



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Dé Céadaoin, 28 Meán Fómhair 2011.

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SEANAD ÉIREANN

Dé Céadaoin, 28 Meán Fómhair 2011.
Wednesday, 28 September 2011.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Order of Business

Senator Ivana Bacik: The Order of Business is Nos. 1 and 2. No. 1 is an address to Seanad Éireann by Dr. Maurice Manning, president of the Irish Human Rights Commission and chair of the European Group of the National Human Rights Institution, with Dr. Manning's address to commence at 11.45 a.m., followed by contributions by spokespersons not to exceed five minutes and one question from all other Senators who will be called in turn by the Cathaoirleach. To facilitate a prompt start, Senators are requested to remain in their seats following the Order of Business. Business will be interrupted for a sos from 1.45 p.m. to 3 p.m., and No. 2, Private Members' business is to commence at 3 p.m. and conclude no later than 5 p.m.

Senator Denis O'Donovan: Will the Deputy Leader take account of the report released by Safe Ireland on the plight of women who are victims of domestic violence? The figures are frightening, with a 40% increase between 2009 and 2010. Record numbers of women are seeking refuge but, unfortunately, a substantial proportion are being sent back to the homes where the abuse was initiated. This is an appalling vista because Safe Ireland believes these figures are merely the tip of the iceberg. Yesterday several Senators praised the role of women in sport, which is laudable. In order that we can deal with this issue of domestic violence as a matter of grave urgency, I propose an amendment to the Order of Business that the Minister for Justice and Equality, whose responsibility this is, should come to the House to offer an explanation and some solace to the victims, primarily women, who are suffering in this most distressing situation, and to stem this problem which is spiralling out of control. It is a serious issue and I hope the House would acknowledge the plight of these women and endorse my demand for the Minister to come to the House as a matter of urgency.

Will the Deputy Leader find out what the Government has decided regarding the proposed constitutional convention? When Garret FitzGerald became Taoiseach, he initiated a constitutional crusade, so to speak, and John Bruton established the all-party committee on the Constitution. There was also a constitutional review group. A great deal of work has been done in this regard and I would not like to see the Government renege on its commitment. I recognise there is a difference of opinion between Fine Gael and the Labour Party but I am sure they can be married to proceed with the proposal. It is ironic that we will hold a referendum on judges' pay on the same day as the presidential election. I accept it is a somewhat important issue and that it catches the eye of the public but 80% of judges have already agreed to cuts. The promised referendum on children's rights is much more important. If the general election

[Senator Denis O'Donovan.]

had not taken place earlier this year, a referendum on this issue would have been held last spring. We face the prospect of holding a referendum on the abolition of the Seanad next year and there is talk of further referendums on bail rights and reducing the presidential term from seven to five years. I urge the Government not to put the cart before the horse. It should hold this constitutional convention as a priority and then hold the referendum on what may be recommended.

I congratulate our colleague Senator Norris on being nominated to run for the Presidency. It is a great honour for this House. I am delighted he is on the field. I congratulate all those, including Dana Rosemary Scallon, who came through the local authority system yesterday. I hope it is a clean campaign and that the Government parties, in particular, will take their beating and——

An Cathaoirleach: That is not relevant to today's Order of Business.

Senator Denis O'Donovan: ——in the line of protecting its own candidate, Mr. Gay Mitchell MEP, the Government would ensure that it is a clean campaign.

Senator Ivana Bacik: Mr. Mitchell is not my candidate.

Senator Pat O'Neill: Not to join with the sentiments expressed by Senator O'Donovan in the last part of his speech, I wish our colleague Senator Norris all the best and congratulate him on getting on the ticket and wish the other six candidates the best of luck in the presidential election.

Will the Deputy Leader ask the Minister of State, Deputy Penrose, to come to this House to discuss the housing situation? I would ask that the Minister of State would prepare a report of the figures on each county and put them before this House. In the current economic situation, the Part V provision is not coming on stream, we have no money to purchase or build houses, the rent to lease scheme is not working in certain counties and Dublin City Council cut its housing list by half to 12,500 because people did not reply to correspondence. We cannot rely on the fact that people did not reply to correspondence as a means of removing them from the housing list because some of these people would not reply to any letter. This is an important matter. In Kilkenny, there are 2,500 people on a waiting list for housing. It is important we get the proper figures, have them debated in this House and try to come up with some solution. It will take much deep thinking to decide how we will solve the housing crisis. There are ghost estates and unfinished estates, but the problem is they are all in the wrong places. There is differing information, with the Royal Institute of the Architects of Ireland stating we need 100,000 new houses. We must try to solve this. With people in negative equity and losing their homes, there will be more pressure on local authorities. It is important the true figures are put before this House and we have a proper debate on the housing situation.

Senator Rónán Mullen: I draw attention to the heartwarming news of the opening yesterday of the State's first hospice for children. The LauraLynn Hospice Foundation is doing great work and deserves the support of everyone. I note that it is something that is coming from the people and the community. To my knowledge, it has not received grant aid from any Government agency. In particular, I read about the story of young Grace Akognon, who was born at 33 weeks in the National Maternity Hospital in Holles Street. She has many challenges as a result of being born premature but also, because she is the daughter of an asylum seeker, it is an even more challenging situation, with minimal resources being made available to that family in the Baleskin reception centre. The Laura Lynn foundation is a godsend to that little family

unit because of the respite care it offers. It is a real sign of hope in our times that people come together to do this kind of thing in our community.

It contrasts as well with what can happen in other countries. It is not that long ago since a Dutch health researcher recommended to that country's Government that it would allow physicians to euthanise new-born children, not merely based on their actual suffering but on foreseen suffering. That strikes me as a much more despairing approach to the challenges that can face human beings. I hope we in this country will always adopt the hopeful approach of helping people to address their challenges and help them to an improved quality of life.

It would be appropriate for us to wish all the candidates in the presidential election a fair wind. I want to make two points which can fit in to a discussion that perhaps we should have in the Seanad at some stage in the near future. First, the Presidency, despite its denigration by some in recent weeks, is an important office and is more than merely symbolic. The President of Ireland represents the country to itself and abroad. There is a major dignity attaching to that office. For that reason, it is right and proper, and to be expected, that there will be hard questions asked of each candidate in the coming weeks. We have a right to expect that those hard questions would be asked and that they would be answered, which is not the same as negative campaigning.

Second, the nominating procedure has been a subject for discussion. If we are to discuss this, it is better that we discuss it soon because if we start it at some time in the term of the new President, it could be seen as a reflection on him or her. I would offer this advice to myself, to colleagues and to present and future politicians, that we should not be ashamed of doing our constitutional duty, exercising our judgment in favour of candidates whom we would like to see in that most high and important office and not nominating persons whom we do not want to see in that office. Looking over our shoulder to find out what public opinion or the dominant media are saying is not the way to go. It is not a good future for Irish politics if that is all that we ever end up doing when we have important decisions to make. Let us not be ashamed of carrying out our constitutional functions. I would ask for that particular point of view to be taken forward into a debate, which I hope we will have soon and which I hope the Deputy Leader can facilitate, about the way in which candidates for the Presidency are nominated.

Senator Jimmy Harte: Perhaps the Cathaoirleach will let me clarify something that was raised in my absence yesterday by Senator Byrne, who himself is absent today, in relation to what I gather were comments about information that I received from——

An Cathaoirleach: We are not discussing yesterday's Order of Business today.

Senator Jimmy Harte: I did not get a chance to reply. It is a matter of public record.

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

Senator Jimmy Harte: Would the Deputy Leader allow me to make a statement on this to clarify the accusations Senator Byrne made yesterday? It is in the interests of clarity.

Senator Terry Leyden: Senator Harte should get it off his chest.

Senator Paul Coghlan: Senator Harte should take advice from Senator Leyden.

An Cathaoirleach: Has Senator Harte a question for the Deputy Leader?

Senator Jimmy Harte: The question is whether the Deputy Leader is happy that Senator Byrne would make accusations in the House in relation to information which I received from an individual who is not a member of any party and who is not giving that information to the

[Senator Jimmy Harte.]

Labour Party? That information was given to me in a casual conversation and was clarified subsequently.

An Cathaoirleach: Senator Byrne raised the issue yesterday because it was in the national newspapers. What is Senator Harte's question to the Deputy Leader?

Senator Jimmy Harte: I want a mechanism to investigate and clarify what Senator Byrne was getting at. For the Senator to raise the issue of where the information came from is typical. I want an investigation.

Senator Terry Leyden: It was a legitimate point.

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

Senator Jimmy Harte: It may not be, but it is relevant to my statement.

An Cathaoirleach: I ruled on that yesterday. Unless Senator Harte has another question for the Deputy Leader——

Senator Pat O'Neill: Let Senator Harte clarify the situation.

An Cathaoirleach: Senator Harte, without interruption, please. I inform the Senator that we ruled on that issue yesterday.

Senator Jimmy Harte: When can I raise this?

Senator Terry Leyden: The Senator has.

Senator Jimmy Harte: I have, but I am not doing it in the proper forum according to the Cathaoirleach.

An Cathaoirleach: I do not really know what Senator Harte's problem is. If he has a question for the Deputy Leader, the Order of Business is about the ordering of business for the day. Unless Senator Harte is proposing an amendment to the Order of Business or he has a question for the Deputy Leader——

Senator Pat O'Neill: Senator Harte wants to respond to the allegations yesterday.

Senator Jimmy Harte: Can the Deputy Leader arrange an investigation into the comments Senator Byrne made towards me?

Senator Terry Leyden: I suggest Senator Harte make a personal statement if he wants to.

Senator Pat O'Neill: Senator Byrne made accusations and Senator Harte is entitled to clarify.

An Cathaoirleach: The Order of Business is not the appropriate place for raising the issue Senator Harte raised and I ruled on that yesterday, but if he wishes to speak to me afterwards in my office, I would have no problem with that.

Senator Terry Leyden: Senator Harte can make a personal statement if he wants to.

Senator Jimmy Harte: I can make a personal statement.

An Cathaoirleach: I have said to Senator Harte that if he wishes to speak to me afterwards, I have no problem with that.

Senator Terry Leyden: I am trying to be helpful.

An Cathaoirleach: Has Senator Harte a question for the Deputy Leader?

Senator Jimmy Harte: I want to put it on the record of the House that I want an investigation on comments made by Senator Byrne in my absence.

An Cathaoirleach: I have said to Senator Harte that we are not dealing with yesterday's Order of Business today but if he has a problem, I am quite prepared to meet him in my office afterwards.

Senator Jimmy Harte: I thank the Cathaoirleach.

Senator Terry Leyden: I second the proposal by Senator Denis O'Donovan for an amendment to the Order of Business concerning the Minister, Deputy Shatter. I share with other Senators our best wishes to the seven nominated candidates. Though I could not assist our colleague, Senator Norris, I wish him well, as I wish Ms Dana Rosemary Scallon well. I am reminded very much of the Seanad campaign, given all the moving from council to council. It gave councillors a great sense of purpose, although they never expected when they were elected to the councils that they would have a say in the nomination of candidates.

I make the point that we will not now have the question for the next ten years of "what if" or "if only" which we would have had if they had not got on the panel. They are now candidates; let them go out there and let the people decide. That is the great thing. They would be cribbing for years and we would never hear the end of it. The talk of "what", "only" and "if" is now over.

An Cathaoirleach: Is the Senator looking for a debate on the presidential election?

Senator Terry Leyden: I just want to share the point.

Senator Michael Mullins: He feels a little lonesome.

Senator Terry Leyden: I ask the Acting Leader if she would arrange an ongoing debate on the creation of jobs, which is the priority of this Government, as it was of the previous Government. To this end, I request that we would have regular short debates in which we would meet Ministers from different Departments to put forward suggestions or ideas from the very experienced Members of this House.

I will start the ball rolling by noting the reconstruction and refurbishment of pre-1970 houses is vital — for example, the replacement of windows with double and treble glazing, and the rewiring of houses which may have been built long before 1970 and may not be in great condition, and some of which may be fire hazards. This would be a totally self-financing exercise given the reduction in unemployment and the PRSI and VAT returns. We need a grant system similar to the insulation grants which were brought in by the former Minister, Mr. Eamon Ryan, and the last Government.

I make the point to the Acting Leader, with her colleague, that she would consider having short debates, perhaps every month, with different Departments to find how we could have a constructive input, with the Government, to put forward suggestions. The Departments would then come back with a financial package, as it is very difficult for us to have that information at our disposal. This would be very helpful.

Senator Colm Burke: I wish to raise an issue first raised by my colleague from the Cork North-Central constituency, Deputy Dara Murphy, which concerns the Hibernian Express cable that is being laid between the UK and the US. There is an opportunity for a connection

[Senator Colm Burke.]

to be made into Cork which could service not only that county but Kerry, Limerick, Galway and all of the west coast. It is a great opportunity to improve connectivity and bring it up to tier 1 standard.

At present, the cost per month for this type of connection to a company in Dublin is approximately €3,000, whereas it is approximately €10,000 per month in Cork, Limerick or Galway. As this cable is being laid between the UK and the US, there is a great opportunity to connect to it off the Cork coast and bring that connectivity to Cork and other areas. We have until the end of this month to make a decision on the matter.

I ask that the Acting Leader would bring this to the attention of the Government and that a decision would be made. This is about the creation of jobs. Once the standard is brought up to tier 1 level, this improves the attractiveness of the area in terms of creating jobs as industry can access a worldwide market at a far lower cost, which is important. This matter should be brought to the attention of the relevant Department and Ministers so a decision can be made at an early date.

Senator Feargal Quinn: I travelled to Athens in Greece on Sunday for a meeting on Monday. The flight was delayed by two or three hours and I did not arrive there until early Monday because the air traffic controllers in Greece went on strike. On Monday the underground metro went on strike in protest against the austerity measures, on Tuesday the buses went on strike and today the taxis are going on strike. I mention this because I was very impressed by those in Greece who were talking about what Ireland was doing and then comparing this to those in Greece who believe the way to solve these problems is to go on strike, which does not seem logical.

I read today that a group of nurses in one of our hospitals is going on strike in protest at the number of people on trolleys outside the wards. While the frustration, hurt and concern is understandable, the belief that the way to solve this is by going on strike is something we must examine very carefully.

Senator Burke spoke about the urgency of job creation. I was very impressed reading *The Times* of London as I returned to Ireland late last night to see the headline ‘Ireland is trending as Twitter joins the growing digital cluster in Dublin’. The newspaper article congratulated the Irish Government, stating:

Twitter appears to have spurned the advances of David Cameron and Boris Johnson by establishing an international foothold in Ireland. It will join a growing raft of technology companies that have set up shop in the Republic to take advantage of lower corporation tax.

It was very interesting to see that positive things are possible and happening. The article finished with the following words, which I cannot resist reading:

With low corporation tax and lax controls over the transfer of profits, Ireland has attractions yet these companies create jobs and satellite industries in their wake, and a [British] government still struggling for a growth strategy must ask itself why, with all their talk of enterprise zones, another technology company is taking the Emerald option. There was a Scotsman, an Englishman and an Irishman, and only one of them is laughing.

I like that last part.

Senator Cáit Keane: I want to raise the important issue of Safe Ireland and domestic violence, to which a previous speaker referred. I also want to ask the Acting Leader to ask the Minister of State with responsibility for housing, Deputy Penrose, to contact NAMA. We have heard

from Safe Ireland that refuges are full to capacity and 3,000 people have been turned away. In addition, people in many areas cannot access refuges as they do not exist. At the same time, there are many buildings, including houses, which would be suitable and people would be much better served by NAMA releasing some of these.

Volunteer Ireland does great work. There are many volunteers who could work in conjunction with the Minister of State and NAMA to ensure those buildings are put on stream rather than the current proposal from NAMA, which is to reduce equity by 25% and thereby distort and do a disservice to the housing market. We saw the previous interference in housing by Governments and State agencies which totally distorted the market. NAMA would serve the people of Ireland better in this way, in particular the women and the 2,500 children who are in refuges at various times.

We are talking about regard for children and children's rights. There are many women who cannot get out of their houses because many men are now at home through unemployment and the women cannot even access the telephone. There needs to be an increase in the number of telephone calls dealt with by Safe Ireland. Men should not think I am speaking only for women as I am talking about all violence in the home. This issue should be addressed.

There was a question regarding an amendment to the Order of Business. We need straight access to the Minister for Justice and Law Reform and I am not sure changing the Order of Business is the way to achieve this. The Minister must listen to the Seanad and the people who have spoken for the children and the women of Ireland as well as for the men of Ireland who are suffering violence. I congratulate Safe Ireland, which is doing that work. It should be helped in any way possible. The Acting Leader should ask the Minister of State, Deputy Penrose, to contact NAMA with regard to the buildings it controls, which should be put to good use given the people who need shelter. As I said, many people would be willing to volunteer to help the situation, as they are doing at present.

Senator David Cullinane: I join other speakers in commending all of those candidates who are now on the ballot paper for the presidential election. I wish them all the best of luck, not of course in equal measure, but I wish them all luck nonetheless. It should be a good and a clean campaign.

However, as Senator Mullen stated, it also must be a robust campaign in which all the candidates and what they have to offer are scrutinised, hopefully in a constructive fashion. In addition, the nomination process must be examined in the future and two issues arise in this regard. First, the political reforms that have been promised include fewer Deputies, this House potentially getting the chop, merged councils and fewer councillors. This means there will be fewer representatives available to nominate potential candidates or enable them to reach the magic number of 20 Oireachtas Members. Moreover, there will be fewer councils available for those candidates seeking four council nominations and in this context, there is a need for reform. Second, it is wrong that young people and those under the age of 35 are not in a position to contest the election. Both these issues should be discussed and perhaps there is a need for Members in the short term to have a debate on the kind of constitutional change in the round that many people in this State consider to be necessary in the context of the constitutional convention that was promised by the Government.

Last week, I again raised the issue of the fire sale of performing assets in this State. However, the Government response in this regard has been typical and I have been getting it repeatedly. It comprised raising issues regarding the North and Sinn Féin's performance in the North and in the Assembly in the North, as well as being confused about what is happening. To clarify, an asset realisation group was established in the North. Its purpose is to consider under-per-

[Senator David Cullinane.]

forming assets with the intention of realising the value of those assets and to retain them in public ownership where possible. However, in the case of some assets that are not being used, there may be abandoned properties that are a cost to the State, such assets may then be sold to reduce the burden on the State. This is what is happening in the North but what is happening here in the South is we are fire-selling strategic valuable State assets. There is a world of difference between the two and this is the reason it is important to have a debate in this regard.

Finally, a number of calls were made for the Deputy First Minister and First Minister to come before this House. I ask the Leader to hold off on this proposal until a new Deputy First Minister is in place. Perhaps some time in November might be an appropriate time to have both the new Deputy First Minister and the First Minister come before the House, at which time there can be a debate on what is and what is not happening in the North of Ireland.

Senator Paul Coghlan: I also wish to join with previous speakers in congratulating Senator Norris on achieving a nomination. I believe democracy is best served by all the candidates being nominated and as other Members have stated, I wish them all well, even if, as Senator Cullinane noted, not in equal measure. All Members will have their favourites but hopefully there will be a good, clean and robust campaign.

Naturally, there is concern at NAMA's proposal and one is led to believe there also is concern in Government circles in this regard. Perhaps the Acting Leader could arrange for the Minister of State, Deputy Penrose, to come into the House. If it is allowed or comes into being, NAMA's proposal to encourage the purchase of thousands of homes could artificially inflate the market. Up to 5,000 residential properties on NAMA's books could be involved, on which it could waive 20% of the value, were prices to fall over five years. However, the important point is the Government and the agency must be at one. As the Government's concerns are now in the public domain, I ask the Acting Leader to arrange in early course to have in the House the Minister of State with responsibility for housing. There are so many important ramifications, some of which have been touched on by others this morning. However, the central point is one cannot have such an important agency in conflict with Government policy on such an important matter as housing.

Senator Ned O'Sullivan: I join other Members in congratulating our colleague, Senator Norris, on his nomination to stand for the presidency. He fought an heroic battle to achieve it, his wanderings around the country were appropriately Ulyssean and I wish him the very best in his task. I also wish the best to all the other candidates. Members on this side are somewhat dizzy at the prospect of going into a ballot booth and putting a number one in front of someone who does not have the Fianna Fáil logo beside him or her. I am afraid I may go mad and vote for the Fine Gael candidate myself.

Senator Mark Daly: The Senator will not do that. Things are not that bad yet.

Senator Ned O'Sullivan: Senator O'Donovan referred to the constitutional convention and I agree the Deputy Leader should report back to Members on progress in this regard. I believe I detect more mature and more enlightened thinking coming from the Government side with regard to the Seanad and I welcome some of the voices I have been hearing off-stage. The Seanad certainly must be reformed and all Members have bought into that. However, I for one do not believe there will not be a Seanad in the future.

Senator Mary M. White: Hear, hear.

Senator Ned O'Sullivan: This should be the mindframe with which Members approach the issue to prove the Seanad should continue.

Finally, I wish to refer to a matter in which the Leader, Senator Cummins, as well as Senator Leyden and others have an interest, namely, voting rights for Garda personnel who are on duty abroad. The Cathaoirleach is aware that Defence Forces personnel can get a postal vote in national elections when serving abroad but gardaí cannot. It is unlikely this can be rectified before the presidential election takes place but this anomaly should be examined and I may refer to it at a later time.

Senator Michael Mullins: Like previous speakers, I congratulate Senator Norris on winning the nomination and I wish all seven candidates the best of luck. The Fine Gael candidate undoubtedly would be delighted, were Senator O'Sullivan able to see his way to supporting him this time. It obviously will be an intriguing election and the printing industry, which has been going through a tough time, certainly will benefit significantly therefrom and certainly will welcome the added boost to business. I am delighted Senator Leyden has been highly positive in recent days and support his call to the Leader to establish whether a forum could operate in the Seanad in which positive ideas could be fed to the economic ministries with particular reference to job creation. I believe such an initiative would be welcomed by all Members.

On a further positive note, all Members must welcome the recently published CSO figures for tourism traffic in Ireland this year. In the period from May to July 2011, the total number of overseas trips to Ireland increased by 9.4%, to just under 2 million, which was an overall increase of 167,000 when compared with the period from May to July 2010. Moreover, for the first seven months of 2011, trips to Ireland increased by 11.8% and there were 3,696,000 overseas visitors to Ireland. The numbers of visitors from mainland Europe and North America increased by 13.7% and 13%, respectively, which is highly significant and is greatly to be welcomed. The reduction in the level of VAT applied to a range of labour-intensive tourism services certainly has been of significant benefit and the introduction of a tourist visa waiver scheme for people in possession of a valid United Kingdom visa obviously has made it much easier for people to access our country.

