

SEANAD ÉIREANN

Dé Máirt, 18 Bealtaine 2010.
Tuesday, 18 May 2010.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Business of Seanad

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

The need for the Minister for Tourism, Culture and Sport to outline when the arts in education sub-committee report arising from the Arts Act 2003 will be published and acted upon.

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

The need for the Minister for Health and Children to make a statement on current and future rehabilitation services in Cork.

I have also received notice from Senator David Norris of the following matter:

The need for the Minister for Foreign Affairs to take a strong stand against the use of depleted uranium weapons.

I have also received notice from Senator James Carroll of the following matter:

The need for the Minister for Health and Children to intervene to ensure the immediate opening of the emergency department in Our Lady of Lourdes Hospital, Drogheda, County Louth.

I regard the matters raised by Senators Keaveney, Buttimer and Norris as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. I regret that I have had to rule out of order the Adjournment matter raised by Senator Carroll as it is repetitious.

Order of Business

Senator Donie Cassidy: The Order of Business is No. 1, statements on the role of the Broadcasting Authority of Ireland, to be taken at the conclusion of the Order of Business, on which spokespersons may speak for 15 minutes and all other Senators may speak for ten minutes and Senators may share time, by agreement of the House, with the Minister to be called upon ten minutes before the conclusion of the debate for closing comments and to take questions from spokespersons and leaders.

Senator Frances Fitzgerald: We meet on a day when there has been devastating news for families and individuals who will lose jobs following today's announcement by Pfizer that 800 jobs will be shed. This is devastating news for those involved. We had hoped the pharmaceutical industry would be a cornerstone of recovery, but the lesson of the devastating news today is that we need to focus on the issues relating to job creation. The Government needs to focus on job creation, look at competitiveness issues and ensure money is lent to businesses, as there are still huge issues to be resolved. These are the barriers and challenges we face. Today's news is shocking for the country and the economy.

I want to raise another issue on which leadership is required. It is one we discussed in the House previously, namely, the Government's leadership in dealing with the banks. While many people struggle to maintain their jobs, once again the banks are topping up pensions. It is now being done in a new way, through cash allowance top-ups. The Minister must come to the House to explain why this is continuing and the cap is being breached. This is a difficult time for people who are joining the dole queues and to see this type of activity in the banks is very disheartening. It fuels a sense of injustice and inequality at a time when everybody is struggling, with people working hard to try to keep their jobs and pay their mortgages. The Minister must come to the House to explain why this is happening and he has allowed it to happen under his stewardship at a time when the taxpayer is giving so much money to the banks. Surely these lessons should have been learned. We should not see this manoeuvre by the banks. I, therefore, propose an amendment to the Order of Business, that the Minister for Finance be invited to the Seanad to discuss this issue.

Senator Joe O'Toole: The matter I wish to raise is one I have brought to the Leader's attention previously. The lack of legislative business both last week and this week and for the foreseeable future is worrying for both Houses. I do not point the finger, however, at the Leader, as I am aware of how hard he works to have legislation introduced in this House. However, I do point it at the Government, as there is something wrong in that a raft of legislation has been promised. Last year we were promised that the companies consolidation Bill would be before the House last autumn; we were then told it would be before it this spring, but it has not arrived. The local government consolidation Bill is also long overdue and I do not know where is the Seanad reform Bill. An education patronage Bill and many other Bills have been promised.

When the Leader inquires about this matter, he will be told that the draftspeople are tied up with this, that or the other Department, but the reality is that there is a shortage of draftspeople. Legislation is more important than the Government embargo on recruiting staff. We should focus on the lack of legislation and demand that the Government ensure there are enough draftspeople to deal with pending legislation. We received a list of promised legislation and must deal with it. There will be two legislative measures before the House this week, one courtesy of these benches. There was only one Bill before the House last week. There is also little legislation before the Dáil. As that is not the way we should do our business, I ask the Leader to tackle the issue.

Last week and during the weekend the question of what the Government intended to do on the issue of old age pensions came to the fore. The matter has been handled disgracefully and unfairly, causing unnecessary pain, worry and hardship to those who depend on pensions. The Government should be clear about the issue. It should not have raised it in the public discussion, thus causing sleepless nights for persons who have made their contribution to their families, communities, society and the economy. They deserve better. If the Government intends to do something in this area, it should give a clear indication in order that people can prepare for it.

I would oppose reducing the pension, as would any right thinking person. I, therefore, ask the Leader to bring to the attention of the Government the fact that this course would not reflect the views of elected public representatives. If money must be saved, the Government found ways of doing it last year and can examine other ways this year. However, it is unfair that people who had no hand, act or part in causing the economic mess in which we find ourselves should be forced to bear the burden. The Leader should take this issue on board and ask the Government to give a clear commitment to old age pensioners that they need not worry about this issue for the next seven months.

Senator Alex White: With regard to legislation, I suspect we will motor along at our current pace, but from about the third or fourth week of June——

Senator Joe O'Toole: That is right.

Senator Alex White: ——to the middle of July, when the Houses will go into recess, there will be a torrent of legislation. Last year in July there were five or six Bills from the Department of Justice, Equality and Law Reform in a period of ten days. I do not blame the Leader, but it is an extraordinary way for the Government to run the business of both Houses. I am resisting the collapse into cynicism about which I spoke last week, but this has occurred for the last few years and I strongly suspect it will happen again this year, unless somebody can reassure us to the contrary.

With regard to the Honohan report being prepared on the banking system, can the Leader give an indication of the timetable for its production? It is interesting to note that last week the Taoiseach — to the extent that he did so, I welcome it — appeared to move from the narrative of “we are where we are” and made an attempt to recognise the significant contribution he himself and Governments of which he had been a member had made to the situation at which we had arrived, where we were close to the verge of bankruptcy. In order that we are clear on what I am saying, I merely refer to his contribution and role, as people get carried away by what they believe are exaggerated criticisms of the Taoiseach; I am not saying he was entirely responsible. He played a significant role, for which he must answer. I, therefore, want to know when the Honohan report will be published and whether we can have a debate on it in the House.

We should include in that debate the remarkable statement made last week by the Taoiseach's immediate predecessor, Deputy Bertie Ahern. It was truly remarkable, but it did not receive much attention. When talking about tax incentives, he agreed that they should have been got rid of much sooner. He went on to state, “there were always fierce pressures ... there was endless pressure to extend them.” He stated the pressure had come from developers, the owners of sites, areas that had not seen development, community councils, politicians and civic society. That is an extraordinary statement that should be subject to scrutiny. When we talk about having debates about politicians and the noble profession of politics, as I believe it is, we also must look at the responsibilities of a Government and politicians in government. The people are entitled to expect more of a Taoiseach or Minister that, when he or she is put under pressure, whether it be “fierce pressure” or “endless pressure”, by developers or the owners of sites, he or she will withstand it, when it is appropriate to do so. We need developers and builders and while I am prepared to accept and have no difficulty in accepting that they are perfectly entitled to meet Ministers, officially and formally, I expect more of Ministers, that they will not roll over and do the bidding of such individuals when they seek to apply pressure, whether it be “fierce pressure” or “endless pressure”, which words are not mine but those of the former Taoiseach.

Senator Dan Boyle: I ask that the Minister for Enterprise, Trade and Innovation, Deputy Batt O’Keeffe, come to the House at the earliest opportunity to outline the Government’s approach to today’s announcement by Pfizer that it proposes to lay off staff in Newbridge, Dublin and, most particularly, Cork, involving the loss of 785 jobs, or approximately 15% of the company’s workforce of 5,000. While we should be grateful for the way in which the announcement has been made in that the lay-offs are to occur over a period of 18 months to five years which gives us an opportunity to find replacement industry and provide for retraining and in which perhaps they may even be an upturn in the international sector which would allow some of the jobs to be retained, there is an onus on the Minister to come before the House to outline the Government’s plans. While I appreciate that he is deeply involved in the public announcement today, I ask that he avail of the earliest possible opportunity to come before the House.

Senator Maurice Cummins: Last Tuesday we witnessed a peaceful protest outside Leinster House which was hijacked by a number of thugs, many of them operating under the Socialist Workers Party banner. It is important that anyone who recognised anybody in the group should inform the Garda. Any Member of this House who knows anybody who was involved in attacking gardaí and members of staff has a duty to give that information to the Garda, as I have done. I viewed not only the footage carried on TV3 but also other footage not shown on our television screens in which sticks and banners were used to beat gardaí at the protest. It was far more vicious than what we had seen. The Leader should ask the Superintendent and the Captain of the Guard to ensure adequate protection will be afforded to members of staff and that there will be a sufficient number of gardaí to police such events in the future. I am totally in favour of a right to engage in peaceful protest; however, it is a disgrace that there are these hangers-on and thugs who latch onto those engaged in peaceful protests. It is something we must weed out.

I support Senator O’Toole’s point about the shortage of legislation before the House this week. It is disgraceful. The Order Paper shows Bills listed but which are not before the House to be dealt with. The reason is a lack of Government will to have these Bills before the House to be debated properly rather than debated in the last weeks, as has been stated by Senator White. We all know this is what will happen. It is unacceptable for the House to be asked to rush legislation, as has been the case on numerous occasions. I hope the Leader will address this situation.

Senator Martin Brady: With regard to old age pensioners I agree with my comrade, Senator O’Toole. I have had a number of queries from many old age pensioners who are very worried and concerned. They are a very vulnerable section of society and they do not have anyone to speak up for them. We should have learned our lesson about tackling the aged. There are other sections of society such as the fat cats, so hands off old age pensioners. Fianna Fáil has always looked after the vulnerable in society and this is well known and recognised. I ask that the Minister come to the House to explain what this is about so that my confidence can be justified.

Senator David Norris: I second the amendment to the Order of Business. It is very important to have debates on the economy. If the Minister is able to come to the House — I hope he will be able to come — we should discuss the ratings agencies. I have been talking about this and so have other colleagues and it has now belatedly come to the attention of the European Union. Hedge funds are going to be addressed by the European Union, belatedly. At the weekend I heard the Director of Public Prosecutions, James Hamilton, saying we needed legislative change, in fact, possibly even constitutional change. It is pathetic that the House has no legislation to consider for the whole week. We just have statements——

Senator Donie Cassidy: That is not true.

Senator David Norris: It is really disturbing. There may be a few little bits and pieces, some of which comes from the Independent benches. We are contributing legislatively this week at least as much, if not more, than the Government, and that is ludicrous.

I note Mr. Hamilton said we may need, in certain circumstances, to move white collar crime to non-jury courts with panels of expert judges because such cases could take a year and they contain very intricate matters. This is a worrying issue which needs to be addressed.

The Labour Party introduced a Bill in the other House so the work is already done and it is not a question of not having it drafted. That Bill should be put before the House to have it discussed. If the Government wishes, it can amend it.

I also raise a matter in which the “Liveline” programme, Joe Duffy’s show, has caught up at last with the Oireachtas. More than a year ago I raised in the House the question of NCP, the buccaneering clampers who go around fair cities clamping people on private land. A series of people have had the same experience I have had, a kind of a honey trap set up by the clampers in association with the proprietors of the building, with no real legislative framework and under which they charge any amount they dream up. They claim they have an appeals authority but one is appealing to NCP and of course they are very unlikely to give one anything back. This is a matter of widespread concern to citizens and it is spreading now to institutions. The United Kingdom introduced legislation to curb it and so did Scotland, but we have done nothing even though I raised it at that time. There are many legislative gaps to be filled.

Senator Paschal Mooney: I thought for a moment when Senator Norris was referring to Joe Duffy catching up with the Oireachtas that he was referring to the Terry and Fintan show from last Friday, but obviously not.

An Cathaoirleach: We are not dealing with the Joe Duffy show now.

Senator Paschal Mooney: I refer to the RTE programme “Prime Time Investigates” shown last night. It was an excellent example of public service broadcasting at its best, thoroughly investigating its subject matter, well researched and professionally presented. The programme highlighted the serious issue of the illegal dumping of hundreds of thousands of worn tyres throughout the country. Those breaking the law often use subterfuge by suggesting to the people they collect tyres from that they will be recycled. In the Leader’s constituency, there is a mountain of worn tyres just off the main street in Delvin.

Senator Donie Cassidy: The programme looked at other towns in Ireland too.

Senator Paschal Mooney: The programme showed footage of a tyre fire in Campsey, County Derry, and the toxic fumes it caused. In England, people have been jailed for this sort of illegal dumping.

Will the Leader invite the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to the House to debate this matter? He appeared on last night’s programme. I have every sympathy for him as he introduced measures two years ago to allow the industry to be self-regulating. It plainly has failed as he said last night.

This is a serious issue because it affects towns and villages throughout the country. If any of those tyre mountains were to go on fire, the resultant toxic fumes alone, apart from other collateral damage, could have a serious effect on people’s lives and health. Coillte has to deal with the illegal dumping of worn tyres on its properties, the removal of which costs the taxpayer

[Senator Paschal Mooney.]

€750,000 a year. This is an important issue which requires legislation. Will the Leader ask the Minister to attend the House to outline his proposals for dealing with the matter?

Senator Eugene Regan: I regret the job cuts announced today by the pharmaceutical company, Pfizer, which already employs 5,000 people in the country. This sector is seen as fundamentally important to our export performance and maintaining a strong manufacturing base. I also regret the closure of its plant in Dún Laoghaire which is important to the area. It reflects the lack of direction in the Government's key economic proposals concerning enterprise, controlling the public finances and restoring credibility to economic policy which are needed to encourage and attract foreign investment.

Another protest on Leinster House this evening has been well announced by the media. We had the criminality of last week's protest in which, as Senator Cummins earlier stated, gardaí were attacked. There is an indulgence by the media of the extreme elements, such as the Socialist Workers and others, in these groupings.

Senator Cecilia Keaveney: Hear, hear.

Senator Eugene Regan: There are groups which are legitimately protesting but are hijacked by an extreme element which has a political philosophy contrary to what most people believe in. In essence, it is about State ownership of all means of production, raising taxes and rejecting the democratic system in which governments are changed in elections and not otherwise. It is important, therefore, people do not indulge these extreme elements and identify the philosophy they purport to advance in protests outside Leinster House and elsewhere.

Senator Ivor Callely: I support the call for a debate on job creation at a suitable time. I congratulate the Minister for Enterprise, Trade and Innovation, Deputy Batt O'Keeffe, on his speedy response to today's announcement by Pfizer of 270 job losses at its Kildare plant over the next 18 months and a further 500 jobs at risk at its Cork plant.

We should not lose sight of the fact that Pfizer continues to employ in excess of 4,200 people in Ireland and that there are thousands of other people involved and employed in the pharmaceutical industry, which is very strong in Ireland and which, it is to be hoped, will continue to grow. We should not lose sight of the fact that this has come about because of a merger with Wyeth, which, it is also to be hoped, will strengthen the company and facilitate greater job opportunities in the future.

I refer to the doom and gloom from the Opposition. We are conscious that the euro is under pressure and that there are problems in Greece related to the financial markets, but we should call on the Leader to pass on our heartiest congratulations to the National Treasury Management Agency, NTMA, on yet another success in the sale of Government bonds and raising in excess of €1.5 billion at this difficult time. Heartiest congratulations should be passed on.

Will the Leader seek clarification on the utterances of the Minister, Deputy Ó Cuív, in respect of social welfare pensions? His remarks have created fear and anxiety among older people, who I often refer to as having given a full, measured contribution towards what we inherited in this country. I am totally opposed to any cuts in respect of social welfare pensions. This should be relayed to the Minister.

Senator Paddy Burke: Hear, hear.

Senator Dominic Hannigan: I am pleased to hear the Senator express his opposition to any proposed cuts. Let us hope that if a vote arises on the issue, he will vote with his heart and not follow his troops through the lobby.

Senators: Hear, hear.

Senator Ivor Callely: Yes, I will.

Senator Dan Boyle: It is called the budget. It will be in December.

Senator Dominic Hannigan: Some time ago, I called on the Leader to arrange a debate on the Irish diaspora and funding for Irish diaspora services. I am concerned because such a debate has not been held yet. I refer to how this is impacting locally. Recently, I heard at least one third of Irish sexual abuse survivors are now living in the UK. The services they receive have been impacted because of the lack of a decision by the Government in respect of ongoing funding. They were expecting to hear about funding for this year in early January. It is now the middle of the year and they have only been given interim funding for a few months. This is putting their position in jeopardy in terms of recruitment of staff and the commissioning of services for these especially vulnerable people. I call on the Leader to arrange that debate and, as soon as possible, to impress upon the Minister the need to come to a conclusion in respect of that review and to ensure funding is put in place for these services.

Senator Camillus Glynn: Like several of my colleagues on all sides of the House, I am not disposed to any interference to with the old age pension. At issue are the people who built this State. It is not a good thing that they should even be put under the remotest threat of having their old age pensions interfered with in the winter of their years. They contributed to those pensions and worked many years to pay their contributions. Now, in the winter of their years they should be allowed to enjoy their pensions.

Some time ago, I spoke in the House of the high performance of Midland Regional Hospital, Mullingar. This was clearly indicated by the casemix money. Some time ago in this House, I indicated that I had invited the Minister for Health and Children, Deputy Harney, to visit the hospital and this will take place on 21 June. The hospital in Mullingar is new. It is very important that hospitals are duly rewarded for the services they deliver. Contrary to what has been said openly by many, that is to say, Mullingar is to lose services, I believe Mullingar hospital should be rewarded for its high performance levels and should get additional services. I look forward to the Minister's visit along with Senators Cassidy and McFadden, who are also from the county, and my colleagues from County Longford and the other House.

I have raised on many occasions in this House the question of our fish stocks. There is still strong evidence to suggest illegal fishing is continuing *ad nauseam* on our rivers and lakes. I ask the Minister responsible for inland fisheries, Deputy Eamon Ryan, to come to the House to debate this matter and let us hear his proposals to eliminate this practice. Our fish stocks, both coarse and game, are the reason so many people come to this country which is deemed to be a fishing mecca. We should not lose the basic resource which is what our fish stocks are.

Senator Paul Bradford: I support my colleagues, led by Senator O'Toole, who demanded that we receive urgent clarification from the appropriate Minister of the pension issue. A significant number of elderly people are frightened by the declaration that their pensions may be affected. It is important that the Minister for Social Protection come to the House at the earliest opportunity to clarify the position. The Leader's backbench colleagues are saying there should be no attack on the old age pension. We need to hear from the Minister now rather than next November that this is the position. It is wrong that elderly people should suffer months of fear owing to the Minister's statement last week. I ask the Leader to invite the Minister to come here as soon as possible.

[Senator Paul Bradford.]

I concur with my colleagues who have expressed concern about the antics of some of those who marched on Leinster House last week. All of us believe in the right to engage in peaceful protest, even though many of the leaders of last week's so-called protest do not appear to support the concept of peaceful protest in countries such as Cuba, North Korea and Venezuela. They seem to have a very limited view of what democracy and the right to protest are about. If jobs and the economy are the issues, the debate needs to take place in this House, not on the streets. For better or worse, we are the democratically elected representatives of the people. The focus of attention must be on the words and deeds of politicians, not on marches on the street. I smile when I see a group claiming to march behind a right to work banner. The records of some of those involved show that they have never created a job and never will. I wonder how many of them even believe in the concept of work. That is who we are dealing with, in many cases. They are extreme elements who want to take down the Government and the democratic system. We must resist them. I agree with my colleague, Senator Cummins, who has suggested those of us who can identify the people who attacked our staff and gardaí last week should report them and have them brought to justice.

Senator Cecilia Keaveney: I will continue from where Senator Bradford left off. I have been reading the posters of Éirígí and I am not sure if the organisation starts from the same point as other participants in the protest. I am interested in its participation and what its goal is for the island of Ireland. In response to bomb scares in County Donegal, I asked that the nearest available bomb squad be called to minimise the disruption caused. A strong letter was subsequently published in *Irish News* on how unpatriotic I was. I ask the Leader to arrange a debate on republicanism, the current situation in the North, the Border counties and beyond. Yesterday in Lurgan the Enterprise service was disrupted. This is a cross-Border train service which is funded by the British and Irish Governments and the European Union and links the Republic with the North. A suspect wheelie-bin was placed close to the train. When the PSNI, the democratically accepted police force in the North, arrived to deal with the situation, officers were faced by a barrage of pipe bombs and petrol bombs. It is clear that we have been democratically elected to take the flak and drive a new vision for Ireland. I would like to think we could debate the perspectives of others to discover what sort of republic they are looking for and their tolerance level in accepting democracy. I refer not only to the North but to the island of Ireland as a whole.

I ask the Leader to update me on the legislation dealing with sunbeds. As I said last week, the North has moved to ban their use by those aged under 18 years and regulate their use by others. We were to do the same. Has there been progress in this regard?

I agree with Senator Mooney on the "Prime Time" programme on the issue of worn tyres. There are still issues to be addressed regarding waste water management and the fact that many waste water and sewerage schemes are not being progressed. I call for the Minister for the Environment, Heritage and Local Government to be invited to the House to discuss non-compliance with EU directives. Such a debate would be very useful.

