission from IBEC today. One of the issues brought to my attention in the submission was the difference in pay rates in the hospitality industry with a variance of approximately 46% to 48% compared to our counterparts in the North and in the UK. This is linked to the issue of competitiveness. I mention this in light of Senator Phelan’s earlier comments. The issue of inability to pay was mentioned and it received an interesting response. I appreciate the approach taken by the Minister of State in this regard, his understanding of the position and the manner in which he hopes to achieve agreement on this issue. I wish him well in the discussions with the social partners and others to reach what one would like to think is a fair position, given the very difficult and challenging position in which we now find ourselves. We all recognise that many businesses are in a survival mode. They are facing significant challenges and great difficulties. Competitiveness is a major issue and labour costs must be addressed in

some form or fashion to ensure competitiveness. We cannot allow what has been happening in the hospitality industry whereby others come in from outside and because of their low base costs are able to compete and push out Irish industries and enterprises.

I have sympathy for Senator Ryan because I understand the position in which he finds himself. He was anxious to participate on Committee, Report and Final Stages. My understanding is that as the Minister of State has indicated the Bill is going back to the Dáil and that amendments will be tabled there. The amended Bill will return to this House and it is hoped that Senator Ryan will then have an opportunity to table whatever he requires and to speak on the issue. It might be helpful if the Leas-Chathaoirleach could clarify if this is the position.

An Leas-Chathaoirleach: The Bill will come back to the House but it will only come back with amendments made. It will not be open for this House to make amendments to the Bill at that stage.

Senator Ivor Callely: Senator Ryan could then go on the record of the House if he so wished.

An Leas-Chathaoirleach: He can speak.

Senator Brendan Ryan: Bills that commence life in this House typically come back but this is not the point. Report Stage is another stage. There is no need to take all Stages now. It is open to the Government——

An Leas-Chathaoirleach: That is a matter which the Senator needs to take up with the Leader.

Senator Brendan Ryan: On the question as to when the House will take Report Stage, it is open to the Government side to say next week.

An Leas-Chathaoirleach: We have gone past that stage.

Senator Brendan Ryan: But not by agreement. There was no agreement by the House.

An Leas-Chathaoirleach: It was agreed on the Order of Business but I suggest the Senator take up the matter with the Leader of the House.

Senator Ivor Callely: In light of what Senator Ryan has said it is important to acknowledge the position put this morning by the Leader was agreed by the House unanimously and there was no division on it. It was agreed by the House, including by the Labour Party.

Question put and agreed to.

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

Senator Ivor Callely: Tomorrow at 10.30 a.m.

Adjournment Matters.

Gaming Regulations.

Senator Cecilia Keaveney: I thank the Leas-Chathaoirleach for the opportunity to raise the issue of FOBTs, fixed odds betting terminals. I raise the issue because I have come across a number of things which triggered my memory in recent weeks. I was in New Zealand a number

[Senator Cecilia Keaveney.]

of years ago in my capacity as chairperson of the Joint Committee on Arts, Sport Tourism, Community, Rural and Gaeltacht Affairs. One issue drawn to my attention during that trip was that of betting terminals. If one entered a pub there were several such machines. They were to all intents and purposes not unlike slot machines. One could insert money, touch the screen and buy into virtual horse racing, dog racing or roulette wheels. The New Zealand police and people working in addiction services were concerned because they encountered people who spent their entire wages or social welfare payments in these locations. Given the location of these machines within the social context of a pub, people tended to be more involved in participating at that level, rather than going to a games hall.

The warning of these people came back to me recently. They suggested that if Ireland was to consider moving in this direction, it should be very careful because difficulties associated with gambling addiction could be thrown up and addictions could be created. They tried to ensure those installing such machines in New Zealand would pay a part of the cost of rehabilitating people who encountered gambling difficulties.

