

SEANAD ÉIREANN

Dé Céadaoin, 29 Meán Fómhair 2010.
Wednesday, 29 September 2010.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Business of Seanad.

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

The need for the Minister for Health and Children to give an update on initiatives being undertaken to raise awareness, provide education and deliver support regarding the incidence and impact of anaphylaxis.

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

The need for the Minister for Health and Children to appoint a dedicated doctor for clients who are on methadone in the midlands region.

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

The need for the Minister for Justice and Law Reform to reform the Gaming and Lotteries Act 1956 and to indicate whether there are any plans in the current review to include an obligation for establishments to have a minimum percentage payout on gambling machines.

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

The need for the Minister for Education and Skills to clarify whether she is aware that long-term damage is caused to children's backs and overall posture by backward-sloping school chairs that are used as standard practice in all Irish schools today.

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 the provision of podiatry services to people with diabetes in Cork.

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

The need for the Minister for the Environment, Heritage and Local Government to introduce a more user-friendly system through the local authorities, similar to that used for car tax, to remind those registered as second home owners to pay their annual fee, in order to overcome the unfair imposition of penalties at present.

[An Cathaoirleach.]

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

The need for the Minister for Education and Skills to clarify whether she expects a delay in the processing of student maintenance grants and to indicate the steps she will take to handle any such delay.

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

Order of Business.

Senator Donie Cassidy: I would like to express my and the House's regret on the sad passing of one of the oldest retired Members of the Oireachtas, who passed away in August at the age of 95. Séamus Dolan was a native of Blacklion, County Cavan, and served as a Fianna Fáil Deputy and Senator from 1961 until his retirement in 1981. He was a teacher and a farmer, was born in 1914 near Blacklion and was first elected to the Dáil in 1961. Following the 1965 elections in which he was defeated, he was elected to Seanad Éireann where he spent the rest of his national political career. Following a four-year absence from 1969, he was again re-elected to the Seanad in 1973. His greatest honour came in 1977 when he was elected Cathaoirleach of the House and served until his retirement in 1981. As we all know, he was a great Irishman and was very proud of his country, his history and the Irish language. As a fluent Irish speaker, he took every opportunity to promote the Irish language and its use. I extend our sympathy to his wife Bríd, his daughters, sons and grandchildren.

We hope to pay tribute to Séamus Dolan at a future date, along with tributes to former Senator James Dooge and to have the families present. It is with deep regret that we learned of the death of former Senator, Professor James Dooge, who passed away on Friday, 20 August 2010 at the age of 88. Jim was a former Minister for Foreign Affairs and a leading Member of the Seanad for almost 30 years. He played an important role in the development of the European Union. He is the last Senator to have been appointed to the Cabinet and one of only two Members of the Upper House who have had that great distinction. Jim was predeceased by his wife Ronnie and daughter Melissa. He will be sadly missed and we extend our deepest sympathy to his family and grandchildren. On behalf of the House, I offer them our sincere sympathy. Go ndéanfaidh Dia trócaire ar a anam.

I only heard this morning of the sad passing of former Senator Evelyn Owens. We will pay tribute to these three Senate colleagues at a future date and give Members an opportunity to express their sympathy.

The Order of Business is No. 1, motion regarding time allocation for the Order of Business; No. 2, motion regarding defence of legal action; No. 3, statements on the provision of health services by the HSE; No. 4, motion regarding Credit Institutions (Eligible Liabilities Guarantee) Scheme 2010; No. 36, Private Members' motion No. 15, regarding end of life care in hospitals. It is proposed that Nos. 1 and 2 shall be taken without debate at the conclusion of the Order of Business. No. 3, statements on the provision of health services by the HSE shall resume not earlier than 4.30 p.m. and conclude not later than 5.30 p.m. Spokespersons have already made statements and all other Senators will have seven minutes. They may share time with the agreement of the House. The Minister shall be called upon ten minutes before the conclusion of the debate to make closing comments and take questions from leaders or spokespersons. No. 36, Private Members' motion No. 15, shall be taken at 5.30 p.m. and con-

clude not later than 7.30 p.m. No. 4, motion regarding Credit Institutions (Eligible Liabilities Guarantee) Scheme 2010, shall be taken at the conclusion of No. 36 and conclude not later than 7.30 p.m. Spokespersons may speak for 12 minutes and other Members for ten minutes and Senators may share time, by agreement of the House.

Senator David Norris: Two items are to conclude simultaneously at 7.30 p.m. I believe the Leader has made a mistake.

An Cathaoirleach: With regard to the expressions of sympathy, is the Leader proposing that there will be official Seanad tributes to deceased Members at a later date?

Senator Donie Cassidy: I will make a proposal at a later date.

Senator Liam Twomey: I seek clarification. With regard to the debate on the extension of the guarantee scheme, the Leader said it would conclude at 7.30 p.m.

Senator Donie Cassidy: No, it is to commence at 7.30 p.m. and conclude at 9.30 p.m. If additional time is needed, I will propose an amendment to the Order of Business.

Senator Liam Twomey: No, that is fine.

An Cathaoirleach: Before I call Senator Fitzgerald on the Order of Business, I wish to refer briefly to No. 2 on the Order Paper. As the House will be aware, I informed all Members by letter that Senator Callely had initiated judicial review proceedings in the High Court against the seven members of the Committee on Members' Interests of Seanad Éireann, the committee and Seanad Éireann. The House is required by the Houses of the Oireachtas Commission Acts to authorise a legal team to conduct a defence of the legal proceedings. Under Standing Orders, this function is assigned to the Committee on Procedure and Privileges on behalf of the House and the committee has already met to discuss the matter. The Leader has proposed that No. 2 be taken without debate. The case is due to be heard in the High Court next week. I, therefore, ask each Member to refrain from commenting on the case. I look forward to receiving their co-operation in the matter.

Senator Frances Fitzgerald: The Seanad resumes at a time when the most serious and critical issues face the country. To recap, the unemployment figure has increased to 442,417, an annual increase of 5.4%, while the cost of borrowing has skyrocketed to a level we could never previously have imagined and is reaching close to unsustainable levels. It was 7% yesterday, but, thankfully, there has been a slight decrease today. The Anglo Irish Bank debacle continues and now a bank which we were told would need several billion euro looks like it will need €30 billion. We await the final figure tomorrow. The people are concerned about the slow pace at which the issue is being dealt with. They are asking why it has taken two and a half years to get close to the hard numbers for one bank, not to mind to begin to solve the problem. Why has it taken two and a half years to arrive at these figures? A lot has happened in the United States, the United Kingdom and Germany in those two and a half years. The United States has managed to set up its own NAMA, deal with the issues and turn a profit in the same period. The people are looking for leadership and concerned about the slow pace of decision-making by the Government. That is why so many want an election and a change of government. The Government majority continues to shrink and destabilise as Independent Deputies, Fianna Fáil Senators and other backbenchers say they no longer trust the Government. The people are looking for leadership. One of the problems in not dealing effectively and swiftly with the economic and banking crisis is it has begun to affect front-line services and the people who are paying the price for the poor decision-making are those trying to access such services.

[Senator Frances Fitzgerald.]

I want to highlight what is happening in the health service. We heard that front-line services would be protected, but the HSE has explicitly stated they will be affected. Every Member is dealing in his or her local community with the issue of elderly persons going into hospital and finding that their home helps are no longer available to them when they return home and that they have to go to the end of the list again. Basic community services, including those for the elderly, are, therefore, being cut back. Deputies Mattie McGrath and Grealish have raised issues relating to local hospitals, while Senator McDonald has rightly voiced concern about the impact of health cuts in County Wexford. Statements on the provision of health services will resume later. However, I ask the Leader to take motion No. 17, which expresses concern about these cuts and specifically asks questions about continued health services being provided throughout the country. It reads: "That Seanad Éireann expresses its concern at the implication of Government health policy on hospitals in Wexford, Galway and Tipperary and seeks an urgent debate on this issue." I move that amendment to the Order of Business so we can have that discussion, show our support and get answers on exactly what is happening to the health service throughout the country.

Senator Joe O'Toole: On a number of occasions in the last session the fact that we should be discussing what is happening on the industrial relations scene with regard to unions, management and various social partners was raised in this House. Proposals came from both sides, from Senators MacSharry, Bradford and others, that we should have this discussion. In the meantime the Croke Park agreement has been passed, and the Minister of State, Deputy Dara Calleary, has been given responsibility for its implementation.

The Croke Park deal, as written, is very good for this country. It is the opportunity to introduce change in the public service which would make it a model of best practice internationally. There is a prize to be won here, with continuing and long-term gain for the Irish taxpayer and the common good. It is proposed to reduce the size of the public sector by more than 15,000, with the accumulated gains that accompany that. There is also a commitment to efficiency. The promise to the workers on the other side is that their wages will not be cut in the meantime and their jobs will be secure, which are prizes in themselves.

What is happening now, however, is that people are saying it is just another agreement and will not be implemented. I have been involved at the heart of many of these agreements. This House should take ownership of the change management which is proposed in the Croke Park agreement. This House should get regular updates from the Minister of State on what progress has been made. This agreement will affect the economy in many ways. I have heard people say that the Croke Park agreement will not be implemented. That suits many people on the trade union side, who are opposed to it. It equally suits people at senior levels, who believe that the change might apply higher up the food chain on this occasion and cause problems for them.

The reality, however, is that the public servant who is contemplating changing his or her car, installing new windows, extending the house or spending a weekend in Cavan does so on the basis of the certainty of his or her income. If people say this agreement will not happen, there are two consequences — the commitments to no cuts in salary and no compulsory redundancies also go by the board. We must tell people: "This is what you get. It is good, precious and protected. Make it happen." We must also tell people on the other side that we are taking over the ownership of change. When I speak about vested interests in this regard, people tend to think of the person at the bottom of the food chain, the teacher or civil servant. However, this goes right to the top. This requires commitment at all levels to deliver. The only way we will see it happening is if the Minister comes to the House and says: "This is what is proposed, this is what must happen and, if it does not happen, this is the outcome." The people on various

sides of the argument who are making noises about not buying into it for various reasons must recognise that if they are not in, they do not get the protections in the agreement.

We stand on the cusp of an opportunity to make the Irish public sector the most effective and efficient in Europe. Recall that a couple of months ago we saw Greece in chaos on a number of occasions due to public sector workers. Last month it was Italy and two weeks ago France was closed down. Today, Spain has closed down. We must value what we have in this country in that regard. There is a great deal to be won in this country and it will only be won if people insist that the commitments be delivered by all sides. The Government has given a fair commitment and it is for the other side, of which I am a part, to ensure it delivers as well. It will only be delivered if everybody recognises that it must be delivered. Members of this House should hear on a monthly or bi-monthly basis about the process. I propose that the Leader arrange a very early discussion, in the next couple of weeks at least, and invite the Minister to the House to outline what is at stake, what the gains are, what the prize is and what we can do. This certainty might encourage people to open up their deposit accounts and start spending some money. We must remember that 84% of the workforce are still going to work every morning and we need to get them spending that money.

Senator Alex White: On the point about confidence and people's confidence in the future, unfortunately we must record the fact that whatever about the mood in this House and the mood in Leinster House, there is a palpable mood of despondency and fear throughout the country that has not changed since the House last sat. If anything, it has got worse. We have a responsibility to address this. The principal responsibility lies with the Government but I accept that the Opposition and the people involved in public life have a great responsibility as well. The difficulty for the Government, especially during the summer when there were many examples, is that most people have now taken the view that the Government, far from being able to produce a solution or be part of the solution, is itself part of the problem.

I refer to the question of engagement with people. It is reported in the newspapers today that the Taoiseach stated — I do not have the exact words to hand but he is quoted in this morning's newspaper — that the Government is trying its best to persuade people on the international front that we are doing the right thing. I can understand the Taoiseach attempting to do this but when is he going to start persuading the people of this country and addressing the issue of confidence and belief on their part? In the spring, Members on the Government side repeatedly referred in the House to *The Wall Street Journal* and various other newspapers in America which they thought were praising Government policy. I do not see them referring to that newspaper or other publications that have commented recently on the deterioration in the economic situation in this country.

On the question of confidence, I agree that the Government should be engaging with the people, and this has been a serious failure on the part of the Government, the Taoiseach in particular. I do not want to hear another reference to turning the corner. What does the phrase mean? The people are able to put up with bad news, the truth and honesty, but they do not get that from the Government. They get this happy-clappy soft soaping where everything is fine and we are turning the corner. How many times have we turned the corner? We are going around a roundabout at the moment, such is the sort of corner we are turning. The first time this phrase was used was a year ago and the Minister for Finance is still saying it. The Government should level with the people. Let us have facts and honesty. The first place we should have it is in this House today in respect of Anglo Irish Bank. We have the ludicrous scenario whereby the House will be asked to extend the guarantee today but will only be told the story about Anglo Irish Bank tomorrow.

Senator Fidelma Healy Eames: What a joke.

Senator Alex White: What sort of nonsense is that and what way is that to treat Parliament and the people? The Government should level with the people. Let us have the facts. We can take it and the people can take it. The Government would be much better off to level with the people and give them the facts, however negative they are, so that the people can be part of this great confidence building exercise in which we all want to see them engage.

Senator Dan Boyle: In recent days the business editor of the BBC, Robert Peston, described the situation of Ireland's economy as being hideously and perilously close to a cross between recovery and Armageddon. In my view this is fair comment. We are on a precipice as to whether our economy can and will recover. I am of the view that it can, should and will. This session of the 23rd Seanad could be one of the most vital in the history of the institution. Following on Senator Alex White's contribution, which I thought was unfortunate in some aspects, he is correct to say that how debates are conducted in this House in the coming weeks will be very important. I request that these debates, when they arise, would be conducted in the right spirit. We as a political system are engaged in an exercise.

Whenever an election is held and whatever the result of that election, the resulting Government will have to proceed along similar lines as have already been agreed with the European Commission to the effect that this year's budget will have an adjustment of €3 billion, followed by similar adjustments in each of the budgets for the following two years. The effect of these adjustments will be in the very areas which Senator Fitzgerald has outlined. While the Opposition may take as many pot shots as it likes, it should not be dishonest with the people by saying that things can be better with just a change of faces. We are in a very dangerous situation and it requires people to be honest about how, collectively, we can get out it.

An Cathaoirleach: Many Members wish to contribute to the Order of Business and I ask for questions to the Leader.

Senator Joe O'Reilly: Nothing better underlines the bad place we are in as a country and as a people than the fact that 80 people have their electricity disconnected every day. In 2010, 13,824 people have been disconnected. It costs €86 to have the disconnection completed, which is reprehensible. It costs €88 to reconnect, which is criminal. That should be paid from profits, from a VAT reduction or out of efficiencies. It is criminal that people getting their lives together through no fault of their own and who are able to reconnect, should be charged these sums and put into a debt trap. From November 2007 to October 2010, electricity costs have increased by 6.4% despite the fact the Minister for Communications, Energy and Natural Resources, Deputy Ryan, and the Government tell us there has been no increase in energy costs. This is wrong. There has been an increase according to the Commission for Energy Regulation.

Some €30 million has been returned unused to the Government from the Sustainable Energy Ireland fund. Whether it is due to incorrect marketing of the scheme or the application of the scheme, the pick-up is not adequate and the application of the scheme is inadequate. That figure condemns the Government at a time when we need to create jobs in the sector.

Senator Frances Fitzgerald: Hear hear.

Senator Joe O'Reilly: The justification for the current price increase, which will kick in on Friday, is the public service obligation and green energy. That is a good thing but there are other ways of dealing with this. It can be dealt with from profits, from efficiencies or by examining VAT rates or a combination of these. It should be put on hold in the emergency we are in. The energy price increase that is coming is not sustainable. I propose an amendment to the Order of Business that we have a specific discussion on the lunacy of the proposed electricity

price increase, a debate on the lunacy of charging unfortunate people for disconnection from and reconnection to the electricity service and a debate on the entire energy sector this afternoon so we respond to the reality of people's lives in the shocking Ireland we are in.

Senator Terry Leyden: Will the Leader of the House arrange a debate on the new initiative by the Government to create 150,000 jobs over the next five years? It would be worthwhile for this forum to discuss the issues on a regular basis. We have a role that is either relevant or redundant. The Seanad has a very important role at this stage, particularly in respect of the creation of 150,000 jobs through Enterprise Ireland and tourism. In that regard, 15,000 extra jobs can be created in tourism over the next five years. I ask the Minister for Tourism, Culture and Sport to call in the main stakeholders, including Mr. Michael O'Leary, Aer Lingus and the ferry companies. Without access to Ireland, we will not get that growth in tourism. Whether one likes him or hates him, Michael O'Leary is the most important person in the airline industry in Europe.

Senator Jerry Buttimer: He was not a few months ago.

Senator Terry Leyden: We should put the past in the past. Whatever differences there have been——

Senator Maurice Cummins: He proposed scrapping the €10 travel tax.

Senator Jerry Buttimer: We are where we are.

An Cathaoirleach: Questions to the Leader. No interruptions.

Senator Terry Leyden: ——that is over and done with and we must look to the future. We need people who have provided service to the State, including Mr. Dermot Desmond, to come on board and to create and fulfil the 150,000 jobs.

We need less red tape.

Senator Jerry Buttimer: Senator Leyden is flying solo.

Senator Terry Leyden: Some 10,000 jobs are gone from the licensed vintner trade and it is wrapped up in red tape with regard to renewal of licences, young people being on premises and dance licences.

Senator Fidelma Healy Eames: Who is in charge?

Senator Terry Leyden: We have a role to highlight the issues in this House and become relevant. Members of this House could be brought in by the IDA and the tourism authorities to promote the country abroad.

Senator Paudie Coffey: We will be in government soon.

Senator Terry Leyden: Members of this House could work longer and better for the country without an increase in pay.

Senator David Norris: It is many months since I said in the House that the Government in confronting the financial crisis should take decisive action by amalgamating the three principal banks, nationalising them in one clean, surgical sweep and taking Anglo Irish Bank out into the middle of the Atlantic and sinking it. I have repeated these sentiments on a number of occasions and, as far as I know, they have never been reported by any journalist. I make them again today. When I first made them, the Minister for Finance, Deputy Brian Lenihan, a man

[Senator David Norris.]

for whom I have great respect and admiration and a man of courage and integrity, said Anglo Irish Bank was of systemic importance. That means the system must be saved at the expense of the people. I do not think so. It is time we considered the people and challenged the system. It should be challenged on a Europe-wide basis because this is part of a global problem.

We had our own vanilla bubble and did make a complete mess of things in a spectacular way, but what about the ratings agencies, about which I have speaking for the past year — Moody's, Standard & Poor's and Fitch? They were criminally complicit in the entire mess that originated in America — a bubble of froth from the New York Stock Exchange.

3 o'clock They are not basing their estimates on real, scientific analysis but on what they call market sentiment. The market is a wonderful concept, but it does not operate for the corporate bankers, corporate gamblers, swindlers and preferential bondholders. Market forces are suspended for the big people. It is the Leona Helmsley effect. She was right — it is only the little people who pay taxes. We were told the figure would be €4 billion. I was advised by a very remarkable man, Mr. Peter Mathews, who I hope to God will be given a senior position in administering the destruction of Anglo Irish Bank, with some other commentators, in the interests of the people. He said it would cost €30 billion. We now know that is a fact. What a tragedy. What could that €30 billion which has been poured down the drain have done for hospital services, education, infrastructural and transport projects? That is why I seek a continuing debate on the matter because it is a catastrophe.

While I do not endorse physical attacks on the Houses of the Oireachtas, I can understand the anger that lies behind them because people are witnessing their jobs disappear and houses being repossessed, while the corporate gamblers get away with it. This is appalling and it is a worldwide phenomenon. Mr. Warren Buffet, a remarkable man, has decided to give away three quarters or more of his enormous financial reserves. That is a conscientious decision and he is now being followed by 50 other billionaires in the United States. I wonder why. Have they got a whiff of the tumbrils? They are not doing it from philanthropy but because they know there is a crisis brewing. I stand with the workers of the other 11 European countries who are protesting today. We should forge alliances with the Greeks, the Portuguese, the Spanish and with all those countries which are threatened to put it up to the system that it must be radically challenged.

I propose an amendment to the Order of Business in the light of the Cathaoirleach's remarks. I am forced to accept what he said about Senator Callely's situation. That is perfectly appropriate. I do not intend to mention it, but when the Cathaoirleach says, as he regularly has to, that there is not time to hear all of the informed views of Members of the House, I do not think it is appropriate that we should pass a resolution limiting the time available without a discussion. We should have one. I, therefore, propose that we take No. 1 with discussion.

Will the Leader provide an update on No. 1 on the Supplementary Order Paper in my name and those of my colleagues dealing with the proposal to relocate the Abbey Theatre to O'Connell Street? We need something visual to lift the people in the run-up to 2016, something of which we can be proud because the bankers, the churches and the Oireachtas have let us down. The one thing that survives is the brilliance and majesty of our creative artists which we should celebrate within Europe in a new and imaginative way. I ask the Leader for an update on that matter.

Senator James Carroll: I echo the words of Senator Leyden in regard to the announcement of the jobs creation strategy outlined yesterday by the Taoiseach. In particular, I want to focus on tourism. I had the pleasure some weeks ago to attend the great dig that took place at Annagassan in County Louth, where the ancient Viking site of Linn Duchail was discovered.

According to Dr. Mark Clinton, the dig supervisor, and Dr. Eamonn Kelly, national keeper of treasures and ancient artefacts, this has the potential to highlight more Viking treasure and artefacts than in all of Scandinavia. As an example, York in England has made huge income from having a Viking site. If we focused on what we have on our own island, we could do the same. Agriculture and tourism heritage are two issues that cannot be copied anywhere throughout the world. While the Government has the smart economy plan and it must be pushed to the maximum, we should also keep a key focus on tourism and heritage. We have this great site in our midst in the north east. If we look at what other countries have done with similar ancient sites and how they have developed and marketed them, we could create a huge impact for our country and for the region. I look forward to the Leader's response.

Senator Paudie Coffey: As we struggle on a daily basis to come to terms with the present banking and economic crisis, we see the real casualties, to whom Senator O'Reilly referred. They are the people who cannot pay day-to-day bills such as electricity and fuel bills while millions of euro are being spent on special advisors to the Government, on banking and on legal mechanisms — on advice that seems to be failing.

I want to take up the offer of Senators Leyden and Carroll to have a debate on jobs and employment. In the past two years, unemployment in the south east, where I come from, has climbed from 6% to 18.1%, with very high profile job losses such as at Waterford Crystal, TEVA and ABB Transformers. However, these are only the headline job losses. Small and medium enterprises are haemorrhaging jobs on a daily basis, an issue which needs to be tackled urgently.

The Government talks about creating 150,000 jobs. It is high on PR spin but there is very little on specifics. This is the ideal Chamber to debate that issue. A good place to start is in regard to refocusing on manufacturing and competitiveness. Let us not give up on manufacturing because that is what is keeping our country going at present, namely, the products which our small businesses are manufacturing in small factories throughout the country and exporting to Europe and the wider world.

We took our eye off the ball in the past 15 years under the stewardship of this Government; while it was propagating the property bubble, it forgot about manufacturing. We need more blue collar jobs. Yes, it is nice to have the smart economy and that high profile jobs would be created but we need decent, ordinary jobs for day-to-day living. I call on the Leader for that debate on jobs and particularly on manufacturing.

Senator John Hanafin: I look forward to the debate we will have on the banking situation in the next few weeks. However, I am cognisant that we should have facts presented before the House. To suggest that interest rates are at unsustainable levels is nothing short of nonsense. In the 1980s we had a debt-GDP ratio of 130%, 18% unemployment and 18% inflation, and we got through that. I hear radio commentators talking about an extra 0.2% on our interest rates when we paid a multiple of that in the 1980s and we got through it. In fact, we were paying 33% of all taxation income on debt repayment in the 1980s when it is currently 18.7% — that is the difference.

It is finally time to put this issue to rest. Things are not as bad as the Opposition would want the people to believe. The reality is there is an awful lot of talking down of the economy.

Senator Maurice Cummins: Bertie said that too.

Senator John Hanafin: There are many positive elements. All efforts at job creation should be welcomed.

[Senator John Hanafin.]

Second, it is a very fortunate aspect of the Seanad that we get to speak about international events. A recent event at the United Nations will have resonance throughout the world, namely, the Iranian President's questioning of whether terrorists undertook the 11 September attacks. There is no doubt but that it was 19 al-Qaeda terrorists who undertook those attacks. More than 90 nations lost people when up to 3,000 people died in those attacks. Of those, 500 had direct Irish connections, be they Irish citizens or Irish-Americans, or were members of New York's brave police and fire departments, of whom we are so proud. It is an affront to democracy and history for anyone to blame the Jewish people for something with which they had nothing to do. It is reminiscent of the 1930s.

Senator Eoghan Harris: Last night, the President pointed out that the Seanad was a place where we could be fearless in speaking, but I am afraid that we are always flunking. We have had months and months of worked up public anger about the banks, which has all been very well, but two groups benefited from the Celtic tiger, namely, the property groups allied with the banks and the public sector. While Anglo Irish Bank is a bad situation, it is a manageable one. What are not manageable are our public sector finances. The State's liability in terms of public sector pay and pensions increased by €6 billion in the past five years. The elephant is in the room but no one will touch it. The media cannot touch it because the public sector is articulate and buys newspapers. RTE is a part of the public sector, *The Irish Times* is a trust and you are locked in and institutionalised. I say "you" because I feel distinct from Senators in this matter. There is a conspiracy of silence in the Oireachtas about the public sector. No one will tackle or speak about the issue or point out that, even had we managed Anglo Irish Bank and had there been no banking crisis, we would have a crisis in our public finances.

Nothing will be done unless we tackle the pay and pensions side of the public sector. Its members are the only group in the country who are permanently insulated against the horrors of the economic recession. They seem to feel they are entitled to it. There is no such entitlement. A member of a political party in the House told me last night that, when she was canvassing recently, she came to a house where a single woman had lost her job, had no one to turn to, was caught in a mortgage she did not know how to service and was told by her bank when she asked for interest finance that it was turning her back towards a mortgage. She asked what she could do and to where she could turn. At the next house, a public sector worker in receipt of more than €80,000 per year whinged about the levy. What kind of world does that person live in? Let us get a grip, starting in this House.

Before we have the budget and ask the productive middle class of the private sector, the productive blue collar workers or the welfare mothers to carry the can, we should turn to the fat cats of the public service to carry some of it. We should start with ourselves by taking a 20% cut before turning to any other part of the economy.

Senator Jim Walsh: I used to be opposite Senator O'Reilly on the communications and energy portfolio. I disagree with his call for an emergency debate on electricity prices. It would be fair to point out that there have been reductions in recent years. While the point he raised about the PSO is an interesting one, it has been debated in the House previously.

Some have called for a specialisation of the Seanad. Last night, the President paid the Seanad a nice tribute, but she set us the challenge of raising the bar. We need to focus on four areas, three of which are economic in nature and fundamental to how the country evolves in the short, medium and long terms. These areas are banking, the deficit — this is a pseudonym for public overexpenditure — and unemployment. The fourth area is that of Northern Ireland.

Regarding the deficit, I agree with all of Senator Harris's comments, in that there is a conspiracy among left-wing pseudo-socialists in the House and political parties to avoid discussing the significant escalation in the cost of our public service. Last week, I listened as the Committee of Public Accounts queried the most senior people working in our universities and the Higher Education Authority, HEA. I do not think anybody could have listened without being shocked and appalled at the unauthorised payments or the practices on allowances. Highly paid lecturers and professors in our universities receive up to 50% more than their counterparts in the neighbouring island. They lecture for six hours per week and work a maximum of 15 to 20 hours per week. These are part-time jobs. Every day of the week, evidence of this can be seen in the news media and on our televisions, where they are all pontificating about our economic and banking situations, what we should be doing and where we should be going. We heard nothing from them previously.

We need to look at the issue of the public service. It increased by 150,000 people in the decade from 1998 to 2008.

Senator Jerry Buttimer: Who increased it?

Senator Jim Walsh: The cost went from €9 billion to €20 billion.

Senator Jerry Buttimer: It was increased by Deputy Bertie Ahern.

An Cathaoirleach: We cannot have a debate.

Senator Jerry Buttimer: The man who Senator Walsh supported.

Senator Jim Walsh: There was a consensus in the Opposition that insufficient money was being spent on it and that it should have been further increased.

Senator Nicky McFadden: Fifteen years in Government.

Senator Jim Walsh: Nobody on the opposite side is in a position to throw stones. It has to be tackled collectively.

Senator Maurice Cummins: Who is in Government?

Senator Jim Walsh: We cannot pass on to the next generation inflated salaries, guaranteed jobs and a pension scheme that one cannot buy in the private sector. That cannot be passed on to people in the private sector — the productive sector — who are struggling to meet their mortgages and the cost of living. It is time we faced up to the issue and held a proper debate on it.

