

SEANAD ÉIREANN

Dé Máirt, 21 Meitheamh 2011.
Tuesday, 21 June 2011.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Business of Seanad

An Cathaoirleach: I have received notice from Senator Brian Ó Domhnaill 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 increase the agri-environment options scheme Natura payment from €75 to €150 per hectare and to ensure these payments issue.

I have also received notice from Senator Paschal Mooney of the following matter:

The need for the Minister for Education and Skills to make a statement regarding the threat of withdrawal of bus services from the Traveller community in County Leitrim, specifically from the Traveller site at Mohill to St. Manachan's primary school, and from the halting site at Summerhill, Carrick-on-Shannon, to St. Mary's boys school and the Marist school.

I have also received notice from Senator Deirdre Clune of the following matter:

The need for the Minister for the Environment, Community and Local Government to ensure an economic assessment is carried out to establish the potential of the Cork docklands area

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

The need for the Tánaiste and Minister for Foreign Affairs and Trade to outline his and the Government's views on the current situation in Palestine and the need to put what pressure it can on the Israeli Government to allow the flotilla carrying humanitarian aid through to Gaza.

I have also received notice from Senator Thomas Byrne of the following matter:

The need for the Minister without Portfolio to outline the publication of the first progress report; the net savings under the Croke Park agreement, inclusive of redundancy payments and pension payments, to retiring civil and public service workers, which are not referred to in the first progress report; and the impact these costs will have on the implementation of the agreement and its need to deliver savings.

[An Cathaoirleach.]

I regard the matters raised by Senators Ó Domhnaill, Mooney, Clune and Ó Clochartaigh as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. I regret I have had to rule out of order the matter raised by Senator Byrne, as it is more suitable to a substantive motion.

Senator Thomas Byrne: On a point of order, the Cathaoirleach has allowed an Adjournment debate proposed by Senator Ó Clochartaigh relating to Government policy on Palestine, which is very general, yet he will not allow me to raise a matter which specifically relates——

An Cathaoirleach: Senator Ó Clochartaigh's matter is more specific in that it deals with the Israeli Government and the Gaza flotilla. The Senator's matter is more appropriate to a substantive motion and I have ruled it is more appropriate to statements or Private Members' business. I have ruled on that and the Senator should not——

Senator Thomas Byrne: There is no motion. I have asked for the Minister to come to the House essentially to discuss an article in a newspaper last weekend.

An Cathaoirleach: It is a substantive matter and, as the Senator will be well aware, Adjournment debates are only for four minutes.

Senator Thomas Byrne: I am just looking for a figure. The Government last week presented figures and then we found out they were not the real figures. I want the Minister to come to the House to discuss that.

An Cathaoirleach: Adjournment debates are only for four minutes. I have ruled on the issue. The Senator's matter is more appropriate to a Private Members' motion.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, motion of referral to the Joint Committee on Environment, Transport, Culture and the Gaeltacht regarding the Harbours Acts 1996 to 2009 (Transfer of Functions of Dundalk Port Company) Order 2011, to be taken without debate; and No. 13, motion No. 1 regarding Seanad procedures, which is resumed from last week and which will conclude not later than 5.45 p.m.

Senator Darragh O'Brien: First, there has been much discussion about the 10% cut on last year's level in agreed hours for special needs assistants, SNAs, proposed by the Government. Where in the EU-IMF deal is it stipulated that the Government is tied into cutting SNA hours? The national recovery plan contains a commitment to retain SNA numbers at 2010 levels. Many parents of children with special needs find it difficult to understand why the Government is proceeding with an effective cut of 200 SNA teachers on previously agreed levels for 2010. Over the past ten years, great progress has been made in the provision of SNAs and language support teachers. Whereas, in 1997, there were fewer than 600 SNAs in our schools, the figure currently is in excess of 11,000. Does the Government propose to proceed with the cut in agreed hours for SNAs? Where does the EU-IMF deal say SNA numbers must be cut?

Second, services in regional hospitals have been raised a number of times in the House, particularly last week, and the Leader has stated the Minister for Health will attend the House in the context of discussing progress on the programme for Government. Many Senators have raised specific issues regarding how regional hospitals will be dealt with, particularly in light of the apparent difficulties in recruiting junior hospital doctors. Can the Leader indicate when the Minister will come to the House to address these matters? He was available to deal with the

Criminal Justice (Female Genital Mutilation) Bill, on which there was agreement throughout the House. However, a number of issues need to be teased out in great detail and tied down because the Government gave many commitments regarding the retention of services that cannot be met.

Third, the Minister and secretaries Bill provides for full powers to be conferred on the Minister for public expenditure and reform. Deputy Howlin is a Minister without Portfolio and, therefore, without powers in what is an important ministerial role. The Minister made a number of comments, which I welcomed last week, regarding progress under the Croke Park agreement. While I understand the Cathaoirleach's ruling, it is a pity Senator Byrne's request for an Adjournment debate on the apparent savings under the deal has been ruled out of order. However, all Members of the House will welcome an opportunity to have the Minister, Deputy Howlin, come into the House to discuss what appears to be the most important area where this Government will frame budgetary policy, particularly in light of the commitments given last week when we were told there will not be any income tax increases or social welfare cuts. On the basis of that I understand that the €3.6 billion adjustment the Government will have to make this year will fall mainly within public expenditure and therefore it is crucially important that well in advance of any decisions being taken the Minister, Deputy Howlin, come into the House. I would suggest that for the Government it is probably better that he come into the House once he has ministerial powers. In that regard I ask further when the Ministers and Secretaries (Amendment) Bill is due to be taken in the House and when the Government expects that Bill to be passed to give the Minister, Deputy Howlin, some powers to enable him to drive through the reforms about which he continues to talk.

Senator Ivana Bacik: Like Senator O'Brien I ask that the Minister, Deputy Howlin, come into the House although it is almost as important that he be brought in to speak to us on the topic of political and constitutional reform. We are all delighted that the Private Members' business will resume today on the subject of Seanad procedures but there is an urgency about debating in this Chamber the bigger issue of constitutional reform and the setting up of the constitutional convention promised in the programme for Government which falls under the responsibility of the Minister, Deputy Howlin. I ask that the Leader might arrange a debate with the Minister, Deputy Howlin, on that topic as well.

Given that this week marks World Refugee Day I ask that the Minister for Justice and Equality be invited into the House in the coming weeks to discuss reform of asylum procedures. I am conscious that the United Nations Refugee Agency today called for reform of our asylum laws noting with grave concern Ireland's low rate of recognition of refugees. At 1.5% we have the lowest recognition rate in the European Union, and that is and should be a matter of great concern for all of us. It has also noted the delays in the system.

All Members of the House will be aware that under the previous Government the Immigration, Residence and Protection Bill was at an advanced stage when it was withdrawn by that Government. We must hear from the Minister for Justice and Equality about his plans for reform of the asylum system in the context of new legislation coming forward.

I ask further that the Leader ask the Minister for Justice and Equality for a debate on white collar crime. I note that Ken Murphy of the Law Society of Ireland has raised the issue of the delay by the Garda in investigating complaints against two Dublin solicitors struck off more than two years ago by the High Court, and there is no indication yet as to where the Garda investigation against them is going. That is in the context of much more serious concerns about the lack of any speed in the investigation of white collar crime and crime committed by bankers.

Senator Jillian van Turnhout: My first question is on special needs assistants because the lack of clarity is deeply worrying. We know the important role special needs assistants play. If we looked at it in a purely fiscal way we would see that we save money in the long term by supporting children in the early years to mainstream education. Special needs assistance was an indication of a major move from an old Ireland where we hid our problems behind closed doors but instead we have become a society of which we all wish to be a part. It is very important that we get clarity around special needs assistants and that children are allowed to be educated together as we would hope them to grow up in society together.

Second, I ask that the Minister for Children and Youth Affairs would update us on the national vetting bureau Bill and her intention to put the Children First guidelines on a statutory basis. That is often talked about but as we know reports will be forthcoming, not least the Cloyne report. It is a serious discussion because we make the statement that we should put the Children First guidelines on a statutory basis but in terms of the way we will do that this House could play a role in framing that.

My third question is on youth mental health. There are many actions in this area but they are not often co-ordinated among Departments. We should consider a debate to examine the various aspects of youth mental health, not just in terms of hospital beds but in schools also and the long waiting lists for children to be seen after a teacher has identified a need.

Senator Rónán Mullen: We had a useful debate in the House last Thursday on the fair deal nursing home scheme. It would be appropriate for us to keep the focus on nursing home care in this House in the light of what continues to emerge about the quality of some of our nursing homes. It is fair to say that the media is doing us some service in this area by turning the spotlight on proceedings regarding some nursing homes. In today's newspapers and in the media the focus is on yet another nursing home but what we are coming across are the same worrying accounts of neglect in various forms, whether it is nursing homes being too cold and people being at risk of hypothermia or nutrition problems where it was not even certain in one case whether a particular elderly resident had eaten in the past 24 hours, and there was no meat to be found in the place. It is quite disturbing.

We could take two views of that. We could say on the one hand this coverage is evidence that HIQA is doing its work — I gather this is the fourth such nursing home to be at risk or closed down at the request of HIQA since it began its investigations in 2009 — or we could ask whether such investigations are taking place quickly enough and whether enough is being done to take action once complaints have been made. In the case before us today, the Creevelea nursing home, it appears that a complaint was made about that nursing home over a year ago. If there is a problem at a particular point in time we must look closely at the procedures then in place for dealing with allegations about the quality of care. The persons in these nursing homes cannot wait for their champions to arrive.

It is often said in this House that we can join in issues when a debate is being organised around a particular Department's remit but this House should see itself as the place in which we look for a precise account from the relevant Minister about what is done in these nursing homes once a complaint is made.

I asked last Thursday whether it is considered to be best policy to seek to close down a nursing or if there is a procedure in place for bringing in a person to effectively run the place as an examiner once a severe complaint is made and whether there is provision for such persons being able to go in and run a nursing home to make sure, once a serious complaint is made and a *prima facie* case for neglect established, that the nursing home is then run by a third party on behalf of the State while it is getting itself sorted out because seeking the closure of a nursing home may not be in the best interests of the residents in all of those cases.

I ask the Leader to arrange for an early engagement between the Minister for Health, Deputy Reilly, or the Minister of State, Deputy Lynch, and the Members of this House where we would hear precisely what happens from beginning to end once a complaint is made about a possible or probable neglect in a nursing home, including the procedures and resources that are in place to make sure that action is taken as quickly as possible——

An Cathaoirleach: A question for the Leader.

Senator Rónán Mullen: ——irrespective of whether there is a problem with the time it takes for these investigations and possible proceedings before the District Court to reach their finality and whether there is a danger that people could be unacceptably neglected or ill-treated in the meantime.

Senator Pat O'Neill: I ask the Leader to ask the Minister for the Environment, Community and Local Government to review the grant scheme for group sewerage schemes. Currently, 170,000 homes are on group water schemes but there are approximately 440,000 septic tanks in the country. We have all heard about the EU judgments against various local authorities regarding our ground water sources. The grant of €6,647.66 put in place by previous Governments was available for group water schemes yet the grant available for group sewerage schemes was only €2,031.58. I ask that the Minister review the scheme and at least give an equal grant for both aspects of the scheme. It is important that we protect our ground water sources and if the scheme is changed it will be of benefit to the country.

Senator Thomas Byrne: Without wishing to breach the *sub judice* rule I want to endorse what Senator Mullen stated earlier. I am very concerned about reports of current court actions concerning nursing homes in County Meath and the issue is worthy of further debate. I will say no more about the issue until a decision has been made but I would hope the courts will come to a decision on that very quickly because it is a serious position for the residents.

It is encouraging to see that substantial savings have been made under the Croke Park agreement, and I am proud to be part of the Government which put that agreement in place. It is now being implemented word for word by the current Government. The first progress report, which I tried to raise on the Adjournment today, refers to pension and redundancy costs, which would have the effect of offsetting many of the savings made. It would be worthwhile to have the Minister for public expenditure and reform come before the House to discuss the progress made, the challenges ahead and to give us the exact figures.

We had a very good debate last week on the Finance (No. 2) Bill 2011 and the Minister of State, Deputy Brian Hayes, was very engaging. However, we were promised that the Minister, Deputy Michael Noonan, would take the debate. I acknowledge that he was busy doing very important work at the time, but it was promised that he would be there to discuss general matters of economic concern and I urge the Leader to try to arrange that debate. I understand the Minister for Finance has a very busy schedule. None of us would like to interfere with that in any way, but it is important to have a wide ranging debate on the economy and on the IMF.

Government spokespersons and Members of both Houses constantly quote the IMF report, even though some of them have not read it. Several Dáil Deputies admitted to me that they did not know much about it, but I told them it was only a short document. I urge people to read it in advance of any debate and to stop using the document to justify reductions in gardaí, cuts to SNAs and so on, because these things are not mentioned in the IMF deal. They were Government decisions that are within the sovereignty and the economic competence of this State. It is about time the Government started taking responsibility for those matters. They

[Senator Thomas Byrne.]

could be cleared up if the Leader agreed to a debate with the Minister for Finance. He has been here before, and I would be grateful if he came to the House again.

Senator Marie Moloney: I would like to highlight an alarming reading of radon gas in a home in Castleisland, County Kerry. The reading was found to be 185 times the acceptable level of radon gas, which is the equivalent of 125 X-rays every day for each person living in that house. It is most alarming. Dr. Ann McGarry from the RPII has confirmed that she believes Ireland has a significant radon problem and that many people are living in ignorance of it.

We campaigned long and hard in Kerry to bring BreastCheck to the county. Detecting radon is simple and inexpensive, but rectifying the problem is not. The Minister for the Environment, Community and Local Government should come to the House and tell us his proposals to put in place grant aid to help people rectify the problem. It is very alarming in Kerry, but also along the west coast. Any of us could have it in our house. It is a silent killer and one cannot see it, taste it or smell it. We should all be aware of this and carry out the test to see if it is in our homes. The Minister will hopefully address it as soon as possible.

Senator David Norris: Last week, I raised two related issues. One was about Bethany Home and the fact that the Church of Ireland Archbishop of Dublin should be included in the redress scheme. This was met with a rather strange silence. The other issue was about Magdalene laundries. I would like to pursue these issues, because there have been developments.

First, on behalf of the Bethany Home survivors, Mr. Leinster has stated that he is putting a three month time limit to await positive action from the Government, after which he will seek a judicial review. Second, there was a very interesting article written by Mary Raftery in *The Irish Times*. Both she and *The Irish Times* should be commended for the continuing interest in this area. The article contains material that would lead us to have such a debate. She suggests we need to look in an imaginative way at other areas, rather than the direct areas. For example, State bodies such as the Army removed contracts from commercial companies in the early 1940s and gave them to the Magdalene laundries on the basis of cost. This had the effect of closing at least one laundry and placing a considerable number of people on the unemployment register. In 1941, former Minister Oscar Traynor misled the Dáil — possibly unintentionally — when he said that the people in the Magdalene laundries were covered by the fair wages clause in their contracts. They had no contracts and, in fact, they were unpaid. Many of them were involuntarily contained in those institutions.

The operation of the Factories Act 1955 needs to be scrutinised. The health and safety conditions and requirements contained therein were never met by the Magdalene laundries. There was a legal requirement on the State to inspect them under the Factories Act, but the State never did so. That is very regrettable. It has been stated in both Houses that there was no requirement on the State, but section 84 of the Act clearly includes laundries.

In May 1955, former Minister for Industry and Commerce, William Norton of the Labour Party, said: “Once you wash clothes in the institution, not for the institution, then that is a factory. In other words, you have a right to wash clothes for the institution, but if you start to wash other people’s clothes, it is a factory for the purposes of section 84.” Nothing could be clearer. We really need to do justice to both these groups and the best way to help is through a full debate in Seanad Éireann. I call on the Leader to permit such a debate.

