

SEANAD ÉIREANN

Déardaoin, 6 Bealtaine 2010.
Thursday, 6 May 2010.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Business of Seanad

An Cathaoirleach: I have received notice from Senator John Paul Phelan that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Enterprise, Trade and Innovation to outline the supports available to community enterprise centres nationally and the proposals to help the centres to survive the economic downturn.

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 Brian Ó Domhnaill of the following matter:

The need for the Minister for Community, Rural and Gaeltacht Affairs to provide funding under the strategic road grants scheme for the Donegal airport regional road project.

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

The need for the Minister for Justice, Equality and Law Reform to clarify the reasons for the significant increase in the number of people in the legal profession participating in the free legal aid scheme as outlined in the most recent report.

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

The need for the Minister for Health and Children to ensure the continuation of the MIDOC out-of-hours service in the midlands area.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators John Paul Phelan, Wilson and Ó Domhnaill 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: The Order of Business is No. 1, Child Care (Amendment) Bill 2009 — Report Stage, to be taken at the conclusion of the Order of Business.

Senator Liam Twomey: Against the odds, the people are doing their best to get themselves out of the recession. The first public sector unions to vote have voted in favour of the Croke Park deal. I hope today IMPACT will stop its industrial action in the HSE. I ask the Leader for a debate soon on the Croke Park deal in order that we can express our views on the issue. I also ask that we continue to hold debates on the economy as events unfold; as we know, they are changing rapidly.

I ask the Leader for an urgent debate on the prison system. Our prisons are not full of drug dealers and gangland criminals but full of people who do not pay small fines. They are chock-a-block with non-nationals awaiting deportation from the country because the deportation system is moving too slowly. We must hold a debate on the people whom we incarcerate because there must be another option other than jailing the majority in the way we do.

Senator Joe O'Toole: It is a while since we received any response from Government Members on the question of Seanad reform, to which they were all committed. Can we take it that the Minister for Environment, Heritage and Local Government, Deputy Gormley, has conceded to the main Government party on the issue? Is Seanad reform a dead duck? Is it dead in the water? Are we likely to hear any more on it? We were promised legislation on at least three occasions and the Minister assured us that he would bring it forward. It now seems Fianna Fáil has effectively outmanoeuvred the Green Party which was completely committed to Seanad reform but is now not able to deliver on it. I would appreciate a response from the Leader in order that we can establish that nothing is happening. If it is a win for Fianna Fáil over its Government partners, it should tell us in order that we can see where we are going. At least, we would then know where various parties stood on the issue.

A Senator: It is a partnership Government.

Senator Joe O'Toole: I concur with the points made by Senator Twomey on the Croke Park agreement. The first union to come back with a result, although it has not received much notice or publicity, is the Civil Service executive union, CPSU, a key union. It has accepted the deal by a majority of two to one. The clarifications given by the Government last night on teachers' contracts are extraordinarily helpful in dispelling some of the myths and misinformation spread regarding the impact on teaching. The clarifications given by the Labour Court to IMPACT will be very helpful whatever happens at the executive union today. We will make these points in more detail next week. Until then, it is most important that Ministers try to win the confidence of public sector workers who do not believe or trust them and are angry at them. The Government should acknowledge that they have also taken a hit on a number of occasions and emphasise that it is committed to the Croke Park agreement in letter and in spirit. These simple things, put nicely to the people, would make a difference.

Senator Dominic Hannigan: I cautiously welcome the news that the economy has performed in line with expectations. While it is a positive sign, we should not get carried away because there are, unfortunately, a number of potential developments that may impact on our future economic recovery. The first is the situation in Greece where, as we saw yesterday, the anger shows no sign of abating. If that contagion spreads to other Mediterranean countries, it could impact on our economic recovery.

The second issue is a separate matter relating to the United Kingdom. Anyone who has been following the election campaign there will have been struck by the absence of discussion of the elephant in the room, the state of the UK economy. The first thing the government which is elected will have to do, regardless of its colour, is to introduce a budget and its impact on this

country will be significant. As our exporters depend heavily on the UK market, I worry about its impact on the economy and particularly jobs.

On a related matter, there is also the impact the UK budget will have on people's discretionary spending, particularly with regard to tourism. One of our most important tourism markets is the United Kingdom. I welcome the Minister for Tourism, Culture and Sport, Deputy Hanafin's announcement this morning of a €20 million fund for marketing Ireland in the United Kingdom. It will help. With the forthcoming economic contraction in the United Kingdom and the ongoing disruption caused by Eyjafjallajökull, we could have a very difficult summer; therefore, we need to send the message that Ireland is open for business and that if people get stuck here, we will look after them. We must learn lessons from what happened last month when many transport providers were unprepared for what was an unprecedented occurrence. The Minister should invite representatives of the Irish Aviation Authority, the airlines and the ferry companies to meet her to ascertain what measures they are putting in place to ensure future interruptions will be dealt with properly.

Senator Dan Boyle: I welcome Senator Hannigan's acknowledgement of the most recent Exchequer returns which show that taxation receipts for this year are on target, public expenditure is being controlled and the deficit is reducing for the first time in a long time. It is probably more a triumph of better forecasting in a section which had a very bad record in the past, but we should acknowledge that it is a small sign of achievement. It should be borne in mind when we hold a debate on the external factors that might impede our further progress.

I agree with Senator O'Toole that we must have a debate both before and after the vote on the Croke Park agreement. We must also stress the importance of achieving agreement on it. I acknowledge the contributions of Members on the other side of the House who have called for support for the agreement. It would be reprehensible in the extreme if anyone sought to make political capital from the uncertainty and to foster that uncertainty in a way that would hinder our future economic progress.

With regard to calls for a debate on Seanad reform——

Senator Joe O'Toole: Legislation actually.

Senator Dan Boyle: The debate would accompany the legislation. The issue is still very much to the fore in terms of the legislation to be brought forward. As a legislative priority, I must accept it is behind the local government Bill relating to the Dublin mayoral election and the production of a White Paper on local government reform. However, when these two issues are dealt with, I hope by the end of this session, we will proceed to legislation dealing with Seanad reform.

Senator Shane Ross: Good.

Senator Paschal Donohoe: Will the Leader arrange a debate on the status of Transport 21 and the amazing revelation yesterday regarding the Dublin interconnector or the Dublin underground DART section? The Minister for Transport, Deputy Dempsey, indicated that he had met representatives of Iarnród Éireann very recently and had a discussion with its board but found out for the first time yesterday afternoon on radio that Iarnród Éireann was delaying the project by two years. The Minister was not aware of a change in the timing of the most important infrastructural project for the Dublin region. The explanation given by Iarnród Éireann was a delay in the planning process for the interconnector project, with which I am involved. How can the planning process be responsible for the delay in the project, given that Iarnród Éireann has not yet submitted the planning application?

Senator Joe O'Toole: Hear, hear.

Senator Paschal Donohoe: This is a €2 billion project. Who is running the delivery of transport services in Dublin? Is it Iarnród Éireann? How can it make a decision on one of most important projects in Transport 21 without the Minister for Transport knowing what is happening? The Minister had to question Iarnród Éireann, but the explanation it gave was simply not credible. As it has not yet submitted the planning application for the project, how can it blame that process? I am reluctantly forced to conclude that it has gone out of control on this issue. How can it make a decision on a project which the Government has committed to deliver without the Government being aware of what is happening? It is vital that we have a debate on the issue.

Senator Marc MacSharry: I join other Members in welcoming the fact that the first union has approved the Croke Park deal. It is a very positive development, with the other positive news in recent days. The Exchequer returns are showing signs of improvement. While I would not yet call for a celebration, the signs are encouraging and show that the policies, although painful, are beginning to produce the dividends for which we all yearn.

In recent weeks the Quinn Group has been the subject of major discussion. There are many jobs in the group which we hope can be maintained. As a gesture of solidarity, the Leader of the House and other party leaders in this House and, perhaps, the party leaders in the Lower House could call on all Irish people whose insurance policies are due to be renewed in the coming months not to drop the broker or company with which they are dealing but at least to seek a quote for the business from Quinn Insurance. It would be an interesting way to show support for the company and, if it is in a position to compete, we could seek to support the almost 6,000 people employed there. It would be an innovative move. I am aware the issue is close to the Cathaoirleach's heart as we have discussed it in the past.

I seek a debate on the funding of sports and recreational infrastructure. The sports capital programme was a very useful grants scheme. It affected every community for a relatively small amount of money; I believe the budget was approximately €50 million per annum. We could usefully reintroduce that programme. It would benefit every community and, more importantly, create much needed employment in small schemes in all parts of the country. I ask the Leader to contact the Department of Finance and the Department of Tourism, Culture and Sport to see if it could be brought forward in the short term.

An Cathaoirleach: Before calling the next speaker, I welcome to the Distinguished Visitors Gallery the UNICEF Indonesia group which is visiting Leinster House. It includes a number of parliamentarians.

Senator Feargal Quinn: Last Friday my office rang a Department to ask if there was a reply to a letter I had sent in the first week of March. We were told that owing to the work to rule since January no letters were being replied to. There are times when we can put up with a certain amount of difficulty, but to have a work to rule for that length of time without a function being performed is impossible. We must urge that a conclusion be reached soon rather than drag our feet on the matter.

I also heard a report on radio today that Beaumont Hospital had to close approximately 56 beds owing to budget controls. We seem to have lost all sense of patriotism. There must be some way of acknowledging that we are much better off than we were 20 or ten years ago. Consider what happened in Greece yesterday and Latvia recently, where everyone had to take a pay cut of approximately 40% with the arrival of the IMF. Those of us who are fortunate enough to be in employment and have an income should, rather than taking it out on those

who need hospital beds in Beaumont Hospital or elsewhere, say they are willing to sacrifice and give up something to help the country at this time. What happened in Greece yesterday was horrific. The danger is that even in the case of Greece, the people do not understand or recognise that it is not in their hands. They must do something themselves if they are to solve the problem.

Senator Labhrás Ó Murchú: I support the call for a debate on the Croke Park agreement. We should compliment the members of Fine Gael on the comments they have been making for some time about the agreement. No doubt it is having an effect on the trade unions which are now drawing back and reflecting on what is on offer. For that reason, everyone who has an opportunity should make their views known in this regard.

It is also important at this stage to be sensitive to the needs of the trade union movement. The movement in this country has a proud and responsible reputation. If one goes back in history to the 1913 lockout, it is quite clear where we have come in the meantime through the leadership provided by the trade union movement. Looking at what is happening in Greece, I can recall some of the debates we had in this House initially at the beginning of the recession when there was a suggestion that we could end up with turmoil and violence on the streets. One of the reasons that has not happened is because of the reputation and the history of the trade union movement, the restraints they bring about as a result of organised labour and the fact there is a voice for those who feel dispossessed and, at the same time, feel they are not getting an equal opportunity. For that reason, I hope that in the context of the Croke Park agreement we will listen closely to what the trade union movement has to say because if we look at what comes without having that negotiation, reflection and debate, we can see what happened in Greece.

Again, I salute the Fine Gael Party.

Senator Jerry Buttimer: Hear, hear.

Senator Labhrás Ó Murchú: I am convinced at this stage that there is a very good opportunity, with the Government, Opposition, trade union movement and all concerned for the welfare of this country. I genuinely believe we have the basis for bringing about a solution to the difficulties we now face.

Senator Joe O'Reilly: I join Senator MacSharry in his call to people to support Quinn Insurance as an indigenous company giving employment in an area of the country that has been devastated by emigration and the Northern Ireland conflict. It is important that people support Quinn Insurance by renewing their policies with it and that it is seen as an act of patriotism. As Seán and Patricia Quinn leave the board of Quinn Direct, one must acknowledge the trauma the family has been through in recent weeks and how difficult it must be for them.

A few matters need to be put on the record of the House in respect of this company. I call on the Leader to convey at the highest level of Government that it is critical we get an arrangement in place that would preserve the jobs locally. It is also critical we get the UK market fully opened and we get the commercial business up and running there immediately.

We should look at job subsidisation given that for every job lost, three related jobs will go and given the cost of that in terms of welfare, etc. The globalisation fund, which was invoked in the case of Dell and brought €22 million to the south west, should be activated by the Government. It involves a domestic contribution but a considerable sum of money is available from the EU under the fund and that should be put in place. The colleges of further studies, notably the one in Cavan, should get extra enrolment places.

[Senator Joe O'Reilly.]

I ask the Leader to have the Minister come to the House at the earliest convenience so that Members can get an update. If this was in another location, one wonders whether more attention would be paid to it. This matter is of such gravity that there should be a discussion on it in this House every day for a significant period of time.

Senator Cecilia Keaveney: I add my voice to those who have welcomed the fact that international markets and international commentary are much more positive about the Irish economic situation. It is important from our own perspective to keep putting that on record. One can not only talk up an economy but swiftly talk it down as well, as I discovered last week when looking at international news about Portugal where, with a few bad words, the stock market went down at a rate of knots that was not equivalent to the difficulties that country was in. It is important we recognise that.

I add my voice to Senator Quinn's request that we get back to normality as quickly as possible in the answering of correspondence and issues that we bring to the attention of various Departments and individuals. Those in most difficulty are also bearing the brunt of this particular action. I accept it is tied to industrial action and that there is a bigger picture, but I see the real consequences for people who are unable to get serious problems solved or even to get answers.

There will soon be legislation on head shops. We should ask the Minister for Justice, Equality and Law Reform, perhaps in the context of that discussion on dealing with the illegal drugs scene, to look at providing more drug sniffer dogs, either for Customs and Excise or the Garda. At present, our entire complement of drug sniffer dogs is between 12 and 20 and is more likely closer to 12 than 20. There are regions in England where each town would have such numbers. It is an effective way of detecting drugs.

Under the Arts Act 2003, a sub-committee on arts and education was formed and a report commissioned. The report, to my knowledge, has been completed for a number of years and has never been published. Is it possible to find out from the Minister for Tourism, Culture and Sport the current status of the arts in education report of the sub-committee set up under the Arts Act 2003?

