



# SEANAD ÉIREANN

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*Dé Céadaoin, 14 Nollaig 2011.*  
*Wednesday, 14 December 2011.*

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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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## **Business of Seanad**

**An Cathaoirleach:** I have notice from Senator Darragh O'Brien that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Justice and Equality to outline the rationale used in making the decision to restrict the opening hours of Malahide Garda Station, which serves more than 25,000 people; the cost savings that will be made; when this change will be effective from and if he will reverse this decision.

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

The need for the Minister for Justice and Equality to outline the rationale for the proposed closure of Corrandulla Barracks, County Galway and how the area will be serviced in its absence.

I have notice from Senator Susan O'Keeffe of the following matter:

The need for the Minister for Health to clarify if funding has been made available for a women's ward in St. John's Hospital, Sligo that was closed in October 2011.

I have notice from Senator Mary Anne O'Brien of the following matter:

The need for the Minister for Health to give an assurance that adequate home care of a minimum of 8.5 hours per week will be provided for a person (details supplied), thus continuing the level of care he receives from the Jack and Jill Children's Foundation Charity and allowing that charity to step back from this case, which should have happened when he turned four years old on 12 September 2011.

I have notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to urgently facilitate an appointment with an ear, nose and throat specialist to examine a young boy (details supplied) in County Clare who has recurring ear infections and no speech.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and I have selected Senators Darragh O'Brien, Healy Eames, O'Keeffe and Mary Anne O'Brien.

[An Cathaoirleach.]

They will be taken at the conclusion of business. Senator Conway may give notice on another day of the matter he wishes to raise.

### **Garda Síochána Ombudsman Commission: Message from Taoiseach**

**An Cathaoirleach:** The President, on the recommendation of Dáil Éireann and Seanad Éireann and on the nomination of the Government, appointed on 12 December 2011 Mr. Simon O'Brien, Mr. Kieran Fitzgerald and Ms Carmel Foley as members of the Garda Síochána Ombudsman Commission and Mr. Simon O'Brien as Chairperson.

### **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, Private Members' business, Fiscal Responsibility (Statement) Bill 2011, to be taken at 3 p.m. and to conclude no later than 5 p.m.; and No. 2, Jurisdiction of Courts and Enforcement of Judgments (Amendment) Bill 2011 — Committee and Remaining Stages, to be taken on the conclusion of No. 1 and the time allocated to this debate shall not exceed one hour.

**Senator Darragh O'Brien:** Today's business is extremely light. Having a sos between completion of the Order of Business, probably at noon, and Private Members' business at 3 p.m. is a poor use of our time and reflects badly on us. I do not suggest the Leader is doing this but I hope it is not being done for the sake of optics in light of the upcoming debate on the existence of this House. A three hour sos is not good enough. We have enough business issues of national and international importance to discuss. My colleague Senator Burke and others have raised on numerous occasions the fact that this Chamber should scrutinise European legislation. That would be a productive use of our time and Senators across the House could do the job extremely well because we have a broad breadth of knowledge and experience in this Chamber and we pay more attention to legislation than many of our colleagues in the Lower House. I speak from experience as one who has served in the Lower House. I am very disappointed that there is a three hour sos today and I hope in the new year such situations will not occur again.

If colleagues are bored with me raising the issue of the mortgage arrears implementation strategy, I am sorry but the Keane report is nearly 11 weeks old. The Minister of State at the Department of Finance, Deputy Brian Hayes, in good faith came to the House and gave a bold statement that the strategy that will address the almost 10% of people in the country whose mortgages are in arrears, would be published before the budget. The budget has gone. My colleague Deputy Michael McGrath asked the Minister for Finance when the strategy would be published and he said not before the budget but before the Christmas recess. Today is Wednesday and there are two days left. Will the Leader confirm the mortgage implementation arrears strategy, which is supposed to assist homeowners in great distress coming up to Christmas, will be published this week?

I also wish to raise the ECB interest rate cut. Has the Government brought in any of the banks over the most recent rate cut? Bank of Ireland, which did not pass on the previous cut of 0.25%, this time decided it would pass on only a cut of 0.14%, not the full rate decrease. What is the Government doing about that and about the other institutions that have not passed on those rate cuts?

I called for a debate on education yesterday. That should be the first thing we discuss when we come back on 11 January. Disadvantaged schools, guidance counsellors and the European and second languages programme in primary schools have all seen cuts. Some 500 primary schools are teaching children second languages, predominantly European languages. Everyone agrees there is a grave deficit of knowledge and experience as a country in second and third

languages so why is that being cut? I ask the Leader, therefore, to ensure this is the first debate we have when we get back, and I do not care if the Minister for Education and Skills attends, it could be the Minister of State at the Department of the Environment, Community and Local Government. The idea must come from this House that education is how we will get out of our difficulties. That has been proven time and again.

**Senator Ivana Bacik:** It is unfortunate there is a gap after the Order of Business today. The Leader would be too modest to say but he made strenuous attempts to fill it.

**Senator Darragh O'Brien:** He did; I have no doubt about that.

**Senator Ivana Bacik:** Given it is the last week and we are waiting for things to come from the Dáil, some difficulty was inevitable. I entirely agree, however, with levels of scrutiny of legislation on Committee Stage. This House has generally had a high standard of debate, particularly on Committee Stage, where we offer a higher level of scrutiny. That debate will be more common in the new year.

I am looking forward to a debate early in the new year on the electoral amendment (political funding) Bill. I was delighted to see it was approved by Cabinet yesterday and will be published this week. It is likely to start in the Seanad, something we should all welcome. The Seanad is the only House of the two that has ever had a debate on women's participation in politics. We had that debate in May 2010 on foot of the report I had authored for the justice committee on women's participation in politics, which recommended legislation requiring political parties to adopt a minimum proportion of candidates of each gender. I am delighted his Bill will now be introduced and that it will be done in the Seanad and I look forward to the debate in the new year. The international evidence is clear that unless we take positive steps and require political parties to adopt targets for the promotion of women in politics, we will not see any improvement in our poor figures for women's participation rates in politics. There was cross-party support in May 2010 when we debated the principle of positive action.

We all wish to send our sympathies to the families of the victims of the terrible massacre in the Belgian city of Liège yesterday. We will be debating foreign affairs early in the new year and we should discuss the massacre of civilians that has been occurring under the radar in Syria in recent months. Some dreadful reports are emerging, but very little is being reported of what is really happening because of the ban on foreign reportage. We might explore our foreign policy towards Syria when we have that debate.

**Senator David Norris:** I would like to ask for a debate on values. We start every day here with a prayer and the Constitution invokes the central mysteries of the Christian religion. People are sometimes diffident about this and every year we hear that in certain places Christmas trees are found objectionable, although I have never heard any Muslim, Jewish person or Buddhist object to them. I object strongly, however, to the National Irish Bank using words which come from the communion rite of mass, the words of Jesus Christ, "ask and ye shall receive". From a bank with a history that stinks like National Irish Bank, I find this grossly offensive and the bank should remind itself that Jesus Christ scourged the money changers and usurers out of the temple.

**Senator Sean D. Barrett:** Hear, hear.

**Senator David Norris:** We had here yesterday a Minister from a party that at one stage had some socialist leanings who seemed in at least one statement to epitomise the most ruthless form of capitalism, saying that people should receive in proportion to what they put in. There is a mysterious text in the Bible, "For he that hath, to him shall be given, and he that hath not,

[Senator David Norris.]

from him shall be taken even that which he hath". If this is the Government's policy I would like to know more about it. I would like to know why the Model School in my constituency is having so many teachers removed in an area where there is a terrible drugs problem and generational unemployment. This will cause enormous destruction down the road. In Grange-gorman, the victims, the most vulnerable in society, who are there because of illness, have been turned into prisoners and locked in. I would like to know how many other institutions in this country do the same.

We have an opportunity to do something about this. We have been told by the Taoiseach on more than one occasion that we are on death row as far as he is concerned. I remember a film called "The Shawshank Redemption" and even there the prisoners banged their mess tins against the cell walls, they made a protest and went out to the strains of great classical music. Under the Constitution of this country we are charged with defending the rights of the people. That is more important than any party allegiance.

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

**Senator David Norris:** We have an opportunity to stand up and on the budgetary matters, we should look at this and stand not for parties but for the people of Ireland and strike a blow, because it is our constitutional responsibility to revise legislation if it is not satisfactory, if it conflicts with the values of the Irish people. It is our moral responsibility, each and every one of us, whether we are members of a party, independent or nominated by the Taoiseach, to strike a blow and at least then we will show we have had some value to the people of Ireland and have lived up to the Constitution under which we work.

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

**Senator David Norris:** Yes, I am calling for a debate on the values that lie beneath what is happening in this country. I do not think they should be commercialised. I was horrified to learn the largest selling game in history is a violent war game that is sold at Christmas. What are our values? Are we Christians? I have previously expressed reservations about the prayer not because I am anti-religious but because I believe in the separation of church and State. If we say these things, however, let us at least mean them.

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

**Senator Jim D'Arcy:** I agree with Senator Darragh O'Brien on the need to promote education. The Seanad is the forum where we could do such a thing with the cross-party and independent unity Senator Norris mentioned. Today the ESRI has published a very significant report by researcher, Dr. Dorothy Watson. It shows that pupils who we might regard as being weaker pupils do not benefit from being streamed. They have low esteem and their achievement is less than if they were in a class of mixed ability.

**Senator Fidelma Healy Eames:** That is true.

**Senator Jim D'Arcy:** The converse is that those of higher ability do not benefit from being in a streamed class with like pupils of higher ability. We are managing a flawed system where the outcomes show that it needs to be changed. It is deeply important because it goes to the core of education. Our focus should be on outcomes based on quality teaching and learning in our schools. We should have frequent education debates in this House. The Minister should come to the House. I want to see an improvement in our education system so that our children can have better outcomes.

**Senator Paschal Mooney:** Senator Norris's rousing rally reminded me to remind the House that this week commemorates the disastrous tragedy at the battle of Fredericksburg during the American Civil War when Thomas Francis Meagher led the fighting 69th Regiment and many lives were lost. An interesting article in the "Irishman's Diary" section of *The Irish Times*, which I commend to the House, pointed out that what lifted their spirits afterwards was a rousing rally by one of the captains who broke into his favourite song that became a rallying cry throughout the decades. I was expecting Senator Norris to finish his flourish with "Ireland Boys, Hurrah".

**Senator David Norris:** No, it would be the "Ballad of Joe Hill".

**Senator Ivana Bacik:** Well done.

**Senator Paschal Mooney:** While it did not happen, he was certainly in that context. I am not sure if Senator Norris has a good singing voice, but I would be happy to help him out with the chorus if he wished.

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

**Senator Paschal Mooney:** I am sure the Leader welcomes the initiative going through the US Senate, which if passed will permit 10,000 Irish citizens to avail of work visas in the United States.

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

**Senator Paschal Mooney:** This is the first significant country-specific and certainly pro-Irish legislation in 15 years since the Donnelly and Morrison visas. I commend Senator Schumer, who with the help of Mr. Niall O'Dowd and the Irish immigration lobby in New York have been actively involved in trying to get some meaningful immigration reform. Lest anybody might think that these comments are in some way encouraging emigration, the reason I welcome it — I am sure the Leader will agree — is that there are young well educated Irish people who sadly do not have jobs here but who voluntarily leave to upskill and then return later. That is now a firmly established pattern.

There is a distinction between voluntary and involuntary emigration. If it means the country with which we have the strongest cultural, historical and economic ties will permit 10,000 Irish citizens to enter the United States and work for a short period, it will ultimately benefit this country and I hope it will address not only those, who may wish to avail of this voluntarily if the Bill is passed, but also those who are currently undocumented in the United States. Would the Leader consider inviting the Tánaiste and Minister for Foreign Affairs and Trade to come to the House to discuss the immigration-emigration issue? It is important for us to have an opportunity to discuss the impact it is having and to convey to the general public that sometimes emigration of itself is not necessarily tragic, but involuntary emigration is.

I add my concerns to those of Senator Darragh O'Brien. I know, based on what Senator Bacik has said about the times——

**An Cathaoirleach:** The House made a recommendation that each Senator should raise only one issue.

**Senator Paschal Mooney:** Yes, but it is an issue of great concern for the future of this House that——

**An Cathaoirleach:** The Senator is way over time. I call Senator O'Keefe.

**Senator Paschal Mooney:** — suspending the sitting of the House for a few hours in the middle of the week before Christmas—

**An Cathaoirleach:** I have called Senator O’Keeffe.

**Senator Paschal Mooney:** — does not convey a very positive message to the people about the value of this House.

**Senator Susan O’Keeffe:** I echo Senator Bacik’s comments about the people of Liège, who are obviously struggling to cope with the events of yesterday and the deaths of some of their citizens. I ask the Leader if the Minister for Health might consider an idea from the UK — the Good Care Guide, which is an online service to encourage users and their families to rate care homes for the elderly. However, it is not just an online service. The UK is also introducing patient rights groups called “Health Watch”. These are committees which include representation from relatives of care users. These health-watch teams will be enabled by legislation to visit care homes as independent visitors with full visiting rights. However, this will be done in conjunction with the online guide. It would be very simple, effective and useful to introduce some level of scrutiny of care homes. I do not suggest that this would replace HIQA’s work. However, patients and their families would have a role and a capacity to observe what is going on. These ideas came from conversations with families of users about how they felt they could be assisted to better help their elderly relatives. It would be useful and cost effective, and could be set up relatively quickly. Will the Leader ask the Minister for Health to consider introducing such a system?

**Senator Sean D. Barrett:** I welcome the announcement that the Minister will convene a forum with health insurers to address the issue of the excessive price increases they seek. He is quoted as saying that in some cases he feels 4% would be adequate while some of the companies are claiming as much as 25%. Last week we referred to our wish that the regulation of the health insurance sector should be moved to the Central Bank.

I refer also to the issues in the Milliman report. I know the Leader will ask the Minister to come to the House to discuss some of the matters in that, such as keeping people for inpatient medical treatment for 10.6 days when 3.7 is recommended and keeping people for 7.5 days for surgical inpatient admissions when it should also be 3.7. It indicates that up to 10% of people are being admitted to hospitals without due cause and perfectly healthy young people are being admitted for tests and being detained overnight. There are many issues that need to be teased out. I know the Leader has asked the Minister to come to the House to discuss them. Will the Leader convey to the Minister that these talks with the insurance companies are welcome and long overdue? We hope the Milliman report will be circulated to Senators without having had the important parts redacted as the copy circulated last week had. Many Senators on the Government side had important points to make about the excessive cost of health insurance. I welcome the Minister’s initiative and ask the Leader to convey my request to the Minister.

**Senator Colm Burke:** I agree with Senator Barrett on the matter of health insurance. I have previously referred to a particular health care provider that is prepared to reduce costs by 6% but still the VHI will not offer cover to people admitted to that care unit. I filed a complaint on the matter which is now under investigation by the Competition Authority.

We are coming up to Christmas and although we are in difficult times, there will be a considerable amount of money spent between now and Christmas Day. It is important to highlight the need for people to buy Irish.

Interestingly, a story appeared in a newspaper this morning about a GAA club, which raised the issue of how tickets for the all-Ireland hurling and football finals are printed outside Ireland. The club in question intends to table a motion to ensure that all work done by the GAA is given to Irish companies. This highlights what can be done here to keep jobs and work in Ireland. This is a time when, more than ever, this needs to be done and when buying for Christmas, people should buy Irish and should support those who work in Ireland. This is an important issue Members should continue to highlight. Perhaps they should have a debate in the new year on the promotion of Irish goods at home and on bringing back support to Irish industry at home because there has been a tendency to deviate from that and to buy products that are not produced here even though they are available from companies operating here. When the agenda for the coming months is set, I seek the inclusion of a debate on this issue.

**Senator David Cullinane:** Jesus Christ, Joe Hill and Thomas Francis Meagher already have been mentioned this morning and I wonder what any of those individuals would make of the cuts in education that have been announced by the Government. Senator Jim D'Arcy stated — I believe him in terms of his passion — that he wishes to see changes in education. Members should consider the changes announced in this budget that affect disadvantaged schools. A total of 38 concessionary teaching posts will be withdrawn from 15 non-DEIS primary schools and 102 concessionary posts will be withdrawn from 52 urban band two DEIS schools. As for the support teacher project, 43 posts will be withdrawn from 48 primary schools. A further 45 concessionary posts regarding the breaking the cycle scheme will be withdrawn, as will 64 concessionary posts in 59 primary schools and 136 concessionary posts in 163 post-primary schools. The latter posts are in schools that were covered by the giving children an even break programme. The Minister's response is that these are legacy posts. This is an absolute disgrace because these are posts that are needed in schools which suffer from disadvantage. This morning, the principal of St. Saviour's primary school contacted me because of her great concern about the impact this will have in her school. The aforementioned school had 27 teacher posts in 2010 but by the end of next year, it will have 20 such posts. The point made by the principal was that the school had been successful in improving the reading, writing and numeracy skills of children who needed additional learning support and all this could be undone, were these teaching posts to be withdrawn.