Senator Tom Sheahan: I call on the Leader to bring the Minister for Communications, Energy and Natural Resources before the House to address the discrepancies and deficiencies in the roll-out of the Saorview project. I have had contact from people in my constituency who have

bought the digital box who were then told that there was no reception in their area. In one case, a person bought a new television before discovering that there was no reception.

We must welcome the work that HIQA does, but we should bear in mind that reports were done over the last ten years by HIQA and bodies other than HIQA on the closure of St. Finian's Psychiatric Hospital in Killarney, yet it is still open to this day. The Minister for Health should come to the House to discuss the closure of these antiquated institutions as a matter of urgency.

Senator Kathryn Reilly: I call on the Leader to bring the Minister for Health before the House to discuss a report published this morning which claims that a previously undisclosed form of brutal child birth surgery was used on Irish women for several decades. The document details the practice of pubiotomy, in which the pubic bone of a woman in labour was cut to facilitate difficult births, instead of Caesarean sections, and where symphysiotomies were deemed to be too difficult. The report, written by Marie O'Connor, documents that 1,500 symphysiotomies were carried out in Ireland between 1944 and 1992, but it finds that hardly any of these were carried out as a result of necessity. Most women who underwent these procedures were left with a legacy of health problems, and the Survivors of Symphysiotomy group intend to bring their case to the UN committee on torture. It is important that the Minister comes before the House to discuss this issue and his intention to pursue a public inquiry into the use of symphysiotomy and pubiotomy in Irish public hospitals.

The shortage of junior doctors has already been raised in the House, but the first we heard from anybody in the Government on the issue was when the Minister for Health spoke about it on "The Frontline" last night. It seems that the Government is sleepwalking into a catastrophe on 11 July, with suggestions that the Midwest Regional Hospital in Limerick, which has the second busiest accident and emergency department, will have to close at night. We have also been told that small rural hospitals will be severely affected and that some accident and emergency departments will not be safely manned. On a day when there are 310 people on trolleys across the State, I believe the Minister for Health should also come before to tell us which hospitals will not be safely manned and what action the Government will take to avert this crisis.

It is not acceptable that we have governance by the media and that the Minister addresses us on programmes such as "The Frontline". The real difficulty is that we do not yet have the date for the Minister to attend the House to address these issues. I ask the Leader to address this.

Senator John Whelan: I do not suggest the item I wish to raise is as urgent as the special needs assistants issue, nursing homes or the shortage of junior doctors. Nevertheless, it is important for us to seek clarification. I call on the Leader to use his good offices to write to the director general of RTE to establish who decided, and why, not to broadcast "Oireachtas Report" on Tuesday, 14 June. The Dáil was correctly adjourned as a mark of respect to our late colleague Brian Lenihan but the Seanad had a full sitting, a full Order of Business, two Ministers appeared before the House and a number of important issues raised.

As a public service broadcaster, RTE has done outstanding. Yesterday in New York, RTE Radio received no fewer than 17 awards and was named as best broadcaster of the year. However, the same cannot be said of some of its news programming. The broadcast of "Oireachtas Report" sometime after midnight, when B-movies and shoddy reruns are showing, is unacceptable. The State pays over €200 million in licence fees to the State broadcaster, RTE, to subsidise its public service broadcasting remit.

[Senator John Whelan.]

It is important for us to know who made this decision and why. The programme was scheduled to run but was pulled. It is a grave insult to the business of this House. The Seanad comes in for criticism from time to time, some of which is deserved. Under the new Leader, Senator Maurice Cummins, and the Deputy Leader, Senator Ivana Bacik, we have seen radical reform, improvement and a great deal of progress. A productive schedule of work is being done in the House. I ask the Leader to use his good offices to write to RTE to seek a fair and just explanation of why “Oireachtas Report” was pulled. It is absurd.

Senator Mark Daly: I propose an amendment to the Order of Business, that the Taoiseach attend the Chamber to discuss NAMA and his statement last week about his sources and what they told him. It is unusual that the Taoiseach agrees with me on concerns about developers buying back property. The Taoiseach has since rowed back but I maintain my position. My sources are willing to meet the Taoiseach to explain how this is going on but I am sure the Taoiseach is well aware of it. My information comes from a confidential source. We often get information from sources who ask that their identities remain undisclosed. It helps us to do our job because, if we disclose our sources, people will not trust us with information.

Many people in public life were given information about planning corruption in Dublin up to 20 years ago but they failed to act. They did not introduce necessary legislation to punish those who behaved incorrectly. Thus, there was a major loss to the taxpayer. As a result, we have numerous calls for a tribunal after the event. A tribunal on planning went on for ten years, had an army of barristers and cost almost €100 million. I do not propose a tribunal on the aftermath of NAMA, I propose we should act now.

I also find it unusual that the chairman of NAMA is in agreement with me regarding the NAMA website. On 27 January I proposed that every property under the control of NAMA should be put up on the NAMA website. Last week the chairman said there would be such website, where all properties are shown. This will not apply to all property, only property over which NAMA has control through liquidators and receivers. NAMA is in control of some €72 billion worth of assets but not all of that will be on the website. Much of it will be sold by the developers, which is the kernel of the issue. Developers should not be in charge of the sale of their assets because it is open to corruption.

An Cathaoirleach: Senator Daly can make these points during the debate.

Senator Mark Daly: I will, if the Taoiseach agrees to it. Fianna Fáil will propose the NAMA transparency Bill so that every asset under the control of NAMA, whether a loan or a property, will be on the NAMA website. In that way, any person in this country or beyond can see what NAMA is selling and how people can bid for it.

I propose an amendment to the Order of Business requesting the Taoiseach attends the House to tell us what he knows about NAMA. In that way all can hear his views.

Senator Michael Mullins: I join other speakers in asking for the Minister for Health, Deputy James Reilly, to attend the House for a frank and open exchange with Members on the operation of the HSE. Those of us who have seen the Minister for Health in action are impressed with his openness and frankness. He is the first Minister who will take on the HSE and challenge many of the vested interests.

I would like a discussion on how the HSE can, on 1 July, consider discontinuing the transport for dialysis and cancer patients. If the HSE management is budgeting properly, surely it cannot have exhausted the budget by 1 July. Like Senator Reilly, I challenge the ludicrous proposal to bring accident and emergency patients from the mid-west hospitals to the Univer-

sity College Hospital in Galway, which is already creaking. There is inadequate space for people to park and the situation is ludicrous and outrageous.

I would like to talk to the Minister about how savings can be made in HSE. A person in the constituency in which I live is occupying an acute bed in a psychiatric hospital. This is at enormous cost and the person cannot be accommodated under the fair deal scheme because she is under 65 years of age. I would like the situation addressed, which will result in an immediate saving to the HSE.

A building in Ballinasloe is unsuitable for its intended purpose. The local management wants to move to another building, leading to the saving of €5,000 per year.

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

Senator Michael Mullins: The system is slow and cumbersome. I ask the Leader to give us the opportunity to make helpful suggestions to the Minister on how matters can be improved and money saved in the HSE.

Senator Sean D. Barrett: Last week we raised the matter of mathematics teaching and how 80% of it is being carried out by people without a degree qualification in mathematics. The distress it causes has been featured in newspaper articles and letters about the leaving certificate, which is currently in progress. Our situation contrasts with Finland, where people have a masters degree in the subject they teach at second level. There is a bonus point system in operation and I ask the Leader to invite the Minister for Education and Skills to the Chamber to discuss it. The bonus points for mathematics helps those who already have a qualified mathematics teacher or can afford to pay for expensive grinds.

Senator Fidelma Healy Eames: Hear, hear.

Senator Sean D. Barrett: I ask the Leader to invite the Minister to address this vital issue and to explain whether the provision of bonus points answers the question of the problem in mathematics Irish schools.

Senator John Kelly: Two weeks ago I raised the issue of centralisation of medical cards. I called for the Minister for Health to answer questions on this. Now we are at the 11th hour because centralisation is taking place on 1 July. I am satisfied that 90% of medical cards are centralised but 10% are granted on a discretionary basis. Such people may be over the guideline amounts for medical cards but, because of the knowledge of the local community welfare officer about the family circumstances — whether alcohol addiction, gambling, cancer, terminal illness or MS — it is important that the Minister explains how he will deal with these discretionary cards. Once this is centralised, it will become a matter of mathematics. If someone is over the guidelines for the medical card, that person will not receive a card. As a GP, I hope the Minister understands the sensitive nature of this issue. Senator Mullen admired the Minister for his openness and transparency but I would like to see the Minister in this Chamber rather than on “The Frontline”. We need to get these answers before 1 July.

Senator Jim Walsh: I second the amendment to the Order of Business proposed by Senator Daly, who has been consistent in raising this issue. I thought the Taoiseach’s statement was courageous but I was concerned to hear him backtrack under pressure from officialdom. Many of the economic and fiscal difficulties we are encountering arose because people within the public service were not giving the advice that was necessary and the politicians probably lacked the expertise or did not engage those with the appropriate knowledge to chart a proper way

[Senator Jim Walsh.]

forward. The exposure to the taxpayer through NAMA is enormous and should it go wrong in any way it will have a negative impact on economic and fiscal recovery.

I ask the Leader if he was aware when we were debating the Finance (No. 2) Bill 2011 that the Department of Social Protection had opposed the introduction of the pension levy. That was pertinent information from which the House would have benefited. The leader of Fianna Fáil in the House, Senator Darragh O'Brien, and Senator Byrne, opposed the levy in light of its consequences. It is significant, therefore, that the Department took a similar position.

I ask that the Minister for Finance attend the House for a debate on the rescue package and the EU-IMF loan, with particular attention to the EU part because of the high interest rate that attaches to it. I am not impressed by the notion of a 1% decrease in the interest rate. It will not be a solution to the depth of our fiscal problems. As Michael Soden recently argued, we need long-term money over a loan span of 20 to 30 years and an interest rate which is marginally above the base rate. Unless the EU and the ECB make those structural changes not only Ireland—

An Cathaoirleach: We cannot have a debate.

Senator Jim Walsh: —but also the EU itself will be seriously challenged. I ask the leader to arrange a debate on this issue at an early date.

Senator Martin Conway: I am sure the Leader and other Senators share my sense of outrage at the details of abuse in a residential care unit revealed on “Prime Time” last Thursday and my frustration at the absence of a system of inspections for such institutions. It is outrageous in this day and age. The institutions and the high walls may have gone but the residential care homes that are dotted throughout the community are not subject to inspections and family members can only gain access to their loved ones by appointment even though they may have serious concerns. I welcome the announcement by the Minister of State at the Department of Health, Deputy Kathleen Lynch, on the provision of €6 million for putting in place a system of inspection but I ask the Leader to establish when these inspections will take place and what processes will be followed. The inspections need to take place on a random basis whereby inspectors knock on the doors rather than get buried in their offices studying paperwork. They need to inspect, walk into these institutions and talk to management because last week's revelations of abuse in institutions should not be tolerated under any circumstances by a civilised society. I am delighted that the resources are being put in place but immediate action is needed.

Senator John Crown: I do not want to sound like a broken record and I am aware that the magnitude of the crisis involving non-consultant hospital doctors has exercised many of my colleagues in this and the other House over the past several weeks. However, I ask the Leader to bring to the attention of the Minister for Health that little debate has taken place in this House or in any other public forum in regard to the fundamental cause of the problem. We will have a net shortfall of approximately 400 non-consultant hospital doctors manning front line services as of the next scheduled calendar turnover, which will occur in the second week in July. This will have catastrophic effects across the health service but will be particularly acute in accident and emergency departments. There already has been speculation that individual units may be closed or curtailed as a result. While we have heard considerable discussion about the various Band-Aid solutions being offered, such as sending teams of recruiters to take young doctors from India and Pakistan to work in our emergency rooms, geriatric wards and surgery departments or encouraging the Medical Council or other statutory and licensing agencies to make it easier for doctors to enter the country, there has been a lack of debate about the fundamental problem, namely, the dependence of the health service on trainees to provide

front line services. We should regard junior doctors as having three functions — first, training; second, training; and, third, training. That is all they are there for and their presence or absence should have no effect whatsoever on the conduct of the health system. Those jobs should be educational. Sadly in Ireland, we have a track record of taking people into those jobs and making them work under consultant rank to provide services disproportionately to public patients. It is not an issue of pay because they are paid relatively well but they are not given the appropriate career prospects.

My colleagues may not be aware that Ireland has the highest number of medical schools per head of population. We have six schools for 4.5 million people. The average in Europe is approximately one per 1.5 million people and in North America it is one per 2.5 million. How can a country which has one medical school for 750,000 people have, on the other side of the coin, the smallest number of career level doctors per head of population of any country in the western world? That is the fundamental problem. People believe it is due to the actions of a medical *cosa nostra* or closed shop but, I can speak with authority for the hospital system, one group of people in this country control the number of career level posts, namely, the officials of the Department of Health and the HSE and the Government. This is not a party issue because it has been the same case with successive Governments. A deliberate decision has been made to base policy on the premise that we will have a low level of career jobs.

An Cathaoirleach: Is the Senator seeking a debate?

Senator John Crown: I am. In July, chickens will be coming home to roost. I ask the Leader to bring this matter to the Minister's attention. The Minister correctly wishes to reform the health system fundamentally. His plan appears to be to introduce minor reforms during his first term and, following a putative second election victory, to make the fundamental reforms that are necessary. He should put that cart before the horse by reforming the system now.

Senator Cáit Keane: I wish to raise an important issue on behalf of the deaf community, namely, Irish sign language. I am not referring to signing in Irish but the sign language and culture of the deaf community. It is an old language, having been first established in Ireland in 1846, but it is not recognised. It is in the programme for Government which states that it will examine different mechanisms to promote the recognition of Irish sign language. I am asking that time be made available to debate this issue in the presence of the Minister for Education and Skills so we can discuss the kinds of mechanisms the Government intends to examine, the timeframe it intends for the completion of the examination and the proposals which might come from the Seanad on Irish sign language and how we compare with the rest of Europe.

British-Irish sign language is recognised in the North of Ireland and is included in the North-South agreement. In that sense we are only catching up with the North of Ireland. The language has formal recognition under the Good Friday Agreement. It is important to the deaf community. There are over 5,000 people who use Irish sign language in preference to signed English. Iceland recognised its own sign language last May, and many countries such as Hungary recognise their own sign language. Over 5,000 people in the deaf community use the language but over 40,000 people who work with the deaf community use Irish sign language and there is a dearth of information, booklets and other material to help the deaf community. I am asking for a debate in the House to try and implement what is in the programme for Government and examine the different mechanisms to promote the recognition of Irish sign language. This is also provided for in the Brussels declaration.

Senator Labhrás Ó Murchú: It is not so long ago that two senior politicians in the State revealed serious abuses in the operation of the State apparatus. One was a member of the Fine

[Senator Labhrás Ó Murchú.]

Gael Party and the other was a member of the Labour Party. They came under immense pressure at the time to reveal their sources. They continued to resist the pressure and they argued that, first, they would not have access to the information only that the person supplying it felt that it was being transmitted with confidentiality. We are all aware that, subsequently, the tribunal which was set up very much supported the position of those two politicians. One is a Minister today and the other is a Member of the European Parliament. We owe them a huge debt of gratitude because it was their courage and tenacity at that time which brought the abuses to light and also brought a conclusion at the same time. Ironically, around the same time one of the daily newspapers also found itself with legal problems when it was also asked to reveal the sources of its information. That went all the way through the legal process. Members all know the outcome.

There is very much a similarity with Senator Mark Daly's contention today that if information is supplied to a Member of the Oireachtas one would like to think that the person bringing it could feel secure in so doing, because if people do not feel like that is the case it is possible that type of information will not be brought forward. The issues raised on NAMA suggest, if proven correct, that we are dealing with an exceptionally serious situation. We all know the public attitude to NAMA and why it came into existence. The public will be watching the issue very closely. As a House of Parliament we have an opportunity to do like those two politicians did some years ago. I hope we have the courage and foresight to do that.