Senator Shane Ross: Approximately two years ago I brought a whistleblower, Mr. Eugene McErlean, to the Joint Committee on Economic and Regulatory Affairs. It was a risk. At the committee he convinced everybody on all sides, including the bank involved, AIB, not only of his credibility and truthfulness but also of the need to introduce legislation to protect whistleblowers. Even a senior executive in AIB, whom I will not name and who was not a favourite of Mr. McErlean when he worked at the bank, gave him a clean bill of health, as a man of great honesty, and acknowledged that what had happened had been an injustice. One might have thought the result would be that all of the parties would get together to say a whistle-

blower's charter or Bill should be introduced in the Oireachtas, but quite the opposite happened. For action to be taken, why does it take the Director of Public Prosecutions, from outside the Houses, to make an appeal on national television on Sunday night for the introduction of a whistleblower's charter and state he does not understand why one has not yet been introduced? There were good reasons for this statement besides emotional ones. The Director of Public Prosecutions was saying simply that he would find it difficult or harder — this is decoded — to secure convictions in any cases of white collar crime if he did not have the necessary tools and protection for the witnesses who would or should be whistleblowers. The message being sent to employees in the banks, semi-State bodies and other organisations is that Ireland is an unfriendly zone for whistleblowers, about which there is no doubt. There is no excuse for the failure to introduce a charter or legislation. In another AIB case Mr. Tony Spollen lost his job for whistleblowing. The two high profile cases to which I refer are a source of shame and nothing has been done. We are not going to get the people that we need to come forward unless we accept the legislation we need. We are to have in the House today statements on two issues that could be dealt with at any time, despite the fact that the Director of Public Prosecutions is pleading with us to give him the weapons he needs to allow him to take prosecutions leading to convictions. If the Leader wants to make Ireland a whistleblower-friendly zone, he should allow the introduction today of the necessary legislation which, after all, was introduced in the other House by Deputy Rabbitte. Let us get it through.

Senator Marc MacSharry: I join other Senators in expressing concern about the rumours circulating about the old age pension. Any cut to it could not be tolerated by anybody with an interest in social justice. As someone in the paid employ of the State, I would be happy to pay more by way of taxation or otherwise to ensure the relative security of the elderly and children. I hope the Minister will clarify the position as a matter of urgency.

I welcome cautiously yesterday's announcement by Bank of Ireland that it was to place on the market its art collection which I believe is valuable and donate the proceeds to charity. I call on the other financial institutions which have received substantial support from the State, including Allied Irish Banks which has a very valuable art collection, not to place their collections on the market for private benefactors to buy but to donate them to the State. They should be given to the substantial number of galleries throughout the country and put on display to enhance tourism for the benefit of the people. There is no gallery more deserving than the reopened Model Arts and Niland Gallery in Sligo which houses the wonderful and world renowned Niland collection of Jack Yeats's paintings. Some €7 million in funding, much of it from the State, was allocated for the redevelopment of this wonderful piece of infrastructure. I hope the banks will do the appropriate thing on this occasion.

I admire Bank of Ireland for the leadership it has shown in the context of using the valuable assets to which I refer for the benefit of the public. I am of the opinion, however, that banks should donate the artworks they own to the State. As already stated, there is a network of art galleries in which these works of art might be displayed for the benefit of the public. This would assist in enhancing our most valuable asset, namely, our culture and heritage tourism.

Senator Jerry Buttimer: I join previous speakers in condemning the Minister for Social Protection. In flying a flag last week, the Minister has intimidated and scared people. If the Members opposite are so concerned about social justice, they should not just talk about it but rather they should vote with those on this side of the House. Social justice does not involve scaring people, issuing soundbites or balancing the books, it involves protecting and caring for those who are most vulnerable. The latter is something the Government has not done and it proved itself incapable of doing so again last week.

[Senator Jerry Buttimer.]

A total of 800 job losses were announced this morning. Some 330 of these relate to County Cork, where I live. That is a massive number. In that context, we should again consider the overall position with regard to unemployment, the rate of which currently stands at 13% or some 430,000 of our fellow citizens. As Senator Fitzgerald stated, two to three, four to five or ten to 20 people employed by small and medium enterprises have been made unemployed each day for the past three years under the Government's failed economic policy. Where is the Government's job creation policy? Where is the plan to get us out of the economic mess in which we find ourselves?

The Government has not displayed any vision in the context of creating jobs. Fine Gael has outlined in its NewERA document how it would create 100,000 new jobs. The Government has not provided a job creation plan, it has no vision and it cannot provide people with hope. There are young children in the Gallery who have been saddled with a debt of €400 billion as a result of the recapitalisation of the banks. When will the relevant Minister come before the House and provide information on the Government's plans for job creation, give people hope and allow ours to become a working society again?

Senator Terry Leyden: I welcome the comments that have been made in respect of the fracas, or riot, that took place last week. I commend Senator Cummins for his courage and his convictions. The Senator is prepared to stand up and be counted. The Garda Síochána should be extremely proud to have a man of his calibre in the House.

Criminal charges are being prepared in respect of what happened last week. I accept that Fintan O'Toole is a democrat and did not intentionally seek to incite a riot.

Senator Joe O'Toole: Hear, hear.

Senator Terry Leyden: However, no two people see the world in the same way. Everyone has his or her own particular take on life and I firmly believe that all of us who seek to maintain our democratic freedoms have a responsibility to exercise caution in our utterances. Following Fintan O'Toole's communications with me by e-mail and on radio in recent days, I accept——

An Cathaoirleach: Does the Senator wish to withdraw the statement he made last week?

Senator Rónán Mullen: I do not believe the Senator wishes to go that far.

An Cathaoirleach: I want no interruptions. There is a well established procedure for dealing with personal statements. Anyone who wishes to make such a statement should contact my office in advance in order to inform me of what he or she wishes to say.

Senator Terry Leyden: I hear what the Cathaoirleach is saying.

An Cathaoirleach: That is fine, but will the Senator heed what I have said? I am serious about this matter.

Senator Terry Leyden: I am being extremely serious about this matter, to which I have given great thought.

An Cathaoirleach: I am also being serious.

Senator Terry Leyden: As already stated, I have given great thought to this matter. Following Fintan O'Toole's communications with me in recent days——

An Cathaoirleach: To be honest——

Senator Terry Leyden: The Cathaoirleach should allow me to finish.

An Cathaoirleach: I will not do so. If a personal statement is to be made——

Senator Terry Leyden: I accept that Fintan O'Toole is indeed a democrat.

An Cathaoirleach: If the Senator wishes to make a personal statement——

Senator Terry Leyden: That was my personal statement.

An Cathaoirleach: No, I am not accepting what the Senator said as a personal statement on the Order of Business. As already stated, there is a well established procedure which deals with the making of such statements. People should show respect to the House and should inform the Chair if they wish to make such statements.

Senator Terry Leyden: I have made my statement in the best interests——

An Cathaoirleach: Senator Leyden cannot make such statements on the Order of Business. If the Senator wishes to withdraw the statement he made on the Order of Business last week, there is a well-established procedure under which he may do so. He should have at least notified me with regard to what he proposed to do.

Senator Terry Leyden: If the Cathaoirleach accepts that as my withdrawal of the statement, I will confirm that now.

An Cathaoirleach: No. I call Senator Bacik.

Senator Terry Leyden: I am sorry. I cannot do anymore.

Senator Joe O'Toole: On a point of order, the House has a Standing Order to deal with personal statements. I am not getting involved in the issue but the Cathaoirleach is completely right on this. If somebody wishes to correct the record etc. there is a way of doing so and it is written into Standing Orders. I accept Senator Leyden's good intentions but the Cathaoirleach is correct. That is the way it is supposed to be done.

An Cathaoirleach: It should be done formally and that is it.

Senator Ivana Bacik: A great deal has been said about the protest outside Leinster House last Tuesday. I was not on it but I heard many people afterwards who said they went on it intending to participate in a peaceful protest and they were dismayed by the actions of a small number who engaged in violence. That needs to be put the record as people bandy around accusations about individuals. All the speakers had intended that the protest would be utterly peaceful and it was most unfortunate for all of democratic society that it should have descended into violence. However, only a small number was involved and that must be recognised.

I support those who called for a debate on job creation and who expressed concern and dismay at Pfizer's announcement. Many of us are closely associated with people who supply or work in the pharmaceutical industry and it is of great concern that high end, high skilled and well paid jobs are at risk. As a matter of urgency, the Minister for Enterprise, Trade and Innovation needs to come to the House to outline his plan to ensure job opportunities are created for workers in this highly skilled well paid sector. It is a worry if jobs are being lost in that sector because Ireland has been in the vanguard for many years and it is export-led. We need to ensure the many thousands of jobs in that sector remain here.

[Senator Ivana Bacik.]

I seek a debate on the protection of children and, in particular, on the role of the Catholic Church in the provision of education to children in light of a number of developments. First, Archbishop Martin made a brave speech last week in which he referred to forces working against disclosure and in favour of cover up within the church, which is a concern. The second is the unfortunate decision of Cardinal Seán Brady not to resign. That undermines the efforts by many within and outside the church to ensure greater transparency and accountability regarding those engaged in child sexual abuse in the past. I very much welcome the report of the national board for safeguarding children and the efforts being made by many in the church to ensure abuse never again happens or is covered up. However, we need a debate on the protection of our children in institutions and schools that remain under the control of the Catholic Church and on the future of the church's role in the education system.

Senator Donie Cassidy: It is on tomorrow.

Senator John Carty: Over the weekend I attended two commemorations. The first was at Dublin Castle where the 83 members of the Garda who have given their lives doing their duty since the foundation of the State were honoured. The memorial is a garden of remembrance, which is well worth visiting. I congratulate everybody involved, including An Taoiseach who presided over the events of the day, the Garda Commissioner Fachtna Murphy and Chief Superintendent Colm Rooney who put so much work into it. The following day I attended a commemoration in Murrisk, County Mayo. I was delighted that two other Members attended, namely Senators McFadden and Norris. It was also a poignant commemoration and I again congratulate everybody involved, especially the people of Murrisk who put in so much work. It was a beautiful day in a scenic location at the foot of Croagh Patrick. Will the Leader arrange a minute's silence to commemorate the brave people who died during the Famine or who had to emigrate and the brave gardaí who gave their lives to preserve the State?

Senator Liam Twomey: The institutions of this State protected its citizens in times gone by when it was under far more serious threat as compared to what happened outside the gates of Leinster House last Tuesday night. What gives individuals such as that legitimacy, however, and an acceptance for a wider audience is the perception that we, as Members of the Oireachtas, are doing nothing. To follow up on what Senator Shane Ross said, there is a need for us to be seen to be tackling white collar crime and to be challenging individuals who seem, as many people believe, to be getting away with murder as regards how the economy was destroyed.

From that viewpoint, the Leader should endeavour to get whistleblowing legislation such as that being sought by the Director of Public Prosecutions through this House as quickly as possible and not be prevaricating and just having statements in the House as regards what happened last Tuesday. The Seanad should be seen to be doing something real for the people. Otherwise, what happened last Tuesday will gain broader acceptance among a certain percentage of the population.

Senator Lisa McDonald: I want to reiterate what my Wexford colleague has just stated as regards whistleblower legislation, which is long overdue. What the DPP stated last week as regards whistleblower legislation and the need for the position to be reviewed as regards juries in cases of white collar crime, shows that there is certain frustration within State prosecution agencies in dealing with that type of crime, and such legislation is needed. The frustration is evident on the streets and people need to see heads rolling as regards white collar crime. We need to act immediately in this regard. Funnily enough, if we were to have a highlighted debate on this in the House within the next couple of weeks, it could act as a catalyst towards the introduction of appropriate legislation as soon as possible.

I also want to support calls for the HSE to give a proper form of explanation in the case of Daniel McAnaspie. I am not sure another public inquiry will do very much apart from telling us that this particular child fell through the cracks in the HSE's services. There certainly are cracks in the executive that need to be looked at. How many more such children will be neglected by the HSE before this matter is dealt with? We need to deal with this urgently. All the indications are that our systems are not correct. I have dealt with the District Court situation *vis-à-vis* children in care, fighting the HSE etc. in times gone by, and I can assure the House it is a very frustrating process. Only God can help the child in the centre of such a situation because the system is so unwieldy, time consuming etc. and does not appear to be child centred.

We urgently need to look at this matter and I am not sure that another report on a shelf will do any good. We need action in this area and it needs to be dealt with forthwith. I ask the Leader for a debate on that.

Senator Eoghan Harris: It was good to hear such consensus in the House in the matter of pensions. The Taoiseach is on record as saying he believes in Cabinet Government. That is a good thing, because there is far too much of the presidential style in western European politics, and it is good to have Cabinet Government. This presupposes, however, that the Ministers appointed do not suffer from “political Asperger’s” and do not run off the reservation, for example, when asked whether they will touch old age pensions and replying they would not rule this out. That is political insanity, apart from the intrinsic badness of it.

The Minister should be called to account in both Houses of the Oireachtas and say he is very sorry for having said that. It was the equivalent of turning up at some old person’s house at night, wearing a balaclava, and saying he would like to have a chat about old age pensions. I am glad that every side of the House is agreed this is wrong. If pensions are to be touched, to do it honourable, as Senator Twomey said, and have any public credibility, it is necessary to start with politicians and then go on to all the retired civil servants who now earn more because of benchmarking than when they were actually working. Then it is a question of looking at people who use Ireland as a tax haven. However, one does not make a broad lunatic statement to the effect that one is going to look at old age pensions, and terrorise every member of the population who is elderly and fragile.

This arises from the constant hunting around by civil servants for vulnerable or new sections to make up the deficit. It is time we were adults. We have to deal with the deficit. The most progressive, honourable and fair way to do this is through income tax. There should be income tax increases to deal with the deficit, property taxes, rates and progressive taxation and an end to the targeting of vulnerable sections of the population.

Senator Feargal Quinn: The retail and wholesale trade represents 14% of all employment in Ireland. It is a valuable sector. There have been a couple of articles in the newspapers this week about a Forfás report which stated that goods — fashion goods as well as grocery goods — are being sourced to a large extent from British suppliers and that European suppliers regard Ireland as a subset of the United Kingdom. This is likely to have serious effects on Irish suppliers.

This week, the Minister appointed John Travers, a good man, to be in charge of the development of a code of conduct for the grocery trade in Ireland which will deal with relationships between retailers and suppliers. This only applies and can only apply to Irish suppliers. Those in Britain are not affected by it. This will put more pressure on Irish suppliers in the years ahead.

There is a danger in that we think we can pass laws and regulations that apply to Ireland only. We forget we are part of Europe. We must think carefully before introducing regulations

[Senator Feargal Quinn.]

and setting up codes of practice which will only apply to Ireland. This will affect only Irish suppliers and will place them at a disadvantage by encouraging retailers to go abroad. Let us consider this again. We must remember we are part of Europe and cannot do everything ourselves. As part of Europe, we must look abroad.

Senator Rónán Mullen: Although I am not generally in favour of government by Twitter, I was glad to read what Senator Boyle had to say about the possibility of cutting the State pension. It is hard to believe the debate has taken this turn when we consider the worry such a vague comment could cause to our older citizens. I do not think the Minister meant to cause such anxiety, but it is important, because of the contribution of our older citizens to society, that we are given clarification that a cut is not coming down the tracks.

I support the comments of Senator Ross about whistleblower legislation. At the Council of Europe recently I had the pleasure of meeting John Devitt from Transparency International, along with Eugene McErlean. It seems clear that a piecemeal approach, in which there is some measure of protection for whistleblowers in certain areas, is not the way to go. There needs to be a clear standard. I am not sure I like the term “whistleblower” and I know Senator Keaveney also has concerns about the word. We should be thinking, rather, about public interest defender legislation. We do need such regulation. We have seen where light-touch regulation has taken this country and it has not been pretty. Let us have the legislation. It is a pity the Director of Public Prosecutions rather than the Houses is leading the debate. We have the collective calibre to make the necessary proposals. It would be good to have a listening ear from the Government and some measure of activity in terms of addressing this problem, which is long overdue.

With regard to the protest that took place last Tuesday, I understand perfectly what Senator Leyden said and I commend him on saying it. He understands the bona fides of the individual involved but remains critical of the loose use of language and concerned about where it might lead.

Senators: Hear, hear.

Senator Rónán Mullen: There is a lesson for all of us. Not everyone on the left is anti-democratic, as we know, but some on the left like to use legitimate grievances as cover for pursuing other agendas. In that regard, I respectfully urge my colleague Senator Bacik not to use the tragic and traumatic issue of abuse as a cover for a different agenda in the education debate.

Senator Ivana Bacik: I am very open about it. It is not a cover-up.

Senator Rónán Mullen: That will lead us nowhere. We need to debate the issues respectfully and on their merits.

Senator Donie Cassidy: Senators Fitzgerald, O’Toole, Alex White, Boyle, Norris, Regan, Buttimer and Bacik expressed their serious concerns about the announcement by Pfizer of a reduction in the number employed in their facilities over the next 18 months to five years. We must first compliment Pfizer on its consolidation with Wyeth which will make it a stronger, better and more competitive organisation. The contribution made by Pfizer has been enormous in Kildare, Dún Laoghaire and Cork, and we must not lose sight of the fact that, in five years’ time, it will still employ 4,250 people.

I remind colleagues, some of whom were at committee meetings at the time, that after the Order of Business last Thursday I mentioned the announcement of 2,000 new jobs by the Minister, as conveyed to me by Senator Butler, our spokesperson in this area. The fact that

job creation is still taking place is to be welcomed. I remind the House, in the interest of accuracy, that more than 400,000 jobs have been created since 1997. Back in 1987, 900,000 people were at work; now, 1.7 million people are at work. I would not like it to be thought that an inaccuracy had been stated in the Upper House without correction.

All matters pertaining to banking can be mentioned when the Minister is present for the Euro Area Loan Facility Bill, which will be discussed in the House all day on Thursday. It is urgent that this Bill be passed on Thursday, along with the earlier signature motion, and I thank the party leaders for their assistance in this regard.

Sixteen Bills have been ordered for this term, three of which have been published: the education (patronage) Bill, the Competition (Amendment) Bill, the environmental Liability Bill, the local government (office of the Dublin mayor and regional authority) Bill, which will establish the position of lord mayor and a regional authority for Dublin, the Wildlife (Amendment) Bill, the biological weapons Bill, the health (miscellaneous provisions) Bill, the Nurses and Midwives Bill, the prescription charges Bill, which is associated with the budget, as we know, the civil law (miscellaneous provisions) Bill, the criminal justice (defence of life and property) Bill, the criminal justice (legal aid) Bill, the mental capacity Bill and the social welfare (miscellaneous provisions) Bill. Thus, a considerable amount of legislation will come to both Houses for our consideration.

I fully support the calls that are made on the Order of Business from time to time to address urgent matters in the area of broadcasting. Over recent weeks, many colleagues have called for a debate such as we are having on the Broadcasting Authority, especially with regard to the issue of balance. The national broadcaster in particular has a serious question to answer in this regard. I will be saying more on this in my contribution later. There is an obligation on the national broadcaster to provide balance, but one would question this at times when listening to radio and watching television.

I compliment RTE on all its achievements and I have been fully supportive of it over the years. As a former Fianna Fáil spokesperson on communications in the House, and having had my own radio programme for more than four years, I am very proud of its achievements. At the moment, however, when the country needs a responsible attitude and people need to be helped and encouraged, the lack of balance in some programmes baffles me.

Senators O'Toole and Alex White asked about legislation to come to the House. I have outlined the list. In addition, Senators O'Toole, Brady, Cally, Bradford, Buttimer, Harris and Mullen expressed concerns about old age pensioners. In 1997 the old age pension was €97 per week; today it is €230. Well done to the Government that did this over the past 13 years. Having put that on the record of the House, I must mention concerns I have heard in my local area, as have all Senators. The majority of those on old age pensions have paid their PRSI and are entitled to receive their pensions. The small amounts of savings they had invested through the years on the instructions of those in the financial institutions, for whom they had respect, have dwindled. In some cases people have lost 90% of their savings. They have nothing. I am talking about money to pay for tea, butter, bread and sugar. Those of us in de Valera's party will not stand behind anything that will change what we are so proud of, especially our achievements in the past 13 years since 1997 of increasing the old age pension to €230. I have said enough in that regard. I compliment the Minister, Deputy Ó Cuív, Dev's grandson, for all he has done for Ireland and for rural Ireland in particular. He is the only person born in Dublin 4 who represents a rural constituency. He sits at the Cabinet table and has worked very hard on behalf of his constituents and the people.