Consequently, I propose an amendment to the Order of Business today. Given that Members face a three-hour sos, the Minister for Education and Skills should come into the House to discuss the impact the loss of 428 posts in primary schools across this State will have in inner-city Dublin, Waterford city, Cork city and urban areas. Moreover, many one to four-teacher schools in rural areas may be forced to close because of what has been announced in this budget. I note Senator Jim D'Arcy spoke of unity in respect of education. However, if one is serious about the future of education and about being positive, there cannot be unity when the Government proposes to take 428 teaching posts from those schools that need them most. As Sinn Féin cannot support that, there will not be unity. The Minister of Education and Skills must come into the House to explain matters to the principals of those schools in Waterford, Dublin, Cork and elsewhere who will be devastated by the cuts announced in the budget.

**An Cathaoirleach:** The Senator is out of time.

**Senator David Cullinane:** As I stated, I propose an amendment to the Order of Business in order that the Minister for Education and Skills will come into the House to discuss the impact of these cuts.

**Senator Fidelma Healy Eames:** I will respond to the previous comment made by Senator Cullinane. DEIS is a new and wider classification for disadvantaged schools that followed the

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giving children an even break programme. I would welcome a clarification in this regard from the Minister, Deputy Quinn, to whom my second item this morning also pertains. In the previous Oireachtas Joint Committee on Education and Science, the Minister, Deputy Quinn, sat beside me and I acknowledge his concern for disadvantaged schools. He strongly supported my study on early school leaving, which largely emerged from disadvantaged schools. He was the main proponent of that study and consequently, I have every confidence the Minister, Deputy Quinn, will address any injustice there may be in this regard. However, my reading of this situation is that DEIS was a new classification that came on top of the giving children an even break programme and perhaps there was an imbalance that now has been ratified. However, Members should wait and get an answer in this regard.

The main issue I wish to raise with the Leader today concerns the need for a comprehensive debate in the new year on bullying. I do not believe such a debate has ever taken place in this House. Bullying affects children, young people and adults. Conventional bullying has caused the suicide of young people in Ireland and I recall the terrible death of that young girl from County Clare, Phoebe Prince, when she went to America and was bullied there. In this regard, I commend the work of the National Anti-Bullying Coalition. However, I draw Members' attention to the grave dangers of cyber-bullying through social media and social networking and in particular, I refer to Facebook. A wonderful report appeared in this morning's edition of the *Irish Independent* concerning a 16 year old, who has been obliged to consult a psychologist, is now on antidepressants and who was obliged to move schools. His parents were obliged to approach the American Embassy to get Facebook to take down the child's site to stop him from being bullied. While the country faces austerity, tough budgets and really tough times, this is something Members genuinely can try to do something about through legislation. It is time that social media were regulated, as this has gone too far and is hurting the lives of too many children, young people and adults. I look forward to such a debate in the new year.

**Senator Denis O'Donovan:** I raise with the Leader a matter he may bring to the attention of the Minister for Justice and Equality, who will be in the House this evening. I refer to the military judge issue on which I locked horns with the Minister last July. Members may recall that there was a huge debate in the House in which I was criticised, as was the previous Minister for Defence, Mr. Tony Killeen, for delaying the legislation. It is almost six months later, Members are in the run-up to the Christmas recess and I understand this appointment has not been made. I raise this question in a sensible fashion, because the Minister may be able to throw some light on the issue in the House this evening. I note several judicial appointments have been made since July. Second, the Minister told Members there was a huge backlog of issues concerning military courts martial and so on that had to be dealt with urgently. Since then, he has had the power to second a Circuit Court judge for three or four weeks to clear the backlog, if necessary, but apparently this has not been done. Does the Minister consider there to be a need for a military judge? I note the Defence Forces are dwindling and so many barracks now have been closed that one would hardly recognise the Defence Forces here. What is the entire cost to the State at present of a military judge in respect of the judge's pay, clerk, driver and so on?

During last July's debate, I suggested to the Minister that just as there is an Admiralty Division of the High Court to deal with seafaring matters, he could consider appointing a Circuit Court judge to engage partially in military work and partially in civil or criminal work, which would make a great deal of sense. Perhaps the Minister might have answers in this regard. Members had a tough and lengthy debate on the issue in this House. At the time, the Minister, his officials and some representatives from RACO might have thought I was ratcheting up the issue. It was far from that. I had good reasons for raising the matter and I am deeply

concerned that almost six months later, this appointment has not been made. As the Minister is scheduled to be in this House this evening, he will have an opportunity to clarify the issue. I always try to be fair and reasonable. I offer this opportunity for the Minister to explain. If he is unable to do so this evening, he should return to the House in the new year to explain why the measure was bulldozed through this House as an item of urgency when, six months later, no appointment has been made.

**Senator Cáit Keane:** The issue of education appears to be highly topical in the Seanad today and rightly so. I note the presence of children in the Visitors' Gallery and I welcome them to the Seanad. Speaking on education is one of the Seanad's primary aims and Members should try to change things for the better. Senator Jim D'Arcy spoke earlier on the new ESRI study that has been conducted on streaming and it is the matter on which I also intend to speak. While Senator D'Arcy mentioned Dr. Dorothy Watson, Dr. Emer Smyth and Dr. Selina McCoy were the co-authors of the report on streaming, *Improving Second-Level Education: Using Evidence for Policy Development*. The debate on this matter has been ongoing for some time and this is not the first report compiled in respect of it. In 2007 the National Council for Curriculum and Assessment issued a report, the findings contained in which were exactly the same as those in the report to which I refer. We can discuss this matter until the cows come home——

**Senator Jim D'Arcy:** Yes.

**Senator Cáit Keane:** ——but that will not be of assistance to the children who are being streamed. I compliment those schools which, on a voluntary basis, do not engage in streaming. It has been found that children who are streamed on entering first year often do not have upward mobility and instead remain at the level at which they initially enter the system. This does them a disservice and their parents should be aware of that fact.

**Senator Jim D'Arcy:** Hear, hear.

**Senator Cáit Keane:** As Senator Jim D'Arcy stated, there is a need for a debate on this matter. We must take action in order to educate parents, teachers and those who run our schools that a disservice is being done to our children. On previous occasions I referred to the multiple intelligences of children. In that context, not all of the abilities of children are taken into consideration when streaming takes place. The Minister must come before the House to discuss this matter, in respect of which action must be taken.

The study to which I refer contemplated 100 reports from other jurisdictions and also the Irish research carried out in this area. It is fine to carry out studies and engage in discussions in the Seanad but I am of the view that action should be taken in respect of this matter. Senator Healy Eames and Senator Cullinane referred to the DEIS schools. It has been found that streaming is used more in disadvantaged schools than is the case in other schools. This results in a disservice being done to certain students.

**Senator John Crown:** I propose that the Order of Business be amended in order that the Taoiseach might come before the House to discuss the future of democracy in this country. I do not wish to be overly dramatic but the Taoiseach is a member of a party which prides itself on having — with some small exceptions during its history — a great adherence to democracy. It was one of the first parties to hand over power peacefully to those it had militarily defeated in a bitter civil war. That is a fact of which the entire nation should be proud. However, I am somewhat concerned regarding some of the commitments to democracy that are being exhibited by the Government. I refer to two issues in particular. The first of these relates to the

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decisions made at the recent EU summit and the widely-rumoured impending transfer of a chunk of national power and sovereignty to entities outside the State. This may or may not be the right thing to do. I am not in a position to make a judgment on the matter but I will offer an opinion if I am given the opportunity to do so when it counts. It is essential that the Taoiseach be given the message in person in the House that this is not a matter in respect of which the opinion of the single lawyer who advises the Government should be paramount. This issue will have to be put to the people in a referendum. I am of the view that the matter is non-discretionary in nature. If we are going to effect a major transfer of power, then what I am suggesting must be done.

The second issue relates to the cornerstone of democracy in any country, namely, its national parliament. As Members are aware, I have strong opinions regarding the need to reform both Houses of our national Parliament. I also have strong opinions on where the responsibility lies in respect of the decisions that were made which gave rise to the extraordinarily difficult circumstances in which we find ourselves. Those decisions were not made in Seanad Éireann, although I believe those in the House at the time probably had a partial passive culpability because they were asleep at the tiller. The Taoiseach has indicated that the constitutional convention will be established next year and has specifically excluded any discussion by it of the future of one half of our national Parliament. It was reported in the newspapers in recent days that a decision has been made to hold an early referendum — perhaps a solitary referendum — on the future of the Seanad. It was also reported that the arrangements for existing Senators may be somewhat different to those which were widely rumoured at the time when the discussions concerning a referendum originally took place.

I find myself occupying a peculiar position in respect of this matter. If the Seanad ends abruptly at some point next year and I am no longer a Senator, I will be better off financially. That is a fact. Being a Member of this House costs me money. I have another job to go to. I stated in all of my election literature that I will never run for the Seanad again under the electoral rules which currently obtain in respect of it because I believe these to be an affront to democracy. I am of the view that I have some authority in being an advocate in respect of this matter. It is essential that something as fundamental as the future of our country's Parliament should be discussed here.

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

**Senator John Crown:** This is the third occasion on which I have suggested that the Taoiseach should come before the House. I have voiced major objections to people using the voting procedures of the Seanad in order to delay its proceedings. Today, however, I will press for a full vote on my amendment——

**Senator David Norris:** Good.

**Senator John Crown:** ——because people on both sides of the House must indicate what they believe to be the future of the Seanad and the say we should have in respect of it. In spirit, the Seanad is supposed to be different to the Dáil. I intend no disrespect to full-time politicians but the original idea was that individuals of a different skill set would become Members of this House. One of the reasons the Seanad has garnered its bad reputation is because the original idea to which I refer has been subverted by those full-time politicians and used for purposes other than bringing in Members with a variety of skills at their disposal.

I am of the view that a certain discipline in conducting the hours of business of this House is essential. It is regrettable that those hours have been changed this week and that we are to have a sos of several hours' duration following the Order of Business.

**Senator Paschal Mooney:** It is appalling.

**Senator John Crown:** That is why I have quite a clear conscience in the context of requiring everyone to vote on my amendment. I know the Taoiseach, Deputy Enda Kenny, is a busy man but perhaps if he has nothing better to do, he might come before the House during the sós in order to outline his future plans for our national Parliament.

**Senators:** Hear, hear.

**Senator John Crown:** The Cathaoirleach should note that I am making a formal proposal in this regard.

**Senator Michael Mullins:** I agree with Senator Colm Burke's suggestion that we should support Irish businesses and products in the run-up to Christmas. Everyone is aware that the retail sector is experiencing a difficult period and that many businesses are hanging on by the skin of their teeth. The Christmas period is going to be crucial for such businesses. It goes without saying that the banks are not assisting small businesses. This week, a business in the town in which I live was obliged to close its doors because the relevant bank decided to withdraw its overdraft facility. This is a serious development.

Will the Leader request that Minister for Health, Deputy James Reilly, to come before the House early in the new year to discuss the operation of the fair deal scheme and to indicate why it is taking so long to process applications? I raise this matter because a 68 year old woman in the constituency in which I reside is awaiting a decision in respect of her application under the fair deal scheme. The woman qualifies under the scheme but she is facing an uncertain future. She was discharged from hospital and sent to a community nursing unit for a six-week respite period but she was then informed that she will be obliged to leave until her application has been processed. The woman cannot afford a private nursing home. It is not acceptable that an 86 year old woman should be obliged to endure the stress of not knowing when her application under the fair deal scheme will be processed. The Minister should instruct the HSE to ensure that applications for the scheme will be processed in a much more timely manner.

**Senator Mark Daly:** I ask leave of the House to introduce No. 11 on the Order Paper, the NAMA and Irish Bank Resolution Corporation Transparency Bill 2011.

**An Cathaoirleach:** The Senator must move a formal amendment in order to do that.

**Senator Mark Daly:** I will move such an amendment tomorrow because I want to second Senator Cullinane's amendment to the Order of Business. Is it possible that I might do both now?

**An Cathaoirleach:** The Senator may do both.

**Senator Mark Daly:** In that event, I propose an amendment to the Order of Business to the effect that No. 11 on the Order Paper be introduced today. I also wish to second Senator Cullinane's amendment. The legislation to which I refer relates to a matter we discussed in the House on 29 January last in respect of the lack of transparency in NAMA. In June, the Taoiseach, Deputy Enda Kenny, voiced his concern with regard to developers buying back their own properties. NAMA put in place a website in July but, unfortunately, it is far from transparent. In recent weeks, a former director of Anglo Irish Bank who lent money to a consortium which bought the Four Seasons Hotel bought that property on behalf of another consortium. These developments are deeply disturbing. There is a lack of transparency in the way NAMA and Anglo Irish Bank are conducting their business and selling loans and property.

[Senator Mark Daly.]

An Australian newspaper recently carried an interesting article on how a former worker at the UniCredit Bank Ireland — an Italian financial institution based in Dublin — left his job when his boss asked him to engage in illegal activity. He has said he went to the Financial Regulator to tell him what was going on, but four years later the regulator has still not come to a conclusion on what happened in Unicredit Bank. It truly was the Wild West of banking in the western world.

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

**Senator Mark Daly:** I ask that the Bill listed on the Order Paper be introduced and discussed as soon as possible.

I commend the work of the Irish Lobby for Immigration Reform in its attempts to get 10,000 visas for Irish people. This does not relate to the undocumented Irish. I met Bruce Morrison and Ciaran Staunton in Washington three weeks ago and we went to Capitol Hill to lobby Congress and Senators to get this done, a task in which we wish them well, as it will not be easy.

**An Cathaoirleach:** The Senator is out of time.

**Senator Mark Daly:** There is no guarantee that we will succeed, but their work on behalf of Irish citizens seeking to be made legal in America is to be commended by the House. I ask for a debate on the matter in the near future.

**Senator Michael Comiskey:** The issue I raise is similar to that raised by Senator Mark Daly. It concerns the immigration Bill introduced by Senator Charles Schumer in the United States Senate yesterday. It is noteworthy that the Senator has stated that if the Bill is not successful on this occasion, he will try to bring forward a Bill in next year's legislative programme. It is encouraging that the US Senate is actively taking steps to facilitate Irish citizens who want to go to work in the United States, which has been a tradition for many years. This is welcome news for Irish people working in the United States. It is also understood such a visa would be renewed on a two yearly basis, much the same as what is being done in Australia. Mr. James O'Malley, an immigration lawyer in Ireland, has stated the Irish have been accustomed to going to the United States since the Donnelly-Morrison green card lottery in the late 1980s. That legislation set a 40% quota for people who wanted to travel from 1989 to 1996. I will contact the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Eamon Gilmore, in the coming days to ensure this measure is supported. We look forward to the passage of the Bill through the US Congress.

I support colleagues on this side of the House in encouraging people to buy Irish during the Christmas period. We produce 1 million turkeys and while there are many imports available, it would be a great boost to the economy if people were to buy Irish turkeys.

**Senator Feargal Quinn:** I am normally reluctant to propose or second an amendment that would delay the work of the House and a Minister due to come here to speak to us, but I listened carefully to what Senator Crown had to say and he made a strong case. It is with pleasure, therefore, that I support his proposed amendment to the Order of Business to request the Taoiseach to come to the House today to debate the issue of democracy. We are not only talking about the Seanad but, to a large extent, also about a proposal made by the Taoiseach a number of months ago that has not been discussed in this House. It is time we discussed it. I think back to the 1790s when the Members of Grattan's Parliament decided to abolish themselves. If the Seanad is abolished in the future, the legislation to provide for this will have to pass through this House. A majority of Members in the House would have to call for the

holding of a referendum because that is the legislation that would be required. Therefore, we would be like the Members of Grattan's Parliament who said they were committing suicide in deciding to absolve themselves and go to Westminster instead. I think they received bribes to do so.

**Senator David Norris:** They did.

**Senator Feargal Quinn:** Many of them became Lords——

**Senator David Norris:** And peerages.

**Senator Feargal Quinn:** They received peerages, became Lords and everything else.

**Senator Ivana Bacik:** What is the Senator suggesting?

**Senator Feargal Quinn:** I am not proposing that the House could be open to such suggestions——

**Senator Maurice Cummins:** That option is not open to us.

**Senator Jim D'Arcy:** We cannot be bought.

**Senator Feargal Quinn:** ——but I suggest democracy will be damaged if we end up in a situation where we will have only one House. In the 18 years I have been a Member of this House I have seen mistakes made by the other House. I am sure mistakes have been made in this House also, but when the mistakes made in the other House were scrutinised here, democracy improved. We have been able to say to the Lower House that we corrected a mistake it made. Therefore, having only one Chamber that is often ruled by one party, in which the Whip is used to ensure there is no debate and Members do what they are told, will result in democracy being damaged. We should have a debate soon on the future of this House and I cannot think of a better time to have it than today. Senator John Crown has proposed that in the few hours during which there will be a gap in proceedings the Taoiseach should come to the House to give us his opinions on this subject and allow us to debate it.