Senator Paul Coghlan: I second the proposal by Senator Fitzgerald to amend the Order of Business in regard to widening the scope of the debate on health to encompass the motion she has tabled on the Order Paper. Perhaps the Leader will save us a vote by agreeing to the amendment.

I also second the proposal by my illustrious colleague from County Cavan, Senator O'Reilly, in regard to charges. Finally, I support Senator Norris's proposal that motion No. 1 be taken with debate.

Senator Diarmuid Wilson: Two ones and a two.

Senator Paul Coghlan: Is it not motion No. 1?

An Cathaoirleach: Is the Senator seconding the three amendments that have been proposed?

Senator Paul Coghlan: I am seconding them if that is allowed. I am in the Chair's hands. I appreciate that we will have some certainty by tomorrow regarding the final estimate by the Department of Finance of the taxpayers' exposure Anglo Irish Bank. However, we are equally concerned to bring certainty and finality to the entire banking sector. I am speaking about the real systemic banks, AIB and Bank of Ireland. I am aware the latter bank had a successful rights issue by way of recapitalisation but AIB is in a tricky situation in light of what is going on between Santander and M&T Bank in the United States. This needs to be resolved because taxpayers are exposed through the increased stakes in these institutions that the Minister for Finance has taken on their behalf. As the Leader will no doubt appreciate, these stakes will probably increase further.

The Minister waxed eloquent in the past about a third force in banking but this proposal appears to have dropped off the agenda. The proposal is important for the future of our economy and the availability of credit. We know how people have been squeezed and the anxiety that all the financial institutions feel to renew the arrangements of clients in order to clobber them with increased interest and reduce the availability of credit. This is a serious issue and I am aware it is close to the Leader's heart. He often refers to ICC, which no longer exists. I would like to hear from him and, more importantly, the Minister about the position of the proposal for a third force. It has slipped off the agenda and we have heard nothing about it for the past 12 months. It needs to be resurrected. What proposals, if any, have been made to amalgamate weakened institutions in order to strengthen competition in the economy?

Finally, I wish to speak about the legislation for a mayor of Dublin. It is an all-encompassing item due to be published which the Minister for the Environment, Heritage and Local Government, Deputy Gormley, referred to yesterday. As I understand it from what can be read today, the position of the present Lord Mayor of Dublin, who resides in the Mansion House, is to cease with local elections in 2014.

I know there were private briefings for Members on the Government side from two Ministers, Deputies Dempsey and Pat Carey. This is a very important matter for this institution, given the composition of our electorate consists. Four local authorities will be involved, although I know we have not yet seen the Bill. I fail to see how, with the powers of managers, this will work out. Will the Leader arrange for a briefing for this House on the functions, powers and responsibilities being proposed for the mayor, who will be known as a lord mayor and dispossess whoever is in the Mansion House after the 2014 local elections? I look forward to hearing from the Leader.

Senator Terry Leyden: That is called self-interest.

Senator Paul Coghlan: What?

Senator Terry Leyden: Self-interest.

Senator Paul Coghlan: It is not, it is in the public interest.

An Cathaoirleach: There should be no interruption.

Senator Marc MacSharry: I do not want to go into the detail of how we will discuss the banking guarantee extension later today, with a full day of debate on the economy tomorrow. When one considers the attack, as it was, on the gates of Leinster House by a member of the public today, it brings home the level of anger of that particular individual. It is testament to the kind of anger we have all experienced over recent months and years as difficult decisions

have had to be taken and as serious amounts of money have been committed to rehabilitating our banking position. The effort has been absolutely intolerable to most of us because of the magnitude of money involved but that does not deduct at all from how necessary is such action.

The cost for Anglo Irish Bank, should it be in the region of €30 billion, would mean that the servicing of that debt in the context of our national debt will be approximately €1.5 billion, which is very significant.

Senator Liam Twomey: It is an absolute disgrace.

Senator Marc MacSharry: It relates to servicing our national debt. What is much more pressing, as has been alluded to by many, is dealing with the deficit in 2010 of €18.5 billion. To follow on from Senator O'Toole's comments, it would be beneficial for us to have a report on progress in the Croke Park agreement, the efficiencies that have been introduced and where we are getting more from less in that regard. Do we need to revisit any aspects of the deal?

Senator Harris mentioned that the cost of public services had increased substantially by €6 billion over recent years. While neither individuals, families nor constituents would like to contemplate further cuts in the likes of public sector pay and services, the reality is that it is inevitable. At the earliest possible convenience and at least every week over the next four weeks, there should be a debate on these matters so that Members of this House can feed directly into where we think the money can be cut best. There is no question that the process will be very painful for every household in the country but we must work together to ensure we identify the services that people can best do without. The reality is that is what we will be doing. There is no money and the process is about sacrifice and cuts. We have no other choice.

Senator Terry Leyden: Hear, hear.

Senator Marc MacSharry: The pantomime of who is to blame and what could have been done is for yesterday. What is for discussion today is our future. I say this irrespective of what I read in the *Financial Times* and what is written by the Dublin-based correspondent of *The Wall Street Journal*, whom I last heard defending an article of his by saying he was only repeating what was stated in the Irish press. As an Irish citizen, I believe in the ability of the people in this room on all sides and in the other House to get through this mess, which as Senator Hanafin has said is much worse than the position in the 1980s. We will do it and we must tell the public, confidently and collectively, that we will do it.

Senator Terry Leyden: Hear, hear.

Senator Feargal Quinn: It has been most interesting to hear Senators MacSharry, Walsh and Harris speak with a positive attitude on action that can be taken. We will have a debate tomorrow on the economy and I am delighted it is happening. I thank the Leader for organising it.

I support the words of Senators Norris and Coghlan who asked whether we must limit the Order of Business as a number of Senators wishing to speak will not get in each time. I suggest we have such a debate. I do not like the thought of item No. 1 being taken without debate because it should be debated. The most valuable, vibrant, interesting part of the day in the Seanad is very often the Order of Business. By all means, let us limit the length of time we have to speak to one and a half minutes, but let us make sure we will all have the chance to speak. We should debate the issue today.

I raise one other matter. In spite of all the challenges facing us, we should not put the issue of education on a long finger.

Senator David Norris: Hear, hear.

Senator Feargal Quinn: Two figures stood out for me during the past month. When the leader of Hewlett Packard announced the creation of 50 jobs — not very many — he was asked what qualifications would be needed by candidates. He said they just had to be able to speak a second language. The reporter said, “That means no Irish need apply.” We have the worst figures for language training in Europe. The number of pupils in secondary school in Ireland who learn two languages is 8%, compared to 60% on average elsewhere in Europe. We have to do something about this. Even worse, however, is the figure for primary school pupils. The percentage who learn one other language is 3%. The average figure elsewhere in Europe is 60%. In a number of countries, for example, Sweden and Luxembourg, 100% learn a second language. Even in Italy the figure is 99%. I mention this because it is the sort of issue we should challenge and debate in the House. Let us look to the future, on the bright side and at having a can-do attitude. However, we will not be able to do this if we do not give younger people some chance to compete in the future.

Senator Geraldine Feeney: Like other colleagues, there is positivity in my voice. It is always great on the first day back when everybody is full of jizz and ready to go. I was not going to come into the House; I was working in my office until I heard Senator O’Toole speak about looking for a progress report on the Croke Park agreement. I join him and other Senators who endorsed his request that the Minister of State, Deputy Calleary, come to the House today, or on a day the Leader can agree for him to come. Let us get the debate going to see where the Croke Park agreement stands. There are very good and generous commitments on all sides, for pay rates to be frozen and there to be no compulsory redundancies. That is a huge commitment on the part of the Government and the State to offer to public sector workers.

I agree with everything Senator Harris had to say. He speaks with such conviction and passion. He is a man of common sense and a wonderful orator. What he has to say flows from him. I often think, “God, why could I not think of something like that to say.” It comes so easily to him. However, every worker in the public sector is not a fat cat on a fat cat salary, but nobody knows that better than the Senator. There are people, whom I represent, who are struggling very badly. However, I have no doubt we will witness positivity arising from the Croke Park agreement. As Senator O’Toole said, if workers can be given an assurance that there will be no further pay cuts in the next few years, it will loosen the purse strings a little and give them the luxury of being able to buy another car, perhaps to build a small extension, go on a family holiday and do the things we are all crying out to do but are afraid to do because we simply do not know what is around the corner, financially, for any of us. For those looking for a new or secondhand car——

An Cathaoirleach: Questions to the Leader, please.

Senator Geraldine Feeney: ——the car scrappage scheme has been wonderful. Throughout the summer I heard calls for us to extend it. It has enhanced the car industry which, as we know, was struggling until the scheme was introduced.

I agree with those who have spoken about all Members of the House being committed to getting the country out of the terrible mess in which it finds itself. I listened to Deputy Lucinda Creighton the other day on “Morning Ireland” and she talked about people being fed up hearing politicians blame each other and listening to the media pairing one set of politicians against another. Now is the time for us to be responsible. We should all act as befits those elected to these Houses to do the job we have to do. There is a responsibility on every one of us. We all want our country to come out of the terrible abyss it is in. We are proud Irish people,

and I say that both to politicians and the media. I am delighted to see a section of the media present that we do not often see in this House. They are taking an interest in the House now. There is an onus on them to be responsible, to watch what they say and how they say it and not show us up in a bad light, whether in Ireland or abroad and especially when others are looking in. There are solutions to this problem and we can get ourselves out of it.

Will the Leader put the issue of anorexia, my old hobby horse, on the agenda for debate? We need the Minister of State with responsibility for that area of health, Deputy Moloney, to address the Seanad because more young boys and girls are being affected. Boys as young as seven and eight as well as young girls are suffering from anorexia. We used to think it was a female problem but it is across both genders.

Senator Ciaran Cannon: I agree with Senators Leyden and MacSharry that we can work our way out of the difficult place in which we find ourselves. In doing so, however, we must have more than the facile public relations stunts carried out by Government day after day which lack any type of innovative thought or resources to tackle the biggest issue facing the country, namely, the jobs crisis.

Some months ago the Government announced a revised national development plan, essentially the reheating of an older development plan, which was to create 270,000 jobs. Yesterday we had another reheated plan which promises to generate 300,000 jobs. That is 570,000 jobs over the next five years or 2,000 new jobs a week from now on. If the Government reheating old tired ideas is the only inspiration on offer to the 120,000 young people who have left our shores in the past two years, then I truly despair.

The biggest fallacy in yesterday's statement was the Government's claim that it is going to create jobs. Governments do not create jobs, business people do. In doing so they must be allowed and encouraged by Government. Rather than doing exactly that, our Government over the past three or four years has chosen to put brick walls in front of every business in this country. The head of IDA Ireland, charged with generating new business, tells us that high energy costs act as a barrier to growth. Businesses in Northern Ireland pay 14% less than we do for electricity. We have the fifth highest electricity prices out of 31 European countries and the Government is now thinking of increasing those charges again. If one is so unfortunate as to have one's electricity disconnected, the Government makes money by charging VAT on both the disconnection and the reconnection fees.

Despite several assurances that our banking system is finally fixed, nothing could be further from the truth, and it has taken the ECB to tell us that honest fact. Over the summer, how many business people have we met with innovative ideas that could generate jobs in a real economy if they only had support from the banking system? The truth is they do not have that support.

Businesses are being strangled by a hopelessly outdated commercial rating system. The rates being charged to businesses in 2010 bear no relationship to their earning capacities. A rates revaluation programme that began in 2001 — almost ten years ago — to reassess rates in the 88 rating areas has only managed to assess three areas in that time. In those three an average reduction of 30% in the commercial rate was achieved.

An Cathaoirleach: Is the Senator looking for a debate?

Senator Ciaran Cannon: I am looking for a debate. That shows up the non-performance and lack of innovative thought on the part of the Government and this Oireachtas in supporting small business. That is where the regeneration will begin. It is not happening and needs to begin urgently.

Senator Mark Dearey: Picking up where the previous Senator left off on supporting small business, I call on the Leader to facilitate a debate on a subset of that theme, namely, sustaining employers. My experience over the summer has shown that many employers are paying themselves last and are among the first to take the hit in terms of pay within their small businesses. They are doing all they can to pay employees some type of decent wage but it is increasingly difficult for them. Senator Boyle spoke about the precipice we find ourselves on and many businesses find themselves in such a position. Employers are the bulwark upon which employees depend and if they find it is no longer possible to continue in business, they tend to bring down their employees with them. An intervention to stop that domino effect that is worth considering is something akin to the scheme for sustaining employment that is being targeted at 10,000 employees at present. If something similar could be done for employers, this would have a multiplier effect in that it would provide a certain safety net for them. The sector is very poorly served in terms of pension provisions and access to welfare when employers find themselves unemployed. Many of them fall between the cracks in the system. It needs to be reconfigured to address their needs. This is a plea, as a small employer, on behalf of a sector that is being overlooked and upon which many people on modest incomes depend. Small employers are the bulwark that people need to maintain their livelihoods.

I agree with Senator Cannon about rates. The situation has changed so dramatically that the Valuation Office needs to up its game significantly. Three out of 88 is a hopelessly slow rate of revaluation, and rates are an enormous burden, especially when rents are falling. The rateable valuation stands out in stark contrast as one of the key blockages to competitiveness within small towns and among small businesses. That is a major issue and a good deal of consensus exists on how it should be tackled. While I am asking the Leader specifically for a debate on sustaining employers, I would welcome it in the context of a wider debate such as that called for by Senator Cannon on supports for the small and medium-sized enterprise, SME, sector generally.

Senator Jerry Buttimer: I join Senator O'Toole in asking that the Minister of State, Deputy Calleary, would address the Seanad in the context of a discussion in the House on the Croke Park agreement. While I respect the rights of Senators to express their opinions and while Senator Harris and I are ideologically opposed on this, I find it disingenuous that he should pillory the public sector worker when the Taoiseach he supported and to whom he bent the knee introduced benchmarking—

An Cathaoirleach: Questions now to the Leader, not across the floor to another Member.

Senator Jerry Buttimer: I am coming to the question. That Taoiseach increased the profile and the staffing of the public sector. How can the Senator still say he was a great Taoiseach?

When are we going to have this real debate about the public sector? The public servant I know has not made a fortune and is suffering like everyone else. He or she is in negative equity and there are families whose children are unemployed or have emigrated. While their jobs might be secure, they have taken a pension levy and a pay cut. Let us focus on the top tier of the public sector which has been rewarded by the Progressive Democrats and Fianna Fáil ideology of bonuses and so on. Let us start with reform of the public sector as proposed by Fine Gael. It was Fine Gael, the Senator may recall, that predicted in 2004 that benchmarking would be the disaster it has proved to be. Let us not create a social class war in this country. As Senator Dearey said, small and medium-sized enterprises are in trouble. The public sector is in trouble. It does us no good to come into this Chamber and ask that the public sector be hit yet again. As a proud member of a public sector union, I will not put up with it. Reform is on the agenda, and the teachers' unions stepped up to the plate regarding the Croke Park deal.

Senator Eoghan Harris: They did not.

Senator Jerry Buttimer: The ASTI and the INTO did. Let us not come in here and divide people. The crashing of a cement truck into the gates of Leinster House this morning was a symbol of the anger of the people, although it was not right. If we were in France, Greece or Spain, our streets would be full of people.

I note that on today's Order Paper, under the heading of non-statutory papers laid before the Seanad on page 928, there are six items dealing with the appointment of special advisers to Ministers. Are these new appointments? What about the moratorium on public sector recruitment? Why are these items buried in the Order Paper? They may be legitimate appointments. They are items Nos. 43 to 45, inclusive, and Nos. 51 and 52. Who are these people and what are they being appointed for? How much are they paid?

The problem is that we have a two-tier public sector, with fat cats on the top level and ordinary workers on the bottom level who are being pilloried and made into sacrificial lambs. Let us not divide our country more. Our people want change and they want leadership. They are not getting it from the Government, which is like a clapped-out three-wheel bike being propped up by the Green Party and a few Independents. Fianna Fáil does not know what it is doing. Let us have a real debate about public sector reform.

Senator Fidelma Healy Eames: We are a proud and resilient people with a history of oppression. The most common question I have been asked throughout the summer, and especially in recent days, is "Are we getting there?". People want to know how we are faring as a nation. Have the cuts and austerity measures paid off? Has all the money we have given to the banks made a difference? I fear we are losing the war. That is a genuine fear — it is not about being negative. I am asking for proper stewardship. To echo what Senator Alex White said, who decided we should vote on the bank guarantee tonight when we must wait until tomorrow to get the information on Anglo Irish Bank? The Government decided. That is putting the cart before the horse.

Senator Dan Boyle asked whether we thought new faces would make any difference. I say "Yes." Who would give €1 million in one year to a fat-cat public servant, as we heard last week? I refer to Mr. Somers, who is a decent man — but why make that decision? Who gave the money to Patrick Neary and Rody Molloy? Who paid them off? The Government did. Meanwhile, there is human misery in Galway, in the HSE west area. I spoke with the clinical director of University College Hospital Galway just before I came here this afternoon. That hospital and Merlin Park University Hospital must find €19 million by December. They have just given €15 million and they are stripped to the bone. He said that any further cuts would threaten patient safety.

Does this Government stand over threats to patient safety? It is a simple question. I have no doubt the Leader will say "No", but if that is the case, I ask him to ensure that University College Hospital Galway and Merlin Park University Hospital are not faced with €19 million in cuts between now and 1 January, which will threaten patient safety. I look forward to hearing the Leader's reply.

Senator Rónán Mullen: I cannot but agree, and wholeheartedly at that, with what Senator Alex White had to say earlier when he pointed to the inappropriateness of having a debate about the guarantee this evening and a debate about the state of things generally, including matters relating to Anglo Irish Bank, tomorrow. That is the kind of incongruity that will contribute to the continuing disquiet about the way in which our political process works. We are at the start of our legislative year, and we will need something more than slugging matches across the Chamber if we want the public to re-engage with the political process.

[Senator Rónán Mullen.]

I note that it is now almost a year since the motion “That Seanad Éireann deplores the delay in implementing the recommendations of the Report on Seanad Reform and demands of Government that it do so immediately.” was placed on the Order Paper. We have had two debates with the Minister for the Environment, Heritage and Local Government about Seanad reform. What was interesting was that the first debate — the one furthest back in time — was the one in which the Minister was most confident in his promise to introduce Seanad reform. We were told that a wider pool of university graduates would take part in the next election to the Seanad. In the second debate, which took place more recently, the Minister had pulled in his horns considerably in that regard. It would be good to find out from the Minister what is to happen regarding Seanad reform and regarding the extension of the franchise, in the context of the university seats, to graduates of other universities and third-level institutes. It seems there is no good reason to delay the necessary reform.

It is all the more incumbent on the political class to conduct a debate on the working of our institutions precisely because there is such disenchantment about how Government and the legislature have operated in recent years. The debate could start with a useful and necessary debate on Seanad reform, but I hope we will also have a debate soon on the relationship between the Government and the legislature. When we blame the Government for the lack of stewardship in the past and a failure to establish good systems of regulation, we must acknowledge that one of the reasons the Government failed so dramatically was that it was under no pressure from its rank and file in the Oireachtas. We have a system that is quite authoritarian. In Britain, it is much more common for the Government to lose votes in the House of Commons and for the House of Lords to hold up legislation it is unhappy with. Someone once said about the House of Lords that one could not justify the way it is elected, but sometimes it seems to do the job. Hell would freeze over before anything so dramatic would happen here, with the Government losing a vote because a majority of elected representatives felt a measure was inappropriate.

An Cathaoirleach: The Senator’s point is made.

Senator Rónán Mullen: If we are so spineless and unimaginative about policy and legislation, is it any wonder we end up with the Government making bad choices, failing to exercise the necessary oversight and allowing the country to make serious mistakes to the detriment of everybody? I ask for a bit of imagination, creativity and determination, in this and the other House, in debating how our system is working and whether it is serving people properly. Instead of just serving ourselves and trying to secure our own re-election, we should ask the hard questions about how our system has worked to date and how we could possibly improve it.

We must all accept that we have a smaller purse, and we must look at the big picture and recognise that we cannot make realistic calls for expenditure in this or that area. The fact remains, however, that we have a purse, and in all times of challenge there must be thrift and there must be intelligent choices about what is in the purse and how it is to be spent. I spoke recently to a graduate who has a master’s degree but in an area in which he cannot find employment. He wants to go back to third level education and do another master’s degree, which would take 15 months.

An Cathaoirleach: We will have that discussion another day.

Senator Rónán Mullen: I will finish shortly. I ask for a debate on this because I want to see the Minister for Social Protection, whom I esteem highly, come in here and address this point. This person wants to do a master’s degree in information technology — an area he believes

there will be employment — but he cannot get the back to education allowance, he tells me, because he has a master's degree. Is it better that this man continue to receive social welfare for 15 months, or that he be enabled to better himself by receiving the back to education allowance in an area in which he believes he may find employment and in which there is still demand for services? I have a great deal of time for the Minister, Deputy Ó Cuív, but it would be good if he would tell us how that system is working. We know there is pressure on resources——

An Cathaoirleach: The Senator has made his point.

Senator Rónán Mullen: ——but that is all the more reason for us to make intelligent choices.

Senator Liam Twomey: If one is involved in politics long enough, one has a sense of *déjà vu* when one hears what is being said in both Houses of the Oireachtas, but so as not to become too cynical, I try to bring some humour into the situation. Senator Mullen has mentioned the great changes we are supposed to make and how we are supposed to stand up for ourselves. In the short time I have been a Member of this House I have seen a few side deals being made behind me to ensure the Government continues to win votes in the House. We should start a process where we see the Government lose votes behind me rather than across from me.

Senator Rónán Mullen: We would be delighted to vote against the Government on issues of substance.

An Cathaoirleach: Questions for the Leader. No interruptions, please.

Senator Liam Twomey: It is a matter of interpretation as to whether it is an issue of substance.

Senator Rónán Mullen: We are independent of the Government, as is the Opposition.

An Cathaoirleach: No interruptions, please.

Senator Liam Twomey: I have obviously struck a chord. It is amazing that we are being asked to face up to the problem collectively. This means the Government is in the dung heap and needs our support because it does not want to take responsibility. This is a little like Mighty Mouse in the constituency and Mickey Mouse when one reaches Dublin. We have seen happen a lot.

Senator Fidelma Healy Eames: We have.

An Cathaoirleach: Questions for the Leader, please.

Senator Liam Twomey: What I have said could be interpreted as being cynical, but we must look at the situation with a sense of humour. When we discussed benchmarking a number of years ago, I cannot recall Fianna Fáil colleagues collectively facing up to what Fine Gael wanted — accountability, reform and transformation of the public service. Instead, Fianna Fáil just paid out. Now it realises reform and accountability are necessary and that there is need for a change in the way the public sector works.

It is interesting to see supporters of the Government reject the Croke Park agreement on the floor of the House. The agreement was agreed by the Government, but it is obviously being rejected by Fianna Fáil Members of the House. I would hate to test their resolve by putting a motion on the agreement to a vote because I have a fair idea ——

Senator Eoghan Harris: Does the Senator support it?

Senator Liam Twomey: I believe Senator Harris would.

An Cathaoirleach: No interruptions, please.

Senator Liam Twomey: When Senator Harris speaks, he speaks with conviction, but, unfortunately, there is not the same strong conviction in the comments of other Government supporters in speaking against the Croke Park agreement. I agree there is a need for serious discussion of a number of issues in the House. The reconfiguration programme for hospitals has caused fear and mayhem in hospitals outside the greater Dublin area. Those involved in small and medium-sized enterprises are also being hammered. I do not mean “hammered” in the way it might be used by some Fianna Fáil Members, but such businesses are being hammered. There is a need for serious and urgent debate on these issues in order that we can face up to the problems in society. While I may be humorous when mentioning these problems, they are serious.

Senator Paul Bradford: I have listened with interest to what my colleagues have said and agree with Senator Twomey that there is a sense of *déjà vu*. Senator Harris has caused a political disturbance by presenting us with a real image of where Ireland stands. I recall that 18 months or two years ago he predicted there would be almost 500,000 people out of work. Some of us sneered at the time and others jeered, but, sadly, he has been proved to be correct. He and others who spoke about Anglo Irish Bank are correct to say it is a national scandal of unprecedented proportions that almost €30 billion has gone down the tubes. That sum is approximately 1.5 times the current and annual budget deficit and the expected deficit next year and puts in focus the clear need for deficit reduction and reform. We in this House have a grave responsibility to tackle the economic crisis. Last night the President spoke about the importance of the House and its role. If we want to live up to our role and responsibilities as legislators, almost every discussion here in the next few months must be about economic matters, in particular job creation.

I wanted to say something different, original or important today, as we all do, but we never reach the appropriate heights. I read in the editorial in the *Irish Examiner* today an admonishment directed at the Members of the other House, but it is opportune for us to reflect on the same paragraph:

The 166 members face a challenge none of their living predecessors had to consider, a challenge. A challenge that requires a unity of purpose alien to our political culture and practice. Every last member of the Dáil must, from today, concentrate on the bigger picture. In this last chance saloon point scoring is more than a minor irrelevance, it is a poisonous distraction from the terrible challenges of the moment.

I ask all of my colleagues to reflect on this and respond accordingly and positively between now and Christmas in order that we can prevent the country from going down the tubes.

Senator Terry Leyden: Hear, hear.

Senator Nicky McFadden: I support Senator O'Reilly on the issue of energy costs. It is appalling that in the case of electricity there is a disconnection fee of €97.61 and a reconnection fee of €99.98. It is appalling that those who cannot afford to pay electricity bills running into hundreds of euro must pay a fee when their supply is cut off and a further outrageous sum to have it reconnected. It was brought to my attention at a committee meeting today that one could no longer pay €5 a week in the post office towards one's bills. I am not sure whether An

Post or the ESB is responsible for this, but I urge the Leader to find out who is and appeal to An Post, the ESB and the Minister to ensure people will be able to continue to pay a small amount at a time towards their bills in order that they do not face disconnection. I am aware that even people living in middle class areas are without electricity. The Society of St. Vincent de Paul is shouldering a massive burden in supporting them. It is an outrage that the ESB charges such exorbitant sums for disconnection and reconnection. This issue must be addressed. This is how the people are being affected. I urge the Leader to address the issue to ensure a stay is put on disconnections.

Senator Paschal Donohoe: Senator Bradford hit the nail on the head with his request for a new tone of debate. I wish to pick up on his request and put two questions to the Leader. There is a growing fatalism in the discussion on the future of the country and its economic security. The most concrete example I have of this is the number of commentators who say or infer it would be an acceptable course of action for Ireland to access the same fund to which Greece has access because it has access to a lower interest rate on the financial markets than Ireland. The message should be given clearly by this House — by all Members, irrespective of their party — that this would not be an acceptable course of action and should not be countenanced by Ireland or any political party. Huge mistakes were made in wielding sovereignty in the past ten years. The solution to these terrible mistakes is not for us to hand over sovereignty to an outside body. Whatever needs to be done in terms of public expenditure changes and at the level of taxation to avert this must be done. If an Opposition party such as Fine Gael believes something is being done incorrectly, it has an obligation to spell out what it would do differently. We find ourselves in perilous waters and the inference that this is something the country is willing to consider must be completely rejected. In rejecting this possibility there is a need for a new honesty in discussing issues. Deficit reduction is the greater cost we face. However, at its heart there is not only a debt problem but a jobs and economic growth problem also. The only way economies have been successful in dealing with debt levels is not by cutting debt but by finding a way to secure growth. Any initiatives brought forward, whether by Government or Opposition parties, must be treated seriously in order that we can find the job capacity and confidence to enable us to grow out as opposed to accepting that cutting the debt on its own will be the answer.

Senator Paschal Mooney: I share the opinion of Senator Donohoe and others about acting responsibly and extend their request to the Irish media in general. I echo the words of the Minister of Finance at a recent seminar when he accepted, as all of us do, the right of a free press in a democratic society to express its opinions as it saw fit, but we are, as Senator Donohoe and others said, in the middle of a deep national crisis. I had a conspiracy theory dating back to the Troubles. Many of the news agencies were based in London. Therefore, any news about the island of Ireland was filtered through the London media which nearly always inevitably gave one side of the case, to the detriment of the Irish side. However, in this crisis, the news is not being filtered through the London media. What is happening is that the international news agencies and, by extension, those involved in the financial sector are taking their lead from the headlines and stories being printed and disseminated in the Irish media. There was a perfect example last month in the middle of the so-called silly season. One bank, Barclays Capital, stated Ireland was managing its affairs as best it could in the circumstances but that it could at some time in the future go to the IMF. The headline in the best selling national newspaper the following day stated Ireland was going to the IMF. That was irresponsible journalism and as bad as inaccuracies in this House. It is incumbent, therefore, on the Irish media to be responsible, as they have a responsibility to be accurate in what they print, partic-

[Senator Paschal Mooney.]

ularly in the current climate where every utterance in Ireland is picked up by the international media.

