



# SEANAD ÉIREANN

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*Dé Céadaoin, 17 Samhain 2010.*  
*Wednesday, 17 November 2010.*

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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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## **Business of Seanad**

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

The need for the Minister for Agriculture, Fisheries and Food to initiate a debate with the relevant stakeholders and the European Commission on the possibility of redeveloping a sugar beet industry in Ireland.

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

The need for the Tánaiste and Minister for Education and Skills, in view of the over-capacity and ongoing demand for school places, to outline the current status of the application for new accommodation, including the timeframe for delivery, at Calasanctius College, Oranmore, County Galway.

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 planned strategies of the Government for tackling the growing misuse of alcohol.

I have also received notice from Senator Dan Boyle of the following matter:

The need for the Minister for Tourism, Culture and Sport, if necessary through changing the remit of the Irish Sports Council, to formally recognise chess as an official sport, as has happened in many European countries.

I regard the matters raised by Senators Bradford, Healy Eames and Buttimer as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. I regret that I have had to rule out of order the matter raised by Senator Boyle as the Minister has no official responsibility in the matter.

## **Order of Business**

**Senator Donie Cassidy:** The Order of Business is No. 1, statements on the national paediatric hospital, to be taken at the conclusion of the Order of Business and conclude not later than 1.45 p.m., on which spokespersons may speak for ten minutes and all other Senators for eight minutes and Senators may share time, by agreement of the House, with the Minister to be

[Senator Donie Cassidy.]

called upon not later than 1.35 p.m. for closing comments and to take questions from leaders or spokespersons; No. 2, motion re credit institutions (eligible liabilities guarantee) scheme 2010, to be taken at 4 p.m. and conclude not later than 6.15 p.m., on which spokespersons may speak for ten minutes and all other Senators for eight minutes and Senators may share time, by agreement of the House; and No. 3, Prohibition of Depleted Uranium Weapons Bill 2009 — Committee Stage, to be taken at 6.15 p.m. and conclude not later than 8 p.m. The business of the House shall be interrupted at the conclusion of No. 1 until 2.30 p.m. Following the resumption, it is proposed to hear tributes to former Member Kieran Phelan, to conclude not later than 3.45 p.m. There shall then be a sos for 15 minutes.

**Senator Frances Fitzgerald:** I begin by expressing my sincere condolences to those affected by the tragic deaths in both Cork and Limerick yesterday. As investigations are ongoing, I will refrain from commenting other than to say that this loss of young life is very tragic. My heart goes out to all the relatives, families and the communities affected by these tragedies. These awful family and community tragedies put our economic issues, no matter how serious, in context.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Frances Fitzgerald:** I want to return to the ongoing talks in which Ireland is engaged at a European and world level at this stage and the effect that our failure of policy is having on the eurozone. We heard the very nuanced comments of the Minister for Finance this morning and the denial of several Ministers in recent days. I must comment on this culture of denial that seems to be endemic in Ministers instead of telling people the truth.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Frances Fitzgerald:** Irish people have got the truth more from YouTube, European commentators and Ministers than they have from their own Irish Ministers. This lack of levelling with the people and coming out and calling it as it is an absolute disgrace. We have seen this denial in this House for months on end in regard to banking and the general fiscal situation. We heard figures just last week that have turned out to be completely inaccurate. It is clear from what everyone is saying that Frankfurt, Brussels and Washington representatives will arrive in next few days and there will be a bailout within the next few days. Severe conditions will be imposed on Irish citizens and taxpayers. That is the situation at which we have arrived.

I want to make a point in regard to it, and Fintan O'Toole made this point in an interesting article in *The Irish Times* yesterday when he said that more money without reform will not solve the long-term problems of this country.

**Senator Fidelma Healy Eames:** Hear, hear.

**Senator Frances Fitzgerald:** It is very clear that we need to step up our discussions about reform in this House, in the Oireachtas generally and in the country. We need Ministers in here talking about reform, how they will implement reform in the banking sector, in politics, in the HSE and in FÁS. We need, at the very least, to step up our discussions on reform because there is no point having more money and spending it in the same wasteful way. We heard yesterday that 1,400 hospital beds are unavailable to people who need them because of the lack of reform in the health system.

I want to move an amendment to the Order of Business that the Minister would come in and discuss the Croke Park agreement and its implementation——

**Senator Nicky McFadden:** Hear, hear.

**Senator Frances Fitzgerald:** —and at what stage reform is at this point in regard to that specific agreement. If we want to take that as a touchstone about reform, let us hear what is happening, why there are delays and what the up-to-date position is.

**Senator Joe O'Toole:** The issues we raised yesterday about the best decisions for Europe and for Ireland are finally coming into focus and the reality is that this is a European issue and a bank issue in this country. We need to understand those things and to decide on the best way forward. I do not know the answers and I do not know the positions of any of the parties. I do not know the Government position on this, the Fine Gael position or the Labour Party position. The parties have decided to argue among themselves about how information is or is not being released, but I would like to hear from the parties what their views are. My view is very simple. If it is in the best interests of this country to get money from Europe to help our banks, then that is what we should do. It is not an issue of undermining where we are going, but we should all say what the issues are and what is best for the country. I do not know enough to make that call but I would not be simply opposed to money coming from Europe if that was in the best interests of this country. That is the only benchmark I have to make my decision on it at this time and we should all approach it in that way. We can also have a go at governments and others who called it wrong as we go along. They are separate issues and one is not to be confused with the other. We need to hear that as we go along.

**Senator David Norris:** Hear, hear.

**Senator Joe O'Toole:** In terms of impact, the real issue during the past 24 hours, when money is always a serious difficulty and we will always be overwhelmed by the economic problems with which we have to cope, were the stories that emerged from Cork and Limerick yesterday. They gave us an injection of reality and were shock treatment. Surely it should put in perspective that our focus should always be on the community.

**Senator David Norris:** Hear, hear.

**Senator Joe O'Toole:** We can learn from the issues arising from those horrific, tragic and appalling events. There is the question of mental health and how we deal with it in this country. If one ties those stories together with the series on suicide running in *The Irish Times*, we have to ask ourselves where we are going in terms of our mental health and what provisions we are putting in place to deal with mental health problems. I seriously ask that we get an outline of the proposals in that regard. In that context, the points raised by Senator Fitzgerald are important.

I spoke to the Minister with responsibility of the public service only an hour ago and asked him about the progress on the Croke Park agreement. The House will be pleased to know that the proposals from the various Departments are at last available and are on the web. I have been looking through some of them and I am not completely happy with them. I ask that the Leader would today give Members an absolute date for a second discussion on the Croke Park agreement. As he will recall, last week he gave a commitment that we would have that debate in the course of this month. I want to have a date for that within the next ten days or so. It is crucial that we do that and that we examine it.

In the meantime, I would say that the most negative force in Irish society may well be mental health and it could well be that it is tied into the economic issue. Certainly, we need openness, commitment and honesty in dealing with those issues and I seek them.

**Senator Alex White:** As was said this morning, there are not words we can think of to describe the horrors that occurred yesterday in Limerick and Cork other than to say, for what it is worth, that we communicate and pass on our condolences to the families of those people who have been affected by these dreadful tragedies. I agree with what my colleagues suggested in what they said and I reiterate my party's view that while there are many demands in the context of the budget and there are many debates about funding for different sectors, can we ensure that, if we do nothing else, we seek to protect and, if at all possible, enhance the budgetary provisions that will be put in place for mental health in the course of the discussions in the next few weeks? That is not to make any assumptions about what happened in either of those incidents but simply to say that is one practical thing we, as politicians, could do to make some difference in that dreadful situation.

I respectfully disagree with Senator O'Toole's suggestion that criticism of what the Government has done in the past is an entirely separate matter from what we have to deal with now. The two are intimately bound up for two reasons. First, the Minister for Finance and others on the Government side have spent a number of weeks trying to persuade us that the budgetary crisis and the banking crisis are entirely separate. This effort has been made repeatedly in this debate in the past two to three weeks. We have been asked to stop talking about the banks and just talk about the budget when we know that the banking crisis and the central policy failures in regard to banking, to which Senator Fitzgerald referred and at the top of which failures I would put the blanket guarantee given more than two years ago, are inextricably and intimately bound up with where we are at the moment in regard to the crisis the country is in. We cannot see our way to analysing and debating this issue in any kind of credible way without having regard to these central policy failures, the legacy of which we are facing day in, day out.

The second reason we cannot separate the two things is the issue on which Senator Fitzgerald touched, that of trust. Can we trust the Government? We can disagree with those in government and that is fine. We all know that we disagree with them but can we trust them or believe what they say? The problem is that trust and legitimacy immediately flow out of any government, leaving aside whether one agrees or disagrees with those in government, if one cannot believe what that government says. One cannot possibly have any trust in that government. The people cannot have trust in a government, some of whose members at the weekend described as fiction that there were ongoing discussions on bailouts or related matters. Another Minister, Deputy Dempsey, who was standing beside the Minister in question shook his head and indicated he did not know anything. Either the Ministers knew what the position was and misrepresented it or they did not know what it was, in which case what are they doing in the Government? What is going on in the Government in relation to policy?

Senator Fitzgerald is correct. My brothers who live in the United States are as well informed about what appears to be taking place as are the people here who are being informed by the Government. This morning's interview by the Minister for Finance hit rock bottom in that respect. There is no frankness or honesty, without which one cannot have trust and-or legitimacy.

**Senator Dan Boyle:** The visit to this country by representatives of the European Commission, the European Central Bank and the International Monetary Fund may, as Senator O'Toole indicated, provide a response which will help us to deal with the budgetary and banking crises. Given the likely nature of the proposals, they could, if accepted, have serious consequences for the country. We need to be aware that it would not be a desirable outcome if such proposals were regarded as an indicator of our inability to make decisions.

We find ourselves in a serious position. Beyond legitimate criticism of Government decisions, we need to consider the long-term consequences of the current position for the country. Policy

errors were made, but regardless of what policy approaches were taken in recent years, we would still face a serious problem. At best, we could have lessened the impact of the banking crisis. The scale of the crisis was such that the taxpayer would have had to provide billions of euro, either through a bank guarantee or by reneging on the debts to senior bondholders.

**Senator Eugene Regan:** That was a matter of choice for the Government.

**Senator Dan Boyle:** We can argue about whether the problem could have been avoided or its scale reduced. Like most others, I believe that, at best, the latter outcome was possible.

I admit that there is a questioning of trust and that uncertainty has increased. This cannot be allowed to persist because it would call into question the ability of the Government and the basis for being in government. I raise these questions because they are being asked by every citizen and will be asked by those who will come here to assess our economic viability.

Debate in the House should be structured on the basis that Ireland is in a sufficiently strong position to overcome the crisis. We are still in a better economic position that we were in the 1980s when we also overcame our problems. One can take any statistical basis one wishes to compare the problems of the 1980s with those of today, but we need a common acceptance that we can and should get out of the current crisis.

I express my condolences to those affected by yesterday's appalling tragedies in Newcastle West and Midleton which were brought about by lives of desperation. I also support calls made by other speakers to give mental health issues priority and protect expenditure in mental health services in the years ahead, regardless of what other budgetary decisions are made in the coming week.

**Senator Paul Coghlan:** As I stated yesterday when we learned of the meetings that were to take place yesterday and today, whatever is on offer should be accepted because there is a crisis of confidence and the matter is being drawn out unnecessarily. It is this that is causing uncertainty and a continuing lack of investor confidence in and speculation against Ireland and other countries. It is also giving rise to increasing debt tensions in the eurozone. As we know, the problem is essentially a banking one, as the European Central Bank is no longer prepared to act in the manner it has been doing. Representatives of the ECB, the IMF and the European Commission will be in town tomorrow. The Minister should accept whatever facility is on offer because such a facility is required — even if it is not necessary to draw down the money — to create certainty and restore confidence, both of which are absent. Without certainty, one will not have confidence.

I support calls for a debate on the Croke Park agreement. The Leader promised to hold such a debate early this month.

I offer my condolences to those affected by the shocking tragedies yesterday in Ballycotton and Newcastle West.

**Senator Cecilia Keaveney:** I share the view that we must continue to focus on mental health. Mechanisms must be found to encourage people to speak about their difficulties and have them addressed. One of the key requirements is to persuade them to come forward in order that intervention can take place to avoid single and multiple tragedies such as those which occurred in recent days. Such tragedies have touched all parts of the country in recent years. While debating the issue of mental health is easy, it will be necessary to find a mechanism to get people to talk and seek help, irrespective of what assistance is available thereafter.

A couple of weeks ago, when I raised on the Adjournment the issue of the enlarged partial agreement on sport, EPAS, I was informed that the Government had decided not to prioritise

[Senator Cecilia Keaveney.]

the funding required to allow Ireland to sign the agreement. I have discovered the sum required is €17,800. EPAS, an agreement reached by Council of Europe members, addresses international issues such as health and education through sport. As a member of the Council of Europe, I have been asked to examine the role of international organised crime in sport. A sum of €17,800 is not a large amount to spend to help maintain the integrity of sport, not only in health and education but by combating the global threat posed by organised crime in sport. Large amounts of money are involved in sport and there have been many allegations of match fixing. While I welcome the announcement that Paddy Power will create 500 new jobs, a debate is needed on the threat exchange betting poses to the integrity of sport.

**Senator David Norris:** I very much doubt if either the establishment of a casino in County Tipperary which is projected, or an increase in the number of jobs in the area of gambling will have a major impact on the economy of Ireland or Europe, although I wish the proposed solutions will work.

Three years ago I gave a lecture in Cork in honour of Mr. Philip Monahan, the former city and county manager of Cork and a remarkable man, in which I stated that, as with developments in addressing climate change, financial events of the type we are experiencing would be more catastrophic and would occur at an increasingly rapid rate and closer together. That is what has transpired and we are tinkering with the problem by applying an Elastoplast to it. We do not have a profound analysis of what is wrong with the entire system which is being manipulated in the interests of a tiny group of speculators, domestically and on international money markets, to the enormous disadvantage of the vast swathe of the population outside this small group. What I call the Leona Helmsley effect has come into play. Leona Helmsley was a woman with an enormous property portfolio who was dragged into court in New York on tax charges ten or 15 years ago. Her statement that she assumed only the little people paid tax was correct. No one is examining the matter in a thorough manner. Let us consider the whole capitalist project. How can it continue to work when it is based on an infinitely expanding market? How intelligent must one be to realise we are living on a planet, the limits of which are being reached in certain fundamental commodities such as water and fossil fuels? It is about time we stood up collectively to the big players in the market. It is time we, as a nation, stood up to some of the big companies such as Shell.

One cannot blame them as they are akin to Tyrannosaurus rex but we should stand up.

**An Cathaoirleach:** I thank the Senator.

**Senator David Norris:** There is more money there than would pay ten times Ireland's entire exposure to the banks.

**An Cathaoirleach:** I call Senator Ó Murchú.

**Senator David Norris:** We have allowed the international combines get away with it for nothing and are only allowed to buy our own products.

**An Cathaoirleach:** I thank Senator Norris and call Senator Ó Murchú.

**Senator Labhrás Ó Murchú:** Anyone listening to the Minister for Finance, Deputy Brian Lenihan, on the radio this morning could not but be impressed by the obvious sincerity and sheer tenacity he is displaying when battling for Ireland at present. It is just possible that one reason certain information is not being made publicly available immediately pertains to the

type of negotiations that are under way. I believe that Ireland simply does not wish to show its hand until it learns what is on offer. Yesterday morning, I made the point in this House that I genuinely believe it is we ourselves who must solve the problem in the long term. This morning, Senator Fitzgerald put her finger on it 100% when she said that it was not a matter of more money but will be a matter of reform. Senator Norris also made the same point to some extent and I believe this is what must be done. I accept that one milestone will be the budget and another will be the budgetary four-year plan. Members can perceive, since they began to debate the recession, that although initially they found sectional interests coming to the fore, now it is realised that one cannot approach it in that fashion any more. Ireland has a serious problem and all are agreed that this is the case.

One measure that I believe could have been done is that, just as all the parties entered the Department of Finance to look at the books and ascertain Ireland's position, it was possible for all the parties to meet the Government and find out quietly and without huge publicity what exactly is the strategy where Europe is concerned. All accept that if money is available, wherever it comes from, if it is the Government's view, we will have no choice but to accept it.

**Senator Fidelma Healy Eames:** The Senator's position is changing from ourselves alone.

**Senator Labhrás Ó Murchú:** In accepting it, however, there also is a chance that Ireland will again be lulled into a false sense of contentment. Instead, we should continue to consider the bigger picture and should ascertain the basic analyses that are required at present to go forward and get a long-term resolution.

**Senator Joe O'Reilly:** People have a real issue with the denial, obfuscation and distortion of the facts over a number of months. I do not refer to the highly dramatic denial that took place on "The Week in Politics" television programme the other night but to the denial, lack of information and lack of clarity that preceded it. People needed to know where they stood and need the truth at least but are most angry about its absence. Despite the nuances and statements that are being made in this Chamber this morning, Members should not kid themselves. This does involve a loss of sovereignty. Ireland will not be getting bailout money without serious strings attached. This is a very sad day for Ireland that compromises the entire governmental process and independent decision making here. Members should neither deny nor dress that up but must confront it straight up. Moreover, I believe we should fight it to the end. I consider a bailout to be a last resort and while I have great respect for my colleague, Senator O'Toole, I do not agree with this acquiescence in the loss of sovereignty. It should be like Custer's last stand and we should not accept the money until there is no alternative.

While I will not labour the point, it is clear that Ireland got its banking strategy wrong from the outset.

**Senator Fidelma Healy Eames:** Hear, hear.

**Senator Joe O'Reilly:** Moreover, it is clear that we got it dramatically wrong in the case of Anglo Irish Bank and that the people are angry about this. In the midst of all this, the issue that impinges on me from my work every day is that we must have a jobs strategy. Ireland must come out of the next few days with a job strategy based on green energy, food processing, a sectoral approach and on tourism. Food processing, agriculture and the value-added factors therefrom, as well as tourism and green energy, are the vehicles that can bring about jobs and that must be dealt with.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Joe O'Reilly:** One should not be happy to lose sovereignty.

**An Cathaoirleach:** Time, Senator.

**Senator Joe O'Reilly:** It adds a sad tenor to this debate. With the Cathaoirleach's indulgence, I join with those Members who raised the mental health issues because I am a founding chairperson of a mental health association and consider it to be vital.

**An Cathaoirleach:** The point is made.

**Senator Jim Walsh:** Aontaím le morán atá ráite ar Riar na hOibre. When people refer to concealment, I watched Bloomberg television two months or so ago when that channel was discussing Ireland's position. Interestingly, its commentators made the point that Ireland was not as bad as some of the other European Union countries but that one mistake it may have made was to have been too transparent. It is interesting to see a different perspective on what has been done. The position undoubtedly is serious but we will come through this and an element of confidence must be restored both in ourselves and in the country. Although people refer to the bailout, in fact it is borrowing from the European Central Bank and the International Monetary Fund. While it is not palatable, neither is it viable to borrow at interest rates of 7% to 9%, which is what the market was indicating we would be obliged to do. Consequently, it is the lesser of two evils.

A number of things need to be done. While I acknowledge there have been reasonably good debates in these Houses, they have been sporadic and a little too short. The party leaders should come together and allow sufficient time for Members to make their contributions in a structured fashion, but that has not been happening. I agree with the call for a debate on the Croke Park agreement, which is essential. I consider that agreement to be the main component in the necessary correction of our fiscal position. I recently spoke to an economist from outside this State who had been involved in South American countries that were experiencing banking crises. He thought that what Ireland was doing in respect of banking was absolutely essential. He himself had been involved in establishing similar good-bad banks in other countries. We need to hit the bottom and to restore confidence as soon as possible. I hope this will happen from our present position.

**Senator Ivana Bacik:** Like other colleagues, I will begin by expressing my condolences to the families and communities in counties Limerick and Cork for the terrible tragedies that have happened there. I echo the words of other Members who have spoken of the need to ensure the maintenance of funding for mental health services. This is without making any specific connection but all Members are conscious that this is an important priority.

On the economy, it is extraordinary to hear Members on the Government side speak of "bailout" in so many different ways. They have called it borrowing or a response to help us with the situation——

**Senator Jerry Buttimer:** That is right.

——but they will not use the word "bailout". While listening to the Minister for Finance this morning, I noted that he danced around the issue. Unfortunately, it is time to embrace the reality that all Members deeply regret, which is that we have sold out our economic sovereignty for the sake of a few zombie banks. One should be clear that this does date back to the bank guarantee scheme of September 2008 and to the mistake made at that point to guarantee everything——

**Senator Jim Walsh:** What does the Senator think would have happened had we not done so?

**An Cathaoirleach:** No interruptions. Questions to the Leader.

**Senator Ivana Bacik:** —and to shore up banks that are in effect zombie banks. We still are shoring them up and are paying this incredible price. This huffing and puffing and culture of denial from the Government must stop because it is clear to all in Ireland and internationally that we are about to be bailed out. This has been more or less implicitly accepted by Members on the Government side.

In addition, I seek clarification from the Leader with regard to the climate change Bill, the heads of which were to have been published yesterday. I am unsure, in the midst of all the other grim news, whether this was the case. I seek clarity on this point because they have been promised for so long.

While I welcome the release of Aung Sang Suu Kyi at the weekend in Burma, no Members believe this will mark any sort of real return to democracy for that country, especially as more than 2,000 political prisoners remain in custody there. A debate on this issue is needed and Members must think about the real suffering and sacrifices being made by the citizens of Burma.

**Senator Niall Ó Brolcháin:** I also join other Members in expressing my sympathies and condolences to all concerned with the tragic events in counties Cork and Limerick. I am very concerned about these events because two obviously similar events happened in close proximity to each other. I recognise there is great stress and strain on families at present and Members must take heed of what has happened. While I hope that similar events do not occur in the future, Members must consider support for such situations. There is a difficulty, given the level of hysteria with which some of the current events are being debated and reported. The general mood in the country is not good. Let us all recognise that the country is in a very difficult situation. Having read the sections of the Constitution which deal with the reportage of events, there is a huge responsibility on those who report on the difficult situation in which we find ourselves. People have a sense of appalling hopelessness. I listened carefully to Senator Alex White who was on the ball in raising the issue of trust. He related his comments to trust in the Government, but trust has broken down in whole areas of society, including the Opposition, politics in general and the leadership of the country. Many no longer believe what they read or hear on television. So many do not know whom they should trust. It is our job, as politicians, to find a way to restore the trust of the people.

**Senator Jerry Buttimer:** I second the amendment to the Order of Business.

I join other speakers in extending sympathy to the bereaved families in Cork and Limerick. Two families and communities are numb. The events of yesterday illustrate that community and people matter more than ever. That is why it is important the mental health budget and every issue surrounding mental health is left untouched in the budget. People matter, not bureaucrats and numbers.

I ask the Leader to arrange a frank debate on what happened yesterday in Brussels. I am appalled by the Members on the Government side of the House this morning. They have some cheek to come into the Chamber and lecture us. It is the Government—

**An Cathaoirleach:** Senator Buttimer, you must put a question to the Leader.

**Senator Jerry Buttimer:** I have a question for him. Members opposite have some cheek. How can they come in here and talk about a bailout and dig-outs because that is what we are talking about? It is their policies and votes in support of the Government that have brought us to

[Senator Jerry Buttimer.]

where we are today. They drove the bus, doled out the money and lost sight of accountability and responsibility which they have never accepted.

**Senator Donie Cassidy:** That is a Second Stage speech.

**Senator Jerry Buttimer:** Why have they not accepted responsibility and accountability? Why have they not been honest with the people? Why has the Government not been honest with them?

**An Cathaoirleach:** Senator, you must put a question to the Leader.

**Senator Fidelma Healy Eames:** Those are questions.

**Senator Jerry Buttimer:** The question is very simple. I will ask it again on behalf of the people. Why have members of the Government who are the elected represented of the people not been honest? The Minister for Social Protection, speaking on an RTE news programme last Sunday, the Minister for Justice and Law Reform and the Minister for Finance, speaking on radio this morning, all told lies to the people. As Deputy Kenny said, they have betrayed them. Why? If they want to have collective responsibility, the people will step up to the mark. Members on the Government side of the House have some cheek to lecture Opposition Members. How dare they?

**Senator Maria Corrigan:** I join colleagues in extending deepest sympathy to the bereaved families and communities in Cork and Limerick following the tragedies yesterday. Senator O'Toole also made reference to the recent article in *The Irish Times* and the challenge we faced in meeting mental health needs. In a debate in the Chamber last week we looked at the impact of the recession on people's mental health and psychological well-being. There was cross-party support for the efforts of the Minister of State, Deputy Moloney, to protect as far as possible the budgets for mental health and disability services in the forthcoming budget. A people plan and support for people's psychological well-being in the current crisis should be essential components of the recovery plan. None of us knows for sure what goes on in anyone's life. However, the recession will take a toll, in human as well as political and economic terms. I urge anyone who is struggling to talk to someone, to pick up the telephone and talk to his or her family, friends, GP or someone a help line. This is not something that has to be borne alone.

I am sorry Senator Buttimer has left the Chamber.

**An Cathaoirleach:** Senator, please do not comment on anyone inside or outside the Chamber.

**Senator Maria Corrigan:** I ask that the word "lies" be withdrawn.

**Senator Fidelma Healy Eames:** It is hard to take the level of denial in this Chamber and from Ministers in the past few days. I understand why, as the meltdown has happened on their watch. However, I ask them to face up to it, as they are heaping worry on the people. Senator Corrigan spoke about the human price. People matter. I was not able to sleep for quite a proportion of the night, thinking about our great country. As stated in *The Observer*, "Ireland's young flee abroad to escape hardship".

**An Cathaoirleach:** Does the Senator have a question?

**Senator Fidelma Healy Eames:** I am coming to it. Even in my own life, I ask myself how I will manage to pay my bills. Last night I had to rely on a former IMF board member to tell me on "Prime Time" what might happen when the IMF came in. Why do we have to rely on

commentators such as an NUIG economist? Why can we not rely on the Government, the members of which have been given consent to govern? They should not continue to abuse it, rather they should provide leadership.

**Senator Donie Cassidy:** This is another Second Stage speech.

**Senator Fidelma Healy Eames:** That is my question to the Leader. Will he speak to the Cabinet on behalf of Members of this House and ask for leadership and a way forward for the people? When the heavies come here from the European Union, the IMF and the ECB tomorrow, will the Leader ask them, in their macro-economic structure for Ireland, to ensure a fair structure for Irish citizens in meeting their bills? We are decent people who believe we should meet our bills.

Worry has been heaped on families affected by flooding. This morning waters have burst banks in Cornwall. Last week in Galway water rose to people's doors. The money has been approved by the Government but the work cannot advance because of the time taken to complete archaeological and SAC studies.

**An Cathaoirleach:** The Senator's time is up.

**Senator Fidelma Healy Eames:** Will the Leader ask the Minister of State with responsibility for this matter, Deputy Mansergh, to expedite emergency legislation to prevent a future disaster and protect families affected by flooding?

**Senator Paschal Donohoe:** I agree with my colleagues who called for a debate on the need for reform of our institutions, particularly in the context of the Croke Park agreement.

I am struck by the tone of this morning's discussion and how grim it is. However, as I came to Leinster House this morning, people were having their breakfast before going to work, while children were going to school. The vast majority must continue their lives as normal and find a way to get through this period. Our duty to them is clear. In discharging that duty one thing is hugely important. There is a need for more honesty and clarity. The mist from the political debate regarding lies and evasion will clear and when it does, we will find that the challenges facing the State are different in nature and greater in scale.

I have three questions for the Leader. First, will he ensure honesty by saying that what we are talking about is not a bailout but a loan that will have to be repaid? It will be the job of the next Government to ensure this is done and done quickly. Second, we need to be honest with the people. What is happening or what could happen is not or would not be the worst outcome for the State. The worst outcome would be to enter a period during which we would receive support from other bodies and fail to make it work, where the support given to us did not lead to the reform that, as Senator Fitzgerald said, was essential for the security of the State. Third, when a deal is done, let us not say it is a bailout for the banks. The tragedy is that the Government has fused the sovereign and the speculator together. They are now one and the same. The European Commission and the International Monetary Fund do not give support to banks but to countries. Let us recognise that in what we do and in the decisions we take in the coming days.

**Senator Nicky McFadden:** Yesterday I spoke about telling the truth and honesty. I have the greatest of respect for Senator Labhrás Ó Murchú. He referred this morning to the Minister for Finance, Deputy Brian Lenihan, speaking with sincerity. The Minister's heart is in the right place and he is a very good communicator. However, there have been so many mistakes and so many things that have gone wrong that it seems a completely incompetent Government has led us to this terrible point. Today the Minister has totally changed his tune. He is implying we

[Senator Nicky McFadden.]

have been told what we have to do and that we are in a European situation and share a single currency. Does he actually know what he is doing at all?

What happened in Cork and Limerick yesterday is just the tip of the iceberg of very severe pressure and stress that people are under. A sign should be given to the former CEO of Anglo Irish Bank, whose name I will not mention and who is getting away scot free in Cape Cod. His borrowings are now regarded as non-recourse borrowings, which means he will get away with not paying a debt of €8.5 million. I have said before in the House that white collar crime of this extent must be tackled. That the Garda could not obtain codes to gain access to files in Anglo Irish Bank is quite outrageous. A sign should be given to the people, by way of following up on these dreadful criminals, that would give them some faith and hope.

**Senator Rónán Mullen:** We are all familiar with the legend of the boy who cried wolf. The problem with him was that he cried wolf when the wolf was not coming. When the wolf did come, people did not believe him. The frustration in this House this morning is because we are encountering the case of the boy who cried wolf in reverse. The Government, perhaps in good faith, has been playing the confidence game and has been reassuring us that we have turned the corner, that we are funded up to next June and that certain developments will not occur. Each time there is news, it is worse than we have been led to believe. As a result, it is no longer possible to play the confidence game because people are frustrated. Each time they have been reassured, the reassurance has proven to be without grounds.

In playing the confidence game, the Government may well have been acting in good faith because it is beyond dispute that it was lied to by the banks. When it gave the guarantee late September 2008, it was certainly lied to by them. There is now much more light being shed on the real problems. NAMA has acquired some loans from the affected institutions at 40% of their face value.

**Senator Eugene Regan:** The Government is the victim.

**Senator Rónán Mullen:** We must ask, therefore, why the guarantee is being extended and why bondholders have been compensated for credit risk. Should we not at least be considering withdrawing the guarantee, from Anglo Irish Bank and Irish Nationwide at a minimum? While we need to protect our two major institutions, we can argue that the peripheral ones are of less consequence to Ireland. If we do not reassess this matter, future generations of taxpayers will be guaranteeing the recklessness of developers and banks.

Accepting the inevitable bailout without looking at cutting the guarantee may do nothing to relieve the burden on the Irish taxpayer. It is simply that we are kicking the problem further down the road. Our circumstances today are no worse than those that would have obtained had we not guaranteed the banks in the first instance. That is a debate we need to have. It is inevitable that there will be certain developments, and the bailout looks like it will be among them. We should at least be considering this issue. People do not feel they have had a satisfactory answer to the question of why we continue to support the past irresponsibility of banks and bondholders who took certain risks. They seem to be the ones who are not paying the price.

**Senator Donie Cassidy:** I want to be associated with all the Senators in sending our condolences to the families and communities in Cork and Limerick in the wake of the terrible tragedies that occurred yesterday. With regard to the views of my colleagues on supporting A Vision for Change, funding the area of mental health, particularly through the budget, is very timely. The circumstances of the two tragedies are appalling. May the souls of those who lost their lives rest in peace.

Senators Fitzgerald, O'Toole, Alex White, Boyle, Coghlan, Keaveney, Norris, Ó Murchú, O'Reilly, Walsh, Bacik, Ó Brolcháin, Buttimer, Corrigan, Healy Eames, Donohoe, McFadden and Mullen all expressed strong views on the reform of the banking sector and other matters pertaining to banking. Much was said on the visit tomorrow of officials from the European Central Bank, the European Commission and the International Monetary Fund. Today between 4 p.m. and 6.15 p.m., during the motion on the credit institutions (eligible liabilities guarantee) scheme 2010, we will have an opportunity to let the Minister know our latest views. Following the meeting with the leaders yesterday afternoon, I said we will review this matter daily. There is no difficulty in our discussing the up-to-date position daily as it changes and as events unfold. We can review the matter again on the Order of Business tomorrow morning.

**Senator Paul Coghlan:** Is the Leader choreographing matters?

**Senator Donie Cassidy:** Today we will have two and a quarter hours to discuss the scheme. If more time is needed tomorrow, I will allocate more. I will discuss this with the leaders of the groups and Whips after the Order of Business today.

Senator Keaveney referred to crime in sport. I certainly have no difficulty in passing her strong views on to the Minister.

Senator Bacik referred to be Climate Change Bill. I will revert to her on this when I receive a timeframe in the coming days.

**Senator Ivana Bacik:** It was supposed to have been introduced yesterday.

**Senator Donie Cassidy:** Senator Healy Eames requested a debate on flooding. I fully support her call and will allow time for it to take place.

**An Cathaoirleach:** No. 2 is to be taken from 4 p.m. until 6.15 p.m. Did the Leader indicate a time at which the Minister is to be called to reply?

**Senator Donie Cassidy:** The Minister is to be called ten minutes before the end.

**An Cathaoirleach:** Senator Fitzgerald has proposed an amendment to the Order of Business: "That a debate on the Croke Park agreement be taken today." Is the amendment being pressed?

**Senator Maurice Cummins:** Yes.

Amendment put:

The Seanad divided: Tá, 23; Níl, 27.

Tá

Bradford, Paul.  
Burke, Paddy.  
Buttimer, Jerry.  
Cannon, Ciaran.  
Coffey, Paudie.  
Coghlan, Paul.  
Cummins, Maurice.  
Donohoe, Paschal.  
Fitzgerald, Frances.  
Hannigan, Dominic.  
Healy Eames, Fidelma.  
Mullen, Rónán.

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

Nil

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.  
 Keaveney, Cecilia.

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

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

Amendment declared lost.

Order of Business agreed to.

### **National Paediatric Hospital: Statements**

**An Leas-Chathaoirleach:** I welcome the Minister, Deputy Harney.

**Minister for Health and Children (Mary Harney):** I am pleased to be here to speak about the national paediatric hospital.

The national paediatric hospital is a major priority project for the Government and notwithstanding the financial pressures the country is under, the capital funding for the project is protected in the four-year plan which will be submitted to the European Union in the next ten days or so. The reason it is protected is because the status quo as far as sick children are concerned is not an option.

In 2004, when I became Minister for Health and Children, the plan was to build a new hospital for Temple Street at the Mater hospital site and also to build a new hospital for Crumlin. Between them, they were to have approximately 700 beds and cost somewhere in the region of €600 million to €800 million. The view was taken by many paediatricians in the country that instead of building two new hospitals and also keeping Tallaght hospital, we should look at the prospect of bringing all of the children's hospitals in Dublin together to create a world-class tertiary children's hospital for the sick children of Ireland.

