

SEANAD ÉIREANN

Dé Céadaoin, 5 Bealtaine 2010.
Wednesday, 5 May 2010.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Business of Seanad.

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

The need for the Minister for Health and Children, in the light of the current block on Russian adoptions, to give a timeline by which the block can be lifted in order that Irish adoptions can recommence with Russia.

I have also received notice from Senator Brendan Ryan of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to sanction the immediate opening of the new state-of-the-art Rush Library, County Dublin, in the converted 19th century St. Maur's Church, which has been completed and ready for operation since the end of September 2009 and which has been short-listed for the World Architecture Award but which cannot open owing to the embargo on public service recruitment.

I have also received notice from Senator Nicky McFadden of the following matter:

The need for the Minister for Agriculture, Fisheries and Food to outline the reason the garden-nursery sector was not included in the recent frost damage scheme.

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

The need for the Minister for Finance to bring forward proposals that will see an end to the application of vehicle registration tax in the State.

I have also received notice from Senator Diarmuid Wilson of the following matter:

The need for the Minister for Enterprise, Trade and Innovation to act immediately regarding the job losses in Quinn Insurance Limited.

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

The need for the Minister for Tourism, Culture and Sport to make a statement on her strategy to attract visitors to Ireland and assist the tourism industry.

[An Cathaoirleach.]

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Healy Eames, Ryan and McFadden and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

Order of Business.

Senator Donie Cassidy: I extend our deepest sympathy to the family and friends of the late Gerry Ryan who was an outstanding broadcaster and a man of the people.

The Order of Business is No. 1, motion re implementation of new powers of national parliaments under the Lisbon treaty — extension of deadline — to be taken without debate at the conclusion of the Order of Business; No. 2, Criminal Law (Insanity) Bill 2010 — Report Stage, to be taken at the conclusion of No. 1 and adjourn not later than 5.30 p.m., if not previously concluded; and No. 36, Private Members' motion No. 16 re ministerial pensions, to be taken at 5.30 p.m. and conclude not later than 7.30 p.m.

Senator Frances Fitzgerald: I join the Leader in expressing sympathy to the family and friends of the late Gerry Ryan. It was a very sad loss for his family and many loyal fans. It is disappointing that the Taoiseach has decided not to support the Fine Gael motion on pensions to be discussed this evening. It was an opportunity——

An Cathaoirleach: The matter is to be debated tonight in Private Members' time and I would appreciate if it was left until then.

Senator Frances Fitzgerald: I want to make a relevant point. It was an opportunity for the Taoiseach to show leadership and his commitment to fairness and equity.

An Cathaoirleach: I ask the Senator not to anticipate the debate. When a matter is to be raised as a Private Members' motion, it should not be discussed on the Order of Business.

Senator Frances Fitzgerald: I think this is linked to the question of political leadership——

An Cathaoirleach: It is the Senator's own Private Members' motion.

Senator Frances Fitzgerald: ——which is a very relevant matter to raise in this House. People are looking for fairness and equity, especially with regard to higher civil servants and those who earn less than €30,000. There are many issues where fairness and equity arise in political discussions in this forum and that was the point I was making.

I propose an amendment to the Order of Business to ask the Minister for Finance to come to the House to discuss the loan of €1.5 billion to Greece. It is crucial this House has an opportunity to discuss this important topic today as there are significant implications. Everyone outside the House can see the pressure on the euro and the deteriorating situation in Greece where three people have died in a fire today as a result of street protests in which a bank was fire-bombed. This is a very serious situation. There are threats to the stability of the euro which has significant implications for this country. It would be very appropriate to have a debate today on that issue. My amendment to the Order of Business would allow a discussion on the loan to Greece.

Senator Joe O'Toole: Following on from the point made by the Leader of the Opposition, I agree the House should discuss what is happening in Greece but perhaps from a different perspective. Like their counterparts in Greece, Irish workers are also extraordinarily angry and

resentful and morale is low in both the public and private sectors. The Croke Park agreement is an attempt to deal with the situation in the public sector. We should look at what is happening. The global mismanagement of the economies of the world has found expression on the streets in Athens, with three people dead today. This is because people were not given a way of dealing with it. The need for the House to discuss the elements of the Croke Park agreement so that people can understand it has been raised in the House on many occasions by Senator MacSharry, Senator Buttimer and me. There is a great deal of misinformation and incorrect information about it. Many ordinary public sector workers believe they have no choice, that voting “No” is their best protection and that if they vote “Yes”, changes will be imposed. We need to explain to them that what is involved in this agreement is change by negotiation, not imposed change. We need to show them that voting “No” offers no protection whatever but is simply a case of walking away from decisions that have to be made by Government without the input of the unions or others. There is a debate but I do not want to go into it now. Rather than allow things fall apart and find expression, I want Ministers to come to the House, bolster the agreement by showing their bona fides and their commitment to both the spirit and the letter of the agreement and to fight with it and for it.

Senator Alex White: I join others who have expressed their sympathy on the recent very sad death of Gerry Ryan. As somebody who spent some years working in the same building as him, I feel a really profound sense of sadness and loss at his passing. When we talk about people being frank and perhaps talking about things they would find difficult to deal with, Gay Byrne cracked the glass but it can truly be said that Gerry Ryan shattered the glass in that respect. He made an immense contribution to broadcasting and it is a very sad day to realise he has left us.

I support Senator Fitzgerald’s call for a debate on the recent decision on Greece. It would be difficult to imagine that there are many other countries in the European Union not debating this issue today. I presume the governments of those countries in the eurozone that have been called upon to make a contribution to this so-called bailout would go back quickly to their parliaments to explain what has happened, give the details, set out the basis for the particular figures involved in the respective contributions, explain the pace and timescale involved and discuss the exposure of banks in Ireland and elsewhere to what has occurred in Greece. While I know the Minister for Finance briefed the Cabinet on the issue, he should also brief the Oireachtas. He has an opportunity to attend this and the other House to do so. It is not good enough for us to be told legislation will be brought to the Cabinet next week and will get to the Oireachtas some time thereafter. We are talking about an exposure of up to or even in excess of €1.3 billion.

Once again, this is an example of where more information and detail must be given for debate in the House. Last week, the Minister of State at the Department of Finance, Deputy Martin Mansergh, attended a debate in this House in which he said many things. One of the most extraordinary things he said, which still echoes in my mind today concerned banking, when he congratulated “the honest and full disclosure by the Government and its agencies of the appalling mess within our banks”. I wonder whether I am still living on the same planet as members of the Government who seem to want to persuade us it has made a full and honest disclosure. What disclosure? We should start with the Greek situation and I support the call for a debate this afternoon on the matter.

Senator Dan Boyle: I agree the House needs an opportunity to have a debate at the earliest opportunity on events in Greece and their effect on the eurozone. While the House does not have a constitutional competence to make decisions on national expenditure, our views need to be heard and considered in this regard.

[Senator Dan Boyle.]

It is also important to take into account the news received today from the European Commission's review of the eurozone economy. Olli Rehn, the Commissioner for Economic and Monetary Affairs, pointed out economic growth in Ireland is likely to be 3% in 2011, the second highest in the eurozone and twice the eurozone average. I am surprised none of the Opposition's speakers today mentioned this. This points out the Government has done some things right. The Commissioner also said the Government's policy decisions have been bold, creditable and have led us to our current position.

Ireland is certainly not Greece. The deaths there today are regrettable and we can only hope the situation does not further deteriorate. The public sector in Greece comprises a far higher proportion of its economy than Ireland's. Practices have evolved in Greece, such as public sector workers paid 14 months' salary a year, that would never have occurred here. When fellow member states of the eurozone and the International Monetary Fund state corrections need to be made, we have a responsibility to say how they can be made as well as offering whatever financial assistance is necessary to make the corrections work. A debate in this context would be very important.

Senator Liam Twomey: I second Senator Frances Fitzgerald's call for a debate on Greece and the euro. The Spanish Prime Minister, Mr. Zapatero, said that talk about Spain needing a bailout is utter madness, yet the money markets in New York claim both Spain and Portugal are endangered species. The fundamental problems with the euro and how it works across the eurozone have also been pointed out. Some strong countries in the eurozone want to keep the cost of money down while Ireland, Spain, Greece and Portugal need a fundamental change to European monetary policy to get out of this mess. It is a little simplistic for Senator Boyle to claim Ireland is actually getting out its economic mess and absolutely flying it. One only has to look around——

Senator Dan Boyle: We are going in the right direction.

Senator Alex White: Senator Boyle is deluding himself.

Senator Liam Twomey: We are not quite getting there yet. There is an urgent need for the Taoiseach and the Minister for Finance to lay out Ireland's policy on the euro and the crisis in Greece. This is an evolving problem about which I have a sense the Government is not sure where it is going. We at least need to know its thinking on the issue.

Senator Marc MacSharry: I welcome yesterday's introduction of the national solidarity bond. It is a positive development and it would be remiss of the House not to acknowledge it was first suggested some years ago by Senator Terry Leyden. All too often the good work and suggestions that come from this House are not acknowledged. There is a good deal of criticism these days of the Houses of the Oireachtas and public servants. It is important, therefore, that we should acknowledge when something positive happens that is initiated in this House. In that regard, well done to Senator Leyden.

Senator Terry Leyden: I thank the Senator.

Senator Marc MacSharry: It is a very good bond——

Senator Liam Twomey: It sounds like NAMA.

Senator Frances Fitzgerald: Greece could pay it.

Senator Marc MacSharry: —and something that will be useful in coming years in building a fund for the capital investment programme and will give a worthwhile return to those in a unique position to invest money at this time. It is a positive step. It is important to acknowledge such steps, as there is plenty of negative news.

It is also important that we acknowledge the announcement that finally the Internal Market Commissioner is to investigate the ratings agencies, including Standard & Poor's which last week suddenly downgraded the ratings of Greece and Spain. That is another suggestion which was first made in this House. Senator Norris mentioned it. While I will not be supporting the amendment, I support the call for the Minister for Finance to come to the House when it is convenient for him to do so, although I hope it will be sooner rather than later, to allow us to discuss Ireland's support for Greece. The figure is not €1.5 billion but €1.312 billion, to be precise. The Minister has been specific in saying this measure will not cost the State. It will be done on a profit basis at best or, at a minimum, a repayment basis.

(Interruptions).

Senator Marc MacSharry: I would welcome such a debate.

Following on from calls made in previous weeks for a debate on the Health Service Executive and, in particular, the Health Act 2004, the Act has failed and requires to be repealed or at least amended to provide for representative influence on policy and in the workings of the executive which, as I said last week, now accounts for in excess of 50% of the tax take of the country. It can do as it sees fit in an independent way because when the public wishes to adjudicate on policy or its performance, it seems it can systematically hide the information from it. Despite the Freedom of Information Act, we depend on the good offices of the Ombudsman, Ms Emily O'Reilly, to have the information made available to the public. Overall, while there is much good work being done in the HSE by the many fine professionals working within it, its structure has failed. It requires public representative influence which the public expects. I seek a debate on the issue as a matter of urgency.

Senator David Norris: I have already had an opportunity to pay tribute to the late wonderful broadcaster, Gerry Ryan. Therefore, it would be inappropriate for me to say anything more at this stage, apart from this. I was in a taxi yesterday and the taxi driver said he was disgusted because he had just passed the Ryan household in Clontarf and saw banks of photographers outside. In the house there was a grieving widow and the children had appealed for privacy. I ask the Leader to impart some knowledge to the House on when the legislation on privacy promised by the Government will be introduced.

I again refer to the fact the Legislature has significantly failed to uphold the rights of citizens by legislation, in this case the rights of unmarried fathers to guardianship of their children. Two years ago there was a decision in a case in the High Court which recognised the existence of a *de facto* family but last December the Supreme Court stated there was no recognition of the existence of a *de facto* family in Irish law or under the Constitution which only protected what it described as the marital family. Last week a father lost his case for guardianship, despite the fact that his partner had removed his children to England without his consent, because he had not raised the issue by applying for guardianship in the courts. A significant editorial in *The Irish Times* stated:

A father who spent many years devotedly caring for his children could find that, unless he had obtained guardianship through agreement with his partner or through a court order, he had no rights when the relationship broke up. The fact that one in three children is born outside marriage in Ireland underlies the potential scale of the problem.

[Senator David Norris.]

The Law Reform Commission's provisional report has recommended that unless it is against the best interests of the child, the right of an unmarried father to guardianship should be recognised in law. We are in dereliction of our duty by not examining this issue and passing the appropriate legislation. I pay tribute to Mr. John Waters who has campaigned ceaselessly on this issue in the column of the newspaper for which he writes.

Senator Terry Leyden: I wish to share my sympathy with the Ryan family, Morah and the five children.

An Cathaoirleach: There is a time for expressions of sympathy, as is well known and as Standing Orders clearly state. I allowed the Leaders or a Member from each group to express something on the matter.

Senator Terry Leyden: My colleague Senator Norris spoke on the matter.

An Cathaoirleach: His Leader did not although the Senator has commented on it.

Senator Terry Leyden: I will not make an issue of it. I simply wish to say what I feel about it. I thank my colleague Senator Marc MacSharry for his kind comments on my campaign for the solidarity bond, which is very worthwhile. I have stated before that we should all contribute to this bond as far as possible. If I had shares in Goldman Sachs I would take them out and put them into the bond. It would be more in the national interest if I could do that because it would be a good investment.

An Cathaoirleach: What is the question to the Leader?

Senator Liam Twomey: The Senator could put in his ministerial pension.

(Interruptions).

Senator Paschal Donohoe: There is not much left. It is all gone.

An Cathaoirleach: Senator Leyden without interruption. We are on the Order of Business and it is questions to the Leader.

Senator Terry Leyden: I did not realise that. That is going like last December's snow. The Fine Gael Party should have more to do and to raise than this issue.

An Cathaoirleach: It is questions to the Leader.

Senator Terry Leyden: There are 500 questions to the Leader.

An Cathaoirleach: What is the question?

Senator Terry Leyden: I am asking the Leader if he would consider having a discussion regarding the proposal by the Minister, Deputy Dermot Ahern, in respect of the closure of head shops, which is absolutely vital. That would be more important to have on the agenda tonight than this old issue regarding pensions, in which they have no interest whatsoever. The Fine Gael Members had no problem with the former Taoiseach, John Bruton, when as ambassador to Europe——

An Cathaoirleach: Senator please, that is out of order.

Senator Frances Fitzgerald: The Government is very slow in bringing in legislation on head shops.

Senator Terry Leyden: They are a crowd of chancers.

Senator Frances Fitzgerald: We should be bringing forward legislation on head shops.

An Cathaoirleach: I call Senator Coghlan without interruption.

Senator Paul Coghlan: I strongly support the call for the debate on the Greek assistance situation. I trust the Leader will agree that, at a minimum, the Minister for Finance owes it to the House to come before this House as well as the other House.

An Cathaoirleach: There is distortion on the Senator's microphone.

Senator Paul Coghlan: It is not on my microphone.

Senator Camillus Glynn: There is some interference.

An Cathaoirleach: Questions to the Leader, please.

Senator Paul Coghlan: In any event, it impacts on the currency which is of such vital importance to every member of the eurozone. It is important that we hear from the Minister in regard to the situation and that we hold a debate, as Senator Fitzgerald has called for.

We are all aware that our tourism industry is in a very fragile state and in need of every assistance and help it can get. I refer to the volcanic eruption and the floating plumes and we are aware of what they are doing. They are preventing so many people from visiting our shores.

3 o'clock Sadly, one thing we had been doing in the south west, a very worthwhile project, has been set back. Protected birds of prey, the white-tailed eagles, are threatened now. We have had 55 in all, ten of which have been poisoned recently with the laying of illegal substances, including laced meat baits. This is most unfortunate. Our farming community is very supportive of this very worthwhile project but sadly some individuals have taken it upon themselves to try to wipe out these magnificent, majestic birds, which so many people have already come to see. Two of the birds recently poisoned have been here since 2007 and approaching breeding stage. This is most unfortunate for the future of the project. Norway has been very good to us, allowing us 20 fledglings per annum.

An Cathaoirleach: Time now, Senator.

Senator Paul Coghlan: This is a serious threat. I urge the Leader to take the matter up with the Minister for Tourism, Culture and Sport.

Senator John Hanafin: I call for a debate on the situation in Greece, especially in light of the fact we have a contrast between the cities of Dublin and Athens. One has the highest deficit in its budget in the EU zone. The other does not have a deficit as high, yet there is widespread anger, the IMF has been called in and there are riots on the streets. The way we have managed our economy, like the responsibility that now rests with union members as regards the Croke Park agreement, cannot be overstated. On this day, when we remember the selfless sacrifice of the men of 1916, we are called on again to be responsible, to do what is right for this nation and to ensure the stability of the finances of this nation. When one loses financial control, one loses part of one's sovereignty. Economic commentators are saying that Goldman Sachs was behind the hedge funds that hid the amount of debt that Greece currently holds. We need to reflect on the record of Goldman Sachs in selling sub-prime loans and betting against the

[Senator John Hanafin.]

consequences of sub-prime lending, which has recently come to light. Is it the case that those who gave loans to Greece are now betting against the euro? It is time for a cross-national supervisory body to be established to ensure systemic risk, including sovereign debt, is managed properly.

I am pleased we will have a debate on ministerial pensions. As I recall it, such pensions were introduced at a time when Members of the Oireachtas were not particularly well paid. It was suggested that when Ministers went out of office, their pensions should be paid early so that they would not be lost to politics. There is no doubt that Oireachtas pay has improved. If it was wrong for these pensions to be paid yesterday, last week, last month, last year or five years ago, why is it only now, when the media are concentrating on this issue, that the Opposition is raising it?

An Cathaoirleach: We can have that debate tonight.

Senator John Hanafin: If the Opposition got its way, we would have government by media.

Senator Liam Twomey: On a point of order, when Senator Fitzgerald spoke about the same issue, the Cathaoirleach interrupted her on three occasions. However, Senator Hanafin was allowed to speak without being interrupted.

An Cathaoirleach: Is the Senator calling my ruling into question?

Senator Liam Twomey: The second contribution was coming from the Government side. It was a clear case of bias. I am sorry, a Chathaoirligh.

An Cathaoirleach: I would be as fair to anyone. The Senator moved over briefly on that, as did Senator Fitzgerald.

Senator Liam Twomey: Four points were made on it.

An Cathaoirleach: I allowed a brief comment before I interrupted.

Senator Phil Prendergast: I attended a conference on the international day of the midwife in the Coombe Hospital this morning. I congratulate all midwives who work everywhere in all disciplines, 365 days a year, in the community, in midwifery-led units and in nursing homes. I congratulate them on the fine work they are doing, especially in these difficult times. The embargo is having an absolutely detrimental effect on the service and care given to women who have had babies. It is leading to early discharges from hospital and is making follow-up care very difficult. I ask the Leader to think about having a debate in this House on the effect the embargo is having on front-line services. Women who are having babies are most in need of such services. They may need different types of care. Some of them might need more high-dependency care than others. Follow-up care is required for the safe delivery of the children of our nation.

I commiserate with the Ryan family on the passing of Gerry Ryan.