An Cathaoirleach: Does the Senator seek a debate on this issue?

Senator Michael Mullins: I want the Acting Leader to ask the Minister to reconsider one element, namely, the abolition of the €3 travel tax, which was suspended until such time as a greater commitment could be received from the airlines that they could increase passenger numbers. We are going in the right direction and if progress could be made with the tour operators and airlines, the €3 tax issue should be revisited. It would be a further positive element that could contribute significantly to increasing numbers even further in 2012. However, I welcome the highly significant increase that has been evident in 2011.

Senator Sean D. Barrett: I express my support for the Minister of State, Deputy Penrose, on the NAMA matter that has been raised by Senators Keane and Paul Coghlan. The last thing this country needs is for a State agency to start pumping up house prices, while suggesting there will be a few euro in it for the Department of Finance in the form of VAT receipts. That is what got us into this mess and one should note the statement of the Nobel prizewinner, Professor Stiglitz, that the Irish real estate frenzy increased the problems of moral hazard as developers raced to build and flip properties in the absence of adequate bank supervision. This leads me to a point raised at a recent meeting of the Joint Committee on Finance, Public Expenditure and Reform, which is that NAMA is not supervised by the Central Bank. At a

[Senator Sean D. Barrett.]

time when we are trying to get sense into a ridiculous property market, a State agency is trying to pump up the price again. I ask the Acting Leader to ask the Minister for Finance to include the activities of NAMA in the supervisory role of the Central Bank.

This Thursday night and Friday morning is the third anniversary of what happened on 29 and 30 September 2008, when the financial and property sectors combined to bring the country to its knees. NAMA has become a Frankenstein monster. It is formidable to the persons who created it, namely, the Parliament. It has to be brought back under control.

It is distressing that the same property developers, bankers, accountants, builders and lawyers are on its payroll while bankers come here to demand salaries of €690,000 a year, or 3.5 times what the Taoiseach earns. They have not realised the damage they have done to the country. The activities of NAMA have to be properly regulated and its abolition should be on the agenda.

Senator Mark Daly: I support Senator Cullinane in his call to examine the system of government and how we seem to be heading towards a democratic deficit. The local government efficiency implementation body met on 9 September and will meet again on 17 October. It sends reports to the Minister for the Environment, Community and Local Government without scrutiny by this House or the Dáil. It is changing the way local government is run in a radical way. Over 100 proposals are being implemented, including the merger of city and county councils and areas of responsibility, yet there is no scrutiny or oversight.

The Lisbon treaty afforded parliaments the opportunity to scrutinise draft legislation. There have been 132 pieces of draft legislation proposed by the Parliament and 428 submissions by other European countries on amendments to the proposed legislation. Ireland has submitted zero amendments. In three or four years' time, when those pieces of legislation are enforced in Ireland, we will wonder how that happened.

Local democracy is being changed and the European Parliament is proposing changes to the way we run our affairs in this country with no amendment to legislation made by this House or Government. There is something deeply wrong with the way we are doing our business. If we do not change it we will be defunct.

Senator Cullinane referred to getting rid of the Seanad and reducing the number of Deputies and councillors. Not only is the EU running the show but it is introducing laws and we are not bothering to submit amendments which are important to the people of Ireland. We have tabled a valid motion about TalkTalk today, which is valid but its impact is zero.

I ask the Acting Leader to bring the Minister for the Environment, Community and Local Government to the House to talk to us about the effects of the local government agency review implementation body, what it is doing and why it is making changes at local level without any scrutiny by any public representative. No public representative sits on it and there is no scrutiny of it by this House or any Oireachtas committee.

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

Senator Mark Daly: I ask her to ask the Minister for the Environment, Community and Local Government to come to the House and explain why we have a democratic deficit in this country which the Government proposes, not to bridge, but to widen.

Senator Mary M. White: I draw the attention of my colleagues to the fact that we are in the middle of positive ageing week 2011 and highlight once again the age discrimination against older women in the health service.

Between the ages of 50 and 65 a woman is called every 24 months for a free mammogram. Over the age of 65 a woman ceases to be called every two years, even though she is seven times more likely to develop breast cancer. If a woman aged over 65 can afford it, she can go to her GP, pay €55 or €60 and then pay over €200 for a private mammogram within two days. If a woman cannot afford to pay she has to visit a GP to be put on a waiting list. A woman attending a public hospital for a mammogram has to wait 12 weeks for it after receiving a letter from a GP.

I call on the Minister for Health, Deputy Reilly, to tell us when he intends to fulfil his promise in the programme for Government to extend the age for free mammograms for women to 70.

Senator Marc MacSharry: I join with the Acting Leader in seconding the amendment to the Order of Business to call on the Minister, Deputy Shatter, to come to the House and address the situation regarding domestic violence against women throughout the country. Some 3,000 or more were refused access to a refuge last year.

I have personal experience of the issue as I chair a group in the north west to advance the establishment of a refuge for Sligo, Leitrim and Cavan where there are currently none. While we in this House are always appreciative of the fact that resources are scarce and a loaves and fishes exercise takes place, clearly common sense would demand that adequate resources are diverted to domestic violence advocacy services throughout the country. The Acting Leader has done work in this area.

A refuge is due to open in Kildare but there is no money to run it. There is no money to ensure the speedy opening of a refuge for Sligo, Cavan and Leitrim. Funds should be immediately diverted from less critical areas to ensure refuges can be opened as a matter of utmost urgency. There is no more important issue than the protection of women in society. It is shocking in the extreme that almost 35% of those who presented to refuges last year had to be turned away. It does not take from the good work that was done for the 7,300 who were accepted. We must prioritise these areas.

On the wider issue of resources, I ask for a series of debates in October on the budget preparations so ideas in this House can be brought to bear in the formation of the budget. Clearly resources are an issue but I would like to see them diverted to areas that will have maximum impact for the protection of the vulnerable and job creation.

I fully support Senator Daly. It is shocking in the extreme that Ireland is the laughing stock of Europe for not having taken a view on the 428 submissions made on proposed legislation under the Lisbon treaty. How dare the Taoiseach use as an electoral ploy the proposed abolition of this House? We yearn for the ability and option to contribute to draft EU legislation. One day per week, such as a Monday or Friday when we are not sitting, should be set aside for us to put forward meaningful amendments to proposed draft EU legislation. That is what we are here for and prepared to do.

The Taoiseach, instead of standing over cheap political shots to try to gain votes, should give us the opportunity for the Seanad to be what people say it can be and put forward meaningful suggestions on draft EU legislation, rather than the rubber-stamping exercise the Government has proved itself to be exceptionally good at.

Senator Ivana Bacik: I thank Senators for their contributions. A number of common themes emerged. I will depart slightly from tradition before responding individually to them.

A number of colleagues called for two debates and it is my intention to ask the Leader to arrange them as soon as possible. One is a debate on domestic violence, which Senators

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O'Donovan, Keane, MacSharry and Leyden called for. Senator O'Donovan proposed an amendment to the Order of Business. Unfortunately I cannot accept it today but, as Senator MacSharry said, I am deeply concerned about the Safe Ireland report. The Senators who called for an urgent debate on the issue are quite right but we cannot have it today. We cannot have it today because Dr. Maurice Manning is coming in and we have our programme set. The Minister for Justice and Equality, Deputy Shatter, has been a very regular and frequent visitor to this House — he spent most of last week in here. I do not believe there would be any difficulty in getting him in as a matter of urgency to discuss the responses of the State regarding domestic violence. I will personally ensure we have that debate. During the last Seanad we had an excellent debate on domestic violence responses, in which Senator White and others were very active, but we are due to have another one given the figures published today. I thank Senator Keane for a very constructive contribution on the matter in which she spoke of the need to link the refuges which are full with empty NAMA buildings.

Senators Keane, Paul Coghlan and Barrett called for a debate with the Minister of State with responsibility for housing, Deputy Penrose, on NAMA, which is one we should have as a matter of urgency. Senator O'Neill called for a debate on the housing situation more generally, which can be linked with a debate on NAMA, which would be a very useful debate to have.

Senator O'Donovan asked for an update on the constitutional convention, a matter in which I am personally very interested and on which I have been pressing the Minister for Public Expenditure and Reform, Deputy Howlin. He recently established the Department that will be overseeing this and it is hoped that the convention will be established within the next couple of months. I would like it to be sooner and I will continue to press for that as, I know, will others. The Senator also spoke about the children's rights referendum. As he knows there has been a difficulty with the wording, but it is a priority for the Government and for the Minister, Deputy Fitzgerald, as she has made clear.

Senators O'Donovan, Mullen, O'Neill, Leyden, Cullinane, Paul Coghlan and Mullins all congratulated our colleague, Senator Norris, on achieving a nomination to contest the presidential election. On behalf of all Members of the Seanad, I offer congratulations to Senator Norris and good wishes to all seven candidates for the presidency although, as Senator Cullinane said, not in equal measure and for my part, I am backing Mr. Michael D. Higgins. We wish that it will be a very constructive and positive campaign.

As I said, Senator O'Neill called for a debate on the housing situation and we debated a Labour Party Private Members' motion on mortgage arrears in June, but we are due to have another debate on the issue.

Senator Mullen spoke of the opening of the LauraLynn hospice, which deserves the support of us all. I had the privilege of attending a fund-raising dinner for that hospice some time ago and heard the parents, who established the foundation, recount the tragic story of the loss of both their daughters. That hospice for very sick children is worthy of the support of us all. The Senator also called for a debate on the procedure by which presidential candidates are nominated, which would be a useful debate for us to have in this House. A number of other Senators backed his call.

Senator Harte raised the allegations made by Senator Byrne yesterday and I believe he clarified the source of the information he received, which was covered in the newspapers yesterday and today. Senator Harte has indicated he will speak to the Cathaoirleach about how to address the matter.

Senator Leyden called for ongoing debates on job creation which is a constructive proposal. The Labour Party Private Members' motion to be taken today at 3 p.m. can be regarded as a

start of that. I am glad to say that the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, will be in the House for that debate. Any Senator who has constructive job creation proposals of the sort Senator Leyden made should be able to raise them in this afternoon's debate. The debate primarily addresses the situation in TalkTalk and the tragic loss of more than 500 jobs in the Waterford area, but it also raises questions about job creation. We deliberately drafted the motion so that it would not only encompass collective redundancy protection for workers, but also job creation strategies. Any colleagues with constructive ideas should be able to put them to the Minister today.

Senator Quinn spoke of strikes in Greece. I am grateful for the Senator's very positive message despite the description of the strikes. He is right to point out it is worth celebrating the establishment of a digital cluster in Ireland, the good news on Twitter and the fact that there is still some positivity despite the economic crisis.

Senator Cullinane called for a debate on the sale of State assets. No assets have yet been sold. There is an ongoing debate at Cabinet and we should have a debate in this House when we understand more clearly what is being envisaged. I take his point that we might hold off on invitations to Northern Ireland's First Minister and Deputy First Minister. In any case I do not believe that invitation could have been issued this term. He also called for a debate on the nomination process for President. With fewer Deputies and reform or abolition of the Seanad envisaged, we will in any case need to consider how we deal with nominations for the presidency.

Senator O'Sullivan called for clarification on the constitutional convention and it is hoped that will be established shortly under the Minister, Deputy Howlin. The Senator also spoke about voting rights for people living abroad, which might be raised with the Minister for the Environment, Community and Local Government or could even be raised today during the question and answer session we have with Dr. Maurice Manning, who is president of the Irish Human Rights Commission, given that the right to vote is a matter of human rights.

Senator Mullins spoke of the need to revisit the tourism tax in light of the positive figures on visitors to Ireland and increased tourism traffic. That would be a useful debate to have with the Minister and could also form part a more general job creation debate and might be worth raising in this afternoon's Private Members' debate.

Senator Barrett suggested that the Minister for Finance should include the supervision of NAMA within the supervisory role of the Central Bank, which is a constructive suggestion that could be made in the course of a debate with the Minister for Jobs, Enterprise and Innovation, Deputy Bruton. I will speak with the Leader to confirm that the Minister for Finance will be in the Seanad some time this term as it might be more appropriate to raise it with him. The Senator also pointed out that this is the third anniversary of the ill-fated bank guarantee, which brought the country to its knees. The Labour Party was the only party to oppose that guarantee.

Senator Daly wanted to invite the Minister for the Environment, Community and Local Government to come to the House. I will ask the Leader if it is envisaged — I am sure we will be able to get him in at some point this term. It is not fair for the Senator to suggest there will be no impact from this afternoon's motion on TalkTalk. I have already said the Minister, Deputy Bruton, has indicated he will attend for that debate. It represents a good opportunity for all of us to make suggestions on job creation and how best to protect workers in collective redundancy situations. As we will have the ear of the Minister, it will not have zero impact — far from it.

Senator White spoke of positive ageing week and the issue of access to mammograms for women over 65. I am grateful to the Senator for raising the matter. As the Leader indicated

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yesterday, the Minister for Health will come to the House some time in coming weeks and it should be raised directly with him at that time.

Senator MacSharry spoke about domestic violence to which I have responded and he also supported Senator Daly. The Oireachtas Joint Committee on Justice, Defence and Equality, of which I am a member, has very active input on EU legislation and I know the same is true of other committees. It is not just about what happens on the floor of the Dáil and Seanad, but also about the committees having a role in the preparation of EU legislation.

I wrongly said we were dealing with No. 2 in Private Members' business. That should have been No. 12, motion No. 7, to be taken from 3 p.m. until 5 p.m.

Senator Terry Leyden: I am delighted that is the case.

Senator Ivana Bacik: I thank the Senator; it is always nice to hear he is delighted.

Senator Terry Leyden: No. 2 is my Bill.

Senator Ivana Bacik: We are not debating the Senator's Bill, but No. 12, motion No. 7.

I will ask the Leader about having those debates on housing and NAMA with the Minister of State, Deputy Penrose, and on domestic violence with the Minister, Deputy Shatter. However, regretfully I cannot accept the amendment to the Order of Business today, given the business before the House today.

Senator Denis O'Donovan: I accept the *bona fides* of the Deputy Leader. In view of her commitment for a debate on domestic violence, I withdraw my amendment to the Order of Business.

Order of Business agreed.

Sitting suspended at 11.30 a.m. and resumed at 11.45 a.m.

Address by President of the Irish Human Rights Commission

An Cathaoirleach: On behalf of fellow Senators, I welcome to the House Dr. Maurice Manning, president of the Irish Human Rights Commission, chair of the European group of national human rights institutions and former Leader of this House. Dr. Manning has served in the prestigious and influential role of president since his appointment to the Irish Human Rights Commission in 2002.

This newly elected Seanad is determined to modernise its procedures and actively engage with civic society. To begin this process we have changed Standing Orders to allow persons and representatives of public and civil life to address Seanad Éireann. Today is a particular milestone in that our guest is Dr. Maurice Manning, a former Leader of the House, who has had a very distinguished career as a politician, academic and human rights campaigner. It is in recognition of his success and expertise in the area of human rights that he is invited here today to address the House. We are delighted that a person of such reputation and high standing is the first to address the Seanad under the new rules. It is, therefore, a great honour and privilege to invite Dr. Manning to address the House.

Dr. Maurice Manning: It is a very great honour to be invited to address this House today, and one which I greatly appreciate. I am particularly struck by the fact that Senators have made human rights the theme for this session of the Seanad. It is in that context of parliament

and human rights that I will make my observations today. I will also say a few personal words about this House and its future.

Occasionally it is necessary to demystify human rights. Sometimes the language around human rights is complicated, even condescending. Sometimes “human rights speak” can almost be a foreign language, designed to exclude rather than include people. This should never be. The essence of human rights is very simple. They are the basic, fundamental and crucial elements of all our lives and ensure we can live the best lives possible.

If we look at any of the rights protected by the UN Declaration of Human Rights and the international conventions that flow from it, we see, not a list of rights to be somehow given to us, but the very basics that should exist in all societies — rights to life, health and education, among others. In an ideal world we would not even need to talk about achieving human rights. They would already be inherent in society, allowing us to live our lives in freedom and dignity. However, we do not live in an ideal world. Human rights need legal definition and enforceability if they are to be meaningful. They should be neither vague nor mystifying. Our human rights are simply all the rights laid out in Articles 40 to 44 of our Constitution, in any jurisprudence which flows from that and the human rights in all of the UN and European conventions to which we, as a country, have subscribed. There is no mystery, no obscurity. Our human rights are spelled out for us in black and white. They are not optional. They have the force of law, both our law and international law.

We must never accept that there is anything conditional about human rights. If they only apply to those who keep within the confines of what we find personally acceptable and we insist on that, then we have, in that decision, denied the most fundamental principle of all, namely: “All human beings are born free and equal in dignity and rights”. Human rights must be universal. Being in favour of human rights for all can often result in a criticism being levelled at those same human rights — that they somehow give rights to people who are “undeserving”. After the recent riots in England, there was discussion in many newspapers about not letting human rights get in the way of charging and convicting alleged rioters. However, if we do not uphold the human rights of everybody equally, and in accordance with the law, we put at risk all human rights. This does not mean those who step outside norms of behaviour must not face the consequences of their actions. Rather, it provides a framework of protection for all in how such consequences are pursued.

Linking with Members of the Oireachtas is a key part of the work of the Irish Human Rights Commission. Human rights have to be at the heart of the work of any parliament. Parliaments are not only a fundamental pillar of democracy but have the possibility to play an active role in human rights protection and demonstrate a country’s commitment to human rights. Parliaments across the world have a wide range of powers to directly ensure the protection of human rights. These include the rights Members avail of every day — the right to put questions to Ministers and Government officials, to request written reports and documents, to hold public hearings with statutory bodies and civil society organisations, the right to undertake field visits, especially to prisons and detention centres, and to ensure follow-up to the recommendations made by human rights bodies nationally and internationally.

In the Oireachtas, the role of committee is particularly important. In the Irish Human Rights Commission, I have previously recommended the establishment of a human rights committee that would undertake inquiries on human rights issues, consider Government Bills which have significant human rights implications and consider action taken by the Government to deal with judgments of the European Court of Human Rights. Such a committee could potentially be important for legislators in regard to situations where Irish legislation is deemed incompatible with the European Convention on Human Rights Act. It is unfortunate that we do not

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have a full human rights committee such as exists in other parliaments around the world, with probably the best model being that of the British Parliament. Nevertheless, all committees of the Oireachtas should take human rights into account in their work. Human rights cut across almost every issue the Oireachtas deals with and it is essential that human rights are not confined to being merely matters for a justice or foreign affairs committee.

I wish to take this opportunity to encourage Senators to ensure that there be more debates on important human rights issues in this House. For example, Ireland will come under scrutiny on 6 October at the United Nations Human Rights Council. This is a ground-breaking occasion, and will be the first consideration by the council of Ireland's entire human rights record. It is an important opportunity for Ireland to demonstrate clearly its commitment to human rights and fundamental freedoms. As many other bodies in civil society have done, the Irish Human Rights Commission has contributed a report to this council concerning its audit of our human rights position and record and those things that need to be done or changed. The commission made 35 recommendations for areas in need of improvement. They included such matters as: the need for a national action plan on human rights; the need for a strong human rights infrastructure — which is a very topical and relevant issue at this time; and a call for ratification of key UN treaties. It is not acceptable that this country has yet to ratify the Convention on the Rights of Migrant Workers or to ratify in full the first convention of the 21st century, the Convention on the Rights of People with Disabilities. We also advocated the need for the following: protection of those most vulnerable in the economic crisis; the need to reform the justice and penal systems in certain areas, especially concerning conditions in prisons; the need for stronger protections against racial discrimination and in the situation of Travellers; and the need for reform of the immigration and asylum system.

An Oireachtas debate on this issue and Oireachtas follow-up to the recommendations that the UN Human Rights Council will make are vital to the integrity of this process. In no way should Parliament be absent from this process and this House should take a lead role in ensuring

this does not happen. Senators have the ability and the knowledge to make a real contribution and the House has a standing which would make that possible.

12 o'clock

More broadly, the Oireachtas also has a key role to play in supporting the Irish Human Rights Commission. The IHRC has repeatedly called to be directly linked to the Oireachtas, rather than to a Department. By that, I mean we should be answerable to the Houses of the Oireachtas for everything we do. This call has been echoed by international organisations and by civil society. Such a link would not only be in keeping with international best practice but would also acknowledge that human rights impact on all areas of law, policy and practice in Ireland and not, as I noted, merely as issues within the justice sector. Linking the IHRC directly to the Oireachtas would allow for more direct engagement with the work of the commission and would express Ireland's ongoing commitment to the promotion and protection of human rights.

It is foreseen, or at least it has been indicated, that the merged Irish human rights and equality commission would be linked to an Oireachtas committee and I greatly look forward to this. I expect the support of the House when the legislation comes before it.

Engagement should be a two-way process. The commission can support parliamentarians in their work. One of the primary functions of the commission is making recommendations on the compliance of legislation with international human rights standards and the human rights standards contained in the Constitution. The commission publicises and disseminates all its recommendations, including to the Oireachtas. We have seen our recommendations cited in Oireachtas debates and representatives have appeared on many occasions before Oireachtas committees. We encourage Oireachtas Members to continue to actively use our recom-

mendations when there are debates on pieces of legislation with human rights aspects. We welcome hearing from any Member of the Oireachtas if we can provide information or guidance on an issue, and we hope that Members will encourage the referring of legislation to the commission for our comments.

I also encourage Members to monitor the follow-up and implementation of commission recommendations. I would welcome a regularly scheduled debate on the commission's annual report, which is laid before the Houses each year. I say a particular word of thanks to many Members in the Seanad who supported the Irish Human Rights Commission during some very difficult times over the past few years. I do not like praising a person behind his back but Senator David Norris was a particular supporter of the commission during some very difficult times in the past few years. He and many other Members took a dispassionate and supportive view of what Governments proposed.

As I well know, being a Senator is an ever learning process. One must master issues on an almost universal scale — economic, fiscal, social, cultural, local — and in the midst of all this it is essential that all parliamentarians have a good understanding of human rights. The commission is always willing to help in that regard.