**Senator Martin Conway:** I, too, welcome the developments yesterday in the United States on the provision of visas for Irish people who wish to travel to the United States. I suggest to the Leader that it might be a good idea to invite the Tánaiste and Minister for Foreign Affairs and Trade to come to the House in the new year for a debate on the undocumented Irish in America. The people concerned would love to be able to come home for Christmas, but legally they cannot do so. If they do, it is more than likely that they will be unable to get back into America. In 2007 I attended a rally held in Washington for the undocumented Irish to support the Kennedy-McCain legislation which, unfortunately, collapsed at the eleventh hour. I hope we are looking at a new dawn for the illegal Irish living abroad and that a pathway to legalisation will be created. The people concerned want to live, work, pay their taxes and take out health insurance legally in the United States in which they want to play a full part in their communities. They do not want to live there illegally. All they want is a channel to become full American citizens because America is now their home, but, importantly, they also want to be able to travel home freely and without any difficulties to visit their loved ones, attend weddings and, unfortunately, funerals. That is a basic human right Irish people living abroad for 15 to 20 years deserve and the Government has a duty of care to them. It should work with the American authorities and those in America who have at their core the betterment of Irish communities abroad. I support Senators Mark Daly, Michael Comiskey and others in the work

[Senator Martin Conway.]

they do and look forward to working with them to ensure this matter can be brought to a satisfactory resolution.

**Senator Catherine Noone:** I join other speakers in their comments on the future of the House. It is a rare occasion on which I would agree with Michael McDowell who has had many jobs, but membership of this House should be voluntary before it is abolished. That may be an unpopular view to hold——

**Senator Darragh O'Brien:** Does the Senator have another job?

**Senator Catherine Noone:** ——but if it is about the money, we can find a way around it. We could make the time commitments involved less onerous and have Members come here for a number of hours each week to ensure the legislation passed by the Dáil was appropriate for the country. Democracy demands a second House and that we have a debate on the future of this House with the Taoiseach or whomever he believes is equipped to deal with the matter. Unfortunately, I cannot support Senator John Crown's amendment to the Order of Business——

*(Interruptions).*

**Senator Catherine Noone:** ——but the Leader might have a chat with us today——

**Senator Denis O'Donovan:** Send a good signal.

**Senator Darragh O'Brien:** Senator Catherine Noone should show us she is serious.

**Senator Catherine Noone:** ——and treat us in the way Members should be treated in this House. We need to know what will happen and the sooner we are apprised of the thoughts of the Taoiseach and others on the matter the better. As I have been doing for months, I ask for a debate on the future of the House.

**Senator Darragh O'Brien:** Today.

**Senator David Cullinane:** Not today.

**Senator John Gilroy:** Senator John Crown's idea that the Taoiseach should come to the House is an excellent one which I would support. It would not be reasonable or practicable to have him here today because of time constraints, but we could ask the Leader to arrange to have him come to the House for a debate on the issue on the earliest possible date. I am concerned about his comments on the future of the House in his state of the nation address and I would like to have an opportunity to express my concerns to him in a reasonable way. Perhaps the Senator might consider changing his amendment to take into consideration the constraints on the Taoiseach's time and to seek to have the debate held as early as possible.

**Senator Maurice Cummins:** Education and the future of the Seanad are the two issues that have dominated the Order of Business this morning. The Taoiseach gave a commitment to the people prior to the last general election that he would hold a referendum on the future of this House. It is the people who will decide whether it is to continue, not the Taoiseach or anybody here. We have heard rumours in the last week. I was told by Members that there would be a Bill next week to provide for the holding of a referendum on the future of the Seanad, but there is no truth whatsoever in that assertion. I was then told we would have a Bill in January. I have checked the position and there is no truth in that assertion either. The one thing that is

certain is that there will be a referendum on the future of the Seanad in 2012. That commitment has been given. In the meantime, no matter which way the referendum goes, this Seanad will continue to serve until the next general election. To the best of my knowledge, that is what is contained in the Constitution.

**Senator Denis O'Donovan:** Like plucked turkeys.

**Senator Maurice Cummins:** Therefore, we should get on with our business as best we can. However, I will try to arrange a debate on the matter early in the new year. I do not know whether I will be able to get the Taoiseach to address it, but I will try to arrange a debate for Members.

I gave notice last week that there would be gaps in the schedule of business on Wednesday and Friday because there was a possibility that several Bills would be brought before the House, including the Electoral (Amendment) Bill 2011 mentioned by Senator Ivana Bacik. We will deal with that legislation early in the new year. A number of other Bills were to have come back from the Dáil, but they will now not be taken until next year. That is why there are gaps in the schedule of business for today. Ministers cannot come here at the drop of a hat. They have commitments in their diaries to keep. Therefore, while it is everybody's prerogative to ask for Ministers to come here at the drop of a hat, it is not always practical for them to do so.

Senator David Norris raised a question about values. I am glad nobody was banging tin cans this morning. This question of being on death row should be forgotten about. Let us get on with our business; we should not be looking over our shoulders wondering about what might happen. I have the utmost trust in the people to decide what is right or wrong for this House. We can have debates on the issue.

Senators D'Arcy, O'Brien, David Cullinane, Cáit Keane and Fidelma Healy Eames are all looking for debates on different education issues. Some valid points were raised by these speakers and I will try to have the Minister for Education and Skills come before the House early in the new year to discuss them.

Senators Paschal Mooney, Mark Daly, Michael Comiskey and Martin Conway raised the issue of work visas for Irish citizens. We all hope the efforts being made to seek 10,000 work visas will be successful. We are all aware of the problems with the undocumented Irish. Senator Martin Conway highlighted their difficulty in not being able to return home for family events. Let us hope the 10,000 visas will be issued as a result of the work being done in the US Senate.

Senator Sean D. Barrett spoke about health insurance and expressed his delight that the Minister had arranged a meeting with the health insurance companies. Let us hope the meeting will bear fruit. The Senator also spoke about the Milliman report and hopes it will be circulated. I will check to see if it can be circulated to all Members.

Senators Colm Burke, Michael Mullins and Michael Comiskey spoke about buying Irish. This is a very important issue coming up to Christmas when people buy more goods than they usually do. I ask them to think and buy Irish. I am glad the printing of GAA tickets will be done in Ireland in the future.

A suggestion was made here a few weeks ago that during debates in the House Members have a few minutes each to present ideas for job creation in the new year. I hope to arrange this early next year. I also hope to have the Irish Commissioner before us to talk about job creation, innovation and research.

Senator Mark Daly has proposed an amendment to the Order of Business to have No.11 accepted. I was prepared to accept it, but the amendment was not seconded. It can be done tomorrow. As it is only a procedural matter, we can deal with it then.

[Senator Maurice Cummins.]

In response to Senator Feargal Quinn, I do not think the option of peerages will be available to us one way or the other.

**Senator Paschal Mooney:** The reference to Fredericksburg was to encourage Members to say a silent prayer for the fallen Irish at the flag at the bottom of the steps to the Chamber.

**An Cathaoirleach:** That is not relevant at this stage.

**Senator Denis O'Donovan:** I do not wish to court martial the Leader, but I am afraid I am in the firing line.

**Senator Maurice Cummins:** I will bring the matter to the attention of the Minister.

**An Cathaoirleach:** Senator David Cullinane has proposed an amendment to the Order of Business: "That a debate on the impact of the loss of 428 posts as a result of the budget proposals be taken today." Is the amendment being pressed?

**Senator David Cullinane:** Yes.

Amendment put:

The Seanad divided: Tá, 14; Níl, 33.

Tá

Crown, John.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
MacSharry, Marc.  
Mooney, Paschal.  
Mullen, Rónán.

Norris, David.  
Ó Clochartaigh, Trevor.  
Ó Domhnaill, Brian.  
O'Brien, Darragh.  
O'Donovan, Denis.  
Power, Averil.  
Quinn, Feargal.

Níl

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

Henry, Imelda.  
Higgins, Lorraine.  
Keane, Cáit.  
Kelly, John.  
Landy, Denis.  
Moloney, Marie.  
Moran, Mary.  
Mulcahy, Tony.  
Mullins, Michael.  
Noone, Catherine.  
O'Keefe, Susan.  
O'Neill, Pat.  
Sheahan, Tom.  
van Turnhout, Jillian.  
Whelan, John.  
Zappone, Katherine.

Tellers: Tá, Senators David Cullinane and Paschal Mooney; Níl, Senators Paul Coghlan and Susan O'Keefe..

Amendment declared lost.

**An Cathaoirleach:** Senator John Crown proposed an amendment to the Order of Business: “That a debate with the Taoiseach on the future of democracy in this country be taken today.” Is the amendment being pressed?

**Senator John Crown:** Yes.

Amendment put:

The Seanad divided: Tá, 16; Níl, 32.

Tá

Byrne, Thomas.  
Crown, John.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
MacSharry, Marc.  
Mooney, Paschal.  
Mullen, Rónán.

Norris, David.  
Ó Clochartaigh, Trevor.  
Ó Domhnaill, Brian.  
O’Brien, Darragh.  
O’Donovan, Denis.  
Power, Averil.  
Quinn, Feargal.  
Zappone, Katherine.

Níl

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

Heffernan, James.  
Henry, Imelda.  
Higgins, Lorraine.  
Keane, Cáit.  
Kelly, John.  
Landy, Denis.  
Moloney, Marie.  
Moran, Mary.  
Mulcahy, Tony.  
Mullins, Michael.  
Noone, Catherine.  
O’Keeffe, Susan.  
O’Neill, Pat.  
Sheahan, Tom.  
van Turnhout, Jillian.  
Whelan, John.

Tellers: Tá, Senators John Crown and Feargal Quinn; Níl, Senators Paul Coghlan and Susan O’Keeffe..

Amendment declared lost.

**An Cathaoirleach:** Senator Mark Daly proposed an amendment to the Order of Business: “That No. 11, the NAMA and Irish Bank Resolution Corporation Transparency Bill 2011, be taken before No. 1 today.” However, his amendment was not seconded during the debate and consequently falls.

Order of Business agreed to.

*Sitting suspended at noon and resumed at 3 p.m.*

### **Fiscal Responsibility (Statement) Bill 2011: Order for Second Stage**

Bill entitled an Act to ensure the transparency of all budgets proposed by the Government where proposed expenditures not exceeding funds estimated to be available for the fiscal year

as shown in the budget shall result in the publication of a Fiscal Responsibility Statement to ensure fiscal transparency and policies orientated towards good government and a balanced fiscal position over the medium term.

**Senator Sean D. Barrett:** I move: “That Second Stage be taken today.”

Question put and agreed to.

### **Fiscal Responsibility (Statement) Bill 2011: Second Stage**

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

**Senator Sean D. Barrett:** I welcome the Minister of State to the House, as always.

On 25 May last, this Seanad convened for the first time and we were then concerned about the implications of the IMF having to rescue us about this time last year, as well as the need to change the way in which governance operated in this country. It was obviously unsustainable to have to be bailed out by the IMF and to have the troika here. In that context, the Seanad wishes to play a role in assisting the Government in the reforms which are needed because when a country has to be rescued by the IMF, it needs reforms. This Bill is intended to contribute in that regard.

I have noted the speech in the Dáil, on 5 December, by the Minister for Public Expenditure and Reform, Deputy Howlin, who said: “We will enhance the role of the Oireachtas ... all of these reforms support Oireachtas Members, as representatives of the public, in holding Government to account.” We are therefore pleased to respond to the Minister, Deputy Howlin. Ministers have found that there is a ready welcome for their reform proposals in this House.

The other important context is in the Wright report which was published just about this time last year. Mr. Wright came from Canada to advise us on the difficulties in which we then found ourselves. On page 25 of his report, he stated

In the current budgetary process, the period for public dialogue on economic and fiscal challenges facing the economy is far too short. Departmental advice on the economic outlook and sectoral challenges, for example, should be subject to more public and external scrutiny before Budgets are finalised. The process must also support a more rigorous commitment to the planned quantum of fiscal action. The object of a renewed budgetary strategy should be to enhance ministerial responsibility to Parliament and the public by:

- creating a meaningful consultation period and seeking broad feedback on the Government’s fiscal plan,
- releasing more departmental analysis to inform public debate, and
- providing third party validation of departmental analysis and the Government’s fiscal plan through some form of Fiscal Council.

We support those sentiments, also. In fact, at the Joint Committee on Finance, Public Expenditure and Reform we met the members of the fiscal council. Their professionalism and independence are to be greatly admired, and we support them.

It is an important part of the way in which we organise our finances and look to repair the faults which cost us all so dearly in recent years.

The Bill provides a context for economic statistics to be injected into the budgetary process and its basic components come courtesy of the IMF, particularly the design and statement of a fiscal rule. The troika will welcome the fact that a House of Parliament is debating these

important matters as it corresponds to having the economic sovereignty of the country restored. Our added value lies in an active role for Parliament; unlike technocrats, Parliament is essential to the process. There is a quote from the US Supreme Court judge Louis Brandeis that “sunlight is the best disinfectant;” the public finances need more sunlight and have needed it historically.

With regard to the IMF agreement, we are preparing institutional reform of the system, taking into account anticipated reforms of economic governance procedures at EU level. A reformed budget formation process would be put in place. Furthermore, we would introduce a fiscal responsibility law which would include provision for a medium-term expenditure framework, with binding multi-annual ceilings on expenditure in each area by the end of this year. There would be a budgetary advisory council to provide for an independent appraisal of the Government’s budgetary position, while forecasts would also be introduced. These important reforms would enhance fiscal credibility and anchor long-term debt sustainability. If what we propose was to achieve that credibility, it would make it easier for Ireland to return the markets.

As can be seen in the Bill and the definition of terms, there would be a desire to build surpluses, as indicated by the cycle, which would be used, as happens in Sweden, to finance the country when there was a downturn. Section 1 has a definition of counter-cyclical policy, structural changes and fiscal sustainability, with other definitions. In an era in which the Maastricht treaty 3% borrowing limit and the 60% debt-to-GDP ratio did not work, with great doubts in the markets as to whether what was agreed in Brussels last Friday will work, this could add credibility to the idea that Ireland has decided to adopt a stance approved of by the IMF and which has proved to be highly successful in Sweden particularly.

We seek to provide for stabilisation in case we ever go through a period like 2000 to 2005 again when we should have been running surpluses. That might have provided funding for the rainy day we have experienced recently. The aim of the Bill is to make Ireland like Sweden, in which the lessons of a banking crisis and painful recession were turned into an effective fiscal council, which we would have, with a permanent staff and budget, which we need. There should be a policy of running structural deficits in a period of recession and surpluses when there is full employment in the economy.

The drafting of a fiscal rule has many American and European aspects to it and it is important to preserve the context in which the need for legislation has arisen. It is a statement of goodwill on behalf of Parliament to commit to fiscal rectitude, with parliamentary and public scrutiny of the budgetary process. It would be a firm statement to join “spendaholics anonymous” after two fiscal disasters in 30 years. The text and definitions draw heavily from the work of the IMF on the evaluation of fiscal rules and what can be considered best practice. The critical elements of the statements are taken directly from the IMF’s evaluation of a Bulgarian fiscal rule in a working paper dated 10 November. The Government has committed to introducing such legislation and the Bill is aimed at making the most of this opportunity to put in place a state-of-the-art fiscal rule that would be flexible and respectful of democracy but which could still change the conduct of public administration and the political culture of boom to bust.

The legal issues can be surmounted if there is the political will. John Maynard Keynes said about the foundation of the IMF and lawyers, “I want him to tell me how to do what I think sensible, and above all to devise means by which it would be lawful for me to go on being sensible in unforeseen circumstances some years hence.” We know from the fiscal council that stimulus packages do not work in Ireland as the multiplier is small. We need something like this commitment from a Parliament to balance our budgets during the cycle. The Maastricht

[Senator Sean D. Barrett.]

treaty agreement did not work and what was agreed in Brussels last week seems extremely draconian, with a borrowing allowance requiring a debt-to-GDP ratio of approximately 15%. There is no way countries such as Greece and Ireland could take that level of austerity; therefore, this would be an alternative.

In the context of having a small, open economy, the Bill would attempt for the duration of the troika programme and into the future to change public administration and the political culture in order that when the Government spent more than it earned, it would have to make a clear and accountable statement outlining how it would return to a position of structural balances. It does not attempt to put in place numerical estimates and would, in fact, be a soft budget constraint which would not enter the Constitution in the way a hard budget constraint in keeping with the German suggestion would. The recent EU agreement is draconian and implies a long run debt-to-GDP ratio of 17%, as Mr. Colm McCarthy stated.

Fiscal rules must be context-driven and respectful of the parliamentary system. Imposing transparency would open the curtains of the Departments of Finance and Public Expenditure and Reform; in so doing it would look to prevent us from engaging in the Sisyphus approach to fiscal policy, as he kept rolling a rock up the hill at intervals. We have done this and must learn from how we failed to respond to the crisis in the 1980s and how we can act in a better fashion now. It would give an example to the European Union as a whole. Parliament would take this issue seriously in order to design a better system to deal with structural and cyclical deficits.

We must recognise the constructive role Senators have taken on, in my experience, to assist reforming Ministers in the reform of our institutions since we assembled on 25 May. I commend the Bill to the House.

**Senator Feargal Quinn:** I second the motion and welcome the Minister of State. This is an interesting Bill and we should be grateful for the opportunity to have Senator Sean D. Barrett in the House. We do not often have an economist of such stature in the Seanad who is able to do what is contained in the Bill. While I studied economics in UCD, I never really got on top of some of its ideas. I attended the presentation last night by the Senator and when I went through the details, I was still somewhat confused. We should be appreciative of him as he can help us on that basis.