Senator Niall Ó Brocháin: I acknowledge Senator Coghlan's contribution. I also call for a debate on the use of poisoned meat to poison eagles. That would be a very important debate from a wildlife point of view.

I support the calls for a debate on Greece. It is interesting that we have, at last, moved away from a debate on the Irish economy to a debate on the Greek economy. The extraordinary circumstances in Greece show that the Irish economy is not in the same state of disrepair as

the Greek economy and thank God for that. Negative comments on the Irish economy are unfortunate. I hope we do not go down the same road as Greece. We have to fight together to ensure that does not happen.

I call for a debate on an interesting piece in the *Irish Independent* last Monday about the zoning of housing in this country. It is incredible that zoning has been approved for the construction of more than 1 million houses in this country at a time when the need for housing is much lower. We may have to dezone much of that land. It is an important matter. People often refer to the contribution the banks made to the collapse of the economy but few public representatives, either in the Oireachtas or at local authority level, have referred to the huge difficulties caused by the mad rezoning involving both planners and county councillors during the Celtic tiger years which has led to an unfortunate scenario regarding land values.

Senator Paschal Donohoe: I support Senator Fitzgerald's call for a debate on the situation in Greece. I called for such a debate on the Order of Business every day last week. On Thursday we called a division on an amendment to the Order of Business. A number of months ago the Leader facilitated the Seanad in being the first House of the Oireachtas to debate the situation in Greece in the light of what could happen there and the effect it could have on us. It is imperative that we have such a debate before the proposed legislation is introduced in the House. I concur with Senator O'Toole on the Croke Park deal — public service agreement 2010 to 2014, the second sentence of which stresses that our objectives as a country would be met "by working together". What is happening in Athens is the extreme alternative to that approach. It is imperative that we do not allow the vote on the Croke Park agreement to turn out like the one in the first Lisbon treaty referendum when some made their decision on the basis of information they did not have or because of a desire to give the Government a good kicking. I hope they are not the reasons people will vote against this arrangement. It is in the national interest that it be passed. If so, it will be a further sign that this country is different from Greece. I, therefore, reiterate my call to the Leader to organise a debate on the matter as soon as possible.

Senator Ann Ormonde: Today I listened to the chairman of NAMA comment on the agency's dealings with the first phase of developers. He talked about the many ill-conceived and ill-designed structures such as office blocks and hotels that were surplus to requirements. I seek a debate on the role of Irish culture in revitalising the country. I am talking about the physical fabric of the country, not our writers or musicians. This is a discussion the community at large wants. In particular, we should revisit the planning guidelines which involve the way planners do their business and the question of whether architects pay enough attention to the design, appearance and character of an entire region, which is important. We must also take into account our heritage. We all visit many other European cities and the first thing we look at is the built heritage. I would not like anyone coming here to look at our heritage in regard to the built environment because there is nothing but derelict sites to be seen. We need to examine this issue because many people will want to visit Ireland to examine our built environment. It is part of our culture and we need to preserve and conserve it. There is, therefore, a role for planners and architects. This is 2010, not 2003, when we were in the middle of the economic boom. Different concepts are emerging which from time to time we will need to revisit in the Chamber.

Senator Maurice Cummins: People on low incomes in the private and public sectors have experienced further cuts in income in recent months and many now qualify for family income supplement. However, it takes up to ten weeks for them to receive their entitlements. The Leader will agree that it is totally unacceptable that people who are striving to provide for

[Senator Maurice Cummins.]

their families should have to wait to up ten weeks to receive their entitlements. Last week I mentioned that many members of the Defence Forces qualified for family income supplement. They do not qualify for overtime payments like many others in the public service. Surely we should strive to ensure they can secure their entitlements in a timely fashion. I ask the Leader to make representations to the Minister, Deputy Hanafin, on that matter to ensure people get their proper entitlements in a timely fashion.

Senator Jim Walsh: It is touching to witness the number of Senators who have called for a debate on Greece. I dare say there are lessons for us in terms of what is happening in Greece but I would have thought we have sufficient difficulties within our own economy for us to concentrate on those initially. I accept that how the Greek situation plays out may well have implications for us through its negative effect on the eurozone.

Senator Alex White: It has €1.3 billion worth of implications.

Senator Jim Walsh: As I understand it, we will gain a premium on the €1.3 billion in terms of the interest between the rate at which we can borrow it and the rate at which it will be loaned to Greece.

I seek a debate on competitiveness within the Irish economy. The issue that has arisen in recent weeks has illustrated how the Government, especially the Minister for Finance has approached the difficult banking and fiscal position. However, much more needs to be done on the fiscal side. We must set about significantly dismantling the growth in employment in the public sector which increased by 150,000 in the decade up to 2008. Restoring competitiveness in the economy is an essential issue. In that regard we should examine the regulatory authorities and in particular the impositions we put on small business with the various joint labour force agreements which were spawned by the partnership system.

I would also like us to examine infrastructure. We have invested heavily in road infrastructure, the evidence for which is to be seen all over the country to the benefit of everyone. I would like to see a similar concentration on broadband where there has been a dearth of investment. That is the next area on which we must concentrate.

We must examine the public service system. We will have difficulty affording wages and salaries in the public sector which are well in excess of the private sector. The public sector pension scheme could not be afforded by people in the private sector. It just would not be available as the terms would be so high that people could not afford them.

An Cathaoirleach: Time, please.

Senator Jim Walsh: Job security is a feature of the public sector that does not exist in the private sector. We need to align the public sector and private sector systems in the interest of the competitiveness of the country and all who work in the economy.

An Cathaoirleach: Time. The Senator has made his point.

Senator Rónán Mullen: I support the call for a debate on Greece. There are many issues we could discuss. One fact that caught my eye was the report that 75% of applications for asylum in this country have been rejected. It would be timely for the Minister for Justice, Equality and Law Reform to come to the House to give us an update on the operation of our asylum laws and for us debate whether that is an appropriate percentage in light of the circumstances. It is interesting to note that Greece is much worse than we are; that it rejected 14,185 out of 14,350 applications for asylum in 2009, which provides an interesting angle on our solidarity with

Greece and the question of its solidarity with people. Greece has certainly not been spending the money on asylum seekers. Senator O'Toole likes the occasional reference to scripture. I am reminded again of the parable in Matthew 18 of the ungrateful——

Senator Joe O'Toole: I do, if I understand it.

An Cathaoirleach: Questions to the Leader, please.

Senator Rónán Mullen: ——debtor. The person who had his own debt forgiven showed very little compassion himself towards others. That is an interesting side light on the Greek debate.

In addition to a debate on asylum it would also be timely for us to look at the extent to which our measures to combat trafficking are working. I accept we have administrative, protective measures for victims of human trafficking but the reality is that only a handful of victims of trafficking have had access to the recovery and reflection period and the six months temporary residence permits. No cases have been brought to court under the human trafficking legislation. I made the point in the House previously that the British have introduced a much tighter law on the purchase of sexual services from persons who are trafficked. It is not a defence under the British law to show that one did not know the person was a controlled person. I am asking for a debate on the need to tidy up Irish law, to harmonise it with that of Britain so we do not have the appalling spectacle of people coming south of the Border to avail of the sexual services of persons who are victims of human trafficking. I ask the Leader to request the Minister for Justice, Equality and Law Reform to come to the Seanad to debate that matter with us as soon as possible.

Senator Ivor Callely: It is with interest that I have listened to the last speaker, and I support some of his comments as regards abuses in human trafficking. On the other hand, I very much support the work of the Department of Justice, Equality and Law Reform and the Garda National Immigration Bureau on what they have done where there were blatant abuses in relation to people coming to Ireland to seek asylum. I gather applications are now being fast-tracked and the Department is now up to speed in this regard. I understand that in the past there were some blatant abuses. That is not to say Ireland has not played its role in accommodating people seeking asylum, particularly under the European refugee programme, where this country has been to the fore.

I concur with my colleague, Senator Walsh, on the need for a debate on competitiveness. Indeed, I would add job creation and support Senator Walsh's remarks as regards the importance of restoring our competitiveness and addressing the issues impinging on it such as the various labour laws and regulations which heretofore we were able to carry during the Celtic tiger area. However, at this time, perhaps, they may be causing difficulties in ensuring we are able to compete at the level we need to.

I ask the Leader to arrange a debate on the HSE service plan, given the current crazy industrial difficulties between the frontline managers and the executive management as regards service provision and the budgetary impact of same, and the likely impact on service delivery later in the year.

Senator Eugene Regan: I do not know why there is such opposition to a debate on the Greek bailout and the situation in Greece. The debate should be welcomed because this clearly is a new financial crisis and we have lessons to learn from it. Potentially it has very serious implications for this country.

I want to draw the House's attention to an article in *The Irish Times* yesterday, "State cuts fund to help enterprises by €22 million". It refers to the enterprise stabilisation fund and I want

[Senator Eugene Regan.]

to ask the Leader if the Minister for Enterprise, Trade and Innovation could explain to the Seanad whether we have an enterprise policy. This fund was announced in April 2009 and it was considered a sign of the Government's commitment to helping companies survive the downturn. The article says there is no record to show the reduction to the fund was ever formally announced. That is par for the course, because the Enterprise Ireland budget has been reduced this year by 40%, with no formal announcement of that fact. In fact, one of the main elements of that budget, which is designed to assist investment in sustaining companies, has been reduced from more than €80 million to €25 million. We have had many announcements about the new initiative to support companies to locate people overseas, which is €10 million, but the 40% reduction in the budget must be addressed. The whole idea was to help companies to maintain jobs and yet the budget of Enterprise Ireland has been gutted and we can see this enterprise stabilisation fund has been quietly shelved and reduced considerably.

I ask for this debate in the context of the policy of the Government on enterprise. I have a situation in my constituency where local business people set up an enterprise, a bus service from Dalkey, the Patton Flyer, to Dublin Airport. It was refused a licence for more than three years by the Government. The licence was awarded to a non-Irish operator. I just do not understand where this Government is going in relation to promoting jobs, because all the indications are that it is going in different directions. It announces initiatives, but it is not fulfilling commitments.

An Cathaoirleach: The Senator has gone way over time.

Senator Larry Butler: I welcome the news that there has been reasonable growth in the retail business — at least 1% — in the first quarter of this year. This is the first time we have seen signs that we are coming out of recession. In addition, exports are up by 2.5%, which is encouraging. It is good to see the economy growing in that direction. The car industry has seen a major increase in sales, with more than 50,000 new registrations in the first quarter of this year, which is more than the number of cars sold across the industry in the whole of 2009. That is extremely encouraging. It is also encouraging to see this morning the report that the economy is expected to grow by 3% next year. These are items of good news such as Senator Quinn referred to which should be mentioned in the House.

We can learn a lot from the Greek economy. People cannot retire at 55 years if the economy is to keep going, nor can there be 1.6 million people employed in the public sector, as is the case in Greece. What was happening was total madness. Our economy was in a similar crisis and we had to put matters right. It is important——

Senator Terry Leyden: Good governance.

Senator Larry Butler: It is important to recognise that the Government has taken the right decisions on the economy on many occasions in the last two years. It has been difficult, but we are now seeing the results of these difficult decisions which Greece is refusing to take even now when it is being bailed out by the rest of the European Union. We should consider why it has defaulted in the way it has.

Senator Dominic Hannigan: Since we last met we have seen the loss of 900 positions from the Quinn Group in the north east. Our own MEP, Nessa Childers, is attempting to determine whether there is EU funding that could be used to help in this regard. I compliment the Minister on his swift action in allocating €1 million from the labour activation fund towards the creation of jobs for those Quinn Group employees who are unfortunate enough to be losing their jobs. This announcement has been welcomed by all parties. The appointment of the former chief

executive of Enterprise Ireland to the inter-agency team is to be welcomed and, it is to be hoped, will help a bad situation to become somewhat better.

More needs to be done in helping people who have been made redundant, particularly with regard to retraining. For post-leaving certificate courses, there is a cap of about 35,000 on the number of places available. It needs to be increased. We must also consider how these places are allocated across the country. In places such as Dunboyne — just beside Blanchardstown where many Quinn Group employees will lose their jobs — there has been an increase in the number of applicants for post-leaving certificate courses, from 500 last year to 800 this year. People will be turned away because there are insufficient places available. I, therefore, ask for a debate on the issue of retraining and how we deal with PLC course allocations.

Senator Nicky McFadden: This morning we attended a poignant commemoration of the events of 1916, during which the Bishop of Down and Connor, Bishop Treanor, spoke eloquently about mistrust. That is the reason for the anarchy in Greece: trust has broken down. In Ireland there is an issue with trust in State agencies, the church and the health service. People do not trust anymore. This is borne out by a survey in *The Irish Times* to which the bishop referred this morning which revealed, shockingly, that many people had no faith in either the Government or the church. My colleagues in the House have called many times for a debate on politics. Two weeks ago, Senator Bradford spoke about morality, decency and the difference between right and wrong. We need a debate on honour in politics. We must do the right thing by our people if we do not want to go down the slippery slope to the anarchy that has erupted on the streets of Greece.

Senator John Paul Phelan: I join Senator Fitzgerald and others in asking the Leader to arrange a debate on the bailout of Greece and its potential impact on Ireland and the euro. Senator Donohoe reminded us that he raised this issue on a number of occasions last week, when we really should have been holding a debate in anticipation of what happened over the weekend. I hope we have that debate as soon as possible.

I support Senator MacSharry's repeated call for a debate on the operations of the HSE. I would like such a debate to focus in particular on the Health Information and Quality Authority, HIQA, and the use of the standards it sets to close supported care homes in Kilkenny. These standards were originally drawn up because of abuse in nursing homes but supported care homes are not nursing homes. People are moved from supported care homes to nursing homes when they require a certain level of care. It is a disgrace that supported care homes, most of which are charitable operations, may be closed because of standards which were never intended for them in the first place. This is symptomatic of what has happened in the HSE over recent years. We have handed power to unaccountable bodies and we cannot get answers to straightforward questions.

I also seek a debate on the national car test and the long delays in testing across the country. People face two-month delays in some car test centres. If their cars do not pass the test, they cannot be taxed and can, therefore, be seized by the Garda. The test is administered by a private company but is not good enough to allow this situation to continue.

Senator Ó Brolcháin's statement on the issue of zoned land reflects the deliberate confusion practised by Green Party Members who would have us believe that we have difficulties with housing supply because of zoned land. If the entire country was zoned, that would not mean another house could be built. We have an over-supply of houses because of corruption at the highest levels of Government and banking. Lax lending measures have landed the country in its present mess. It has nothing to do with the amount of land zoned throughout the country.

Senator Feargal Quinn: I support Senator McFadden's comments on today's 1916 commemoration ceremony. I have attended it on several occasions but found this year's event to be particularly moving because of the remarks of the Bishop of Down and Connor, the Rev. Noel Treanor. Every time he mentioned "education" he also mentioned "research". The success we enjoyed in the economy was due to a number of factors, of which research was one but it played an important part. Unfortunately, it no longer appears to be at the leading edge of education. We discuss second and third level but we should also be speaking about fourth level education because that is what gave us our advantage.

In Britain and Denmark, a home testing kit has been developed in the fight against bowel cancer. This is a useful development and one we should seriously consider. The Minister for Health and Children has stated that she intends to introduce a scheme but it will be limited to hospitals and begin in 2012. I urge her to investigate what is being done in other countries at a much lower cost. They have a system for getting things done, mainly for those who are open to the dangers of this disease. I gather the success rate for treating bowel cancer is approximately 90% if it is caught early enough. We could do something about this disease with a comparatively limited amount of investment.

Senator Paul Bradford: I agree with colleagues who have commented on the need to support the Croke Park deal. One or two mentioned the disaster that befell the country as a result of the vote in the first Lisbon treaty referendum. The Seanad agreed after that vote that there had been insufficient public knowledge and a total lack of political leadership. Unfortunately, we are going down the same route on the Croke Park agreement and politicians are refusing to lead. It is bizarre for any group of politicians to say they do not have an opinion or do not wish to appeal to workers and trade unionists one way or another. We in this House have a duty to hold a proper debate and make our own decision and recommendation. While we have had numerous debates on the Croke Park deal on the Order of Business, we need a substantive debate, today rather than tomorrow. I ask the Leader to arrange that debate in order that we, as elected members of the Oireachtas, can discuss and analyse the deal and present to those who will take part in the crucial vote the many reasons they should support it.

The concept of a national solidarity bond is good; the initial idea came from the trade union movement. However, from the sketchy details I have seen, it appears there will be a very modest return for those willing to invest. I suggest that, as part of the ongoing development of the concept, we try to tie it in——

Senator Terry Leyden: It is a great scheme.

An Cathaoirleach: There should be no interruptions.

Senator Paul Bradford: ——with the debate needed on pensions. We should give people an incentive to take out the bond by improving their pension entitlements. The pensions industry is in crisis and we need a new way forward. It is possible to deal with the crisis and the need for a national solidarity bond in one system, which I suggest we consider.

Senator Terry Leyden: That is an excellent suggestion.

An Cathaoirleach: There should be no interruptions.

Senator Terry Leyden: But it was a good suggestion.

Senator Paul Bradford: Senator Leyden's words of praise are deeply appreciated, coming from such a fine mind.

Senator Rónán Mullen: The Senator should beware of Greeks bearing gifts.

Senator Joe O'Reilly: Last Friday we had a surreal experience in a local hotel in Cavan. In one room a lovely young couple were celebrating their marriage, while in another hundreds of young people were being told they were going to lose their jobs with Quinn Insurance Limited. It was a dark day for County Cavan and the whole region. Some 900 jobs are at stake around the country, of which 226 are in Cavan town. For every job lost, there will be three indirectly associated job losses. I ask the Leader to arrange a long debate very soon on the issue, as it is the most pressing matter confronting the Seanad. My party leader, Deputy Kenny, met the workers yesterday. The scenes and the workers' personal testimonies were harrowing. They want subsidisation of jobs in the short term and the immediate reopening of commercial business.

An Cathaoirleach: We cannot have a debate on the issue now.

Senator Joe O'Reilly: They want the business to be sold in such a way that jobs will be kept in the area. They also want the Government to activate the globalisation fund and more places to be available in the local college of further studies. While I welcome the initiatives mentioned by my colleague, Senator Dominic Hannigan, I want to put the issues I have mentioned regarding the workers on the agenda. I ask the Leader who is from the region and knows what I am talking about to allocate a great deal of time for a full debate with the Minister for Enterprise, Trade and Innovation and possibly the Minister for Finance. I am aware of nothing that has greater implications for the country.

Senator Ivana Bacik: I ask the Leader for a debate on foreign policy issues, given the recent reports of atrocities in Chad following the withdrawal of the Irish Defence Forces. Amnesty International has raised the issue which the House needs to debate.

I also ask the Leader for a debate on the situation in Sri Lanka which has not received the same level of media attention. A permanent people's tribunal was held in Trinity College over three days in January which produced some important findings about the committing of war crimes and crimes against humanity by the Sri Lankan Government's security forces and aligned paramilitary groups. The tribunal found that the international community had neglected its duty to promote peace in the region. It recommended the appointment of a United Nations special rapporteur for Sri Lanka to investigate and identify responsibility for human rights violations, violations of humanitarian law and war crimes committed by all parties in the conflict. There has been little focus on Sri Lanka, but it has serious ongoing security issues, in respect of which there are serious concerns about the complicity of the Sri Lankan Government and security forces.