Senator Fidelma Healy Eames: The poor state of the public finances and the harsh austerity measures being imposed on us are dictating the quality of our lives and services. The Minister for Finance, Deputy Michael Noonan, is doing an incredible job for us in Europe to try to claw back some sense of decency for us as a country and to get the best terms possible to deal with the financial situation we have inherited.

I say that for two reasons which concern me, the first of which is NAMA. I raised it in the House on the opening of the Seanad session. Since then I wrote to the CEO of NAMA about its business plans. In his letter of response he said we acquired debts — property to the value of €70 billion for approximately €30 billion. He said the goal of NAMA is to get back at a minimum from the developers what we paid. I am shocked if that is all the business plans have to show. What about all the homeowners who have paid maximum value at the height of the boom? We all still have to pay the full price of our homes. I want the Minister for Finance to attend the House to address the issue concerning NAMA. There must be fairness. There cannot be special treatment for one group of people and much tougher austerity measures being taken on by the homeowners of this country. That is unfair.

I am also concerned about special needs assistants, SNAs. We have approximately 10,500 SNAs in this country. We received an e-mail from the Minister for Education and Skills indicating that he must work something out for approximately 200 others. That means 200 children will be affected. Our job must be to protect children, their care and education in the classroom.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator Fidelma Healy Eames: I seek a debate on the matter. We are in a tough financial state. How can we protect children in classrooms with disabilities and learning difficulties while doing the same thing? We are in difficulty and we must look at other models of doing that while keeping children with disabilities in mainstream classrooms. It is time we looked at new ways. I visited the united Kingdom last year when I was a member of the Oireachtas Joint Committee on Education and Science——

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator Fidelma Healy Eames: Yes. I saw another way to achieve the same outcomes. It is time we looked at that in this House because we must find other ways to achieve the same outcomes.

Senator Michael Comiskey: The issue I wish to raise is connected to that raised by Senator O'Neill. I ask that the Minister for the Environment, Community and Local Government would extend such a grant to people living in rural areas for single rural houses. If such a grant were available it would mean major benefits for rural water and it would also create much needed jobs in the manufacture and installation of septic tanks and other such equipment. I would welcome such a development.

Senator Paul Coghlan: With respect, Senator Daly is being deliberately provocative on the issue of NAMA. It is outlandish to claim that the Taoiseach agreed with him. Under no circumstances did that happen. He expressed the hope, publicly, that the type of situation alleged by Senator Daly could not happen and that NAMA was on top of the situation and would ensure it could not happen. A public assurance was given to that effect by Mr. Frank Daly, the chairman of NAMA.

Senator Mark Daly: On a point of order, a Chathaoirligh.

An Cathaoirleach: Senator Daly to speak on a point of order.

Senator Mark Daly: Senator Coghlan is well aware that he is misquoting the Taoiseach.

An Cathaoirleach: That is not a point of order.

Senator Mark Daly: That is not what the Taoiseach said.

An Cathaoirleach: That is not a point of order.

Senator Mark Daly: The Taoiseach said the opposite. Senator Coghlan is well aware of that fact.

Senator Paul Coghlan: That is not a point of order.

An Cathaoirleach: Senator Daly.

Senator Mark Daly: Senator Coghlan might point that out at his next parliamentary party meeting.

Senator Paul Coghlan: The Taoiseach fully accepted the assurances of the chairman of NAMA.

An Cathaoirleach: Senator Daly well knows that is not a point of order.

Senator Paul Coghlan: I ask the Leader——

An Cathaoirleach: We are not having the debate in the House today.

Senator Paul Coghlan: I know that but I wish the Leader to confirm that it is the duty, as Senator Daly is aware, under law that NAMA must do due diligence on all acquirers and that it is precluded by law from selling in trust.

Senator Mark Daly: On a point of order, a Chathaoirligh.

Senator Paul Coghlan: If Senator Daly is a dutiful public servant——

An Cathaoirleach: Does Senator Coghlan have a question for the Leader?

Senator Paul Coghlan: I have.

Senator Mark Daly: Senator Coghlan is misquoting the Act. That is the case for only those properties over which NAMA has power as a liquidator or as a receiver.

Senator Paul Coghlan: No, Senator Daly is wrong.

An Cathaoirleach: We are on the Order of Business. Does Senator Coghlan have a question for the Leader?

Senator Paul Coghlan: The Leader knows that Senator Daly has not——

An Cathaoirleach: Does Senator Coghlan have a question for the Leader?

Senator Paul Coghlan: Yes. I ask the Leader if any Member of this House — that includes Senator Daly — has made anything available. A dutiful public servant would make the information available to NAMA.

Senator Darragh O'Brien: That remark should be withdrawn.

Senator Paul Coghlan: He could use privilege to put it on the record.

An Cathaoirleach: That is not relevant to the Order of Business.

Senator Paul Coghlan: I have one other matter to raise.

An Cathaoirleach: Senator Coghlan should resume his seat. I have called on Senator Noone.

Senator Paul Coghlan: I know you have.

An Cathaoirleach: I have called on Senator Noone. Please.

Senator Paul Coghlan: The matter that Senator Ó Murchú referred to——

An Cathaoirleach: Senator Coghlan, I have called Senator Noone.

Senator Paul Coghlan: Those two Deputies went to the Minister for Justice.

An Cathaoirleach: Senator Coghlan, resume your seat.

Senator Catherine Noone: It is a complete coincidence that I wanted to speak about something related to the matters raised by Senator Fidelma Healy Eames and half the House this afternoon. I welcome the idea currently being considered by the Committee on Procedure and Privileges to invite the leaders of various organisations to appear before us in the Seanad. One such leader — a point which today speaks for itself — is the chairman of NAMA. I understand this is currently under consideration. NAMA is the biggest financial enterprise ever undertaken in this country in our lifetimes and certainly in the course of the 24th Seanad. In view of the professional fees being racked up in NAMA, I would like the chairman to come before us and let us know how it is doing its business.

An Cathaoirleach: That is a matter for the Committee on Procedure and Privileges.

Senator Catherine Noone: Yes, but the question I am asking the Leader is whether he would be willing, once the committee has considered the issue, to ensure that one of the first people called before us is the chairman of NAMA.

Senator Maurice Cummins: The Leader of the Opposition, Senator Darragh O'Brien, spoke about special needs assistants. We had a debate on this only last week. I have some correspondence from the Department on that matter. I will read the first page and provide a copy of this correspondence to Senator O'Brien.

- Schools are being advised this week of their allocation of Special Needs Assistants (SNAs) for the coming school year 2011/2012.
- The last government decided in December 2010 to cap the number of SNAs at 10,575.
- There are currently 10,802 posts, 227 posts over the cap to be reached at the end of 2011.
- As the 10,575 cap must be met by year end, there will regretfully have to be a reduction of 227 posts from September.

The Minister states:

- I want to assure you that the existing levels of SNAs in special schools will be maintained, in order to assist and protect the most vulnerable children
- I also want to assure you that all schools that enrol children with significant care needs, will have SNA support, and all such children will have access to this support
- No school in this country will lose all of their SNA support.
- Let me re-iterate, any school which has even one child with care needs will get SNA support. It is scaremongering in the extreme and deeply distressful for parents and schools to be suggesting otherwise

I have about five pages here and I will make it available to anybody who wishes to have those after the Order of Business.

Quite a number of people requested that the Minister for Health, Deputy James Reilly, come to the House to discuss a whole range of issues, including hospitals and junior doctors. The Minister has been to the House to deal with legislation and also to reply to a matter on the Adjournment. I assure Senators that the Minister will be in the House on Thursday 7 July for statements on health, and Senators may raise any issue they wish.

Senator Martin Conway: Hear, hear.

Senator Maurice Cummins: There have also been questions about progress on the Croke Park agreement. As we stated, there is a lot done but more to do in that area. Questions were also raised about the Ministers and Secretaries (Amendment) Bill. This will be dealt with in the House on 29 and 30 June.

Senator Darragh O'Brien: That is good to hear.

Senator Maurice Cummins: That is another request that will be honoured.

Senator Ivana Bacik asked about constitutional reform and reform of the asylum system. This is a matter that the Minister for Justice and Equality is examining at present and I am sure he will be happy to come to the House at a later stage to discuss it. Senator Jillian van Turnhout mentioned SNAs, as did quite a number of people. I have given a response on this.

Senator Rónán Mullen and quite a number of Members mentioned nursing homes. I arranged a debate at the request of Members last week and it was an excellent one. Everybody would agree the Minister of State, Deputy Kathleen Lynch, was certainly on top of her brief. She would be willing, if needs be, to come in and discuss the same subject at a later stage, but we should give her a few weeks at least before we ask her to come in and speak on the same subject.

Senators Pat O'Neill and Michael Comiskey asked about a review of group sewerage schemes. We will ask the Minister for the Environment, Community and Local Government whether he has any proposals in that regard.

Senator Thomas Byrne raised the matter of finance, as did other Senators. We had a debate on the Finance (No. 2) Bill, but I realise that people want further discussion on the economy and the EU-IMF deal. We will ask the Minister for Finance, Deputy Michael Noonan, to come to the House. He has been here to address a motion by Senator Byrne, but we will ask him to come again.

Senator Marie Moloney mentioned the issue of radon gas, which is a major problem. Committee meetings were held with representatives of the Radiological Protection Institute of Ireland during the course of the last Seanad at which they advised of the situation with regard to radon gas in their areas. It is not very expensive to detect radon gas but to implement procedures could be costly. We will ask the Minister for the Environment, Community and Local Government about this.

Senator David Norris spoke about a matter he raised previously, that of the Bethany Home and the Magdalene laundries. An interdepartmental committee is to be established and when the recommendations are published, we will certainly have a debate on this. Senator Tom Sheahan mentioned the roll-out of Saorview and the lack of reception in Kerry. We will deal with that with the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar.

Senator Kathryn Reilly spoke about the use of symphysiotomy in some of our hospitals, which is brutal, as we know from the "Prime Time" programmes some time back. The report is out now and this is something we can discuss with the Minister for Health when he is here on 7 July.

Senator John Whelan raised a valid point about "Oireachtas Report", asking why it was not broadcast last Tuesday. I will undertake to write to RTE to elicit an answer from it on this subject.

The question of NAMA was raised by a number of Senators. I thought we would have to institute peace talks for two Kerry Senators on that.

Senator Mark Daly: A refereee.

Senator Maurice Cummins: It is a serious issue and we will try to have a discussion with the Minister for Finance in the context of the debate we are trying to organise. I have no objection to bringing in the chairman of NAMA if the Committee on Procedure and Privileges permits

an expansion of the category of people that can come in here. However, we should hear from the Minister for Finance on the subject first.

Senator Michael Mullins spoke about the operation of the HSE in the west and the transport of patients. This is a matter that can be discussed, and we have an assurance that the Minister will come in and discuss all these items on 7 July. Senator Barrett mentioned the teaching of maths. This is an important matter and I will certainly raise it with the Minister, Deputy Ruairí Quinn.

Senator John Kelly mentioned the centralising of medical card applications and the lack of discretion that will be available to community welfare officers. I suggest Senator John Kelly raises this matter on the Adjournment this week as he may get a more immediate response to it then.

Senator Jim Walsh sought a debate on various aspects of finance policy. Senator Martin Conway called for a debate on standards in and inspection of residential care units.

Senator John Crown will be happy that the Minister for Health will attend the House soon for a debate on the health services. I am sure the Minister will address the reform of the whole system then.

Senator Cáit Keane raised the matter of recognition for Irish sign language and the deaf community. Again, I suggest she raises this matter on the Adjournment this week.

An Cathaoirleach: Before we conclude the Order of Business, I welcome a former Member of the Seanad and Dáil Éireann to the Visitors Gallery, Paul Connaughton.

Senator Mark Daly has proposed an amendment to the Order of Business, “That statements on the Taoiseach’s comments on NAMA be taken today.” Is the amendment being pressed?

Senator Mark Daly: Yes.

Amendment put:

The Seanad divided: Tá, 19; Níl, 32.

Tá

Barrett, Sean D.
Byrne, Thomas.
Crown, John.
Daly, Mark.
MacSharry, Marc.
Mooney, Paschal.
Mullen, Rónán.
Norris, David.
O’Brien, Darragh.
O’Donovan, Denis.

O’Sullivan, Ned.
Ó Clochartaigh, Trevor.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
Power, Averil.
Reilly, Kathryn.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.

D’Arcy, Michael.
Gilroy, John.
Harte, Jimmy.
Hayden, Aideen.
Healy Eames, Fidelma.
Henry, Imelda.
Higgins, Lorraine.
Keane, Cáit.
Kelly, John.
Landy, Denis.

Níl—*continued*

Mac Conghail, Fiach.
 Moloney, Marie.
 Moran, Mary.
 Mulcahy, Tony.
 Mullins, Michael.
 Noone, Catherine.

O'Brien, Mary Ann.
 O'Keeffe, Susan.
 O'Neill, Pat.
 Sheahan, Tom.
 van Turnhout, Jillian.
 Whelan, John.

Tellers: Tá, Senators Ned O'Sullivan and Diarmuid Wilson; Níl, Senators Paul Coghlan and Susan O'Keeffe.

Amendment declared lost.

Question put: "That the Order of Business be agreed to."

The Seanad divided: Tá, 37; Níl, 15.

Tá

Bacik, Ivana.
 Barrett, Sean D.
 Bradford, Paul.
 Brennan, Terry.
 Burke, Colm.
 Clune, Deirdre.
 Coghlan, Eamonn.
 Coghlan, Paul.
 Comiskey, Michael.
 Conway, Martin.
 Crown, John.
 Cummins, Maurice.
 D'Arcy, Jim.
 D'Arcy, Michael.
 Gilroy, John.
 Harte, Jimmy.
 Hayden, Aideen.
 Healy Eames, Fidelma.
 Henry, Imelda.

Higgins, Lorraine.
 Keane, Cáit.
 Kelly, John.
 Landy, Denis.
 Mac Conghail, Fiach.
 Moloney, Marie.
 Moran, Mary.
 Mulcahy, Tony.
 Mullen, Rónán.
 Mullins, Michael.
 Noone, Catherine.
 Norris, David.
 O'Brien, Mary Ann.
 O'Keeffe, Susan.
 O'Neill, Pat.
 Sheahan, Tom.
 van Turnhout, Jillian.
 Whelan, John.

Níl

Byrne, Thomas.
 Daly, Mark.
 MacSharry, Marc.
 Mooney, Paschal.
 O'Brien, Darragh.
 O'Donovan, Denis.
 O'Sullivan, Ned.
 Ó Clochartaigh, Trevor.

Ó Domhnaill, Brian.
 Ó Murchú, Labhrás.
 Power, Averil.
 Reilly, Kathryn.
 Walsh, Jim.
 White, Mary M.
 Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators Ned O'Sullivan and Diarmuid Wilson.

Question declared carried.

An Cathaoirleach: I wish to inform the House that arising from the omission to vote by Senators Jim Walsh and Mary White, who is present in the Chamber, the result of the division as shown on the display board has been amended with the agreement of the tellers from both sides.

Harbours Acts 1996 to 2009: Motion

Senator Maurice Cummins: I move:

That the proposal that Seanad Éireann approves the following Order in draft:

Harbours Acts 1996 to 2009 (Transfer of Functions of Dundalk Port Company) Order 2011,

copies of which have been laid in draft form before Seanad Éireann on 1st June, 2011, be referred to the Joint Committee on Environment, Transport, Culture and the Gaeltacht, in accordance with Standing Order 70A(3), which, not later than 7th July, 2011, shall send a message to the Seanad in the manner prescribed in Standing Order 73, and Standing Order 75(2) shall accordingly apply.

Question put and agreed to.

Seanad Reform: Motion (Resumed)

The following motion was moved by Senator Katherine Zappone on Wednesday, 15 June 2011:

That Seanad Éireann, in light of the commitment in the programme for Government to overhaul the way politics and Government works, recognises the need for change in how it conducts its business and agrees to:

- put in place arrangements so that this House can engage directly with well-informed citizens and residents from all walks of life whose experience and expertise can contribute to debates on issues of public importance thereby adding considerable value to our work as legislators;
- invite to the floor of Seanad Éireann, on a case by case and ongoing basis, appropriate leaders and representatives of civic life who have a significant contribution to make to the deliberations of this House; and
- include in these arrangements the hosting of respectful North-South dialogue that consolidates the peace process in Northern Ireland, develops a peace dividend for all communities affected by the conflict, deepens cross-Border relationships and promotes a shared approach to the significant centenaries that will arise in the next decade.