I was in business for many years and one would run a business by considering how much money was brought in and how much could be spent. Every now and then that is misjudged; the same idea applies to running a country. The Government must estimate how much money will be taken in and how much will be spent, and every now and then it will be wrong. The Senator used some lovely terms. He spoke about rolling a rock up a hill, which sometimes can come back down. He also spoke about adopting a belt and braces approach.

It could be argued that enshrining a provision in legislation that would push us towards a balanced fiscal budget would be somewhat superfluous as cuts amounting to almost €4 billion have already been announced. It is very clear to Irish citizens that there is little fear that the Government will stray from the EU-IMF path. If we are going to play at being the best boy in the classroom, we must be willing to negotiate much harder with our masters. One must not forget that the IMF is making significant interest on our loan every day. When I was starting in business my father gave me advice to the effect that one's good name is much more important than any money one might save by not paying one's debts. I am one of those who believe we should pay the debts even if we believe they are not our debts to pay and that the banks have to be paid off. Again, from a business point of view, that does not stop us negotiating hard with those who supply us with goods or with money. I would like to strengthen the

Government's hand in ensuring that we do negotiate to get the best terms and the best interest. That should not distract us from what Senator Barrett has put forward in the Bill. I am firmly of the belief that we must do our utmost to strive towards fiscal responsibility. As the economic and financial crisis has hit almost every country in the world, it is those countries who get their finances back in line the quickest and the most soundly that will reap the benefit. I want to ensure that we are one of those. Such countries will be able to attract more overseas investment which will spur on their economy. This country must strive to be one of those countries which reaches that level.

The argument in favour of such a fiscal responsibility law is that because politicians are supposedly so terrible at controlling spending — there have been some examples of that — they need some type of check to ensure that they do not allow the public finances to unravel. As Senator Barrett indicated, Germany introduced a similar law in recent years, but we are also following other less developed countries such as Nigeria and Ghana in introducing such legislation. It is interesting to note that a study of budget crises throughout history in the developed world by the Policy Exchange think-tank in the United Kingdom shows that neither legislation nor fiscal watchdogs had much effect on deficits in the countries studied. Mostly, it was down to political will. What Senator Barrett is putting to us is that this is what we should be doing but it is still going to rest on political will. I refer to the political will of the Government backed by the two Houses of the Oireachtas.

The law is being pressed upon us by the IMF. It is interesting to delve into IMF research to find a 2010 research paper by the IMF itself entitled, *Structural Breaks in Fiscal Performance: Did Fiscal Responsibility Laws have Anything to Do with Them?* I say this in the manner of a devil's advocate in regard to Senator Barrett's Bill. That paper found that fiscal responsibility laws have had little direct impact on fiscal performance in a country. The authors found limited empirical evidence in support of the view that fiscal responsibility laws have had a distinguishable effect on fiscal performance. However, they noted that fiscal responsibility laws could still have other positive effects on the conduct of fiscal policy, such as enhanced transparency, guidance in the budget process and lower risk premia.

Another recent paper by Professor John Thornton of the University of Wales in Bangor is entitled, *Do Fiscal Responsibility Laws Matter?* It asked whether the adoption of fiscal responsibility laws have improved fiscal performance in nine emerging market economies. The paper suggests that improving economic performance had little to do with fiscal responsibility laws. Given such research we must be more sceptical as to whether such a law will be a magic bullet. It seems that political will is the number one driver of change. That is the point that Senator Barrett is putting forward in the legislation. On its own legislation will not be enough unless we have the political will to do it.

One could ask how the rule will sit given the recent developments in the European Union or whether there is even a need for such a law given that it seems the European Union will monitor the fiscal policies of member states and will punish those who fail to keep their budget under restraint. As for the EU's so-called golden rule, inserted into each country's constitution which prevents a country from running a budget deficit of more than 3%, irrespective of the economic cycle, we must examine it to see whether we could manage to achieve that goal. The effect of the Bill, to which I urge the Minister of State to give serious consideration, will place us in a position that outlines the limits we must achieve, but on its own it will not be enough unless we have the political will. I believe the Bill should be accepted. We urge the Minister of State to accept the Bill but also to recognise that it will not be enough on its own. We need the political will and determination and for the Government to say it is something it is determined to achieve.

**Senator John Gilroy:** I welcome the Minister of State to the Chamber. Senator Barrett's Bill is a good one and it is timely also to open up a debate on wider economic strategy. Nobody could be against transparency of action on the part of Government in respect of budgetary decisions. If Senator Barrett achieves anything today, he should be commended on bringing the Bill to the House in the first place. That is the type of thing this House ought to be doing and was established to do. Senator Barrett has clearly put much preparation and thought into his Private Members' Bill. He is a renowned economist and we should listen carefully to what he has to say.

I support the notion of incorporating a fiscal rule into the law of a country. That is all the more important when we see the outmoded method of producing budgets on an annual basis instead of having regard to the multi-year cycle. The system we operate at the moment encourages short termism, reduces certainty and makes it more difficult to plan on a multi-year basis. If we were to incorporate Senator Barrett's proposal into law, it would encourage the relevant Ministers to take more than ordinary care in the preparation of budgets. The Bill would not place too restrictive a constraint on the Minister as Senator Barrett has taken care to ensure that the requirement to provide a fiscal statement would apply only in well-defined circumstances.

Credibility, transparency and accountability are, and should be, features of all modern monetary policy. Rules which are designed properly allow us to respond to downturns in economic activity and alert us to the dangers of such negative events developing. If we had a set of robust fiscal rules in the past decade we might not find ourselves staring into the current economic abyss that we now face.

**Senator Thomas Byrne:** Hear, hear.

**Senator John Gilroy:** In light of the emerging developments in Europe, we might be a little precipitous in incorporating the Bill into law at this time. Anything we do in this fragile and uncertain economic landscape should have regard for what is happening in the wider arena. Nevertheless, a full discussion of the Bill is a good thing and when the situation becomes clearer, it is vital that we adopt a fiscal rule along the lines of what Senator Barrett suggests. The Bill should be considered in the context of the forthcoming budgetary review process.

In addition, perhaps, we should seek to expand this worthwhile piece of work and take a medium to longer-term look at what we can do — Senator Barrett's Bill will form an important part of this — to place our country in a position that would allow us to take early advantage of the economic upturn which will inevitably take place. We have taken measures to achieve some small level of stability since we came into Government. We can argue about that if we wish. Some will attribute the success to events in the wider European economy and say that we were the fortuitous beneficiaries of these advantages. It does not matter from which analytical position one comes. We all agree that it is a good thing for us to be in the vanguard of an upturn.

On agreeing that we have benefited, it should be possible for us to agree on a set of policy proposals which would put us back in that advantageous position. A good place to start our search for this elusive economic and longer-term tonic would be to examine the international indices or meters which show our current position *vis-à-vis* our trading partners and devise a legislative, economic and social superstructure that will give us a competitive advantage. One good place to start would be with the Economic Freedom Index which looks at ten measures of what are described as economic freedoms. They include headings such as trade policy, business policy, fiscal policy, government spending, monetary policy, investment policy, financial policy, property policy, labour and freedom from corruption. Despite our recent travails, it is

easy to forget that we still score highly across all headings. Some of the institutional strengths identified are strong protection for property rights, efficient business regulation and competitive tax rates and policies that facilitate entrepreneurial activity.

Viewed from outside of this country, there is plenty to ensure we remain hopeful. Even though our competitiveness has been compromised, a strong emphasis on regaining our competitive advantage is vital. That requires a coherent policy response. We have achieved some success in that regard but let us look to the future and take the steps which are necessary to be best placed to take advantage of returning confidence. Senator Barrett's Bill adds to the policy good that is necessary to achieve this aim. I urge the Minister of State to have regard to the Bill when formulating future budgetary policy as it is important that he would do so.

**Senator Darragh O'Brien:** I thank Senator Barrett for the work he has put into the Bill. When the Government is looking at the merits of work done in the Houses of the Oireachtas it will be clear that one Independent Senator has been able to produce a clear, concise and effective Bill where swarms of advisers in the Department of Finance have been unable to do so.

**Senator John Gilroy:** Hear, hear.

**Senator Darragh O'Brien:** Senator Barrett deserves immense credit for that. The Bill provides more clarity that we received from last weekend's summit in Brussels. Senator Gilroy made a fair point about the importance of finding out what really happened last weekend and what it means for the country. Whatever changes are proposed, they will be substantial enough to require a referendum. Whether a referendum is legally required or not, the people deserve a say in any changes that are made. The sooner the Government gives as much clarity as it possibly can on the negotiations last weekend and the ramifications for the country the better. This is not a criticism. I am just giving a point of view. I do not believe the country can wait until March. President Sarkozy has said he will have his legal advice by Christmas. The Taoiseach says he expects to have legal consultation completed by March. That lead time is too long. I ask the Minister of State to expedite that.

Fianna Fáil supports the introduction of a fiscal responsibility Bill and we support the Bill introduced by Senator Barrett. We state our commitment to such a measure in the National Recovery Plan 2011-2014 and we are committed to the memorandum of understanding. We all want additional transparency.

The Government has established the Irish Fiscal Advisory Council, but the fiscal council has reported only once. It did not even report formally after the budget. In Britain, there is a totally different situation where, as the Chancellor of the Exchequer is delivering the budget, the fiscal council gives a commentary on it. The Irish Fiscal Advisory Council has not even commented on the capital plan. I mean no reflection on the individuals who are members of the fiscal council when I say it lacks the statutory powers required to ensure that its voice is heard. That is why a fiscal responsibility Bill is required. When the fiscal council advised the Government that the adjustment should be to the tune of €4 billion, the Government simply said it did not like that figure and did not accept it. While I accept that the Government's task is to govern, after the budget I would have thought the fiscal council should have reported on the budget, how it will play out and what it is predicated on. The projected growth rates on which the budget was predicated have already been revised downward by the OECD and the ESRI. I believe in what Senator Barrett's Bill is trying to do. That is why I will be voting for it. Until a body is set up on a statutory footing to give it real powers it will not have the required effectiveness. We live in difficult times, and not only in Ireland. It is good to see Irish people taking a broader European and worldwide view of late. That was not the case in 2008

[Senator Darragh O'Brien.]

and 2009. The Bill will ensure proper oversight and reporting on our budgets. This is badly needed.

The Minister for Finance has given a commitment that the Government will bring forward a fiscal responsibility Bill. Can the Minister of State tell us when that will happen?

**Deputy Brian Hayes:** I will tell the House when that will be.

**Senator Darragh O'Brien:** I am sure the Minister of State will tell us. I am dying with anticipation because I really need to know the answer to that question.

**Deputy Brian Hayes:** I am sure the Senator does.

**Senator Darragh O'Brien:** If I were a betting man, I would say it will not be far from Senator Barrett's Bill, which is very well put together. He is a man of immense experience and knowledge in this area.

I ask the Government not to reject the Bill merely on the basis that it comes from the Opposition benches but to allow it to go through Second Stage and propose amendments which can be discussed in the House. The Minister for Finance, prior to the budget and in his Budget Statement, and the Taoiseach, on the formation of the Dáil, both said clearly that politics would be done differently. I welcomed that. They said the views of other people would be listened to. If a cross-party or non-party approach is to be taken with regard to budgetary matters and if the Government is looking for real input and feedback, as I know the Minister of State is, I do not see anything wrong with the Government accepting legislation from the Opposition side, allowing it to move to Second Stage and proposing Government amendments where it wishes. Legislation should not be voted down simply because it does not emanate from Government. This is an important Bill. It is well put together, as was the Family Home Bill 2011. Many Government Senators voted for that Bill but it was defeated by the Government simply on the basis that it had originated on the Opposition benches. We have not seen an alternative to that Bill, even now as we approach the last week of the 2011 sitting.

I urge the Government to accept the Bill. I thank Senator Barrett for the work he has put into it. The Bill makes sense. The Government is committed to the measure. Senator Barrett has behaved in a manner that is fiscally responsible and has saved the Department of Finance hundreds of thousands of euro by producing the Bill himself, as opposed to having departmental officials produce the Bill, which they still have not done.

**Senator Tom Sheahan:** I agree with what Senator Darragh O'Brien said regarding our colleague, Senator Barrett, bringing forward the Bill. We are lucky to have an academic economist of the stature of Senator Barrett in our midst. The Seanad is a better place for his presence. He is not one of these doomsday economic commentators.

**Deputy Brian Hayes:** Not yet, anyway.

**Senator Tom Sheahan:** Neither is he one of the fair day economists. Before he became a Member of the Seanad, when I read his articles I always thought he was a balanced individual in his thoughts and commentary.

I welcome a Bill of this nature coming before the House. It is unfortunate that we did not have such a measure prior to 2007.

**Senator Thomas Byrne:** Hear, hear.

**Senator Darragh O'Brien:** Very true.

**Senator Tom Sheahan:** The then Taoiseach would not have been allowed to buy the 2007 election to get his three in a row. He would not have had to send the former Minister for Finance, Deputy Charlie McCreevy, to Europe to get him out of the way. Deputy McCreevy did his utmost to maintain fiscal stability.

**Senator Thomas Byrne:** Before Father Seán Healy told us what to do.

**Senator Tom Sheahan:** The Bill sets parameters which must be met and kept, by this and future Governments. That is why this is very important legislation. Senator Barrett must be commended on that.

I liked the comments of Senator Feargal Quinn. I come from a business background and I am of the same view as Senator Quinn. We have to pay our way. I agree with his sentiments regarding paying our debts. I am not a pyromaniac who wants to burn all around him, to burn the bondholders and do anything but pay our debts. One's standing in society and community goes back to what Senator Quinn said about paying one's way.

I did not like Senator O'Brien's line regarding the Department of Finance officials.

**Senator Darragh O'Brien:** I said Senator Barrett saved us a lot of money.

**Senator Tom Sheahan:** It was disrespectful, unwarranted and should be withdrawn.

**Senator John Gilroy:** Kevin Cardiff would be annoyed with you.

**Senator David Norris:** I am pleased to welcome the Minister of State, Deputy Hayes, back to a House where he was a clear and concise performer whose contributions to debate I remember well. I would like to join in the accolades to my colleague Senator Barrett, who is not a Member of the Opposition but a Member of the Independent group. It is a pity that Senator Sheahan could not resist the opportunity to score a couple of political points. It is uncharacteristic of him, but——

**Senator Tom Sheahan:** It was factual.

**Senator David Norris:** Yes, but it was unnecessary because the situation is far too serious and I know the Senator is a serious man with a clear view on the issue.

I share Senator Sheahan's regret regarding Senator Barrett. I greatly regret that Senator Barrett was not elected to the Seanad at least ten years ago. If somebody of his clarity of vision, expertise and technical competence had been elected, those attributes would have been of considerable significance. This is a good day for Seanad Éireann because we have shown through the introduction of this Bill, under the tutelage of Senator Barrett, that we can do profound work. I was unable to attend the briefing but I downloaded the material provided. It was not altogether helpful because it contains some very abstruse mathematical calculations that left me dumbfounded. It seems — Senator Barrett may, if I am wrong, correct me when he makes his final comments — this Bill is an attempt to correct the boom-bust cycle by which politics have been bedevilled.

Senator Barrett puts it very elegantly in his excellent explanatory financial memorandum that economic analysis has also found that election cycles result in fiscal myopia and a lack of internalisation of the costs of budgetary actions over the medium to long term. In other words, political parties serve their own ends and rarely think beyond the next election. That is the reason that five, ten, 15 or 20 year projects have sometimes got stuck in the works. It is because

[Senator David Norris.]

governments have a tendency to look to their own advantage. This is not confined to one party or government but is a fact of political life. In that context, it is extremely important — something I see as a central trend of the Bill — to return these matters to parliamentary accountability. This is vital, because there is a growing lack of democracy in these areas. As I have already said, I found some of the calculations impossible to follow, but I can follow the general explanation, and however abstruse and academic the arguments are, they have an impact on us as ordinary people and citizens.

In the explanatory financial memorandum, Senator Barrett reminds us that the Government has agreed with the IMF that it will introduce a fiscal responsibility law. Therefore, the ground is prepared. We have, as a country, committed to doing this and I believe Senator Barrett has done us a favour by producing this Bill. It is the practice of Government from time to time to accept the principle of legislation and then adapt it. I hope this will be one of those occasions that this will happen. The Government may find, for one reason or another, that it is not prepared to give an immediate commitment on this, perhaps because it needs a Cabinet decision. There has been a practice with previous legislation where a certain number of minutes allocated to the debate are left unused so that Bill remains on the Order Paper. I suggest that since this is such an important Bill, that should happen in this case. Perhaps Senator Barrett should seek advice from the officials of the House with regard to how some minutes may be left unused so that the Bill remains on the Order Paper to be resumed. The number of minutes remaining may be only three or four minutes, but this time can be expanded by direction of the House. I see the Minister of State nodding and I hope it is a nod of agreement and not of somnolence. I hope this will happen.

I fully agree with Senator Quinn's father, whom I never had the pleasure of knowing, that it is important to have the reputation of paying one's bills and being a person of integrity and honour. However, at the same time, one does not want to be a complete fool.