Senator Donie Cassidy: Senators Fitzgerald, O'Toole, White, Twomey, MacSharry, Coghlan, Hannigan, Ó Broilcháin, O'Donohoe, Walsh, Mullen, Regan, John Paul Phelan and Bradford called for the Minister for Finance to come to the House to discuss the Government's €1.312 billion loan to Greece. The Minister will be in the House all day on Thursday of next week to discuss the proposal before us. Legislation is imminent and will be taken in the House in the next two weeks. We will leave the matter until it is clear on which day the legislation will be brought before us. It is possible that the date will be two weeks from today. The matter is urgent and I will allow the longest possible time on Second Stage for all Senators to make their views known to the House.

By agreement, I propose that we debate the Croke Park agreement on Thursday of next week. I endeavoured to ensure the debate would be held tomorrow, but the Minister of State,

[Senator Donie Cassidy.]

Deputy Mansergh, will be in the Dáil deputising for the Minister for Finance and, therefore, will not be available. Thursday, 13 May is the first available date.

Senator Coghlan called for an urgent debate on tourism. I have agreed that a debate will take place and will endeavour to hold it in the next few weeks. It will relate, in particular, to the closure of our airports and the difficulties experienced by aircraft due to the ash coming from Iceland. It is a difficult time for anyone who is involved in tourism or exports and dependent on air transport. We need a lot of luck on our side. The situation is unprecedented in most of our lifetimes.

Senator Prendergast referred to International Day for Midwives. I acknowledge the great work that has been done for generations and support anything we can do to help, including holding a debate in the House.

Senators Coghlan, Ó Broilcháin and Bradford referred to the poisoning of wildlife, which is most regrettable. I support the Senators' condemnation of what has taken place.

I note the concerns raised about the zoning of land, which involves a large acreage. The reality is that not all of this land is for sale. That is a dilemma for planners and local authority members. Often less than 5% of the land zoned is for sale. In accordance with the democratic rights of every person who is a landowner, only those portions of land for sale should be zoned, but that is the greatest fortune-telling trick one could hope to imagine, particularly for local authorities.

Senators MacSharry, Callely and Quinn called for a debate on the HSE, with a focus on the matters they outlined to the House. Senator Quinn spoke about bowel cancer and the 90% success rate of treatment. I will pass on the Senator's strong views. I gave a commitment in the House a few weeks ago to hold a lengthy debate on the up-to-date position with services and the service plan from the HSE, as well as the many issues that have been raised by colleagues on the Order of Business over recent weeks.

I will refer back to Senator Norris about the timing of the Privacy Bill as well as the family law guardianship Bill. The Senator pointed out that one in three children are born outside wedlock and mentioned what a champion John Waters is on these matters.

Senator Leyden asked for an urgent debate on head shops. I hope I will be able tomorrow to outline for the House the Government's up-to-date position on this issue and on pending legislation in that regard.

Senator Ormonde spoke about NAMA and the role of society in the future. She spoke in particular about Georgian and other heritage buildings and assets such as castles, beautiful gardens and so forth. I have no difficulty with arranging for a debate on this.

I have said previously I believe the House should be given an outline, perhaps every quarter, of the up-to-date position with the progress of NAMA. Perhaps this could take place when the Minister comes to the House next week.

Senator Cummins asked that the Minister be invited to the House to discuss people on low incomes having to wait up to ten weeks for their entitlements. This is unacceptable, especially for people who have lost their jobs, are rearing big families and have no other income. It is appalling and we should do everything we can about it. I will ask the Minister to come to the House to let us know what progress is taking place in this regard, particularly as the rise in unemployment levels is slowing down compared with last year.

Senators Walsh and Callely sought an urgent debate on competitiveness. Senator Walsh spoke in particular about the regulatory authorities and job creation in this regard. Such a debate would be very timely. The Senator also spoke about broadband. The availability of broadband was a dilemma in many rural areas but with the arrival of satellite broadband, on which the Minister for Enterprise, Trade and Innovation gave a briefing in Mullingar two weeks ago, there is nowhere in Ireland that it cannot reach at the strength of 3.6 Mbps.

Senator Dominic Hannigan: It is the cost.

Senator Joe O'Toole: It is more expensive.

Senator Donie Cassidy: I am only giving the House the benefit of the very pleasant information——

Senator Joe O'Toole: I get that broadband from Westmeath.

Senator Donie Cassidy: ——we received. The example of Achill Island was given. There was a serious difficulty with employment on the island and satellite broadband saved the day. If the Senator wishes to bring a specific part of the country to my attention, I will furnish him with the details. Colleagues might be pleasantly surprised by what is happening in this area.

Senators Mullen and Callely asked for a debate on issues surrounding trafficking. I will refer back to the Senators later today on the matter.

Senators Regan and Hannigan asked that the Minister for Enterprise, Trade and Innovation be invited to the House to discuss the stabilisation fund. They urged that the Minister do everything he can with regard to that fund. The Minister led a very successful trade mission to America recently. He will have no difficulty coming to the House and updating Members on his portfolio.

Senator Butler updated the House with the information that exports are up 2.5% while the motor industry has seen sales of 55,000 in the first four months of this year. This is equal to the total number of sales for last year. In addition, the EU projects the economy to grow by 3% next year. This is very welcome news. The Economic and Monetary Affairs Commissioner also said that Ireland had taken bold and creditable steps to pull its economy around and that the measures were paying off now. I thank Senator Butler for bringing this good news to the attention of the House. We certainly welcome it.

Senator McFadden raised the issue of training and upskilling. I could not agree more with the Senator and I look forward to FÁS playing its part in that regard. This morning Senators, under the leadership of the Cathaoirleach, attended Arbour Hill for the commemoration of the men and women who died in 1916 and heard the wonderful homily given by Bishop Treanor. Not only did he say that trust is important but also that hope is important. Irish people have had hope in abundance for generations. Just because we have had two very bad years we should not overlook the ten magnificent and unprecedented years before that. Things are starting to stabilise now and, it is to be hoped, credit will become available from the autumn. If the banks do not provide it, the Government has a duty to act. We are giving them the money because we want them to lend. If they do not lend, the banks know what will happen to them. Regardless of whether one is a member of Fianna Fáil, Fine Gael, the Labour Party, Sinn Féin or an Independent, we must ensure——

(Interruptions).

Senator Donie Cassidy: That includes you, Senator Ross.

An Cathaoirleach: No interruptions.

Senator Donie Cassidy: The Senator has enormous experience in this area on both sides of the fence. We are not talking from both sides of our mouths on this side of the House; we are talking straight. Unless there is credit in the system, the return of our economy will not happen. I would like to read that on the back page of the *Sunday Independent* next Sunday. It would be refreshing if this was led by Seanad Éireann and by one of our own.

Senator Frances Fitzgerald: The Senator will be waiting a long time.

Senator Terry Leyden: Fine Gael will not let him write.

An Cathaoirleach: The Leader should just reply to the questions.

Senator Donie Cassidy: Senator Phelan called for support for home care, carers and the other issues he brought to my attention. I agree with his request regarding car testing and with everything he said on the issue.

Senator O'Reilly asked for a debate about the workers at Quinn Insurance Limited and opening commercial business for the company. We certainly welcome the business that was opened to the company last week and that a commercial division will be opened in the near future. I look forward to Quinn Insurance Limited returning to a time of opportunity and being on a level playing field with all the other insurance companies and brokers, which it richly deserves. Over the years Quinn Insurance Limited played a major role in reducing the cost of insurance premia for everybody in Ireland. There is the issue of the workers but there is also the serious issue of keeping competitive pricing in the market. I outlined in the House last week how I was being overcharged by 80% on my home policy. That is what will happen; there will be 80%, 100% and 150% increases in insurance premia if we do not have the competitive Mr. Quinn, his family and the Quinn Group in the market.

4 o'clock

Senator Alex White: They should stick to insurance.

Senator Donie Cassidy: They have transformed the insurance industry in terms of being competitive and efficient. The company's efficiency was its great success when dealing with those who were unfortunate enough to suffer accidents.

Senator Bacik called for a debate on foreign affairs and foreign policy, especially with regard to Sri Lanka. I will invite the Minister to the House to discuss this.

Senator Rónán Mullen: Did the Leader mention asylum and trafficking?

Senator Donie Cassidy: I will refer back to the House tomorrow morning in that regard. I hope the Senator will be present to listen to my response.

An Cathaoirleach: Senator Fitzgerald has moved an amendment to the Order of Business: "That a debate on the loan of €1.3 billion made by Ireland to Greece and on the stability of the euro be taken today." Is the amendment being pressed?

Senator Frances Fitzgerald: Yes.

Amendment put.

The Seanad divided: Tá, 24; Níl, 30.

Tá

Bacik, Ivana.
Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.
Healy Eames, Fidelma.

McFadden, Nicky.
Mullen, Rónán.
O'Reilly, Joe.
O'Toole, Joe.
Phelan, John Paul.
Prendergast, Phil.
Quinn, Feargal.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Níl

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

Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
Ó Brolcháin, Niall.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Maurice Cummins and Joe O'Reilly; Níl, Diarmuid Wilson and Niall Ó Brolcháin.

Amendment declared lost

Question, "That the Order of Business be agreed to", put and declared carried.

Treaty of Lisbon: Motion

Senator Donie Cassidy: I move:

That, notwithstanding anything in Standing Orders, the Resolution of Seanad Éireann of 10 December, 2009 in relation to the Implementation of new powers of National Parliaments under the Lisbon Treaty be amended by the deletion of (f) 'summer recess 2010' and the substitution therefor of 'Christmas recess 2010' and in paragraph (f) by the deletion of 'within six months' and the substitution therefor of 'not later than 8 July, 2010'.

Question put and agreed to.

Criminal Law (Insanity) Bill 2010: Report and Final Stages

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy John Moloney, to the House. I remind Members that a Senator may speak only once on Report Stage, except for the

[An Leas-Chathaoirleach.]

proposer of an amendment who may reply to the discussion on the amendment. Each amendment on Report Stage must be seconded.

Senator Ivana Bacik: I move amendment No. 1:

In page 5, between lines 27 and 28, to insert the following:

“(c) The references in this subsection to a designated centre shall include any other suitable place of treatment specified by the Minister for Health and Children.”.

I welcome the Minister of State, Deputy John Moloney. I thank him for his continuing interest in these issues. We had a very good debate on Committee Stage. I have tried to change the amendments by taking account of the Committee Stage debate when submitting them and not simply returning with the same amendments on Report Stage. I note I am the only person with amendments at this point but Senator Quinn has supported amendment No. 5.

Amendment No. 1 is a proposed amendment to section 4 which refers to the designated centre. Once again, this relates to an amendment which was debated on Committee Stage and the Government at that point had an amendment which is now inserted in section 3. I am delighted the principle was accepted by the Minister of State on Committee Stage that other psychiatric centres could be designated other than the Central Mental Hospital. This is a very important principle. This amendment would add to that flexibility by allowing in this case the Minister for Health and Children to designate another suitable place of treatment. This amendment cites the Minister for Health and Children to take account of a point made by the Minister of State, Deputy Moloney, on Committee Stage when he suggested that if this were to be done, it should not be the Minister for Justice, Equality and Law Reform who does the designating. I accept that section 3, as amended, meets some of the concerns we had about allowing designated centres other than the Central Mental Hospital, for example, local psychiatric hospitals, to be designated centres. This amendment would increase that flexibility.

Senator Eugene Regan: I second the amendment.

Deputy John Moloney: Before dealing with the amendment I wish to recognise the contributions made on this Bill. Rather than making a glib comment later in the debate, when I refer to wider consideration at a later stage, I mean this year rather than down the road. I do not wish Senators to think I am trying to delay dealing with any of the issues. We need to deal with issues which require urgent legislation and for the designation of centres other than the Central Mental Hospital. I assure Senators that most of the wider issues will be dealt with later this year.

The Bill was amended on Committee Stage to give the Minister for Health and Children the power to designate psychiatric centres other than the Central Mental Hospital for the examination of persons referred by the District Court under section 4 of the 2006 Act in cases where a question of fitness to be tried arises. This amendment goes further by providing that higher courts may send persons to be examined in centres other than the Central Mental Hospital. However, such cases can involve serious offences and, therefore, there may be security risks and issues involved. This amendment would involve a far-reaching change to the current provisions, requiring careful examination. The Bill's purpose is to make several amendments to the Criminal Law (Insanity) Act 2006. These have been kept to a minimum because the legislation is urgently required to deal with the issue of conditional discharge of patients from the Central Mental Hospital. The wider issues related to the 2006 Act may warrant examination but the intention is to deal with them in a planned comprehensive review of the Act to be carried out

by the Department of Justice, Equality and Law Reform in consultation with the Department of Health and Children later this year. The issues raised by this and other Report Stage amendments would be more suitably considered in this review.

I indicated on Committee Stage I would bring these matters to the attention of the Minister for Justice, Equality and Law Reform and I am pleased the Minister has agreed these issues will be on the agenda for examination in the course of the review. Accordingly, it would not be appropriate to provide for the amendment in this Bill and, therefore, I cannot accept it.

Senator Ivana Bacik: I thank the Minister of State for a full response. I am glad a wider review of the legislation will be undertaken later this year and that the important issue this amendment raises will be dealt with by it.

I have a difficulty with the Committee Stage Government amendment to section 3 although I am glad that, in principle, centres other than the Central Mental Hospital may be designated. The reference, however, to the District Court, which I have tried to address in amendment No. 2, is regrettable because it is not the appropriate place to make an adjudication on fitness for trial. While not being critical of any specific court or judge, the District Court is pressured for time and the experience of those working on the front line is that judges will tend to use the fitness to stand trial procedure in cases in which defendants were unruly or drunk. Given there will be a full-scale review of all these issues, I would be glad if that aspect was examined as well.

Deputy John Moloney: Any decision of a District Court should be based on the medical evidence available. I accept the Senator's amendments are to ensure mental health support structures are made safe in the courts system. The issues these amendments address, however, will be dealt with in the review of the 2006 Act.

Amendment, by leave, withdrawn.

Senator Ivana Bacik: I move amendment No. 2:

In page 5, between lines 27 and 28, to insert the following:

“(c) The references in this subsection to a court shall not include the District Court.”.

This amendment would change the definition of “court” to exclude the District Court. This is not just a whimsical exclusion of the court as many professionals, especially psychiatrists, working in the system feel, from their difficult experience, that it is not the appropriate court for dealing with the fitness to stand trial procedure.

A more important point is that there is already in place a successful court diversion scheme run by the National Forensic Mental Health Service. Operating from Clover Hill Prison, it identifies those with major mental illnesses who have been charged with minor offences. The idea, a very progressive one, is that the court or prosecuting garda is asked to defer or drop the charges so that the defendant can be admitted to his or her locally approved centre under the Mental Health Act, the non-criminal legislation.

By contrast, however, if a fitness to stand trial mechanism kicks in, the process of diversion is prevented and the defendant is detained in a high security hospital. Using criminal procedures for what are minor charges is inappropriate and is contrary to the Minister of State's principles contained in *A Vision for Change*. All Members will agree people with mental illnesses must be treated in the least restrictive way necessary for their and other people's safety in the civil system where possible.

I have been informed by legal and psychiatric colleagues that the Circuit Court deals with this issue better and in a more reliable and responsible way, partly because it has more time

[Senator Ivana Bacik.]

for individual cases. This Bill should have given some statutory framework to the continuation of the Clover Hill diversion scheme keeping defendants out of the criminal justice system. Including the District Court in the legislation's provisions undermines the court diversion scheme because it allows for the court to deal with mentally disordered individuals under the fitness to stand trial procedure.

I anticipate the Minister of State will inform me this is a temporary measure and that once the wider review of the legislation has been undertaken, the court diversion programme will be given more recognition. Could it be done, however, at this point?

Senator Eugene Regan: I second the amendment.

Deputy John Moloney: I have had the benefit of recent meetings with Professor Harry Kennedy of the National Forensic Mental Health Service and presentations on the European Convention on Human Rights at which I heard praise for the court diversion service. I believe it is the way to go in this area but it is not appropriate for me to accept this amendment at this point.

On Committee Stage, I stated my concern that the effect of this amendment would be to deny the District Court the power to refer an accused person for examination to a designated centre. This would, in turn, deny the court the opportunity of receiving a report from a consultant psychiatrist as to whether the person was suffering from a mental disorder and, in particular, in need of inpatient care and treatment in a designated centre. The power of the courts to have such reports before them before considering depriving a person of liberty is considered necessary to comply with the requirements of the European Convention on Human Rights and to be consistent with the provisions of the Mental Health Act 2001. Persons dealt with by the District Court are as entitled to the protection of such rights as persons dealt with by the higher courts.

Senator Bacik may wish to abolish the powers of the District Court to deal with issues of fitness to be tried. Such a step begs the question of what would happen when such cases arise in the District Court. Would the cases have to be referred to the Circuit Court? This would be a fundamental change to the 2006 Act and is not suitable for examination in this Bill's context. It will also be dealt with in the review of the 2006 legislation later this year.

Senator Ivana Bacik: I thank the Minister of State again for a full response and am glad the matter I have raised will be included in the overall review of the 2006 legislation. I am also glad he referred to Professor Harry Kennedy who has been an immense help in informing me of the workings of the 2006 Act and his excellent court diversion programme. I take the Minister's point that he wants space to examine it and make any amendments necessary as part of a comprehensive review but we are trying to identify problems with the 2006 Act as it is currently working. Four years on we need to move on the real reforms rather than patch up the current procedures as we are doing with this Bill but given what the Minister of State said, I will withdraw the amendment at this stage.

Deputy John Moloney: The last thing I want is to have a patchwork response in any of the areas of mental health. I accept the Senator's interest and commitment in this area and what she has said throughout the debate. In the coming months we will ensure that what we bring together will not be a patchwork response but will deal with the macro issues that must be dealt with.

Amendment, by leave, withdrawn.

Senator Ivana Bacik: I move amendment No. 3:

In page 9, line 7, to delete “A person is in material breach of his or her” and substitute “The clinical director may revoke a”.

I put this amendment on Committee Stage as well. It is an amendment to section 8. It is somewhat technical but it is to change the language in that the new section 13B, as currently drafted, has an Alice in Wonderland quality about it reminiscent of Lord Atkin in *Liversidge v. Anderson*, the idea being that a person is in material breach where the clinical director believes that person is in material breach. It seems somewhat circular. We thought it might be more accurate and honest for the clinical director to have to take responsibility for evoking the conditional discharge whereas currently it seems their private belief would be enough to put the person in material breach. Is it good enough under our Constitution and under due process to suggest that just because a person believes another person to be in material breach they are then deemed to be in material breach? The purpose of the amendment is to change the wording to clarify that it is not just a subjective view of the clinical director.

Senator Eugene Regan: I second the amendment. There is something odd about the wording which states that a person is in material breach if the clinical director believes that to be the case. There must be some objective grounds for that. It must be that there is a breach on the basis of some objective grounds, and the clinical director forms a view on the basis of those objective grounds. In supporting this amendment I do not wish to restrict the ability of a clinical director to take action and direct that there is a breach but the wording is flawed, and the Minister of State might reflect on that before we finalise this Bill.