Debate resumed on amendment No. 1:

After “decade” in the last line to add the following:

“; and that these proposals be considered by the Committee on Procedure and Privileges at the earliest opportunity”.

—(Senator Tom Sheahan).

Senator Sean D. Barrett: With the permission of the Leas-Chathaoirleach I will share some time with Senator Norris.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Sean D. Barrett: The motion before the House is to be commended. The first section refers to having well-informed citizens and residents from all walks of life attend the House, which is to be welcomed, particularly in a House which may face a referendum on its future

[Senator Sean D. Barrett.]

next year. It would be good for the House to have links with our citizenry and people from a wide range of experiences in life, and a great exercise in parliamentary democracy.

The second section of the motion refers to inviting to the floor of Seanad Éireann on an ongoing basis appropriate leaders and representatives of civic life who have a significant contribution to make to the deliberations of this House. That is something which I also commend to the House as being in the spirit of a participating parliamentary democracy.

The final section refers to the success of a respectful North-South dialogue that has consolidated the peace process in Northern Ireland, with a peace dividend for all the communities affected by the conflict, deepening cross-Border relationships and taking a shared approach to the significant events that will arise in the next decade. The development of parliamentary democracy in Northern Ireland is one of the great optimistic developments in this country in recent times. I said in here last week that I had attended an education debate in Stormont the previous Tuesday, and it was remarkable that nobody questioned the rights of anybody to be there, or whether they were Unionists or Nationalists. Bringing this development into the Seanad is something to be commended.

4 o'clock
In strengthening and deepening our democracy, we must bear in mind the infringements that have taken place in recent times. The bypassing of the Parliament by lobbyists such as the bankers on 29 and 30 September 2008 will probably cost us about €70 billion. The guarantee on behalf of the banking community was given by people who had right of access to the Government and senior civil servants. The success of tax lawyers and accountants in gaining access to the Government — very little discussion has taken place on these tax breaks and write-offs — has cost us €11.5 billion per year, according to Micheál Collins of the economics department in TCD.

In addition to inviting people whom we believe would strengthen the House and its democratic procedures, we should invite some of the other groups who seem to have access to the Government and who, in my view, are an affront to parliamentary democracy, given how they seem to get their way and that they have imposed such costs on all aspects of Irish society for decades ahead. This is a parliamentary democracy. Even if those people do not want to attend, they should be invited. It will tell us a lot about them if they do not attend, even if the Government has yet to put forward its proposals on the compellability of witnesses. Inviting them to explain what they thought they were doing at the time would be valuable.

The motion by the other Independent Senators is commendable, as is the Leader's amendment. It could be a very important development in parliamentary democracy in Ireland, and a very important measure in ensuring the future of this House to contribute to our parliamentary democracy. I am very pleased to commend the motion to the House.

Senator David Norris: I am grateful to my colleague, friend and former academic colleague in Trinity College for giving me some of his time. I was happy for him to speak first because I have spoken many times on this very important subject in the House. On a number of occasions, I have used it for my Private Members' time. The Acting Chairman will recall that after the Seanad elections in 2007, I tabled the recommendations of the all-party committee chaired by former Leader of the House, then Senator Mary O'Rourke. I called a vote on it, but it was voted down. That showed the absurdity of this Chamber and I regret that. We must take it seriously this time, because now it is either sink or swim. We need to take these matters with real seriousness and not make them into any kind of political football. There is blame on all sides. Nobody is excused. No Government has previously taken this Seanad seriously.

On the opening day of the Seanad I commended the Taoiseach for his extraordinarily imaginative choice of 11 Senators. They have shown that such an accommodation was justified by

forming a specific group which is independent. That indicates that they will be vigorous, and I welcome that.

Senator Barrett made a reference to the North of Ireland. It is possibly not the most diplomatic thing to single out anybody when the North of Ireland is mentioned, but it is an interesting development to have Dr. Martin McAleese present in the House. I do not speak of him very often. Women often object to being described as being the wife of somebody, and I am not going to insult Senator McAleese in that way, because I know well of the extraordinary work that he has done on behalf of this country, at some risk to himself of obloquy in the press and perhaps even personal physical danger. It is welcome that we have a voice for the North in this House. We have had them before. I remember Gordon Wilson, who was a remarkable contributor to this House, and John Robb, and long may that continue. We have leaders from various groups, including the arts, human rights groups and so on, so we have the opportunity, capacity, intelligence and membership to do the job in here. This time we need to do it.

I am very glad that a suggestion I have made in this area has been agreed, which is that we will not vote on this in any divisive way. Perhaps the Leader will indicate if it is correct that my proposal has been accepted that we add the Government's amendment to the motion. It does not seem to conflict in any way with the motion.

Acting Chairman (Senator Denis O'Donovan): You have half a minute left.

Senator David Norris: Thank you. This means that we go back to the Government with a united House, a united voice and with united recommendations.

There is a voice missing here today, which is that of my colleague and friend, the former Senator Joe O'Toole. I was always the radical and always wanted the clean sweep. Joe O'Toole always had a wise voice and I think we should revisit his proposals, because they not only strengthened the nominating bodies and enfranchised them, they also included some element of experience and some element of the parties, which is perhaps something that should be examined.

Tributes have often been paid to the Independent groups. We have a luxury of being independent and being able to speak our mind, and not being subject to the Whip. That gives us a special advantage and sometimes we get praise that might have gone to Members in the political parties had they that freedom. My suggestion is that we should look again at the nominating bodies, make sure they are the most relevant so that they cover the entire population of the country and that we then do what is necessary and enfranchise the ordinary members in some form. Let us have the nurses, the doctors, the architects, the prison officers and representatives of all other large groups in society and let them talk from their experience of legislation. This is what makes us different.

We do not need a reduplication of the Dáil. If it is only the Dáil "light", then we should get rid of it. We should either scrap it or reform it. If we do these things, then we have a good chance of persuading the Taoiseach to change his mind, as he surely would not have nominated such an extraordinary group of passengers to the *Titanic*.

We should invite distinguished people from Ireland into the House, so that we can learn from them and they can learn from us. I would like to see the representatives of the ECB and the IMF in here and I would like to hear what they have to say and how they will explain themselves to the people. We are not being governed from either House, but from financial institutions that are undemocratic and which were never voted in. I would like to take the opportunity, with the greatest courtesy, to try to transmit to the German people the message that we are rescuing their banks. Money is coming in from these institutions and going straight back out to save German and other banks who took a punt on our property bubble, which is

[Senator David Norris.]

why our public services, our special needs assistants, our hospitals and our schools are suffering. We all need to communicate in a polite and diplomatic way. A revitalised Senate can do that.

Acting Chairman (Senator Denis O'Donovan): You have exceeded your quota, Senator.

Senator David Norris: I beg your pardon.

Senator Susan O'Keeffe: I will try not to exceed my time. However, I am heartened by Senator Norris's enthusiasm and for the perseverance shown by various Members of the House, before some of the new Members arrived, in the pursuit of change and reform. Perhaps it is easier to do this now that the notion of reform has extended well beyond the House and that the public is now pressing for it. We appear, in a moment of harmony, to accept this motion, as I do. However, I urge a note of caution. I am sure we will seek to invite people to the House to talk and to offer advice, their opinions and experiences. We should not do so to ensure they are in our likeness or that they are safe.

Senator David Norris: Hear, hear.

Senator Susan O'Keeffe: We should not invite them as some kind of favour, telling them that they can come to the Seanad to make their point. We should not dress up the idea of change or reform that we know the public wants. That is the first word of caution and I suggest we take advice from Vincent Browne, a man some of us in this room know well. Recently, on his television programme, he made a public appeal to have new people on his programme. He recognised that the same voices are saying the same things in a roundabout and slightly different way. He was looking to be challenged and have challenging voices, thought provoking and energising voices, including people who would disagree as opposed to being disagreeable. I ask that we ensure that when we look for people to come to the House, we make sure we are going to include those who disagree with us and those who genuinely have something new to say.

Senator David Norris: Hear, hear.

Senator Susan O'Keeffe: As a journalist for many years, I have talked about rounding up the usual suspects and I do not want to see the usual suspects in here. Some will be welcome but we should not fall back on those.

The battle for light versus heat is at the heart of every debate and it should not favour heat. It is easy to look for heat because it is always a moment of car crash television. In return, I will offer Vincent Browne the advice that on occasion he prefers heat to light. I like to believe this House, in the pursuit of light, should not become just a wider talking shop. In inviting people, we should not produce an alternative outlet for egos. I do not want to see that here and no one else does either. In inviting people, we should not close down real debate by sucking time and energy away from important matters. We should not just appear to be busy and appear to be reforming by inviting in other people. I am sure this was far from the minds of the Taoiseach's nominees when they drafted the motion but I urge caution on this point.

Debate should always be based on principles, theory, evidence and analysis. It should always aim to reach a verdict. To disagree just for the sake of it cannot be the only reason to do so and if people wish to rebut they should do so with theory and evidence. Decision-making in the political process should always be based on evidence. That should be the holy grail. Decisions are often made for political reasons or for the protection of the *status quo* or both. The holy grail will remain that it must be based on evidence. Many appointments are made in the political system based on who one knows not what one knows. The idea of a meritocracy

is something we are pursuing in this society and in this country. In a way, we could have debates with people we know rather than based on what we know. In the new spirit of reform and unity, I urge that we keep that central at all times.

We have set ourselves a major challenge. “Love” is a four-letter word and “change” is a six-letter word and it is an awful lot easier to say than to do. From my time at the doorsteps during the general election campaign, I never heard a word used so often has the word “change”. In truth, people find it extremely hard to do and to accept. While we will beat ourselves up over time about the things we have failed to do, there will be a greater queue outside willing to beat us up for the things we have failed to do. We must remember that change is slow. Senator Norris has provided evidence of this, telling us how long it has taken reform to come to the Seanad. The Seanad should be in a constant state of reform but it will be slow and difficult. The public believes us to be out of touch and unaccountable. In part, this is because it is hard to see change. In this small moment of change, we should celebrate it and say that in this unity there is cause for hope.

There is much we can do as Senators in encouraging new people to engage in politics, engaging with people who do not care about politics and making a genuine effort to bring politics into schools. I see the curriculum in schools and it is a disgrace to say it touches on the political system. One of the questions in the junior certificate exam last week asked students to identify a number of houses, one of which was the White House. A young gentleman in the Public Gallery is nodding in agreement. I hope he got the answers correct. Surely that is not enough in terms of educating our young people, who will someday sit somewhere in this House, in this building, I hope, and govern. It is not sufficient to ask them to identify the White House from Áras an Uachtaráin or Leinster House. We must work harder as legislators to ensure there is some improvement in the curriculum in future. We have much to do outside the walls of this room but within its walls, if we believe truly that we are interested in reform, when people come here who are not in our likeness but who challenge us and those who are not safe people come to talk about true change, then we will listen to what they say. We will not suggest their words end up, as countless reports have done, on dusty shelves. We must heed them and make sure the Government heeds them also. Otherwise, we are engaging in a fancy piece of window dressing and I do not wish to be part of it. I welcome the motion with those caveats and I welcome the amendment. I am delighted to speak on this motion.

Senator Paschal Mooney: The names that appear after this motion, which I welcome, are those of people who are non-politically active in parliamentary politics. This is no reflection whatsoever on them. I join with those who returned to this House in saying that the collective wisdom of those who have been elected and nominated has considerably enhanced this House. They will be of particular value in promoting the view that the second Chamber should continue to play an effective role in our parliamentary democracy.

I do not take any umbrage with the wording of the motion and I do not oppose it. This Upper House of our parliamentary democracy is primarily a political Chamber, one that is charged with providing the checks and balances required of our parliamentary system to ensure the Government is brought to account through legislation. That is its primary aim although it is not the only function. In order for it to continue to be relevant in our society, it must further enhance its political and parliamentary role in the context of legislation. All of the other issues have, at one time or another, been introduced in this House. I do not suggest the motion is reinventing the wheel but, for those of us who have been here for some time, some of its elements suggest that. We had distinguished visitors to this House on a regular basis.

Senator Fidelma Healy Eames: Not last year.

Senator Paschal Mooney: That is a reflection on the Committee on Procedure and Privileges rather than anyone else because that is the method whereby one suggests it. Convention dictates that one does not raise a proposal on the floor of this House to invite an individual to this House. It is done through the Committee on Procedure and Privileges, as laid down in Standing Orders. Many of these initiatives have already been undertaken but that is not to suggest that the wording of the motion and support for it by all sides in this House should not continue to embrace that notion. We should not be concentrating on the method of election to the Seanad but on the function and effectiveness of the Chamber. The constitutional committee which ironically in the context of recent events, was chaired by the late Deputy Brian Lenihan came up with a number of proposals on how Members should be elected or access this House. It was suggested that the Dáil would elect a number of Senators and other Senators would be elected by universal suffrage. I suggest there is an inherent weakness in a directly elected Seanad, it was highlighted by Eamon de Valera, who abolished the first Seanad because its independence, according to him at that time, frustrated the Government's programme. The Members were seen as being too independent and the programme that the Government had been mandated by the people to implement, in the eyes of the then Government and his own, was being frustrated. However, interestingly, he reintroduced a Seanad under the 1937 Constitution. To this day we continuously have arguments as to its relevance, its retention, method of election and whether it has a representative mandate. Yet, the Seanad is here so many years later and it will be the sovereign right of the people to decide whether the Seanad should continue.

To repeat, I do not believe we should get too hung up on the method of election. We could expand the electoral college. We could have some Members elected directly and it is not beyond the capacity of the collective brains of society or of this House to devise an election that would be practical, workable and acceptable.

The abolition of the Seanad makes wonderful headlines and in the present economic climate any measure that in any way indicates the Government can save the money of the hard pressed taxpayer is seen as a populist move. By abolishing the Seanad, we will save about €25 million, the figure the media is using, but I have not gone into the detail as to whether it is true. This is not money to be thrown away like snuff at a wake. It is a significant sum, especially if one is trying to live on €180 per week. In the context of a Government budget of almost €50 billion, for a Government to suggest that the saving it will make by this will impact positively on the lives of those living on €180 per week is ludicrous. There are many other areas of Government waste — and I use the word waste advisedly, that could be investigated, where savings considerably in excess of the €25 million it costs to run this House, could be considered.

Any debate on the future of this House should focus on the consequences of its abolition. The reduction in the number of elected members to the Dáil, as proposed by this Government, in addition to a reduction in the number of committees and the number of members on each committee will I suggest place enormous pressure on the Opposition to call the Government to account. Anybody who visits the Dáil on a sitting day remarks on the number of Members present. The way that parliamentary democracy works is that the Opposition appoint party spokesperson to shadow the various Departments and they make the case on behalf of the Opposition. All Deputies stand for election in multi-seat constituencies, causing the vast majority of Deputies to be more concerned with ensuring that they respond to their constituent's needs. Call it parish pump politics, if you wish, but woe betide the Deputy who does not look after his or her constituents. In the greatest democracy in the world, Tip O'Neill, the former speaker in the US House of Representatives said that "All politics is local" and anybody involved in active politics in this country knew exactly what he was talking about. The Government has a massive majority and this has resulted in an Opposition that I suggest is so irrelevant

that the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte referred recently to dissent in the Labour Party as the real Opposition, while the Labour collective in Cabinet now regularly refer in the media to the “National Government”. This is conveying the impression that there is a general consensus in Leinster House on the Government’s programme — in other words, there is no Opposition. It is a national Government after all. We are focused on our objectives and we will not dissent. That is not what parliamentary democracy is about, nor, I suggest, should be about. It should be about effective Opposition. How much more important will a second Chamber be in this new dispensation?. Who will watch the Executive, a pliant media, a media that has been giving this Government a honeymoon? I suggest, and it is a partisan point, the media has an obsession with ensuring that not only did Fianna Fáil go out of Government, but its entire destruction as a political party. The media is hardly going to turn around in the immediate future on into the far future and say that there are questions about the accepted wisdom of what the previous Government did or did not do or what it was responsible for.

