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Tuesday, 25 May 2010.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Business of Seanad.

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

The need for the Minister for Social Protection to respond to a request by former employees of the coal mining industry that the condition known as black lung disease is acknowledged by his Department.

I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to outline the current status of Spiddal sewerage scheme.

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 her future plans to develop further home help services.

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

The need for the Minister for Communications, Energy and Natural Resources to give an update on the rural broadband scheme proposed for 2010-11 and how it will impact on rural parts of County Donegal in which there is still no cover.

[An Cathaoirleach.]

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Mooney, Healy Eames and Buttimer and they will be taken at the conclusion of business. Senator Keaveney may give notice on another day of the matter she wishes to raise.

Order of Business

Senator Donie Cassidy: The Order of Business is No. 1, Intoxicating Liquor (National Convention Centre) Bill 2010 — all Stages, with Second Stage to be taken at the conclusion of the Order of Business, on which spokespersons may speak for 15 minutes and all other Senators for ten minutes and Senators may share time, by agreement of the House.

Senator Frances Fitzgerald: Last night on the RTE programmes “Prime Time” and “The Frontline” we saw evidence of the abject failure of the Government in delivering services to persons caring for those suffering from Alzheimer’s disease and dementia. There has been a failure in delivering services to good people who are doing their very best in their homes to look after loved ones. It was clear that the State had in no way matched or supported to any degree the many people caring for loved ones. This raises enormous questions about the role and accountability of Ministers. The Minister indicated there had been no cuts to front-line services, yet there was example after example of cutbacks affecting carers. We had a discussion on the length of time it took to give an elderly person a shower or help him or her to get out of bed. That is the level the cutbacks have reached, which raises the most serious questions about the delivery of front-line services, particularly in the context of €3 billion in savings sought. Will these vulnerable people in the community be hit again? I propose an amendment to the Order of Business, that the Minister of State with responsibility for older people come to the House to discuss the issue today and, in particular, to outline how she intends to address the many issues raised in last night’s programmes. It was extremely upsetting to watch people caring for their mothers and other family members without any support during the day. Many have seen the number of hours cut in the past few weeks. We need to hear what Government policy is and who is responsible for the implementation of the cuts. Is the Minister accepting any responsibility for this cutback? How is she responding to the cases raised last night? It is extremely important that we have a discussion today.

Speaking of ministerial responsibility, we have reached a ridiculous position where the Minister of State with responsibility for children is now getting legal advice on the legal advice received by an agency within his remit. That agency, the HSE, is not giving information to the Government appointed body on the children who died while in care. We are being told that up to 200 children died while in care and that there is no proper system in place for the reporting of deaths and no overall national approach to the issue. This is absolutely disgraceful and raises questions about Ministers, what they are doing and the information they are receiving from the bodies for which they are accountable. We need to have a further discussion on the issue.

Senator Joe O’Toole: The final point raised by Senator Fitzgerald should be considered by the House. It goes back to the Ministers and Secretaries Act 1924 which deals with the matter of responsibilities, as well as other legislation. Very often we pass legislation in the Houses which does not allow Ministers to interfere or become involved in certain matters. The point raised by Senator Fitzgerald is important. It is important, therefore, that the Minister of State with responsibility for older people, Deputy Áine Brady, come before us to outline what authority she has. We should also invite the Minister of State, Deputy Barry Andrews, given that

he is in the middle of a row with one of the bodies answerable and accountable to him. There seems to be a conflict, but I was heartened when I heard him say he would direct the body to do various things. That would be useful.

Recently, I checked into a question we have discussed in the House many times, namely, where Ireland stands on Vietnamese adoptions. I found that authorities such as UNICEF and others had advised the Minister of State not to proceed with those adoptions, so he was acting with due care and attention. We need a debate to have a balanced view. Then we can focus on the questions raised by Senator Fitzgerald, those being what should be done, what is a Minister of State's authority, what we expect him or her to do and what he or she can do.

Twice recently, I was approached by street musicians, entertainers and buskers who told me about how they feel threatened, abused and frightened on Grafton Street and elsewhere in Ireland by organised gangs of beggars. They were referring not to people who sit at a street corner looking for the price of a cup of coffee but to organised groups that abuse children by sending them out barefoot and threadbare to sit and look sad and helpless while taking up prime spots to beg for money. We should debate this kind of abuse. While it is bad enough on its own, the pimps behind it, and they are no more than that, use force to get buskers, street entertainers and street musicians to move on. I would like the Minister for Justice, Equality and Law Reform to inform the House what authority rests with the authorities in this regard, what can be done and what should be done. I look forward to having a discussion on this matter.

Senator Alex White: It is true that the accountability issue has been raised again in sharp relief in the context of the matter raised by Senator Fitzgerald and the investigations into the deaths of children in care. Given how often we are told that there is such a large amount of public resources devoted to the health services administered by the HSE, the blockage between those of us elected to these Houses and the people providing the services, which means it is not possible to establish precisely what is occurring, is incredible. Not even the Minister of State appears to be in a position to establish what is occurring.

The matter raised by Senator Fitzgerald of different bodies arranging legal advice between themselves to establish their positions and whether they can move an issue forward is an extraordinary spectacle. Is it €16 billion per annum for the health Vote?

Senator Jerry Buttimer: That is right.

Senator Frances Fitzgerald: It is closer to €20 billion.

Senator Alex White: Members and, judging by what he has stated, the Minister of State cannot establish basic information without there being a competition between us and the HSE about legal advice. It is incredible that any democratic country is unable to have a proper debate or to establish information directly in the Houses. The HSE might have the best will in the world, but the manner in which it is configured and organised means it operates as a block to true democratic accountability in respect of child care and health services.

This matter is raised repeatedly in the House. Senator MacSharry and Senator Callely have raised it, as have other Members. How many more times will it be raised by practising, concerned politicians without anything seeming to happen? That people need to seek legal advice to establish whether they can do the jobs they are there to do is a spectacle.

Senator Ivor Callely: I lend my support to the comments of the previous speakers, Senator Alex White in particular. I challenge the Leader on a response he gave me last week in respect of my call for a debate on older people. He is my good friend, but I challenge him on the basis that he indicated we would have a debate on carers. That matter merits a debate on its own.

[Senator Ivor Callely.]

In his response, the Leader did not give me a commitment that we would have a debate on older people. I gather from his response that the carers debate may be tied to a debate on health, but that is a very broad issue. I am asking the Leader for two commitments: a stand-alone debate on carers and a debate on older people.

The only proviso I have regarding Senator Fitzgerald's proposal is that the debate must be properly structured. I will not support an amendment to the Order of Business to call in the Minister wherever she might be. She might not even be in the precincts of the Houses. If we are serious about getting to the root of this issue, however, we must have a structured debate.

Senator Alex White alluded to and I have clearly expressed dissatisfaction with the HSE. We have established a Frankenstein's monster that is stalking our land and not delivering services. The HSE is charged with service provision while the Department of Health and Children remains as a policy Department. Many of us on all sides of the House have lost sight of that fact. Budget comparisons are invalid because it is not like for like. It is a complex area.

If we are serious, we must structure the debate properly. I would like to see many of the questions that have been asked in the media answered in a positive way as quickly as possible.

Senator Paudie Coffey: I also voice my concerns about last night's television programme on the care of the elderly. We have been hearing stories every day from the Carers' Association and volunteers throughout the country about how they are crying out for help and resources to care for the elderly at home. It is proven that when the elderly are cared for at home, it is a much better environment for them and saves the State thousands, if not millions, of euro. We must be concerned, however, at how the HSE prioritises, manages and reports. It will not even report on how many children have died while in State care. That is outlandish, a shame and a disgrace. We saw on television last night that carers are seeing fundamental resources taken away from them.

It is essential we have a proper and focused debate on the issue. Let us have it out and talk frankly about the HSE, its inefficiency, mismanagement and lack of consistency. Whatever we say about the old health boards, at least they were accountable to public representatives at local level. The HSE is accountable to no one and the Government must take it to task before this gets out of control completely. We must empathise with those looking after the elderly and put supports and resources in place. We must have the debate as soon as possible.

Senator Terry Leyden: Will the Leader provide an opportunity to debate the recent annual report of the Press Council of Ireland and the Office of the Press Ombudsman, which is under the able and steady hand of a former Member in this House, Professor John Horgan? I call for this debate because of a directive given by the Public Service Executive Union on 19 May, BS 042/10, signed by T. Geraghty, general secretary, which directs a boycott of Independent News and Media and Newstalk Radio. The union alleges there is an anti-Civil Service bias in these organisations. This could put jobs in jeopardy in both organisations which employ Irish people. I do not like boycotts because they are unfair. I call on the union to withdraw this boycott forthwith and have a proper debate with the media and politicians. We all have difficulties at times with the media but I would never call for a boycott. The only boycott I remember is my father boycotting *The People* newspaper when it published the black diaries of Sir Roger Casement.