Deputy John Moloney: I promised on Committee Stage that I would examine this amendment but, unfortunately, it is more about terminology rather than the substance.

Having examined the issue following Committee Stage, I am of the view that I cannot accept this amendment for the following reason. Section 13 of the 2006 Act, as amended by this Bill, and the new section 13A will give the Mental Health (Criminal Law) Review Board the power to order the conditional discharge of a patient. The point at issue here does not appear to be what actually will happen. It will be the clinical director’s judgment which decides if a person should be returned to the designated centre for further review by the review board. The problem appears to be with the terminology to be used to reflect that reality. I do not consider that it would be appropriate to provide in section 13B for the clinical director to revoke an order he or she did not make. The proposed amendment would contradict the review board’s independence in the exercise of its functions, which is provided for in section 11(2) of the 2006 Act. In accordance with section 13B, the conditional discharge order is deemed to be revoked. The review board will subsequently decide, after the person is returned to the designated centre, whether to discharge the person again conditionally or to detain the person.

Another serious difficulty with the amendment is that it would remove the definition of the term “material breach” which is used throughout section 13B. Accordingly, if it were to be accepted, it would in effect unravel the structure of the section as a whole. I am satisfied that section 13B will work effectively in its current form and for that reason I cannot accept this amendment.

Senator Ivana Bacik: I am grateful to Senator Regan for his points and support. I still believe there is something odd about the wording, as he said. Perhaps it is unnecessary to delete the words “A person is in material breach” but the difficulty arises with the second part of the sentence which states: “Where the clinical director on reasonable grounds believes that...”. It

[Senator Ivana Bacik.]

is unfortunate that some other choice of wording was not used. The Minister might examine that further, certainly as part of his overall review.

Amendment, by leave, withdrawn.

Senator Ivana Bacik: I move amendment No. 4:

In page 10, line 20, to delete “section 13” and substitute “sections 13, 13A, 13B and 13C”.

This is a technical amendment. I think I mentioned on Committee Stage that it might be necessary. Currently, subsection (8)(c) of new section 13B provides that the board may exercise all the powers available to it under section 13. We wondered if that should not also read “sections 13, 13A, 13B and 13C”, all of which have now been inserted and some of which give new powers to different bodies.

Senator Eugene Regan: I second the amendment.

Deputy John Moloney: As Senator Bacik pointed out, this is a technical amendment. Subsection (8) of the new section 13B deals with the review by the Mental Health (Criminal Law) Review Board of the detention of persons returned to designated centres following material breach of a conditional discharge order.

The Office of the Parliamentary Counsel has advised that it is not necessary to make an amendment to section 8 to include a reference in subsection (8)(c) to section 13A. Section 13, as amended by this Bill, will provide that the review board shall make such order as it thinks proper in regard to the patient, whether for further detention, care or treatment in a designated centre, for his or her conditional discharge under section 13A or for his or her unconditional discharge.

I am advised there is no need to include a reference to section 13B, as proposed in the amendment, as the only place where the review board is mentioned in section 13B is in subsection (8) itself.

As the new section 13C has nothing to do with the powers of the review board, it would not be appropriate to include a reference to it here.

An Leas-Chathaoirleach: Is the amendment being pressed?

Senator Ivana Bacik: No.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Amendment No. 5 is in the names of Senators Bacik, Alex White, McCarthy, Ryan, Prendergast and Hannigan. Senator Quinn has also tabled this amendment. Amendment No. 6 is consequential on amendment No. 5 and therefore amendments Nos. 5 and 6 can be taken together by agreement. Is that agreed? Agreed.

Senator Ivana Bacik: I move amendment No. 5:

In page 11, line 15, to delete “(Insanity)” and substitute “(Mental Disorder)”.

This is an amendment about which we had extensive debate on Committee Stage, and I am glad Senator Quinn has supported it. Senator Regan also supported it on Committee Stage. It is a more substantial issue. It is about the language we are using in this legislation and it is most unfortunate, in 2010, that we are still using the outdated and stigmatising language of

insanity. I am aware the Minister of State agrees with me on that. The Minister gave a full response on Committee Stage where he said that mental disorder may not be the best substitute. I accept that. I could not think of any better wording but it is important that we move beyond the language of insanity because of the stigmatising effect and the outdated nature of that language. Perhaps “mental incapacity” would have been a better expression. I take the Minister’s point that the 2006 Act uses the term “insanity” and that is the reason we have put in the related amendment No. 6, which is to ensure that in future the collective Acts on this area will be known as mental disorder Acts rather than insanity Acts.

On the civil side we have moved well away from the language of “lunatic”, “insane” and so on that was used in the past. In current psychiatric practice that sort of language would never be used. It is always language of mental disorder and mental disability that is used.

I am aware this amendment is strongly supported by the prison inreach and court liaison service, the College of Psychiatry of Ireland and everyone I can think of in the mental health and advocacy fields. It is long overdue that we move away from the language of insanity in the criminal law. I accept that in the common law it is still referred to as the defence of insanity. We still use the language in the 2006 Act but we should now change it, and there is probably no disagreement about that.

I anticipate the Minister will be changing it as part of the review that will be carried out into the overall area this year but we have been waiting a long time for this change. It should have been done in 2006 as part of the Criminal Law (Insanity) Act. It certainly should have been done for 2010. There is no excuse to retaining this sort of language in our modern legislation.

Senator Eugene Regan: I second the amendment. I appreciate it would require consequential changes to many other Acts, but the use of the term is an anachronism and it is time we made the change. I am sure the Minister of State will consider it, given his responsibilities in the area.

Senator Feargal Quinn: I add my voice to that appeal. The word “insanity” does not fit into the language used nowadays. The term “mental disorder” works a good deal better. I refer to the original Bill when Stewarts Hospital, which I visited recently, was opened in 1870. The word used then was “lunatic”. It seems we have changed the word used from “lunatic” to “insanity” and it is time to change it again. I understand what has been said by the two speakers, that it would mean making several other changes. I also understand why the Minister of State might be reluctant to do this, but the change would be worthwhile. It would mean a great deal, especially for those involved.

Deputy John Moloney: Senator Quinn should note that I am not reluctant to make such changes, but at this point I cannot do so. I have also had the benefit of visiting Stewarts Hospital. Yesterday I heard at first hand of the tremendous service it had given for many years. At the launch of See Change last Thursday fortnight, I pointed out that, even if we had all of the capital required to modernise the mental health service, including for the provision of new acute psychiatric units, a new central mental hospital and new nursing units, it would count for little unless we changed the attitude towards mental health. That is a given. I thank Senators Bacik, Regan and Quinn for their interest in the issue.

See Change is a two year programme, concerned with changing attitudes towards the use of such words as “lunatic” and “insanity”. I refer to the way in which the Local Government Act applies to this House also. I have written to the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to bring about change in this regard. Regardless of the outcome of reviews or whatever else is coming down the line, even if there were no reviews or no new mental health Act, it is vital and essential that all of the old stigma tags are removed as quickly as possible.

[Deputy John Moloney.]

The Minister for Justice, Equality and Law Reform understands the concerns raised regarding the use of the term “insanity” in the 2006 Act. Complex issues are associated with replacing that term, which I explained on Committee Stage. I am not seeking an excuse or a cop-out. There would be little point in having a Department with responsibility for mental health if we were still attached to the old norms of the last century or the previous one. I assure the House that when I use the phrase “in due course”, it means this year. The Minister for Justice, Equality and Law Reform has agreed that the issue should be examined in the course of a review that will take place this year.

Senator Bacik has remarked that “mental disorder” may not be an appropriate term owing to the considerations I described on Committee Stage. It may have the effect of lowering the threshold of a defence. I have no wish to nit-pick or be at cross purposes because I take on board all of the suggestions and recommendations made by Senators. However, replacing references to “insanity” in the Bill with another term would require corresponding changes to the terminology used throughout the Act. It is our determination in the Department to deal this year with the issues involved to remove all of the stigmatising attachments.

Senator Ivana Bacik: I am pleased the Minister of State has acknowledged the need for this change. I accept entirely that a sea change is required in attitudes and culture. However, it has occurred elsewhere in the system in terms of psychiatric services, civil legislation and so on. It is unfortunate we cannot make the change in this legislation also. It is clearly an anachronism that is not only of the 20th century but also of the 18th and 19th centuries. The language is so outdated that it is unjustifiable to include it in a modern Bill. Therefore, I will press the amendment, although I take on board the Minister of State’s comments and appreciate this issue will be considered as part of the overall review. I am pleased to note he is considering a review of the use of stigmatising language in the overall review to be undertaken this year.

Deputy John Moloney: I accept the Senator is pressing the amendment, rightly so. However, I make the point again to provide a more definite response. The past three or four weeks have seen the introduction of the new See Change campaign to change attitudes to mental health. Last Saturday week I attended a debate in Trinity College, Dublin which involved people aged between 16 and 17 years from colleges throughout the country. At issue was the targeting of the necessary reform of mental health services. It showed the demand not only of the older generation but also of the younger generation for change. There is a need for compatibility as regards physical ill-health and mental health. That is the great challenge for us. The Department must show immediate change, that is, this year.

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

Question put.

The Seanad divided: Tá, 28; Níl, 23.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Carroll, James.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Dearey, Mark.

Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.
Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.

Tá—*continued*

Ó Brolcháin, Niall.
 Ó Domhnaill, Brian.
 Ó Murchú, Labhrás.
 O'Donovan, Denis.
 O'Malley, Fiona.

Ormonde, Ann.
 Phelan, Kieran.
 Walsh, Jim.
 White, Mary M.
 Wilson, Diarmuid.

Níl

Bacik, Ivana.
 Bradford, Paul.
 Burke, Paddy.
 Buttimer, Jerry.
 Cannon, Ciaran.
 Coghlan, Paul.
 Cummins, Maurice.
 Doherty, Pearse.
 Donohoe, Paschal.
 Fitzgerald, Frances.
 Hannigan, Dominic.
 Healy Eames, Fidelma.

McFadden, Nicky.
 Mullen, Rónán.
 Norris, David.
 O'Toole, Joe.
 Phelan, John Paul.
 Prendergast, Phil.
 Quinn, Feargal.
 Regan, Eugene.
 Ross, Shane.
 Ryan, Brendan.
 Twomey, Liam.

Tellers: Tá, Senators Niall Ó Brolcháin and Diarmuid Wilson; Níl, Senators Ivana Bacik and Eugene Regan.

Question declared carried

Amendment declared lost.

Amendment No. 6 not moved.

Bill reported without amendment and received for final consideration.

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

Deputy John Moloney: I thank my officials, Valerie Fallon and Tracy O'Keeffe, who have backed me up over the past few weeks in the House. I appreciate their involvement.

Senator Regan quite properly advised during the vote that I might ask the Law Reform Commission to look into the use of different wording and I accept the advice. I will try to have that ready for the next outing.

Senator Eugene Regan: I thank the Minister of State for the time he gave to the Bill as it went through the different Stages in the House. He is familiar with, and in command of, this subject. His openness to amendments is appreciated, in particular, to the language we use in this area. I very much welcome his response.

Senator Ivana Bacik: I also thank the Minister of State and his officials for their work on this Bill. We had a productive and constructive debate and I am glad he took on board the issue of designating centres other than the Central Mental Hospital. It is a pity we could not move on from the use of the language of insanity but I very much look forward to the outcome of the review the Minister of State has promised. I hope there will be a significant sea change, as he has described, in stigmatisation and attitudes towards mental health as a result of that review.

Senator Denis O'Donovan: I concur with my colleagues. I listened intently to the debate on the amendments tabled by the Labour Party and Fine Gael and it was worthwhile. I take great

[Senator Denis O'Donovan.]

heart from the Minister of State's comments on the broader issue coming down the track. This is the first time in my 17 years in the Oireachtas that there has been a sea change in the approach to mental health services. The Minister of State's heart is in the right place and I am certain change will occur. It is a difficult area and sometimes it is hard to make changes but this legislation is a small step in the right direction. The Minister of State has other plans, about which we will hear before the year is out.

Question put and agreed to.

Sitting suspended at 4.55 p.m. and resumed at 5.30 p.m.

Ministerial Pensions: Motion

Senator Liam Twomey: I move:

That Seanad Éireann calls on the Government to introduce legislation to cause, with immediate effect, the cessation of the payment of Ministerial pensions to members of both Houses of the Oireachtas.

I thank the Minister of State, Deputy Finneran, for his presence in the House to debate the motion, which is a simple and straightforward one that relates to the payment of ministerial pensions to sitting Deputies. I urge him to outline in his response the historical reasons ministerial pensions were paid to sitting Deputies who are no longer Ministers. Perhaps he could indicate also the origins and merits of the practice and what it was hoped to achieve by the payment of ministerial pensions to sitting Deputies.

There has been much discussion of the belief that to attract the best and brightest in society into politics, we must pay them significant sums of money. Before I consider that issue it might be worthwhile to consider whether pay and terms and conditions have a major impact on who gets involved in politics. For years politics was a poorly paid profession, yet it still attracted a wide cross-section of society. That has been the case since the foundation of the State. Complaints centred on the belief that it suited professionals based in Dublin to become involved in politics because they could continue their professional careers but that it was difficult for those outside the capital to travel to and from Dublin and that they had to give up their profession or job to work full-time as politicians. It also suited some public servants to get involved in politics because in many cases their jobs and pensions were protected. A large proportion of those who got involved in politics suffered a loss professionally and financially but they persevered. I do not believe money is always the motivation for people to get involved in politics. The majority of people were not motivated by money and their job security was precarious to say the least.

It is true to say individuals who have had a long ministerial career have often had successful careers after they have left the House. Ministerial pensions for sitting Members are a source of public anger. That anger is red hot and furious and is focused on politicians. The perception that politicians are cushioning themselves from the worst effects of the economic downturn is making individuals angry with the political establishment. In these difficult financial times there is an expectation that ministerial pensions should be a cushion for electoral misfortune or retirement, not a top-up for an Opposition or Government back bench Deputy who is still a Member of Parliament.

Whatever about the past, there is currently no public appetite for individuals of either House of the Oireachtas claiming a ministerial pension while a sitting Deputy or Senator. That message should have been sent clearly from both Houses of the Oireachtas by the Taoiseach, the

Minister for Finance, Deputy Brian Lenihan, all other members of the Cabinet and the Government parties. That message was not sent and that is why the Government has contributed so much to the public anger we are witnessing. Those in receipt of a ministerial pension can be misguided owing to their own sense of importance or misplaced understanding of principles. The Taoiseach and the Minister for Finance should have stood up to that kind of misguided thinking and done something about it. It is clear they failed to do so.

The accusation has been made that the media are fanning the flames of public anger on the issue. That may be so but the public anger is real. The failure to acknowledge that anger is allowing the issue to become a major one in terms of the perception of the Government parties by the public. When the Minister of State gets an opportunity to respond, he will no doubt try to evade the moral responsibility by outlining the constitutional argument or by using legalese. If he has received proper legal opinion, he will be aware that there is little defence for the constitutional argument that the pensions are paid for and therefore they are an entitlement for the remaining Fianna Fáil trio who insist on keeping them.

If legal opinion is available, it should be published. When we discussed previously in the Seanad the reduction of ministerial pensions, we were told the opinion of the Attorney General was that we could not reduce or get rid of pensions completely for sitting Members. That opinion has never been published even though it would be of extreme interest not just to the legal profession but to ordinary men and women in this country as to why former Ministers must be treated in such a different fashion from the rest of the country when it comes to cutting their pay and conditions, as has been proposed for almost everyone in society. Debate has focused on the destruction of pensions. The legislation that was passed last year was not opposed by the three individuals who were Members of the Lower House at the time and who maintain that their entitlement will end anyway within two years. There is no retrospective element to the legislation. It simply applies from this point forward and does not equate to major losses for the individuals concerned compared with, say, the proportion of their earnings being given up by public servants. Just consider the number of people who lost their jobs and those who have contracts with the State. There is a major issue about this being a contract. Other groups that have contracts with the State such as pharmacists and dentists have seen their incomes slashed in the past 12 months.

Legislation passed by the Oireachtas blocked the long-service payments being made to a small section of its Members. However, the lifelong equivalent of what they have lost is very much the same as the amounts in pension payments this trio will receive individually in the next two years. I find it difficult to believe the Government can argue nothing can be done about this on constitutional grounds. Fine Gael has had legal opinion on the different shades of protection on offer for citizens under the Constitution. Nothing under the Constitution protects the Fianna Fáil trio. There is no absolute right to property, if pensions may be regarded as property, and there is certainly no absolute right in the context of having their pensions stopped completely at this time.

We would be very interested to know the Attorney General's advice is, just to get over the legal side of the argument being put forward by the Government. I believe the Government has relied too much on that rather than responding to what this is really about, namely, a moral argument. It is a moral argument to show leadership to the people, thus indicating that this behaviour has to stop. It may have been acceptable in good times for former Ministers to have pensions. There might even have been a reasonable argument for former Ministers being paid ministerial pensions as back bench Deputies or Senators and that this argument got lost in the fog of the Celtic tiger period, but we are in very different times. If there is one group of people that is expected to show leadership in the present crisis, it is the Cabinet, and it should percolate downwards from the top of Government to every single Member of both Houses of the

[Senator Liam Twomey.]

Oireachtas. There is a sense that there is not this leadership. Instead a sense of entitlement continues.

The ordinary man and woman who are suffering do not understand this concept of entitlement, as expressed by the trio within Fianna Fáil regarding what they are entitled to having held ministerial office. The Government's response to the way these three individuals believe they are entitled to their ministerial pensions shows no recognition of the absolute hardship many people are going through. I hope when the Minister of State responds to this that he will express the anger of the Government at the trio still holding out and show that this Administration has the backbone to do something about it. I trust he will not hide behind a vague constitutional argument presented to the Government by the Attorney General and which he refuses to share publicly with the Opposition so that we too can question whether that argument can stand up in court.

If the Minister of State believes, as I do, that this is a moral argument, he should allow the legislation to come to the Oireachtas and let the trio involved challenge it. Let them take the Minister to court and challenge the law. That is the best way to check how strongly they believe in the principle of this issue. Members of the Oireachtas must show solidarity with everyone in the country at this time. If there are individuals in the banks and other organisations that have acted in a despicable manner in recent years and are seen to have got away with it, we cannot use this as an excuse. We must show we have the moral courage to lead the people and take the pain with them. That is the main thrust of what we are talking about in this motion and I hope the Minister of State will acknowledge that in his response.

Senator Maurice Cummins: I formally second the motion so ably proposed by my colleague, Senator Twomey. This is a simple question for Members of this House to decide on. If they disagree with the ministerial pensions being paid to sitting Members of the Dáil or Seanad, they will support the motion. If they agree that the current regime should continue to apply until the next general election, they will support the Government. This is a typical response from an Administration that is frozen like a rabbit caught in the headlights. It is incapable of making any decision and is trying to muddy the waters with issues that have nothing to do with the motion before the House. This is clear from the Government amendment to the motion. It is a simple question either to agree or disagree with the current practice.