**Senator Thomas Byrne:** Hear, hear.

**Senator David Norris:** If obligations are imposed upon us from outside and by institutions outside of the State, without the democratic consent of the people, and we are left paying the bills of other people, we should certainly negotiate. I think what Senator Quinn's father was suggesting was that while one should pay one's bill, one should not pay everything that is demanded by a bully. Rather, one should negotiate, and there appears to be the possibility of doing that with this excellent Bill.

Senator Barrett is a distinguished academic and the memorandum was most helpful. The definitions were also helpful, with the exception of a few words, such as "exogenous". Because of my smattering of Greek, I worked out this meant shocks "that occur from outside our control", and he confirmed that. I suggest we should keep the language as simple as possible so that the explanatory memorandum does not need to be explained to a reasonably intelligent colleague. That would be helpful. However, I did understand it, by intuition.

The idea of accountability and preparation for the rainy day is very important, as I said on many occasions during the boom. I am glad, for example, that the Government of the day did put some money aside, into the NTMA and the National Pensions Reserve Fund. I applauded that and asked for more of that because I thought it was good. When the NAMA legislation was introduced in this House, we met into the early hours of the morning. There are some survivors of those early morning meetings here today. Not many people stayed throughout the night, but I did. I remember being here at 3 a.m. and succeeding, with former Senator Joe O'Toole, in having six amendments included in the NAMA legislation requiring parliamentary

accountability. I am proud of that, even though it has never been recognised. Seanad Éireann did a good night's work that night, but this has not been recorded anywhere. That night's work is an argument for the survival of the Seanad.

This is a short and clear Bill. Clarity and conciseness are excellent qualities in a Bill and I hope most of this Bill will survive this examination and that the Minister of State will give a commitment to the House that the essence of the Bill will be preserved. For me, the most significant section is section 2, which states the budget shall set forth the indebtedness and continued liabilities of the State, proposed expenditure as appropriations shall not exceed funds, and estimated Revenue receipts will be available for the fiscal year as shown in the budget without triggering a fiscal responsibility statement by the Minister for Finance and the Minister for Public Expenditure and Reform. This is crucial and is what we want.

Senator Quinn, as always, was generous and gentlemanly when saying the Department of Finance does not always get the Estimates right. I would be grateful for an indication of an occasion on which it got them right. I do not recall one, certainly not in recent years. I have watched this over the years. I know producing the Estimates is difficult. It is an art rather than a science, but the Department has often been very wide of the mark. Perhaps this is due to exogenous shocks.

**Minister of State at the Department of Finance (Deputy Brian Hayes):** I thank the Chair for the opportunity to address Senator Barrett's Bill on behalf of the Government and to address the House. I congratulate the Senator on the publication of this Bill and on this debate, which is important for all of us. I was struck by what Senator Quinn said about "reputation". The essence of a small, open economy is its reputation. Once a reputation is lost internationally, retrieving it is difficult. A reputation affects foreign direct investment, FDI, banks' capital flows and a country's capacity to extricate itself from a difficult situation. Since last year's bailout, our reputation has diminished extraordinarily. Therefore, the first task of the new Government was to restore that reputation step by step, block by block and brick by brick through discussions with our international partners and the international community at large.

**Senator Thomas Byrne:** I do not like the use of bilateral agreements. We did not have any.

**Deputy Brian Hayes:** All three of the worst decades in the country's economic history since independence were brought about by horrendous political decisions. The economic war in the 1930s was an horrendous decision by de Valera because it immediately brought to an end our classic economic relationship with Britain. It took us 15 years and the great skills of Lemass and others to extricate ourselves from that no-win situation.

**Senator Darragh O'Brien:** If we had not got back the treaty ports, we would have been involved in the Second World War.

**Deputy Brian Hayes:** We will stick with the debate.

**Senator Darragh O'Brien:** Does the Minister of State want to give the House a history lesson?

**An Leas-Chathaoirleach:** The Minister of State without interruption, please.

**Deputy Brian Hayes:** It took the great skill of Seán Lemass, Whitaker and others to bring us back from that appalling decision. A dreadful decision was taken in Jack Lynch's 1977 budget——

**Senator Thomas Byrne:** It was in Fine Gael's budget, too.

**Deputy Brian Hayes:** —and Fine Gael and Labour failed in the 1980s to arrest that situation, which continued until Ray MacSharry and Charlie Haughey took the right decisions in the late 1980s with the support of Alan Dukes. Horrendous public expenditure decisions taken in the first decade of this century have left us all in this situation. Inherent in each of these three decades, which saw a collapse in the economy and confidence, were political mistakes.

Undoubtedly, the most pressing issue for each House is how to navigate a way out of the current difficulties. In the Government's view, we need clear fiscal rules to ensure the country regains its sovereignty. As Senator Barrett stated, the fundamental problem we face is a structural deficit, in that we are spending more than we are collecting. One can bridge a deficit for a few years with the support of external partners — we are delighted to have them — but the difference next year excluding banking debt will be €13.6 billion, representing 8.6% of GDP. This is the inherent problem we face. In the view of the Government and the Minister for Finance in particular, clear rules on fiscal responsibility are necessary if we are to chart our way out of this situation and ensure that we never get into such a mess again. This aim is crucial for the country's reputation.

It is the Government's firm view that a fiscal responsibility Bill will be published by the end of March 2012. I can give this assurance as that Bill is a specific commitment under the memorandum of understanding into which we have entered with the troika. We must adhere to the commitment to publish the Bill, but the legislation's passage through the Houses is a matter for them. No international agency, be it the IMF or anything else, could put a gun to the head of either House and tell it when to pass the Bill. Senator Barrett's Private Members' Bill is important in this context.

The Government's Bill will place the Irish Fiscal Advisory Council on an independent statutory basis, an issue about which Senator Darragh O'Brien asked. Senator Barrett's Bill does not provide that basis.

**Senator Darragh O'Brien:** The Bill relates to it.

**Deputy Brian Hayes:** It is our absolute commitment to ensure the council has an independent statutory basis. Determining its work plan will be a matter for itself.

**Senator Darragh O'Brien:** Will it have resources?

**Deputy Brian Hayes:** The council will also review the plans set forth by the Government and the Opposition. Fianna Fáil agreed with our assessment that the proposed adjustments to the budget deficit should be €8.6 billion, but its view differs from that of the fiscal council.

**Senator Darragh O'Brien:** Some €3.8 billion.

**Deputy Brian Hayes:** The council's figure is more than €4 billion. The second part of the Bill will introduce fiscal rules, which Senator Barrett has set out in his Bill, and give legal backing to binding, multi-annual expenditure ceilings. These are important provisions.

As Senator Barrett knows, the Department of Finance and other Government agencies have done a considerable amount of work on this matter. The Department published a discussion document in March, a successful conference was held this year and the heads of the Bill are being drafted. The discussion document is available on the Department's website and sets out the main heads of the Bill and proposals. On 30 May, the Department of Finance and the Department of Public Expenditure and Reform jointly hosted a well-attended open seminar based on the discussion document.

Separate to the EU-IMF programme, there have been ongoing developments in the area of fiscal governance in the EU, as we are all aware. The initial round of developments culminated in the adoption of the so-called six pack to improve the functioning and effectiveness of the Stability and Growth Pact. The five regulations and one directive that were finalised in November and came into force yesterday have been taken into account in the continuing work on the heads of Bill. For example, key elements of the EU directive on budgetary frameworks are going to be transposed into Irish law in the Government's Bill. These include providing for the establishment of a medium-term budgetary framework, introducing country-specific numerical fiscal rules and requiring annual budgets to be prepared in accordance with medium-term budgetary frameworks. The regulations are already the law of the land and do not need to be transposed into Irish law, but it is critical that the provisions of the fiscal responsibility Bill are fully consistent with them.

As Senators are well aware, the European situation has continued to change rapidly in response to the ongoing euro crisis. The most recent developments came at the European Council meeting last week where euro area Heads of State and Government plus those of most other EU member states committed to establishing a new fiscal rule with a number of elements. Senator Barrett's Bill predates last weekend's summit. While the heads of the agreement were struck last weekend, the legislation's specific proposals will not be worked through until February or March. Much can change between now and March when I hope the agreement will come into place.

Last week's commitment must be turned into an intergovernmental agreement that will be ready for signature in March. The question of whether a referendum is required on the agreement will be decided when it is concluded. The provisions of the agreement would need to be given effect in Irish law through legislation. Given the work already under way, this will probably be through the fiscal responsibility Bill. I am sure that Senator Barrett appreciates that much can change before March, in which case it would be wrong to reach a decision on the matter this evening.

The Bill will provide for the introduction of fiscal rules. The current proposals are largely as set out in the Department of Finance discussion document. Three fiscal rules were proposed to apply in different situations. However, the commitment by the euro area Heads of States and Government has introduced new elements that will need to be taken into account in the legislation, particularly in the design of the fiscal rules that will apply to the preparation of the Irish medium-term budgetary framework and to our annual Estimates.

For instance, the impact of the requirement that general Government budgets shall be in balance or surplus, which will be deemed to be respected if the annual structural deficit, as a rule, does not exceed 0.5% of nominal GDP, will have to be taken into account in the fiscal rules in the Bill. The issue of structural deficits is a complex one and the explanation given by Senator Barrett about them in the explanatory memorandum of his Bill is very useful and timely. Senator Barrett is correct in his view that the focus should be on structural deficits because, as he points out, a cyclical deficit brought about by recessions or below-potential GDP output can be accommodated. In other words, nominal deficits are possible under a balanced budget rule in structural terms because the automatic stabilisers, such as higher unemployment-related expenditure, are taken into account in estimating the underlying structural deficit. Senator Barrett made that point in giving flexibility in the Bill to apply that rule.

However, the estimation of structural budget deficits is complex and difficult for small, open economies such as Ireland because of limitations with the method. For instance, how does one estimate the potential increase in the labour force in an economy that has a common labour

[Deputy Brian Hayes.]

market with the UK? Another problem is the huge structural change the economy is going through at present. What is the structural rate of unemployment when the construction sector is downsizing rapidly? There are many limitations in any exercise that tries to estimate the cyclical position of the economy. These technical, but non-trivial, issues will have to be tackled in the negotiations on the inter-governmental agreement in the first instance and then catered for in whatever fiscal responsibility Bill goes through these Houses.

The fiscal rule proposed in the discussion document last March is that the public finances correction rule, or the stormy weather rule, would apply when the general Government deficit is greater than 3% of GDP. The second area was the prudent budget rule or bad weather rule, which would apply when the Government deficit is under the reference value of 3% of GDP and general Government debt is under 60% of GDP but the general Government deficit is still above the medium-term budgetary objective. The third area was the sustainable expenditure rule or the good weather rule. Further thought has already been given to whether the coverage of the proposed expenditure rule should be expanded to include capital expenditure and to how cyclical expenditure should be treated. It is not proposed to include non-voted expenditure in the expenditure covered by the rule. This type of expenditure consists primarily of our debt servicing costs and treaty obligations, such as our annual contribution to the EU budget. It is also likely that the rule will be modified to take account of discretionary tax measures in both directions. If discretionary tax measures increase the projected level of tax revenues, the growth in expenditure may take it into account but the converse would also apply, that is, if tax cuts were leading to lower tax revenues they would have to be taken out of the permitted increase in expenditure.

The discussion document also provided for exception provisions under which the application of the rules could be set aside. Escape clauses in the case of a national emergency or a severe macro-economic imbalance are a common feature of fiscal frameworks. Senator Barrett made that point in introducing the Bill.

I refer to the multi-annual expenditure ceilings. In the comprehensive expenditure report 2012-14 published last week by the Minister for Public Expenditure and Reform, a completely new and reformed system of managing public expenditure was set out in some detail. The new expenditure framework is anchored in a clear, sustainable medium-term plan, setting out the total quantum of public expenditure broken down by current and capital categories and based on the resources that are available. The Government's medium-term fiscal statement of 4 November represents a first decisive step in this regard.

Within the overall spending limits, multi-annual expenditure ceilings have been set out for each Department for each of the next three years. The old, annual Estimates campaign, conducted privately within the system of public administration, is now being replaced by a modern, multi-annual framework that will allow for full transparency about allocations. Crucial to the success of that process, in teasing out expenditure items with Ministers, is a fundamental engagement with committees on the expenditure profiles of each Department. There will be a proper stress-testing of that expenditure, whether it is achieving its objectives and whether it represents value for money and will make a difference. I contrast this with the old-fashioned notion of plus or minus last year's allocation. That is no way to run a modern economy and one of the reasons we are in this dreadful mess is that old-fashioned view of expenditure profiling across public administration. The Minister for Public Expenditure and Reform announced a fundamental reform of how we analyse expenditure profiles here. This requires proper engagement of committees of the Houses to ensure we get value for money.

As required under the EU-IMF programme, the fiscal responsibility Bill will also establish the Irish Fiscal Advisory Council on a statutory basis. The council, which commenced oper-

ations in July 2011 on an administrative basis, has the following functions. It assesses the soundness of the economic and budgetary projections and forecasts underpinning the stability programme and the budget, whether the Government is complying with the fiscal rules, and the appropriateness of the fiscal stance adopted by the Government in the stability programme and the budget. The council will be fully independent of the fiscal authorities in the performance of its functions and will be required to publish its assessments. The Bill will not include any sunset clause for the Irish Fiscal Advisory Council. This body is, and will continue to be, a key and permanent player in the reform of our fiscal and budgetary system. Shortly after our election to Government, we set up the council on an administrative basis so that it can be put on a statutory basis when the Bill is through the Houses.

I thank Senator Barrett for his constructive suggestion in this Bill. I am not a Member of this House, I have no vote and no standing here. Bunreacht na hÉireann does not refer to the Government in this House. It is a matter for the 60 Members of this House to determine their views on Senator Barrett's Bill. Sometimes people look to the Government for advice and that is always a dangerous thing. If this debate were to continue in parallel between the clear objectives and constructive proposals in Senator Barrett's Bill and the legislation we will publish by the end of the first quarter of next year, it could be a constructive position to take.

**Senator John Gilroy:** Hear, hear.

**Deputy Brian Hayes:** In allowing the Bill to remain on the Order Paper for continued discussion with Senators who may not have had an opportunity to speak today, we would provide the space and time to consider these matters, given the EU context and the degree of change that could occur between now and March. The Government will have its Bill and we look forward to support for that Bill in this House and in the Dáil when it is debated. I do not see any difficulty in having a parallel process in which this Bill can be run at the same time. It is a matter for this House to determine its view on Senator Barrett's Bill but that constructive approach is the one to be taken. This is an issue of crucial importance to this country because the way out of this mess is a totally new way of organising public expenditure and public finances. Fundamental to that are clear fiscal rules on how our economy is governed and how a sustainable economic path can be set out to get this country to a better place. I thank the Senator for his valued contribution and his constructive proposals.

**Senator Thomas Byrne:** Gabhaim buíochas don Seanadóir Barrett. Is obair thábhachtach é an Bille seo. Mar a dúirt Seanadóirí eile, ba cheart dúinn tuilleadh oibre mar seo a dhéanamh sa Seanad. I thank the Senator Barrett for bringing forward the Bill.

While I welcome the Minister of State's comments about the Government introducing legislation, unfortunately, the last time he said that was during the summer about a Fianna Fáil Bill on the family home, when he said there would be a big announcement before the budget and that Senators would have a free vote. Unfortunately, the Fianna Fáil Bill was voted down. It would send a huge signal about parliamentary and Seanad reform and democracy if the Government stayed silent on this Bill and did not oppose it. It should be allowed to sit on Second Stage. It is unlikely to reach Committee Stage, but it would put more pressure on the Government to deliver on its commitments under the four year plan, the EU-IMF agreement and the programme for Government. I urge the Government to stay silent and allow the Bill to pass.

It is up to Senator Sean D. Barrett to decide whether he wants to take Senator David Norris's advice, which was to adjourn the debate on the Bill before time was up. He would have to discuss that issue with the Government Whip to see if the Government would be prepared to facilitate this. It would send such a positive message that we were taking our role seriously and

[Senator Thomas Byrne.]

doing something constructive designed to help the Government and country while avoiding the disasters outlined. Had the Bill been in place ten years ago and if we had done more of what Charlie McCreevy wanted to do and less of what some of the other voices who are giving out now about the Government wanted, we would be in a far better place.

It is incredible work, but we must make the point about parliamentary reform, that on these issues on which we are not in conflict and not attacking the Government but saving the State money, the Seanad must stand on its own two feet and not force a division on this Bill. It must make a statement of support to the Government but also give recognition to the fact that parliamentarians can come in here and draft legislation, which is our fundamental duty. Whatever way the Bill goes, I urge the Department of Finance to invite Senator Sean D. Barrett in to sit down with them. He might have to give out to some of the officials, but he is a nice man and does it in a nice way, except for students who got into trouble at Trinity College where he was something of a disciplinarian.