Senator Jerry Buttimer: They should boycott Fianna Fáil next.

Senator David Norris: I would like an update on the progress of the Civil Partnership Bill. It is in the process of being amended and there have been worrying reports in the newspapers

about amendments that apparently have been accepted by Cabinet, as a result of which the creation of a joint tenancy on behalf of civil partners would be exempt from court fees and property registration fees but not stamp duty. I have received correspondence on what this means and will describe one particular case. A couple, two men, have been together for 11 years and their property is now worth €1 million. Stamp duty of 7%, or €70,000, would have to be paid if the partners were to register the house as a joint tenancy. Ten years ago I raised a similar issue about a couple living in west Cork, where one of them had died and the other had been charged €250,000 for the privilege of living in the house in which he had been born. That is a disgrace. What is the Government at in mucking around? As a result of its cack-handedness, people will be worse off after the publication and passage of the Bill. In other words, discrimination will increase. The very angry person in the case I described wrote to state he did not give a crap about getting married in a church and did not want to adopt babies. He wants the State which he describes as a joke of a republic to treat him and his partner fairly in terms of tax payments and civil rights and wonders what the Government is thinking about. Will the Leader take this message back?

A number of new jobs, up to 20 in the coming years, will be created by a Wicklow firm, *profitsflow.com*, supported by Wicklow County Enterprise Board. With the advent of cloud computing, it makes it a reality for small and medium-sized business throughout Ireland to have access to mobile computing, which is very good. The company has a reseller in the United Kingdom and is about to appoint one in the United States. This is very important because the company has been established by two young people in the high-tech industry who have shown one can go against the flow and create employment, even in very difficult circumstances.

Senator Geraldine Feeney: I support the calls for a debate on services for older people. In doing so I congratulate those involved with the “Prime Time” programme for the special report broadcast last night by which I was very moved. What was shown was nothing short of disgraceful. One would have to be made of stone not to be moved in seeing a young man who has been struck down and crossed the oceans of the world sitting with his wife and crying in front of a television camera, frustrated that his wife cannot get a home help to help him. I agree with Senator Alex White; at times the HSE is an obstruction to what is right. It is cold and uncaring. If an older person who has a home help breaks a limb and goes into hospital, he or she can return home having been placed on a waiting list for a home help because the service does not automatically resume. What type of a system are we running that allows this to happen?

It was highlighted last night — I did not realise this — that there was no charter for older people. This is a disgrace. Older and younger people are some of the most vulnerable in society. There should, therefore, be a charter for older people.

I know men act as carers, but for me what the programme broadcast last night highlighted was that it was middle aged to elderly women who cared for their loved ones. However, they are physically not able to do what needs to be done. What really struck me was that they wanted to keep their loved ones at home. The minimum cost of nursing home care is €3,500 to €4,000 a month. If we could establish a pilot scheme, even in County Kildare, the area of the Minister of State with responsibility for older people, Deputy Áine Brady, and run it for nine or 12 months, we could see how it would work. I am sure it would be much cheaper and people would be much happier if they had proper resources available. The current situation cannot be allowed to continue.

Senator Nicky McFadden: I would be the first to state we must have standards. I applaud HIQA for the way it has tried to raise standards in nursing homes and hospitals. However, I do not accept that the HSE should be allowed to use HIQA to close down public facilities

3 o'clock

[Senator Nicky McFadden.]

throughout the country, but that is what is happening. Yesterday I visited Loughloe House in which 19 residents remain. Other residents were bullied and intimidated from the home by the HSE. I met two ladies yesterday who asked to be allowed to stay together. They had been friends together in the same place for 15 years. They are *compos mentis* and are able to walk the grounds and enjoy the facility. They also are very well cared for by the staff.

What is the HSE doing? The organisation hides behind the Fianna Fáil and Green Party Government, as do those parties' members. There is no responsibility; the buck does not stop anywhere. Elderly and vulnerable people are falling between the two stools, as it were. These are people who paid 70p in the pound to build this country to what it is today. They are being tossed out in a manner similar to a modern-day eviction. It is not just happening in Athlone but also in Lifford, Wexford, Waterford, Carlow and throughout this country. I ask all my colleagues in this House to stand up and be counted as public representatives once and for all and tell the Minister, Deputy Harney, how we feel and what we believe is right, because it is a moral issue. Is it right to throw people out of their homes? That is what is happening in Athlone.

There are no respite beds. Some 163 beds have been taken out of service in the mid-Leinster region. There are no more respite beds in the Athlone area. It will be the same in Mullingar. The television programme last night was very powerful. All those people need our support. We need to support people in the community and look after them. What is Fianna Fáil doing, under the Minister, Deputy Harney? It is allowing our public facilities to be closed under our noses.

Senator Camillus Glynn: Having viewed the television programme last night I, like other colleagues, am very uncomfortable, to say the least, at what I heard and saw. There is obviously a ploy in regard to what the HSE does relevant to facilities. Local management, including administrative and nursing management, make a request to the HSE for the upgrading of facilities, which does not come about. Subsequently, HIQA is asked to conduct a review of the standards of that facility which, invariably, are found to be less than satisfactory. It is not a new phenomenon. It happened in St. Loman's Hospital in Mullingar. I am the first to say that if I had had my way, I would have closed all the psychiatric hospitals 30 years ago and replaced them with appropriate facilities. That was not done and, as a consequence, we still have the current situation.

I spent many years caring for elderly people. I am appalled at the situation which obtains at the moment. The HSE is not working out. All of us in this Chamber must be brave and say it is not working. The Cathaoirleach will recall that when he was a member of the Midland Health Board, which he chaired, as I did, every time there was a meeting, the management of the board had to respond to questions from the Cathaoirleach, from me, from Senator Cassidy and from Senator McFadden's father, who was a member of the board. Members of the board visited the facilities and inspected them, and a report went before the next meeting of the board, for which management had to account. That structure is gone and more is the pity. People on both sides of the House could not get rid of the boards quickly enough. I say now: "Come back health boards; all is forgiven."

Senator Phil Prendergast: I want to say a few words about the HSE. What was witnessed last night on "Prime Time Investigates" and "The Frontline" is not at all unusual. The continuation of the moratorium on recruitment and the fact there are 120 public health nurse positions vacant is crippling the provision of care for the elderly and others in the health services. Carers provide care for millions of hours, many unpaid, each week. It was terrible to see on last night's television programme that vital supplies such as nappies etc. were not available to people to

care for their loved ones. This is not a situation about which anybody wants to speak or witness, as we did last night. If public health nurse positions are not filled, people will continue to find themselves in the situation evidenced in last night's television programme.

The HSE seems to be a bureaucratic animal which is not delivering the best care. There seems to be competition between areas and services provided are very unequal. What is provided in one constituency is not available in another. We constantly hear stories about inefficiencies and inadequacies in the HSE and how its services are delivered. It is certainly not delivering for the people, the staff working in facilities or the vulnerable in our society. We should have an urgent debate on what it is doing, whom it is accountable to and why the Minister of State must seek legal advice in order to gain access to files. What kind of bureaucracy has been created, although not by those on this side of the House?

Senator Maurice Cummins: I second the amendment to the Order of Business. What we witnessed on our television screens last night was very sad and heart-breaking for those watching. We must assist relatives who look after the people they love in their home environment and providing home care packages is one way to do this. They cost a fraction of what it would cost to put people in nursing homes. For the HSE and the Department of Health and Children to say they are providing for thousands of extra home care hours is absolutely meaningless for people who are struggling to assist their relatives on a daily basis. It is despicable to hear the HSE is now talking about placing time limits on a person having a shower, dressing in the morning or having breakfast in the context of home care hours. What kind of country are we living in in discussing these time limitations? The elderly and people who are not so old — as we saw on last night's television programme, people who are young suffer from Alzheimer's disease — above all else, deserve to be treated with dignity, as do the people looking after them. As we saw on last night's television programme, carers who look after their relatives are physically and mentally shattered. Hiding behind the HSE is convenient, as is saying it is not our problem. If there are problems in the HSE, they must be rectified. It is not good enough for Government Senators to state the HSE should be shut down or that we should do something about it. They are in government and should go ahead and do something if change is necessary. What are they doing talking about it because that is all they are doing? In the meantime, elderly people are suffering in their homes, as are their carers.