I would like to paraphrase Senator Mullen whose command of English is excellent. The creativity and imagination shown by the Government in the past few days in putting forward a national strategy to create 150,000 jobs in the next few years are to be commended and I hope the Leader will pass on that good wish. There will be an emphasis on tourism. I was astonished to hear a senior editor at a Sunday business newspaper on the 5 o'clock Vincent Browne programme in recent days rubbishing the industry and more or less questioning why we were not placing the emphasis on indigenous industry more. Our most important indigenous industry after agriculture is tourism. It affects every town and village, but if that is the view of a Dublin based business journalist, what hope is there for a proper dissemination of news?

I also congratulate the county town of Ireland, Carrick-on-Shannon. Ireland had two entries in Entente Florale, a flower display competition between 12 European nations. Ireland took gold through Carrick-on-Shannon and silver through Emly, County Tipperary, last year's national tidy towns competition winner. I compliment both communities because this was a voluntary effort on the part of people who have great pride in their community. When there is such an achievement at local level, I no longer despair and hope the hope being portrayed by the great people concerned means the country will get out of the current climate.

Senator David Norris: Hear, hear. Well said.

Senator Donie Cassidy: Senators Fitzgerald, O'Toole, Alex White, Boyle, O'Reilly, Leyden, Norris, Coffey, Hanafin, Harris, Walsh, Coghlan, MacSharry, Quinn, Feeney, Buttimer, Healy Eames, Mullen, Bradford, McFadden, Donohoe and Mooney all expressed serious views of the economy and where we find ourselves as a nation following the summer recess. I have scheduled a an all-day debate on the economy tomorrow which will roll over to next week, if necessary. Nothing more could be relevant to the business of the House than hearing the views and serious concerns of Members about the economy. They outlined genuine experiences in order that the Government could include them in its thinking, particularly at Estimates and budget time.

Senators O'Toole, MacSharry, Harris, Feeney, Buttimer, Cannon, Twomey and Mooney referred to the achievements of the Croke Park agreement. As Senator O'Toole said, we should see how we can support the great efforts being made by everyone, including the Government, to arrive at agreement. As Leader of the House, I have had nothing but 100% support from the Fianna Fáil group. Senator Twomey may have tried to direct a view that there was a difficulty in this regard. This side of the House was firm on the Croke Park agreement, as were many colleagues on the other side of the House. One party leader did not want to express a view or opinion on it, but I will have no difficulty in setting time aside occasionally for the Minister of State at the Department of Enterprise, Trade and Innovation, Deputy Calleary, to update us on progress. Senator Harris has strong views and made proposals in the House from time to time, which have come true. If this can be done on a bimonthly basis, I will have no difficulty in ordering such business in the next few months.

Senators Leyden, Carroll, Coffey, Cannon and Mooney welcomed the Government's strategy to create 150,000 new jobs and I would like to be associated with their comments. Our exports have increased substantially on the figures for last year. As Senator Donohoe correctly said, we will get out of this through growth. Export figures are one of the most uplifting features of where we are. No politician or journalist commenting on the second quarter economic figures

which highlighted a downturn of 1.2% referred to the main difficulty experienced by business people during the period, the challenge presented by the ash cloud. Our airports were closed on three occasions and, on one occasion, for five days. It was a magnificent and a marvellous second quarter return considering the uncertainty, particularly in the business and tourism sectors. Business people could not come to Ireland and all tours were cancelled. Why is there not more accurate reporting of the facts, whether within government or the media? I hope there will be growth of more than 1.5% for the year. I am confident this will be achieved. Tomorrow is the last day of the third quarter.

Last week 200,000 people attended the national ploughing championships, a three-day event. This broke all records, while 90,000 attended two Michael Bubl  concerts at the weekend. Currently, people have €96 billion in savings. We have to open our eyes and realise that almost half of the population are saving more than three times the European average. There is a huge positive aspect to the country and we have to work on the positives. One would go bust working on the negatives. When I read about the downturn in magazine readership and national radio listenership figures, it is easy to work out that people are fed up with bad news.

Senator Terry Leyden: Absolutely.

Senator Donie Cassidy: The whingers' channel is gone. We must look forward to the future on both television and radio. Where is the balance in broadcasting? Where is the regulation in the Broadcasting Act? I intend to review that Act on the floor of the House during this session to examine if balance is included in the Act and, if so, why it is not being adhered to.

Senator Terry Leyden: Hear, hear.

Senator Donie Cassidy: I make that comment because over the summer recess one could see clearly——

Senator Liam Twomey: Deputy Willie O'Dea was on "The Late Late Show" so there will be no more of that.

Senator Donie Cassidy: The Senator and I have much in common — we were both rejected by our electorate. We were rejected by the people of Westmeath and Wexford——

Senator Liam Twomey: That is true. I accept that.

Senator Donie Cassidy: ——so we must listen and learn as well. I am prepared to do it and I hope the Senator is too.

Senator Terry Leyden: Do not use the word "rejected"; I do not like that word.

Senator Donie Cassidy: Well, we were not accepted.

An Cathaoirleach: The Leader is replying to the questions raised on the Order of Business. There cannot be interruptions.

Senator Paul Coghlan: He is inviting comment, a Chathaoirligh.

Senator Donie Cassidy: Senator Norris called for an update from the Government on what has been agreed in the programme for Government regarding the Abbey Theatre moving to the GPO in O'Connell Street in time for 2016. I will invite the Minister to the House so we can debate the up-to-date position in that regard as soon as possible.

[Senator Donie Cassidy.]

Senator Carroll spoke about promoting the major tourism attractions in his constituency. I have no difficulty with organising a debate on this issue at the earliest opportunity.

Senator Hanafin made a very worthwhile contribution, particularly with regard to 11 September 2001 and the 500 people who lost their lives who had strong and close Irish connections. Some were Irish citizens. I agree with his sentiments in that regard.

Senator Coghlan asked about the Bill providing for the election of the Dublin mayor. The Bill will be published in this session and, hopefully, will be passed by both Houses before the Christmas recess.

Senator Paul Coghlan: What about a briefing?

Senator Donie Cassidy: It is on the A list of legislation for this session.

Senator Paul Coghlan: Ministers are speaking about it but we have not heard anything.

An Cathaoirleach: Senator, the Leader is replying to the questions.

Senator Donie Cassidy: Senator Quinn and Senator Mullen raised the issue of a second language. The low percentages of 8% and 3% having a second language is serious. This must be treated as a matter of extreme urgency. I will speak to the Minister about it and refer back to the House to let Members know when this can be debated. We can discuss what future plans there are to ensure young students have a second language so they can compete for employment, given that multinational companies continue to locate in this country in massive numbers.

Senator Feeney sought a debate on anorexia. I have no difficulty with arranging such a debate at the earliest opportunity.

Senator Dearey requested a debate on sustaining employers. These are the people who created what was known as the Celtic tiger economy, parts one and two. I agree with him and will arrange a debate on it in the near future.

Senator Healy-Eames spoke about statements on the HSE and her serious concerns regarding hospitals in Galway. Statements on the HSE will follow the Order of Business so we can get an update from the Minister at the conclusion of that debate.

Senator Mullen raised Seanad reform. The submissions from the various groups have been with the Minister for more than 12 months. I will make inquiries to find out where it is on the priority list. The Senator also spoke about the Minister with responsibility for social employment coming to the House to update Members on qualifications in certain areas. I will make that request.

Senator McFadden asked that people be allowed to place small amounts of money in post offices, particularly to deal with ESB bills. Over the years the country has been very well served by post offices and by credit unions. We will try to pursue this difficulty within our constituency because it appears to be a problem in the Longford-Westmeath constituency. I will do everything I can to assist the Senator with that request.

Senators Bradford, Donohoe and Mooney called for us to work together to help solve the difficulties being experienced at present, particularly the challenges in the economy. I look forward to many colleagues making a contribution in the debate tomorrow and, if necessary, I will continue the debate on the economy into next week.

An Cathaoirleach: Three amendments have been moved to the Order of Business and I will take them in the order in which they were moved. Amendment No. 1, "That No. 36, motion No. 17, be taken before No. 1.", was moved by Senator Frances Fitzgerald. Is the amendment being pressed?

Senator Frances Fitzgerald: Yes.

Amendment put.

The Seanad divided: Tá, 20; Níl, 30.

Tá

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.

Healy Eames, Fidelma.
McFadden, Nicky.
Mullen, Rónán.
Norris, David.
O'Reilly, Joe.
O'Toole, Joe.
Quinn, Feargal.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Níl

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

Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.
Ó Brolcháin, Niall.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Ross, Shane.
Walsh, Jim.
Wilson, Diarmuid.

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

Amendment declared lost.

An Cathaoirleach: Amendment No. 2 is in the name of Senator O'Reilly, "That a debate on the increase in the price of electricity and the cost of disconnections and reconnection be taken today." Is the amendment being pressed?

Senator Joe O'Reilly: Yes.

Amendment put:

The Seanad divided: Tá, 20; Níl, 30.

Tá

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.

Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Healy Eames, Fidelma.
McFadden, Nicky.
Mullen, Rónán.
Norris, David.

Tá—*continued*

O'Reilly, Joe.
O'Toole, Joe.
Quinn, Feargal.

Ryan, Brendan.
Twomey, Liam.
White, Alex.

Níl

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

Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.
Ó Brolcháin, Niall.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Ross, Shane.
Walsh, Jim.
Wilson, Diarmuid.

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

Amendment declared lost.

An Cathaoirleach: Senator Norris has proposed an amendment to the Order of Business: “That No. 1 be taken with debate.” Is the amendment being pressed?

Senator David Norris: Yes, in light of no assurance from the Leader.

Senator Jerry Buttimer: Well said.

Amendment put.

The Seanad divided: Tá, 23; Níl, 28.

Tá

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.
Harris, Eoghan.

Healy Eames, Fidelma.
McFadden, Nicky.
Mullen, Rónán.
Norris, David.
O'Reilly, Joe.
O'Toole, Joe.
Quinn, Feargal.
Ross, Shane.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Níl

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Carroll, James.
Carty, John.

Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Dearey, Mark.
Ellis, John.

Níl—*continued*

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

Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Walsh, Jim.
Wilson, Diarmuid.

Tellers: Tá, Senators David Norris and Feargal Quinn; Níl, Senators Niall Ó Brolcháin and Diarmuid Wilson

Amendment declared lost.

Order of Business agreed to.

Order of Business: Motion

Senator Donie Cassidy: I move:

That, in each sitting until the adjournment of the Seanad for the Christmas recess, the Leader of the House be called to reply to the Order of Business no later than 55 minutes after the proposal of the Order of Business; that the contribution of each group Leader shall not exceed 3 minutes; the contribution of every other Senator shall not exceed 2 minutes; and the reply of the Leader of the House shall not exceed 15 minutes.”

Question put and agreed to.

Business of Seanad

Senator Pearse Doherty: I do not oppose the first motion but I wish to raise a point of order on it.

An Cathaoirleach: Members, please, ciúnas.

Senator Pearse Doherty: The first motion deals with each group leader. I seek clarity in terms of how many groups exist in the Seanad. I understand five Members are required to form a group. Is that correct?

Senator David Norris: Is it five Members per group?

An Cathaoirleach: There are four groups.

Senator Pearse Doherty: Will you name the groups, a Chathaoirleach, and indicate under which standing order the number required for a group is defined?

An Cathaoirleach: We will discuss that matter later with the Senator. We have discussed motion No. 1 and we are on motion No. 2. I call on the Leader to move the motion.

Legal Proceedings: Motion

Senator Donie Cassidy: I move:

That Seanad Éireann, pursuant to section 4(2)(f)(v) of the Houses of the Oireachtas Commission Acts 2003 to 2009, hereby authorises the Houses of the Oireachtas Commission to

[Senator Donie Cassidy.]

instruct solicitor(s), junior counsel(s) and/or senior counsel(s) to conduct the defence of legal proceedings on behalf of Senators Pat Moylan, Dan Boyle, Frances Fitzgerald, Camillus Glynn, Denis O'Donovan, Joe O'Toole and Alex White, the Select Committee on Members' Interests of Seanad Éireann, and Seanad Éireann (and any other Senator who, or committee that, may be so joined in the said proceedings) in the matter of *Ivor Callely (Applicant) v Pat Moylan and Others (Respondents)* (Record No. 2010/1207JR) as regards matters arising solely from the performance of parliamentary functions.”

Question put and agreed to.

Provision of Health Services by the HSE: Statements (Resumed)

An Leas-Chathaoirleach: I welcome the Minister of State at the Department of Health and Children, Deputy John Moloney. Senator James Carroll was in possession. I call Senator Healy Eames. She has seven minutes.

Senator Fidelma Healy Eames: I wish to share two minutes with Senator Twomey.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Fidelma Healy Eames: I welcome everyone back to the House. I am delighted the Minister of State, Deputy Moloney, is present. It is good that he is in the health portfolio. He will not be surprised if I focus in particular on Galway and HSE west. He is aware that a serious high level meeting took place yesterday with the Western Regional Health Forum. The Health Service Executive says that cutbacks in the western region will result in a deferral of elective surgery for some patients. I will ask the Minister of State many questions to make the most of my time. Currently, more than 29,000 patients are waiting for outpatient services in Galway between Merlin Park University Hospital and University College Hospital, Galway. A total of 6,500 patients are waiting for inpatient procedures. I have heard that the national waiting list is 46,000. How do we have so many patients waiting for treatment in Galway? The Minister has refused to accept the historical under funding of health services in Galway. We now know we have the busiest hospital in the country and the most dangerous hospital due to the fact we are so busy with so many people waiting. I will tell the Minister of State what I mean by “danger”. I spoke today to senior management in Galway. Dr. David O’Keeffe, the clinical director and chief executive officer, communicated to me has said publicly that if the hospital must come up with the €19 million by 1 January next, patient safety will be at risk because it has already given €15 million and is cut to the bone. He is saying someone will be hurt or will die. How can the Minister of State stand over that?

There has been an overrun of €149 million since the beginning of the year, €49 million of which concerns nine counties from Donegal to Limerick. The two Galway hospitals, Merlin Park and University College Hospital Galway, have been asked to make up €19 million of that sum. It would appear a commitment was given yesterday for €4 million, which reduces the amount of €15 million, but Dr. O’Keeffe states that having to come up with that amount will have implications for patient safety.

We are learning that the HSE plans to cut 7,000 temporary staff hours per week until the end of the year, affecting 4,000 staff. I spoke to one of those staff this morning, a woman working in medical records in UCHG, who said 15 of the 21 staff there are temporary. A consultant cannot operate on anyone without a medical record and the woman told me it takes hours to get the records and co-ordinate them because it is not done electronically and she may have to access them from Merlin Park or UCHG and from different departments. Would

the Minister of State or I want a procedure done on us if the medical record was not available? I would not.

My central point is that if this budget is to be met, no one will go to hospital because they will be afraid to do so except in an emergency. From the information I learned this morning, I would be afraid to go to UCHG or Merlin Park because patient safety is at risk. We are looking at the possibility of serious medical error if the availability of records on time cannot be guaranteed and if the system is bursting at the seams. We have the greatest paradox in that we have a centre of excellence in name and we now have hospital over-capacity. We have had two protest marches in Galway. A mother at one of the marches stood beside me in absolute anger and told me that a surgeon could not operate on her son because elective surgery is being deferred in Merlin Park. Coincidentally, I taught that son when he was a youngster and he is now a young man of perhaps 20. It is outrageous but the HSE west is telling the surgeons in Merlin Park that they are doing too much and working too hard and that they should slow down.

The allocation of budgets is wrong. Why does the Minister of State not consider the Fine Gael fair care policy, which will fund hospitals based on procedures done and where the patient will be a person and not a cost to the system? At present, the Minister of State sees every patient as a cost to the system, which is wrong. The very first thing we should give our people is health care, followed by education. Health is a resource for living and the Government is now threatening the health of the people.

The orthopaedic waiting lists at Merlin Park contain 4,500 people waiting for procedures on hips, joints, ankles and so on. We must consider the pain, delay and serious degeneration of joints involved. Problems are being stored up for the future which will cost the health service.

My final point concerns disability services, for which the Minister of State has complete responsibility. I know the Brothers of Charity in Galway are shaking in their boots because there is talk of a 5% cut, or €2.3 million, next year, with respite care being wiped out. One person telephoned me and said: "I drove my daughter to the water but I couldn't do it." That is the value of respite care to her. I ask the Minister of State to answer my questions.

Senator Liam Twomey: I welcome the Minister of State on our first day back following the summer recess. As a member of Government, I ask him to take control of the HSE. The Government must make itself responsible for the actions of the HSE which the people of County Wexford no longer trust. The Government has a constitutional obligation to protect patient care in this country, which is clearly not being protected by the HSE in County Wexford, the south east or throughout the country. We have been expecting investment in the accident and emergency department and the maternity unit at Wexford General Hospital but all we have seen is up to 40 beds closed in the hospital and no commitment by the Government to fund nurses on maternity leave or capital projects at the hospital that had been promised for years.

The Minister of State is responsible for mental health services and for the closure of St. Senan's psychiatric hospital. Commitments have been given to invest in mental health services in County Wexford but we are becoming fearful that these may not be implemented in the way we are expecting. We have no trust in the HSE. There is need for a direct ministerial involvement in how the HSE is run and the decisions it is making. Patients' lives are being put at risk but there is a sense the HSE is one hand removed from the serious concerns of the people in the areas for which it is responsible.

Senator Mark Daly: I welcome the Minister of State. On 8 December 2009, the Taoiseach, Deputy Brian Cowen, sent me a letter stating:

[Senator Mark Daly.]

Dear Senator Daly,

I write to you in relation to Kenmare Hospital and having spoken to Mary Harney TD. I wish to confirm that this project will go to design and planning early next year. Construction will also commence in 2010 and the project is scheduled for completion in 2011.

Having been one year old when the extension to Kenmare Hospital was first promised and having listened to endless promises, too much activity and too little action, as a citizen and a public representative I felt it was time to roll up the sleeves, put the shoulder to the wheel and once and for all get the hospital built for the people of Kenmare. The names of those people who have spent more than 35 years trying to get an extension to Kenmare hospital deserve to be put on the record: Lt. Col. Michael Harrington, Richard Doran, Mairead Doyle, Phyllis Healy, Bertie McSweeney, Una O'Neill, Maeve O'Sullivan, Ettie Sullivan, Meg Tighe, the now retired matron Mary Fitzgerald, Dr. Crushell and all the doctors in Kenmare, and May Leahy.

It is a long story. In 1974, a public representative in a village not far from my own won his first council election telling the people of Kenmare he was instrumental in getting ten extra beds for the hospital. In 1975, the Friends of Kenmare Hospital was formed to fight for an extension. In 1978, plans were even drawn up and, in 1997, following the general election, the words "Pretty Polly" echoed through this House along with a promise for Kenmare Hospital to get its long-talked about extension. It was stated in the capital programme 2000-06 that €2 million would be provided. In 2001, the then general manager of Kerry community services, Mr. Tom Leonard, acknowledged that 19% of the population in Kenmare was over 65 and the need for an extension to the existing hospital was urgent and that it was imminent. In January 2002, the hospital action group was told that an extension would commence in 2002 and a design team would be appointed. My colleague, Deputy O'Donoghue, was similarly told there would be a delay until 2003.

At another election, this one in 2002, another Deputy announced that €2 million had been secured, stating: "This is truth and fact not wishful thinking as dreamt by others." Some 30 years after first promising the extension, the boys were crying wolf once more and nothing happened.

In 2003, the Friends of Kenmare Hospital received a letter from the then Minister for Health and Children, Deputy Martin, and received a subsequent letter from the then Minister for Health and Children, Deputy Harney, in 2004. In 2005, the group was told the matter was going before the southern health board. In 2006, a Minister of State announced it would be in the 2006-10 capital programme. In June, another deputation was to meet Deputy O'Donoghue, but did so in 2007. That year, the proposed extension was included in the HSE's programme.

In May 2007 and subsequently, again benchmarked by an election, the project was confirmed once more, but the boys were crying wolf and nothing happened. In 2008, it was claimed the project was to be part of the new deal, but nothing happened. In 2009, a letter that was circulated claimed the project would go ahead in that year, but this did not come to be. At a public meeting on 1 December 2008, the HSE announced that, despite previous statements to the effect there would be an extension, a new hospital would need to be built because it would be the most economic route.

On 8 December 2009, the Taoiseach wrote a letter to me in which he stated we would get a hospital. The sleeves were rolled up and I have counted the number of telephone calls I have since made to Mr. John Browner, head of HSE estates, and Mr. Michael Fitzgerald, head of the HSE in County Kerry. We have made substantial progress. When we met on 22 December, Mr. Fitzgerald outlined the process involved in going from where we were — the letter from

the Taoiseach — to where we are now, that is, tenders have come in. He outlined the steps in terms of getting a design and project team together, which has been done despite delays.

On 9 March, we met the HSE estates team in Dublin and a design and accommodation brief was completed. In my subsequent telephone calls to Mr. Browner, he assured me that delays, though occurring, would not cause the hospital to fall from the list. I commend him on his great work and dedication to this cause. On 21 July, I attended a meeting with him, the HSE and the four contractors on site in Kenmare at which he outlined some of the issues that the work on the hospital would encounter.

The real concern of the people of Kenmare is that we not delay. Tenders will be out next Tuesday and a decision will be made on who will win the contract. JJ Rhatigan, Glenbeigh Construction, Western Building Systems and BAM Construction are in the hunt for this contract. The original cost was supposed to be €6.5 million, but it will come in for less. There is no better time to get value for money.

The people of Kenmare have been fighting long and hard for a new hospital. We have overcome many disappointments, only some of which I have outlined. We have come a long way and do not intend to fail now. I hope the Minister of State, Deputy Moloney, will assist us in Kerry if there are any hiccups. The Government has a number of problems with hospitals around the country and I do not intend to add Kerry to the list, but I want to ensure the hospital for Kenmare gets built 35 years, going on 36, since it was first promised.

There is a saying that activity should never be mistaken for action. When I received the letter from the Taoiseach, Deputy Cowen, on 8 December 2009, I did not want the activity surrounding such letters — getting a press release out for a bit of PR and letting the matter die — to occur this time. For this reason, I have called meetings with and continually made telephone calls to Mr. Browner, the HSE, the Kenmare hospital action group and others to ensure we got to this point, a stage we have never reached before. Tenders are in and are being decided upon. The winning tender will be decided next Tuesday. I look forward to inviting the Minister of State to open the hospital when it is ready. He might be a senior Minister by that time.

Senator Liam Twomey: Deputy Healy-Rae will give the Senator a ring sometime during the week.

Senator Mark Daly: I look forward to the telephone call.

Minister of State at the Department of Health and Children (John Moloney): How much time do I have?

Senator Liam Twomey: Twenty minutes.

An Leas-Chathaoirleach: We will not say yet.

Deputy John Moloney: I thank Senators for the opportunity to conclude this debate. A number of the issues raised are specific to my Department, but I should respond to those raised in the past few minutes.

Senator Healy Eames made a case. Least of all, I must acknowledge her concerns. As we are all aware, all Departments, including the Department of Health and Children, are operating under budgetary constraints. It is important to point out that, although this is the case, safety and patient care must be to the forefront. As we approach the forthcoming budget, we are all aware that we are discussing a saving of €600 million within my Department. It is important to recognise that cuts and reductions apply across the regions, not just the west. I do not say this

[Deputy John Moloney.]

in a flippant manner, as I fully appreciate people's concerns. I cannot dispute the figure of 29,000 people because I am not aware of it, but I accept the bona fides of what has been mentioned.

Like the Senator has always done, I accept that the call for reducing the number of administrative staff, which is often made, is a popular one. I have never been one to believe in that call, given the obvious case for the importance of medical records and backup facilities. However, I must reiterate that the Government's intention is to maintain patient safety levels and present the best level of service.

I will refer to the specific points raised regarding the west and budgetary issues. At the end of July and based on a projected estimate to year end, the HSE identified a potential excess in HSE west of €65 million. It is important to point out that this has been represented as a substantial reduction on the excess of €133 million projected two months earlier. Obviously, continued management of expenditure is demanded.

I do not want to separate the concerns of people representing the west, but HSE west and the health sector unions signed a framework document at a Labour Relations Commission hearing in August agreeing to engage with one another in addressing the budget deficit while protecting services and jobs, which is the most important commitment. This agreement offers the best approach to meeting the health care demands of the people of that and all regions.

Notwithstanding the considerably difficult financial environment in which we live, the Government is determined to do everything possible to protect patient services. It is important that we respond to priority demographics and other needs and support ongoing reform of public services throughout the regions. Without co-operation and flexibility, services to patients cannot be protected. There is a responsibility on everyone concerned to live within our budgets and these are the budgets that have been allocated.

We should all work together to protect patient safety. While I am taken by Senator Healy Eames's reference to Dr. O'Keeffe, it is the Government's responsibility to protect patient safety. This must be the underlying commitment and all talks on funding and budgetary requirements will be based on it.

Points were raised about my area of responsibility, the disability sector and the withdrawal of respite care services. When the threat of withdrawal was visited on doors several months ago, I made it clear that it was never the Government's intention to cut respite care services. The notion of reducing funding and, potentially, services in the west was not dictated by the Government. The priority was to retain and support front-line services. Following the meetings held in May and June, I asked the director for disability services and local health managers to engage with all groups to ensure the threat of reduced funding would not lead directly to reduced services, including respite care. I will meet the national umbrella group tomorrow with a view to putting this in train.

The disability sector receives €1.6 billion in funding, rightly so. However, the real challenge is to ensure the money is spent wisely. I put together a value for money process over a year ago — not because of the demonstrations which took place two months ago — to ensure money given to the disability sector was spent on front-line services. I am often challenged to explain what the value for money review group is doing. Essentially, its purpose is to ensure we provide front-line services and that money is well spent. The underlying commitment I have given on behalf of the Government is that whatever is saved through the review will be retained for the disability sector. In case somebody does not believe me, I have copper-fastened my commitment by nominating two people involved in the disability sector to the review group. The delivery of services in the disability sector is not reliant solely on the outcome of the value for

money review. Before the end of the year I will also be presenting a paper to the Government on direct or individualised payments. I will also suggest the possibility of providing funding through fostering to allow a choice of services.

I hope I have put to bed the notion that the Government is withdrawing respite care services. As a result of the difficulties experienced several months ago, talks are ongoing with all the service providers and will culminate tomorrow.

Deputy Twomey has gone overboard in his comments about not trusting the HSE. The service cuts unfortunately required owing to budgetary restraints in all Departments will apply in Wexford as in the west or the constituency of Laois-Offaly. I presume the Deputy was referring to the capital programme for mental health services, as well as the reconfiguration of services.

Senator Liam Twomey: Both.

Deputy John Moloney: I thank the Deputy for his contribution and do not wish to give a cosy response to him on the position in Wexford. The commitments I have given on hospital closures, including St. Senan's Hospital, are based on the sale of lands within the mental health system. We have secured €10 million this year. I want to build a belief on this issue because often people read banner headlines about reduced funding for mental health services but do not look around them. Of course, I do not believe mental health services receive sufficient funding, but it is up to me to try to secure further funds. In moving from institutional to community care and closing old hospitals the real issue is bringing funding for mental health services to the level achieved several years ago.

When I tell people that I will close the old institutions in the next three years, I have to give meaning to my commitment. With the funding I secured last year I tried to prioritise the reports of the inspector of mental hospitals which outline the awful conditions in some hospitals. This year my Department turned the sod on a 100-bed unit in Mullingar to replace wards in St. Loman's Hospital. Similarly, we turned the sod in Clonmel four months ago. The new psychiatric unit in Letterkenny will allow us to discontinue referrals to the old hospital. For the first time since 1815 there will be no further referrals to Grangegorm because the new hospital in Blanchardstown is now open. More importantly, the moratorium has been partially lifted to meet nursing requirements. Next month we will process the planning application for the acute psychiatric unit at Beaumont Hospital.

I accept these measures will not deal with all of the issues raised. Budgetary constraints will impact on most of the services we had hoped to develop this year, but the Government's underlying commitment to ensuring patient safety remains in place. I do not believe for one second that any policy initiated by the Government or delivered by the HSE will have an adverse effect on patient safety which must be the hallmark of health policy.

I cannot speak about Kenmare hospital because I do not know a lot about it. However, if the Government has made a commitment to develop the hospital, who am I to believe it will not be met? I will revert to Senator Daly on the issues he has raised and accept his invitation to sign the tender as soon as it crosses my desk.

Senator Mark Daly: Excellent.