Last year Deputy Enda Kenny wrote to the Minister for Finance, Deputy Brian Lenihan, and argued for the immediate removal of these pensions from sitting Members of the Oireachtas. He argued that it should have been done across the board to remove any ambiguity or doubt on the issue. The Government refused to act on this proposal and only committed to removing such pensions from the beginning of the next Dáil, another typical response from this Administration. The Minister indicated he had received legal advice to the effect that the pensions to serving Members could not be abolished, despite which he was able to cut them by 25%. If he could legally reduce these pensions by 25%, why could he not reduce them by 100%? There is considerable confusion surrounding the legal restraint on the Government implementing these changes. Where is the advice of the Attorney General? It has not been furnished to this House or the other House to the best of my knowledge. My party has received opinion from three eminent senior counsel to the effect that there are considerable legal grounds for asserting the constitutionality of the measure in the manner we have proposed in the Oireachtas (allowances to Members) and ministerial and parliamentary offices Bill 2010.

There is a crisis of public confidence in the institutions of State. There is an important role for the Oireachtas in setting a public example at a time when there is an urgent necessity to effect reductions in the public service and in public expenditure. It boils down to agreeing or

disagreeing with the motion before the House. One can agree with the *status quo* that sitting Members can still accept pensions or disagree on grounds of the unfairness of this situation. The public is watching and expecting us as public representatives to act in this situation. I know there are Members on the Government side of the House who firmly believe this practice should be abolished and that serving Members of the Oireachtas should not be paid pensions. I urge those Members, not all of whom are members of the Government parties, to vote with their consciences and as the public would suggest in this matter.

Senator Marc MacSharry: I move amendment No. 1:

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

- “—takes note of the Government’s actions to deal with the economic crisis;
- recognises the budgetary measures taken by the Government to stabilise the public finances;
 - notes the reduction in the number of Ministers of State and the reduction in staffing of Ministers’ offices;
 - acknowledges the extensive efforts of the Government to secure solidarity among the social partners;
 - recognises the measures taken in the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009 which reduces the Ministerial pensions of sitting Members of either House of the Oireachtas by 25% and provides that payment of such pensions to sitting Members will cease after the next general election;
 - notes the Attorney General’s advice that the immediate and total abolition of pensions for a single category of pensioner would be unconstitutional; and
 - notes that many sitting Members of the Houses of the Oireachtas and the European Parliament and others have made a gift of their Ministerial pensions to the Minister for Finance for the general benefit of the Exchequer.”

I am glad to have the opportunity to make a few points on this issue, but I would prefer to have been speaking about Greece or other issues.

Senator David Norris: Hear, hear.

Senator Maurice Cummins: The Senators on that side of the House would not change the Order of Business. We could have been discussing Greece.

Senator Marc MacSharry: I did not interrupt anybody.

Senator Maurice Cummins: The Senator is inviting comment.

Senator Marc MacSharry: I did not interrupt anybody, nor will I. It has been my policy for eight years not to do so and I will not. I would like to be heard.

I would much prefer to have been dealing with important economic issues such as the situation in Greece. I have no interest in pandering to an agenda set by certain elements of the populist media. I quote from an article by John Waters — a good Roscommon man, as I am sure the Minister of State knows — in *The Irish Times* last Friday, entitled “Media rage at pensions is hugely hypocritical”. He states:

[Senator Marc MacSharry.]

Is it just a matter [of] punishing politicians — the nearest available ones — for the alleged sins of other politicians, or is there indeed a principle at stake? If a principle, what is it? That nobody should continue working while receiving a pension? That nobody should continue working for the State while receiving a State pension? In what sense does it matter whether the pension or other income comes from the State or otherwise? Does this mean broadcasters, when they retire from their roles as public prosecutors, will be prohibited from taking up weekend nixers on Lyric FM [or writing for one of the Sunday newspapers]? Or perhaps the “principle” relates to double incomes? If so, there are many more lynchings to come. Soon it may be your turn or mine.

Is there a problem, a Leas-Chathaoirligh?

Acting Chairman (Senator Denis O’Donovan): Is there a source for what the Senator is reading?

Senator Marc MacSharry: Yes; as I said at the beginning, it is from an article by John Waters in *The Irish Times* on 30 April 2010.

Senator David Norris: The Senator just beat me to it.

Senator Marc MacSharry: He continues:

“I don’t have a great stomach for the targeting game,” Pat Rabbitte on Monday told a broadcaster who is paid several times the Taoiseach’s salary. Neither do I.

In his *Irish Times* column on Wednesday, Vincent Browne wondered: if we all had started out on a desert island and were asked to decide on how the wealth “accumulated by our collective efforts” should be distributed, is it likely we would have agreed to a dispersal of income and wealth the way our society does it? “If anyone suggested that bookies, oil magnates extracting resources from some of the poorest countries in the world and concrete manufacturers would be paid at multiples of thousands what those keeping the peace, caring for children and old people, looking after the sick and educating people were paid,” he asked, “wouldn’t we think they were bonkers?”

This is an interesting philosophical question. Here’s another: why should someone who sits snarling, sneering and spitting fury in a television studio be paid more than a taxi driver who does essentially the same job while also managing to keep his vehicle on the road?

But this has given me a great idea. To avoid even the whiff of hypocrisy arising from the fulminations of journalists about the incomes of others, I propose we introduce a Standard Proletarian Wage (SPW) of €30,000 a year. All citizens, including journalists, would be free to opt for this, “gifting” the remainder of their salaries to the State. Everyone would be free to retain their existing incomes, but those who failed to sign up to the SPW would not be entitled to denounce others on the basis of their incomes or possessions.

It might not solve our financial problems, but it would do wonders for our stomachs.

I thought that was a good article, which captured the mood of things. There are almost no measures of austerity to which I would not agree in the public interest; I am the same as most other Members of the House in this regard. However, it must be done in an appropriate way. Deputy Phil Hogan mentioned this when asked whether he would be giving up the 5% of his salary that Deputy Kenny was giving up. The *Irish Independent* stated on Friday, 20 February 2009:

Fine Gael frontbencher Phil Hogan yesterday refused to elaborate on the “personal circumstances” preventing him following his party leader in taking a voluntary pay cut...

“My personal financial circumstances don’t allow me to take a voluntary pay cut. I’m taking the 10.6pc pension levy and 2pc income levy and the 10pc cut in expenses like everybody else,” Mr Hogan said.

He continued: “Members of the Oireachtas and members of the Fine Gael parliamentary party will adhere to the law and adhere to Government policy the same as everybody else”. I agree with him 100%. I praise the many people who have given up their pension entitlements and, more to the point, those who have found themselves in a position to afford to do so. Who knows what outgoings people have? I am only familiar with my own; I am not familiar with Senator Twomey’s, nor would I presume to dictate what he should or could give to charity or otherwise.

I am a recent convert to Facebook, and there is no question as to the palpable anger of the public — the justifiable anger that people have about the circumstances we are in. The regulatory environment, both nationally and internationally, allowed a set of circumstances which has resulted in the world being robbed of much of its wealth. With the benefit of hindsight and as a Fianna Fáil politician, there is no question that there are certain things we would have done differently had we known what Fine Gael, at the time, clearly did not know either, because it was advocating further increases in expenditure.

Many interest groups, trade unions and others wanted higher pay, greater investment in capital and so on. However, circumstances have changed substantially since then and, as a result, the Government has changed its mind and its focus, establishing admiration-winning measures under the leadership of the Taoiseach and, in particular, the Minister for Finance, Deputy Brian Lenihan, over the last two and a half years. These measures have been painful and have hit every family in the country. There was nothing vote-winning about them, but they were necessary. This morning, the European Commission praised these measures and asked that they continue in order that Ireland show leadership in areas in which Greece and others have failed heretofore. We hope, in the interests of all European citizens, that Greece will be able to lift the ball and do what we have done very well.

Quite a few years ago, I and others in the House called for the establishment of a commission for a fairer Ireland, a voluntary forum which all pillars of society would be invited to attend, without expenses or any similar payments. In this way we could begin to decide how the country could best go forward in terms of pay scales, pensions and so on, with contributions from everybody. This is the sort of thing with which I would agree. If there are pensions we need to cut or abolish, that forum would be the best place in which to decide on this. In the meantime, I welcome the gestures made by many, such as Senator Feargal Quinn and others, in foregoing salaries and pensions. It is just, if they can afford it, that they do forego those payments, but they are not breaking the law by continuing to receive them.

One wonders what the Houses of the Oireachtas Commission, and particularly the communications unit, is for. I, for one, am disgusted that an impression has been created in the newspapers which has gone unchallenged by paid personnel of the Houses of the Oireachtas. I do not know why we have communications people if they are not prepared to respond to insinuations in the media. Senator X or Deputy Y clocked in for seven out of ten days. Unfortunately——

Acting Chairman (Senator Denis O’Donovan): The Senator’s time is up.

Senator Marc MacSharry: I ask the Acting Chairman to indulge me ever so slightly. I know I am being critical of aspects of the Oireachtas, which people do not like to hear sometimes, but it is all the more necessary.

Seven out of ten days is the number of days I clocked in. I would say the person responsible for communications works the statutory 39 hour week. I probably put in 80 or 90 hours last week. I am not complaining, as I am very well paid, even with the pay cuts, for that. However, what I expect is that these people do their jobs, which is to defend the Houses of the Oireachtas — not individuals, but the position of a Senator, a TD or a Minister — and acknowledge the work and time that is put in and the hours that are involved. It is not a matter of clocking in. The Houses of the Oireachtas Commission should do more than put bouncy castles on the lawn or *Beano* comics in the lobby. I would like to see much more work done in that regard. With respect to Senator Hannigan, we need more than DVDs showing Senators jogging on beaches or Deputies collecting their children from school because considerable work is done in these Houses.

6 o'clock

Senator Rónán Mullen: It worked for President Obama.

Senator Marc MacSharry: I am happy to accept whatever austerity measures are needed with the agreement of the Houses of the Oireachtas. I thank Senator Norris for sharing his time with me. It is about time the institutions of the State defended the good work of the institutions of the State.

Senator David Norris: I wish to share my time with Senator Mullen, by agreement.

Acting Chairman (Senator Denis O'Donovan): Is that agreed? Agreed.

Senator David Norris: I will begin by outlining my credentials. I have never been a Minister and this is the only public office I have held. As I will not get a pension until I am gone from this House, I have nothing to gain and everything to lose by taking an unpopular position.

The motion before the House is a load of hypocritical political opportunism and populism. I do not think it is even going to work because the political parties missed the boat. I acknowledge that calls were made for leadership but such leadership should have come from a united front of politicians or at least within the relevant parties. The proposers of this motion know perfectly well, however, that they had to put a gun to the heads of half of the people in their own party to get them to volunteer. Do not underestimate the intelligence of the people. I would have been happy to join a demonstration of leadership by making whatever financial sacrifice was necessary because the people are bleeding but everyone must jump at the same time and make it clear the sacrifice is voluntary.

I commend Senator MacSharry on his courage. Although he beat me to the quote with John Waters, a previous article by that author brilliantly analysed the language used by English newspapers in their dishonest targeting of politicians. However, politicians also have a lot to answer for. They sold the pass because they are terrified of the media.

Senator Rónán Mullen: Hear, hear.

Senator David Norris: Last week I had a cup of coffee with a decent fellow from a Government party who I will not name. He had been contacted by a journalist about a big Fianna Fáil meeting which was held recently in Killarney. When asked whether he had attended any of the caucus meetings, the journalist responded that he did not have to go because he knew what Fianna Fáil meetings are like. That man wrote scathingly about the meeting. I have no idea whether the meeting was good or bad but one would not last long as a music or theatre critic

without attending the performances under review. Unfortunately, when I asked my informant whether he would raise the issue in the House or lambaste the newspaper that printed this twaddle, he said he could not do so for fear of being skinned alive.

I do not always agree with Mr. Waters but he accurately described the way in which Emmet Stagg was hauled before a Star Chamber inquiry on “Morning Ireland” to explain why he received a weekly pension of €56 as if this show trial would rectify the economic situation. Mr. Waters wrote:

This show-trial was introduced by Áine Lawlor with a low bow towards “public fury”, which, she told us, showed “no sign of abating”. Later, in a conversation with an audibly queasy David Davin-Power, she said: “But I suppose equally there are a lot of people listening, and €56 a week, while €56 may not be a huge sum of money to the State, it’s a very big sum of money in their family’s incomes.” On such platitudes have been launched a dozen lynchings.

We can do nothing about the media except raise challenges. However, it is unwise for any group to inflame the already exacerbated feelings of the people which clearly need to be vented. People are on the threshold of bankruptcy or are losing their homes and jobs and they are suffering. However, we should be taking practical measures and it does no good to inflame the situation.

The people concerned are very pious but I wonder if they ever read the New Testament. When I heard the debate about the pensions, I was immediately reminded of the parable of Jesus Christ involving a landowner who hires labourers. The first labourer is hired at the break of dawn and on an almost hourly basis the landlord hires additional people, all of whom receive the same wages. Those who were hired in the morning complained as they looked over their shoulders begrudgingly, even though, as our Lord pointed out, they had all agreed the same wage. There is something foolish in giving a pension to somebody who continues to work in virtually the same job but that was the agreed arrangement.

The cut of 25% was an appropriate and wise decision. My good friend, Senator Cummins, who I respect and admire, asked why the reduction could not be 100% rather than 25%. The perfectly obvious answer is that 25% is a reduction but 100% is an abolition. That is the legal point.

I am concerned that the perception of party political advantage will take hold. Everybody knows the matter is being addressed. Pensions will be completely abolished for sitting Members after the next election. I listened with great interest to my colleague, Senator O’Toole, who wondered where the witch hunt will end once we start it. Will it end with the police or retired teachers marking exam papers? I am concerned that we may unleash a tide of begrudgery instead of addressing the matter. We must give the people an opportunity to vent their justified rage without inflaming it further.

I missed this afternoon’s vote in this House because I was attending a meeting of the Joint Committee on Education and Science where I stated that I would support the Minister for Education and Skills, as I supported her predecessor, if she introduced fees. I made all the cogent arguments for the necessity of introducing fees and I believe I was absolutely correct even though I could hear the sound of votes shedding all over the place. I spoke on behalf of the disadvantaged people who, unless we introduce a proper cut-off level——

An Leas-Chathaoirleach: I understand the Senator is sharing time with Senator Mullen.

Senator David Norris: Yes.

An Leas-Chathaoirleach: The Senator is eating into the next speaker's time.

Senator David Norris: I will sit down in that case. It is important for people to tell the truth. I wish I had more time because I would like to highlight some examples of dishonest and selective journalism. There is very little investigative journalism in this affair. If they are so interested, let them investigate the degree and quality of the contributions. Voting is a technical matter and we always lose because the Government has a built-in advantage. What difference does it make? I speak as a journalist when I say that journalists should be more realistic.

Senator Rónán Mullen: I speak as someone who entered the Oireachtas at a time when considerable reforms had already been introduced in regard to pensions payable to former Members on leaving office. I never knew about nor inquired into the pension entitlements that would accrue to me in the event that I ceased to be a Senator. I will receive some sort of pension at the normal retirement age rather than any earlier. I do not, therefore, have a vested interest.

I will stress two ideas, between which there is some tension. The first is that there should be reasonable and good remuneration for Deputies and Senators and, by extension, Ministers to attract people of calibre to politics. We are all familiar with the old saying, "if you pay peanuts, you get monkeys". Some critics of these Houses might say we pay considerably more than peanuts and still end up with some simian quadrupeds, but I am not sure that would be fair. However, it is debatable whether good remuneration should extend to the right of people to be paid a pension before leaving office as an ordinary Member of the Oireachtas.

The second issue — or bundle of issues — is the need to show solidarity and lead by example in the current difficult times. It is well known that people have been asked to make major sacrifices to put the country back on track. Those in the public service, in particular, have been asked to endure extra pain. It is, therefore, easy to understand why and undeniable that politicians' salaries and pensions have become such a neuralgic issue. Politicians are viewed in many cases as having contributed to the woes people are experiencing. That is due in part to the functioning of the media. The quest for accountability and necessary scepticism shown to all institutions and, in particular, people involved politics has on occasion spilled over into unhelpful cynicism. If we are honest, we should say there is a selfishness in our culture at this time. People endure no pain themselves but seek to scapegoat others and politicians are an easy target. The crisis is partly of our own making but has also been created partly by our culture, in which people are willing and anxious to play the blame game. Fine Gael's proposal must be accepted, on the basis that we have arrived at this point. However, I support much of what Senator Norris said, particularly on the way in which politicians have lost the opportunity to establish and regulate clear structures for fairness in media coverage of such issues. We have ended up considering the issues in a partial way and being led by the nose as a political class instead of leading ourselves.

Senator Cummins raised a valid point when he asked about the need to explain the logic that we could cut 25% from the pensions of former Ministers but not go further. We have never heard a proper explanation of why we could not have gone further.

It is legitimate, if we are talking about ministerial salaries and pensions, that we open up the debate to include others with public service pensions who are now earning in other areas, whether in the private or public sector. I asked some months ago if we should think about whether anyone in banking, politics or the media — or anyone whose salary was in any way supported by the public purse — should be allowed to earn more than €150,000 a year. If we are in such a serious crisis, perhaps we need to ask such drastic questions.

Fine Gael's proposal will be welcomed by many people because they cannot understand why a former Minister would attract a pension while continuing to earn a salary as a public

representative. That is a legitimate question. However, if we criticise people for enjoying these privileges, we should have the generosity to praise and acknowledge those who took steps of their own volition to forgo part of their entitlement. I say this as someone who has no vested interest.

We need to widen the debate and re-establish a space in public discourse——

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

Senator Rónán Mullen: ——in which politics can receive its proper due and people can learn to differentiate between politicians who are on the take and politicians who are genuinely selfless and seek to contribute to the common good. If we are to debate ministerial salaries, we should have a much more honest debate about anyone who is in receipt of a public sector pension and in a position to earn in other ways in the public or the private sector in order that we come up with some standards——

An Leas-Chathaoirleach: The Senator must conclude.

Senator Rónán Mullen: ——that will be seen to be fair, commonly taken and suffered by all.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I welcome the opportunity to engage in a full debate on what the Government is doing on ministerial pensions. This is an opportunity to set out the facts and make certain the public is fully aware of what has been done to reduce spending on ministerial pensions. We are all aware that the issue has caused a great deal of public controversy in recent days, which is, to an extent, understandable. What happens in the Oireachtas, especially regarding Members' pay, pensions and expenses, must always be in the public eye. I am sure the same happens in every country with a healthy democracy. In such countries legislators will welcome such scrutiny and must be prepared to accept criticism and act on it where it is justified.

We must accept that public scrutiny will be even more intense at a time of serious economic crisis. Everyone in our community has been hugely affected by the crisis, especially those experiencing the problems caused by high unemployment. As a result, the public reasonably wants an assurance that the measures being taken to deal with Ireland's economic and budgetary crisis are fairly distributed and, in particular, that Members of the Oireachtas are not asking others to carry burdens they are not prepared to carry themselves. I am happy to provide that assurance for the public in this debate. Nonetheless, I hope we can agree it is essential that the debate will concentrate on the facts and will be carried on in a calm and rational manner. Important issues of public interest must be fully and properly debated in the Houses and we must take decisions in the light of that debate. If that means we cannot take knee-jerk decisions to appease a few commentators, so be it.