McKinsey was appointed to carry out a review of paediatric services in Ireland and to examine global experiences in this regard. It looked at 17 children's hospitals around the world and all of those hospitals were co-located with adult hospitals. McKinsey recommended, given the relatively small number of sick children in Ireland and given the requirement when it comes to complex care and sub-specialisation, which is a strong feature of medicine, that many of the clinicians that would work with very sick children would also have to work with adults and the new children's hospital should be co-located with an adult teaching hospital. In addition to the benefits from a clinical point of view in dealing with complex cases and sub-specialisation, there are significant synergies that come from a research perspective and, obviously, there are considerable savings from bringing all of those hospitals together. We estimate the bringing together of the three hospitals from a back-office point of view will save in the region of €25 million to €30 million a year alone in operating costs.

The Government endorsed the McKinsey report on the recommendation of the HSE and then a group was put together chaired by the OPW — the late Mr. David Byers, a highly respected architect in OPW. There were 12 persons on that group, including representatives of different Departments, those with architectural expertise and site expertise, to receive applications on where that hospital might be located.

When the McKinsey report recommended co-location with an adult hospital, the three hospitals in Dublin — Crumlin, Tallaght and Temple Street — all endorsed that very enthusiastically. I remember having many meetings with different paediatricians in the city and they felt this was the appropriate future for sick children. When, however, we came to deciding on the site it was a different matter.

A number of sites were advanced. Tallaght was advanced, St. Vincent's was advanced as a possibility, Blanchardstown made a case, and so did Beaumont, the Mater and St. James's hospitals. It came down to two sites, either St. James's hospital or the Mater hospital.

The St. James's hospital site had a number of difficulties with it. It was a site that had restrictions and there were issues around the preservation of buildings on that site. The Mater hospital site was an unencumbered site and, therefore, it was felt that it was appropriate.

In any event, some of these sub-specialists who will work with sick children will still be attached to Beaumont and they will travel to the Mater hospital site to treat sick children, and some of this expertise will be in St. James's hospital and they will travel to the Mater hospital site as well. At present, what happens is the children travel to the doctors from the different hospitals. When the new hospital is built, most of the expertise will be located within the hospital but some of the expertise, because it will work with adults, will be located in other hospitals that have national tertiary facilities in the city.

At that point a major controversy arose. This controversy is not unique to Ireland. Last week there was an event in Farmleigh for the Crumlin Foundation where a doctor from Manchester spoke. He stated that for 40 years there was much bickering among the three hospitals in Manchester. It took them nine years to decide where to locate the new hospital, but they are now together in one hospital and it has been a breathe of fresh air. He spoke as somebody who was sceptical of bringing the three hospitals together.

After the site was selected and the development board was put in place, RKW, a world expert on hospital planning, came to advise on the requirements of the hospital. It also looked at 17 different hospitals around the world. In fairness, many of the hospitals were similar to the ones at which McKinsey looked. Between the two, 25 different hospitals were examined. Twenty-four of the 25 hospitals are co-located with adult hospitals. Right around the world that is seen as the future for paediatric care, that one brings not only the children and the adults together, but also maternity, so that high-risk pregnancies can be dealt with in the site that deals with very sick children and where mothers can be dealt with as well in an adult facility. The new hospital will cost approximately €650 million. Of this, €450 million will be made available by the taxpayers. At present, €400 million is in the capital plan and there will be an extra €50 million in the capital plan next year. To date, €25 million has been spent on the planning phase and on the various expertise that has inputted into the requirements of the hospital. There is a shortfall of up to €200 million. Of that, €90 million will come from commercial sources such as car parking, retail space in the hospital and consultant rooms and €110 million will come from philanthropy. I know many people are sceptical about €110 million being raised from philanthropy over the next four years. In Canada the year before last, \$98 million was raised through philanthropy for a children's hospital. Throughout the world, children's hospitals are the easiest to raise money for, but I am not stating that it will not be a challenge.

[Mary Harney.]

The new chairman of the board, John Gallagher, has a fantastic track record in philanthropy. He has much expertise and experience and at present the board is putting together the foundation that will raise this philanthropy. The hospital has received charitable status from the Revenue Commissioners. Recently, I visited New Zealand and saw the Starship Children's Hospital which raised a considerable amount of its funding from philanthropy. Tied to the philanthropy will be the research input. Pharmaceutical companies, medical device companies and companies which supply inputs to children's hospitals are always keen to provide philanthropy where it is tied in with research. A very central part of this new children's hospital will be the research dimension and we should not underestimate its significance.

All of the rooms in the hospital will be single rooms. These rooms will have parent accommodation and it will be the most modern hospital that this country can provide and afford. It will provide an environment not only for sick children but also for those who work with sick children that will be among the best in the world. I have had an opportunity to visit a number of children's hospitals in recent years. In Chicago, the children's hospital is being moved from the equivalent of Ballsbridge in Dublin to the equivalent of Grafton Street, just off Michigan Avenue. The reason it is being moved to the centre of the city is to be co-located with an adult hospital for all the reasons, synergies and benefits that have been recommended here.

When the parents of sick children came to see me in 2004 they stated they did not care where the new hospital would be, they just wanted me to make it happen. When McKinsey reported, the parent's group from Crumlin hospital commissioned Dr. Pollock, a very well-renowned paediatrician and well-known in Ireland because he has advised us on our cystic fibrosis strategy, to advise it on whether the new hospital would provide the environment necessary for sick children. The parents asked him one question, which was whether the new hospital on the proposed site could provide the international standards of excellence in tertiary health care for their children. His response was that it most certainly could. The synergy created by assembling some of the best clinical and research skills in the country on a single site would create the environment for Ireland to progress further in international standing with measurable benefits for children and adults. To this day, the parents of sick children at Crumlin hospital remain totally enthusiastic for this project.

It is the case that there has been controversy about the site and some people advance every single argument as to why it should not happen. I sometimes feel that if they wake up and hear a negative, it is music to their ears. I would understand the controversy if the Government was withdrawing funding and naturally it would be right that there should be controversy. I do not understand the controversy surrounding the site. I accept that there are access issues and they have to be rectified by Dublin City Council. As the Bristol inquiry stated, however, the issue of access must be secondary to the quality of clinical care for children. That was the outcome. There is no site in the country—

**Senator David Norris:** Will the Minister repeat the quote? I did not quite catch it.

**Deputy Mary Harney:** Access is secondary to the quality of clinical care. I will return to this in a moment.

**Senator David Norris:** I thank the Minister.

**Deputy Mary Harney:** The faculty of paediatrics in Ireland, which is the educational and professional arm of the institute for paediatrics attached to the Royal College of Physicians of Ireland, said in a recent statement that it strongly supports the proposed new national paediatric hospital and recommends that adequate funding be provided to equip and staff the

hospital to the best international standards in child care. The faculty recommended that the project proceed as a matter of urgency and stated it is keen to advise in the ongoing discussions on the optimum delivery of care for children.

There are individuals, and I do not want to take away from this, who are not enthusiastic but in my view they are in a minority. A case has been advanced for a stand-alone site on the periphery of Dublin in my constituency. We have been told it would cost half as much. It would also be half the size. It would be a stand-alone facility, not co-located with an adult hospital or a maternity hospital. Not only are all the recommendations on paediatrics that there should be co-location with adult and maternity hospitals, the maternity review has recommended there should be no more stand-alone maternity hospitals. They are a thing of the past. Worldwide, stand-alone hospitals in any area are a thing of the past. The recommendation on maternity is that the Coombe Women's Hospital should move to Tallaght Hospital, Holles Street hospital should move to St. Vincent's Hospital and the Rotunda Hospital should move to the Mater Hospital site for many of the same reasons it is recommended paediatrics should be co-located with adult hospitals.

To return to a question asked by Senator Norris, the Bristol inquiry stated, "quality and safety should prevail over ease of access".

**Senator David Norris:** Quality and——

**Deputy Mary Harney:** Quality and care. Many of our very sick children travel outside this jurisdiction. Many of us who have met the parents of very sick children know they would go anywhere in the world to have the best care for their children. We are speaking about tertiary facilities for children from the entire country. Many of them will arrive by helicopter and others will come by ambulance. They will come from other hospitals throughout the country. It will also provide secondary care for children in the Dublin region and it is estimated that 65% of the children attending the hospital will be from the Dublin region.

The will be an ambulatory care centre at Tallaght Hospital which will provide ambulatory care on a day case basis. I know Senator Fitzgerald will be interested in the Tallaght facility and I want to put on the record what will happen there. It will provide emergency and elective ambulatory care. Medical and surgical day care services will be provided through 28 day care beds, three operating theatres and two procedure rooms. Outpatient services will be provided through 26 consulting examination rooms. The urgent care centre will also provide emergency care services for the local population of children and this will be co-terminous. It will be done at the same time because it is an integral part of the project.

The new children's hospital will have 445 beds with 392 inpatient beds and 53 day beds. All inpatient rooms will be single with en suite facilities and overnight accommodation for parents. There will be 62 critical care beds divided into intensive care and high dependency. There will be 13 operating theatres and two procedure rooms. There will be an emergency department, a family resource centre, play areas, external gardens and courtyards, a therapy park with hydro pool and gym, a hospital school, 1,000 underground car parking spaces, family accommodation provided by the Ronald McDonald House charity, and undergraduate, postgraduate and continuing professional education facilities. The hospital will be 112,000 sq. m and will be 16 storeys high. In many debates that have taken place worldwide it has been suggested that vertical delivers better quality than horizontal. I have followed some of these debates and last week I read a very good article on this. Some advance that a vertical environment, where everyone is much closer to theatres, critical care, intensive care and access to car parks, has a very positive impact on the outcome of care rather than the traditional layout where one might walk not quite for miles but for long distances to get from A to B in a hospital.

[Deputy Mary Harney.]

I am happy we are having this debate in the House. It is important we all support the project as the parents do and as most paediatricians do. I accept it is not unanimous. The board of Crumlin hospital is represented on the development board, which is chaired by John Gallagher because a vacancy occurred in recent times. I urge everyone concerned about sick children in Ireland to come behind this project. If for any reason this project were not to proceed, we would not see a new children's hospital in our lifetime. Of this I have absolutely no doubt. The alternative to having this facility is the *status quo* and this is not acceptable. Neither Temple Street hospital nor Crumlin hospital are fit for purpose and anyone who has visited them recently will have seen the huge inadequacies in both of these hospitals. They are very old hospitals.

It would require major refurbishment but refurbishment is not possible because of the age of both hospitals. It would require significant capital investment to make those hospitals fit for purpose which, I suggest, is a sum of money in excess of the money to build this new hospital.

12 o'clock It will be a great testimony to the will of the people of Ireland, notwithstanding the current financial circumstances, to continue with the project. The development board began discussions with An Bord Pleanála on 5 November as this is considered to be a strategic investment project. An Bord Pleanála has approximately three months to indicate whether the project qualifies as a strategic investment project — we believe it qualifies— and a formal application will then be made. The intention is that planning permission would be granted in the autumn of next year and that construction would begin at the end of 2011 and be completed at the end of 2014 with the hospital being commissioned at the start of 2015.

**Senator Frances Fitzgerald:** I thank the Minister for coming to the House to deal with this debate. She is one of the few Ministers who always attends the House for debates related to her Department and it is appreciated.

The development of the national paediatric hospital is a significant project for any country and it is a critical part of the infrastructure. Those of us familiar with the children's hospitals in Dublin know the appalling conditions and the very difficult circumstances with which they have struggled. It is clear there is a need for rationalisation. It is a shame that the development of this project has been so dogged by controversy and continues to be, even in recent weeks and despite the progress which the Minister outlined and the current state of the project.

**Senator David Norris:** I apologise for interrupting the Senator but will copies of the Minister's script be provided to Members?

**Deputy Mary Harney:** I did not use a script. If the Senator requires any clarification I am happy to provide him with all my documents. I have about five files on this hospital in my office and I am happy to share them with the Senator.

**Senator Niall Ó Brocháin:** We were listening very carefully.

**Deputy Mary Harney:** Since the hospital will be located very close to Senator Norris's home, I am aware of his special interest.

**Senator David Norris:** I am aware of my special interest but as the Minister's former leader used to say, one must consider the national interest, in the national interest.

**Senator Frances Fitzgerald:** The Minister in her contribution said she did not understand the controversy. The main concerns of the ordinary people of the country and the parents of sick

children have been about access to the centre city site. This is fuelled by the fact that the outpatients' departments in Crumlin, Temple Street and Tallaght hospitals each deal with 30,000 children a year. The country also has a growing population with an increasing urban population. The concerns about access and the prospect of the closing of the other hospitals have been central. There are other concerns but these are the key concerns. I refer to the critical timeframe of 60 minutes within which to get a sick child to hospital, the so-called golden hour. There is a worry about accessing the Mater hospital site and whether there will be sufficient parking spaces. I acknowledge some children will be brought in for specialist treatment and the Minister referred to the use of helicopters. I do not know how feasible this will be or how many children such a service will affect. The key issue is about easy access for other children to the site. Public transport is difficult to use if one is bringing a sick child to hospital so the number of car parking spaces is critical if people are to feel safe when travelling to the hospital and are able to get there quickly.

The project has been dogged by controversy with regard to the site and access to it, with regard to the process and funding and with regard to a number of other issues. I accept the Minister's bona fides on her wish to do the very best for sick Irish children and I do not doubt her motivation. I believe she will be supported in her desire to achieve this. We all know about the existing facilities, the lack of rationalisation over many years and the resistance from professionals. These problems are evident in schools and hospitals and everywhere, even in the system that pertains in the Houses of the Oireachtas. None of it has been in the interests of children. It is a shame that such a key project has been so mired. I refer to the move of the Coombe hospital to Tallaght which will take place and which has been achieved by agreement. It has not attracted any of the kind of controversy that has dogged this project and this site.

I ask for information about some of the current concerns, if not today then in writing at a later date. The Minister referred to the ambulatory care centre in Tallaght. This is a key project, given the numbers of children attending the various hospitals. Is the funding in place for this project and will it be in place? There was discussion in this House previously about whether this would be an eight-hour, 12-hour or 24-hour facility. I assume it will be a 24-hour facility — it has been called a 23-hour facility because it is not intended to be an overnight facility. Will the Minister accept that, in effect, some children will inevitably need to stay overnight? A certain number of children will require anaesthesia or intervention and will too ill to be moved. There is no doubt that the facility will need to provide overnight care for some group of children.

I expect there will be substantial demand on that facility, given the numbers I have quoted and the fact that one accident and emergency department will not address the needs of the entire city, plus the children coming from around the country. My questions about this facility are about the timeframe. Can the Minister reassure the many parents whose children will be attending that facility from west Dublin and beyond that it will be available at the same time as the hospital on the Mater site? Are plans in train for the facility? What is the timeframe for funding? Will it provide 24-hour care? These are critical questions.

I refer to a recent survey of the public attitude to the Mater site for the hospital which showed it received very little national support. What is the Minister's view on the transport and access issues? What is the message to parents? It is clear the public need much more information if it is to be convinced of the merits of the site. People in general and parents in particular are worried that the Mater site is too centre-city and that parking will be too difficult.

Many people noted the recent disagreement between the Minister and the chair of the board, Mr. Philip Lynch, who resigned or, depending on whom one believes, was asked to resign by the Minister. He said he was not satisfied he would be able to raise questions he wished to

[Senator Frances Fitzgerald.]

raise and he was either forced to resign or resigned because he raised questions he believed should be addressed. The Minister has issued a statement on this matter but I ask her to take the opportunity today to address his concerns. The funding gap is clearly a key concern.

I have come from a briefing by the Jack and Jill Foundation. The Minister has said that philanthropy would hopefully supply a funding of €110 million. The Jack and Jill Foundation funds care for extremely ill children in their own homes. It states that over the past two years, donations are down by 25% while nursing bills are up by 40%. One would imagine philanthropic organisations willing to support sick children would be able to raise that kind of funding and one, therefore, wonders about the reality of the funding of €110 million at this time in Ireland. That is not to say it is not feasible to raise it but given the financial situation and the great demands on all charitable organisations and the drop in donations, is it realistic to think that within two years a total of €110 million will be available from those organisations? Where is the other €90 million? The proposed sum of €90 million to be raised by the coffee shop and parking charges seems like a lot of money.

**Deputy Mary Harney:** The consultants' rooms.

**Senator Frances Fitzgerald:** Yes, but €90 million still seems a lot of money to raise from such sources. People still have concerns about the reality of the approach to the funding of this project at this time. I think the Minister will understand the reason for their concerns. Is it a viable project? The Minister seems to be saying she considers it a viable project even in the current situation. We have had the first indication this morning that the hospital will be part of the Government's four-year funding strategy. The Minister clearly received a guarantee, but can she assume it will be supported by our visitors from Frankfurt, Brussels and Washington? Can it be ring-fenced?

The Minister has been criticised for not putting in place the clinical and governance structures, but I assume work is ongoing in this regard. A considerable amount of work was required in agreeing on the governance structures at Tallaght hospital. Three entities will be brought together in the new paediatric hospital. What is the timeframe for developing governance structures and the Minister's thinking on them? People will hold different points of view on the moral and ethical questions that will undoubtedly arise. If one takes paediatric research, for example, genetic investigations will play a critical role. It is important, therefore, that the governance structures are clarified in advance, given the ethos at the location selected for the new hospital.

**Deputy Mary Harney:** Let me interrupt the Senator briefly, as I can help her on that matter. As the site was donated to the State, in terms of governance, the hospital will not be the Mater Catholic Hospital. There is considerable misunderstanding on this issue.

**Senator Frances Fitzgerald:** I agree.

**Deputy Mary Harney:** The nuns donated the site to the Exchequer and it is now owned by the State. I held a number of meetings with the chairmen of the three hospitals on the issue of governance. We need to develop the right governance structures. Tallaght hospital is not a good example because, as the Hayes report revealed, serious governance issues have arisen there. I hope to reach agreement on the governance structures in the early part of next year.

**Senator Frances Fitzgerald:** That is very helpful because there is significant confusion. Representations were made to me on governance issues. I, therefore, welcome the Minister's clari-

fictionation that the site was donated and that the governance structures will be different from what one might assume given the location.

Questions were asked about the process of site selection with reference to the transport studies conducted. At least two of the international paediatricians involved in the process considered they had not been consulted to the extent they had expected. Philip Lynch raised other concerns. The bottom line is access. I accept the Minister's bona fides in wanting to provide the best treatment for sick children and concur with her points about rationalising services and the need for high standards. There is no question that parents will go to the ends of the earth to obtain the correct treatment for their children. It is unfortunate, therefore, that such a worthy project has been dogged by concerns. I thank the Minister for her clarification of governance issues and look forward to hearing further details on the outstanding question of funding.

**Senator Mary M. White:** In regard to Senator Fitzgerald's comment on the controversy about access, I would want my child to be treated in the best facility at the best location, as supported by the evidence. It is not edifying to see access being used as a political football. Hospitals are located cheek by jowl in every city in the world. The Government's priority is to provide the best standard of complex hospital care for children. To further this priority it is fully committed to the construction of the new national paediatric hospital on the Mater Hospital site. A paediatric hospitals operations group has been established to oversee ongoing network management and the enhanced integration of the three paediatric hospitals in advance of the transfer to the new national paediatric hospital. The report, *Children's Health First*, recommended that the new hospital be located alongside a leading academic teaching hospital in Dublin. The principle of locating it alongside a leading academic teaching hospital is in line with international best practice and enjoys widespread support.

The current estimated cost of construction of the entire project is €650 million, a significant reduction on earlier estimates. A total of €400 million will come from the taxpayer; €50 million from the HSE for the ambulatory and urgent care centre at Tallaght Hospital; €90 million from car park, research, education and other funding elements; and €110 million from philanthropy. While challenging, the philanthropic funding element is considered to be a realistic sum for a project of this size. The Minister investigated projects around the world which have been supported by philanthropic funding and I am sure this one will succeed if she puts her head to it. Construction of the new facility to merge the three children's hospitals on one site on Eccles Street, Dublin could start as early as next year and we are on target to admit the first patient in 2015.

Access and parking have emerged as the key issues because they are easy to speak about. The hysteria evident on the "Liveline" programme was over the top. Some have suggested the existing three hospitals should remain in place, but this would be a tragedy. The facilities at Our Lady's Children's Hospital in Crumlin and Temple Street Children's Hospital are desperately outdated and beyond improvement. Three years ago I had occasion to visit a child at Crumlin hospital. As an Irish person, I was embarrassed and shocked to see the state of the hospital. What was going on to allow the hospital to be run into the ground? I could have been in the Third World. As a country, we focused on economic development, with the result that we have beautiful state-of-the-art factories, but I will never forget the condition of Crumlin hospital. I do not know why previous Ministers for Health and Children did not realise there was a need for a new hospital many years ago. For that reason I am completely behind the Minister.

The debate must focus on the quality of care a tri-located hospital can provide for adults, children and maternity patients, the calibre of clinical staff it can attract and the ground-breaking cures its combined research facilities can unearth. The argument should not revolve solely

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around questions of access and parking. Dr. Eilish Hardiman, CEO of the National Paediatric Hospital Development Board, has stated that while total consensus among the medical community was never possible, the majority of paediatricians supported the project.

The new hospital will comprise 16 stories and cover 112,000 sq. m. The building will include 13 operating theatres for inpatient and day care cases, as well as two procedure rooms. All inpatient rooms will be en suite and contain facilities providing accommodation for parents. Family accommodation will also be made available adjacent to the Mater Hospital site by the Ronald McDonald House charity. The new hospital will include a therapy park, with hydro-pool and gym, play areas, a family resource centre and a hospital school.

I wish the Minister the best of luck in getting the facility up and running at the earliest opportunity for the sake of the children of Ireland.

**Senator David Norris:** I welcome the Minister, although she is leaving the Chamber. I am sure the Minister of State at the Department of Health and Children, Deputy Moloney, will communicate my views to her. It is a pity a script was not supplied because, even though I was present to hear most of the Minister's contribution, I had a difficulty in catching her more technical comments. Furthermore, I missed part of her contribution because I had to leave to take an urgent telephone call. To assist in the proper running of the House, there should be a requirement on Ministers to circulate copies of their speeches, especially on important matters such as this. The Minister is extremely competent. She is very good at dealing with matters on her feet and throwing out general and vague ideas. It is not enough for her to believe she is supported by a majority of consultants. We need to know how many hold the different opinions on this issue. If we know how they are divided, as parliamentarians, we can make a decision on the evidence presented. The Minister is highly driven. However, I do not always happen to believe in the ideological forces driving her. It is important, therefore, that we receive this information.

For a number of reasons I wish to speak briefly about the timeline for this development. A number of years have passed since I placed a motion on the Seanad Order Paper asking the Government to establish an international peer review of the hospital, particularly its location. At the time — three, four or five years ago — I was advised by senior professionals in the paediatric field that such a review was necessary. It was suggested it could be conducted expeditiously, perhaps within six weeks. It is a matter of concern that the proposal was not accepted by the Government. I have highlighted this point because I do not want it to be said I am a Johnny come lately who is raising objections at the last minute. I am not one of those colourfully referred to by the Minister as “rocking with delight” when they hear bad news in the morning. I do not have an appetite for bad news. I consider it necessary for a good, modern, national facility to be established in the interests of our children's welfare. If we are to make a proper and balanced decision on the matter, we need access to all of the information. I am not a Johnny come lately. I made a rational request for the matter to be reviewed. It would not have significantly impeded or delayed the development of the hospital. It would have cleared the air and made it absolutely obvious that there were no vested interests involved. It would have made it clear that the process of deciding on the location and development of the national children's hospital was proper, fair and judicious.

This has re-emerged as a central issue principally because of the resignation of Mr. Philip Lynch in recent months. This was an astonishing development. His departure was subject to obscurity because he said he had resigned but the Minister said she had pushed him. It is not clear whether he resigned or was pushed. He went in any case. He outlined the reasons for his departure in a statement:

There were fundamental differences between the Minister and myself on the need for open and informed discussion at Board level at all times on a range of substantive issues relating to the NPHDB. Amongst the issues outlined were:

- The substantial funding gap
- The development of the AMNCH at Tallaght
- Clarity or absence of governance proposals for the new Hospital
- Effectiveness of stakeholder communications
- Planning and design challenges for the Mater site

The Minister dealt, to a certain extent, with the “clarity or absence of governance proposals” in response to Senator Fitzgerald. On the evening Mr. Lynch’s resignation was announced, I happened to be in the company of a member of the board of the group. When I asked the person in question about the matter, I was astonished to be told the €110 million funding gap could be met by philanthropy. This is not the kind of economic climate in which we can anticipate such significant philanthropy. The Minister has mentioned that in Canada \$98 million was raised through philanthropy. I remind her that the economic climate in Canada is completely different because its banks operated judiciously and prudently. It is in a wonderful position — it is not at all threatened. People in Canada who have money to spare can engage in these philanthropic exercises. I was not particularly thrilled to hear Ronald McDonald would be involved in the project. It seems we are relying on the sale of hamburgers to provide our children’s hospital. Reference was also made to the philanthropic interests of the pharmaceutical industry. That is a new one on me. We know philanthropic companies are very efficient at squeezing the Government. They have squeezed the public dry in terms of prescription drugs and all the rest of it. I would be interested in probing a little further the idea that they are about to become philanthropic. What will they get out of the taxpayer in these circumstances?

There is a series of contradictions in this context. I was interested to read a recent article in *The Irish Times* by its former environmental correspondent, Mr. Frank McDonald. I think I can say he fully supported the hospital. The article was accompanied by a nice picture showing abstract art in it. Although Mr. McDonald was lyrical in his praise of such aspects of the project, he did not mention that access was one of the critical elements of the development. This difficulty was addressed by the Minister and others when they referred to the development of the metro north project. I remind the House that Mr. McDonald has devoted almost all of his entire journalistic career to trying to prevent the metro north project. This is another of the contradictions to which I refer.

I took the liberty of interrupting the Minister to ask her about the matter of access which is particularly important. It was being discussed when I was listening to the wireless one day — I am not sure whether it was on the Joe Duffy programme. If somebody is talking sense, it does not matter to me whether it is on “A Prayer at Bedtime” or the Joe Duffy programme. While there is a great deal of hot air and a lot of rubbish is spoken on the Joe Duffy programme, there is also a certain amount of sense from time to time. The programme to which I refer covered the story of a woman who had tried to drive her seriously ill child who was moving towards having peritonitis to the Mater Hospital. She was prevented from going down one street because there was a match in Croke Park, a factor we need to take into account in this context. After she had managed to get into the car park and park her car, she went through what she thought was the main entrance, only to be told it was not the proper entrance and that she needed to walk to a different entrance. Her child developed peritonitis when his

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appendix burst before it could be operated on, but, luckily, his life was saved. Such things can happen. That is why access is important. It is dangerous to say excellence in treatment is more important than access. There must be a balance between the two. I do not doubt that the boy in this case received excellent treatment, but if he had not been able to access the hospital in time, it would have been of no use. One can have a world-class facility, but one will have a real difficulty if people cannot gain access to it in critical circumstances.

I am familiar with a document that criticised the work of the location task group because “no study of ambulance transport times or traffic impact on Emergency Access” from the proposed new “enlarged catchment area”, the entire greater Dublin area, to Dublin hospitals was undertaken. The document continued:

It is essential that ambulance access times to the Mater ... from the outreaches of the catchment area should have been studied. Life-threatening emergencies do not respect grid-lock from rush hour, All-Ireland finals, events at the O<sub>2</sub> or the RDS, city centre marches etc. The absence of these two studies . . . is a gaping and dangerous defect in the Task Group’s report.

The task group’s report was produced four years ago, probably around the time I proposed that a peer review be undertaken. Such issues should have been covered in the examination of the suitability of the site, but that did not happen. God knows, I am not against the location from a personal point of view. It is located right next door to me and I would like the infrastructure of the north inner city to be built up. As the principal proponent of the metro north project, I would be pleased to see it going ahead. However, I cannot blind myself to these questions.

I wish to give another example of the continuing series of contradictions in this regard. On 7 March 2006 the HSE website carried the following announcement on the children’s hospital site:

The outcome process has not been predetermined . . . It is open and objective to the point where the outcome may even be a decision to locate somewhere other than an existing hospital site . . . Any suggestion that this group has prejudged anything is completely misplaced.

It appears the situation had altered by 29 March 2006, however, as a message on the same website announced:

This process is to recommend only where the hospital is to be sited . . . The prime consideration in making this decision on site location will depend on co-location to an adult teaching academic hospital and adult national centres of treatment.

That decision had been made in principle, so there is a contradiction there. That is regrettable and could have been obviated.

In regard to the rigorous, robust and independent process about which the Minister spoke, in a press statement on 11 January she said the task force engaged in extensive consultation with the three existing paediatric hospitals, the three maternity hospitals and external experts in arriving at its recommendations. There were no hospital site visits. There was one meeting with each of the three children’s hospitals and they were all held on the same day, 26 May.

As far as the external experts are concerned, one of them, who has been extensively quoted by the Minister and the Department, Sir Alan Craft, a past president of the Royal College of Paediatrics and Child Health in the United Kingdom, said in a letter to *The Irish Times*, because he was concerned by the impression being given by the officials, that the extensive consultation

referred to consisted of a telephone conversation with a member of the task force to discuss the parameters against which a decision regarding location could be made and which other specialties should ideally be co-located. He said he did not see the report nor was he involved in making the decisions. There is a whole raft of contradictions and I would like to refer to one or two more.

The RKW report states:

This brief . . . takes as given:

The McKinsey recommendation that all Dublin secondary inpatient beds should be co-located with the tertiary services.

The decision of the Task Group endorsed by the HSE that the hospital should be located at the Mater site.

RKW, the consultants, were not allowed to examine a situation as fundamental as the matter of the site. They referred to issues regarding environmental quality which relate to the density of building on the site but were not able to deal with it.

I mention car parking. As a matter of policy, car parking is limited by Dublin City Council in the city centre. We were told 800 spaces would be provided. Proportionately, that is fewer than the current number in Our Lady's Hospital for Sick Children. In an emergency, how many people are going to use the metro? I am a big fan of the metro but will people use it? Will it go ahead? It may well not go ahead.

It appears a certain amount of academic and inter-hospital politicking was going on. In the interests of the children of this country, we need to ensure the best possible thing is done. I do not want to impede the development of the national paediatric hospital. I am not a johnny-come-lately; I have raised these real questions consistently and they cannot be answered by bluster. I regret the Minister did not have a speech and that——

**Senator Fiona O'Malley:** The Minister spoke.

**Senator Niall Ó Brolcháin:** There was a Minister's speech.

**Senator Fiona O'Malley:** What does Senator Norris mean there was not a speech?

**Senator David Norris:** A text was not made available.

**Senator Fiona O'Malley:** Senator Norris means a script.

**Senator David Norris:** A script.

**An Leas-Chathaoirleach:** There is no requirement for a Minister's script.

**Senator Fiona O'Malley:** Senator Norris said the Minister did not make a speech. She made a speech.

**Senator David Norris:** I apologise. I accept Senator O'Malley's correction.

*(Interruptions).*

**Senator David Norris:** I will sit down because I have obviously scored a palpable hit — a minor technical correction from one of the principal supporters of someone I regard as a valiant Minister. However, this is a mess.

**Senator Niall Ó Brolcháin:** I welcome the Minister of State, Deputy Moloney. I thought I was taking part in a debate on the national paediatric hospital only to find I am taking part in a debate on metro north and the transport situation in Dublin. I always find it quite amusing that when people talk about access to national facilities, such as the proposed national paediatric hospital, they talk about it very much in a Dublin context. We are talking about a national, world class, tertiary care facility, which we do not have. We are talking about a major improvement in facilities for sick children in this country.

**Senator David Norris:** We need to find out if people will be able to get to it.

**Senator Niall Ó Brolcháin:** Senator Mary White spoke of her embarrassment about some of the facilities currently available. That is a sad state of affairs.

**Senator David Norris:** Hear, hear.

**Senator Niall Ó Brolcháin:** I listened carefully to the Minister's speech. She quoted what parents have said to her. She said they do not care where the hospital is located and that she should just make it happen. That is a crucial point.

I do not know the ins and outs of whether people can park beside the Mater hospital or whether they will not be able to park there in the future when this hospital is built. The key point is that we need a proper mobility plan and to ensure the hospital is as accessible as possible. We also need to ensure there is a hospital to access. That is a crucial point. There is no point having a hypothetical debate about access to a hospital which does not exist. If we do not get on with this project, we will not have a hospital.

The Minister said the hospital will provide secondary care for local children and that it is estimated 65% of the children attending will be from the Dublin region. I believe that means the remaining 35% will be from around the country and will attend for tertiary care. People said half an hour is crucial for a child. We are talking about tertiary care. We are not talking accident and emergency or primary care but about serious world class health care for children with serious difficulties.

The key issue is not necessarily the fact everyone must go to Dublin if faced with an accident and emergency situation but that children who are very sick have the best facilities in the world available on their door step. Ten minutes here or there will not make a difference in that regard. In an accident and emergency situation, it obviously would make a difference. In many tertiary care cases, ten minutes would not be crucial. If someone is coming from Donegal, he or she will not be able to get to the hospital ten minutes more quickly because of where it located.

People have suggested that the hospital should be based in Athlone because it is the most central place in the country. There is merit in that idea but we have gone down a particular route. Other people have suggested that the national paediatric hospital should be based in Galway, which I would like. I would like to see any national institution being based in Galway. There is more than land in Merlin Park, although I do not know the economics of such a proposal. Only recently people have suggested that given the difficulties faced by the developer, Bernard McNamara, it should be located at St. Vincent's Hospital where he owns facilities. Perhaps that is an opportunity. The key point is that we need to plough ahead with this project and not talk in hypothetical terms. We need these world class facilities.

I refer to a quote in the executive summary of the RKW report from the French philosopher and poet, Gaston Bachelard, who stated: "Even a minor event in the life of a child is an event of that child's world and thus a world event." I agree fully with that. In many ways, nothing is more important than how we cope with those who are most vulnerable in our society. It is up

to our society to provide the best possible primary, secondary and tertiary care. As a father who has children in Galway, I am aware there are various facilities at primary and secondary care level in Galway which need to be improved as well, but the tertiary care facility, which is what we are talking about in this debate, not the 65% seeking secondary care, is to my mind the crucial part of this situation. I urge the Minister of State to give a guarantee that the tertiary care element of this hospital can proceed with as much haste as possible.

It is important not to consider this issue from the point of view of Dublin alone. With the great difficulties we are facing in terms of the budget, it must not be the case in the future that the standard of care and facilities for our children in place in other parts of the country are sacrificed to provide the best quality care facility in Dublin. We need to ensure we provide the best possible care in a very balanced way throughout the country. It should not be the case that if a child gets sick in Donegal or Kerry, he or she would be disadvantaged. We need to ensure the primary care facilities, which are being rolled out throughout the country, are very much linked to the secondary and tertiary care facilities.