Senator Rónán Mullen: Listening to various interesting contributions which have been made today, one wonders if the wheels of government and administration are coming off or are grinding to a halt. We hear the Minister of State with responsibility for children is apparently at loggerheads with the HSE about accessing information on children who have died in care. What is coming across very strongly in the context of last night's television documentary and the very pertinent comments made by Senator Feeney and others about the bad deal — we heard much last year about the fair deal for older persons — is evidence of a very bad deal for older persons in society. It is interesting and ironic that we are saying this in Say No To Ageism Week and at a time when we learn that 23,000 people in Ireland are subject to elder abuse, whether sexual, financial or physical, or neglect. As a society, we must ask what are our priorities and who we are going to prioritise. Surely it was always a sign of a civilised society that its most vulnerable members are prioritised even in times of economic crisis. Our older persons should be top of this list.

I was disturbed to learn that a friend who was due to represent Ireland in ten days' time at a Junior Chamber conference in Denmark was told by the Passport Office that it cannot guarantee she will be able to travel. What type of message is sent about Ireland when an Irish delegate cannot attend an event because the Passport Office would not process her application? We all get caught short on occasion but ten days appears a reasonable period within which one

[Senator Rónán Mullen.]

could expect a passport application to be processed. I ask the people who are holding it up and making life awkward for people — my friend may be out of pocket by up to €1,500 — to be aware of the message they are sending abroad. While I know life is difficult and hard choices are being made, people should try to serve their country to the best of their abilities. They are not serving their country by allowing that kind of message to be transmitted abroad.

Senator Jerry Buttimer: I endorse my colleagues' demands for a debate on care of the elderly. Do we cherish our people? Last Thursday I attended the Cork carers' forum, at which concern was expressed about the comments of the Minister for Social Protection, Deputy Ó Cuív, on pensions and home help hours. I agree with Senator Callely that a separate debate is needed on home help and the role of carers in society. This is why I propose to raise a matter on the Adjournment of the House.

When a Minister is appointed by the Taoiseach, he or she receives a seal of office from the President. If it is correct to say that such a seal means he or she has authority and responsibility for the Department assigned to him or her, I ask Members opposite to desist from blaming the HSE. The officials of the HSE, ordinary men and women, are implementing Government policy——

Senators: Hear, hear.

Senator Jerry Buttimer: ——developed by Ministers who sit around the Cabinet table and make their decisions collectively. Fianna Fáil for the past 13 years, and the Minister for Health and Children for the past 18 months, has engaged in ageism.

An Cathaoirleach: We cannot have a political speech. The Senator should put a question to the Leader.

Senator Jerry Buttimer: My question is simple. When will a Minister step up to the mark and say: "I am responsible, I am accountable and the buck stops with me"? Stop blaming officials. It would be like the Cathaoirleach blaming the officials for being unable to do something in this House. The Leader, as the Government representative here, and Ministers are the accountable and elected face of this Government. There is no Government policy. It is making it up as one goes along and ordinary people are suffering because of its cowardice.

Senator Paul Bradford: I support the calls for a debate on care of the elderly. This is a matter I have raised with the Leader on numerous occasions in the past several years. I regret to say that since the death of the late Minister, Séamus Brennan, no Government Member has demonstrated sympathy or empathy for elderly people. Government policies and departmental measures have lacked any feeling other than a cold and dispassionate attitude towards the elderly. I have previously called for a constitutional referendum on protecting the elderly. I favour the proposed referendum on the rights of children but we urgently need to consider the need to protect the rights of the elderly across a broad range of services.

I am surprised that people responded as they did to last night's "Prime Time Investigates" given that we have developed a cold house and society over the past five or six years as far as elderly people are concerned. We need an urgent national public debate to highlight and respond to the crisis. The Seanad and, I presume, the other House spent many weeks debating the fair deal scheme as if it was the panacea for elderly people.

Our only aspiration in legislation for elderly people, including the fair deal Act, is to provide them with a nursing home bed. That is a pathetic response to the needs of the elderly. Much work remains to be done, whether on carers, home care packages or in other areas, and we must

aim high. Demographics show that the population is ageing and new problems are emerging all the time. We must be bold, big and brave and consider the possibility of providing constitutional protection for elderly people. To do so would be to make a political statement on what we think of elderly people. It would also provide a mechanism to ensure we never again observe the problems shown on “Prime Time Investigates” last night.

Senator Larry Butler: Having watched last night’s television programme, it is my view that the Health Service Executive is a discredited organisation. The Leader should immediately call the Minister for Health and Children to the House. In a democratic society in which €14.5 billion is allocated annually to the health service, it is not right that the HSE should remain unaccountable. This is a difficult statement to make but it is also the reality. Those who deserve care and attention are not receiving it from the HSE.

At the time the health services were being reorganised, I argued that the decision not to have public representatives on the Health Service Executive, as had been the case with the health boards, would end accountability and the system of checks and balances. This is what has transpired. A similar situation arose with the former Blood Transfusion Service Board when people died. If there had been public representatives on its board, deaths would not have occurred.

While it is true, as we heard, that people paid tax at 75p in the pound, it was under a Fine Gael-Labour Party Government. For this reason, I do not want to see Senators opposite crying crocodile tears.

Senator Nicky McFadden: The people in question are now elderly and need help.

Senator Larry Butler: The structure of the HSE must be examined because it is not working.

Senator Paudie Coffey: Senator Butler is burying his head in the sand.

Senator Jerry Buttimer: The HSE is implementing Government policy.

An Cathaoirleach: Please allow Senator Butler to continue without interruption.

Senator Donie Cassidy: Senator Buttimer was in Fianna Fáil at the time.

Senator Jerry Buttimer: I have never been a member of Fianna Fáil, nor will I ever be one. I would not allow myself to be contaminated.

An Cathaoirleach: I ask Members to desist from interrupting.

Senator Jerry Buttimer: The Leader invited comment.

Senator Larry Butler: The HSE is not working and needs immediate attention. The Minister needs to take charge of it. Given that the Oireachtas is accountable for the money allocated to the executive, it is our job to ensure the cheque we issue is properly spent, which is not the case at present.

Senator John Paul Phelan: I join colleagues in requesting a debate on the elderly. For the past two months, I have sought a discussion on the future of supported care homes such as the home in Athlone to which Senators referred. I do not see why we cannot hold such a debate.

Supported care homes were established some years ago effectively as halfway houses for people who were not ill and, while unable to live independently, were not placed in nursing homes. HIQA standards are being used as a mechanism to close these homes, such as the home

[Senator John Paul Phelan.]

in Athlone which failed the standards. Why was money not invested to raise standards in the facility in question? As Senator Buttimer and others noted, the Government has made a policy decision to devolve control of care of the elderly to the private sector. The closure in Athlone is likely to be repeated in Kilkenny shortly. A supported care home was closed in Carlow a couple of years ago. We were lucky in Kilkenny because 30 years ago the Bishop of Ossory, Dr. Peter Birch, made a decision to donate many disused convent facilities in the county for the creation of five or six supported care homes. It is a shocking indictment of where we are that the Government is seeking to divest control of care of the elderly to the private sector. There are many people who have been residents in such facilities for years, for many of whom they are their homes rather than just nursing homes. It is not good enough that the Government, through the HSE and HIQA, is using new guidelines — rightly brought forward following the Leas Cross controversy — as a mechanism with which to close down what are not and were never designed to be nursing homes, namely, supported care homes, the residents of which do not require 24 hour nursing care. This provision is being implemented by HIQA and will lead to the closure of such homes across the country. We need action by the Government on the issue.

I echo the sentiments expressed by Senator Mullen about the continuing delays in the Passport Office. There is a need for a resolution quickly to remove the difficulties people are experiencing in obtaining passports.

Senator Donie Cassidy: I offer our congratulations to Senator Bradford on his good news. It is the second time in the last two Seanad terms that everything has happened——

(Interruptions).

An Cathaoirleach: The Leader to continue, without interruption.

Senator Donie Cassidy: Senator Bradford is a very experienced parliamentarian and we congratulate him for his judgment. I offer him every good wish on behalf of all Members and, of course, to the Deputy in question.

Senators Fitzgerald, O'Toole, Alex White, Callely, Coffey, Feeney, Glynn, Prendergast, Cummins, Mullen, Buttimer, John Paul Phelan and Bradford called for a debate on health issues. The Minister for Health and Children, Deputy Harney, will be in the House on Wednesday, 3 June for such a debate. I intend to structure it in such a way as to allow a debate on health services under the jurisdiction of the HSE.

Many have called for a special debate on carers, which I will organise. I have congratulated all those involved who do great work. They all deserve a gold medal and money could not reward them. It is a no brainer that they offer value for money to the State. They are our loved ones and we owe them everything in the world. We should, therefore, do everything we can to assist them.

As the Minister of State with responsibility for older people, Deputy Áine Brady, will be coming before the House, I will have no problem in arranging a debate on the elderly. We will now have three debates taking place on the health portfolio. Calls are made frequently for the HSE to be divided up because it has become so big. This is something which should be seriously examined.