Senator Phil Prendergast: On a point of order, I contributed to a debate in the House on 16 June. I appreciate I cannot intervene again, but on that date I put a number of questions to the Minister for Health and Children. I asked her views on how the HSE conducted its business, whether she could account for the practice of not telling the truth to the public, if she was willing to state she accepted responsibility for the actions of the HSE—

An Leas-Chathaoirleach: Senator——

Senator Phil Prendergast: I will conclude by noting that I asked her whether she had assumed the role of public apologist for the HSE. I also wanted to know what she thought of the HSE's breach of a promise she had given to the people of south Tipperary.

An Leas-Chathaoirleach: That is not a point of order.

Senator Phil Prendergast: She said decisions on health services would not be taken without consultation.

An Leas-Chathaoirleach: I cannot indicate what reply a Minister might give in the House.

Senator Phil Prendergast: I asked a number of questions——

An Leas-Chathaoirleach: I know the Senator did.

Senator Phil Prendergast: I did not receive an answer.

An Leas-Chathaoirleach: I cannot indicate what answers the Minister might give.

Senator Phil Prendergast: I understand that.

An Leas-Chathaoirleach: There is no provision for the Senator to intervene at this stage and she did not raise a point of order.

Senator Phil Prendergast: I was attending a meeting with the HSE.

An Leas-Chathaoirleach: The debate on No. 3 has concluded.

Senator Phil Prendergast: I want to know whether the Minister is going to answer my questions. I have not yet received a response.

Senator Liam Twomey: Is the Minister not obliged to answer questions?

Senator Phil Prendergast: She did not answer any of my questions.

An Leas-Chathaoirleach: The content of a Minister's or a Minister of State's speech is a matter for him or her to decide. The Minister of State, Deputy Moloney, has spoken and the statements have been concluded. There is no provision for me to allow further contributions.

Senator Phil Prendergast: The Government side engaged in a filibuster and the Minister sat in the House for an hour while the debate was guillotined. We were told she would respond to our questions.

An Leas-Chathaoirleach: It is up to the Minister.

Senator Phil Prendergast: They have not been answered.

Senator Liam Twomey: On a point of order, does a Minister have a responsibility to answer questions put by Members of the House?

An Leas-Chathaoirleach: I cannot indicate what a Minister will say. The content of a Minister's speech is a matter for him or her to decide.

Senator Phil Prendergast: It makes a joke of the Seanad.

Senator Liam Twomey: That means a Minister has no responsibility to answer questions put. It is unbelievable.

Sitting suspended at 5.20 p.m. and resumed at 5.30 p.m.

End of Life Care: Motion

An Leas-Chathaoirleach: I welcome the Minister of State at the Department of Health and Children, Deputy Áine Brady.

Senator Rónán Mullen: I move:

That Seanad Éireann;

noting—

- the publication of the new Quality Standards for End-of-Life Care in Hospitals;
- that the majority of people now die outside the home, usually in some form of hospital;
- that the first National Audit of End-of-Life Care in Hospitals indicated that the great majority of patients had been admitted via emergency departments and that one fifth could have died at home if sufficient supports were available;
- the lack of single rooms and private spaces in our hospitals;
- the significant regional deficits in hospice and bereavement support services;
- the report of the Forum on End of Life initiated by the Irish Hospice Foundation which reflects Ireland's views, values and concerns regarding dying, death and bereavement;

considering—

- the potential for more people to die at home rather than in hospital;
- that hospice care is more cost effective and delivers better quality of care;
- the lack of guidelines in some hospitals regarding end-of-life care;
- the need for more training of hospital staff in end-of-life care skills including bereavement support;
- the need to ensure that “no one should die alone, frightened and in pain”;
- the need to improve the physical environment of hospitals for people facing end of life;
- the recognition that end-of-life care extends into bereavement care for those affected by death;
- the need to ensure when people look for bereavement support they get the most appropriate help and not just the help that is available;

calls on Government to:

- develop measures to allow people die in their homes rather than in hospital, where this is their choice;

[Senator Rónán Mullen.]

- allocate resources so that more people can access comprehensive hospice services in their community;
- ensure that national guidelines are operational in all acute and community hospitals to address all key end-of-life care issues;
- develop systems to enable effective gathering of data on deaths in hospitals;
- ensure ongoing auditing of end-of-life care and the introduction of a system for review of deaths in hospitals in which bereaved families can participate;
- ensure training for health care and support staff in end-of-life care skills, bereavement support and advance care planning;
- establish a grants fund to support projects which will enhance the environment of hospitals and other locations where people face the end of life; and to
- develop and resource a comprehensive end-of-life care strategy for Ireland which will incorporate and update the work of the National Advisory Committee on Palliative Care (2001) and the NOSP Petrus Review of Bereavement Support (2007).

Ba bhreá liom i dtosach báire fáilte a chur roimh an Aire Stáit. We may not wish to admit it but as legislators and as a society in general we are sometimes guilty of overlooking those whose voice is meek or who may have no voice at all. We are accustomed to hearing calls to protect the vulnerable and to respect the dignity of all human beings, yet we are not always willing to follow the logic of these principles. This is especially true where a given context provokes feelings of unease and uncertainty; so it is with the context of death and dying where our own anxiety about these issues may prevent us from giving sufficient thought to the reality that thousands of people are currently living their end of life.

Despite this and the fact that all of us have had some experience of a loved one living out his or her last days before our eyes, our society does not pay sufficient attention to the welfare and good of those who receive end-of-life care. Implicit sometimes in our thinking on this issue is the view that policy focus should centre on those with the majority of their lives ahead of them; that dying is a taboo subject better skirted around for the sake of avoiding awkwardness and offence; and that as people gradually lose memory, consciousness, bodily control and even hope, they also lose their dignity.

It is vital that these attitudes do not determine our thinking on end-of-life care. Dying is one of the most profound life experiences any person will ever go through and the level of end-of-life care afforded to a person should not be in any way contingent upon how young or old they are. Our understanding of what dignity means is crucial to a proper attitude towards dying and end-of-life care. For some, dignity means status, and people have dignity in accordance with how powerful they are, how much money or life they have, how conscious they are, how able-bodied they are or how well they are able to relate socially to others. In that view, when a person loses any of these factors, some dignity is lost.

This is emphatically not the understanding of dignity to be found in the great humanitarian text of our time, the Universal Declaration of Human Rights. There, dignity is understood as inherent in every human being as the basic and absolute value underpinning the fundamental human rights of all persons, regardless of distinction or status. Human dignity, in the context of human rights, is inviolable and irrevocable. It cannot be taken from a person.

Our actions may fail to respect fully the dignity of others but such dignity is never lessened. Human dignity ensures that no person is ever, to use a vulgar term, simply a “vegetable”. This understanding of dignity — the true understanding — has its roots in Cicero and has been mediated to us today by a Renaissance humanism, Kantian moral philosophy and Judeo-Christian theology. Despite the intellectual attacks by Marx and Nietzsche, and against the atrocities of two world wars, human dignity survived to become the central concept underpinning human rights law in the 20th century on both the international and constitutional levels, and we would do well to acknowledge that our own Constitution blazed an important trail in this regard.

The question before us is how we respond to human dignity in the context of end-of-life issues. A minimalist approach will not suffice and we should not settle for simple minimum care such as the provision of nutrition or hydration, minimum pain relief such as that the person never screams but always hurts, minimum consultations that only occur after important decisions have been made on behalf of a patient or family or minimum compassion such as treating the person as just another patient or medical case and not as somebody going through a momentarily emotional and spiritual stage of life.

Considering home end-of-life care, how can we apply the dignity of that concept to practical effect? We can begin by acknowledging the right of persons to receive end-of-life care in their own homes. Currently, two thirds of people die in some form of hospital, although at least a fifth of those persons, according to doctors, could have died at home if appropriate community supports were made available.

The hospitalisation of dying does not meet with the support of most Irish people. A 2004 survey found that given a choice, only 10% of people would prefer to die in a hospital and only another 10% would prefer to die in a hospice. An overwhelming majority of Irish people would choose to die at home and the reasons are clear. For most people home means comfort, security, family and friends; it is the natural place to live and die. No matter how good hospitals can be or compassionate hospices are, they cannot replicate the sanctity of the home for many Irish citizens.

The benefits of home end-of-life care accrue not just to the patients and families but also to the health service. There is a high number of people dying in hospitals, some 84% of whom are admitted through accident and emergency departments, and this puts unnecessary strain on hospital and accident and emergency services. The funnelling of end-of-life patients into the hospital system must change, especially as the vast majority of deaths occurring in Ireland are predictable; as their predictability allows for forethought and planning, they are more likely to be manageable within a community care framework. In order for this to be realised we must organise the service to suit patients rather than providers, allocating hospital resources to facilitate rapid discharge, night nurses and 24-hour short notice care teams.

It is true that not all end-of-life cases will be manageable within the home, and that is why hospitals, including psychiatric units, must ensure that end-of-life care is a core service on offer rather than an afterthought to more supposedly fundamental services. It is therefore heartening to see that HIQA’s new draft standards for health care providers, to be introduced from 2012, make it explicit that end-of-life care ought to be a core hospital service. When the business of curing is beyond reach, the necessity of caring continues.

The figures show that end-of-life care in Ireland has some way to go before it can be considered a genuinely core service, although it is important to understand that internationally we compare fairly well. Over half of the patients profiled in the 2010 national audit on dying in hospitals died in multi-bed rooms, and only 20% to 30% received specialist palliative care, with as many as 25% dying alone. Only a third of hospitals have policies and procedures on end-of-

[Senator Rónán Mullen.]

life care, which may explain why multidisciplinary meetings were held to discuss patient care in only 44% of cases, why only 17% of patients and families were informed of the outcome of meetings at which they were not present and why only 15% of relatives were offered information leaflets on dying, death or bereavement. There is a clear need for national guidelines to be operational in all acute and community hospitals.

When I think of death I often reflect on the famous poem, “Death the Leveller”, with the telling lines “Sceptre and Crown/Must tumble down/And in the dust be equal made/With the poor crooked scythe and spade.” Death is a leveller that unites all of us but there is another levelling that we should consider. There are plenty of examples of best practice and there are hospital and care settings which have standards and approaches to end-of-life care. These succeed in the important business of providing end-of-life care that is both competent and co-ordinated, compassionate and communicative. The levelling we require should be upwards so that everybody should enjoy the same standard of hospice care, end-of-life care, communication, compassion, co-ordination and competence. There is a clear need for national guidelines to be operational in all acute and community hospitals.

There is also a worrying gap that should be noted and I am indebted to the Irish Hospice Foundation’s audit of end-of-life care in hospitals for these challenging facts. The gap is between the levels of satisfaction expressed by health care professionals and the views of family members regarding the quality of end-of-life care treatment in Irish hospitals. When asked if the way a patient died was acceptable to relatives and families, 35% reported an unacceptable death, whereas the figure for nurses was 23% and for doctors was 20%. It should be noted in that context that at least a fifth of Irish people currently die in an unacceptable manner.

The comparative figures for pain relief are no less challenging. Some 23% of relatives — those closest to the patient — consider that their loved one had spent most of their last week in pain, whereas only 15% of nurses and 10% of doctors thought so. It is of great concern that, according to doctors and nurses, patient care is least satisfactory for patients who are frail or with dementia. We can all understand the reasons the challenges are particularly acute in such cases.

This unacceptable gap in perception between care providers and relatives suggests we have some distance to go before we can say people approaching death receive all that human dignity requires. We must bring hospitality back into hospital, not as something to be left to the discretion of individual hospital staff, many of whom deserve great credit and act with great selflessness and courage, but as a matter of established policy guidelines. We have to change the end-of-life experience. We must embrace a new phenomenology, one that encompasses such aspects as the architectural design of rooms, ease of movement between home, hospital and hospice, and the provision of proper bags into which to place the deceased’s clothes, rather than a rubbish bag into which soiled clothes are sometimes put. These are practical items which say much about how we regard end-of-life care services.

There is the question of how hospital staff react when in the presence of a terminally ill patient or bereaved relatives. Far too many Irish people have had distressing experiences of their loved ones dying in an overcrowded, noisy, multi-bed ward in which privacy and respect seem to be completely absent, despite the bona fides and good will of care providers. This phenomenon has been described as “Mammy dies while Chelsea scores” and is indicative of the lack of thought put into end-of-life care in Ireland. We all have experience of multi-bed wards in which televisions compete with each other during some of the most acute and sensitive moments of people’s lives. We must bear in mind that statistic, namely, that more than 50% die in multi-bed wards.

A number of years ago I had the good fortune to attend a talk given by Professor Roger Ulrich who spoke about the importance of hospital design in ensuring better outcomes. Central to the plan is that we move to a situation where we have single bed wards in hospitals. I am struck always by the comparison between hotels and hospitals. Unless we are young and in the whole of our health, backpacking and do not mind sharing hostels, we all expect as a basic minimum when we travel that we will be in a room of our own, yet how is it that when people are struggling to be well, this is not considered basic? We still have out-of-date infrastructure which oppresses people and frustrates the possibility of their being cared for in a way that fully recognises their dignity.

I commend the Hospice Foundation's design and dignity plans for a fund to help address these issues in certain places. I hope that, through the efforts of the Minister for Health and Children, whose intentions are to be appreciated, as per the recent establishment of the National Council of the Forum of End of Life in Ireland, we will see such a fund emerge, with support from the Government despite the challenges that face us.

Cén chaoi ar féidir linn dínit an duine a chur i bhfeidhm go praiticiúil i gcúram direadh saoil? Is é an túsphointe ná a aithint go bhfuil de cheart ag daoine cúram deireadh saoil a fháil sa bhaile. Faoi láthair, faigheann dhá thrian de dhaoine bás in ospidéal de chineál éigin cé go bhfeadfadh an cúigiú cuid acu ar a laghad, de réir a ndochtúirí, bás a fháil sa bhaile dá mbeadh tacaíocht pobail cuí ar fail. I suirbhé a rinneadh in 2004, níor chuir ach 10% de dhaoine in iúl gurbh fhearr leo bás a fháil in ospidéal dá mbeadh an rogha acu, agus níor chuir ach 10% eile in iúl gurbh fhearr leo bás a fháil in ospís. Tá an chúis sin soiléir: don chuid is mó de dhaoine is ionann an baile agus compord, slándáil, teaghlach agus cairde.

Some of my colleagues will elaborate on other ways to improve end-of-life care in Ireland. I will briefly mention only a few. It is clear that more could be done about the proper administration of pain relief. It is neither unethical nor illegal to administer pain relief, even in large doses, once the motivation is to care, by treating pain, rather than to kill. Perhaps health care professionals are not fully aware of this distinction and see themselves as erring on the side of caution while administering pain relief. Great emphasis must be placed on "do not resuscitate" orders which allow a patient to die a natural death. In this context, I heard a story about an elderly lady who had her ribs broken during an attempt to resuscitate her.

Advance care planning, once it takes account of the ethical need for the delivery of basic and ordinary medical care, could go a long way towards respecting patient autonomy, decision making and ensuring peace of mind. Provision for such planning depends on and will strengthen communication between health care staff, patients and relatives. The systematic introduction of multidisciplinary review of death teams could strengthen the quality of care offered by the various health professionals and would help to create a culture of excellence in end-of-life care and offer relatives an opportunity to give feedback on end-of-life care to the relevant health professionals, thereby increasing accountability.

I thank the Irish Hospice Foundation, carers, the associations, clinicians, health care professionals and all those who dedicate their time and resources to serving the dignity of persons in end-of-life care. I pay a special debt of gratitude to the Irish Hospice Foundation for giving of its time, support and research information during the preparation of the motion. I look forward to listening to the debate with my Seanad colleagues and eagerly await the Minister of State's response. I would have preferred to have been in a position to discuss with the Government its proposed amendment. I am disappointed that it proposes the complete deletion of what I have prepared. It is always good to give credit where it is due, but that need not prevent us having a fruitful debate, during which I hope we will arrive at intense agreement. We should

[Senator Rónán Mullen.]

do so, given that it is a common experience to face death and be the carers and loved ones of those facing the end-of-life experience.

Senator Feargal Quinn: I am very happy to support the motion which is very important.

An Leas-Chathaoirleach: Is the Senator seconding the motion?

Senator Feargal Quinn: I am very happy to second it. I am delighted the Minister of State, Deputy Áine Brady, is present for the debate. However, like Senator Mullen, I am disappointed that there is an amendment, but I understand that is the way things are done in the House. Nonetheless, it is a shame.

I remember being a patient in the Mater Hospital for about five days more than 50 years ago. I thought I would never be able to pass a hospital again without thinking of all the people inside but soon afterwards never thought about it. The same applies to hospices. John, a friend of mine, died in St. Francis's Hospice about 15 years ago. I was with him the day before he died and he was able to say to me, "You realise I am dying. I won't be here at the end of the week." He was very peaceful and looked after so well. It had an amazing impact on me because I had almost forgotten as I drove past what was happening there. This year my sister-in-law died. Some weeks before she died she went into Our Lady's Hospice in Harold's Cross where I visited her practically every day. She was looked after so well. What really impressed me was the care and attention given to her and the interest and sympathy shown. It brought the subject back to my mind. What also impressed me was the very large number of volunteers. It was voluntary work being done by people who went to the hospice to help in both big and little ways. It was very impressive and I realised I had been walking past without thinking. I had been in a few times, mainly to see people in the hospice for respite rather than end-of-life care, but had not realised the amount of voluntary work being done.

I am delighted Senator Mullen has introduced the motion. What he has done today is ensure a wider circulation for the very interesting information available on the enormous amount of work being done in many areas in end-of-life care in Ireland. It is most worthy of consideration and I hope this debate will ensure a wider circulation than might otherwise be the case.

We must bear in mind that in this country we are much better off than many other countries when it comes to end-of-life care. Ireland is one of only approximately 15% of countries in which palliative care services are integrated into the national health service. We must remember also the key role Irish Aid has played in supporting the development of hospice and palliative care services in poorer countries, especially in Africa. However, there is much more we could do to improve the lives of loved ones who are dying. According to the quality of death index recently issued by the Economist Intelligence Unit, the United Kingdom was the best place in which to die. Ireland ranks fourth in the overall ratings. However, in terms of a basic end-of-life health care environment, Ireland is ranked only 17th. This category includes social security health expenditure, nurse and doctor numbers, GDP, dependency ratios, life expectancy and hospital bed counts.

We must bear in mind the massive physical changes that have occurred in recent decades, particularly due to changed lifestyles and improved medical care. Death used to come quickly to most. In previous generations people were taken out by catastrophic infections, at childbirth, by pneumonia or heart attacks. How one should die was never such a problem when the period between diagnosis and death was short, leaving just enough time to say goodbye and for the last rites to be given. How to die was never such a problem when the period between diagnosis and death was short, leaving just enough time for goodbyes and the last rites. People still die suddenly in their sleep, in the shower, at their desks or on the road.

However, most of us who live in industrialised countries such as Ireland will die much more slowly of chronic progressive illnesses such as cancer, heart disease, lung cancer or from the multiple effects of ill health in advanced old age. Thus we have plenty of time to consider how we want to use that time. With almost half of all people dying in hospitals, we need to take the issue much more seriously. In the late 19th century 85% of people died at home. The hospice friendly hospitals programme survey found that while most people wished to die at home the vast majority still died in hospitals, as Senator Mullen said. In 20% of cases, however, the diagnosis of death in Irish hospitals occurs five to six days before death. Also, nearly 25% die alone in acute hospitals. It is much more referable to die at home for a number of reasons.

Pressure on emergency departments is excessive and palliative care services are insufficient. In Ireland approximately 56% of deaths occur in wards where five or six other people are present. This is partially due to the small number of single rooms available in our hospitals. One must also remember that the distance between beds is often extremely close and curtains do not provide adequate privacy. This makes it extremely harrowing for both the patient and his or her loved ones. In addition it means there is no privacy for other patients in the ward, a point very well made by Senator Mullen. It is commonsense that single rooms should automatically be available to people who are dying in hospital.

A new study carried out by researchers at Dana-Farber Cancer Institute, a teaching affiliate of Harvard Medical School, found that cancer patients who died in a hospital or intensive care unit had a much worse quality of life at end of life compared to patients who died at home with hospice services. Researchers also found that hospital patients' caregivers were at higher risk of developing psychiatric illnesses, including post post-traumatic stress disorder, during bereavement than are home-care caregivers.

In terms of hospital, "living wills", competency to make decisions, resuscitation, clinically assisted nutrition and hydration and transplantation are all critical issues which have been highlighted by the hospice friendly hospitals programme. I have been advocating presumed consent for organ donation, which is another aspect of end of life that deserves proper debate. I hope the Minister for Health and Children, Deputy Harney, is making progress on this issue. It is interesting to note that the Irish Hospice Foundation's survey of end-of-life care in hospitals found that one fifth of seriously ill patients could have died at home if sufficient supports were available. There are shifts to end-of-life care from the hospital to the home. In the UK, the Conservative Party has indicated it wants to introduce a major overhaul of funding for end-of-life care, with a new system to be based on the number of patients requiring it. Under the plan, more money could go to hospices and other providers, using savings made from reducing unnecessary stays in hospitals for people at the end of their lives. The changes involve the introduction of a tariff system such as those operating in other areas of health care, so funding is awarded on a "per patient" basis.

We too, should be looking at passing on the savings made from people not staying in hospitals at the end of their lives, to help them die at home. We could also encourage nursing homes to try and stop inappropriately sending elderly dying patients to emergency departments, if they were given the support to do so. We also have to better inform people about end-of-life care. According to a new national survey published in the *Journal of Medical Ethics*, many of us are uncomfortable and ill-informed about end-of-life issues. The lead researcher, Dr. Joan McCarthy, of University College Cork, found that there was a deep need for better public education about the processes and terminology of end-of-life care, as well as for new legislation to clear up the confusion around the role of professionals and families in making decisions for dying patients. For instance, a massive 71% had never heard of an advance directive, although more people knew of it by its more popular term, the "living will".

[Senator Feargal Quinn.]

One of the most interesting aspects of that survey was that most people were more concerned about the quality of their dying than about death itself, and 81% said that if they were severely ill with no hope of recovery, the quality of life would be more important than how long it lasted. I support the call to develop and resource a comprehensive end-of-life care strategy to manage properly this critical aspect of being human which sadly is not being given the attention it deserves. As a society, we need to recognise that dying is a normal part of life, something as natural as birth and adolescence. With somewhat more imaginative planning many more people could die at home rather than in overcrowded hospital wards. No one should die alone, frightened and in pain. The challenge is to ensure every patient can die in comfort and dignity.

We avoided this issue for many years. It was something we did not talk about and we steered away from it. Perhaps the younger people are the more difficult it is to handle. The closer one gets to it perhaps makes it easier to understand. I had not understood this, however. Neither had I understood the willingness, as Senator Mullen mentioned, of giving drugs to relieve pain. It seems this is something we had not thought much about before. It is now well thought out. I have experienced in recent times the willingness to accept that if somebody is dying he or she should not die in pain. Steps are being taken in the right direction and I believe we have the intention to do the right thing. Let us ensure we do it.

Senator Geraldine Feeney: I move amendment No. 1:

To delete all words after ‘Seanad Éireann’ and submit an amending motion in the following terms:

“Commends the Minister for Health and Children on the dedicated funding made available in recent years by the Government for palliative care services, now in the region of €79 million per annum, welcomes the fact that Ireland was ranked second in Europe in a study of palliative care in the European Union for the European Parliament Committee on the Environment, Public Health and Food Safety and was recently ranked fourth overall in Europe in a recent Quality of Death report published by the Economist Intelligence Unit;

- welcomes the launch on 23 September last by the Health Information and Quality Authority of draft national standards for safer better health care;
- notes the first national audit of end-of-life care in hospitals commissioned by the Hospice Friendly Hospitals programme;
- notes the report of the Forum on End of Life and the new quality standards for end of life care, initiated by the Irish Hospice Foundation.

Considering the need to take account of issues such as quality of care, standardised guidelines, clinical governance, training requirements, support services and infrastructural environments for people facing end of life and bearing in mind overall health service priorities and resource availability in the future for health and personal social services,

- recognises the role of home care packages towards supporting end of life care in the community;
- acknowledges the evidence based priorities set out in the medium term strategy for palliative care published by the HSE in July 2009, agreed by all relevant stakeholders;
- acknowledges Palliative Care for Children with Life-limiting Conditions — A National Policy adopted by Government on 15 December 2009 and published in March 2010.

Ultimately, this policy aims to ensure that all children with life-limiting conditions will have the choice and opportunity to be cared for at home;

- notes the work of the joint performance information group, JPIG, of the Department of Health and Children and the Health Service Executive towards improving data on palliative care services;
- acknowledges Department of Health and Children national lottery funding recently awarded to the Irish Hospice Foundation to support a pilot project to enhance the hospital environment for people facing end of life;

commends the importance given to end of life care in both the national quality standards for residential care settings for older people in Ireland approved by the Minister in February 2009 and the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009, which underpin the standards.”

I welcome the Minister of State, Deputy Brady, and I am delighted to have an opportunity to contribute to the debate. I commend Senator Mullen for moving the motion. He is calling for more training for hospital staff in end-of-life care skills, including bereavement support and the need to improve the physical environment of hospitals for people facing end of life.

From my perspective I believe the Government is very committed to ensure that people live long, and we all know that. I commend the Minister of State and her Department for the enormous changes and improvements we have all seen in hospitals in that regard. It is a shame we did not have a copy of Senator Mullen’s speech, as I should have liked to underline the various points as he went along. He talked about multi-bedded wards, people dying and no dignity associated with that. That is a horrible picture. I have never experienced anything like that. Both my parents died in hospital, although neither of them was sick. My mother died of an aneurysm to the brain. She was rushed into hospital and thankfully died very quickly, as she would not have had any quality of life had she survived. Like Senator Quinn said, I can only speak from my experience. Our experience was a terrible shock of losing a mother, and yet it was very dignified because she died in intensive care in a very private setting. It was almost as if people were walking on eggshells, tiptoeing around us because it was a very distraught time for everyone. Indeed my father died, I would say, of a broken heart, two years later. He had no desire to continue living his life when my mother died. They had been married for well over 50 years. I would say he probably should not have died in a hospital, however.

Even though a patient might have the best resources at home, I believe that sometimes GPs like to put an elderly patient into hospital because they believe this might be better for the family, and for the patient too with professionals on tap to deal with him or her.

My father was in hospital for only one day, and we knew when he was going in that he was going to die. He was in a semi-private ward and there was another gentleman with him. It was a lovely experience for us and I commend the nursing staff. There is an issue I must mention although, again, I do not want to personalise things too much. My father had respiratory failure and we wanted him to have a nice peaceful death but the young doctor on duty that night could not prescribe anything for him because the drug would have instigated his death much more quickly. We certainly would have liked that. My father was an old man and it would have been so much nicer for him to go. It was a public hospital. The other experience I had was with my only aunt on my mother’s side who had a beautiful, peaceful death in a lovely private room in a publicly run nursing home in Tullamore. Perhaps I am one of the lucky ones in that everything has been very nice for me when I have lost people, but that is not to take from what Senators Quinn and Mullen are saying.

[Senator Geraldine Feeney.]

We as a people have a great nature when it comes to birth and death. We are all emotional when there is a birth and we rejoice and celebrate. I am very emotional at weddings. There are always tears in my eyes and a lump in my throat, although I might not know the couple getting married. That is the nature of the Irish people, as was pointed out by Senator Quinn.

When it comes to death, perhaps the demographics have changed. Heretofore we, and I speak for most people in the Chamber, including those in the Visitors Gallery, always knew that if one was not seriously sick, one was not in hospital. One was looked after at home. People who had colds did not go to doctors but were nursed at home. I remember, as a child growing up, that there was always a saucepan for hot lemon drinks in the house. Any amount of lemons — they must have been very cheap — were piled into boiling water, and it was the cure for everything. I was one of a big family of 11. We were only brought to the doctor when there was a concern that an illness was serious.

Our grandparents did not go into hospital but were nursed at home and were in good form and good health right into old age. Even when they had dementia they were still kept at home. Unfortunately, life has changed and society as we knew it back then will never be with us again. The whole make-up of families has changed. We are no longer able, whether it is because of work or for financial reasons, to keep parents at home and they end up in a nursing home or in hospital whether they want to or not.

It is embedded in the DNA of all Irish people to want the nicest possible surroundings for their loved ones and for themselves when their day comes. I keep saying that I will be clear about how and where I would like to die and the people I want around me. Life moves quickly and one keeps putting it off while meaning to say it to someone. Then, all of a sudden, there is no opportunity. Even though our hospitals are very busy, they are centres for curing people rather than for end-of-life care. That is what we have always known them for. As I said, one went into hospital if one was seriously ill and stayed at home if one was not. Nowadays, the statistics show that large numbers of people die in hospitals. Hospital management, together with the professional health care teams, do try to make things as comfortable as they possibly can for people who have to die in hospital, but it would be much nicer if we could keep everyone at home. I know I would like to die in my own home, and if I do not, I certainly want to be waked in my own home. I am an old fashioned woman when it comes to these traditions.