There are seven key principles in the founding of the Green Party, one of which is that it is most important that everything is done at the lowest effective level. The key word there is “effective”, that things are done effectively and properly. Primary care facilities can cater for many of the things that are being catered for in secondary care institutions. As is said, all boats rise together. It is important, therefore, that we ensure there is proper linkage among the various primary care teams which are being set up now and the secondary care facilities on a regional basis and, ultimately, with the tertiary care institution we are talking about, the national paediatric hospital, which it appears will only be 35% of the particular project.

The Minister said that €25 million to €30 million per year in operational savings would be made by putting this facility in place. It is crucial we proceed with it because we are in a very difficult budgetary situation. We have managed to build projects such as the Aviva Stadium and to redevelop Croke Park, we have various motorways around the country and there have been improvements in infrastructure in general, but in many ways there is nothing more crucial than this project. It is one of the last great projects that was mooted in the Celtic tiger era. It is crucial we follow through on it no matter what the financial situation is in the coming years. This facility should be number one among all facilities in this country. It is a prize worth fighting for and it is a project we should all get behind. If there are issues about access and transport, we need to work together to solve those and not get our knickers in a twist and say it should be here, there and everywhere and use the transport issue either as a means to beat the Minister or the Government over the head or as a political football. We need to resolve all the issues to ensure there is the best possible access for parents and children. Particular recognition should be given to those who travel from far away to ensure they are catered for and that parents and families are not left trying to find a parking spot and are delayed getting their sick child into the hospital. We need to address those issues but, more importantly, we need to proceed with this project.

**Senator Phil Prendergast:** I listened carefully to what has been said in this debate and I am glad to have this opportunity to contribute to it. The criticism of Crumlin hospital as a facility is perhaps justified but the staff, ranging from the porters to medical and nursing staff, and the care that is given to children in emergencies and to those in need of tertiary care is without question of the highest standard. The staff do a terrific job under very difficult circumstances. There were opportunities during the boom times to make good improvements there but that did not happen.

I am disappointed the Minister, Deputy Harney, has left the Chamber because I want to pick up on something she said. All the Dublin hospitals endorsed the idea of having a co-

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located hospital on a general hospital site, as set out in the McKinsey report. The Minister said there would be no more stand-alone hospitals, including maternity hospitals. If there are to be no more stand-alone hospitals, facilities that exist in hospitals such as the acute psychiatric unit in South Tipperary General Hospital, in which the Minister of State, Deputy Moloney will be interested, should not be relocated to Kilkenny because it will remove vital services in that area. As we have seen from recent events, we were never more in need of acute psychiatric services. This is not the subject under the discussion but I availed of this opportunity to make that point on foot of what the Minister said. I would be happy to be hopeful that this decision might be reversed.

On the issue of a location in Dublin being the site for the hospital, I agree that density of population is a key issue. Therefore, I would not see a location in Athlone as being an ideal site for it. Even though access to such a location in Athlone might be easier, the hospital should be located where there is a density of population and the highest density of population is in Dublin.

There are misgivings about the site. As a health care professional who has travelled on many occasions with a flying squad — we did not fly but travelled on the roads — when children were born with, say, an exaomphalos or a diaphragmatic hernia and we had to travel from south Tipperary with a very ill neonate to Dublin, there was no problem. Parents and anyone present in this Chamber, whether he or she is a parent, a health care professional or a care giver in any capacity, would say that he or she would travel anywhere to ensure his or her child would get the best care.

These are not my points but points that were made to me. There are misgivings about the Mater hospital site being the location of the new children's hospital. The late Dr. Maurice Neligan, God rest him, withdrew his support for the Mater site because he said crucial decisions were made on limited or selective criteria and without honest debate. I would like to think that the debate we are having is honest and not only one that assumes that this is the decision and nothing can be changed. Some valid contributions and opinions can be given. I am not necessarily reflecting my opinion but opinions that have been put to me. Some people would say the location was selected as another Bertie vanity project for his own constituency but I will not go into that debate.

Philip Lynch's resignation as the chairman of the board seemed to indicate there was a problem. Was the issue that he had lost confidence in the Mater site for the building of this new 440-bed hospital? We do not know that and the issue around it is not clear, but his resignation says something about it. I am aware he met the developer, Noel Smyth, in the summer to discuss alternative sites and I am not suggesting support for Noel Smyth, although he has become the focus and a rallying point around which an alternative view is being articulated.

The advent of NAMA creates new possibilities for finding a site, but the argument for a site close to the M50 is strong while the argument for the Mater site is weak. This morning it took me only 42 minutes to reach the point where the building of the new extension is going ahead, but that was without taking account of the time involved in trying to find a car parking space. Car parking is a big issue, which has been articulated by other contributors to this debate. There are 1,000 underground parking spaces for members of the public and for 1,500 staff. I am not suggesting that every member of staff has a car and that every member of the public accessing the facility will have a car but if they do, it will be tough. The access to a site close to the M50 appears to be more convenient for people outside Dublin and the Dublin suburbs, which is what the M50 is for, in effect.

Mr. Smyth believed that a site close to the M50 would be €150 million to €250 million cheaper and he offered to build on a not-for-profit basis. While I appreciate the contribution by the nuns of a site on the Mater campus is a generous one, we must have open minds on this matter. Everyone wants to have a world class hospital but the issue of access is vital. Mr. Smyth believes that because the planning application for the Mater Hospital site is before An Bord Pleanála, the Government is obliged to consider alternatives such as his proposed site. I ask the Minister of State to respond and, if he is unable to do so today, he could do so when replying to a letter I wrote to him following last week's debate on mental health.

The Health Service Executive refused to hear Mr. Smyth's presentation on the basis that the new hospital must be located at an adult teaching hospital. He has also offered to build a new hospital at any location chosen by the Government. The location Mr. Smyth proposes at Newlands Cross is one mile from Tallaght Hospital, which is part of the National Children's Hospital. I trained as a midwife in Whipps Cross maternity hospital, part of the general campus of Whipps Cross Hospital. The campus has a corridor that is one mile in length and is used for many purposes besides transporting patients. I refer to this to highlight that it is not beyond the realms of possibility to have a facility that is one mile long.

Under the current plan, a funding shortfall of €110 million will need to be raised through fund-raising efforts and philanthropy. I am concerned that it will not be possible to achieve this target in the current economic climate. Other contributors have voiced similar concerns.

The €650 million estimated cost of building a new hospital at the Mater Hospital site does not include information and communications technology costs, which are estimated at more than €100 million. As this money will be provided from HSE funding, this additional cost will have implications for the health service and the project. In light of other cutbacks in the health budget, the overall deficit will amount to more than €200 million.

I am also concerned about other cutbacks. At the weekend, I saw a proposal to cut the budget for mental health in HSE west by €5 million. It is a matter of grave concern that such proposals are being made when a project to develop a new national paediatric hospital will reduce the overall health budget by €1 billion. This concern must be addressed by the Minister of State, whose presence I welcome, and his boss, the Minister, who has left the Chamber, unfortunately.

The board of Crumlin hospital and the nurses employed there want the new hospital built on a site near the M50. They are most familiar with the experiences of patients and children. As I indicated, the travel time from the M50 at Blanchardstown to the proposed new site at the Mater Hospital is not less than 30 minutes and can be more than one hour, depending on the time of day, traffic volumes, etc. In most cases, one can expect the journey to take between 30 minutes and one hour. Moreover, contrary to what the Health Service Executive claims, the Mater Hospital is not close to train links. It takes 30 minutes to walk to the Mater Hospital from Connolly Station and the nearest Luas stop.

While I welcome the proposal to have a roof garden at the new hospital, I would be nervous about visiting a garden at the top of a 16-storey structure. A Dublin city centre location will not offer great opportunities to avail of fresh air.

The benefits of the M50 include an abundance of low cost hotels in the vicinity, easier access for those living outside Dublin and the possibility of accommodating expansion of the new hospital and the Coombe Hospital. It has been argued that postponing development at the Mater Hospital site would delay the project. Given that the new hospital is not due for completion until 2015, three years later than originally planned, a greenfield or brownfield site could be developed quickly because to do so would not create as much disruption as the project at the Mater Hospital site.

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Some 1,800 children are on waiting lists while wards lie idle at Tallaght Hospital, Crumlin hospital and Temple Street hospital. I await with interest the response of the Minister of State on the issues raised. As I noted, I wrote to him last week seeking clarification when he was unable to answer questions in a debate on the effects of the recession on mental health. If he is unable to give answers to specific questions, I would be grateful if he could do so in his reply to my letter.

**Senator Fiona O'Malley:** I am grateful to the Leader for arranging this debate and to those Senators who proposed that the House discuss the matter. I am becoming increasingly angry as I listen to this debate. Given our fixation with doom and gloom, it was nice to have a Minister giving the House a good news story. How has it been received? We have heard only that the Minister has taken the wrong course of action. Despite the fact that a world class facility for children, one that is unique in Europe, is about to be provided, all I have heard are complaints about its location. We have lost the run of ourselves.

Senator Prendergast referred to Noel Smyth. Since when has Mr. Smyth been an expert on hospital location? Why does the Senator give him such credence? I cannot believe the nonsense I have heard. I presume Mr. Smyth would like to enjoy the advantages of having a large hospital located beside the site he owns. Senators should cop on. Are Members of this House and the other House fools?

On the resignation of Mr. Philip Lynch, the Minister would have been perfectly entitled to sack Mr. Lynch. Politicians, specifically the Government, are castigated time and again for failing to make decisions. The decision on the location of the new children's hospital has been made and we must live with it and move on. The national broadcaster has been giving air time to taxi drivers to tell us what a stupid decision has been made. Since when have taxi drivers been experts on hospital location?

I was thoroughly disappointed by the decision of the Opposition spokesperson on children in the other House, Deputy Fergus O'Dowd, to jump on the bandwagon and seek to score a quick political point against a somewhat beleaguered Government. Rather than looking at the bigger picture, the Deputy decided to score a goal against an easy target. We must accept that a decision has been made to invest in a world class facility for children.

Deputy Gilmore was hoist with his own petard last week when, having stated that the Labour Party would not support the budget, he added that his party would not reverse any of the decisions made in the budget. Similarly, the next Government will not waste the millions of euro spent on the decision to locate the new children's hospital at the Mater Hospital site.

The opinions I value most on this issue are those of consultants, that is, the medical experts, and the parents of sick children. As one recent letter to *The Irish Times* noted, access does not matter when one has a child. While I am not a parent, I imagine that parents of a sick child would not care where they had to go provided the best possible medical attention was available.

The Minister has not sold the message that the highest possible standards will be available in the new hospital. I understand equivalent standards are available in only two other hospitals in the United States and that they may not be available elsewhere in Europe. Why is everyone not rallying behind the proposal and welcoming this good news? We are proceeding with the project because it is what children need and what parents want.

During my time serving on the Joint Committee on Health and Children, of which the Minister of State and Acting Chairman, Senator Feeney, were also members, I came to realise that being competitive is part of human nature, especially in an adversarial political system. Conventional politics, however, does not hold a candle to medical politics. During a discussion

with a delegation, members of the joint committee discovered that a position of consultant in paediatric care, for which the Government had provided funding, remained vacant for ten years because the three hospitals concerned could not agree on where the new post should be located.

If this is not medical politics at its worst, I do not know what is. It was an outrage and this was when I lost faith in people who agreed on having a hospital but not on deciding on a location or on who would win or lose out as a result. In those circumstances, one must stop listening to them. This is the reason I am somewhat disgusted with those who continue to listen to this point because it is only medical politics that is getting in the way of driving forward this project. I wish it could be put to one side and the fact embraced that people who know about such matters have decided on a location for the facility. The most important thing is to get on and to build it.

In conclusion, I was somewhat disappointed by Senator Norris's contribution. Although he is someone who usually has a can-do attitude, I refer to his complete defeatism on the grounds that the project's budget has determined that €110 million must be raised through philanthropy.

*1 o'clock* As for not going ahead with it because it might be difficult in these straitened times, I have never heard the like from him and was most disappointed by his attitude. Had we such an attitude, we would not get on with anything and nothing would get built. However, people who have associations or connections with Ireland time and again have put their hands in their pockets to support educational and many other ventures and I have no doubt but they will do so again. The Minister highlighted how the research budget will work as part of that philanthropic effort and again, this is about the commercialisation of research that I absolutely applaud and which should be pursued. The Minister was extremely transparent at all times and has invited someone such as Senator Norris to examine her files on the matter of what is going on at present. I am in agreement with Senator Fitzgerald that it is as clear as day that the Minister wants to build this project. All I ask of Members is to get behind it. As this decision has now been made, we should move forward and build the thing.

**Senator Ciaran Cannon:** Opposition Members often are criticised by Senator Mary White when they do not listen to her wonderful contributions in this House every now and again. I do not believe she was listening to Senator Fitzgerald's earlier comments when she described the latter's contribution as unedifying. I thought Senator Fitzgerald was quite conciliatory in her approach and that in general she was highly supportive of what the Minister is setting out to do in this regard.

The construction of a new state-of-the-art children's hospital would be a most welcome development in health care in Ireland. We have a long and proud tradition of providing excellent health care for children in our existing children's hospitals despite the fact that the staff operating in those hospitals do so in what often are highly difficult conditions. However, that collective knowledge and experience amassed over decades would allow us to scale new heights of excellence and that is the primary thinking behind this new hospital plan. International best practice requires that for a country of our size and population, there should be one facility, and one facility only, for the treatment of seriously ill children with cancer, cardiac problems, diabetes, cystic fibrosis and other serious conditions.

This is the reason I was somewhat mystified earlier by Senator Norris's contribution in which he cited a discussion he heard on radio regarding a lady who rushed her child, who had a threatened ruptured appendix, to hospital in Dublin city centre. I cannot discern how that anecdote plays into this debate. The primary aim of setting out to construct this hospital is to provide world-class tertiary care for seriously ill children. A child with a ruptured appendix from Galway, Donegal or Kerry will not be placed in a car and driven to the Mater hospital.

[Senator Ciaran Cannon.]

Consequently, this argument simply does not stand up to scrutiny. On that basis, all Members must be highly supportive of this concept.

Until quite recently, I and others were reasonably content that plans for the new hospital were moving ahead quite well until the unexpected resignation of Mr. Philip Lynch, who was chairman of the——

**Acting Chairman (Geraldine Feeney):** I ask the Senator not to mention in the Chamber people who are not Members of the House.

**Senator Ciaran Cannon:** Very well. However, I note he has been mentioned by Government Members already.

**Acting Chairman (Geraldine Feeney):** I know. I should have pulled them up. I apologise but the Senator in question had gone on by the time I thought about it and then did not mention it thereafter.

**Senator Ciaran Cannon:** Fine.

**Acting Chairman (Geraldine Feeney):** I simply ask the Senator to be careful.

**Senator Ciaran Cannon:** However, the chairman's resignation reignited the debate about the location and funding structure of the new national paediatric hospital. The debate is centred around two key aspects of the development, namely, its location and its funding. I am somewhat mystified as to the reason the decision was made to build a multi-million euro state-of-the-art hospital right in the heart of Dublin city. However, I must bow to the wisdom of the members of the paediatric hospital development board on that matter. I am not an expert in paediatrics and certainly do not claim to have any superior knowledge to those involved in choosing the site. I refer in particular to the comments of the chief executive officer of that body who stated it was important to remember what was best for children and that a co-located hospital, unlike a greenfield site, had the collective expertise amassed on a single site, as well as the economies of scale associated with being next to an existing hospital. Members also should reflect on the words of a board member of the Faculty of Paediatrics of the Royal College of Physicians of Ireland, who recently stated "the vast majority of paediatricians countrywide [were] behind this project". In fact, the dean of that faculty called an emergency meeting of its board on the morning of 12 October, five days after the resignation of the aforementioned chairperson. That board went on formally to endorse the national paediatric hospital in advance of issuing a statement confirming the faculty's strong support for the project. Members also should reflect on the words of a parent of two children with cystic fibrosis, as quoted in the national press some days ago, who stated "we [now] have an opportunity to build a world-class facility for our children, so let's get on with it and get it built".

All Members' focus must lie on simply getting on with the project and reassuring parents and children that they are deadly serious about providing a world-class children's hospital. My concerns do not centre on the hospital's location but rather on the resources required to build it. Latest estimates put the cost of construction at approximately €650 million. To date, the Government has committed €400 million and I was heartened to hear the Minister for Health and Children, Deputy Harney, state earlier that this would be increased next year to €450 million. The board of the hospital expects to raise €90 million through the private operation of the car park, retail units and research facilities in the hospital. Following that, this is the point about which I am deeply concerned, at least €110 million in funding must be raised through philanthropy, that is, through a combination of corporate fund-raising and private donations.

In her contribution, the Minister, Deputy Harney, mentioned that Canada recently had succeeded in raising €98 million for a similar facility there. However, Canada is a country of 33 million people, approximately ten times the population of Ireland. Canada is not going through the deep economic crisis that Ireland is suffering. It was telling to listen to Senator Fitzgerald's observations on the report from the Jack and Jill Foundation to the effect that its fund-raising is down by 25% this year. Moreover, the ISPC, a children's charity, is unable to raise sufficient money itself to ensure that all calls to Childline are answered on a daily basis. Consequently, I have concerns that this figure of €110 million is not realistic in the current climate. The Minister stated there will be a commitment in the four-year budgetary strategy towards ensuring that the aforementioned €450 million in funding will remain in place for the hospital. It is most important that this commitment be reiterated in the Budget Statement, whenever that might take place, because unless such a commitment is forthcoming, one must question whether Ireland has the resources to continue or whether the Government is serious about so doing.

It also is important to get some clarity and transparency and to apply some scrutiny to the claims of the board of the new hospital that it can raise the other €90 million through commercial activity within the hospital, including as the Minister noted the renting of rooms to consultants on a private basis, as well as through the car park facilities and other commercial activities within the site. Perhaps €90 million can be achieved but more clarity is required in this regard. I am utterly and completely supportive of the concept and it is past time to end the discussion on the location. The issue is about providing such world-class tertiary care for seriously ill children in a suitable location. I do not subscribe to the argument that one needs to be within an hour's drive from this facility. That is not the kind of care it sets out to provide.

Can we have clarity from the Government that the €450 million is sacrosanct, untouchable and will remain in place irrespective of the comings and goings of the next weeks and months? We need to hear that commitment made in the budget speech. If it transpires that the €110 million simply cannot be raised through philanthropy, the Government may have to step in at some point and make up the shortfall. Making that commitment now may not be the right thing to do because it might discourage a comprehensive effort on the part of the fund-raisers. The Government must realise, however, that it may have to step in at some point in the very near future and supplement the €450 million already committed. This project needs to be completed quickly. I am very supportive of the concept.

**Senator Maria Corrigan:** I join colleagues in welcoming the Minister of State to the Chamber. I concur with Senator O'Malley's comment that this is a very exciting project. It provides us with a golden opportunity to create one of the world's greatest children's hospital, to which clinicians, educationalists and researchers from around the world will be attracted. I welcome Senator Cannon's contribution, his enthusiasm and his recognition of the importance of this project.

Donald Berwick has been quoted in the Royal College of Paediatrics and Child Health document, *Guide to Understanding Pathways and Centralising Networks*, as saying,

Great health professionals do not make great health care. Great health care professionals interacting well with all the other elements of the health care system make great health care.

That is what we are aiming to do with the establishment of this new hospital. By merging the three existing children's hospitals we will be pooling the expertise of some of the country's most prominent child health care experts in an effort to provide a world class paediatric service. It should be recognised that Ireland has a world class record in paediatric services, especially in paediatric oncology.

[Senator Maria Corrigan.]

It is universally accepted within the paediatric health care community that the sickest children requiring access to highly specialist professionals, equipment and facilities can only be accommodated in one children's hospital. There is also unanimous agreement that the child population and projected health care demands of Ireland can support only one national tertiary hospital and that there is an urgent need for capital investment in children's health care services. The McKinsey report also found that international studies show that hospitals that treat higher numbers of cases with a critical mass in the depth and breadth of speciality services deliver significantly improved outcomes and experiences for children. That is something we have seen throughout all aspects of health care. Where we can achieve specialist centres and provide clinicians with the opportunity to hone their expertise, there are much better outcomes for patients. This has to be a driving factor behind the establishment of a national children's hospital. We want the best possible service for the children of our country. That is the only thing driving this development.

I was delighted to hear that the development board is making good progress in planning and developing the new hospital, that it has formally asked An Bord Pleanála for the project to be considered under the strategic infrastructure legislation and that it has had an initial meeting with An Bord Pleanála.

Colleagues have raised the issue of the location of the hospital and controversy and debate has surrounded the issue. I can only imagine what we would be hearing today if the Government had gone against the recommendation of an expert group. It was an expert group that recommended this location. The group was given a job to do, with terms and references. It did the job, brought back a recommendation and the Government accepted it. If the Government had not accepted that recommendation and gone with an alternative location, we would be hearing much more vociferous contributions today.

I take the opportunity of the Minister of State's presence to raise some specific issues. The National Rehabilitation Hospital in Rochestown, Dún Laoghaire, caters for adults and children with brain or physical injuries acquired as a result of accidents or medical events. Will there be a dedicated unit within the national children's hospital for children with brain or spinal injuries or other serious physical disabilities acquired as a result of a catastrophic event? There is a great opportunity here. Treating adults and children in the same setting is not ideal. It has long been the goal, even in the proposed redevelopment of the National Rehabilitation Hospital, to have a specialist centre for children. Within the confines of what is proposed for the national paediatric hospital, there may be an opportunity to meet that need. The establishment of the national paediatric hospital is also an opportunity to provide world class training and educational services. That is to be welcomed. It will be a much-utilised resource of benefit to all children.

I note it is intended to commence construction in the last quarter of 2011 and that it is hoped to complete the project by 2014. This would be very welcome. It is a very exciting project and I concur with colleagues who have said the sooner we can get on with building the hospital and putting it in place, the better it will be for our health services.

**Senator Paschal Donohoe:** I welcome the Minister of State. I acknowledge the contributions of Senators Corrigan and Cannon. Politics will change as a result of the desperately difficult times in which we find ourselves and I was struck by the nuanced and constructive approach both my colleagues took to his matter. Care was taken to try to understand the issue and both speakers made informed contributions that left aside the kind of politics and sectional interest that so often riddle our country when we make major decisions. There has been much discussion today about what our sovereignty will look like when the events of the coming weeks

are out of the way. One of the things that deeply frustrates me about how we use the sovereignty we have currently, and will have in the future, is that every time a Government, of any complexion, makes a major decision, the interests involved who are disappointed by the decision do what they can to have the decision unpicked. Many of these interest groups, and in the case of the national children's hospital, all of these groups, are driven by what they believe are the best interests of children and by genuine interests. We are getting to the point, however, where any time a major decision is taken, the journey between making and implementing the decision becomes longer. This is at the cost of the country and every Member.

This is a decision about which I feel strongly, for reasons I will explain. Once a decision has been made and the Opposition in the House and stakeholders outside it have expressed constructive views thereon and have done what they can within the system to have their points of view heard and their proposals implemented, progress should follow. Despite some of the opposition that is now evident, I am glad a planning application has been sought for the project. I am glad to see the project moving ahead and that, within Leinster House, the questions being raised by colleagues such as Senator Cannon and Fitzgerald are legitimate in respect of which we all want answers. We all want to ensure funding is in place and that it is adequate for the project.

One common perception that has not been touched upon but which is a source of uncertainty is that the decision to locate the hospital on the site in question was made because it is in the constituency of the former Taoiseach. We should address this. I want to raise the matter because I live in the constituency in question and hope to represent it in the Dáil some day. I walk by the new site twice per day. I have brought my children to Temple Street hospital and the Mater hospital and have used their facilities very much, and I will use those that are put in their place very much. An issue that has riddled our politics and which is riddling the paediatric hospital project is the perception that decisions made in the national interest are too often influenced by constituency or sectional interests. I want to outline my view and then make a statement on those who make the final decision.

I will be glad to see the project completed, irrespective of whether the hospital, which is to meet the needs of chronically sick children, is located on the Mater site or in another part of Dublin or another part of the country. Where we live and where we represent must not influence the decision. I have confidence that two people will make the right decision in this regard, namely, the current Minister for Health and Children, whom I believe is motivated by the national interest, and a person who might be Minister for Health and Children in the future, Deputy James Reilly, if he is privileged enough to hold that post and if Fine Gael is lucky enough to get into government. Both are motivated by what is right for children and will make the right decision regardless of the location and the concerns that arise.

As Senator Cannon stated, we must ensure there is sufficient funding to ensure the hospital is built and built well. As I was acquainting myself with the background to the project, I took the time to read the McKinsey report and the reports that followed it, which laid down the criteria for the hospital's location. Colleagues have already touched upon them. The reports are very clear and state a country of our size should have a national centre and that, in order to deliver the best possible facility, it should be co-located "with an adult teaching hospital to access specialities that generally split between adults and children to facilitate clinical and academic cross-fertilisation and to attract the top staff". From talking to people who work in this field, I learned that the only two hospitals that would meet the criteria are the Mater hospital and St. James's hospital.

The Government, with the advice of experts in this area, made the decision to opt for the Mater hospital site. As planning permission is being considered for the project, the Government

[Senator Paschal Donohoe.]

should do all it can to provide transparency regarding how the legitimate issues being raised by many are dealt with. Concerns arise regarding how the money will be found. Let us provide answers in this regard. We now have a crucial window that will allow the question to be answered. When a decision is made to meet the needs of citizens, particularly children, let us unite in respect thereof and implement it. Let us leave aside the various interests, which in many cases may be motivated by good intentions, and ensure a positive outcome.

Let me refer to an opinion piece in *The Irish Times* on this subject by Mr. Karl Anderson, former chairman of the New Crumlin Hospital Group. In the interest of openness, he was supportive of the decision made but concluded with a point that should appeal to everybody, regardless of what side of the debate one is on. He stated:

If the prospect of a new children's hospital becomes a distant memory smothered in reviews and endless circular debates (which it will because there is no perfect location), those who are most vocal against the current plan will be silent. Those who are actually responsible for providing services will be held accountable.

That is the tone we need to adopt in making a decision and implementing it. We must put the right facility in place and answer legitimate questions that have in mind the best interest of the children who will be using the services at the hospital when built.

**Senator Geraldine Feeney:** I welcome the Minister of State, Deputy Moloney. The Minister, Deputy Harney, was present this morning. When I saw last Thursday that we were to have statements on the new national children's hospital, I had sense of *déjà vu*. I have been present on at least two occasions discussing the hospital. I was rather surprised, but mainly disappointed, when the issue raised its head again a month ago and the controversy started.

I am very encouraged by the remarks of Senators Cannon and Donohoe, bearing in mind that there were very negative contributions this morning from a Member from the Labour Party and an Independent Member. I appreciate the views of the last two speakers for Fine Gael, and also those of Senator Fitzgerald, who suggested that we get on with the project. It is not about Dublin or about a sick child with appendicitis who had to come from Connolly Station and whose mother had to feed the meter and leave him or her with somebody. It is a question of accommodating the needs very sick children from Inishowen to the Beara Peninsula, and from the most westerly point in Connemara to the most easterly point in Monaghan.

I was particularly taken by the remarks of Senator Donohoe and often quote him. We may not always agree but I am taken by much of what he says. I agreed with his remark that it is not a question of where we live or represent and that it should never be. It should be a question of legislation, and the planning of institutions should be done on the basis of what is best for the country. This would resonate with the Minister of State because I remember an occasion on which he got into terrible trouble for going against local opinion requesting that a cancer unit be located in his own area. He concurred with the views of those who knew where it should be placed. Its location was determined by Government policy at the time. It would have been so much easier for the Minister of State to support the locating of the centre in County Laois. That is just part of what goes on.

The Minister said this morning that stand-alone facilities are a thing of the past and must never be considered in the future. One need only read the McKinsey report in this regard. It refers to children being treated by specialists who are at the same time treating adult patients. I do not believe there are medical disciplines that pertain only to adults or only to children. In children's medicine, one cannot have a specialist in every area and one needs to share with adult patients.

I am prompted to wonder what it must be like for the top-class medical professionals we are trying to attract to work in the proposed new national paediatric hospital when they listen to a debate such as this and realise we cannot even agree on where the hospital should be located. We want to attract the best experts to work at the new facility. As Senator O'Malley stated, it will be one of the few national paediatric hospitals in Europe, a fact of which we should be so proud. If we continue to sit on the fence and refuse to decide where the new facility should be located, who will want to work there?

The Minister briefly outlined the legal difficulty that arose in respect of St. James's Hospital and then indicated that the Mater Hospital had ticked all the right boxes. I accept that the Mater Hospital site might be confined. However, there are other hospitals throughout the world which also operate on such sites. I refer, for example, to the Sloan-Kettering cancer treatment centre in New York which, as a member of the Joint Committee on Health and Children, I had the privilege to visit and Great Ormond Street Hospital for Children, with which I am not familiar. These facilities are located in cities that never sleep and where people do not seem to stop to draw breath but both are world renowned. In Ireland we worry about whether it would be better to locate the new national paediatric hospital near the M50 or whether it would be more appropriate to provide more than 1,000 car parking spaces. We have shilly-shallied for long enough. People should stop talking nonsense and delaying the project. In the interests of sick children, we should progress it.

I agree with previous speakers on the shortfall of €110 million. I hope there will not be such a shortfall, particularly as the Minister indicated more funding will be available next year. In view of the fact that we are financially strapped, I hope the project will be given priority ahead of everything else. If money must be raised, we must put our shoulders to the wheel and do everything possible to ensure the new national paediatric hospital is built.

I am glad this debate has taken place. On Thursday last I did not know where we were going on this matter. The debate has been extremely positive in nature. Since he entered the Chamber, the Minister of State, Deputy Moloney, has been repeatedly informed by Members that it is time progress was made on the issue. I look forward to the commencement of construction in 2011 and the completion of the new hospital in 2014. When the ribbon is cut at the official opening, we can all take a bow and say, "Job well done." Senator Donohoe is laughing, but he may be the person charged with cutting the ribbon. Regardless of who is afforded that privilege, let us ensure the project proceeds.

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The Minister, Deputy Harney, wanted to be present to reply to the debate, but, unfortunately, she is obliged to be elsewhere. I have had the privilege to be present for the past 60 minutes and, notwithstanding the criticism outside the House, it is obvious that many Senators couched their contributions in the national interest and have indicated that they want to try to deal with the various issues that arise.

Senator Cannon posed an extremely pertinent question with regard to the €400 million required for the project. It is only right and proper that a definite commitment to provide this funding should be contained in the Budget Statement. The Minister has referred to this commitment on numerous occasions. Senator Donohoe indicated that he fully recognised the commitment and integrity of both the Minister and Deputy James Reilly in the matter.

For a long period the integrity of the process relating to the selection of the site for the new national paediatric hospital was challenged or questioned, particularly in view of the fact that the site eventually chosen was located in the former Taoiseach's constituency. This has led to the waters being muddied to a degree, despite the fact that all of the evidence indicates that the site was selected on an independent basis. As Senator Feeney indicated, where there is

[Deputy John Moloney.]

competition between sites, the debate often becomes sidetracked. This is because there is a clear understanding that, regardless of which site is selected, certain benefits will flow to the political process and also the medical regime. As previous speakers stated, however, the debate must focus on the patient who must come first at all times. I am not an expert, but I have some experience of site selection processes. In that context, I am concerned that if we decided to re-examine the position on the site for the new national paediatric hospital, we could eventually find ourselves in a position where we would not be able to make financial provision for the development of such a hospital. It is important, therefore, that we proceed along the current path.

I recall what occurred when another independent report on the issue of cancer services in the midlands was published. When it emerged, the then Minister for Health and Children, Deputy Cowen, now Taoiseach, happened to live in Tullamore. There were suggestions at the time that he had interfered with the site selection process and dictated that the hospital to serve the four counties of Laois, Offaly, Longford and Westmeath should be located in Tullamore. When all of this was happening, with a number of colleagues from the midlands, I travelled to Dublin to meet the then chairman of the National Cancer Forum, Professor James Fennelly, to argue the case for locating the new facility in County Laois. Having been presented with evidence relating to the independent decision made to provide the service from Tullamore, I returned home with a different attitude. The assessment outlined the position on the likely throughput of patients and indicated that there would be a need to upskill consultants and other medical staff at one location. I stress that the decision of the National Cancer Forum on the matter was made on an independent basis. For some four years after the decision was made, people continued to argue the Taoiseach had been involved in influencing the site selection process. The actual position was somewhat different. I have always given credit to the Taoiseach's predecessor as Minister for Health, Deputy Noonan, who established the independent review group which selected Tullamore as the location from which cancer services in the midlands should be provided. My net point is that we ended up with a fragmented service and Senators will be aware of the awful difficulties which arose in the provision of cancer services for women at Portlaoise Hospital afterwards. There is a lesson to be learned in this regard. When an independent decision is made, it should be respected. People should not automatically assume independent bodies are influenced or dictated to by the Government.

Reference was made to the number of car parking spaces to be provided at the new national paediatric hospital. Some 800 car parking spaces at the new facility will be reserved for parents and staff will not be permitted to use the parents' car park. The Mater Hospital has already won awards for encouraging staff to use other modes of transport in getting to work. It is important to keep repeating this information, particularly in view of the fact that people seem to believe the number of car parking spaces to be provided will not be adequate.

Senator Prendergast raised a number of issues relating to mental health. I gave a commitment to her in respect of these issues last week. I will respond to her concerns in the next week or so and clarify the position on services in Clonmel.

I reiterate what the Minister, Deputy Harney, stated, that the Government's priority is to provide the best standard of complex hospital care for children in Ireland. To further this priority, it is fully committed to the construction of the new national paediatric hospital on the Mater Hospital site and providing the associated ambulatory and urgent care centre at Tallaght hospital. It is well known that in late 2005 McKinsey and Company was engaged by the HSE to advise on the future strategic organisation of tertiary paediatric services.

It was good to hear Senators refer to what constituted a tertiary hospital. Often the argument goes out that persons in an emergency would have to traverse the city. That is not the issue, and

that has been so properly pointed out by Senators Donohoe, Feeney and Cannon a while ago. They make that point not to confuse what a tertiary hospital is about, and the Minister, Deputy Harney, has often tried to explain that.

The resulting report on a children's hospital first recommended that a new paediatric unit should be located alongside a leading academic teaching hospital in Dublin. I still believe the principle of location alongside a leading academic teaching hospital, in line with widespread international best practice, enjoys widespread support.

The joint taskforce, representative of the Department of Health and Children, the Office of Public Works and the HSE, was established in February 2006. The taskforce carried out extensive consultation with various stakeholders, including the three existing paediatric hospitals, the three maternity hospitals and the external expert. I reiterate there were extensive consultations with the three existing paediatric hospitals. Following these consultations, the taskforce recommended that the new children's hospital should be located adjacent to the Mater university hospital on Eccles Street.