Senator Jerry Buttimer: I again ask the Leader to bring forward a debate on the public sector agreement, the so-called Croke Park deal. It is important we have this debate this week and I propose an amendment to the Order of Business that we have it today. It is important for two reasons. First, it is about leadership. Unlike other political parties, the Fine Gael Party has been strong on the need for reform of the public sector. As an advocate of the public service workers, I think it behoves all of us to show we are serious about reform of this country and of our economic situation. Second, this deal is the best available. While I understand the frustration of the public sector workers, many of whom are my friends and former colleagues, it is important this deal is passed. It is important that all political leaders would stand up and be counted when it comes to reform of the public sector and solidarity with the public sector workers.

I ask for a debate on Transport 21. It is extraordinary and beyond belief that a Minister in charge of a Department and in charge of Iarnród Éireann can admit in the Dáil Chamber yesterday that he did not know about a particular project being scrapped, stopped or stalled. Who is in charge of Government policy? We tabled an Adjournment matter in this House about the National Roads Authority, NRA, and were told the Minister has no responsibility for it. We made a request about Iarnród Éireann and Bus Éireann and were told the Minister has no direct responsibility. Who drives Government policy on transport? What is the point in

having a Minister in charge of transport if we cannot get questions answered and hold Adjournment debates on the topic? Who is in charge? Can the Leader answer that question? Is Mr. Lynch in charge of Iarnród Éireann and somebody else in charge of something else? Is the Minister for Transport sitting behind a desk doing the crossword or is he driving policy to end the gridlock on the roads and to provide proper infrastructure in the cities and towns? That is a fundamental question that needs to be asked.

An Cathaoirleach: Senator Buttimer stated he was proposing an amendment to the Order of Business to hold a debate on the Croke Park agreement today. Is that correct?

Senator Jerry Buttimer: Yes.

Senator Mark Dearey: I ask for a debate on economic recovery because there are indications that we can begin to hope that the extreme pain the contraction of the economy has caused to those in the public sector in terms of wages and pensions and to those in the private sector in terms of job losses and pay cuts and the process we all have experienced and suffered looks like it could be coming to a close. I do not wish to get ahead of myself in saying this, but a debate on economic recovery could be timely, given the emergence of the green economy as offering a possible way out of the current situation. The chairman of the UK sustainable commission, Mr. Will Day, is coming to Ireland next week. He has identified Ireland as having significant natural advantages on which we can build, not least of which is the ICT sector which has been developed in the past 20 to 30 years and provides an ideal crossing point or crossover with the smart economy and the green economy as it begins to develop. Ireland is well placed in terms of its natural advantages and indigenous skills base to take advantage of these new opportunities.

11 o'clock

I am baffled by the decision of the European Commission to allow former Commissioner McCreevy to take his place on the Ryanair board as a non-executive director. While I acknowledge his right to do so and Ryanair's right to invite him, for the Commission, through its *ad hoc* ethics committee, to decide it was appropriate and basically leave it up to him to decide not to comment on what was going on in regard to regional airports is bewildering.

An Cathaoirleach: We have no control over what happens at such committees.

Senator Shane Ross: I wish to comment on what Senator O'Reilly said about Seán Quinn and the Quinn Group. While everyone has sympathy for the workforce, we should not make a martyr of Seán Quinn in the process. We should not necessarily make a hero of the man because in many ways he has been a menace as regards what has happened in this country. He certainly contributed to the sinking of a bank which has caused extraordinary problems in the economy. Let us not lionise him now that he is departing. I welcome his departure.

An Cathaoirleach: I do not wish the Senator to make accusations against a person who is not present to defend himself. I will allow the Senator to raise the point with the Leader and ask him to raise it with someone else.

Senator Shane Ross: I am responding to what was said and trying to express the other point of view.

An Cathaoirleach: The other speaker was seeking to have daily debates on the efforts being made to do something for the catchment area or region.

Senator Shane Ross: If we are going to eulogise someone, I presume there is another point of view which should also be expressed and I was trying to do so. If I was out of order, I apologise, but I stand over what I said.

[Senator Shane Ross.]

I address the issue of Iarnród Éireann which was raised by Senators Donohoe and Buttimer. What is happening at Iarnród Éireann is absolutely incredible. The Minister for Transport stated in the Dáil yesterday that he did not know what was happening with a major project. If that is the case, we are in difficulties. This House should debate the matter. This is not the first time this has happened at Iarnród Éireann. A few months ago the chairman and various executives commissioned a report on corruption in Iarnród Éireann at a cost of €500,000. The Minister did not know about that report, that it had been commissioned, that it had cost €500,000 to produce, its findings and was not informed when it was issued. Not only did he not know, but the board was not told officially either, which begs the question as to what is going on in this semi-state body which receives a subsidy of €300 million from the taxpayer every year. We do not know. Iarnród Éireann is being run like a little independent republic and is not subject to freedom of information legislation. We encounter incredible problems in getting the company to answer questions at the Joint Committee on Transport. I ask the Leader to arrange a debate on this quango which is running rings around the Government. We are entitled to detailed answers about what is happening inside the organisation but we are not getting them. It is a real accident waiting to happen.

Senator Paul Coghlan: I second the amendment to the Order of Business proposed by Senator Buttimer. I join Senator Hannigan in calling for a debate on the tourism industry which, I am say to say, has been suffering badly. However, I welcome the initiative taken by the Minister for Tourism, Culture and Sport, Deputy Hanafin, in the British market which traditionally has been our best market. There are reasons for its decline, but, please God, they are surmountable. With all the volcanic ash still floating around, at least our British visitors can reach us easily by ferry. There are many things we could do to encourage our good British customers to come back to Ireland. However, we must also try to do something about the many insolvent hotels. We have too many hotels, many of which have been transferred — or at least, the impaired loans associated with them — to NAMA. It is obvious that some of them are insolvent and they are hindering and threatening the viability of our good hotels. They were developed as a result of the granting of capital allowances for seven years, but it should not be beyond the ingenuity of the Department of Finance to come up with a solution or a method to allow them to exit the market without the loss of the tax breaks.

I add my voice to others, particularly that of Senator Ross, in regard to Iarnród Éireann. It is astounding that the board and perhaps top level management are still in place, in spite of all that has happened. I agree we need to debate the matter.

When is it proposed to take Report Stage of the Property Services (Regulation) Bill 2009?

Senator Ivana Bacik: I support the calls made by other speakers for a debate on transport policy. Following on from Senator Buttimer's question about who drives transport policy, we can say it is certainly not the Minister who is not even a back seat driver but just a passenger at this stage——

Senator Rónán Mullen: He is on autopilot.

Senator Ivana Bacik: I agree. We have seen a complete abdication of responsibility for governing and driving transport policy and, as other speakers said, a handing over of responsibility to quangos. We need a debate on the issue.

I thank the Cathaoirleach for welcoming the distinguished delegation in the Distinguished Visitors Gallery. I also wish to welcome its members on my own behalf. It is a UNICEF-led group from Indonesia which comprises parliamentarians and members of the public service

with a particular interest in child protection. It is an important visit because it will take the delegation north and south of the Border. The delegates will be speaking to various agencies and non-governmental organisations and meeting the Minister of State with responsibility for children and youth affairs, Deputy Barry Andrews. They are studying the way in which we provide services for children. In that context, I ask for a debate on our child protection services. This is topical because I hope we will see the referendum on children's rights being held in the autumn and today the House will deal with the Child Care (Amendment) Bill 2009. Our child protection procedures have been greatly improved in recent years, largely as a result of the horrific revelations about the neglect and abuse of children in State-run or State-funded institutions. While we must all welcome the improvements made, we also recognise that we have much still to do; in particular, we need to strengthen the role of the guardian *ad litem* to ensure the voice of the child is heard in proceedings involving the State, where the State is seeking to take a child into care or in private custody cases in which the parents are disputing custody and access to children. Therefore, a debate on child protection would be timely. Once again, I welcome the UNICEF delegation and compliment UNICEF on its work on the issue of child protection.

Senator Paschal Mooney: I share the concerns expressed about the continuing viability of the Quinn Group. This matter has been raised regularly in the House. Senator O'Reilly is correct that it may not seem to be very important in the scheme of things nationally, but as someone who lives in the region which stretches across several counties and has met the people affected, some of whom are facing the prospect of losing their jobs, I hope the House will understand why it is necessary to continue to keep this issue high on the agenda. I hope the departure of Seán Quinn and his wife from the board of the Quinn Group will help to stabilise it and I am sure Members on all sides of the House will join me in wishing them well. It is always distasteful when someone like Seán Quinn who put so much effort and hard work into building up his business has to depart from it. He is then criticised for the one mistake he made which is having an adverse effect on the group.

Senator John Paul Phelan: What one mistake?

Senator Paschal Mooney: Yesterday, the tourism committee heard presentations from the Services, Industrial, Professional and Technical Union, SIPTU, the Irish Hotels Federation, IHF, and Fáilte Ireland on the continuing challenges facing the tourism sector. Will the Leader establish which Minister is responsible for legislation passed in 2000 which promised a review of rates at least every five years and ten years at most? To date, only two county council areas in Dublin have had their rate valuations revised which saw a 30% reduction in the charges. The hotel industry, particularly, is suffering a crippling downturn in business with high rates imposed on it. Why, ten years after legislation was passed, has it not been effected? Will the Leader find out which Minister can provide answers to what seems to be an inefficiency in implementing legislation? I would be grateful if the Minister responsible could then attend the House to debate the matter.

Senator Paul Bradford: Over recent weeks I have been impressed but not surprised by the force and tone of many colleagues' contributions on the Quinn Group. Notwithstanding Senator Ross's earlier criticism, we all acknowledge the economic growth and jobs the group brought to the north east. However, that the region in question is dependent on one family business for its financial wherewithal must be reflected upon. One could argue the Quinn Group became a substitute for industrial development efforts in the north east, from which a lesson must be learned.

[Senator Paul Bradford.]

We therefore urgently need a debate on balanced economic development and ensuring the State's job creation agencies see beyond Dublin and the greater Dublin area into all corners of the country. Never again can we have a region so dependent on one employer. While I empathise and sympathise with all those who have lost their jobs in the Quinn Group, a much broader approach to economic planning and development is required.

Will the Leader arrange a debate Northern Ireland in the next few weeks? We have not had one for some time. Today, an election is taking place in our next-door jurisdiction but it is surprising there has not been a stronger focus on the fact that those returned to Northern Ireland's 18 Westminster seats may have a profound impact on the formation of the next British Government. While we have no say as to which administration Northern Ireland MPs will prop up in Westminster, the election result may have a profound impact on internal Northern politics and North-South relations. It is important that in the next several weeks the House debates the broader topic of Northern Ireland, the continuation of dialogue between politicians North and South and the devolved political institutions in Northern Ireland. I am concerned some politician's difficulty in London could become someone else's opportunity in Belfast, which is not always helpful for internal Northern politics.

Senator Rónán Mullen: People will be familiar with the old phrase, "Beware of Greeks bearing gifts". In recent times, we have come to realise the importance of being beware of Greeks seeking gifts. One gift from Greece, however, is that its experience is concentrating many people's minds in this country about the impact of unrealistic public expenditure. That is reflected in the trade unions coming to see the value of the Croke Park agreement, a matter on which I hope the House will have a debate.

I welcome the movement from the Public Service Executive Union, PSEU. I hope the reassurances around teachers' holidays and the length of the teaching day will bring the Association of Secondary Teachers Ireland, ASTI, on board as well. I call on the Labour Party to give leadership on this issue. Its leader, Deputy Eamon Gilmore, has welcomed the Croke Park agreement but it is not enough for him to say he is not going to tell the trade unions how to vote. That could be code for sitting on the fence and we only get splinters when we do that. It is the job of people in politics to give leadership. Good leadership on this issue points away from the populist approach and towards encouraging people to accept this important deal.

I again call for a debate on the Government's cardiovascular policy and stroke care implementation plan. The journalist, Paddy Clancy, spoke on "Morning Ireland" of his good fortune and recovery after having a stroke. The Health Service Executive said 20% of patients could benefit from thrombolysis, a clot-busting treatment which can have miraculous effects in preventing death and disability from stroke. However, only 2% of patients receive it. Every 45 minutes one person suffers a stroke and it is the largest cause of acquired disability affecting up to 30,000 people.

An Cathaoirleach: The Senator must conclude.

Senator Rónán Mullen: Will the Leader give a date for a debate on trafficking and asylum which I requested yesterday?

Senator Paudie Coffey: Tourism is facing many challenges. One important element to encourage tourism is having proper, efficient and accessible transport links. I support the amendment to the Order of Business regarding transport policy and the confusion between the Department of Transport and Iarnród Éireann management.

Last month, all Members welcomed the opening of the western rail corridor, an important development for tourism and business in the west. However, Iarnród Éireann is now proposing to close the rail corridor between Rosslare Europort, one of the busiest ports in the country providing access to Ireland for thousands of UK and European tourists, and Waterford, a gateway city for the south east. It is such decisions around which we need transparency. Will the Leader request the Minister for Transport to bring Iarnród Éireann and Bus Éireann to heel and take back control of them? These transport companies are taking unilateral decisions which are not helping the economy and tourism in particular.

Senator Brendan Ryan: I want to raise the shocking news that 52 beds in Beaumont Hospital are to be closed over the next two weeks, which Senator Quinn referred to earlier. At the end of this week, 33 beds are to go with a further 19 in two weeks' time. This is down to Beaumont's budget being slashed by €19 million by the HSE.

According to the Irish Nurses and Midwives Organisation on Thursday last, 42 patients were on trolleys, 38 on Friday, 32 this Tuesday and 50 yesterday. Many of these patients, some of them elderly, did not even have a trolley and were forced to sit on chairs. Several weeks ago, a friend of mine had to spend 24 hours sitting upright on a chair with no facility to sleep and a drip hanging from his arm. This is the reality of Beaumont Hospital's accident and emergency department. People are held up in the department because of a lack of bed availability in the general hospital. This is before the 52-bed cut will come into play. I have been informed by nurses at the hospital that these cuts will devastate the accident and emergency department. A health strategy based on starvation of resources, slash-and-burn or sink-and-swim approaches is unacceptable. The approach may be acceptable in some organisations but it certainly has no place in a hospital. For each of the 52 beds that are to be closed there will be 52 fewer beds available to relieve the position.

More of the same cutbacks is the health strategy of this Government. It cuts the budget without any concern for the effect on the patient. That is unacceptable. I ask the Leader to convey the message to the Minister that she should personally intervene to ensure these bed closures do not take place tomorrow. We need an improvement in accident and emergency services in Beaumont Hospital, not the deterioration that will be the result of these cutbacks.