The Government makes no apology for refusing to allow policy to be decided solely by reference to what might or might not play well on the evening television news or in the morning newspapers. If we were to go further down the route mapped out for us by some of those who have been exercised recently about ministerial pensions, there is no doubt that the quality of Irish public life would be seriously undermined in the longer run. I am concerned about the nature and tone of some of the public debate on the issue in recent days. Many of the comments have been objectionable and many of the commentators have taken no account of the substantial measures the Government has introduced. Even more importantly, individuals have been singled out publicly and pursued until they have made what is considered to be the "right" statement about their ministerial pensions. That is a new development in Irish public life and

[Deputy Michael Finneran.]

I am not comfortable with it. By all means, we should have a full and open debate about the issues of the day, but I cannot stand back and agree that people who have previously served in government in the public interest can be harried until they are coerced into giving up income to which they have a clear legal right and which has already been reduced. We must be cautious about a public discussion that names particular individuals whose private circumstances are unknown and which moves on to make demands about what they should or should not do with their income. That is not a route we as a community can or should go down.

It is particularly disturbing that the recent debate has taken no account of the major steps the Government has taken on pay, administrative costs and pensions. The Government has led by example. We have taken a strong and clear line in reducing the cost of running our administrative and parliamentary system. As part of these measures, the Government has taken major steps to reduce public service pay costs which have significantly reduced spending on pay and related costs for all public servants and Members of the Oireachtas and Ministers. Ministers and Ministers of State voluntarily surrendered 10% of their pay from November 2008. Senators will be aware that in February 2009 the Government introduced a pension-related deduction for all public servants — the pension levy — which aimed to reduce the public service pay bill by an estimated €1 billion in a single year.

In 2009 the Government decided to restructure the way it operated by reducing the number of Ministers of State from 20 to 15. The reduction in the number of Ministers of State has also led to a reduction in the cost of running ministerial offices.

In budget 2010 the Minister for Finance announced the Government's decision to cut public service pay, with reductions ranging from 5% for the lower paid to just under 8% in the case of salaries up to €125,000. For those paid above this level, the Government decided, in line with the recommendations of the Review Body on Higher Remuneration in the Public Sector, on reductions of 8% for those with salaries from €125,000 to €165,000; 12% for those earning between €165,000 and €200,000, and 15% for those earning €200,000 or more. The Minister made it clear that these were permanent reductions which would be reflected in future pension entitlements.

The salary of the Taoiseach was reduced by 20% which meant that, when account was taken of the pension levy, the Taoiseach's salary was cut by close to 30% in total. Ministers and Secretaries General of Departments all took a pay cut of 15% which produced an overall cut of close to 25% when account was taken of the pension levy. By any standard, these are significant measures which have taken us a long way towards dealing with the budgetary problems we face. They have made it clear internationally that the Government will act immediately and decisively to secure the economic future of the country.

Turning to the issues raised in this debate, it is a fact that the Government has changed the terms and conditions of ministerial pensions. In 2009 the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act was introduced. It provided that ministerial pensions paid to Members of the Houses of the Oireachtas and the European Parliament would be reduced by 25%. Even more importantly, it also provides that such pensions will not be paid to sitting Members after the next general election or elections to the European Parliament.

In considering the legislation the Government looked at the possibility of ending the payment of pensions to sitting Members of the Oireachtas with immediate effect, the measure the Opposition wishes us to endorse this evening. However, the Government decided not to take this course of action following advice from the Attorney General whose clear advice was that pensions were earned but deferred income to which the person concerned had a property right. In addition, he advised that legislation to end pension payments completely for a particular

group of people who had clear rights to the pension payments would be discriminatory and give rise to serious legal and constitutional issues. As the Minister for Finance said yesterday, this could amount to disproportionate discrimination.

The Government did take action, however, to reduce spending on ministerial pensions for sitting Members. It took steps within the law and the Constitution. Although these pensions could not be removed, the Attorney General said they could be reduced in a proportionate way after consultation with the relevant Members. The Minister for Finance consulted the pension holders and, in the light of this, proposed legislation to reduce the pensions of sitting Members by 25%, a measure which was approved by the Houses of the Oireachtas. The Minister also proposed in the legislation to stop payment of these pensions to sitting ex-Ministers with effect from the next Dáil. Those concerned will have had an opportunity to assess the new position for themselves and make a decision in the light of their personal circumstances about any alternative pension arrangements they may wish to make.

In short, a reasonable but robust policy on ministerial pensions has been given effect by the Government. It is an approach which reduces costs to the taxpayer at the expense of ex-Ministers and takes account of the serious legal constraints which apply in this area. We must also remember that a considerable number of ex-Ministers have already gifted or intend to gift their pensions to the Exchequer. I express the Government's gratitude for these significant and generous contributions. It is also important to remind the House and the public that these gifts were being made privately before the recent controversy began.

The Government makes no apology for what it has done in this area. It also makes no apology for refusing to join in a disturbing public campaign to coerce people to give up properly acquired pensions. When the record is looked at fairly, it shows clearly that we have moved to deal with the economic and budgetary crisis, reduced the cost of running the Government and the Oireachtas and taken entirely reasonable and proportionate measures to reduce very significantly ministerial pensions paid to sitting Members. There is no need for the legislation proposed in the Opposition's motion. I commend the Government's amendment to the House.

Senator Alex White: I will start with a question to the Minister of State relating to the summary he gave of the Attorney General's legal advice. The Attorney General said pensions were earned but deferred income, to which the person concerned had a property right. I cannot disagree with this; it defines what is a pension. Therefore, there was a constitutional impediment to removing pensions, particularly from just one group of people. We will not be privy to further detail of the Attorney General's advice, which is a pity.

The Minister of State also pointed out that the Government had already made a decision that pensions would not be paid to sitting ex-Ministers with effect from the next Dáil. If one applies the advice relating to the decision the Government has made regarding the next Dáil, current serving Ministers are earning deferred income in the same way as occurs generally. The Minister of State and his colleagues, therefore, are earning deferred income. How can this be taken from them, albeit from the next Dáil, if we accept the Attorney General's advice that there is a constitutional impediment to so doing? The income the Minister of State and members of the Cabinet are earning is earned income. How can the advice apply to the current position but not to the future position? Surely the same legal issue arises in respect of doing it for Ministers who are currently serving and who will be fortunate enough to be elected — if any are, although perhaps that is a cheap shot — to the next Dáil. I look forward to receiving an answer to that question. It does not add up that it will be all right to do it then but not to do it now.

The difficulty in this debate is that there is confusion. I sympathise with some of the points made by Senator MacSharry and others. There is confusion as to whether the wish to remove

[Senator Alex White.]

pension payments from serving Members of the Oireachtas amounts to a financial emergency measure, like the others of which we are aware, or a reopening of the issue of whether, in principle, we ever thought it was right that a pension should be paid to former Ministers who were still Members of the Oireachtas. Furthermore, we are not discussing whether we are talking about it as a principle or as a financial emergency measure in the context of this debate, which is a pity.

Senator Twomey is correct that there is massive public anger and upset about former Ministers who are serving in the Dáil and Seanad drawing pensions. Most ordinary mortals regard pensions as something one receives when one is 65 years old, or possibly 60 years old, if there is an early retirement arrangement in one's pension fund. People perceive pensions to be for one's retirement, not a payment to be made while one is still working. That is a reasonable position for people to take when they view what is happening. However, there was a rationale for introducing these payments, about which all parties should be honest. There was a rationale former Ministers received pensions, notwithstanding the fact that they had not reached the age of 55, 60 or 65 years. Are we opening up the issue of principle by stating the payments should never have been provided for in the first place or are we saying there was a good reason for making them but because of the financial situation in which we find ourselves the position needs to be changed?

I do not say this to be critical of my Fine Gael colleagues, but I would prefer if there was draft legislation before us to be debated in the House, rather than having an Opposition party — I found myself in this position previously — calling on the Government to introduce legislation. I emphasise that I am not criticising my colleagues in this regard, but it would be more satisfactory if we were in a position to table legislation because it would then be easier for us to come to a view on whether the provisions of that draft legislation offended the Constitution. We are arguing blind. Senator Twomey states he has received the opinions of three senior counsel who state there would not be a problem with such legislation, but we do not know because we have not seen the heads of a draft Bill. On the other hand, the Government states the Attorney General says it can be done in the future but not now. That is extremely unsatisfactory in facilitating a meaningful debate in the House on this important issue. We deserve more from the Government side on what the legal impediments are, over and above what the Minister of State said. I want to see more of an account of precisely why it cannot be done. Perhaps the Minister of State is in a position to address the point about draft legislation. It may be academic at this stage, but it does not seem there would be an impediment to an Opposition party tabling legislation on an issue such as this. It seems it would not be a Money Bill or a matter on which an Opposition party could not table legislation, even though there are areas we cannot address.

Touching again on the issue of principle, I have sympathy for what Senator MacSharry and others were talking about. Senator MacSharry was inclined to be critical of the Houses generally, the way business was done and the efforts made to explain matters to the public. Politicians are principally to blame in this regard. It is no use saying there are staff in an office who are paid to explain matters, etc. They may or may not be doing so as well as they could, but I am not interested in that aspect. Often politicians do not have the necessary self-belief to explain and argue in public on, for example, the reasons politicians in the past believed, as they obviously did, that there should be pension payments for ex-Ministers, even those still serving as Deputies and Senators. In this country many things seem to happen quietly. We are aware of the argument that over a period of ten to 15 years the level of expenses went up. This happened here, there and everywhere. I am not saying it was done in a covert way in the sense that it was done secretly, but it was done in a way that did not give rise to much public debate.

Politicians are very weak at explaining and arguing these points and when there is a furore, a huge row and, as Senator Twomey stated, public anger, it is not possible to defend the matter because, frankly, politicians would not last five minutes on a radio programme in trying to defend something such as this. There is an issue for us in that regard which has to do with our own sense of what we are about.

I refer to the deeper issues involved, about which Senator Twomey spoke and which perhaps are missed in this debate such as what are we about? What is our role? What is our perception of our role? How do we value ourselves? What value do we put on our work in the Dáil and Seanad? Where do we fit in? What are we not doing that we should be doing? Are we over-paid? If we were doing the job a parliament was expected to do in a democracy and if we were given by the Government the scrutinising role a parliament should have in a democracy, there is no way I would regard the pay of politicians, Deputies and Senators, as being too high. The question arises in circumstances where we are not seen to be doing the things I want us to do as politicians, as Deputies and Senators, whether it be scrutinising financial measures in the case of the banks or otherwise. Essentially, such measures are presented on the floor of the Houses as a *fait accompli*. Often we do not operate as parliamentarians in the true sense of the word which gives rise to questions in the public's mind about what Members are doing and whether, in fact, they deserve the money they are getting. This brings us back to our sense of self-confidence which we often lack, as has come out in this debate.

On the core issue involved, it seems one can reduce the debate in this Chamber to the net issue. Independent Senators and all of the parties agree that former Ministers ought not to be paid a pension while still serving in the Oireachtas from the next Dáil. Everyone seems to agree with this. It is only a matter of what happens between now and the next general election in the case of a small number of individuals who for their own reasons do not wish to forfeit or give up their pension payments. It all boils down to that net point. I will support the Fine Gael motion because it is right that the issue should be dealt with by the Government now rather than in the future but it would be much better if it had not come to this.

Senator Dan Boyle: Since the establishment of the State the payments to public representatives in the Houses of the Oireachtas have evolved through many stages, from a point where their wages were considered relatively modest compared to the average industrial wage to the point where a number of compensatory measures were introduced to encourage people to enter public life. They included an expenses regime that was perhaps over generous and largely unaccounted for. However, other measures were in place under which 50% of one's salary was not taxable. It took many years to get rid of this anomaly in the 1970s. Even up to the 1970s the wages of Members of the Oireachtas were relatively modest compared to the average industrial wage. However, since the 1990s there has been a considerable increase to the extent that they are now a multiple of the average industrial wage. The compensatory measures put in place were let stand and reforms were not introduced soon enough. We now have a system in place under which the expenses regime has been changed in order that it involves an element of accountability and vouched expenditure. I am not sure whether it is the right mechanism, but it is a sincere attempt to have in place a new regime.

As the Minister of State, Deputy Finneran, outlined, there are several areas in which the Government have introduced significant reforms in making payments to persons involved in public life. I refer not only to the reduction in the level of ministerial wages, the reduction in the number of Ministers of State, the cut Members of both Houses have suffered with everyone else in the public service and the public service levy, but also to other measures such as the abolition of the seven and ten-year increments, of which Senator Twomey and I have been victims, and the introduction of the new expenses regime which the Minister of State failed to

[Senator Dan Boyle.]

mention. As an accounting exercise, the amount of money spent on politicians is far lower than it used to be, which is no bad thing. There may be a reactionary element to this; certainly, there are elements in the media who are bathed in hypocrisy, given the wage levels of and pension arrangements for many of the opinion-forming columnists who write on this issue. There is, however, justifiable public concern about the nature of some of the payments made which has crystallised in the pensions issue. First, the scale of the pensions paid rightly seems to intimidate and upset people; second, there is the fact that multiple payments are made; third, there is the question of pensions being paid to persons still in receipt of salaries, all of which has been deemed as unacceptable by the general public.

There has been an attempt to address the issue by means of various pieces of legislation. Senator Twomey will remember that five or six years ago legislation changed the entitlements of future Members of the Oireachtas and Ministers to receive a pension before retirement age. I think both the Senator and I got in under the counter in that regard. Those elected in the two by-elections before the 2007 general election and all new Members of the Oireachtas and all new ministerial appointees since 2007 are all governed by that legislation. Had I chosen to take what would have been a very modest pension of €300 a week, the equivalent of a State pension, I would have been claiming that sum for a period of 25 years and possibly more after five years' service. We need a debate on pensions in general. Compared to other European countries, Ireland has a demographic advantage but it also has an ageing population. If we are serious about providing for the payment of pensions, there has to be a better bridge between the contributions people make and the amounts they receive. This is an important debate.

The Fine Gael motion reflects wider public concern on the issue. Ironically, a ministerial pension was designed as compensation and meant to benefit those who had been in office and subsequently found themselves in opposition. Those who benefit most from this measure are members of the Opposition. It was designed to compensate for the loss of office. However, we are living in different times and expectations are different. The general salary level of Members of the Oireachtas is generous compared to the average industrial wage.

The actions of those who have given up their pensions have been commendable; such actions needed to be taken. On the question of whether legislation is required to tackle the handful who remain and want to hold on to their pension payments, the economics of such a move should be considered. Introducing legislation to cover the period up to the next general election, to tease out the constitutional niceties, would probably cost the State more than the value of money outstanding. At a time when we are seeking to curb public expenditure, is this something we need to do? I do not think further legislation needs to be enacted between now and the next general election.

Another category of public representative is also covered by this principle. We need to introduce controls governing the circumstances, the amounts and the timing in terms of when people receive pensions. This will require more all-embracing legislation than is envisaged by the motion. The matter should be dealt with under the auspices of promised legislation covering the period when politicians leave office and enter the private sector. The programme for Government refers to a period of 12 months. I am disappointed with the ethics committee of the European Commission which has made a poor decision in this regard. It should be a general principle that anyone who leaves a decision-making role should have to wait for a period of at least 12 months before he or she takes up an equivalent role in the private sector in an area for which he or she had regulatory responsibility. That is what I would like to see included in all-embracing legislation. This is a debate which could be usefully held in this House in time to come.

We need to return to the matter of dealing with the other contradictions and anomalies, quirks of the system, which cause public concern. I would like to think the economic position is becoming less uncertain, that there are signs that we may be heading back to better times. Many citizens find themselves in difficult times, it is difficult to find money to spend.

The time of this and the other House would be better used in bringing forward legislation to introduce and protect the notion of fairness. The political class — politicians and political parties — needs to be proactive to win back the confidence of the people. It needs to be less reactionary. We need to identify the flaws in the system and introduce legislation. We can act in a more unified way than in the past, but neither can such legislation be rushed. This will be a major debating theme in the general election whenever it happens. The new Government after the general election will be informed by the need to introduce such legislation. I look forward to a continuing debate on the issue.

Senator Jerry Buttimer: In welcoming the Minister of State, Deputy Calleary, to the House I am conscious there has been a tied vote in the other House on the writs for the by-elections. This debate is important because the body politic needs to reconnect with the people. There is a sense among the wider population that there is cronyism and that politicians are looking after themselves. We must, therefore, not consider this issue through rose-tinted glasses, rather we should honestly look at how this parliamentary democracy operates. We must accept there is a need to embrace a new culture in Irish politics. This has a broader strand which must be considered in the context of the entitlement of former Taoisigh to be provided with a State car and the need for transparency and openness in how people are appointed to State boards. All political parties are guilty of looking after their own membership. If we are honest, the practice of Deputies, Senators and MEPs claiming a ministerial pension in tandem with a salary from the Houses of the Oireachtas was wrong and its continuation only helps to inflict further damage on the political system and the reputation of politicians. We must give credit to those MEPs, Senators and Deputies who have given up their entitlement to a pension. There is anger and a sense of betrayal among the people which is levelled at all politicians but predominantly towards the Government. The people have been let down by politics and politicians in the decisions taken and in the way the country has been run for 13 to 14 years. That is the reality.

I appeal to the remaining Members, former Ministers, who have not relinquished their pensions to do so. I am not doing so in an adversarial political manner. This is not a witch-hunt. It is not a case of bowing the knee to the media, rather it is the right thing to do and would help to restore a level of trust in politics and politicians. The motion is important because it provides the right course of action for us to take. If we want to bring about change and a new political culture, we must start with ourselves in the Houses of Oireachtas.

I heard the Minister of State, Deputy Finneran, speak about the various changes introduced by the Government — I accept there have been improvements — while Senator Boyle spoke about the evolution of politicians' pay. However, we must call a spade a spade. Politicians' pay grew exponentially under Deputy Bertie Ahern's stewardship as Taoiseach.

While I accept certain journalist are only interested in bringing down politicians, we must not blame journalists for the mess we are in and the low esteem in which politics is held. The Government will give us the line about the Attorney General's advice on why legislation on ministerial pensions cannot be introduced, yet the practice of ministerial pensions is outdated; it belongs to a different generation. We must lead by example. If we are serious about developing a new society and culture while restoring trust between politicians and the people, the motion should be supported by all sides of the House.

I am concerned that we will embark on a process, whereby politics will be the preserve of the chosen few and that those who enter politics will be of a certain type only. We must never

[Senator Jerry Buttimer.]

allow politics to be about a few; it must be about looking after everyone. No one should be debarred from running for office because of the costs involved.

Deputy Dara Calleary: What about the cost of staying in office?

Senator Jerry Buttimer: I was speaking about the cost of running for office. Ministers are well looked after when in office with the different arrangements in place both in their ministerial and constituency offices. These arrangements should be the subject of another Private Members' motion.

Deputy Dara Calleary: What does the Senator want next — a circus?

Senator Jerry Buttimer: It is not a circus. The Minister of State knows full well the numbers of advisers and members of staff a Minister can have in his or her office.