I am concerned about the Minister of State's remarks about the rules suggested last Friday for the fiscal responsibility Bill. It seems to be very important we have a European Union Act next March when these rules are brought in, that we do not just start downgrading the importance of events on Friday. What happened was very important; Britain vetoed whatever it vetoed, although I am not clear what exactly it vetoed. That means this arrangement is not necessitated by our membership of the European Union, which would be protected under the Constitution, rather it is an intergovernmental arrangement. Under what was proposed on Friday, the European Court of Justice would be given the status of an adjudicator on whether we had implemented fiscal responsibility rules in accordance with the document at constitutional or equivalent level. It seems we could only do this by way of a referendum and that we could not do it simply by amending legislation. I will challenge that aspect and I am sure I will not be first in the queue in the High Court if the Government decides to implement it without a referendum.

We have concerns about this issue. Senator Sean D. Barrett's notes set out the significant impact a 0.5% structural deficit target would have on the European economy. Officials must listen to those economists who were not listened to before and accept their advice.

We welcome and support the Bill on which we do not want a division. I urge the Minister of State to listen to this point and accept the Bill. Senator Sean D. Barrett must take his own counsel on the matter.

**Senator Aideen Hayden:** I also welcome the Minister of State and his comments on the way forward with this Bill. There is a mechanism whereby we can keep the door open on it. That is a progressive way to do it.

From a personal perspective, I serve with Senator Sean D. Barrett on the Joint Committee on Finance, Public Expenditure and Reform. He is a credit to this House and that committee. Without being overdramatic, he is not a drama queen of the economics world in the way certain other economists are. I welcome everything he has to say; he is a thoughtful and thought provoking individual who has a great deal of common sense to offer. I would give more than a passing nod to anything he puts before the House. I thank him personally for the work he put into this significant legislation. It should be acknowledged by the House that this is incredible work that he has brought before the House. Not only is the Bill incredible work but the explanatory memorandum is also incredible. Even with the Senator's explanations, I still need a dictionary of economics to dissect the memorandum.

This discussion is significant because it deals with transparency in decision making. Those of us engaged in public life must be conscious that we are standing at a crossroads in political life.

Unfortunately, in the past in political life a lot revolved around the lack of transparency and involved clientilism in smoky rooms in which decisions were made in dark corners in order that the ordinary man in the street would not know what was happening. We are, at least, in spite of everything in the current crisis, in a scenario where most people are talking about the decisions being taken in the European Union and by the Government. We have become a society in which economic decisions are not subject of articles on the back pages of *The Irish Times* but are being discussed in every house. We must move forward in the way we engage democratically with economic thought.

Whatever Bill we adopt, be it the Government legislation in March or Senator Sean D. Barrett's Bill — I hope we end up with an amalgam of the two — I hope we will end up with a much more open, democratic and transparent system that moves away from clientilism and that will allow us to determine the decisions made by parties in certain circumstances. We would then have real choices between parties and policies such as tax and spend. There must not be the under the counter decisions we had in the past.

**Senator Darragh O'Brien:** Like making promises and breaking them.

**Senator Aideen Hayden:** In response to our Fianna Fáil colleagues' remarks on the family home Bill they put before the House, the Labour Party Senators opposed the Bill, although it had were good aspects, on the basis it had certain fundamental flaws. We asked them to withdraw it and were prepared to come forward with an agreed Bill.

**Senator Darragh O'Brien:** Where is it?

**Senator Aideen Hayden:** The Labour Party Senators do not oppose things just for the sake of it, but we are prepared to take a critical view. We are of a mind to respect Senator Sean D. Barrett's proposals.

**Senator Darragh O'Brien:** That is very generous of the Labour Party.

**Senator Aideen Hayden:** The one point I would make about Senator Sean D. Barrett's proposals is that there is no magic bullet. We can have legislation to deal with the issue of fiscal responsibility, particularly matters to do with counter-cyclical ability. We have tried this historically in EU foreign policy, as well as pricing policy, but no matter how many times we tried to balance the market, we have ended up with lakes, mountains and other indicators of excess. We should not fool ourselves into believing that, regardless of what fiscal stability measures we put in place, we are not dealing with an uncertain world and market. We must take into account that we cannot offer the people false promises. There are measures that are necessary and would give greater certainty to those who require certainty in their lives. However, there is no magic bullet. Irrespective of the measures Senator Sean D. Barrett is proposing, we have learned that, in spite of our better efforts, we have not been able to establish exactitude regarding market equilibrium. I hope we will learn more in the future, but we will continue to live with uncertainty. I again thank the Senator for his efforts.

**Senator Trevor Ó Clochartaigh:** Mar aon leis na Seanadóirí eile, ba mhaith liom míle fáilte a chur roimh an Bille seo ón Seanadóir de Bairéad. Tuigim an méid oibre a chuaigh isteach ann, ach caithfidh mé a rá ón tús nach bhfuilimid ar an bhfealsúnacht céanna maidir leis an Bille seo. Ní bheidh muid ag tacú leis an Bille, ach i gcomhthéacs na díospóireachta, má tá an Bille seo le fágáil oscailte le plé ar Chéim an Choiste, is fiú an díospóireacht a fhágáil oscailte. Dá bhrí sin, má thagann sé go dtí vóta, bheadh muid ag claonadh leis an deis a thabhairt tuilleadh plé a dhéanamh.

[Senator Trevor Ó Clochartaigh.]

So-called fiscal responsibility and the call for more rigid controls over structural deficits are all the rage these days. It was the logic that informed Dr. Colm McCarthy's slash and burn and bord snip report in 2009. It was also the logic used by Fianna Fáil in its four year plan for so-called national recovery in 2010, the aim of which was to reach a structural deficit of 3% of GDP by 2014. It was the same logic that drove the EU-IMF austerity programme which, building on Fianna Fáil's ill-fated policy, sought to reach the same target by 2015. It is the same logic that underlines the Fine Gael-Labour Party budget for 2012 which, in keeping with their Fianna Fáil and EU-IMF mentors, seeks to reduce the structural deficit from 10% of GDP this year to 8.6% in 2012 and 3% in 2015.

The argument made is very simple: we are living beyond our means and falling tax revenues and rising expenditure are fuelling a debt and deficit crisis that must be brought under control. The solution proposed is equally simple: bring spending into line with revenue through cuts to public sector pay and front-line services and increases in taxes and charges. The analogy of the household budget is the most often quoted simplification. Unfortunately, as the argument goes, politicians cannot be trusted to make the right economic policy decisions. In pursuit of electoral advantage from voters or sectional interests, they become weak and make bad decisions.

**Deputy Brian Hayes:** Yes.

**Senator Trevor Ó Clochartaigh:** They are unable to take the hard decisions required to get the State's finances back in order. Therefore, in the absence of politicians of real calibre, with backbone and determination to do the right thing, no matter how unpopular it is, we need institutionalised mechanisms to save politicians from themselves — enter fiscal responsibility. If governments will not make the right decisions, we need checks and balances to force them to do so.

Senator Sean D. Barrett's Bill is what might be described as a soft mechanism. It would introduce balanced budgets as the fiscal rule — spending should never exceed revenue. It would require the production of a fiscal responsibility statement should a Government break this rule. It seeks to make Governments more compliant with the European Union's Stability and Growth Pact's excessive deficit procedure in order to restore the rule and return to what deficit hawks call sound finances.

Last Friday in Brussels Fine Gael and the Labour Party signed up to what can only be described as a hard mechanism, agreeing to enforce a new and draconian 0.5% of GDP structural deficit ceiling. This new excessive deficit procedure proposes to go much further than the existing Stability and Growth Pact. Both the European Court of Justice and the European Commission are to be given new powers to enforce compliance and, where necessary, impose alterations to a member state's budgetary and fiscal policy. While these two mechanisms differ in detail, they serve the same aim, namely, the reduction of public expenditure. While the narrative proposed by the proponents of so-called fiscal discipline may sound like common sense, it is, in fact, pseudo-economic science mobilised in the service of a regressive and right-wing political agenda, otherwise known as austerity.

The problem is that economies do not operate like households. Fiscal discipline, or austerity as it is more commonly known, does not reduce structural deficits. If Members do not believe me, they should consider the facts. Since the onset of the recession Fianna Fáil, Fine Gael and the Labour Party have drained more than €20 billion from the economy in spending cuts and tax increases on low and middle income earners. Despite this massive adjustment, the underlying deficit has hardly declined. It fell from 11.7% of GDP in 2009 to 11.5% in 2010 and a projected 10.3% this year. By the end of this year the Government deficit is expected to reach

€22 billion. However, the advocates of so-called fiscal discipline forget to say that in the past 12 months the Government pumped €20.4 billion into banks, including the first €3.1 billion instalment of the Anglo Irish Bank promissory note.

It does not take a genius to do the maths, given that we have a deficit of more than €20 billion and a bank bailout cost of over €20 billion. Our problem is not fiscal irresponsibility but Government adherence to a failed banking policy that forces ordinary citizens to pay the full cost of the failure of the banking system. I agree with the sentiments expressed by Senator David Norris. I also agree with Senators Tom Sheahan and Feargal Quinn who said it was important to have a good reputation and pay back one's debts. However, I have yet to come across a business which is willing to pay off the debts of another, which is what is happening. We are paying off the bills of others.

Austerity and bank bailouts are the cause of our debt and deficit problem, not excessive public spending. Behind these two policies lies the human misery of 440,000 people on the dole; the 6,000 emigrating every month; the chaos in hospitals; the inequality in schools; the hundreds of thousands of families in mortgage distress; and the hundreds of thousands of families living in poverty or on the poverty line. This is the real human cost of so-called fiscal responsibility.

Are deficits good? They certainly are not. Do we need a credible strategy to reduce our debt and balance the books? We certainly do. However, the Bill before us and the more extreme proposal contained in last week's eurozone deal are not part of the solution. Instead of bank bailouts and austerity — the real policies that lurk behind the rhetoric of fiscal responsibility — we need to argue for restructuring of our debt and investing in jobs, as detailed in Sinn Féin's fully costed pre-budget submission released last month. Debt sustainability and economic growth are the keys to sound finance, not excessive deficit procedures and arbitrary deficit ceilings.

We will not be in a position to support the Bill, but we appreciate the work Senator Sean D. Barrett put into it. It is important that there be extensive debate on these issues and we would like to bring our viewpoints to the table. We certainly will not block the Bill proceeding to Committee Stage. Therefore, we will abstain in a vote in order to allow the debate to continue.

**Senator Cáit Keane:** I thought I would contribute to the debate on the Bill which represents such an important part of everything we do. Everything we do in this House should be based on the objectives behind the Bill. Fiscal responsibility is the aim of everybody elected to this House, of everybody who is not elected to it and of those behind the Members elected. This gives us the opportunity to put our best foot forward and say where we see good and where we see things that should be supported.

The Minister of State has said the Seanad has responsibility for its own actions. I have a few questions for him. He spoke about the Fiscal Advisory Council which we know is an independent body. I presume this would prevent a person such as Senator Sean D. Barrett from being nominated or being an adviser to the council. However, although the Senator has been elected, he is an Independent and his expertise in the Bill demonstrates he has valuable knowledge that might be of advantage to it. He would be seen to be independent because a Senator is not elected as an Independent unless he or she is independent.

Section 7 of the Bill refers to keeping within the limits, except "*in extremis*". What the Minister of the day might regard as extreme might not be extreme in the view of the general populace. I do not know who would determine what would constitute extreme conditions. We are currently experiencing extreme conditions.

[Senator Cáit Keane.]

I read the explanatory memorandum in an effort to find out where in the Bill reference was made to what had been agreed with the European Union. It states a reformed budget formation process should be put in place. The Minister has stated the Government will bring forth legislation in this regard. I wonder whether it would be possible to incorporate in Senator Sean D. Barrett's Bill the need to take into consideration what is coming down the road in the European Union. We do not yet know what has been agreed.

The Minister of State, Deputy Brian Hayes, referred to the stormy weather rule. I do not know what it is. We are in stormy waters and I would like to know what the rule is. It might perhaps be incorporated into the Bill.

**Deputy Brian Hayes:** It will be included in the Government's Bill.

**Senator Cáit Keane:** I propose that the Bill be reviewed and that its best pieces be incorporated into the Government's Bill. Perhaps, just as an asterisk denotes a Government amendment to a Bill, a square box might be used to denote a recommendation made by Senator Sean D. Barrett which the Government is prepared to accept. This would be an indication that the Seanad works. There is expertise in this House which should not be ignored in the way the Government ignores legislation introduced by individual Members. I propose that the Bill be allowed to remain on the Order Paper as a mechanism to assist the Government.

I was a little surprised to hear Sinn Féin was not supporting the Bill. However, I note it has not brought forward a reasoned alternative, other than to ask from where the money will come from. This is pseudo-economic science. Money must be available in ATMs and people must be able to pay their bills. Senator Trevor Ó Clochartaigh has not suggested an alternative.

**An Cathaoirleach:** Someone's mobile phone is ringing.

**Deputy Brian Hayes:** It is the stormy weather.

**Senator Cáit Keane:** Yes. Senator Sean D. Barrett might address my questions on section 7 and the Fiscal Advisory Council.

**Senator Mark Daly:** I welcome the Minister of State back to the House. On the last occasion I spoke to him in the House we were dealing with Fianna Fáil's Bill on homeowners in mortgage difficulty, at which time I suggested there was a wink and a nod that the Bill was worthy of progression. I regret his colleagues did not take the hint and that the Bill failed to receive support. Despite promises made at the time that the Government would bring forward a Bill to support people in financial difficulty, nothing has happened.

The Taoiseach, when in opposition and during the election campaign, promised that things would be done differently in terms of supporting Bills tabled by the Opposition that had merit. We have before us a Bill, not from a political party which could be accused of tabling a Bill for political gain, but from an esteemed lecturer in one of our best universities, yet it, too, despite huge praise and offers of support from the other side, will be voted down by the Government with, of course, a promise that it will bring forth a Bill which will introduce many of the measures proposed in it. It is ironic that, despite that many Members opposite are speaking in support of the Bill, one which it cannot be suggested is being introduced for political reasons, Senator Sean D. Barrett's Bill will mostly likely be voted down by the Government, which offers an example of just how dysfunctional is our democracy. The Senator has put enormous effort into putting the legislation together. He is, I hasten to add, probably more qualified in this area than anyone in the Minister of State's Department. We must wait not for elected representatives to bring forward a Bill but for public servants to do so. We do not

know when this will happen, although we are promised it will happen soon. However, we were also promised that legislation to assist mortgage holders in distress would be introduced before Christmas. That was the promise made when Fianna Fáil's Bill was voted down.

**Senator Tom Sheahan:** It was stated measures would be announced before Christmas.

**Deputy Brian Hayes:** That is correct.

**Senator Mark Daly:** Where are they?

**Senator Tom Sheahan:** They are contained in the budget.

**An Cathaoirleach:** Senator Mark Daly, to continue, without interruption, please.

**Senator Mark Daly:** There are plenty of measures contained in the budget. While I do not suggest Fianna Fáil's Bill was the panacea for all mortgage problems, had it been greeted with the chorus of "there is merit in some of the proposals which can be rectified on Committee Stage——

**Senator Aideen Hayden:** Fianna Fáil's Bill was legally flawed.

**An Cathaoirleach:** Senator Mark Daly to continue, without interruption, please.

**Senator Mark Daly:** I am glad to have obtained the learned opinion of Fine Gael and the Labour Party. I could be wrong, but amendments are made to most Bills as they progress through the Houses because they are not as good as they should be, including Government Bills.

**Senator Aideen Hayden:** Fianna Fáil's Bill was fundamentally flawed.

**Senator Mark Daly:** I thank the Senator for pointing that out to me. We are now being promised the same on this Bill. It is not Senator Sean D. Barrett who will be writing our fiscal responsibility legislation. There is no doubt that it will be written by civil servants in Germany and elsewhere in Europe. I look forward to its introduction. It was said to me today that if some of it were to be written in German, some of my colleagues opposite might think it was in Irish. I am sure that when it is brought forward, our colleagues opposite will wholeheartedly support it and that the sections of this Bill supported by colleagues opposite will not be included, in respect of which they will receive briefings from the Fine Gael and Labour Party offices on the reasons they were not included. No doubt, the Bill will be considered to be fundamentally flawed.

**Senator Aideen Hayden:** Relevance.

**Senator Mark Daly:** It is great that the advice of the Attorney General will be sought.

Fianna Fáil will be supporting this Bill. There is no one more qualified in the Houses of the Oireachtas or any Department than Senator Sean D. Barrett to bring forward this legislation. It is regrettable that the Government has seen fit, while applauding some of the measures contained in the Bill, not to support it.

**Senator Maurice Cummins:** I compliment our esteemed colleague, Senator Sean D. Barrett, on bringing this important Bill before the Seanad. I compliment any Member who introduces a Private Members' Bill, as it is a difficult task. The Senator's expertise shines through in the Bill before us.

[Senator Maurice Cummins.]

I was astounded by the contribution made by the previous speaker, Senator Mark Daly. He came into the House at the end of the debate and suggested the Government would vote down the Bill. Had he been listening to the debate, he would have realised that Government Members do not intend to vote down this worthy Bill, as they strongly support many aspects of it. Moreover, they are willing to allow it to remain on the agenda and on the Order Paper, with the permission of Senator Barrett.