This matter is increasingly pertinent given the economic downturn. We must be quite sure of what we do in respect of the legal standing in the area of gambling. I have a flutter on the horses or the dogs like many other people, although I should not say everyone does it. However, the whole process of horse racing, dog racing and such activities takes time and involves watching the race and weighing up the pros and cons, rather than the virtual process of pressing a button with an immediate result. The speed at which one may spend money is phenomenal.

Recently, I watched a programme on this issue as it is unfolding the UK. The potential dangers I saw in New Zealand now seem to be an issue in the UK. Recently, a person handed me his iPhone. This person worked in a particular industry and suggested that what I was shown was the future of gambling. It was a scratch card. There were several ways in which one could buy it but essentially one bought a certain amount of credit and downloaded a scratch card. One could scratch the card in the same way one would a scratch card bought in the shop.

When I play sudoku on my mobile phone I could be at it for quite some time because I may be addicted to trying to find the solution. The same may apply to anyone with an addiction or gambling issue and decisions on the road we take in respect of technology must be addressed. We must not bury our heads in any sense to the potential developments in this issue in future.

I do not suggest this is being introduced to Ireland at present but I wish to know the position. In May 2007 I read a publication which suggested such terminals were well established in the UK since 2001. It was suggested that within 18 months Ireland would be in the same situation. Subsequently, the casino review group met and there was some controversy in respect of whether Ireland should have fixed odds betting terminals.

I do not suggest that I know the best way to proceed on this issue, but gambling is a serious addiction the same way as alcohol, drugs and many other forms of addiction. We must raise such topics of social concern constantly to establish that we are aware of the extent to which technology is moving on, the difficulties such activities create and the stance of the Government on this matter and on the overall issue of addiction and support for those who have an addiction as well as their families.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I am grateful, as is the Minister for Justice, Equality and Law Reform who regrets he cannot be here in person, for the opportunity to outline to Senators the position in respect of fixed odds betting terminals, commonly known as FOBTs. Senators may well be aware of the Minister's opposition to such machines from statements he has made

in the other House on many occasions. The Minister has not changed his view on these machines.

I understand that fixed odds betting terminals are software-driven, often touch screen terminals, through which users can place stakes on a variety of gambling products and services. The outcome of a stake is driven by a random number generator operated by an independent third party and located remotely.

I am advised that FOBTs, were they to be introduced in bookmakers' premises in the current regulatory environment, would be illegal as they would be classified as gaming machines. The Gaming and Lotteries Act 1956, as amended, prohibits gaming except in limited circumstances, for example, in a licensed amusement arcade, at a circus or travelling show or at a carnival; in such circumstances it is subject to limitations. Furthermore, the Betting Act 1931, which falls to the responsibility of my colleague, the Minister for Finance, severely restricts what business, other than the business of bookmaking, can take place in a licensed betting office.

We do not have data on gambling in this jurisdiction. However, the most recent British gambling prevalence survey 2007 commissioned by the UK Gambling Commission found that while those gambling on FOBTs represented only 3% of overall gambling, the prevalence of problem gambling in those who used FOBTs was 11.2%. The message the Minister takes from this finding is to proceed with caution in respect of FOBTs.

The report, *Regulating Gaming in Ireland*, deals comprehensively with many aspects of gaming and gambling, including FOBTs. Senators will be aware that the report regarded FOBTs as gaming instruments and, therefore, as inappropriate instruments to be located in licensed bookmakers' premises on the basis that the traditional distinction between gaming and betting should be maintained. The Minister published the report on 10 July 2008 and, among other things, arranged for its circulation to the Houses.

As Senators are aware, and arising from the publication of *Regulating Gaming in Ireland*, the Minister has initiated a wide-ranging review. The objective of the review is to put in place a modern, responsive code that recognises that people gamble and enjoy gambling and at the same time acknowledges there are inherent dangers involved that need to be addressed, not least problem gambling. Three important considerations which represent the hallmark of most well-regulated gambling codes inform the review. These are that young people and the vulnerable are protected, that gambling should in all respects be fairly and openly conducted and that gambling is kept free of crime.