Senator O'Toole spoke about the challenges presented to buskers by organised gangs. Those who have entertained us on the streets of our cities, towns and villages for generations are part of who we are and I would like to see their continued promotion in an orderly fashion. The

biggest stars in the world started off as buskers. I will convey the serious concerns of the House on the issue to the Minister for Justice, Equality and Law Reform.

Senator Norris spoke about the Civil Partnership Bill 2009. I will update the House later in the week on the timeframe for the later Stages of the Bill.

Senators McFadden and Glynn referred to Loughloe House in Athlone. I have already said the Minister for Health and Children will be in the House on 3 June and that there will be debates on older people and carers.

Senators Mullen and John Paul Phelan spoke about the Passport Office giving a ten-day timeframe to those who are representing our country as delegates. They should be given consideration in this regard because they are the representatives of our country. I call on everyone concerned to make that happen in order that they can represent the nation as they will do so well.

An Cathaoirleach: Senator Fitzgerald has proposed an amendment to the Order of Business: “That a debate on the care of the elderly be taken today.” Is the amendment being pressed?

Senator Maurice Cummins: Yes.

Amendment put.

The Seanad divided: Tá, 19; Níl, 26.

Tá

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Coffey, Paudie.
Cummins, Maurice.
Donohoe, Paschal.
Fitzgerald, Frances.
Healy Eames, Fidelma.
McFadden, Nicky.
Mullen, Rónán.

Norris, David.
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.
Dearey, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.

Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Ó Brolcháin, Niall.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Phelan, Kieran.
White, Mary M.
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.

Intoxicating Liquor (National Convention Centre) Bill 2010: Second and Subsequent Stages

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

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Ba mhaith liom buíochas a ghabháil leis an Teach as ucht an Bille seo a thógaint go práinneach. The co-operation of the Seanad in taking this Bill as a matter of urgency is greatly appreciated.

The main purpose of this short Bill is to make provision for an intoxicating liquor licence for the new national conference centre at Spencer Dock in Dublin, which will be known as The Convention Centre, Dublin. The licence is necessary in order that the centre can offer the full range of facilities when it opens in September. Similar legislation was enacted in 1983 to provide a fit-for-purpose licence for the National Concert Hall at Earlsfort Terrace.

Before moving to the detail of the Bill, I want to highlight the importance of business tourism to the economy. The most recent data from the Central Statistics Office indicate that about 1 million business visits were made to Ireland in 2009 and evidence suggests the typical business tourist spends more during his or her stay here than the non-business tourist. Research carried out by Fáilte Ireland in 2009 indicates that, on average, each business tourist generates about €1,400 in revenue during his or her time spent in Ireland.

Conferences and events are an important part of our overall business tourism market. Last year Fáilte Ireland provided financial support for 122 conferences, with a combined value of more than €80 million. However, while we now have the required availability of high quality hotel accommodation, the absence of a dedicated national conference centre has for some years been identified as a shortcoming which restricted our ability to exploit fully the potential to expand business tourism. The agreed programme for Government in 2002 contained a commitment for construction of a modern national conference centre. In 2003, under the direction of a steering group, the Office of Public Works published a notice inviting expressions of interest for the provision of such a conference centre in the Dublin area.

Following a complex and detailed appraisal process, the contract for the provision of the national conference centre was awarded to Spencer Dock Convention Centre Dublin Limited in April 2007. Under a public private partnership arrangement, the company is required to design, build and finance the centre and operate and maintain it for a period of 25 years, after which the facility will revert to the State. In return, when construction of the centre is complete and open for business, the State will pay an annual charge, the maximum total cost of which over 25 years will be just under €380 million in present day values.

The new conference centre which will be known and marketed as The Convention Centre Dublin will be officially opened on 7 September next, although it will be in business for a month prior to that date. The centre will be capable of accommodating up to 2,000 delegates in plenary session and have 22 other multi-purpose meeting rooms. In addition, it will have about 4,500 m² of flexible exhibition and banqueting space, with associated press and delegate support facilities and general utility spaces. Up to 8,000 delegates may be accommodated at any one time in the building.

It has been estimated that the convention centre, when fully operational, will generate about 30,000 extra visitors to Ireland per year and associated annual foreign revenue earnings of between €25 million and €50 million. I understand a total of 39 international events involving over 250,000 delegate days have already been secured for the centre. These include meetings of the International Bar Association, involving 4,000 delegates, the International Statistics Institute, involving 3,000 delegates, as well as the International Conference of Emergency Medicine, with more than 2,000 delegates.

In order to compete on an equal footing with comparable convention venues in other countries, it will be important that a full range of convention facilities be available. The purpose of the Bill is to provide a fit-for-purpose intoxicating liquor licence for the new facility. In view of the opening of the centre for business in August, there is some urgency in getting the new licence in place and I am grateful to Senators for facilitating speedy consideration and enactment of the Bill.

In regard to broader alcohol licensing legislation, I should inform Senators that the Government legislation programme provides for publication of the Sale of Alcohol Bill in 2010. That Bill will modernise and streamline the law relating to the sale and consumption of alcohol by repealing the Licensing Acts 1833 to 2008, as well as the Registration of Club Acts 1904 to 2008, and replacing them with updated provisions.

Turning to the provisions of the Bill, section 1 provides for the issuing by the Revenue Commissioners of a licence which will permit the sale and consumption of intoxicating liquor at events which will be held in the new convention centre. As my colleague, the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, explained when presenting the Bill in the Dáil, the proposed licence is not the equivalent of an ordinary seven-day alcohol licence. Under the proposed licence, alcohol may only be sold to and consumed by those attending or taking part in an event in the centre. Sales of alcohol to members of the public will not be permitted. Moreover, subsection (4) provides that the Minister for Tourism, Culture and Sport will make regulations prescribing the actual areas within the building in which such sale and consumption may take place. I have a similar power in regard to the areas within designated national sporting arenas in which alcohol may be sold and consumed.

An important distinction is being made in the Bill between what is called a “convention event” and a “non-convention event”. The convention event is defined as a conference, congress, convention, seminar or symposium, held in and involving the use of some or all of the conference facilities of the convention centre, and includes a reception, dinner, banquet or stage show held as part of such an event involving the use of some or all of the facilities of the convention centre. The Bill will permit the sale of alcohol to those attending or taking part in an event during the period beginning one hour before it commences, but not before 10.30 a.m., and ending one hour after it concludes or midnight, whichever is the earlier. However, where a reception, dinner, banquet or stage show is being held which is part of a conference, congress, convention, seminar or symposium, the sale and consumption of alcohol may continue until 2 a.m. In such cases, there will be no requirement to apply to the District Court for a special exemption order.

In order to facilitate use of the convention centre’s facilities at times during which convention events are not taking place, the PPP agreement permits the holding of what the Bill refers to as a “non-convention event”. A “non-convention event” is defined as a trade fair — this might be a fair open to members of the public or confined to a specific economic or services sector — a live sports event, or a reception, dinner, banquet or stage show which is not held as part of a conference, congress, convention, seminar or symposium. Where such a non-convention event is taking place in the convention centre, the sale and consumption of alcohol will be subject to the normal licensing hours set out in section 2 of the Intoxicating Liquor Act 1927, as amended. Moreover, any extension beyond normal licensing hours for a non-convention event will require a special exemption of the District Court and the normal conditions, for example, advance notice to the Garda, will apply. These provisions will ensure there is no distortion of competition between the convention centre and other venues capable of holding non-convention events.

[Deputy Mary Hanafin.]

Section 2 amends section 1094 of the Taxes Consolidation Act 1997 by providing for tax clearance of the applicant as a condition for the issue of the licence. Section 3 contains the standard commencement and interpretation provisions. It is intended that the Bill shall come into operation immediately upon enactment.

The Senators' co-operation in facilitating discussion on this short but necessary Bill is much appreciated. I believe it will enhance the facilities we have to offer in this wonderful new National Convention Centre.

Senator Eugene Regan: I agree that the national conference centre should have an intoxicating liquor licence. I support the Bill.

Senator Denis O'Donovan: I welcome the Minister. As I believe this is the first time she has been to the House since taking up her new portfolio, I wish her every luck and success with it and have no doubt she will acquit herself with great aplomb, as she has done in other briefs she has held.

As my colleague said, I welcome the context for this legislation. It is a short Bill to deal with a specific item. It is essential that a national conference centre have an intoxicating liquor licence. As one who does not have a great deal of experience of having travelled abroad, although I have travelled abroad on a few occasions, most developed countries have a convention centre. This centre will be a huge asset to Dublin city and the nation. The facility in Spencer Dock is one from which future generations will reap the rewards.