The high-level framework brief for the new hospital prepared by Rawlinson Kelly and Whittlestone Limited was completed in October 2008. The report was informed by clinical and architectural experts from major children's hospitals in Toronto, Philadelphia and Manchester. The report included the detailed assessment of capacity, and concludes that the site adjoining the Mater hospital can accommodate all the requirements of the new hospital and will still allow expansion of capacity beyond 2021. The designs for the new children's hospital demonstrated that the site at the Mater campus meets the requirements for children, young people and their families.

The Government decision to locate the new hospital on the Mater site is, therefore, based on very best possible expert advice and, indeed, on internationally established best practice. The decision has been widely welcomed and has been supported recently by the faculty of paediatrics at the Royal College of Physicians of Ireland.

The new children's hospital will play a central role in the integrated network of paediatric services across Ireland. The merging of the three Dublin paediatric hospitals in a single hospital structure will ensure a critical mass of specialised skills to provide highly complex treatment and care of sick children. It will also provide additional benefits for sub-specialisation and the development of campus-wide support services. Dr. Ronnie Pollack of MPA Healthcare London stated that a synergy created by assembling some of the best clinical and research skills in the country in a single site will create the environment for children to progress further in international standing with measurable benefits for children and adults.

While the debate on the location has been reopened in recent weeks, Senator Feeney wondered whether this would delay the delivery of a new hospital. I dare say it will not, certainly going on what I heard here today. Whereas it might be possible to build a new hospital somewhere more cheaply on a greenfield site, and this had been mentioned, it is important to state that this once-off saving would be offset by higher running costs every year. The Mater hospital site offers economies of scale and scope for shared services that cannot be achieved in such an undeveloped location. The HSE has estimated the cost of building a hospital to the same specification on a greenfield site would be in the region of €549 million whereas the cost of construction on the Mater site is in the region of €600 million. Both amounts exclude the cost of an ambulance and urgent care centre at Tallaght, however it must be borne in mind that the project amount of €51 million would be a once-off saving and the savings derived each year from the efficiencies delivered by shared services and economies of scale which would be available at the Mater site would not be available on a stand-alone site.

[Deputy John Moloney.]

In addition, it is estimated that the decision to move to a greenfield site would further delay the development by up to two years. It is so important to make the point that parents continue to ask when the hospital will be ready. If anyone talked about a hospital on a greenfield site two years down the road there would be suspicions about the commitment to building a hospital. The point was made by Senator O'Malley. The Government and so many others are committed to this project, and there is no one trying to find an escape clause here given the economic downturn. The commitment is alive and well. It is real. I think further commitment will be given to that in the budget speech. There is also no good reason for changing a decision which has been carefully reached. It would risk delaying the project considerably. There would be serious disadvantages if the hospital was built on a stand-alone site.

The development board will now press ahead with work on the development. The board is making good progress in planning and developing the new hospital on the Mater site and has formally asked An Bord Pleanála for the project to be considered under the strategic infrastructural legislation. It had an initial meeting with An Bord Pleanála on 5 November.

Subject to planning permission being granted, construction of the new hospital is scheduled to commence in the fourth quarter of 2011. Completion of the construction phase is scheduled for the end of 2014. The Minister has asked the HSE to ensure that the fit-out and commissioning of the hospital takes place as soon as possible after this.

The current estimate of construction costs for the entire project is €650 million. This is a significant reduction on earlier estimates. Of the total costs, €400 million is committed by the Exchequer and is reflected in the HSE's capital plan this year. It is important to emphasise that time and again. This will be increased to €450 million in the HSE's capital plan for 2011. The balance, as said by the Minister, will be from initiatives estimated at €110 million and €90 million from commercial and other sources of some, including car park, commercial units, research funding, private donations etc.

The Minister is confident that we will meet our objective of providing a world-class paediatric service for our children in the new paediatric hospital. I thank the Cathaoirleach and Senators.

*Sitting suspended at 1.45 p.m. and resumed at 2.35 p.m.*

### **Death of Member: Expressions of Sympathy**

**Senator Donie Cassidy:** It is with a heavy heart that I speak about the sad passing of a friend and colleague, Kieran Phelan, someone for whom I had great admiration. He was a truly wonderful person, a highly intellectual Member of Seanad Éireann and one of the best attendees. He was also an astute and capable individual who was interested in getting things done. He leaves a legacy of hard work and a strong commitment to public service having served the people at local and national level.

A farmer and an auctioneer from Raheen Upper, Donaghmore, Portlaoise, County Laois, Kieran was first elected to Laois County Council in 1991, continuing the tradition begun by his late father, Paddy, who had served for 12 years. Kieran served for 12 years as a councillor for the Borris-in-Ossory area and, as we all know, topped the poll in the 1999 elections. He was very proud to be elected chairman of Laois County Council in 1998, a role he performed with great pride and dignity. He was also vice chairman of County Laois Vocational Education Committee and chairman of Rathdowney GAA Club, a club he loved all of his life.

I first met Kieran in 1978 when he was director of elections for the Minister for Health and Children, Deputy Harney, whom both he and his wife, Mary, worked hard to get her elected, particularly in the Dáil elections of 1981, February 1982 and November 1982. She has stated it

is doubtful she would have been elected without Kieran's and Mary's expertise and input in those three general election campaigns.

The peak of Kieran's career was when he was elected to the 22nd Seanad on the Industrial and Commercial Panel in 2002. At approximately 9.10 a.m. on a Monday after the general election in 2002 the doorbell rang at my home. When I answered the door, standing there were Marty Rohan, John Moloney — now a Deputy and Minister of State — and Kieran who, as they put it, had come for some advice on how to fight a Seanad election. Any one of the three could have written the book himself. They achieved their mission and goal and were very well looked after in County Westmeath. Kieran was loved by the local authority members and respected in the county each time he stood for election to Seanad Éireann. He was re-elected in 2007 and our spokesperson in the Seanad on defence at the time of his death.

From the moment he was first elected to Laois County Council in 1991 Kieran served the people of that county with tremendous dedication and commitment until 2002 when Members of the Oireachtas had to stand down and were no longer allowed to have a dual mandate. As we know, his seat on the county council was taken by his brother, Brendan, who continues the family tradition to this day. As a Member of the Upper House, Kieran continued to work on behalf of the people of County Laois and never faltered in his determination to help them in whatever way he could.

Kieran was an unassuming man who was held in high regard by everyone but particularly in his local community. His enthusiasm and warm personality endeared him to all. He was kind, easygoing, dependable and, above all, loyal. He had a great ability to be able to relate to people. It is small wonder that he was such an immensely popular man and I know his loss will be felt among his friends and colleagues. On this side of the House we knew him as a great servant of the Fianna Fáil Party, of which he was so proud. He was a staunch defender of the party and a great upholder of its traditional values. We will miss him. On a personal note, I was privileged to serve as Leader of the House during Kieran's tenure as Senator. I owe him a great deal of gratitude for his loyalty and the service he gave the party and the House.

Despite his love of Seanad Éireann, Kieran's greatest love was for his wife and children, mother, grandchild and extended family. His sudden death has robbed them of a great husband, father, brother, uncle and friend. On behalf of Members and the Fianna Fáil Party, I offer our condolences to his wife, Mary; his five children, Fiona, Martina, Brenda, Aisling and Patrick; his grandson; his mother, Delia; his brothers and sisters and extended family who have come here today in such large numbers. I have been a Member of the Oireachtas for almost 29 years and have never seen such a large turnout of members of the extended family. May God comfort and console them on their great loss. Go mbeannaí Dia trócaire ar a anam.

**Senator Frances Fitzgerald:** On behalf of Fine Gael Party Members of Seanad Éireann, I pay tribute to our late colleague, Kieran Phelan, whose sudden death shocked us all in this Chamber and everybody in Leinster House. No doubt, its suddenness can only have made his parting all the more difficult for his family and wider circle of relatives, friends and supporters. I hope the tributes today will go some small way towards outlining to his wife, Mary, and their five children, Fiona, Martina, Brenda, Aisling and Patrick, the high esteem in which he was held and the sadness shared by everyone here at his untimely passing.

I remember being at a meeting with Kieran only days before his death. He was so full of life, in good humour and showing his usual characteristics which made him well liked and popular across the political divide in Leinster House. The words “jovial”, “kind”, “friendly”, “good humoured” and “unassuming” spring to my mind when I think of him. One could always be sure of a friendly smile or an encouraging word from him in passing or at a meeting. His passing has been felt by all of us who interacted with him in the world of politics.

[Senator Frances Fitzgerald.]

As the Leader said, Kieran served his community, county and country with dedication, commitment and distinction, first in Laois County Council from 1991, at which he represented Borris-in-Ossory — he became first citizen of his county in 1998 — and then in Seanad Éireann from 2002 until his untimely passing this year. His life and contribution were cut far too short. He was taken from us far too soon, but I have no doubt he is looking down on us today and we can still picture his smiling face, friendly demeanour and warm manner. To his wife, Mary; his five children; mum; extended family and friends who are with us today, I extend our sincere sympathy. Ar dheis Dé go raibh a anam dílis.

**Senator Joe O'Toole:** Let me raise one technical matter, something which always upsets me on these occasions. I note that on the television monitors the late Senator is referred to as Mr. Kieran Phelan. This happens every time there are tributes. To us, Kieran is still a senatorial colleague and will always remain so.

**Senator s:** Hear, hear.

**Senator Joe O'Toole:** I have asked about this before and ask that it be corrected on future occasions. It is important because we are speaking about our late colleague.

We will miss Kieran's good humour and warm personality. We can only imagine how his death impacts on his family and friends. I speak on behalf of my colleagues on the Independent benches, on whose behalf I extend our deepest condolences. We knew Kieran as someone who was loyal and dependable. When one did a deal with him, it was not necessary to sign off on it. His word was his bond and always maintained. In this way he endeared himself to Members on all sides of the House. I would like his family to know that this has nothing to do with party; he was a colleague who was appreciated as much on this side of the House as on his own. His views were always his own. As has been said, he was honest and untrammelled by party or other considerations. He said it as he thought and believed it, straight up. He could have been talking about somebody in his own or another party; it was his view and he lived or died on that basis alone. On behalf of Members on these benches, I acknowledge his contribution to this House and politics. It is wonderful to hear on an occasion such as this the sound of a grandchild gurgling in the background. I know Kieran would have appreciated it.

On a serious note, at a time of turmoil in society, it is important to recognise there was never a greater need for people to step forward to put their names on the ballot paper and acknowledge their responsibilities. That is what Kieran did. As a public representative, he recognised that was the greatest service a person could provide in a democracy. Whether a person does it well or otherwise, he or she has to start by putting himself or herself in a position to be knocked down. There is no higher calling than facing the electorate and the ups and downs of political life and rolling with them. For this, we express our appreciation to Kieran.

It is rarely understood and too often forgotten in the midst of the constant criticism of politicians on the so-called gravy train that a significant commitment and sacrifice are required, especially so in the case of one's family. Because of the nature of a politician's life, there is separation from one's family for long periods. Politicians cannot be effective without the full support of those closest to them. In Kieran's case, this was provided by his spouse, Mary; his five children; his brothers and extended family. We record our thanks to them for providing that level of support. In a special way this is their contribution to public life and public service, of which they should always be proud. We know we can do nothing on our own without those behind us. Providing such support must have been difficult at many times during the years when the burden of rearing a family and running a home fell on the other partner and others. Kieran's commitment to his family, place, party and country was unmatched. It was real and a

commitment by which he lived. I remember my last conversation with him. The voting records of Members had been made available. We were at a Whips' meeting and either Senator Cummins or Senator Wilson made the point that Kieran had the best voting record in the House. I suggested to Kieran that perhaps in the future the salaries of Senators should be benchmarked against their voting records, a suggestion with which he was very pleased.

My colleague, Senator Harris, will speak further in tribute. When he and I sought support, Kieran stood with us on an issue of no value, electoral or otherwise, to him; it was a selfless gesture motivated by common humanity, an innate sense of justice and a commitment to fair play. We appreciated very much the stand he took with us. That was the mark of the man; he was not in it for personal recognition or personal or electoral gain. Ar dheis Dé go raibh sé. Tá brón orm go bhfuil sé imithe uainn. We extend from these benches our condolences to his family.

**Senator Alex White:** On behalf of the Labour Party, I extend my sympathy to the family of the late Senator Kieran Phelan, as well as to the Fianna Fáil Party, the Leader and the Cathaoirleach on the loss of a close friend and associate. This is not a partisan occasion and I am saddened but privileged to have an opportunity to honour a true colleague with whom I worked for several years in the Seanad. We are often advised not to react immediately to events but we responded briefly on 26 May because, as Senator Fitzgerald noted, there was genuine shock at the suddenness of Kieran's passing. I made an off the cuff remark on that occasion to the effect that Kieran was impossible to dislike. Sometimes the remarks we make spontaneously are the ones we really mean, even in this business.

He had huge warmth but, in addition to being very personable and likeable, he exercised sharp political judgment. I was a member of the committee to which an earlier speaker referred and, if I am not mistaken, we met the day before Senator Phelan's untimely death. I cannot remember the precise nature of the issue we discussed but I recall it was a source of contention. Kieran was a man of relatively few words but they were well chosen and he expressed astute views on the issues that came before him.

The Leader spoke eloquently about the great public service Kieran Phelan gave to his county and his country. In the short period that I knew Senator Phelan, I witnessed his sense of commitment in action. He was tenacious in his work on behalf of constituents and on the national canvass.

I regret the passing of Kieran Phelan. He is sorely missed in this House and I extend my sympathies to the Fianna Fáil Party and, in particular, to his family members who are gathered here. It is our sad privilege to honour his contribution to this House.

**Senator Dan Boyle:** On behalf of the Green Party, I extend my sympathy to the late Senator Kieran Phelan's wife, Mary, his children, his extended family and his Fianna Fáil colleagues. Several speakers referred to Kieran's affability and good humour. These are qualities by which many would define him but his commitment to this House should also be stressed. He was party spokesman on defence, an area in which not much legislation is debated in this Chamber, and he was a full participant in every other aspect of the Seanad's business. Mention has been made of his voting record, his daily attendance on the Order of Business and his membership of the Committee on Procedure and Privileges. I do not think anyone in this House can match that level of commitment and he stands as an example which will live long after his presence in this Chamber. His family can take a great deal of pride in the fact that he contributed not only to this House but also to his own local authority as chair and member of Laois County Council.

[Senator Dan Boyle.]

Alongside the great affability to which other speakers referred, there was a sense that Kieran possessed a steely strength that perhaps belied his good humour even though few, if anybody ever saw it. He needed that strength of character to suffer the slings and arrows of public life in local government and this House. We are the poorer for his departure but I hope his family takes solace from the sincere words being spoken by Senators. Ar dheis Dé go raibh anam dílis.

**Senator Paddy Burke:** I wish to be associated with the vote of sympathy to our late colleague, Kieran Phelan, and extend my sympathy to his wife, Mary, and his immediate and extended family. I had known Kieran for many years but I came to know him much better since he became a Senator. He was a loyal colleague even though we sat on opposite sides of the House. He was warm, sincere, friendly and good humoured. As Senator Alex White noted, we could not but like him. He had a natural ability to get on with people and appreciate different viewpoints. It was a sad occasion to attend his funeral in County Laois and we will miss him greatly. Most of all, however, he will be missed by his wife, Mary, and the Fianna Fáil Party. He was a great colleague and his sudden passing created a void within this House.

**An Cathaoirleach:** A large number of Senators wish to contribute and, while I will do my best to facilitate them, it would be appreciated if they could be brief.

**Senator Diarmuid Wilson:** I welcome the Phelan family to the Visitors Gallery, including his mother, Delia, his wife, Mary, and his four daughters. Unfortunately, Patrick is unable to attend because he is in Australia. Kieran was the eldest of a family of 18 and most of his brothers and sisters are here to acknowledge the tributes being paid to their late, great brother.

I first met him while canvassing for the 2002 Seanad elections and I liked him immediately after being struck by his infectious laugh. I am glad to say we were both successful in that election and we subsequently became great friends.

Kieran was dedicated to his family. He was married to Mary for 37 years. He was shy about these matters but I discovered on the night of his wake in Rathdowney that he dated her since they were both teenagers. He was dedicated to his five children, Fiona, Martina, Brenda, Aisling and Patrick. He adored his mother, Delia, and rushed to Dublin every Tuesday morning to meet her for tea and toast and fill her in on the previous week's news from Rathdowney. We used to joke that he was always the first in on a Tuesday. On Thursday mornings he brought his briefcase with him to the Order of Business and he tried to be the first out of here.

Kieran was very proud of his late father, Paddy, who was also a member of Laois County Council. He was immensely proud of his brothers and sisters, all of whom were regularly mentioned by him. He took great pleasure in their success. When I and others would slag him about the millionaire Phelans, he would say "they all have money except Mammy and me". He had other loves as well. He enjoyed farming, cattle and, in particular, cattle dealing. If one happened to walk into his office, he would invariably be on the telephone to Brendan, telling him to "buy, buy, buy". In all the years I knew him, I never heard him saying "sell, sell, sell".

Kieran was dedicated to politics. As Senators Cassidy and Fitzgerald said, he was committed to the people of the Borris-in-Ossory electoral area, whom he served on Laois County Council. He was committed to County Laois and to the Seanad. He had 100% attendance in this House until the time of his death. He worked very hard on behalf of his constituents. He would bring a bundle of representations to Dublin every Tuesday. He would have dealt with them all by

Wednesday evening, when he could relax and have a drink because all of his constituents had been sorted out.

Kieran can be summed up as an honourable and decent man. He was loyal and trustworthy. His word was his bond.

**Senator Donie Cassidy:** Hear, hear.

**Senator Diarmuid Wilson:** On Friday of this week, 19 November, he would have celebrated his birthday. I will celebrate my birthday the following day. He used to say there were just 20 years between us.

As others have said, he was Fianna Fáil's spokesman on defence in this House. He was good at it. There is a joke to the effect that the Minister for Defence has to be good at sitting on the fence. Kieran Phelan was no good at sitting on the fence. As Senator O'Toole said, he told it as it was. One could take it or leave it. He could not tolerate injustice of any kind. He would make it very clear if he felt one was partaking in such activity.

Kieran passed away on 26 May last. I was honoured to know him in life. Like Deputy Calleary, who is in the Gallery, I was privileged to have been with him when he passed away. All I can say to his family — I have said it to them previously — is that Kieran died as he lived, with dignity and calmness. Ar dheis Dé go raibh a anam dílis. Before I finish, I want to acknowledge especially the presence of Noah Patrick Phelan, who was born after Kieran died.

**An Cathaoirleach:** I should recognise the presence of many Members of Dáil Éireann in the Gallery. Many others were unable to access the Gallery.

**Senator Camillus Glynn:** Like other Senators, I would like to express my sincere sympathy to Mary Phelan, the children of the late Kieran Phelan, his brothers and sisters, his mother Delia and his extended family.

Kieran and I had two things in common. He was the eldest of a family of 18, whereas I am the youngest of a family of 15. He would always say "you know Glynn, I am a few lengths ahead of you". That was a joke between us.

I first got to know Kieran in the early 1990s after he became a member of Laois County Council. He was a very friendly and warm person. He would make one feel that he had known one all his life. He often used the phrase "my best friend". He made one feel that he was one's best friend.

It has already been alluded to that he had a number of loves in his life, including his wife, Mary; his five children; his mother; and his brothers and sisters. Of course, he had a great love of farming. He was a dream for Senator Wilson and me in the Whip's office. We never had to worry about him. He was always sitting in his chair, which was right behind me. The chair is vacant today. That is to be regretted. He loved his party. He loved farming. He loved people.

Kieran Phelan was a giver. He gave of himself, without condition and without expecting anything back. He epitomised generosity. Along with a number of colleagues, I met him a number of years ago at a conference in Tralee. I will not tell any tales out of school, other than to say my sides were sore the following day. When Kieran was in full flight, one would think he may have missed a great opportunity in life, as he would have been a great comedian. He was very funny and had a great wit.

It has been mentioned that he was continuing a family tradition when he became a member of Laois County Council in 1991. His late father, Paddy, was also a member of the council. I am well acquainted with his brother, Brendan, who is an articulate and strong party politician. He is continuing the proud tradition of the Phelan family.

[Senator Camillus Glynn.]

Kieran spent many hours in this House. Senators Wilson and Cassidy have referred to his many strong points. Kieran Phelan left a strong mark in this House in terms of his sincerity and loyalty. He was constant in that regard.

Fear macánta, dflis agus díograiseach ab ea é. I am deeply saddened by his passing. I considered him a great friend. He will be sadly missed in this House and especially by his wife and family, whom he loved so dearly. Ar dheis Dé go raibh sé.

**Senator Geraldine Feeney:** Senator O'Toole summed it up when he said it is with a heavy heart that we gather today. It is with huge sadness in our hearts that we are talking about our late friend and colleague, Kieran Phelan. I take my hat off to our Whip, who was able to deliver his few words without emotion, probably unlike me. I know this has been most difficult for Senator Wilson.

I would like to join others in saying that Kieran was a gentleman. The warmth of his personality, like the depth of his nature, was huge. No personality was as big as Kieran Phelan. When I looked at the Gallery, I said to Senator Ellis it is too bad he is gone because he would have had two quotas the next time.

I smile when I see the faces in the Gallery. I will only mention one of them. Kieran would have wanted this person to be mentioned. I refer to the former Senator, Michael Brennan. Michael and Kieran were the best of buddies. Like Kieran and Senator Wilson, they were peas in a pod.

Having referred to the personality and the depth of his nature, I have to turn to his family. As Senator Wilson said, he absolutely adored his mother, Delia. He was always telling us about things she said and did. His love for Mary, Fiona, Martina, Brenda, Aisling and Patrick knew no bounds. He used to say that the world was at rest on the days when things were good with his family. Nothing was wrong if the family was right.

Senator Wilson put it well when he said that Kieran was the first up on a Tuesday. I would slag him and ask if the keys were in the ignition at 10.30 a.m. on a Thursday morning. They were and he would have the engine running ready to drive out the back gate of Leinster House to Rathdowney.

As the Cathaoirleach will know, there was no prouder Laois man and Fianna Fáil man than Kieran Phelan and it would have been difficult for him to pick one over the other. When we talk about people like his mother, Mary, and the family, we are reminded of all his siblings. He loved his siblings. I would hear him on the telephone to different siblings because I had the pleasure of sharing an office with him. If there was a little tiff going on between one or other of them, he would tell them to leave it. He would not want a cross word to come between any of them and he would never have taken sides.

There was another man in his life, the Minister of State, Deputy John Moloney. If ever he watched and wanted a man to grow politically, it was the Minister of State, Deputy John Moloney. There is now another little man in his life, his little grandson. Senator O'Toole was right that it was lovely to hear the little cries and giggles from his grandson. We would slag Kieran and say himself and Moloney will be pushing the prams around Laois. He would say that by God whatever he would do, he would not push a pram. We would say to him that it would do him the world of good and get rid of some of that old condition. He would laugh at us.

I want to share a story at which the Cathaoirleach will smile. People talk about Kieran's wonderful voting record in this House, which none of us could match. I remember a day when the Cathaoirleach was Chief Whip in the last Seanad and Senators Kieran Phelan, Wilson and myself were somewhere we should not have been. We got a telephone call to say there was a

vote. We had to leg it back to the House. Two of us made the vote but one man did not because he could not run quickly enough. He kept shouting to hold the door open but we could not hold the door open and it was closed. We always said that if Kieran Phelan did not have a heart attack that day, he never would have one. The Cathaoirleach will remember that he was grey in the face when he met him that day. He put his two hands up and said to the Cathaoirleach to say nothing because it would never happen again and, by God, it never did.

Kieran would never let anyone down. I was elected to the House the same time as Kieran in 2002 and, like Senator Diarmuid Wilson, we became great friends. He shared an office with former Senator and now Deputy, Timmy Dooley, and Senator Wilson, and I shared the office next door. When Senator Wilson became Chief Whip, he had to move out of my office. I told him he could only move out if he brought Phelan in. He did the deal and Kieran moved into my office and we never looked back. I had the best of laughs with Kieran Phelan and our office was like Heuston Station on an all-Ireland Sunday. It was always full of people. Now it is like a League of Ireland match on Bohola on a bad Saturday. No one ever darkens the door and I do not mind that because it is a sad and lonely place without Kieran. The time will come when the door will open again and people will start to come in.

As Senator Wilson said, 19 November was his birthday. We never said anything about his birthday last year when he was celebrating 60 years. If one does the maths, I think Senator Kieran Phelan was out on the 20 years but we will say nothing about that, although he would want one to say that. We said nothing about the birthday and after the Order of Business we went to the bar for a coffee as we always did. We had a big chocolate birthday cake which was laden down with candles. The few he would have coffee with, including the Cathaoirleach, were there. We brought the cake out with the candles lit and as he saw us coming with it, he said: "Good God, that is not for me." It was only a birthday cake but we might as well have told him he had won €1 million in the lottery because he was so made up with that birthday cake and the card. Half the cake was left and I asked him if he would bring it home to Mary and the girls. He said he did not want to go home with it and to let other people have it. I went around the bar and gave it out. I will not say to whom I gave it but he said that if he had known I was going to give it to that crowd, he would have brought it home. That is the proud man Kieran Phelan was.

I say to Mary, his mother, Fiona, Martina, Brenda, Aisling, Patrick, who cannot be with us, and to his siblings that never a day goes by when Kieran Phelan is not talked about or thought of in this House. We do not often say these words in the Chamber but Kieran Phelan was a man we loved and he will never be forgotten.

**Senator Maurice Cummins:** Kieran Phelan was a larger than life figure in this House. Everyone loved Kieran and he loved everyone, or most of us anyway. Like myself, he was so proud to be elected to this House in 2002. He was so proud to be here among friends and colleagues. As my colleague, Senator Coffey, said, he made the people who were elected in 2007 so welcome.

Kieran was a decent and honourable man. He was not one to jump up on the Order of Business every day talking about this, that and the other. He was a man of few words but his contributions were always so sincere and to the point, except for the odd time he might have a script and have a go at the Opposition after which he sat down and winked over at me. That was Kieran Phelan. He had wonderful humour.

Unlike Senator Feeney, I never enjoyed a cup of coffee with Kieran but I certainly enjoyed many a pint with him and Senator Wilson over the years. One could not but enjoy his company. He was a wonderful colleague. I do not believe politics ever came into it. We were all excellent friends and none more so than Kieran Phelan.

[Senator Maurice Cummins.]

It was a privilege to know Kieran and to meet his family at the funeral. To his mother Delia, wife Mary, children and his extended family, I offer my sincere sympathy and that of our party.

**Senator Eoghan Harris:** As we all heard and know, Senator Kieran Phelan was probably the most well liked Member of this House. Being well liked is not enough in politics, however. One must have character too. Senator Kieran Phelan had the same toughness and grit of character behind his affability. It was a toughness of spirit that he shared with the woman he helped to put in Dáil Éireann, the Minister for Health and Children, Deputy Mary Harney. They were two of a kind.

I did not know him very well but I had to get to know him on one occasion when I, along with Senators O'Toole and Norris and others, wanted to get the case of second lieutenant Dónal de Róiste reviewed. The Dáil had failed repeatedly to do so. I knew that if I did not get Senator Kieran Phelan to support it that it was doomed. I went to him, laid out the case and he considered it. People have said he was a loyal member of Fianna Fáil. He may have been but he was only loyal to Fianna Fáil and to any party if it was loyal to the country and the conscience of the people. Conscience came first with Kieran Phelan. He had to *pro forma* defend the State's position but he prefaced it with a personal statement which made it quite clear that he felt there was a case to answer in regard to second Lieutenant de Róiste and that he was not happy justice had been fully done. As was significant and typical of him, he seized upon second Lieutenant de Róiste's mother's sorrow as his point of departure and picked up her letter and read it to us and made it clear where he stood. In that moment he stood above party and stood for justice. It is no small thing. We can all look back on our record in this House but very few of us can say they contributed to rectifying an injustice. Senator Kieran Phelan and his family can be proud that he stood his ground and did his best to get Lieutenant de Róiste's case re-opened.

Apart from that, he was a very boyish person. He retained his youthful vigour and that sense of innocence. He was a very sweet man and he was very much a man's man; women liked him, he was the kind of man that men and women liked. One would follow him anywhere.

I always judge a mature man by what kind of a father he would make. I say to myself: "I wonder what kind of a father he is?" I met his family today; I met his wife, Mary, his mother, Delia, and his daughters, Fiona, Brenda, Martina and Aisling. I looked at them and saw that they have poise and confidence that argues that he was a great father, a great husband. Ar dheis Dé go raibh a anam usual.

**Senator Michael McCarthy:** I was elected to this House in 2002 on the same day as Kieran. Shortly after that election I had the pleasure of sharing his company on the train to Dublin and from that day up to that very sad day in May of this year, we got on like a house on fire.

Without going over everything that was said, Kieran was a true gentleman. It was always a pleasure to meet him. In the cut and thrust of politics we can say things, we can be highly motivated and emotive but it was a pleasure to meet somebody who had the calming and soothing effect of Kieran Phelan. He was a real gentleman and I do not say that lightly.

I had the pleasure of sitting beside him last year at the Christmas party organised by the Chief Whip, Senator Wilson, and it was a laugh a minute. He was excellent company socially. He was a great colleague at political level.

Attending his funeral mass on that Sunday morning was obviously very sad but it was also very beautiful. The tributes paid to him by the Taoiseach and by the Minister of State, Deputy Moloney, the music, the prayers and the general coming together of colleagues at a place far away from most of our homes on that morning to pay tribute to Kieran Phelan is something

that will stand out in my mind. In many respects, it says a great deal about the man that he had that type of respect not only while he was alive and working as a colleague but the huge outpouring of sympathy from his shocked and stunned colleagues is a great tribute to him. I hope it is a great source of consolation to his mother, Delia, to Mary, Fiona, Martina, Brenda, Aisling and Patrick. It is wonderful to see his grandchild Noah in the House today.

He has joined other colleagues of this House, Kate Walsh, Tony Kett and Peter Callanan, and I hope he rests in peace.

**Senator Nicky McFadden:** I extend my sympathy to Kieran's family, to Mary and to his mother, Delia. I really enjoyed Kieran's company. As everybody has said, he had the most wonderful smile and a brilliant laugh. My biggest memory of him is when I was newly elected to this House and we were both asked to address the LAMA conference in Portlaoise. He was very encouraging and supportive of me and I will never forget him for that because it was quite daunting for me at the time.

Also when he was in the Chair, he was very courteous and fair-minded and it goes a long way when one is in politics to be fair-minded and I have regard for him for that.

I will never forget the day he passed away. It was a tremendous shock for all of us in the Seanad. I realise how dreadfully upset the Fianna Fáil Party and his friends must still be at his loss because I miss him and I cannot imagine what it must be like for them to miss him.

I also add that he was a tremendously successful politician. He topped the poll in the 1999 elections. He was elected twice to the Seanad and that is no mean feat. He always had the sincerity and decency to represent the people of Laois and that is no mean feat in this day and age.

**Senator David Norris:** I am honoured to be given this opportunity to speak in tribute to the memory of the late Senator Kieran Phelan and to extend my sympathy to his family. The Cathaoirleach underlined one element of today's proceedings when he spoke about the unusually large number of people who want to speak in his memory. These things unfortunately are part of life. We meet from time to time and speak in memory of colleagues but I can never remember where things were so heartfelt, where there were such a large number of people wishing to speak and where both the distinguished Visitors Gallery and the other Gallery were filled to capacity with people were waiting outside. That in itself without any words of ours speaks eloquently of the esteem in which the late Kieran Phelan was held.

I did not know him terribly well. I knew him from this Chamber but I greatly enjoyed his company. I was here on the day he died and was one of those very shocked by the sudden nature of his death. It was a quite dramatic and extraordinary thing and people were quite stunned.

I attended the removal and this is one of the things one does in political life. I tend to avoid funerals as much as possible but I was at the removal and it was also unusual because often it is done on a formal basis. It is done for form sake and that is the reason I avoid political funerals as much as possible but on this occasion there was a real sense of genuine shock and of personal loss.

I only really knew him from this Chamber but we used to meet, particularly during a vote when we would have five minutes, and we would have a chat and there was a connection. First, I would gravitate towards him because he was a man of genial humour and of considerable courtesy and warmth but he had something else that nobody else in this Chamber can claim, he was a Laois man, and that was my connection to him. During a vote we could talk about personalities and townlands nobody else in this Chamber would know. I recall telling him how

[Senator David Norris.]

I loved listening to the GAA results on a Sunday night, and one would hear Camross, Castletown and Ballacolla. He also knew places that my late uncle used to talk to me about full of leprechauns such as Ballyhuppahane. I doubt if there is one other person in this Chamber who has ever heard of Ballyhuppahane but according to my uncle it was full of leprechauns. I remember discussing that with Senator Phelan and we had a great laugh over it one day here in the Chamber.

His family were one of the distinguished families of Laois going way back. If one looks at McLysaght and the history of the Queen's county of Canon O'Hanlon, one will find there the records of his ancient and distinguished sept who played such a significant role in the development and history of ancient kingdom of Ossory. He was unusual also in that he possessed ordinary, decent and modest virtues. He had a sense of decency and integrity. We tend to think of these virtues as ordinary but I wonder how ordinary they are in political life. There was no doubt in the case of Kieran Phelan that he exemplified these and that they were not a facade put on for electoral purposes. They were an expression of his deepest personality.

I shall certainly miss him. I find it difficult to believe he is no longer here. When I look across the Chamber I can almost see his shape on that seat. Regrettably we will not be seeing that shape in that seat but we have the memories of a good and decent man, a loyal son of Laois and somebody who will continue to live in the hearts and minds of his family and of his colleagues here in Leinster House.

**Senator Paul Coghlan:** I would like to be associated with all the warm and genuine tributes paid to Kieran. He was everything that has been said of him. He was always good humoured, a very fine, decent fellow and a fine, loyal colleague, as has been said. He was totally dependable and trustworthy. The previous speakers have all attested to that. He was definitely very warm and generous and we all had such lovely times with him and with many other colleagues here.

Somebody referred to the slings and arrows of political life, but it is truly difficult to imagine Kieran suffering the slings and arrows of political life because he was genuinely so disarming and affable.

I will mention another Phelan who cannot be present but would like to be associated with these warm and genuine tributes, namely, our colleague, Senator John Paul Phelan, who is on parliamentary business elsewhere. I wish to be associated with the fine contributions that have been made.

**Senator Feargal Quinn:** I only got to know Kieran well a few weeks before he died when we chatted over lunch here in the House. I realised then that I had lost an opportunity to get to know him in previous years. I knew he was a humorous, sincere and committed Senator but it was only when we started to converse and share things that I realised I wanted to get to know him much better. Over lunch, we started a little competition. We both had five children and my 12th grandchild had just arrived. There are now 13 grandchildren in my family and we hope the 14th will arrive before Christmas. On that occasion, Kieran agreed to have a competition on the number of grandchildren we would have. That competition is now for Kieran's five children.