Reform is needed in electoral spending. I expect the Standards in Public Office Commission to look at candidates' expenditure between elections. We must examine the issue of how political parties and candidates are funded. I am in favour of the State giving political parties funding to operate, but a cap must be placed on the amount that can be spent by parties and individual candidates between elections. It has, unfortunately, reached the point where only a certain few can run for political office. It is almost like we have gone down the American road where it costs millions of dollars to run for state or national political office.

The motion offers a clear choice to all political parties on which we can agree. We must allow the people their right to have a say, but we cannot be governed by populism or Joe Duffy either. If we are honest, we will agree the practice regarding ministerial pensions is wrong. If we want genuine change in political culture, we should start by accepting the motion.

To come back to a point made by Senator MacSharry, there is no point in blaming the Leinster House press office or staff for clocking in. Neither can journalists be blamed for the ills we have brought upon ourselves as politicians. We have an obligation to lead and the motion gives us the opportunity to do so. The outdated ministerial pension model needs to be replaced with a new transparent one which will show the people we are serious about reform and ensuring openness.

Senator John Hanafin: I wish to share time with Senator Butler.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator John Hanafin: I second the amendment to the motion moved by Senator MacSharry.

When some lose sight of the past and do not realise why certain arrangements are in place, it is time to recall the pay and conditions of Oireachtas Members in the 1980s. I spoke with a candidate for both the Dáil and the Seanad who ran in several elections in the early 1980s, who was elected in the first Seanad election in 1982 and subsequently re-elected. The personal cost was such that at one point the former Member's bank manager told him not to write any more cheques.

While we work in a privileged position, we do not have security of tenure. The average term a Senator will serve during which he will give his or her best on behalf of the public is 12 years. There was a time when it was possible to receive €2,000 a week on the lump doing labour for a builder in Dublin. We were all scandalised by the pay scale on offer to someone working in a medium-sized company, through statutory compliance, of €200,000 plus benefits. The chief executive officer of a large company was able to earn up to €700,000 a year. Pay and conditions in the Oireachtas tried to keep pace with these developments.

I often hear people claim that in the boom years money was squandered. If it was, it was the people who squandered it because the reality is the Government put the money back into the public domain. There is no doubt that through benchmarking people's pay and conditions improved considerably, including their pension provisions. I do not hear people who served in government between 1994 and 1997 say they should hand back their pensions because the qualifying term was reduced for two years.

Senator Fidelma Healy Eames: They have handed them back.

Senator John Hanafin: I will repeat what I just said.

An Leas-Chathaoirleach: Senator Hanafin to continue, without interruption.

Senator John Hanafin: One does not hear those who served for a very short term in the 1994 to 1997 Government, who are now retired and who qualified after two years for a pension speak about handing back their pensions. The Opposition is chasing the rainbow of public opinion. Were it not for the pension arrangements of Bank of Ireland's chief executive officer, Mr. Boucher, or the Irish European Commissioner's, the motion would never have been put before the House. If it is wrong today, it was wrong two years ago or five years ago, but we have not heard a word about it. The Opposition is trying to ensure the opinion polls stay flat-lined, which is its hope, but the Government's job is to get on with what it must do.

Senator Liam Twomey: The Senator need not worry about opinion polls. We have sorted out that matter.

Senator John Hanafin: As someone who qualified as a financial adviser and was qualified to sell pensions, I am aware that a pension amounts to deferred pay. That is the legal position. Even if we were to introduce legislation in the next term to prevent people from claiming their pension, I am certain it could be challenged. We can only hope those who have
7 o'clock already given up their pension, if they are still Members of the House, will agree not to make a claim, but it is deferred pay which is the property of the person concerned. If I go for a walk in the countryside, through a farmer's land, and while on it someone puts up a "No Trespassing" sign, I cannot be sued for trespassing because the sign was not in place when I started the walk. In the same way, if a person has accrued a pension, it is his or hers. I hope all of the Members concerned are in a position to give up their pension. It would be welcomed because we are now much better paid. We are moving forward together on the issue.

I was disappointed with the suggestion made on the Order of Business which was incorrect and unfair that the Government was corruptly in cahoots with developers and builders. There was not even a question of this, not to mind somebody being brought in for questioning, charged or convicted. It was unseemly and what was said should not have been said in the House.

Senator Larry Butler: This motion is cynical and hypocritical because Members on the other side of the House were in receipt of pensions. I spoke to a Member at noon on the day the story about Commissioner Máire Geoghegan-Quinn broke and he said there was no way he was going to give back his pension. At 6 p.m. he was announcing his intention to give back his pension. I wonder what happened to make him change his mind between 1 p.m. and 5 p.m. It is hypocritical also when one hears people speak about the amount of money spent before and during elections. Another Member on the other side of the House spent €47,000 on local election campaigns. God only knows what he spent on general elections. I will not name him, but he knows who he is.

[Senator Larry Butler.]

I also query whether sitting Members who are performing work as general practitioners are drawing their pension. These are questions that will have to be answered in view of what has happened. Mr. Alan Dukes, a well paid executive of Anglo Irish Bank, is drawing his pension and refusing to give it up. The former Taoiseach, Mr. John Bruton, is still working and drawing his pension. This is a hypocritical, cynical motion that will come back to haunt to Members opposite.

Senator Liam Twomey: What about Mr. Albert Reynolds?

Senator Larry Butler: Senator Norris was correct when he said we made our own decisions about pensions and the way we looked after ourselves. That is fine, but we are not as well looked after as many others, including bank managers. Members of the teaching pension are working and drawing a teacher's pension. Retired civil servants are working in the private sector and continue to draw their pension. The motion is hypocritical and cynical and would never have been tabled if its movers were not seeking the populist vote. That is what is happening this evening.

Three individuals have not yet given up their pension and Members opposite want legislation to be drafted when they know in their hearts the pensions issue will be decided after the next elections when there will be a new mandate in that regard. The cost of bringing forward legislation to deal with the position of the three individuals in question would be far too high.

It is important to thank those who have given up their pension voluntarily. People on both sides of the political divide have done so and it is important that we bear this in mind, as people face different financial demands which could be the cost of nursing home care for a parent, other financial or family arrangements, etc. We all are subject to different financial constraints.

I support the Government amendment. It is important to ensure that when we table motions in the House, they are sensible. I would rather see a proper debate on the economy which is what should have taken place this evening, rather than engaging in a cynical exercise such as this.

Senator Liam Twomey: The Senator should use his own party's Private Members' time to debate such a motion. He regularly fails to do so.

Senator Feargal Quinn: I wish to share time with Senators Ross and Doherty.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Feargal Quinn: The Minister of State is welcome. I also welcome the fact that we are having this worthwhile debate. It is interesting because about 25 years ago I made a comment, long before I was ever involved with this House, about ministerial pensions. I said I had been amazed to discover that former Ministers still with the same employer, namely, the State, were drawing ministerial pensions. The story was carried in the *Evening Herald*, even though I was not a political figure at the time.

We face a dilemma on this issue. I do not know how it will be solved, but I am sure it will be through legislation, as long as there are no voluntary withdrawals. The public cannot understand how someone working for the same employer can draw a pension and also earn a salary. We must face up to this challenge.

I recall a particular individual who was a Minister some years ago. He lost his seat and did not manage to survive in politics. Does this mean he cannot work for anyone without having

to forgo his ministerial pension? It is a tricky position to be in. The matter is not as simple as I thought it would be. It is apparent, however, that the State cannot afford such extravagances as ministerial pensions which will have to come to an end because the public does not understand the reason for paying them.

On how we will solve the problem, we face a challenge to the economy. According to the most recent forecast, the Exchequer will collect some €32 billion this year, but it costs the State approximately €55 billion to function, not to mention the cost of the banks' bailout. Put starkly, we must borrow the difference between these two figures this year. Whether it is through the Croke Park agreement or something else, we are asking citizens to tighten their belts and reduce spending. We are telling them that it would be worthwhile doing so because there is much at stake, but then they see former Ministers taking a pension while earning an income. It is not possible to survive on that basis. We will have to make a statement on the issue. On that basis I support the motion brought forward by the Opposition.

Senator Shane Ross: I thank Senator Quinn for sharing his time. I listened to what he had to say about the comment he made on this issue 25 years ago. I am sorry to say my memory goes back to about that time also. I have news for the House. This is not the first time such a motion has been introduced. In 1986, almost 24 years ago to the day, I introduced almost an identical motion to the one before the House. We had a Fine Gael led Government at the time. Guess who voted against my motion? The answer is Fine Gael and Fianna Fáil. It is the nature of the Opposition to propose such reforms and it is the nature of the Government to oppose them. However, I remind the House that the Opposition today was in that position at that time and took the view that there should be no change in ministerial pensions being taken by sitting Members. With that in mind, I take the view that it is right now. The Opposition has changed and reformed. That is fine. However, I refer to those from both sides, especially the Fianna Fáil side, who maintain this is media led. I agree with them; they are right, but one must remember that sometimes the media are right as well. From time to time the media get it right. Sometimes the mob is right although it may behave in a way that is not acceptable. I understand it behaves in a way which is not acceptable on many occasions but it does not mean that a cause it champions, such as this one, is not right. Simply because the media leads a campaign, does not mean the media is wrong. I believe this cause is media led and the media has led those who have tabled the motion today. That may not be a laudable or commendable way of behaving but that is the reality. I cannot turn my back on what I believed in 25 years ago. Neither Fianna Fáil nor Fine Gael believed me at the time, although to its credit the Labour Party voted for the motion, as did the Independents. The Labour Party split with the Government at the time.

We should look upon this with a certain degree of scepticism, even though the principles behind it are probably correct. It is indefensible that people should hold a pension at the same time as holding a job in one of the Houses. The reaction at that time by the Government was to set up a committee. That is not the reaction we have seen tonight. The motion is simply being voted down. However I call on the Government to respond to this and to commit to reforming the system properly. It should not hide behind the Attorney General. There are ways of getting around that issue and the Government had no need to seek the Attorney General's opinion.

Senator Pearse Doherty: Gabhaim buíochas leis an Seanadóir Quinn as ucht a chuid ama a roinnt liom. I wish to support the Fine Gael motion although it is politically opportunistic. As I stated last week on the Order of Business, Fine Gael, the Labour Party and Fianna Fáil were all up to their necks in this until last week, when the parties realised the media and the mob, if one wishes to call it that, was coming after them and they needed to give up their pensions

[Senator Pearse Doherty.]

and do the right thing. It is wrong that at present there are three former Ministers or Ministers of State serving either in the European Parliament or in the Oireachtas who are holding on to those pensions. However, it was equally wrong that this position was taken last week or ten days ago by the Deputy Leader of Fine Gael or other senior members of the Labour Party and it was wrong that this was taking place across the board in these parties several years ago. As we have heard, people have raised these issues for many years.

I have raised the issue of teachers in receipt of salaries and top-ups and the difference between the remuneration of a lower grade teacher coming in to replace a Member who has left his or her job. All of that is wrong and people are sick, sore and tired of the issue. This is why there is so much anger because people have seen the shenanigans that have unfolded in the political system. They have seen the junkets, bonuses, the scandal over expenses and now they see the issue of pensions.

It is with regret that I note two of the three former Ministers or Ministers of State remaining who have not bowed to a common sense attitude and given up the pensions at this point or gifted them back to the State, are from Donegal. “Gift” is a horrible word and I do not believe they should have been entitled to these benefits in the first place. This is turning people away from politics. God knows there are enough difficulties in trying to convince people that as legislators we can make a change, that there is hope, that people who enter into the political arena have a vision and that people should not brand us all with the one brush. However, when such events unfold, it adds to the frustrations that exist and to the cynicism about politics. In addition, the Government will not even ask its fellow party members to hand over the pensions, knowing full well that the country is up a creek without a paddle. We need people to pitch in and to be patriotic, as we have heard in the past, but somehow these people believe they are entitled to double salaries to deal with whatever moats, pools or other luxuries they have become used to over many years.

I support the motion. However, I believe it is too little, too late and the damage has been done by all the parties to which I referred. The system is wrong and it goes to the core of what I believe requires change in terms of the salaries and remuneration of Deputies and Senators. I recall when the Minister for Finance introduced legislation to deal with vouched expenditure, he informed us in his press release that information would be available to the public. We are two months into the use of the new system and the information is still not freely available to the public. The media must go through the freedom of information process and that gives a sense that we are hiding something. All this must be dealt with and I support the motion.

Senator Fiona O’Malley: With the permission of the House I will share time with Senator Callely.

An Cathaoirleach: Is that agreed? Agreed.

Senator Fiona O’Malley: It is a matter of considerable regret that this motion is before the House. I place the blame largely on the three individuals who have chosen not to do the honourable and decent thing. The three speakers who have just contributed hit the nail on the head. This is total political opportunism and this is one of the reasons I will not support the Fine Gael motion. It will not deliver anything. I am reminded of the phrase “May the Lord make me virtuous, but not yet”. It is ringing in my ears from Fine Gael and the Labour Party. I simply do not believe this is the right way to address the matter. It is a matter of individual conscience. To date, two former Ministers or Ministers of State who remain Members have refused to give up their pensions. That is wrong. A third person has left the Houses of the Oireachtas. However, to echo the phrase used by Senator Quinn, which I liked, he is still with

the same employer, i.e. the State. That person is in a slightly different position but nonetheless it is a question of what we do when times are straitened. Entitlements are all very well and we can all take the view we are entitled to this, that and the other. I accept the Government's bona fides and the line that advice has come from the Attorney General but sometimes we are asked to rise above the normal reaction in such situations. We may cling to our entitlements for as long as we do but the ship is going down and it shows character if one does the right thing at such a time. I do not know how any of them can continue to take their stated positions. They may put forward a good argument in respect of why they are not going to succumb to pressure. However, I do not believe it is exclusively media pressure. There has been an element of that and politicians are easy and unfair targets in a situation such as this. We do not help ourselves by arguing with each other about the matter.

To echo Senator Quinn's phrase again, many people are still with the same employer. For example, I refer to retired Secretaries General of Departments who go on and are in receipt of money. Such people may have pensions as a result of being retired Secretaries General and have then gone on to various organisations such as NAMA. Such people are now receiving good money. That is why I do not like the way politicians are addressing the issue. We are attacking ourselves with such a motion. What is sauce for the goose should be sauce for the gander. If it is not appropriate for one then it should not be appropriate for any person in receipt of a public pension and public salary. People should not have both and the standard should be the same for everyone. I am disgusted by the three Members who have chosen not to do the right thing by their country. Naturally, they are entitled to it and it is a matter of individual conscience.

Senator Quinn alluded to the borrowing levels in the country. Did they stop for one minute to think about that? They should think beyond what they have received themselves and consider the sacrifices everyone is being asked to make. As politicians, we are subject to a higher level of exposure and we must be more sensitive to public attitudes. It does us no good to find people clinging to their entitlements as we see the ship of State in such choppy waters. At such times, we must rise above the situation and do what is honourable and decent. However, I will not award a Pyrrhic victory to the Opposition by supporting its motion because there is nothing to be gained by it. I regret that the three people have insisted on the motion going forward. They did not do the honourable thing for their country and for nobody else. Politics is a noble profession. When people do things like this, they do not serve the noble cause.

Senator Ivor Callely: A large proportion of the general public supports the glib lines of the motion before the House. The payment of ministerial pensions to serving Members of either House of the Oireachtas has attracted the interest of many people. It is generally viewed as unfair that Members who receive salaries should receive ministerial pensions at the same time. It is perceived to be unsatisfactory. There has been a mixed bag of criticism from certain individuals. Broad and sweeping statements, such as "slash the pension", "give it up", "it is well for you politicians" and "generous payments and top-ups", are usually made. The political play tonight does nothing to refute such misinformation.

Most Senators are aware that the last few years of economic and financial turbulence have left a volcanic ash cloud over the country. The changed economic landscape has led to testing financial times for everyone, especially those involved in business and industry. We are in testing and challenging times. Most people are in survival mode. Others are on a downright scary rollercoaster. This has led to a new guillotine level of public anger and cynicism about politicians. I say "guillotine" deliberately because the agenda that seems to have been set involves throwing the issue out there, muddying the waters, throwing enough shit so that some will stick, fuelling it with misinformation, going for the jugular, guillotining it and executing it.

[Senator Ivor Callely.]

As far as most people are concerned, the matter has been dealt with in that way. Can I ask when we will debate the consequences of that? If one tries to correct the ill-conceived public perception, the glib line one hears in response is “then why did you agree to it?” or “why is that position not explained?”. In the short time available to me this evening, it is not possible to address all the consequences.

We should not act in a foolhardy manner by supporting Fine Gael’s cheap-shot motion. If we support the motion, we cannot expect to escape the broader consequences across the board. The possibilities in respect of the broader consequences are considerable. Solutions can be realised and implemented only when one has gathered enough information to make an informed and balanced decision and to understand the consequences. In the current climate, there are many variables and matters of opinion. The fundamental issue is the recovery plan to address the national economic and budgetary challenges. The various aspects of the rescue package that is being implemented by this Fianna Fáil-led Government prove we are facing up to the massive scale of this country’s problems. Some of these aspects were outlined in the Minister of State’s response. The Government has taken the necessary action on the basis of informed briefing. It has been balanced rather than reactionary. Courageous decisions have been taken to solve our problems. Therefore, it is with regret that I am not able to support the motion. I have to wrap up because the amount of time available to me is limited.

Senator Liam Twomey: I thank all Senators who contributed to the debate, including those who said they will vote against the motion. I suggest that those Government Senators who feel that former Ministers are entitled to draw certain pensions when they have retired as Ministers and returned to the backbenches should use their own Private Members’ time, the next time it arises, to make a case to that effect. I alluded in my opening speech to the need for a broader debate. If it is needed, we should have it. We have proposed a motion on this issue this evening.

I accept this is a topical issue. As long ago as 9 July 2009, Deputy Bruton said during his Second Stage speech on Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Bill 2009 that “pensions payable to serving Members of the Oireachtas should be entirely abolished”. He said it was wrong to make such payments but nothing was done in that regard. This issue, which has been the subject of a long-standing debate within and outside politics, has come to the fore in recent weeks. That is the way it happens in politics — things bubble away under the surface before coming to the top and needing to be dealt with. That is the way life is. If Senators on the other side feel they did not get enough time to explain why the Fine Gael motion is wrong, they should propose a motion of their own the next time they have Private Members’ time outlining why these perks should be retained into the future.

The argument that has been made against the implementation of legislation in this area is that it would disproportionately discriminate against people’s property rights. It has also been suggested it would cost too much to introduce such legislation. That is the weakest argument, to be honest, given that we imprison people who do not pay €100 for television licences even though it costs €2,000 a week to keep them in jail. It costs as much to put them in there in the first place. It is not a very strong argument. We should consider the introduction of legislation for other reasons, for example to defend the principles of social justice, to uphold the common good and to highlight the powers of the Oireachtas. We need to make it clear that both Houses can show leadership when it is required.