This is a technical Bill, in respect of which I have one query. I welcome the legislation and thank my colleagues for giving it a speedy passage through the House. Would a debacle similar to that which happened on the occasion of the rugby match in Limerick on Good Friday be likely to occur in the case of this centre if a convention were to extend over the Easter period? Does the Bill cover situations such as a banquet, conference or some such set up? If so, the situation would not arise where somebody could say the convention centre in Dublin was able to serve drink on Good Friday when the matter would refer, obviously, to a particular event, convention or banquet. That is a general query, although perhaps it is inappropriate to ask it of the Minister, Deputy Hanafin, when it may be one for the Minister for Justice, Equality and Law Reform. That issue caused widespread furore and national interest. Some tell me they see nothing wrong with such a measure, provided it is controlled, and that Good Friday drinking should be reintroduced. I have a different view but, that said, it was a topical debate some weeks ago. Perhaps the Minister might respond to this. It may not affect the Bill in any way.

I welcome the Bill and have nothing further to say on it.

Senator Feargal Quinn: I welcome the Minister, Deputy Hanafin. I believe it is the first time she has been in this Chamber since she received her new portfolio, one I am delighted to see she has. Listening to the figures she gave today, it is clear how important tourism is to us. Some of the figures surprised me. I had not realised that business tourists spent so much. I know from Fáilte Ireland that tourists spend some four hours per day either eating or drinking. One's food and drink are important and that provides an opportunity for food tourism. The fact that Irish pubs have been so successful around the world gives some reason for this.

I grew up in the tourism industry. My father ran Red Island holiday camp back in the 1940s. Five hundred guests came every week in the summer, from May to September. They came by boat, later by aeroplane and we met them with buses. It had a very big impact on a town like Skerries at the time. My father's objective was not to make as much money as possible on people's first visit but to ensure they had such a good experience they would come back again

and again. That is one message I would love the Minister to instill in the tourism business in Ireland. We call it the boomerang principle, namely, getting tourists to come back repeatedly. It seems to me this is forgotten at times. There was criticism of Irish tourism in recent years. When we had the golden calf, or perhaps it was the golden hen that laid an egg, we did not avail of it to ensure we took the long term view.

This is a necessary Bill given the amount of revenue generated by conferences in Ireland. The National Convention Centre is a very striking building. Is it not impressive to look at it from outside? It will be a massive addition in helping to attract new visitors to Ireland and I am sure it will be very successful. More than 236,000 delegate days have been booked already at the NCC, including events such as the International Conference of Emergency Medicine. One of the largest events will be the International Bar Association conference which hopes to attract 4,500 legal delegates in October 2012.

I very much look forward to Dublin's hosting of the City of Science in 2012, having been on the committee that helped put it together. This is a major international event held every two years in a leading European city and Dublin won it against stiff competition. It will be a showcase for the best and most relevant European sciences which it aims to bring to the widest possible audience. Up to 8,000 international delegates and 50,000 members of the public are expected to attend and participate. Research by the Fáilte Ireland business tourism forum suggests that the total expenditure by delegates will be €14.3 million, which is expected to support more than 270 jobs in the tourism sector.

It is very interesting to consider that the average overseas conference delegate attending an event in this country last year spent almost €1,000 in addition to his or her official outlay, according to Fáilte Ireland. This figure excludes expenses for conference fees, accommodation or other items paid for by a delegate's company or other organisation. It is very big money which makes clear that business conferences and business tourism are very important.

Business tourism is vital to Dublin and Ireland as a whole. Fáilte Ireland states the average international delegate spent 6.3 days in Ireland, of which 3.6 were spent at the actual event. Almost double the amount of event time is spent elsewhere. Individuals from more distant locations naturally tended to stay a little longer but the biggest proportion of their out-of-pocket spend went on further accommodation, followed by food and drink. The overall spend is boosted by more than a quarter of delegates mixing business with leisure during their trip. The attraction of coming to Ireland provided by the National Convention Centre obviously will improve those figures. We can picture what will happen now that we have such an impressive convention centre.

I was very surprised by the point made by Deputy Charles Flanagan in the other House who estimated that an intoxicating liquor licensing Bill had been introduced almost every second year since the initial body of law had been agreed in 1635. That is the figure I have but wonder if it can possibly be correct. Perhaps it should be 1835.

I welcome and support the intention of the Minister, Deputy Ahern, shortly to bring forward the sale of alcohol Bill which will consolidate more than 70 pieces of alcohol related legislation in one Bill. I am delighted that Deputy Hanafin has the seat of Minister for Tourism, Sport and Culture and I am delighted with the Bill which will help the tourism industry. I encourage the Minister in the new task she has of urging a long-term rather than a short-term approach. I offer her congratulations.

Senator Dominic Hannigan: I welcome the Minister and congratulate her on her new role. On behalf of the Labour Party, I express our support for the Bill with its limited aim of providing for the facility to sell alcohol at the National Convention Centre when necessary.

[Senator Dominic Hannigan.]

Deputy Rabbitte expressed his support for it in the other House which I reiterate in this Chamber. On Second Stage of the Bill in the Dáil, the Minister for Justice, Equality and Law Reform, Deputy Ahern, stated that under the agreement for the construction of the centre between the State and the public private partnership company, there was provision for the possibility of selling alcohol at the centre and that legislation to permit this sale should be enacted not later than 30 working days prior to the target commencement date of the centre, namely, 24 June. Given that timescale, there was agreement among the Whips in both Houses that all Stages of the Bill would be taken in one day. I have no difficulty with this, as it is not a contentious Bill. We accept the need for urgency in passing it, as explained by the the Government.

The same cannot be said about our intoxicating liquor legislation more generally. Unfortunately, there does not seem to be a sense of urgency on the part of the Government to bring forward the long-promised legislation to consolidate the myriad existing legislation in respect of liquor licensing which dates back to 1833, as mentioned by Deputy Flanagan and the Minister, Deputy Ahern. The Government promised to introduce a sale of alcohol Bill soon, a consolidation Bill aimed at replacing the Liquor Licensing Acts brought in between 1833 and 2008 and the Registration of Clubs Acts between 1904 and 2008. I understand there are more than 700 statutory provisions spread across 60 to 70 statutes which, ultimately, will be consolidated in a single Bill. That will be very welcome and lead to a complete simplification of the processes in regard to licensing laws. The piecemeal nature of amendments to our licensing code is a real source of frustration for many. Too many arbitrary or whimsical changes have been made during the years to the laws governing the sale of alcohol and this has led to some real difficulties for those trying to operate licensed premises. In some cases, for example, when nightclub opening hours were curtailed, it led to job losses. That legislation came through this House 12 months ago and caused a great deal of consternation and much confusion for the people involved.

There are clear implications for tourism resulting from such confusion, especially when it defies rational logic. We all know of many cases of tourists coming to our shores who, as families eating late at night in licensed premises, find out their children cannot be with them because of the time of day at which they choose to eat. That is not helpful in encouraging people to come to the country or, as Senator Quinn observed, in ensuring they return. We must ensure the experience they have is a very positive one. Consolidation of the legislation is needed, therefore, and I appeal to the Minister to introduce a consolidating Bill as soon as possible, as we have been waiting for it a long time.

We welcome the legislation before the House and also the completion of the National Convention Centre which is likely to provide substantial numbers of employment opportunities when it opens, as it employed many hundreds during its construction stage. I know it is scheduled to open very soon and we look forward to the jobs it will produce when it does. The company must find as many potential delegates as possible and currently there are approximately 200,000 delegates signed up. The main target is international delegates and business but it is hoped the centre will also be open for business to domestic organisations. As I understand it, it can cater for smaller conferences which up to now would have taken place in hotels.

The centre will provide an important new facility for all those engaged in organising conferences and contribute to the regeneration of the docklands region. It will undoubtedly lead to an increased number of tourists from outside Dublin and abroad. We welcome the legislation.

Senator Dan Boyle: There seems to be an unnatural reticence in speaking about alcohol in the House today but it shows there is a widespread welcome for this legislation and the belief

it must be progressed through the House in a largely untouched state. I welcome that the national conference centre will offer opportunities and I hope that eventually there will be others forming a network of convention centres around the country to meet wider needs, especially for international conferences. The fact that a national centre is up and running is to be welcomed.

The Bill gives the right for usual licensing hours, with a start no earlier than 10.30 a.m. and a finish time of an hour after the end of events or 2 a.m., whichever is earlier. If a political party convention was to be held in the centre, the idea of people being allowed to drink at 10.30 a.m. might have grave political ramifications on what might be decided at the party conference. It is also important for the convention centre to be given an opportunity to operate profitably, and I am sure the management will run the facility in an upright and responsible manner.