I commend the Irish Hospice Foundation, the North West Hospice, which is my own local hospice in Sligo, the Carers Association and the health care professionals in our hospitals who do a tremendous amount of work under difficult circumstances. In particular, I thank the hospice movement for the wonderful facilities it provides for people, especially those who are terminally ill, and for the wonderful solace and peace they give to patients and their families who are ready to say goodbye to them. I would like to have had longer to explore this subject. Perhaps we could continue the debate another time. I commend Senator Mullen on bringing this to the Chamber.

Senator Frances Fitzgerald: I welcome the Minister of State to the House and thank Senator Mullen and his Independent colleagues for tabling this worthy motion for debate. I was interested in a study supported by the Irish Hospice Foundation. The foundation's website states: "[T]he study paints a picture of a general public that is not very comfortable with or informed about the processes of dying and death." That is interesting, because the stereotype is that we are good around death, based on our tradition of wakes and the fact that families get a lot of support from relations, neighbours and friends during a loss or bereavement. It is interesting that when people studied this, they concluded that the public was not that comfortable with death.

In so far as we are becoming comfortable with handling death and supporting families, there is no doubt the hospice movement has played a major role. It has pulled back the curtain on the subject and facilitated a high level of discussion, particularly about the report on the end-of-life audit which it published. The information it is making public is incredibly important and offers us a real challenge.

The motion, with its details of the type of action that needs to be taken, shows us that while we are on the way, we have a lot of work to do. It is a detailed Private Members' motion, which is somewhat unusual as we often have more general motions. It specifies the kind of action plan that is needed. The key questions are whether these actions will be supported by the Government, what kind of support they will get, what kind of budget there will be and whether it will be cut. What can be done by changing attitudes, helping people to work better together, and ensuring our hospitals are more sensitive than they are at present to the issues highlighted by the hospice movement over the years? That is an important question. There is the possibility, as the motion states, that more people would want to be at home while suffering from a serious illness and, if possible, when they are dying. Given the number of people who reach the end of their lives while in hospital, there is a need for much more sensitivity and for every hospital to apply as many resources and supports as possible, along the lines recommended by the Irish Hospice Foundation, to the treatment of those at the end-of-life stage. Perhaps all hospitals now have this in their mission statements.

Senator Mullen explained in detail what needs to happen. It is surprising that there is still a need, as stated in the motion, to “develop systems to enable effective gathering of data on deaths in hospitals” and “ensure ongoing auditing of end-of-life care and the introduction of a system for review of deaths in hospitals in which bereaved families can participate”. This is good practice and would be very helpful to bereaved families. A full plan exists and what is needed now is the political will to implement it and an action plan to ensure it happens and that there is support for it from medical authorities, the Department, the HSE and all concerned with this area. I doubt there is a Member in the House who has not experienced the dedication, commitment and top quality care provided by the Irish Hospice Foundation in hospices to people we know. We have all heard the stories and about the fund-raising that takes place. The hospice movement is worthy of the highest level of support. The public appreciates the work the movement has done at an educational and practical level.

This motion is timely. At a time when discussion is dominated by economics, banks and fiscal policy and the country is grappling with these major issues, it is vital that one does not forget it is the role of Government and politicians to steer society and its values. The motion brings us into the area of the important values of quality of life and care. The moment of death is an opportunity for society to demonstrate explicitly and implicitly how it cares and comforts its citizens in their final period of time on Earth. One of the founders of the hospice movement in the United Kingdom, Dame Cicely Saunders, summed up the attitude that guides us in the care we provide when she commented:

You matter because you are. You matter till the last day of your life. We will do all we can, not only to help you die peacefully, but to live until you die.

This moving comment deeply touches all of us who read and understand its meaning.

We need to consider a number of other areas. A significant number of children suffer from life-limiting illnesses. I frequently meet the parents of some of these children in my work. This week I was with a family with a young daughter with a life-limiting illness who is not expected to live beyond the age of five. The quality of care this family, which is supported by the Jack and Jill Children's Foundation, receives is extraordinary. Approximately 1,400 children in

[Senator Frances Fitzgerald.]

Ireland live with a life-limiting illness and approximately 350 of these die each year. It is critical we also focus on hospice care for families with children in this situation. We need to be conscious of the many different levels of hospice care and support required for people and families.

Like with our health services, one of the key issues in regard to hospice care is how to ensure consistency and quality of care. It is clear from reports I have read that the level of service is uneven, although improving, and underdeveloped in some areas. The chairman of the hospice foundation said in a recent report that the recession is not a reason to stop working for good end-of-life care and that the people who now face death or will face death soon do not have time on their side. He went on to say that we need to develop shared responsibility with the State to reduce our reliance on voluntary funding. Like with many other organisations, it is critical to decide on the balance of funding to be raised through voluntary fund-raising and statutory support. This is not an easy question in the current situation but we must live up to our responsibility as much as we can in the months and years ahead. I look forward to hearing what the Minister has to say in response to the motion.

Senator Maria Corrigan: I join Senator Feeney in commending Senator Mullen on raising this issue. I acknowledge the increased recognition and dedicated funding that has been provided by the Government in recent times for palliative care services. This has been a welcome development. While we will always feel there should be additional funding and everyone in the Chamber can identify areas of need, some positive steps have been taken. I welcome the report and the goals set down by the Government in this area.

I have been struck by how much families with whom I have come in contact depend on the services provided by people such as those in the hospice movement. In my area I am often contacted by families who wish their family members could access the excellent support and care provided by the hospices in Harold's Cross and Blackrock. This situation is mirrored throughout the country and is testament to the tremendous work, expertise and skills developed within the hospice movement.

I am aware also of the excellent work that has been done to support families in settings other than hospitals by hospice outreach teams. The Minister of State should be aware that it is important we continue to support such practical measures. These supports can make a real difference to how people end their lives and provide support to families who would like to exercise the option of keeping their loved one in the family home or in a nursing home to which they have become accustomed. In a situation of which I am aware, a family member who had reached a difficult stage of illness and had wanted to go to a particular hospice had become very comfortable and settled in the nursing home. The hospice outreach team provided tremendous support to the nursing home staff, the individual and the family. We cannot measure the comfort that provided to the person and family at an incredibly sad time. Senator Quinn mentioned trying to address the fear of dying or of dying alone. Whatever measures we propose and undertake, we would like to ensure a system has been put in place to ensure that at an incredibly sad and difficult time for families, practical support is available to provide comfort.

There are other issues we need to address, especially with regard to children who suffer life-limiting conditions. I welcome the first hospice for children which is being constructed in Leopardstown with the support of the Laura Lynn Foundation. We hear from families concerned with this project that sometimes it is not just a question of having access to a hospice but of having the opportunity to access respite on a temporary basis to give the family a break or to access a support or outreach team which will help ensure the home can become a safe and comfortable place in which the person will end his or her life. This is about increasing

awareness, recognition and our own skills and not just about funding. I pay tribute to those who have undertaken significant work to date and who set an example as a result of the word-of-mouth commendations following the experiences families had initially through the hospice movement. This has challenged us all to consider this issue and to consider what supports can be put in place. I commend Senator Mullen for tabling the motion and I ask the Minister of State to set concrete goals, to continue to ensure dedicated funding is made available and to include the experiences of family members in future service developments.

Senator Phil Prendergast: I join others in commending Senator Mullen on this timely motion, which calls on the Government to develop measures to allow people to die in their homes rather than in hospitals and to allocate resources in order that more people can access comprehensive hospice services in their community. With regard to this model, it is a case of one size fits all and there should not be inequities in the home care packages provided in various parts of the country. Currently, there are regional inequalities in the services available to people. The regional deficits, according to the Irish Hospital Foundation's review of staff and bed numbers in specialised palliative care in Ireland, released in June 2008, revealed continued and major shortages of hundreds of vital staff and beds across the country. A study on staffing levels in specialised palliative care in 2007 found that patient and family access to comprehensive services was still largely dependent on the region of the country in which the patient lived and Exchequer spending on care staff and specialist palliative care inpatient unit beds varied from €790 *per capita* in the former South Eastern Health Board area comprising Waterford, Wexford, Kilkenny, Carlow and south Tipperary to €35 *per capita* in the former North Western Health Board area covering Donegal, Sligo and Leitrim. There was a great discrepancy in what was provided and in the services available.

This is a sensitive subject, which will face every one of us, as there is no avoiding it. Many valid issues were raised by previous speakers but it will be important to invest in palliative care in future. More than 6,000 people currently use hospice services every year and it is estimated up to 13,000 patients will require access to palliative care. Many hospitals are sensitive to the needs of patients and families where a death is expected and if it is possible, an attempt is made to meet their needs by transferring the patient to a unit where there is not as much traffic and which is less public, although this is terribly difficult. I worked in hospitals for many years and they all had a bereavement room or an area where people could go to have a cup of tea and meet staff members who had palliative care training. It is vital to be able to deal with the different emotions experienced by immediate family members, which can be very much dependent on the age of the patient. If somebody has lived to a good age, the loss is not lessened because the longer one has with somebody, the more likely it is that the or she has played a large part in one's life and one will miss him or her.

However, one of my saddest experiences during my training was when I worked in the paediatric unit. At the time the treatments for cystic fibrosis were not as good as they are today and depending on the severity of a child's condition, one could estimate his or her life expectancy when he or she was going downhill, as he or she reached various milestones through his or her response or non-response to treatment. I found it desperately difficult as a student nurse encountering that for the first time. When I became a mother, I realised how much greater such a loss was. I do not say women who are not mothers could not experience loss but having been a student nurse, a staff nurse and a midwife and undergoing training to deal with those who suffered loss there was an expectation that it was a normal part of life and we had to undergo further bereavement training. Senator Mullen has called for that.

Training and upskilling involves a cost, even if only in terms of time. Many nursing and hospice staff undergo training at their own expense because it is not something the HSE is

[Senator Phil Prendergast.]

expected to cover. However, there should be a comprehensive support programme for everyone involved, whether they are staff giving the service, patients or family members and family support systems need to be put in place to deal with issues relating to end-of-life care. We should not be found wanting in this regard. The Irish are famous for how they say goodbye to the people they love. The wake has long been considered a good send off. The best send off that can be given to people is to give them their dignity and the choice about how they want to end their lives. Where a patient is suffering, he or she should be provided with adequate pain relief and palliative care should meet all his or her needs. Where the need for pain relief can interfere with quality of life, a call must be made. For example, a decision on whether a patient should be resuscitated should be made on clinical need in consultation with the family. It is difficult because the decision can sometimes be about turning off a switch. These are highly charged, emotional issues and there is usually an element of suffering. Most people want to see an end to suffering and patients should not be left in accident and emergency departments where there is hustle and bustle and other people are coming in need of acute care or as hot admissions, as they might need to be resuscitated or to be sent for surgery.

One of the difficulties in some areas of the country is it is preferable to send a patient from a nursing home to an accident and emergency department because of the system. If the person was left in the nursing home, it would mean dealing with autopsies and paperwork. Sometimes it is preferable to send these people to a hospital. This is less than ideal for someone who has been a client of the nursing home.

I am glad to have the opportunity to make a contribution and I again thank Senator Mullen for his timely motion. I thank the Minister of State for her attention.

Sitting suspended at 6.30 p.m. and resumed at 6.43 p.m.

Senator Geraldine Feeney: I propose a further suspension of the sitting until 7.05 p.m.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Sitting suspended at 6.44 p.m. and resumed at 7.05 p.m.

Senator Niall Ó Brolcháin: With the permission of the House, I wish to share time with Senator Jim Walsh.

An Cathaoirleach: Is that agreed? Agreed.

Senator Niall Ó Brolcháin: I wish to put on the record of the House that unfortunately this debate has been curtailed and divided as a result of these pairing arrangements and is quite regrettable. This is a clear example of what happens as a result of long-time arrangements being curtailed.

Senator Jim Walsh: Hear, hear.

Senator Niall Ó Brolcháin: The business of the House, at a very difficult time for the country, is being disrupted and this is an example of it.

I welcome the Minister of State for this important debate. This is a very good debate and I commend the Independent Senators for tabling this subject for debate in Private Members' time. Their points are very well made. The Government amendment shows that many of the points are being examined and I hope the debate will move things forward.

There are very few people who have not had experience of the need for palliative care or hospice care when people are dying. There are very few people who do not have experience of the significant and valuable work being carried on in the community, in particular fundraising and helping out when older people are dying and looking after people who may not have family to help them through this difficult end period of their lifetime. Another speaker noted that Ireland is rated as the fourth best place in Europe in which to die, which may not be a statistic one should be counting. It is crucial we take seriously the difficult times people face at the end of their lives. The thrust of this debate concerns community care. The excellent hospice in Galway provides an excellent outreach service. Many other hospices do so as well. If possible, everyone wants to die in their own bed. That is the optimum for anyone but is not always the best when people suffer from appallingly bad health and difficult times. Sometimes families cannot cope and one's own bed may not be the best place to die. In those cases we need inpatient hospices.

We need to up our game in respect of primary care teams and we are doing so at the moment. Sixteen of the 26 teams in the Galway-Roscommon area are now in place. This matter passes below the radar in terms of the health care debate. Implementation of community health care is being improved slowly and steadily. We can see the implementation of primary health care teams. This is something people are not talking about. It is going quite well. We need to aim to have the best community health care service in the world.

I had the honour of signing Galway city into the World Health Organisation healthy cities network. On that occasion, I went to visit the Finnish health minister in Turku, Finland, which has the best health service in the world. I am not clear how good it is in respect of palliative care but community care is the linchpin of the Finnish model. I have always believed community care is what we should aim for and that anything that can be done in the home, with support services, should be done there. For many years I have campaigned on home births. The community care aspect of care from the cradle to the grave should be the linchpin of our new health care model in Ireland. People do not want to travel great distances for any aspect of health care. They want to be in or near their homes when they die and in or near their homes when they are born and for all events in between. We should be bolstering our primary health care teams to ensure all aspects of living, dying and community health care are underpinned by the primary care teams we are putting in place. At present, primary care teams are not entirely multidisciplinary but they provide a structure that will allow that to be the case.

I commend the motion before the House and I take the point that we must do everything we can to ensure the maximum number of services are focused on allowing people to be in their homes when they die. Relation supports, respite care and other services should be put in place. This model is better value and more human. At the end of the day we want to see a more human health care service in this country.

Senator Jim Walsh: I thank Senator Ó Brolcháin for affording me the opportunity to make a short contribution to this debate. I concur with what he said about pairing. It is a pity Members of the Opposition and Opposition parties do not reflect the regard the President has for the Seanad. They should reflect on this point. There is nothing to be gained from disrupting the business of this House because there is a vote in the Lower House. Senator Ó Brolcháin put this point very well and I support him on it.

I compliment the Independent Senators who tabled this motion. I listened in particular to the proposer, Senator Mullen, who made excellent points in respect of end-of-life issues. Many people working in this area have assisted the evolution of a very caring approach in palliative care through the Irish Hospice Foundation. I became familiar with this when I was involved with the New Ross community hospital. When our district hospital closed we reopened it as a

[Senator Jim Walsh.]

community hospital and established a small hospice unit. The Minister of State is familiar with the hospital. I know how valuable it was to those who had to avail of it and those who were terminally ill. When they were not in a position to remain in their homes, they remained in the community and were accessible for visits from close relatives. This is of great importance to those who are ill and to their nearest and dearest. This is the caring approach I would like to see pursued.

The Minister of State has not yet spoken but I would like if she could provide reassurance. Some elements of society are appointed to various ethics committees and other bodies to chart a way forward with regard to this particular topics. We have seen this in the area of embryonic stem cell research. People of questionable views are able to articulate them and shape public policy as a consequence. We need to safeguard and ensure people appointed to such bodies are objective. I would like assurances that there are no people with preconceived ideas involved in the formulation of policy with regard to assisted suicide or euthanasia. These are alien to the dignity of the human person, which was so eloquently espoused and set out by the Pope on his recent visit to England. We should follow much of that philosophy about the value of human dignity. I refer in particular to those who are most vulnerable, including the very young and very old, who are ill and sometimes unable to articulate their needs.

Senator Shane Ross: I congratulate Senators Mullen and Quinn on tabling this motion. It is very difficult to tackle taboos of this sort in the political environment and it is in the tradition of this House to do so. One of the more notable aspects of this debate is the great agreement we have had during the debate from people on the opposite side of the House, which makes it ironic and a great pity that the Senators on the Government side have tabled an amendment. There has been very little disagreement in what has been said and it appears the aspirations in this motion will not be agreed and implemented by the Government for reasons that are obscure, to say the least. I hope the persuasive arguments made on this side will induce the Government to take the measures necessary.

One of the more notable aspects of this argument is that made by the Irish Hospice Foundation, which has briefed Members on this issue. Much could be done without great cost to improve hospice care. The foundation's convincing briefing document states that the reallocation of hospice care could be done at very little cost but the HSE has not taken this on board. Last year there was a proposal for a large amount of expenditure and expansion in this area and it was turned down by the HSE because it said it had no more money. If no more money is necessary, presumably the HSE will look carefully at the submission by the Irish Hospice Foundation which says this can be done through the reallocation of resources and by putting more emphasis on people receiving hospice care at home rather than in hospital, which is more expensive.

In that respect, I was delighted to hear today that the hospice foundation in Wicklow, where I live, received a donation of €1 million towards a hospice in the county. That will contribute towards the target of €3 million for the fund which was set up one year ago. The people of Wicklow have raised approximately €250,000, which when added to the €1 million means they are nearly half way there. On top of that the Columban Sisters have given a site for a hospice. That is the type of voluntary work which is terribly important. The State and the HSE should acknowledge that when that sort of funding is raised by at least matching the contribution. I would welcome a response to that point today to what is only a one year old effort.

An interesting statistic has been produced by those who advocate more hospice care. They say the mid-west region has received preferential treatment for reasons which are difficult to ascertain. The statistics indicate that 70% of those who die of cancer, for instance, in Limerick

die in hospices whereas in Wicklow 70% of those who die of cancer die in hospitals. I am not trying to make a regional argument. What I am saying is that if there is a reallocation of resources and if it is revenue neutral or expenditure neutral, that should be done. It should be our aim and aspiration that those who would otherwise die in hospitals should be moved and be allowed to die at home or in a hospice. That is a very simple message which has been coming through all the time from the Irish Hospice Foundation. What is necessary is for the HSE to set up a reconfiguration team to respond to the Irish Hospice Foundation's submissions and agree to do so at no cost. The HSE is set in its ways on this issue, as it is on many other issues. The resources are not being allocated on the basis of objective need. They are being allocated on another basis which is inefficient and unfair.

If we are serious about tackling the problem which Senator Mullen has so eloquently addressed, we should listen to the people who are advocating locally rather than those bureaucrats who can see where money is going but are unwilling to take themselves out of a strait-jacket. We are talking about something which we rarely talk about, namely, the deep emotional needs of human beings. We are very keen and prone to talk about facts, figures and accounts in a forensic way. That is the nature of the HSE beast, but this is a deeply difficult subject to discuss. It is a deeply emotional subject for the individuals involved and it is one which people are reluctant to discuss. I have been struck by the fact that, unusually in this House, several Senators have spoken of their personal experiences of the deaths of people who were very close to them, of their needs and the good and bad things that happened. The message is that we should listen to the feelings of the people involved rather than the figures. If the HSE were to send in a reconfiguration team, which would mean a reallocation of resources, to try to meet the emotional needs of people in this sphere, the problem would be tackled.

I congratulate the proposers of the motion, in particular Senators Mullen and Quinn, on bringing the subject to the House because it is an unusual and difficult subject to tackle. Although the contributions of Senators Corrigan and Walsh were heartfelt and useful, it is a pity the Government side is taking the attitude that the motion needs amendment because it is one that could have been agreed in a non-political context.

Senator Paudie Coffey: I wish to share time with Senator Norris.

An Cathaoirleach: Is that agreed? Agreed.

Senator Paudie Coffey: I welcome the Minister of State, Deputy Áine Brady, to the House for what is an important debate. I compliment Senator Mullen on proposing the motion and bringing the subject matter into the public arena for debate by parliamentarians and national representatives. As other speakers have said, end-of-life matters are very emotive, personal and sensitive. Many families have been devastated by the death of a person close to their hearts, that death being at times dignified but at other times less dignified. In speaking of the good facilities, resources and services that exist we must also acknowledge the weaknesses in our health system and, where there are deficits, address issues such as end-of-life care.

I compliment the Senators on the motion which is very detailed. It provides a clear roadmap to address the deficits and lack of resources to support those with end-of-life issues. There is no doubt that families are at their most exposed and vulnerable when a family member is terminally ill. The objective is to allow the person to die with dignity in the bosom of the family where possible and, where that is not possible, there should be access to the next best thing, namely, a dedicated hospice unit in the community or as close as possible to home so that families and friends can visit and spend time with the person in their last days.

It is important we acknowledge the hospice movement and the considerable and consistent voluntary effort of its members. I can only speak about the evidence I see in Waterford. I am

[Senator Paudie Coffey.]

very proud of the people involved there on a voluntary level. They have to raise more than €500,000 per annum to deliver specialised palliative care services in the home. They have been the crutch for the families to whom I referred. Those volunteers identified the shortfalls in our public health system many years ago. The Waterford hospice movement was set up in 1988. After almost 22 years it seems the reality of a dedicated hospice unit based at Waterford Regional Hospital is about to happen. I introduce a word of caution. The unit was promised three years ago and very little has happened in the intervening period, but plans are now on the table and a site has been allocated. Fund-raising is taking place to come up with the charitable contribution towards the service. I have no doubt it will serve Waterford, south Kilkenny and the entire south east very well when it is built. I urge the Minister of State, Deputy Áine Brady, to ensure the HSE and the Department keep the unit as a high priority because volunteers have been working in Waterford for more than 22 years and they need a dedicated unit so that they can concentrate on delivering specialist care in the home, to which many speakers referred.

I will not go into the detail of the specialist care provided by the hospice movement. Other organisations such as the Solas centre in Waterford provide bereavement counselling and therapy sessions not only for those who are ill but for their families as well. They are vital human resources that we must put at the disposal of people when they are most vulnerable.

I welcome the debate because despite the economic crisis and the trauma we are all going through, we must never forget the real life trauma of people who are very ill, because when one is very ill, economics and such issues do not matter. What is important is one's health and having family close. That is something we as politicians and officials in the Department and the Health Service Executive must keep in mind. They need to support the volunteers who have been striving year on year. No one expects someone to wave a magic wand and have the hospice unit built overnight but they need to see real progress in getting closer to having that unit open and available to sick people in their communities. This is an issue we must not lose sight of, which is why I welcome the motion. It identifies clearly from the quality standards an end-of-life strategy for all citizens. Although the Government has moved an amendment, it would do no harm to follow this closely and use the guidelines to reach the service our citizens deserve.

Senator David Norris: I am grateful to Senator Coffey for allowing me this time. I am especially pleased that Senator Mullen has tabled this motion, which is very important. The length and detail of the motion shows the complexity of the situation. I am glad to speak on this issue as I was asked to deliver the Mary Redmond Foundation lecture in February last at the St. Francis Hospice, which I did. It was a deeply religious and deeply spiritual place. I had a very interesting exchange of views with the people there and I agreed with them on most things because hospice care is very important.

There has been a huge cultural shift. A total of 30,000 people die in Ireland each year, nearly 80% of whom die in hospital, most of them in wards containing five or six people, which is not always appropriate. A friend of mine in my local area was married to a distinguished artist who died after being taken to the casualty department of a hospital. She was told her partner was dead and was brought into the room where the hospital staff tried to resuscitate him. Eventually, they produced a priest who had no idea who this man was and referred to his wife as his daughter. Two orderlies then appeared who did not know who she was and who were laughing and joking. There was a complete lack of dignity; it was extraordinary. This person wrote an article in *The Irish Times* stating that no one present had any training in how to deal with someone who is suddenly bereaved.

Hospitals do not do death. They see it as a failure and not as a natural thing that happens. That is the difference with a hospice. Many have spoken of their personal experience. I have had personal experience, although I do not have the time to put it on the record. There has been a huge cultural shift. A total of 80% of people now die in hospitals whereas at the beginning of the 20th century it was only 20%. We are very lucky to have a hospice movement and it is very important we do.

I compliment Senator Feeney, who I heard from my office talk about the death of her father. She said she wished for him to have certain treatments involving the application of pain controlling drugs but this was forbidden under some ethical consideration because it would lead directly to his death. Why not? What arrogance and impertinence for outsiders — third parties — to consider they had the right to dictate the manner of death, the most intimate, personal moment of any person's life.

I recognise there is a difficulty. I read with great interest the statement from the Roman Catholic hierarchy in Britain which referred to the dangers of giving too much pain control. They made one very interesting point. The patient should be consulted because sometimes pain control interferes with the patient's capacity to deal with their family and friends. If the family, friends and person wish for this, they should be allowed that capacity.

We need to know what is a good or happy death. Perhaps the Minister of State knows the story, *A Happy Death*, by one of our greatest artists, the late Mary Lavin. A British woman had mistreated her husband who was a dreamer. When the man collapsed and was taken to hospital, the woman did not know what to do. She saw some of the other patients were having fruit delivered, so she got fruit, chocolates and magazines. The man was beyond it. There was blaspheming and screaming from the next ward but suddenly it stopped. One of the nuns came in and said was it not wonderful that God had vouchsafed this man, this blasphemer, a happy death. The woman thought that was it, she would get him a happy death. She got priests, rosaries and all the rest. She came up to him and whispered an act of contrition into his ear, saying she was heartily sorry. He woke up and said he was not a bit sorry, that it was wonderful, that he always loved her and that it was worth it. The woman went away grieving because God had not given her husband a happy death. What an irony. Of course, he had a happy death. That is what the hospice movement so wonderfully helps us to give to our fellow citizens.

Senator Pearse Doherty: Cuirim fáilte roimh an rún seo. Is maith an rud é go bhfuil an t-ábhar seo á phlé againn ar ár gcéad lá ar ais sa téarma seo. Molaim an Seanadóir Mullen fá choinne an rún seo a chur chun tosaigh ar son an ghrúpa Neamhspleách. I welcome and fully support the motion. It is a very important issue. It is interesting that we are discussing end-of-life care in hospitals as the Dáil has just finished discussing the end of life for the Government. While the Government intends during the debate in the Dáil to increase its lifespan until April, when it indicates the by-elections will take place, it is apt that we are discussing the same theme in both Houses today, although this one is much more serious than the pending elections.

The motion refers to the audit of end-of-life care in hospitals published last May by the Irish Hospice Foundation, which does excellent work and needs to be commended in this House. The audit found that one in five acute hospital patients could have died at home if enough supports had been provided for them. It is one of the greatest scandals of our health system and our social services that far too little has been done to provide the necessary supports for older people in particular to live and die in their own homes, if that is their wish, instead of in nursing homes or hospitals. We now find that the improvements that have been made are beginning to be cut back.

Prominent in the news this week is an issue that affects my own region, namely, the savage impending cuts to the health service in the vast HSE west region which stretches from Limerick

[Senator Pearse Doherty.]

to north Tipperary to my own home county of Donegal. We heard in the news yesterday SIPTU addressing the cutbacks that are happening in County Mayo in home help services. The union described the cuts as brutal and said that €500 million is being withdrawn from home help services in that county alone. I disclosed in the House not only this year but last year the cuts taking place in my home county of Donegal where 78,000 hours of home help support have been stripped away this year. This is support that helps people who have taken the decision to stay at home to die because that is their wish. The type of cuts to which I refer in Mayo and Donegal is reflected across the other regions.

Is é ceann de na polasaithe is lochtach, is salach agus is tromchúiseach atá ag an Rialtais ná an cinneadh ciorraithe a ghearradh ar dhaoine atá ag deireadh a saoil agus ag lorg tacaíocht ón Stát. Thóg na daoine sin an tír seo. Bhí siad anseo le linn an Chéad Cogadh Domhanda agus an Dara Cogadh Domhanda. Bhí ar cuid acu imeacht ó baile, dul ag obair thar sáile agus airgead a sheoladh ar ais go dtí an teaghlach chun tacaíocht a thabhairt don chlann agus don phobal. Níl an Stát ag tabhairt aon tacaíocht dóibh, agus iad ag deireadh a saoil, chun cuidiú lena gcinnithe bás a fháil ina gceantracha dhúchais, bailte agus teaghlaigh fhéin a chur i bhfeidhm.

The measures proposed in this motion should have been undertaken over the past decade when the Government was boasting about the health of its public finances. We now know it squandered those finances and created the economic crisis we are faced with. It is the old, the infirm, the sick, the disadvantaged and the marginalised who are paying for the crisis, not the people who caused it.

It is a false economy because the savage cuts are taking billions out of the economy and depressing it further. The Government has operated the same type of false economy with regard to health care and social services rather than providing the supports for terminally ill people to remain at home in their communities or in hospice care. Government neglect means that their lives end in acute hospital wards that are often overcrowded, which is distressing for themselves and their families and loved ones. It lacks the dignity and comfort which could be theirs in more appropriate settings.