I learned how sincere Kieran was and recognised his sense of humour and commitment, not only to politics but also to his family. He really was a family man and it became clear to me that entering politics must have intruded greatly on his family life. Despite this, he was able to fit in both politics and his love of and commitment to his family, including his wife, Mary and his mother. Senator Feeny referred to how much Kieran loved his mother.

Senator Norris referred to Kieran's removal from St. Vincent's Hospital. I remember the occasion very well. I met his family and saw that they had experienced a sudden loss. Only one or two days previously, Senators were stunned and shaken when they entered the Chamber to learn what had occurred. We could not believe Kieran's seat would be empty because he was young and had achieved so much. He had so much ahead of him.

Kieran had a strong interest in agriculture and farming. He told me his family had become involved in the duck egg business. A few days later, I was in the J.C. Savage supermarket in Swords when I saw a couple arriving with duck eggs. I approached them and asked whether they were part of the Phelan family and of course they were. Kieran was proud of his family and of being a Member of the House. His sincerity and sense of humour jumped out at once whenever he spoke.

There is a lovely story by O. Henry about people receiving an invitation to a funeral. On visiting the house of a friend they had not seen for many years, they discovered that she was at the door to meet them. When they said they thought they were coming to her funeral the old friend said she had decided to have her funeral before she died because she did not want to miss such an occasion. I recall that story today because Kieran would have loved to have been here. He would have been embarrassed to hear how much love and affection there was for him and how proud we all were of his commitment to the House, County Laois and all he did over the years. Senators will miss him, although not nearly as much as his family will miss him. He is in our thoughts and their thoughts and I am sure he is looking down saying how proud he would have been to be here.

**Senator Joe O'Reilly:** I express my sincere sympathy to Kieran's wife, Mary, his children, his mother, Delia, his extended family and his political colleagues. I met Kieran first during the previous Seanad campaign. For geographical reasons, we both visited a couple of houses of Independent councillors in County Clare and we got chatting to him. We became friends and our friendship remained. We would always have a word.

Kieran was warm, friendly, extremely sincere, good humoured and affable. He also had charisma and was a great worker on behalf of his people. On the day of his funeral, the celebrant, who I understand was a first cousin, summed up Kieran's life and work very well when he said that having exceeded the quota of good deeds, he deemed Kieran to be elected to heaven. Kieran exceeded the quota of good deeds and humour and had a great rapport with others. It was a privilege to have known him. Ar dheis Dé go raibh a anam.

**Senator Paudie Coffey:** I express my sympathy to the family of Senator Kieran Phelan. I was a young man when I entered the Seanad in 2007. The Oireachtas can be an intimidating place and Kieran's friendly face and banter were very welcome. He and I shared a passion for GAA. He often asked how Waterford hurling was going and would speak about hurling in Laois. Kieran was an honest and decent colleague whom we all loved.

One meets people at different crossroads in one's life when one is faced with challenges. Kieran was one of the guys who welcomed me to the House and it did not matter to him that I was a member of the Opposition. That is a sign of an even bigger man. I wish to be associated with the sympathies expressed to his family. I will have good memories of Kieran.

**Senator Jerry Buttimer:** I offer my deepest sympathies to Kieran's wife, mother and other family members. Like Senator Coffey, I shared with Kieran a great affection for GAA. He was a great GAA man but, more important, a great friend. On many a day when I was annoying the Cathaoirleach, Kieran waved across at me to indicate I should stop shouting because he feared I would be thrown out of the House. I wish I was able to thank him in person today.

[Senator Jerry Buttimer.]

Kieran was an affable man who had character, an attribute about which Senator Harris spoke. He was proud of his family and where he came from. His cousin, the late Seán Phelan, was involved in my GAA club in Bishopstown and interceded on many occasions on Kieran's behalf for Seanad votes.

Kieran had a great ability to forget about politics. He would walk out the door after a session in the House and put his arm around one and discuss other business. In the week he died, Kieran, Senator MacSharry, Senator Wilson and I spent half an hour or so in the bar of the D4 hotel and he was in great form. While we often hear of people dying there are few people who we genuinely miss. When one looks across the Chamber towards Senator Wilson one expects to see Kieran's smile or a gesture and one wishes he was still here. He was that type of person, much larger than life and with much to offer.

Politics is a humbling profession but people like Kieran give us a sense of what we can achieve. While I am conscious that no words of mine or anyone else will ease the pain, I refer to the hymn, "Ag Críost an Síol":

O bhás go críoch ní críoch ach ath-fhás

I bParthas na nGrást go rabhaimíd

Kieran was a good friend and we miss him. I extend my deepest sympathies to his family.

**Senator Maria Corrigan:** I note the name on the monitor has changed from Mr. Kieran Phelan to Senator Kieran Phelan. Kieran Phelan was a very special person who loved his family, his constituency and the land. When he arrived in Leinster House on a Tuesday, we would all hear about the activities of the Phelan family — his wife; daughters, Martina, Brenda, Aisling and Fiona; son, Patrick; mum; sisters and brothers. He was so proud of everything they did and the people they were that we felt we knew all of them. Every Thursday he thought he would never get back on the road to return to those whom he loved. I extend my deepest sympathy to all of them on their loss.

Kieran loved the constituency of Laois-Offaly and was proud of all his colleagues. When the Cathaoirleach was elected to the post, he was delighted. When Deputy Cowen became Taoiseach, he was over the moon, but when Deputy Moloney became Minister of State with responsibility for disability and mental health issues, we all thought he would burst with pride. He took great pleasure in each success and the advance of his friend of long-standing, the Minister for Health and Children, Deputy Harney. I am struck by the fact that both the Minister and Minister of State spoke in the Chamber earlier.

Kieran was the epitome of kindness. Whether one was friend or foe, he had an enormous capacity for kindness should one hit a spot of bother. It was a reflection of his humanity and I certainly was a recipient of that kindness. He had a very special friendship with Senator Wilson and when I became a Member of the Seanad in 2007, they kindly allowed me to tag along occasionally. On the night before he died, the three of us had tea together. Kieran spoke at length about everything and issued instructions to both of us as he went along. When we left the restaurant to walk back to the hotel, he spoke about his membership of the House. He stated it had always been a dream of his; he spoke about running and not being elected and being afraid he never would make it. He spoke about his happiness at making it in 2002 and how, when he was re-elected in 2007, it was like an impossible dream that had come true. He stopped in the street and remarked on what an honour and privilege it was to be a Member of the Seanad and that it was great to be alive to experience it. He was very proud of his member-

ship of the House and enjoyed being in the Chair. He is the only Acting Chairman I can recall who warned a Minister not to make him the first to ask a Minister to leave the Chamber.

Kieran was very special and I was lucky to have him as a friend. All Members were lucky to know him. They all miss him and I can only imagine the profound grief his family must feel. However, he did them proud. May he rest in peace.

**Senator Denis O'Donovan:** I pay tribute to Kieran in a way that celebrates his life rather than sorrowfully, as sorrow passed in the beautiful ceremony on the day of his funeral and in the proceedings before it such as at his removal from Dublin and so on.

My first memory of Kieran is while we were canvassing in County Tipperary during the 1997 Seanad election campaign. We were on the same panel and while it is unusual to be good friends with someone on the same panel, we took the view that I was deep in Munster in west Cork, while he was in the midlands. Everyone present who has been on the Seanad trail will be familiar with the experience of covering south Tipperary early in the day and then moving on to north Tipperary. On the day in question, having made 11 calls, like the parable of our Lord and the fish, I only caught two and was not even sure whether they were my own. I met Kieran that night——

**Senator Paul Coghlan:** The Senator means he was poaching.

**Senator Denis O'Donovan:** We were poaching as best we could. However, we met on the same evening that Michael Smith had been appointed as Minister. At approximately 9 p.m., when most people would have been finishing canvassing, we both received news that a celebration was taking place in Thurles for Michael O'Kennedy and Michael Smith, that all of the councillors in the Tipperary region probably would be there and that we should attend. We decided to meet up there and had a few pints. If I am being honest, we had a couple of gallons and stayed until the small hours. We shook hands that night and wished each other luck. As it transpires, I was elected to the Seanad that year but Kieran was not.

Another little thread of camaraderie is that my nominating body was the restaurant association known as Ireland's Blue Book. On my election to the Dáil in 2002, Kieran was one of the first to telephone me to congratulate me. He had received a nomination from the same nominating body and I wished him luck. I remember early on in the campaign being in west Cork when he rang late at night to ask whether it was too late to travel to Bantry to meet me. I told him there was no problem, as I was on my way to the opening of the Baltimore Seafood Festival and that if he wished, I would arrange to meet him there, as there was another councillor who could be fitted in. Rather than wait until the following day, we met in Baltimore.

I have many happy memories of Kieran and I am mindful of what he would wish Members to do here today. I was the youngest of 11 children in what I consider to be a big family, but when one hears of 18 children, God bless his great mother, as well as his wife, family and extended family. However, I wish to remember him as that hearty, jovial person whose body shook with laughter when he laughed. Members are present to celebrate his life and pay tribute to him. However, I would love to remember this day by recalling the huge attendance of Members, his family and so on.

To conclude, I wish to tell a funny story and Kieran would probably laugh at me from above. For health reasons, I was advised to join the gym after Christmas to shed a few pounds. When I went over to it, I was like a bull in a china shop on machines I had never used before. I had a special little red rucksack and one day — I believe it was a Thursday — as I wanted to get home early, I went to the gym for half an hour while waiting for our Whip, Senator Wilson, to give me the *imprimatur* to go. Proceedings were difficult that day and he reeled me in. I arrived

[Senator Denis O'Donovan.]

at his office from the gym with my little red rucksack that contained all the bits and pieces that should have been in the wash. He told me that I could leave and when I remarked that I was under time pressure, he replied that he would look after my bag for me. The following week, when I looked for it, he could not recall what he had done with it. I checked with the Captain of the Guard and every usher in the House was looking for it. With all due respect, I was afraid that it would stink someone's room and wanted it found for the sake of my own sanity. Eventually, three weeks or so later, the search ended when Kieran — God be good to his soul — got wind of a desperate smell in his office. What had happened was that Senator Wilson had gone over to his office and threw the bag into it. Kieran had kicked it under the table where it had lain for three weeks. He actually apologised to me and told me that had he known it was my bag, he would have returned it to me. However, with all due respect, the real culprit was Senator Wilson. We all had a good laugh about it.

I would like to have happy memories of Kieran recollected here today. He would love Members to celebrate his tremendous life and political achievements. There is no doubt that his family, from his mother to his wife, children and siblings, were very proud of them, rightfully so.

**Senator Terry Leyden:** This week would have marked Kieran's birthday and Members pay tribute to him following his untimely death in May. I entered the Seanad on the same day as Kieran and, like all Members, he was extremely proud and privileged to be here. I extend my deepest sympathy to his wife, Mary, and children, Fiona, Martina, Patrick, Aisling and Brenda, as well as to his wonderful grandson, Noah, who I hope someday will be in this House. When he watches the DVD of this event, it will be very important for him.

The fact that Kieran followed his father, Paddy, as a member of Laois County Council and has been replaced on the council by his brother, Brendan, reflects great service given to County Laois. I am sure his mother, Delia, is proud that her husband and two sons have served on the council and particularly proud that Kieran was a Member of this House. It was a great privilege for a family of 18 children. The Phelan family are highly successful and renowned in County Laois as decent, respectable and honourable people. In particular, I am delighted that Delia who reared such a wonderful family is present. I am also delighted to see such a large attendance, both in the Visitors Gallery and the Distinguished Visitors Gallery, including former Senators, some of whom are now Deputies. It is a tribute to his warmth, hospitality, generosity and kindness. The tributes to him are the finest I have heard paid to anyone in this House. I would like to be associated with all the tributes to this great Irishman, Laois man, Fianna Fáil man, father and grandfather. We all miss him.

**Senator Francis O'Brien:** I wish to express my deepest sympathy to Mary and to Kieran's four daughters, son, brothers and sisters and to his dear mother, Delia, whom he loved. He was always delighted to visit her every Tuesday morning and to have a cup of tea and talk about the goings on in the country and in the wider community outside County Laois. Kieran was a good man. He was a good family man and very good humoured. Kieran was great crack.

He loved his family and the people of his electoral area and Rathdowney. When Kieran passed away so suddenly, the way the community of Rathdowney looked after everything was second to none. Members of this House saw this at his removal and funeral. The work he did as a public representative and how highly he was thought of in his community showed at his funeral.

Kieran's family — his brothers and sisters, his wife, Mary, and his mother, Delia — have lost a great friend, but Kieran was a friend to each and every Member of this House. Party did not

come into it. He loved to get into the Cathaoirleach's chair. He would have loved to be in your place, a Chathaoirligh. You put him in the Chair on a few occasions and he loved it.

**An Cathaoirleach:** He would not be on his own in that.

**Senator Francis O'Brien:** You are dead right there, a Chathaoirligh. As Senator O'Donovan said, we should think of Kieran as good humoured, good fun and a real friend. May he rest in peace. God bless his family and I wish them all well in the years to come.

**Senator Fiona O'Malley:** A day like today is always difficult for a family. They are forced to remember the person who is so absent from their lives. I hope they get some comfort from the words of colleagues, because they are heartfelt. We all miss him.

I enjoyed listening to Senator Feeney's contribution because the word I really miss is "Rathdowney" and the way he would say it. That is when one realised the sound of the man and his ordinariness. That is what I miss most. I miss the way he would say: "Lave it; lave it." He had a beautiful musicality and ordinariness about him, yet he was an exceptional man. He had a talent for friendship. This is seen by all the people who have travelled far to pay tribute to him today.

An earlier speaker suggested that he was the most popular man in both Houses. Everything he did was done with great gusto, and I miss him. He was always in the House on Tuesdays. I might not always have been here at 2.30 p.m. but when the first vote was on, he would be sitting in his seat so that one wondered if he had stayed over the weekend. Not at all, he would have been in Rathdowney. I enjoyed talking to him about farming, because he had great passion about everything he did. He was such an exuberant man. He really was quite an exceptional individual and had great judgment.

The Taoiseach said in his tribute that he was totally dependable. That is such an ordinary word but it means so much. That is exactly what he was. He was a true gentleman and we miss him terribly. I can only imagine how much his family miss him.

It was his great privilege to serve in the Oireachtas. Previous Members have said how much pride and joy he took in serving here and he never took it for granted. As Senator McFadden said, he was a man who had such enthusiasm for politics. I loved that. He would recharge my batteries any day. I thought Senator McFadden paid him a lovely tribute. He loved to see people serve his country. The way he served his community was demonstrated at his funeral when so many people turned out and gave such an extraordinary funeral. As Senator Quinn said, he was the only person missing at his own funeral. He would have enjoyed it.

**An Cathaoirleach:** I call Senator Marc MacSharry, who was elected on the industrial and commercial panel. He and Senator Phelan always shared the votes.

**Senator Marc MacSharry:** As Senator O'Donovan said, Senator Phelan and I never had an ill word. There might have been some poaching of votes from time to time. It is not widely known that Kieran used to tell me who he knew was not voting for him, so I knew where to fish.

Like Senator Wilson and others, I first met the Phelan family through the meat business. I knew Laurence and Paschal Phelan many years ago, but it was not until I met Kieran Phelan that I realised what nice guys they were. That says a little about Kieran. He was a fantastic man and a smashing friend. We were on the same electoral panel and, as Senator O'Donovan said, it is unlikely that one would be friends with another Senator from the same panel. With Senator Wilson, the former Senator Brennan, who is in the Gallery, Deputy Scanlon, who was then a Senator, and Senator O'Brien, during six or eight months in 2002 we did a tour of accommodation in Dublin. We were in every establishment from Phibsborough to the city

[Senator Marc MacSharry.]

centre and elsewhere until we found our ultimate home in the Grand Canal Hotel. Through many evenings and many chats over the guts of eight years, the contribution Kieran Phelan made to my life was immense.

As Senator Wilson said, he took tremendous pride in the successes of his children and family whom he loved dearly. He also took pride in the achievements and success — material and otherwise — of his siblings. He had no interest in the cost of material things but what he knew more than anyone else, and what he taught me, was the value of things. I had no children and was not married when I was first elected to this House. It is Kieran Phelan who taught me the value of family, friendship and loyalty. That is what I will have to thank him for forever.

I never saw him as someone on the same panel or as an opponent in any way. As Opposition Senators have said, he was just a decent person. He was the epitome of what friendship, loyalty and generosity are about. He could have been in the Dáil, as the Minister of State, Deputy John Moloney, would say, but his selfless nature meant he was happy for other people to be there and to have those successes and for him to know he had played a part in their success. He did not want endless accolades or praise. It was enough to see the success of others and to know the part he had played in it. It is fitting that, in the fullness of time, he was elected to the House and played a universally popular and significant role. He taught me the value of many things.

To Mary, Fiona, Martina, Brenda, Aisling, Patrick and especially to Noah Patrick Kieran, which is the full title of Kieran's grandchild, I say my sincerest sympathy. One line sums up Kieran Phelan for me. He was all graces and no airs.

**Senator Martin Brady:** I knew Kieran Phelan before he became a Senator. I met him when he ran for the Seanad election in 1997. He was beaten by one vote on that occasion but he kept battling on. I would like to be associated with all the good things that have been said about Kieran.

With regard to Kieran's constituency work, he used to arrive to Leinster House every Tuesday and present a few cases to my secretary, Carol, usually pertaining to getting people with medical problems into hospital. Funnily enough, for some reason or another we were successful with every case he presented to us. I used to ask Kieran whether he would e-mail the outcomes to his constituents but he used to say he would bring them home with him and drop them into their houses. He said it was more effective when one looked them straight in the eye and they looked back.

I told Kieran he would have no problem getting elected given all the work he was doing in his constituency. He said it did not work that way. In this regard, let me quote a remark by Kieran that I have quoted ever since and which I quoted to Senator Quinn today:

Martin, it is funny you should mention that because I was at mass last Sunday and heard a reading about a man greater than any of us who did a much bigger favour than you or I could ever do. He cured ten lepers but only one of them came back to thank him. One out of ten isn't very much.

I always remember that.

Kieran was a very gregarious man and, as every Senator said, he was very good humoured. He had a couple of special friends, as we all do, but he was friendly with everyone. One could not dislike him. He would always make one feel included. If he was in company, he would say: "Murt [as he used to call me], sit down with us." That is the way he was.

One morning Kieran dropped up a box of chocolates to my secretary, Carol. She said Kieran was a lovely man. I said we knew that. She said he never gave anyone a reason to dislike him because he was so friendly. My secretary was doing bits and pieces for him and he gave her a little gift in recognition.

Kieran was a giver and never looked for recognition. He was not into making big speeches. I used to ask him on certain days whether he was speaking on any matter but he used to say that he was not, that he did things quietly. He did so and was very effective in what he did. He could always give one a bit of advice. In this business, we can learn from one another and one could certainly learn from Kieran.

I sympathise with Kieran's family, including Mary, Brenda, Martina, Fiona, Aisling and Patrick, and with his grandson. I acknowledge the presence of Kieran's grandson because he will be able to read these remarks in the historical record. We should remember Kieran as the person he was. I suppose he is looking down on us now, probably surprised that we are saying such good things about him because he did not think we were that fond of him.

**Senator Niall Ó Brolcháin:** I was elected to this House in a by-election in 2009. I was a new Green Senator and was green in every sense of the word. Kieran sat behind me and I got to chat with him. I got to know him quite well. He took me under his wing and explained to me what the hell was going on in this place because I did not really know. Most Members were elected in 2007. Kieran helped me more than almost anyone else in this Chamber. This is not to disrespect all the others who have been kind to me since I was elected. Kieran really was a very decent man.

Senator Quinn mentioned family. I am a father of five children. Kieran was very proud of his children and, in our discussions, we referred to family most. Kieran would be very proud to see all the members of his family here today. It is a fine family. It was wonderful to meet Kieran's little grandson just outside the Chamber today. It is wonderful to see a baby in the Chamber today. The family can be very proud. It is quite clear that all the Senators are very proud of Kieran Phelan. He was a great man.

**An Cathaoirleach:** I want to try to include every Senator and, therefore, ask each one to be brief. I am against the clock because we were to proceed to a motion on finance at 4 p.m. I call Senator Ellis.

**Senator John Ellis:** As with all my colleagues, I would like to be associated with the vote of sympathy to Kieran's wife Mary, in addition to his mother, brothers, sisters, daughters, son and grandson. Kieran Phelan could have been nothing other than a gentleman because his mother was a lady. When I rapped on her door in the early 1980s looking for a Seanad vote, she brought me in and made me the cup of tea. Tragically, I did not meet the woman again until the morning Kieran died. We met her then in the hospital and I recalled having been looked after by her almost 30 years earlier in a sympathetic manner.

Seanad candidates, when they travel the country, have some very lonely days, as Senator O'Donovan said. The day on which Kieran's mother made the tea for me was a lonely day because I had trawled Laois and had not found as much as one fish. Senator O'Donovan was lucky in that he at least found two. I did not find any. I was just told I had to report to Paddy Lawlor that night at a meeting, at which I would get five or six in the one go. That night I became a special friend of someone whom the Leader mentioned, Marty Rohan. I nearly killed him that night on a humpback bridge between Abbeyleix and the late Johnny Cooney's. These are the sorts of events that stick in one's mind.

[Senator John Ellis.]

When I was nominated to the Seanad by the Taoiseach, not having been able to get on the industrial and commercial panel through the party — I do not know how that happened but we will leave that until another day — Kieran became a very special friend to me because we had the same interests outside the House. The first question he asked me every Tuesday was what it was worth this week. He was referring to the price of beef and wondered who was paying the most. As the day progressed, he would give a report on the sales he had attended the previous week. Whether Brendan gave him the ones that were cheap, we never knew. However, Kieran always said that Brendan gave him the value.

We lost a perfect gentleman when we lost Kieran Phelan. We lost a friend and colleague and we probably lost the person with the greatest sense of humour among the 60 Members of this House. Kieran had a tremendous sense of humour. I could tell a story in this regard but it would take too long. In that regard, the Cathaoirleach is looking at us with long eyes. One day we were above in the office and we made a telephone call to a certain gentleman. Senators Feeney and Wilson were present. What was happening became so funny that we all had to put down the phones, having wound up the poor individual so far. Kieran turned around and said that if the individual could get his hands on us and knew what we were doing, he would do a job on us. All he did say that day was: “Isn’t it great to have a sense of humour and to be able to ring up someone and say you wound him up and that he is now off the hook?”

To Kieran’s mother, wife, family and grandson, I say I have no doubt that the CD of today’s proceedings will take pride of place not only in his home but also in the homes of all his siblings. It will be there for generations so they will know how we felt about our former colleague. I suppose Kieran is above looking down upon us saying: “They did not say all those things about me when I was with them.” No one knows the value of anyone until he is gone.

**Senator Lisa McDonald:** I express my deepest sympathy with the family of Kieran Phelan and the community of Rathdowney in Laois. I met Kieran when I entered the House as a young Senator in 2007. As Senator Corrigan said, he often invited me to tag along to tea after the Order of Business. Since he departed, I feel that time of the day has passed with him in that we are not as good at engaging in the camaraderie and craic that he seemed to embody and bring out of us all. It is this that we, as a community of Senators, really miss about Kieran.

Kieran Phelan and I shared a love of the GAA. It struck me how happy he was when his club won the club championship. He was able to tell me about how my club had won the championship and tell me that members of my community that I did not even know were ill or in trouble. He seemed to have antennae watching every parish in Ireland. He was the quintessential Irishman. He loved his community, parish, people, county, country, party and the GAA. He also loved his mother, which is another sign of a good Irishman. Of course, he loved his tea. He used to always invite us for tea and this is what I do not want to forget about him. There are many different types of politicians but I learned from Kieran that some politicians just spring from their communities. He was one of the latter.

On the day of Kieran’s funeral, I was struck with awe regarding the massive crowd that was in attendance. I recall, as a young child, reading about the funeral of Nicky Rackard in Wexford. The report I read indicated that the streets were jammed with people and that his coffin was flanked by his friends and family, members of the community and those whose lives he had touched. It was the same on the day Kieran was buried.

What Kieran did was neither a job nor a chore for him — that was just his way. He was absolutely brilliant at reaching out to people. I recall speaking to him just after I gave birth, when he informed me that his daughter, Fiona, had just been given the good news regarding Noah’s impending birth. For the last few months of his life, Kieran continually spoke to me

about babies, children etc. It was as if he was studying up on the subject. I know he was really looking forward to Noah's birth.

I know the Cathaoirleach is under pressure with regard to time constraints. I also know we could talk forever about Kieran Phelan. The phrase going through my mind at present is "Ní bheidh a leithéid arís ann". When I entered the Chamber earlier and saw little Noah and his amazing smile, I thought, Kieran Phelan will never be dead as long as that boy is alive. If Noah grows up to be half the man his grandfather was, he will be doing well.

In the context of his Irishness, his spirit and the great strength he gained from being Irish, which is something that is often overlooked, Kieran had it all. He certainly passed some of what he had on to me and I am aware that he touched many people's lives. Ar dheis Dé go raibh a anam dílis.

**Senator Cecilia Keaveney:** They say a picture paints a thousand words. If a painting were done of this scene before us today it would, in the same way that our memories of Kieran are painted and imprinted in our minds forever, be an eloquent enough tribute in itself. The day on which Kieran's funeral took place was another picture or moment in time that we will never forget. I recall walking into the local community centre following the funeral and witnessing what people had done in order to make the day special. That is no doubt that this is another picture which will remain in my memory.

I recall how the news of Kieran's death spread throughout the Houses on 26 May last. While disbelief might have been replaced by reality in the interim, there have been many moments when we have found it difficult to comprehend that Kieran, who was bigger than life in the most positive sense, is not going to appear in the restaurant to have tea or is not going to be present in the House. Kieran will never be gone. Those of us who knew him will always remember him fondly. We are fortunate to have served as Members at the same time as he did. We all remember him as a highly respected, well-loved and very loyal man.

Previous speakers referred to Kieran's good sense of humour. There was a gang of them in it in that regard. It was great fun for anyone who was on the fringes of the group in which he mixed but I am not sure whether it would have been much fun to be the centre of that group's attention. Kieran had a great sense of humour and he smiled when one was down. He cheered people up when they did not feel themselves to be in great shape. I do not believe I ever saw him being grumpy or in bad form, even when he was not feeling well. I recall touching base with him on a particular day and informing him that I did not believe he looked especially well. He said to me "Come on and have a cup of tea — it will be grand".

There are many things one would love to say on a day such as this. However, I am conscious of the time constraints. All I will say to Delia, Mary and the entire family is that all of us in this House are of the view that we lost Kieran too early. We could have enjoyed many more cups of coffee with him in the bar. The members of his family have suffered the direct loss and it is they who have been obliged to live through the months since May. I hope that in the midst of their pain, their happy memories of Kieran have — as is the case with Members — made them smile and laugh. Kieran Phelan will never be dead because we have our memories of him. The unlucky ones are, perhaps, his grandchildren who will never have the opportunity to meet him. I am certain, however, that his family will ensure that their grandfather will be as alive in their hearts as he is in ours.

No amount of words will paint a picture for the family. I am sure, however, that they have many pictures in their photo albums and stored in their minds. I hope that what Members have said about Kieran has offered the family some solace. We give solace to each other by having moments in time like this.

**Senator Ann Ormonde:** Kieran occupied the office next to mine and every Tuesday afternoon he would come in for a chat. He would chat about how he had walked the land during the previous week and would tell me all about his cows. We used to chat about cows regularly because I told him I loved cows. I also told him I had a lovely painting of a cow and promised to bring it in for him to see. He said to me that if I got another such painting, I should tell him about it. One of the last things I said to him before he died was “Say hello to the cows for me”.

Kieran was a really good person. He was an old-style politician and he did his business in the same way my father did. Kieran was both sincere and committed. If he was asked to pursue a matter, he dedicated himself to doing so. Even if it took two or three weeks to deal with an issue, he would go back in person to the relevant family. He never wrote to people or telephoned them. Instead, he called to see them. That was the way in which he did his business.

Kieran was extremely loyal. Loyalty is a great thing and we need to restore it. Kieran should be remembered as a person who really understood the value of loyalty in politics. His understanding of loyalty was reflected in the way in which he operated. All of the tributes that have been paid are a testament to that for which Kieran stood and how we remember him. He was a smashing man, very sincere and was great in one-to-one situations. Many of the staff of the Houses were absolutely shocked when they heard about his sudden death.

Kieran will be remembered for many reasons. I miss him terribly, particularly as we were located in adjoining offices. I miss chatting to him each Tuesday. I wish to say to his mother, his wife, Mary, his children, his extended family and his family in Fianna Fáil that his loss was shocking and we all miss him terribly.

**An Cathaoirleach:** We have run over time and, therefore, I ask Members to be brief in their expressions of sympathy.

**Senator Larry Butler:** I will be brief because I am aware of the time constraints. I wish to express my sympathy to Kieran’s family and friends. Kieran was a very proud Laois man. He did his family and county proud when he served as a Member of this House. Members are very proud of what he did when he was here with us.

I was elected from the same panel as Kieran. I used to meet him on occasion when we were out canvassing for votes. Essentially, we were often seeking the same votes. He was a lovely individual and always paid me the compliment of saying that I was doing very well. He would then state that he was not doing too well. He always had a good word to say about others.

We miss Kieran in the House, particularly because he was an outstanding Acting Chairman. I used to say to him that he was made for the job and he would say he enjoyed being in the Chair. It is important that his family should know that he was a great guy, a good Senator and a good councillor and that he represented the people of Laois so well. He was an extremely honourable man. I am proud to have been elected from the same panel as Kieran and to have known the man.

**Senator John Carty:** It is with sadness that I rise to pay tribute to Kieran Phelan. I was elected to the Lower House in 2002 but after a short period I became quite friendly with Kieran because we had a great interest in agriculture. During an earlier period in my life, I worked in County Laois and I was able to tell him about Spink, Raheen and other places I had visited and discuss with him the various characters I had met while there. As a result, we became quite friendly.

A group of four of five of Members, including Kieran and me, used to come together to discuss various matters. There was Deputy Johnny Brady who has just left the Gallery, Senator Ellis, myself and a couple more who were interested in agriculture, and we would have a

regular debate on it. There was always something wrong with disease eradication and sending cattle to the factory, and why they should or should not be tested. He used put the onus on us, Deputy Johnny Brady and myself — of course, Senator Ellis was helping him in a big way — to get over there and get the various Ministers that we work to and under to change. Some of the changes came, some of them did not.

Senator Feeney felt she was the major attraction in that office. She was attractive, I will say that, but for us fellows Kieran Phelan was the attraction.

**Senator Geraldine Feeney:** I knew that.

**Senator John Carty:** We, Senator Wilson, Senator Ellis, Deputy Johnny Brady and myself and several others, all congregated in there and we had great times and great fun. When one would go into his office, as I did many times a day — indeed, he would go into mine and into Senator Wilson's — he might be on the telephone. He would be trying to get a problem solved for a constituent and the call would more than likely be to the county council office in Laois, the Department of Agriculture, Fisheries and Food, or other places on different matters. He would come off the phone and say, "That one's solved". One would hear him saying, "Bye, bye, bye.", and one knew then he was on a winner.

When he would land in, I would ask was he going to such a meeting and he would say he had heard nothing about it. I would say that he got an email or a text, and he would answer that he never read them. That was Kieran's way. He wanted to do everything on the telephone. He wanted to have the personal touch, and he had it.

It is sad here today but it is also great to see four generations of the Phelans. That is a tribute to him as well. To his mother, to his wife Mary, to his family, to his grandchild, to his brothers and sisters, I offer my sincere sympathy.

**Senator Mary M. White:** I am honoured to express my sorrow and empathy to his beautiful wife Mary at the shock that she must have got that morning when we heard here the news with disbelief. It is sad that one must walk in the shoes of another person for seven miles before one can experience his or her pain, but I say it to Mary in very humble words.

It is sad for Delia to lose her son. I thank Delia, who I met in the hospital. I did not know Kieran well. He was on a different floor to me and, as she can hear from here today, those who were on his floor knew one another. I discovered later, for other reasons, why. He actually was not very friendly to me for my first few years here and then I discovered that he was a competitor of mine. Interestingly, I did not have this warm friendly relationship until the past 12 months. In the past 12 months when the Taoiseach was under severe pressure in Government, on the Order of Business I would push home the Government's position because I believe we must be loyal to the Taoiseach and to the Government. Maybe behind closed doors one might give out, but not in public. Every time I praised the Taoiseach, or the Minister, Deputy Harney, for that matter, Kieran gave me a big smile and our relationship grew out of me defending the Government. When I met Delia at the funeral and she said, "I know all about you, Mary", I was so delighted.

I am very pleased that Brendan is carrying the flag for the Phelan family. I offer my condolences to every one of his widely talented brothers. I know his brother in South Africa the best, and I knew him well before I knew Kieran.

My memories of Kieran are of him delighted that I was supporting the Taoiseach here and pushing home the Government's position.

**Senator Mark Daly:** I had to share an office with Kieran, or he had to put up with me, for a while. I am sure he gave his family some reports on that, on how a Kerry fellow had piles of paper on his desk and did not seem to be getting much achieved, but he did give me some great advice.

We had a common interest in the GAA because we both served on GAA committees together. He used to tell me, and I agreed, that GAA committees can often be more political than politics itself. Of course, he had hurling. Mary might remember that once upon a time we gave him a Kerry sliotar, which is probably the rarest artifact one could give anybody. He talked about hurling which, to a Kerryman, would be the equivalent of talking to a nomad in the Sahara desert about deep sea diving, but I tried to empathise with the trials and tribulations of Laois hurling and, of course, cattle dealing and negotiations on fair days. We discussed how the art of negotiation, like politics itself, can be learnt, and fair days, whether in Kenmare or in Laois.

I offer my sympathy to all his family, to his wife Mary and to his darling daughters and his son, his grandson and all the members of his family, his brothers and sisters, and to his mother and to his many friends who, I suppose, would say the words of W. B. Yeats:

Think where man's glory most begins and ends

And say my glory was I had such friends.

**Senator Ned O'Sullivan:** I did not really know Kieran until I arrived here three years ago. I liked him and I looked up to him and respected him a great deal. He died around the same time that the Taoiseach was about to open the new bypass in Rathdowney, which is on my way home to Kerry. In the last conversation I had with Kieran I asked him the time of the opening and he said he would ring me the following morning, and that call never came. It was a tremendous shock when Senator Glynn rang me to say he had passed away. What a shock it was to Senator Wilson and all his friends who stayed in the hotel and were with him in his final hours. What a huge shock it was to his lovely mother and wife, and all the family. We saw that sense of shock and loss at the funeral mass in Rathdowney.