At the last major review of intoxicating liquor in this House approximately 18 months ago, I addressed a small difficulty which remains on the Statute Book. An opportunity was given to convert licences of the original early day houses into full seven-day licences on the basis they operated under the licensing hours of between 10.30 a.m. and no later than midnight. There seems to be an anomaly now in that there are only six early day houses left in the country, and for some reason three of them are in Cork city. I am not concerned about any of those institutions as they have a particular history and cultural resonance where they are.

One establishment has more of a reputation as a prime eating facility in the west and it finds itself in a strange position because it cannot offer alcoholic beverages with food on a Sunday. It is conundrum because of the law. Although it is probably not right to use the Bill as a vehicle for that change, I ask the Minister for Tourism, Culture and Sport to communicate with the Minister for Justice, Equality and Law Reform who has responsibility in this area to see if the anomaly affecting that institution — one of only half a dozen left — might be overcome. It is a very prominent and successful institution which has key tourism links in the west.

Other than that there is not much to say about the Bill. The agreement of the House has been outlined in previous contributions and it would be welcome if the national convention centre would operate in the most effective manner possible. It has all our good wishes to ensure it does.

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Ba mhaith liom mo bhuíochas a gabháil leis na Seanadóirí for their support of the Bill which will add to the facilities on offer and enhance the tourism product available. On the specific issues raised, Senator O'Donovan asked about the Good Friday position. If a convention event takes place on a Sunday or Good Friday, the rules I outlined would apply rather than the normal licensing provisions. This would mean alcohol could be served until 2 a.m. or an hour after the conclusion of the event, whichever is earlier.

With regard to the consolidation Act, as I noted, it is my intention to provide for the publication of a sale of alcohol Bill by mid-2010 which will modernise and streamline all the laws relating to the sale and consumption of alcohol. A number of objectives will be set out.

I will relay to the appropriate Minister Deputy Boyle's concerns about the early day licences. Senator Quinn noted the principle which applied many years ago in Skerries of giving people good experience rather than making money immediately and that still applies. We saw how those in the tourism industry responded so positively to the problems experienced by people affected by the volcanic ash cloud recently. Where people got delayed, they were looked after well. The principle was that if a good message was sent abroad of a positive experience in

[Deputy Mary Hanafin.]

Ireland, they would return. The boomerang principle applies today as it did in the 1940s. I thank Senators for their support of the legislation.

Question put and agreed to.

Bill reported without amendment, received for final consideration and passed.

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

Senator Denis O'Donovan: At 10.30 a.m. tomorrow.

Business of Seanad

An Leas-Chathaoirleach: As the Minister is answering questions in the Dáil, we have no option but to suspend the sitting.

Senator Diarmuid Wilson: I move that we suspend the sitting until 4.30 p.m.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Sitting suspended at 4.15 p.m. and resumed at 4.30 p.m.

Adjournment Matters

Water and Sewerage Schemes

Senator Fidelma Healy Eames: This is a subject dear to the Minister's heart, given that it is in his local constituency, Galway West. Will he ask the Minister for the Environment, Heritage and Local Government if he will outline the current status of the sewerage scheme for An Spidéal and supply a timeframe for its delivery?

This has been an issue for many years. Raw sewage is currently pumped into the bay via a 100 m pipe from a holding tank opposite the craft centre or the old hotel near the main beach. The pipe had €60,000 of repairs done to it ten years ago after it had burst, resulting in a fountain of raw sewage pumping out in summers gone by. The council always claimed the sea and the prevailing south-west wind dealt with the outfall. The community of An Spidéal now has proof that the main beach is covered with toxins; it lost its blue flag in 2006.

At the time of the repairs in 1997, Galway County Council eventually agreed to put An Spidéal on a priority list. The community there was promised that within three years there would be a new sewage treatment plant. Each year the new list would come from politicians, via the Department of the Environment, Heritage and Local Government, and the local community development group would find out it was still stuck at the bottom. It was promised that a new treatment plant, capable of treating sewage in An Spidéal would be in place by 2002, 2004, 2006 and 2009 but nothing has happened to date.

A county councillor rang in the last few days about another issue and was informed that the list of waste water schemes was before the council again, with a promised completion date of 2012. "Another lie," as the councillor termed it.

The newspapers, TG4 and local radio stations have publicised the issue during the years. The plant will cost €3.5 million and cater for up to 1,000 households. In 2005-06, Pettit and Company carried out an intense survey of the existing system and made proposals. We never saw those proposals or were consulted about them. The report has been delayed and we are

not sure if it the Department has even seen it. The water services section within the council is not pushing the scheme. The cryptosporidium in Lough Corrib, because of towns pumping sewage into the lough, has pushed An Spidéal down the list, given the lough's importance to the city water supply.

Around the same time, a developer wanted to knock down and rebuild an old hotel at the beach. He proposed a sewage treatment plant at a cost of €300,000 that would serve the hotel and the village for up to ten years until the new scheme was built. Galway County Council rejected this short-term solution and also refused the hotel application on the grounds of over-density.

The community cannot understand the divergence in costs, the bureaucracy and the continued delay, where An Spidéal is constantly put to the bottom of the list. An Spidéal is a beautiful place with huge potential for tourism. It is important to those who live there that the water is safe and the bay is safe to swim in; they know that is not the case since the blue flag was removed.

We want a limited sewage treatment plant to prevent the building of too many housing estates in future and to stop the impact too many new houses might have on the Irish language. These are the feelings of the local community. I want to hear positive news from the Department of the Environment, Heritage and Local Government, how it will work with the council to deliver this, and a timeframe for delivery.

Minister for Social Protection (Deputy Éamon Ó Cuív): Gabhaim buíochas den Seanadóir as ucht an cheist seo a thógáil. Mar a dúirt sí, tá eolas an-mhaith agam ar an gceantar. Tá mé pósta le bean as An Spidéal agus tá an-spéis agam in ábhar ar bith a bhaineann leis an áit. D'fhoilsigh an tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil clár cuimsitheach do sheirbhísí nua uisce le bheith déanta sa tréimhse ama faoin gelár infheistíochta do sheirbhísí uisce 2010-12.

With the changed economic climate and the finalisation of the first cycle of the river basin management plans, the new water services investment programme aims to prioritise projects that target environmental compliance issues. It also fully supports economic and employment growth as envisaged in the Government's policy document, Building Ireland's Smart Economy — A Framework for Sustainable Economic Revival. The scope and format of the programme for 2010 to 2012 is designed to reflect better ongoing environmental and economic priorities, to maximise the return on public funds being invested in the sector and to ensure the programme is realistic in its level of ambition. The total value of contracts under way and contracts proposed for commencement during the period of the programme in County Galway is approximately €130 million. The Spiddal sewerage scheme is included in the programme among the list of schemes in the county to advance through planning in this period.

The Minister is aware that Spiddal has a collection network but no wastewater treatment plant and that untreated sewage is currently discharged directly to Galway Bay, near designated bathing areas. Although I understand the bathing water quality results, as published annually by the Environmental Protection Agency, for the Spiddal area in recent years have met the minimum statutory requirements, as Senator Healy Eames stated the beaches there have lost their blue flag status.

Under the Spiddal sewerage scheme, Galway County Council proposes to upgrade the existing collection network and provide a new wastewater treatment plant to serve the village, at an estimated cost of €5 million. The new infrastructure will provide the appropriate level of treatment of discharges into the bay. The Minister understands that the council is reviewing the design of the proposed scheme with the view to submitting its revised design proposals to

[Deputy Éamon Ó Cuív.]

his Department during the summer. Once the Department has approved the revised proposals, the council can then prepare the contract documents on which it will eventually seek tenders for the scheme.

In general, the length of time taken for schemes included in the water services investment programme to advance the completion of construction largely depends on the nature and complexity of the scheme and the statutory processes involved. The Department is involved at key stages in the development of schemes to ensure compliance with obligations relating to management and oversight of Exchequer expenditure. Ultimately, responsibility for the detailed progression of schemes is a matter for the relevant local authority.

The Department will continue to work closely with Galway County Council to ensure the scheme and the other water services contracts and schemes included in the council's water services investment programme are advanced as far as practicable over the course of the next three years.

Tá dul chun cinn maith á dhéanamh faoi seo. Tá sé idir lámha ag an chomhairle contae agus tá súil agam go n-éireoidh léi é a chur ar aghaidh chuig an Roinn sa samhradh agus go mbeidh an Roinn in ann é a scrúdú go sciopthaí. Tiocfaidh sé ar ais go dtí an chomhairle contae ansin agus beidh cead aici ansin na doiciméid chonartha a réiteach. Nuair a bheidh siad réitithe, beidh ar an scéim dul chun tairiscne agus mar sin. Scéim thábhachtach í seo agus tá fíor-áthas orm bheith in ann cur in iúl don Seanadóir go bhfuil an scéim clúdaithe sa chlár 2010-12.