Senators Cummins, Regan, Bradford, Keaveney, Leyden and Bacik fully supported peaceful protests coming to the House, as we have all witnessed during our time here, all of which were

[Senator Donie Cassidy.]

very well organised. What we cannot condone are the vicious attacks that took place and the extreme elements that participated in them. I saw everything that took place here last week. I would say I am only one of two Oireachtas Members who saw everything that took place last week. Thirty to 40 people broke away from the end of the line of decent people who came here to protest. They came around Setanta Building, marched up Dawson Street with their flags and presented themselves to the Garda Síochána in a rugby tackle fashion in that some of them put their heads down and the boys and girls behind them shoved the gardaí who, with the ushers, were protecting the Houses of the Parliament.

Senator Rónán Mullen: Were they the serfs or the peasants I wonder?

Senator Donie Cassidy: I compliment the Captain of the Guard, the Superintendent of the Houses and the Commissioner. They can be proud of their staff for the way they performed their duty to protect the House from those who wish to come in for no reason other than to try to achieve notoriety in many cases. They were not coming through and I congratulated everyone who helped in that regard. We cannot condone that sort of demonstration or activity. It is not in the best interests of Ireland, our families or our communities. It is something we see happen in other nations on our television screens. I congratulated the leadership of the trade union movement on the Order of Business and all organisations for the responsible way in which they are leading our country at this time in this difficult global downturn which is affecting us. We are no different from any other open economy in the world.

Senator Norris raised the issue of claspers. I will pass on the Senator's strong views to the Minister after the Order of Business and see what I can do about it.

Senator Mooney fully supported the views expressed in the "Prime Time Investigates" programme last night. I remind the Senator that it is not a rural problem. It is an all-Ireland problem because I would say many of the tyres came from the bigger towns and cities throughout the country.

Senator Hannigan called for funding to be put in place for the Irish diaspora. Senator Mooney has constantly raised this issue in the House. I fully agree with the Senator's sentiments and I will do whatever I can in this area.

Senator Glynn raised the issue of the high performance by the Midland Regional Hospital, Mullingar, and said that the high performers should be rewarded. I fully agree with the Senator's sentiments. As one who worked very hard as a TD to have funding put in place for the shelled out building and to get the extra €5 million for the refurbishment of level O, the Minister's visit on 21 June is something to which we are looking forward. I thank the Senator for his help in having the Minister attend on 21 June and I look forward to being present with him and other colleagues to acknowledge the achievements of this Government in terms of the €21 million that has been spent on Mullingar hospital.

Senator Glynn also raised the issue of the fish stock levels and expressed his serious concerns about the lake county in particular. I fully support him and have no difficulty in having a debate in the House on that issue to find out the up-to-date position on it.

Senator Keaveney called for a debate on Northern Ireland and on republicanism. I have no difficulty in examining if we can have that take place before the end of this term, with the Taoiseach present to update the House on matters including the challenges with the new Government in the United Kingdom and how we can progress in regard to North-South issues and everything to do with the success of the Good Friday Agreement.

Senator MacSharry made a worthwhile proposal to the House for the consideration of everyone in regard to the banks' art collections. He congratulated the Bank of Ireland on its initiative

and called on all other banks to turn in their valuable assets, especially those in regard to culture and heritage and their archive material of huge value. It would be appropriate at this difficult time if they were to donate those to the State.

Senator Bacik raised the issue of the protection of children. I remind the House and Senator Bacik that the Minister will be in the House tomorrow and the debate on the report is being taken from 3 p.m. to 5 p.m.

Senator Keaveney called for a debate on sun beds. I have already given a commitment that this debate will take place. Senator Keaveney also called for a debate on waste water management. That is a timely call and I have no difficulty in the House debating that issue soon.

Senators Ross, Twomey, McDonald and Mullen called for legislation on whistleblowers. They mentioned the Director of Public Prosecutions charter on whistleblowers and cases of white collar crime. I remind the House that the Prevention of Corruption (Amendment) Bill 2008 is due in June and it will cover protection of persons reporting suspected corruption offences in good faith. That Bill will be before the House for our consideration in June.

Senator Quinn informed the House, in regard to the retail trade, that 14% of those employed in our country are employed in the retail trade. He referred to the code of conduct that has been put in place for the grocery trade and the difficulties Irish suppliers will experience in terms of competition from those who are not obliged to adhere to the new code of conduct. I chaired the grocery inquiry from 2004 to 2007 and I can say it was the most difficult work I did as Chairman of the Joint Committee on Enterprise and Small Business. We all felt at that time that we should have held tight in regard to the grocery order. The findings of that committee inquiry were never more true than they are today. I will discuss with Senator Quinn after the Order of Business how we can help the industry because it needs a great deal of help at present.

Senator McDonald called on the Health Service Executive to produce an up-to-date report on the tragic death of the poor young man whose body was found in County Meath, Daniel McAnaspie, in terms of what happened to him. The Senator asked that both Houses of the Oireachtas would be informed by the HSE and for the Minister to come to the House to update us on when the HSE will conclude its inquiries into this terrible tragedy.

An Cathaoirleach: Senator Frances Fitzgerald moved an amendment to the Order of Business: “That a debate with the Minister for Finance on the proposal of the banks to provide cash top-ups on pensions be taken today”. Is the amendment being pressed?

Senator Frances Fitzgerald: Yes.

Amendment put.

The Seanad divided: Tá, 23; Níl, 27.

Tá

Bacik, Ivana.
Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.
Harris, Eoghan.
Mullen, Rónán.

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

Níl

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

Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.
Ó Brolcháin, Niall.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Phelan, Kieran.
Walsh, Jim.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Bradford and Maurice Cummins; Níl, Senators Niall Ó Brolcháin and Diarmuid Wilson

Amendment declared lost

Order of Business agreed to.

Role of Broadcasting Authority of Ireland: Statements

An Leas-Chathaoirleach: I welcome the Minister for Communications, Energy and Natural Resources, Deputy Ryan.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Broadcasting Authority of Ireland, BAI, is the organisation responsible for the regulation of the broadcasting sector and was established on 1 October 2009 under the Broadcasting Act 2009. It replaced the Broadcasting Commission of Ireland, BCI, which regulated the commercial broadcast sector and the Broadcasting Complaints Commission which investigated broadcasting related complaints. Apart from continuing the functions of these organisations, it has more functions, including an oversight role in the public service broadcasters, RTE and TG4.

The BAI consists of the authority and two independent statutory committees, the contracts award committee and the compliance committee. The Broadcasting Act provides for an innovative role for the Oireachtas Joint Committee on Communications, Energy and Natural Resources in the nominations for appointment to the authority. The nine members of the authority are appointed by the Government on the nomination of the Minister. I am required to have regard to the advice of the Oireachtas joint committee in the nomination of four members. Each of the committees has eight members, four of whom are nominated by the Minister and two each are appointed from the authority and the staff of the BAI. The first five members of the authority were appointed by the Government on 30 September 2009 and this enabled the BAI to be operational from 1 October. The authority has had a full complement since 15 February this year when the remaining members were appointed by the Government. On receiving the invitation of the chairman, I had the pleasure of addressing the full authority at its meeting on 29 March.

The Broadcasting Act sets out precise criteria for membership of the authority and the relevant experience required of board members. In this regard, the legislation provides for an authority which offers a wide range of experience on which to draw in the development of the broadcasting sector. The combined experience of the authority meets the criteria detailed in

the Act, including media affairs, public service broadcasting, broadcast content production, trade union affairs, development of the Irish language, business affairs, community broadcasting, digital media, experience in disability issues, as well as experience in the arts, music, sport or culture. It is anticipated that an authority with such a broad range of experience will provide for an exciting and diverse broadcasting sector into the future.

The BCI was Exchequer-funded, but the BAI is industry-levy funded. Under section 33 of the 2009 Broadcasting Act, the BAI is required to make an order imposing a levy on the broadcasting industry to provide for the BAI to meet its legitimate operational costs. A levy order provides for the collection, payment and administration of the levy, including its method of calculation. The order does not set the amounts payable by the broadcasting industry or individual broadcasters. This is determined by applying the terms of the order to the BAI's annual budget.

The BAI initially proposed a budget of €7.6 million for 2010 in the light of its increased functions and role in regulating both the public and commercial broadcasting sectors. This caused concern because of the potential impact on the industry at a time when commercial revenues were under great pressure. In March I met the Oireachtas Joint Committee on Communications, Energy and Natural Resources, at which the impact of the BAI levy on the broadcasting sector was discussed. At the meeting I acknowledged the very real concerns of the sector at a time of considerable financial constraints for commercial and public service broadcasters alike. I also repeated my position on the need for the authority to be vigilant in keeping costs down, particularly in the current economic climate. I am aware that the authority was also keenly aware of the need to minimise the burden on industry and, on this basis, reviewed the 2010 budget downwards. The revised and final budget for 2010 now stands at €6 million. I understand the authority has also requested the chief executive to ensure all proposed expenditure is reviewed continually throughout 2010 to ensure it represents good value for money. It has published the budget for 2010 on its website and set €5.635 million, excluding VAT, as the amount to be levied on industry this year. This reduced budget is likely to impact on its work plan for 2010, in particular on some of the more ambitious deadlines set in the Broadcasting Act 2009.

The explanatory and financial memorandum to the Broadcasting Bill 2008, as published, provided that in order to meet its enhanced roles and responsibilities, the BAI would require significant additional staffing resources to administer its new functions as provided for under the Bill. Unfortunately, restrictions on recruitment in the public service have meant that no additional posts have been sanctioned. This is likely to impact on the authority's ability to meet its statutory functions and on its strategy development. Under section 29 of the Broadcasting Act 2009, the authority is required to draw up and adopt a statement of strategy within 12 months of the passage of the Act. It has issued a tender for consultants to carry out this body of work.

Under the Broadcasting Act 2009, the BAI's regulatory role has been extended over that of the BCI to include the public broadcasting sector. The authority has overall responsibility for its strategic direction, as well as tasks such as the preparing of codes and rules for broadcasters, the running of the broadcasting fund and the setting and collection of a levy on the sector to fund the costs of the BAI. The Act also establishes a system of checks and balances in relation to the operation of the BAI which provides, *inter alia*, for the authority to develop a statement of strategy, publish its budgets and develop annual reports and financial statements.

The contracts award committee has the role of licensing independent commercial and community broadcasters such as local radio stations or digital television providers. The compliance committee is responsible for ensuring all broadcasters comply with their licence conditions and

[Deputy Eamon Ryan.]

the standards set out in the broadcasting codes and rules. Rather than provide details on all their areas of responsibility, I have highlighted some issues which I consider may be of interest to the House.

The broadcasting funding scheme which was originally established under the Broadcasting (Funding) Act 2003 offers financial support for the production of new television and radio programmes on Irish culture, heritage and experience, adult literacy and with a particular focus on the Irish language. Funding can also be granted to support programmes on topics such as the natural environment and historical buildings and programmes which raise public awareness and understanding of global issues impacting upon Ireland and other countries. The scheme was updated in the Broadcasting Act 2009 when the funding allocated to it was increased from 5% to 7% of the net television licence fee receipts. The new scheme also received European Commission approval as being compatible with state aid rules at the time.

The latest sound and vision scheme expands the eligible genre to include development of local and community broadcasting and media literacy. The scheme is operated by the BAI.

The primary purpose of the audiovisual media services directive which amended and renamed the television without frontiers directive is to ensure the effective operation of the internal market for television broadcasting services by ensuring the free movement of broadcasting services throughout the European Union. The directive covers all audiovisual media services, meaning traditional television, linear service and video on demand, non-linear services, irrespective of the technology used to deliver the content. In line with its obligations under the Broadcasting Act 2009, the BAI is charged with enforcing the traditional television provisions of the audiovisual media services directive, while new regulations which my Department is preparing will transpose the new non-linear provisions of the directive. The forthcoming Audiovisual Media Services Regulations 2010 will transpose those aspects of the directive that deal with non-linear services. These services are typified by video on demand type services delivered over the Internet and because of their nature and taking into account the degree of choice and user control over these services, they will attract a lighter tier of regulation than applies to traditional television. Accordingly and in line with the spirit of the directive, I will be providing in the regulations for a self-regulatory regime in this area. In this regard, I am pleased to report to the House that both IBEC and the Advertising Standards Authority of Ireland, ASAI, in consultation with the BAI, have agreed to take up this task and are well advanced in developing a self-regulatory code of practice, as envisaged under the regulations.

More generally, the Broadcasting Act 2009 requires the BAI to create, keep under review and modify broadcasting codes, particularly with regard to objectivity and impartiality in news and current affairs, as well as with regard to privacy. In this regard, the BAI has published an updated general advertising code and children's advertising code. The Act also allows for a children's advertising code to specifically prohibit advertising aimed at children for foodstuffs which may be of concern with regard to health, in particular, where such foods have a high fat, sugar or salt content. I understand the BAI is planning to update its codes to take account of this aspect later in the year.

The BAI has an oversight role with regard to public service broadcasting which includes requirements to undertake a review of the performances of RTE and TG4 with regard to their public service objectives, prepare and submit to the Minister a report on the review of the performances of RTE and TG4 with regard to their public service objectives and make recommendation to the Minister with regard to their funding requirements, and prepare and issue guidance to RTE and TG4 on the format of a code of fair trading practice. It is my understanding work on all these areas has commenced and is progressing.

Under section 112 of the Broadcasting Act 2009, the BAI is charged with the responsibility of preparing and issuing guidance for public service broadcasters on a code of fair trading practice in the commissioning of programming material from independent producers in fulfilment of the authority's statutory obligation. This work has been initiated by the BAI and it is my understanding it is planned to publish the guidelines by July this year. The BAI is required to establish a right of reply scheme, on which preliminary work has commenced with a view to concluding in 2010.

The BCI launched its digital terrestrial television multiplex licensing policy in February 2008. The licensing process for the contracts commenced in March 2008. The objective was that contracts arising from this process would facilitate the provision of a minimum of 24 new television services. The contract was originally awarded to Boxer DTT Limited in July 2008, but this consortium withdrew in April 2009. In April this year the BAI withdrew the contract offer to One-vision, the second placed applicant. The third placed applicant, EZTV, has also declined the DTT contract offer. I am disappointed that the BAI process has ended without delivering a commercial DTT operator. However, RTE is continuing its work on rolling out the DTT transmission network and aims to provide 90% population coverage by 31 October, with full coverage earmarked for the end of 2011. In the light of the ending of the process, it is now my intention to meet the key State agencies, including the BAI and ComReg, as a matter of urgency to determine how the provision of digital public broadcast services can best be progressed without further delay.

Those are the broad outlines of what I see as the expanding role of the BAI. I look forward to hearing the views of the Seanad.

Senator Joe O'Reilly: How much time do I have?

An Leas-Chathaoirleach: The Senator has 15 minutes.

Senator Jim Walsh: The Senator does not have to use all of it.

Senator Joe O'Reilly: Ba mhaith liom fáilte a chur roimh an Aire.

At considerable length and for a number of weeks, the House debated the establishment of the Broadcasting Authority of Ireland when the Broadcasting Act was passed in 2009. We agreed that having a single broadcasting regulatory body was a positive development and necessary to preserve democratic values, ensure an open, pluralist broadcasting service, monitor standards, grant licences, ensure compliance and issue fines, as required. Sensitive political and social issues needed to be dealt with and balance had to be preserved. Important issues arose during the debate. A novel and progressive aspect of the authority which we welcomed at the time and which I still welcome is that four members of its board are appointed by the Minister on the recommendation of the Joint Committee on Communications, Energy and Natural Resources.

The entire Broadcasting Authority of Ireland and the implementation of its remit were called into question in recent months as it set about putting its budget in place. This brought the authority under the microscope again. That the board would fund its operations from revenue raised from the service-provider sector, so to speak, the local radio stations, RTE and TG4, makes eminent sense. The difficulty arises in setting the level of funding required. The authority planned to increase its budget this year by 27%, from €6 million to €7.6 million. However, the vigilance of the joint committee, in particular that of Deputies Coveney and McManus, brought this to a halt. This contemplation of an unreasonable budget was at a time when advertising revenues were down by 30% with competition rife in the radio sector. With such a shrinking of resources, the proposal to increase the authority's budget was unacceptable. Jobs were at

[Senator Joe O'Reilly.]

issue. The only way local radio stations could meet the proposed broadcasting levy was through job losses.

Since it was established in the 1980s, local and community radio has done wonders for the country, brought immense happiness and personal pleasure to the people and empowered local communities and individuals. It is a much appreciated service with which many people identify. Any threat to it from prohibitive levies and unnecessary charges is not to be welcomed. Local radio stations provide an important social, local cultural and vital news and information service. They improve people's quality of life, especially those who live in isolated areas, and help knit communities together. They do so much good that it is reprehensible that anything could be contemplated that would risk this. The vigilance of the Joint Committee on Communications, Energy and Natural Resources, particularly of Deputies Simon Coveney and Liz McManus, was critical to the preservation of local radio stations and the independent broadcasting sector.

Under the proposed levy an average local radio station would have faced a bill of between €50,000 to €100,000. After a halt was called, the Broadcasting Authority of Ireland revised its annual budget downwards to €6 million with the levy coming to €5.7 million. There still needs to be strict accountability and close monitoring of its budget. The levy will mean a flat fee on community radio stations of €750 which may have a small listenership base. From the initial proposed budget it was possible to save €100,000 on communications, advertising, publications and public relations consultants. In policy and compliance, it was possible to save €770,000 while another €800,000 was saved in the general administrative area. It is interesting to see what was possible to save in a short time without a diminution in the authority's regulatory and promotional function. The authority will continue to ensure high standards and the development of the broadcasting services while having proper accountability and financial management.

It is incumbent on the authority to produce a three-year budgetary strategy and plan beginning this September. It will need to be carefully scrutinised by the Oireachtas to ensure value for money is achieved, an essential requirement of all Government agencies irrespective of their merits. The private sector, low-paid taxpayers and those accepting big hits in their wages must be able to see State agencies achieve value for money and operate on the most minimal budgets they possibly can.

Fine Gael's Deputy Leo Varadkar has introduced a Private Members' Bill, the Financial Emergency Measures in the Public Interest Bill 2010, which, based on the requirements of the private sector and consumers' needs, would provide for a 5% reduction in a wide range of Government charges from television licences to passports to accident and emergency department charges.

Senator Jim Walsh: That is a minimalist approach.

Senator Joe O'Reilly: I agree it is minimalist and we would like to see further reductions.

Senator Jim Walsh: Absolutely.

Senator Joe O'Reilly: The Bill, however, would be a good start. The Government should prioritise Deputy Leo Varadkar's Bill. Such a move would give confidence to the population that there is a response from the Government. It would also bring down inflation and costs, making us more competitive. I am glad Senator Jim Walsh believes the Fine Gael approach is minimalist and that he would support more cuts to Government charges. I hope Deputy Leo Varadkar's Bill will get unanimous support from all parties in the Houses.

If it had not been for the vigilance of the Oireachtas communications committee and various leading Members, the Government would have been prepared to allow the excessive levy to be imposed without first finding efficiency savings in the authority. There are many other excessive Government charges which also need to be monitored. They drag down the economy, act as a disincentive to economic development, limit competitiveness and stop the economy being lean and fit.

The Minister referred to the role of the sound and vision fund in encouraging indigenous cultural, historical and contemporary broadcasting programmes. The development of the fund was discussed at length during the passage of the Broadcasting Act 2009. It is an excellent development and should be affirmed on every occasion we debate the Broadcasting Authority of Ireland. The preservation of this represents a continuation of the Broadcasting Commission of Ireland and I acknowledge the importance of this.

I refer to the establishment of the right of reply measure. The Minister indicated that work is being carried out to prepare the right of reply provision for the broadcasting sector such that if someone is harmed by a broadcast or damaged in terms of reputation or by an untruth or a distortion of fact in a broadcast, he or she can have the right of reply within reasonable parameters and with reasonable justification. I welcome the inclusion of this provision within the statutory remit for the Broadcasting Authority of Ireland. I welcome its presence in the Broadcasting Act and the fact that moves are afoot to implement it. The provision is crucial, especially to people in our profession. More than anyone, we appreciate the importance of reputation and of not harming one's reputation wrongly and irresponsibly or without proper recourse. It is important the right of reply facility exists. Often, an immediate response is necessary and if the matter is allowed to fester or is delayed due to a cumbersome court procedure, there could be implications for the reputation of the injured party, which could be damaged irrevocably for a long period. It is very difficult to reverse such a development. This aspect of the proposal is very welcome.

The code of practice is very important for our broadcasting sector in general and it is very important that there are high standards and proper practices are in place and fully implemented. I refer to the role of the Broadcasting Authority of Ireland in ensuring compliance within the broadcasting sector to regulations, the code of practice and proper ethical standards and the democratic remit of our broadcasting services. The role in implementing such standards is very important and the capacity to introduce fines where required is important and to be welcomed.

The Broadcasting Authority of Ireland has a very important regulatory function and is very well defined in the Act. The Act was subject to very good scrutiny in the Houses of the Oireachtas. The statutory remit of the board is excellent in its terms of reference and legislative requirements. The budgetary approach, its casual nature, its lack of initial transparency and the fact it was somewhat arbitrary in the beginning was disappointing. We must be prepared to introduce levies at a time of great hardship in the broadcasting sector. Levies were introduced at an arbitrary rate in an arbitrary fashion and this was not acceptable. It is important that the process has been halted. I call on the Minister and colleagues in the House to remain vigilant and very protective of the taxpayers' interest in this sector and sphere.