Through a public information notice in daily newspapers and on the Department's website, the casino gaming control section of the Department of Justice, Equality and Law Reform invited submissions from interested parties and members of the public. The closing date for the receipt of submissions was 30 September 2009. I am informed that more than 60 submissions have been received, with a number of interested parties seeking a time extension.

Senators will appreciate that developing a revised gaming code capable of generating broad public support and which provides the best possible protection of the vulnerable is a complex task. Notwithstanding this, the Minister has instructed the casino gaming control section of his Department to make every effort to develop policy options for a new gambling architecture, including proposals for a draft Bill on the subject, with all possible expedition.

Remote gambling, that is, gambling through the Internet, interactive television and mobile phones, is a huge growth industry. It is the place to which traditional betting and gambling in general is migrating, thereby depriving states of tax and other revenues. Part of the challenge of the review is to establish how best to capture a portion of that industry and at the same time attack the threats posed by this form of gambling. It is certain that it is only through regulation that the downsides of remote gambling will be addressed.

[Deputy Michael Finneran.]

The Minister recognises, therefore, that technological advances over recent years have changed the face of the world in which we live and that consequently the various forms of gambling cannot be immune to such technological advances. However, foremost in the Minister's mind is the protection of young people and the vulnerable. Ultimately, it will be for Government to agree the policy approach to be legislated for in this area.

Senator Cecilia Keaveney: I thank the Minister of State for his reply. One of its main points was that no one is stating that one should not drink, gamble or do anything that can be addictive. However, worldwide evidence suggests these devices are particularly dangerous and addictive when one starts off. It can be seen that more than one person in ten who uses such devices is in serious trouble. I acknowledge the Minister of State may not have an answer for my supplementary question. I was aware of the request for submissions and the Minister of State has noted that other people have sought an extension of the associated deadline. I seek clarification from the Department because, on the one hand, the Minister has noted that people have sought an extension to the deadline while, on the other hand, he has stated he is trying to expedite the entire issue. Were people to come forward on foot of the raising of this issue tonight, would their views be taken on board? I thank the Minister of State for the overall thrust of the argument emphasising the other aspect that probably was missing, namely, the issue of gamblers and the support for them across the various forms of addiction.

Deputy Michael Finneran: I will ask that the Minister or his office would correspond with the Senator to indicate whether an extension of the deadline of 30 September has been allowed or is being considered.

Killarney Jarveys.

Senator Paul Coghlan: I welcome the Minister of State and look forward to the good news, if that is what he has for me. This matter has gone on too long and it is time to lance the boil once and for all. Everyone realises it is only through dialogue that one makes headway. I tabled this Adjournment matter seeking an immediate, binding and independent mediation process for that reason. It is the only manner in which I can envisage this conflict being brought to a satisfactory conclusion. All Members realise from their life experience and the various matters with which they have been obliged to deal before entering this House and thereafter that matters only get sorted through dialogue. This is how all disputes end sooner or later. Consequently, I ask loudly, why not sooner and why not now?

Valued jobs in tourism are at stake because of this blockade which I believe would be lifted immediately were there to be dialogue or were a mediation process to be put in place. There is no point in allowing it to fester or to get further out of hand. As for the picket before Killarney National Park at Muckcross, which is the jewel in the crown of tourism, many people have a natural respect for pickets and will not pass them while others regard such pickets as intimidation. In any event, business is suffering seriously as a result and the tourism season had been poor even without this dispute.

I should stress there are two bodies of jarveys in Killarney. The town jarveys have initiated a court action in the High Court against the national parks and wildlife service, NPWS, and only God knows when it will be heard, although I believe it has been up for mention a few times. I am referring to the other group and to the blockade of Muckcross House. I am assured the jarveys at Muckcross House have nothing to do with the town jarveys' action against the Department. They both have been locked out of the park because of their failure to date to use the dung catchers. Rightly or wrongly, they believe their case has not been heard. While I am not here to defend anyone, I am greatly concerned that the blockade of Muckcross, to which

the Garda has been called a number of times, constitutes a great hindrance to the tourism industry and everyone in the general area is concerned.