Senator Diarmuid Wilson: I join Senator Bradford in calling on the Leader to arrange a debate on Northern Ireland.

I concur with the comments of my constituency colleague, Senator O'Reilly, regarding Seán and Patricia Quinn. I join the Senator in his words of tribute to both of them on Mr. Quinn's retirement from the Quinn Group. I would also like to put on record, as I have done on many occasions, my personal admiration for Seán Quinn and for his family. Seán Quinn is a practical patriot. In 37 years he has gone from creating a job for himself to creating over 7,000 jobs worldwide, 5,500 of them on this island. He has made an enormous contribution to my county of Cavan and to the 32 counties of this country. He has made a contribution in terms of industry, tourism and job creation and has been responsible——

Senator Shane Ross: What did he do for Anglo Irish Bank?

Senator Diarmuid Wilson: ——in the 37 years he has been in business, for contributing over €1 billion to the Exchequer of this State.

An Cathaoirleach: That matter can be raised on the Adjournment.

Senator Diarmuid Wilson: Seán Quinn is the only billionaire I know of who lives in this country and pays his tax in this country.

A Senator: Hear, hear.

Senator Diarmuid Wilson: He is the only billionaire I know of who creates employment in this country——

Senator Shane Ross: He breaks banks in this country.

Senator Diarmuid Wilson: ——and does not play the stock markets as a way of making his income.

Senator Shane Ross: No. He does not do it very well——

Senator Diarmuid Wilson: To refer to Seán Quinn as a menace is an unfortunate use of the English language. He is a patriot in the greatest sense of the word.

(Interruptions).

An Cathaoirleach: Senator, please.

Senator Diarmuid Wilson: If Seán Quinn is a menace then we need more menaces in this country, not fewer.

Senator Paudie Coffey: He gambled.

Senator Fidelma Healy Eames: I welcome the clarification by the Department of Education and Skills in advance of the teachers voting on the Croke Park deal. It was important that we had a clarification that the school year — 167 days in secondary and 183 days in primary — will be protected. I do not know how teachers could have voted for the deal without that clarification because with the permanent contract up for renegotiation it was a dangerous move to ask any employee to vote on this agreement. I welcome also that teachers will be voting on the fact that school planning days and parent teacher meeting days will be outside of the school year. That is huge progress. I wish them luck and ask them to vote for the Croke Park deal.

It is now time for a moment calm in this country. I ask that the Taoiseach, Deputy Brian Cowen, and the Minister for Finance, Deputy Brian Lenihan, make a state of the nation address to the effect that there are some signs of recovery and to outline Ireland's road map in the context of the current eurozone crisis.

An Cathaoirleach: Questions to the Leader.

Senator Fidelma Healy Eames: Yes. I sense huge anger and a lack of understanding of the fact that Greece is getting €1.3 billion while we have a greater deficit than Greece.

Senator Donie Cassidy: As a loan.

Senator Fidelma Healy Eames: Yes. We see anarchy on the streets of Greece. We need to know that will not happen here. We also see continued huge employment losses.

An Cathaoirleach: The point has been made. We will not allow speeches. It is questions to the Leader on the Order of Business.

Senator Fidelma Healy Eames: The Taoiseach, Deputy Cowen, has never shown the leadership this country needs in that regard.

An Cathaoirleach: We are not discussing the Taoiseach at the moment. Questions to the Leader.

Senator Fidelma Healy Eames: I am putting the question. This is a critical moment where we are putting Ireland in the context of Europe. I look forward to that and ask the Leader to address that in his response.

Senator Brian Ó Domhnaill: First, I take the opportunity to call for a debate on the Common Fisheries Policy. The Minister of State, Deputy Connick, was in Spain earlier this week where he discussed the Common Fisheries Policy review with other fisheries Ministers. With the submission made by the Irish Government in February of this year to the European Commission, it would be timely now to discuss the common fisheries policy. This policy is critically important to the fishing waters around Ireland and to the coastal communities. I commend the Minister and his predecessor, the Minister of State, Deputy Killeen, for taking on board submissions made by coastal communities that are now central to the submission made by Ireland. I call on the Leader to arrange a debate on this policy as quickly as possible to ensure Members can influence the future direction being taken.

Second, I support Senators Bradford and Wilson in their call for a debate on Northern Ireland. That is timely given what is happening in the North. There could be a hung Parliament in the United Kingdom and parties may depend on votes in the North to prop up the new administration, which would have profound effects on North-South co-operation and relations and also Dublin-London relations. We must take all of those issues into consideration. We should have a debate on that issue if not next week then the week after. The Leader might allow two or three hours for the debate to ensure all Members could express their views, with the relevant Minister in the House.

Senator Donie Cassidy: Senator Twomey called for a debate on prisons. I have already given a commitment to the House that this will take place. It is timely that the Senator has called for such a debate and it is urgently required. I have no difficulty giving a commitment that this will take place. I will try to have it take place in the next four weeks if at all possible.

Senators Twomey, O'Toole, Hannigan, Boyle, MacSharry, Quinn, Ó Murchú, Buttimer, Coghlan, Mullen and Healy Eames expressed views regarding the Croke Park agreement. I, too, welcome the vote by the public services union in favour of the agreement. I thank colleagues on all sides of the House for their support on that. I know it is not easy but country comes first and I am proud of the colleagues who are telling their constituents, those who put them here, that this agreement is crucial for the future of our country and for future generations. The trade union leadership, which is acting so responsibly, must be supported, and we fully support them.

We will have an all day debate on the agreement here next Thursday. I endeavoured to have the debate take place today but the Minister of State, Deputy Mansergh, is in the Dáil today. The Minister, Deputy Brian Lenihan, will be here along with the Minister of State, Deputy Mansergh, for this crucial debate next Thursday. I am sure colleagues would have wanted me to have the Ministers present for the debate on this most serious of agreements and what is now being asked of the workers who have had a reduction in their pay and their standards of living, all in the national interest. I hope that together we can make this agreement happen. I assure everyone that the commitment by the Government regarding the spirit of the agreement will be the plank on which the workers will vote in favour of the agreement.

Senators O'Toole and Boyle raised the issue of Seanad reform. As the Deputy Leader, Senator Boyle, correctly said, the drafts people are at an advanced stage in regard to the local government Bill which will bring in the regulations regarding the new Mayor of Dublin. They

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are working on it currently and as the Deputy Leader said, the next job of work for them will be to examine the submissions from all colleagues in the House on the Seanad reform legislation.

Senators Hannigan and Coghlan called for a debate on tourism at this crucial time in which we find ourselves regarding the challenges facing that industry. I, too, welcome the €20 million that has been allocated for marketing by the Minister, Deputy Hanafin, which is a vote of confidence from the Minister to assist the industry. It has been a really difficult year, probably one of the most difficult tourism has experienced in the past 50 years, in respect of air transport. I acknowledge everything that has been done by the airlines, the ferries and everyone in aviation to keep our planes in the air and our ferries crossing the seas. As an island nation, we are so dependent on our exports. They are crucial and the one ray of hope we have seen is that our exports have continued to stay strong during the global downturn.

Senators Donohoe, Buttimer, Ross and Coffey called for a debate on Transport 21, the difficulties experienced by the old CIE, as we knew it, Dublin Bus, Iarnród Éireann and all the various challenges facing the Transport 21 programme. To give balance, we must acknowledge that the dual carriageways from Dublin to Cork, Limerick and Galway represent the new Ireland as we know it, compared to when I used to travel 60,000 miles per year in the 1960s, 1970s and 1980s, and drive every mile of it.

Senator John Paul Phelan: Did the Senator travel barefoot?

Senator Jerry Buttimer: Was the Senator in short pants?

Senator Donie Cassidy: At the time the vehicles one drove were not the mod cons in which Senators sit now and in which they enjoy coming to the House and going back home.

Senator Jerry Buttimer: The Government still cannot put in motorway stops or rest areas. Why is that?

An Cathaoirleach: Please Senator Buttimer, the Leader without interruption.

Senator Donie Cassidy: RTE's programme——

Senator Jerry Buttimer: There are none on the motorway from Cork to Dublin.

An Cathaoirleach: Please Senator Buttimer, the Leader without interruption.

Senator Jerry Buttimer: It is like being in the ass and cart.

Senator Donie Cassidy: Senator Buttimer should listen and learn. RTE's programme did not get through to him last week. The Senators have called for an urgent debate on this issue and I will look at the diary and try to have it take place in the next few weeks. I am keen to see what can be done to help and assist the Department, the Minister and colleagues in respect of their strong views regarding this matter.

Senators MacSharry, Reilly, Mooney, Bradford and Wilson made a call on the people. Senators MacSharry, Reilly, Wilson, Paschal Mooney and myself live in the relevant area. We have called on the people to ask their brokers to give the Quinn Insurance Group an opportunity to quote and to keep, help and assist the thousands of people employed at this very difficult time. I echo everything Senator Wilson says about Seán Quinn and his achievements. Those of us who know the importance of creating a job, how difficult that is and who have done so must acknowledge the great Irish person that is Seán Quinn. He has made an incredible contribution to the Irish economy over 36 years. It is unbelievable. Very few others have

achieved the achievements of Seán Quinn and we should acknowledge that in the House and not be ashamed or afraid to do so. It is also in order to say that one or two bad decisions were made. Everyone is only human but this man has been exemplary in the way he has conducted his affairs and his business.

Senator Shane Ross: Not according to the regulator. The regulator does not believe so.

Senator Diarmuid Wilson: The regulator is a menace.

Senator Fidelma Healy Eames: He is the regulator.

Senator Donie Cassidy: We are talking about a different league here, about people who create jobs not those who try to take them away. We are saying that we support the insurance company. We want to have a strong player in the field for competition. We have no wish for the old cartel that was here years ago, ripping off the Irish consumer in respect of insurance policies. Senator Ross will remember this time as I do. He may be a good deal younger than me but he is very much to the fore in knowing how cartels operate because it is his job, and he is doing a very good job in the national interest in his other field of expertise.

However, let us give credit where credit is due. As Senator Wilson has stated, we salute the man that pays his taxes in his own country, like Michael O'Leary and Seán Quinn. All the other people who are making fortunes and not paying their taxes in the Irish jurisdiction are in a different league of Irish people in the view of those on this side of the House.

Senator Fidelma Healy Eames: The Senator should be very careful how he presents this information.

Senator Donie Cassidy: Senator MacSharry called for a debate on the sports capital programme. I have no difficulty in this taking place. Senators Quinn and Ryan referred to the difficulties being experienced in Beaumont Hospital. I refer to the Government's commitment in the past 11 years. Funding has increased from €5 billion per year to between €15 billion and €16 billion to run the health service, which is a serious commitment by Government. As has been stated on the floor of the House many times, the standards in our hospitals today are second to none and they have improved considerably. Everyone is to be congratulated, including all Ministers with responsibility for health on all sides of the House who made this possible.

Senator Fidelma Healy Eames: What about the trolleys and the lack of beds?

Senator Donie Cassidy: Be that as it may, there are difficulties being experienced at present time. I trust everyone can be assisted and helped in their great work, especially our nurses and doctors on the frontline. These are the staff who must get the support and be given priority in respect of funding as far as I am concerned and all colleagues in the House will agree with that.

Senator Keaveney called for a debate on drugs. I have no difficulty in holding a debate on this matter, especially in respect of head shops. Senator Buttimer called for the Minister for Tourism, Culture and Sport to provide an up-to-date position in respect of prioritising legislation in her Department. I will have this matter inquired into and I will come back to the House at a later date.

Senator Dearey called for a debate on economic recovery. As I stated, the Croke Park agreement will be discussed all day next Thursday. It is timely to hold such a debate on economic recovery and we can pencil it in on a future date afterwards. Senator Dearey also referred to the former Minister, Charlie McCreevy's appointment and the decision of the EU. One of

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the most experienced people in public life has always been the Minister for Finance because he or she knows everything that happens in every Government portfolio.

Senator Fidelma Healy Eames: What about Deputy Brian Cowen, when he was Minister for Finance?

An Cathaoirleach: Senator please, the Leader is replying.

Senator Donie Cassidy: He is a greatly experienced——

An Cathaoirleach: Senators, please

Senator Donie Cassidy: He was one of the finest.

Senator Fidelma Healy Eames: One of the finest?

Senator Donie Cassidy: He is from the midlands and I am proud of it. He is next door to Galway and I am sure the Senator is proud of it as well.

Senator Fidelma Healy Eames: Not of the way he managed the economy.

An Cathaoirleach: No interruptions, please.

Senator Mary M. White: The Senator will get her chance.

An Cathaoirleach: No interruptions or I will ask Senators to leave the Chamber.

Senator Donie Cassidy: We will know in years to come if the decisions of the last budget were correct. None of us has the power of foresight.

Senator Paudie Coffey: The Senator should not make predictions.

Senator Fidelma Healy Eames: We will also know the pain.

Senator Donie Cassidy: One of the Senator's former leaders, Garret FitzGerald, stated he made a mistake and that he did not pass a sufficiently tough budget in his first year when it was necessary in 1984. We must learn from the experiences, no matter what the party.

Senator Jerry Buttimer: Deputy Brian Cowen is no Garret FitzGerald.

Senator Donie Cassidy: Thank God.

Senator Jerry Buttimer: He has neither the vision nor the leadership.

An Cathaoirleach: Senators, please. No interruption of the Leader.

Senator Donie Cassidy: Senator Coghlan called for an update on the Property Services (Regulation) Bill on Report Stage. I will come back to the House on that. Senator Mooney referred to rates and the need for buildings to be re-rated because the spirit of the Bill stated it should be done every five years. I believe this is a very urgent matter that must be addressed, especially in respect of the hotel sector, as pointed out in the meeting yesterday. I have a vested interest in this area and it is an area presenting great challenges at present. Rates represent a very substantial cost especially on hotels providing significant employment. I have no difficulty in allocating time for this.

Senators Bradford, Wilson and Ó Domhnaill called for a debate on Northern Ireland, which is timely. We will hold it before the end of the session. Senator Mullen referred to the issues of asylum and trafficking. I will have this included at the earliest possible time.

Senator Rónán Mullen: Is that before the end of term?