I just want to say one word about Kieran. For me he was an example because he was a loyal and proud Member of the Seanad. He was always here for every vote and every session. The Leader will confirm that he never missed any of the Fianna Fáil group meetings. He was always there. I am the kind of fellow who tries to do his best always but, with human frailty being what it is, I sometimes go off-side. The very odd time that I missed a vote I would be far more afraid of facing Kieran Phelan than the Whip because he would let one have it. That is genuine.

He was a lovely man and he will be greatly missed. I am proud that all of his family are here. It will be a great memento for them in the future.

**Senator James Carroll:** My first memory of the late Senator Kieran Phelan was when I was a parliamentary assistant to Deputy Margaret Conlon from Monaghan and Senator Wilson, the late Senator Kieran Phelan, the Minister of State, Deputy Maloney, took Margaret under their wings. That meant such a huge amount to Deputy Conlon, as a brand new TD in here in 2007. Senator Feeney was such a great source of support to Deputy Conlon also. I remember on a few occasions I was in the office when a call would come from the late Senator Kieran Phelan, and I never knew who this man was. But when I got in here 11 months ago, I certainly found out who he was.

It was a sad 24 hours before Kieran passed away. I sat in beside him and I told him that Louth were playing Longford the following Sunday in the first round of the championship and I wanted to get an advertisement into the programme, and asked would he know anybody on

the county board who could help me. He said he would get a name for me and within two hours he rang giving me a name. I got the advertisement in and I remember I wrote a card to the man who had helped me get it in at the last minute, stating, "Kieran says hello". Sadly, within 12 or 14 hours Margaret rang me to say that Kieran had passed away. I met Margaret that morning and saw the tears in her eyes. We went into the Cathaoirleach's office. When I came in here I thought the Cathaoirleach was a man of steel and to see a tear in his eye was very sad. Those are the memories I have of Kieran.

I also remember going to Rathdowney and seeing the huge crowd that was there. It is a credit to see his wife, family and all the Members of the House here and the message they are sending out. May he rest in peace. His memory will never be forgotten in this House and he will not be forgotten by his family and friends.

**Senator Rónán Mullen:** Ní thógaidh mé i bhfad. Ba bhreá liom chomhbhrón a dhéanamh le mháthair Kieran Phelan, a bhean chéile, Mary, agus le Martina, Brenda, Fiona, Patrick agus Noah. I did not know Kieran very well but like others who are relatively new to these Houses, I could fairly describe him as having a gentle reassuring presence. There was something especially warm about the man and about the way he would greet one with his smile. Frequently, I had short chats with him. I was not here very long and we did not have the opportunity, unfortunately, to have many long conversations.

The day of his passing was truly shocking. I remember it very well and very clearly. It was a reminder to us of the transience of all things human, that the joys of life are transient and, it is to be hoped, so too the sorrows of life. I had to be away then but I was very glad I was able to return for his funeral in his home place. I say this for selfish reasons because, like today, his funeral was a celebration of the best in Irish country life and community life. When I arrived at the graveyard I found myself among many people waiting because it took a long time for Kieran to arrive because so many people were present. I remember distinctly the view from the graveyard as people waited. It was a funeral that was celebrated with fitting dignity and respect for the man. That respect for him is very much evident here today in the contributions that people have made.

People often state to the university Senators that it is very difficult for us to get elected but if we are honest, we know there are more difficult elections, and elections to the vocational panels are certainly very difficult.

**Senator Donie Cassidy:** You can say that again.

**Senator Rónán Mullen:** It seems to me that when one has gone through that system, one is prepared for much that life can throw at one. Certainly, I think Kieran's gentle and reassuring presence would be welcome in these particularly difficult times when the mood has changed around here because of the challenges our country faces.

This is to say that I hope it is not goodbye and that we will meet him in a better place. Tá súil agam go bhfuil gach comhbhrón déanta lena chlann. Ar dheis Dé go raibh a anam agus suimhneas síoraí dó.

**Senator Paul Bradford:** I thank the Cathaoirleach for this opportunity to say a few words of tribute to Senator Phelan. I listened with great interest over the past two hours to the words and comments of my colleagues and for once we can safely say that not a lie was spoken in this House. Every word we have heard over the past two hours about Kieran is absolutely true. I extend my heartfelt sympathy to his wife, mother, family and his colleagues in Fianna Fáil, three or four of whom were exceptionally close to him.

[Senator Paul Bradford.]

The time of his funeral was a unique occasion and the thousands of people who turned out to pay their respects were the loudest, strongest and most profound statement of all. At a time when politics is in low standing, it was beautiful to see so many people pass a huge vote of confidence in their friend and former public representative, Kieran. If there is something that we all can learn from him it is the simple fact that a smile goes a long way. He had friends not only in this House but throughout the country and he will be sadly missed by all, most of all by his family. They will have treasured memories of a gentleman whose life impacted on all of us. I can safely say that as long as we are here in this House, we will remember him and we will treasure him. May he rest in peace.

**Senator John Hanafin:** Like many others, I mourn the passing of our colleague. In particular, I found that, like others, I was drawn to Kieran. I was drawn to his affable ways, his kindness and his good humour. I will especially miss him at a time such as this when we have difficulties. I would get a statement from him as to the bottom line of what we are going through. He was a man who had the ability to see through what was happening, reassure everyone that everything would be fine and to see the bright side. To his family, I extend our condolences. We miss Kieran Phelan.

**An Cathaoirleach:** I would like to be associated, on my own behalf and on behalf of Deirdre, Jody and the Seanad staff, with the tributes to the late Kieran Phelan. As has been stated, he was a Member of this House since 2002. I first knew Kieran when he was a member of Laois County Council. He served with his father in politics prior to that. He served the people of Laois for many years. He was elected on the industrial and commercial panel of Seanad Éireann in 2002 and again in 2007 as a nominee of the Irish Country Houses and Restaurants Association.

Kieran's integrity and demeanour and unfailing sense of humour made him one of the most popular members of the House and won him respect and friendship of Members from all parties and groups. As a temporary Chair, he regularly presided over sittings, and his sense of fairness and procedural knowledge was very obvious. As was commented on earlier by a Senator, he almost created a record at one time during a robust exchange between Members of the Opposition and a Minister. Kieran told the Minister he might set a record as he might be the first man to ask a Minister to leave the Seanad Éireann Chamber.

To his wife, Mary, his mother, Delia, his grandson, Noah, and all his family and friends here today, I extend my sincere sympathy at this very difficult and sad time. May he rest in peace.

*Members rose.*

**Senator Donie Cassidy:** I propose the suspension of the House until 4.45 p.m.

**An Cathaoirleach:** Is that agreed? Agreed.

*Sitting suspended at 4.40 p.m. and resumed at 4.45 p.m.*

### **Business of Seanad**

**Senator Donie Cassidy:** I propose an amendment to the Order of Business that No. 2, motion re credit institutions (eligible liabilities guarantee) scheme 2010 conclude at 6.15 p.m. with the Minister of State to be called on to reply and to respond to questions for five minutes at 6.10 p.m.; No. 3, Prohibition of Depleted Uranium Weapons Bill 2009 — Committee Stage, to be taken at 6.15 p.m. and conclude not later than 8.15 p.m.

Amendment agreed to.

## **Credit Institutions (Eligible Liabilities Guarantee) (Amendment) (No. 2) Scheme 2010: Motion**

**Senator Donie Cassidy:** I move:

That Seanad Éireann approves the terms of the draft scheme entitled Credit Institutions (Eligible Liabilities Guarantee) (Amendment) (No. 2) Scheme 2010 a copy of which draft scheme was laid before Seanad Éireann on 16th November, 2010.

**Minister of State at the Department of Finance (Deputy Dara Calleary):** I wish to be associated with all the tributes to the late Senator Kieran Phelan and I compliment the House on the manner of the tributes.

The position of the Irish banking sector remains challenged at a time of significant continued financial market dislocation. Market conditions have not normalised and funding pressures remain necessitating the further extension of the bank guarantee scheme. Yesterday's euro group statement on Ireland welcomed the measures taken to date by Ireland to deal with issues in its banking sector. The euro group endorses the measures taken by Government, including bank guarantees, as well as recapitalisation and the asset segregation achieved through NAMA to support the banking sector.

Market sentiment towards Ireland has become very negative, particularly since the end of October, reflecting intense speculation in the bond market regarding possible debt restructuring in the design of a permanent crisis resolution mechanism in the eurozone. While these concerns were addressed by the joint statement by the Finance Ministers of France, Germany, Italy, Spain and the UK on 12 November last, market sentiment towards Ireland and the eurozone remains negative. The State guarantee for bank liabilities provided under the ELG scheme, which the Government has put forward for approval by the Oireachtas today, continues to provide very significant support for the funding of the banking system. This draft statutory instrument amends the bank guarantee scheme known as the eligible liabilities guarantee scheme or ELG scheme which was introduced in December 2009. Senators will recall that a similar statutory instrument was before this House in September to extend the ELG scheme from 29 September to 31 December 2010.

Funding conditions have not normalised for credit institutions in Ireland and the requirement for the guarantee remains. On the advice of the Governor of the Central Bank, the Government is proposing to extend the issuance period under the scheme beyond the current end date of 31 December 2010 and on financial stability grounds the statutory instrument before the House will enable the issuance period to run to 31 December 2011. As the House may be aware, the European Commission has already announced the approval of the scheme for six months, the maximum approval period allowed under the Commission's state aid rules.

I will now set out the details of the draft statutory instrument before the House. The instrument proposes to amend the credit institutions (eligible liabilities guarantee) scheme 2009. Under section 6 of the Credit Institutions (Financial Support) Act 2008, the approval of both Houses is required for such an amendment. The 2009 scheme allows participating credit institutions to accept all deposits and issue short and long-term debt on a guaranteed or unguaranteed basis. Eligible liabilities under the scheme comprise deposits, senior unsecured certificates of deposits, senior unsecured commercial paper, other senior unsecured bonds and notes or other forms of senior unsecured debt specified by the Minister for Finance and approved by the European Commission. The participating institutions under the scheme are the AIB, Anglo Irish Bank, Bank of Ireland, EBS, Irish Life & Permanent and Irish Nationwide Building Society. Their relevant subsidiaries also joined and are listed fully on the website of the Department of Finance.

[Deputy Dara Calleary.]

Institutions are able to issue debt and take deposits guaranteed under the scheme with a maturity of up to five years. According to the latest data available to my Department, bank liabilities covered under the scheme stood at €147 billion in aggregate at the end of September. Liabilities must be incurred within a limited issuance period that currently ends on 31 December. The main amendment made by the statutory instrument before the House proposes to extend the scheme such that it will now end on 31 December 2011, subject to continuing state aid approval from the European Commission. This is similar to the mechanism used in the original scheme when it was introduced in December 2009. Other consequential changes are made to the scheme by the statutory instrument.

EU state aid approval was granted on 10 November for the extension of the issuance period to 30 June 2011 for all debt and deposits and short and long-term liabilities under the scheme. European Commission approval follows closely from the recent legal opinion of the European Central Bank dated 2 November which endorsed the extension in national law to 31 December 2011 on financial stability grounds. This extension is subject to continuing Commission approval beyond the current date of 30 June 2011, the maximum period allowed at one time under EU state aid rules. Further state aid approval will be required to extend the issuance period end date for another six months from 30 June to 31 December 2011. The draft scheme before the House would facilitate that further extension.

The participating institution must pay a significant fee to the Exchequer for the benefit of the guarantee. The fee is in line with or, in certain circumstances for shorter term bank liabilities, exceeds the fees applicable generally for guarantee schemes approved by the European Commission. The precise pricing arrangements for the guarantee are set out in the rules to the scheme at Annex 7. By the end of October, a total of €1.3 billion, divided into €760 million in respect of the covered institutions credit institutions financial support scheme and €573 million in respect of the eligible liabilities guarantee scheme, was collected from the institutions. The fees collected surpassed the original minimum target of €1 billion for guarantee fees when the covered institutions credit institutions financial support scheme was introduced in September 2008. The draft statutory instrument gives legal effect to this time extension.

The eligible liabilities guarantee scheme covers specific issuances of debt or deposits of up to five years in duration incurred during the period set out in the scheme. Item 1 inserts a definition of “financial support period order”, an order made under section 6(3) of the Credit Institutions (Financial Support) Act 2008. This order which the Minister for Finance will make in conjunction with the scheme sets out the issuance period, that is, the period within which guaranteed liabilities can be incurred and guaranteed under the scheme. As European Commission approval was granted for the period 1 January to 30 June 2011, this will be the issuance period for the next phase of the scheme.

Item 2 amends paragraph 3.1 of the schedule to the scheme which sets out the period within which institutions may join. This amendment seeks to update the application period by substituting 31 December 2011 for 31 December 2010 to reflect the time extension to the scheme.

Items 3 and 4 amend paragraph 5 of the schedule to the scheme. Paragraph 5 provides that the Minister shall review the scheme and its rules at six monthly intervals. This amendment proposes that the Minister may review the scheme at shorter intervals than six months if so required by the European Commission in accordance with state aid policies. This would allow for a future exit strategy on a gradual basis for certain liabilities in line with prevailing market conditions and based on the advice of the Governor of the Central Bank.

Item 5 proposes to substitute a new paragraph 11.1(c) to the schedule to the scheme. The new paragraph replaces the current scheme end date of 31 December 2010 with an extended

end date in national law of up to 31 December 2011, subject to continuing EU state aid approval. Such approval was obtained on 10 November for the continuation of the issuance period up to 30 June 2011. Any future extensions of the issuance period beyond 30 June 2011 will require further state aid approval.

Item 6 amends paragraph 18 of the schedule to the scheme which sets out the maximum period the Minister will stand as guarantor of liabilities. This amendment proposes to substitute a period of five years after the end of the period specified in the most recent financial support period order as the end date of the scheme instead of the current date of 31 December 2015.

The extension of the scheme to 31 December 2011, subject to EU state aid approval, will continue to facilitate funding access in the short and longer terms for participating institutions and provide security for depositors. The scheme, as extended, complements the broad Government strategy to restore fully the banking system and maximise its contribution to overall economic recovery. I commend the scheme to the House.

**Senator Liam Twomey:** I am surprised the Minister of State did not refer to the events unfolding in the European Union which will have a great impact on how we access funding in the future. Ministers were describing these events as fiction over the weekend but now that they are rapidly becoming facts no one in Government circles appears willing to discuss them. The Minister of State should have alluded to what was happening in the European Union.

**Deputy Dara Calleary:** I refer the Senator to the first five paragraphs of my contribution.

**Senator Liam Twomey:** The Minister of State should tell us what is going on. The Government has become unstable and lost the confidence of the people. International investors have abandoned Ireland and there is a crisis of confidence in the European Union regarding the Government's ability to fulfil its mandate. In the same way that lions circle a wounded beast, speculators are circling Ireland's economy and the eurozone. This is coupled with the market's irrational sentiments in times of crisis when the most outrageous rumours run wild across the world. The oscillation of Irish bonds in the past seven months is one reason Ministers need to provide as much information as possible to the people, as well as international bondholders. An Internet search for the phrase "Irish bond traders" will retrieve headlines from news outlets across the world, but the Government was denying anything was afoot as recently as 24 hours ago. That does not instil confidence in the markets. As I may be misinterpreting these events, perhaps the Minister of State might clarify matters.

It seems Mr. Trichet of the European Central Bank and his EU colleagues, including Commissioner Almunia who is responsible for banking and Commissioner Rehn who is responsible for monetary affairs, are trying to restructure Ireland's debts. It seems they want to move some of the billions of euro the European Central Bank has loaned us to the stabilisation fund and thereby take responsibility for some of this money. I do not know whether the relevant figure is €40 billion, €50 billion or €60 billion. Perhaps, to reduce the cost of borrowings by international investors, it will be possible to create an overdraft for the State using the stabilisation fund. If we had such an overdraft facility fixed at a specific rate — perhaps 4%, 4.5% or 5% — we might have an opportunity to tell the international bond markets to stuff it when they try to play games with the economy and the eurozone as a whole.

The Government needs to engage in a discussion on the purpose of what we are doing here and the role we hope to fulfil. There is no point in the Minister bluffing by saying we have enough money until next year. The reality is that in the next three years we will need to gain at least €40 billion for the public finances. I am not sure exactly how much money will be needed to complete the bailout of the banks. Where will the Government find that money?

5 o'clock

[Senator Liam Twomey.]

There is no point in it telling us it has enough money until next June. We need to know from where it will get money in June 2013, not June 2011. The Government is brushing over this issue as if it was not relevant. When one considers the amount of money we have borrowed, it is massively relevant.

We are trying to play home politics with the economy. The reality is that this is a much bigger issue than politics at home. It is a question of what the European Union will do for Ireland as one of its partners, how we will work with it, how we will calm international investors and how we will actively deal with those who are speculating on what will happen to the economy and the euro. Greater clarity is needed. We do not need the Minister to treat us like children. He seems to believe he knows best on what is going on. This problem has been brewing for a while. When the Governor of the Central Bank, Professor Patrick Honohan, went to Hong Kong on 16 August, he got a fright when he found out how Ireland was perceived among international bondholders. Very little has been done to alleviate the fears and concerns of international investors or improve their perception of what is happening in Ireland.

We face many problems as we decide what the extent of the bailout should be and on what should happen here. There is no point in denying serious discussions are taking place about how we can restructure our debt. Many of these problems were obvious in the last couple of months, but the Government, to its eternal shame, refused to accept this or move quickly enough to deal with them. I do not think there is anything wrong with the economy. The fundamentals are very sound. We are making painful adjustments to our lifestyles and quality of life and will make tougher adjustments in the next couple of years.

There is a need for the Government to engage with the European Union and tell citizens exactly what is going on. There is huge fear because of the lack of information. The counter-productive statements made by Ministers in recent days have added to the confusion of the public and have done nothing to help us get out of the crisis. There is a need for somebody to spell out what is being considered. Perhaps the Minister of State believes he is not in a position to do so. We need some indication of what the European Union is looking for. We have to restore the confidence of the people that the Government is doing the right thing in their interests. It will take a little longer, however, to restore the confidence of international investors. If we work with our EU partners now in a constructive and positive way, it will help us in the next couple of years.

**Senator Dan Boyle:** On the Order of Business this morning I agreed with those Senators who had spoken about trust and the growth of uncertainty. My comments were taken in a way I did not directly mean. The public perception of there being a lack of trust and certainty is fuelled by many factors, including international reports since the weekend. The ongoing and preliminary contacts between this country, the European Commission and the European Central Bank were developed during the Minister for Finance's discussions at the ECOFIN meeting today and yesterday's meeting of eurozone Ministers. They will be developed further when representatives of the European Commission, the European Central Bank and the International Monetary Fund visit Ireland tomorrow. There continues to be uncertainty about the nature of the problems we are experiencing as a country and the remedies available to us to deal with them. The essence of the proposals made on foot of the ongoing investigations will be the extent of the assistance we can receive from our EU partners.

ECOFIN Ministers have concluded their meeting. Commissioner Rehn who visited Ireland last week has indicated at a press conference following the meeting that Ireland is receiving ongoing and positive support in dealing with its difficulties. He has said the only mechanisms available in that context — the stability mechanism and the stability fund — must be applied

directly to countries. The essence of our problem is the debts accumulated following the collapse of the banking sector, but it does not appear that it will be possible for these mechanisms to apply directly to the banks themselves. That is the nature of the problem the experts from the three organisations will face when they are in Ireland in the next few days. The ultimate difficulty to be overcome by the Government in making a decision on this matter is that certain responsibilities and conditions are associated with the use of the stability mechanism or the stability fund. These responsibilities and conditions could make the Government's business very difficult, a concern I have expressed in the House. I know everyone in the political system will examine this carefully in the next few days.

Some of the misreporting and over-reporting has been so ignorant of our current economic position that it has made a direct correlation between the bank guarantee and the bank debts we have acquired. Professor Honohan's report which was compiled on behalf of the Oireachtas suggested the decision to introduce the bank guarantee, in its widest application, was an error that resulted from a fear that the country's banking system would collapse the following day. The debts of the banks were not incurred by the existence of the guarantee. However, the scale of banking debt is greater than initially envisaged. As I said on the Order of Business this morning, I do not believe any policy option such as a narrower guarantee would have resulted in the elimination of the problem. It has been constantly argued in this House that we could have reneged on senior and subordinated bonds. We would only have reduced the scale of the banking debt. Existing bank guarantees were in place. The problem was related to the deposit accounts of the banks concerned and the bondholders were no more than a subsidiary aspect. If we had chosen a different policy option in the last two years, we would not have avoided the acquisition of billions of euro in debt as a result of the collapse of the banking sector.

Questions can be asked about how matters were allowed to develop to reach that stage. I agree that the actions of those who made reckless decisions should be seen as economic treason. The existence of the guarantee is not the problem. The reconstitution of the guarantee — it was initially extended for a period of two months and with this motion it will be extended by a further six months — shows that it is no more than an instrument to try to deal with the ongoing problem. It has to be emphasised that we have the agreement and co-operation of our partners in the European Commission and the European Central Bank for the use of this mechanism. I also stress that in terms of the banking crisis we face, the two largest banks — outside the problems created by Anglo Irish Bank and, to a lesser extent, by the Irish Nationwide Building Society — were subjected to very rigorous stress testing by the European Central Bank. The nature of discussions which have been going on in Europe since last Friday and which continued over the past two days should be balanced by a recognition that Government policy has sought to protect and ensure the Irish banks surviving this difficulty are stronger in the future and are the banks which have been stress tested by Europe and have passed those tests. Six financial institutions did not pass the test, including one bank in Germany and five credit institutions in Spain.

Despite all our problems, the remaining Irish banks passed those criteria. In the discussions and in the investigations by the experts coming here tomorrow and who will make their recommendations over the next few days, that point must be stressed. We can even go further and say that the stress tests undertaken by the Central Bank of Ireland were even more rigorous than the tests put in place by the European Central Bank in regard to European banking in general. That is why we find ourselves in this situation.

There were constant political complaints about the existence of NAMA and the role it was playing in perhaps artificially protecting the banks. If NAMA has done one thing, it has exposed the real extent of losses within the banks.

[Senator Dan Boyle.]

The other reality which we must face is past regulation. We developed a banking sector which had too many banks and was overcapitalised in that it had twice the capital assets of what this country had in GDP which made it impossible to control. Ireland is not Iceland where the ratio was ten times the country's GDP.

It is difficult to isolate our banking difficulties because of the amount of the debt and the potential debt is so staggering. We still have a properly functioning economy which has the ability to get us out of this situation. We still have a debt to GDP ratio which is less than it was in the 1980s when we had to face a similar set of circumstances. We have been through worse and we managed to get out of it. How can we do so again in the least possible time and with the least possible pain? We need to divorce the banking situation from the difficulties we are having with our public expenditure and our budgetary situation. We must put to bed the idea that if we have to make use of the facility — there will be considerable political difficulties in that — somehow we will be able to avoid the other adjustments we need to make as a country. Even if we get assistance from the EU and the European Central Bank for our banking crisis, we still have to reduce our deficit by €15 billion in four years. We still must reduce our deficit by €6 billion in the first year. The effect of decisions made and measures taken will supersede changes in the political system.

At a time when we are under considerable pressure from the organisations with which we are involved and given the perception internationally of how we are being treated, in particular by the markets, there is a need for greater cohesion in terms of our politics, although we have had some. In these critical weeks ahead, we need not so much to don the green jersey, because that is an overworn analogy, but we must think of future generations. The decisions we make and the actions we take now will have an impact on the type of society, economy and country we develop from here. There are many positive aspects on which we can build but they will be lessened if we talk ourselves down further, if we impair our image further in terms of the international community and if we lose the belief we once had in regard to our ability to get ourselves out of these situations. Things are serious and have the potential to become more serious but we also have the potential to recuse them within the time period concerned. We must eliminate that lack of trust and growth of uncertainty in our communities and present to the wider world a more brash, confident and more knowing Ireland in terms of what we are and what we can achieve.

The irony is that over recent weeks, the situation has developed into one where it is less about our political situation, the composition of the Government, the political parties involved in that and even less about our interest as a country. As a result of a combination of circumstances, Ireland has been identified by international markets as a weak link in a chain in terms of the credibility and cohesion of the euro currency. We have a number of options. We should remain a member of the euro currency because thus far in this crisis, it has been of assistance to us. We could argue that it might have been a contributory factor in bringing us to where we are but I believe the euro currency is the best way forward. It must not be done by the larger economies and the governments responsible for those economies making decisions at their behest and making reactive decisions for countries and economies like ours. The success of the euro currency depends on its strength in countries like Ireland. I hope the visit of the experts from the three organisations tomorrow will be the start of a process where we not only recover as an economy but Europe as a wider entity understands the importance of the euro and how it needs to be protected.

**Senator Feargal Quinn:** I welcome the Minister of State. This is a threatening and traumatic time for Ireland and we must be very careful about what we say because words can be taken

out of context. The Minister was quite right when he said market sentiment has become very negative since October. Whether we should have anticipated a long time ago that this would happen is looking to the past. There will be times in the future when we will look back and ask what we did wrong.

I understand the problem of the support we are getting now and of the EU rules which state that it can support governments but not banks. We want to use the money to support the banks but the various EU bodies state that it should be for the country and not for the banks.

Senator Boyle reminded us that we have been here before. Our situation was bad in the 1980s but we got out of it. We may have big problems now and we are a weak link in a chain and we must ensure we find a solution.

I understand the Minister for Finance's argument that we need the ELG scheme to continue in place as one of the measures to support our banking system. I hope it will contribute to the banking stability about which we are speaking. However, this comes with a caveat. The current state of our debt means that the extension of the bank guarantee scheme may not be enough to stop corporate deposits moving out of Irish institutions. As any business person knows, a guarantee is only as strong as the guarantor. The extension is part of the wider aim to bring more stability to the market and combined with the budget and the four-year plan, we are sending a very strong message to the international community that we can look after our own financial affairs. The obvious question is that if it is not having the intended benefits of providing stability, should we continue with the guarantee? Our interest rate is now 8% which is similar to the interest rate in countries like Pakistan, Argentina and Greece. Indeed, our borrowing costs surpassed 9% in the past week which is approximately three times what Germany pays.

I hope the guarantee will play a part in restoring consumer confidence here in order that businesses can grow and invest for the future. It is also interesting to note that the State has earned more than €1 billion by charging the banks for providing the guarantee. Where did that money go? What happened to it? I presume it went straight into funding the banks. We charge the banks for it, think it is great we have got €1 billion — in fact, I believe it was €1.3 billion — and then put it back into the banks. It is difficult to know whether we are charging them.

I would like some indication from the Minister of State on when it is forecast that the guarantee scheme may be lifted. I came across a table by the International Monetary Fund, IMF, which showed that even in Sweden, which is often held up as a model for the way it coped with the Nordic banking crisis in the early 1990s, it took four years for the guarantee to be lifted. The question also remains as to what the full cost of this will be. Is the figure of €300 million for the whole guarantee realistic?

I want to ask a question about the Bank of Ireland disengagement from the guarantee scheme. It was interesting to hear the Bank of Ireland chief executive, Richie Boucher, say in August that the bank was actively planning to “disengage from the guarantee in a prudent fashion”. Those were the words he used. Mr. Boucher hinted that Bank of Ireland, which raised €2.9 billion from investors earlier in the year, would test the market for so-called unguaranteed investment before the support expires. He said that Bank of Ireland “will be looking at a range of programmes, guaranteed issuances, covered bonds, secured and unsecured bonds across a range of geographies”. Given these indications by Bank of Ireland, can individual institutions be forced to disengage from the scheme if they are deemed to be financially capable of doing so in the near future? That is a question I would like answered because I am not sure of the position on that. We are looking to the future, to this particular scheme and to the eligible liabilities guarantee, ELG, scheme. This is the right way to go. We do not have a choice about it but there are some questions about it and those are the ones I would like to have answered.

**Senator Fiona O'Malley:** I am glad to have this opportunity to speak on the debate on this scheme. I share the concern of everyone else that we are at a difficult time in our evolution as a country. It is frightening in a sense where we find ourselves.

I have great sympathy for the Government, especially the Taoiseach and the Minister for Finance because they are dealing with a situation that is changing all the time. While I accept that politics will always be politics, there is a time when we have to put that aside and consider the welfare of the country. Time and again the Taoiseach, when questioned in the Dáil by the Leader of the Opposition, has been asked to hold a general election. I often wish the Leader of the Opposition would suspend that questioning for just for one week until we deal with the issues before us. One of the reasons the Leader of the Opposition gives the Taoiseach for seeking a general election is that he had promised us this would all be over now and that this was to be cheapest bailout, as the Leader of the Opposition continues to call it, and none of this appears to be true. I am sure Deputy Kenny, in moments of quiet reflection, when he thinks about how he would behave, conduct himself or lead a Government were he faced with the same challenges facing the Government, would realise that it is difficult to have absolutes at a time such as this.

The criticism that is always made of the Government is that it has not been able to provide certainty to the market. This is the reality and the difficulty. What we need to appreciate a little better in this country is that we are not alone in the difficulties we face. While we might look back at the period since the economic collapse and question whether we maximised the opportunities or gave the right answers, no one can be sure of that yet. We also need to appreciate that we are now looking back at that time with the benefit of 20:20 vision and that adds a different complexion to dealing with the scenario. Ordinary politics does not have any relevance in dealing with a situation like this. I heard the leader of the Labour Party criticise the Taoiseach on his conduct. Given the difficulties we face, the Taoiseach constantly faces such criticism week after week rather than being able to rely on the support of his parliamentary colleagues when he is trying to do the best for his country.

The independent report conducted by the Governor of the Central Bank indicated that the course of action taken by the Government in offering the guarantee was the least worst option as such. That needs to be recognised. While the leader of the Labour Party believes his party was right that the guarantee should not have been given, he fails to recognise what would have happened had the guarantee not been offered. We would have been faced with an immediate collapse of the Irish economy. That seems to have been lost on him and he is not an unintelligent man. I do not know why he continues to persist with this notion.

I am sure the Government was somewhat cautious, which is probably the best word to describe it, in offering this guarantee. We have discovered that the whole truth was not given by the banks on that fateful night when an immediate decision was required. That is why I will always have sympathy for the Taoiseach, the Minister for Finance and members of the Government who, with the best advice available, had to take a decision. Take it they did and in doing so they averted a catastrophe. The way the market has played on since and what we are required to do to keep our economy floating is unfortunate. That we find ourselves here again today approving this scheme is not where we would like to be.

Having regard to what we have learned from the process since September 2008, I would say that we were not tough enough on the banks. I was pleased to learn from briefing notes that the position of the Minister for Finance is that we are to have a good examination of the structural problems within the banking sector. That is critical. We must do that at this point. We failed to take the opportunity to do it before. This is a moment when we need the solidarity of everyone in the country working together. As we deal with the difficulties we face over the

next few weeks, we need to remember that thinking about each other and that sense of community which has delivered great success in our country and is part of the proud tradition of our heritage and our inherent decency of one to the other.

My final point is on how the banks have conducted themselves. The people of this country have taken on the burden of the banks and the way the banks have shown gratitude for that is to continue to operate as if none of this has happened. Bonus after bonus is being offered, given and collected by staff and that is not acceptable. Bonuses are meant to be given for outstanding performance. How can anyone who has been working in the banking sector during the past five years consider himself or herself worthy of a bonus? People need to ensure that does not happen. We would have expected that there would have been a complete change in attitude when the people came in to help the banks but, unfortunately, there was not. I hope in this instance we take the opportunity to demand change and that the banks, in particular, will not even contemplate offering a bonus to anyone because certainly no one has earned it at this point.

**Senator Alex White:** I listened to the debate with some interest. Some of the points made were not without significance, especially one or two points made by Senator Boyle to which I will return. I was most struck by what Senator Quinn said. I understood him to say, essentially, that this debate, unfortunately, can be reduced to the proposition — these are not his words, I am paraphrasing what he said — that the Seanad has no choice but to support the motion. I will not support it because there is a choice. This harks back to what happened in September 2008. On the question as to whether there was no choice on the fateful night in question, the Governor of the Central Bank, Professor Honohan, has never stated the Government was faced with only one option or that it could have taken only one course of action, namely, that of providing a blanket guarantee. Neither the Honohan report nor any of the other reports bears out the proposition that only one course of action was available. The central consequence of what took place on the night in question and subsequently when the Houses endorsed the Government's approach was that options were closed off. The introduction to the heart of the Government's banking policy of a guarantee of the nature and extent of the bank guarantee closed off all other options.

There has been much debate about burning bondholders and so forth. The Fine Gael Party took the perfectly legitimate view that the bondholders should have been required to share some of the pain. It was not possible, however, to achieve this outcome once the guarantee was in place. A number of the policies advocated, including the Labour Party policy of taking the banks into public ownership for a period and the policy of sharing the pain, as it were, the position taken by the Fine Gael Party, were recognised by Professor Honohan and others as legitimate options. However, it was not possible to achieve any of them once the guarantee was introduced.

Senators have argued that it is time to forget the banking crisis because it is not connected to the deficit of €19 billion and instead look to the future by focusing the debate on how we deal with the deficit. It is absurd to suggest the legacy of the banking crisis can somehow be divorced from what we need to do to address the budget deficit. The budgetary and banking crises may be different issues, but they are intimately bound up with one another.

Last night's television and radio coverage featured a great deal of commentary. Stephanie Flanders of the BBC nailed the issue very well when she noted that bondholders who had looked at the Irish deficit of €19 billion and were advised that the Government planned to introduce a budget and four-year plan to slash the deficit only had to look a little deeper to see that the legacy of the banking crisis lay right beside the deficit problem that needed to be addressed. They do not only see that the current deficit must be reduced to below 10% next

[Senator Alex White.]

year, by a further margin in the subsequent year and to 3% by 2014, the reason being they do not see the issue in the mechanical way Senator Boyle would like them to see it. While the Senator may want the House to debate the deficit and forget about the banks, the legacy of the banking crisis spooks the whole crisis, both in its economic and budgetary aspects. It forms part of the crisis and cannot be divorced from it. If anything, the events of recent days and the insistence by eurozone and ECOFIN Ministers that there cannot be a direct feed of aid to the banks, as Senator Boyle described it, indicate that the Government is on the line. The Irish sovereign has been infected by the banking crisis. The position of the sovereign and the financial position of the Government, as perceived internationally, are undershot by our banking problems. There is no point in wishing these problems away because they are at the heart of the crisis.

Senator Boyle made an interesting and welcome remark on two occasions today. I concur with him that any solution adopted in September 2008 would have led to problems, in other words, none of the available options, including those advocated by the Labour Party and Fine Gael and that advocated and ultimately settled upon by the Government, would have settled the matter on the night in question. It was clear that the issue would not go away simply because the Government had made a decision in an overnight session in the Oireachtas because legacy issues would have remained, regardless of what was done. Senator Boyle makes a fair point, therefore, when he argues that the problem would not have been buried on the night in question.