Acting Chairman (Senator Denis O’Donovan): The Senator’s time is up.

Senator Paschal Mooney: I suggest to the Members of this House and the worthy Member who have put forward this motion, for whom I have the most enormous respect, for the contribution that they have made and continue to make to civic society and to those who will continue to make that very important contribution and represent the various areas of Irish life in this House, that in the future, when we return to this subject that we look of the consequences of possible abolition and the impact it will have on our parliamentary democracy and how we as a people will call the Executive to account.

Acting Chairman (Senator Denis O’Donovan): Senator Healy Eames has eight minutes.

Senator Fidelma Healy Eames: I welcome the motion tabled by the new Independent group. I commend them for tabling it so early in the term because it is very important that we commence the study and examination of a future role for this House. I think the future role should begin now. We need to show that we are serious about reform and how the House can be beneficial to the entire community and civil society as well as carry out its important legislative functions. Everything I will raise today is against the background of the need for political reform of our entire democratic institutions, that includes the Dáil, Seanad and committee structure.

The central theme of the motion tabled by the Independent group, as I read it, is engagement. It is engagement with the ordinary citizen, the community leader, the peace makers and the policy experts on as wide a range of topics as possible. Senator McAleese spoke about the open space and I liked that concept, that the Seanad can be an open space, where we represent what is outside this House and where we take from here and reach out to the people. That it an inhouse perspective and an out of house perspective, or an outreach perspective. This is what I was aiming for in my first contribution in the Seanad, when I requested the Leader for a change in the Standing Orders so that we can publicly engage with people from outside the House in this House. Since then many others have made the same point. The previous speaker was correct to speak about the important legislative functions of this House and the importance of the checks and balances. I argue that if those checks and balances had been in place in our banking system, if we had had proper regulation we would not be in the mess we are in today. Let us not throw out the baby with the bath water. Democracy is a very fragile flower and we can see that in countries, such as Libya or other countries across the globe, how much they would value what we have. Of course, the Seanad must give value for money, but I will outline

[Senator Fidelma Healy Eames.]

how I campaigned during the recent elections to the Seanad, how this House can deliver value for money to the Irish citizen.

We must start with universal suffrage. It must start with every Irish citizen having the right to vote for elections to this House. Until that is the case, the Seanad will be seen as elitist. Of course, that is not the case at present, but that is a fundamental basis for reform. It is not to put down the current voters, because I received significant support from that electorate. It is upsetting to see the extent to which councillors can be put down by people in various sectors of society. The electorate for many councillors is between 800 and 3,500 people, which is not to be scoffed at.

In addition to our important legislative functions, we must also consider how we can reform the House during this term. I campaigned for the Seanad on the grounds that it is capable of a wider role that can be relevant to every Irish citizen and work to the benefit of the public if we have the will to make it happen. Such a role could involve an expanded programme of work to include scrutiny of European legislation and directives, which have an enormous effect on the lives of Irish people. Some 75% of the legislation that passes through the Houses of the Oireachtas originated as EU directives. I remind Members of the furore that erupted recently over the bogs and the impact of special areas of conservation, SAC, orders. Approximately 75% of Connemara, which lies in my constituency, is designated as SAC. We had inserted into the Lisbon treaty a clause which gives us eight weeks to accept or reject a directive from Europe. We should use this House to debate these directives thoroughly. A group should be formed from Members on all sides of the House who are willing to scrutinise European legislation. As the committee on EU scrutiny has been removed from the committee structure, we have to be careful about these directives given their significant influence on our lives. People in Connemara, for example, are currently experiencing difficulties simply in building homes because nearly every square foot of land is in a special area of conservation. These are people who were born and bred in the area. How can a directive intended for the EU's entire population of 500 million be suitable for every country?

The second area in which the Seanad could play a valuable role would be to debate the concerns of the diaspora. We need to represent, in a structured way, the voices of the generations of emigrants who have contributed to the building of other countries and the rebuilding of ours. We also have to rebuild Ireland in view of the fact that 1,000 of our young people are leaving our shores at the moment. We cannot disregard the diaspora and our emigrants.

The third role, which has been mentioned by other speakers, is peacemaking and North-South relations. We are fortunate to have the benefit of Senator McAleese's expertise in this area. The Seanad could also offer oversight of balanced regional development on the island of Ireland. A quarter of the population currently resides in the greater Dublin area. With that comes the resources, opportunities and attendant problems. What about the rest of the country? How can it be healthy to focus all our resources in one area? What about the balance between east and west and who has oversight on this matter? The Seanad could play a constructive role in this regard.

We could also engage expertise from outside the House, although we need to be careful about who we invite. We should focus on amending the rules of the Committee on Procedure and Privileges so that we can invite the heads of organisations, such as the CEO of NAMA, the Ombudsman and the EU and IMF people to whom Senators Barrett and Norris referred.

Our guiding principle must be to find ways of better serving the Irish people so that we are relevant, accountable, alive and providing value for money. If we meet those tests, the Irish people will vote to keep us. However, there must be universal suffrage for future elections so

that everybody has a say. The result will be that the House is no longer elitist and people will believe this is truly a participatory democracy.

Senator Eamonn Coghlan: When I made my maiden speech in the Seanad, I noted that I was highly honoured to have been appointed to the House by the Taoiseach. We have on numerous occasions been referred to as the Taoiseach's 11 and I have been trying to understand whether we are seen as a soccer team or a hockey team. Given that a group of seven Independent Members proposed the amendment, perhaps we are a basketball team and we are here to bounce the ball. Being appointed to the Seanad was a daunting experience because, coming from a sporting and non-political background, I had no idea what to expect. On being told about the Committee on Procedure and Privileges and the various joint and sub-committees, I did not know whether I was coming or going. I did not know the appropriate language used in different places and I found it difficult at first. Over the past several weeks, however, I have become less intimidated because everybody has been very friendly and, on most occasions, agreeable.

When I was appointed to the Seanad, many of my friends in the world of sport and on the streets of Drimnagh, Crumlin, Walkinstown, Porterstown and Castleknock congratulated me but warned me that I would only be in the job for another year because they believed the Seanad would be abolished. When I asked whether they knew what the Seanad does, they responded that they did not have a clue other than it costs the taxpayers a considerable amount of money. My experience of the past three weeks has taught me that we carry a serious responsibility to inform the people about what we do and bring the Seanad to the people of Ireland so that when they vote in a referendum they will decide on the basis of our work rather than our cost.

Our focus for the next year should be on the value of the Seanad instead of on its abolition. We provide the checks and balances for the people of Ireland. Our debates have been about how we can achieve value. In his first contribution to the House, Senator Crown stated that we cannot decide the future of the Seanad but we are all agreed that the Seanad requires reform rather than abolition. The proposal from the Independent technical group will send a signal to the people that we are bringing value to the citizens of Ireland. The caution advocated by Senator O'Keefe is perhaps appropriate but we will not show that we mean business if we proceed with caution. We will mean business if we proceed with risk.

Senator Rónán Mullen: I dtosach báire, ba bhreá liom tréaslú leis na Seanadóirí neamhspleácha ainmnithe ag an Taoiseach as ucht an rún an-úsáideach seo. Is fiú go mór an bun-moladh atá laistigh den rún a chur chun cinn. Tá áthas orm go bhfuil an Teach, má thuigim i gceart é, ar aon intinn faoin moladh lárnach — go dtiocfadh daoine ciallmhara le taithí ar ghnéithe éagsúla an tsaoil anseo go rialta agus go ndéanfaidís díospóireacht linn faoi chúrsaí reatha, polasaithe agus reachtaíochta. Creidim go mór gur fiú go leagfaí béim ar an ról a d'fhéadfadh a bheith ag an Teach seo maidir le dul chun cinn an próiseas síochána, mar shampla. B'fhiú go mór go mbeadh ról ar leith ag an Seanad maidir le díospóireachtaí agus cainteanna idir daoine ón Tuaisceart agus daoine ón Deisceart. Measaim go gcuirfeadh sé sin go mór le leas na tíre.

I wish to be associated with the essential proposals in the motion, which I commend. It is an excellent motion and it is only wise and proper that it would attract support on all sides of the House. It should be a part of the future of the Seanad that arrangements would be in place to allow us to engage with what has been described as well-informed citizens and residents from different walks of life and leaders and representatives of civic life. I particularly welcome the emphasis on North-South dialogue. I know it was not the intention of the Independent Senators proposing the motion and I mean no disrespect to it when I say that if that was all we achieved

[Senator Rónán Mullen.]

in terms of reform we would not manage to change the public's view of the Seanad very much. I do not say anything particularly contentious in that regard.

Given the ongoing debate about the Seanad and its proposed abolition by the Government, or at least the putting of that notion to the people in a referendum, and the fact that there have been many reports about Seanad reform in the past, any Senator re-elected will have had occasion to think quite a bit about the Seanad and what its roles and functions should be. A couple of observations are worth making. I have said that I would welcome people from outside coming into the House to engage in debate and dialogue with us. We need to consider that in the context of what currently goes on with the joint Oireachtas committees. I was a member of the joint committees on social protection and European affairs in the previous Seanad. It can be the case that people come to discuss matters with the elected representatives of the people but not much light is shed on issues. Very often it can be due to the way the debates are structured. The existing practice may change, as has been proposed in terms of the operation of some of the committees. I presume it will be a matter for each individual committee how it orders its business.

Previously it has occurred that an expert group, advocacy group or one from civil society has come before a committee, made a presentation and each politician present got an opportunity to put questions. Party representatives are the first to speak and everyone gets a chance to put a few questions. At the end the invitee is expected to respond in some way to all of the questions. That is something they never managed to do. They did not manage to give any kind of comprehensive response. What I have not seen happening very much in most of the committees — there may be exceptions which one is sure to see on “Oireachtas Report” — one rarely sees an dá taobh ag dul i ngleic lena chéile, ag cur is ag cúiteamh, the close, intense questioning and the back and forth aspect of such questioning that is sometimes necessary to bring out the truth and get accountability.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Rónán Mullen: It behoves public representatives that if we are to seek the opportunity for a more enlightened approach to the questioning of invitees that there would be a corresponding obligation on us to be well mannered because the temptation of many politicians is to grandstand and try to get media publicity so as to be seen as the person who causes the row and puts it up to the unpopular invitee. There is a challenge facing us because if we want that kind of fruitful exchange with external invitees we are going to have to up our own game as well in terms of our level of research going into the process and how we conduct ourselves during such exchanges.

I would like to see the Seanad in some sense leading the way on that in a manner that I hope does not just duplicate what might be possible at committee level. However, if it is to be successful we will have to think through very carefully how we order such exchanges. I do not relish the idea of it somehow being a boast of the Seanad that we had some buic mhóra istigh anseo inniu ag plé linn. There is no credit in that. There is no credit in having the big name person in. It may attract a certain amount of headlines but unless we are attending the debate with ideas in our heads that we have researched and with the opportunity to engage with the invitee then we will not achieve very much.

The second issue that occurs to me is that perhaps a more important obligation on us in the Seanad is to try to convince the Executive of the importance of our role as scrutineers of legislation. The relevant constitutional provision states simply that the Government shall be responsible to the Dáil. We need to change that situation to introduce mechanisms where the

Government can be seen to be accountable to the Seanad as well. There is no reason, for example, why we could not have parliamentary questions or their equivalent in this House. I do not see that the current practice of raising questions on the Adjournment, where some civil servant has a day to draft a prepared answer and some Minister who has nothing to do with the brief comes to the House and read it out dutifully, permits us to hold Government to account in any way. Simply because we are not directly elected is no reason we should not have the capacity to hold Government to account in significant ways.

I will conclude on this point. If I play my cards right I might get away with a lot. If we are to be effective scrutineers of legislation, we need the resources to achieve that. We should not be afraid to say to the people of this country that we may envisage there being fewer Deputies and Senators in the future but we should make no apologies for asking for the resources we need in order to be effective scrutineers of legislation. I know a certain amount is achievable through the expenses system that is currently in operation.

I have had experience of tabling amendments. On one occasion I tabled amendments to the Broadcasting Bill on which I was seeking the introduction of a heritage channel in the context of the new digital era in RTE. There was support on all sides of the House for what I proposed but the Minister did not have to do any great intellectual spadework in order to take on my suggestion or be seen to engage with it. He knew, first, that there would be no great media coverage of the proposal so one did not have the fourth estate backing up the Legislature as it sought to challenge the Government to take a new direction. Second, the Minister had the entire Civil Service at his disposal. He knew that this legislator, and others, did not have such equality in terms of preparing and checking out proposals.

We need a change of heart in the Executive so that it starts to relate to us as legislators. There is a great onus on Senators on the Government side to take that message to the Government very strongly and say it will have our votes when it comes to being whipped. That is essential to the smooth running of a democracy.

However, our votes will not always be guaranteed. We must insist on the right to be legislators, and we need the Government side to lead the way. That will ultimately be the test of whether the Seanad achieves credibility in the eyes of the public. The Government Senators in particular must lead the way and say “Yes, we want to be legislators.” We must be able to guarantee a certain coherence in the legislative process while reserving the right to think for ourselves and consider legislation actively. One thing that will enable us to do that is the provision of resources, which is not just a question of money but also — I know it is not a good time to be making this proposal—

5 o'clock

An Leas-Chathaoirleach: Your time is well up, Senator.

Senator Rónán Mullen: —the allocation of certain resources from the Civil Service to help us achieve that. It should not be the case that Government Ministers or junior Ministers get lots of people from the Civil Service to help them run their constituencies, while elected representatives of the people get no allocation to assist them in their work as scrutineers of legislation or, Heaven forbid, proposers of amendments to legislation which the Government might have to take seriously. I hope those considerations will be dealt with in our discussions about the necessary political and Seanad reform that is to come.

Senator Cáit Keane: Is an-thábhachtach an rún atá os ár gcomhar. Aontaím leis an rún agus ba mhaith liom caint faoi anois.

I support the motion, which is a worthy one. It has received consensus around the House and I have not heard any Senator speak against it. In striving to strengthen our parliamentary democracy—

An Leas-Chathaoirleach: Does the Senator wish to share time?

Senator Cáit Keane: Sorry. I forgot that I must share the time and I will not be able to say all I have to say, in deference to the Minister. I wish to share my time with Senator Colm Burke.

An Leas-Chathaoirleach: Is that agreed? Agreed. How much time are you giving him?

Senator Cáit Keane: Four minutes each.

An Leas-Chathaoirleach: All right. Ar aghaidh leat.

Senator Cáit Keane: In striving to strengthen our parliamentary democracy, we must ensure we do not try to re-invent the wheel. This is my first time in the Seanad, but I believe there have been 12 reports on Seanad reform. We must take the best from what has gone before and consider what we can add to it because, if we do not do so, and if we do not change, we deserve to be abolished. I will try my level best to ensure this House acts and conducts its business in the way it was set up originally to do. I hope we can hold the Government to account and scrutinise legislation, because there is a need for these things.

As well as the people we invite in, the functions of the House are important. We will have to devote some time to addressing the issue of inviting people in, perhaps in committee, and decide how it is to be done. During the 20 years I spent in local government, we invited experts and learned people to contribute to the strategic policy committees. It was worthy debate and we learned a lot from it, but it is important to remember that we must act on things as well as listening.

The question of the abolition of the Seanad will be answered by the people in a referendum, as the Taoiseach has said. People have said to me that they would prefer the question to be put in a so-called preferendum rather than a referendum — that is, with three questions rather than one question — because otherwise the issue may not be understood in full. However, I believe there is some constitutional issue with this, although I am open to correction. The committee on the Constitution might be asked to consider it.