If we want to consider this in purely economic terms, which is not the way we should measure it but the way the Government seems to consider everything these days, it is far less cost effective in the long term. The Irish Hospice Foundation audit identified significant weaknesses in how the hospital system responds at each stage of the patient journey from admission to death. There are variations not only between hospitals, specialties and wards but also within them. There is also variation in what is called the quality of dying in hospitals, with the experience depending on the patient's disease. It is surprising that most hospital staff receive little or no preparation for the death of patients. It is not surprising, only sad and tragic, that the poorest experience was for the patients with dementia or frailty. According to this report, in the case of sudden deaths, one third of relatives do not seem to be informed as to the reason for post mortem examinations.

These are small but distressing elements that could be rectified simply. The Government should accept this motion and, more importantly, act by implementing the quality standards in end-of-life care in hospitals without delay.

Gabhaim buíochas leis an Seanadóir Mullen as an rún seo agus an am seo a ghlacadh leis an cheist fíor-thábhachtach seo a phlé sa Seanad.

Senator Ciaran Cannon: In the past 50 years life expectancy in Ireland has climbed steadily from just under 70 years in 1960 to just under 80 years today. This is a phenomenal improvement in a relatively short time. Consider for a moment the improvements that will be made in

the next 50 years. It is reasonable to expect that children being born now will routinely live into their hundreds. Such improvements in life expectancy allow us to push death away to a distant place where we can believe that it affects others and not ourselves. Whole industries are devoted to making us look and feel younger than we are. In our increasingly obsessive quest for the elixir of eternal youth, we are in danger of compartmentalising death, shutting it away in some dark cupboard and only opening the door when its inevitability is staring us plainly in the face. Approximately 20 years ago, a newspaper article on longevity had to remind us that the mortality rate in this country is 100%, that we all die eventually and that in a typical year, 28,000 people — our family, friends and neighbours — will die. Included in this figure are the 400 children who will die before their 18th birthday.

Death should form part of our everyday lives rather than it being isolated and hidden away. This motion is a welcome opportunity to debate the issue of death and how we care for our dying. I thank Senator Mullen and his colleagues on the Independent benches for choosing to use their Private Members' time for such a debate.

The Irish Hospice Foundation, IHF, has done us all a great service by carrying out extensive research into the needs of the dying and coming up with practical and sensible suggestions that, if acted upon, would allow our people to die in dignity and surrounded by those they love. Two clear lines of thought emerge from the research. First, it is more than clear that the majority of people would prefer to die in their homes. Second, it is also clear that we have much work to do to enhance the environment of hospitals so that we can allow our people to die with the dignity and level of care they deserve. The IHF survey of 2004 found that more than two thirds of people wanted to die in their homes. Only 10% expressed a wish to die in a hospital setting. The statistics tell us that more than 70% of us die away from home.

We need to work genuinely towards providing people with the choice to die in their homes, primarily because it is the right thing to do but also because the choice to die with dignity at home will create real savings for our health service. The average person consumes health services valued at €300,000 in his or her lifetime, approximately €70,000 of which occurs in the last year of life and €28,000 in the last month of life. People in the last year of life comprise only 15% of the population, but they account for almost 30% of all hospital expenditure. People using hospice services are mostly cared for and die at home, use fewer acute hospital services and live longer in greater comfort and dignity. They also consume at least 25% fewer medical resources than those who access hospital care. An interesting study in Barcelona concluded that the use of hospital resources by patients with incurable illnesses fell by 61% in that region once a comprehensive palliative care programme was put in place, length of hospital stays was reduced by 25% and the use of emergency rooms, always a crisis issue in Ireland, was reduced by 42%.

Evidence in Ireland reveals that cancer patients who use a developed local hospice service die at home, which is what most people want, while those patients in counties with limited or no hospice services tend to die in hospital. We all know of the excellent work being done by the hospice movement. For example, the Milford care centre in Limerick provides hospice services in the mid-west. In 2006, 31% of people with cancer in that region died in a hospital. The figure rises to 70% in areas not served by comprehensive hospice services.

We can only conclude from these statistics that it makes sense to extend a comprehensive hospice service to the whole of the country. Our people can die with the dignity they deserve in their own homes surrounded by the people who care for and love them. They would be in the place they want to be in their final days. As Senator Doherty alluded, doing this would not only be right and just but would also provide a significant saving for the health services.

[Senator Ciaran Cannon.]

For those who die in hospital, we need to provide a hospital environment that allows staff to deliver the dignified care they deserve. The IHF has produced an excellent set of guidelines on how best we can design the physical environment of hospitals to care for our dying. It is anticipated that these guidelines will be used primarily in the development of new hospitals, but they should also be used in refurbishments.

More than half of those who die in hospitals die in multi-bed wards. In the very last hours of their lives, they often must experience others dying in beds around them and listen to the anguished cries of bereaved relatives. I have personal experience of this occurring. It is not the environment in which any of us would choose to spend his or her last days and hours. If we genuinely believe in real equality, none of our people should be subjected to such a traumatic environment when at his or her most vulnerable.

I call on the Government to engage actively with the IHF in seeking to extend our palliative care services and supports to the whole of Ireland. It makes sense on every level to allow our people to die at home. The Government also needs to incorporate the foundation's design guidelines into any new hospital development. Let us give our dying the dignity they deserve.

I will conclude with an apt quote from the founder of the hospice movement in the UK, as cited by Senator Fitzgerald. The founder stated:

You matter because you are. You matter till the last day of your life. We will do all we can, not only to help you die peacefully, but to live until you die.

Minister of State at the Department of the Health and Children (Áine Brady): I thank Senators Mullen, Quinn and Ross for raising this issue and all Members who contributed to the debate. I acknowledge the intention of the motion proposed by Senators Mullen, Quinn and Ross and agree that we are not far apart. The Government proposed its amending motion to clarify the current position regarding palliative care and the level of the Government's commitment to it and to demonstrate the considerable progress made by all parties in the spirit of partnership culminating in favourable international rankings.

Palliative care, as defined by the World Health Organisation, WHO, in 2002, is an approach that improves the quality of life of patients and their families facing the problems associated with life-threatening illness. Ireland has a long tradition of involvement in palliative care and was the second country in Europe to recognise palliative medicine as a distinct specialty. In a recent report for the European Parliament, Ireland was ranked second after the UK for palliative care services in Europe. Ireland was also ranked fourth overall in Europe in a recent report, *The Quality of Death: Ranking end-of-life care across the world*, published by *The Economist* intelligence unit, a research and advisory arm of *The Economist* magazine.

The HSE has committed through its national service plan 2010 to delivering services within its Vote. Significant resources are provided annually by the executive for the delivery of services by a range of statutory and non-statutory providers. The investment being directed to palliative care allows for the provision of a wide range of supports, including specialist inpatient beds, other palliative supports in acute hospitals and the provision of community based services. These include 25 palliative care consultants and 26 home care teams nationally.

A number of speakers raised the issue of palliative care for children. In Ireland approximately 1,400 children live with life limiting conditions and in the region of 490 childhood deaths occur each year. Of childhood deaths due to life limiting conditions, the majority occur in the first year of life, with approximately 350 deaths each year. Palliative Care for Children with Life Limiting Conditions: A National Policy was adopted as Government policy on 15

December 2009. It provides a foundation on which palliative care services for children can be developed in the Republic of Ireland. The HSE is progressing phase 1 of this policy, the appointment of Ireland's first paediatric consultant with a special interest in palliative care and the appointment of eight outreach nurses, or two in each HSE region.

The palliative care services five year medium-term development framework was published by the HSE in July 2009. It describes the actions and initiatives required to address the gaps in palliative care service provision against the background of the recommendations set out in the 2001 report of the national advisory council for palliative care. It takes a patient-centred approach and ensures the unique needs of patients are addressed in a holistic manner. In line with recommendations of the strategy, the HSE has recently established an implementation and development committee to monitor progress in the implementation of the strategy at national level. The committee is chaired by the HSE and the membership includes representatives of organisations previously represented on the national council for palliative care, including the Irish Hospice Foundation and the Irish Association for Palliative Care.

The care of a person dying in a hospital is obviously different from that of a person admitted for other procedures. For example, issues of space and privacy may be more to the fore. In addition, spiritual issues may arise in complex ways, sometimes as much for family members and hospital staff as for the person facing the finality of death. A five year national programme, the hospice friendly hospitals programme, was developed by the Irish Hospice Foundation in partnership with the HSE and launched in May 2007 with the aim of ensuring high quality end-of-life care for patients and families by bringing the ethos of hospice care into hospital settings.

The quality standards for end-of-life care in hospitals were launched by the Minister for Health and Children in May and advanced as part of the hospice friendly hospitals programme. They aim to support and enhance the provision of quality patient-centred end-of-life care within all hospital settings, particularly in acute care facilities. They set out best practice on end-of-life care and have at their core the need for greater engagement by hospitals in issues of dying, death and bereavement. They are supported by HIQA which on 23 September launched a public consultation on its draft national standards for safer better health care. These standards will outline to the public, those who use health services and health care providers what is required for high quality, reliable health care services and describe what a good and safe service should look like. When the standards are finalised, HIQA will monitor compliance to assess how they are being followed in practice. In 2012 the authority will prepare for the commencement of licensing as the designated licensing body for all health care services.

I am pleased to announce that the Minister has recently decided to make available national lottery funding of €250,000 to enable the Irish Hospice Foundation to undertake, in conjunction with the HSE, the design and dignity challenge to fund small projects to enhance the physical environment of areas of hospitals relevant to end-of-life care. This money is additional to the €350,000 already awarded to hospice friendly hospital projects for 2009.

The Department, the HSE and the voluntary sector are actively involved in planning for the development of palliative care services in line with the recommendations of the 2001 report. The Irish Hospice Foundation and the HSE undertook an extending access programme and subsequently published the report, *Palliative Care for All: Integrating Palliative Care into Disease Management Frameworks*, in 2008. The report seeks to identify mechanisms, whereby those who have life limiting conditions other than cancer can ensure their palliative care needs will be met. It focused particularly on three life limiting conditions, chronic obstructive pulmonary disease, dementia and heart failure. Pilot projects are in operation to examine mechanisms of shared care in developing best practice models. The programme has also established links with other chronic diseases where the need for palliative care services at different times of the

[Áine Brady.]

disease trajectory is recognised. When they are fully under way, a steering committee will be established to guide, direct and co-ordinate the projects.

The report of the national advisory committee on palliative care recommends that bereavement support should be an essential part of all specialist palliative care programmes and offered in all specialist palliative care settings. All HSE regions have a bereavement support service at each of the three levels indicated in the report of the committee. In different hospice settings these bereavement services may include services of remembrance, bereavement information lectures, bereavement groups or individual bereavement support sessions and counselling. The distinction between end-of-life care and palliative care is becoming increasingly blurred. The World Health Organization now promotes a wider application of palliative care to make it relevant to all those with chronic illness and their families in different care settings from the early stages of illness.

The national standards for residential care settings for older people which were approved by the Minister on 17 February 2009 provide a blueprint for the provision of a higher standard of care in nursing homes. The standard of care provided in residential centres is measured against a set of understood criteria. All residential centres for older people, whether public, private or voluntary, are subject to the same core standards on quality and safety. A standard on end-of-life care is specifically identified. It requires that residents at the end of their lives continue to receive care which meets their physical, emotional, social and spiritual needs and respects their dignity and autonomy. The 16 criteria against which this standard is assessed require, among other things, that the resident's palliative care needs are assessed, documented and regularly reviewed; the resident's wishes and choices regarding end-of-life care are discussed and documented and, in so far as possible, implemented and reviewed regularly with him or her; every effort is made to ensure the resident's choice as to place of death, including the option of a single room or returning home, is identified and respected; the resident's family and friends are facilitated to be with him or her when he or she is very ill or dying and overnight facilities are available for their use; following the death of a resident, support is provided for other residents and staff; and staff are provided with training and guidance in end-of-life care as appropriate to their role. The standards are underpinned by the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009. The regulations, with those covering the registration of residential centres for older people, came into effect on 1 July 2009. Under the regulations, the chief inspector of social services who is part of HIQA registers and inspects all centres providing long-term residential care for older people.

Further developments have been made in end-of-life education and research through the recent instigation of an all-Ireland institute for hospice and palliative care. The combined efforts of hospices, health professionals and academics North and South intend to address end-of-life education needs and put a full research programme in place. The institute will come on stream later this year.

The overall thrust of Government policy on older people requiring care is to offer a range of supports to help them live at home and in their communities for as long as possible. Where this is not feasible, access to modern, high quality long-term residential care services is available. These packages can often include elements of a palliative care or end-of-life approach.

Anyone who has seen a family member or a close friend battle through the latter stages of serious illness will know the trauma it can be for the patient, families and friends. That person would also know of the support and encouragement which the members of a palliative care team provide. There is no doubt that the work of all those involved in the development and implementation of palliative care policy and the provision of services has brought hope and comfort to families and individuals.

The provision of quality care for people living with life-limiting conditions and for their families and carers requires a partnership approach between the statutory and voluntary sectors. It is this very strong partnership approach, which exists in Ireland, that has seen the country rise to the top ranking in Europe in the provision of palliative care services.

The distinction between end-of-life care and palliative care is becoming increasingly blurred. The World Health Organisation also now promotes a concept of palliative care for all with chronic illnesses, and their families, in different care settings from the early stages of disease. There is no doubt that there will be a growing demand for palliative care services as the population ages and life-prolonging treatments are developed further. There will be challenges ahead as services change and evolve to meet the needs of our society. Services will have to adapt and be more flexible in their use of funding while maintaining at their core the person-centred approach synonymous with palliative care.

Some facts are very clear. The majority of people will die while in the care of the health services, be it at home, in hospital or in long-stay care. The need for health care professionals and all those working in health care settings to have knowledge, understanding and sensitivity towards palliative patients is fundamental. The principles of end-of-life care and palliative care should be integral in the basic training criteria of all professions and those working in palliative care settings.

I will refer directly to some of the issues raised. Senator Feargal Quinn spoke about living wills and advance care directives. These issues are being considered by the Department of Justice and Law Reform in the context of mental capacity legislation. There is no legislation covering them and there are legal and ethical issues to be carefully considered.

Senator Ó Brolcháin mentioned primary care teams and palliative care. A HSE primary care national steering group for palliative care has been established recently to review and consider palliative care provision within community and primary care structures. This review will be based on a selection of ten existing primary care teams and will also consider the views of specialist palliative care practitioners, out-of-hours GP services and community pharmacies. On the issue of assisted suicide and euthanasia, there are no plans to develop policy and I assure Senator Walsh that there are no working or other groups formulating policy in the area.

I acknowledge the great work done by the voluntary sector in this area. Many of our hospices are run by this sector, together with an army of volunteers who tirelessly give of their time and of themselves to those who need them at this challenging time, including patients, families and friends. We also have an active voluntary sector which raises awareness and funds to support the parties involved, including the Irish Hospice Foundation. We owe a significant debt of gratitude to all concerned and I can give an assurance that the work is valued and appreciated.

It is clear from what I have outlined to the House that the Government's commitment to end-of-life policies is obvious. I assure the House that we will continue to work with the HSE and all other relevant stakeholders to develop further palliative care throughout Ireland.

Senator Rónán Mullen: Let me quote the following lines from James Shirley's "Death the Leveller" to emphasise that death is something which comes to us all and that the experience of seeing loved ones die is one we will all share:

The glories of our blood and state
Are shadows, not substantial things;
There is no armour against Fate;
Death lays his icy hand on kings.
Sceptre and Crown

[Senator Rónán Mullen.]

Must tumble down,
And in the dust be equal made
With the poor crooked scythe and spade.

There is a need to level at a high standard the quality of end of life care available in Ireland.

There is unity in the points of view being expressed on different sides tonight, although there is no unity of approach. I acknowledge the bona fides of the Government side and would have been willing to accept the Government's amendment with all that it contains, as credit should be given where it is due. However, what has been offered is an alternative rather than an addition to what is being proposed from the Independent benches. We are calling on the Government to develop measures to allow people to die at home rather than in hospital where that is their choice, with resources allocated in order that more can access comprehensive hospice services in the community. It should also ensure national guidelines are operational in all acute and community hospitals to address all key end of life care issues, etc.

The problem with old politics is that we must rub out what opposing factions propose and substitute our own version. There should be no problem in the Oireachtas with Members on all sides urging the Government to provide for the taking of action that we all recognise is required. In that context, I give credit where it is due. Other Senators have pointed out that there are good things happening. Notwithstanding what I said, it is the case that in many care settings efforts are made to assist, for example, to provide a single room for a person and so on. Much is done in many places, but this is about trying to ensure a high standard across the board. In that regard, we must admire the missionary spirit of the Irish Hospice Foundation, as the hospice movement is central to what is required in end of life care. What we see, particularly with the hospice friendly initiative, is a recognition that the spirit and practices that characterise hospice care must be replicated in other settings such as hospitals and in the home. A great tribute must be paid for the work being done to spread the vision and replicate the practices and spirit of the hospice movement and the work being done in conjunction with hospitals. In many places there is great receptivity to what is being proposed.

The Government is to be commended for supporting the hospice friendly programme and the Design and Dignity Fund. The making available of resources is such that improvements can be made in particular settings to end of life care facilities, which is to be welcomed. In the event that there is money to spare, unlikely as it might sound, it would be useful if we could look at the state of mortuaries, particularly at a time when there is emphasis on providing care for greater numbers in larger centres. It is clear that in some places such as Sligo mortuary facilities are very small and inadequate. Considering what people must experience when visiting mortuaries, it is important that there be a preferential option for end of life care. That explains my reluctance to pull back from the motion. The Seanad should state clearly what is required.

Dúirt mé níos luaithe go bhfuil sé tábhachtach a rá nach bhfuil sé toil gach éinne bás a fháil sa bhaile. Is í an méid atá á rá againn ná ba chóir go mbeadh sé indéanta bás a fháil sa bhaile, má tá sé sin á iarraidh ag daoine. Ba cheart dúinn a chinntiú go bhfuil cúram deireadh saoil ar fáil mar chroí-sheirbhís sna seirbhísí sláinte ar fud na tíre. Ní mar sin atá an chóras faoi láthair, áfach. Ba bhreá le go leor daoine bheith sa bhaile agus cúram deireadh saoil á fháil acu. Ní mar sin a bhíonn sé dóibh, áfach. Ní bhfaigheann ach idir 20% agus 30% de dhaoine cúram maolaitheach speisialtóra san ospidéal. Is féidir go bhfaigheann 25% de dhaoine bás leo fhéin. We have much to do to develop consistency across the board in the provision of end of life care facilities.

At this point I mention the excellent audit of end of life care services and the excellent standards achieved. One can consider about 18 recommendations made by the Irish Hospice Foundation and see the importance of providing for more planned admissions to hospitals. It should not be the case that 84% of those who die in hospital are admitted through the accident and emergency department when one considers how predictable cases are. That is one of the reasons cancer care services are so good relative to others: there is dialogue and planned admission, as well as single bed wards and programmes or procedures for end of life care in such cases.

“A lot done, more to do” is a discredited phrase but it summarises our position in the area of end-of-life care and on that basis I will press the motion. Even if I do not get Government support for it I hope the Government will study closely what was put forward in the motion from the Independent benches.

Amendment put:

The Seanad divided: Tá, 29; Níl, 21.

Tá

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

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

Níl

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.

Healy Eames, Fidelma.
McCarthy, Michael.
McFadden, Nicky.
Mullen, Rónán.
Norris, David.
O'Toole, Joe.
Ross, Shane.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Tellers: Tá, Senators Niall Ó Brolcháin and Diarmuid Wilson; Níl, Senators Paudie Coffey and Rónán Mullen.

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to.”

The Seanad divided: Tá, 29; Níl, 21.

Tá

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

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

Níl

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.

Healy Eames, Fidelma.
McCarthy, Michael.
McFadden, Nicky.
Mullen, Rónán.
Norris, David.
O'Toole, Joe.
Ross, Shane.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Tellers: Tá, Senators Niall Ó Brolcháin and Diarmuid Wilson; Níl, Senators Paudie Coffey and Rónán Mullen.

Question declared carried.

Business of Seanad

Senator Donie Cassidy: I propose an amendment to the Order of Business: that the motion regarding the Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2010 be taken now and conclude not later than 10 p.m. Spokespersons may speak for ten minutes and all other Senators for seven minutes, and Senators may share time by agreement of the House. The Minister shall be called upon ten minutes from the conclusion of the debate for closing comments.

An Cathaoirleach: Is that agreed? Agreed.

Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2010: Motion

Senator Donie Cassidy: I move:

That Seanad Éireann approve the terms of the draft scheme entitled Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2010, a copy of which draft scheme was laid before Seanad Éireann on 23 September 2010.

An Cathaoirleach: I welcome the Minister of State, Deputy Mansergh.

Minister of State at the Department of Finance (Martin Mansergh): This is a motion for a resolution to approve the draft statutory instrument entitled Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2010.

I emphasise to the House that this is not a new scheme. Rather, this draft statutory instrument amends the bank guarantee scheme introduced in December 2009, which is known as the eligible liabilities guarantee, ELG, scheme. The ELG scheme is different from the original bank guarantee scheme, the credit institutions financial support, CIFS, scheme, which was introduced in 2008 in order to maintain financial stability and which provided for a blanket guarantee of the deposits and liabilities of Irish institutions by the Government.

The ELG scheme is a more targeted and focused scheme than the CIFS scheme. It is more in line with the mainstream European model of bank guarantees and no longer covers dated subordinated debt or asset covered liabilities. Considerably higher fees are charged for the benefit of a State guarantee of participating institutions' liabilities. According to the latest data available to my Department, at the end of June, bank liabilities covered under the ELG scheme stood at €153 billion and the remaining liabilities covered under CIFS at the end of June were €103 billion.

The serious challenges faced by the Irish banking system and being addressed by this Government have shown the need for the State to underpin the funding position of our domestic institutions through guarantee mechanisms. The introduction of the 2008 CIFS guarantee scheme succeeded in stabilising a challenging liquidity situation for the Irish banks against a background of severe international financial turbulence which gave rise to a need for emergency interventions across the developed world. More importantly, it provided a necessary and vital support to the banking system as other measures to repair and renew the system were introduced. Measures such as NAMA, recapitalisation, stress-testing of the banks' ability to meet emerging international capital requirements by the Financial Regulator, reform of the institutional framework for financial services, and ongoing engagement with the European Commission on restructuring plans for individual institutions have been undertaken with the support provided to the banking system by the guarantee. The purpose of this has been to ensure that this country has a working banking system to serve the economy as it moves towards recovery.

The Government remains committed to planning for the gradual phasing out of the bank guarantee, as evidenced by the introduction of the ELG scheme late last year and the expiry of the broader CIFS scheme at 12 midnight tonight. However, in order to continue to support the stability of the banking system, this phasing-out process must be measured, incremental and responsible.

The ELG scheme introduced last December applies to newly issued or rolled-over debt or deposits. It enabled the banks to issue longer-term debt in an effort to improve their liquidity profile and, in return for continued taxpayer support, it imposed a higher fee structure on the institutions. I emphasise that, in contrast to some commentary about the guarantees provided by the State, the banks have contributed over €1 billion in fees in respect of the guarantee since September 2008. In order to provide an incentive for the banks to increase the term of their funding and issue un-guaranteed debt in line with European Commission guidelines in due course, today's proposed extension to the ELG will result in a further increase in fees for the institutions involved.

In response to the current crisis similar actions have been taken by other member states in the European Union. Countries such as Austria, Denmark, Germany, Poland, Spain and Sweden have all recently extended their guarantee schemes to the end of December. The European Commission recently estimated that crisis measures brought forward by member

[Martin Mansergh.]

states had been approved to an overall maximum volume of €4.1 trillion, of which guarantees accounted for over 75%.

I now turn to the draft statutory instrument before the House. It proposes to amend the eligible liabilities guarantee, ELG, scheme. Under the Credit Institutions (Financial Support) Act 2008, the approval of both Houses is required for such an amendment. The scheme allows the banks and building societies which joined to accept all deposits and issue short-term and long-term debt on either a guaranteed or unguaranteed basis. Institutions are able to issue debt and take deposits guaranteed under the scheme with a maturity of up to five years. However, these liabilities must be incurred within a limited issuance period that currently runs to midnight tonight, 29 September. The draft amending statutory instrument before the House proposes to extend the issuance period under the ELG scheme in order that it will now run from tomorrow, 30 September, to 31 December. While the opportunity has also been taken to rationalise and update the drafting of some provisions of the scheme, the only substantive amendment made by the statutory instrument is the extension of the issuance period to 31 December.

Senators may recall that EU state aid approval was granted on 28 June for the extension of the issuance period for most liabilities under the ELG scheme. At the time the Minister for Finance noted that he would continue to monitor market developments in the coming months. Given the challenging market conditions in recent months for banks internationally and following advice from the Governor of the Central Bank, the Financial Regulator and the NTMA, the Minister sought a similar extension to 31 December of the issuance window for the remaining set of liabilities under the scheme. The extension for these short-term liabilities was approved by the European Commission on Tuesday, 21 September.

The effect of these state aid approvals is that the end date of the issuance period is approved for 31 December for all eligible liabilities under the ELG scheme. The European Central Bank has also endorsed the extension of the scheme, the full extension of which will help to underpin financial stability and should assist the institutions to continue to access funding which should, in turn, support lending to the economy. The statutory instrument which I am presenting to the House gives legal effect to this time extension of the guarantee.

I reiterate the key terms of the ELG scheme and provide further detail on the terms of the amending draft statutory instrument. Following the commencement of the scheme on 9 December 2009, the six participating institutions and their subsidiaries joined the scheme on various dates in January and February this year. Any new debt or deposits incurred or rolled over after the date the institution joined the scheme are guaranteed under the scheme. The institutions which joined and are thus “participating institutions” under the scheme are AIB, Anglo Irish Bank, Bank of Ireland, the EBS Building Society, Irish Life & Permanent plc and the Irish Nationwide Building Society. Their relevant subsidiaries also joined and a complete list is available on the Department of Finance’s website.

The ELG scheme guarantees specific issuances of debt or deposits of up to five years incurred during the issuance period. Item 9 of the draft amending statutory instrument proposes to extend the issuance window end-date from 29 September to 31 December, by substituting a new paragraph 11.1(c). The draft amending statutory instrument inserts the new issuance period end-date of 31 December in a number of places. For example, item 7 — paragraph 3.1 of the Schedule to the scheme — provides that new eligible institutions have until 31 December to join the scheme, if they have not already done so. Under item 18 of the draft amending statutory instrument, the maximum end-date for the guarantee is now 31 December 2015 in respect of five-year debt issued before the end of the issuance period. The draft amending statutory instrument also updates the drafting of the scheme. The term “commencement date”

has been replaced with the actual commencement date of 9 December 2009, wherever it occurred for the sake of clarity.

Liabilities that may be guaranteed under the ELG scheme or “eligible liabilities” are deposits; senior unsecured certificates of deposit; senior unsecured commercial paper; other senior unsecured bonds and notes; and other forms of senior unsecured debt specified by the Minister for Finance and approved by the European Commission. I remind the House that the scheme provided that newly issued dated subordinated debt and asset covered securities were not guaranteed from 9 December 2009. This means that from tonight there will be no continuation of the guarantee for dated subordinated debt or asset covered securities. There is no change in the draft amending statutory instrument to the range of eligible liabilities. Item 9 of the draft amending statutory instrument simply rationalises the wording of the original scheme.

With regard to deposits, in particular, all on-demand deposits over €100,000 are guaranteed under the proposed amendments to the ELG scheme to 31 December. Furthermore, term deposits in excess of €100,000 can be guaranteed for a fixed term of up to five years, as long as the deposit is made before 31 December and the institution is a participating institution under the scheme on the date the deposit is made. The scheme provides that, if a deposit of up to €100,000 is covered under the EC deposit guarantee scheme, it is not also covered under the ELG scheme. The ELG scheme covers the excess over €100,000 or any deposit that does not qualify for protection under the 1995 deposit guarantee scheme. Furthermore, for the avoidance of doubt, the existing separate coverage of deposits up to €100,000 under the EC deposit guarantee scheme regulations is not subject to any end-date and continues indefinitely.

The participating institution must pay a significant fee to the Exchequer for the benefit of this guarantee. This fee is in line with and in certain circumstances surpasses the fees applicable generally for guarantee schemes approved by the European Commission. While the original fees associated with the ELG scheme were based on the pricing recommendations published by the European Central Bank in respect of guarantees of this nature and were consistent with the fees applicable to similar guarantees provided by other EU member states for their credit institutions, the fees that institutions are required to pay under the scheme increased for guaranteed liabilities incurred from 1 July, in line with the pricing structure outlined in the Commission’s staff working document on the application of state aid rules to government guarantee schemes covering bank debt. The additional pricing, in line with the Commission guidelines, ranges between 20 and 40 basis points, depending on the rating of the institutions concerned. The pricing is set out in the rules for the scheme at Annex 7. The July increase was in addition to the ECB pricing recommendations which provide that the fee for debt and deposits with a maturity of one year or less will be 50 basis points per annum. The corresponding fee for maturities exceeding one year is based on the median value of the banks’ five-year CDS spreads for a sample period, plus 50 basis points.