Senator Donie Cassidy: The Senator also referred to serious concerns regarding stroke and stroke care and all of that. I recommend the Senator checks the Internet and reads up about perindopril arginine and the great success it is having in America at present.

Senator Rónán Mullen: I thank the Leader.

Senator Donie Cassidy: I will enlighten the Senator personally afterwards.

Senator Rónán Mullen: Please do, but could we get the Minister in to enlighten us about what the Government is going to do?

An Cathaoirleach: The Senator cannot come back in. He has no right.

Senator Rónán Mullen: I am surprised the Leader has not given a date.

An Cathaoirleach: The Senator has no right to come back in. The Leader is replying and he must reply to the questions raised.

Senator Donie Cassidy: Senator Ó Domhnaill called for a debate on the Common Fisheries Policy. I have no difficulty in this taking place at the earliest possible time.

An Cathaoirleach: Senator Jerry Buttimer has moved an amendment to the Order of Business.

Senator Jerry Buttimer: On a point of order, before the question is put to the House, will the Leader to clarify the nature of next Thursday's debate? What order and structure will it have?

Senator Donie Cassidy: I am discussing that matter with the leader of the Senator's group. I have an open mind. I am discussing the matter with the leaders of the groups to see how best we can serve and assist at this sensitive time. I know the Senator will appreciate this.

Senator Jerry Buttimer: Will we have a debate on Thursday? Will the Leader ensure it is not guillotined?

Senator Donie Cassidy: As we know, the Senator never guillotines anything.

Senator Jerry Buttimer: I know I do not but the Leader does.

Senator Donie Cassidy: Never.

An Cathaoirleach: Is Senator Buttimer pursuing his amendment to the Order of Business?

Senator Jerry Buttimer: I will withdraw it on the basis of the Leader's comments.

Senator John Paul Phelan: Peace has broken out.

Senator Paudie Coffey: Peace in the valley.

Order of Business agreed to.

Child Care (Amendment) Bill 2009: Report and Final Stages

An Cathaoirleach: I welcome the Minister of State at the Department of Health and Children, Deputy Barry Andrews. I remind Members that a Senator may speak only once on Report Stage, except for the proposer of an amendment who may reply to the discussion on the amendment, and that each amendment must be seconded.

Senator Ciaran Cannon: I move amendment No. 1:

In page 6, between lines 6 and 7, to insert the following:

“3.—The Minister shall within three months of the commencement of this Act, publish a report on the provision of secure care under this Act which shall include consideration of how such provision compares with best practice internationally.”.

I welcome the Minister of State. This amendment has been submitted by Fine Gael because it believes the Bill gives us, as a nation, an opportunity to address meaningfully the shortcomings of our child care system. If the amendment is accepted, it will represent a strong signal from the Government of its intent to ensure the highest standards of care are achieved in all care facilities, particularly the secure care facilities to which this legislation pertains. My colleague, Senator Fitzgerald, pointed out during the Committee Stage debate that a stay in a secure unit should be a positive and therapeutic experience for a child, but, unfortunately, the opposite seems to be the case for many children. When I listened to a recent radio interview with Ms Louise Rafter, I was deeply saddened by her account of her experience in a secure unit. She described how, as a ten year old girl, she had been incarcerated in a bare-walled room that had a bed glued to the floor. She was left there for two weeks in pain and distress.

The amendment would require the Minister to give a commitment that within three months he or she would “publish a report on the provision of secure care under this Act”. The Minister of State may consider the relevant period should be extended to six or 12 months. This proposal would ensure the experience of Ms Rafter and many others like her was never repeated.

A recently published HSE report, *Inspiring Confidence in Children and Family Services: Putting Children First and Meaning It*, concluded that when children were taken into care, factors such as the age of entry into care and the speed with which action was taken to rehabilitate or find long-term alternatives were critical. It was chilling to learn in the report that a child over the age of ten years who had been in care for more than one year was likely to remain in care for the rest of his or her childhood.

I welcome the Minister of State’s response on Committee Stage when he indicated that he wanted to adhere to or surpass the very best international child care practice. The amendment proposes that he should commission a report to establish how our services stand up to scrutiny and compare with best international practice. If the Minister of State seeks to reject the amendment, I will wonder why that is the case. I look forward to hearing his response.

Senator Dominic Hannigan: I second the amendment.

Minister of State at the Departments of Health and Children, Education and Science and Justice, Equality and Law Reform (Deputy Barry Andrews): I will address the specific issues raised by Senator Cannon. He is right in saying a stay in special care should be a positive and therapeutic intervention on behalf of a child. In the Health Information and Quality Authority’s report on special care produced at the end of last year the authority broadly agreed that such outcomes were being achieved.

When one is having a debate of this nature, there is a danger that one will confuse special care orders and other care orders. In this legislation we are dealing with secure detention for a specific period of time, as ordered by the High Court. That should be distinguished from foster care, residential care and other forms of high support care.

The Senator mentioned the case of Ms Louise Rafter who, at the age of ten years, would have been too young for a special care order for secure care. I have met Ms Rafter who is a very eloquent spokesperson for children in care. There has been a shortage of young people who are willing to stand up for and on behalf of children. Ordinary kids have their parents or their schools to advocate on their behalf. We need to listen to what young children who are or have been in care have to say. Ms Rafter is a credit to others who had to avail of these services.

The Senator also mentioned the PA Consulting report which was commissioned by the HSE. It provides an honest appraisal of what is wrong and what needs to be done. It is part of the reform process, in which I have been involved since my appointment. I hope it will deliver results.

On amendment No. 1, last year the Children Acts Advisory Board commissioned an independent report on special care. The report will give us the information the amendment intends to elicit. Further research is being undertaken by Social Information Systems Limited, in addition to that of the steering group of the Children Acts Advisory Board. The HSE and the Office of the Minister for Children and Youth Affairs are represented in these endeavours. It is hoped a comprehensive report will be finalised and published in the coming weeks.

Section 8 of the Child Care Act 1991 requires the HSE to produce an annual review of the adequacy of all its services under the legislation. Such reviews are now published much more contemporaneously than they were before the last couple of years. I chair monthly meetings with the HSE, at which the issue of special care is reviewed. A specialist with responsibility for this area is in place and introducing changes. I do not believe, therefore, that the amendment is necessary, for the reasons I have outlined. I ask the Deputy to withdraw it.

Senator Ciaran Cannon: I will withdraw it on the basis of the significant improvements in reporting mentioned by the Minister of State. I appreciate that he places great value on the experiences and suggestions of Ms Rafter and others on the issue of how we can improve child care. I refer, in particular, to the issues of secure care placements and special care. In that context, I wonder if it is possible for us to learn from the experiences of the representatives of those who have availed of these facilities. Perhaps we could take on board some of the suggestions they might make. Has provision been made for such representation, for example, during the annual review process mentioned by the Minister of State? Would it be possible for such a provision to be made?

Deputy Barry Andrews: It is interesting that the Senator should ask that question. My office has an obligation to fulfil its responsibilities under the national children's strategy in so far as the voice of the child is concerned. That is why we organise Dáil na nÓg, the Children and Young People's Forum and the advisory group. This year, for the first time, we have tried to ensure we consult children in care. We have established a forum within which children in care can give us information. That process has revealed interesting information, with which I was not up to speed. It is a useful process in so far as it is informing policy in areas such as aftercare, an issue we might discuss later in the debate. We have started to do this work for the first time and I hope it will produce results and inform policy in due course.

Amendment, by leave, withdrawn.

Notice taken that 12 Members were not present; House counted and 12 Members being present,

An Leas-Chathaoirleach: Amendment No. 2 has been ruled out of order, as it involves a potential charge on Revenue.

Senator Dominic Hannigan: My understanding is the amendment has been changed since Committee Stage to get around the ruling relating to a charge on public funds. I would appreciate clarification in that regard.

An Leas-Chathaoirleach: According to my brief, it has been ruled out of order by the Bills Office. I can only proceed on that basis. Perhaps it has been tabled in a different form, but it is deemed to be out of order, as it involves a potential charge on Revenue. Therefore, we cannot have a debate on it.

Senator Dominic Hannigan: I will take advice on the matter.

Amendment No. 2 not moved.

An Leas-Chathaoirleach: As amendment No. 40 is related to amendment No. 3, they will be discussed together.

Senator Dominic Hannigan: I move amendment No. 3:

In page 8, line 28, to delete “detention” and substitute “placement”.

Senator Ciaran Cannon: I second the amendment.

Deputy Barry Andrews: Section 3 of the Children Act 2001 defines a “children detention order” as having the meaning assigned to it under section 142 which provides that an order may be imposed on a child for a period of detention in a children’s detention school. Thus the amendment appears to seek a change in the definition of a “children detention order”, but to do so one would be confusing in terms of legal concept and interpretation. Our legal advice on the use of the word “detention” is that it is appropriate in the circumstances of the Bill. The Act must be clear that special care involves the detention of a child. The use of any other word would be likely to mislead and make the position uncertain for the courts, the HSE, children, parents and guardians and the public as to the fact that special care involves the detention of the child. Currently, High Court orders that provide for special care for children are called detention orders. Successive court judgments have used the term “detention” and been clear in their distinction between detention in a special care facility and detention under criminal statute. With regard to special care judicial review proceedings, its use has not connoted criminality on the part of children. The Bill provides that under the Act, orders made by the High Court will be called special care orders. Nevertheless, the use of the word “detention” makes it clear that a child is detained under a special care order in a secure unit.

Senator Dominic Hannigan: I appreciate the Minister of State’s comments. We had hoped that on Report Stage he would consider using the word “placement”. A suggestion to that effect seemed to be made on Committee Stage. We would prefer the word “rehabilitation” because “detention” is unduly harsh and used in the Bill 70 times. We are disappointed the Minister of State has failed to accept the amendment, but I will not press it.

Senator Ciaran Cannon: The American author, Ralph Ellison, once remarked, “If the word has the potency to revive and make us free, it has also the power to blind, imprison, and destroy.” There was much discussion on this issue on Committee Stage, yet after a long and tortuous debate on both Second and Committee Stages, the Minister of State will still use the word “detained” in the legislation, even though it has many negative connotations. It implies

criminal wrongdoing on the part of a child taken into special care. I recall the Minister of State agreeing on Second Stage to examine an alternative wording. I am disappointed, therefore, that the word “detained” continues to be used. Barnardos, the Irish Association of Young People in Care and the Irish Foster Care Association have all expressed concern about the use of the word in the legislation. Even though the section relates to secure facilities, clearly with the focus on children in secure units, it is a hope their placement and housing will lead to rehabilitation and a better future for them. The horrific stories of many children who were detained in the past are fresh in our minds. Retaining the word “detained” in modern and forward looking legislation implies we have learned little from past experiences. On Committee Stage Senator O’Malley was supportive of the alternative wording, but the Minister of State, perhaps on the basis of legal advice, has made up his mind. I am surprised, given the expertise, knowledge and experience available to him and his officials, that an alternative wording without negative connotations has not been inserted.

Senator Mary M. White: I agree with my colleagues. For example, I refer to the phrase “community service” in the context of someone who does not pay a fine. A friend of mine, a Traveller, did not pay a fine and while she is doing community service, she is waiting for a proper house. She is getting on brilliantly, but the term “community service” has a pleasant sound to it. The lady in question is thriving and subject to intellectual stimulation on the course which is part of the service provided. She meets people every day and is in a proper social environment. It would be a good idea to examine the wording again, if possible. I agree that the word “detention” has cruel connotations and reminds one of reformatory schools. I agree with my two colleagues.

Deputy Barry Andrews: When we debated this issue on Committee Stage, I pointed out that the word “placement” was not appropriate because every child who was the subject of a care order was placed somewhere and that special care had to be distinguished from ordinary State intervention on behalf of a child. Fine Gael suggested the word “housed” which also does not have pleasant connotations. HIQA conducted a study of special care facilities in the State and identified shortcomings, particularly at the Ballydowd facility, which had a great deal to do with the built environment, health and safety issues and so on. There was no suggestion the phraseology undermined the care provided or the general atmosphere of care. I remain to be convinced, but I am open to suggestions. The suggestions that have been put by way of amendment do not distinguish it sufficiently from other types of care to underline the fact that special care is a form of civil detention where one is in a secure unit. That distinction must be made. It has been pointed out on many occasions in judgments that this is a form of detention and the reason it is so limited in its ambit and is used as a last resort is that it is considered a nuclear option to be used when everything else has failed. One uses secure detention when other types of intervention have not been successful and a child is presenting a danger to themselves. I am open to workable suggestions but none of those proposed is workable. I suggest to Senators that they discuss the matter with their colleagues in the Dáil and if they wish to propose further suggestions through their parties, they will be considered at that time. I do not accept the amendments.

Senator Mary M. White: I second that.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Amendments Nos. 4, 9 to 11, inclusive, 13, 22, 24, 41 and 43 to 47, inclusive, are related and will be discussed together by agreement. Is that agreed? Agreed.

Bill recommitted in respect of amendments Nos. 4 to 24, inclusive.

Government amendment No. 4:

In page 12, lines 17 to 26, to delete all words from and including “purpose” in line 17 down to and including “23NG.” in line 26 and substitute the following:

“purpose of such provision and may, during the period for which the special care order or interim special care order has effect, include the release of the child from the special care unit—

(i) in accordance with section 23NF, and

(ii) where the release is required for the purposes of section 23D or 23E, in accordance with section 23NG.”.

Deputy Barry Andrews: The above amendments are for the purpose of bringing greater clarity and precision to these sections. For example, in regard to amendment No. 43, the subsection has been reformatted for ease of reading and clarity.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 5 and 12 are related and can be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 5:

In page 12, line 45, after “order” to insert the following:

“and, where the order is made in respect of that child, from applying for an extension of that order under section 23J or, as the case may be, section 23N, in respect of that child”.

Deputy Barry Andrews: The purpose of these amendments is to provide specifically that there is nothing to prevent the Health Service Executive from applying for an extension to a special care order or an interim special care order or providing care under any such extension to a special care order or interim special care order. The amendments are to ensure there is no doubt in this regard.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 6 to 8, inclusive, 14 to 18, inclusive, 20 and 21 are related and they will be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 6:

In page 13, line 22, after “determined” to insert the following:

“and the Health Service Executive shall, as soon as practicable, inform the Court hearing that charge that the child is the subject of a special care order, or an interim special care order, and of the period for which the order has effect”.