We must balance good regulatory needs and we agree with the need for a regulatory body. It should be one which sets high standards and promotes the sector but which secures a balance such that there is value for money, a lack of abuse of our taxpayers and a suitable levy level but which also provides suitable services for people in rural and other communities. Any shortcoming in this regard is to the detriment of the well-being of our people. This is the balance which must be struck.

Senator Jim Walsh: Cuirim fáilte roimh an Aire go dtí an Teach chun an t-ábhar tábhachtach seo a phlé. As usual, I find myself agreeing with most of the common sense points made by my colleague, Senator O'Reilly. Invariably, he puts his arguments cogently, especially with regard to ensuring value for money from various public services, which is essential.

I take this opportunity to compliment the Minister. He was the first to take the initiative to involve the Houses, through the joint Oireachtas committees, in recommending nominees for various boards. I believe this was a good departure and something Members of this House had called for on several occasions. We did not suggest specifically that we should be involved but at least that there would be greater transparency in the process. As a member of the committee, I am aware of how seriously the committee took that exercise. We trawled through many applications. Ultimately, it struck me that there was a dearth of business acumen and that issues of conflict of interest arose. This is understandable because people who have a connection with the business are probably more inclined to seek to be involved, which is also understandable. The Minister would do well to evaluate the process to determine how well we worked and if there were shortcomings. I note that in the list of desired qualifications for the nominee to the board of TG4 there was no mention of business experience or financial acumen in the short-list we received for the position to compliment the other nominees already made. While it is important and good that people have experience of the arts, disability issues and a whole ream of other issues, which I do not decry, *a sine qua non* for appointment to any board should be the ability to play one's part commercially, to understand accounts and, therefore, to be able to contribute in an enlightened fashion to the board. We should place extra emphasis on these skills, especially in bodies which are seriously financially challenged, such as some of our State broadcasters. However, the exercise is good and as it develops we will improve it.

To some extent, these views came to mind because of the failure of the board of the BAI, Broadcasting Authority of Ireland, to interpret in any way the serious financial and economic difficulties which most small businesses encounter. The authority's budget increased from €5 million in 2009 to €7.6 million in 2010 and when the new board more or less rubber stamped this, it set off alarm bells in my mind. Only for the intervention of members on the Joint Committee on Communications, Energy and Natural Resources, the budget would have been approved. Through the committee we got the chief executive to redo his figures and come back to us again with a reduced budget. I maintain what he came back with was too high but at least there was a reduction. To some extent, we were doing what the board should have done.

Every Minister has a range of State bodies that report to his or her office and Department. The Minister, Deputy Ryan, oversees a considerable number of important bodies in this regard. It might be a useful exercise to meet these boards to ensure they fully recognise the extreme financial difficulties which exist such that they apply their minds to cutting wasteful expenditure and to trimming the sails of many of our semi-State bodies. The same should apply in the State sector. While I criticise this issue a good deal, I understand it. I have seen cases in the private sector in which during the good times businesses allow their costs to slip because revenues are flowing in and, therefore, the same pressures and focus to keep costs under control do not apply when there are more than ample revenues to cover those costs. Such an occurrence may arise in a situation where one tots up expenditure on the one hand and calculates revenue on the other, but the normal checks and balances which apply through competition are missing. We need to ensure other pressures are brought to bear to see that people play their part in that regard.

The budget of the Broadcasting Authority of Ireland, as published online, gives figures for the 12 months to December 2010 but does not give comparative figures for 2009. I know this is a new body but there must be accounts for its predecessors the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission. It would be helpful to have those figures

because they would pinpoint where the cost increases have occurred. I am mindful, as the Minister said in his statement, that additional functions have been required of the BAI and these give rise to cost issues.

Sometimes I agree with Senator O'Toole but more often I do not, because he takes a simplistic approach. He probably typifies the thinking of those who do not come from a commercial background, that everything is a matter of resources. This view holds that where there are additional functions one must have additional people to do them. In the private sector people are working harder and longer and taking on more responsibility. They are happy to do this to secure their jobs and employment. We need to transfer that ethos and culture to the public and semi-State sectors.

I am mindful that we are making decisions in these Houses purely by calculating a cost and passing it on. This has the effect of passing some of the cost ineffectiveness and inefficiency of our public sector on to the private sector. This is happening in the health service and in local government. I have experience of those areas and I am member of the Houses of the Oireachtas Commission. It is a matter of continuing concern that, despite the greatest economic downturn we have experienced in our lifetime, the penny does not seem to have dropped. We need to clip our wings with regard to cost inefficiencies and to have a continuous strenuous eradication policy. That is not happening and there does not seem to be a recognition of the need for it.

The principle of the regulated paying for regulation is one I subscribe to. I do not disagree with that. I know it was a fundamental part of the change from a system where the State paid for the regulation of the broadcasting system to one where the industry itself must subscribe. This puts an onus on the industry to operate effectively and efficiently with regard to costs.

The BAI budget, as outlined, does not enlighten. Perhaps it is not intended to do so. Figures for some expenditure headings are as follows: Finance, Governance and People, €3,401,040; Policy, €380,950; Communications, €376,950 and; Office of the CEO, €285,627. We are not told whether the last figure covers expenses, salaries or what. We need more information, or accompanying notes, so we can understand and challenge the figures. If the figures are necessary or required then the board and the CEO will be in a position to defend them but we need to be in a position to query and question them. We are not in that position yet.

Aspects of the budget apply to public interest broadcasting. Costs which are not involved in the regulation of the industry are now being passed on. I ask the Minister to take a look at this so the industry pays only the cost involved in its regulation and not additional costs for some sort of public interest purpose which does not specifically relate to regulation. There might be an argument that some of those costs might be funded from the licence fee.

I was unaware that the BAI has a statutory function and can raise its own statutory instrument. I had assumed that applied specifically to Ministers who are accountable to the House. This concerns me.

I also have concerns about the manner in which the levy is applied. The application of funding at 2.5% of turnover is a huge imposition on business. A downturn in business will have a more severe effect on the bottom line than on the top line, because some charges are fixed. A levy on turnover rather than on profit can have a severe effect. Broadcasters that are only marginally profitable could find themselves in a loss because of the application of the levy and the manner in which it is calculated. This concerns me. Let the levy be calculated as a percentage of turnover, but subject to a maximum of 10% of profit, for example. I know profit can be manipulated to some extent. However, the statutory instrument is very specific with regard to the qualifying incomes and I am sure it could be equally specific with regard to qualifying expenditure. Capping the levy at a percentage of profit would take account of a situation where

[Senator Jim Walsh.]

the cost of the levy was the straw that broke the camel's back and put a good broadcaster out of business. I hope this will not happen.

One of the great initiatives we have taken has been in the area of local radio. Listenership to local radio proves its success. I hope we might also, some time, have regional television. Some people may feel the country is too small for that, but Northern Ireland has two TV channels. One is a state channel but UTV, although I am not familiar with its accounts, is a pretty good channel and broadcasts good programmes.

The economic crisis must change the way we think and how we do things. Do we need a BAI? Could someone in the Department not issue the licences and could the Minister not be accountable for that? Do we need this apparatus, and the BAI is only one of many such State bodies? On balance, we probably do need it but we should challenge these assumptions.

Many people talk about the impartiality of the national broadcaster, or lack of it. I have been a critic of the national broadcaster for its failure to convey the message of the global downturn and where we fit in relation to it. I saw a very good programme on television last night called "The Warning", which dealt with the issue of regulation in the United States. It featured the regulator of the Commodity Futures Trading Commission, Brooksley Born, and her difficulties with Alan Greenspan and others in the Treasury Department, such as Larry Summers, who is now back in the Obama administration. It showed how the Treasury felt that the market could decide everything and that regulation was not needed. It was an enlightening programme. It was broadcast at midnight, so I am not sure how widely it was seen.

A few of those programmes have been made.

I saw an episode of a programme called "Aftershock" last week. The broadcasters went to Iceland and talked about an investigation into banking in that country. We got no feel of the content of the report, other than that the Prime Minister was obviously one of the individuals named therein. We got nothing or no feedback from the programme. It was almost as if the whole programme was blighted by editorial intent that cut across what should be done.

Should we be asking ourselves whether we need so many television and radio stations as part of the national broadcaster? Would it be enough if Radio 1 and TG4 comprised the national broadcaster and if the rest that currently comprise the national broadcaster were privatised? We need to examine how we are doing things. As a consequence of our doing so, the imposition on taxpayers through the application of the licence fee might be relieved somewhat. We need to start with a clean sheet. Unfortunately, we sometimes start from where we are and move on without deciding what costs incurred in the past may not need to be incurred in the future.

Senator Eoghan Harris: I wish to share time with Senator Quinn.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Eoghan Harris: I welcome the Minister.

I am not a great fan of either the Broadcasting Act or Broadcasting Authority of Ireland because I have direct personal experience of them. I worked for 25 years in RTE and was often accused of being up to certain political activities there. I was mostly accused of being zealous on behalf of the Government's own instruction, section 31. I was zealous in administering the Government's position thereon. If that is a crime, tough.

Nobody in RTE ever accused me of being biased, however. During the early days of “7 Days”, Mr. White, the assistant controller of programmes, the controller of programmes and I debated bias, balance and impartiality almost every day in the teams.

Although the broadcasting legislation is very detailed, ultimately a lot of it is flimflam. As the Fowler Commission pointed out in Canada in 1971, broadcasting is about programmes, and all the rest is window-dressing. Fundamentally, in a society such as ours, a small island State divided politically, the role of a national broadcaster is crucial.

Broadcasting is changing all the time. We can either opt for a free-for-all in many ways like that suggested, interestingly, by Senator Jim Walsh. According to his suggestion, the Minister would just licence various broadcasters and dispense with a national broadcaster except TG4 I believe strongly in public service broadcasting but I do not believe in the way it has gone in the past 20 years. It has declined badly in this period in regard to the operation of balance, impartiality and objectivity. One problem is that they are not sustainable ideals.

Mr. Jack White was very gracious as assistant controller of programmes in that he was pre-occupied all the time with the question of fairness. He would broadly accept that one cannot be balanced. As I used to ask him rhetorically, how would one balance the Pope in a studio if he came on? How could he be balanced with the other side? With regard to objectivity, I used to ask how can one be objective about apartheid. Mr. Tom Hardiman, a former director general of RTE, said we could not be. With regard to impartiality, which is when a judge withholds his personal judgment, I ask how we can be impartial on matters in regard to disability or marginalised peoples. We cannot.

I generally believe the notions of objectivity, balance and impartiality should be replaced by a very firm and meaningful instruction from the Broadcasting Authority of Ireland that there should be fairness in every programme or, if it cannot be achieved in a single programme, over a series of programmes. What is being done should be signalled clearly such that the broadcaster would say, for example, that for the next seven nights, “Prime Time” will be coming down hard against the Government on an issue but that the Government’s point of view will be aired on Wednesday night. In other words, I ask that fairness be an injunction, a culpable injunction. Broadcasters who are persistently unfair should be fired. If there are no sanctions against broadcasters who are persistently unfair, why would they have any reason to be otherwise?

I am not saying RTE broadcasters are unfair. Broadly speaking, we get a very good service from RTE, but in recent years a habit has grown involving what I call crusading. It was evident recently on “Liveline” in respect of the campaign on head shops. It was all very well but the alternative view on head shops was not heard, namely, the view that drug dealers were anxious to put head shops out of business, and that the cocaine trade had been destroyed in Dublin, on foot of which the criminal class was very angry with head shops. Deputy McDaid and others made a very cogent case against legislating against head shops in the crude way in which it was done. I am convinced by the case that the drug-dealing paramilitary-terrorist nexus was very angry at head shops, but this was not heard on “Liveline”.

A certain crusading element is evident on “Frontline” from time to time in regard to Government policy. I do not mind the Government getting hammered. Fine Gael will get hammered when it takes over but it may not like it so much if it is being hammered night after night with no case being made on the other side. What I am saying is that the question of fairness should be built into the broadcasting directive such that each broadcaster should be enjoined and fair in conducting a programme and must try to eliminate bias. If there is a consistent pattern of this not being achieved, there should be sanctions. I am concerned about the drift from fairness in broadcasting.

[Senator Eoghan Harris.]

There is a great absence on this small island of reaching out and involving ourselves directly in programme making with Northern Ireland, and with forces with programming potential in Northern Ireland. I refer, for example, to the efforts of the loyalist working class to emerge into the stage of history, struggling as they are to emerge through the UDA and UVF. I refer also to other bodies in Northern Ireland that are outside the structures of political parties that may wish to make programmes. We should have built in a provision for the stimulation of debate and programme making on Northern Ireland that would be part of a pluralist policy. We should make no apologies for it. Every state has a right to dictate policy.

I wrote a document in 1987 on RTE after the Enniskillen bombing. At the end of it, I made 13 recommendations on how we should reach out to Northern Ireland, ranging from doing programmes on the Orange Order to teaching people how an Orange drum is played. I recommended that such programmes be presented and produced by people from Northern Ireland of the loyalist tradition. That document was not regarded as being outrageous at the time. We have fallen back from that position, however, and must be more proactive regarding Northern Ireland in offering opportunities. The Broadcasting Authority of Ireland could do much here and the Minister could make his wishes known in regard to this matter.

I have something positive I want to say to the Minister on this issue. I welcome very much his opening up of the authority to the Oireachtas. Down the years, more than anybody in this House, I have experience of dealing with broadcasting authorities. I was often on the receiving end of hard lines from them, I have been suspended by them, and I have been dealt with by them in various ways. What I noted mostly about them was their weakness. They become prisoners, as with all State bodies. I served on the board of IMMA for years. It was almost impossible to get the board and the full-time people to consider anything outside their default ideology, namely, that people could do other kinds of art and that there was nothing wrong with classical art, or the views of various sections of the population.

The Minister has gone some way by opening the authority to the joint Oireachtas committee. I am very concerned about the tendency of broadcasting authorities to go native, to suffer from Stockholm syndrome and fall under the spell of what I call default ideologies. The default ideology of RTE, for example, is exactly similar to that of the BBC. That is not a good thing in Irish broadcasting. The default ideology is a sort of liberal, left-wing tolerance of all cultures and creeds. There are conservative forces in our country that are entitled to be represented also. I refer to the automatic assumption that any politician is bad news, that any Muslim or member of an Islamic grouping is always correct or that any priest is always bad news. The words “conservative”, “Republican” and “Bush” automatically set bulbs blazing in the minds of RTE producers. Everyone in the House knows it is broadly true that this is the liberal default ideology which obtains. There should be a means of introducing other ideologies and ideas. The best way for broadcasting to develop would be for those involved to “Let a thousand flowers bloom”. The Minister has made a good start in that regard by allowing the Oireachtas to introduce its views into the mix.

Senator Feargal Quinn: I thank Senator Harris for sharing time and I welcome the Minister. It is often stated that one should never perform on stage following children and animals. One should certainly never attempt to follow Senator Harris who speaks so well and eloquently and with such passion. The Senator’s message in respect of fairness and Northern Ireland should be broadcast.

This is a very interesting debate. Senator Walsh, for example, asked whether there is really a need for the Broadcasting Authority of Ireland. I do not know whether we need to establish

so many quangos in order that they might resolve our problems. I am of the view that we could do without such quangos, a matter upon which Senator Harris also touched.

As the Minister, Deputy Eamon Ryan, recently commented, the TV licence fee as we know it will most likely not exist in 2020. This is because the availability of television programmes on devices such as mobile phones and laptops will make the old way of charging a fee in respect of having a television set in one's home neither practical nor possible. Some predict that within eight to ten years, every television in Ireland will be connected to the Internet. In light of these facts, alternatives to the current television licence must be considered. I am not sure that this matter has been given careful consideration. It is clear that challenges are going to arise. We do not know how media will develop in the next ten to 20 years. The changes that took place in the past ten to 15 years have been dramatic.

I came across an interesting anecdote relating to the occasion on which John Logie Baird arrived at the offices of the *Daily Express* newspaper shortly after developing his new invention — television — in 1924. Mr. Logie Baird was viewed with suspicion and even alarm. The editor at the time instructed his deputy to deal with the incident by saying:

For God's sake, Jackson, go down to the reception room and get rid of a lunatic who is down there. He says he's got a machine for seeing by wireless. Watch him carefully, he may have a razor hidden.

I accept that this incident occurred a long time ago but it shows how dramatically things have changed. I am of the view that they will change again in the coming years.

I am glad the Broadcasting Authority of Ireland has reduced the levy it imposes on the radio sector which employs approximately 1,500 people. Radio has a large following and has a major impact on local communities. The radio sector has also changed dramatically in recent years.

The Corporate Governance Association of Ireland believes that this country needs a commission for public sector board appointments such as that which operates in the UK. As already indicated, I am not enthusiastic about the establishment of further quangos but such a commission would obviously include involvement from the Broadcasting Authority of Ireland. This would be a welcome development for all such bodies because it would provide them with the opportunity to assist in improving transparency and openness and encouraging fairness.

Is there an argument to be made in respect of removing the ban relating to paid political advertising on radio? At present, such a ban is in place. This ban also relates to paid advertising by trade unions and interest groups. A political party can advertise on a radio station's website but not on the station itself. However, research carried out by Dr. Kevin Rafter, a political scientist, on behalf of the Broadcasting Authority of Ireland indicates that more than half the electorate were either completely or strongly opposed to allowing political advertising. Dr. Rafter said the biggest fear was that an American-style situation, where the party with the most money would be able to commandeer the most amount of airtime, would develop. Such a development would not be acceptable. If there was a free for all, then the eventuality to which Dr. Rafter refers might come to pass. If such paid political advertising were to be allowed, we could establish a framework to limit its extent, etc. The Minister has stated it would be too difficult to police this type of advertising on radio. Given that media have developed to such a degree, for example, people can access websites through their mobile phone or televisions sets, surely it should be possible to address and debate this question rather than having a situation where existing legislation does not take account of the position that obtains.

In recent days the Minister indicated that he intends to make all of Ireland's Six Nations matches and Heineken European Cup rugby matches involving Irish provinces free to air. I am not sure how this will work. The Irish Rugby Football Union, IRFU, has stated that this

[Senator Feargal Quinn.]

move could cost it €10 million and would mean that the provinces would not be able to continue to exist in their current form and that they would lose many of the players currently on their books. Rugby has changed dramatically in recent years as a result of television coverage. The Cathaoirleach is a GAA man but I am sure he cannot help sneaking a look at the rugby matches shown on television. There are many of us who grew up watching only GAA and who only came across rugby later in life. Irish rugby has developed to such an extent that two teams from this country faced off against two teams from France in the semi-finals of this year's Heineken European Cup. No team from the island of Britain got beyond the quarter-finals. If we make the matches to which I refer free to air and if this costs the IRFU €10 million, rugby will be damaged as a result.

I recently read with interest about a report on cultural diversity in Irish broadcasting. The report in question was compiled by NUI Maynooth and was funded by the Broadcasting Authority of Ireland. RTE informed the researchers who compiled the report that it was still evolving a policy of integrating diversity into programmes generally. It was reported in the *Irish Independent* that station executives at TV3, when referring to fashion reporting on the station, informed the researchers that "There is generally a black girl in there somewhere" and "Most importantly everyday we have Oprah, black, and Ellen, lesbian, you know ... they tick a box". The executives in question also referred to the fact that there is a black presenter on a programme called "Xposé" and that there is "a black girl in the factory" in "Emmerdale". I am not familiar with these programmes but it is clear that those involved are encouraging some form of diversity. In light of the difference in the way in which RTE and TV3 are funded, is such a policy of diversity appropriate? What does the Minister make of TV3's position on diversity on television and is he in favour of establishing some form of quota?

This has been an extremely interesting debate. Senator Walsh made a very interesting point when he stated that in the past if a station wanted to increase the number of programmes it made, it was automatically obliged to increase its income. As the Senator indicated, those in the private sector were obliged to reduce their costs. I was with some television people yesterday and I discovered that the crew tasked with making the programme consisted of just a journalist and a cameraman. In the past, even to record a short programme, there would have been six people involved. This shows we are moving with the times and that everyone is benefiting.

Senator Niall Ó Brolcháin: I welcome the Minister of State, Deputy Cuffe, who has replaced the Minister, Deputy Eamon Ryan. This is a very interesting debate. Various speakers made some intriguing comments. Senator Harris stated that he worked for RTE for 25 years. That is a long period in which to have worked in the media. The change in those 25 years has been extraordinary. When Senator Harris began working in RTE, there were not that many local radio or television stations and the Internet did not exist. The position has changed dramatically in the interim. For example, if I travel to Dubai or Australia, I can listen to my local radio station, Galway Bay FM, via the Internet.