The commission is committed to promoting human rights among civil and public servants, which is an important issue. These are the people who have at the primary level responsibility for the implementation of human rights and the upholding of human rights standards. We see this as key to ensuring the long-term sustainable creation of a human rights based society. Since April 2010, we have been running a project, with philanthropic support, to provide human rights education and training directly to the public service. As part of this project, we published a guide on human rights for the civil and public service, with 5,000 copies distributed to date. There is one in every Garda station and it has also been taken up by county councils in many parts of the country.

We have been rolling out direct human rights training for civil and public servants. In so doing we have been stressing the practical benefits to the civil and public service of engagement with this training, including through minimising legal risk. We are heartened by the positive attitude of many Departments and State services to engaging with human rights training, and we look forward to working in partnership on a wider scale with the civil and public service.

As an example I will mention our engagement with An Garda Síochána. In the early stages of my time as president of the commission I tended to preach to gardaí and very often I had good reason to. Gardaí were certainly lagging behind what was happening in Northern Ireland, where the Patten commission was undertaking a major structural root and branch reform of policing, with human rights at its heart. I made a few harsh comments about the Garda. There was a change and I found that within An Garda Síochána there was a large appetite for a human rights-based approach to police training, driven by some of the middle rank gardaí with the support of the leadership. I realised that working with people in partnership was a far more effective way of bringing about change in attitudes and in public service training and structures. In some ways, that is a great credit to An Garda Síochána while also being a model for us in working with the public sector. That is what I mean by engagement with the public service in human rights training.

I will conclude my observations on human rights by referring to one great and largely untapped source of help for both the Parliament and the Irish Human Rights Commission, namely, the existence here of a committed, dynamic and skilful civil society, many of whose members are represented in the Gallery. In the Irish Human Rights Commission we greatly value not just the friendship and support of civil society but the insights, expertise and perspectives its members so generously offer. I am delighted to see representatives of so many groups

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here today. Just as they help us in our work as an ongoing source of inspiration to us, so too can they be of enormous help creating a new dimension in the work of this House. They are a valuable resource waiting to give so generously of their expertise. It is an element the commission or this House will ignore to great loss.

I will turn to a subject close to my heart, namely, the current position of the House. Some of my happiest and most fulfilling hours were spent in this Chamber and in the work of the House. Many of the friendships made on all sides of the House during my years were enduring and enriching. This is a difficult time for all associated with the House and there can be no doubt that the Seanad has, to an extent, lost its way and, I suspect, much of its confidence over the past few decades. It has perhaps become too easy a target.

The current problems are attributable to no single cause. All institutions grow old and stagnate if not constantly renewed and critically reassessed. Over the years the Seanad did little of either. We can, if we wish, blame for this the complacency of too many Members, the absence for too long of any genuine will to reform or the comfort of living in a cocoon. All of us who served in earlier times must share this responsibility.

It takes two to tango and efforts at reform, and there were some, were met by a wall of indifference from successive Governments. No Government in my experience took the Seanad seriously. There were no votes in Seanad reform and no pressure to change. If Governments thought about the Seanad — and they did not do so very much — they saw it as existing to facilitate government, not to be an independent source of influence or to add value to political life. It was not hostility but indifference, which in many ways is worse. In fairness, voices were raised and 11 different reports urging change appeared over the years. The report of the committee chaired by then Senator Mary O'Rourke in 2004 was a serious and honest attempt to carve out a distinctive role for a modern Senate. Sadly, and to my mind inexplicably, that report was not seriously acted upon. It was a crucial mistake and made the case for abolition that much easier to make.

That report also made clear that the problems of the House were rooted in its founding philosophy as much as, or even more than, the culpability of successive Members. If the House will indulge me a moment in history I will try to make that point. It is essentially a tale of two Senates. The Free State Senate of 1922 had clarity both as to what it should do and who its Members should be. The simple view of the day was that legislation should never be rushed, that it should be carefully and expertly scrutinised and that was the Senate's job. There was also the view that the post-revolutionary Dáil might well be lacking in business or other expertise and this Senate could well provide some of that. The third and most crucial element was reconciliation and reassurance; the Protestant and Unionist community were told that they were part of the new nation and had a major role to play.

The Seanad met, and met handsomely, all of these requirements. It took its job seriously and took its scrutiny so seriously that it frequently annoyed Ministers who resented having to spend so much time defending their legislation. Their observations were usually wise and often ahead of their time.

In terms of its composition, it was not just a pale shadow of the other House, it was radically different. The former Unionists were very well represented. Names like Jameson and Guinness, the Countess of Desart, the Earls of Mayo and Granard, Sir John Keane and the McGillacuddy of the Reeks sat side by side with Mrs. Tom Clarke, widow of the executed 1916 leader, Tom Clarke, and Joseph Connolly, the first Senator to hold ministerial office and, of course, the presence of William Butler Yeats and Oliver St. John Gogarty — a formidable and diverse membership.

However, and this remains the root of the problem about the new 1937 Seanad, there was neither ambition nor clarity in its conception. Mr. de Valera famously said “a bad Senate was better than no Senate” and sadly that is what happened. The Seanad Sub-Committee on Seanad Reform, of which Mary O’Rourke was chairman, did not put a tooth in it when it addressed the problems. It made two key observations: “The Seanad has no distinctive role in the Irish political system” and “Its arcane and outdated system of nomination and election diminishes Senators’ political legitimacy”. That was a brave report and these two observations go to the heart of the matter with two key questions which must feature in any reform proposals. What is the Seanad to do — how does it make a valuable contribution to the political life of the country and who should be in it — and how should they get there?

These are the questions Senators, as Members of this House, must wrestle with as referendum day approaches. It is a great responsibility and a huge challenge. I urge Members to bear one key issue in mind — the Irish people are fair-minded. They do not like being told what to do. They are indifferent, not hostile to this House and if they see a House united in its determination in showing it has a real and relevant contribution to make, determined to give value, then I believe anything is possible.

I believe a good case can be made. There is much that is good in the traditions of this House. This House has produced some outstanding Senators who did change and enhance public life. In my own time there was Mary Robinson and Catherine McGuinness, courageous and far-sighted reformers; John A. Murphy and Joe O’Toole, both fearless and iconoclastic; Ken Whittaker and Maurice Hayes, probably the two finest public servants in the history of the State; Seamus Mallon, one of the bravest men I have ever met; and the late Eoin Ryan and Jim Dooge, superb legislators; and perhaps the most memorable of all, the late Gordon Wilson, who stood for generosity and forgiveness. He did this even after the killing of his daughter and especially in the worst days of the Troubles. This is just a small list of truly outstanding people who served in this House — all of whom made a real difference. They set a standard, a benchmark of which any assembly could be proud.

This House today is different to any in which I served. When I look around today and at the performance of the House so far I see vitality and a sense of commitment which makes me envious. In a way I wish I were part of it. There is an energy here which if harnessed and focused, and focus is all important, could be highly persuasive in the public debate which will follow. There is diversity. There is the beginning of real diversity here, a beginning, only a beginning, but a genuine beginning. In welcoming diversity I am not undervaluing the key role of our political parties. I am a believer in the centrality of parties in our politics. Without distinctive coherent parties there would be chaos. We need them to give us coherent choice and the leadership to deliver change. There is no conflict between diversity and a coherent party system.

As one who had the honour to be Leader of this House I am conscious of the changes already begun under the leadership of Senator Maurice Cummins. I am particularly struck by the new public consultation procedure. I believe it has enormous potential to add a new dimension to the work of Parliament which has not been tried before. The House should do it its own way.

Senators: Hear, hear.

Dr. Maurice Manning: I am conscious that the reform is only the beginning but it has been made early in the life of Parliament. There is no shortage of good ideas. It is not my role to elaborate here today on what Senators could and should do, that is their job. It is their opportunity to be imaginative and resolute in effecting change, always remembering that their core

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role is as unchanged today as it was in 1922 scrutinising and improving legislation, and doing so in one interest only — that of the people of Ireland.

If any lesson is to be learned from our ongoing national crisis it is that the absence or the failure of scrutiny was at the heart of so much that went wrong. I am not just referring to scrutiny of legislation or regulation but the failure to see the bigger picture, failure to stand back from the helter of events to ask some fundamental and probing questions. Just as all our major institutions were found wanting, so too were these Houses. It must never happen again, and this House with its capacity for reflection, its capacity at times to be prophetic, and its potential to forge direct links with the diversity of civil society, has the potential to ensure this does not happen again.

In conclusion may I repeat just one point, namely, the Irish people are fair-minded. There is no ingrained hostility to this House. The case is theirs to make. They have the ability and the material to make a good case.

A Chathaoirligh, I wish you well in doing this and I thank you for the privilege of inviting me here today.

An Cathaoirleach: I thank Dr. Manning.

Senator Jim Walsh: Cuirim fáilte roimh Dr. Manning go dtí an Teach inniu. I served with Dr. Manning in the House previously and he was one of the most articulate and finest minds with whom it was my privilege to serve in this House. He has obviously brought that great capacity to the current important position he holds. As one who was criticised for claiming that many branches of the NGOs had hitched their wagons to the human rights and equality wagon, sometimes, perhaps, without a great foundation of reason, I thought I should start by going back to the foundation of our modern human rights, to which Dr. Manning referred, that is, the UN Universal Declaration of Human Rights of 1948. It set up a commission, one of the first acts of the UN, to draft this document. Article 16 acknowledges the equality between women and men and also the duties of society and the State to protect family, the natural and fundamental group unit of society, based on marriage between men and women. It goes on to say that it founds human rights in an anthropology of the human person. Dr. Manning quoted the first part which states “All human beings are born free and equally in dignity and rights”. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Key drafters sought to recognise an objective foundation for human rights based on the universality of human nature. It is interesting that they also say the rights are correlative with duties. We often hear reports about our rights and campaigning for rights but which place insufficient emphasis on our correlative obligations and responsibilities. Duties to others and the community as a whole are recognised implicitly in Article 1 and explicitly in the preamble to paragraph 5 and Article 29. These were not originally intended to be binding, but they have become so.

Article 23 of the 1966 International Covenant on Civil and Political Rights states the natural family based on marriage shall be protected by society and the state. As far as I am aware, none of the NGOs made reference to this protection in their submissions to the United Nations, although I stand to be corrected. Yesterday evening I watched a BBC television programme on which a Jewish rabbi interviewed Dr. Robert D. Putnam from Harvard University about the values embodied in faith and religion and increasing the connection between family and community. Dr. Putnam argued that strong families and communities were important components of our human rights fabric. Maurice Glasman from London Metropolitan University

spoke about how the breakdown of traditional families was leading to dysfunction in society, alienation, loneliness and a particular emphasis on the elderly.

Recently I attended a conference at which a paper was read by Matthew Fforde, a Welshman who had conducted a case study of post-modernity in Britain and the changes that had taken place since the war, which he classified as de-culturalisation, de-Christianisation and de-socialisation. I recommend the book he has written on de-socialisation. Although it is a heavy tome to read, it contains a significant amount of challenging and thought provoking material. He referred to isolation and alienation and noted that 7 million people, or every man, woman and child on the island of Ireland plus 1 million, lived alone in Britain. He spoke about the effect this had had on mental health and in other areas. It is important that we reflect on this issue. I will raise a number of questions pertaining to it.

There are certain fundamental rights, including the right to life, freedom and education. I have always believed people have the right to employment because it is part of the dignity of the human person to use one's own talents and energy to provide for oneself and one's family. The right to shelter is also well recognised in these Houses. The most fundamental right of all is the right to life because without it all other rights are immaterial. It is interesting that Article 2 of the European Convention on Human Rights states:

Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction for a crime for which this penalty is provided by law.

I am of the school of thought that regards life as inviolate. In this regard, I commend to Dr. Manning a short article by Professor William Reville of UCC which deals with the continuum of life from conception to natural death. Any interruption along the path obliterates the remainder of that life.

I come to the questions I wish to put to Dr. Manning. What is the process of embracing ideas that purport to develop human rights and what research or qualitative study does it involve? I ask this question because when I took a particular stand on the issue of civil partnership, I felt obliged to conduct research into its effects on the family. Hundreds of reports have been produced on this subject, particularly on the position in the United States. To what extent have the common good and the societal impact or likely consequences been balanced against individual rights in reaching conclusions? Should all human life be inviolate?

Senator Martin Conway: I welcome Dr. Manning. His comments on the 1922 Seanad and the potential future of the Chamber will give Senators hope. The 1922 Seanad appeared to include human rights as part of its core identity and its Members included people who embraced and promoted human rights.

The people are well briefed on human rights and have practised as well as preached them throughout the world. People from Ireland have been politically involved in the United States and other countries. John F. Kennedy reached the pinnacle of the political system in the United States and Irish people and their descendents have been involved in securing and promoting human rights in many other countries. Thousands of priests, brothers, nuns and lay people have travelled to the most deprived parts of the globe to assist the most unfortunate and disadvantaged of people to achieve decent human rights and access to food and medicines. The Irish tradition of human rights is very positive.

The Irish Human Rights Commission came into being as a result of the clear mandate from the people on the Good Friday Agreement. Its greatest achievement is its relationship with its sister body in the North. The Government of the day and the main Opposition parties deserve

[Senator Martin Conway.]

credit for establishing and properly funding the commission. The then Minister for Justice, Equality and Law Reform, Michael McDowell, should be commended for appointing Dr. Manning, even though he did not come from the political traditions of Fianna Fáil and the Progressive Democrats. He had the qualities needed to progress human rights in this country and in the past ten years he has made submissions and observations on more than 40 Bills as they passed through the Houses of the Oireachtas. The commission has also entered into more than 3,000 legal communications on various issues relating to human rights.

The most important work done by the commission, however, is in its advocacy on behalf of ordinary people who contact it about human rights violations. Many of its reports stem from the myriad complaints received. I note, in particular, the work it has done on behalf of intellectually disabled people in County Galway. Last May it launched a report on the involvement of religion in education which stemmed from numerous complaints by non-believers who felt badly treated by the education system. Its assessment of the Magdalene laundries played an integral part in the ensuing investigations. However, while it has achieved a lot, there is much more to be done.

I wholeheartedly agree with Dr. Manning that the language of human rights can sometimes sound elitist. Human rights should be all-embracing and the language used should be simple and easy to understand. A person who is homeless outside the gates of Leinster House should understand his or her human rights as clearly as a freshman in Trinity College or a debater in the Literary and Historical Society in UCD. Human rights should transcend all genders and circumstances. As a society, we have a responsibility in this respect. It cannot all be done by the Government; we must change attitudes. I hope the constitutional convention which is imminent will lead a national conversation on human rights and attitudes in society. A serious difficulty in this country is presented by the “not in my back yard” attitude. We must realise that respecting human rights is not easy and that sometimes it means one must make difficult decisions. I recall when the Irish Human Rights Commission issued a report on rendition flights landing at Shannon Airport. It was not easy to do at the time but it was the right thing to do, as the evidence has shown.

I wish to make a few brief points. The Equality Authority is being merged with the Irish Human Rights Commission. That synergy will be to the common good and the good of the country. It will drive the agenda of equality and human rights. Having one organisation operating on behalf of all those dealing with issues of equality and human rights is probably the way to proceed.

The Irish Human Rights Commission has achieved serious recognition abroad. It is highly regarded in the European Union and at the United Nations. The foundations have been laid and an exceptionally impressive organisation will emerge.

Dr. Manning always practised the concept of equality and is the right person to drive forward this project. I sat before him for three years when he was an academics lecturer in UCD and he does not just pay lip service to the concept, he practises it. He practised it long before he became president of the Irish Human Rights Commission. I say this from experience.

Senator Tom Sheahan: He made a good job of the Senator.

Senator Ivana Bacik: I welcome Dr. Manning back to the Seanad in his capacity as president of the Irish Human Rights Commission. I enjoyed his address, as I am sure did all Members, as shown by the response he received. It is an auspicious time for him to come to the Seanad to speak to us on human rights, given that in a week's time, next Thursday, 6 October, we will see the periodic review of Ireland's human rights record before the United Nations. I am

grateful, as I am sure are colleagues, to the many civil society groups represented in the Visitors Gallery today which made submissions to the United Nations as part of the review process and which sent copies of their submissions to us. In particular, I found very useful the submission of a collective of civil society stakeholders under the title, “Your Rights. Right Now”, provided by the Irish Council for Civil Liberties.

Before speaking about some of the human rights issues raised in the submissions, I pay tribute to Dr. Manning because, as he and Senator Conway said, “human rights speak” can sometimes be impenetrable or difficult to follow, but Dr. Manning has always made it accessible. I have always thought that one of his key achievements as president of the Irish Human Rights Commission has been to make the language of human rights accessible and understandable. Some of the points he has made about the future protection of human rights in this jurisdiction are extremely important. His reference to the body which will emerge as a result of the merger of the Irish Human Rights Commission and the Equality Authority and the idea that it will be made accountable to the Oireachtas rather than the Government is hugely important; it is something we in the Seanad must try to drive.

Dr. Manning’s insightful comments on the role of the Seanad give us food for thought. This Seanad is a much more dynamic and vibrant institution than the previous Seanad, to which I had the privilege of being elected. The omens are good in that regard.

On human rights issues, there are four key issues which I see as being critical in the periodic review and on which I would welcome Dr. Manning’s response. Part of the Seanad reform procedure we have instituted not only involves addresses by persons such as Dr. Manning but also provides for greater engagement with civic society through public consultation. Having questions and answers and more direct responses in this Seanad is important. On the four key issues that emerge from many of the submissions made and on which the periodic review is likely to be critical, what are the specific issues on which Dr. Manning believes Ireland may be found to be at fault?

The first of these issues is children’s rights which comes through as a key issue in many of the submissions made to the United Nations. The overriding concept of holding a referendum on children’s rights and its timing will, no doubt, be brought up. It is a priority for the Government and the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, in particular. There are other issues around the lack of a universal child benefit payment for the children of asylum seekers who are not habitually resident here. This issue has been raised by a number of groups such as the Free Legal Advice Centres. The rights of children of asylum seekers living in direct provision accommodation has also been raised by AkiDWA. Equality of access to education for children has been raised from a number of perspectives by the Irish Traveller Movement, GLEN, the Irish Refugee Council and others. The Irish Human Rights Commission has referred to the need for equality of access to education for children of all religions and ethnicities and the right of access to education for children with special needs and disabilities. I suspect this may be an issue which will come up in the period review. Has Dr. Manning a view on what is likely to be the most pressing concern for the United Nations?

On the issue of prison conditions and penal reform, the Irish Penal Reform Trust has made a strong submission that the impact of overcrowding on prisoners constitutes a serious health and human rights issue. There are other issues around slopping out and the imprisonment of children, including the continued detention of children in St. Patrick’s Institution, that might well be raised. The lack of an independent complaints mechanism for prisoners, for child prisoners in particular, is also a pressing issue.

On women’s rights, there are issues around the representation of women, an issue on which I have been very active and to which the Government is committed to addressing through the

[Senator Ivana Bacik.]

electoral amendment legislation, the heads of which the Minister for the Environment, Community and Local Government, Deputy Hogan, has published. This may be something that will be seen as positive in the periodic review. However, the report issued today by Safe Ireland showing the appalling numbers of women seeking assistance in domestic violence cases highlights the need for greater resources for domestic violence shelters and refuges. This may be a point of critique in the period review.

I raise the issue of women's reproductive rights, an issue which has been raised in the civil society stakeholder report entitled, "Your Rights. Right Now". Recommendation No. 12 points to the need for the repeal of the Offences Against the Person Act which criminalises the provision of abortion services. Legislation is also recommended to implement the decision in the X case. As many will be aware, Ireland has been subject to a series of criticisms from international bodies such as the UN body which monitors the Convention on the Elimination of All Forms of Discrimination against Women and the convention against torture. Ireland has been subject to a number of criticisms about our restrictive abortion laws. Only last year in the ABC v. Ireland case the European Court of Human Rights found Ireland to be in breach of the convention in respect of an overly restrictive law on abortion and owing to a lack of clarity where a woman's life was threatened by the continuance of her pregnancy. Will Dr. Manning say whether this will be an issue in the UN periodic review and on which Ireland could be seen to be at fault? The programme for Government has committed us to taking certain actions on foot of the ABC v. Ireland case, namely, the establishment of an expert group which will have to be done without delay.

I thank Dr. Manning for a thought provoking and insightful address to us, not only on the subject of human rights protections but also on the future of this House and, more broadly, the reform of our governance system to ensure greater protection for human rights in a reformed Oireachtas. We will all be taking on board the comments he made.

Senator Katherine Zappone: Dr. Manning asked us two questions about ourselves on Seanad reform. The first was what should the Seanad do? This is what we should be doing, namely, engaging in debate on human rights with a leader such as Dr. Manning. The other question was who should be in the Seanad? It is a great privilege to be here and engaging in debate. My hope is that members of the public in the Visitors Gallery, or others whom they represent, will some day have this privilege and that the diversity about which Dr. Manning spoke will be increased.

It is a great personal pleasure to welcome Dr. Manning to the Chamber. As one who was privileged to be a founding member of the Irish Human Rights Commission and to work with Dr. Manning for almost a decade, I acknowledge his leadership, particularly with reference to the ways in which he has facilitated the forging of the commission's independence as it worked to protect and promote human rights. At our various plenary and committee meetings he encouraged our efforts to debate issues with respect for our differences, intellectual rigour and empathy for those whose rights were not being adequately protected or promoted. Respect, intellectual rigour and empathy are prime ingredients for talk about human rights that translates into more dignity and freedom for more people.

The quality of empathy is particularly significant for our deliberations on human rights because it is the human capacity to touch the emotions or feelings of others — and sometimes those others are very different from ourselves — that allows us to understand better what is the right thing to do. I am reminded, and also haunted, by the words of one of our great poets, Eavan Boland, in her poem "Outside History". She begins it with the words: "There are outsiders, always." and concludes:

How slowly they die

as we kneel beside them, whisper in their ear.

And we are too late. We are always too late.

As Members are aware and as Dr. Manning has indicated, Ireland's record on human rights will be under peer review by the United Nations next week. While it is true, as the Government will argue, that Ireland has built up a strong legal machinery to protect and promote human rights, there are significant gaps in the protections. There are many people residing in this country who live outside history because our protections are not strong enough. As many other Senators have said, we have received communications from several civil society organisations, representing the interests of women, various groups of minorities, prisoners, children, older people, workers, disabled people, Travellers and those without adequate social and economic resources, outlining how these people are denied their full human rights across a number of areas.