The Government has been proactive in introducing change, including the changes in the Easter and summer recess periods, the reduction in the number of committees, which is to be welcomed, and the appointment of the 12 Taoiseach's nominees. People have said that after the next Seanad reform there should perhaps not be any nominees at all — that everybody should be elected to the Seanad by the people under a totally different electoral system. That is another proposal that could be considered. The Government has also said it intends to reduce the number of TDs and Senators after the publication of the 2011 census, which is to be welcomed. There is a general public desire for progress on reform issues.

I wanted to speak on bringing EU legislation into the House but I will skip that because Senator Healy Eames mentioned it. North-South connections have been mentioned a lot in the House and I compliment Senator Martin McAleese in this regard. However, there is a lack of connection between local government, the Seanad and Northern Ireland bodies. A North-South body existed at local level, followed by the North-South Confederation of Councillors and the Confederation of European Councillors; however, there was no connection with the Seanad, whose Members are partly elected by councillors. In considering Seanad reform, we should discuss the possibility of a North-South Seanad and local electoral body. I was elected previously by 60,000 voters, which at local level is not to be sneezed at. Much of the North-South groundwork was done with local people by the Senators I referred to previously.

There is also an educational role for the Seanad. Senator Bacik said that over the last ten years, of 30 Bills passed, ten were initiated in the Seanad. Do people know this? No, they do

not. We do need a bicameral system of Parliament and we would be unique in western Europe if we did not. Only Norway, Sweden, Finland, Portugal and maybe a few other principalities have a unicameral system. The people will speak. They will be given a choice, and they will choose. However, they must be educated on what goes on here. There is much negative publicity — sometimes rightly so — but much good is done here, and that should be brought to the fore. We get only one term to consider this, and this is it.

Senator Colm Burke: I wish to follow on from the comments of my colleagues, particularly those of Senator Healy Eames, with regard to European legislation. As someone who worked in the European Parliament for two years I am conscious of the volume of legislation that goes through that Parliament. People may not know that we have 90 permanent representatives based in Brussels, watching new legislation and regulations that are coming through. The volume of legislation is such that 90 civil servants are required to monitor it. The protocols included in the Lisbon treaty set out clearly the role of national parliaments. We have an eight-week time period in which to respond to new proposals. That is very short, but it means we have a part to play. The protocol on the role of national parliaments in the European Union states: “Desiring to encourage greater involvement of national Parliaments in the activities of the European Union and to enhance their ability to express their views on draft legislative acts of the Union ...”. The role of national parliaments is clearly implied here, but I do not think we are fulfilling that role in the present structures, and we need to address this.

I welcome this motion because it is important that we consider the people who have particular issues. It is interesting that the European Parliament, which represents 393 million people, offers a facility for people to express their views. I have been there when international leaders have appeared before the Parliament to give their views, which did not necessarily coincide with the views of each member state. We also had a procedure whereby Members of Parliament who had distinct views appeared before various committees within the European Parliament structure. We do not seem to have the same opportunities here.

This motion is welcome and I support it fully. This is the way we need to go. We are here to govern, but it is also important that the people for whom we are elected to work have an opportunity of presenting their views. Even if we do not always agree with them, it is important that they are given that opportunity. I support this proposal.

Senator Trevor Ó Clochartaigh: Gabhaim céad fáilte roimh an Aire Stáit agus gabhaim buíochas leis as bheith anseo chun éisteacht leis an phíosa cainte seo. Seo an díospóireacht is suimiúla a bhí againn sa tSeanad go dtí seo. Tá mé féin íontach bródúil as bheith i mo Sheanadóir. Rud nach bhfuilimid tar éis díriú air sách dlúth ná an ról atá againne, go pearsanta, mar Sheanadóirí. Táimid ag caint faoin ról atá againn mar ghrúpa ach tá dualgas agus ról againn mar dhaoine aonair. Is íontach go deo an phribhléid í sin agus tá mé ag baint an-shásaimh as an phribhléid sin.

This is probably the best debate we have had so far in the 24th Seanad and the one I have enjoyed the most. We have focused on our group role as Senators but have not examined our personal role. Being a Senator is an absolute privilege. I feel delighted and honoured to be sitting here in the Chamber today with such distinguished Members. I am delighted to be one of only 60 of 4.5 million who have the privilege of being here and who are paid to speak on behalf of their communities. Senators have an amazing role to play. I am only here several weeks but I can see the difference we can make as Senators in our local communities. If I daresay and with respect to the Minister of State, Senators have a much more enlightened role than Deputies as we are not tied down to a geographical area. I can speak on behalf of all Irish-language speakers on this island and abroad. I can speak on behalf of rural communities across the country as well as for those from Connemara and west Galway.

[Senator Trevor Ó Clochartaigh.]

We are very much in danger, however, of becoming a self-fulfilling prophecy and should stop talking about abolishing the Seanad. We need to start talking about what we need to do and focus on as Senators. If we focus on that, people will then focus on what we are doing. Instead of talking about the “A” word, we should be talking about the “W” word, the work we do as Senators. That is what will stand to us. If the Seanad ceases to exist, it will be no fault of ours because we will have done everything possible to keep the Seanad and make it relevant.

Many theatrical metaphors were thrown around last week. Initially I thought when I was going to make my contribution today it would be act 2, scene 1 but now I feel it is act 2, scene 4. The first act usually gets people going with them coming in with a sense of excitement. There was certainly that energy to last week’s debate. It is a little more difficult, however, after a boozy interval – not that I am suggesting anyone has had one – to get speakers going again.

Senator Fiach Mac Conghail spoke of a citizens’ hour. It is important we get to hear the voices from outside. As someone who worked in the media for some years, I know the media is looking for a different angle with new people in the Chamber listening to what we have to say and for us to hear what they have to say. That is no harm because we all have to work with the media and find ways of bringing the media into the Chamber.

Yesterday, I attended an interesting debate on the arts in Galway hosted by the Minister for Arts, Heritage and the Gaeltacht, Deputy Jimmy Deenihan. The one theme running through all contributions was that we need to hear dissenting voices. We tend to push people in the arts into a box that fits the State agenda. Yesterday, artists were saying they do not need to be told what to do but given the space to do it. I am afraid with this Private Members’ motion that we may get too many grey suits sitting in the Chamber when we need dissenting voices, creativity, imagination and culture. We need poets, artists and imaginaries who will inspire us, as well as the grey suits to tell us what the policies are. We need a lot of leadership as well as inspiration. I would like to see the Committee on Procedure and Privileges, CPP, take this on board when it chooses those who will be asked to attend the Seanad. At the moment, we have an eclectic mix of dentists, doctors, dreamers and doers.

Senator Rónán Mullen: And druids.

Senator Trevor Ó Clochartaigh: We do have a few of them as well. Members can decide what specific category they fall into but we all need to be doers too.

The only limit to this Seanad is the limit of our imagination. Within certain constitutional limits, this Seanad could re-invent itself in any way it wants. The CPP can change Standing Orders or the Government parties can ask the Government to make whatever changes are possible under the constraints of the Constitution. There is nothing to stop us making changes except ourselves and our imaginations. I call on all Members to open their imagination.

I call for a change in Standing Orders regarding groups. I agree with Senator Susan O’Keeffe who said we must include those who disagree with us. There is, however, a certain contradiction in the House when the Sinn Féin group has not yet been recognised. Will the CPP revisit its decision and recognise us as a group? While we are a dissenting voice and may not agree with everything the Government parties say, we have a valid point and mandate. If the House is to live up the ethos of this motion, the CPP should consider this as quickly as possible.

It is said that when it came to their appointees to the Seanad, many taoisigh were clever in keeping their friends close but their enemies closer. The current Taoiseach’s nominees have been very vocal in their positions outside of the Seanad and in the groups with which they worked. I would hate to see that vocalism stifled in any way in this Seanad.

Sinn Féin welcomes the North-South element of this motion. Dialogues, reaching agreements and implementing them are the key lessons we have learned from the peace process. The all-Ireland structures of the Good Friday Agreement should be developed and enhanced. It would be the proper that the First Minister and Deputy First Minister from the North would be the first to address the Seanad, thereby promoting dialogue between North and South.

There is a need to allow space for communities affected by conflict to take part in the political process, to be heard and to have a role in delivering change. This is true of working-class loyalist and republican communities, including those victims and survivors of conflict and state violence. Much work is going on at community level between working-class loyalist and republican communities to deliver change, to challenge inequality and to tackle sectarianism. We feel this should be part of a much wider general conversation on political reform.

It has been argued we need to give space to whistleblowers. Will the CPP consider asking certain individuals to attend the Seanad who could act in a whistleblower capacity while having the privilege of the House conferred on them? If this had happened in the past, some of the dissenting voices trying to draw our attention to the oncoming economic crisis would have been listened to more.

Is íontach an onóir dúinn ar fad a bheith anseo. Is fúinne atá sé. Caithfimid éirí, teacht isteach anseo agus gníomhú ar son ár bpobail, ar ár son féin agus ar son mhuintir na hÉireann. Má éiríonn le gach duine den 60 duine atá anseo é sin a dhéanamh beidh fiúntas déanta againn agus beidh meas ag an bpobal orainn dá réir. Ní dhéanadh sé aon difríocht muid a bheith ag caint fúinn féin agus ag caint faoi leasú anonn is anall, ach an obair fhiúntach a dhéanfas muid, agus as lámh a chéile, agus gan a bheith ag labhairt as dhá thaobh dár mbéil. Caithfimid gníomh agus beart a dhéanamh de réir ár mbriathar.

Senator Jim Walsh: I dtosach báire, ba mhaith liom comhgairdeachas agus moladh a ghabháil leis na Seanadóirí Neamhspleácha as ucht an rúin atá ar an gclár. Tá sé oiriúnach dúinn anois mar tá morán cainte déanta ar an ábhar seo. Tá sé in am dúinn rudaí áirithe a chur i mbun tar éis na díospóireachtaí a bhí againn an tseachtain seo caite agus inniu.

I concur with many of the suggestions that have already been put forward by other Members. It is important to ensure that the best ideas and suggestions be implemented. In that context, I welcome the response of the Leader and the receptive way in which he has, to date, taken such suggestions on board. I also welcome his aspiration to ensure that the Seanad will be an effective instrument of the State. That is a view which I support.

Senator Sean D. Barrett: Hear, hear.

Senator Jim Walsh: It is obvious that this and the Lower House are inhibited in a number of ways. I have a deep conviction that the challenges the country has faced during the past three years have to some extent illustrated the significant structural weaknesses that exist in the Oireachtas system. I am of the view that the control and influence exercised by the Executive in both Houses has unintentionally contributed to the developments of the weaknesses to which I refer. There is a need for radical reform. It is my opinion that there is a far greater need for such reform in the Lower House than in the Seanad. I have not seen an indication of any desire regarding or any movement towards change in the Dáil. That is a real pity.

The idea that the Seanad should be abolished is very simplistic. When it was put forward, this suggestion certainly garnered headlines and that may well have been the intention. It also directed the focus away from weaknesses which might have existed elsewhere. It is interesting that much of what occurred in the Lower House — to which many Senators referred as being partisan politics — is coming back to bite those who were previously in opposition but who

[Senator Jim Walsh.]

now form the Government. Those to whom I refer are being obliged to face up to real issues and to make the type of decisions to which they would previously have been completely opposed. Despite the fact that there might be a tendency to do so, I hope my party will not move in that direction.

There is a need for us to be responsible. The first obligation of Members of these Houses is to the people and not to their parties. If we, as politicians, fulfil that obligation, we will bring about a major change in the existing mindset. We will also restore the respect which politics enjoyed during much of the time I have been involved with the profession. It is only really in the past couple of decades that politics has been tarnished. I do not entirely blame the political system for this. A great deal of blame must be ascribed to the media in respect of what has occurred. There has been a rush to the bottom on the part of the media in this country. That fact has been recognised by serious, objective journalists and by the National Union of Journalists, NUJ. At a conference in UCD — which was organised by then Minister for Justice, Equality and Law Reform, Michael McDowell, which dealt with changes in the defamation laws and in respect of which journalists were interested in exerting an influence on shaping the outcome of the debate that took place — the secretary of the NUJ acknowledged that there had been a very significant lowering of journalistic standards, not just in Britain but also in Ireland. Most politicians are afraid to say that because they believe they might be vilified by the people reporting their words.

One of the great strengths of this House is that I and many other Senators have never felt inhibited with regard to commenting on particular issues because we do not really have any influence over the electorate before which we are obliged to go. That is an aspect which should be taken into consideration when we are considering reforming the House. I accept that it is populist to say that the people should decide. The people decide who are their representatives. Those representatives are given access to a broad range of responsible decision-making processes which impact on the lives of people in many significant ways. Allowing the people to make a contribution with regard to who should represent the country in the Upper House would be entirely commensurate with that which I have outlined and would mirror what happens in other republics. France is a notable case in this regard.

There is a need for a great separation between the Executive and the Houses of the Oireachtas. This significant structural change must take place and I am of the view that in its aftermath there would be greater accountability. I wish to make a criticism which I believe will be borne out over time. The Government has made changes in respect of reducing the number of joint Oireachtas committees. This was a populist move supported by the media in the absence of any great intellectual evaluation of the consequences involved. As a result of what has been done, many extremely important State functions will be grouped together under committees on which large numbers of Members from both Houses will serve. This will dilute rather than improve the accountability of those committees. If the flaws which have become apparent during the economic downturn illustrate anything it is that there is a need for even greater scrutiny and accountability in respect of policy-making.

I have gone against the party whip on at least one occasion. In that context, I am of the view that the rigid application of the whip system in this House, in particular, is not conducive to bringing about real or representative decision-making. The whip system gives rise to a herd mentality in some instances and does not encourage the type of objective and constructive decision-making which should form an essential part of any democratic institution.

I urge the Leader to consider the use of special select committees of the House. The Members of the current Seanad possess a great deal of expertise. If we were incisive with regard to choosing one or two areas of policy in respect of which a select committee of the

House could bring to bear a new, dynamic form of thinking, this would be a good development not only for the Seanad but also in respect of policy formulation.

I concur with the concept of bringing before the House people who possess expertise in areas such as sport, those who are involved with cultural organisations and individuals such as economists and EU Commissioners. I am of the view that the Chinese ambassador to Ireland should be invited to come before us. China is going to become the foremost economy in the world within the next decade. It has a major influence on world trade and will have a major impact in the context of, if possible, assisting in avoiding a double-dip global recession. The Chinese are just embarking on a five-year plan and it would be good for Senators to be informed about that. The House could also engage in a debate on the EU's Food Harvest 2020. All of this would bring an entirely new dimension to the workings of the Seanad.

One individual who should definitely be invited to come before us is Jean-Claude Trichet, President of the European Central Bank, ECB. The ECB has played a fundamental part in creating the difficulties in which we now find ourselves. However, it is also an absolutely essential component in the context of discovering a solution to those difficulties. A debate relating to that organisation, which would be enhanced by having its President come before the House to outline what are his plans, would be good for Ireland and for the Seanad.

Senator Jillian van Turnhout: I thank Senators for their support both today and when the debate commenced on Wednesday evening last. I also thank them for expressing their views in conversations we have had in the corridors of Leinster House in the intervening days.

During the debate a large number of proposals and ideas relating to reform — many of which I endorse — were put forward. Senator Mooney stressed the fact that the Seanad has an important political and legislative role. Our intention, in the form of the motion, is to try to underpin and inform that role and to ensure that the Seanad remains connected. The motion is not in any way designed to diminish that role. It would also be important to discuss wider political reform but today is about taking a first step in changing our way of work and our engagement, inside and outside the House. It is about putting words into action.

Last Wednesday evening, I heard the Leader, Senator Cummins say: “The amendment is to ensure the implementation of this motion without delay.” Therefore, the Independent group agrees with the amendment. Following the approval of the motion I will request a meeting with the Leader to discuss the mechanisms that can be put in place to ensure that its intentions are realised. I do not wish to pre-empt these discussions or those of the Committee on Procedure and Privileges but I stress the need for the actions outlined in the motion to be in place by July.