In addition to this significant cost for participating institutions, additional pricing will apply from 30 September for very short-term debt and short-term corporate and interbank deposits, that is, debt and deposits of 90 days or less, excluding retail deposits. The fees on these liabilities will be increased as follows: 20 basis points for liabilities incurred from 30 September; a further 20 basis points for liabilities incurred from 1 November, and a further 30 basis points for liabilities incurred from 1 December. The real effect of these changes to the pricing regime is that the average fee now paid by institutions under the ELG scheme is approximately ten times higher than the average fee paid by institutions under the original bank guarantee scheme when it was introduced in September 2008. The position at the end of August was that €730 million had been collected from the institutions in respect of fees for the CIFS scheme, while €296 million was collected in respect of fees from the ELG scheme. Thus, in less than two years, the Government has already reached the €1 billion target for guarantee fees. The yield

[Martin Mansergh.]

to the Exchequer in future will depend on a range of factors such as the maturity profile of the liabilities issued by the institutions and the extent to which institutions choose to make unguaranteed issuances, all of which depend on market conditions at a given time.

The ELG scheme provides for the same reporting and information requirements and restrictions on commercial conduct which are set out under the CIFS scheme, which are important in preventing any abuse of the scheme. Institutions under the ELG scheme are required to submit any reports or information which the Minister, the regulatory authority or the scheme operator believe are necessary to monitor compliance of the institutions with the scheme. In addition to the power to issue directions, the scheme contains enforcement provisions. The operation of the ELG scheme continues to be delegated to the NTMA, given its market expertise.

In summary, the extension of the issuance period of the ELG scheme to 31 December 2010 will continue to allow institutions to access funding, both short-term and longer-term debt, with the objective of helping to maintain the overall stability of the banking sector. It complements the broad Government strategy to restore fully the banking system and maximise its contribution to overall economic recovery. The relevant State authorities will continue to monitor the funding situation of Irish banks and the requirement for the guarantee going forward. We will revisit the requirement for the ELG scheme in consultation with the European Commission and the ECB, in advance of the current deadline of 31 December, and judge the need for an extension on the basis of market conditions at that time and the specific funding position of the Irish institutions, having full regard to financial stability matters generally.

I commend this scheme to the House.

Senator Liam Twomey: The first question everybody in the House would like to have answered is what the Minister intends to do in 13 weeks if he intends to extend the scheme six days after Christmas. Will that be done around budget time or will there be another emergency session of both Houses after Christmas to extend the guarantee? Why was that date picked since it is during the holiday period?

Our party spokesperson on finance, Deputy Noonan, has moved an amendment in the Lower House, which calls on the Government to introduce legislation to provide for a bank resolution system that gives the Central Bank the power to wind up a failed bank and to negotiate with subordinate bondholders. Fine Gael cannot support an extension to the bank guarantee scheme as outlined by the Minister of State unless this amendment is accepted because it would strengthen the legislation underpinning the statutory instrument. I would appreciate the Minister's comments on that when he responds.

Fine Gael also has serious reservations about the quality of information provided by the Minister for Finance in the past to gain support for such legislation from the party. We know the guarantee was necessary two years ago and we know we need a functioning bank system because it is vital to the economy but, at the same time, we must also protect the interest of taxpayers. We have witnessed how they have been hammered over the past few years because of poor policy decisions on the part of the Government.

We do not know whether the Minister is giving us the full facts on this occasion. The Minister made persuasive arguments on the night the original guarantee in 2008 was introduced and stated the banks only had a liquidity problem. It transpires he was bluffing because he did not know the full facts. The problem was not only liquidity but also solvency. Many people have lost trust in the Minister because of what has happened during the banking crisis and the way he has presented himself at times. He bluffed his way through that night in 2008. He has continued to state that he did not know everything, that it was not his intention to mislead the

House and that the banks misled him. There has not been much clarity about these issues in the intervening period in the context of people taking responsibility and taking the consequences for that lack of honesty. I have always given the Minister credit for being a first class communicator. The jury is still out on whether he is a first class Minister for Finance given the way these issues have been dealt with. His failure to obtain the full facts and his self-assured presentation of facts on that night masqueraded as fiction because he did not know them and that has cost the country billions of euro. We need to be certain that what we are standing over now is the truth.

The Government has lost credibility with the people but that does not compare with the loss of credibility the country has experienced abroad. While I acknowledge this has been painted differently, when the Central Bank Governor returned from a visit to Asia he was seriously worried because the further he moved away from Ireland and Europe, investors had more serious concerns about our economy. That concern also exists within the European Community. Ireland is a small, open economy but it only comprises 1% of the European economy and 2% of the eurozone economy. Sometimes living in our own little bubble in Ireland, we overinflate our own importance and what we are doing. We do not matter that much. International journalists have printed negative remarks and international investors have rapidly lost confidence in us. That is why the State is paying such a wide spread for borrowings in comparison to German Government bonds. One of the ways to prevent this happening is to ensure there is a sense we are telling the truth all the time and when we have been misled to ensure that is dealt with ruthlessly by the Government. The Director of Public Prosecutions has not brought charges against anybody and nobody has paid a harsh price for what has happened to our economy over the past few years. That needs to be cleared up by the Minister.

It is now known that Anglo Irish Bank was insolvent days before the blanket guarantee was passed in both Houses of the Oireachtas. The bank's managers offered the keys to the bank to Bank of Ireland, which refused them. In the close knit world of banking and politics, we are told no one felt the need to tell the Financial Regulator, the Governor of the Central Bank or the Department of Finance about this. Is it credible that when one bank approached another bank with its keys and asked to be taken on and the latter bank refused, nobody outside the circle in the small banking world in Dublin would have gotten wind of this? That is unbelievable. Patrick Neary, the former Regulator, who seems to have taken most of the flak for what happened regarding the regulation of banks has not spoken much publicly about his position but he has been undermined as a credible regulator and he has been shown up to have been incompetent and weak in his role. Was the environment in which he was asked to work made to not work in the first place? The Holy Grail of economics at the time was light touch regulation and perhaps this was part of it. There is a need for Mr. Neary to give his side of the story.

What was the role of the Central Bank Governor at the time? He was not from outside with the excuse that he did not know much about what was happening. He was a former Secretary General of the Department of Finance when the Taoiseach was Minister for Finance and he was appointed Governor by Deputy Cowen. It was a small group of people who were also politically connected yet we are supposed to believe that the Minister for Finance did not know that Anglo Irish Bank was insolvent when he asked us to vote for this. These are some of the facts that have emerged since the bank guarantee was passed by both Houses of the Oireachtas.

It also transpires from the report produced by the Governor of the Central Bank, Professor Honohan, that lower ranking officials within many of these organisations appear to have highlighted concerns but these seem to have got lost the further up the chain they went. These are matters that must be answered clearly by the Minister if we are to do what we say repeatedly in this House, that is, restore our international credibility and prove to the rest of the world

[Senator Liam Twomey.]

that we take financial regulation seriously, both in the present and in the past, and that we intend to ensure it is the case for the future.

The Minister, Deputy Brian Lenihan, was asked specifically by Deputy Michael Noonan in the Lower House if he believed there was an issue of solvency involved. The Minister replied: “I have made it clear throughout discussions on this subject that the central issue confronting the Government last Monday evening was the liquidity of Irish banks, not the question of solvency.” There is plenty of evidence that two years ago that the Minister was of the belief that this issue was not as big as it later grew to be. On Committee Stage of the legislation in this House the Minister was complimented on spending so much time in the House discussing the legislation. I tabled an amendment to provide that any loan or other moneys provided directly to a credit institution under the legislation should not exceed €10 billion. I corrected the amendment by saying that I did not mean €10 billion for any individual institution but that no more than €10 billion in total should be given to banks to bail them out. It is interesting that the Minister responded that it was not his intention or that of the Government to spend €10 billion on the Irish banking system.

There is a sense that perhaps the wool was pulled over the Minister’s eyes. We did not get the full truth at the time. The Irish taxpayer is paying a big price for the hubris of many of the people, including Ministers, who were responsible for this disaster. It is time to get straight answers to the questions from the past so we can be absolutely positive the Government is fully committed to sorting out this problem. We must also ensure the people who were responsible and who did not do their job in the past pay the price for that.

Senator Marc MacSharry: I formally move the suspension of the House for ten minutes.

Acting Chairman (Paschal Mooney): Is that agreed?

Senator Liam Twomey: I thought there was a provision whereby if the Minister is in this House——

Deputy Martin Mansergh: The Deputy’s party is not according a pairing arrangement so that does not apply, unfortunately.

Sitting suspended at 9.05 p.m. and resumed at 9.15 p.m.

Senator Marc MacSharry: I join Members in welcoming the Minister of State. I am pleased to have the opportunity to make some brief points on the Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2010. Recent years have been difficult for Ireland and the House will have substantial time tomorrow to debate various aspects of the performance of the economy, the future, what we think has been done wrong or right and what else needs to be done. The Minister of State has dwelt in some detail on the technical aspects of the motion. We are aware that the blanket guarantee ends tonight. The new amended scheme will guarantee all deposits until the end of December. It does not cover bonds. Longer-term bonds are already part of an extended liability guarantee scheme. The European Commission has approved this scheme, stating it is an adequate means to remedy a serious disturbance in the economy and, as such, is compatible with the special state aid rules put in place at the beginning of the global financial crisis. This has been borne out by Professor Honohan’s report. Many people have been quoting from his report and the fact there was an obvious substantial need for a blanket guarantee at the time. According to the report, had we not done this, our banks would have run out of money within a matter of days and would have been forced to close

their doors. The closure of all or a large part of the banking system would have entailed a catastrophic, immediate and sustained economic disruption.

Professor Honohan gave his opinion on the extent of the guarantee and other academic economists would have said it was too vast at that time. It is easy for academic economists with the benefit of hindsight to say we could have allowed a potential default to have taken place but I am pleased to echo the sentiments of the Minister for Finance, Deputy Brian Lenihan, the Minister of State, Deputy Mansergh, and others in recent days that default is effectively unthinkable and would do nothing to enhance our reputation abroad.

I refer to the recent comments by an eminent former European Commissioner, Peter Sutherland. He commented on the *Financial Times* article which sparked much debate by saying that its comments were flawed in theory and very dangerous. He said that the amount that could be saved by a default would be very limited, perhaps in the region of €5 billion. He suggested that such a move by a country as small as Ireland and with such an open economy would surely precipitate a funding crisis for both the sovereign and the banking system as a whole.

While there has been much debate about why a blanket guarantee was issued two years ago, the main reason for doing so was to ensure the banks had access to funding in the world markets. The Minister, Deputy Brian Lenihan, was asked specifically by Deputy Michael Noonan in the Lower House whether he believed an issue of solvency was involved and this point was made by Senator Twomey. The Minister was focused very much on the fact that it was an issue of liquidity. All of the debate on 29 September was on the fact there were serious difficulties with liquidity in Anglo Irish Bank. It did not become clear there were major flaws in the capitalisation of the bank until further investigations and reports examined the situation in more detail, such as that by PricewaterhouseCoopers. At the time the Minister and the Government were not appraised that the issue was primarily one of solvency or capital. Deputy Noonan may have said there was anecdotal evidence to the contrary but we can echo the Minister's comments in the Lower House that if anyone has information suggesting there was a deliberate attempt to provide incorrect information at that time, the information should be brought to the Garda Síochána as a matter of the utmost urgency.

Default is not an option. I attended a meeting of the Joint Committee on Finance and the Public Service last week. One would presume the Opposition wishes Ireland to be a test case for default. I do not know if Senator Twomey was in attendance at the committee meeting. The Minister said there seems to be a school of thought among some academic economists and elements of the media that defaulting is a good thing to do and that we should see how it will pan out for Ireland. Quite rightly, the Minister made crystal clear that Ireland is not prepared to be the test case so the world can assess whether default can happen without a detrimental impact. Peter Sutherland highlighted the impact would be detrimental.

In response to the amendment proposed by Senator Twomey, the Minister made it clear that, while the amendment will not be accepted, a statement will be made on this issue tomorrow. While one cannot default, one can negotiate. I expect there will be some movement possible on the €2.4 billion of dated subordinated debt.

I support this extension of a net three or four months. In response to Senator Twomey's point, we are hopeful that the banks will then be in the position that they do not require this guarantee to secure funding. We must deal with issues over the next two days, including Anglo Irish Bank. Perhaps there will be some indication on AIB because once the Anglo Irish Bank situation is finalised, in terms of the unacceptable, intolerable, maddening overall cost of Anglo Irish Bank, we must focus on AIB. While we had encouraging signs in terms of raising capital through the sale of its Polish interest, perhaps there is some disappointment at the breakdown

[Senator Marc MacSharry.]

in talks with Banco Santander and other interested parties in its US operations. As soon as we have more clarity on Anglo Irish Bank, tomorrow afternoon, we must consider AIB.

With two senior bidders for the EBS — Irish Life & Permanent and a consortium of private equity players, including Cardinal Asset Management, there are grounds for some optimism in the endorsement by international equity players in the banking strategy here. It displays confidence in the future. Over the next number of weeks, it is of vital importance that we display this to the world, which had expressed such confidence through the markets in the measures taken here in terms of fiscal rectitude, trying to rehabilitate the banking system, facing up to the difficult mistakes made in the past and capitalising the banks with the establishment of NAMA. We need to reassure the markets of our determination to deal with these problems in an authoritative and definitive manner. Following the work of the next couple of days, we must ensure various personnel from the NTMA, the Central Bank, the Minister for Finance, Deputy Lenihan, and the Minister of State at the Department of Finance, Deputy Mansergh, engage in an international roadshow to assure the markets we are capable and determined to deal with these difficulties in a decisive manner.

Senator Twomey mentioned that no one has been arrested or prosecuted with regard to the mess we are in. We have due process in this country and I am confident due process will provide us with the pound of flesh we require to satisfy the justifiable anger we saw when a man tried to drive through the gates of Leinster House this morning. I do not condone it but I understand it because we must provide the public with some peace of mind in that regard. That may involve a change in legislation and some change in the law. It is unacceptable that frightened old age pensioners are watching television in the evenings and hearing that if they do not pay their television licences they could face a jail sentence or a substantial fine while in the next news bulletin we see major players in this mess arriving back in Dublin Airport from a family holiday. I agree with Senator Twomey that it must be addressed.

I fully support the guarantee. It continues to be another step in the right direction. Tomorrow will be a big day in the context of the banking situation, bringing closure and certainty to the Anglo Irish Bank situation. There is more to be dealt with in AIB. I am confident that, with the Minister ably assisted by Deputy Mansergh and others, we can achieve that.

Senator Shane Ross: I find this motion very difficult. When we deal with these issues in a piecemeal fashion, this type of motion and debate leads to a further loss of confidence by the global markets. I do not mean that the debate should be suppressed. The fact that it is temporary, that we do not know how long it will last and that we do not know what will happen tomorrow leaves us in an odd situation when debating. I always felt, and I feel more strongly now, that the better route would be to nationalise all the relevant banks initially. I still feel this would be a better solution because this proposal is presented, rightly or wrongly, as a temporary carryover of the problem that is Anglo Irish Bank. Anglo Irish Bank is the lead problem in the world markets and something bondholders see as threatening the economy, the Government and the solvency of the State. That may or may not be true. To ask us to vote for this in a vacuum is unreasonable. Had matters been addressed in a different order and we were given the detail yesterday that we will be given tomorrow, it may have been a reasonable request. When the nation, experts, politicians and commentators are in the dark about whether the figure will be €25 billion, €35 billion or higher, asking us to guarantee the bank in question is absurd and insulting. It will be passed but we should be armed with the information necessary so we can decide, perhaps not in an informed or educated way but in a way that is reasonable, whether it is worth the price. There is at some stage a point at which one says “To hell with it, let’s default.” There is at some stage a point at which it is too expensive and at which the

credibility of the nation is not worth it. I would have thought that if we were to nationalise all of the banks, it would remove the extraordinary market uncertainty. The question being asked is whether the Government is going to let Anglo Irish Bank go. The Government continually states it is not going to let it go in order to reassure the markets, but I suspect the proof would be if it was to state every bank in Ireland would be nationalised.

The bondholders have a point. They look at the behaviour of the Government and make cold judgments. They are not sentimental or patriotic judgments. They are saying the situation is dire and that perhaps one of the banks will default or be allowed to do so by the Government. The problem being signalled by the dogs in the street and in the markets is not that Anglo Irish Bank is a basket case and beyond redemption, as now acknowledged by the Government because it is going to wind it down, and not just the price of Anglo Irish Bank — if that was our only problem, that would be okay — but that the next pillar to wobble will be AIB. The Minister knows perfectly well that AIB has sold its Polish subsidiary. It has a problem, as Senator MacSharry said, with Santander. I did not know that, but if it is true, it may sell it for a good price. It may also sell its British branches and a few other bits and pieces for a good price, but that will still not solve the problem of AIB. The next thing it will have to do is expose itself to the market, after which it will have to have a rights issue. No one in his or her right mind would subscribe to a rights issue in AIB. There is not a hope in hell of it getting a rights issue away. Bank of Ireland did and all credit to it, but its rights issue occurred in very different circumstances when things were not looking nearly as bad and market sentiment was very positive. It brilliantly exploited a window of confidence in the economy, but that is now lost. It has disappeared. The next thing that will happen is that AIB will fall short of what is required of it in terms of recapitalisation and when that happens, there is only one place from where the money is going to come from, namely, the taxpayer. As sure as night follows day, that is going to happen. The Government is going to bail out AIB next. There will then be all sorts of questions, perhaps not identical to those relating to Anglo Irish Bank, as it is not as bad and there are not as many colourful peripheral stories attached to it, but AIB will next be under threat. It will be majority owned by the State and identified with it. Would it not be far simpler if the State had moved in and taken the lot? If the speculators want to take on anybody, they will have to take us all on and take out the sovereign nation. There is no uncertainty. None of the banks is going to be allowed to float on its own, abandoned. That way we might have some chance of rescuing not just the banks but also the State.

It will depend to some extent on how the State has managed the nationalisation of Anglo Irish Bank. This raises serious questions. On many occasions I have asked what on earth the Government has been doing in appointing various directors with political pedigrees which stand out a mile or flawed banking pedigrees in a way anyone could have pointed to in advance. There have been some rather strange appointments already this week, with the appointment of Mr. Jim O’Leary, a “respected” economist, to advise the Department of Finance. I know and like Mr. O’Leary, as do many others in the House, but he was a director in Allied Irish Banks at the exact time the property frenzy was taking off. He and Mr. Gary Kennedy, recent key appointments by the Government to very delicate positions, were both members of the board of AIB when it was lending money hand over fist to property speculators. Why on earth has the Government chosen as one of the chief advisers to the Minister at this crucial time someone with that record to advise him? I cannot understand it. He may have wonderful ideas about many things, but a host of independent economists with equally good qualifications would undoubtedly have taken the job who do not carry the albatross of having been at the coalface at the time.

I read of another appointment in today’s newspapers. Mr. Pat O’Mahony is one of the advisers to Mr. Nyberg who is investigating the banks. Most will not remember him, but he

[Senator Shane Ross.]

was head of the branch network in AIB at a very delicate time. If the Government is going to nationalise the banks, it will have to look at the pedigree of those whom it appoints. I worry about one thing above all else, namely, that the bankers are not reforming and that they are retrenching. They are retrenching with the co-operation of the Department of Finance. That is not a serious charge, but there is anecdotal evidence to back it up. It seems to be unreasonable, therefore, to ask us to give a guarantee to Anglo Irish Bank and the rest of the banks at a time when the Government is not taking the confidence measures necessary to help and that might make the guarantee unnecessary.

Senator Dan Boyle: Given that the Minister of State is to speak ten minutes before the end of the debate, there may not be two full speaking slots. I suggest——

Senator Marc MacSharry: We will extend the time available for the debate.

Deputy Martin Mansergh: I will hear Senators out.

Senator Dan Boyle: I thank the Minister of State for his co-operation in that regard.

The installation of the bank guarantee two years ago was accompanied by much political comment about the certainty that it would cost the State €400 billion. While that might pass for normal politics, it has helped to inform much of the misuse of figures we have seen since. It is also true that the report of the Governor of the Central Bank on the banking crisis pointed out that while the bank guarantee was the correct instrument to introduce for the right reasons, the way it had been introduced was probably too broad in its application. I do not believe he imputed any political charge in that regard. The situation two years ago was so serious that the Government was required to take immediate action. For the most part, the guarantee has been a successful instrument.

Members might remember that the reaction from other jurisdictions was violent towards it in the opening weeks until many of those same governments decided to replicate the measure in their own systems. The Minister of State has pointed out that many of them have since renewed their bank guarantee schemes, which puts an onus on us to extend the time period in which ours should be considered. The amendment has also been informed by the observation made by Professor Honohan in his most recent report that it must be a different type of guarantee. The necessary measures have been taken.

That said, it is fair to say about the unacceptable spiralling costs of Anglo Irish Bank and its debts that the existence of the bank guarantee and the way in which NAMA as an organisation worked very well within its remit in properly costing the loan book of Anglo Irish Bank has led us to the situation where the figure we will see tomorrow, while it might not surprise at this stage, is well in advance of the figures that many of us had been anticipating two years ago. It is an unacceptable figure. It is a period of Irish history on which we will look back with no great fondness and a great deal of horror in terms of the individuals and institutions whose reckless behaviour brought us to this situation.

Government policy has been founded on the basis that if this situation is not sorted out, the access to borrowing which we need because of our public expenditure crisis and the long-term cost at which that money is borrowed would spiral out of control. While some might look at current rates and argue that this might not seem on the surface a particularly successful policy, it is fair to say also that the current spiralling of the interest rates has much to do with an expectation within the markets that the bondholders in institutions such as Anglo Irish Bank may not get the money they put into those institutions in the first instance. The Minister has gone to great lengths to ensure the debts this country has incurred will be met. In putting in

place a new guarantee, the question of people who provided bonds on an unsecured basis — the subordinated bonds — and the ability of even the senior bondholders to work towards the resolution of institutions such as Anglo Irish Bank is something we must now consider. I am confident that through institutions such as the European Central Bank, this is something that will be actively considered.

We must take on board the key lesson of Professor Honohan's observation that we cannot have an open-ended approach to this problem. The cost we have been asked to bear as a State has been too large and cannot be open ended. The difficulty with the use of this instrument and others is that within weeks, this action deciding what will happen with the debts that have been incurred and which were covered by the previous guarantee, the announcement of the total cost of Anglo Irish Bank and how that cost is likely to be met, and the budget in early December will probably constitute the most crucial economic period this country has faced in decades. I ask all Members when considering the approval of this motion to bear in mind that there is a shared political responsibility among all in political life to ensure instruments such as this have their desired policy goal because if we move offside in reaching the targets that are hoped to be gained under this policy while at the same time trying to cover our public expenditure crisis, the situation which is causing further doubt may become an impossible situation.

Like Senator MacSharry, I believe this is a situation that can be and will be overcome. It will not be overcome by sugar-coating the seriousness of the situation, nor will it be helped by people who want to play pure politics with it. This is a situation that will require resolution over a long period and will require a degree of political consensus that, sadly, has been lacking to date. We must give a qualified welcome to extending this guarantee. I look forward to a time when the benefit of having such a guarantee in place will at last see us with a more stable economy and a banking system in which we can begin to believe again.

Senator Alex White: It is not irresponsible to oppose, to test government policy or to seek to amend it. The opposition at any period of a country's history performs a major task for the body politic, to which Senator Boyle refers, precisely by being in a position to test, criticise, query and, if it judges it to be appropriate or necessary, oppose. It is for a government to ensure its policies are sufficiently well argued in public and in parliament and that it has sufficient support among the members of a parliament to get those policies through. Opposition parties must exercise a sense of responsibility and, especially at moments such as this, restraint in how they present their arguments, marshal their arguments and participate in the debate. I do not disagree with that for one minute.

I do not believe we have time at this point to rehearse all the arguments that were gone through in the days and weeks after 29 September 2008. I assure the House, including Senator Boyle and others, that at all times the position taken by my party, then and since, has been motivated by no other objective than the interest and common good of the country. The fact we took a different view and opposed a proposal brought forward by the Government does not and should not in anyone's eyes lessen in any way or suggest to anyone, either in this House or outside, that a political party that takes an opposite view is somehow offside, cannot be relied upon or is in some way undermining the common good. The opposite is the case.

We do not have time to deal with or go back through all the arguments we had then. Some of them have been touched on because they are still live and relevant. That is the basis upon which the guarantee was presented at the time and the basis of the claims that were made for the guarantee. Senator Boyle says it has been very successful. I do not know how it is possible for anyone to say it has been successful. While it would be difficult for me to say definitively that it will historically be proven to be unsuccessful, I do not know how Senator Boyle can say

[Senator Alex White.]

it has been successful because it will not be possible to pass that judgment for many a long year from today. I can understand him defending it but to suggest it has been a success seems contingent on many different things that lie in the future such that it is not possible to make the point.

At the time of the original guarantee legislation in regard to which this proposal is an amendment, the Minister, Deputy Brian Lenihan, stated:

There is understandable concern that the Exchequer is potentially significantly exposed by this measure. This is not the case. The risk of any potential financial exposure from this decision is significantly mitigated by a very substantial buffer made up of the equity and other risk capital in the relevant institutions. It is estimated [he does not say by whom] that the total assets of the six financial institutions concerned exceed their guaranteed liabilities by approximately €80 billion, which is half of Ireland's total GNP. By any measure there is, therefore, a very significant buffer before there is any question of the guarantee being called upon.

I note the narrative has moved in recent days and weeks in the view of Ministers and certainly former Ministers, such as Deputy O'Dea, and I saw the Minister of State, Deputy Curran, nod his head when someone made the point that the banks had lied to the Government. It may well suit the Government that the narrative now becomes "the lies the banks told the Government". It may be that lies were told and that the Government can somehow seek to portray itself as being blameless in that regard and being the hopeless victim which has been misled.

However, this cannot be the end of the story for any responsible government that has the experience of managing government for as many years as this Government does. As to the level of supervision of banks and financial institutions in which it was engaged, what information flow did it insist on having? To turn around and claim the banks told it lies is ludicrous. What level of monitoring was there? Surely any government in any situation——

Debate adjourned.

Business of Seanad

An Leas-Chathaoirleach: In keeping with the order of the day, I ask the Acting Leader to extend the time.

Senator Marc MacSharry: I propose an amendment to the Order of Business to extend the time until 10.15 p.m.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2010: Motion (Resumed)

Senator Alex White: I will keep to my time. I have five minutes more.

An Leas-Chathaoirleach: That is right.

Senator Alex White: Innocent children are being lied to. There must be some level of judgment that a government can exercise or is required to exercise when it is told something by a financial institution rather than simply accepting it.

Senator Ross made another point. Even if we were to go along with the notion that the Government and we were lied to, how could it ever speak to those people again, if I could

maintain the schoolyard approach to it? If people lied to it on such a spectacular basis and it was misled, how could it have any business dealing with any of them at any stage ever again, given that the implications of the lies are significant? It is beyond belief that a Government would consider maintaining a relationship with any of those individuals. What precise lies were told and have those people been asked about where they got the information about their institutions and why they believed imparting such spectacularly false information regarding their capital situation could be so easy?

I do not have much time. The proposal before the House is a net one. It does not re-open the scheme for debate, although it gives us an opportunity to touch on all of the issues relating to the guarantee and, when they have the time, Senators will grasp the opportunity to have that debate. It is about the extension of the time period. There are some other changes, but the only one of substance relates to the time period. I am right in that. If so, and I ask the Minister of State to address this issue if he has a chance, it is remarkable that nowhere in his speech from what I can see, with the possible exception of one reference, or in the speech of the Minister for Finance in the Lower House was a rationale given for the net issue of the three-month extension. Why is it three months and not two or four months? What is the necessity for the extension? I am not asking about the necessity for the guarantee, since I know the answer and we have had that debate. Somewhere in his speech, the Minister of State referred to the need for flexibility, but nowhere in it——

Minister of State at the Departments of Finance and Tourism, Culture and Sport (Deputy Martin Mansergh): It has been the standard EU extension for a number of states. I mentioned this.

Senator Alex White: We are doing it because the others have done it. That answers it.

Deputy Martin Mansergh: We are following the standard, is the answer to the question.

Senator Alex White: If that is the rationale, it is quite limited. It would have been nice had it been explained to the Irish people. We are simply doing it because 12 other countries have done it. When did we know they would do it? Did we know before the Houses took the break and, if so, why were we not told?