In some cases those rights are being denied because lawmakers have failed to engage with controversial issues, such as the meaning of family, family issues and women's reproductive rights — issues that are not clear-cut even with reference to international standards of human rights. In other cases they are denied under the guise of insufficient resources. For whom are there insufficient resources? Are they those who are like us or are they those who live outside history? In other cases these rights are denied because whereas we may have the laws to protect rights, we failed to put in place the budgets to implement them. As one of the organisations, Free Legal Advice Centres, FLAC, has said, it is just as important to honour international duties in the area of human rights as it is under the EU-IMF agreement.

As lawmakers, it is imperative for us to prioritise ways to honour our human rights obligations, especially in this time of recession. This is a time that is bringing to light many ethical failures, not least greed, abuse of power and the betrayal of trust. To move forward and build a new Ireland we must utilise, as Dr. Manning has encouraged us to do, the advocacy and knowledge resources of our civil society organisations, the national human rights institution and the Equality Authority. These bodies provide us not only with critical legal analysis but they also offer us opportunities for empathic justice. We have the responsibility to inform ourselves of the records and narratives of the lives whose dreams have been broken, whose trust has been betrayed and whose lives have become undignified because our laws are not changing or are not changing fast enough.

Our visitors in the Visitors Gallery and our distinguished speaker, Dr. Manning, work in organisations that provide us with these narratives, which alert us and jolt our imagination and give us access to emotions of shame, exclusion and fear. People will not forgive us if we do not address the abuses and denials of human rights at this time. As Eleanor Roosevelt, one of the authors of the Universal Declaration of Human Rights, once asked: "When will our consciences grow so tender that we will act to prevent human misery rather than to avenge it?"

To conclude, I have a question for my colleague, Dr. Manning. What counsel would he give to Senators to support our scrutiny of the forthcoming Bill that will give effect to the proposed merger of the Irish Human Rights Commission and the Equality Authority? What should we watch out for to ensure the establishment of this merged body will significantly enhance Ireland's capacity to realise human rights?

Senator Rónán Mullen: Ba bhreá liom fáilte ó chroí a chur roimh ár n-aoi speisialta. Tá céad fáilte romhat, a Mhuiris. Tréaslaím leat agus leis an gcoimisiún as ucht na héachtanna uilig atá ar siúl againn.

[Senator Rónán Mullen.]

I welcome Dr. Manning, formerly Senator Manning. Perhaps it is a case of once a Senator, always a Senator. Speaking for Senator Quinn and myself, I should welcome him not just as a former Member of the House but also as the chancellor of the National University of Ireland, NUI. I thank him for his comments about Seanad Éireann. If this House can demonstrate half the capacity for survival that the NUI has shown, it will be doing well.

Dr. Manning made many important points. What resonated were those in which he stressed the need for human rights to be an inclusive rather than exclusive concept. I was particularly glad that he reminded us that human beings are born free and equal in dignity. He also correctly called Members of the Houses to a deeper engagement with the commission in the pursuit of excellence in the protection of human rights across the board in our society.

He will probably not disagree that when it comes to the identification or discernment of the requirements of human rights and their vindication, it is not a one-way street. As elected representatives of the people we will sometimes have things to say to Dr. Manning and the commission that might be challenging and might invite him to further reflection about the directions we must take as a society on particular issues. In suggesting that the learning is a two-way street, I am hopeful for a synergy and positive co-operation even when, at times, there will be deep differences of opinion about issues of profound importance. We have heard excellent contributions today from people whose values and fundamental conception of human rights differ, and sometimes in ways that are truly life and death. I hope we can have that dialogue and that Members of the Oireachtas will take seriously the need to be reflective legislators at all times, particularly where fundamental human rights are concerned.

Dr. Manning correctly pointed to the sources of our knowledge and our human rights law as our Constitution, various international agreements and, indeed, jurisprudence both in this country and abroad. However, that is not to say there are not other issues. We must identify and protect human rights in a way that is harmonious, that is, one person's rights must always be vindicated in a way that is harmonious with another person's enjoyment of their rights. We can think of issues in health care where that would be a particularly important concept. Sometimes, too, we will have to consider where legitimate issues of welfare end and human rights become identifiable. There are goods that we seek to identify, promote and protect in our society which might not be categorisable as human rights but which are goods nonetheless and which we would all agree we should pursue. Some of those goods are indeed human rights; they are identifiable across time and space as being always applicable, regardless of the society in which one lives.

However, we must be honest as well and agree that the content of human rights is not always unproblematic. I was delighted that Dr. Manning mentioned that all human beings are born free and equal in dignity. When we think about that and ask why human beings are born free and equal in dignity we have already heard the answer. It is a natural content, as it were, in that by virtue of our humanity certain rights inhere in us. If certain rights inhere in us by virtue of our humanity, we cannot honestly say that those human rights appear at birth only and do not exist prior to birth as well. That is why there are two issues on which I want to address Dr. Manning briefly in the time remaining to me, the protection of life and education. In fact, these are two of the three issues that Dr. Manning mentioned at the outset.

I would ask Muiris to do what he can to promote what I would call an authentic human rights perspective on the issue of protection of life before birth. That is important, both in terms of his commission's work in Ireland but also in terms of the vision of human rights that we Irish promote on the international stage. When we redefine protection of human life so as to promote, or even to permit, practices that exclude some of humanity, we do not merely do

an injustice to those individuals, we damage the concept of human rights and damage the retention of human rights in international mindsets for the longer term. That is where Ireland has so much to contribute by promoting the integrity of human rights. Integrity of human rights is not merely something that the dominant people in the dominant part of the world identify as being desirable in this time and place. Instead, we must always feel called to a deeper identification of truth that is at the heart of human rights.

I note that there are various international agencies and bodies which have sought to criticise Ireland's particular laws around the protection of the unborn. Often they fail to identify certain key facts. They fail, for example, to identify that Ireland has consistently the lowest maternal mortality in the world. They also fail to identify that we are good in this country at identifying the need to protect best medical care for women in pregnancy because our doctors are skilled at seeing that there are two patients whose human rights and dignity must be vindicated.

I suggest to Dr. Manning that we in Ireland need to identify education according to particular values of faith or philosophy as being a right to be enjoyed by families for their children as taxpayers in harmony and in concert with the right of people who want a different kind of education. We also need to identify the right to have that education provided for as well, and the State will have a particular role in that regard. If I were to utter a small word of criticism, I would say that in the Irish Human Rights Commission's document there was insufficient definition of terms such as "indoctrination" and "proselytism". On the concept of bringing children through an education system in a way that is harmonious with the religious values of parents who are also taxpayers, we would need to be careful not to denigrate that as indoctrination and proselytism, but rather to recognise that an authentic human rights approach to education is one that will recognise plurality based on parental choice, and with considerable and substantial State support to ensure different choices in our society are respected.

Tréasláim leis an tUasal Manning arís agus guím gach rath ar a chuid oibre.

Senator David Cullinane: I warmly welcome Dr. Manning to the House. I am a newly elected Senator and I was not around when he was a Member of this House, but I have heard him speak on a number of occasions, including only last week on the tenth anniversary of the Irish Human Rights Commission, at which he gave an excellent speech. I am deeply conscious of the role that he, who is a humble person, his staff and all those in the commission play in the area of human rights and in ensuring the Government lives up to its obligations under human rights instruments. That is critical.

I will deal with the potential merger and some fears I might have in that regard. The impression has been created, sometimes by those in Government but also by a largely compliant media, and generally in the western world while applying to Ireland, that we do not have to worry about human rights or civil rights because we live in the free world and in a civilised world where human rights are not issues that we must grapple and deal with and, by and large, people's rights are protected. That is not the reality. There are many breaches of people's civil rights and human rights in the free world, including in this country.

Previous speakers mentioned the wealth of civic organisations and individuals who are pioneers and advocates in the field of human rights and civil rights and who lobby us week in, week out. Every time we draft legislation, and we are elected to these Houses to discuss legislation, there are groups to give us a helping hand. We had it on the Criminal Justice (Female Genital Mutilation) Bill 2011, previously proposed by Senator Bacik and restored to the Order Paper, and we had organisations representing vulnerable women which assisted us in ensuring the legislation we passed was rights-based so that we were living up to our responsibilities. I could give countless other examples.

[Senator David Cullinane.]

The question was asked about what the Seanad should do. I would ask the same of the entire political system. When we mention reform of the Seanad, we must put it in the context of reform of the entire political system, including the Dáil. I would like to see, especially for civic society, better opportunities for those organisations to which I have referred to play more of a role in decision making. Perhaps that could be done through the Oireachtas committees and is a role that we could examine.

Essentially, what we should do is act. The responsibility of politicians is to vindicate the rights of citizens. We are failing many citizens in this country in some of the areas which have been mentioned such as health, education, access to services and employment. There are some patients in this State who, unfortunately, are forced to lie on hospital trolleys. People with money can buy favourable access to health treatment while people from disadvantaged backgrounds must wait on long waiting lists. People who are geographically disadvantaged because they happen to live in a certain part of Ireland must travel for cancer treatment. These are basic denials of a person's right to health services. There have been countless cases where parents have had to take the State to court to get the education their children deserve as a birthright. These are the issues politicians need to deal with. We cannot simply talk about human rights or civil rights. We must vindicate those rights, and in a republic, that is what the political system and public representatives are there to do.

On the merger, I will have to wait and see what exactly is proposed. I am concerned we could confuse and diminish the opportunity for a merged organisation to hold us all properly to account and ensure human rights, civil rights and equality, all of which are important, are given the precedence and importance they need. I would have that concern in the context of any merger. I note that the Irish Human Rights Commission is stretched for resources and that could diminish the scope for Dr. Manning and his organisation to hold law makers and decision makers properly to account.

The conflict in the North and civil rights were mentioned in the context of the formation of the commission. If that conflict teaches us anything, it is that a failure to vindicate civil rights is a failure of politics itself. That is the lesson we all must learn. We, as politicians, must ensure we vindicate those rights. One of the matters contained in the Good Friday Agreement that we voted for and which we still have not put in place is an all-Ireland bill of rights. I would like to see a discussion about what is meant by human rights and civil rights and what should be vindicated, and for that to be placed on a constitutional footing, which would then compel the Government to ensure the rights of all citizens in this republic are vindicated.

An Cathaoirleach: Does Dr. Manning wish to respond to the spokespersons because there are a further 20 questions from different Senators?

Dr. Manning: I will hear everyone else first.

An Cathaoirleach: I remind Senators that questioners have one minute each.

Senator Catherine Noone: I feel very emotional hearing Dr. Manning speak today. During the summer I had a little clarity and a good think about the opportunity we all have as elected representatives to this House. It is objectionable that this House is treated as a nursery and a nursing home, and I do not mean that in an offensive way to anyone. With the greatest respect to all my colleagues, this is a House in which we are supposed to speak about national issues. I am all for speaking about where one lives and where one is from, and I would be the first to

do so, but we are elected to this House, first and foremost, to be national politicians and to raise national issues.

It is such a relief to hear what Dr. Manning said earlier. I was beginning to think there was something wrong with me in that I did not quite understand what it was all about. I do not have a question as such, except to ask whether Dr. Manning would be there as an ear for us if we need some advice to try to keep this place alive.

Senator Mary M. White: I wish to draw attention to the case of Mr. Denis Donaldson. A joint commission report has already been issued by both the Irish Human Rights Commission and the Northern Ireland Human Rights Commission calling for an inquest under Article 2 of the European Convention on Human Rights into the murder of Mr. Denis Donaldson in County Donegal in 2006. Mr. Donaldson's family have made calls to both commissions, focused particularly on the questions facing the agencies which recruited and handled Mr. Donaldson as an informer. Does Dr. Manning agree that unless the inquest into Mr. Donaldson's murder is compliant with Article 2 of the European Convention on Human Rights, the relevant PSNI special branch personnel and many others will not be obliged to assist the coroner's inquest, nor will they be obliged to hand over all documents, electronic or otherwise, that they possess in regard to Mr. Donaldson's murder?

The legislation governing inquests in this part of the island is totally out of step with the system in the North of Ireland. This inquest will, of course, be held in Donegal, where Mr. Donaldson was murdered, under the standards demanded by the European Court of Human Rights. Therefore, will Dr. Manning join me in calling for this legislative inequality to be urgently corrected by the Government in order that our coroner's court would have the power to compel disclosure of information from state agencies in any part of Ireland where it touches on the death of an Irish citizen?

I thank Dr. Manning for his inspiring lectures to me when I took my degree in economics and politics at night in UCD. He continues to be an inspiration.

Senator Aideen Hayden: I welcome Dr. Manning. I wish to address a specific issue. Dr. Manning may be aware that the most recent assessment of housing need indicated there were 98,000 households in Ireland in housing need, which does not include households facing repossession. Does Dr. Manning support the inclusion of a right to adequate housing in the Constitution? Within that context, would he see the constitutional convention as an opportunity to examine the inclusion of such a right and for it to be given subsequent legislative effect?

Does he favour including the right not to be discriminated against on the grounds of socio-economic status, in other words, to extend the existing equality legislation to include such a right? As an example, there are now 100,000 households in this country receiving rent supplement. I am aware there is significant discrimination against people receiving rent supplement, purely on the source of that income rather than on their capacity to pay.

Senator Jillian van Turnhout: I thank Dr. Manning for a very informative and enlightening address. I am strongly committed to the promotion and protection of human rights in Ireland, particularly children's rights. I note that today is the 19th anniversary of Ireland's ratification of the UN Convention on the Rights of the Child — I am calling it national children's day.

I wish to focus on commending all the national NGOs, civil society organisations and relevant stakeholders for their contributions to the UPR process. I would particularly like to congratulate the UPR cross-sectoral steering group for its innovative and inclusive national consultation process, which I believe is the model of best practice for NGO consultation and could be shared

[Senator Jillian van Turnhout.]

with others, particularly developing countries, after the report. I note also the act of engagement by the Department of Justice and Equality.

I wish to ask Dr. Manning the value of establishing a Department of Justice and Equality NGO standing committee, akin to the Department of Foreign Affairs NGO standing committee which was established in 1997, in order to provide a formal framework for a regular exchange of views between the Department and the NGO-civil society community on the follow-up and implementation of the UPR recommendations in Ireland over the next four years.

Senator Tom Sheahan: Every day, colleagues raise the issue of human rights but, strangely, this seems to be more on an international rather than a national basis. For example, the situation in Palestine is raised regularly by colleagues in the House.

I wish to raise a specific issue. We have gone through ten years of a Celtic tiger period where there was an abundance of funds in the country. The one issue I am very disappointed about is the implementation of the Barcelona declaration, which was intended to make life easier for people with disabilities. While the funding was made available, I believe it was badly spent. In a time of massive wealth within the country, it was an issue that was not grasped and dealt with. It was a missed opportunity for people with disabilities that the Barcelona declaration was not taken on board by the authorities, including local authorities. What is Dr. Manning's view on this question?

Senator Marc MacSharry: I welcome Dr. Manning. While I did not have the pleasure to serve with him, I have got to know him over several years. With regard to some of the greats he mentioned, I shared an office with Dr. Maurice Hayes for some years. Certainly, when one considers the contribution made by such people, it certainly also shows the contribution this House has made, albeit in its flawed state. These Houses have tried to follow the recommendations of Dr. Manning's organisation and its great work. However, the situation is still closer to George Orwell's definition of equality, where some people are more equal than others. I am interested in Dr. Manning's view on an all-Ireland bill of rights and how these Houses might seize the opportunity to work towards that.

On the issue of the Seanad specifically, and Dr. Manning made a very interesting address, does he agree that the problem with the Seanad in his own time and at this time is not with Senators but with the leadership of the political establishment's decision to ensure that the position is rigged in favour of the lobby to have it abolished? In my nine years here — it is appropriate this would come from somebody on this side of the House — Senator Cummins is the best Leader of the Seanad we have had for his openness, which I am sure cannot be easy at times within the Whip system of the hierarchy of his party. This has ensured that people like Dr. Manning can address the House. How best can we ensure that society joins the lobby to allow Senators reform themselves in the way each of us here and Dr. Manning agree is necessary?

Senator Cáit Keane: Ba mhaith liom fíor fáilte roimh Dr. Manning anseo inniu ar an lá tábhachtach seo agus ar an díospóireacht thábhachtach seo. Ba mhaith liom fíor fáilte a chur roimh na daoine in the Gallery. I want to welcome them and the various organisations they represent.

I have only a short time in which to pose a question to Dr. Manning on this very important day, the tenth anniversary of the foundation of the organisation following the Good Friday Agreement. I want to put on record that the constitutional review group recommended the formation of the organisation.

My question concerns Dr. Manning's strategic goal No. 6, which is to strengthen the organisational capacity to carry out his mandate. While his organisation's mandate under Articles 40 to 44 of the Constitution is well outlined, how does he envisage the House helping him? Although no money is available, he mentioned the fact we do not have a committee particular to his needs, which is one route we should consider.

I congratulate the Leader for organising the opening up of the House today and for ensuring that human rights was its priority for this first term. I ask that Dr. Manning would outline how we could help ensure his strategic goal No. 6 is achieved. We in this House can learn from his organisation as well. I congratulate the Tánaiste and the Taoiseach for appointing one of the members of the commission, Senator Zappone, to this House, which shows human rights is taken seriously in every way. As legislators, we have to ensure, when speaking on human rights, that we have respect for difference and value inclusiveness and diversity in all our debates and legislation.

Senator Terry Leyden: I welcome Dr. Manning back to the House and thank him for attending today. I thank him for his helpfulness as leader of the Opposition when, as Minister of State, I sat in the seat he now occupies and legislation passed through the House in a timely fashion. I also thank him for his endorsement of the excellent O'Rourke report and convey her thanks to him for that contribution which I hope will be included in her book. It was a wise decision by the then Minister, Michael McDowell; the then Taoiseach, Bertie Ahern, and the Government of the day to appoint Dr. Manning to the position of president of the Irish Human Rights Commission. The appointment was warmly welcomed and he has acquitted himself very well.

I welcome the representatives of the 33 non-governmental organisations who are present and thank Senator van Turnhout for ensuring their presence, as they play an important role. It is a great opportunity for Members to meet them and I hope there will be other opportunities for them to return. They represent an excellent list of non-governmental organisations and I commend the work they do.

I will put one question on behalf of the Association of Garda Sergeants and Inspectors. I must declare an interest in this regard as it is my nominating body to this House. It seeks affiliation to the Irish Congress of Trade Unions as an affiliate organisation. A formal application has been made in this regard, but it was vetoed by a previous Minister for Justice and Equality. Incidentally, I do not expect a reply from the president today—

An Cathaoirleach: Perhaps the Senator might put the question to him.

Senator Terry Leyden: Will the president of the Irish Human Rights Commission consider the application made by the AGSI for affiliate membership of the ICTU on a human rights basis, that is, its right as a representative body of Garda sergeants and inspectors?

I thank Dr. Manning for making such an excellent speech, his point on the Garda Síochána and work with the force on human rights issues. He has made a very important statement.

Senator Fidelma Healy Eames: It is an absolute privilege for Members to have in the House the president of the Irish Human Rights Commission, Dr. Manning, who has provided them with a sense of both their history and their future. In so doing he has reawakened in me a sense of the value of this House, for which I thank him. He spoke about his openness to be accountable on the issue of human rights to both the Department and the Houses of the Oireachtas. Another thing that struck me greatly was his observation that if any single factor had led us to our current position, it was the failure of scrutiny.

[Senator Fidelma Healy Eames.]

We must scrutinise our rights. The Education Act states children have a right to an appropriate education and a right to have their needs met but with the caveat, “in so far as resources allow”. I commend Dr. Manning’s work with the John Paul Centre in Galway but ask him whether, for rights as basic as those of children with special educational needs or people with disabilities, rights should be capped by the caveat, “in so far as resources allow”? Is it right that rights are recognised only in so far as the mindset of a Government endorses them or in so far as budgets allow? I note the Education for Persons with Special Educational Needs Act has been in place since 2004 but it has still not been fully implemented, despite the Celtic tiger years. Can Dr. Manning call a Government to account because these rights were not enforced when the money was available? Should we approach the IMF and the European Union to follow through for those who are marginalised?

Senator Mary Ann O’Brien: I welcome Dr. Manning and thank him for an inspirational address. Ireland’s current health strategy is more than ten years old and does not contain an explicit right to health, as highlighted by the UN Committee on Economic, Social and Cultural Rights. The current system of health care in Ireland is based on a two-tier public-private model of insurance, thus denying equality of access to health care. The National Disability Authority and the National Women’s Council of Ireland are among a number of groups which have found that discrimination in access to and the availability of health care disproportionately affects vulnerable groups in society. Ireland’s stakeholder report to the forthcoming universal periodic review entitled, “Your Rights. Right Now.”, recommends that Ireland develop “a comprehensive Health Strategy for the delivery of appropriate and adequate healthcare with particular emphasis on vulnerable groups in [our] society”. I take the opportunity to emphasise the desirability of in-home care for many children, as well as the cost-efficient nature of this method of access to health care. I note the fourth title of the European Charter of Fundamental Human Rights covers access to health care. Dr. Manning highlighted this charter in a recent newspaper article referring to a number of human rights instruments. I ask him to explain the charter’s importance as a guide for law and policymakers.

Senator Paul Bradford: I welcome Dr. Manning and thank him for his most interesting address and, in particular, his robust and intellectual defence of Seanad Éireann. It poses a challenge to us all, not least to those who believe there is a simplistic, sloganeering way of dealing with one House of the Oireachtas while not reforming the political system in general.

Dr. Manning has mentioned the issue of language and how the language of human rights sometimes can be misinterpreted or abused. I read recently a most interesting article by the Chief Rabbi in Britain, Dr. Sacks, in which he stated:

There are times when human rights become human wrongs. This happens when rights become more than a defence of human dignity, which is their proper sphere, and become instead a political ideology, relentlessly tramping down everything in their path.

Dr. Manning should comment on this observation as one sometimes hears about the human rights industry. He has spoken about the language used. There is a difficulty in this regard. He should indicate his views on Dr. Sacks’s comments because language is important.

Senator Ned O’Sullivan: I also welcome Dr. Manning. While I was unable to attend, I was able to observe his contribution and presentation on the monitor and was highly impressed by it. I commend him for the work he is doing and note that it is a source of no small pride for Members that Senator Zappone is a member of the commission and that her contribution was also very affecting.