Senator Fidelma Healy Eames: From this, I understand Spiddal can expect to have its sewerage scheme by 2013. Given there are other schemes also waiting in the area, in Oughterard and Clifden, how does the Minister rank them in order of delivery?

Deputy Éamon Ó Cuív: I do not have that detailed information. I have always found that when many schemes are progressing the issues that determine how fast a scheme goes forward, as we saw in the schemes in Connemara, are planning, objections, negotiations and discussions. I imagine that with a scheme such as this, if it is ready to go, it will go. It is imperative the county council sends it as quickly as possible to the Department of the Environment, Heritage and Local Government, and that the Part 8 is passed by the county council in due course. All of these are issues in the progressing of schemes. Often, it is not a question of a fixed priority; it is a question of which scheme is ready to go ahead first which depends on issues outside the control of the Department.

Miners' Compensation

Senator Paschal Mooney: Cuirim fáilte roimh an Aire. I thank the Cathaoirleach for allowing me to table this motion and the Minister, Deputy Ó Cuív, for taking the time to respond to it.

I grew up in a mining community and my earliest recollections as a child are of watching very tired old men with blackened faces and mining lamps on their heads disgorging from a number of lorries on the main street of Drumshanbo and then having to find their bicycles to cycle a mile or two home. This was after they had worked underground in what were unacceptable conditions by today's standards, lying on their bellies for more than eight hours as they tried to dig out coal from the Arigna coal mines. It was not until I became a Member of the Seanad that I realised just how difficult life had been for the people concerned.

Other childhood memories are also associated with the mining community in Arigna, or the Connaught coalfields, as it is known, because my late father, Joe Mooney, a former Member of this House, God rest him, was an insurance representative for New Ireland Assurance. There was not a house or cottage in Arigna, or in the Arigna valley and mountains, that I was not in

at some stage in my young life. Mainly, it was wives and mothers who insured their husbands and sons and the money was kept in a little jar over the fireplace in order that they would have it. There was not sufficient insurance for many of those workers at the time and we did not have the progressive legislation we do now.

As I grew into adulthood I became aware that not only in Arigna but also in other coal mines in Ballingarry and Laois a very serious medical condition had developed as a result of the many years people spent in mines. Its local name is "black lung" and it affects the lungs of those who work underground for long periods of time. I pay a compliment to one man in particular, because he was the first person to alert me to the lack of acknowledgement by the State agencies of this condition suffered by former miners, and that is former councillor Charlie Hopkins from Arigna. As a former miner, he suffers from this condition. I am sure nobody in the House or beyond could not but have been moved emotionally by the filmed reports that appeared on national television in recent months as this issue has come to a head.

I also compliment former Minister and Deputy, Michael Smith, who in 2007 brought together the disparate forces throughout the country, who are a declining number of people, to lobby the then Minister to acknowledge they had a very serious medical condition that warranted equality of treatment before the law.

That is the background and context in which I raise this issue. I have always found the Minister, Deputy Ó Cuív, in his various portfolios to be the most compassionate and humane of Ministers. He has gone the extra mile on those occasions when it has been required; the most recent example is the restoration of pensions to elderly farm women, mainly in the south of Ireland. I am again before him as a supplicant asking him to right a wrong that has existed for decades among a dwindling number of our citizens who worked very hard all of their lives to care for their children, and worked at a time when there was very little work in this country, and many of their contemporaries had to emigrate and never came back. They are with us and here now, and in some instances they are suffering physically and emotionally, apart from the psychological impact it is having on their families and siblings.

I do not want to over-egg the pudding; the Minister is fully aware of the case that has been made to date by the eminent people to whom I referred. All I am doing is raising it again in the hope that now he has taken over this portfolio he will correct the wrongs of many of his predecessors who, for whatever reason, did not fully acknowledge the medical condition of miners' lung.

Deputy Éamon Ó Cuív: I thank the Senator for raising the issue. Officials from my Department and the Departments of Communications, Energy and Natural Resources and Health and Children recently met a delegation from the National Coalminers Group to hear their concerns at first hand.

The Senator will be aware that the primary role of my Department with regard to the range of issues raised by the National Coalminers Group relates to the provisions of the occupational injuries scheme and specifically to the disablement pension payable under the scheme. The occupational injuries scheme is a compensation payment for loss of faculty arising from or in the course of insurable employment. The legislation governing the occupational injuries scheme provides entitlement to benefit for persons suffering from certain prescribed diseases which are listed in the legislation and where a person has contracted that disease in the course of his or her employment.

Employment under a contract of service as a miner is insurable for occupational injuries benefit under the Social Welfare Acts. Miners who are unable to work due to an accident arising from their employment may be entitled to occupational injury benefit for the first 26

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weeks of their claim. If their incapacity extends beyond that period, they may received illness benefit or invalidity pension, subject to meeting the qualifying conditions for these payments.

Miners may be entitled to disablement benefit if they suffer a loss of physical or mental faculty as a result of an accident at work or a disease prescribed in legislation that they contracted at work. Medical assessments are undertaken in all such cases to determine the degree of disablement, which is calculated by comparison of the state of the health of the applicant with a person of the same age and gender. Miners who contracted the prescribed disease pneumoconiosis, also known as black lung disease, are entitled to disablement benefit.

The issue raised by the Senator has been the subject of several parliamentary inquiries from a number of Deputies and Senators and was discussed at some length at a meeting in February 2010 of the Joint Committee on Communications, Energy and Natural Resources. In the course of that meeting and again at the recent meeting held with the National Coalminers Group it was argued that the list of prescribed diseases under the occupational injuries scheme should be extended, and reference was made in particular to chronic obstructive pulmonary disease, also known as COPD.

My Department has considered whether COPD should be added to the list of prescribed diseases but has been advised that it is a common clinical condition and one of the leading causes of death, after heart disease, cancer and stroke. It is not a condition that is specifically linked with a particular occupation and it is not possible to establish a causal link between coal mining or any other occupation and the experience of COPD. Smoking is by far the most common cause of COPD. My Department has been advised that no European Union member state other than the United Kingdom includes COPD in their schemes equivalent to the occupational injuries benefit scheme.

The position in the United Kingdom is that its equivalent of our occupational injuries benefit may be paid to coalminers who have worked underground for at least 20 years and who are diagnosed as having definite pneumoconiosis with considerable lung function loss. The effect of prescribing COPD, or chronic bronchitis and emphysema, otherwise known as CBE, was not to confer entitlement to people who did not already qualify for the United Kingdom equivalent of occupational injuries benefit but, rather, to enable a higher rate of payment to be made to some pneumoconiosis sufferers in certain circumstances.

In this country the position is that where miners develop pneumoconiosis as a result of their occupation, occupational injuries benefit is awarded. Persons claiming it in cases of pneumoconiosis are referred to a consultant respiratory physician in the first instance for an examination and report. This examination consists of a clinical assessment and pulmonary function testing. The latter is a standardised test that will establish the extent of lung malfunction, irrespective of the specific medical condition giving rise to that malfunction. Disablement benefit is awarded on the basis of the consultant's objective report, including the pulmonary function test results. If COPD is present in some of these cases, the disablement award will reflect this. Given this background, it was concluded that it would not be appropriate to specify COPD for the purposes of occupational injuries benefit.

I am acutely conscious of and sympathetic to the difficulties faced by the former miners. I am actively exploring whether there is any leeway within the confines of the occupational injuries scheme to provide some further income supports to the miners affected by ill-health as a consequence of their working conditions in privately owned mining operations.

Senator Paschal Mooney: I thank the Minister for his response, in which he indicated some degree of latitude which he and his officials will examine. One has to see the miners who are suffering from this lung disease. While we can be technical about the issue — one obviously

has to have medical expertise — the bottom line is that people like Charlie Hopkins and the others to whom I referred know the reason they have this condition and that it came about because they were underground for many years. Irrespective of the points being made, I hope that, given what the Minister outlined today, he will revert to us some time soon, clarify the situation and offer some monetary compensation to the miners who have been affected by black lung disease.

Deputy Éamon Ó Cuív: I am examining the disablement benefit and occupational injuries scheme. They are the only two schemes within the remit of my Department relevant in this case. I am looking to see whether there is any leeway within the narrow confines. It is important to emphasise that it is in that context alone that I, as Minister for Social Protection, can examine the issue.

Home Help Services

Senator Jerry Buttimer: Cuirim fáilte roimh an Aire agus gabhaim buíochas leis an Cathaoirleach as cead a thabhairt dom an rún seo a chur os comhair an Tí.