The motion is an enabling motion. We believe it will realise what we have all reflected in our comments during the debate. It is about enabling the House to engage directly with people from all walks of life. These people can inform us, challenge us and even inspire us. It will provide us an opportunity to invite to the floor of Seanad Éireann appropriate leaders and representatives of civic life. It will also ensure that the arrangements are in place for the hosting of respectful North-South dialogue, deepening our cross-Border relationships and promoting a shared approach to the significant centenaries that will arise in the next decade.

We welcome the appetite demonstrated for reform and the wealth of ideas proposed in the debate. During the debate, a saying repeatedly came into me head. “Well done is better than well said.” I used to think my mother had invented the saying but I since discovered it should be attributed to Benjamin Franklin. This motion is about doing. It proposes small steps, albeit important ones. Let us join together around this motion. Let it be a shared motion, as suggested

[Senator Jillian van Turnhout.]

by Senator Norris. I believe I could place the majority of Senators' signatures below this motion. I take it as that.

I ask Senators for their wholehearted support in endorsing the motion. By working together to realise our vision, let the Seanad be the place that lets Ireland know what is going on in Ireland.

Amendment put and declared carried.

Motion, as amended, put and declared carried.

Adjournment Matters

Agri-Environment Options Scheme

Senator Brian Ó Domhnaill: I apologise to the Minister and to the House for being late. I was at another meeting.

The agri-environment options scheme, EOPS, is the replacement of REPS, particularly REPS 4, which was preceded, in turn, by REPS 3, 2, and 1. The scheme as currently applied leaves many queries for farmers and their agricultural consultants. This is particularly the case with regard to two or three points. The first is the reduction in the overall amount of money available for the scheme this year compared with 2010. The reduction of the maximum payment from €5,000 to €4,000 is placing a great burden on farmers. Given that there are only 6,850 applicants in the system, the average payment this year will be approximately €3,200. Last year, the average payment was €3,800 or closer to €4,000. It would appear, therefore, that the €25 million available for the scheme this year would not all be spent. This raises the question of where the money will go? What does the Department propose to do with any money that is left over?

While the REP scheme was excellent, unfortunately there were difficulties from Europe with the continuation of REPS 4 or a new REPS 5. The AEOS in some way replaced REPS, it is alarming that while the previous Minister gave a commitment to the IFA and other farming organisations that the natura payment would be increased from €75 to €150, the current Minister for Agriculture, Fisheries and Food has somewhat refused to consider increasing the payment to €150 per hectare, which is a major cause of concern particularly to farmers in rural areas. I would hope that while agreement seems to have been received from Europe to increase the payment from €75 to €150, I would hope the Minister would proceed to increasing the natura payment to €150, which would at least assist farmers in severely disadvantaged areas who had to destock — we all know the difficulties with the destocking with the gorse fires and so forth. They were receiving €242 per hectare on their REPS and are now reduced to €75 per hectare. It would only be appropriate as a compromise that a payment of €150 per hectare would be made available under the agri-environment options scheme.

The other issue with the scheme is whether it will be reopened to new applications next year. It is a major cause of concern for many farmers currently in REPS 3 whose term is coming to an end. Figures I have seen would suggest approximately 30,000 farmers will be discontinuing in REPS 3 and they need to know where they will go from here if there is no agri-environment options scheme open for new applications in 2012. While the farming community needs clarification on it, the crux of the issue for the disadvantaged sector would be the need to increase the natura payments for the special grassland species to €150.

Farmers whose applications for the agri-environment options scheme were approved, for example, in August 2010 have not yet received any payments. None of the 6,850 applicants

approved under the scheme has yet received any payments even though they have carried out fencing works, and have planted shrubs and trees. They have expended a considerable amount of money but have received no assistance under the scheme to date.

There are a number of queries with the scheme, including the payment and whether the natura scheme will be open for applications again in 2012. If it is not open for applications in 2012, many of those farmers will be forced into the farm assist scheme which is wholly funded by the State and not by Europe. If farmers were forced away from the agri-environment options scheme and REPS into the farm assist, the burden on the State would be greater than providing the agri-environment options scheme, which is partially funded from Europe. I welcome the Minister of State, who was in my county recently and I was glad to see there.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Shane McEntee): I thank the Senator for raising the matter. It is an issue about which I did not know very much until we got a full briefing from those involved. There is no point in me giving an answer about a matter where I do not know the answer: I do not know about next year's scheme.

On the other issue, I will make it my business to come back to the Senator directly. The payment of €75 as opposed to €150 was an issue. Along with the Minister, Deputy Coveney, I had the privilege of meeting those involved who put forward a very strong case and we understand where they came from. I cannot say any more about that or what will happen. We were properly briefed and they made their point very strongly. They are totally committed to wanting to farm these areas.

While I do not mean this as a dig at the Senator, the promise to increase from €75 to €150 was like many other promises the previous Minister made where he never told anyone where he would get the money, whether it was the AEOS or the natura scheme. There was never any indication of where the money would come from and it will need to be addressed in a different way.

I acknowledge the importance of the agri-environment schemes which are operated by my Department and the fact that Irish farmers have been successfully taking part in these schemes since 1994 when the first rural environmental protection scheme, REPS, was introduced. These schemes encourage farmers in their role as custodians of the countryside and participating farmers undertake to adopt farming practices in line with best environmental land management techniques. In doing so, they realise verifiable public goods in terms of conservation, landscape enhancement and protection of our biodiversity for the benefit of all society.

Since 2010, the agri-environment options scheme and the natura 2000 scheme, generally referred to as AEOS, builds on this fine tradition. This targeted scheme offers farmers a menu of environmental options to choose from and allows them to choose the best fit for their holding. Under the scheme farmers are paid to undertake actions which specifically target three environmental challenges, namely, halting the loss of biodiversity, contributing to the improvement of water quality and combating climate change.

The scheme was introduced last year and was very well received, with 8,482 applications approved. We reopened the scheme this year in very difficult financial circumstances and some 6,900 applications were received. We reopened the scheme because we are convinced that it will deliver recognised and verifiable environmental public goods which will go some way towards addressing the very serious challenges of sustainability and conservation. Nonetheless, the current difficult budgetary situation must be acknowledged and any requests for funding over and above what has already been announced must be viewed against what is affordable and possible. The request for an increase in the natura payment from €75 per hectare to €150 per hectare must be viewed in this context.

[Deputy Shane McEntee.]

The natura 2000 scheme, as part of AEOS, specifically addresses the challenge of halting the loss of biodiversity in specially designated areas. Throughout Europe, natura lands are designated as a network of protected areas which protect both birds and habitats. In Ireland, it is the National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht which designates the special areas of conservation and special protected areas which form part of this natura network. These designations are made under the birds and habitats directives which are legally binding.

As part of the designation process, a series of notifiable actions are developed for natura lands which include a list of activities that may alter, destroy or interfere with the integrity of the site. Landowners receive formal notification that their lands have been designated and of any notifiable actions associated with the designation. Farmers who are in receipt of the single payment must, as part of cross-compliance, comply with these restrictions.

Farmers who join AEOS and have natura land must commission a sustainable management plan from an environmentalist which sets out the appropriate farming practices compatible with the conservation of this land. They receive a payment of €75 per hectare under AEOS to cover the cost of having this sustainable management plan drawn up. Farmers must in any event farm in a way which is compatible with their natura site, as required under single payment scheme rules but this plan gives them extra assurance and guidance in complying with the designation.

My predecessor in the previous Government gave a commitment to seek an increase from the European Commission to double the natura payment. This was on foot of representations from the farm bodies that farmers in these areas were being particularly disadvantaged by the requirement to farm in a way which was not commercially viable, particularly on commonages where destocking had been required under the commonage framework plan. My Department submitted a request to the European Commission for such an increase. This increase, if applied to both AEOS 1 and 2, could have resulted in additional expenditure of up to €4 million per annum.

In view of the current budgetary circumstances, I felt that I had no option but to withdraw the request for an increase. The reality is that cuts are being felt across all sectors and while I am fully committed to supporting farmers, particularly those engaged in important environmental work, I must operate within the current very stringent fiscal constraints. The House will be aware that any extra funding would have to be found within the overall expenditure ceilings for my Department which are set out in the national recovery plan. The House will also be aware that the plan provides diminishing resources for my Department over the next three years and I have been critically examining every element of the Department's expenditure to ensure that maximum benefit is obtained for all available funding. It is already clear to me that significant savings will have to be achieved across a wide range of schemes and services in the Department's 2012 Vote so that expenditure can be kept within the limits available next year.

Having said that, I am aware that some farmers in Natura areas, particularly commonages, face real difficulties. For that reason, my Department will be co-operating with and assisting in any way possible the Department of Arts, Heritage and the Gaeltacht which is carrying out a review of the commonage framework plans. Since the plans were first introduced improvements have been noted on several commonages and the review will consider stocking rates with a view to increasing them where indicated by up-to-date conditions on the commonages.

As regards payments, some 8,500 farmers approved into AEOS 1 are due an estimated €32 million per year. The scheme, like all co-funded EU schemes, is subject to very stringent administrative checks under EU regulations. It has been my Department's experience, from EU audits of previous schemes, that such checks must be in place and must be carried out to

the highest possible standard before any payments issue. Failure to adhere to and comply with these regulations could have very serious consequences and result in significant monetary fines.

My officials are carrying out these comprehensive checks at present. Many of the applications require re-digitisation or other issues must be resolved before valid and accountable payments can be made. I recognise that farmers wish to be paid as soon as possible and I have, therefore, enhanced the resources devoted to the AEOS in order to ensure that payments for the 2010 partial year element of the scheme will be made in August. In addition, these farmers will receive their payment for the full 2011 year towards the end of the year.

I reiterate my full and total commitment to protecting our environmental heritage and in compensating farmers engaged in this vital work. I have shown this commitment through the re-launch this year of the AEOS and through support for the review of the commonage framework plans. These are challenging times which mean that tough choices must be made. However, I assure the House I will continue to work to support these farmers in their role as stewards of the countryside.

Senator Brian Ó Domhnaill: I thank the Minister of State. I am very disappointed by the response, particularly in light of the fact that the funding to meet the increased Natura payment was put in place by the former Minister, Deputy Brendan Smith, to whom I spoke about this matter. A sum €4 million in the overall context of the AEOS or the REP scheme is very small money. I ask the Minister to reconsider this matter.

With regard to the payment being issued to farmers, it appears the delay has something to do with a technical computer error in the Department. If there were sufficient willingness, would it not be possible, within a week or ten days, for the Department to issue payments to farmers manually? They should be considered. Many farmers cannot afford to continue operating under the scheme. They will be forced out of it unless they receive some form of payment.

Deputy Shane McEntee: I take all the Senator has said on board. We met the people involved in the Natura areas and they put their case forward very strongly. With regard to payments, the Department is trying to get everybody on computer. I am not a great computer man myself and would nearly prefer to do everything by hand. I take on board what the Deputy said.

School Transport

Senator Paschal Mooney: Cuirim fáilte roimh an Aire Stáit ar ais go dtí an tSeanaid. It appears we are having some sort of political love affair on the Adjournment but I can assure him that it is just a pure coincidence.

This matter arose as a result of an appeal by the Leitrim Development Company for the retention of bus services for Traveller children. As the Minister of State will be very much aware, Leitrim Development Company, like all integrated development companies, which are the successors to the Leader bodies and the partnerships, is very much focused on the socially disadvantaged in our community. In many cases, the integrated development companies are the bodies that bring to the attention of the wider public and political establishment issues that might sometimes fall under the radar. This is one such issue because it deals with the Traveller community.

Leitrim Development Company started working with the Traveller community in Mohill in Carrick-on-Shannon, County Leitrim, some ten years ago when none of the Traveller children was making the transition from primary to second level education. In recent years, all Traveller children have made the transition to secondary school due to the educational supports provided by a number of agencies on a partnership basis. As a parents' representative on County Leitrim VEC, which supports the Traveller centre in Carrick-on-Shannon, I am very much aware of

[Senator Paschal Mooney.]

the progress that has been made in encouraging an increasing number of Traveller children to avail of education. Within the past year or two, a number of the Traveller children have achieved success in the junior certificate, which is extraordinary when one considers that, once some Traveller children tend to reach the age of adulthood at 17 or 18, they have a tendency to drop out. I am not suggesting this is endemic in the Traveller community but it is a pattern.

The success has been as a result of the primary school bus service, an essential support in facilitating Traveller children to benefit from the education system. The development company appealed the decision on behalf of the Traveller community for the retention of the bus service under threat. At present, a bus service takes 16 primary school children from the Traveller site at Mohill to St. Manchan's primary school. In Carrick-on-Shannon, there is a bus service from the halting site, calling at Summerhill, which takes 45 children to St. Mary's boys' school and the Marist primary school. The halting site is not directly opposite Páirc Sheáin Mhic Diarmada, the GAA grounds, but about half a mile therefrom. Therefore, it is accessible to St. Mary's boys' school and the Marist primary school.

Any reduction in the service would be detrimental to the Traveller community, which is the most socially excluded group in Irish society, as all of us would agree. The impact of any curtailment of the service will mean a drop in school attendance by Traveller children, and it will have wider social and economic implications. Without the bus service, 30 children will be unable to attend the after-school run by Leitrim Development Company, which provides homework support, social skills and sports activities. This programme is a key factor in children remaining in school.

As chairman of the Leitrim County Childcare Committee, a purely voluntary position I have been proud and honoured to hold for some years, I am much aware of the importance of the bus service in the context of providing after-school activities. Therefore, my appeal is obvious. It is vital to the ongoing education of Traveller children in Leitrim and to the continuation of the after-school activities of 30 children that the bus service be retained in its current form. I will be interested in hearing the Minister of State's reply.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I thank Senator Mooney for giving me the opportunity to explain the position on school transport provision for Traveller children. The general position of the Department regarding the issue of school transport provision for Traveller children is to accommodate Traveller children within mainstream school transport provision rather than to promote segregation and marginalisation. This flows from the Traveller Education Strategy, 2006, which states in respect of both primary and post-primary pupils:

Traveller children should use mainstream school transport in operation at present. Only in exceptional circumstances based on special needs should special transport be provided as a positive action measure.

Traveller children are among the 123,000 currently being transported under the general terms of the primary or post-primary school transport schemes or under the scheme for children with special needs, and no distinction is made between any children applying for such services. This is consistent with the report and recommendations of the strategy I referred to. However, historically, exceptional school transport arrangements, confined to Traveller children, were funded by the Department. These were provided through a mix of the Society of St. Vincent de Paul, a number of individual primary school boards of management and, in some instances, through the provision of tickets on services using a mix of Bus Éireann general school transport services and scheduled Dublin Bus or Bus Éireann services. This exceptional school transport was provided without reference to the distance criterion or the other general terms of the school transport schemes. The only criterion applied was being a member of the Traveller community.

In line with the Traveller education strategy, as a first step in a phased approach to changing this exceptional school transport provision Bus Éireann, which operates the general school transport scheme on behalf of the Department, assumed the management of all school transport arrangements for all children, including the exceptional school transport arrangements for Traveller children for this school year.

All existing Traveller children being transported under the exceptional transport arrangements continued to avail of school transport without the application of the general terms of the school transport schemes, including the distance criteria. This meant that for the 2010-11 school year, in the region of 1,500 Traveller children availed of exceptional school transport on the services organised by Bus Éireann.

From the commencement of the 2011-12 school year, the distance criteria will be applied to all children, including Traveller children, currently availing of exceptional transport.

This change means that the distance criteria are being applied on an equitable basis nationally in respect of all primary and post-primary children. Bus Éireann has advised that the Traveller children referred to reside less than the requisite distance required and, therefore, will lose their eligibility for school transport for the 2011 school year.

I thank the Senator once again for raising this matter.

Senator Paschal Mooney: I am very grateful to the Minister of State but I pose the question that as a result of their residing less than the requisite distance, how does he address what is a stark reality, as pointed out in the appeal made by the Leitrim Integrated Development Company, which is that Traveller children making the transition to secondary school is due to the educational supports provided by a number of agencies and that the primary school bus service is an essential support in facilitating Traveller children to benefit from the education system?