The submissions Members have received have proved the Leader of the House was being proactive when he initiated this debate. Members have received some interesting contributions from various agencies and the debate has been a catalyst for educating them in this regard. In particular, I was interested in the submission made by the Irish Congress of Trade Unions. The trade union movement has always been positive and committed to human rights. Will Dr. Manning comment on what is considered the equivalent level of support for human rights in IBEC, employment and other interest groups? Do they share the same zeal for human rights displayed by the ICTU and other trade unions? He should comment on this issue.

In common with Senator Leyden and the Leader of the House, I was nominated by a group in which gardaí were involved. It is important that the Garda representative associations should be, as part of their human rights, associated with the ICTU.

This morning on the Order of Business I raised a matter relating to the rights of gardaí. Defence Forces members who are on duty overseas are entitled to a postal vote in national elections, but the same entitlement is not available to members of the Garda Síochána serving overseas. This is a fundamental flaw and a human rights issue. I do not expect Dr. Manning to have solved it before the presidential election, but it is a point he might take on board.

Senator Colm Burke: I welcome Dr. Manning and thank him for his contribution. Moreover, I welcome all the organisations represented today. They have made a very valuable contribution during the years and long may this continue. In my previous role in the European Parliament I had the privilege of serving on the Foreign Affairs Committee, as well as its Subcommittee on Human Rights for two years. It was a highly influential committee from the perspective of allowing issues to be raised. There is an opportunity for this House to use a similar procedure to highlight issues that require a public airing.

One issue I wish to raise pertains to prison reform and the lack of progress made during the years. One of the jobs I had a number of years ago was to visit Cork Prison on Christmas Day. It was an eye-opener to see the sense of hopelessness of people who do not see a future. We have done little to change the system. Prison vans return to prisons from courts late in the evening. Prisoners are released late in the evening with no place to go. It is an issue we have not tackled. We have made little progress on education in prison. While there has been some reform, the level of reform we need has not been dealt with and is an issue we must tackle.

The Garda was mentioned. The progress we have made is interesting. A person who worked with me as a research assistant in Brussels is now based in Ramallah in Palestine and recently brought some members of its police force to Ireland to see the Garda Síochána Ombudsman Commission and set up a similar system in that region. What we do here influences what happens in other countries and it is interesting to note how we can use our influence.

Senator Marie-Louise O'Donnell: It is a privilege as a young Senator to hear Dr. Manning today. I found the sense of truth he brought to the Seanad very invigorating, in the past and present, and the truth is at the core of what he does. I am retiring from DCU today at 3 p.m. to remain in the Seanad, it is to be hoped for the next four or five years. I remind Senator Mullen that DCU could offer the Seanad an urgency, urbanity, youthfulness and way forward in the midst of Ballymun, which it has done for the past 22 years.

Senator Rónán Mullen: It has.

Senator Marie-Louise O'Donnell: The Irish Human Rights Commission, in its report of 2010 and assessment of human rights issues arising from the Magdalene laundries, declined to conduct an inquiry into the treatment of women and girls in those institutions. It published 12 conclusions and recommended, and rightly so, that the State set up a statutory inquiry to

[Senator Marie-Louise O'Donnell.]

examine serious human rights issues and provide redress for the survivors. The State decided to establish an interdepartmental committee of inquiry whose terms of reference are narrower than the report. Can Dr. Manning outline the advantages of a statutory, as opposed to a non-statutory, inquiry? Is the commission satisfied with the route the Government has chosen to deal with the Magdalene laundries?

Senator Marie Moloney: I welcome Dr. Manning to the House. All Senators have made great contributions so I will be brief. I want to speak for one sector of society, namely, carers. They have been fighting for their rights for years. What they offer to society is amazing. We should not ask what they cost the State, rather we should ask what they save the State. A carers strategy should be implemented as soon as possible to address their rights. I would like to hear Dr. Manning's opinion on what carers do for society.

Senator Averil Power: I thank Dr. Manning for his address. It has been a good opportunity for Senators to raise a wide range of different human rights issues. I would like to hear his view on an important issue in the education system, namely, the role education has in promoting understanding and respect between children of different faiths and cultures. Over the past ten to 15 years an increasing number of children have come to Ireland from all over the world, which has been incredibly positive. When one visits schools one sees flags from all over the world. Different national days are celebrated and children have a level of understanding of other faiths, languages and cultures that, even though I am not very old, I did not have when I was in school when everyone had the same local background. That has been possible because, while the majority of our primary schools have a religious patron, they have increasingly accepted children of all faiths and none and adapted to make them feel at home. There is an obvious need for more diversity.

We need to reform the current system to respect the desires of parents who do not want their children to go to a school with a strong emphasis on one particular faith. At an early stage in his new job the Minister for Education and Skills, Deputy Quinn, said he wanted to see up to half of schools move away from Catholic patronage. There is a risk that we will end up with a situation we have luckily avoided so far, namely, religious segregation where Catholic children go to one school and others to another. Such a situation would create social problems which our education system has helped us to avoid over recent years.

One way we can overcome that is through the community national school model the previous Government piloted. Children of all faiths and none are educated in one school. If churches want to send someone to the schools teach children about a particular faith they can, but other children can follow a mixed secular curriculum.

Dr. Manning has an understanding of how other countries have dealt with this issue. I would like to hear his views on whether choice and diversity needs to be accommodated by Catholic, Protestant and Muslim children attending different schools or is best accommodated in one environment where children learn about and have respect for each other that will, it is to be hoped, prevent the social problems we have seen in other jurisdictions where segregated education has caused other difficulties.

Senator Fiach Mac Conghail: Cuirim fáilte roimh an dochtúir go dtí an Teach agus gabhaim buíochas leis as ucht an aitheasc a thug sé dúinn a bhí an-eolach ar fad.

Dr. Manning's presence is a direct response to Seanad reform. I commend my fellow Senators, the Committee on Procedure and Privileges, the Leader of the House and Dr. Manning. The debate we are having is a learning process.

As a new Senator I do not claim to know everything. Being in the presence of members of civic society, in particular those involved in human rights, is an important learning curve for me. I welcome Rosie McDonagh who ran in the Seanad election and is present.

I echo a question asked by Senators Bacik and Burke on prison conditions. The Irish Penal Reform Trust reports that Ireland's prison population has doubled since 1997 and overcrowding has contributed to an increase in violence between prisoners. Ireland's Civil Society Stakeholder UPR report, *Your Rights. Right Now*, which was mentioned, recommends the development of alternatives to custody for the punishment of minor offences and immediate steps to tackle the problem of overcrowding. It also recommends the provision of adequate sanitary facilities in all prisons, including in-cell sanitation, to ensure the end of the inhuman and degrading practice of slopping out. As president of the Irish Human Rights Commission, Dr. Manning has called for a voluntary commitment from Government on these issues in advance of the UPR. The abolition of the practice of slopping out has been on the agenda of Governments since 1993, yet little progress has been made. The Minister, Deputy Shatter, at a recent Irish Penal Reform Trust lecture, highlighted the need for human rights principles in prison policy. What does Dr. Manning think a human rights based approach to prison policy would look like and is it achievable?

Senator Pat O'Neill: I welcome Dr. Manning. It is great to see a man from my constituency here. His reputation, as a former Senator and in his current job, goes before him.

I would like to hear his view on UN sanctions against countries and the effects they have. Such sanctions have been imposed on Iran, Iraq and Libya. They seem to affect marginalised and poorer people more than the hierarchy. Can they be modified to ensure medical care can reach those people? They can cause immense suffering.

An Cathaoirleach: That concludes all the questions to be asked. I am sure Dr. Manning feels as if he is back taking the Order of Business in the House.

Dr. Maurice Manning: Yes, I felt I was being wafted back in time. The only difference between me, as Leader of the House, and Senator Cummins is that I had a working majority of minus five in those days so it was great fun and the Government listened to us a little, but for all the wrong reasons.

I thank everybody for the very warm welcome I got here and the very kind things said about me, I appreciate them all very much. I also appreciate the tributes that have been rightly paid to the work of the commissioners and staff of the Irish Human Rights Commission. It is a great affirmation of our work that we were given this opportunity to speak today on major human rights themes. A great number of questions were asked. I will try to answer specific ones and broadly indicate some other areas.

Senator Walsh raised many philosophical questions with which I am not sure I would be able to wrestle at the moment. However, I assure him that when I next see him in Wexford we can discuss those issues and I am sure he will accept that.

Senator Bacik raised some very fundamental issues. Much of what she raised is contained in the reports of the civil society groups and the Irish Human Rights Commission. Those views are very clearly spelled out regarding the universal periodic review. I would not have time nor am I sufficiently prepared to go into all of them now. I will just say two things. First, the universal periodic review will represent a big test for the Government and the Department of Justice and Equality. In previous UN appearances Ireland has tended to be defensive about its record and there to refute points made rather than to show a way forward. I believe there is a great deal that is positive in our human rights record and I hope the Government will engage

[Dr. Maurice Manning.]

in this way and use the occasion to come back determined to raise our observations and so forth rather than keeping them where they are.

One issue that was raised, away from which I do not want to shy, relates to the rights of the unborn. When I was first elected to this House in 1981 that issue was just beginning to take off. The early 1980s were some of the most bitter, nasty and dirty days in Irish politics when this issue was being addressed. Anybody who lived through that time will not want to go back again. However, it is an issue upon which as a society we do not seem to be able to get agreement. Sincere and very fundamentally different views were argued on both sides of the House today. While we can probably never bring finality to the matter, it is time we tried to at least get some sort of national clarity. I believe the proposed constitutional convention represents the opportunity for that. It is a constitutional issue and there will be time there to try to find some sort of agreement. It simply may not be possible to get agreement but at least the matter should be argued within a proper calm setting. I am sure the Senator would agree it should be debated in the House. Today's contributions on the subject were very strong and interesting.

Senator Bacik and a number of other Senators raised the issue of human rights in prisons. The question of what is wrong in prisons is well analysed. We blew the opportunity we had in the Celtic tiger years to provide some of the accommodation that is needed and it will be a long haul back to that. I am very encouraged by two things. The first is having a very serious inspector of prisons, who takes his job very seriously. He visits prisons at unorthodox hours and is his own man in this regard. In all he has written he has attempted to apply international human rights standards to all his observations. I am also very impressed with the work of the Irish Penal Reform Trust, where there is genuine debate. In his slightly long speech in Blackhall Place on a Friday evening at a time when most of us would prefer to be elsewhere, the Minister demonstrated a very clear engagement with the issues. The issue is well analysed and we know what needs to be done.

I very much appreciated Senator Mullen's contribution. Most of the questions he raised would find their place within the constitutional convention. It is not that they should not be debated here, but we should try to find some national understanding at the constitutional convention.

I am very grateful to Senator Cullinane for his very supportive words on the merger. He raised the question of the charter of rights. The Northern Ireland Human Rights Commission and the Irish Human Rights Commission produced a document some months ago on what should be the key elements of a charter of rights for the whole island of Ireland. There were great problems in getting agreement, but we did so and my opposite number, Professor Monica McWilliams, saw it as one of her priorities before she retired to produce the basis for a charter of rights. While there are many human rights topics this House could usefully debate, that is a very obvious one.

Senator Zappone also raised the merger. In my speech last week in the presence of the Taoiseach, I spelled out what I regard as the key principles for any new merged body, including genuine independence, accountability to the Oireachtas and proper resources. There were approximately six key principles. When the Bill comes before the House we will be looking for Senators' vigilance. Very often the devil is in the detail with such legislation. We would welcome the support of all parties in the House to try to get the strongest possible human rights and equality infrastructure. Both are different but vital and each must have breathing space in the new structure.

I agree with everything that Senator White said about Denis Donaldson and as I have told her before, we acted on that basis. I believe there is an urgent need to reform the law on inquests. The Senator has very legitimate questions that need to be answered and action needs to be taken. I support her fully in what she said.

Senator Hayden has a great record in the housing area. It is a difficult matter and in some ways the constitutional convention might be the place for these issues. However, the commission would be very happy to meet her to discuss the issue and see if we can make progress.

Senator Leyden spoke about the Garda Síochána and trade union membership with regard to the Association of Garda Sergeants and Inspectors. We would be very happy to engage with the Garda on the issue. Our only job would be to establish if there is a human rights basis for trade union rights for police and we would be more than happy to meet the Association of Garda Sergeants and Inspectors.

Many other questions were raised and I hope I am not being discourteous. Senator O'Brien raised rights regarding health. Senator Healy Eames will be very interested in this matter. The commission did much work in the Pope John Paul II Centre in Galway on the rights of young people with disabilities. We produced a report that outlined what the HSE needs to do if it is to ensure the rights of young people with disabilities. While it has been pretty positive in its response, it is a slow process and it will engage. On the bigger question, we have only just begun to talk to HIQA, which is very enthusiastic. There are a number of priority issues for the new merged body. We did not have the resources to do as much as we would have liked, but we spent a great deal of time considering the issue of disabilities, especially the work of Professor Gerry Quinn. I would see it as a priority for the new body — I do not know if I will be around to influence it—

Senator Ivana Bacik: We hope so.

Dr. Maurice Manning: One never knows.

I was asked if I would urge the Department of Justice and Law Reform to have a standing committee for NGOs. The answer is yes, but I would not hold my breath. It would be a very good idea because the Department is not great at listening. It would do it good to have open and frank dialogue with various outside bodies. The security of the State would not be threatened if that were to happen.

Senator Bradford spoke about the use of language. The model I would hold is that of George Orwell. He was wonderful in detecting the sort of speak that told lies or obscured the truth. The language used by everybody involved in human rights should be crystal clear. This should be the case as far as possible, although there may be difficulties with nuances. One should try to communicate with the most vulnerable persons. Alice Leahy, a member of the Irish Human Rights Commission, is a founder of Trust and works daily with the most bruised people. She constantly upbraids us because our language is not clear enough, and she is right. It is a standard to which we should all aspire to achieving.

Senator Moloney spoke about carers. The last commission tried to do some work on a charter for carers, but it did not achieve it. I agree with everything the Senator said on the issue.

Senator Power raised the question of integration, on which we have done much work. Our document was fed into the forum where it set some of the standards. I agree with the Senator. I live beside a national school attended by children of 17 nationalities. National teachers are the unsung heroes because of the work they have done to integrate pupils.

Senators: Hear, hear.

Dr. Maurice Manning: They have done this in an unfussy, happy and joyous way. I see the kids playing every day as if there were no racial barriers.

Senator Martin Conway: That is the way it should be.

Dr. Maurice Manning: It is.

We wanted a statutory inquiry to be held on the Magdalene laundries. However, we were also conscious that many of those involved were very old and tired. That is one of things that struck me very much in recent times about many of the leading individuals in the disability movement. They have been fighting for a decade and when they attend meetings, I can see they are almost exhausted. Things have not happened. I also felt this about many of the survivors of the Magdalene laundries, that they were tired. If the process offered by the Government could advance their case, we would support it. We have great confidence in Senator McAleese as the person to lead that process. We have already worked with him. We have been at one of the hearings and I was impressed. We have to bide our time. However, I would like to see a resolution and if this process achieves it, that will be it.

Senator Healy Eames spoke about progressive realisation, a very interesting concept. In the Irish Human Rights Commission we had great difficulty in figuring out how to make economic and social rights a reality. What are they and how do they operate in practice? We were very happy to join with Community Action Network and the Dolphin House project in looking at a situation which should never have arose. We asked ourselves if the economic and social rights of the people concerned had been breached by the way they had been treated by successive authorities during the years. After a public inquiry organised by them, with expert witnesses, we came to the view that their rights had been breached. I am sure Senator Hayden will have many such instances to offer in which the reality can be checked against abstract international standards. How do we realise the progressive realisation of these rights? I am very conscious of what Senator said Healy Eames in that regard.

I thank Members sincerely for inviting me and giving me a very warm welcome. I hope this House can be a harbinger for change.

Senator Mary M. White: Hear, hear.

An Cathaoirleach: I call on the Leas-Chathaoirleach to propose a vote of thanks to Dr. Manning.

Senator Denis O'Donovan: I propose a vote of thanks to Dr. Manning and briefly remind him of the vagaries of the political system. On 1 February 1993 we were on the same panel — the difficult Cultural and Educational Panel — and although I was 23 votes ahead of him, because of the game of Russian roulette involved in the inside and outside system, I chose the wrong path. I wished him luck and think that for the first time that night, either publicly or privately, he praised de Valera.

Dr. Maurice Manning: That is absolutely right.

Senator Denis O'Donovan: In order to help me late at night, given that I had lost the election and was heading back to west Cork with my tail between my legs, with a small Paddy he toasted the strength of de Valera and his inside and outside system.

Leaving all that aside, the Irish Human Rights Commission is privileged to have somebody of the calibre of Dr. Manning as its president. He has great integrity. He is a person for whom I have had great admiration dating back to before we served in the Seanad together. He displayed his impartiality when serving as a Senator and afterwards. He has the ability to rise

above local and national political considerations and is doing an excellent job. The best toast I can make to him today is that the commission is honoured and privileged to have somebody of his calibre at the helm.

Senators: Hear, hear.

Senator Maurice Cummins: I second the vote of thanks to Dr. Manning who has made a thought-provoking and inspiring address. He has certainly posed many challenges for us, not only in the area of human rights, but also on the issue of the future of this House. In his ten years as president of the Irish Human Rights Commission, he has carried out his duties in an exemplary manner and continues to do so. It is only right and fitting that we in this House debate the contents of the reports of the commission and the later periodic reviews. We will certainly facilitate a debate on these subjects.

The aim of the House and its Members is to make it more relevant through the promotion of real change and reform. Unfortunately, the press does not cover the proceedings of the House in any meaningful way, with the exception of one reporter, Mr. Jimmy Walsh. It does not cover debates such as today's in a meaningful way. Each day we sit in the House we hear excellent contributions on a wide range of issues by many Senators which receive very little coverage in the media. However, that is a matter for another day and something we will have to address.

I again join the Cathaoirleach and the Leas-Chathaoirleach in thanking Dr. Manning for coming. He has made an excellent address which I am sure will inform us in our deliberations in the future.

Sitting suspended at 1.50 p.m. and resumed at 3 p.m.

Company Closures: Motion

Senator Denis Landy: I move:

That Seanad Éireann:

- notes with grave concern the recent closure of the TalkTalk call centre in Waterford, with the consequent devastating loss of 575 jobs;
- notes with concern the reports that further collective job losses at other companies may be likely;
- deplores the fact that the employees of TalkTalk were given only 30 days' notice of the closure of the call centre;
- notes that the State has provided significant financial incentives to companies like TalkTalk which establish in the State;
- commends the Government for the introduction of job creation initiatives like Job-Bridge, and commends further the work being done by Ministers, Government agencies and others to stimulate job creation and to protect existing jobs in Ireland;
- notes the different protections which exist for employees in collective redundancy situations under both national and EU law;
- proposes that greater protections be put in place for employees facing collective redundancy situations; and

[Senator Denis Landy.]

- proposes the Government review existing legislation to consider that a longer notice period than 30 days should be provided by a company, particularly where a company employing significant numbers of people, is proposing to make redundancies on a collective scale.

I welcome the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, and thank him for taking time to come to the House to discuss this important motion. The closure of the TalkTalk company came as a massive blow to everyone, especially those living in the south east. The suddenness of the announcement took us by surprise and it was clear from the Minister's statements on the issue that neither he, his Department, IDA Ireland or any of the local agencies had any inkling that the closure of the company was imminent. In addition to the loss of 575 jobs, a large number of jobs have been lost across the south east, from counties Kilkenny and Wexford to south Tipperary. In my area of Carrick-on-Suir and Clonmel, 120 jobs have been lost.

The closure of TalkTalk was a shock to the system, particularly for the company's workers who were in gainful employment and working hard in extremely difficult conditions. Having accepted new productivity arrangements at least three times in recent years, it was ironic and sickening to note that while senior management prepared the announcement of the closure behind the scenes, arrangements were being made for 100 staff to attend a party in England to celebrate the company. The party was held the weekend after it was announced that the company's offices in Waterford would close.

A large number of jobs — probably close to the number lost in TalkTalk — will be lost in ancillary employment in the region as a result of the closure. I compliment the Government on its quick response to the announcement. The Tánaiste and Minister for Foreign Affairs and Trade and the Minister for Jobs, Enterprise and Innovation visited Waterford and met the workforce within days. The Minister also established a task force which will report to him by the end of September. I look forward to the task force report and will discuss in a moment the elements I believe it should include. The Minister for Social Protection, Deputy Joan Burton, put in place all the services required by staff, including access to the money advice and budgeting service, FÁS and social welfare payments. Former TalkTalk staff will be advised of their social welfare entitlements in the medium term and retrained and upskilled. We need a more comprehensive response, however, one which will pave the way for the future of Waterford and the south east.

As the Minister will be aware, the upgrading to university status of Waterford Institute of Technology is a major issue in the region. I am pleased to note the Higher Education Authority hopes to sign off on formal advice to the Minister on this issue and that he hopes to publish the relevant criteria before the end of December. One positive development arising from the closure of TalkTalk is that it has placed centre stage the possibility of having a technological university for the south east.

An in-depth analysis is required for the entire south-east region which lags behind the rest of the country in terms of inward investment and IDA Ireland promoted jobs. The unemployment rate, at 20%, is the highest of any region. IDA Ireland supported jobs need to be dispersed around the south east. Ten years ago IDA Ireland closed its Waterford office, which was its headquarters for the south east, and transferred it to Cork. While some IDA Ireland staff remain in Waterford, the city is no longer a headquarters for the agency. Until ten years ago, the south east was treated on a par with the rest of the country but appears to have been on a downward spiral since then. I ask the Minister to comment.

We must develop indigenous industries in the south east. The region has a fantastic opportunity to develop its agricultural sector as it has the best beef and dairy land in the country. We are not making enough of this opportunity, as demonstrated by the closure of Waterford Creamery in Dungarvan. We need to refocus on the agricultural sector.

The Minister, in his efforts to improve employment in the south east, should also focus on education. We in south Tipperary had the pleasure of hosting the Taoiseach last Thursday when he opened an extension of the Merck Sharp & Dohme facility resulting in the creation of 70 new jobs in research and development. If one was to scope the number of local people employed in the new facility, one would find it is very low. We must ensure second level education gears people to take up jobs in their own areas by pushing the subjects in which they require competence and ensuring students attend university and acquire qualifications with a view to gaining employment in their local areas. The brain drain from the south east is noticeable. In the case of Merck Sharp & Dohme, for instance, only a small number of local people are employed in the new facility.