The issue of carers and the future development and evolution of the national carers strategy is important. As the Minister knows, there was a 4.1% cut in social welfare which had a profound impact on carers. Carers suffered a cut of €8.80 per week which amounted to approximately €470 per annum. Carers do a lot of work on behalf of the State which is not recognised. We all buy into the idea that more people should be cared for in the family home in their family surroundings. That applies to the elderly, sick and disabled.

The national carers strategy was published to much fanfare and with many promises. Given the economic realities we face, some of it had to be put on hold. One of the final acts of the National Economic and Social Forum was the publication of its home care study which made

5 o'clock the very interesting point that there was no uniformity in the packages available. They were dependent upon the county or area in which one was living. If we are serious about the protection of our elderly, Senator Bradford's call on the Order of Business for a constitutional referendum to protect our elders is not a bad idea. I support him in that regard and made that comment before. I am sure the Minister who is a visionary would have a similar view.

I am concerned about a number of issues. The Minister flew a kite regarding pensions a couple of weeks ago. People had concerns before last night's "Prime Time Investigates" programme which were augmented by it and "The Frontline" programme about putting time limits on carers regarding the person for whom they are caring. I do not know how one can put a time limit on showering, drying and dressing an 80 year old person or a person who is disabled.

The issue of the half-rate carer's allowance is one which needs to be addressed. Many carers in receipt of it are concerned. Young carers are also an issue. In Cork, Maria Maher was the national young carer of the year. The HSE, through the National University of Ireland, Galway, published a report some weeks ago which showed that children as young as seven or eight years of age were caring for people. That cannot be sustained.

I hope the home care packages for home helps and carers will be augmented and supported. However, cuts are taking place, despite the fact that the Government and the HSE have stated the number of home help hours is up on the figure for last year. Whether we like it, the provision is inadequate. I hope we will look on this issue as being needs driven, rather than as one that is purely about resources. I understand resources are finite, but if we are really serious about caring for and cherishing all of the people, our elders must be protected and the level of support provided for them enhanced, as illustrated by last night's television programmes.

[Senator Jerry Buttimer.]

There is a difficulty with the provision of respite care and emergency cover for those who need it. In the past week I have spoken to families which cannot access respite care or emergency beds. The HSE has a different view on the question of need. I hope, therefore, the Government will give a commitment to carers and home helps. I hope also that the Minister will row back from flying the flag in cutting the old age pension and that resources will be enhanced in the forthcoming budget, with the level of support available for those who need it most being further enhanced.

Carers and home helps save the State a lot of money. If we are serious about protecting all of the people, including our elders, I am sure the Minister's reply will be positive.

Deputy Éamon Ó Cuív: I thank the Senator for raising this matter. Ba mhaith liom buíochas a ghabháil leis an Seanadóir as ucht na ceiste seo a ardú inniu. Mar a deir sé, baineann an cheist seo go príomhacha leis an HSE, ach baineann sí le mo Roinn freisin.

In the last budget we protected the half rate carer's allowance which I believe was only introduced in 2007. Before last year's budget the carers' groups had very much prioritised this issue. We also made no change to the rate of payment to carers over 66 years, but like all working age payments, carer's allowance for those under 66 years was cut. I got the very strong impression from the carers' groups I met before the last budget that their main concern was to protect the half rate carer's allowance.

The Senator said I flew the flag when it came to pensioners. I did not. I was asked a question which pre-empted decisions to be made by the Cabinet in the budget. Anybody who tries to wriggle out of me before the budget what the Cabinet might do on any subject will not receive an answer because it is not a matter for me to give one. As the Senator is aware, the Cabinet makes decisions collectively. Somebody tried to wriggle out of me an answer on what the Cabinet might do next November and then spun the story that I would cut the old age pension. That was being pre-emptive and against all proper processes in government. I was very disappointed when people interpreted my reluctance to answer the question as being tantamount to a decision. Equally, it could have been said I had not ruled out a massive rise in the old age pension. I said I could not in a piecemeal way pre-empt what Cabinet would do next November in the budget. Unfortunately, that will have to remain my policy on all these issues. Irrespective of what questions I am asked about the budget, I will not give answers until decisions are made. Therefore, nobody should read anything more into any non-committal answers I give on the budget. If the Senator were to ask if I could confirm whether there would be a €100 rise, I would say I could not rule anything in or out; therefore, one could say I had not ruled out a €100 rise. It might be a little unrealistic, but the principle is that one cannot pre-empt Cabinet decisions on budgetary issues.

I am concerned that some older people have been given the impression that the Government has made a decision to cut pensions. It has made no decisions and I regret any upset caused to older people. That is the last thing I would want to do and I am sure the Senator would not want to do so either.

The overarching policy of the Government is to support older people to live in dignity and independence in their own homes and communities for as long as possible. Where this is not possible, the Health Service Executive supports access to quality long-term residential care where this is appropriate. Notwithstanding the significant overall economic pressures facing the country, the Government has continued to prioritise services for older people, as reflected in the additional funding of €10 million provided in the last budget to expand home care packages nationally. These packages often contain a significant home help component at individual recipient level.

The HSE national service plan 2010, approved by the Minister for Health and Children earlier this year, commits the executive to providing the same level of service for home help as in 2009 — almost 12 million home help hours for approximately 54,500 people, an increase of more than 5,000 home care packages for 9,600 people and a total of 21,300 day care places which we estimate cater for up to 80,000 people. Between 2006 and 2010 there was an additional investment of more than €200 million to enable the HSE to develop community based services for older people.

Other important initiatives are also being undertaken at a strategic level. Arising from an evaluation of home care packages, published by the Department of Health and Children in December last, the HSE established a task group to progress this year various improvements in home care provision. The Department accepts the need for a more standardised approach to the regulation of home care generally, whether by public or private provision. This year the HSE intends to finalise and circulate standardised access and operational guidelines for the delivery of home care packages; adopt and disseminate a voluntary code of quality guidelines for home care support services for older people; and develop and publish a procurement framework for home care services. The Department is also considering the overall regulation of the community sector in the light of the recommendations made in the report of the Commission on Patient Safety and the report of the Law Reform Commission on the legal aspects of carers.

The Senator will appreciate that all developments in the area of home care must be addressed in the light of the current economic and budgetary pressures. The Health Service Executive has been asked to make a rigorous examination of how existing funding might be reconfigured or reallocated to ensure maximum service provision is achieved. This requires a stringent ongoing review of the application of the resources available. The Health Service Executive has operational responsibility for the delivery of health and social services. It is, therefore, incumbent on it to review, as appropriate, the home help service at local, regional and national level in the context of changing circumstances and overall service priorities.

Senator Jerry Buttimer: The reconfiguration and reallocation of funding for services are causing most distress to our elders, in particular, as well as to those in receipt of home care packages. A great deal of stress is being caused by bureaucracy in the making of cuts. I welcome the Minister's remarks about the old age pension. However, it was his choice of words that caused the furore. He said he could not give a commitment in regard to a €100 increase. Can I take it that he is ruling out a cut in the old age pension?

Deputy Éamon Ó Cuív: I said one could not rule anything in or out because it was not possible for a Minister to give an indication one way or the other about any element of the budget. Therefore, nothing should be read into my remark that I would not disclose in May things that had not happened. How could I do so? No matter what question I am asked, the same answer will be given. Decisions on budgetary issues will be taken by the Cabinet.

Senator Jerry Buttimer: Does the Minister believe his remarks are inflammatory and frightening people?

An Cathaoirleach: That is not relevant to the matter in hand.

Deputy Éamon Ó Cuív: People are choosing to interpret the reluctance of a Minister to break an absolute constitutional obligation not to pre-empt the collective decisions of his Cabinet colleagues in such a way that they are saying it indicates something that it does not indicate. I regret that the matter is being spun in that way. Anybody who has ever asked me a question about matters that have not yet been decided by the Cabinet has received the same answer, namely, that I will not comment on them. Every member of every Government since

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the foundation of the State has adhered to the practice of not pre-empting Cabinet decisions. One cannot comment on issues because in addressing them it leads to conclusions on the part of others. That is not how matters work.

Senator Jerry Buttimer: Would the Minister support cuts?

Deputy Éamon Ó Cuív: We make collective decisions. As I have often had to explain to people who do not understand the Cabinet system, although I would have expected a Senator to understand it——

Senator Jerry Buttimer: I understand it all right.

Deputy Éamon Ó Cuív: ——we are constitutionally bound to act as a collective. Collective decisions can only be made when we sit down together to form a collective view. In that sense, there is no view on any of these issues. That is the constitutional obligation on a Minister and it has nothing to do with what I think. I acknowledge that the Senator respects the constitutional position in that regard.

The Seanad adjourned at 5.10 p.m. until 10.30 a.m. on Wednesday, 26 May 2010.