An important point is that there is an innocent injured party in this affair, namely, the shop and the fine garden restaurant to the side of Muckcross House which is run by a trustees' company, the Trustees of Muckcross House (Killarney) Limited. Apparently the takings in these enterprises have fallen greatly on foot of this ongoing dispute. They are completely innocent in this matter, the protest is not against them and they have no axe to grind. I must confess that in common with about 15 others, I am a trustee. We worked harmoniously with the Office of Public Works when it had responsibility and now do so with the Department in the form of the NPWS. Huge losses are being incurred and that company cannot trade at a loss. There are corporate governance procedures involved and there is company law and consequently we cannot trade at a loss because that would constitute reckless trading. If this continues for another week or three, protective notice will have to be issued to the staff there. This would be sad because they all are good people who provide a wonderful service.

I will not labour the point further as the Minister of State has the picture. I hope there can be dialogue. I appeal to the Minister of State and to the Minister, Deputy Gormley, to use their good offices to provide for dialogue because were it given the green light, there would be an immediate lifting of the blockade. Moreover, once such a process was binding, a satisfactory solution would be forthcoming.

Deputy Michael Finneran: As the Senator is aware, the national parks and wildlife service of my Department is trying to resolve the issue of horse dung in Killarney National Park by requiring that jaunting cars must be equipped with dung-catching devices when entering the park. The horse dung on the roads in the park is unsightly and smelly, is at odds with the national park ethos, conflicts with the beautiful landscape and is unattractive to tourists. It also is a health and safety issue because it can cause dangerous underfoot conditions for path users, including people on bicycles, and could also give rise to cross-contamination, for example, from shoes or children's buggies bringing dung into family cars, the Muckcross restaurant and so on.

The national parks and wildlife service manages the park for the enjoyment and benefit of all. Jarveys benefit financially from their utilisation of the park. The Department believes it is entirely reasonable that those who are responsible for the soiling of the roads in the park should co-operate in minimising the degradation of the environment of the park for others and should not expect the taxpayer to foot the bill for cleaning up after them.

There has been a long process of consultations with the jarveys for approximately two years. A process of practical trialling of the devices has been carried out and repeated demonstrations of the device have been provided by the NPWS. These demonstrations, backed up by expert equine and veterinary advice, show the dung catchers do work and are safe to use. The national parks and wildlife service has made its experts available for discussion and consultation during the process but this has not been availed of by the jarveys who have not engaged in any meaningful way on this issue.

This matter is currently the subject of a High Court judicial review case being brought by the jarveys. Last July, the High Court ruled against an injunction application by the jarveys seeking to restrain the national parks and wildlife service from prohibiting access by them to the park for not using the devices. Following that High Court ruling, in an attempt to advance matters in a peaceful way the NPWS decided to allow the jarveys back into the park and proposed the use of an independent facilitator to facilitate the introduction of dung catchers. The NPWS experienced further delays in trying to put such facilitation in place and in the event, when the facilitator finally managed to initiate the process in mid-September 2009, he

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advised the NPWS that he could not advance matters as the jarveys would not engage with him. This was a most regrettable turn of events for all concerned.

The NPWS has at all times been more than reasonable and patient in its dealings with the jarveys. At this stage, in the face of non co-operation and in the wider public interest, the NPWS has once again been left with little option but to implement the requirement that dung catchers must be used on jaunting carts. While NPWS could have done this in July following the jarveys' failed High Court action it did not do so at the time and waited until towards the end of the visitor season to minimise any implications it might have for the jarveys.

I reiterate that the decision to require dung catchers was taken after a long period of effort, consultation and investigation on the part of the NPWS and the jarveys have had more than ample opportunity to engage in the process but have chosen not to do so. The NPWS is obliged under statute to manage the national park and this obligation has already been affirmed by the High Court. The matter is now before the High Court again for judicial review and in all the circumstances there is no merit in revisiting all the previously discussed issues anew through further layers of mediation. The NPWS has received much support for its actions in dealing with this issue locally, including from the trustees of Muckross House.