The Internet will revolutionise broadcast media. As matters stand, we have traditional television and radio stations and also the new local radio stations. It is now possible to access radio stations from countries across the world and in various languages via the Internet. It is also increasingly possible, both legally and illegally, to watch television programmes from across the world on the Internet. It is difficult to see how people can be prevented from watching illegal television streams which can be broadcast over the Internet to any country because it is difficult to trace from where they are being broadcast most of the time.

There will be enormous change. Senator O'Reilly mentioned local radio stations and said the joint Oireachtas committee had helped to alleviate the difficulties created by the industry having to fund the BAI. The authority's budget has been reduced from €7.6 million to €5.635 million. Like many Senators, I was lobbied by various radio stations regarding the problems they were experiencing and when I brought their concerns to the attention of the Minister, he was well ahead of the game. He was well aware of the difficulties and proactive in alleviating them. However, the greatest problem facing us is presented by the funding of quality broadcasting because traditionally this has been done through advertising and the television licence fee, which income is also used to fund radio services.

Internet advertising is very much targeted at people with particular profiles, including through Facebook and Google, as they listen to or watch the many channels into which they can tune on-line. Advertising will change, but the question is where the revenue will go. For example, will RTE be able to continue to fund public service broadcasting because there will be huge competition from international sources which have huge funds compared to Irish broadcasters? I question whether indigenous broadcasting services can survive in the future or whether we will be able to easily fund them. We need to think about this because, whether we like them, changes are on the way.

It is vital that indigenous broadcasting continues. Local radio stations have flourished because they provide information on local people and local news. If they did not, we would have to listen to homogenised news items from across the world which would be negative from a cultural point of view. It is important to have local traditions. The Irish language is important. In that regard, it is positive that we have Irish language broadcast media, but they are subsidised and I wonder to what extent they will be able to keep going in budgetary terms into the future.

The BAI is crucial. It is an amalgamation of two organisations — the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission. When broadcasting complaints are mentioned, I think back to a time when ladies somewhere in the State with a Catholic view on issues would make complaints about sexuality on television. Many types of complaints can be made about broadcasting which has a major influence on the changes we are experiencing in society. We have become a multicultural society and have to be careful about the message sent through indigenous broadcast media.

The BAI's children's advertising code is positive. It refers to not condoning greed, violence or aggression, the seven deadly sins and generally not broadcasting to children in advertising things that are unreasonable. It also considers issues such as a balanced diet and nutrition and not broadcasting ridiculous messages that great things will happen if one uses certain products. We must be careful in this regard and because such advertising spiralled out of control in other countries. Young people spend many hours sitting in front of the television, computers and video games. Members of the House are of a certain age group and younger people have a different view of what the media are all about. Everything is changing rapidly. I refer to social networking sites such as Twitter and Facebook. If I had uttered the word "twitter" a few years ago or said "I tweeted this or that", people would have said I was a lunatic. However, this has become common parlance and Members refer to Twitter and tweets on a regular basis. President Barack Obama's political campaign very much involved Facebook which highlights that politics is hugely influenced not only by broadcast and print media but also by the Internet.

Deputy Ciarán Cuffe: The Senator should wait until politicians get into Chatroulette.

Senator Niall Ó Brolcháin: I have not come across that. The Minister of State is well ahead of the game where these sites are concerned; he was blogging and doing all sorts of other wonderful things before I had even heard of them.

[Senator Niall Ó Brolcháin.]

It is important that we have robust debates about how the media are affecting and will affect society. Senator Quinn referred to the potential of buying up programming for political broadcasts on radio. That would be dangerous. On visits to the United States, I have viewed a ridiculous amount of negative political advertising. It is all about how bad and appalling the other guys are; it is not about getting positive messages across. Ridiculous amounts are spent on radio and television advertising by political parties in the United States which does not bear thinking about. If such advertising was allowed in an Irish context, it would make it almost impossible for any party other than the two main parties to exist. While they and possibly the Labour Party which might have a little more funding than my party might welcome it, politics should be about local issues and working with the people at grassroots level. It should not be about national broadcasts, as is the case in the United States. The influence the broadcast media has on society needs to be constantly reviewed and we need to examine carefully where we are going in this regard. The BAI is necessary, but I fear it will have to change enormously to survive.

Senator Brendan Ryan: The Labour Party broadly supported the Broadcasting Bill 2008 under which the Broadcasting Authority of Ireland was set up. The authority's objectives are to ensure the number and categories of broadcasting services made available in the State best serve the needs of the people of the island of Ireland, bearing in mind their languages, traditions and religious, ethnic and cultural diversity; to ensure democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld; and to provide for open and pluralistic broadcasting services. These are laudable objectives, but they will not be easily achieved, particularly the first one. A set of actions and annual targets relating to each objective must be laid down. An annual performance review of each target is also needed.

Senator Ó Brolcháin referred to complaints which must be reviewed in a formal way at least quarterly, with the results of reviews being made available at least annually. Complaints against the board must not be looked at in a negative way and treated as a chore, but must be looked at in a more positive manner as a means to bring about improvements.

Most people are interested in what is happening in the world, but they are even more interested in what is happening in their own street or town. In that context, local radio is of real importance to the communities up and down the country. The media industry is constantly changing. The technological advances of the last few years alone have changed the face of the industry. Now people can get their news instantly and from many and varied sources, and the Internet is very much part of that scenario. The clever small market radio station operator has to be even more inventive today in connecting with listeners and in generating and reporting news through a whole variety of methods. These changes and advances make it ever more challenging for small local radio stations to compete in an already competitive market. The task of the BAI should be to ensure that all broadcasters have a fair crack of the whip and this is an onerous responsibility.

I welcome the fact that as a result of considerable political pressure, there is to be a major reduction in the charges on local radio stations under the broadcasting levy scheme. The budget for the Broadcasting Authority of Ireland is to be reduced from €7.6 million to €6 million, which will lead to an easing of the burden on smaller local radio stations. However, this does not deal with the continuing inequity where bigger broadcasters pay proportionately less than the smaller ones. We must have a new statutory instrument before the end of the year to address this inequity.

This scheme was the subject of great deal of controversy when the Minister, Deputy Eamon Ryan, was forced to push it through the Oireachtas after cross-party opposition expressed by

all members of the Joint Committee on Communications, Energy and Natural Resources. Labour will be pushing for full scrutiny of the budget which has been drawn up in order to ensure proper and efficient regulation of the broadcasting sector.

While the BAI has to be independent in its functioning, it is important that it should operate in an open and transparent way. In that context, it is vital that the Minister be accountable to both Houses of the Oireachtas for how this body operates and spends its budget. We cannot allow any room for another FÁS saga. There must be full accountability. That is for certain.

I welcome the fact the BAI published the revised children's commercial communications code on 11 May. I understand all advertising, sponsorship, tele-shopping and product placement that are of particular interest to children and broadcast during children's programmes will be required to comply from 1 June. I am glad to note the code covers the scheduling, pester power and manipulation, but I will reserve my judgment until we see it being enforced and what teeth it has in practice.

I particularly welcome the ban on sexualisation of children, a problem which recently came to the fore when Marks and Spencer and Primark were advertising inappropriate clothing for young girls. It is inappropriate for advertisers to target children, particularly in terms of fast food, which may possibly be injurious to their well-being. However, in my view, it should go beyond prohibiting the advertising of junk food and cover other forms of advertising targeted at and focused on children. We should ensure as legislators that RTE and other Irish broadcasters provide a number of periods of children's programming during the day which are advert free, as happens in other jurisdictions.

I said before in this House that we know that advertising targeted at children works. It is considered to be lucrative in the advertising industry. Practically all the top advertising agencies today have children's divisions with the obvious objective of targeting this group of very vulnerable citizens. In many cases children under the age of 12 will not be able to recognise traditional advertising as opposed to routine programming or its sales-promoting nature. Children are entitled to a childhood free from commercial pressures. I am disappointed to hear from the Minister today that the functioning of the board will be restricted, initially, by a lack of human resources due to the recruitment embargo, and that one of the issues as regards the initial formation of strategy is to be delayed. His reference to the use of consultants, to overcome the problem, at such an early stage in the life of the board is somewhat worrying. Also, his announcement that there is to be a self-regulatory regime in place is another disappointment. In my view we have seen enough of such non-regulation.

Finally, I wish to mention a study published last November, carried out by Dr. Kevin Rafter, and funded under the Broadcasting Authority of Ireland's media research scheme, entitled *Political Advertising: the Regulatory Position and the Public View*. The study's recommendations stated political parties and other groups should be given "greater freedom to publicise their policies and agendas on television and radio, and that consideration should be given to having defined advertising slots which are broadcast at certain times in a daily schedule and contain only advertisements of a political nature".

The report's recommendations stated the public will need reassurance, as Senator Ó Brocháin mentioned, to the effect that the system ensures those with access to resources do not disproportionately benefit under a new regime. That is very important. Central to any legislative and regulatory change must be the principle of equity of access to public discourse on the airwaves. The report also mentioned religious advertising, and I understand the BAI is to prepare guidelines to oversee the regulation of religious advertising on Irish television and radio. I understand we are still awaiting these guidelines and I look forward to their publication.

[Senator Brendan Ryan.]

I welcome the recommendations referred to in the report and believe there might be merit in having a debate in this House on the content and recommendations of that report.

Senator Liam Twomey: One interesting aspect to a debate on the BAI is it shows the way broadcasting works in Ireland at this time. We have broadcasting at a local level and at a multimedia macro level and in effect we are trying to make both types fit into the same space. That is not really possible, however.

I do not believe local radio stations need to be as over-regulated as they are. They are not purely profit-driven, and have a socio-economic role. They must be in touch with the communities they serve in a way that is different to other media outlets. To some degree local radio stations self-regulate themselves. If they are not playing the appropriate songs or covering local news listeners will simply switch to another station. Occasionally they may push the boundaries, but if presenters are offensive, the public will rein them in. We have seen that happen with the national broadcaster as much as we have at local level.

To some degree the BAI could conceivably metamorphose into a quango. Its officials will be looking at an hour's programming, for instance, parsing every word that was said and deciding how much of the programme is music, news, chat and whatever. There is no need for such a restrictive BAI. I believe that local stations will operate well within the spirit of the law and there is no need for an organisation to be overseeing them in this manner.

Perhaps it is different as regards multimedia and other media outlets across the country, because basically these can come from anywhere. The Internet has dramatically changed the way we approach multimedia. It can present one with anything. One can get any type of programme that suits one's tastes on the Internet, and this is literally true. There is no way to monitor that. For instance, as regards what has been said about children's advertising and restrictions on what may be pushed at children, this should be the subject of a European directive. There should be a European broadcasting authority to monitor what is going on, because we have no way of stopping stuff coming from France, England, Germany or wherever. If we believe that just restricting RTE, TV3, and TG4 will make any difference, it will not, and will fail.

I was very interested to hear what Senator Harris had to say, namely, that fairness was different to balance. That should be a core point as regards what the BAI does because it is correct. If one tries to get balance in every single programme, one can mess up the message. If one is trying to highlight what happened as regards ghost housing developments, for example, or a specific part of economic activity over the last couple of years, and one is circumscribed by the necessity to achieve balance all the way through, one can mess it up. If RTE spent all its time making anti-Government programmes — news, current affairs or whatever — the Government would automatically have a strong case. However, I assure the Minister of State that we on this side of the House often feel we are getting a raw deal from RTE and other national broadcasters.

What has happened is that after 13 years of growth and relatively good news, Fianna Fáil has become overly sensitive to bad news and criticism. If we analyse the programmes of the national broadcaster we will see it tries as much as possible to be fair. That is the point that should be made to the Broadcasting Authority of Ireland — the need for fairness at all times — and not this nonsensical stuff about balance. It just will not work; people will switch off.

Everybody is trying to manipulate news globally. One can transmit news from the mountains of Afghanistan to the world via the Internet. How can we restrict how the news is delivered in a First World country such as this, in which people have ready access to the Internet, mobile

phones and terrestrial and satellite television? It would be a waste of time. How would the Minister of State consider restricting access to certain programmes? It cannot be done. Twenty years ago, if people wanted to obtain pornography in this country they would have had some difficulty; now it is available at the click of a mouse. If one types the word “pornography” into a search engine, there are 25 million results. How can this be restricted? It cannot be. The only way for a parent such as myself to restrict my children’s access to the Internet is to install a program such as Net Nanny. There are plenty of opportunities for children to access unbelievable content on the Internet. Rather than taking the North Korean attitude and attempting to block it all, it is a question of teaching people more about what they get from the media, how to interpret stories, and how to deal with their perception of the information they are receiving.

There are some people in the House who would love to see the highlights of the Order of Business during the first three minutes of the six o’clock news, but unfortunately that will never work. For some reason, it just will not interest the majority of people. We must think more realistically about what is actually happening.

In the future we will see more niche television stations springing up on the Internet. Production will improve and become more professional, but there will be a focus on niche areas. To some degree this is already happening with digital and satellite television, but such stations will become much more obtainable over the Internet.

I ask the Minister of State the reasoning behind the Minister’s idea of making the Heineken Cup available on free-to-air television stations. There is a need for clarity in this regard because there is a possible conflict of interest. The Heineken Cup has always been available on RTE because agreements have always been made with the national broadcaster, even though the rugby authorities could have gone somewhere else. This means the national broadcaster must pay for the Heineken Cup, and the money it pays goes towards the development of professional and amateur rugby in this country. Now the Minister, who is also responsible for funding RTE, has suddenly managed to save it a substantial amount of money by making this decision. One can see the conflict of interest that exists.

I would like the Minister to make a statement on this. There will be a significant impact on the development of rugby as a sport. The IRFU is saying there will be an impact on the professionalism and high standards of the sport, that if Irish clubs are not in the Heineken Cup any more then no one will be watching it anyway, and that this will have an impact on amateur rugby, which has developed magnificently across the country over the last number of years.

A Senator: Hear, hear.

Senator Liam Twomey: There is a clear need for the Minister to outline his reasons for taking this decision, because it may be seen as merely populist. The only real beneficiary of this decision has been RTE, which is funded by the Minister. There is a need to open the issue a little more.

The ethos of the BAI will develop over time and we will see what it becomes. I hope its ethos is that of an open-minded and fair agency and not just another State agency that is only interested in the little empires within the organisation and is a bloody nuisance in terms of the development of the media in the future.

Senator Paschal Mooney: I welcome the Minister of State, Deputy White. Like my colleague Senator Harris, I declare a vested interest in that I broadcast with RTE and one or two local radio stations, so I must be aware that whenever I speak on broadcasting matters I may be accused of representing one side or the other.

[Senator Paschal Mooney.]

The new structures, as Senator Twomey said, will take some time to evolve and develop their own ethos. However, I hope they will seriously consider not issuing any more radio licences for this island, which is already overcrowded with radio stations. A number of radio stations that were granted licences in recent years have been struggling. It is all about diversity, and I appreciate this is the reason for the proliferation of licences. The old Broadcasting Commission of Ireland, with Michael O’Keeffe at the helm from the very beginning, moved cautiously in this regard, seeking out opinions and consulting widely on gaps in the waveband with regard to generic broadcasting, whether it was jazz, minority interests or anything else. However, we have now reached saturation point. Already, some of the recently licensed radio stations are beginning to suffer financially.

The other element on which I want to focus is slightly to one side in terms of the role of the authority. I refer to the status of Irish traditional and folk music in our society. Since deregulation in 1990, we have become similar to the UK, the USA and most developed countries in that we now effectively have wall-to-wall pop music from 7 a.m. to 7 p.m., which is the period in which the most money is made. I must separate RTE from this analysis because Radio 1 is a talk station, with only one music programme during the day, “The Ronan Collins Show”, which deserves to be commended because it reflects the wide diversity of musical tastes in this country. His programme is primarily listener-based and he actively encourages people to e-mail or write to him expressing their particular musical interests, which he reflects; that is why his show is so successful. However, the remainder of the 7 a.m. to 7 p.m. period on Radio 1 is talk radio, and good talk radio at that. It is the finest example of public service broadcasting.

The second RTE radio station, 2FM, was set up primarily as a pop music channel; there are those who would question its continuing survival in light of the number of alternative radio stations, but it does fulfil an important role in that it was set up as a counterbalance to Radio 1 for the younger generation. In fact, I was privileged to broadcast on the first night of what was then known as Radio 2, in the slot between Dave Fanning and the late Gerry Ryan, God rest him.

Lyric FM was set up to cater for a particular taste in music, although it has since broadened its remit considerably, which I welcome. It has gone into what it refers to as world music and diverged from a strictly classical format. We are then left with Today FM, the independent national music station, and the local radio stations. A cursory listen in whatever part of the country one is in — with some exceptions, particularly along the west coast — will show that these consist primarily of wall-to-wall pop. One could be in Los Angeles or New York; the only difference is the accent, although in some cases the accents have become transatlantic, so one might really think one was in LA or New York. I have often wondered why people cannot just talk in the accent God gave them.

Irish traditional folk music is an international brand. As somebody with strong links to the tourism industry and as a former chairman of Fáilte Ireland North West, I like to feel I speak with a certain amount of authority in this regard, although I do not want to be pompous about it. If we look at any survey conducted in recent years, one of the top three reasons people come to this country is music, specifically Irish music, yet it would be hard to hear Christy Moore, Mary Black, De Danann or any of the plethora of Irish traditional folk music groups and singers on radio between 7 a.m. and 7 p.m., but one will hear them after 7 p.m. at 10 p.m. and 11 p.m. I have never been able to understand the reason programme controllers have not tapped into what is an exceptionally popular form of music. I will quote a specific instance. My friend and colleague, Senator Ó Murchú, raised this issue some years ago when there was great hoo-ha about Dublin City Council granting a licence for an open air pop concert in the Phoenix Park that would attract 40,000 people. He pointed out that Fleadh Cheoil na hÉireann attracted

over 250,000 people each year, yet we never heard anything about it. In fairness, the printed media cover it, but listening to the radio, one would never be aware that 250,000 people gather at the event which this year will take place in Cavan. I wish the organisers well and have no doubt it will be of tremendous economic as well as cultural benefit to the people of the region. That is the point I am trying to make.

When I first started this argument in the early 1980s, the main emphasis was on providing a quota. We looked at the Canadian system. Senator Harris may be aware that in Canada there is a quota system, under which two out of four criteria must be fulfilled to comply with the law. The criteria are that a song must have been written by a Canadian, published by a Canadian, be available on a Canadian record label or by a Canadian artist. If two of these four criteria are fulfilled, one fulfils the obligation. Unfortunately, because of Treaty of Rome obligations and it would be seen as anti-competitive, we are not able to introduce a similar quota system in this country. Radio stations would resist quotas. They resisted them in Canada, but Canada has not only protected its indigenous music industry but it has also promoted it to the point where in the past 20 years I understand the practice has developed rather than law to the point where programme controllers are now comfortable with the idea of playing Canadian music alongside international music.

The French have decided to bypass the Treaty of Rome obligations and recently introduced a quota law, under which a percentage of the songs played on national and local radio have to be in the French language. They are protecting their language. If we were to apply a similar law here to the effect that radio stations had to play a percentage of Irish language songs, that would not be fair or feasible, even though there are some fine songs as gaeilge that one can regularly pick up on CDs and which sell well. My argument which I intend to pursue is that there is a case to be made to harness what is an international brand, namely, Irish traditional and folk music. I am not talking about country and Irish music as such which is a separate genre and one I will not shy away from, but for the purposes of the argument, I am looking at what is accepted as an international brand.

U2 has done marvellous work. I have tremendous admiration for Bono and the members of U2 who are proud to be Irish and fly the Irish flag wherever they go, but, with all due respect to them, if we were to separate the patriotism and nationalism from their music, they could just as well be from Los Angeles as from south County Dublin because there is no sound that makes them distinctively Irish. Unfortunately for us and the Exchequer, most of the international bands such as U2, The Cranberries and The Corrs are tied to British based record labels and publishing companies. As a result, 93% of the song writing royalties collected by the Irish Music Rights Organisation from Irish radio stations leaves the country. Their publishing companies are not even based here, which would be of some benefit to the Exchequer. In case Members think that is small potatoes, so to speak, in its prime in the late 1970s, ABBA was seen to be generating as much money for the Swedish Exchequer as Volvo. It was second only to Volvo in generating international earnings from its music and publishing rights because everything was based in Sweden, but that is a separate argument. However, there is an argument to be made, not only from the point of view of supporting the indigenous industry which is struggling.

I constantly receive e-mails from practising performers who are finding it extremely difficult to get work because the oxygen of publicity, to paraphrase Mrs. Margaret Thatcher, is absent from daytime radio in this country. The Minister of State might consider this when she is travelling home this evening. When do we hear on radio Christy Moore, Mary Black or any of the vast number of Irish traditional musicians and singers whose compositions are being bought by the thousand? People are voting with their money. They are buying the product, yet one will not hear it on radio. I rest my case.