Three individuals who are Members of the European Parliament or Members of the Oireachtas are refusing to accept the general consensus, which is that ministerial pensions should no longer be paid. We should be more forceful in insisting that such payments are stopped. They are contributing greatly to the public anger that is a feature of the manner in

which we, as individuals, and these two Houses, as institutions, are perceived. That is why this step should be taken. We are in the eye of the storm when it comes to public anger. Many of the things we do are extremely good and of benefit to the people. We are well paid. The general public may continue to disagree with the payment of some of the allowances we receive. We are given allowances to run our offices and fulfil other aspects of our jobs.

There is something wrong with the payment of ministerial pensions to sitting Members of the Oireachtas. As Senator Quinn said, retiring Ministers remain with the same employer until they leave the Oireachtas. There has been something wrong with such payments for a while. This issue was brought to the fore as this country's economic situation worsened. Those of us who have been Members of the Oireachtas since 2002 have seen dramatic changes in the pay, terms and conditions under which we work by comparison with those that prevailed a few short years ago. We have accepted many changes in light of what is happening. We should insist that this change be made on behalf of all Deputies, Senators and Members of the European Parliament.

Amendment put.

The Seanad divided: Tá, 31; Níl, 24.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Carroll, James.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Dearey, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.
Keaveney, Cecilia.
Leyden, Terry.

MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.
Norris, David.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
Ó Brolcháin, Niall.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.
Healy Eames, Fidelma.

McFadden, Nicky.
Mullen, Rónán.
O'Reilly, Joe.
O'Toole, Joe.
Phelan, John Paul.
Prendergast, Phil.
Quinn, Feargal.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Tellers: Tá, Niall Ó and Diarmuid Wilson; Níl, Maurice Cummins and Liam Twomey

Amendment declared carried.

Motion, as amended, put and declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: Ag 10.30 maidin amárach.

Adjournment Matters

Inter-Country Adoptions

Senator Fidelma Healy Eames: I wish the Minister of State, Deputy Finneran, a good evening. In light of the current block on Russian adoptions there is a need for the Minister to give a timeline by which the block can be lifted so adoptions with Russia can recommence. I tabled the adjournment motion three weeks ago and it has taken until now for it to be heard. On that day I received the following information from a family:

Today we went to the Russian ministry of education, having gone there last Monday also. We were turned away, as once again Ireland is blacklisted due to the HSE not doing its job and enforcing the agreement it made with the Russians. [That agreement was to the effect that once a child was adopted into this country from Russia that the Minister and the Health Service Executive agreed to provide post-placement records on the child to the Russian adoption agency. That was a fair agreement and everyone knew where he or she stood.] So once again we are denied a chance to form a family and one less child is removed from institutional care. Does anyone in the government understand this? Do they care?

Over time, material on the matter has appeared in the newspapers but the HSE denies it has any role. The Minister of State at the Department of Health and Children with special responsibility for children and young people, Deputy Barry Andrews, stated that again in *The Irish Times* but he is not correct. All prospective adoptive parents seeking to adopt a child from Russia must sign an agreement in advance of being allowed to do so to the effect that they will comply with providing a post-placement report. In other words, the HSE would not process an application and the Adoption Board would not issue a declaration of fitness to adopt without an agreement on a post-placement report being signed. However, the lack of provision of those reports by the Adoption Board and the HSE are blocking adoptions from Russia. Whatever about the legality of the matter, the practical effect is that without the provision of those reports no adoption will be possible. Why is the Adoption Board and the HSE saying to some people that there is no agreement, to others that there is one but it is not binding, and to others still that there is an agreement, which is binding, but it is the parents who are at fault? It is all very confusing.

The agreement was made by the Minister for Health and Children, Deputy Mary Harney, prior to the establishment of a separate office of Minister for children. Why is she now refusing to take any responsibility whatsoever for the issue? She is still Minister for Health and Children. At a meeting on 13 April officials from the Russian Federal Ministry of Education intimated that they required a post-placement report but that they did not require one from the HSE. They outlined that an independent social worker or an independent organisation such as PACT would be able to provide such reports. The key requirement is that the report would be provided by someone legally competent to supervise inter-country adoption, which includes all social workers. That arrangement could be certified in law or in regulations to the effect that the person so doing would take responsibility for forwarding the post-placement reports to Russia.

In other words, it is possible to create a parallel track to the HSE, which is good news. If the HSE does not wish to provide the reports and the Adoption Board cannot facilitate people

then all the Minister has to do is to approve a certified social worker capable of providing a post-placement report. The HSE might well want to do its own reports, although on 13 April in *The Irish Times* the Minister stated it was the position under Irish law that adopted children were the same as biological ones and that parents did not have to make any reports on them. That made the situation even more confusing. It is disingenuous as prospective adoptive parents must undertake to co-operate with the HSE in doing reports. If the reports are not required, why do prospective parents have to agree to make such reports at a later stage in order to be assessed? It is clear that the Russian authorities expected post-placement reports and we should honour that arrangement. After all, we have had the privilege of adopting their children. I do not understand why there is a total unwillingness to take responsibility for this problem.

In light of the current block on Russian adoptions due to the fact that post-placement reports are not being furnished by the Government or being facilitated to be provided by the Government, will the Minister outline a timeline by which the block can be lifted so adoptions can recommence with Russia?

I am the mother of an adopted child from another country. I also signed such an agreement, although not with Russia. I was very happy for social workers from the former Western Health Board to come to my home to check that I was fulfilling the due care I had promised for the child. All we seek is a simple post-placement report to allow adoptions to re-open with Russia.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I welcome the opportunity to reply to the debate on this Adjournment Matter which I am taking on behalf of the Minister of State with special responsibility for children and young people, Deputy Barry Andrews. The Government's objective in regard to adoption is to provide for a regime in which the child will be at the centre of the adoption process, whether it be an inter-country or a domestic adoption, and that adoptions will be effected in a manner that is legal, safe and secure. A key component in achieving this objective is the development of an appropriate legislative regime that will recognise the changed and changing global situation with regard to adoption in the last 20 years. The Adoption Bill which was published on 23 January 2009 provides an assurance for individual children, their families and the State that appropriate procedures have been followed and that the adoption was effected in the best interests of the child. A core principle of both the Adoption Bill and the Hague Convention is that the child's interests must be paramount. The Hague Convention which is given the force of law in the Bill effectively puts in place an agreement between states to regulate the standards that will apply in each jurisdiction. It is to put in place safeguards that acceptable standards are being applied in other countries, over which we have no jurisdiction.

The recent difficulty arose when the Russian Ministry of Education blacklisted regions within more than a dozen countries, including Ireland, the United States, the United Kingdom and France. This resulted in the suspension of referrals for adoption. The issue as it pertains to Ireland relates to the alleged non-completion of post-placement reports. When adopting from Russia, adoptive parents agree to complete a series of post-placement reports on the child which are to be lodged with the Russian authorities. It should be noted that this is an administrative arrangement as part of the Russian adoption process and is not an Irish legal requirement. While neither the Adoption Board nor the HSE has a statutory function in the provision of post-placement reports, they facilitate the preparation of same. The key commitment given by adoptive parents in the legal affidavit which is required of all applicants is to co-operate in the provision of such reports. This issue arose previously in 2009 and was resolved to the satisfaction of the Russian authorities. As recently as December 2009, officials from the office of the Minister of State with responsibility for children and youth affairs received positive

[Deputy Michael Finneran.]

feedback from the Russian authorities on the issue and there was no indication that the Russian Government was about to take the decision to suspend adoptions for Irish applicants.

Following the announcement of the blacklisting, the Russian Embassy was asked to provide details of all outstanding reports. The HSE, in conjunction with the Adoption Board, examined the list and the up-to-date position on the reports was compiled. According to information received from the HSE, more than half of the reports listed by the Russian authorities as outstanding had previously been completed by the adoptive parents and forwarded to the Russian Embassy in Dublin. The majority of the remaining reports have been completed by the HSE and are with the adoptive parents. In a small number of cases adoptive parents have not engaged with the HSE, thus preventing the completion of reports.

Two weeks ago the Minister of State met senior representatives from the Russian Embassy who acknowledged that a significant number of reports had previously been submitted to the Russian Embassy. The embassy representatives are liaising with authorities in Russia in this regard. The Minister of State asked that the embassy officials relay to the Russian Ministry of Education our commitment to assisting Irish parents to furnish post-placement reports in a timely fashion. He further asked whether Ireland could be removed from the blacklist on the basis of the information supplied. The Russian officials said they expected to be in a position to complete their report on the matter within days and would, in turn, send it to government Departments in Moscow.

The Minister of State is deeply aware of the angst and frustration prospective adoptive parents continue to experience as a result of recent events. Parents who have already adopted from Russia are being encouraged by the HSE to provide any outstanding information for the Russian Government in a timely fashion.

Senator Fidelma Healy Eames: Is it correct to say the blacklisting of Ireland by Russia is continuing because some parents are not co-operating?

Deputy Michael Finneran: That seems to be the case in some instances. In others, as I said, there may have been a misunderstanding about documents sent. The Russian authorities have accepted that they are available.

Library Projects

Senator Brendan Ryan: I raise this matter to urge the Minister for the Environment, Heritage and Local Government to sanction the immediate opening of the new state-of-the-art library located in the converted 19th century St. Maur's Church, Rush, County Dublin, or do whatever is necessary to ensure it will be opened. The library has been refurbished and ready for operation since the end of September 2009. The people of Rush have shown great patience, but they are growing more and more angry at the delay in opening the library. The issue also affects the people of Lusk who do not have a library of their own either. There has been massive development, as well as population growth, in both villages in the last ten years, as a result of which many young families are now resident in the area. The library which I am delighted to say has been shortlisted to receive the World Architecture Award cannot be opened, as I understand it, owing to the embargo on public service recruitment. This is preposterous.

This state-of-the-art library cost €4 million to deck out and I am told it will spearhead the provision of a new electronic book scanning system for checking books in and out. The money was provided from Fingal County Council's own resources, not via a central library grant.

While the people of Rush are proud that their library is being hailed as the most modern library in the country, they want to have it open. We must recognise the importance of such a basic community service as a library, as I have no doubt the Minister of State does at a personal level, but he must act immediately. Given that the years 2003-12 were designated as the Literacy Decade by the United Nations and that in this modern knowledge economy there are 500,000 adults who are functionally illiterate in Ireland, we must do more to promote reading in the community. The campaign led by the local people to secure the opening of the library has been hard fought for 25 years and we must now deliver. The library cannot be allowed to lie idle, as that truly would be a disgrace.

Deputy Michael Finneran: I am pleased to have an opportunity to respond to the Senator on this very important issue affecting the Rush area. Under the terms of the Government's decision on the implementation of savings in respect of public service numbers, no public service posts, however they arise, may be filled by recruitment, promotion or the payment of an allowance for the performance of duties at a higher grade. This decision has been effective from 31 March 2009 and stands until the end of this year, at which stage the position will be reviewed. My Department has written to all local authorities requesting compliance.

In recognition of the priority attaching to the maintenance of key frontline services, the Department has received delegated sanction from the Department of Finance for implementation of the general moratorium on the filling of public sector posts in the local authority sector on condition that overall staffing levels in the local authority sector are to be reduced significantly by the end of this year in adherence with the Government's policy on staffing and numbers in the public sector. Under the new arrangements which issued to the sector on 20 August 2009, local authorities are expected, where vacancies arise, to consider options for reorganisation and reallocation of work to meet requirements. Any exceptions to this principle which will arise in very limited circumstances require sanction from my Department.

The local authority sector is working on an ongoing basis to balance the need for a reduced staffing level and the provision of services to the levels expected. In this context, local authorities have refocused programmes and staffing to priority areas. They have been active in seeking to support enterprise and protect employment locally and have redeployed staff accordingly. They have continued to provide and maintain a wide range of services, notwithstanding the Government's necessary policy on the reduction of staffing numbers within the public sector. Under section 159 of the Local Government Act 2001, each county and city manager is responsible for the staffing and organisational arrangements necessary for carrying out of functions of the local authority for which he or she is responsible, including the employment of library staff, in compliance with the relevant public sector recruitment and employment law requirements.

My Department has received no staffing request applications for Rush library. We have been advised by Fingal County Council that any posts arising in this library will be filled by redeployment. I understand the ongoing industrial action within the public sector is contributing to the delay in redeploying staff to enable the opening of the library.

Senator Brendan Ryan: I ask the Minister to engage proactively with Fingal County Council or refer the matter to the main Minister to see what can be done. It is all right to say reorganisation is required but, even though the Minister suggests the matter is in the control of Fingal County Council, the library is still not open. Based on the Minister's comments about this lasting until the end of 2010, this fine building may remain closed until then, which would be an absolute shame.

Deputy Michael Finneran: As Minister of State with responsibility for libraries I have a personal responsibility for this area, so it is close to my heart. I reiterate that there have been no applications for staff for Rush library. In fact, Fingal County Council has indicated it will be opening Rush library by reorganisation and redeployment of the existing complement of staff. I understand the contributing problem in this regard is industrial action. It would be inappropriate for me, as Minister of State, to intervene at this point. If that is the only contributing factor, it might be better, rather than becoming involved, to stand back — as the Government has done, by and large — and allow the public sector to cast their votes one way or the other on this matter.

Senator Brendan Ryan: Might the Government be open to a request for additional staff?

Deputy Michael Finneran: Fingal County Council has indicated it does not require extra staff and that the main issue is the industrial relations problems in the public sector. I hope for all our sakes that these will be resolved shortly.

Crop Damage Compensation

Senator Nicky McFadden: I welcome the Minister of State, Deputy Finneran. I raise this issue with regard to the nursery growers of Ireland. I visited one of these nurseries — Kelly's nursery in Streamstown — two weeks ago, and I have never seen such utter devastation. The leylandii, which I consider to be the hardiest of plants — weeds, almost — were all dead, as were rows and rows of eucalyptus, lavender, escallonia, laurels and others. I have here an itemised list of the plants that were lost, at a total cost of more than €600,000. This is an award-winning nursery employing 18 people, yet it has been left to its own devices. There is no help.

I was speaking to Mr. Kelly, the owner of the nursery, today and he said that not one person had come to ask him how he would cope. This man works 12 to 14 hours a day. There is no difference between him and a potato grower. Yet potato growers were compensated, and good luck to them. They had a meeting with the Minister early in January and their case was closed on 16 January. However, on this date the true extent of the devastation from the frost damage would not have been experienced by the nursery growers. I understand there are nurseries in similar situations in Tipperary and Kilkenny.

Mr. Kelly told me today that five or six customers call him every day to say that plants they bought from him have died, and he has no other option but to give them refunds or credit notes. He expects the credit notes alone will cost him between €40,000 and €50,000. This man is experiencing a massive loss. It will not knock him back; he will survive because he is an optimist and a brave man. He wants nothing for nothing.

I understand the Minister met with some of the nursery growers last week. I find it quite offensive that they were offered a campaign to advertise through Bord Bia. This is an insult. They need to be compensated. The cost to Mr. Kelly of dumping all the dead plants is €60,000. I saw them in the nursery: yellow, dead plants. He is in a disadvantaged area. I understand the equivalent of 30% of his production is what he should receive as compensation. I do not see how he is different, as I said on the Order of Business, from a potato grower, and more power to them for obtaining their compensation or whatever they got.

I ask the Minister of State to intercede in this matter. I understand the Minister, Deputy Smith, is tied up with all that is going on in his constituency with the Quinn Group and so on. However, this is not just one nursery but a nationwide issue. These businesses are put to the pin of their collars to survive and they need support.

Deputy Michael Finneran: I thank Senator McFadden for tabling this matter. I am taking this on behalf of the relevant Department.

Due to the very wet conditions experienced during November 2009, a significant proportion of the national potato crop remained unharvested at the end of the year. In the early days of January 2010, this situation was compounded by the arrival of severe frost conditions, which resulted in losses of potatoes and other field vegetables, such as carrots, cabbages and cauliflower, which had remained unharvested and as a consequence suffered extensive damage.

Following a preliminary assessment by officials of the Department of Agriculture, Fisheries and Food of the crop losses caused by the severe weather conditions, the Minister, Deputy Smith, announced on 3 February 2010 the introduction of a limited scheme of financial assistance for certain potato and field vegetable growers who could demonstrate that they had suffered significant loss of their produce due to these severe frosts. Affected growers were asked to submit to the Department a crop damage assessment form detailing the crops involved and the extent and amount of the losses they had incurred. The closing date for receipt of these forms was Friday, 19 February.

The scheme of assistance is being administered in full compliance with EU state aid rules. It is confined to the actual losses experienced by growers and is conditional on more than 30% of the crop having been destroyed, in accordance with the criteria laid down in those rules. In addition, limitations will be imposed on the level of the assistance provided. Eligibility for assistance will be determined by analysis, on a case-by-case basis, of the detailed information provided by each grower. The objective of this analysis is to establish not only the losses incurred, but also the impact of such losses on the growers' overall enterprises. Growers deemed eligible are required to show that the potatoes and field vegetables were damaged by the January frosts and demonstrate the extent of the damage.

Officials of the Department have completed all on-farm inspections to verify that those crops which are the subject of the claim for assistance were present in the fields at the time of the inspection and the extent of the damage caused by the frost. The Department has recently written to all applicants who have met the various conditions, including the inspection requirements, requesting the submission of documentation justifying their financial losses. On receipt of this documentation, Department officials will calculate the losses, applying the provisions of the scheme as required by EU state aid rules and applying a sliding scale of assistance as appropriate. When the level of losses has been satisfactorily established, final processing of the claims for payment will commence. As early as possible thereafter, payments will be issued to those growers who fulfil the conditions of eligibility laid down in the scheme following the verification of each claim.

The Minister for Agriculture, Fisheries and Food is not in a position to extend the scope of the scheme to the nursery sector. The scheme is confined to potatoes and other field vegetables and indications are that even with confining aid to 40% of losses, as required by EU state aid rules, and applying some form of scaled payments, the total level funding required will be significant.

The Minister of State at the Department of Agriculture, Fisheries and Food, Deputy Cuffe, met a delegation of IFA horticultural chairmen, including the chairman of the hardy nursery stock committee, on Tuesday, 27 April 2010. It was agreed that a further meeting between the Minister of State and the hardy nursery stock committee will be arranged presently to discuss the overall state of the nursery stock sector.

Senator Nicky McFadden: Mr. Kelly has informed me that 30% of his production is already gone and that the figure could increase to 40% because people are returning produce daily. I

[Senator Nicky McFadden.]

welcome that the Minister of State, Deputy Cuffe, has met the nursery association but that is no use to these people. I urge that an intercession be made on Mr. Kelly's behalf. He will keep going but he needs a small amount of financial assistance and he qualifies under the EU criteria.

Deputy Michael Finneran: I acknowledge the issues raised by the Senator in regard to the potential losses of €600,000 and 18 jobs in that enterprise alone. I will outline the Senator's views to the Minister for Agriculture, Fisheries and Food, Deputy Smith, and the Minister of State, Deputy Cuffe, and perhaps these issues can be discussed further at the meeting planned for the near future. I acknowledge in particular the case of Mr. Kelly who appears to have suffered substantial losses.

Senator Nicky McFadden: Even in respect of the dumping, €60,000 is a huge amount. If compensation could be found for that amount, it would make a difference.

The Seanad adjourned at 8.15 p.m. until 10.30 a.m. on Thursday, 6 May 2010.