Deputy Barry Andrews: The purpose of the amendments is to ensure the Health Service Executive informs any court hearing of a criminal charge that the child is the subject of an application for a special care order or interim special care order or if an order has been made and the duration of that order.

Amendment agreed to.

Government amendment No. 7:

In page 14, line 38, after “paragraph (a)” to insert the following:

“and, where the High Court makes a special care order or an interim special care order, to inform the Court hearing that charge that the order concerned was made and the period for which it has effect”.

Amendment agreed to.

Government amendment No. 8:

In page 14, to delete lines 39 to 48 and substitute the following:

“(II) of the application referred to in paragraph (b) and where the order has been extended, to inform the Court hearing that charge of the period for which that order was extended.”.

Amendment agreed to.

Government amendment No. 9:

In page 15, line 29, after “order” where it secondly occurs to insert “or an application under section 23J or 23N”.

Amendment agreed to.

Government amendment No. 10:

In page 16, line 1, to delete “subsection (7),” and substitute “subsections (7), (9) and (10),”.

Amendment agreed to.

Government amendment No. 11:

In page 16, lines 3 to 5, to delete all words from and including “Health” in line 3 down to and including “or” in line 5 and substitute the following:

“Health Service Executive from providing special care, in accordance with a special care order or an interim special care order, to a child who has been found guilty, or”.

Amendment agreed to.

Government amendment No. 12:

In page 16, to delete lines 26 and 27 and substitute the following:

“and without prejudice to the generality of the foregoing nothing in this Act shall be construed as preventing the Health Service Executive from applying for a special care order or an interim special care order and, where the order is made in respect of such child, from applying for an extension under section 23J or 23N in respect of such child, or as preventing the High Court from hearing and determining such application.”.

Amendment agreed to.

Government amendment No. 13:

In page 16, line 28, to delete “Where a child” and substitute the following:

“Without prejudice to subsection (1), where a child”.

Amendment agreed to.

Government amendment No. 14:

In page 17, to delete lines 1 to 3 and substitute the following:

“(c) preventing the High Court from hearing and determining an application referred to in paragraph (b),

and the Health Service Executive shall, as soon as practicable, inform the Court which imposed the suspended custodial sentence, deferred making the children detention order, suspended the period of detention or made the Children Act order that the child is the subject of a special care order or an interim special care order and the period for which such order has effect.”.

Amendment agreed to.

Government amendment No. 15:

In page 17, line 31, after “paragraph (a)” to insert the following:

“and, where a special care order or interim special care order is made, to inform that Court accordingly and of the period for which the order has effect”.

Amendment agreed to.

Government amendment No. 16:

In page 17, to delete lines 32 to 41 and substitute the following:

“(II) of the application referred to in paragraph (b), and where the order has been extended, to inform that Court of the period for which the order was extended.”.

Amendment agreed to.

Government amendment No. 17:

In page 18, line 33, after “paragraph (a)” to insert the following:

“and, where a special care order or interim special care order is made, to inform that Court accordingly and the period for which the order has effect”.

Amendment agreed to.

Government amendment No. 18:

In page 18, to delete lines 34 to 43 and substitute the following:

“(II) of the application referred to in paragraph (b), and, where the order has been extended, to inform that Court of the period for which the order was extended.”.

Amendment agreed to.

Government amendment No. 19:

In page 19, lines 14 and 15, to delete “subsection (8)” and substitute “subsection (6)”.

An Leas-Chathaoirleach: Amendments Nos. 23 and 42 are related to amendment 19 and they will be discussed together by agreement. Is that agreed? Agreed.

Deputy Barry Andrews: Amendment No. 19 is a consequential amendment following the amendment of section 19. In other words, the amendments will result in there being only one subsection in section 19 and amendments Nos. 23 and 42 are for the correction of the numbering.

Amendment agreed to.

Government amendment No. 20:

In page 19, line 20, after “paragraph (a)” to insert the following:

“and, where the special care order or the interim special care order is made, to inform that Court accordingly and the period for which the order has effect”.

Amendment agreed to.

Government amendment No. 21:

In page 19, to delete lines 21 to 30 and substitute the following:

“(II) of the application referred to in paragraph (b), and, where the order has been extended, to inform that Court of the period for which the order was extended.”.

Amendment agreed to.

Government amendment No. 22:

In page 22, line 26, after “23NG” to insert the following:

“for the purposes of complying with such suspended custodial sentence”.

Amendment agreed to.

Government amendment No. 23:

In page 22, line 28, to delete “subsection (9)(a)” and substitute “subsection (9)”.

Amendment agreed to.

Government amendment No. 24:

In page 23, line 12, after “23NG” to insert the following:

“for the purposes of complying with such Children Act order”.

Amendment agreed to.

Bill reported with amendments.

Senator Ciaran Cannon: I move amendment No. 25:

In page 24, to delete lines 40 to 47 and in page 25, to delete lines 1 to 3.

This amendment seeks to achieve a balance between the substantial powers vested in the Health Service Executive, HSE, by the legislation and the rights and needs of children in care. It is necessary to mention the subtitle of the recent HSE report, Putting Children First, and meaning it. If this section is left unchanged then serious questions arise about the lack of consultation with a child in special care or his or her parents and-or guardians. This section

[Senator Ciaran Cannon.]

allows the HSE to bypass consultation with the child, the child's parents and-or guardian and a person acting *in loco parentis*. It can do that if it is satisfied there is reasonable cause to believe it is not in the best interests of a child to consult those people. Placing children in care is a serious matter and, where possible, one should seek at all times to consult parents, guardians and the children concerned.

The recent HSE report concluded that there is an urgent requirement to set and communicate direction for child care services. It asks the question of what the HSE is fundamentally trying to achieve for children and their families and what child protection means, whether it is about managing risk and investigating alleged abuse or more about providing the supports needed for children and their families. I argue it is about the latter. Any legislation that allows the HSE the option of completely excluding the child, a parent, guardian or person acting *in loco parentis* from proceedings is leading us completely down the wrong path. This provision could be open to abuse and the lack of consistency in approach nationally, as highlighted in the recent HSE report, only compounds my fears. I seek to delete the provision for that reason. It is important to keep communications with all the parties involved open as much as possible rather than simply bypassing them.

Senator Dominic Hannigan: I second the amendment.

Deputy Barry Andrews: There are situations where it might not be in the best interests of the child to consult one of those categories which the Senator seeks to delete. I cannot argue with any of the points that he is making, but if Senator Cannon will look at subsection (8) on the following page, page 25, it says: "Where the Health Service Executive applies for a special care order and, in accordance with subsection (4), it did not carry out the consultation referred to in subsection (3), it shall inform the High Court that the consultation was not carried out and of the grounds for not carrying out that consultation." Therefore, it is a saver which ensures the High Court is aware this obligation has been bypassed, and that the High Court is satisfied it was done in the overall best interest of the child, which is the overarching principle of the legislation.

I hope that reassures the Senator that the concerns he has expressed are protected against by that subsection.

Senator Ciaran Cannon: Early in the Minister of State's contribution he said this section allowed the HSE not to consult with one of the persons mentioned in the list. It specifically says that all those people are excluded. It can seek not to consult with any of the people involved. If one is to take an holistic whole-child approach to rehabilitation, above all when a child is in secure care, should one not seek to communicate with as many people as possible who have interacted with that child in the previous years? I would argue that one should. I am not heartened or encouraged by the fact that in doing so, the HSE must seek to inform the High Court. What blocking mechanism is available to the High Court if the HSE makes such a report to it? Can it then reassess the HSE's actions in this area and require the executive to seek the advice or consult with the people as aforementioned?

Deputy Barry Andrews: Subsection (3), prior to the subsection the Senator proposes to delete, expresses a positive obligation on the HSE to consult with the categories of people we are talking about, namely, the child, parent, guardian and, where appropriate, the relatives of the child. Therefore, if this decision is taken by the HSE for the protection of life, health and safety, not to consult with one of those, and it is reasonable to believe this is not in the best interests of the child, then it must explain to the High Court why it has not done this. The High Court can tell the HSE that it has an obligation under subsection (3) and must discharge

that. That is the safety provision which ensures the High Court can tell the HSE, in the event, that it has not established reasonable cause for the best interests of the child or that there is an issue in relation to the protection of life, health, safety, development or welfare of the child. Those are the barriers the HSE has to overcome to satisfy the High Court that it is properly avoiding consultation under subsection (4).

Senator Ciaran Cannon: The High Court can direct the HSE to consult if it is deemed necessary.

An Leas-Chathaoirleach: Yes, absolutely.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Amendment No. 26 is a Government amendment and amendments Nos. 27 to 36, inclusive, are consequential to it. Amendments Nos. 26 to 36, inclusive, will be discussed together, by agreement. Is that agreed? Agreed.

Bill recommitted in respect of amendments Nos. 26 to 36, inclusive.

Government amendment No. 26:

In page 25, to delete lines 4 to 20 and substitute the following:

“(5) The Health Service Executive shall, subject to subsection (6), convene a family welfare conference in accordance with section 7 (as amended by the *Child Care (Amendment) Act 2010*) of the Act of 2001 if it is satisfied that there is reasonable cause to believe that the child requires special care, after having carried out the consultations in accordance with subsection (3) or not carried them out in accordance with subsection (4).

(6) Notwithstanding subsection (5), where the Health Service Executive is satisfied that, having regard to the protection of the life, health, safety, development or welfare of the child, there is reasonable cause to believe that it is not in the best interests of the child to convene the family welfare conference referred to in subsection (5), it may decide not to convene that conference.”.

Deputy Barry Andrews: Amendment No. 26 is concerned with the re-formatting of section 23F relating to family welfare conferences for the purpose of clarity, precision and ease of reading. The remaining amendments are concerned with renumbering and cross-referencing consequential on amendment No. 26.

Amendment agreed to.

Government amendment No. 27:

In page 25, line 21, to delete “(6) Where a family” and substitute the following:

“(7) Where a family”.

Amendment agreed to.

Government amendment No. 28:

In page 25, line 23, to delete “subsection (5)(a)” and substitute “subsection (5)”.

Amendment agreed to.

Government amendment No. 29:

In page 25, line 28, to delete “subsection (5)(b)” and substitute “subsection (6)”.

Amendment agreed to.

Government amendment No. 30:

In page 25, line 33 to delete “(7) Where the Health” and substitute the following:

“(8) Where the Health”.

Amendment agreed to.

Government amendment No. 31:

In page 25, line 40, to delete “(8) Where the Health” and substitute the following:

“(9) Where the Health”.

Amendment agreed to.

Government amendment No. 32:

In page 25, line 47, to delete “(9) Where the Health” and substitute the following:

“(10) Where the Health”.

Amendment agreed to.

Government amendment No. 33:

In page 25, lines 49 and 50, to delete “subsection (5)(b)” and substitute “subsection (6)”.

Amendment agreed to.

Government amendment No. 34:

In page 26, line 3, to delete “(10) The Health Service Executive” and substitute the following:

“(11) The Health Service Executive”.

Amendment agreed to.

Government amendment No. 35:

In page 28, line 10, to delete “section 23F(8)” and substitute “section 23F(9)”.

Amendment agreed to.

Government amendment No. 36:

In page 28, line 25, to delete “section 23F(9)” and substitute “section 23F (10)”.

Amendment agreed to.

Bill reported with amendments.

An Leas-Chathaoirleach: Amendment No. 37 is in the names of Senators Alex White, McCarthy, Ryan, Prendergast, Bacik and Hannigan and arises out of committee proceedings. Amendment No. 38 is related, so amendments Nos. 37 and 38 will be taken together, by agreement. Is that agreed? Agreed.

Senator Alex White: I move amendment No. 37:

In page 45, between lines 11 and 12, to insert the following:

“(2) Regard shall be had to the views of the child, having regard to the child’s age and understanding. Prior to taking steps under this section, the court shall give such directions as are appropriate where the Health Service Executive proposes to take steps to which the child does not consent.”.

We had a debate on this on Committee Stage, as colleagues will be aware. I do not propose to rehearse all the arguments again in favour of this particular amendment that we have tabled. We have altered it slightly to take into account what the Minister of State said on Committee Stage in relation to the parents’ view. The Minister of State had made the point on the last occasion that this was already satisfactorily dealt with elsewhere in the Bill. I understood that the Minister of State was inclined to accept some part of what we were proposing in relation to the view of the child. There was some discussion, perhaps, on an amendment tabled by Senator Cannon a few minutes ago. I apologise for missing that particular discussion and perhaps it anticipated this one, on my amendment. I am certainly moving it again. I believe the issue as regards the objective principle in relation to having regard to the views of the child is qualified by stating that having regard to the child’s age and understanding would seem to be the basis for a very appropriate provision to be included in the new Act.

I understood the Minister of State to be in agreement with at least some part of the thrust of what we wanted to achieve. I shall be interested to hear what he has to say.

Senator Ciaran Cannon: I second the amendment. Again, this amendment is about striving to achieve that very difficult balance and most importantly, putting children first, at the very heart of the legislation.

Section 23ND confers considerable and wide-ranging powers upon the HSE once a child is in special care and gives it, as section 23ND(a) says, “control over the child as if it were a parent of that child”. Those of us who are parents would readily acknowledge that as one’s children get older, one begins to take their views and opinions more seriously. Having regard to the views and opinions of a child in care and taking them into consideration, I would argue, is central to the successful treatment and care of that child. Again, we need to put children first and we really need to mean it. For many years children in care were not listened to.

The second part of our amendment is again concerned with trying to achieve balance in proceedings so the rights of the child remain paramount. If a child in care is vehemently opposed to steps proposed by the HSE, then surely he or she would find himself or herself in an isolated and vulnerable position with no one to turn to for support or adjudication. How many times have we seen such scenarios described in child care reports? This amendment deals with that issue by allowing the courts to give direction to the HSE, and it allows the child some rights in deciding his or her future on reaching the age of maturity to do so.

Deputy Barry Andrews: As I stated previously, I am in agreement as regards the views of the child being regarded prior to the HSE taking steps under this section. However, section 3 of the Child Care Act 1991, as amended, provides that in the performance by the HSE of its functions to promote the welfare of children, it shall, in so far as is practicable, give due

[Deputy Barry Andrews.]

consideration, having regard to the child's age and understanding to his or her wishes. Therefore, it is unnecessary to put this into section 23, as section 3 is an overarching provision.