Deputy Martin Mansergh: On 21 September.

Senator Alex White: Why has the Minister of State not expressly stated that the reason we are extending the guarantee is because those other countries have done so? He did not state it.

Deputy Martin Mansergh: It was on the bottom of page 5.

Senator Alex White: He stated that the “phasing-out process must be measured, incremental and responsible”. He might assist me as to where the section is precisely.

Deputy Martin Mansergh: At the bottom of page 5.

An Leas-Chathaoirleach: Senator Alex White has one minute remaining.

Senator Alex White: According to the Minister of State, “the Minister sought a similar extension to 31 December”. It is the same point. The Minister is telling the Houses that he is doing it because others are doing it. A debate in which we stepped outside the notion that we should do something because other countries do it would be nice. Had we debated the precise reason these decisions were being put to us, it would have made matters clearer and been of more

[Senator Alex White.]

help to the House. I am reading the Minister of State's speech as I speak. I do not see the sort of clarity he claims it contains. It is not headlined.

Senator John Hanafin: I will be brief because I realise others are anxious to speak. I am conscious we have been asked why we criticise those who object to the scheme's extension. We were looking at a different situation two years ago. We did not know whether we would have a viable banking system in the morning. We sat all night and did our duty correctly.

The debate showed a major fracture between the Opposition parties on a fundamental issue. At a later stage, they must explain what they would have done in government. Would they have acted responsibly or broken up on this issue? I raise this matter because the State has been repaid more than €1 billion in fees for the guarantee and institutions that we did not know were viable are now capitalised. For example, Bank of Ireland has raised more than €3 billion in capital today on the stock market.

Senator Liam Twomey: What about Anglo Irish Bank and AIB?

Senator John Hanafin: AIB has raised more than €1 billion. If Senator Twomey wishes to speak for Fianna Fáil, he should go ahead, but I am prepared to do so at the moment.

Senator Liam Twomey: I would like to hear the Senator's views on AIB.

An Leas-Chathaoirleach: Senator Hanafin without interruption. We are short on time.

Senator John Hanafin: I will go through the list. AIB has raised more than €1 billion, Irish Life & Permanent has raised €379 million and EBS has received offers from five companies, with Americans prepared to pay up to €850 million to buy into it. Two other institutions are causing considerable difficulties and will see their assets transferred to the National Treasury Management Agency, NTMA.

Tomorrow, we will know the depth of what is due, but we hope the facts will not be misrepresented. The House saw misrepresentation when it heard that an increase in interest rates to 7% would be unsustainable. Let us and the media be clear, in that what we had in the 1980s would eat what we have now for breakfast. Unemployment was at 18%, inflation was at 22% and interest rates were at 20%. That was a deep recession.

We took early and immediate action that was copied throughout Europe. It has served the State well. It was necessary and proportionate. We are winding the guarantees down at full value, with shares in the banks, with full payment secured and €1 billion already in the bank. The scheme is serving us well, but we are winding it down appropriately. The action we took was necessary and correct.

Senator David Norris: I will also be brief in my remarks, as I understand we will have a further opportunity to discuss the economy in general terms tomorrow. I am concerned by this instrument and was concerned when it was introduced two years ago. I am unsure, but I have a feeling I voted against it. I remember asking about the extent of our possible exposure. I also asked what our GNP was. The debts we underwrote were twice what the country earned. That was madness. Even on a personal basis, one's finances would not sustain it.

Senator Hanafin, for whose opinions on economic matters I have a certain degree of respect and who spoke effectively this morning, pointed to a period some 25 years ago in the 1980s and claimed it made nonsense of the statements in the House to the effect that 7% was an unsustainable figure. It may not be unsustainable in strict logical terms, but it is insupportable morally. Why are we at three times the rate of Germany if, as many economists state, the

fundamentals of our economy are sound? Apparently, it is because of market sentiment. I would like to consider this market idea. We are always told that market forces must prevail. If one has a house and takes the financial gamble of taking out a mortgage but is unable to repay it, one loses the house. Several Members on all sides have spoken effectively and movingly about constituents of theirs, people in their localities, who have been placed in this situation because market forces prevail against the small person. Sentiment apparently dictates to the market. That sentiment, in turn, is dictated by what I call, with the privilege afforded to me in this House, a criminal conspiracy. I am speaking about the ratings agencies. I ask the Minister of State to discuss with his colleagues in government and elsewhere in Europe whether it is possible for the economies of the European Union to band together to take on these agencies which have consistently got it wrong. They were involved in the toxic bundles and got it wrong in the cases of Enron and Greece, but still they have the impertinence to attempt without a scientific basis to dictate the interest rates this sovereign state pays.

As I stated this morning on the Order of Business, I do not approve of violent physical attacks on the Houses of the Oireachtas, but I understand the anger felt by the people. Senator MacSharry spoke very effectively about accepting what has happened and moving on. I was thrilled to hear his rallying call, but we must also recognise the mistakes made in the past. I look to Iceland, the former Prime Minister of which is about to be charged with a criminal offence. Nothing like that has been done here. Certain people can hive off millions of euros into their wives' accounts, while others are losing their houses. That is not acceptable.

I recall the comment made by Mr. Gerry Adams to the effect that the IRA had not gone away. The money has not gone away either; it has not evaporated. Somebody made a profit and is sitting on a nice pile of cash. In the past two years the transfer of wealth from the poor to the rich has been the greatest I have seen in my life and I will continue to express my doubts until somebody responds to them. Anglo Irish Bank should be allowed to fail because we owe nothing to the secured bondholders and corporate gamblers. However, I was told by the Minister for Finance that this could not be done because of our reputation and that the bank was of systemic importance. That means the system is considered to be more important than the people, a form of financial idolatry. We should take the opportunity to challenge the system because otherwise we will be left with what I described this morning as the Leona Helmsley effect. It is becoming true that only the little people are being pickpocketed to pay the bills. I listen with respect to those who are more versed in the economy, but I also understand the anger of the people and believe it is morally justified. We continually speak about market forces and moral hazards. Let us see these practiced universally rather than solely against the vulnerable.

The tragedy of these vast figures is what could have done with them for the welfare of the people. Earlier we held a debate on hospice care. An old friend of mine died last week after being dropped while on the way to the lavatory because of insufficient help. People are dying because of the lack of investment, but money is going into the pockets of the rich and the corporate gamblers. I am against this happening.

Minister of State at the Departments of Finance and Tourism, Culture and Sport (Deputy Martin Mansergh): I thank all the Senators who contributed to the debate and acknowledge the spirit in which they spoke. It is perfectly legitimate to make critical points, as that is the essence of debate in a democratic House.

As the financial crises unfolded in the past two years, it became clear that solutions to the serious problems facing the international banking system would not be achieved overnight. However, the Government has taken significant steps to address the challenges facing the Irish banking sector and we will continue to take action, as appropriate, to ensure a return to a strong

[Deputy Martin Mansergh.]

and fully functioning domestic banking sector in the long term. To achieve the restoration of the banking system, it is vital that banks can continue to access liquidity in the current difficult market circumstances. To ensure this access, it is necessary to maintain the bank guarantee in its current form until the end of the year. Accordingly, the ELG amendment scheme introduced today amends the guarantee by extending the end date to 31 December. As has been pointed out, this is the only substantive change being made to the scheme and the other amendments simply rationalise and update the drafting of certain of its provisions.

I remind the House that the credit institutions financial support scheme will expire at midnight and that any asset covered securities and dated subordinated debt covered under the scheme will no longer be guaranteed from that time. The House should be aware that retail deposits up to €100,000 are guaranteed under the deposit guarantee scheme which has no expiry date.

In the limited time available to me, I will respond as best I can to the issues raised. This debate is taking place against the backdrop of turbulence in the markets and the particular concerns that have focused on Ireland. The recent increase in our bond spreads is of concern, but progress is being made in resolving key issues which are partly responsible for the increase such as financial system issues and, in particular, Anglo Irish Bank. Other EU member states have also seen increases in their borrowing costs due to the continuing uncertainty in global financial markets. An important fact that many commentators overlook is that investor demand for Irish Government bonds has remained firm, even in the current difficult market conditions. Furthermore, the weighted average cost of funds raised in the bond market in 2010 is 4.7%, the same as the average funding cost achieved in 2009.

Senator Twomey and others raised the question of what would happen on 31 December. That date was chosen because the European Commission gave state aid approval to schemes for a period of six months and approval runs until 31 December. The Department of Finance and other relevant State agencies will, with the Commission, monitor market developments in the coming months to confirm whether the guarantee continues to underpin the core principles of financial stability and funding access for financial institutions. Subject to EU state aid approval, the Minister will bring the relevant statutory instrument to the Houses before they rise for Christmas should an extension be considered necessary. In view of the central role performed by central banks in resolution frameworks for financial institutions, the Department of Finance is in consultation with the Central Bank and the Financial Regulator regarding the development of draft legislative proposals which the Minister will consider in due course. This is a complex area where policy is still evolving internationally and the Minister wants to ensure any model introduced in an Irish context meets best international practice.

With regard to the solvency position of Anglo Irish Bank, the focus of the discussions on 29 September 2008, two years ago to the day, was on dealing with the severe liquidity difficulties facing the banks. Detailed information regarding the capital position of the banks, including Anglo Irish Bank, such as the PricewaterhouseCoopers report subsequently completed and published, was not available at that time. Whereas it was clear that Anglo Irish Bank was experiencing difficulties, the extent of that bank's capital problem was not evident at that time. Whether this comes down to insufficient or incomplete information or information which subsequently turned out to be wrong or false, it is a separate question whether this is down to action done in good faith, in an overly optimistic fashion or in a deliberate way in knowing the position. That period is still under detailed investigation.

It has often been debated as to why Anglo Irish Bank was included in the guarantee. Professor Honohan, now the Governor of the Central Bank, stated in a report that the systemic importance of Anglo Irish Bank at the time could not be seriously disputed. The report argues

that the interconnection of Anglo Irish Bank to the Irish banking system meant that a disorderly failure of the bank would have had a devastating effect on the remainder of the Irish banks.

Another issue that is constantly discussed is the inclusion of subordinated debt. I have been advised from within the banking system that while in the cold light of day one can separate subordinated debt from senior debt, in the context and atmosphere of the time as it was, the separation was not as neat as is sometimes made out. It would have been legitimate to fear that the confidence impact could have spilled over. In any case, the guarantee to subordinated debt, which runs out, has not been called upon and therefore has not cost the State or taxpayer money.

I do not have time to go into the question which has been a matter of some frustration on all sides regarding the slow progress of investigations, including criminal investigations, of possible wrongdoing. They do not appear as of yet to have come up with definite conclusions or courses of action. This process, needless to say, must be independent both of the Government and the Oireachtas.

Senator Ross raised the question of all the banks being nationalised. I do not believe that would have helped confidence in our sovereign debt position and may have undermined confidence and led to even greater funding problems for all the institutions. It is important to continue to have market discipline applied to the operation and management of the banks. I will not go further into the Anglo Irish Bank issue as it will be dealt with in considerable detail tomorrow.

We do not normally discuss personalities outside the House but we have spoken about public appointments. Mr. Jim O'Leary was a very distinguished adviser to the Fine Gael-Labour coalition in the 1980s and has a long track record. Very few of us in any walk of life, including great experts, have never been involved in misjudgments of some issue or another. This should not be taken as somehow disqualifying a person from being competent to give advice. If one considers what some of the voices outside the Houses who constantly give us an expert view said in 2005 and 2006, some of the records would not be very good. There is always a balance between people with much experience, albeit with some mistakes, versus people with a virgin record and little experience.

There is a tangential point to Senator Alex White's comments. The European Commission will only give state aid approval for schemes for a period of six months at a time. That is why we are talking about something relatively limited in time. We do not have another option and this scheme, if it needs to be continued, must be reviewed regularly.

Amendment put:

The Seanad divided: Tá, 29; Níl, 21.

Tá

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

Hanafin, John.
Harris, Eoghan.
Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Mooney, Paschal.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ó Brolcháin, Niall.

Tá—*continued*

Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
Ormonde, Ann.

Walsh, Jim.
Wilson, Diarmuid.

Níl

Bradford, Paul.
Burke, Paddy.
Buttimer, Jerry.
Cannon, Ciaran.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.

Healy Eames, Fidelma.
McCarthy, Michael.
McFadden, Nicky.
Mullen, Rónán.
Norris, David.
O'Toole, Joe.
Ross, Shane.
Ryan, Brendan.
Twomey, Liam.
White, Alex.

Tellers: Tá, Senators Niall Ó Brolcháin and Diarmuid Wilson; Níl, Senators Paudie Coffey and Rónán Mullen

Amendment declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: Thursday, 30 September, at 10.30 a.m.

Adjournment Matters.

Health Services

Senator Maria Corrigan: I thank the Cathaoirleach for allowing me to raise this very important issue, to ask the Minister for an update on initiatives being undertaken to raise awareness, provide education and deliver supports re the incidence and impact of anaphylaxis.

We do not have accurate data in Ireland as to the exact incidence of it. We know, however, that admissions to hospitals due to allergic reactions has risen by more than 700% in Britain from the late 1990s, partly due to increased medical awareness. However, it was mostly due to an increase in the actual incidence of reactions, according to Professor Jonathan Hourihane. Again, this is a pattern that has been repeated internationally. Internationally hospital admissions for food allergies among children have risen by 500% in the past 20 years. There is anecdotal evidence to the effect that they have risen similarly in Ireland, but we do not have data. One of the reasons we do not is due to the absence of postgraduate allergist training for medical doctors in this field. In fact there are very few.

There are 300 children on a waiting list at the moment. It will take several years, at the present rate, even to assess them. If a child is put on a waiting list today for assessment, it will be at least a year before he or she will be called, and yet we know that extreme reactions to allergies such as anaphylaxis in addition to being life threatening also have direct implications for a person's ongoing health quality and wellbeing. In the case of a child it has an impact on how he or she is doing at school, and yet we know that if we increase awareness and education while also increasing investment on the preventative side, there will be an immediate result in

terms of improved health, better quality of life and improved school performance. Most significantly from an economic perspective it would dramatically decrease health costs.

One of the areas about which Professor Hourihane is particularly vocal is the enormous need to identify what supports can be provided in schools. We know that in every school, apart from the very smallest, one will find children with allergies and reactions. I am asking the Minister whether there will be a link between the HSE and the Department of Education and Children, through the schools, to try to ensure a greater level of awareness and support so an early interventionist and preventative approach may be taken, particularly for children who have these allergies, when we will see the knock-on benefits.

Minister of State at the Departments of Health and Children, Social and Family Affairs and the Environment, Heritage and Local Government (Deputy Áine Brady): I am taking the Adjournment on behalf of my colleague, Deputy Mary Harney, the Minister for Health and Children and I thank Senator Maria Corrigan for raising this issue. This is an important matter, not least for those who might be affected and their families as it can have very serious consequences. Anaphylaxis is an acute, allergic type response which can involve multiple body systems — cardiovascular, respiratory, skin as well as mucosal — and may rapidly progress to a severe, life-threatening reaction. It may occur following exposure to allergens from a variety of sources including food, insect bites or stings, as well as medicines and vaccines.

The life-threatening nature of severe allergy makes it a serious condition. Symptoms include itching, tingling around the mouth and back of the throat, a sudden drop in blood pressure and difficulty in breathing. In severe cases anaphylaxis can result in death. Most attacks can be reversed with an injection of adrenaline. The key is avoidance, along with a combination of proper diagnosis, attention to food labelling and the availability of emergency medication such as Anapen.

Any medicine may trigger an anaphylactic shock. In relation to vaccines, the immunisation guidelines issued to all GPs include details for treatment of anaphylaxis following a vaccine dose. Anaphylaxis is very rare in relation to immunisation, 0.42 per million doses. The Irish Medicines Board, IMB, continues to advise health care professionals to be prepared to treat allergic reactions, including rare cases of anaphylaxis, when administering any vaccine.

The IMB has a robust and well established national reporting system to monitor adverse reactions to medication. Reports of suspected adverse reactions are encouraged and received from health care professionals and patients. Pharmaceutical companies are obliged to report any suspected serious adverse reaction occurring in Ireland to the Irish Medicines Board.

A food allergy can be defined as an immune response to food that the body incorrectly recognises as harmful. Antibodies are produced and this leads to a histamine release. This can cause allergic symptoms including asthma, rhinitis, conjunctivitis and anaphylaxis. Although anyone can have an allergic reaction to anything at any time, for those who have a diagnosed allergy, the life long treatment is avoidance of that food which causes allergy. Therefore, individuals need to know what is in their food and whether there is a potential risk associated with it. Reading food labels to determine whether or not an allergen is present is crucial in managing an allergy and avoidance of anaphylaxis.

There is legislation in place to protect those with allergies. Annex IIIa of European Directive 2000/13/EC on labelling, advertising and presentation of foodstuffs requires manufacturers to declare the presence of known allergens in their food products. There are currently 14 categories of ingredients according to EU legislation, namely, cereals containing gluten, crustaceans, eggs, fish, soybeans, milk, celery and celeriac, mustard, sesame seeds, sulphur dioxide and

[Deputy Áine Brady.]

sulphites, peanuts, tree nuts, molluscs and lupins. The Food Safety Authority of Ireland has responsibility for overall labelling and allergen labelling legislation.

The food control services in Ireland are aware of the potentially severe effects on certain groups of the population of foods which contain allergens, foods which may become cross-contaminated with allergens during preparation or foods containing allergens which are not properly labelled. According to the FSAI, it is estimated that approximately 5% of children and, on average, 3% of adults in Ireland have food allergies.

Environmental health officers in the HSE have been provided with training on the management of allergens in the catering and manufacturing sectors, which should assist in preventing cross-contamination and ensuring labels bear the appropriate information. The HSE has also undertaken a considerable amount of training for nurses, especially those involved in vaccination programmes, which makes this expertise more widely available in the system. In the past year, a significant number of pharmacists have also participated in vaccination skills training as part of their continuing professional development. Management of anaphylaxis is a core part of this training. I am glad this subject was raised and that I have had the opportunity to provide information on the matter.

Senator Maria Corrigan: I thank the Minister of State for her response. I am not being awkward. There was a considerable amount in the response that was informative and encouraging, including the information on the training given to auxiliary staff, the recognition of the consequences of anaphylaxis and the necessity of avoidance and early intervention. All of that can only come into play if allergies are diagnosed. We do not know the incidence of allergies in Ireland, yet there is nothing in the report that indicates any plan to try to capture data to establish this. Directly linked to this is the question of how to assess and diagnose patients. The key issue is that we do not have the medical training. We have not continued with post-graduate training programmes. The rest of the report is super, but the issues of the incidence and the need for diagnosis must be dealt with. We must also address the fact that there is only one public service consultant in this area and the need for postgraduate training.

Drug Treatment Programme.

Senator Nicky McFadden: I welcome the Minister of State to the House. I raise this important issue because I understand that only an *ad hoc* service is provided for methadone users and those suffering from addiction in the midlands. One doctor must be assigned for the exclusive care of the increasing number of drug addicts in the midlands.

I understand we live in challenging times, with serious rises in unemployment and poverty levels, which means that people are becoming desperate. Almost 500,000 people are vulnerable and down on their luck, having lost their jobs, whose bills piling up and relationships are breaking down, and who are under serious pressure to pay their mortgages. They find themselves with no alternatives and that is why some are turning to drugs. Many of them have serious mental health issues due to the stress and strain of coping with the recession. The Government is to blame for mismanaging the economy. People end up taking their own lives, and I know some of them.

Tony Geoghegan of the Merchants Quay project said at last week's launch of its 2009 annual review that the steep rise in unemployment and poverty levels did not bode well for drug-taking patterns in the months and years ahead. He referred to what happened in the 1980s and said that the rising tide of desperation is in danger of sinking many boats. There has been a

17% increase in demand for the Merchants Quay homeless service so far this year, with 9,422 people in 11 counties using the service. This desperation is clearly evident in the Longford-Westmeath region, with 205 people availing of heroin addiction services in the Athlone area alone.

I compliment general practitioners in the Athlone and Moate areas who work with clients, treat them with dignity and respect and try to help them and their long-suffering families out of a miserable existence. While I acknowledge the HSE support in the midlands, I fail to understand why a dedicated doctor is not heading up the service in an organised fashion. I understand the service in the Longford-Westmeath area is operated by a number of GPs on a sessional basis and that clients must be bussed — in this day and age — to their appointments from Longford and Mullingar and, I know, from Laois and Offaly. I query the cost of providing this *ad hoc* service and I would like to use the privilege of the Seanad to request from the Minister of State the actual cost of providing this service so far this year. I do not believe an adequate service is being provided for these unfortunate people.

Tony Geoghegan from the Merchants Quay project stated that the use of heroin in the regions has increased fourfold in recent years, which is much greater than the increase in Dublin. I would be interested to hear the Minister of State's reply.

Deputy Áine Brady: I will be taking this Adjournment debate on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. The management and delivery of health and personal social services, including methadone services, are the responsibility of the Health Service Executive under the Health Act 2004. I thank the Senator for raising this matter as it provides me with an opportunity to outline the current actions being taken by the HSE to expand the availability of and access to drug treatment services.

Under the interim national drugs strategy for 2009 to 2016, the HSE is implementing part of action 34 by providing methadone clinics in target areas where waiting lists have emerged. One of these target areas is the midlands. The HSE provides methadone as an opiate replacement treatment to support those who are addressing their heroin misuse problems. Methadone is a controlled drug that is regulated under the Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations 1998. Only GPs trained as level 1 or level 2 for methadone prescribing are permitted to participate. The HSE, through the Irish College of General Practitioners, facilitates GPs in training to level 1. This training is carried out primarily on-line and within a set timeframe. Level 1 GPs can provide methadone in a community-based setting to stabilised patients who do not require methadone clinic services. The HSE encourages all GPs to take part in this training.

Level 2 GPs are trained by the ICGP to offer a full range of treatment services to opiate-dependent patients, including full assessment, initiation of treatment when appropriate, and stabilisation. The HSE has 70 methadone clinics and has trained a cohort of level 2 GPs to operate in these clinics. These include methadone clinics in Athlone and Portlaoise. Alongside these clinics, the Irish Prison Service provides methadone services at Midlands Prison. During 2010 the HSE trained a further group of level 2 GPs to add to the existing cohort so that new clinics could be provided. The HSE plans to provide two of these new clinics in the midlands.

There are an estimated 14,500 opiate users in Ireland. At the end of August 2010, according to the latest figures available, 9,217 clients were receiving methadone maintenance services. Of these, 5,510 clients had their methadone dispensed by pharmacists in the community rather than in specialist addiction clinics. The corresponding number of GPs providing a methadone

[Deputy Áine Brady.]

maintenance treatment service was 281 while the number of pharmacies involved was 489. The HSE is committed to continuing the development of these services in 2010 and 2011.

Senator Nicky McFadden: The question I asked was very clear. I asked specifically about the prospect of a dedicated doctor running this service, not a doctor who is also running a busy GP practice. This is an outrage. The situation was brought to my attention by health care professionals in the midlands area. I do not wish to annoy the Minister of State or cause her any grief. I understand we are in financially constrained times. That is the reason I specifically asked about the cost of the *ad hoc* service. A dedicated person looking after the service, for which the professions are crying out, would provide a better organised service, through which people would be looked after better. I ask the Minister of State to get back to me with the relevant figures.

Deputy Áine Brady: I will ask for the details of the cost of the service to be provided.

Gaming and Lotteries Legislation.

Senator James Carroll: I thank the Minister of State for being here at 10.50 p.m. on a Wednesday night to respond to this Adjournment matter, the focus of which is on the Gaming and Lotteries Act 1956 which urgently needs to be updated. It was introduced at a time when raffles, sweepstakes and lotteries were the main focus. However, times have changed; we are now living in the electronic era. We must, therefore, amend the legislation. Vulnerable persons are often sucked into a cycle of gambling and betting, with no definite return at either a minor or modest level.

In researching my contribution I examined whether legislation had been introduced in other countries, for example, America, Australia and France, which had been tackling the issue, with specific reference to on-line gambling. Three years ago I was lucky enough to visit Australia where there is an extraordinary amount of gambling. In 2004-05 average gambling expenditure per person was over \$1,000, with \$655 of this spent on gaming machines alone. In New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, the Northern Territory and the Australian Capital Territory there is a legislative range of minimum payout returns and ratios of up to 85%, 87.5% and 90%. In Queensland and Western Australia the minimum payout return is 90% to be returned to the users and players of games. I am aware that in other countries, specifically Australia, there is extensive postering in pubs, clubs, hotels and casinos to highlight pay-out rates and figures and provide information on how one should complain if one is dissatisfied.

The Minister for Justice and Law Reform has been doing an excellent job in ploughing through legislation, but this issue is urgent and needs to be addressed.

Deputy Áine Brady: I am grateful to have the opportunity to outline to Senators the position on the major review of gambling under way in the State and to speak, in so far as is possible, on the establishment of a minimum percentage payout on gaming machines. The Minister for Justice and Law Reform, Deputy Dermot Ahern, regrets that he cannot be here in person and has asked me to convey his apologies to the House.

Senators will know that gaming is governed by the Gaming and Lotteries Act 1956, as amended. The legislation has served us well, but has in the Minister's assessment, with which the Senator will agree, passed its sell by date. The major review of gambling which the Minister initiated in May last year involves critically examining a code that has remained unaltered in

many of its fundamentals for over 50 years. A starting point for the review was the report of the casino committee, *Regulating Gaming in Ireland*, which was published in 2008. While concentrating on the core issue of recommending a regulatory system to accommodate casino gaming in the State, it also cast in its 32 recommendations a wide net over the fundamental weaknesses in one of the legislative pillars supporting our gambling architecture, the Gaming and Lotteries Act 1956, as amended. Our current laws, not only with regard to gaming but on all other aspects of gambling also, require a major overhaul. That is one of the reasons the Minister initiated a major review of gambling, with the objective of providing the Government with options for a new policy to inform our gambling architecture.

The Minister's objective is to put in place a modern, responsive code that will recognise the fact that some gamble and enjoy gambling and at the same time acknowledge that there are inherent dangers involved that need to be addressed, not least in terms of problem gambling. Three important considerations, the hallmark of most well regulated gambling codes, inform the review: that young people and the vulnerable are protected; that gambling should in all respects be fairly and openly conducted; and that gambling be kept free of crime. The keyword in all of this is "regulation". The Minister's objective is to regulate better, strictly and appropriately.

The consultation phase of the review has been completed. The Minister was pleased that over 70 organisations and groups had considered the topic important enough to submit written submissions and that many had followed up their submissions with face-to-face meetings with the review team. The Minister hopes to be in a position to seek Government approval for policy proposals for a new gambling architecture in the State, following an evaluation of the material received. The policy proposals which the Minister intends to publish will be based on an examination of the submissions received, as well as the recommendations contained in the report of the casino committee and, of course, consideration of modern gambling regulation. The review team is engaged in developing the appropriate proposals for consideration.

Senators will appreciate that developing a revised gambling code that will be capable of generating broad public support and which will provide the best possible protection for the vulnerable is a complex task. Any new policy aimed at modernising our gambling code must take account of the challenges and threats but also opportunities presented by new technologies, particularly the Internet. It is a matter of record that Governments of different hue have shied away from attempting any significant reform of our gambling laws. The Minister is resolved to make our gambling laws relevant to the 21st century. To this end he makes no apology for taking the necessary time to make sure this is done properly.

On the specific subject of minimum percentage payouts on gaming machines, Senators will appreciate that the Minister cannot provide any precise details of proposals in this area until such time as the Government has had an opportunity to consider these matters and new legislation is prepared. It goes without saying, however, that any new Act regulating gambling will introduce a new regime for gaming machines. The Minister has asked me to state categorically in this regard that it will be a strict regime and that gaming machines will only be permitted in places licensed and approved for that purpose and that there will be specific standards applied to these machines. That is what good regulation and player protection is all about. The establishment of a system of categorisation of games and gaming machines will inevitably mean that such machines will have to have transparent rules governing stakes, payouts and a guaranteed player return.

Following the settling of policy for a new gambling architecture for the State, arrangements will be made in the normal course to address the necessary legislative change. As the first

[Deputy Áine Brady.]

comprehensive review of our gambling laws, effectively since the passage of the Gaming and Lotteries Act 1956, draws to a close, it is reasonable to expect that any new legislation that may arise will be both complex and comprehensive.

Senator James Carroll: I appreciate the Minister of State's comprehensive reply. While we can learn from other countries such as Australia, we should be aware that we may also inherit some of their problems. Australia, for example, has a huge problem in that gaming machines have been installed in almost every public house in the country. I hope we will not take the same path. As the Minister of State said, we need strict and appropriate regulation. I look forward to the outcome of the comprehensive review.

The Seanad adjourned at 11 p.m. until 10.30 a.m. on Thursday, 30 September 2010.