Senator Boyle's central point, with which I agree, concerned his acknowledgement that if other options — sensible ones — had been taken, they might have reduced the scale of the problems we face. I believe these were the words he used. He is in the position of being able to state that if we had taken a different policy option on that occasion, things would not be as bad as they are now. Let us not pass over that statement because it is no small thing to say things would not be as bad as they are now. That is a fair comment which I enthusiastically and harshly endorse. However, it draws one inevitably into the debate on the extent of the guarantee and its targets in terms of its scope. It is clear the guarantee drew us into a vortex from which we could not emerge. That is the position in which we find ourselves and the reason the Government is seeking to further extend the guarantee. Let us not pretend we can divorce the banking crisis from the budgetary crisis.

Another issue that is knocked about in the House *ad nauseam* is what the Opposition should do and the need for everyone to pull together. As public representatives, Members on this side are as worried about what is happening as our colleagues on the other side. However, one cannot command trust or seek to involve the Opposition simply on the basis that the Government will propose something and the Opposition will dutifully agree with it. How many times must we say such an approach will not work or achieve the cohesion Senators Boyle, O'Malley and others seek? There is a lack of trust, not only on the part of Opposition Members but also among members of the public who have lost trust. As I noted on the Order of Business, how does one expect ordinary people to react when Ministers flatly deny that anything is going on by way of negotiations in the European Union, state that it is a fiction to suggest such negotiations are taking place and shake their heads on camera saying they do not know anything about what is being suggested and then, within 48 hours, it transpires that negotiations have been taking place?

To secure legitimacy, a Government must be elected and a Taoiseach appointed with the support of the Dáil. One of the central features of the legitimacy of any Government is credibility, in other words, a Government needs to be believed. For the purposes of the point I propose to make, I will allow for the cynical view that I would never agree with the Government

because I am a member of the Opposition. What members of the public and I expect is not to be able to agree with the Government but to be able to believe the words that come out of its members' mouths. Once trust ceases, one can almost see and hear what follows as legitimacy flows out of the Government. At this very tense time, the last thing we need is a situation where people do not even believe the basics from the Government.

The credibility of the Taoiseach and the Minister for Finance is on the line. Regardless of what they say, people raise question marks. We can make jokes about turning corners or, as was stated in September, closing the final chapter on the banking crisis. We were also told repeatedly that we had reached the point at which there would be a new beginning.

However, one can only get away with doing that so often. One can only get away so often with telling people something that is shown to be wrong two weeks later.

I will conclude by appealing to the Government that if it does nothing else in the coming days and weeks, it should level with people. People can take it as they already face dreadful situations in respect of their own lives, families and workplaces and many have lost their jobs. They can take hard, tough news at this stage and consequently, the Government should stop the spinning and the nonsense about turning corners, that everything is fine, that a chapter is being closed and that everything will be okay. Everything will not be okay but will be extremely difficult. However, the Government should level with people and be honest with them.

**Senator Terry Leyden:** I welcome the Minister of State, Deputy Áine Brady, on what is a difficult day for Ireland. Although the position is extremely difficult, I believe the Minister for Finance, Deputy Brian Lenihan, the Taoiseach and the Government are the right people at the right time to deal with this issue. It is an international, national and European problem and Ireland is in a very difficult position. I raised the issue of the guarantee in the House last week and made the point that it must be made crystal clear to people that their deposits are absolutely 100% safe. I made this point last week, this information has been published and the Minister has again made it quite clear. I reiterate, to provide further reassurance, that all deposits up to €100,000 in all Irish banks are absolutely guaranteed by Government guarantee. Moreover, all deposits greater than that amount are guaranteed under the eligible liabilities guarantee scheme. It is important to make this point clearly.

The four-year plan under discussion at present should be brought forward as quickly as possible, perhaps next week, to indicate to our European partners Ireland's future budgetary position. The budget will be introduced on 7 December, as the Minister has made clear that it is not possible to bring it forward because November is an important month with regard to taxation and he must have all the facts available to him before he can make final decisions in respect of budget 2011, in which savings of €6 billion must be made.

I refer to chapter 1 of the report by Professor Patrick Honohan, Governor of the Central Bank, in which he states:

It is hard to argue with the view that an extensive guarantee needed to be put in place, since all participants (rightly) felt that they faced the likely collapse of the Irish banking system within days in the absence of decisive immediate action. Given the hysterical state of global financial markets in those weeks, failure to avoid this outcome would have resulted in immediate and lasting damage to the economy and society. There would have been additional lost income and employment surely amounting, if it could be quantified, to tens of billions of euros.

This was the reason the bank guarantees were put in place at that time. Without such guarantees, the ATM machines literally would have been empty on the following day. It is important

[Senator Terry Leyden.]

to look back to ascertain what happened in September 2008 and Professor Honohan, who is an independent observer, made that point. This quote from his report aptly and succinctly describes the reason the Government introduced a bank guarantee scheme in the autumn of 2008. It was clear to everyone that we faced a very difficult period in respect of our banking system. Funding for the banking system had all but dried up and the banks were facing closure within a matter of days.

Decisions of this nature are never easy to make but must be taken in times of crisis. Thankfully, we have a Taoiseach and Minister for Finance who have the capacity to make tough decisions and to stick by them. I also include the Green Party, its leader and members in government in this regard. In particular, I commend the Green Party because it had only been in government since 2007 and, unlike Fianna Fáil, had no previous experience of this particular situation. Fianna Fáil had been in office during a similar period during the 1980s when Charles J. Haughey was Taoiseach and when we took very hard and tough decisions that brought this country from near-collapse to a period of tremendous development. I wonder, in absolute fear, what would have happened had the Labour Party been in power in the autumn of 2008 and had failed to introduce a bank guarantee scheme.

The motion under discussion is an extension of the eligible liabilities guarantee scheme from November 2009. This is different from the original bank guarantee scheme of 2008. The scheme before Members is a more focused and targeted scheme than the original guarantee scheme and is in line with the European model of bank guarantees that was developed in its wake. No longer does the scheme cover subordinated debt, and rightly so. Moreover, to reflect the problems that participating financial institutions have inflicted on Irish society, significantly higher fees are being charged for the benefit of a State guarantee of their liabilities. Since the introduction of the original bank guarantee scheme of 2008 and its extension last year, the Government has attempted to phase out gradually the extent to which guarantee arrangements are available. The establishment of the National Asset Management Agency and the various bank recapitalisation schemes have been part of this process. One must be extremely careful about how these supports are phased out and such moves must be measured, incremental and responsible. New issues arise almost on a daily basis and these must be reflected in how we implement the eligible liabilities guarantee scheme. In fact, more than €1 billion has been collected in fees from institutions covered by this guarantee and fees will rise following the extension of the scheme.

This scheme is still of great importance to the Irish banking system. It provides certainty to people who have money on deposit with institutions covered by the scheme. These people usually are run-of-the-mill individuals who have put aside some money for a rainy day and who are anxious to be reassured that they are protected. One must always be aware of the power of confidence in the Irish economy. If people do not consider themselves to be protected, they will not go out and spend and this is a key point at this stage. I support the continuing bank guarantee scheme under the new criteria outlined by the Minister. I believe it was necessary in 2008 and still is necessary in 2010. A functioning banking system is essential to our recovery. A banking system that is responsive to the needs of its customers is also necessary and I urge all banks to start lending again to the many viable businesses and companies that are struggling with credit issues.

The Government will issue its four-year plan next week and I understand that is the envisaged timescale. Ireland is being visited by experts tomorrow from the European Union, the European Central Bank and the International Monetary Fund, who will give advice on the banking situation. They will enter consultations with senior Government institutions such as the Central Bank and all institutions of the State will study the situation. As the Minister of State is aware, we are not in this alone but are together with the eurozone. While Ireland is a

small country, it is a participant in one of the strongest currencies in the world. Consequently, in such situations one must stand shoulder to shoulder together. This morning, in a detailed and comprehensive radio interview on “Morning Ireland” with Áine Lawlor, the Minister for Finance, Deputy Brian Lenihan, outlined the position exactly. I commend him on his clarity of thought, his views and his strength of character, as well as for the respect shown to him and to Ireland within the European Union. The Minister of State will be aware from her experience of travelling in a ministerial capacity to Europe, as I am from my experience as Minister of State with responsibility for trade and marketing with the former Minister, Des O’Malley, that while we fought our case at the Council of Ministers, we were always treated on a completely equal basis. This is a fact. We must have confidence in the future and must work together and we can overcome the present challenges. I commend the Opposition parties that have agreed on the four-year plan and the 3% target by the end of that period. This is highly positive and I hope we can work together for the future.

**Senator Maurice Cummins:** I have no intention of taking up the eight minutes allotted to me, as I will be brief. Anyone who has spoken to people on the streets in recent days will have noted that they are afraid. They are concerned about their bank deposits, mortgages and social welfare payments. There is a general fear in the body public. It is important that people be aware that their deposits up to €100,000 are safe and I support this measure. However, when considering the eligible liabilities guarantee scheme, I note it also encompasses senior unsecured certificates of deposit, senior unsecured commercial paper and other senior unsecured bonds, notes and other forms of senior unsecured debt specified by the Minister and approved by the European Commission. We should never have taken responsibility for Anglo Irish Bank. It was one monumental mistake not to allow it to fold on day one and allow the unsecured bondholders to take a hit. They should have taken a hit. What we heard at the time about how it would reflect badly on the country if bondholders took a hit was a load of waffle and rubbish, as we now know. The bondholders were gamblers who had gambled on the markets. We were prepared to bail them out and let the people — taxpayers — pay for the mistakes of bankers. That is what has happened. Let there be no mistake about it. It is no wonder people are angry in the streets.

The record of the Government on banking is, at best, incompetent and, at worst, deceptive. The Government is still in denial. Even in the past week Ministers have been trying to deceive ordinary decent taxpayers. Some of them said no negotiations were taking place, while others said they had started. They do not seem to know where they are going with finance and banking policy. The people are aware that every target the Government has put in front of them and the Houses of the Oireachtas has been missed by miles.

I listened with interest to Senator Boyle on the Order of Business this morning and during this debate. Irrespective of what Senator Leyden stated, I predict that the Green Party will soon run from the sinking ship. If Senator Boyle’s utterances reflect current Green Party policy, I have no doubt it will run from the sinking ship in a very short time.

In the last couple of days in this House I have heard Members talking about going back to the old Sinn Féin adages of “We Ourselves” and “Ourselves Alone”. What a load of rubbish. Are the same Members talking about going back to using the British pound? Where would we be without the help of our European partners? That question should be asked. We would not be in a nice place.

Fine Gael will support the guarantee of deposits of €100,000 and less, but we have grave reservations about guaranteeing unsecured paper. This is a matter of grave concern to my party and the Labour Party and everyone else. People are fed up with the notion that they must pay for the mistakes of others, whether the Government or the bankers.

**Senator Larry Butler:** I agree with Senator Cummins's comment that we are lucky to be in the eurozone. That goes without saying. Ireland has been a good member since we joined. We have benefited hugely from being a member of the European Community, to which we have contributed. Now it will stand behind us when we are in need. We must take responsibility for what is happening in the bond market because it affects our European partners. While we do not need to borrow at present, other countries are borrowing and the price of bonds has gone up substantially. It is incumbent on us, as a member of the European Community, to take seriously the offer being made to us. This offer will get to the heart of the banking system which is not working, although we have poured billions of euro into it. The experts coming here will ensure it will be fit for purpose by the time they leave. It will be important to use the funding made available to meet our demands in that regard.

This is a great country. When we joined the European Community in the 1970s, it was a very poor country. However, we have made leaps and bounds since we joined and it is now offering us a hand-out as an equal member. We would do the same for any of our fellow Community members. We did so for the Greeks. When we made a contribution, people asked if we could afford it. Of course, we could, just as they can afford to support us now.

The European Financial Stability Fund is very important and we can look forward to borrowing from it at more favourable rates than from the bond market. It will also underpin our four-year plan. We know exactly where we are going in terms of costs and funding in the next four years. It is incumbent on Members of the Oireachtas, of all parties, to ensure the budget and the four-year plan are supported. If we have an election early next year, whichever parties form the new Government will need that plan and budget. Therefore, it is vitally important that both are supported and that we achieve a budget deficit figure of 3% of GDP by 2013.

**Senator Marc MacSharry:** With the agreement of the House, I will share two minutes of my time with Senator Mooney.

**An Cathaoirleach:** Is that agreed? Agreed.

**Senator Marc MacSharry:** The scheme has been outlined in detail by the Minister of State, Deputy Calleary, and the views of many colleagues have been heard. I agree with the continuation of the eligible liabilities guarantee scheme which covers Irish retail, corporate and interbank deposits. The scheme has been in existence for almost one year and replaced the bank guarantee of September 2008. We have earned money from providing such guarantees and will probably earn in the region of €800 million next year for extending them.

The print media, the airwaves and all aspects of communications have been consumed in recent weeks and days by the potential of Ireland not to meet its commitments and nervousness about what will happen in the entire eurozone. I will make a few quick points. First, our cash position remains positive. It is a fact that the country is fully funded to the middle of next year. Greece was not funded. That is why it had to seek a bailout.

Ireland is not in that position.

People's deposits are 100% secure. The Irish sovereign is well funded into the middle of next year. There are problems with the structures of the banking system. Circumstances have evolved over the past year such that the vulnerability of the Irish banks has increased to a very nervy and volatile level, to the extent that funding is difficult to secure. The international interpretation of the stability of the euro must be considered if economies such as Ireland, Spain, Portugal and others are having difficulties. It is interesting to note that all our European counterparts have praised the Government for the actions it has taken.

6 o'clock

As factual information was made available to the relevant authorities in this State, appropriate actions were taken.

**Senator Maurice Cummins:** No.

**Senator Marc MacSharry:** With the benefit of hindsight, many experts emerge with views on why certain events occur and why certain economists predicted correctly and why others did not. It is agreed unanimously, and confirmed in the ECOFIN statement of last night, that Ireland should be praised for its determination in dealing with the issues as they arose and taking the appropriate action based on the facts at the time in question. Some of those facts were in fluid circumstances and have changed, but when circumstances change it is appropriate for people to change their minds.

As talks continue over the coming days, with the benefit of the expertise of individuals from the IMF, the European Central Bank, the Irish Regulator, the authorities in the Irish Central Bank and officials in the Department of Finance, it will be important to take whatever steps are necessary to shore up our banks to ensure we play our part in a shared sovereign position in terms of the single currency. We must ensure we focus on continuing to implement the budgetary plan for the next four years, which will be announced next week, and taking difficult decisions.

I said yesterday in the House that we have been consumed by our reaction to the media's reaction to what is an irrational international perception of the Irish position. Instead, we should be focusing on where the cuts should be made and on the question of whether public sector pay should be cut and whether the Croke Park agreement should be revisited. This is how our time would be best spent.

With regard to Ireland's potential to seek funding to assist with bank restructuring, it is appropriate to embrace, without any shame, any support offered. In a shared sovereign currency position in the eurozone, that is what is appropriate.

I have consistently stated in the House – senior party colleagues and Ministers may not agree with me — that if there is a flaw in the many positive aspects of being in the eurozone and Single Market, it is that when assessing interest rates, the European Central Bank focuses exclusively on inflation rather than economic issues. Ireland's economy constitutes less than 1% of the overall EU economy. Whatever inflation occurs here will not have any major effect on the economies of mainland Europe and the rest of the eurozone. When we needed to be cooling our economy some years ago on foot of over indulgence in the property market and elsewhere, we were borrowing at a rate of 2%, with a consequent growth rate of 8%. In the context of structural reforms and other reforms that must take place to ensure that Europe, not least Ireland, never faces these difficulties again, we must have clear guidelines on the maintenance of the 3% deficit as outlined in last week's report by the Joint Committee on Finance and the Public Service, and also clear guidance for countries with serious surpluses – Ireland was in this position — to ensure the punch-bowl is taken out of the room at the appropriate time.

There are many lessons to be learned. The message needs to be sent out loud and clear that Ireland has taken many of the necessary steps. It is a resilient nation and is not reactionary or over emotional. Irrespective of whether public service pay cuts or other cuts need to be made, this nation will take the necessary steps and adjust. It will react in whatever way it sees fit in a general election whenever it occurs — so be it — but in the meantime people are entitled to know that the Houses of the Oireachtas are confident in their ability to take the appropriate decisions and, without shame, happily welcome our EU partners and sovereign partners in the eurozone.

[Senator Marc MacSharry.]

I heard a very grand contributor from *The Observer* stating on the lunchtime news that his country will probably have to bail out Ireland, on foot of which it will have to see about Ireland's corporation tax. In 1975, when Mr. Harold Wilson sought £2.3 billion from the International Monetary Fund, Ireland sought no such preconditions. We currently do not need help but, if we did, a message should be sent out that the position on corporation tax in Ireland is enshrined in EU treaties. This will remain the case and corporation tax will not be visited as part of any package of measures to assist this country.

**Senator Paschal Mooney:** I am very grateful to Senator MacSharry and defer to his expertise. His thoughtful contribution reflects the widespread views of Members, certainly those within Government parties, on how the Government is handling this matter. The Senator is absolutely correct to debunk the canard that our corporation tax rate will somehow be threatened. I am glad he has nailed this. To state the contrary represents total irresponsibility on the part of commentators. In fairness to many Irish media commentators, they have made the point I am making. Perhaps they have not done so as strongly as we would like them to do but they have stated our control of corporation tax will not be relinquished. This matter has nothing to do with the current crisis because protection in respect of our corporation tax rate is enshrined in the treaties.

We are part of the eurozone. It ill behoves those who are talking about a loss of sovereignty to be trying again to scare the living daylights out of people. We are already sharing sovereignty and have been doing so since 1 January 1973. We are part of the eurozone and do not have our own currency. We are quite legitimately involved in discussions on how the eurozone and the euro itself, as a leading world currency, can be protected, bearing in mind the demands of creditors.

I have listened to distinguished economic commentators over recent months who somehow do not seem to get onto the airwaves. The celebrity economists do because it is all about soundbite politics and nothing to do with the reality on the ground. Time and again, economists have made the point that the eurozone is under threat and that once Ireland is disposed of by the creditors, who have no sentiment other than that which relates to the dollar, they will then go after Portugal, Spain, Italy and Greece. What is occurring in Brussels at present and what will occur tomorrow on foot of the visit from various members of the aforesaid institutions, constitute part of the fight back.

What the Government is doing is strongly supported, certainly within my party. It is important that, in this debate, we send out the message that there is confidence in what the Taoiseach is doing. As he said in the Dáil today, there is total confidence in the ability of the Minister for Finance, Deputy Brian Lenihan, to fight Ireland's case. It is ultimately a question of reckless banking and criminality in the banking sector. What we are attempting to do is ensure that the banking sector issue is separated from the sovereign debt issue. Ultimately, the solutions currently being talked about in Brussels will not be realised overnight or in the next few days but certainly over the coming weeks. What is being decided in Brussels will have the overall support of the Irish people because we will protect vital national interests, as various Governments have done over decades.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I thank the Senators for their contributions on this important motion. I have been briefed on some of the points raised. I begin by making one or two general observations.

To remove the bank guarantee at this point would be folly. I am not sure any party in the House wants to do so. It is all too clear that this State and the eurozone as a whole are

experiencing extreme financial turbulence. The Governor of the Central Bank has recommended to the Minister for Finance that the credit institutions (eligible liabilities guarantee) scheme continues next year. There is broad European consensus on the case for Ireland's banking guarantee, as set out explicitly in the euro group statement last night, which included a welcome for the measures taken to date by Ireland to deal with issues in its banking sector by guarantees, recapitalisation and asset segregation.

As stated by the Taoiseach today, the necessity for the bank guarantee arrangements was and is compelling. As the Minister for Finance stated when the scheme was originally extended, had the guarantee not been introduced we would scarcely have an economy not to mention a banking system. Funding for our banking system had all but dried up, which meant that there was a liquidity problem in the short term — other problems subsequently came to light — and the banks faced closure within days. Prolongation of the ELG scheme is a key element of the Government's response to the broader systemic challenges the banking system continues to face. As Senators will have been informed, the statutory instrument covers a period of one year. As 30 June next approaches, however, EU approval will have to be obtained in respect of the second half of the year because, in legal terms, the Union is only in a position to approve six-month extensions. EU state aid approval has been granted for the extension of the scheme to 30 June 2011. This follows on from the recent legal opinion from the European Central Bank, dated 2 November 2010, which endorsed the extension in national law to 31 December 2011 on financial stability grounds.

Heightened volatility in international bond markets will eventually abate. When this happens, it will be essential that the guarantee should remain in place for a period in order that the banks would be in a position to raise funding in the markets. The guarantee provides important protection for the savings of ordinary depositors. The guarantee of bank liabilities was an established part of the international toolkit for responding to systemic banking crises internationally. In the 1990s, Sweden provided a blanket guarantee in respect of bank liabilities. Other countries also introduced broad guarantees.

Recent figures indicate that since the onset of the crisis in 2008, the European Commission, under state aid rules, authorised some €3.6 trillion in guarantees. Some 12 guarantee schemes remain in force and it is expected that most of these will be extended into next year. The most recent figures indicate that some €147 billion of liabilities are covered under the ELG scheme. This equates to 4% of the amount authorised by the Commission. The figures to which I refer relate to the position up to the end of September. I was asked in the Lower House about developments since then. The figures for October will not be finalised until the end of this month. That is because a period of 20 working days from the end of the relevant month is required to finalise the figures. All the indications are that the liabilities have not risen above €147 billion and that the actual figure may be somewhat lower than this. Member states currently implementing guarantee schemes include Austria, Germany, the Netherlands, Portugal and Ireland.

The only substantive change being made relates to the extension, subject to Commission approval, of the scheme to 31 December 2011. Other consequential changes relate to drafting. I remind Senators and members of the public that retail deposits up to €100,000 are permanently guaranteed under the deposit guarantee scheme, DGS, which has no expiry date. Amounts in excess of this are guaranteed under the ELG scheme.

Several Senators referred to the involvement of outside parties. The Government has expressed its determination to work with its EU colleagues — particularly the ECB and the European Commission — and the IMF to address the issue of market turbulence and to identify where the risks for Ireland in the markets lie and evaluate how these can be dealt with. As a

[Deputy Martin Mansergh.]

number of Senators outlined, there is a far broader picture relating to the eurozone of which cognisance must be taken. The latter has been the case since earlier in the year when problems affecting Greece were placed in sharp focus. As the Taoiseach indicated earlier today, talks will begin at official level in Dublin this week — with a delegation from the IMF, the European Commission and the European Central Bank — on the possible use of EU and IMF funding to deal with the banking crisis.

Many of those present in the Chamber, including myself, remember the 1970s and 1980s, when the IMF had a reputation for being draconian, especially in respect of the economies of South American countries. I had the privilege to attend the IMF's annual meetings in 2008 and 2009. It has been intimated that the director general of that organisation, Mr. Dominique Strauss-Kahn, could quite possibly be the Socialist Party's candidate in the next French presidential election. In that context, I wish to point out that much more attention is now paid to the social dimensions and effects of financial stringency than was, perhaps, the case 20 or 30 years ago.

Question put:

The Seanad divided: Tá, 26; Níl, 19.

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.

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.  
Ormonde, Ann.  
Walsh, Jim.  
Wilson, Diarmuid.

Níl

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

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

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

Question declared carried.

### **Prohibition of Depleted Uranium Weapons Bill 2009: Committee and Remaining Stages**

#### SECTION 1

**An Cathaoirleach:** Amendment No. 1 has been ruled out of order on the grounds that it would expand the scope of the Bill.

Amendment No. 1 not moved.

**Senator Dominic Hannigan:** I move amendment No. 2:

In page 3, subsection (2), line 14, after “Minister” to insert “for Foreign Affairs”.

The purpose of the amendment is to insert “for Foreign Affairs” after “Minister” because there is no definition of “Minister” in the Bill.

**Senator Dan Boyle:** I thank the Labour Party Senators for proposing this amendment. I believe it is a drafting improvement and I am quite happy to accept it.

Amendment agreed to.

Question proposed: “That section 1, as amended, stand part of the Bill.”

**Senator David Norris:** I seek an explanation, although perhaps it will not be possible to provide one. Did I understand the Cathaoirleach to state amendment No. 1 was ruled out of order because it caused a charge on the Exchequer?

**An Cathaoirleach:** No, it was ruled out of order for expanding the scope of the Bill.

**Senator David Norris:** I see. I thank the Cathaoirleach.

Question put and agreed to.

## SECTION 2

**An Cathaoirleach:** Amendment No. 3 is ruled out of order as it would expand the scope of the Bill.

Amendment No. 3 not moved.

Question proposed: “That section 2 stand part of the Bill.”

**Senator David Norris:** I do not mean to be pestiferous but how can a deletion expand the scope of a Bill? Surely it would contract it. Could I have an explanation on this?

**Senator Dan Boyle:** I can speak on section 2 if it helps.

**Senator David Norris:** Yes.

**An Cathaoirleach:** It is outside the scope of the Bill.

**Senator David Norris:** That is not what I asked; I know that. With the Cathaoirleach’s permission, the proposer of the Bill has offered an explanation.

**An Cathaoirleach:** The amendment is out of order and we will not discuss it.

**Senator David Norris:** He will speak on the section.

**An Cathaoirleach:** If a Senator wishes to speak on the section he or she is entitled to.

**Senator David Norris:** I think Senator Boyle does.

**Senator Dan Boyle:** I am quite happy to expand on the decision on the proposed amendments. The Bill is quite specific on a category of weapons known as depleted uranium. The

[Senator Dan Boyle.]

deletion of the word “depleted” would mean the Bill would be about uranium weapons in general, which is a far wider scope and includes nuclear weapons which would require a far deeper definition. The Bill is meant to be narrow in its focus to achieve a certain goal and on those grounds the amendments have been ruled out of order.

Question put and agreed to.

### SECTION 3

**An Cathaoirleach:** Amendments Nos. 4 and 6 are related and will be discussed together by agreement. Is that agreed? Agreed.

**Senator Dominic Hannigan:** I move amendment No. 4:

In page 3, to delete line 24 and substitute the following:

“(1) No person may within the State (including on any Irish registered ship or aircraft), or, being an Irish citizen, whether within or without the State:”.

It was remiss of me to fail to welcome the Minister of State, Deputy Dick Roche. I also welcome the Bill. It is a tremendous piece of work and I compliment Senator Dan Boyle on his work in bringing it to the House. I also wish to pay tribute to a previous Member of the House, Deirdre de Búrca, who was also instrumental in ensuring the Bill came before us. She has since moved on to other things; I believe she is alive and well and happy. It is only fair and right to record her influence in ensuring the Bill saw the light of day.

We contend that amendment No. 4 is necessary because the Bill as drafted imposes obligations only on the State. We believe it should apply to all persons and I am interested to hear Senator Boyle’s response on this.

**Senator Dan Boyle:** Amendments Nos. 4 and 6 are being taken together. Does Senator Hannigan also wish to speak to amendment No. 6?

**Senator Dominic Hannigan:** I thought they were grouped together but that I would speak to amendment No. 6 after.

**An Cathaoirleach:** The two amendments are being taken together. Senator Hannigan may speak to amendment No. 6 now but if he does not do so I cannot return to it afterwards.

**Senator Dominic Hannigan:** I will speak briefly on amendment No. 6. We are concerned that the Bill as drafted has no penalties for breach of the obligations set out in it. Amendment No. 6 would insert a clause calling for penalties such as a term of imprisonment of ten years or a fine or both. We believe this would strengthen the Bill.

**Senator David Norris:** With regard to amendment No. 4, I am curious to know what type of persons Senator Hannigan and the Labour Party have in mind for the functions that are involved. Perhaps, with reason, he would extend beyond the forces of the State — the State or its agencies — prohibition from testing, developing and producing uranium ammunition and armoured plate or from using, acquiring or disposing of depleted uranium in any way for military purposes. I wonder whether anyone other than prescribed or terrorist organisations or criminals would get involved in this type of thing. I would assume they might be covered by other aspects of the criminal law if they were so occupied.

I would have no difficulty with the amendment and I certainly support strongly its sentiments. I do not think anybody in the State should be messing around with this material. I support the intention of the amendment but I am curious to know what is the target of the amendment. Is there a feeling that there are people who are, as we speak, testing, acquiring or developing uranium ammunition, uranium armour-plate or other uranium weapons? I am reluctant to think so but perhaps I am just naive.

I completely endorse amendment No. 6. The Bill will be toothless if we do not have penalties. There is no point in stating something is wrong and that it is prohibited unless there are penalties attached to such behaviour. My reading of this very admirably concise Bill does not suggest to me that there are any and this would seem to be a serious omission. There may be a technical reason for this; I do not know. I certainly encourage the formulators of this legislation to examine the possibility of including some penalty. If we want to deter people just ink on paper will not be very effective, particularly if they are the type of people who are interested in manufacturing, using or employing uranium ammunition, uranium armour-plate or other uranium weapons. I suppose this would only come into effect because they are linked if they were people in addition to the State who were involved. On the other hand, people who are in the employ of the State might well involve themselves in this, despite the fact it was against the law and in that case they should be punished. I am not sure the State can punish itself but it can certainly punish its agents.

I did not have the opportunity to welcome the Minister of State. I saw him on television last night on a programme. The Minister of State's charming visage suddenly loomed at me out of the night and I expect he could have done with a bit of depleted uranium armour on that occasion.

**An Cathaoirleach:** That is not relevant to the Bill.

**Senator David Norris:** But it is really because he might be manufacturing it in his back yard to protect himself against the assaults of the pseudo-intellectuals of the Dublin 4 media conspiracy.

**Senator Dan Boyle:** I would never accuse Senator Norris of being naive. As regards the concept of the State being able to punish itself, we currently seem to be involved in a national self-flagellation exercise so it is obviously physically possible but whether it is possible in a more formal legal sense can be debated further.

Amendments Nos. 4 and 6 are intrinsically linked because one follows on from the other. I am not unsympathetic towards them. Senator Norris has pointed out one of the difficulties involved in that there can only be two categories of people involved in both definitions being accepted; one category is Irish citizens involved in terrorist activities and the presumption is that this would in any case be precluded by existing legislation; the other category is members of the Defence Forces engaged in international duties and any proximity they may have to forces of other countries who have not taken this legislative approach of banning depleted uranium weapons. This might be a step too far and my hope is that if we pass All Stages of the Bill in this House that when adopted in another form in the other House and subsequently returned to this House we can return to the question of fines and imprisonment because it is important. On that basis I am not willing to accept these amendments as of now.

**Senator David Norris:** I welcome the view that this is an incremental situation. We had this argument about the cluster bombs issue and most Members who have taken the trouble to be involved in this issue were also involved in that debate. It was the same situation in which some substantial armies, regrettably involving people who present themselves as defenders of western values, were quite prepared to use and manufacture cluster munitions until a pretty late stage.

[Senator David Norris.]

We wanted to detach ourselves from this. I would regard that as the correct position. As my distinguished colleague, Senator Boyle spoke, I was more inclined to support the Labour Party's amendment because I do not think it right, correct or honourable for Irish military personnel to be involved in the use of these things. If we regard them as wrong and as dangerous and that inevitably there will be civilian casualties — although this is denied in a most dishonest way by the British military authorities — then if in light of those impacts on the civilian population, particularly the development of various diseases, notably clusters of cancers and blood diseases, I do not think our soldiers, sailors or members of the Air Corps should be involved. I strongly support the Labour Party amendment.

I was being slightly jocose about the Minister of State's appearance on television last night but I wish to put on the record of the House that the Minister of State, Deputy Dick Roche, has been right to the fore in supporting this kind of progressive legislation. I raised related issues quite recently and the Minister of State was not available as he was abroad. I think the debate would have taken a very different turn in terms of the script written for the particular Minister in the House at the time had Deputy Roche been in the driving seat on that occasion. I am very glad he is here to take charge of this debate. In a circumstance where a Minister is not available, through no fault of his own, and a script is delivered that contradicts what was said on previous occasions by that Minister, it is only honourable that those of us on this side of the House who are taking part in both debates should place on the record of the House the honourable position adopted by the Minister of State in these matters. It is all part and parcel of his approach to human rights in terms of defence and strategy. I welcome the fact he is here and the leader of the Green Party and his colleagues are here to present the Bill.

**Senator Dominic Hannigan:** I am pleased with the support I have obtained from my colleague, Senator Norris. I listened carefully to Senator Boyle and I am content to wait on the deliberations from the other House if he is saying he is convinced that the law, as it currently stands, will cater for the situations we outlined. I will be happy to withdraw the amendment and return to it at a later stage and I take the Senator at his word.

**An Cathaoirleach:** This Bill will not return on another day as it will conclude tonight.

**Senator Dominic Hannigan:** I will speak to my colleagues in the other House. Deputy Ciarán Lynch is very interested in this Bill and I will speak to him and he may table amendments in the other House. I am happy to withdraw the amendment.

**Senator Dan Boyle:** I am grateful for that approach from Senator Hannigan. As I said in my earlier contribution I am quite happy to have the definition of penalties such as fines and imprisonment included in an eventual piece of legislation. We are trying to get the principle through. While recognising the positive contribution the Minister of State has made to this legislation, particularly on Second Stage, the House should know that if it decides tonight, Ireland would be only the second or third country in the world to pass legislation of this type. Ireland has pioneered successful legislation on cluster bombs. This Bill adopts the same principles by providing for a general prohibition on a class of weapons. I would be glad to assist the process of trying to encourage other countries to support an international ban. I hope this legislation will be dealt with in both Houses.

**Senator David Norris:** I wish to make a brief comment on amendments Nos. 4 and 6. It is a continuation of the discussion between Senator Boyle and Senator Hannigan. As I understand what Senator Boyle said, there would be no need for this kind of offence to be punishable by fine or imprisonment in terms of the criminal classes because other legislation will come into

play there. However, I do not believe he intended to imply that this would exist for military personnel under the command, for example, of an allied commander in Chad or wherever. There are two situations, one, the criminal situation which is addressed and two, the military situation which is not addressed but there is a tactical reason for this, in other words, that the Bill might have difficulty in passing or that it might be a step too far for our allies. I would be prepared to take that risk but I will not force it to a vote as it would not be my choice in any case. It is very important to continue this historic progress but we should do so knowing exactly what we are doing and not with a vague assumption that everything is as the House and all Members of the House wish because I do not think that is the case. It may very well be that my distinguished colleague, Senator Hannigan, will wish to speak to his colleagues in the Lower House and advise them of the situation to see whether they wish to table these amendments. It is very important that we assist in the passage of this legislation.

**Senator Dominic Hannigan:** I am willing to withdraw the amendment at this stage. As Senator Norris mentioned, I will be speaking to my colleagues in the other House about this amendment.

Amendment, by leave, withdrawn.

**Senator Dominic Hannigan:** I move amendment No. 5:

In page 4, subsection (2), line 3, to delete “Republic of Ireland” and substitute “State”.

This is a straightforward amendment which seeks to delete the words “Republic of Ireland” and substitute “State” as this is the correct way to refer to the State in legislation.