Senator Joe O'Toole: I welcome the Minister of State. One of the problems is that this debate reflects on the individuals we appoint to the board of the Broadcasting Authority of Ireland because it has become so narrow. I disagree with Senator Mooney, although I agree with much of what he said. I recall i rith na seachtaine seo caite bheith ag féachaint ar clár ar feadh uair a chloig, déarfainn, ar Fleadh Cheoil na hÉireann. It was the subject of a whole programme. That is to answer the point made. When I walk down a street in France and hear a U2 song being played in a pub, shop or restaurant, I know it is an Irish sound. Traditional music started somewhere, but the Senator made some relevant points. Much of what he said made sense, but at a time when the Government is being criticised time and again for engaging in cronyism, looking after its own and so on, the most important point is that the establishment of the Broadcasting Authority of Ireland represented a badly needed step forward in public sector appointments.

The Broadcasting Act 2009 was initiated in this House. In the course of the debate we argued with the Minister for Communications, Energy and Natural Resources, Deputy Ryan, on the need for openness and transparency, although I do not assign the same high value to them as others do. However, it is useful to have such an element long the way, but I never agreed with the former Taoiseach, Mr. John Bruton, on governing behind a pane of glass. "Transparent" was a word used in Dingle to describe somebody who was a bit simple. Therefore, I have always been careful in using that phrase. However, I am not coming from that point of view, but we asked for openness in the making of appointments. When the Minister would not go along with us on this suggestion, I proposed that before people were appointed, they come before the Joint Committee on Communications, Energy and Natural Resources. The Minister included it in the legislation that the joint committee would recommend names, but did not agree that they should appear before the committee. He took the same position in the Dáil.

I am a member of the joint committee and when the time came for the joint committee to deal with the matter, I met the Fianna Fáil chairperson, Deputy Nolan; the Fine Gael spokesperson, Deputy Coveney, and the Labour Party spokesperson, Deputy McManus. I indicated to them what was happening in other countries and asked that we try to conduct the process differently. I said we should go through a process in such a way that nobody could point the finger at us and say it was not fair. We devised a process which involved the placing of an advertisement in the newspapers, using an outside agency to short-list names and engaging in hard interviews followed by a presentation of the individuals who would be recommended to the full committee in public session. We met the Minister informally and told him what we intended to do. We also told him we did not want to have a big row about the matter, that this would be a model of best practice and that it had never been done before. He said he would check with his Government colleagues. He got back to us and agreed to do it.

It was hugely important that the advertisement was placed in the newspapers, as it attracted people of the highest calibre from all walks of life and the highest levels in the private sector, the arts, broadcasting, public and private, independent and otherwise. I wish I could highlight the quality of the individuals who applied, but I cannot for reasons of confidentiality. The process showed that, first, there was a huge bank of talent available and, second, that there were people who were prepared to make a contribution because they were not applying for the position for the €5,000 or €6,000 they would earn a year. That was not their intention.

It is important to note that, despite what Senator Walsh said, we engaged in this process as a private sector operation from start to finish. We used private sector techniques in short-listing names, etc. I recall arguing with Senator Walsh on the point that the legislation stated candidates had to have experience or shown capacity in one or more of the 12 areas mentioned which included media affairs, public service broadcasting, commercial broadcasting, community broadcasting, the digital area, business or commercial affairs, matters pertaining to the develop-

ment of the Irish language, disability, culture, environment, etc. I said that if I was in charge of the process, I would have indicated that they should have experience in two or three areas because we were only recommending the names of four people. I said I would set a certain number of essential and desirable requirements and short-list names in that way.

That might not have suited some people. Many people would like to ensure some form of cronyism was maintained so that they could propose people for reasons other than best practice and they might not have liked it.

The House should understand that the interviews were focused more on the business plan than anything else because all the candidates had experience. They were nearly all people with commercial experience — independent broadcasters. We came across one woman i gceartlár Ghaeltacht Chonamara a bhí tar éis cláracha a chur le chéile which had won prizes all over New York. These programmes were shown on CBS and NBC, but I had never seen her photograph in an Irish newspaper. She was appointed to one of the boards we were dealing with at the time. The people in question had distinguished themselves in areas of Irish life.

The questions we put to the candidates were along the following lines. We asked them what they would do about the fact that RTE lost €70 million last year. We asked how we would get payment for RTE's great website, which is possibly the best website in Ireland for news. We asked if they agreed with what Murdoch was doing in charging for content on *The Times* website. We asked if we could do certain things, whether they would do those things and what their view was on those things. We put those questions to check people had thought through what they would do. We asked for detail on what their business plan would be and about how they would deal with issues. We were not interested at all in their views on how much Irish language broadcasting there should be on a station because we wanted to select people who would take strategic decisions for Irish broadcasting rather than for individual radio stations.

At the very first meeting of the board, it was hit with the issue of the levy on the various radio stations throughout the country and I thought it handled the issue very badly. I say that as one of those involved in the appointment of the board, but at the same time I recognise that it takes time for a board to gel. The members were dealing with a set of figures put in front of them and had to make decisions. It looked like they were up against it and they should probably have said "No" at the time, but they made a decision. In the meantime, they have changed it. I would have confidence in the board. We established something else with the board. We brought all the candidates before the committee and they explained their backgrounds, said what they had to say and took questions from the committee in public session. We made it clear to them that the board would be called back before the committee at least once a year to explain what it was doing, what it had found, what changes needed to be made and what progress was being made.

The Minister should be aware of this. When he is being hammered in the media about the Government's inaction, he can use this as an example of what it is doing. He can chalk this up and say it is something no previous Government has done. The media has been calling for openness in the appointment of State bodies for years. This is openness in practice. This is not like the kind of theatre one finds in Washington where people are interviewed before a committee which tries to find reasons not to appoint them. Our process was different. We told everyone who appeared before us that they would be required to appear before a further committee and state their experience and what they could bring to the party. We would have indicated what strengths they had and their experience. The challenges involved in that are important.

RTE was mentioned in the earlier part of this debate. RTE has six radio stations, two or three of which are very good digital audio broadcasts only. These may not continue but they

[Senator Joe O'Toole.]

are of the highest quality. One of these is a Radio 4 type programme. It will probably never make money but the question must be asked whether RTE should retain the programme. I do not know, but the kind of people we tried to select for the board would deal with such questions. The criteria for the ideal candidate for the board stated the ideal candidate should demonstrate exceptional interpersonal skills, a proven track record at strategic level and the ability to think creatively. This did not mean creatively in terms of programme making, because the people selected were not going to be involved in programming, play lists or anything like that. It was about looking at Ireland as a unit for broadcasting and being creative in that regard.

The issue of relevant financial experience was raised with every candidate. They were asked whether they understood accounts and their importance and the importance of providing a report on the accounts. It was pointed out clearly, for example, that RTE did not have a €70 million shortfall last year. It had a €70 million reduction in income, but it kept going by doing precisely what was required of it, as would have been required in the private sector. That seems to have gone unnoticed by Senator Walsh and, perhaps, Senator Quinn. RTE simply had to take on the extra work and hours and had to reduce staff to make it work. It succeeded in that and credit must be given to it and Cathal Goan for making it happen. Tá na rudaí sin thar a bheith tábhachtach. I do not know whether what has been done will work but I and my colleagues on the Joint Committee on Communications, Energy and Natural Resources will be interested in hearing the outcome.

We should consider what directions we should give to this board. These will not be about the content of radio stations but about how to create a national broadcasting strategy. Senator Walsh asked whether this could be done by the Department. It could, of course, but the point about the broadcasting authority is that through it one has gone into civic society and, for small money, raided the talent bank of the community to make it work for the State. That is the reason for the authority and why it is important. Perhaps that is not a good idea or people do not want that because it is easier to tighten up, keep a tight fist and let no one interfere.

What the Government has done in the establishment of the Broadcasting Authority of Ireland is a role model of good practice. It is something for which the Government can take credit. This is an important achievement. The question now is how it will deliver. It will be our responsibility to be a watchdog to ensure it delivers for us at all times. If it does not deliver, it is our responsibility to question, harry and put pressure on it, as we did with the Minister. We argued with him on the question of the broadcast levy. He won the argument, but that is not the point. The point is we engaged and dealt with the issue. I hope and have a vested interest in ensuring the Broadcasting Authority of Ireland does a good job, and I believe it will.

The question of a conflict of interest was raised with us by people within RTE who did not want people from the commercial area involved in boards that might make decisions for RTE because those people might have a conflict of interest to try and do better than RTE. There will always be an overlap when one selects people from an area of expertise. Conflict of interest is something that is dealt with by the chair of a board of directors. The chair will ensure a member declares a conflict of interest where it arises and that he or she does not involve himself or herself in the decision on such an area.

I welcome the Minister and congratulate him on his openness to change and on bringing forward the process for the appointment of the Broadcasting Authority of Ireland.

Senator Marc MacSharry: I propose to share time with Senator Labhrás Ó Murchú

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Marc MacSharry: I am glad to have this opportunity to make a few brief points on the Broadcasting Authority of Ireland. I would like to focus briefly on the area of local radio as the RTE issue has been covered substantially by others. The introduction of local radio licences over a decade or more ago brought official Ireland to the people in the street in a much greater way than did the elitism of RTE where only the chosen stories or people rose to the top in terms of getting their points across. I often joke with Senator Norris that in the context of the coverage of this House, unless one is gay, a former president of ICTU or a *Sunday Independent* business editor, it is difficult to make “Oireachtas Report”. I know the Independent Senators will not mind me saying that because it is a joke we often share.

Local radio has ensured all news gets to the community and it has provided a service. When we consider the implications of the work of the Broadcasting Authority of Ireland, we must ensure to the fullest possible extent that we do not undermine the great work of the local radio stations, from Donegal to Kerry FM and from TippFm to Ocean FM and all the local stations in our own areas. The national broadcaster, RTE, does a very good job in terms of radio and television, as do the other national television channels but, increasingly, in the context of news, due to the complexion people choose to put on the news, news becomes views. This happens less frequently in local radio. It is important to acknowledge the Irish public’s intelligence, education and ability to interpret the news and facts for themselves without requiring the often distorted view of an individual or group of individuals. When one listens to current affairs shows on radio or watches them on television almost always at least 50% of the panels are from the journalistic world. I know many graduates of NUI, Trinity College and other colleges but I did not know that journalism necessarily meant one would be an expert on everything. In that context, we should seek to preserve the independence of local radio stations throughout the country.

The levy must be mentioned in this regard, because it threatens local radio. As others have mentioned, advertising revenues are down 35% to 40% or down to 2001 and 2002 levels. I have a difficulty with the structure of the levy. The key issue for the smaller stations is that we have chosen to favour RTE in structuring the levy. The rationale is that it costs proportionately less to regulate a larger organisation than a smaller one. This ignores the entire basis of our taxation system, which is based on the principle of the ability to pay and in which the better off pay more. The order structures the levy on a regressive scale, whereby larger broadcasters pay proportionately less and smaller ones pay proportionately more. This is the reverse of how Ofcom, the UK regulator, operates. In that case operators which are in a better position to pay more do pay more.

Furthermore, the justification for the structure of the levy was based on a report by PricewaterhouseCoopers which chose not to deal with any of the local radio stations in its deliberations or ask them their views, nor indeed did it ask any Members of the Oireachtas for their views, to the best of my knowledge. The Ofcom levy structure in the UK consists of two levies, the Broadcasting Act levy, whereby Ofcom collects a percentage of the relevant turnover, and a second levy which is based on the Wireless Telegraphy Act. If Ofcom’s approach were applied here, the fees paid by the smaller radio stations in Ireland would be approximately €3,000 to €4,000, as opposed to the current levels ranging from €25,000 to €30,000. These are huge figures for these stations, even if they might appear small in a national context when one considers the work of RTE and so forth. They are huge amounts for stations such as Radio Kerry, TippFm, Highland Radio or Mid West Radio. We must consider that.

There is also the issue of an organisation being able to determine what the levy will be when it decides its budget. It resembles the domestic commercial rates process, whereby when local authorities do their budgets, they see the shortfall and shove it all onto the business community. I do not believe it should fall on stations that are less well off and doing what I consider to be

[Senator Marc MacSharry.]

a greater service to the public, in supplying the news for the public to interpret, than the national broadcaster, which dictates the complexion it wishes to put on the news.

The Minister is aware of my views so I will let my colleague, Senator Ó Murchú, continue.

Senator Labhrás Ó Murchú: Cuirim fáilte roimh an Aire. I am glad these statements are taking place. In fact, we should probably have them more often in view of the power of the broadcasting media. Broadcasting by its nature is constantly changing. In a very short period we saw how RTE, or Radio Éireann, RE, moved from being accommodated in a number of small offices in Henry Street to where it is today. Consider, also, the extra television stations that have been established as well as the local radio stations.

We have seen a vast change but the change is happening so quickly that we do not get a chance to interact with it and make our views known. When the RTE television service first started there was huge interest among the public and huge debate. Many lobby groups and organisations were able to hold meetings and protests, and make submissions and critiques. To some extent we have lost that enthusiasm and emotion. It is always important to be able to make our point, even if the media does not carry it. At least we are interacting with the community itself. That was a very healthy situation in the early days of RTE's television broadcasting.

It is also important to point out that RTE is doing a wonderful job. It is exceptionally professional and I accept Senator O'Toole's point that it is doing its job on a relatively small budget. One can see value for money in that regard. On the other hand, however, there are not many opportunities for the public to make its views known. I accept one can write letters; I recall a statistic being quoted at one time to the effect that one letter was equivalent to the views of 10,000 people, although I forget the exact statistic. I also accept that an unorchestrated letter can carry much weight. However, a greater forum is required to give the public an input. The reason is that, at times, and particularly in current affairs programmes, a line has been crossed. The political agendas come across too strongly. That is true of even individual political agendas which one can watch on various current affairs programmes. That does no credit to the service itself. In the long term it will diminish the respect and credibility which that service should command. Some people have almost become a power unto themselves, forgetting the huge advantage and privilege which they have in their job of being able to communicate with large numbers of people. That comment is not made from a particular political perspective but as a general point. There must be an antidote to balance that so the public who feel strongly about issues will be able to respond.

One of the greatest adventures I have seen in the broadcasting world has been TG4. I salute Deputy Michael D. Higgins, who was Minister when it started. Many people felt the station had no future but today it is a particularly professional television service, not just in terms of the language but also the programmes generally, the documentaries, sports coverage, young vibrant presenters and so forth. That is what I thought RTE 1 would become some time. It has given us a fair amount of that but it lost its way to an extent.

I salute RTE, particularly RTE radio, with regard to traditional music. Historically, RTE radio was to the forefront in the revival and promotion of Irish traditional music. I made that point at the joint committee. The interesting issue is that one can see the results of its work in this area. RTE should continue to be a pioneer in enthusing people about particular issues. It should not promote negativity non-stop but send out a positive message. Never was that more important than at present. Until very recently, I do not believe most of the media, particularly the broadcast media, played a significantly positive role in lifting the spirits of the people in the middle of a recession. However, local radio did play that role. It has been particularly non-

partisan in its work. It has reflected the aspirations, ambitions and the challenges of the local community, so much so that the local community identifies with its local radio in the same way as with its local newspaper. I would much prefer if they would also identify with their national public broadcasting service, RTE, which deserves it. It was the pioneer with the people who provided the structures. It would be a pity if that became diluted because people feel they have a platform at their disposal. I refer to presenters and producers, and of course I am generalising a small bit. However, I ask them to reflect a little on the manner in which the line is being crossed. Overall we have much of which to be proud, but for that reason we have much to protect at the same time.

Senator Jerry Buttimer: Cuirim fáilte roimh an Aire. As somebody who worked in local radio and RTE for a number of years doing sports reporting and commentary on a part-time basis, I begin by saying the biggest mistake made was to close RTE Radio Cork.

Senator Terry Leyden: Another George Lee, is it?

Senator Jerry Buttimer: RTE Radio Cork was a magnificent station. It was a significantly short-sighted move by RTE and by its former head of radio, Ms Helen Shaw, to close RTE Radio Cork.

In saying that, there is awful difficulty in this country today because radio is driven by profit, and that is wrong. I appreciate one must make money to pay the bills but it has the potential to threaten local radio.

The opening of the airwaves to people in communities was a marvellous opportunity. As Senator Ó Murchú stated, it brought the message into the homes of people. Who would have thought in 2001 that the death notices would be listened to in many rural and urban areas, and if that was done in RTE it would be wrong? Radio is about communicating a message, telling a story, painting a picture and if we lose sight of that we are in big trouble. I fear for the future of radio in this country.

I fully subscribe to the viewpoint that there is a need for a Broadcasting Authority of Ireland and I commend the section of the Minister's speech where he stated that it, in its oversight of public service broadcasting, will look at RTE and TG4. It is important that it does so.

In saying that, Senator Ó Murchú made reference to TG4 and the vision of the former Minister, Deputy Michael D. Higgins. TG4 brings sport every week, gach seachtain, into the homes of people, be it the national league, the club championships or the Friday night programme going back into past times. There is much good work being done.

I understand that Deputy Ryan, as Minister, has a difficulty, as we all do, with the issue of digitalisation, the talk about audiovision, free to air, pay per view, the competing forces with Murdock etc. However, if we lose sight of the fact that we must have a public service broadcasting remit then we are in big trouble. I speak not as somebody from any particular political hue but as somebody who has a passion for radio. Radio is my first love and I listen to it constantly.

Let me list a couple of programmes to which I am partial, and which would be lost in a commercial station where people would ask, "Why bother?". For instance, on radio there are: "Documentary on One" and "South Wind Blows" with Philip King.

Senator Eoghan Harris: Hear, hear.

Senator Jerry Buttimer: Close your eyes on a Saturday night and listen to that. It is fantastic.

Senator Terry Leyden: Donncha Ó Dúlaing.

Senator Jerry Buttimer: Let me finish. You come back and you listen to John Creedon, Lillian Smith and “Late Date”. Go back to the days when Liam Nolan presented “Late Date” — fabulous radio. It was not going to make money. As Senator Leyden threw in Donncha Ó Dúlaing, there is “Fáilte Isteach”. It is not riveting radio but it is compelling listening as well.

People such as Denis O’Brien of Newstalk — if I can name persons outside the House, although I do not mean to — are driven by money. In some cases the local radio stations are now repeating programmes such as Newstalk’s “Late Night” because they will not pay people to come in, and that is wrong. It is great that RTE has gone back to having “The Late Debate” on weeknights and “Late Date” at the end of the night.

In Cork University Hospital, for example, for 21 years there have been volunteers sitting inside in the studio presenting programmes predominately for people in the hospital, but also for those at home, who have no other company but Cork University Hospital Radio. For 21 years, there have been people volunteering to make programmes on classical music, sport, Irish music etc. I will not name them because I might offend people. I volunteered for hospital radio.

To me, that is what radio is about. It is not about the razzmatazz of RTE or of Newstalk, driven by figures and by getting in advertising revenue which, as I stated, pays the bills. When I hear the Fox News commentary, “balanced and fair”, I think the biggest mistake every made — this is probably politically incorrect — was where the broadcasting commission or whoever decided that for referenda one must give X amount of time to everybody. Personally, I do not mind who goes on the radio or television. Take the political parties, Fianna Fáil, Labour, Green, whichever, and let us have a debate about it. What concerns me is that we become straightjacketed.

The one thing I wish the Minister would do is abolish half of these pundits who come on. Former Deputy Brendan McGahon had a great comment about people, that everybody had opinions on something else. Everybody in this country has an opinion, but there are people coming on radio and television as pundits and they are experts on everything. To me, radio and television is about being fair and accurate, about presenting a story that is true and allowing people to come into the lives of people, be it on “The Late, Late Show” or wherever.

There is major difficulty with commercialism in the local radio sector. For example, in Cork, to go back to where I started, the biggest mistake made by RTE was to close RTE Radio Cork.

There was a great programme on RTE a couple of weeks ago about Miah and Cha. We have lost the area of satire in RTE. “Hall’s Pictorial Weekly” — I grew up in the 1970s — maligned Liam Cosgrave and his Government, fair enough. What is happening today? To where did Packie O’Callaghan, Frank Twomey and Alan Shortt go? They all are gone. There is no satire on television or radio anymore, expect for “Nob Nation” and “Gift Grub”. “Scrap Saturday” was a great programme, although it did not make money. “Bull Island” did not make money, but it gave another outlet for expression which has been lost.

Senator Leyden is perplexed by the likes of George Lee. I welcome people to come in from RTE and run for politics. Senator Harris is a political pundit and a journalist, and he makes a contribution here. There are others who have come into this House from RTE and from other places and competed for election.

Senator Terry Leyden: But they stayed.

Senator Jerry Buttimer: That is a different matter.

The point is we must take what we have in terms of radio and television, distil it down and forget about being politically correct all the time and about being driven by money. If we are

to be driven by money constantly, the public service broadcasting remit will be diluted and washed away.