Call centre businesses are moving out of Ireland, which is a cause of major concern. Clonmel has an indigenous call centre company, Intellicom, which employs approximately 125 people. Providing support to these types of businesses is arguably more worthwhile than supporting outside businesses locating here because the former are unlikely to leave the country when grant supports are no longer available. External companies may also leave to employ workers at lower wage levels elsewhere in the world. We should encourage indigenous companies more.

The motion refers to increasing the redundancy notice period to workers from the current 30 days as provided for under the Protection of Employment Act 1977. The notice period should be increased to 60 days, as provided for under a 1998 EU directive. Across the water, the notice period for staff is 90 days. I have heard the argument, attributed in part to the Minister although I have not seen as much in writing, that IDA Ireland has expressed concern that increasing the term of redundancy notice time to staff would be a deterrent for new industry to come to the country. I compliment the IDA on its work. We had a report on the amount of business that has come to the country in recent months, which is very encouraging. However, I cannot and do not accept the argument that if a new company is being brought in and faces a requirement to give 60 days' notice then, even if everything else fits into place, the company will choose not to come here as a result of that provision. That does not stand up. I would like to hear the Minister's comments on that.

Another matter we must address in regard to these workers is the utilisation of the European Globalisation Adjustment Fund. We need to maximise the opportunities afforded by it. There have already been some experiences with the fund in the cases of Dell, Waterford Crystal and SR Technics that we did not handle very well. We left money behind because the criteria for drawing it down were too tight and staff could not avail of it. We did not interpret those criteria as broadly as did countries such as Spain and Germany which have been more successful in using this fund. I understand it must be applied to within one month of a company closure. Best practice across Europe in this regard should be examined. We have the goodwill of the EU Commissioner with responsibility for employment, social affairs and inclusion, László Andor, who was very supportive of an application on our part, and has stated so publicly. We should use the time available to put together a very broad application for this funding.

There is one further small matter which is a severe bugbear to the staff who work in Talk-Talk. They were employed on both a basic wage and a commission basis. The commission in general was based at €30 per hour. In the redundancy package, however, the bonus commission is being calculated at €10 per hour. This is very mean-minded on the part of the company. The Minister might address this via his Department.

[Senator Denis Landy.]

One might ask what good an extra 30 days would be for workers. First, it would give them an opportunity to accept the situation over a longer period and help them to put in place their financial arrangements, work with outsource services and allow them to get new job applications and CVs ready. It would also help them to digest their new situation as it relates to social welfare. It would give the business an opportunity to be sold as a going concern. I refer to an instance where all that I mention has actually happened. When Johnson & Johnson in Cashel announced its closure plans these were done on a staged basis. The minimum notice given was approximately two months to ten weeks. Some 50 of the staff have already secured employment in Abbott Vascular in Clonmel through work done by Johnson & Johnson with an outsource company. That is proof positive of the benefit of giving extra time to staff who are to be made redundant. I ask the Minister to consider this motion and respond positively to our request.

An Leas-Chathaoirleach: Senator Bacik, who is seconding the motion, has six minutes.

Senator Ivana Bacik: I welcome the Minister, Deputy Bruton, to the House and thank him for attending personally to deal with this important motion on the part of the Labour Party Senators. I am grateful to my colleague, Senator Landy, for proposing the motion, particularly given the area from which he comes and his local knowledge. I also acknowledge the presence in the Visitors' Gallery of Deputy Ann Phelan, who with Deputy Ciara Conway, also of the Labour Party, has been very active on this issue.

In any discussion of a motion such as this, the first matter is to offer our sympathy to the workers at the TalkTalk call centre in Waterford. The devastating loss of 575 jobs was a tragedy for the south east and the Waterford area, in particular. I have a personal interest in jobs in the south east region. My grandfather, Charles Bacik, who came to Ireland from the Czech Republic in 1946, set up Waterford Glass after World War II. At one time that company was the biggest employer in the Waterford area and it was with great sadness we saw its closure. However, a positive story is emerging from Waterford Glass with the new Waterford Crystal showroom which is a great draw to the city. I visited it last year. It is a very impressive facility and there is much manufacturing taking place. I hope this will continue.

There has been very bad news on the jobs front in the south east. As the Minister will be aware, the unemployment rate in the region has consistently been above the national average, being at 18.2% currently, compared with 14.3% nationally. The closure of TalkTalk came in a context where there was already a serious issue in regard to job retention in the south east. As our motion notes, when the job losses were announced, only 30 days' notice of the closure of the call centre was given to the employees, with no extra notice given to the Government. That was in spite of the fact that the State had provided significant financial incentives to TalkTalk, as we do to multinational companies which establish in the State. When the closure was announced the response of the Government was commendable. As Senator Landy observed, the Minister and other senior members of the Government, including the Tánaiste, visited Waterford and met with the workers from TalkTalk, which was very welcome.

However, as our motion points out, there are reports suggesting that further collective job losses at other companies in the foreseeable future may be likely. What we are seeking, therefore, is twofold. First, we propose that greater protections be put in place by this Government to assist employees in any company, including TalkTalk, who face collective redundancy situations. In particular, as Senator Landy stated, we propose that existing legislation be reviewed in order to provide for a longer notice period than 30 days, especially in cases where

a large company is proposing to make collective redundancies. We are conscious that an extension of the 30-day period could be made within the terms of the EU directive.

The motion also looks at the bigger picture and commends the Government for the introduction of job creation initiatives. It seeks to explore what else might be done for job creation. We all hope to hear constructive suggestions today in the Seanad as to how job creation strategies could be developed.

We acknowledge the work in job creation already done by this Government in the short time it has been in office. We have put jobs at the top of the agenda, as promised in the programme for Government. We have carried out a number of measures which are already having an impact on job creation and retention, such as the restoration of the national minimum wage, the cutting of PRSI and VAT rates and the introduction of the JobBridge, Springboard and other programmes for job creation and internship schemes, as are noted in the motion.

I turn to the issue of protection of workers in collective redundancy situations. The notice period is a key issue for my party. I emphasise a further issue that was noted by Senator Landy, namely, support from the European Globalisation Adjustment Fund and whether further funding can be sought for the TalkTalk workers from that fund. As we heard, funding has already been sought for other mass redundancy situations in companies such as Waterford Crystal, Dell and SR Technics.

There are other issues in regard to redundancy and job losses which are rather different. One point was raised with me on a number of occasions during the general election campaign and I have no doubt it was raised also on doorsteps with many other Members. It concerns self-employed people, entrepreneurs whose businesses collapsed, and who, in many cases, had employed several people. The persons involved have very little protection in this situation which does not fit the definition of redundancy under EU or national law. I raise that point with the Minister, as I have done with the Minister for Social Protection, Deputy Joan Burton, under whose remit it comes.

On job creation, the third anniversary of the bank guarantee falls this week, as Senator Barrett pointed out. It is a significant anniversary. It sticks in the throats of all of us to have to see a further recapitalisation of banks and additional billions of euro going to Anglo Irish Bank, which is the subject of the related amendment. However, as the Government has consistently maintained, the restructuring and recapitalisation of banks is necessary in order to ensure that we have economic growth and to get us out of the economic crisis created by the failed policies of the previous Fianna Fáil-led Government. It is not appropriate that we, as proposers of the motion, would accept the amendment, which misses the point of our argument. It is two-fold point which we hope the Minister will address. First, there should be greater protection in collective redundancy cases, particularly with regard to lengthening of the notice period and, second, we should consider how best to ensure job creation and retention policies that work. There were some very positive announcements in the recent past and Senator Landy referred to some in his area. There are also plenty in Dublin taking in development of jobs and creation of further employment backed by the IDA. We hope to see more of it in future.

Senator David Cullinane: I move:

To delete all words after “State;” and substitute the following:—

“— notes that the programme for government commits the Government to; ‘reform the current law on employees’ rights to engage in collective bargaining, (Industrial Relations (Amendment) Act 2001), so as to ensure compliance by the State with recent judgements of the European Court of Human Rights;

[Senator David Cullinane.]

- notes that a single unsecured and unguaranteed bond in Anglo Irish Bank to the value of €700 million is due to mature in the next five weeks;
- proposes greater protections be put in place for employees facing collective redundancy situations;
- proposes that where a company is making redundancies that a notice period of 90 days shall be provided by that company;

and

- calls on the Government to:
 - (i) enact the promised legislation on the right to collective bargaining as a priority in the legislative programme, and
 - (ii) cease payment to all senior bond holders payment in Anglo Irish Bank including the €700 million due to mature shortly and divert a significant portion of the savings to job creation and tackling unemployment.”.

I welcome the motion tabled by the Labour Party. Senator Daly mentioned this morning that the motion would come to zero and this is a view I do not share. There is a good intention behind the motion and I support much of what is in it. It deals in a very real way with the shabby way in which the workers at TalkTalk were treated in Waterford city. Like the Leader of the House, Senator Cummins, I come from Waterford city and represent it and the county. Our city and county is hurt because of the job losses seen over the past decade, including those in Waterford Crystal, ABB Transformers, The Foundry, Teva Pharmaceuticals, GlaxoSmithKline and many other companies in the manufacturing, construction and service sector. All of these have been devastating blows to Waterford, both in the city and the county.

We are not alone as Waterford and the south east is under-performing. That area has 3% more people on the live register than is the case in other regions. There are nearly 500,000 people in the State out of work, which is an indication of the poor performance of the domestic economy and that we are still not getting the job recovery we need. It also shows the madness of how we are bankrupting ourselves as a country to repay speculators and bondholders at a time when so many people are out of work. That is the reason we included the portion of the amendment dealing with banks. The amendment mentions the €700 million that will be paid to Anglo Irish Bank to repay one bondholder. That is the kind of madness we are seeing in the country when people like the employees of TalkTalk are losing their jobs.

I welcome the motion as it highlights the real problems facing workers, although we have tabled an amendment because it falls short. Part of the amendment calls on the Government to deliver on the promised legislation to make good on workers' rights and vindicate the rights of all workers to collective bargaining. This was promised in the programme for Government and the parties now in power indicated that every worker would have the right to collective bargaining. That is one of the issues on which I hope the Minister will deliver.

Currently, the Minister is reviewing employment rights bodies and merging some of them. I do not have a difficulty in that regard but I ask the Minister to ensure we use the opportunity to protect and enhance the rights of workers. The Labour Party motion mentions 30 days' notice, which was given to TalkTalk employees, but putting our hand on heart we must admit that this is a minimum requirement which companies should give. That legislation is already in place. We should either amend the legislation to reflect a 60-day or 90-day notice or we simply

cry crocodile tears for the workers. We will end up in a position, either in the south east or any other region in the State, where other workers will find themselves in the same predicament as the TalkTalk employees.

We have already had this discussion with the Minister and, interestingly, he has indicated that he is not supportive of changing that portion of employment rights legislation. That worries me because as with the reform of the joint labour commissions and the merging of the employment rights bodies, there is an attempt by the Minister's party in particular to hollow out much of the current employment rights legislation that was fought hard for by workers. That should be protected and not in any way neutralised by the Leader's party. It would be fundamentally wrong.

There is something obscene about the money being allocated to the banks. A recent report indicated that over €65 billion will have gone into the banks over the course of the next number of years if we continue along the same path. It seems that there are tea and biscuits for the workers at TalkTalk while bankers and people who speculated and gambled are taking the money. Waterford workers and people up and the down the country who have been let down by the State are out of work. We had the discussion this morning about civil and human rights, with the president of the Irish Human Rights Commission before the House. I argued that one of the fundamental rights in any society must be the right to a job or employment and yet nearly 500,000 people are out of work in the country.

Many people in Waterford are prepared to give this Government and Minister fair wind. The Minister met with public representatives and committed to being part of developing a jobs plan for the south east and asking enterprise agencies to see what they could do. There will be opportunities for public representatives to feed into that, and I had a conversation with the Minister outside the Chamber about some proposals I made on what could be done to create employment in Waterford. The time for talking is over and we need action, not just in Waterford but across the country.

I support the Labour Party motion because it deals with the disgraceful way in which the workers at TalkTalk were treated. We must move beyond giving sympathy to the workers and simply tabling motions. We must get real on the issues affecting people in this country, including the working people being let down because legislation is not sufficiently robust. If we want to follow through on the courage of our convictions, I ask Senators to support the Sinn Féin amendment which at least proposes action in the form of a 90-day notice period.

Senator Bacik argued that our amendment missed the point but it goes right to the heart of the matter. We cannot continue with a position where the country is being broken economically and financially. We are borrowing significant amounts but almost all of that money is going into the banks. We speak about employment proposals and some of the ideas formulated by the Labour Party when in opposition, such as front-loading critical infrastructure and labour-intensive programmes, but we are cutting capital programmes up and down the country. We must face up to that reality and deliver at some point not just a jobs initiative that does nothing—

Senator Maurice Cummins: Rubbish. The banks have no money.

Senator David Cullinane: It does nothing. The jobs initiative should create jobs people want so we can get people back to work.

Senator Trevor Ó Clochartaigh: Ba mhaith liom cuidiú leis an leasú. Is mian liom aird a tharraingt sa Teach arís ar chás Meitheal Forbartha na Gaeltachta. Baineann sé go díreach le ceist iomarcaíochta.

[Senator Trevor Ó Clochartaigh.]

I second the amendment and draw attention to the case of the workers in Meitheal Forbartha na Gaeltachta, MFG, which demonstrates an anomaly in the redundancy process. MFG was a company with primary funding from the State and the workers were told approximately three weeks ago that their jobs were gone. As of yet they have not been able to avail of any redundancy rights because they cannot get the required form signed by anybody in the company. The board, management and directors have just gone to ground. We must consider the anomaly and what can be done when workers are let go and they cannot contact anybody within a company to avail of their rights.

Currently, the workers are not being paid and some cheques have bounced. They cannot draw down mortgage protection plans or protections on cars, etc. They are in limbo and do not know where they stand. When the Minister considers the motion, the area should be examined. When the system works, the redundancy process is fine and dandy but if employers do not co-operate with employees, it should be examined again.

Visit of New York Delegation

An Leas-Chathaoirleach: Before Senator Cummins speaks I welcome to the Distinguished Visitors Gallery the deputy mayor of New York, Ms Linda Gibbs, and her husband, Mr. Tom McMahon. They are more than welcome.

Company Closures: Motion (Resumed)

Senator Maurice Cummins: We all join in welcoming the deputy mayor. I commend the motion before the House. I am a resident of Waterford. We had a similar debate in this House on 14 September. There is no doubt that the latest situation in TalkTalk is deplorable. More than 575 workers and the people who service those workers such as cleaners, caterers and others have been treated in an appalling way. It is an absolute disgrace. I hope the Government will take the necessary steps to ensure that this type of behaviour will not be tolerated from any company operating in the country.

We need to look at the terms of reference for Enterprise Ireland and the IDA. We must look at State grants *vis-à-vis* indigenous industry and foreign direct investment. I know a company that is in a similar situation to TalkTalk. TalkTalk and AOL before it received millions of euro in grant aid from the IDA and the indigenous Irish company which set up in the same period and employed as many people received approximately €400,000 in grants from Enterprise Ireland. That is not a level playing field. This should not happen in this day and age. There is a need for a root and branch examination of the IDA and Enterprise Ireland on how they administer grants and how they operate to assist companies, not alone in Waterford but throughout the length and breadth of the country. I have had e-mails from small and medium enterprises, indigenous Irish industries who have problems similar to the one I have mentioned. The issue will have to be addressed. We must support our indigenous industries. We need to attract foreign investment but the indigenous industries must operate on a level playing field with those coming in.

Reference was made to the globalisation fund which is a good fund. We must ensure the employees of TalkTalk avail of that fund. However, that is seven or eight months down the road for these unfortunate people who are made redundant. One has to go through the experience of being made redundant in order to realise what these people are going through. They are a young educated workforce, well capable of operating in many areas throughout the economy. I was made redundant in 1997. To look at a situation after 23 years and how one will access one's benefits and so on is a daunting task and not one I would wish anybody would go through.

Perhaps things have improved significantly. When one is unemployed one is looking into a black hole and at a situation where one's earning capacity is quite good and, suddenly, one is going on to benefits. One wonders how one can pay one's mortgage and educate one's young children like many of the 575 workers in TalkTalk. Numbers mean nothing to these people. These are all individuals who are facing those problems. We need to have policies that will encourage innovation, which the Government is trying to do in its jobs initiative and in other areas.

Before I conclude, however, I must make reference to the local news in the *Munster Express* last week which suggested that "South East Silicon Valley" was mooted for the Waterford Crystal site. The Waterford Crystal site is adjacent to Waterford Institute of Technology and there is a suggestion that one of the colleges in Cambridge University intends linking up with WIT to form a university. The Anglia Ruskin University in Cambridge has proposed a development which will be worth over €300 million. The *Munster Express* article goes on to state that it is estimated that over 420 permanent jobs could be created if this proposal goes ahead. It is based on an academic science park being developed in such areas, a model which has proven successful in Sweden and Brazil. The article also suggests that it is likely that the Government is already aware of the proposal given that one of the firms involved in the project finance is a London firm which regularly deals with the Department of Jobs, Enterprise and Innovation.

Is the Minister aware of this project? What progress has been made on it? I know that is a difficult question to ask the Minister, especially when negotiations may or may not be going on in this regard. However, I hope the Minister would give some hope to the people of Waterford and the south east. As I outlined previously Waterford is the blackest spot in Ireland in regard to unemployment. We have a potential 20% unemployment rate in Waterford city. That is appalling, and the south east as a whole has an 18% unemployment rate. We must get our act together in the south east. I want to know from the Minister the progress that has been made in regard to the announcement he made when he came to Waterford on the task force but also in regard to gathering the necessary information to progress Waterford and the south east as a good place in which to do business, which is the case. We have a very positive chamber of commerce in Waterford. We have a very positive city manager and city council. They need to be helped to progress the projects they have in hand at this time. I invite the Minister to respond to those matters in a positive manner and, hopefully, we will have good job announcements into the future in Waterford and the south east.

Senator Mary M. White: I compliment Senator Maurice Cummins on the empathy he showed this morning based on his own experience of being unemployed. I mentioned previously on numerous occasions the transformation in people that we saw when we started Lir Chocolates in East Wall during the previous recession. Generally speaking a person who is unemployed has no self confidence. It is not just about the money. It is about the social intercourse. They have somewhere to go every day and other people to talk to. It is not self praise but one of the greatest contributions people can make is to create employment. A total of 250 people are employed in Lir Chocolates in Navan today. They cannot keep up with business. We started up during the previous recession. Even in the middle of a recession there are opportunities if one applies one's mind to it.

From my observation of American multinational companies over many years they are far more sensitive and far more democratic. I recall the first time I visited a multinational in the United States in 1980, I could not believe what I saw. It was so democratic, it was almost like a political party. A well-run multinational, contrary to perception, is quite a democratic institution. It could not be successful unless it involves everyone, looks after its employees and so on.

[Senator Mary M. White.]

British companies are unique. When my husband, Padraic, heard about this he said: “I bet that’s a British company.” The way they decided to only give 30 days notice was brutal. Two days ago I heard our former colleague, Phil Prendergast, MEP, speak on “Drivetime”. She had the guts to speak out against TalkTalk in the European Parliament and the way it had treated its workers. She always had guts when she was a Member of the House but she spoke out and put the pressure on the company. The company was not used to this.

To return to the point about democracy in American companies, it was British companies that traditionally had the hierarchy with the private car parks, private dining rooms and so on, whereas in the American companies there is much more teamwork. This was quite a traditional British way of approaching people, and it did it to its own people. It was not just us. We must change the situation to ensure a company cannot ever behave in that way again.

I spoke about the situation in MBNA when the Minister was in Charlotte, North Carolina last week. Some 750 people are employed in MBNA in Carrick-on-Shannon and it accounts for the flow of approximately €26 million annually into the local economy in counties Longford, Roscommon and Leitrim. If anything happened to MBNA, it would spell social and economic disaster for those counties. People travel from Cavan to work in that company in Carrick-on-Shannon. Leitrim County Council receives €400,000 in rates annually from MBNA. Its presence results in not only €26 million flowing into the local economy but in the county council collecting €400,000 a year in rates to keep it going. I would like to hear how the Minister got on last week. I know he is genuinely and sincerely interested in the issue of employment. He does not need to convince me of that. I tried to find out what happened at the meeting attended by the Minister but the information I got was not satisfactory, although that is probably due to the channel through which I tried to find out the position. I would like to hear from the Minister how he got on and what they had to say.

On the positive side, Senator Feargal Quinn referred previously to an article in yesterday’s edition of *The Times* on Twitter coming to Ireland. There was an article, I believe, on page 31 of that newspaper on how the Celtic Tiger had rediscovered its teeth. It is a magnificent article about how we were the sick man of Europe and now we have got our act together. One of the main reasons we achieved that is through improving our competitiveness in quite a short time. We had a surge in exports during the past year. As I have said a thousand times in this Chamber, the only way we will get money in is if we provide products or services that bring money into the country. The chief way of getting money into the country is through exports, through people who want to buy our goods.

I support what Senator Cummins said about indigenous companies. They must have courage and grow, and the only way they will do that is to expand beyond the domestic market. There is not enough business in Ireland for companies because this is such a small country. We must increasingly encourage them to export.

I do not know if the Minister was present on the day I spoke about how we broke into the market in Tesco in the UK and when Tesco then took over Quinnsnorth. It was my job to get that business. My world fell apart when Tesco took over Quinnsnorth, but we have a great connection there. Sir Terry Leahy, the managing director of Tesco, whose father was from Sligo and mother from south Armagh, wanted to help Irish companies. Obviously, if a business could not rise to the occasion, Tesco would not bother with it. It was said in the House last week that there is a diaspora that want to help Ireland. I agree with my colleagues that we must encourage the indigenous companies to have the courage to get more business that will subsequently result in the creation of more jobs.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank the Leas-Chathaoirleach for this opportunity to respond. I thank Senators Denis Landy and Ivana Bacik for tabling this motion.

I share the shock at the way this matter was handled. Several members of Government went on record to express their horror at the way matters were handled. Very exceptionally, the IDA also indicated that in its experience this was completely out of character with what was normal behaviour by companies who, as was said, had been supported by Government.