**Senator Dan Boyle:** I am grateful to Senator Hannigan for his amendment. The official name of the State is not “Republic of Ireland”, although it is the official name of our soccer team. As his amendment represents a drafting improvement, I am happy to accept it.

Amendment agreed to.

Section 3, as amended, agreed to.

Amendment No. 6 not moved.

#### TITLE

**An Cathaoirleach:** Amendment No. 7 is out of order because it expands the scope of the Bill.

Amendment No. 7 not moved.

Title agreed to.

Bill reported with amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

**Minister of State at the Department of Foreign Affairs (Dick Roche):** I am pleased to contribute to the debate on the Prohibition of Depleted Uranium Weapons Bill 2009 because, as Senator Norris noted, I have a particular interest in this issue. I commend Senator Boyle for highlighting the importance of this legislation. This House will be only the second legislature in the world to take this step. I am not a Member of this House but, if I was, I would vote for this Bill.

[Dick Roche.]

Ireland has never possessed armaments or munitions containing depleted uranium. We share the concerns raised by the United Nations General Assembly about the potential risks associated with the use of depleted uranium. Since 2007, we have voted in favour of UN resolutions on depleted uranium munitions and remain fully committed to pursuing our concerns through all appropriate fora.

In 2008, UN Resolution A/C.1/63/L.26 called on the Secretary General “to request relevant international organizations, to update and complete, as appropriate, their studies and research on the effects of the use of armaments and ammunition containing depleted uranium on human health and the environment”. The resolution also invited member states to facilitate such studies and research and “to communicate to the Secretary-General their views on the effects of the use of armaments and munitions containing depleted uranium”. Ireland submitted a report to the Secretary General setting out our views and confirming our concerns about the potential harmful effects of munitions containing depleted uranium on human health and the environment. The report also noted that, while a number of studies have been conducted by international organisations, no definitive conclusion has been drawn on the potential adverse effect of use of such munitions.

I am somewhat surprised that international agencies do not share a view, which seems to stem from common sense, that putting depleted uranium in weapons and pumping it into the ground of unfortunate countries is not a good thing to do. That, however, is the way of international politics.

Ireland will continue to monitor the issue closely, particularly in respect of studies and research. We recognise the vital work being done by NGOs such as the International Coalition to Ban Uranium Weapons. Officials from the Department of Foreign Affairs keep in contact with the latter organisation.

Senator Boyle’s Bill will have the effect of enshrining in statute Government policy. This Bill is welcome because it states where we stand. When this issue next arises for discussion within the European Union, we will be able to say that Ireland has taken this step. While the Government takes the view that it is probably not necessary to give legislative effect to this matter, it has decided against opposing the Bill. I welcome that decision because, as Senator Boyle will be aware, my clearly expressed view is that we should introduce legislation.

Were we to accept Senator Hannigan’s proposed amendments, a regulatory impact assessment would be necessary to determine the knock-on effect of creating a criminal offence. It might, for example, have implications for the Defence Forces in UN operations.

The Government supports enshrining in legislation our decision as a nation to have no truck with this form of weaponry. We support the spirit of the Bill and commend Senator Boyle and other Senators on raising the profile of the important issue. I assure Senators that the Government will address the concerns that underlie the Bill at a policy level and we will continue to advocate for progress at international disarmament fora. Given the unanimous support the Bill has enjoyed in this House, it would be very difficult for any future Government to reverse it.

**Senator Dominic Hannigan:** I wholeheartedly agree with the remarks of the Minister of State and commend Senator Boyle and the former Senator, Deirdre de Búrca, on introducing this legislation. Although we are in a difficult financial situation at present, we should not lose sight of the other important matters on our agenda. I am pleased to support the Bill’s passage through the House.

Several of our European neighbours continue to stockpile depleted uranium weapons. I will not name them now, although I have identified them in the past. I hope this legislation puts

pressure on our European neighbours as well as on the international community because if we have acted, so can they.

**Senator David Norris:** I commend Senator Boyle and his Green Party colleagues on this Bill. It is refreshing to hear from a Minister of State who takes such a wide-ranging interest in these matters. A very estimable organisation, Afri, has campaigned for legislation in this area, as well as on the issue of cluster bombs. It was instrumental in bringing over Mr. Doug Weir, who is the head of a lobby group that is based in the United Kingdom but not confined to that jurisdiction. The group in question has campaigned for many years for the banning of these weapons.

I strongly feel it is important that we issue an instruction that our military personnel should not engage with these weapons. I think that would be universally accepted in this House. It may well be a tactical matter. That is why I did not call a vote on it. I suggest that the Labour Party and Green Party should talk to their colleagues in the other House and to the Government to see whether this can be done. The Minister of State made a cogent point when he said this principle was universally accepted in the Seanad this evening. Nobody spoke against it.

**Acting Chairman (Senator Michael McCarthy):** I remind the Senator that some of his colleagues are waiting to raise certain matters on the Adjournment. I ask him to keep his comments as brief as possible.

**Senator David Norris:** I will, but I want to say what I have to say. I have often been kept waiting here.

**Acting Chairman (Senator Michael McCarthy):** The Senator should be brief.

**Senator David Norris:** It is only 7 p.m. The debate in Private Members' time could have continued for longer.

**Acting Chairman (Senator Michael McCarthy):** It is now almost finished. The Bill is about to be passed.

**Senator David Norris:** I will not go on at length, but there are some points I would like to make.

**Acting Chairman (Senator Michael McCarthy):** Senator Bradford is waiting to speak on the Adjournment.

**Senator David Norris:** I will say what I have to say and you will have to put up with it. The European Parliament has passed a similar resolution, supported by 94% of MEPs, requiring a total ban. However, the United Kingdom will not do so. I insist on making this point. I am not ashamed to mention the UK authorities in this context. They have withheld information, including scientific information, on the disposition of landmines, etc. They have claimed that there is no point in supporting research because of the lack of information. They are playing a damnably double game. I hope the transcript of this debate will be sent to them. I am glad the Bill is being passed tonight. I welcome the legislation and congratulate those involved.

**Senator Niall Ó Brocháin:** I will be brief. I commend all Senators on their positive approach to this important landmark legislation. I particularly commend the Minister of State, Deputy Roche, for his positive contribution. He took the trouble to sit down with the Green Party Senators on a number of occasions to discuss the issue. It is obvious that we want to move forward on a Europe-wide basis also. We need to look at this aspect, as we want this legislation

[Senator Niall Ó Brolcháin.]

to be effective. It is in keeping with Ireland's great tradition of introducing progressive legislation in this area. I refer to initiatives such as those taken by Mr. Frank Aiken. This is a good Bill. I particularly commend the work of my colleague, Senator Boyle. I also commend Senator Dearey. As Senator Hannigan rightly pointed out, our former colleague, Déirdre de Búrca, should also be mentioned in this context.

**Senator Mark Dearey:** I hope the passage of this Bill will encourage other countries to introduce legislation on depleted uranium weapons. A raft of other legislation will probably be required in the future because depleted uranium weapons leave behind a legacy that affect  
7 o'clock civilians, rather than military personnel. Their legacy is not covered by the Ottawa and Oslo treaties which set out specific requirements for dealing with anti-personnel mines and cluster bombs. The only legislative hold on the matter is through international human rights legislation. A lot of work remains to be done at international level and further treaties need to be agreed to deal with the explosive remnants of war. We need to address the lacuna in international treaties. If this legislation prompts our colleagues around Europe, in particular, to introduce similar measures and extend the reach of existing treaties to deal with depleted uranium weapons left behind after combat, we will have done a good evening's work of lasting consequence. I thank Senators Hannigan and Norris for their contributions. I am always extremely enervated by debate on nuclear matters and I look forward to a further debate on nuclear energy at some stage.

**Acting Chairman (Senator Michael McCarthy):** I thank the Senator for being brief.

**Senator Dan Boyle:** The passage of a Private Members' Bill in either House is a rare and significant event. I thank those who helped us to arrive at this stage. The passage of this important Bill which relates to a weapon that is horrible in its content and effect is a statement of what this House and the country can do to bring about a better world. I thank the staff of the Bills Office for the assistance they offered us when we were preparing the Bill. I thank the officials in the Department of Foreign Affairs who shared their expertise in parsing its various sections. I thank the Minister of State, Deputy Roche, for his ongoing support both this evening and on Second Stage. I thank Opposition Senators for their full-blooded co-operation throughout our consideration of the Bill. I thank the staff of the Seanad Office for their help with the procedures involved in bringing a Private Members' Bill through all Stages which is, as I said, a significant and rare event.

We now have to consider whether we should try to bring the legislation through the Dáil in Private Members' time. Perhaps the Government will choose to adopt the spirit of the Bill. We will have interesting negotiations on the matter. I encourage all Members to use the co-operation they enjoy with Members of the other House and legislators in other European Parliaments to try to have this concept accepted. I especially thank many of Afri's key workers in Ireland who have helped to push it. I also thank those involved in the international campaign against the use of depleted uranium weapons. I hope today's events will be marked by those of us who sit in this Chamber and others who care about making progress on this agenda. I thank everyone for their co-operation.

Question put and agreed to.

**Acting Chairman (Senator Michael McCarthy):** When is it proposed to sit again?

**Senator Dan Boyle:** Ag 10.30 a.m. amárach.

## Adjournment Matters

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### Sugar Market Reform

**Acting Chairman (Senator Michael McCarthy):** I welcome the Minister of State, Deputy Cuffe.

**Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** Go raibh maith agat.

**Acting Chairman (Senator Michael McCarthy):** We will hear from Senator Bradford before we hear the Minister of State.

**Senator Paul Bradford:** I always feared during these powerful Adjournment debates that Ministers and Ministers of State knew the answers before they had heard the questions.

**Acting Chairman (Senator Michael McCarthy):** I thank the Minister of State for his enthusiasm.

**Senator Paul Bradford:** I also welcome the Minister of State. I would like to speak about the recent revelation from the European Court of Auditors that the European Commission-inspired decision to virtually shut down the Irish sugar beet industry was based on erroneous figures. It was a gravely incorrect and disastrous decision, not just for Irish sugar beet growers but also for the Irish tillage industry, Irish agriculture in general and the economy as a whole. The Minister of State will be aware that the origins of the Irish sugar industry stretched back to the late 1920s. At its prime, there were factories in Tuam, Thurles, Carlow and Mallow. In relatively recent years the number of factories was eventually reduced to one.

When it was decided to close the plant in Carlow, much of the plant and equipment was transferred to the plant in Mallow where further moneys were invested. It appeared that the future of the industry there and in the sugar beet growing areas of the country was safe. However, in 2006 the EU debate on reform of the sugar industry, unfortunately, resulted in the decision to bring the Irish sugar beet industry to an end. This decision was the subject of much debate. There were numerous debates in this House and in the other one. The farming organisations were very involved in the debate and much dialogue took place with Greencore. The Minister for Agriculture, Fisheries and Food was involved as were the European parliamentarians and the European Commission.

At the time I was very disappointed by the attitude of the then Minister, Deputy Coughlan, to the industry. It appeared she was not fully committed and that some sort of private deal had been struck in Brussels to allow the Irish industry to be shut down. That came to pass. There were promises of all sorts of compensation. From a north Cork and Mallow perspective, there were promises that the Greencore site would be transformed into a large industrial and residential complex which would employ hundreds of people in construction and so on but that never came to pass.

Purely from an agricultural perspective, we have no sugar beet industry in Ireland. That affected the hundreds of people who grew sugar beet and who could do so again. It affected thousands of tillage farmers from a crop rotation perspective. It also affected the thousands of people who worked directly in the factory or indirectly in the spin-off industries. The closure of the Irish sugar beet industry has had a very negative outcome.

[Senator Paul Bradford.]

It is amazing that the European Court of Auditors has produced very damning evidence that the decision was possibly incorrect. I do not want to put words into the mouths of the auditors but the evidence is based on the fact, or the supposition, that the European Commission made a decision based on incorrect figures and an incorrect year of assessment. At the time the Mallow plant was shut, it was profitable and modern and was the only one remaining in this country.

Where do we go from here? As a result of the decision taken by the European Commission which was based on incorrect facts and in conjunction with the Government, which was very much complicit in accepting that decision, there is now a strong moral obligation on the European Commission and the Government to investigate the possibility redeveloping or regrowing, if one will excuse the pun, a sugar beet industry in this country. A sugar beet industry would not simply process sugar, which is a much needed commodity in this country and in the European Union which is now a net importer of sugar. A sugar beet processing factory in Ireland could process sugar, produce ethanol, a bio-fuel type product, electricity or district heating. Those are some of the options being spoken about.

We are in a desperate place economically. We face a regime, perhaps imposed from outside, of further cuts and reductions in our income, industries and economic well-being. We must be in a position to offer some new hope and growth. The Government in the very new Irish State in the late 1920s had the vision to decide that a sugar beet industry should be set up. It took the political decision to do so and matched it with the appropriate funding and expertise and made an industry out of nothing.

Will the Minister of State and his Government colleagues reflect on the fact that agriculture needs a stimulus and that we should look at the possibility of reopening a sugar beet and related industry? Currently, the Minister of State's colleagues in the Department of Agriculture, Food and Fisheries are negotiating, on a daily basis, the future of the Common Agricultural Policy. It is a very opportune time to reflect on the possibility of restarting a sugar beet growing industry. Will the Minister of State take a proactive role from an economic, environmental, agricultural and a stimulus perspective?

This industry transformed parts of rural Ireland in the 1920s, 1930s and beyond and it can do so again. As we have learned, the decision to shut it was based on incorrect facts. There is an obligation on all of us, in particular on the Government and the European Commission, to try to reverse that decision and to begin again.

**Minister of State at the Department of the Agriculture, Fisheries and Food (Deputy Ciarán Cuffe):** I am pleased to have the opportunity to address the House on this matter. I followed the debate in the other House last week and on the Irish Economy website and the words of Professor Alan Matthews on this subject which make for quite interesting reading.

The situation complex, and not as simple as it sounds. It is tied into the future of Irish farming and the Common Agricultural Policy where we must think again about many of the traditional crops and sources of employment in agriculture and look at the other options and at issues such as energy crops, how the agri-environment scheme works and at how reform of the Common Agricultural Policy will work. We must look at all the options and evaluate them quite carefully. I mention the work my colleague, the Minister of State, Deputy Mary White, did in putting forward a proposal to make ethanol in Carlow.

As part of the reform of the EU sugar regime in 2006, a temporary restructuring scheme was introduced with the aim of reducing EU sugar production in order to comply with WTO and other international obligations. The scheme provided an incentive for sugar processors to

renounce sugar quota and dismantle the associated sugar processing plant and it provided compensation for affected stakeholders. Greencore plc, the sole Irish sugar processor and holder of the entire Irish quota allocation, decided to avail of the restructuring scheme. Accordingly the company renounced the quota and dismantled the last remaining Irish sugar factory at Mallow in compliance with the conditions of the scheme.

This brought the Irish sugar industry to an end. As a result of the restructuring scheme, the overall EU sugar quota was reduced by almost 6 million tonnes, of which the Irish quota contributed 200,000 tonnes. At the time of the reform negotiations, the Government made strenuous efforts to have the Commission's reform proposals modified in such a way that an efficient sugar industry could have been retained in Ireland. In the end, there was insufficient political support for the Irish position and our efforts had to be directed at achieving the best possible compensation package.

The sugar reform package we secured was as a whole — that is, restructuring aid, diversification aids and single payment — worth approximately €226 million to Irish beet growers and machinery contractors. The restructuring aid and diversification aids were paid to stakeholders concerned in 2007 and 2008.

Following the restructuring of the EU sugar industry, sugar production is now concentrated in 18 member states — as opposed to 23 before the reform — which enjoy favourable agronomic conditions and more than 75% of production is accounted for by seven of these member states, namely, France, Germany, Poland, UK, Netherlands, Belgium and Italy.

Any proposal to review the EU sugar quota would be a matter for the EU Commission in the first instance and any proposal to re-establish a sugar factory in Ireland would, subject to the availability of quota, be a matter for commercial decision by interested parties. Currently, there is no mechanism under the regulations that would allow for the application of a reinstatement of the sugar quota. I trust this explains the position for the Senator.

**Senator Paul Bradford:** Will the Minister of State agree that the decision to terminate the Irish sugar beet industry appears to have been based on erroneous facts and figures in the EU Commission? Will he further agree there is an obligation on the EU Commission to demonstrate a willingness to enter into serious negotiations with the Government, if it is so interested, and relevant stakeholders to reassess the possibility of a sugar beet industry in Ireland which was shut down as a result of incorrect facts and figures?

**Deputy Ciarán Cuffe:** I am not sure I accept that fact. While the European Court of Auditors criticised the Commission for not using up-to-date information in the impact assessment exercise in the case of a number of member states, the Commission rejected that finding by indicating that the original impact assessment was followed by an updated version in 2005 and the Commission, in its response, stated:

[The reform] ... model [did] ... not require an analysis of the current profitability and prospects of every individual sugar producer in the EU. Therefore, the Commission did not consider it necessary to collect such data on productivity and efficiency for the model chosen.

Whatever about a theoretical pre-negotiation assessment of the possible impact of the reform, the fact is that Ireland brought the most up-to-date available information to the negotiating table. The reality is that the reform, as agreed, allowed for voluntary closure. As the Commission points out repeatedly in its 17 page response to the court, it was up to operators to decide whether to close processing plants and avail of the compensation package. Industry operators would have had the most up-to-date information available to them in making that decision.

[Deputy Ciarán Cuffe.]

Looking back at that decision and looking ahead to future conditions, we have to examine, in a very level-headed and clear fashion, what best facilitates Ireland and what is best in the agri-economic environment in terms of crops and diversification within Irish agriculture. I am not an expert on what grows best in Ireland, what gives the best return per hectare or the best crop with which to rotate. I defer to others in those decisions. There are some of the brightest and best officials within the Department of Agriculture, Fisheries and Food who make decisions that are in the best interests of Ireland. That is not to say we cannot, in the discussion of the future of Common Agricultural Policy, examine carefully again what crops we should be growing and for what we should be seeking support in the future. If sugar beet figures in that, well and good, but I am not the expert on that. I will listen carefully to the advice of the officials and I will bring this message back to the Minister for Agriculture, Fisheries and Food, Deputy Smith.

### Schools Building Projects

**Senator Fidelma Healy Eames:** I welcome the Minister of State and thank him for taking this matter. I ask the Minister for Education and Skills, in view of the current over-capacity and ongoing demand for school places in Calasanctius College in Oranmore, if she will outline the current status of the application for new accommodation, including the timeframe for delivery. This happens to be the local secondary school in Oranmore where I live.

I will outline the facts for the Minister of State. Every week I receive telephone calls from people living in the parish of Oranmore inquiring if their child will get a place in their local school. The school has 746 students and was built to accommodate 625. One of the saddest developments is that some children in the boys' school next door cannot get into the school because they are an eldest child and the current school policy favours siblings. The school would like to be able to accommodate all the children but there is an over-capacity issue.

The newly appointed principal of Calasanctius College wishes to place on record her thanks for the Department allocating €420,000 recently, under the devolved capital grant scheme, for the provision of six permanent classrooms, an office, store and linked corridor. Construction is under way on this project with a planned completion date of December 2010. Those six classrooms were to replace five prefabs that are currently housed in the local primary school and for one new classroom to take in up to 25 to 30 children this year who would otherwise have been excluded. That does not take into account the facilities that are needed for next year.

As to the remaining portion of the accommodation needs for a school of 850 or more students, the board has secured planning permission for phase two of the building project and is most anxious to proceed with this much-needed accommodation. It is for that portion that I am seeking funding and the timeframe for delivery.

As the Department is aware, the enrolment trend in the local area is upward. A 2007 survey was supplied to the Department, courtesy of local primary principals, and a survey was supplied by the community development association. It is noteworthy that the total population for the Oranmore area increased by 298% in ten years, almost 300%, with the population having increased from 1,672 in 1999 to 6,656 in 2010.

The current enrolment in Calasanctius College is 746 pupils. As indicated in the report from the Department of Education and Skills inspector, Martin Bryan, there is a serious under-provision of general purpose space, which poses a serious health and safety risk. General classrooms are in short supply as well as specialist accommodation in subjects such as science, which is now a core subject at junior certificate, materials technology — wood, and technical graphics.

The board of management agreed to accommodate an extra class group for first year for the 2010-2011 school year on receipt of confirmation of the provision of the extra six classrooms I spoke about, and it has been proactive in proceeding through the planning, tendering and engagement of a contractor with a view to completing this build by 2010. These classrooms will replace the fix existing prefabs. The current indications are that applications for enrolment for the 2011-2012 school year will well exceed capacity and the board is anxious to accommodate the needs of students from the catchment area who wish to enrol in Calasanctius College. The school's analysis of applications received to date also suggests that the provision of other second level school accommodation in areas such as Claregalway, where the provision of a new school is being spoken about in that area, will not have any effect on applications for places in Calasanctius College. This is how large the growth of population is in the area. The vast majority of applicants — 93% — for places in 2011-2012 are from the feeder primary schools for Calasanctius College and it is their traditional choice for second level education. Unfortunately, as matters stand, Calasanctius College will be unable to cater for all these local children.

I have more facts but I would like the Minister of State to tell me the news with regard to the funding and timeframe for delivery for the new section I spoke about in order that local children within the parish, the eldest children of new families, will be accommodated in their local school.

**Deputy Ciarán Cuffe:** I am pleased to reply on behalf of my colleague, the Tánaiste and Minister for Education and Skills, who, unfortunately, cannot be present. I thank the Senator for giving me the opportunity to outline the Government's strategy for capital investment in education projects and also the provision of accommodation for Calasanctius College in County Galway.

I certainly believe that this information should be available on the website of the Department of Education and Skills. The up-to-date position on any school proposal and facility in the country should be available for everyone to see at any time. It would make matters much more clear and transparent if such information were readily available on the Department's website.

Modernising facilities in our existing building stock as well as the need to respond to emerging needs in areas of rapid population growth is a significant challenge. The Government has shown a consistent determination to improve the condition of our school buildings and to ensure the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

All applications for capital funding are assessed in the planning and building unit of the Department of Education and Skills against published prioritisation criteria, which were formulated following consultation with the education partners. The assessment process determines the extent and type of accommodation needed based on population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet the demand for pupil places. As part of this process, a project is assigned a band rating under the prioritisation criteria, which I have mentioned. There are four band ratings in all, with band one being the highest and band four being the lowest. Band one projects, for example, include the provision of schools where none currently exists but where there is a high demand for pupils places, while a band four project provides for desirable but not necessarily urgent or essential facilities.

Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to them. In other words, a building project moves through the system commensurate with the band rating assigned to it and as it is ready to proceed. As the Senator will be aware, a new building for

[Deputy Ciarán Cuffe.]

Calasanctius College was opened only four years ago. Since then the area has experienced significant population growth and the school currently has enrolments of almost 750 students.

Representatives from Calasanctius College met Department officials in February 2010 to discuss accommodation issues at the school and sought funding for the provision of additional permanent accommodation on a phased basis to cater for an enrolment of 864 pupils when all the accommodation had been delivered. The first phase was to deliver sufficient accommodation by September 2010 to cater for 747 pupils. The Department considered this application and approved a significant devolved grant to the school authority in March 2010 for delivery of phase one of the extension project by September 2010. This extension will provide an additional six general classrooms, an office, a store and a linking corridor, bringing total additional accommodation to 344 sq. m.

The school wrote to the Department again in September 2010 advising that phase one was well under way and would be complete by December 2010. In this context, it sought approval to proceed with the delivery of the second phase. Subsequently, the Tánaiste met the school authority on 27 October 2010. At this meeting it was noted that the second phase had a significant projected cost attached and would be considered a major capital project. Further details relating to this phase have been sought and the matter will be considered further by officials in the Department.

The Senator will understand that it is not possible to progress all projects at the same time as resources must be in place to complete the project. The proposal from Calasanctius College will be considered in the context of the needs identified and resources available to the Department. I thank the Senator again for allowing me the opportunity to outline the position of Calasanctius College.

**Senator Fidelma Healy Eames:** I am pleased to learn of the recent meeting between the Tánaiste and the school's board of management. The area east of Galway city is expanding and will require a further new school in addition to the accommodation required in Calasanctius College. I implore the Department to deal with the matter in a timely fashion.

**Deputy Ciarán Cuffe:** I share the Deputy's concerns. The best approach to this matter is to ensure the relevant criteria are clear and transparent and details of the position of any school or proposed facility are clearly available at all times. We should not have to go through the rigmarole of debating such issues in the Seanad. The information should be simply and clearly accessible on the website of the Department of Education and Skills.

**Senator Fidelma Healy Eames:** That is a matter for the Department to address.

### **Alcohol Misuse**

**Senator Jerry Buttiner:** Cuirim fáilte roimh an Aire Stáit. I raise an important matter related to the protection of public health and social well-being. I ask the Government to make a statement on its planned strategy to tackle the growing misuse of alcohol. Despite the HSE spending almost €400,000 on alcohol related problems, the drinking culture among young people is becoming even more pronounced. I note the comment by the former policy adviser to the Department of Health and Children, Dr. Ann Hope, that education through schools and mass media campaigns have failed. This is a worrying development.

While I realise the drinks lobby, which Members met today, is a very strong group and the industry makes an economic contribution to the country, it must also act responsibly. We must address binge drinking among young people. While education through schools is a good initiative, we must also actively promote activities outside of school hours which keep teenagers away

from alcohol and the culture of binge drinking. This should include greater roll-out of “no name clubs”, youth clubs and youth cafés. Such initiatives could, in time, be cost neutral to the State. Ógra Chorcaí and the various Foróige organisations do great work and provide our youth with positive outlets.

Ireland is recognised globally for its drinking culture and many tourists take account of the fun element when considering whether to visit Cork, Dublin, Galway or Kinsale, a town with which the Acting Chairman, Senator McCarthy will be familiar. Alcohol abuse has a serious side and impacts on society, the economy and the health and well-being of citizens. I refer specifically to Irish teenagers and young adults who drink more than their counterparts in any other European country. A survey carried out in 2007 by the European school survey project on alcohol and other drugs, ESPAD, showed that half of Irish schoolgoing students had drunk alcohol in the previous 12 months.

The facts surrounding alcohol abuse are alarming. Alcohol is responsible for 100 deaths per month and 2,000 beds are occupied every night in hospitals due to alcohol. Nearly half of all male suicides are directly related to the misuse of alcohol and one in four deaths among young men is alcohol related. Alcohol is also the cause of four times as many deaths as all other drugs combined. Alcohol related harm costs the health sector €1.2 billion per annum and costs the State a further €1 billion through crime and public order offences.

Those who drink excessively in their teens will experience alcohol related problems when they are older. Young adults are constantly being targeted and influenced by alcohol advertising, whether in sport, on television, at music events or on social networking sites. The most popular pages on the Irish Facebook site include those of bands such as U2 which has almost 3.5 million followers, Westlife which has 850,000 followers and the Oxygen music festival which has 100,000 followers. Other popular Facebook pages include the Ryanair page which has 46,000 followers and Munster rugby which has 30,000 followers. The power of alcohol is evident in the fact that Baileys has 850,000 followers on Facebook, Guinness UK has 286,000 followers and Guinness Ireland 129,000, while Jameson Whiskey has 90,000 followers and Captain Morgan rum has 59,000 followers.

The Government must give a clear and coherent message. While I am aware that Dr. Tony Holohan, the Chief Medical Officer, is pioneering the incorporation of alcohol in the national drugs strategy, I am not convinced we are selling the message to young people that alcohol misuse is dangerous. I ask the Minister of State to update the House on the test purchasing of alcohol scheme which commenced last month. Every year, 16 and 17 years olds in Ireland spend nearly €145 million on alcohol. What advice has the Ombudsman for Children given the Minister in this regard?

Binge drinking is becoming more widespread. This morning, representatives of the drinks industry informed Members at a meeting in a nearby hotel that it is carrying out drink awareness campaigns through the media and dedicated websites. We must encourage the industry to become proactive and work towards the aspiration of reducing alcohol consumption. I look forward to the Minister of State’s reply.

**Deputy Ciarán Cuffe:** I thank Senator Buttimer for raising this matter on the Adjournment. I will take it on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

I have made it my policy not to meet representatives of the drinks industry, which has more than sufficient clout as matters stand. As we approach Christmas, Members receive the usual run of invitations to meet representatives of the Licensed Vintners Association and MEAS, the Mature Enjoyment of Alcohol in Society organisation. These groups have more than

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enough access to the Oireachtas. The budget of MEAS, for instance, amounts to only a tiny fraction of the amount spent on advertising alcohol. I simply allow organisations such as the LVA and MEAS to make their case beyond the walls of this institution as I do not have the time or inclination to meet them to have them make the case for the brilliant work they are doing. The fact remains that they spend many tens of millions of euro each year promoting alcohol in the most invasive ways they can find. The Senator put his finger on the issue when he referred to the use of new media by alcohol companies.

Alcohol harm is visible throughout Ireland, whether on the streets, in the courts or in hospitals, workplaces, schools and homes. Despite the tendency to blame under age drinkers, the majority of alcohol harm occurs among the adult population. It manifests itself in street violence, accidents, hospital admissions, drunk driving, alcohol poisoning, suicides, alcohol dependency, cancers and cirrhosis. Some of these problems, especially those of an acute nature, arise when light or moderate drinkers drink to excess on a single drinking occasion while others result from regular heavy drinking over a long period.

We, in Ireland, have a problem with alcohol. I remember living in Italy for a year and one would never see someone over indulging in alcohol. People were very good at simply mixing alcohol and food and not going out simply to drink. Alternatively, if they did so it would be a glass of beer, as opposed to have a dozen pints.

However, I am concerned about the high level of alcohol consumption amongst younger people. Alcohol causes twice as many deaths as those due to all other drugs combined. One in four deaths in young men aged 15 to 34 is due to alcohol, compared to one in 12 deaths due to cancer and one in 25 deaths due to circulatory disease. Suicide rates have doubled in the last 20 years and alcohol is a factor in nearly half of all young male suicides. Alcohol also was responsible for nearly one quarter of the injuries presenting to emergency treatment centres and is a factor in eight out of ten rapes. In order to tackle the problems associated with alcohol misuse, we need to take responsibility both collectively and individually. There is a social acceptance of alcohol in our society and we must question the signal this is sending to young people in particular.

A considerable body of evidence shows that alcohol policies and interventions targeted at vulnerable populations can prevent alcohol-related harm. It also is the case that policies targeted at the population at large can have a protective effect. This is the approach taken in the strategic task force on alcohol report of 2004 and is consistent with the approach recommended by the World Health Organisation. That organisation has stated that a combination of strategies should be used to tackle alcohol misuse. These include the regulation and restriction of the availability of alcohol, regulation of the marketing of alcoholic beverages, enactment of appropriate drink-driving policies and implementing screening programmes, as well as brief interventions against hazardous and harmful use of alcohol, for example in primary care and accident and emergency departments. In line with the best and national advice, the Government has to date introduced mandatory alcohol testing of drivers, reduced the opening hours for the sale of alcohol in off-licences and supermarkets and implemented controls on the marketing of alcohol. In addition, I am pleased to note that I have been breathalysed twice in the last 12 months. Random breath testing is a good and effective tool in the fight against the misuse of alcohol.

**Senator Jerry Buttimer:** Was the Minister of State's driver also breathalysed?

**Deputy Ciarán Cuffe:** I was driving on both occasions and am pleased to note that——

**Acting Chairman (Senator Michael McCarthy):** Not driven but driving.

**Deputy Ciarán Cuffe:** On a more serious note, random breath testing is great and it is working. I hear people talking about it and they factor it into their behaviour. I believe it has led to a reduction in drink-driving and it is a positive tool in the fight against the misuse of alcohol.

The Government alcohol advisory group was set up in January 2008 to make recommendations to address the public order aspects of the licensing laws. The group's recommendations formed the basis of the Intoxicating Liquor Act 2008. In responding to the group's recommendations, the Government adopted a strategy to curtail alcohol consumption in public places, while also restricting the availability of alcohol. The introduction of the aforementioned Act was conceived and passed within six months, which demonstrates the Government's commitment to dealing with misuse from a public order perspective. The Act contains provisions for reduced hours for off-sales of alcohol and tougher public order provisions allowing the Garda to seize alcohol from minors. It also allows for the test purchasing of alcohol by persons under the age of 18. The Act requires applicants for a wine retailer's off-licence to obtain a District Court certificate to get a licence. In addition, it has attached stricter conditions to the granting of a special exemption order.

In March 2009, the Government agreed to include alcohol in a national substance misuse strategy that would be co-ordinated by the Department of Community, Equality and Gaeltacht Affairs. A steering group has been established to develop proposals on alcohol policy for an overall national substance misuse strategy. This will incorporate the already agreed drugs policy element. The steering group is being chaired jointly by the Department of Health and Children and the office of the Minister with responsibility for drugs. It will base its recommendations on effective evidence-based measures to deal with the significant public health issue of alcohol in areas such as supply, pricing, prevention, treatment, awareness and education. The steering group is working towards completing its report by the end of this year. Certainly, if I had my way, I would ban the advertisement of alcohol. The insidious links between alcohol and sport in particular act as a draw for young people and Members must consider both the primary means of regulation and the secondary effects of ways in which people are led to a message that links alcohol with enjoyment and other facilities.

I look forward to the publication of the report from the steering group, which will advise the Government on the necessary policies and actions to be taken to further reduce the harm caused by alcohol misuse in society. I thank the Senator for raising this issue. It is useful to have a reality check on what is happening and on what needs to be done to rethink how alcohol is perceived in society and to consider innovative ways of tackling misuse and abuse.

**Senator Jerry Buttimer:** I thank the Minister of State for his reply, in which he made an interesting point with which he should revert to the Minister. I refer to the curtailment of alcohol consumption in public places. My concern is that there are insufficient resources really to tackle the issue of consumption in public places. In addition, I have concerns about the manner in which we have allowed some of our multiple chainstores to sell alcohol almost below cost in special offers. While I will not name the specific products, the Minister of State will be familiar with the practices to which I refer.

**Deputy Ciarán Cuffe:** I tend to agree with the Senator on that score. In my constituency of Dún Laoghaire, the Garda has been good at tackling gangs of kids with slabs of beer in the park during the summer months. Gardaí, community gardaí in particular, have worked well, not to ram the law down people's throats but in cases in which they see a propensity for abuse of alcohol they do something meaningful about it.

The issue of supermarket multiples and low-cost selling must be reconsidered. Germany, for example, has a so-called apple juice law, which in essence states that alcohol cannot be sold

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more cheaply than a soft drink or beverage. This helps to encourage people, both in licensed premises and elsewhere, to choose a non-alcoholic alternative. Such good examples can be examined and certainly there is much best practice abroad that bears re-examination in the context of Irish deliberations on how to tackle alcohol misuse.

The Seanad adjourned at 7.45 p.m. until 10.30 a.m. on Thursday, 18 November 2010.