In relation to involving the courts when the child is not consenting to the steps being taken by the HSE, the executive is charged with promoting the welfare of the child. Under section 23ND(b) of this Bill, the HSE "shall do what is reasonable subject to this Part, to promote his or her health, development or welfare and protect his or her life, health, safety, development or welfare, having regard to all the circumstances of the child".

With regard to the question of involving the courts when a child does not consent to the steps being taken by the HSE, the HSE is charged with promoting the welfare of the child. Under section 23ND of the principal Act inserted by this Bill, the HSE "shall do what is reasonable, subject to this Part, to promote his or her health, development or welfare and protect his or her life, health, safety, development or welfare, having regard to all the circumstances of the child". While I agree the child should be consulted, to include a statutory provision to involve the courts every time there was a disagreement could very well defeat the purpose of providing for special care. It must be remembered that children who are the subject of special care orders require care which addresses their behaviour and the risk of harm it poses to their lives, health, safety, development or welfare. For these reasons, I do not accept the amendments.

Senator Alex White: It is necessary to remind the Minister of State of precisely what he said on Committee Stage:

I am inclined to accept the first part of that amendment, which states that "Regard shall be had to the views of the child, having regard to the child's age and understanding, prior to taking steps under this section". I think it is worth inserting that in the Bill. I will therefore accept that proposal, but I would like to examine the phraseology, as well as detaching it from the second part of the amendment, which I tried to refer to in my original comments.

That is the statement the Minister of State made after a long, useful and productive debate on the issue. There may be an overarching provision elsewhere which is not quite in the same terms, but I cannot find it in front of me, although I heard the Minister of State read it out. It includes such phrases as "as far as practicable", "due consideration" and so forth. We can always accept the modification of provisions in particular ways because provisions cannot be absolute, but from what the Minister of State read out, it seems the overarching provision, as he called it, is not so robust. Senator Cannon mentioned the importance of taking into account the views of the child in the context of this part of the Bill. It is a pity the view the Minister of State expressed on the last occasion has not been followed through. It makes it difficult for us to make progress with him.

Deputy Barry Andrews: I am certainly open to the principle, but there is no point in inserting an additional safeguard where the existing safeguard is, in my view, if not in Senator White's, sufficiently robust. If this had not been provided for in the 1991 Act, it would be a vital addition to improve the legislation.

In all special care orders the child is represented by a guardian *ad litem*, the obligation of whom is to provide information for the court on what is in the best interests of the child and what are the view of the child which may not necessarily be the same. In addition, the Bill provides that the parent or guardian of the child or a person acting *in loco parentis* may write and ask for an appraisal of the special care provided. That is a statutory safeguard. After the order is made, the original section 3 of the Child Care Act provides a general safeguard. As I

said today and the last day, I am sympathetic to the principle, but it is not necessary to add a further safeguard where there is already a robust legal principle that is observed.

As I said before Senator White came into the Chamber, the HIQA report on special care orders of a general nature was positive about the experience of young people in special care. As I also mentioned, it described in negative terms the built environment of Ballydowd, but the facility has been almost completely closed. There have been positive outcomes. The young people who were consulted at Ballydowd had had a positive experience and felt their views had been accepted and listened to. It strikes me, on the basis of the HIQA report, that there is no deficit in this area such as the Senator is seeking to correct with the amendment.

Amendment put.

The Seanad divided: Tá, 24; Níl, 28.

Tá

Bacik, Ivana.
Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
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.
Quinn, Feargal.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Níl

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

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

Tellers: Tá, Senators Ciaran Cannon and Alex White; Níl, Senators Niall Ó Brolcháin and Diarmuid Wilson

Amendment declared carried.

Amendment No. 38 not moved.

Senator Ciaran Cannon: I move amendment No. 39:

In page 45, line 14, after “shall” to insert the following:

“with the consent of either the child’s parent or guardian, a person acting *in loco parentis* or the child’s Guardian Ad Litem.”

[Senator Ciaran Cannon.]

This is related to previous amendments. Section 23ND(2) allows the HSE to carry out a medical or psychiatric examination of or provide treatment for a child in special care without the consent of the child's parents, guardian or guardian *ad litem*. The amendment tries to strike a balance between the child's rights and the decision making powers of the HSE. It is important to include, as far as practicable, the child's parents or guardians in any decision about a medical assessment or treatment. Barnardos has pointed out that when a child is taken into care, we do not want to sever a connection with his or her parents or guardians. Even the most fragile relationship should be protected and nurtured. Deliberately excluding a child's parents or guardians from this process does not help. On Committee Stage the Minister of State noted that a guardian *ad litem* was appointed for every child taken into special care. If that is the case, why do we seek to exclude such a guardian from fundamental decisions on the child's medical needs and future?

Senator Alex White: I second the amendment.

Deputy Barry Andrews: Situations arise where parents, guardians or other persons acting in *loco parentis* are not available to give consent. Section 23ND(2) ensures that in such situations the HSE has the right to consent to a medical or psychiatric assessment, an examination and treatment. However, I brought forward an amendment to insert a new subsection (3) in section 23ND which ensures any consent given, had we not included the provision giving a right of consent to the HSE, remains valid. Therefore, the HSE's right to consent does not affect the validity of any decision on medical treatment lawfully made by any other person such as a parent, guardian or child. Contrary to the Senator's suggestion, it will not eliminate that right of consent. The guardian *ad litem* is not a relevant person in this context. For that reason, I am not accepting the amendment. The functions of the guardian *ad litem* are separate from issues of consent to medical treatment.

Amendment, by leave, withdrawn.

Amendment No. 40 not moved.

Bill recommitted in respect of amendments Nos. 41 to 47, inclusive.

Government amendment No. 41:

In page 52, line 23, after "detention" to insert the following:

"referred to in sections 23E(4)(i), 23E(8) and 23E(12)".

Government amendment No. 42:

In page 52, line 26, to delete "section 23E(4)(i)," and substitute "sections 23E(3)(i),".

Amendment agreed to.

Government amendment No. 43:

In page 52, to delete lines 49 and 50 and in page 53, to delete lines 1 to 10 and substitute the following:

"(4) The High Court may—

(a) vary the special care order or interim special care order to authorise the release of the child from the special care unit during the period for which the special care order

or interim special care order has effect for all or any of the purposes referred to in subsection (1),

(b) make such other provision and give directions in respect of the release under this section as the High Court, having regard to all the circumstances of the child, considers necessary and in the best interests of the child,

(c) without prejudice to the generality of paragraphs (a) and (b), vary the special care order or interim special care order for a specified period or a number of specified periods and may include terms and conditions as the High Court, having regard to all the circumstances of the child, considers necessary and in the best interests of the child,

and without prejudice to the generality of the foregoing where the release is for the purposes referred to in paragraph (a) or (b) of subsection (1) or for any other purpose for which the release of the child is required pursuant to section 23D, the variation shall be made in accordance with section 23D(3).”.

Amendment agreed to.

Government amendment No. 44:

In page 58, line 37, to delete “the risk it poses” and substitute “the risk such behaviour poses”.

Amendment agreed to.

Government amendment No. 45:

In page 59, line 20, to delete “subject to paragraph (a),”.

Amendment agreed to.

Government amendment No. 46:

In page 61, line 26, after “section 23NF” to insert “or 23NG”.

Amendment agreed to.

Government amendment No. 47:

In page 61, line 30, after “section 23NF” to insert “or 23NG”.

Amendment agreed to.

Bill reported with amendments.

Amendments Nos. 48 and 49 not moved.

An Cathaoirleach: Amendments Nos. 50 to 52, inclusive, are related and will be discussed together by agreement. Is that agreed? Agreed.

Bill recommitted in respect of amendments Nos. 50 to 52, inclusive.

Government amendment No. 50:

In page 65, line 23, to delete “following subsections” and substitute “following subsection”.

Deputy Barry Andrews: Amendments Nos. 50 to 52, inclusive, make it clear that section 36 of the Child Care Act 1991 does not apply to a child who is the subject of a special care order or an interim special care order.

Amendment agreed to.

Government amendment No. 51:

In page 65, line 24, to delete “Subject to subsection (5), a placement” and substitute “A placement”.

Amendment agreed to.

Government amendment No. 52:

In page 65, to delete all words from and including “has effect.” in line 28 down to and including “has effect.” in line 34 and substitute the following:

“has effect.”.

Amendment agreed to.

Bill reported with amendments.

Senator Alex White: I move amendment No. 53:

In page 66, to delete lines 20 to 26 and substitute the following:

“22.—Section 45 (as amended by the Act of 2004) of the Principal Act is amended by substituting the following section for section 45—

“45.—(1)(a) Where a child leaves the care of the Health Service Executive, the Executive shall, in accordance with subsection (2), assist him or her for so long as the Executive is satisfied as to his or her need for assistance and, subject to paragraph (b), he or she has not attained the age of 21 years.

(b) Where that person attains the age of 21 years, the Executive shall continue to provide such assistance until the completion of the course of education in which he or she is engaged.

(2)(a) The Health Service Executive shall assist a person under this section in one or more of the following ways—

(i) by causing him or her to be visited or assisted;

(ii) by arranging for the completion of his or her education and by contributing towards his or her maintenance while he or she is completing his or her education;

(iii) by placing him or her in a suitable trade, calling or business and paying such fee or sum as may be requisite for that purpose;

(iv) by providing a residential aftercare programme for him or her;

(v) by co-operating with housing authorities in planning accommodation for children leaving care on reaching the age of 18 years;

(vi) by arranging for any existing or emerging health care needs to be addressed by appropriate qualified persons;

(b) For the purposes of this section, the Minister shall prescribe the manner in which aftercare may be provided.

(4) In providing assistance under this section, the Executive shall comply with any general directions given by the Minister.

(5) For the purposes of this section, the reference in subsection (1)(a) to the care of the Health Service Executive includes special care provided under Part IVA (as amended by the *Child Care (Amendment) Act 2010*).”.”.

This issue was ventilated extensively on Committee Stage. There was wide agreement on the importance and the necessity of the provision of aftercare. There was residual disagreement on the extent to which it is necessary in every individual case, but, not to overstate matters, we reached a high level of agreement on the need to substantially improve the current position.

There is still controversy around the extent to which aftercare is necessary in every individual case. I understand the Minister of State's comment regarding the HSE that where aftercare is required, a programme and a plan is prepared and implemented. Other Members and I want that regime to be introduced on a statutory basis as that is the only way it can be guaranteed. We also want a means to monitor it and improve it if necessary in order that people may see the requirements and entitlements in black and white.

An article on the Bill, of which I am sure the Minister of State is aware, appeared in the February 2010 edition of the *Bar Review*. I recommend that all my colleagues read the piece by Diane Duggan. She makes a telling point on aftercare by comparing the situation in Ireland with that in England, Wales and Northern Ireland. She says that the relevant legislation in those jurisdictions contains provisions that aftercare must be provided in all cases. She makes the point, which many of us mentioned on the previous occasion we discussed the issue, that all the studies and the evidence point to the necessity for a robust and reliable system of aftercare to be made available.

Focus Ireland, Barnardos and others have been at the forefront in pressing for such a system. They point out that it is not academic as there is, unfortunately, a high level of homelessness among people who have been in care and they face many difficulties. I do not need to rehearse the starker and sadder cases that have been reported in recent times.

The debate on an important Bill such as this should not be an occasion for us to repeat rhetorically all of the awful things that have happened — terrible things have happened — but to see what we can do in the future to try to avoid some of these dreadful experiences. One practical thing the Minister of State could do is give effect to what I think he believes himself, that aftercare services should be available. This should be done by statute. I understood him to say this was the route he wished to take but that he considered this was not the Bill in which to do it. I am not sure where else we can do it. Is there another opportunity? This legislation provides the opportunity to do it and I do not see any amendments from the Government in this regard.

I again impress on the Minister of State the urgency attached to this measure. It is not just a small minority of children leaving the system who require aftercare services. It is a provision that must be strengthened considerably. I await the Minister of State's response.

Senator Ciaran Cannon: I second the amendment and support everything Senator White said. The general thrust of the legislation is to allow the HSE in many instances to act *in loco*

[Senator Ciaran Cannon.]

parentis for a child who is in such a vulnerable and weak position that he or she must be taken into special care. One hopes the same love and care one would give to one's own children would be given by the HSE to these children. No one would argue that a parent whose child reaches the age of 18 years somehow feels his or her life's work is done in caring for him or her and that he or she can now simply send him or her out into a difficult and often chaotic environment. However, that is exactly what happens to children in the care of the State.

I recall listening to an interview with one such child who is now a young adult. He recalled being in a special care centre and how at lunchtime on his 18th birthday a birthday cake had been produced for him. The others staying in the centre and the staff had gathered around and wished him well on his 18th birthday. That evening he was given his clothes and told he had to leave. No provision was made for what he should do the next day or in the following week or months. That treatment is simply unacceptable. I believe the Minister of State has good intentions. While I am not sure if we must address this issue in the context of this legislation or in the overarching general legislation, there is no question that we must address it and quickly.

Deputy Barry Andrews: As Senators said, we have had a widespread debate on this issue which continues to be a subject of analysis on my part. As I said previously, it is at the cutting edge of developments in this area for all the reasons we have discussed. I have received legal advice which confirms the view that we expressed in the implementation plan arising from the Ryan report, that the section 45 obligation is in substance mandatory. We said in the implementation plan that the provision of aftercare should form an integral part of care delivery for children in the care of the State. It should not be seen as a discretionary service or as a once-off event that occurs on a young person's 18th birthday. As Senator Cannon said, one would not leave one's own child out on the street when he or she turned 18 years. Historically, 21 years was considered the definitive age when the keys were handed over to the young person coming of age. In some jurisdictions 21 years is the age at which care comes to an end, not 18 years. That is something we should consider in years to come. The legal advice is that it creates a statutory power and the HSE, as recipient of this power, must put itself in a position where it can exercise the power should the need arise. Section 45(4) of the Child Care Act allows me to write to the HSE and instruct it in this or in any other regard. I intend to do this.

I note the amendment is much more detailed which I welcome, although I am not prepared to accept it today. I want further time to consider what other options we may have. This does not just relate to special care but would apply to all forms of care. Everything else we have been discussing today relates to special care, but this is an amendment to the original Act and, therefore, would apply to foster care, residential care and other State interventions of that nature. I am not accepting it today, but I am inclined towards further discussion. I will consider the advice I have received and what the options are in terms of ensuring this service is provided for everybody who needs it in the State.