I will examine the issue of extending the period of cover. None the less, it must be said that this was an exceptional case. The instinct to an exception should not be to create a new law that could be perceived, interpreted and presented as being very restrictive or undermining the pitch we have. This was definitely an exceptional approach by any company. The standard approach is like that taken by Johnson & Johnson and, as Senator Mary White said, that ample time is given to the IDA to examine the options, for workers to consider their options and for opportunities to promote a facility to alternative employers. We all live in the real world. We know that businesses, for one reason or another, move on. Things change and companies have to make changes. The issue is how we handle that and how the IDA, as an agent of Government, is respected and given the opportunity to find alternative employment and uses for a facility. The immediate instinct is to change the law dramatically and put measures in place. We need to examine the pros and cons of that but I will closely examine that request.

The point made by Senator Landy about Merck Sharp & Dohme and the educational mismatch was well made. We have a challenge here, and it extends well beyond my brief in that many of the new employment opportunities which are undoubtedly coming to a small, export-oriented country, whether they be through IDA companies or Enterprise Ireland, EI, companies, are increasingly seeking analytical, software and engineering skills, which perhaps in recent years, because of the property bubble, were inclined to drift away. I do not want to make adverse comments on legal or other professions that grew but a small open economy that needs to make its living by trading has to examine the educational underpinnings of that. All of us, whether it be as parents, pupils, teachers or policymakers, need to take that on board.

With regard to availing of the globalisation fund, I have alerted my colleague in the Department of Education and Skills to this matter and this is an opportunity to avail of it. It is handled by that Department. MEPs have been in touch with me and we will explore that fully.

An issue raised by Senator Landy and others is whether there is a level playing field between indigenous companies and IDA companies. A level playing field operates. The reason they were separated in the first place is that typically the need of an indigenous company and the need of a multinational are entirely different. Multinationals do not come looking for our help to find export markets or help with their marketing or product development. That is not what they generally come here for. They have ready-made strengths in many of those areas. The reason EI was developed separately and given a different suite of policies was because indigenous companies have different needs. They need start-up money, management support and support to enter export markets for the first time. There is a different suite of policies in place and comparison cannot be directly made between the two. However, in the case of call centres, for example, the policy has been that they will only be supported if they are creating a new market or playing into an export market. A call centre solely servicing domestic needs is not likely to receive grant support because of the displacement argument. Where an indigenous or an overseas company is opening up a new market, it becomes eligible for support. I am assured by the agencies involved that there is a protocol between the IDA and Enterprise Ireland that the same principles and levels of support apply, but it is based on whether the market being opened up is a new market for the country or whether the company is simply competing for

[Deputy Richard Bruton.]

an internal market. That is the distinction drawn in the policy. However, I will respond to the Senator's concern.

The point made about self-employed cover is well made. The Minister for Social Protection, Deputy Joan Burton, is examining this issue in the context of the commission she has established.

The issue of the IDA and its deployment of resources obviously arose in our discussions in Waterford. Mr. Barry O'Leary who was present stoutly maintained that the IDA was not downgrading Waterford in any sense. It has an office there with five staff and the previous regional manager is working within the area. Staff are deployed with reference to both the regional and the sectoral strengths. The change in the IDA for many years has resulted in more people being put on the front line, working with companies with particular specialties to support them in selling abroad or in opening up new opportunities. This involved a change in regional structures which had traditionally been more geared to the local economy and advance factories. The changing environment in which it operated changed the thrust of policy.

The agency's decisions are made on the basis of the best use of its resources to win employment opportunities for all the regions. It has a mandate, whereby 50% of employment opportunities should be created outside the Dublin and Cork regions. The reason we decided to draw up a south-east employment action plan was that Waterford was not doing as well as it should be within that mandate. That has been very clear, not only in the unemployment figures, but also in the figures for employment growth in the area. We must examine why that is the case and whether we can better manage our portfolio of companies. There was criticism when we were in Waterford that the level of contact and support for indigenous companies was not sufficient. Therefore, we must examine this issue. We are looking at what can be done across the board and assessing the strengths of the south-east region.

I reject Senator Cullinane's view that we are in some way hollowing out legislation. The reason we have reformed the joint labour committee, JLC, system is simply that the system was designed in the 1940s when there was a completely different environment. We must have legislation that supports the challenges of a modern economy. This has been recognised in many ways. Some of the elements built into it were anomalous and nobody would defend them. The reform agenda was drawn up by people with immense experience in this area. The call for radical reform came from experts in the field. This is not some sort of—

Senator David Cullinane: That is not the reform I was talking about. It is a question of whether people will end up with less money in their pockets. Sunday premium payments are being removed. That is the issue I was discussing.

An Leas-Chathaoirleach: The Minister to continue, without interruption.

Deputy Richard Bruton: The issue is to design a system that will be appropriate to the challenges we face—

Senator Mary M. White: And to be fair.

Deputy Richard Bruton: —and the legal framework must be such that it can be. That is the reason we are doing this. It has nothing to do with hollowing out legislation.

I agree — Senator Bacik also agreed — that nobody wishes to pay taxpayers' money to senior bondholders in Anglo Irish Bank. However, the situation the Government inherited was such that a great deal of money had been paid out on foot of guarantees.

Senator David Cullinane: It was an unguaranteed bond.

Senator Ivana Bacik: The bank guarantee was supported by Sinn Féin.

Senator David Cullinane: It is an unguaranteed bond.

Senator Ivana Bacik: Sinn Féin supported it.

Senator David Cullinane: The Labour Party is paying out the money. It is writing a cheque for bankers.

An Leas-Chathaoirleach: The Minister to continue, without interruption.

Deputy Richard Bruton: Under the strategy the Government has articulated, we have restructured the banking system. We have pillar banks which have proper capitalisation ratios. They have low loan-to-deposit ratios and can be turned into engines to lend into the domestic economy. We have developed a banking solution and although it was signalled that we might require €24 billion to deal with it, the figures are now much lower because the Minister for Finance renegotiated the deal with subordinated bondholders in Anglo Irish Bank and secured new investment. That has been a success. The stress tests applied by the Government have been found to be robust. We have renegotiated the terms of the deal with the European Union and the IMF and in the long term that will be worth billions in savings to the taxpayer. The strategy adopted by the new Government must be seen in its totality. It is one that has been seen to re-establish credibility in the economy. Of course, one can say we should have done this or that, but the complete strategy which has been deftly handled by the Minister for Finance and the Minister for Public Expenditure and Reform has delivered results.

Senator David Cullinane: We can have that debate in five years time and see whether it has delivered.

Deputy Richard Bruton: We can agree to differ.

I must admit to Senator Cummins that I have not seen the report in *The Munster Express* which he mentioned, but I will investigate it. I have noted the point the Senator made about MFG and will respond to it. Obviously, it involves workers who have been left high and dry. They have rights through the National Employment Rights Authority which must be asserted. The reforms we are seeking are not intended to hollow out employment rights, as the Senator suggested, but to make them and industrial relations services more accessible and to ensure people are not driven into expensive disputes when compliance and early intervention could secure a better result.

In response to Senator White, we met representatives of Bank of America when I visited Charlotte and we had a fruitful discussion with them. Clearly, this is still at an early stage. The bank is seeking to sell the business as a going concern, which is also our objective. It has ensured the IDA will have full access to the process in terms of being able to promote and sell Ireland to any prospective buyer. The buyer will see the full range of the package on offer and the merits of remaining in Carrick-on-Shannon and maintaining the operation intact. In one sense, it was a fruitful meeting. We have access at the highest level in the company and its representatives are very committed. As the Senator outlined from her own experience of the culture of US companies, they were very supportive and understood their responsibilities to the workers in Carrick-on-Shannon. I was pleased with the meeting, albeit against a background in which the sale of this operation obviously contained threats which nobody could downplay. Much depends on buyers in these instances, not sellers. However, we have secured the maximum input into this process which I hope we can turn to good advantage.

[Deputy Richard Bruton.]

They were the main points raised that required a response. I know Sir Terry Leahy. In the presence of another supermarket magnate, I am reluctant to get into——

Senator Mary M. White: Retail rock stars.

Deputy Richard Bruton: I happened to bump into him because he supports Everton.

Senator Mary M. White: That is correct.

Deputy Richard Bruton: At the time Everton had a tie-up with Home Farm, where my son plays. Clearly, he is an immensely practical and down to earth character, given that he is the leader of such a huge company. However, I will not get into things that might be perceived as being anti-competitive.

I thank the Senators for their contributions. I do not wish to underestimate the task faced by the Government. We have seen 350,000 jobs wiped out, many of which were held by young people. We are spending 40% more than we raise in revenue. This has nothing to do with the banks. It is a constraint no prudent manager of our affairs can ignore. We must, therefore, combine radical reform in the way we manage the public finances with creating opportunities for growth and enterprise which are ultimately the drivers of job creation.

The general shared view here is that employment is the main social challenge we face as a community. We may differ about the tactics or strategy and although I am happy to defend what we are doing I am also happy to take on board suggestions from people who do not share our views. I will listen to views where they can fit in a prudent approach to these challenges.

Senator Mary Ann O'Brien: I will pick up on the Leader's earlier comments. I was educated in Waterford and absolutely love the place. I empathise with the employees of TalkTalk and all the other companies which have gone in recent years. I was interested in *The Munster Express* observation and the opportunity that lies there.

If I may be so bold, there is a brilliant and inspirational entrepreneur called John Hartnett in town next week and the Minister will open his "Silicon Valley Comes to Ireland" event. I was going to ring Mr. Hartnett as he is a golfing pal and is over for the global forum in Dublin Castle. He is a big Limerick fan so I might hurt his feelings by saying that I get the feeling that he puts all his efforts into Silicon Valley. I was at the Shelbourne Hotel last night and the Taoiseach gave an uplifting and motivating speech on the Irish diaspora.

We could give Mr. Hartnett a brick wall — the wider the better — because he loves to go through them. I would ask Mr. Hartnett to take on board the suggestion of Senator Cummins that we use the Waterford Crystal site. We could harness the energy of people like Mr. Hartnett and all his contacts in that amazing world. The Minister will have his ear next week so if he can hold on to it and tie him down, we would be more than grateful.

I have dealt with the IDA and Enterprise Ireland since 1992 as a business person. To support these bodies I would argue that they have changed with the times. People must get off their butts and use such services, and I have recently found that they have changed with the tough times. They are relevant and real to my company. I am about to receive the olive branch of becoming chairman of my company and there is a new chief executive officer coming in. He is a chartered accountant with a master's degree from the Smurfit Graduate School of Business. Enterprise Ireland has him and 19 other managing directors on a leadership for growth course in Lucerne now. He has told me it is the toughest process he has been through and it was a magnificent initiative by Enterprise Ireland. Although it was tough, all the leaders indicated they had new ideas from a global perspective of how businesses

4 o'clock

can be better run. I felt we slagged off Enterprise Ireland earlier but it also does brilliantly. It is up to business people to interact and challenge these bodies.

I welcomed the JobBridge initiative when it was introduced approximately 11 weeks ago. As a business person and concerned citizen of the State having witnessed the significant number of talented young people who lost their jobs on a daily basis, I thought it a magnificent initiative. I have advertised for some interns. Senator White mentioned Sir Terry Leahy and I wish he was still in Tesco. Did the company advertise for 200 interns for Christmas, when it is busier? That is not what the programme is for. At the behest of Enterprise Ireland I took on five master's degree students this summer in our company. There was much hassle although it was very rewarding. We prepared as a company for those people, meeting with the students every other day. Their projects were well mapped out and we made the experience very real and relevant. They have all written testimonials to me and I am grateful that they feel the experience will be relevant in their future careers.

We should examine the JobBridge again and look at the sort of companies taking on these interns. Perhaps there should be some boundaries or rules to safeguard people; there might be some methodology in the process. I do not mean any disrespect but a person does not need to be an intern to know how to stack shelves.

Senator Mary M. White: Fundamentally, I do not agree with the Senator.

Senator Mary Ann O'Brien: Some companies are using the initiative as cheap labour, which is a terrible shame. We want action that is relevant for potential interns.

Senator John Kelly: I welcome the Minister to the House and thank Senator Mary White for raising a matter with the Minister that I wanted to highlight myself, namely, the issue of the jobs in MBNA. I must ensure Senator White does not peep at my notes in future. I will not labour the point of these jobs because the Minister has dealt with it as much as he can. I urge him to leave no stone unturned in securing those jobs in some shape or form. The region surrounding Carrick-on-Shannon would suffer a devastating blow if the jobs were lost and I am not sure it could recover if no action was taken.

What kind of funding is available for IDA Ireland for enhancements that could be used to encourage companies and multinationals to come to this country? Companies, some of which are profitable, might stay here for five or six years before outsourcing to countries like India and Pakistan. I know the corporation tax rate is attractive but what brings such companies here and what drives them away?

Senator White mentioned that the cost to the Carrick-on-Shannon region would be approximately €28 million if MBNA were to close. There would be another cost for the taxpayer if 730 or 740 jobs were lost, amounting to €16 million per year. I do not know how much money Enterprise Ireland or IDA Ireland has at their disposal when encouraging companies to come here but we should bear in mind that if they do not throw enough money at companies, it will cost the taxpayer €16 million. Even if we had to tap into half of that amount to enhance our attraction to other companies, we should consider such a proposal.

I remember that a number of years ago my town of Ballaghaderreen lost 240 direct jobs with the closure of Dawn Meats, and ancillary employment was also lost as a result. I recall being in talks with the IDA about replacement industries for the town but the argument was that a town like Ballaghaderreen does not have the infrastructure that big companies want when setting up in locations in the west. Carrick-on-Shannon definitely has all the infrastructure that any company would need. I was told in the past that chief executive officers may be to some degree interested in what they can get for themselves and what towns like Carrick-on-Shannon can offer them and their families. That town has all the required infrastructure so there is no reason a company should not consider the nicest town in the west of Ireland.

[Senator John Kelly.]

The Minister mentioned the modern economy. As Irish people our unique selling point is our friendliness and ability to communicate. I do not believe we can do any course in the country dealing with communications, interpersonal skills and setting up businesses and industry in this country. I know the Minister will respond to that. Harvard University has modules dealing with happiness, which is lovely but not all that relevant.

Minister of State at the Departments of Communications, Energy and Natural Resources and Environment, Community and Local Government (Deputy Fergus O'Dowd): We should all do that.

Senator John Kelly: Why are we not promoting tourism in China and India to a greater degree that we currently are given that those are the emerging markets? We need to reduce the red tape for Chinese and Indian business people and tourists to enter this country.

The Minister opened the Small Firms Association's conference yesterday and my brother was the keynote speaker following the Minister. At that meeting an entrepreneur said that the hoops he had to go through to arrange for his Indian business partner to come over here were shocking and embarrassing. He said that no such issues arise in travelling to the UK. Those are some of the issues that we need to examine.

Senator Feargal Quinn: The Minister of State is welcome. I know his heart is in the right place because he and I have come across each other quite a lot in recent times. If I may, I will tell the Minister of State a little story. I met an Irishman on a plane a few years who was on the board of an American company which had received a proposal from one of its employees who had a new concept for a new task or new job the company could do. It would involve taking on 37 people and the board agreed to run with it. The Irishman on the board of that company asked what would happen if it did not succeed and the other members said that if it did not succeed they would let the new people go. It was very easy to start a company that would take on 37 people and I understand that company was successful in that respect.

I told that story because I agree entirely with the motion. I have no problem with it but I would sound a word of caution about the sections of the motion stating "proposes that greater protections be put in place for employees facing collective redundancy situations; and proposes the Government review existing legislation to consider that a longer notice period than 30 days should be provided by a company . . .". If we put more constraints and restrictions on a person considering opening a business and say that we have certain rules and regulations that he or she must abide by, we will discourage some of those people from proceeding with businesses that might otherwise have opened. We should make sure that in trying to protect jobs, ensuring that proper notice is provided and doing all the right things, and our hearts are all in the right place on this, we do not discourage the creation of jobs. There was a danger of failure involved in the taking on of 37 people in the proposal put by that employee to the board, but we should not be afraid of failure. Let us be aware that we should not be afraid of failure.

Senator Mary White referred to an article I quoted this morning. It was a smashing article in yesterday's edition of *The Times*. It was so envious of us. A sentence I liked in the article reads: "Twitter's decision to base itself in Dublin is a blow for the UK." Another sentence read that both David Cameron and Boris Johnson may now be drowning their sorrows with whisky, not whiskey. I love that quote. The best quote of all was the one at the end of the article. I have given the newspaper to Senator White but the sentence referred to the story about the Scotsman, the Englishman and the Irishman, and the Irishman was smiling. There is no doubt he was because of what happened yesterday with news that Twitter will be opening in Ireland. The decision was made on foot of a battle against other possible locations. One of the reasons

we are able to attract businesses here is that we are able to make it easy for a company to open a new business. That is foreign direct investment.

I know the Minister of State knows something of what is happening in Drogheda. RTE has put its heart behind exploring how it can manage to promote something that is good for Ireland and how it can create jobs. It is not creating jobs but encouraging an environment where jobs can be created. The new programme is titled “Local Heroes — A Town Fights Back” and it will not be broadcast until November. The town that has been selected is the Minister of State’s town of Drogheda and many interesting things are happening there. I will refer to one of them that I found interesting. There are six experts coming in to help. One of them is Jerry Kennelly from County Kerry, whom Senators O’Sullivan and Daly would know well. Jerry Kennelly sold his business for something of the order of €150 million three or four years ago. He decided he wanted to stay in Kerry, although when talking to him last week he referred to “one of our companies in Silicon Valley”. I asked him what he meant by that and he replied “We have a couple of companies in Silicon Valley.” That gives members some idea of his success. He said he wanted to create, encourage and develop entrepreneurship at an early age in Kerry.

I was in Tralee last Friday when Jerry Kennelly had arranged for 600 transition year students to go there for Blue Sky Day. He brought 50 students from Drogheda — from Our Lady’s College, Greenhills and the Christian Brothers. It was a very interesting day. These were all 15 and 16 year olds. They heard of people who were successful at a very early age. This was not foreign direct investment; these were young people who were setting up businesses. I will tell Members about one particular business. A young lady, Tara Hutton, from County Kildare went to a wedding last year. I met the young lady and she was wearing high heels and looked very stylish. She is now in fifth year. While she was at that wedding she stood on some confetti and her aunt said to her “I see you have got designer shoes.” She said: “What do you mean?” Her aunt said “You have got those red soled shoes.” She said “No I have not, there is a bit of confetti stuck to them.” Because she was thinking entrepreneurship she set up a company. She is only in fifth year and at 16 years of age she now has customers in 22 countries. She is selling a pack of coloured soles one puts on the soles of one’s shoes for €17.99. We talk about entrepreneurship, whether it be Senator Mary White or Mary Ann O’Brien, and it is great to see the number of entrepreneurs we have in Ireland. What Jerry Kennelly is encouraging is for people to become entrepreneurs at a very early age. That was only one of the stories. I could continue for hours. What I am essentially saying to the Minister of State is that I am enthusiastic about what can happen.

Another man called Noel Toolin is looking after the tourist end of the market down there and he said we have got great tourism in the Boyne Valley but people do not associate Drogheda with it so we want Drogheda to be the bedroom of the Boyne Valley. It is a simple enough concept.

The reason I am going to some pains in highlighting these examples is that we must make sure that working is more attractive than all the other benefits one can get. In the good times we were reasonably generous, understandably, to people who fell on hard times but we now have a problem in regard to some of those cases in that it does not pay some people to work. We had a debate on this matter last week and a debate on it the other day at the enterprise committee. I mention it because we have a concern. We must encourage people to set up businesses and not discourage people from staying out of work because they cannot afford to come to work. I would say to all speakers, including the proposers of the Sinn Féin motion, that it is worthwhile having this debate today. We should do more of it. I encourage the sort of thinking that is emerging today to make sure that we develop businesses but we should not ask somebody else to do it, we should do it ourselves.

Senator Colm Burke: I welcome the Minister of State to the House. I also welcome the debate on this motion. When job losses such as those in Waterford are suffered in any area, it

[Senator Colm Burke.]

hits the area hard. With the loss of these jobs following the major job losses at Waterford Crystal the blow is that much harder and it is more difficult for people in the area to cope with the loss. It is important that we prioritise job creation in that area and that a comprehensive programme is set up to encourage companies to come into the area.

I wish to refer to the European globalisation fund. I happened to be in the European Parliament when Dell announced the closure of its operation. I sought a meeting with the European Commissioner and got a meeting within three days of that announcement. The globalisation fund was only aimed at providing funding to an area where jobs were lost to countries outside Europe and there was a loss of more than 1,000 jobs. We sought to get the regulations changed. In the case of Dell, the jobs were being lost to Poland. We complain a good deal about Europe and the delay in it reacting to a situation but within six weeks the changes we sought were made. It was accepted that the jobs no longer had to be lost to countries outside Europe before an area would qualify for the training grants. When Waterford Crystal announced its closure the number of jobs lost did not amount to 1,000. In real terms there was such a loss but there were not 1,000 jobs lost in the company. We secured an amendment to the regulations such that the fund could be applied to an area which lost 500 or more jobs. That shows how the European Union was able to react to the changes that were required in order that an area would benefit.

The third change was getting the requirement whereby Europe contributed two thirds of the funding, with the Irish Government contributing one third. It is extremely important that an immediate application is made to the globalisation fund for Waterford, more so than for any other area due to the substantial job losses that have occurred there in the last few years. It is also important that we learn from the mistakes that were made in Limerick with the administration of the fund. Although I did not hear the particular programme I understand that Mr. Denis Ryan spoke about that issue on the radio during the week. He is a former employee of Dell and was very involved in the administration of that fund. There should be consultation with people such as Mr. Ryan to ensure we can use the fund effectively in Waterford so people can get real training, be encouraged to set up their own business if they wish to do so or, if another business is coming to the area, be given the training and assistance required. It is a great opportunity to use the fund and ensure there are benefits from it for the employees.

This type of blow causes huge disillusionment. One often finds in companies such as this that both partners in a household are working for the company, which means it is not just one household income that is lost but both. Alternatively, there might be two or three children from the same family working in the company and it has a devastating effect on the family in terms of the support they provide, and on the local area.

The other issue I wish to raise, which I raised in the House this morning, is the interconnection between the UK and the US which is being put in place at present. There is a need for it to connect to Cork, which would service the entire west coast. Savings could be made through that interconnection. I refer to the Hibernian Express cable and the importance of Internet access. The Minister has just given me a press statement which I had not seen.

Deputy Fergus O'Dowd: A reply is being released at 4 p.m. today on that very issue.