As a GAA man, I know the GAA will never be lost to pay per view. I understand from where the Minister is coming on the issue of rugby. I think he has got it wrong, but that is a different matter. Mr. Philip Browne of the IRFU would have a different story as well. On that section, my worry is that the Minister will deprive the IRFU of money which will result in a number of its players having to go abroad, but that is a different issue for a different debate.

It is important we look at the Broadcasting Authority of Ireland. Maybe the Minister should put persons from the street on it. When I read the reviews of television or radio programmes, I scratch my head and wonder have I watched or listened to the same programme.

I am a fan of talk radio. I rarely put on 2FM. If I am in the car, I flick to see what is on local radio and I am disturbed that some local radio stations play wall to wall music. I love the fact Cork has people like P.J. Coogan who will go out and interview people and Patricia Messenger of 103 FM and Neil Prendeville in the city, even though he is controversial. They do a fabulous job. Victor Barry of “Cork Talks Back” on Red FM is irreverent and controversial but I would love to see more programmes such as those broadcast on RTE 1. The State broadcaster has an obligation to provide programming that is not driven by money nor by mass marketing but rather is compelling radio. I hope we never lose that. Senator Ó Murchú said that radio has evolved and I agree but the choice and the tastes of people really have not evolved. If we become Americanised with wall to wall music and wall to wall punditry, then we will be in big trouble. I hope we never go down that road.

Senator Terry Leyden: I welcome the Minister to the House. I thank him for taking the time to explain the situation with regard to the Broadcasting Authority of Ireland. This is a very timely debate and I called for it last week. I am grateful to the Leader, Senator Cassidy, for giving the necessary time as it has allowed the Minister to give a comprehensive statement on the activities of the Broadcasting Authority of Ireland. I refer to the charge on local radio which was of grave concern some time ago. The Minister dealt with this issue very effectively at the Joint Committee on Communications, Energy and Natural Resources. I have not heard any complaints since. An extra burden should not be placed on local radio.

RTE has the exclusive right to the licence fee which is €160 a year and amounts to a budget of approximately €180 million a year. Local radio depends completely on advertising revenue but, nevertheless, local radio is a very important cog in broadcasting. I was spokesperson on broadcasting for Fianna Fáil in the 1980s. We brought forward a Private Members’ Bill on the establishment of local radio. This was before the Minister’s time — he was probably a young person at the time — and there were many illegal radio stations which had to be dealt with. It was a difficult task to come up with the right formula but the sector has developed. The local radio stations that can be received in Roscommon — Shannonside and Northern Sound — Mid-West Radio in Mayo, Ocean FM in Sligo, Galway Bay FM and Midlands Radio 3 in the Athlone area provide an excellent service which is immediate and topical. The issues of the day are debated and discussed with people who would never have had an opportunity to speak on national radio or television. Local radio has provided a great focal point for the public in the local areas.

I am delighted to have this opportunity to speak on this issue and I look forward to hearing Senator Eoghan Harris’s contribution because he was one of the most outstanding producers. I do not know whether he has already spoken because I was at the Fianna Fáil Parliamentary Party meeting——

Senator Jerry Buttimer: Compelling stuff.

Senator Terry Leyden: —but I will read the Senator’s contribution later. I remind the House that he played his part in “Prime Time”, “The Frontline” and “Seven Days”. They have all been brilliant programmes. RTE is producing marvellous public broadcasting such as last night’s programme on the disposal of tyres.

Senator Jerry Buttimer: The Senator is changing tune today.

Senator Terry Leyden: These are positive aspects. RTE is a good station. Many Senators interact regularly with the Fourth Estate and, increasingly, those involved in other media outlets.

If I might digress at this point, I refer to the Right to Work and UNITE march to Leinster House last week and a quite extensive riot outside the gates of Leinster House during which gardaí and members of staff were undoubtedly put in danger. The majority of the people who protested last week had a peaceful and good-humoured protest. A small breakaway group was involved in the other matter. I compliment Senator Maurice Cummins who has taken an interest in this issue and has been very helpful in assisting the Garda in its work. An inquiry is pending, the Garda Síochána is taking statements and action will be taken.

The gardaí and the staff were very courageous last week. Quite a number of—

An Leas-Chathaoirleach: I do not know what this has to do with the discussion.

Senator Terry Leyden: I am leading to it. I refer to the coverage of that particular event and the effect of radio and television coverage on a crowd. It all depends on the coverage as to what developed. People will sometimes react to the presence of a television camera and it happens in many locations around the world.

I know the Leas-Chathaoirleach is getting a little nervous about my comments. I have made my views known and, in this regard, the assistant editor of *The Irish Times*, Fintan O’Toole, is a real democrat. After discussing the issue with him, I am satisfied he did not intentionally or otherwise incite that riot last Tuesday night. I hope he accepts my explanation. There has been a debate on Joe Duffy’s show and elsewhere on radio. Fintan O’Toole sent me e-mails and I am delighted he also distanced himself on Tuesday night on “Tonight with Vincent Browne”, which I viewed since. I also read other statements. It is a matter of opinion but, in the circumstances, he is very concerned about this issue and I accept that he did not knowingly or willingly incite that riot last week. He has distanced himself from it and he is a democrat like myself. This is not Greece where three people lost their lives in a protest on the streets. We are citizens of a free state. We are neither serfs nor peasants. We are free people. I come from an ordinary background in Roscommon and I am delighted to be elected to the Dáil and to the Seanad to represent the ordinary people.

A protest is being held tonight at 7.30 p.m. I appealed today on the radio programme “The Last Word”, with Matt Cooper and Brendan Ogle, that the protest would be peaceful—

An Leas-Chathaoirleach: I fail to see what relevance this has to the matter under discussion.

Senator Eoghan Harris: It is very interesting.

Senator Terry Leyden: My point is that the coverage of the protest was of great interest. It was covered by only one television station which seemed to have an exclusive right to it. I have looked at the footage of some of the events.

An Leas-Chathaoirleach: This has nothing to do with the item we are discussing.

Senator Terry Leyden: I am making a point about balance. I want balance on television. I want the other side of the coin to be broadcast as well to balance out the speeches made at the Garden of Remembrance on that occasion. The Fianna Fáil-Green-Independent Government side of the argument should be put. There was no one to defend the Government position on Vincent Browne's show and this is a regular occurrence on that show. The radio station, Newstalk, and "The Last Word" on the other radio station give a good balance in any debate.

The Minister makes policy decisions and he is not responsible for the day-to-day management of the television stations. Last Monday week, 10 May, I was watching television. There was a programme of doom and gloom at 8.30 p.m. followed by the news which is normally difficult. This was followed by "Aftershock" at 9.35 p.m. until 10.35 p.m. when Pat Kenny's programme had more doom and gloom.

Senator Jerry Buttimer: It is all doom and gloom at the moment.

Senator Terry Leyden: Why should people listen all night to such programmes? They switch over to other television stations.

Senator Jerry Buttimer: The facts hurt.

Senator Terry Leyden: RTE is losing its audience. I am paying €160 a year all these years. We are paying €180 million to RTE each year.

Senator Jerry Buttimer: There are 400,000 unemployed and people are losing their houses.

An Leas-Chathaoirleach: Senator Leyden, without interruption.

Senator Terry Leyden: They are not talking about how we have tackled the economy.

Senator Jerry Buttimer: The Government has not tackled the economy.

An Leas-Chathaoirleach: Senator Leyden, without interruption, please.

Senator Terry Leyden: Green Party Ministers have come into this House and taken very strong decisions along with the Fianna Fáil Ministers, the Taoiseach, Deputy Cowen, and the Minister for Finance, Deputy Brian Lenihan. These are very courageous decisions but they are not being given the recognition they deserve——

Senator Jerry Buttimer: Does the Senator mean the Dog Breeding Establishments Bill?

Senator Terry Leyden: We cannot control the other independent stations. They have a responsibility in the Act and they will be monitored by the authority.

An Leas-Chathaoirleach: The Senator has one minute left.

Senator Terry Leyden: I wish I had more time because it is a very interesting topic. If a television station dishes out doom and gloom all the time, it will lose audience share. There is a time for everything. "Prime Time" and "The Frontline" are fine but not all night without relief. No one is talking about the realities of life. No one is saying we are borrowing €20 billion a year to keep the economy going and that we are working ourselves out of the recession. At the Roscommon races yesterday, I met many people who were positive about the economy, believing we had turned the corner. Last Sunday's Fianna Fáil national collection raised as much money as previous ones.

Senator Jerry Buttimer: I would say it was way down.

Senator Terry Leyden: The people know Fianna Fáil is giving leadership. All I want is fair play and balanced reporting. I hope the Broadcasting Authority of Ireland will ensure RTE has a proper balance in its reporting and gets back to old-fashioned broadcasting as it did in the past.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): This has been a useful debate. On the policing issue, it must be acknowledged we got the foundation blocks of our State right. Michael Staines, the first Garda Commissioner, stated, “The Garda Síochána will succeed not by force of arms or numbers, but on their moral authority as servants of the people”. This has served the Garda as a guiding direction for the past 80 years.

Senator Eoghan Harris spoke about the founding members of RTE, such as Jack White, and the culture that was imbued there from the start. When the decision to set up the television service was made, a Government commissioned report by experts stated it should not be a State broadcaster. The politicians decided otherwise.

The State has been well served by this decision. Gunnar Rugheimer, one of the first controller of programmes at RTE, said it needed to hold a mirror up to society and allow it to understand the complexities, beauties and wonders that exist in it. Those early pioneers set an ethos that served the State well in broadcasting.

We were similarly well served in the 1980s by the decision to have an independent commercial broadcasting sector. Local radio works and benefits its communities. Many station owners have told me that when they started off they just wanted to broadcast wall-to-wall music. However, they were forced by a political decision and a regulator to have some local serious news content between programmes. Many of them found this was their greatest asset. It is something that people want to listen to because they can relate to and trust it.

Deputy Michael D. Higgins deserves praise for setting up TG4 in the 1990s and the ethos he brought to it. Of concern to us should be his speech at a recent Oireachtas committee on constitutional reform at the end of February expressing concern about the nature of recent broadcasting of the political system, echoing Senator Eoghan Harris. He was critical of a particular programme which has been degrading politics. When I spoke to him about it informally, he told me that most of the time we cross the line between supposed transparency and voyeurism. One sees that with some supposedly undercover investigations that become voyeuristic.

Senator Eoghan Harris believes there has been a change in standards in the past 20 years. Is it possible it has arisen from competition? As there are so many channels available and the challenge of new media, chasing ratings has become a fact of life in this sector. People working in the industry are concerned about their incomes and revenue and there may be pressure on them, therefore, to chase ratings.

The establishment of the Broadcasting Authority of Ireland is at a time of an important transition in media, particularly because of the development of the Internet. It has implications not just for broadcast media but for print. There is often an overlap with print and broadcasting media having websites. The competition between them is having an effect on their business models.

The Government needs to consider seriously its public policy response to this transition. The first priority is to ensure fairness in the media. I liked Senator Eoghan Harris’s point that sometimes one cannot be impartial but one can be fair. We also need a diversity of local content in broadcasting. I recall listening to a programme on Cork local radio about guitar

lessons to prisoners in Cork Prison. Everyone of them was like a new John Spillane. While the programme would not have got huge ratings, the people on it were treated with respect and anyone listening to it would have been inspired.

Accuracy is also important. There is a difficulty with the speed afforded by instant communication through Twitter. For news editors who may need to get the story out first, do they have time to question sources for accuracy? We must see how we can protect the qualities that have existed in our public and independent broadcasting sectors. Today's debate was useful in that regard. I hope some of the points are carried somewhere because this House is the right place for us to consider these matters.

I look forward to the debate on free-to-air sports broadcasting. We must examine the social implications of it. Do we want sports to be only available to the more well-off houses rather than the poor? Do we want parts of the country to have good access to sporting events while others do not? These are the patterns I see and which inform my thinking as to what we designate as free-to-air.

One of the points Deputy Michael D. Higgins made to the Oireachtas constitutional reform committee was about empowering Parliament. The recent work of the Oireachtas Committee on Communications, Energy and Natural Resources, in picking members for the Broadcasting Authority of Ireland, was an example of this and was very useful.

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

Senator Terry Leyden: At 10.30 a.m. on Wednesday, 19 May 2010.

Adjournment Matters.

Arts in Education

Senator Cecilia Keaveney: I thank the Minister of State, Deputy Martin Mansergh, for attending to answer my question on arts and education. I must declare an interest in that I am a musician. I was chairman of the Oireachtas arts committee when the Arts Bill was going through the Lower House. At the time, there was considerable debate about traditional music and the need within the arts to examine the role of traditional arts. As a result of lobbying at that time, a decision was taken to form sub-committees on a rolling basis to examine the Arts Bill for issues considered to be of importance. The first sub-committee formed dealt with the traditional arts and yielded a report that resulted in approximately €3 million for the sector at that time. Like some other people, I put a strong case for a sub-committee specifically for arts in education because I believed fundamentally in the role of music not necessarily to produce musicians or an audience, which are important in themselves, but its role for children up to six years of age. During that period, people's language, co-ordination and rhythm skills develop. Children learn to work together, to listen and develop all these various skills through music and by engaging in music, especially at that young age. Music can yield personal development for our young people and leave them in a certain position when they reach primary school. They may not necessarily be the most gifted of children musically but their speech and ability to move around physically can be a good deal better than it would otherwise be. Perhaps with continued investment in arts in education we could stop the difficulties of dyslexia, dyspraxia, Fragile X syndrome and all the other issues that arise and with which we try to deal years later

[Senator Cecilia Keaveney.]

when children are in their early teens and possibly beyond help. Such children may not have benefited from intervention through the use of the arts.

I am acutely aware that a long battle was waged for the concept of a sub-committee for arts in education. When people involved in the arts seek funding for activities in school they are informed that because it is in school it is a matter for the Department of Education and Skills. When these people approach that Department, they are informed it is a matter for the Department of Tourism, Culture and Sport or the Arts Council. This was the idea behind trying to pull together the Arts Council and the Department of Education and Skills, to ensure one body was in charge of this concept, to ensure a co-ordinated way forward could be established and that a path could be clearly defined.

I refer to many people who have approached me, including the cross-Border orchestra. Finally, we managed to secure some money for marching bands but there are little orchestras throughout the country getting by a little at a time and trying to make ends meet.

One problem we found with community funding is that everything is piecemeal and exists in a very haphazard form. There is no security of tenure and, therefore, there is no security in terms of good projects for the future. I believed the role of the sub-committee on arts in education was to examine the more formal driving of arts in education and to lend structure to the work being done on the ground. There is much good practice in place but people find it very difficult to make ends meet because they do not have central funding and there is no basic plan. They are trying to fit something into the children's lives because nothing is there formally. It comes down to a very simple point at this stage. The late Séamus Brennan was the last Minister for Arts, Sport and Tourism whom I approached on this issue. That shows it was some time ago. At that stage, I believed the report of the sub-committee on the arts in education had been completed and ready for publication but it has never been published since. I can only imagine there is some funding implication for any recommendations: that is the only reason why it would be held back.

If we are serious about creating employment and fostering entrepreneurial spirit we must recognise the entrepreneurship, creativity and critical thinking that comes from the arts. Sometimes, we are too interested in focusing on maths, reading, writing and arithmetic and we do not realise a little detour via the arts can make one more competent and creative, either as an employer or an employee. This is why I continue to persist in raising this issue and continue to try to get the arts fully focused.

I realise I am speaking to the converted when I address the Minister of State, Deputy Martin Mansergh, but we must get a profile at Cabinet which recognises the strong need to find the money to implement the report. However, first I seek the publication of the report, simply to establish how the plan hangs together and whether the issues we regarded as important during the deliberations of the sub-committee have been recognised in the report. I put a simple question to the Minister for State: when will it be published? Further questions will evolve as a result of that question. How and when will the implementation of the report be funded? The publication of this plan is long overdue and the delay takes away from the value of the Arts Bill, which was passed some years ago.

Minister of State at the Departments of Finance and Arts, Sport and Tourism (Deputy Martin Mansergh): I thank Senator Keaveney for raising this topic. I am replying on behalf of my colleague, the Minister for Tourism, Culture and Sport, Deputy Mary Hanafin. I thank the Senator for her very useful and passionate contribution to this topic. I am aware from her many previous interventions in this area, not to mention her background, that the question of

arts in education is very important to her. Her background and knowledge in the subject is well acknowledged.

Along with the Minister, I share the Senator's enthusiasm and feeling for this issue. From her perspective as a former Minister for Education and Science, the Minister, Deputy Mary Hanafin, recognises and appreciates the benefits of the widest possible experience being available to students. Included in this experience must be interaction with the arts. It was this recognition which prompted the commissioning of a report from the Arts Council to examine this vital topic. The results of this examination were contained in the report, *Points of Alignment*, produced in 2008 by the special committee on arts and education under the auspices of the council. The special committee members are to be admired for their dedicated efforts in coming forward with this considered body of work which proposed a series of extensive and stimulating recommendations.

Among its recommendations was the setting up of a national unit for education and the arts. This was to be managed on an inter-agency basis to implement policy objectives and provide a range of services. It was to support local networking and monitor, research and inform best practice and policy making. The unit was also to produce a website and promote virtual learning. It was also to have a role in co-ordinating, promoting and funding the work of proposed new local arts area partnerships which it was envisaged would be funded to promote synergy between local authorities, vocational education committees, teachers, education centres, schools and third level colleges. The vision set out in the report saw the introduction of an "arts in education practice" model. This would involve skilled professionals working with schools within and outside of school. Its aim would be to enrich the curriculum by promoting best practice and quality in arts education in schools and by widening school-community links. To complement and support these actions, the report recommended substantial increases in the Arts Council funding and resources to support artists and arts organisations working in arts in education.

When the arts and education committee was established, its terms of reference specifically required it to take account of the fact that "the budgetary resources likely to be available over the next four years to the Minister for Education and Science for development of services in the education sector must be allocated to fund existing policy commitments". While the special committee was established in 2006, the terms of reference were designed to take account of the expected competing needs for future investment in education. These included provision of new schools in developing areas, the implications for enrolment due to demographic change, and meeting the needs of integration and language supports for newcomer children. The areas of combating educational disadvantage, investment in curriculum reform, professional development of teachers, investment in strategic research and innovation in higher education were also issues to be addressed.

Following the finalisation of the *Points of Alignment* report, several meetings took place between the Department, the Arts Council and the then Department of Education and Science to explore how best the recommendations in the report could be progressed, taking account of the public expenditure constraints at that time. Several possibilities were considered to initiate progress but it was not possible to reach agreement on the scale of the vision enshrined in the report. The budgetary constraints which have beset all Departments have served to prevent any major implementation of the recommendations as laid out in the report for the foreseeable future.

I am aware from our colleague, the Minister for Education and Skills, that the State invests significantly in arts education at present. Arts education — visual arts, music and drama —

[Deputy Martin Mansergh.]

forms a significant part of the primary curriculum which has been rolled out in the period from 1999 to 2007. The implementation of the arts curriculum was supported by comprehensive investment in professional development for teachers. Courses in craft, design, music and art are integrated variously into the junior and leaving certificate and leaving certificate applied cycles at post-primary level. Transition year programmes also offer a variety of modules which stimulate pupils' interest in the arts in general and which, in many cases, give them the opportunity, in their classrooms and other contexts, to interact with practising artists.

In addition to supporting music in the curriculum, a substantial additional allocation of teaching posts has been given to a range of vocational education committees to support music education. This takes the form of individual tuition in instrumental and vocal music education and supports for choirs, orchestras and ensembles. Through this, thousands of hours of music tuition are provided annually. This investment is supplemented through a series of summer programmes in the arts in disadvantaged schools, a music initiative under which schools in disadvantaged areas are given once-off funds to purchase or replace musical instruments. The Department has significantly supported two pilot projects under the auspices of Music Network, the agency supported by the Arts Council to provide countrywide services in music. The Music Network projects are important examples of collaboration between VECs, schools, artists, local authorities and county and city development boards to add scale and synergy to provide increased access to arts education on a strategic area basis.

I was delighted, in this context, to have been advised that the Department of Education and Skills continues to fund these two pilot programmes in Dublin City and County Donegal VECs which are promoting music education partnerships along the lines recommended in an earlier Music Network report dealing with music partnerships at local level.

Last year, my colleague, the then Minister for Education and Science, announced a major initiative to expand music education, based on these pilot projects. This exciting initiative involves a partnership between our own U2, Music Network, the International Funds for Ireland and the education sector. Its effect will be to enable a series of Music Network partnerships to be established throughout the country on a phased basis to provide vocal and instrumental music tuition for young people. The initiative has been made possible by a generous donation of €5 million from U2 and a commitment from the Ireland Funds to raise €2 million. These contributions will fund the initiative in the early years of development with the intention that programmes will be continued into the future with Exchequer funding when the donations cease.