Senator Alex White: Without being unnecessarily critical, that is essentially what the Minister of State said on Committee Stage. I do not doubt his commitment to this and entirely accept his *bona fides*, but the wheels of change move very slowly. The Minister of State will certainly have the support of my party for anything he can bring forward in this regard. I do not regard this as a matter of controversy which should be politicised in any sense by political parties. I cannot speak for Fine Gael, but, as far as my party is concerned, the Minister of State will receive our support in bringing forward such a measure. I am disappointed that he does not feel he is able to do something more today than he was prepared to do on the last occasion. The last occasion was positive, but things have not become more positive today in terms of where we will go next. The Bill will be brought before the Lower House. Does the Minister of

State consider he will have more to offer, announce or pledge when the Bill is taken in the Lower House? If that were the case, I would be pleased and welcome it.

I am concerned about the use of phrases such as “as the need arises” or “as the need is proven” which tend to creep into legislation. The extent to which it can be qualified and to which the entitlement or need is predicated on somebody making a decision as to whether it is needed means that, with the best will in the world, people will fall through the cracks. Assessments are made in good faith at the time by professionals, in which it is not possible for them to foresee things going wrong later. The whole point of aftercare is that it should be a system that kicks in at the age of 18 years and does not await the necessity for somebody to make a decision required in a particular case. I accept this is a big request for the service and in terms of funding, particularly in the current environment — I am aware I am pushing an open door with the Minister of State in terms of the argument — but based on what we have seen in recent months and years it is essential that this is brought forward. The only way to be sure in the provision of public services, particularly in an area such as this, that there will be delivery is to put it in legal form where people can see and understand it. By all means, have specific measures which the Minister of State might consider important not to qualify it but to manage it and determine how it should be provided. However, legislation is what is required and what the Minister of State is saying, while welcome, falls short of a commitment to bringing it forward. This is not an issue on which I wish to be divisive.

Deputy Barry Andrews: Things have moved on from when we started to debating the Bill in the Seanad. I have received advice from the Attorney General that it is in the nature of being mandatory. There are two stages. An assessment must be carried out of whether there is a need and once the need is established, the obligation is on the HSE to deliver a service. That is a long way from a simple discretionary service. It might fall short of the word “shall”, which is mandatory, but where the HSE establishes that there is a need, there is an obligation on it to provide. That is the strong advice we have received from the Attorney General’s office. It is an opinion we had ourselves in the Office of the Minister for Children and Youth Affairs, but on foot of requests from the Seanad for clarity, that is now the position. Therefore, it is actually much stronger. As well as this, we provided €1 million in financial support for aftercare in the 2010 budget.

It would be unfair to say nothing has changed since Committee Stage. We now have that in place as legal advice. It allows us to communicate with the HSE which is anxious to provide additional aftercare service. It also allows us to communicate with the HSE to clarify that position. All that remains for me is to ask a question I have. If it is the case that the interpretation of the section is as I have described it, why not take it out of the realm of interpretation and make it a literal obligation for the purpose of clarity? However, if one wants to come away from the legislative niceties, it seems we have moved on and we have a clarification of this discretionary power. It is like many discretionary powers. Once the need has arisen, the power given under the statute must be exercised by the HSE. That is significant progress. However, I repeat that I would consider looking at moving this out of the realm of interpretation into a more literal expression of the Oireachtas’s intention in this area.

Question, “That the words proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

Amendments Nos. 54 and 55 not moved.

Bill, as amended, received for final consideration and passed.

Message from Dáil

An Cathaoirleach: Dáil Éireann has agreed to the amendments made by Seanad Éireann to the Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009.

An Cathaoirleach: When is it proposed to sit again?

Senator Mary M. White: At 2.30 p.m. next Tuesday.

Adjournment Matters

Job Losses.

Senator Diarmuid Wilson: I welcome the Minister of State at the Department of Health and Children, Deputy Barry Andrews. If Senator O'Reilly arrives before I finish, may I share a few minutes of my time with him?

An Leas-Chathaoirleach: It is agreed.

Senator Diarmuid Wilson: On Friday last, 30 April, the joint administrators appointed by the High Court to Quinn Insurance Limited announced that there were to be 900 voluntary redundancies at Quinn Insurance. The biggest job losses, 305, will be in the Blanchardstown office which has a staff of approximately 800. The head office in Cavan town will lose 226 jobs out of the 700 there, with 121 going in the first phase. In Enniskillen, 179 jobs will go, with 87 going in the first phase. Navan was especially badly hit, with half the workforce, 109 out of 220, going there, and 37 will go in the first phase. In Manchester, 48 out of 100 jobs will go. The redundancy terms offered to staff will include four weeks' pay per year of service on top of the usual statutory entitlements and the joint administrators state that this will result in a saving of approximately €30 million per year for Quinn Insurance.

I welcome the fact that the joint administrators have made it quite clear that Quinn Insurance has a viable future. I again call on the regulator to act with haste, to stop the drip-feed approach that has been adopted by his office and to allow Quinn Insurance to open up the commercial end of its business in the United Kingdom.

Some 95% of the workforce in Quinn Insurance are employed on this island. It is vitally important that the remaining jobs at Quinn Insurance are protected and this can only be done if the regulator allows the joint administrators to start writing commercial business in the United Kingdom. Some 55% of the total business of Quinn Insurance is in Britain and Northern Ireland and 95% of the workforce are employed in this country. I appeal to the administrators to work hard to try to convince the regulator to allow them to start writing commercial business in the United Kingdom.

I was present yesterday at a meeting between the Minister for Enterprise, Trade and Innovation, Deputy Batt O'Keeffe, and a delegation from Quinn Insurance employees. He listened to their concerns and he outlined to them his proposals for providing supports necessary to allow them return to work as quickly as possible. I welcome the fact the Minister yesterday announced the appointment of Mr. Dan Flinter as the chairman of the inter-agency team which will attempt to help those people facing redundancy through no fault of their own. The inter-agency team will co-ordinate the activities of Enterprise Ireland, FÁS, IDA Ireland, the relevant county enterprise boards, the Department of Social Protection and the Department of Enterprise, Trade and Innovation. I am pleased to report that also in attendance at the meeting in Cavan yesterday was Mr. Colm McEvoy, chief executive officer of County Cavan VEC.

I am also aware that Mr. McEvoy has put a proposal to the Department of Education and Skills to deliver level seven and level eight degree courses at Cavan Institute of Technology, in conjunction with Athlone Institute of Technology. This is part of County Cavan Vocational Education Committee's effort to respond in a meaningful way to the extraordinary situation in which the employees of Quinn Insurance find themselves, 226 of whom are facing redundancy within the next 12 months.

I am impressed with the proposals of the Minister, Deputy Batt O'Keeffe, which he made yesterday. I impress upon him the need to progress these proposals with haste in an effort to facilitate the people concerned, the 900 Quinn Insurance employees, 226 of whom are in Cavan town and facing redundancy through no fault of their own. I impress upon the Minister the need for urgency in this regard.

Minister of State at the Departments of Health and Children, Education and Science and Justice, Equality and Law Reform (Deputy Barry Andrews): I thank Senators Wilson and O'Reilly for raising this matter which I take on behalf of my colleague, the Minister for Enterprise, Trade and Innovation, Deputy Batt O'Keeffe.

In recent weeks the Minister has been in close and regular contact with the State agencies, the Quinn Group employee representatives and local public representatives, including Senator Wilson, across the political parties. That process of intensive engagement meant the Minister could immediately activate a co-ordinated emergency Government response. He has established an inter-agency team comprising Enterprise Ireland, FÁS, IDA Ireland, the relevant county enterprise boards, the Department of Social Protection and his departmental officials. Yesterday, the Minister announced that the former chief executive of Enterprise Ireland, Mr. Dan Flinter, is to chair the inter-agency team in order the Government can put every support in place in responding to the needs of all those affected. He made the announcement following a meeting in Cavan with worker representatives of the company. Mr. Flinter's appointment is a strong signal of the importance the Government attaches to a co-ordinated and effective response to the voluntary redundancies in Quinn Insurance.

The primary focus of the inter-agency response team will be to support the affected employees to explore their options as to employment, setting up a business, education options and to outline the supports and training available to them. The first meeting of the inter-agency response team was held in Cavan on Friday, 30 April and it met again in Cavan on 5 May. With the Minister for Agriculture, Fisheries and Food, Deputy Smith, the Minister, Deputy Batt O'Keeffe, met the joint administrators on 30 April and he met worker representatives yesterday.

Dedicated information centres staffed by the agencies are being established on-site in Cavan, Navan and Blanchardstown to support the affected workers. Staff briefing sessions will be held in Cavan, Navan and Blanchardstown to outline the supports available through Enterprise Ireland, FÁS and the county enterprise boards. A series of business start-up workshops will be run by Enterprise Ireland and the county enterprise boards in Cavan, Navan and Blanchardstown, for those thinking of starting a business.

Enterprise Ireland is in communication with Quinn Insurance regarding the most appropriate and practical measures by the agencies concerned while also ensuring continuation of normal business at the locations affected. The agency will run briefings for the affected staff on the supports it can provide. Enterprise Ireland will also hold one-to-one clinics with individuals interested in starting a business.

The county and city enterprise boards have made themselves available to liaise with those considering self-employment or establishing their own micro-enterprises. I know the boards in the Meath, Cavan and Fingal areas are working together to provide an appropriate co-ordinated response to the announcement of the job losses at Quinn Insurance. The boards will

[Deputy Barry Andrews.]

endeavour to provide every support possible for those directly affected by this unfortunate situation who wish to establish a business or who just wish to explore the possibilities of self-employment. IDA Ireland will participate in all group endeavours to minimise the impact of the recent announcement. The agency will establish the range of skills currently in the company and will actively market these skills to all potential investors. Mr. Dan Flinter will have a major role to play in this regard.

The Minister has already been in contact with his Northern Ireland counterpart, Ms Arlene Foster MLA, with regard to the drawing down of European Union funding under the cross-border INTERREG programme for training initiatives and start-up business supports in the affected areas. Officials on both sides met on 4 May and they are now working on a funding proposal which will be submitted to the INTERREG programme when the next call for proposals is made in September.

FÁS will be making direct contact with the administrators and company management to discuss the services available from FÁS and the potential needs of the employer. It is important to establish how best FÁS can assist workers. Following this initial contact, an assessment will be made in relation to the level of FÁS intervention required. The Tánaiste and Minister for Education and Skills has already agreed that €1 million of the special fund for activation measures will be ring-fenced to fund upskilling activities for the Quinn employees affected.

The Senators will be aware that a key element in safeguarding the long-term viability of Quinn Insurance and in protecting the remaining jobs is the re-opening of its UK business, as Senator Wilson mentioned. In this regard, the decision by the Financial Regulator to allow the remainder of the private motor insurance business to reopen from 30 April is welcome.

The administrators are working on a proposal for the reopening of commercial lines of business in the United Kingdom which they will present to the Financial Regulator within the next ten days. Before making any decision on this matter, the Financial Regulator will have to be satisfied that any proposals stand up to scrutiny and are supported by robust and detailed information, actuarial analysis and pricing. As part of this approval process the UK Financial Services Authority will also have to be satisfied with the proposals.

These are difficult and uncertain times for the employees at Quinn Insurance. I assure the Senators and the workers and communities affected that the inter-agency team established by the Minister will give every support to assist the employees who lose their jobs and to create new employment opportunities for the people affected. I thank the Senators for raising this important issue.

Senator Diarmuid Wilson: I reiterate that time is of the utmost importance in getting the UK insurance part of the business open as quickly as possible as so many jobs depend on it. I welcome the fact the Minister has stated his office has been in contact with Ms Arlene Foster in Northern Ireland and that discussions are at an advanced level for application to draw down INTERREG funding at the earliest date possible which is next September.

On a point of clarification, is the €1 million being set aside in the labour programme activation fund in addition to the existing budget under that heading?

Deputy Barry Andrews: The Tánaiste and Minister for Education and Skills has already agreed that €1 million of the special fund for activation measures will be ring-fenced. It is part of the existing fund that will be ring-fenced to fund upskilling and activities for the Quinn Group employees affected. As Senator Wilson pointed out, the key will be ensuring the UK business is allowed to return to the greatest level of activity possible in order to make the business as viable as possible and retain as much employment as possible. The indication is that in the next ten days or so the regulator will be able to determine that matter in consultation with his UK colleagues.

Community Enterprise Centres.

Senator John Paul Phelan: The matter I wish to raise concerns community enterprise centres. For many years they performed valuable work in their communities but many of them are now struggling to meet their costs and in keeping their facilities open. It is important the Government has some plan in place to support them.

From time to time Members get hung up — rightly so — about large employers in regions such as the Quinn Group. While I sympathise with and support Senator Wilson's sentiments about the Quinn Insurance workers, as raised in the last Adjournment Matter, it must be remembered that community enterprise centres provide as many jobs as that company does, albeit spread across the Twenty-six Counties. Up to 4,300 people are employed in up to 1,500 enterprises which are supported and housed in community enterprise centres, with over 13,000 jobs created in the past 15 years by businesses based in such centres. These centres are often a focal point for local businesses, ranging in size from large ones based in urban areas to smaller ones based in villages. They perform a valuable social role in provincial Ireland. Their facilities are often used by State agencies such as FÁS to provide training schemes in individual areas.

A recently commissioned report by the National Association of Community Enterprise Centres, *Review of the Operation of Community Enterprise Centres 2010*, highlights how occupancy rates in community enterprise centres have fallen dramatically in the past two years. In February 2008, 56% of centres had a 90% occupancy rate, which had dropped considerably to 22% two years later, a fall-off symptomatic of our current economic difficulties.

The report also found that only 50% of centres surveyed had received an operational subsidy from a State agency, while only 21% were in receipt of Enterprise Ireland operational grants, a surprisingly low figure. There seems to be no consistency in regulation of the sector between the various county enterprise board areas.

The report outlined a series of suggestions as to how the Department of Enterprise, Trade and Innovation might help the centres through their difficulties. I hope the Minister of State will have some positive news in this regard.