Does the Minister of State have an opinion on what will happen once the school transport service is withdrawn? Will these children remain in halting sites not bothering to avail of education? Irrespective of what was in the report about mainstreaming, there is a real problem, of which we are all aware, in trying to encourage them to be educated. I am very concerned that as a result of the withdrawal of the service in Mohill and Carrick-on-Shannon, they may no longer continue to avail of educational services. This is what I wish to have addressed here. Is there any indication that despite the reference in the 2006 report the evidence on the ground would suggest otherwise?

Deputy Ciarán Cannon: The Traveller education strategy published in 2006 had significant input from all stakeholders in education, in particular from the Traveller community itself. I argue that the conclusion arrived at, that the children should use mainstream transport except in exceptional circumstances, works to promote segregation and decrease marginalisation. The value for money report published last year by the Department of Education and Skills also concluded that the operation of the distance criteria pertaining to school transport was very much operated on an inequitable basis throughout the country and that a number of exceptions had risen in the past two or three decades.

The value for money report concluded that it was only fair and equitable that the distance criteria, which is 4.5 km for post-primary schools and 3.2 km for primary schools, be applied equally throughout all sections of society and in all geographic areas. To single out the Traveller community anywhere in the country and give Traveller children special treatment would serve only to promote that segregation and marginalisation which we all aim to have eradicated.

The Traveller education strategy made a number of conclusions and one of the overriding conclusions was that to give Traveller children special preferential treatment in any community, particularly in a community as small as the one to which the Senator referred, would serve only to further exacerbate the problem. This conclusion still stands.

Senator Paschal Mooney: This is a cost saving exercise.

Docklands Development

An Cathaoirleach: I welcome the Minister of State at the Department of the Environment, Community and Local Government, Deputy Willie Penrose, to the House. I believe this is his first time here. I congratulate him and wish him well in his portfolio.

Senator Deirdre Clune: I thank the Cathaoirleach for allowing me raise this issue. I am glad the Minister of State is here to respond. I am calling on the Government to ensure an economic assessment of the Cork docklands area be carried out and the results be made public to assist further development of the area, which comprises 162 ha of land located to the east of the city with approximately 4 km of waterfront. It is very visible, with mainly brownfield sites in public ownership. Like many cities, it tells the story of a past industrial base which gave significant employment in the area, with names such as Ford and Dunlop residing there. There is large warehousing as it is close to the docks and Cork Harbour which was the scene of a major economic activity. These activities are no longer in place and no longer relevant. As is the case in many European cities, the potential to develop this area as an urban regeneration scheme exists. When I mention cities such as Dublin, Liverpool, London, Barcelona and Hamburg I am sure the Minister of State realises the potential there is in this area.

It is a large project which is outside Dublin. It is not a regional or national issue but an international issue. The national spatial strategy recognised this area in Cork city and in the late 1990s, Cork city and county councils identified the area as having the potential to create 27,000 jobs and 23,000 residents can live there.

Ten years ago in 2001, a docklands development strategy was produced which set out a vision for the area as a quality urban area of mixed use. The most important issue now for the area is to kick-start this by identifying what type of business and foreign direct investment can be attracted. This is why I have raised the matter of developing an economic assessment to identify what can go there. There is no point in developing, building or making planning applications unless we know what type of industry and business can go there. The IFSC in Dublin is extremely successful. Areas such as green taxation, research and development and international education are developing and changing as are other areas, and something can be identified as a suitable business for the area.

Carrying out such an assessment will encourage property owners to further their developments and seek tenants or sell their properties to potential businesses and investments. This very important study needs to be carried out and it will give certainty and encouragement to Cork that the Government recognises the importance of the area. I am not asking for a major financial commitment; I recognise we are in difficult times. Nonetheless, we must make plans for the future and continue to recognise the role an area such as this can play nationally and throughout Europe in attracting investment.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): I am pleased to have the opportunity today to discuss the future of the Cork docklands area and I thank Senator Deirdre Clune for raising this important issue.

The redevelopment of the Cork docklands is critical to the future development of the city and wider region and it has been identified as a priority project in a number of national and regional policy documents, for example, the national spatial strategy and the South-West Regional Planning Guidelines 2010-2022. It is also a key element of the Cork area strategic plan, the non-statutory strategy jointly agreed by Cork city and county councils.

The Government remains fully behind the redevelopment of the Cork docklands as a means to create a sustainable and compact urban city which will be attractive to prospective invest-

ment and to its residents, and as a regional and national focus for economic activity, with an emphasis on higher-skilled employment sectors. The docklands area, with its 166 ha spanning both sides of the river, has the potential to be transformed into a high-quality mixed-use urban quarter. Setting this in context, the scale of the project would be the equivalent of placing a large Irish town onto a city centre location, with potential accommodation for up to 22,000 residents and the employment potential for approximately 27,000 jobs.

Since the inception of the Cork docklands development initiative and the establishment of the docklands directorate almost ten years ago, much of the groundwork has been prepared to deliver on the area's potential. For example, the planning context for the Cork docklands has been set with two local area plans in place for the north and south docks area. A number of planning applications have been granted permission in the area and An Bord Pleanála has granted planning approval for bridges across the River Lee, and associated approach roads, which will facilitate improved access to the Cork docklands area.

While it is recognised that investment in key enabling infrastructure will be required to facilitate the co-ordinated development of the site and delivery of services in tandem with development to attract appropriate economic development, it is equally important, in the context of our current budgetary constraints, that we make the best use of existing infrastructure in place in the area which can facilitate some development in the short to medium term. We must also ensure the private sector — landowners, developers, businesses — plays its part in facilitating the opening up of the docklands area.

For its part, the Government has committed significant resources in the Cork area, for example, to improve water services under my Department's water services investment programme and enhance public transport services under Transport 21. My Department is continuing to work closely with the councils and, in particular, the directorate and docklands policy committee, to move this project forward. In this context, I welcome the intention of Cork City Council to prepare an economic proposition report which will better position and brand Cork docklands. I understand the economic proposition will, *inter alia*, include: a detailed assessment of the economic investment opportunities that best fit with the docklands development proposal; identify the economic sectors and functions that should be targeted for locating in the docklands; quantify the employment potential from the sectors identified; and address the unique selling proposition for the docklands and an associated brand which can be marketed internationally.

I look forward to receiving a copy of the report, when completed. I assure the House that its analysis and recommendations will be given full consideration by my Department with a view to progressing the project as expeditiously as possible.

Senator Deirdre Clune: I thank the Minister of State for his reply. Is he in a position to provide a timeframe for the completion of the economic proposition report?

Deputy Willie Penrose: We will await the report. As soon as it is received, it will be evaluated and assessed with a view to expediting the implementation of the proposals therein in conjunction with Cork City Council and Cork docklands directorate. I will contact the council with a view to ensuring there is no delay in its preparation. It will certainly not be delayed by the Department.

Human Rights Issues

Senator Trevor Ó Clochartaigh: Is mór agam deis a fháil leis an gcéist fíor-thábhachtach seo a chur ar an Aire Gnóthaí Eachtracha maidir leis an léigear a bhfuil muintir Gaza faoi agus maidir leis an chabhlach bád atá ag dul anonn le tacú le muintir Gaza, earraí tábhachtacha agus deiseanna taistil agus iompair a thabhairt chucu agus bun-chearta daonna a chothú. Tá mé ag iarraidh go ghníomhfaidh an t-Aire láithreach, go háirithe ag leibhéal an Aontas Eorpaigh.

[Senator Trevor Ó Clochartaigh.]

Approximately a dozen aid ships bearing medical supplies, sports equipment and construction materials are due to meet in international waters some 16 hours from Gaza early next week. Among their number will be the Irish vessel, the *MV Saoirse*. The ship has deep connections with this country where almost €130,000 has been raised to fund the humanitarian mission. At least 20 Irish citizens, including former rugby international Trevor Hogan, are taking part in freedom flotilla II. Mr. Hogan has stated that anything the flotilla faces is a fraction of what the Palestinians face on a daily basis. This, he said, gives him strength.

I extend best wishes to two of my Sinn Féin party colleagues, Councillors Pat Fitzgerald and John Hearne from Waterford, who will be on the flotilla. Other crew include the skipper, Shane Dillon, artist, Felim Egan, former Deputy, Mr. Chris Andrews, and Paul Murphy, MEP. Given the *MV Saoirse's* connections with Ireland, it is reasonable and appropriate that the Tánaiste and Minister for Foreign Affairs makes a statement on the matter. Sinn Féin supports the Irish Anti-War Movement and adds its voice to the demand for the Minister to call on Israel to allow free passage of the Irish vessel to Gaza.

By way of background, during a similar mission last year, nine people were killed when Israeli commandos stormed the *MV Marmara*, a Turkish aid ship trying to break the naval blockade of Gaza. The population of Gaza has suffered grievously in recent years, including the horrifying and shocking attacks on civilians which occurred during Operation Cast Lead in January 2008 and the continued siege of the territory. Estimates of how many died in Operation Cast Lead vary between 1,166 and 1,417 but the long-term effects of the incursion were equally great. The people of Gaza have long been denied basic human rights and have effectively been placed under a siege which hinders their access to basic goods. Trade embargoes, travel restrictions, Israeli attacks and fuel, food and medical shortages are plaguing the civilian population, pushing Gaza further towards the brink of an all out humanitarian catastrophe. According to the World Food Programme, the Israeli blockade means that 59% of Gaza's food import needs are not being met. Further, the majority of fuel outlets have closed as a result of Israeli fuel and power reductions, seriously affecting the local economy and internal travel. This has also had a major effect on the public sector as Gaza relies almost exclusively on fuel and electricity imports to run essential services such as hospital power generators and ambulance services.

Large numbers of people do not have proper access to drinking water because water pumps are out of action. In addition, the medical sector is facing further crisis due to severe drug and personnel shortages, lack of medical equipment and external travel restrictions. For example, according to the World Health Organization, supplies of 91 out of 416 essential drugs have run out, as have approximately one third of essential medical supplies, including most children's antibiotics.

The embargo on external travel has resulted in Palestinians being unable to travel for work, education and vital medical treatment. It has also crippled the local economy due to the lack of materials and difficulty in exporting goods. The UN Food and Agriculture Organisation has stated that farmers have thus far lost millions of dollars due to the pressures on exports. Some 25% of Gazans rely on agriculture for their income. The United Nations has warned that the economy of Gaza will become 100% dependent if its borders remain closed for import, export and travel. The closure acts as a *de facto* trade embargo. It is practically unheard of for the victims of an oppressive regime rather than the regime itself to be subject to such sanctions.

It is vital that the European Union suspends its agreement with Israel until the latter adheres to international human rights law and imposes an embargo on arms sales to Israel. The European Union must also put pressure on the Israeli Government to open border crossings. Against this background, it is clear that the humanitarian position is precarious and most

serious. Bearing this in mind, it is important that Ireland supports attempts to alleviate the suffering of the people of Palestine.

I commend those taking part in the humanitarian mission for their brave and selfless initiative, especially given last year's mindless attacks on a peaceful mission. It goes without saying that such initiatives would not be necessary if the Israelis were to end their effective siege of Gaza and alleviate the drastic humanitarian position in the territory. The Government should do everything in its power to end the siege and suffering of the Palestinian people, including calling for an end to the preferential trade agreement between the European Union and Israel until such time as the siege is lifted. The blockade of Gaza and construction of more Israeli settlements in Palestinian territory must stop immediately and the United Nations must recognise a Palestinian state within the 1967 borders.

Given the precarious position in which people in Gaza find themselves and the failure of the international community to persuade the Israelis to respect the rights of Gazans, it is only fitting that we acknowledge initiatives such as freedom flotilla II and do our utmost to ensure it reaches its destination. For this reason, I call on the Minister to make a statement as a matter of priority and do everything in his power to ensure the Irish citizens on board the *MV Saoirse* remain safe and are granted access to assist the people of Gaza.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): While the attention of the world has been dominated by events elsewhere in the wider Middle East, ranging from successful popular revolutions in some countries to harsh repression in others, it is opportune to focus our attention again on the continuing and urgent need for a solution to the most long running issue in the region, the need to resolve the Arab-Israeli conflict. The long-standing objective of the Government, European Union and great majority of the international community is to support direct negotiations between the parties leading to a two-state solution in which both Israel and a sovereign state of Palestine can live side by side in peace with each other and their neighbours. The Arab world also subscribes to this objective through the Arab peace initiative.

Considerable efforts have been made in the last two years, particularly by the United States Government, to bring the Israeli and Palestinian sides together in a serious talks process. Unfortunately, however, after a brief start in September last year this process has quickly become deadlocked and there is no direct negotiation process in place at present. Ireland and other EU partners have pressed for the European Union and international Quartet to become more actively engaged to try and bring the parties to resume talks.

The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Eamon Gilmore, discussed this matter with his colleagues at the Foreign Affairs Council yesterday. It is also likely to be discussed when the Taoiseach attends the European Council on Friday. While various ideas are in discussion about what may be done, we are all conscious there is no magic bullet — the parties must be convinced or pressed to sit down and work out the issues. For all that this conflict has endured for years, there is a wide belief now that the shape of a peace agreement is there to be grasped, if leaders had the will to do so. This is a position that resonates with us in Ireland.

While we seek to re-animate a political process to achieve a solution, we remain conscious of the many issues of justice and human rights created by the conflict and the occupation.

In recent years, Ireland has paid particular attention to the situation in Gaza and the blockade there. This matter is again to the fore as activists from Ireland and other countries prepare to launch a second flotilla to try to break the blockade by sailing directly to Gaza.

The Government's long-standing concern about the humanitarian situation in Gaza is well known. The slight relaxation in the blockade in the past year has been completely insufficient. We recognise that Israel is entitled to prevent the transport of weapons and genuinely military

[Deputy Ciarán Cannon.]

materials into Gaza and to check cargos in that context but other goods should not be impeded. Along with our EU partners we continue to press for a full opening up of the border crossings into Gaza to allow unimpeded flows of humanitarian aid and normal commercial and human traffic.

The Government recognises the essentially humanitarian motivations which gave rise to last year's Gaza flotilla and also to the further flotillas now being planned. However, the travel advice of the Department of Foreign Affairs and Trade remains, namely, that people should not attempt to sail to Gaza and certainly should not attempt to break through a naval blockade which Israel has stated it will enforce.

The Tánaiste has expressed his deep concern that there is real potential for an outcome this year similar to the disaster of the 2010 flotilla. He has stated in the Dáil that he cannot support a project that would involve Irish citizens engaging in actions which could lead them into real danger.

The UN Secretary-General, Ban Ki-moon, has also called on Governments to discourage such flotillas which clearly have the potential to escalate into violence. Nonetheless, should a further flotilla sail for Gaza with Irish citizens taking part the Government will continue to press the Israeli Government to do all possible to facilitate those wishing to transport humanitarian goods to Gaza and, in particular, to avoid any repetition of the unacceptable use of force against last year's flotilla. The Government will also ensure that all consular services to Irish participants in the flotilla are provided should such prove necessary.

We must remember that the Port of Gaza can never handle more than a fraction of the territories needs and therefore the only real solution is the full opening of the land crossing points. I repeat the European Union's call on Israel to do that to ensure there would be no need for actions such as the planned flotilla.

Senator Trevor Ó Clochartaigh: I thank the Minister of State for the answer but it is very much a sense of the European Union siding with the Israeli Government. I ask the Minister of State to relate to the Tánaiste and Minister for Foreign Affairs and Trade the call for an end to the preferential trade agreement between the EU and Israel until such time as the siege is lifted because it is obvious that until action is taken at that level the siege in Gaza will not end. Until we start to fight for the civil and human rights of the people in Gaza the situation will not be relieved.

Deputy Ciarán Cannon: I will undertake to raise the Senator's concerns with the Minister.

The Seanad adjourned at 6.15 p.m. until 10.30 a.m. on Wednesday, 22 June 2011.