In conclusion, it is not the NPWS that excluded the jarveys from the park but rather it is the jarveys who have taken the deliberate decision to exclude themselves by their non co-operation in using this safe and internationally successful device, which is being offered free of charge to them and which would improve the environment of the park for all. Now that we are into the quiet tourism period, I call for co-operation from the jarveys and I appeal to them that they use this time to accustom their horses to the devices and so that we move forward in co-operation to the mutual benefit of all.

Senator Paul Coghlan: I am not in a position to argue with the Minister of State on the facts. The Minister of State is correct in commenting that the park is beautiful and that we all want to keep it correctly but I see the courts as a last resort. I refer to the Muckross jarveys, not the town jarveys who initiated the judicial review process to which the Minister of State refers. They believe, rightly or wrongly, that the Department had predetermined the case. I am not aware that this is the case. I do not act for them, nor do I hold a brief for anyone in this matter. I hope the Minister of State sees me for what I am, namely, an honest broker. I want to see resolution of this dispute and I do not want to see the interests of the trustees of Muckross House, no more than those of the Department or the park, suffer any more.

Deputy Michael Finneran: It was not the Department that initiated a High Court action. The opportunity for consultation exists and I have no doubt the NPWS is open to discussion. It is appropriate that consultation and discussion take place during the quiet tourism period to see if this matter can be resolved in time for the new season. The decision on the device has been taken.

Senator Paul Coghlan: Can the Minister give me a name of someone who will enter into genuine dialogue with the jarveys? I emphasise that I want to get the blockade lifted from the gates of the national park. That is the only issue I am dealing with. I appreciate what the Minister of State said and I am aware of the court action, which was initiated by the town jarveys. The Muckross jarveys have nothing to do with it. They have stressed that they will lift their blockade immediately if there is someone they can mediate with. The mediation should be binding. I would appreciate if the Minister of State gave me a name.

Deputy Michael Finneran: The consultation concerns the fact that the devices must be put on the horses or vehicles by the jarveys. I will ask the Department to consult with Senator Coghlan but the decision has been made and these devices must be worn.

National Drugs Strategy.

Senator Jerry Buttimer: I thank the Cathaoirleach for allowing me to raise this matter and I welcome the Minister of State. Drug treatment services and the national drug strategy are important, as is the allocation of grant aid to organisations and those who are serious in an attempt to help those on the road to recovery. The Minister of State is familiar with the Adjournment motion, which concerns the Fellowship House facility on the outskirts of Cork city. It is a halfway house for men in recovery from poly addiction. Since its opening in 2002, Fellowship House has been providing accommodation for men in the early stages of recovery. It provided accommodation for men when it was not popular to do so. Fellowship House has embarked on an ambitious programme to develop a new facility at Spur Hill, Togher, to provide step down facilities for men in the city and county of Cork.

An application for funding for €4 million, under the capital assistance scheme, was made to Cork County Council. The council fully supported and approved the project. In January 2008, the Department of the Environment, Heritage and Local Government received a submission from Cork County Council and in August the project went to tender. The tender reports submitted to the Department by Cork County Council on 4 February 2009 is where the deadlock lies. There is a demand for the facility because there is a 95% occupancy rate for the services Renewal Sheltered Housing and Fellowship House provide. The board has plans to increase capacity to 31 places. Are we serious about providing continuing care services to people on the road from addiction?

The report of Renewal Sheltered Housing refers to 72% of men and 63% of women between 18 and 34 years of age presenting themselves for treatment and availing of the facility. That is a staggering figure in that age group admitting to poly addiction. Planning permission has been granted and the project has been put out to tender. Tenders have been received and therein lies the crux of the matter. Renewal Sheltered Housing is waiting for the capital. Are we serious about tackling the drugs issue and are we serious and genuine in assisting those on the road to recovery?