Senator Keaveney mentioned the cross-Border orchestra. The orchestra and Camerata are among initiatives for which I have personal responsibility in the Department of Tourism, Culture and Sport. There is a small fund to support all-Ireland, or cross-Border, initiatives in music and the arts. Music Network is managing the overall initiative and is finalising the establishment of a subsidiary company to oversee the project. A programme manager has been recruited who will begin service in June. When the administrative arrangements have been finalised, it is intended that Music Network will invite proposals for the establishment of area-based partnerships which will provide vocal, instrumental and orchestra tuition for young people. The aim of the initiative will be to gradually expand such partnerships throughout the country.

I understand that proposals will be invited on the basis of competitive tender. Local interests, for example, one or more local VECs, local authorities, local private music schools and parents' groups, will be invited to bid for a three-year subsidy to provide for the costs of teachers and local administration. An expansion of music education partnerships by Music Network will be

rolled out over the period beginning in late 2010 and continuing to 2013. I congratulate all those involved in bringing forward this significant input into local areas. It will have tangible benefits for all concerned.

It should be noted that within the constraints of the existing system, the education and arts sectors co-operate fully to ensure the optimal delivery of services. The artists in schools guidelines issued to schools, which were developed by the Department of Education and Skills and the Arts Council working in partnership, are an important resource in informing schools of how best to plan, implement and evaluate partnerships with local artists and organisations which will provide stimulating and interesting learning experiences for children. They encapsulate the vision of arts in education practice which is set out in the Points of Alignment report.

There is no argument as to the fact that providing the arts with a higher and more consistent profile at primary and post-primary level can benefit the students concerned significantly with consequent benefits to society. It is important to stress that this applies to all students and not just those recognised as being gifted artistically. Given that, as is the case in sport, the future of the arts resides with our children, we recognise the importance of the exposure of students to the arts at all levels in our education system.

The Arts Council has pursued at all times a policy of engaging with young people, whether through its specific programmes or by its support of organisations specialising in arts in education interventions, such as The Ark and Team in Dublin, and of theatrical groups. This, too, is supplemented by the education and outreach programmes run by all national cultural institutions and other agencies funded by my Department. These are signs of maturity in our arts role and the integration of the arts into every aspect of society. We intend, when resources permit, to revisit the proposed actions in this report. I reaffirm my Department's commitment to supporting, in so far as is possible, the agencies and initiatives aimed at improving access to arts in education.

Senator Cecilia Keaveney: I thank the Minister of State for his response. I am disappointed that while much is happening, the core recommendations of the sub-committee's report have not evolved. The Bank of Ireland has announced it will sell its art collection and use the money for charitable purposes. On the Order of Business today a Member requested that other banks would be asked to do the same. Given that we have shares in many of these banks, could we talk to the banks about investing any money raised in a fund that would reflect the priorities of the report? Spending on arts in education would mean that the money would be kept within the arts. If a structured report already exists, we should talk about using the money raised through the sale of art collections to put the report's recommendations into effect.

Deputy Martin Mansergh: Until recently, some banks played a significant role in the sponsorship of the arts. Putting on my other hat as Minister of State at the Department of Finance, I do not think it is realistic to think banks are selling their art collections solely for the purpose of sponsoring the arts in education. I suspect they have rather more pressing financial requirements. I want to be realistic on the subject. I note the Senator's suggestion and I would go a certain way with it.

Health Services

Senator Jerry Buttimer: I welcome the Minister of State, Deputy Moloney. There is a need for a clear and precise statement on current and future rehabilitation services in Cork. The HSE has announced plans to close the orthopaedic hospital in Cork and transfer its operations elsewhere. That means there will be changes in the health care system with regard to the

[Senator Jerry Buttimer.]

provision of prosthetic and orthotic services in the Cork area. It is important we look at what the HSE calls the reconfiguration of services or, in the case of rehabilitation services, provision and revision of services. This must be looked at in the light of best practice and global trends.

Many of those in the prosthetic and orthotic service area are concerned that the HSE is about to embark on a journey which will centralise all referrals to the National Rehabilitation Hospital in Dún Laoghaire. There are discussions taking place with various stakeholders. I do not want to mention names in the House. We must assure the provision of a rehabilitation service in Cork and rehabilitation of better quality. The model we pursue must have the patient and his or her family at its heart. In St. Mary's Orthopaedic Hospital in Cork a consultant orthopaedic and plastic surgeon leads the rehabilitation process. We do not have a dedicated rehabilitation centre in the south such as that in Dún Laoghaire. If I am incorrect, the Minister of State may correct me. The rehabilitation of an amputee begins long before his or her operation takes place. I pay tribute to Mr. Bob Burns in Cork who has been a visionary campaigner for the provision of rehabilitation services and amputees in the south.

In the holistic approach to rehabilitation does it make sense to ask or force patients to travel to Dún Laoghaire? Why can we not provide a local service in Cork such that the requirement to travel would be reduced? There would be less competition for physiotherapy, prosthetic and orthotic services. I refer to a service that would not be in competition with the National Rehabilitation Hospital in Dún Laoghaire but which would complement it. To be fair to it, the hospital in Dún Laoghaire does trojan work and I pay tribute to its staff. However, we need to have prosthetists and orthotists at the core of patient care in Cork. If we are to centralise services, I am concerned that the provision of rehabilitation services in Cork will be put on the long finger and that we will move away from the WHO model that regards community-based care as the best. It is important to keep patients from Cork in that region, where they will be near their families and they will have a support structure. I fear we are moving from a patient-centred rehabilitation model to one that is more economically driven.

I hope the Minister of State will have positive news on rehabilitation service provision in Cork and that the HSE will provide patients with the best possible service in the best possible place.

Minister of State at the Departments of Health and Children, Education and Skills, Enterprise, Trade and Innovation and Justice, Equality and Law Reform (Deputy John Moloney): I am pleased to take the opportunity to outline the position on the matter raised by the Senator.

I have been advised by the HSE that the requirement to provide access to comprehensive and integrated rehabilitation services for the population of HSE south has been acknowledged for some time. Development proposals were drawn up by both the former Southern Health Board and the South Eastern Health Board in line with the needs of the area.

In the former Southern Health Board area development proposals for an acute unit on the site of St. Mary's Orthopaedic Hospital were developed in 2000. Following on from this, a strategy document was drawn up which was submitted to the Department of Health and Children in 2003. The document entitled, *Development of Rehabilitation Services in Cork & Kerry — Our Vision for the Future*, addressed the totality of need across hospitals and communities. In the former South Eastern Health Board during the same period a document entitled, *Pathways to Independence*, was developed which mapped out the future direction of services for the south east. Both documents were submitted to the Department in the context of the

development by it and the HSE of an overall policy and strategy for the development of neuro-rehabilitation services.

The HSE and the Department have established a national working group to draw up the policy and strategy for neuro-rehabilitation services. Rehabilitation in this context includes neurological and physical rehabilitation, including for trauma and acquired brain injury. It will also include rehabilitation for older people, including stroke services. The working group is chaired by Mr. James O'Grady, the disability adviser in the office for disability and mental health in the Department, and comprises representatives of the key stakeholders, including the HSE. It has concluded its assignment and is engaging with the HSE on an implementation plan. The report will be submitted to the Secretary General of the Department and the chief executive officer of the HSE in the coming weeks for their determination.

The HSE has been requested to nominate a lead clinician and a lead senior service manager with a view to implementing the action plan for neuro-rehabilitation services. It is in the process of nominating these individuals.

The HSE south is well positioned to engage with this process, having regard to the development plans and needs analysis previously prepared. Discussions have been taking place at hospital network level and across the local health offices to ensure the needs and development proposals under discussion can inform the deliberations of the working group.

Senator Jerry Buttimer: I note from the Minister of State's reply that there is no timetable for or commitment to the provision of capital funding for rehabilitation services in Cork. I hope he will prioritise meeting the needs of rehabilitation services provided in Cork.

Deputy John Moloney: By virtue of the fact that the HSE is in the process of nominating staff, it is expected the capital programme will be in line with that process.

Depleted Uranium Weapons

Senator David Norris: I welcome the Minister of State. The matter I want to raise concerns depleted uranium and its use in weapons systems. I raise it in a very positive context. Earlier in this session a very useful Bill was introduced by Senator Boyle to ban uranium weapons. This was in the aftermath of Belgium becoming the first country in the world to introduce such a ban. We are in a useful position because we do not actually have any of the resource referred to. Therefore, we can take an ethical position that would not cause any disruption to employment. We can give a moral lead.

I raise this issue in the context of the commitment of the Minister of State at the Department of Foreign Affairs, Deputy Roche. I refer to his very forceful and powerful intervention in the previous debate. He said the use of the weapons in question was cynical and that Ireland was committed to doing what it could. In the context of the successful moves made by Ireland and other countries to have cluster munitions banned, the banning of depleted uranium weapons is the next stage in the battle against the use of really vicious weapons.

There was recently a briefing session in the AV room given by Mr. Doug Weir, co-ordinator of the International Coalition to Ban Uranium Weapons. He was brought here by Afri. He gave a very stark, clear, logical and precise outline of the dangers posed by uranium. Depleted uranium is nuclear waste and comes from the nuclear industry, in which uranium is used in power generation and experiments. It is very unstable and can produce a self-sustaining series of nuclear reactions if neutrons are fired at it. This releases huge amounts of energy and is the reason uranium-235, in particular, is used in the manufacture of nuclear weapons.

[Senator David Norris.]

Depleted uranium is the waste from which a lot of other material has been drained. It is a chemically toxic, strongly radioactive compound. When it was first manufactured in the 1940s by the United States and the USSR which were involved in their nuclear weapons programmes, they found they had a by-product which had no use. Subsequently, in the 1970s, it emerged that the Soviet army was using armoured plating on tanks that was not capable of being pierced by conventional weapons. The Pentagon discovered that it was possible to penetrate this strengthened armour by using projectile weapons containing depleted uranium. The difficulty in this regard relates to the radioactive nature of uranium and the fact that when it explodes against a hard surface, it creates a fine dust.

The weapons to which I refer were first used extensively in the first Gulf War. The dust to which they give rise tends to be blown all over the place, especially in desert conditions, and gives rise to very serious health problems for those exposed. For example, this dust can get into one's lungs and, from there, uranium compounds are deposited in one's lymph nodes, bones, brain and testes. Hard targets that are hit and penetrated by depleted uranium weapons are usually surrounded by this dust which can travel several kilometres when it is suspended freely in air. Partially exploded depleted uranium weapons can be left buried in the ground.

The effects the dust to which I refer can have on people's health are quite grim. Unfortunately, there is not time to list them in detail but I do have in my possession a list of academic papers on the subject. I will state, however, that normal functioning of the kidneys, brain, liver, heart and numerous other systems can be affected by exposure to uranium such as that to which I refer.

The uranium in question gives rise to alpha radiation which, when inhaled or ingested, is the most damaging form of ionising radiation known to man. Alpha radiation is very disruptive within the human body and leaves a trail of ionised free radicals that disrupt finely tuned cellular processes in its wake. This leads to genomic instability which is a precursor to cancer.

In every location where this material has been used, birth defects, cancers, etc. have resulted. The results of a study carried out in respect of 15,000 US veterans of the 1991 Gulf War, which were published in 2001, found that there was a doubling of the number of birth defects in the children of fathers who had been exposed. The increase in respect of children born to mothers who had been exposed was threefold. The United Kingdom, whose personnel were also exposed to uranium, established the Pensions Appeals Tribunal Service which attributed birth defect claims from February 1991 Gulf War combat veterans to poisoning resulting from exposure to depleted uranium. An evidence trail has, therefore, been established.

In 2001, doctors in Serb-run hospitals reported numbers of patients suffering from malignant diseases and an increase of 200% in the incidence of such diseases. Again, while I have in my possession numerous scientific papers which underpin what I am saying, I do not have time to read them all into the record and, in any event, doing so could prove quite tedious.

It is astonishing that the World Health Organisation, WHO, an agency of the UN, and other groups appear to have distanced themselves from the evidence to which I refer by stating that nothing concrete had been found. The International Atomic Energy Agency, IAEA, came to the same conclusion and queried the impact of depleted uranium weapons. These agencies are mere functionaries of the UN and I am pleased to inform the Minister of State that the General Assembly of the UN refused to accept what they stated. The General Assembly insisted that further reports be compiled and passed a resolution highlighting the health hazards to which depleted uranium weapons can give rise. The International Committee of the Red Cross stated

that the effects these weapons could have did not have to be proved and that the mere possibility that they could cause serious damage to people's health should lead to caution being exercised in respect of their development or use.

The Prohibition of Depleted Uranium Weapons Bill 2009 has had its Second Stage reading. I hope this legislation will soon pass into law. I urge the Minister of State to ensure progress is made in this regard. To date, only the United Kingdom and the United States have used depleted uranium weapons. They are manufactured in the United States, Russia, France, the United Kingdom, Germany, the Netherlands, Japan, China, South Korea and South Africa. The countries which are believed to have depleted uranium weapons in their arsenals are the United Kingdom, the United States, France, Russia, Belarus, Greece, Turkey, Israel, Saudi Arabia, Bahrain, Oman, Egypt, Kuwait, Pakistan, Thailand, China, India and Taiwan.

The situation in respect of depleted uranium weapons is highly dangerous and their legal status is not completely clear. There is a moral argument against their use. The use of those which employ a method or means of combat the effects of which cannot be limited as required is outlawed. The prohibition to cause superfluous injury or unnecessary suffering and the principles of precaution and proportionality must also be taken into account.

An Leas-Chathaoirleach: The Senator is running out of time.

Senator David Norris: If the Leas-Chathaoirleach would be kind enough to indulge me, I am about to reach a conclusion. The position with regard to Bosnia-Herzegovina is disastrous. NATO continues to refuse to provide co-ordinates in respect of unexploded depleted uranium weapons. Some of these weapons are buried over 1 m beneath the surface of agricultural land on which vegetables are still grown. The relevant ministry in Serbia put in place a decontamination programme, provided investment and committed to the location and disposal of these weapons. That programme has proved successful.

I reiterate the requests that have been made to the Government by the International Coalition to Ban Uranium Weapons, ICBUW. These requests include the drafting of an internationally binding uranium weapons convention that would ban the use, sale, production, testing and transport of uranium weapons, the destruction of existing stockpiles, the provision of money and expertise by the international community for decontamination, and support, medical care and environmental monitoring for communities affected by the use of these weapons.

My final point relates to the disastrous, disgraceful, illegal, immoral, unjustifiable and barbarous attacks that were launched against the civilian population of Iraq. The latter is the country which has been worst affected by the use of depleted uranium weapons. When one sees a map detailing the various sites where such weapons are to be found, it is as if one is looking at a country that has caught the measles as a result of the number of red dots in evidence. Iraq is a desert country in which the effects of the dust are magnified. We are aware of the extent of the injuries suffered, the long-term illnesses acquired, the birth defects, the leukaemia, the cancers, etc. This is a catastrophe about which the world is saying nothing. Owing to the fact that the political situation in Iraq is so chaotic, those countries which brutally assaulted it and exposed its civilian population to radiation are not taking action. It is very unlikely that the Government in Iraq could act in the same effective way as its counterpart in Serbia to address this matter.

For the reasons I have outlined, it is very important that Ireland should continue its courageous campaign to rid the world of these filthy weapons. It must be remembered that a similar campaign in respect of cluster munitions proved successful.

Deputy John Moloney: I am taking this matter on behalf of the Minister for Foreign Affairs who, unfortunately, cannot be present. The Government carefully follows the debate on possible health and environmental hazards from depleted uranium. We share the concerns raised at international fora, including in the European Parliament and at the UN, and agree that further studies are required to assess the potential risks involved. Ireland voted in favour of resolutions 62/30 and 63/26 at the UN in 2007 and 2008. These resolutions requested the Secretary General to seek the views of member states and relevant international organisations on the effects of the use of armaments and munitions containing depleted uranium. The Secretary General has issued one report and will submit an updated report later this year prior to further consideration of the issue by the General Assembly in late 2010.

Ireland submitted its national report on this issue to the UN in 2009. This report confirms that Ireland has never possessed any weapons, armaments or ammunition containing depleted uranium. It also states that Ireland shares the concerns raised at the General Assembly about the potential risks related to such use of depleted uranium. The report confirms that while there is no practical method of testing people who may have been exposed to depleted uranium, thorough medical examinations are carried out on all Defence Forces personnel returning from deployment overseas. These include tests intended to detect signs of the disease processes most likely to arise in cases of contamination by depleted uranium. To date, no evidence of an unusual incidence of disease has been found.

Senator David Norris: That is not true.

Deputy John Moloney: While a number of studies have been conducted by relevant international organisations, no definitive conclusion has been drawn on potential adverse effects of the use of armaments and ammunition containing depleted uranium on human health and the environment. Ireland will continue to closely monitor developments in the analysis of the risks associated with the use of armaments and ammunition containing depleted uranium and welcomes the engagement of civil society, non-governmental organisations and the scientific community on the issue.

Regarding exposure to depleted uranium, there have been studies of the health of military personnel who saw action in the Gulf War in 1990 and 1991 and during the Balkan conflicts between 1994 and 1999. While it is not highly radioactive, depleted uranium is, nonetheless, a toxic metal and legitimate health concerns have arisen about its use on the battlefield. The studies carried out by international organisations have generally concluded that depleted uranium does not pose a significant radiological risk, while recommending various measures to reduce the potential health and environmental risks.

The World Health Organisation has noted that direct contact with depleted uranium metal, even prolonged, is unlikely to produce radiation-induced conditions or other effects. It has not identified long-term health consequences and has made a number of recommendations which Ireland fully supports. These include the monitoring and detection, following conflict, of levels of depleted uranium contamination in food and drinking water in affected areas where it is considered there is a reasonable possibility of significant quantities of depleted uranium entering groundwater or the food chain. Where justified and possible, clean-up operations in impact zones should be undertaken where qualified experts deem contamination levels to be unacceptable. Preventive measures should be taken where small children could be exposed to depleted uranium.

The UN Secretary General reported in 2008 on the views of member states and relevant international organisations and there will be a further report later this year. The report gener-

ally recognises the work done by the IAEA, the WHO and the United Nations Environment Programme in assessing the scale of the problem. It also points to the need for further studies and research to determine the impact of depleted uranium, as has the European Parliament.

The Department closely follows the valuable work of civil society on this issue. Officials from the Department met representatives of the International Campaign to Ban Uranium Weapons, ICBUW, in Dublin in June 2009 and again in both Dublin and New York in May 2010 and had very useful discussions. The Department communicated our view that to achieve an international ban, as they aspire to do, it would be necessary to conclusively establish the negative impact of depleted uranium on human health and the environment. Studies and work by reputable international organisations, including the WHO and the IAEA, will therefore be critical in quantifying the risks and conveying them internationally. The Government will continue to closely monitor the international debate on the issue.

Senator David Norris: I am glad the Minister of State carefully distanced himself from support of the content of the reply and made it clear that he was simply a puppet acting on behalf of the Minister. I would be surprised if the Minister of State, Deputy Roche, supports this attitude. I do not know what gobdaw produced this rubbish. The Minister of State said: “To date, no evidence of an unusual incidence of disease has been found.”

An Leas-Chathaoirleach: Does the Senator have a question?

Senator David Norris: Would the Minister of State regard a 200% increase in cancers and birth defects as evidence? The US and UK armies and various military pension funds have all found this association and an international panel of scientists have absolutely——

An Leas-Chathaoirleach: The Senator has raised these questions.

Senator David Norris: No, I have not.

An Leas-Chathaoirleach: Does the Senator have a question?

Senator David Norris: In this country we are rightly concerned about low levels of radon which is one of the by-products of depleted uranium. What is the Minister of State’s response to Senator Boyle’s Bill? The Green Party is in government and most Fianna Fáil Members supported the legislation. The Minister provided clear support and would be horrified by the statement that depleted uranium does not pose a significant radiological risk. This is mealy-mouthed stuff. There is a huge body of evidence and the IAEA is committed to the production of nuclear energy, of which depleted uranium is a by-product. Therefore, it is scarcely a non-conflicted party. I hope the Department will continue its discussions with the international coalition to have depleted uranium weapons banned because the facts are on their side. I am astonished that anyone, however low the position he or she occupies in the Department, could come out with this rubbish.

Those are my questions. I am sure the Minister of State who is a good friend of the House and a stalwart Laois man will communicate them to the Minister and seek a strong response.

Deputy John Moloney: I thank the Senator at least for his final comment. On the question of whether I supported the proposed legislation to ban the use of depleted uranium, I reflected not only my own views but also those of the Minister. I reiterate that Ireland has never possessed any weapons——

Senator David Norris: Neither has Belgium and that did not stop it banning them.

Deputy John Moloney: I am not persuaded, therefore, that legislation to ban their use at this stage would add value. It is also important to note that we are awaiting scientific knowledge and support and if that evidence is received, that clearly will leave us in a different position. It cannot be taken that Ireland is sitting on the fence. That is far from the position. We have also been involved in talks in London and New York, including as recently as this month. As soon as the scientific evidence is received, Ireland will act.

The Seanad adjourned at 7.40 p.m. until 10.30 a.m. on Wednesday, 19 May 2010.