Senator Colm Burke: If it was released at 4 p.m., I just missed it. However, it is important for the area that we secure that type of upgrade in our access to international connectivity to bring it up to tier 1 and to make it more cost effective for companies located in Cork, Waterford, Limerick and Galway. There would be a huge benefit not just for the Cork region but for the entire west coast. I presume it would be a benefit to Waterford too.

This is something we should seriously pursue. It is important because when companies are locating here from abroad or when Irish companies are being set up they need to be able to

access the international market. The international market is now so extensive that we are trying to open new markets in China so it is important that we can connect with those markets in an efficient manner. Time is of the essence as regards communication and that is the reason this project is so important. I urge the Minister to take this matter on board.

Senator Paschal Mooney: I welcome the Minister of State. I am disappointed that the Minister, Deputy Bruton, is not here to hear yet another plaintive plea about MBNA like those made by my colleague, Senator White, and Senator Kelly, from the Roscommon-Leitrim constituency. However, I am sure the Minister of State, who is a former Member of this House, will convey our comments to the Minister, as is appropriate.

In the short time available to me I do not wish to repeat what has already been said as both Senator White and Senator Kelly have admirably put the case for continuing to support the workers in MBNA. However, I understand from recent meetings held by the staff that there is an increasing air of pessimism. This is inevitable and is much the same as would happen in any company where there is a threat hanging over the staff's future and nothing conclusive is emerging.

I cannot accuse the Minister because this is a commercial decision but I wish to record my appreciation and that of the workers, many of whom I know personally given that I live only eight miles from Carrick-on-Shannon, for the efforts he has made. First, he travelled to Carrick-on-Shannon to meet the workers. This was a welcome initiative. At least it helped to reassure them at a time of great anxiety in the immediate aftermath of the shock decision. Second, during his recent visit to the United States he took the time to meet senior executives in Bank of America, one of whom is of Irish descent. According to all accounts the Minister received a very positive response. The company reiterated that it was anxious to sell the company as a going concern. The Minister can do little else other than continue to pressurise.

Of course he, like any other Minister, does not need to be reminded that not only is it the Carrick-on-Shannon area that would suffer from the fallout of a closure but it would affect five counties. As all Members from rural areas would testify, the loss of jobs such as happened with the TalkTalk closure in Waterford has a far greater trickle down effect in areas such as Waterford and Leitrim than it would in a major conurbation like Dublin or Cork. The impact of each job loss on the economy can be increased by a factor of three or four. I hope and pray that Bank of America is successful in finding a buyer. Sadly, given that the banking system in Europe is tottering from crisis to crisis and that it would inevitably be a financial institution that would take over this bank, one can only hope there are venture capitalists who might enter the fray and see that Bank of America has an excellent workforce, the fact that it is in profit and that it is dealing primarily in an English speaking environment in the UK and Ireland. One can only hope and pray.

I again applaud the Government's decision to reduce VAT. According to industry sources, approximately 500 new jobs have been created in the restaurant sector in the last two months. That is an indication of the positive impact the VAT reduction has had. Our party leader made it quite clear when the party went into opposition that we would not oppose for the sake of opposition but that we would support the Government in the area of the job initiatives and where it would help the economy, be it local, regional or national. I intend to continue that philosophy as do my colleagues led by our spokesperson in this area, who has eloquently put forward our position in this regard.

I will not nit pick about the motion, particularly about the jobs initiative. It has received a somewhat mixed welcome but it appears to be working. The head of the Irish Small and Medium Enterprises Association, ISME, Mark Fielding, is one of the world's great PR experts. If he ever left ISME, he could undoubtedly set up a consultancy on how to get one's name in the newspapers and one's voice on the television and radio. Well done to him for that as that

[Senator Paschal Mooney.]

is why he is in that position, but I do not necessarily agree with his comment that the jobs initiative is a failure. However, the comments from Youth Work Ireland, that training and education commitments are not sufficient to address the huge numbers of young people looking for work, and the live register report showing that 88,770 people under 25 years of age were signing on in August, show the scale of the problem facing the Government, particularly regarding those under 25 who are out of work.

I welcome the fact that, according to the *Irish Examiner*, the Government appears confident that it will win approval from the EU-ECB-IMF troika to use money saved in the forthcoming comprehensive spending review for the €1 billion initiative aimed at funding start-up companies and aiding small businesses. Perhaps the Minister will offer his opinion on that. It appears to be an interesting initiative. If €1 billion is set aside for a jobs initiative, it is an extraordinarily impressive amount of money in the current climate. It will be interesting to find out how the Government plans to expand the existing jobs initiatives. Perhaps it would also get rid of red tape.

I am sure that, like me, the Minister was told about, if he did not see, the appearance of the Minister for Social Protection, Deputy Joan Burton, on “The Frontline” programme last Monday. To make a political point, I believe she was given a very easy ride when one contrasts the manner in which Fianna Fáil Ministers, who were attempting to do the same and to make the same efforts as the Minister, Deputy Richard Bruton, were attacked to the point of nearly having things thrown at them before and during the election campaign. The Minister for Social Protection, Deputy Burton, got an easy ride. However, while she did not offer any solutions she empathised with all the problems that arise in her Department. At the heart of the jobs initiative lies a bureaucratic tangle between FÁS and her Department. The jobs initiative is too important to those who are out of work for red tape to prevent them from finding meaningful employment.

Senator Marie Moloney: I wish to share my time with Senator Moran, by agreement.

Acting Chairman (Senator Ned O’Sullivan): Is that agreed? Agreed. The Senators have three minutes each.

Senator Marie Moloney: I join my colleagues in extending sympathy to the employees of TalkTalk and all those in Ireland who have lost their jobs in recent years, including at Aetna in Castleisland in my own constituency. I jointly proposed this motion because I have witnessed at first hand the shock and horror that people have experienced after losing their jobs. When a company moves abroad, it leaves a trail of financial hardship in its wake.

I am aware of many people who have encountered difficulties when they tried to claim redundancy payments and entitlements. In some cases when a company closes down or relocates abroad, workers will receive redundancy payments but this is not always the case. I am aware of small businesses which have told their employees they cannot afford to keep them on any longer. Some employees were let go on the spot while others were told they would be called back when work became available. In the vast majority of these cases the possibility of redundancy was not mentioned by the employers and it was left to the employees to chase their redundancy entitlements. If there is a dispute over redundancy, employees are covered by several Acts but the process of applying to the social insurance fund can take up to one year and, if contested, the application must go before the Employment Appeals Tribunal for a recommendation, which can take another year. If the employer went out of business it must submit its accounts to prove it is unable to make redundancy payments. The former employees are kept waiting all this time for their arrears of wages, overtime payments, pay in lieu of notice and holiday pay.

While I appreciate that the social insurance fund has been transferred to the Department of Social Protection, I am aware of individuals who have been waiting as long as three years for payments. This is not good enough. When one calls the Department and asks to be transferred to an official in the redundancy section, it is not possible to get through. Even filling in the requisite paperwork can cause problems because applicants are asked to provide the addresses and telephone numbers of companies that no longer exist. Where a company has gone into liquidation or receivership, applications for redundancy have now to be made to the liquidator or receiver.

If employees have at least 60 days' notice, they will have time to come to terms with the devastating news and investigate their entitlements. In some cases, deductions for health insurance, pension contributions and PRSI were taken from the employees but were not paid to the relevant bodies.

I ask that the Government consider introducing legislation that would ensure redundancy entitlements are paid within three to six months rather than cause further financial hardship for the families concerned.

Senator Mary Moran: I offer my sympathy to the employees of TalkTalk and all the families and workers that have experienced the terrible heartbreak of redundancy. The Minister of State, Deputy O'Dowd, will be familiar with the devastating blow to my own area of Dundalk with the announcement that 100 jobs are to be lost in the Vodafone call centre in the town. From being one of the most industrialised towns in the country, Dundalk has in recent years suffered a number of horrific job cuts and closures, including the downsizing of Xerox, the closure of McArdles brewery, PJ Carroll and job cuts at Harp Lager, Keytronics and ABB. The list goes on.

As a Border town, we are in constant competition with the lower VAT rates offered in Northern Ireland to seduce consumers away from doing their business in the town and surrounding areas. For a company to suddenly announce it is taking its business out of the country without due warning or redundancy packages is an insult to the loyalty of the staff who worked there, the town in which it was based and our country. For every job lost in these companies, another two are put at risk in the shops, restaurants and entertainment venues in the area.

Vodafone Ireland is a very profitable business. Last year it earned €120 million in profits from Irish people and a staggering €9.5 billion worldwide. Its CEO earns a whopping salary of €932,000 per annum in addition to bonus payments of €900,000. Vodafone's move to India and Egypt will probably save it some money but how can one measure the suffering inflicted on those who lose their jobs? I have met representatives from Vodafone on several occasions and most of them read about their fate on Facebook, which was insulting to them. Many of them will be forced to emigrate as a result of the decision. Their hopes and dreams have been reduced to tatters.

Some of the e-mails I received proposed alternative solutions, including one which suggested that it is time for Irish people to react to companies, like Vodafone, which transfer their business abroad by boycotting their services. In this way we would make our voices heard by these multimillion euro companies.

Senator Marc MacSharry: I thank Labour Party Senators for giving us the opportunity to discuss this issue. Although we agree with much of the amendment proposed by Sinn Féin, my party will be supporting the motion because we do not believe the principles set out in it should be lost. Perhaps the issues raised by Sinn Féin should be the subject of a debate in their own right. I do not want to repeat what others have said about TalkTalk. The issue of MBNA was also substantially addressed by Senators from the north west. I have great faith in the Minister of State, his colleague, the Minister, Deputy Bruton, and his special adviser and my fellow county man, Conor Quinn, who is exceptionally talented.

[Senator Marc MacSharry.]

I would like to see an audit of all IDA and Enterprise Ireland supported companies as a matter of urgency to assess the likelihood that they will encounter difficulties or relocate elsewhere. We could then take measures to ensure they do not consider a move and provide assistance if they require it to expand operations in this country.

From an IDA perspective, certain towns lack the infrastructure to support the expectations of particular companies. As a former CEO within the chambers of commerce movement, I am acutely aware of the meetings held with the IDA during the years in which officials stated it was an issue to do with connectivity, broadband, access and all the rest of it. I watched all of these matters being dealt with during the Celtic tiger years in many of the regional centres, but there still seems to be an issue. I wonder what is the level of grant indicated when it comes to a discussion with company A or company B in towns such as Ballaghaderreen or Carrick-on-Shannon and, in particular, the gateway centres such as Sligo, Letterkenny, Waterford and Galway because I am not convinced that it is what it should be to achieve the results we would like to see resulting in announcements in these areas. Clearly, companies will want to locate in Dublin; it is where they will want to be. We must make it more attractive for them, therefore, to locate in other places and explain why. If that means allocating an extra few quid at times, we must be open to doing this. The MBNA story was about a guy, a senior executive in the company, having connections with the part of the country in question. That is what helped to push the project over the line. We cannot depend on this happening, however, in Waterford, Sligo, Letterkenny and other parts of the country and need to be innovative in that regard.

As we look to the future, we need to look at entrepreneurship education. That is not to say we want everybody to be an entrepreneur in the most literal sense of the word and create jobs. However, there should be modules on entrepreneurship in all aspects of education. I wrote a paper with others on the introduction of entrepreneurship education from primary level on. It is about flexibility and a particular way of thinking. It is not necessarily about creating jobs but about developing an agility in one's life to to move, whether it be a thought process, physically or whatever else. It is not about being like Denis O'Brien or Senator Feargal Quinn. One can be an entrepreneurial librarian. I am sure we all hope Ronan O'Gara will be entrepreneurial with the ball on Sunday morning against Italy. It is an idea we presented to the then Minister and the Secretary General of the Department of Education and Science as it was called at the time. The difficulty within the Department and government was that there was a lack of agility; the concern was they would never be able to connect education and enterprise in the way they wanted. We need to stop thinking of government in terms of pigeon holes and see it as seamless. Departmental interaction needs to be seamless, without an agenda or difficulties with personalities or anything else. That is a challenge for the Minister and his colleagues, one I know he would like to overcome. He should not consider any of the barriers in front of him, he should merely go through them if he needs to in the interests of moving matters forward.

Of the indigenous sectors, agriculture is consistently seen as a burden. We don't consider meetings with the IFA and the lobby groups as such a burden. It is not. As somebody who for many years has been a beef exporter — I export 250 tonnes a week to 46 countries around the world — I am acutely aware of the levels of employment that can be created. While there was a lull period throughout what we would have described as the Celtic tiger years, the food industry is back in a major way and we need to seize its potential. Senator White has had a long career in it and shown what someone with an entrepreneurial spirit can achieve. If we could divert scarce resources from other sectors to the ones that can be most productive for us in terms of job creation, the food and agriculture industries are the ones we would pick. The Minister should not, therefore, see the agriculture industry as a burden but seize its potential and the opportunity presented.

I thank the Leas-Chathaoirleach for his indulgence. Another meeting at Farmleigh is being planned. The meeting was a good one. It highlighted the arts as having significant potential. Let us build on this. It was certainly a good start.

The bankruptcy laws need to be changed. That is not to salute or help those who have been in any way reckless in their business dealings. Considering the crash, there are many entrepreneurial brains, people who can create jobs whom we are sentencing to 12 years when they will not be able to use their brains to help us to help ourselves. We really need to look at this issue.

Senator Aideen Hayden: I welcome the Minister of State, Deputy O'Dowd. We have seen him a lot recently and it is a pleasure to have him back again with us.

My colleagues have set out well the purposes behind the motion and the real problems faced by the workers in TalkTalk, as well as by workers in other parts of the country who have also been faced with similar closures. However, behind the motion is a serious issue relating to the position in the south east, in particular, as a region. Senator Cullinane has mentioned some of the issues involved. Traditionally, the south east has not been seen as a particularly poor area. Historically, it has been associated with the glass industry, iron foundry and prosperous agricultural businesses. However, these industries have been in decline. Almost without a trace the south-eastern region has sunk during the governance not only of the current Government but of previous ones.

It is not widely known, for example, that Wexford is the second poorest county in the country. This leads to additional issues for the workers of TalkTalk and others in the south-east region. It behoves the Government to go over and above for the people of the region because of the circumstances they are facing.

Aside from the issue of poverty which needs to be emphasised, there has been a failure of regional policy as reflected in the south east.

Senator Mary M. White: Hear, hear.

Senator Aideen Hayden: There are numerous reports suggesting robust regional development which are languishing on the shelves of every Minister. The previous Government, among others, scatter-gunned industrial development and regional Government offices around the country which led to the failure of regional policy. A robust policy could have prevented the outcome faced by the TalkTalk workers in Waterford. It was manifestly a failure on the IDA's part to engage in the spread of investment witnessed in the past decade and a half rather than attempting to develop clusters of excellence that would have had the capacity to withstand the closures about which we are talking. There are plenty of reports available that demonstrate internationally that clusters of excellence have a far better chance of withstanding such closures.

There is a skills capacity problem in the south east and has been for some time. The mid-west, for example, has three times the number of third level places available than the south-east region. Successive Governments have failed to develop a technological university in the south east that would help to develop the skills necessary to develop a smart economy in the region. It is well known that students from the south east attend universities in other parts of the country and that there is a brain drain from the region. This is something I ask the Government to address as a matter of urgency.

It is critical, if the south-east region is to prosper, that three issues be addressed: the need for a proper regional policy, poverty in the region, and the lack of skills and third level university places. This is not merely an issue for Ireland. It is also one for the European Union. My colleague, Senator Moran, mentioned Vodafone's decamping to India and Egypt. Call centres are notoriously footloose and fancy free. It does not matter whether it is Ireland, Scotland,

[Senator Aideen Hayden.]

England, Wales or France, the European Union needs to have another look at its industrial policy. We must look at the future of industrial policy in Europe.

Senator Susan O’Keeffe: I thank the Minister for being here. Let us face it, the way in which workers are treated nowadays is increasingly shabby, which, I think, was the word used by Senator Cullinane. When I turned on the television last night, I saw British Aerospace workers who had learned about the pending redundancies in the media. We have heard this story over and over again. That is the concern, that in an increasingly employers’ world shabby behaviour becomes habitual.

I am slightly concerned to hear the Minister, Deputy Bruton, say that while the protection and enhancement of employment rights remain paramount, there is a need to ensure Ireland remains an attractive destination for foreign direct investment. The question now is what is attractive and what makes a country attractive to come to? Is it the money and tax breaks that Governments can give to entice foreign investment to a country at the expense of workers? We have seen with TalkTalk——

Senator Mary M. White: That is ridiculous and outdated.

Acting Chairman (Senator Ned O’Sullivan): The Senator without interruption.

Senator Susan O’Keeffe: I am sorry. We have seen with TalkTalk how workers can——

Senator Mary M. White: TalkTalk is an exception as the Minister has said.

Acting Chairman (Senator Ned O’Sullivan): The Senator without interruption.

Senator Susan O’Keeffe: There is no doubt it is an employers’ market and that workers’ rights are in danger of being reduced. Senator White can shake her head but that is not the experience I have had or that of my colleague who spoke of people seeking their rights through redundancy taking months ——

Senator Mary M. White: That is a different Department.

Acting Chairman (Senator Ned O’Sullivan): The Senator without interruption.

Senator Denis Landy: Who is chairing this meeting?

Senator Susan O’Keeffe: If we are discussing Ireland as being an attractive place to work and encourage inward investment, then we must ensure also that the protection of rights for workers is of paramount importance as well as the other attractions that can be offered. It is fair to point out as much. I am somewhat heartened by the Minister’s letter today giving an update on the MBNA workers. While it will continue to be difficult, the Minister stated that the flexibility of the company is a considerable help in trying to find a replacement for it in Carrick-on-Shannon. We should welcome and highlight this flexibility because it is helpful where companies decide to redeploy if they can at least be flexible. That is not to say the problem is solved or all the other things that have been said here today about MBNA pulling out of Carrick-on-Shannon do not hold. It is difficult indeed but at least companies should recognise their responsibilities to workers. That is at the heart or the essence of the motion. As Senator Landy stated at the start of the proceedings, we seek to establish if we can at least extend the time workers have to adjust to being made redundant and perhaps extend the time to find a job.

We see JobBridge coming into place and we welcome it. The Minister stated on “The Front-line” that she is listening to the problems that are arising with JobBridge. She and her Depart-

ment are well aware that there have been teething problems at the start but I believe she is listening and looking to correct some of the things that have arisen. Nevertheless, the fundamental basis of having a project such as JobBridge to assist people to find work and to get back into the marketplace and workplace holds.

These are good initiatives. Professor Colm Harmon at UCD has welcomed the initiative but has stated that it needs fine-tuning. Asking people to wait several weeks before they can get onto the scheme is one of the problems and I understand from discussing the matter with people that the website is difficult to get onto. Regardless, such measures are welcome as is the micro-financing project which the Minister, Deputy Bruton, will propose in the near future. That is the type of scheme we need for job creation and for some of those who will be made redundant from all kinds of places in the coming six months. At a time when it is easier to treat workers badly because jobs are so scarce it is important not to throw out workers' rights. It is up to us to ensure that every protection that can be given is given.

Senator Denis Landy: I welcome the Minister of State, Deputy O'Dowd, to the House. This is the first opportunity I have had to propose a motion on behalf of my group. I am heartened by the response of Members today both for the support for the motion and for raising many important issues. I am positive about the response from the Minister. The Minister heard my opening remarks, those of Senator Bacik and many other Senators. Although I am not quoting him directly he suggested that he will look at the issue to try to extend the core period from 30 days.

It has been a worthwhile debate. It was also worthwhile in the context of the many important contributions from Members such as Senator Burke who referred to the importance of the globalisation fund and its relevance to the difficulty we have in the south east. Many lessons have been learned from what took place with the globalisation fund. Senator Burke in his former capacity as an MEP and me as a member of the Committee of the Regions were well aware of what was happening with Dell at the time, of the mishaps and the lack of knowledge of the then Government with regard to getting the best from the fund. I hope we can bring all the expertise together to ensure an application is ready. I understand the factory must be closed before the fund can be put in place. I remain hopeful that we can draw down most of the money and use it in the broadest way possible. That was a difficulty on the previous occasion. As is often the case in Europe, we were good boys and we kept a narrow parameter on what we believed we could do. When other countries got an opportunity they broadened it and I hope we will do the same.

I am pleased Senator Cullinane supported the motion but I am afraid we will be rejecting the amendment. It is fair to say that Senator Cullinane's party signed up to the agreement in 2008 on the guarantees.

Senator David Cullinane: That is not true.

Senator Denis Landy: An attempt to rewrite history will not happen.

Senator David Cullinane: That is factually incorrect.

Senator Denis Landy: We are not going to accept——

Senator David Cullinane: That is incorrect.

Senator Denis Landy: If I could continue without interruption——

Acting Chairman (Senator Ned O'Sullivan): The Senator without interruption.

Senator David Cullinane: If Senator Landy is going to tell mistruths that is fine.

Acting Chairman (Senator Ned O'Sullivan): The Senator without interruption.

Senator Denis Landy: The vote on 14 September is on the record of Dáil Éireann. If Senator Cullinane does not agree with me I will get him a copy of it.

Senator David Cullinane: The Senator should read all Stages, including the Final Stage.

Senator Denis Landy: Perhaps his memory has been erased in some way since he came to the House.

Acting Chairman (Senator Ned O'Sullivan): No interruptions. No interruptions.

Senator David Cullinane: Senator Landy should learn how the system works.

Senator Denis Landy: Senator Quinn commented that we should not put obstacles in the way of jobs. This motion does not intend to do so. I realise he made his comments with the best of intentions but this motion is about protecting people. At the outset I stated that I do not believe that any company coming here which is in receipt of handsome grants from the IDA and which is asked to sign up to something to ensure that workers get notice of 60 days rather than 30 days would reconsider coming into the country. In view of what the Minister, Deputy Bruton, stated this afternoon I am hopeful that we can see the 1977 legislation amended to increase the timescale. I look forward to the comments of the Minister of State, Deputy O'Dowd.

Acting Chairman (Senator Ned O'Sullivan): Is the amendment being pressed?

Senator David Cullinane: It is.

Amendment put and declared lost.

Motion put and declared carried.

Acting Chairman (Senator Ned O'Sullivan): When is it proposed to sit again?

Senator Maurice Cummins: Ar 10.30 a.m. maidin amarach.

The Seanad adjourned at 5 p.m. until 10:30 a.m. on Thursday, 29 September 2011.