**Senator Mark Daly:** There are plenty of Bills on the Order Paper that have been sitting there for a long time.

**Senator Maurice Cummins:** Obviously, the Bills introduced by the Senator's party were not worthy enough to be voted on by the House but Government Members fully support most of the aspects of this Bill as enunciated by Senator Barrett.

**Senator Mark Daly:** Senator Cummins, all Members have seen that.

**An Cathaoirleach:** Senator Cummins, without interruption.

**Senator Maurice Cummins:** The Minister has responded generously to Senator Barrett on the matter and it ill-behoves a Member to come into the Chamber and make accusations about what this side of the House will or will not do when that Member obviously has not followed the debate for the past two hours, unlike other Members.

**Senator Mark Daly:** Members will know when it becomes an Act.

**Senator Maurice Cummins:** To come in here to make political side-swipes is nothing really——

**Senator Mark Daly:** The proof will be when the Bill is enacted. The Government is parking the Bill and does not intend to do anything with it.

**An Cathaoirleach:** Senator Cummins, without interruption.

**Senator Maurice Cummins:** Senator Daly's contribution deserves contempt. It is contemptible——

**Senator Mark Daly:** Not half as much as people are getting from the Taoiseach at present.

**Senator Maurice Cummins:** —— that he has come into the Chamber to try to score political points towards the conclusion of a very good debate. It was a debate during which most sides of the House were fully in agreement and it is irresponsible of Senator Daly to introduce this note of discord by making these remarks at the end of such a wonderful debate.

**An Cathaoirleach:** I call Senator Walsh.

**Senator Mark Daly:** I note Senator Quinn's Construction Contracts Bill is yet to be enacted.

**An Cathaoirleach:** Senator Walsh, without interruption please.

**Senator Jim Walsh:** I have listened to quite an amount of the debate on the monitor and it has been good, constructive and positive. This is needed because the difficulties we are in, some of which are domestic and others of which are global, have their genesis in a failure of regulation and a failure to have in place effective medium to long-term good, intuitive fiscal

policies. Countries right across Europe, as well as the United States, are displaying serious issues from which it will take considerable ingenuity to extricate themselves. I have been concerned for some time that our political systems are not up to the challenges we now face internationally. I recently spoke to a diplomat from the German Embassy on the question of whether anyone in the last decade, until about two or three years ago, could have envisaged a scenario in which one contemplated the possible abolition or collapse of the euro, which in turn might trigger a collapse in the European Union. I went a step further and wondered aloud what it might do for democracy. Democracy itself is in the spotlight and is being tested by what has happened. When one considers some of the centrally managed economies, China in particular, but others such as Indonesia and the BRIC economies, there has been a shift in the relative global economic status that has obtained for the past century or thereabouts. Someone once told me that China was the leading economy in the world at the end of the 18th century and into the 19th century. It was only with the emergence of the United States subsequently and the Communist revolution in China that it declined.

As for our political system, I will reiterate a point I made in this Chamber previously. This is not a partisan point but 15 people out of 226 Oireachtas Members control all the decisions made. When I sat on the Government benches, effectively I only bucked the whip once. One goes with the whip and the Members opposite have been doing so since they went into government. Moreover, Members on this side do so in opposition and the same practice operates in the Dáil. I consider this to be a corruption of the checks and balances that should exist in this system. Rather than looking at piecemeal populist measures, root-and-branch analysis of the entire democratic system must be undertaken in Ireland and in other countries to establish what can be done. I have come to the conclusion that there must be a complete separation of the Executive from these Houses to enable the Houses to function independently and to be more strenuous in holding the Executive to account. This would be good for the Executive and it is akin to the position in sport whereby coming up against a good player or team brings out the best in one. It is the same in politics and my concern is that this has not been happening. Moreover, this is not limited to Ireland. I recently met a parliamentarian from Greece who holds an international position and we discussed the direction taken by the European Commission and European Union and how all the focus has been on Germany and France and in particular, on the leaders of those countries. He said they wanted to lead but to be able to do so, they must be able to tell people to where they are leading them and they do not know. The same thing is happening in the United States and Members should consider the present levels of partisanship in Congress. I refer to the difficulties experienced, which had an international knock-on effect at the time, when trying to come to some form of agreement between the two parties on coping with that country's serious debt issues.

I will reiterate to the Leader a point I made in this Chamber previously. This House is at its best in debates such as this debate, today and on other days and that is its function. I have suggested to the Leader and the Cathaoirleach that Members should invite to the House people of the calibre of Nouriel Roubini, an internationally-recognised economist, or Roberto Newell, who as a director of Smurfit Kappa would be accessible and who was involved in the banking crises in three South American countries of which I am aware. By so doing, Members would open their minds to a range of things they must do. In this regard, I compliment Senator Barrett on introducing this Bill because one measure that must be taken in Ireland is the introduction of absolute transparency. I would go further than transparency but the Bill under discussion refers to transparency and perhaps that is as far as the House can go under the Constitution.

On the introduction of a deficit budget and in particular, once a structural deficit as mentioned here today many times has been identified, it should be accompanied by an analysis as to how it is to be corrected. I recently attended the Georgian parliament in Tbilisi while its

[Senator Jim Walsh.]

Minister of Finance was before the House. He was explaining to the Parliament, in respect of some of the measures he was taking and deficits he was introducing, how he intended to eradicate them over the following 12 months. Moreover, he was asked strong and incisive questions as to how he would do that and we need to do the same. However, the political establishment here does not have the expertise. Obviously it was lacking in the Department of Finance and certainly it did not exist in the Central Bank or the office of the Financial Regulator. It is only by exposing ourselves to such international expertise and then putting in place the requisite disciplines that we will ensure this does not happen again. I acknowledge that this does not deal with the issue of how we can extricate ourselves from our present position, which will be a major challenge.

I followed with interest what went on in Brussels last week. It was interesting to read of the penalties that emerged that would apply to countries that would contravene the regulations in place and will be and should be put in place in future. Missing from those regulations was one stipulation I would love to see. As a long-time politician at local level and in this House, I acknowledge the need to place disciplines on them. In this context, I would welcome a condition whereby the introduction of a deficit budget in excess of a certain percentage of GDP must lead, within 120 days, to a general election. Nothing focuses the minds of politicians like facing a general election. However, politicians need disciplines.

**An Cathaoirleach:** The Senator is out of time.

**Senator Jim Walsh:** This Bill goes a little bit of the way by introducing transparency, which I welcome. I commend Senator Barrett on the Bill and those who assisted him in drafting it.

**Senator Sean D. Barrett:** Is the time allocation——

**An Cathaoirleach:** It is four minutes.

**Senator Sean D. Barrett:** I thank all ten Senators who contributed. I also welcome the Minister of State. He heard a wonderful debate this afternoon and we have them quite regularly. I hope he will communicate to anybody in authority who might ask him that the Seanad is a wonderful and most meaningful place where all sorts of ideas——

**Senator Maurice Cummins:** Wholesome ones.

**Senator Sean D. Barrett:** ——are thrashed out.

**Senator John Gilroy:** All of the time.

**Senator Sean D. Barrett:** We put on a special performance for the Minister of State this afternoon. I thank all my colleagues for their comments. Some of the compliments were fulsome. They reminded me of something Dr. McDowell of TCD said when he attended a funeral and listened to the eulogy. He said: “I must be at the wrong funeral because I knew the diseased”.

The Fiscal Advisory Council already has a Barrett serving on it and there is not a need for it to have two. Alan Barrett along with John McHale, Donal Donovan, Róisín O’Sullivan and Sebastian Barnes of the OECD most ably serve on it.

I thank the Minister of State for his response. I note he will bring forward legislation and that he is engaged in genuine dialogue most thoroughly on the points we covered here. I hope the Bill he brings forward in the first quarter of next year will correspond to the requirements of my Bill. We will also engage with the Fiscal Advisory Council through the finance committee

as Senator Hayden mentioned. We had a meeting with the representatives of the troika during their visit here in October. We are *ad idem* in pressing forward with this important measure because nobody wants to be in this situation ever again. I will not be pressing the issue at this stage.

I hope I have not used up the four minutes allotted and that there is time remaining for this debate to continue in the spring. This debate has been more valuable and it is vital. The IMF probably overlooks Parliament. We have a huge role to play in getting this country set up again. We have always assured all the reforming Ministers who have come here that this will be one of our functions. We are assisting the Minister, Deputy Reilly, on some health issues that arose in the Milliman report and the Minister of State, Deputy Ring, on tourism matters. We will help where we can because we all have the one goal which is to ensure that this country could perform, for example, like Sweden. Senator Ó Clochartaigh was a bit pessimistic. Sweden has a nominal growth of 5% per annum and a gross debt of 36% of GDP and it had a strong fiscal council. Let us set that as our target and all work together.

I thank everybody, the Cathaoirleach, the Leader, the Bills Office who helped us, and Dr. Charles Larkin, my assistant, who did much of the research on it with the younger economists. I believe the Minister of State will find as he reaches out to them, they will be more than pleased to assist the Government in any way they can to have fiscal responsibility enshrined in legislation in rules with openness before the Parliament and Parliament fully participating. It was the closed system, as several Senators said, that got us into so much trouble. We are in the great tradition of Burke, Grattan, Daniel O'Connell and Parnell. We have done a lot in Parliaments and restoring the economy of this country is a task which this Parliament should embrace.

**Senator Maurice Cummins:** I understand the Senator proposes to adjourn the debate on the Bill.

**Senator Sean D. Barrett:** I propose to adjourn the debate in the circumstances that have been mentioned. I gather that the Bill will stay on the Order Paper and that we shall return to this topic in the spring.

Debate adjourned.

### **Jurisdiction of Courts and Enforcement of Judgments (Amendment) Bill 2011: Committee Stage**

#### SECTION 1

**An Cathaoirleach:** I welcome the Minister to the House. Amendments Nos. 1 and 13 are cognate and may be discussed together with the agreement of the House. Is that agreed? Agreed.

Government amendment No. 1:

In page 5, line 49, after "Affairs" to insert "and Trade".

**Minister for Justice and Equality (Deputy Alan Shatter):** Amendments Nos. 1 and 13 are being taken together. These are technical amendments to take account of the fact that the name of the Department of Foreign Affairs has been altered since the Bill was published in February of this year. The amendments have no dramatic impact other than that.

Amendment agreed to.

**An Cathaoirleach:** Amendment No. 2 is a Government amendment. Amendments Nos. 2 to 4, inclusive, and amendment No. 12a are related and amendments Nos. 5 to 10, inclusive, are consequential on amendment No. 4. Therefore, amendments Nos. 2 to 10, inclusive, and amendment No. 12a may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 2:

In page 9, to delete lines 49 to 52 and in page 10, to delete lines 1 to 5 and substitute the following:

“shall—

(a) issue a summons respecting that sum under section 8 (as amended by section 63 of the Civil Law (Miscellaneous Provisions) Act 2011) of the Act of 1940, or

(b) make an application respecting that sum to the District Court under section 10 (as amended by section 43 of the Act of 1995) of the Act of 1976.”.

**Deputy Alan Shatter:** All of these amendments are technical in nature. They are consequential upon the fact that subsequent to the publication of this Bill, the Civil Law (Miscellaneous Provisions) Bill was enacted. Section 63 of that Act amended section 8 of the Enforcement of Court Orders Act 1940 to provide a new framework for the recovery of foreign maintenance orders. The proposed series of amendments make adjustments to section 20(g) which are necessitated by the new section 8 and on Second Stage I mentioned that we would be making such amendments.

It may be recalled that the effect of the new section 8 was to allow a judge to make what would generally be termed a garnishee order if there are moneys owed to the debtor by a third party in order to ensure the money is directed to the creditor. It also allowed a judge to make an order which is broadly similar to the concept of appointing a receiver by way of equitable execution if there are moneys which will become due. The new section also retained an existing power in 1940 Act to allow a judge to make an order to sell goods if he or she is satisfied that this would be effective to recover the debt due to the maintenance creditor.

5 o'clock

Amendment agreed to.

Government amendment No. 3:

In page 10, to delete lines 8 to 10 and substitute the following:

“8(1) of the Act of 1940 shall be construed as including a reference to the district court clerk.”.

Amendment agreed to.

Government amendment No. 4:

In page 10, to delete lines 17 to 19.

Amendment agreed to.

Government amendment No. 5:

In page 10, to delete line 20 and substitute the following:

“(12) The maintenance debtor shall give”.

Amendment agreed to.

Government amendment No. 6:

In page 10, to delete line 24 and substitute the following:

“(13) A person who, without reasonable”.

Amendment agreed to.

Government amendment No. 7:

In page 10, line 25, to delete “subsection (13)” and substitute “subsection (12)”.

Amendment agreed to.

Government amendment No. 8:

In page 10, to delete line 28 and substitute the following:

“(14) If there are two or more district”.

Amendment agreed to.

Government amendment No. 9:

In page 10, to delete line 33 and substitute the following:

“(15) For the purposes of this section the”.

Amendment agreed to.

Government amendment No. 10:

In page 10, to delete line 36 and substitute the following:

“(16) In this section—”.

Amendment agreed to.

Section 1, as amended, agreed to.

## SECTION 2

**An Cathaoirleach:** Government amendments Nos. 11 and 12 are related and may be discussed together, by agreement. Is that agreed?

Government amendment No. 11:

In page 14, subsection (1)(a), line 42 to delete “definitions” and substitute “definition”.

**Deputy Alan Shatter:** These are purely technical amendments. Amendment agreed to.

Government amendment No. 12:

In page 14, to delete lines 47 to 50, and substitute “October 2007;”,.”.

Amendment agreed to.

Government amendment No. 12a:

In page 15, lines 6 and 7, to delete all words from and including “section” in line 6 down to and including “2009” in line 7 and substitute the following:

“section 63 of the Civil Law (Miscellaneous Provisions) Act 2011”.

Amendment agreed to.

Government amendment No. 13:

In page 15, line 36, after “Affairs” to insert “and Trade”.

Amendment agreed to.

Section 2, as amended, agreed to.

#### NEW SECTION

Government amendment No. 14:

In page 16, before section 3, to insert the following new section:

“3.—Part III of the Jurisdiction of Courts and Enforcement of Judgments Act 1998 is repealed.”.

**Deputy Alan Shatter:** Subsequent to the publication of this Bill, the 2007 Lugano Convention was ratified by Iceland. This means it is no longer necessary to keep Part III of the Jurisdiction of Courts and Enforcement of Judgments Act in being. That Part part dealt exclusively with the old Lugano convention and it is now effectively redundant.

Amendment agreed to.

Section 3 agreed to.

Schedule agreed to.

Title agreed to.

Bill reported with amendments, received for final consideration and passed.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Maurice Cummins:** 10.30 a.m. maidin amárach.

#### Adjournment Matters

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#### Garda Stations

**Senator Darragh O’Brien:** I welcome the Minister to the House and thank him for taking this Adjournment matter which relates specifically to a well-manned Garda station. Obviously he has had to make decisions about Garda resources, the restriction in opening hours at Garda stations and the closure of other stations.

I ask specifically about Malahide Garda station which serves 25,000 in the Malahide-Kinsealy-Portmarnock area. The Department of Justice and Equality and the Garda Commissioner’s report have recommended that the hours be restricted. What was the rationale for that recommendation? I note the Minister’s response to my colleague, Deputy Dara Calleary who asked if the Minister would confirm that this is a Cabinet decision, as opposed to a Garda Commissioner’s decision because it had to be ratified by the Government. This is an area in which I grew up, which has expanded greatly and the Garda provide an excellent service. Residents

are extremely concerned at the restrictions in opening hours at Malahide and Howth Garda stations. It means that 50,000 people in the Howth-Malahide local electoral area are without a full-time Garda station. I seek clarification on how it is proposed to operate these stations after 10 p.m.

Our concern is that crime does not stop at 10 p.m. In the north Dublin area we have the closure of Rush Garda station which up to now was a part-time station. I am also concerned that placing a restriction on the opening hours of the station affects the status of the Garda Station, that effectively it is a second class station and that we would be on a slippery slope towards closure at some time in the future. Will the Minister confirm that will not be the case? How is it envisaged the station will operate? Will the station be manned? Will telephones be answered in the station post 10 p.m.? How will it operate at weekends and during the tourist season?

While the Minister resides in the southside and I am in the north county, I am sure it is an area that attracts many thousands of tourists each year. Everyone is genuinely concerned. I am not trying to over-politicise the point, I am concerned as a resident of the town. There are further restrictions at Howth Garda station with which other colleagues will deal.

In a growing area such as this where there are approximately 38 gardaí, if these changes occur Swords, which is nearest full-time station will have to deal with all incidents from Kinsealy, Portmarnock, Baskin, Malahide, and all the way to the peninsula in Howth, encompassing Sutton and Baldoyle. I hope this issue can be looked at again and the decision revised in order that 24 hour, seven day a week cover can be provided at the station. I am opposed to the decision. I do not think it will result in any savings. I would be interested to know if there are any financial savings accruing from this decision.

Given that part-time stations, such as Rush in north Dublin, are now closed, I cannot see how any financial savings can be made with the closure of that station and the restrictions at Malahide Garda station. As the Minister is aware, it is our duty as Oireachtas members to ensure our citizens are safe. I do not believe that restricting the opening hours and closing public access to a Garda station such as at Malahide, will do anything to improve people's safety, and I ask him to improve Garda presence.