The staff at Fellowship House do excellent work. This matter is about continuing care and the services the facility will provide in assisting people who would not ordinarily get a chance on the road to recovery from alcohol and drugs. Will we allow this asset to stand still or will we allow the people of Cork to assist people on the road to recovery? We often hear about the frontline but in this case those at the frontline are making a difference at the coal face of addiction recovery. This is a programme worthy of support. The mission statement of Renewal Sheltered Housing suggests the programme is about trying to achieve a balance between maintaining contact with the family, work, developing recreation skills and a sober support system. I pay tribute to the voluntary board of directors, the staff and management and the Sisters of Mercy and the SMA Fathers for the work they do. The programme needs capital injection. Senator Coghlan spoke about meaningful dialogue. Are we serious about that and about intervention and assistance? A 95% rate of occupancy spells out that there is a demand for services. The work and actions of the staff of Renewal Sheltered Housing at Fellowship House are about recovery. At the front of the Fellowship House brochure is a very nice statement, which is “a chance to change”. Therein lies the opportunity. I look forward to the Minister of State’s reply.

Deputy Michael Finneran: I thank the Senator for raising this as it affords me an opportunity to confirm once again the Government’s commitment to working with the voluntary and co-

[Deputy Michael Finneran.]

operative housing sector to meet the housing needs of the disadvantaged and vulnerable in our society, particularly in the current challenging economic climate. I begin by reflecting on the successful relationship to date between my Department, local authorities and the voluntary and co-operative sector. Since the 1980s, together we have overseen the delivery of 22,000 homes under both the capital assistance and capital loan and subsidy schemes which, I am sure Senator Buttimer will agree, represents a considerable success story by any measure of social housing delivery.

As Senators are aware, there is increasing pressure on the public finances and it is incumbent on all of us to ensure all public investments are effective, efficient and deliver the greatest value for money while meeting a particular social need. In that context, we need to examine options for delivering social housing beyond the traditional approaches of construction and acquisition if we are to continue to meet housing need at the levels expected of us. Although I cannot predict the outcome of the Estimates process, the reality is that capital budgets for next year will come under further significant pressure. This will undoubtedly give rise to some difficult decisions. However, I am satisfied we do have real options that will help us to deliver still high levels of good quality accommodation.

I refer in particular to the new long-term leasing initiative and the rental accommodation scheme which will capitalise on the existing availability of unsold properties in the market while at the same time taking advantage of the fall in rents. These schemes provide local authorities and the voluntary and co-operative sector with an opportunity to provide greater numbers of households with good quality accommodation than would otherwise be possible from our annual investment.

My Department continues to liaise closely with the Irish Council for Social Housing and indeed approved housing bodies themselves to ensure they are well-placed to deliver housing in this new context. Already this year, a number of voluntary and co-operative bodies have received approval in principle for units under the new leasing initiative and efforts are being taken to ensure this process is further strengthened in the coming years. At the same time, the Department is placing renewed emphasis on meeting the needs of vulnerable households and will be focussing capital support on the priority area of special needs provision under the capital assistance scheme in 2010. In that context, my Department is conducting a review of all proposals for CAS projects in the system with a view to identifying the priority projects for which funding will be made available next year.

This brings me to the project raised by Senator Buttimer involving 31 sheltered housing units and community facilities at Fellowship House in Togher, County Cork. I assure the Senator this project is being considered in the context of the overall pipeline of projects designed to provide new accommodation for households with special needs in 2010. I understand the county council, as part of the review I mentioned, has indicated this project has a high priority. Regard will also have to be had to the fit between the proposed project and the overall strategic direction for the accommodation for homeless households, as set out in the Government's homelessness strategy, *The Way Home*.