Following the European Parliament election campaign, I am familiar with the work of the Arklow Business Enterprise Centre, in a town ravaged more than most by unemployment in the past two years. It is trying its best to provide a unique facility for start-up businesses in that employment black spot. Will the Government support this valuable indigenous sector? The small and medium-sized enterprise sector and indigenous industry will be pivotal in our economic recovery and getting us out of the mess in which we find ourselves.

Deputy Barry Andrews: I thank Senator John Paul Phelan for raising this matter on the Adjournment which I am taking on behalf of my colleague the Minister for Enterprise, Trade and Innovation, Deputy Batt O'Keeffe.

Enterprise Ireland's community enterprise centre scheme has provided significant funding to facilitate the development of community enterprise centres aimed at providing a physical and human support network for emerging entrepreneurs and micro-industry at the community level. The scheme enabled entrepreneurs to establish, provide employment and grow their businesses in their locality.

Since the launch of the first scheme in 1989, a total of €60.4 million has been approved. The programme's impact is visible and has led to the development of 134 centres, of which 105 have been completed. The balance is either under construction or comprises recent approvals. A 2009 survey of the 105 built centres, which had a 95% completion rate, showed the 100 centres that replied to the survey are housing 901 companies providing employment for 4,870 people. A further 760 companies, employing approximately 2,900 people, have graduated from the community enterprise centres since the first centre was built under the 1989 scheme.

[Deputy Barry Andrews.]

The term “graduated companies” refers to companies that have grown to a capacity that they do not require the guidance and management of their local community enterprise centre and are financially strong enough to lease private space. Some 56 of these companies have since become clients of Enterprise Ireland and 79 are clients of the county enterprise boards.

Several centres which were approved funding have yet to commence building works. In total, there is an estimated €6.15 million in capital grants to be drawn down in 2010 by approved applicants with further funding to be drawn down in subsequent years.

Support is also being provided towards the employment of business development managers for the centres whose role will be to promote and develop entrepreneurship in the wider community, along with supporting and advising in the development of businesses located in their centres. Support of up to 50%, or €50,000, whichever is the lesser, is provided towards the recruitment of a centre manager. Up to 26 centres have availed of this support to date but many have yet to draw down the funding approved.

Enterprise Ireland has also co-funded a postgraduate course in Waterford Institute of Technology in association with the development managers to aid them to scale up their business development skills and officially qualify them to aid small and medium-sized enterprises and micro-industry in their localities. This qualification is a postgraduate diploma in enterprise development and was rolled out in the academic year from September 2008 to June 2009. The agency is in discussion with Waterford Institute of Technology to roll out another course commencing in September.

The agency has also facilitated the establishment of a network for community enterprise centre managers, including the third level campus centre managers, in the community enterprise centres. These networks help to strengthen the overall community groups in the development of their centres, in the sharing of information, as well as in the achievement of scale in some of their activities to the benefit of the local communities.

Enterprise Ireland meets this network regularly to discuss the centres’ sustainability, marketing and the best methods of attracting small and medium-sized enterprises and micro-industry at a national level. The agency will also contribute €10,000 each year to the National Association of Community Enterprise Centres for development of the areas mentioned.

The Minister is confident the activities being pursued by Enterprise Ireland, in partnership with the other key players involved with the development of the centres, will help to drive enterprise development in their localities. The agency will continue to work closely with the centres to ensure their continued success in creating employment in their local communities.

Senator John Paul Phelan: I do not know why there is a difference between the Minister of State’s figures and mine. Perhaps his figures refer specifically to the 21% of centres which receive Enterprise Ireland funding.

I note the €10,000 grant to the National Association of Community Enterprise Centres. While I accept this is a time of scarce resources for the Government and choices must be made, the number one choice must be to sustain jobs and get people back to work. Job losses are not just a disaster for individuals and communities but also for Revenue in lost taxation and increased spending on social welfare. More investment in job protection and creation is needed and, in this regard, supporting the community enterprise centres would be money well spent. I ask the Minister of State to relay my thoughts in that regard to the Minister and the Department.

Deputy Barry Andrews: I undertake to do so. The community enterprise centre draws on the concepts of social entrepreneurship and social capital which were buzz words some years ago but are still relevant today. The Senator has acknowledged that there are priorities, but

we would be foolish to ignore the benefits that have accrued in this area. I will relay these messages to the Minister.

Bóithre Straitéiseacha.

An Leas-Chathaoirleach: I welcome the Minister for Community, Rural and Gaeltacht Affairs, Deputy Carey.

Senator Brian Ó Domhnaill: Tá lúcháir orm an Aire, an Teachta Pat Carey, a fheiceáil anseo sa Teach, tar éis dó bheith ceaptha mar Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta. Déanaim comhghairdeas leis. Is onóir mór é sin. Tá tábhacht faoi leith ag baint leis an Aireacht sin, go háirithe i gceantracha Gaeltachta ar nós an cheantar i nGaeltacht Dhún na nGall ina bhfuil mé i mó chónaí. Tá lúcháir orm deis a bheith agam an ábhar seo a ardú tráthnóna inniu. Baineann sé le bóthar straitéiseach i nGaeltacht Dhún na nGall, ó baile Croithlí in aice leis an N56 go dtí Aerphort Dhún na nGall. Tá an bóthar thart ar ocht nó deich míle in fhad. Téann sé fríd baile Anagaire agus an Mullach Dubh sula chasann sé isteach go dtí Aerphort Dhún na nGall. Tá tábhacht faoi leith ag baint leis an bóthar réigiúnach seo, de bhrí go mbíonn oiread sin carranna agus feithiclí eile ag taisteal ar an mbóthar isteach agus amach go dtí an aerphort, go mbíonn an daonra mór atá in iarthar na Rosann ag taisteal ar an mbóthar go laethúil agus go mbíonn turasóirí ag freastal ar an taobh sin tíre.

Cé go bhfuil an bóthar aitheanta ag Comhairle Contae Dhún na nGall i mbliana mar an dara príomhacht i gceantar na nGleannta faoin scéim atá curtha ar fáil ag an Roinn Iompair — scéim deontais comhaoinithe an Aontas Eorpach — níl aon airgead ar fáil chun dul ar aghaidh leis an bóthar i mbliana. De réir cosúlachta, is iad na chéad príomhachtaí i ngach cheantar a fuair airgead. Ní bhfuair an bóthar seo aon airgead. Bhí meastachán de thart ar €345,000 ar fáil don chomhairle chontae i mbliana. Bhí innealtóirí bóithre an chomhairle ag rá go mbeadh sé deacair an t-airgead sin a cheadú i mbliana. Tá go leor den réamhobair déanta le roinnt blianta anuas. Dá mbeadh an t-airgead sin ar fáil anois, bheadh na hinnealtóirí in ann dromchlaí úra a chur ar na píosaí bóithre atá leathnaithe. Sa chás sin, bheadh na bóithre i bhfad níos sábháilte.

Tuigim go bhfuil brú airgid ar gach Roinn Rialtais faoi láthair. Ag an am céanna, measaim gur chóir don Rialtas breathnú ar airgead a chur ar fáil don bóthar seo, a fhreastalaíonn an aerphort idirnáisúnta — an t-aon aerphort sa chontae. B'fhéidir nach bhfuil freagra ag an Aire inniu ach más féidir breathnú ar an iarratas seo, beidh mé buíoch. Nuair a bheidh an Aire i Dhún na nGall i gceann roinnt seachtaine nó roinnt míonna, b'fhéidir gur féidir leis cuairt a thabhairt ar an mbóthar seo chun é a fheiceáil. Ba mhaith an rud é go ndéanfaí plé ar airgead a chur ar fáil i mbliana chun dul chun cinn a dhéanamh leis an obair atá tosnaíthe ar ceann de na bóithre réigiúnda is tábhachtaí sa chontae. Tá ceist sábháilteachta i gceist, os rud é go mbíonn an oiread sin carranna agus feithiclí ag taisteal ar an mbóthar gach lá. Caithfear an bóthar a uasghrádú freisin de bhrí na bhfeithiclí a bhíonn air gach lá.

Tá pleananna ag Aerphort Dhún na nGall chun an rúidbhealach a shíneadh. Tá sé mar sprioc ag an aerphort níos mó custaméirí a fháiltiú fríd na doirse gach bliain. Tá líon na gcustaméirí ag ardú bliain in aghaidh bliana. Tá seirbhísí ó Áth Cliath agus Glaschú na hAlban go dtí Aerphort Dhún na nGall. Tá na spriocanna éagsúla atá ag an aerphort fite fuaite le cheist an bhóthair. Tá súil agam gur féidir airgead Stáit a chur ar fáil, ón Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta más féidir, chun an bóthar seo a thabhairt suas go dtí caighdeán inghlactha sa lá atá inniu ann.

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): Gabhaim buíochas leis an Seanadóir Ó Domhnaill as an rún seo a ardú. Níl aon amhras ach gur cuid an-thábhachtach d'infreastruchtúr Chontae Dhún na nGall é Aerphort Dhún na nGall sa Charraig Fhinn agus an bóthar réigiúnach — an R259 — a dhéanann freastal air. Measaim go bhfuil sé

[Deputy Pat Carey.]

tráthúil an deis seo a thapú chun léargas ginearálta a thabhairt ar an infheistíocht shubstantiúil atá déanta ag mo Roinn le roinnt blianta anuas chun feabhas a chur ar infreastruchtúr Ghaeltacht Dhún an nGall i gcoitinne. Nuair a thógtar na scéimeanna feabhsúcháin éagsúla a fheidhmíonn mo Roinn go sonrach ar mhaithe le hinfreastruchtúr na Gaeltachta a fheabhsú, ar a n-áiríom scéim na mbóithre straitéiseacha, scéim na mbóithre áise, athnuachán baile, scéim na muiroibreacha do chéanna straitéiseacha agus chéanna beaga, agus scéimeanna uisce, feictear go bhfuil infheistíocht i bhfoirm deontas de os cionn €22 milliún déanta ag mo Roinn i nGaeltacht Dhún na nGall ón mbliain 2002. Bhain €13.6 milliún den tsuim iomlán seo le scéim na mbóithre straitéiseacha. Is scéimeanna tábhachtacha iad seo ar fad don Ghaeltacht.

Mar is eol don Seanadóir, bhí go leor feabhais le cur ar infreastruchtúr Ghaeltacht Dhún na nGall chun é a thabhairt go dtí caighdeán sásúil. Is cúis sásaimh agus bróid é an méid atá curtha i gcrích ag mo Roinn sa tréimhse seo. Tá a fhios agam ó na tuairimí atá nochtaithe dom sa tréimhse ghairid atá caite agam i mbun na hAireachta seo, go bhfuil pobal na Gaeltachta an-bháúil leis an méid atá curtha i gcrích ag mo Roinn chun bonn láidir a chur faoi infreastruchtúr agus eacnamaíocht na Gaeltachta araon. Is fiú aird a tharraingt freisin ar an infheistíocht fhiúntach atá déanta thar na blianta trí scéimeanna eile faoi choimirce mo Roinne féin, ar nós CLÁR, Leader, cláracha forbartha pobail agus scéimeanna oileán. Ar ndóigh, cuireadh tacaíocht fhiúntach ar fáil trí Ranna agus eagrais eile, ar nós Údarás na Gaeltachta, Meitheal Forbartha na Gaeltachta agus Comhairle Contae Dhún na nGall, ach go háirithe.

Dírím anois ar an cheist shonrach atá curtha ag an Seanadóir maidir leis an mbóthar réigiúnach a dhéanann freastal ar Aerphort Dhún an nGall. Ar an gcéad dul síos, ní mór a shoiléiriú go bhfuil an fhreagracht maidir le cúram an bhóthair agus bóithre réigiúnacha eile an chontae ar Chomhairle Chontae Dhún an nGall. Thionscnaigh mo Roinn scéim na mbóithre straitéiseacha chun dlús a chur leis an sprioc go mbeadh rochtain d'ardchaighdeán curtha ar fáil go dtí gach príomhcheantar Gaeltachta sa tír. Ón mbliain 2002, mar sin, tá deontas de bhreis ar €2 mhilliún curtha ar fáil ag mo Roinn don bhóthar áirithe seo. Ceadaíodh an deontas deireanach de €200,000 ar 14 Bealtaine 2007 agus tá an obair go léir ab ábhar don deontas seo curtha i gcrích anois.

Tuigeann an Seanadóir an cúlú eacnamaíochta atá tarlaithe le dhá bhliain anuas, ar bhonn domhanda agus náisiúnta, agus an laghdú dá réir is gá a dhéanamh ar an soláthar airgid a chuirtear ar fáil do Ranna Stáit ón Státchiste. Tá €2 mhilliún curtha ar fáil i Meastachán 2010 chun caitheamh ar infreastruchtúr Gaeltachta i mbliana. I bhfianaise na ngealltanais agus na dtosaíochtaí éagsúla a gcaithfear freastal orthu, ní féidir liom geallúint a thabhairt ag an phointe seo go mbeidh airgead breise anuas ar an infheistíocht mhór atá déanta cheana á chur ar fáil i mbliana don bhóthar áirithe seo, nó do bhóithre eile mar é, ach is cinnte go gcoinneoidh mé an cás faoi bhreithniú i gcaitheamh na bliana.

In ainneoin na ndúshlán eacnamaíochta a gcaithfear dul i ngleic leo, ba chúis mhór sásaimh é an infheistíocht mhór de €2.4 milliún a d'fhógair mo chomhleacaí, an tAire Iompair, an Teachta Noel Dempsey, chun oibreacha feabhsúcháin a dhéanamh ar Aerphort Dhún na nGall. Is léiriú dearfach eile é seo nach bhfuil an Rialtas ag déanamh neamhairde ar riachtanais fhorbartha Ghaeltacht Dhún na nGall.

Ba mhaith liom arís mo bhuíochas a ghabháil leis an Seanadóir Ó Domhnaill. Geallaim leis go bhfuil mé toilteanach a chás a scrúdú arís nuair a bheidh mé ar thuras go Gaeltacht Dhún na nGall go luath. Beidh mé báúil don chás. Más féidir cabhair a thabhairt don chomhairle agus don Ghaeltacht, beidh mé sásta é sin a dhéanamh.

Senator Brian Ó Domhnaill: Go raibh maith agat.

The Seanad adjourned at 1.40 p.m. until 2.30 p.m. on Tuesday, 11 May 2010.