Undoubtedly, the provision of accommodation by approved voluntary and co-operative bodies continues to play an integral part in my Department's overall response to delivering on social housing need. I take this opportunity to re-emphasise the Department's commitment to supporting the sector in that context. Obviously our capacity to do so will be subject to the level of resources available to us. However, I am satisfied the new arrangements, such as the leasing initiative I have outlined, represent significant new opportunities for voluntary bodies to meet housing need in the years ahead.

Senator Jerry Buttimer: I thank the Minister of State for his reply. However, it is a disappointing reply as it does not address the fundamental issue at hand, which is that we have a waiting list for entry into Fellowship House. I know the national drugs strategy does not fall under the remit of the Minister of State's Department but his reply makes a mockery of the press statement issued by the Minister for Foreign Affairs, Deputy Martin, on the new national drugs strategy and funding the expansion of the Cork drug treatment programme. It makes a complete laugh of the HSE's press release on a major initiative in the HSE South's addiction services and it tells the Minister of State, Deputy Curran, that the national drugs strategy is flawed.

I appreciate we are in stringent economic times but 96% of people admitted to Fellowship House are unemployed and homeless. This is an opportunity to take a real initiative on behalf of the most vulnerable in society and give them an opportunity to restart their lives. It is a chance to change and we have missed it again tonight. I am not hopeful about the response. I take the Minister of State's bona fides in the matter and I ask him whether he has any words of hope for the people of Cork. Is there any way to see light at the end of the tunnel? This is a very important project. If we are serious about the national drugs strategy we need to deal with the pillar of rehabilitation and we are failing to do so. With this project we can drive the strategy forward in a positive manner with positive outcomes and success stories where people are restarting and rebuilding their lives.

Deputy Michael Finneran: My commitment to the homeless in particular is well known. It was the only area in the Department where there was an increase in the 2009 budget, of 5%. That was well-recognised by groups and by The Way Home. The homeless strategy is being implemented by the Department in consultation with local authorities. Senator Buttimer is probably aware that recently I extended the opportunity of long-term leasing to the voluntary and co-operative sector, something that had never been given to it in the history of the State. It was received in a very positive manner and I welcome that.

Senator Jerry Buttimer: Will the Minister of State ask the Minister of State, Deputy Curran, and the Minister for Health and Children, Deputy Harney, who will take responsibility if a recovering addict relapses? That question was not answered this evening. It is a fundamental question on the drugs strategy. I am very passionate about this. The buck must stop somewhere.

Deputy Michael Finneran: I am very conscious of the needs of the homeless and disadvantaged in society and my housing programme gives priority to them. With regard to the particular question on the drugs strategy, I suggest that the Senator places a further question with the House for the relevant Minister; I do not have that information available to me in this evening's response nor was it asked for in the question tabled by the Senator.

Senator Jerry Buttimer: The fundamental question still pertains. If we are serious about drug rehabilitation and intervention in the national drugs strategy, then responsibility lies somewhere. I appreciate it is not the Minister of State's specific area of responsibility but he is here as the representative of the Minister and the Government. The Government has a role to play in this. I will not be fobbed off by spin-doctors.

An Leas-Chathaoirleach: I have given Senator Buttimer much latitude.

Senator Jerry Buttimer: I appreciate that but the buck must stop somewhere. The HSE, the Minister for Foreign Affairs, Deputy Martin, and the Minister of State, Deputy Curran, have issued press releases on the great work being done in capital spending by the Government.

[Senator Jerry Buttimer.]

However, the Minister of State and the Department have told us we have no money. Where does the buck stop? Who takes responsibility?

Deputy Michael Finneran: The question tabled was on proposals for the payment of grants to Fellowship House. There was no further question and therefore I do not have any answer.

Senator Jerry Buttimer: I appreciate that but——

An Leas-Chathaoirleach: I cannot allow Senator Buttimer to contribute again.

Senator Jerry Buttimer: ——the fundamental point is that the buck does not stop anywhere with the Government. The buck stops nowhere.

The Seanad adjourned at 6.50 p.m. until 10.30 a.m. on Wednesday, 4 November 2009.