**Minister for Justice and Equality (Deputy Alan Shatter):** I thank the Senator for raising the issue. I appreciate that as a public representative he is concerned about the matter. I sometimes wonder whether some of the Fianna Fáil Senators and Deputies are living in a parallel universe. The Senator will recall that the last Government entered the European Commission, ECB and IMF bailout agreement, having managed to totally destroy the economy and overspend to a degree that was extraordinary. As a consequence, the Government entered into an agreement which requires a reduction in Garda numbers and the reduction will be effected over the coming years and is part of the agreement to reduce the numbers in the public service. The steps taken must be seen in the context of the comprehensive review of expenditure, conducted not just by the Department of Justice and Equality but by the Garda Commissioner to ensure that resources are used efficiently and to the maximum benefit of the community.

As the Senator knows I recently laid before this House the policing plan for 2012. This plan, prepared by the Garda Commissioner under the Garda Síochána Act 2005, sets out the proposed arrangements for the policing of the State during the coming year. Under the plan, 31 Garda stations will be closed in 2012, and a further eight Garda stations, which are currently non-operational, will be formally closed. In addition, the public opening hours of ten Garda stations, including Malahide Garda station and two in my constituency, will be reduced. These stations, currently open to the public on a 24-hour basis, will in future be open to the public from 8 am until 10 p.m. each day. It is important to emphasise that we are talking about closing

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the access to these stations during the night, not closing the stations. The stations will still be used for the provision of general policing services for the locality.

The purpose of this change is not to directly save money, but to make better use of resources, a crucial objective not only for the Garda Síochána but for the entire public service. Instead of having gardaí behind the public counter in these stations during the night, when few people come into the station, those gardaí will be available for front-line operational duties, which will benefit the Senator's constituents. As I said, this is the implementation of a long-promised reform measure.

The reality is that the demand for the services available at the public counter in a Garda station during the night is very limited. People who contact the Garda Síochána during the night generally do so in circumstances of operational urgency, not for the more administrative-type services normally provided over the counter. These services, such as completing forms and authenticating documents, are extremely valuable, but do not need to be available round the clock in every Dublin station, especially considering the proximity of other Garda stations which will still be open to the public on a 24-hour basis. We currently have 703 Garda stations, 47 of which are located in Dublin. I am anxious to ensure that we use the force to the best possible effect to engage in front-line activity as opposed to late night administrative duties. By freeing-up gardaí from counter duty, this change will mean that more gardaí than would otherwise be the case can be deployed on operational duties. This will be a much better use of resources and mean a better policing service. This is the professional judgment of the Garda Commissioner.

The Garda Síochána, like all public service agencies, will have reduced resources in the times ahead, and must introduce efficiencies to make the best use of those resources. This change, which is targeted for introduction in the first quarter of 2012, is just such an efficiency. I firmly believe that the Garda Commissioner should be supported in introducing such reforms. There is no reason of any nature for local concern nor for any Member of this House to foment such local concern. The Commissioner has reiterated the commitment of the Garda Síochána to provide a professional and effective policing service, and I have full confidence in the force's capacity to do this in Malahide and in every area across the country.

It is the Garda Commissioner who makes operational decisions of this nature and the policing report he furnished to me was brought to Government. Essentially, the Commissioner in consultation with the Minister for Justice and Equality makes the decisions in this area. The Commissioner makes the operational decisions and I do not wander around the country trying to identify which stations may close early or which stations should be closed. Let me reiterate that we are not on the slippery slope, as the Senator suggested. I cannot predict what future decisions may be made by the Garda Commissioner, but let me give some examples. As the Senator is aware, Rush Garda station opened for a limited number of hours and its closure will not result in fewer gardaí in the area because there is another Garda station in reasonable proximity and in the Commissioner's judgment, gardaí will be more readily available for front-line services.

The efficiencies sought to be effected by the decisions in respect of the closure of certain stations and the shorter opening hours of others will ensure a more efficient use of Garda resources in the interests of the taxpayers. This is the first stage of a study examining the numbers of people using individual stations, and operational and policing needs. I expect the Commissioner will further revisit the issue of Garda stations for 2013.

I give the Senator's constituents every assurance that this will not affect operational frontline services, rather it will ensure that members of the force will not be sitting behind a desk late at night but will be ready to engage in front-line policing activities. That is the view of the Commissioner and I fully support the action he has taken.

**Senator Darragh O'Brien:** I thank the Minister for his response. I hope his commitment this evening that there will be better policing in the Malahide area will bear fruit. His suggestion of Oireachtas Members fomenting local concerns is unfortunate. I was born and reared in Malahide and I have genuine concerns, which I am perfectly entitled to raise in this House. I do not live in a parallel universe, I live in Malahide and am entitled to raise the concerns expressed by friends, family and neighbours on the restricted opening hours of the Garda station. The over-politicisation of the Minister's response is another stark example——

**Deputy Alan Shatter:** There is another Garda station.

**Senator Darragh O'Brien:** I asked a question, the Minister gave his answer, but we will see what will be borne out. We will see what the public think about these measures.

I thank the Minister for being in the House. I have not tried to over-politicise the issue.

**An Cathaoirleach:** Does the Minister wish to respond?

**Deputy Alan Shatter:** The world did not start on 9 March 2011. Many of the difficult decisions being made with regard to effecting efficiencies and use of resources are being made not only in the interests of taxpayers but by the State under pressure because of the appalling financial legacy inherited by the current Government from the Senator and his colleagues during their time in Government.

**Senator Darragh O'Brien:** It is an attitude like that which ensured the Government lost the referendum about the powers of the Houses of the Oireachtas to conduct inquiries into matters of general public importance.

**An Cathaoirleach:** The Minister without interruption.

**Deputy Alan Shatter:** In so far as there is an issue of a shortage of resources or reducing resources, I do not think there is anything wrong with pointing out the origin of the difficulty. I want to congratulate the gardaí in Malahide, Rush and across north County Dublin for the tremendous work they are doing both in policing the area and in preventing crime.

**Senator Darragh O'Brien:** I agree.

**Deputy Alan Shatter:** Frequently the focus is on investigating crimes after they have occurred but there has been a substantial reduction in crimes committed across the broad range of areas in each of the last three quarters for which we have statistics. I want to congratulate the Garda Síochána on the work its members are doing and I wish the force across the country well as we are heading into Christmas. I wish the Senator and his constituents a peaceful and hopefully a crime free Christmas.

**Senator Darragh O'Brien:** I thank the Minister.

**Senator Fidelma Healy Eames:** I welcome the Minister for Justice and Equality to the House. It is not too often that I have the opportunity to address him, but on this occasion I am asking him to explain the rationale for the proposed closure of Corrandulla Garda barracks in County Galway, and how the area will be serviced, should the closure go ahead.

The closure of 31 Garda stations was announced on 5 December 2011, and the Garda barracks in Corrandulla was included in that list. Corrandulla and Annaghdown is a rapidly expanding townland in County Galway with a population of about 3,858, and 1,300 homes. The population will continue to expand in the coming years, given the popularity of the area. It is located approximately 12 miles — an easy commuting distance — from Galway city and ten miles from Oranmore. It was previously served by Headford Garda station but owing to bound-

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ary changes is now classed as being in the Tuam area. This is significant because Tuam is quite a distance from Corrandulla. The nearest Garda stations are located in Galway and Oranmore. Not unsurprisingly, the residents are extremely upset and angry and have stated they do not feel safe, particularly in the absence of a high level of Garda monitoring. There used to be one sergeant and two gardaí in the town, but now there is only one garda who does not have fixed hours. The Garda presence in the area is, therefore, relatively minor.

I am seeking to discover the rationale behind this move and when the Minister plans to proceed with it. Why was Corrandulla barracks selected for closure? A statement has been made to the effect that it is planned to sell the barracks. Will the Minister indicate the position in this regard and state what will be done with the money which accrues from the sale? Will such money be ring-fenced and reinvested in Garda activities? How will the area to which I refer be served in the absence of a Garda station?

I wrote to the Minister about this matter on 12 December. I raise it this evening because a public meeting is due to be held imminently and I am interested in obtaining the facts from him. It is important that they be provided because Members need to be able to respond to those whom they represent. When a group of children visited Parliament today, I informed them that the Seanad was the people's House and that we were their representatives. While we might believe we are always jumping in order to give them what they want, at times that is exactly what we should do. I look forward to the Minister's reply.

**Deputy Alan Shatter:** I thank the Senator for raising this issue. She has stated she wrote to me on 12 December. I must inform her that at approximately 6.30 a.m. on 13 December I flew to Brussels for a meeting of European Justice Ministers and only returned just before lunchtime today. I have not, therefore, had an opportunity to reply to her letter.

**Senator Fidelma Healy Eames:** That is fine.

**Deputy Alan Shatter:** To put the matter in context, I recently laid before the House the policing plan for 2012. This plan, prepared by the Garda Commissioner under the Garda Síochána Act 2005, sets out the proposed arrangements for the policing of the State during the coming year. Under it, 31 Garda stations will be closed in 2012, while a further eight currently non-operational will be formally closed. The eight stations in question were all closed for refurbishment works on the watch of my predecessors. However, refurbishment works were never carried out. One of the stations has been non-operational but not officially closed since 1986. Corrandulla Garda station is one of the 31 stations due to be closed in 2012. As stated in reply to the previous matter, the public opening hours of ten Garda stations will be reduced. These stations are currently open to the public on a 24-hour basis, but in the future they will be open from 8 a.m. until 10 p.m. each day.

In reaching a decision on the closure of each of the 31 Garda stations in question the Commissioner reviewed all aspects of the Garda Síochána's policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. In addition, all divisional officers were asked to assess the level of activity in each Garda station in their areas. Based on all the evidence, the Commissioner concluded that resources could be better deployed and more effectively used on the front line if these stations no longer had to be staffed and maintained. This is a crucial point. As with every other public sector organisation, the Garda Síochána will be obliged to manage with reduced resources. Unfortunately, that is the legacy we inherited from the previous Government. The House will be aware that, under plans agreed by the previous Government arising from commitments made in the EU-IMF agreement, Garda numbers are being reduced. It is vital, therefore, that the best use be made of the available resources and, in particular, that priority be given to front-line operational duties.

It must be noted that Corrandulla Garda station is located in the Galway district which is in the Galway division. There are 257 gardaí assigned to the Galway district and approximately 600 to the Galway division. These resources are augmented, when appropriate, by gardaí from national units such as the Garda national drugs unit and the National Bureau for Criminal Investigation. The Commissioner has reiterated the commitment of the Garda Síochána to providing a professional and effective service for the community in all areas, including Corrandulla. In the coming months local Garda management in places where stations are going to be closed will consult local communities in order to determine how best to continue to deliver a policing service in their area.

I take the opportunity to pay tribute to the Garda Síochána. I have complete confidence in the capacity of the force to continue to provide an excellent policing service in Corrandulla and throughout the country. Furthermore, the Commissioner should have the support of the House as he introduces necessary reforms to ensure Garda resources will be used in the most effective way in order that the best possible policing service will be provided for the public. Instead of manning Corrandulla Garda station for brief periods during the day, the officer to whom the Senator refers will be more available to carry out front-line duties.

The Garda stations which are being closed are all owned by the Office of Public Works. The Government is considering different possibilities in respect of different stations. Some will be sold and the proceeds utilised for a variety of purposes. Discussions are ongoing as to whether these purposes will relate primarily to policing matters or whether the money will in the context of the limited funding available to the State be put to other uses. Where appropriate, some premises may be utilised by other State agencies. For example, where they are in good condition, they could be used to provide mental health services or for community purposes. However, this will only be in circumstances where the State no longer retains a liability for their maintenance and refurbishment. In the context of some of the stations being closed, a proportion of the financial savings made will derive from the State no longer being obliged to pay utility costs on an annualised basis. I accept that at some stations these costs are relatively small. It must not be the case that the State will remain liable for incurring substantial costs for the refurbishment, maintenance or, in some instances, part reconstruction of these premises in the coming years. In that context, we must ensure we use our resources more efficiently.

**Senator Fidelma Healy Eames:** There is a small degree of conflict between the information provided by the Minister and that available to me. I do not know whether the information provided by him is correct. People living in the area have informed me that Corrandulla is served by the Garda station in Tuam, but the Minister has indicated that it is located in the Galway district. It would certainly be more appropriate for it to be served by gardaí from that district. Perhaps the Minister might clarify the position on that matter.

The Minister has indicated that a decision on how best to cater for Corrandulla's policing needs will be taken in the aftermath of a consultation process involving the Garda sergeant and local people. Will that process involve the holding of public meetings or will it proceed on an *ad hoc* basis? That is the substantive issue, on which I would be grateful if the Minister could provide some more information.

**Deputy Alan Shatter:** Operational matters are very much the responsibility of the Garda Commissioner and I have left it to him to decide how best to engage in whatever consultative process will be required. That process will not focus on whether stations should be closed or remain open. In the context of smaller stations, the consultative process will focus primarily on providing reassurances for local communities that they will continue to have access to the full assistance of the Garda Síochána. In so far as there may be special local issues about which communities are concerned, individuals will have the opportunity to communicate their concerns about such issues during the process in order to ensure they will be addressed. The

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Commissioner will be arranging for the consultative process to be engaged in by officers at local level. I expect it to get under way soon.

On the issue raised by the Senator in respect of Tuam, the information at my disposal is as contained in my initial reply. If, however, further clarification is required, I will communicate with the Senator in writing.

**Senator Fidelma Healy Eames:** I thank the Minister.

### Health Services

**Senator Susan O’Keeffe:** I thank the Minister for coming before the House. This matter relates to St. John’s Hospital, Sligo, which has a fine tradition of providing care, particularly for those who are highly dependent. I was a patient at the hospital which is an old facility. When officials from the Health Information and Quality Authority visited it recently, the Cairde Ward had to be closed. It had 35 to 36 beds for women, many of them high dependence patients. Some of the women were moved out of the hospital and some were moved to other beds on an emergency, *ad hoc* basis on the understanding that the ward would be refurbished and reopened by Christmas with 19 beds, although my figures might be slightly awry in that regard. My concern now is that the ward remains padlocked. A tender does not appear to have been offered to anybody to do this refurbishment work and therefore it appears that not only will there be the loss of 19 beds in the refurbishment but potentially the loss of the 35 beds. The families and the staff are concerned. I understand also that some of the nurses who were on contracts have not had their contracts renewed in recent weeks and therefore if the ward was to be refurbished and reopened, there now appears to be a shortage of staff. There is considerable confusion and hence my request for some clarity from the Minister today.

**Deputy Alan Shatter:** I thank Senator O’Keeffe for raising this important issue. It provides me with an opportunity to update the House on this matter on behalf of the Minister of State, Deputy Kathleen Lynch, who is indisposed, and outline the background to the current situation and the action taken by the Health Service Executive. As the Senator is aware, Government policy on older people is to support people to live in dignity and independence in their own homes and communities for as long as possible. Where that is not feasible, the health service supports access to quality long-term residential care where it is appropriate, and we continue to develop and improve health services in all regions of the country and ensure quality and patient safety.

The Health Service Executive has sole operational responsibility for the delivery of health and social services, including those at facilities such as St. John’s Community Hospital, Sligo. St John’s Hospital is a single-storey building which was first established in 1971. There are 165 beds at the hospital providing long-term residential care, rehabilitation, convalescence, respite and palliative care. Other facilities include an active day hospital with physiotherapy and occupational therapy, and speech and language services are provided also. In April 2011, the Health Information and Quality Authority, HIQA, noted that “the physical environment did not comply with the regulations and standards”. HIQA further noted that “the residents’ personal and communal space was not designed and laid out in a manner to ensure their safety, encourage and aid their independence and assure their comfort and privacy”. In this context, the HSE had to review the maximum number of residents that could be accommodated to ensure the accommodation would suitably meet the individual needs of residents. In addition, the HSE needs to address fire safety issues at the hospital. On foot of the HIQA report the HSE temporarily closed Cairde Ward on 9 October 2011. A total of 24 residents were moved to other wards and staff were redeployed within the hospital. In an effort to address the fire safety issues and the challenges with the physical environment at St. John’s, the HSE is considering its options regarding reconfiguration of Cairde Ward.

Residents and relatives have been and will continue to be fully consulted throughout that process. I am sure everyone in the House will agree that the safety and well-being of older people is of critical concern. Quality care and patient safety comes first, and all patients should receive the same high standard of quality-assured care.

From a national perspective, I advise the Senator that the Department of Health is reviewing the provision of public residential care in the light of the need to meet national standards and regulations, local demographic pressures and public and private provision. The review will serve as a platform for discussion and will inform the development of an overall strategy on how the HSE should continue to provide this service in future in view of current budgetary and other pressures. The review must also be seen in the light of the wider health reform programme to which the Government is committed, and the position of social care services in a future health service. It is a matter for the HSE to deliver services nationally and locally within its budget and overall health policy priorities in line with the overall resources available to it. The Executive will continue to work closely with the Department of Health in that context.

**Senator Susan O’Keeffe:** The staff, the patients and the families view the standards as being vitally important, and people welcomed the HIQA intervention at that point. I am still unclear, however, because “considering its options” might also mean that Cairde Ward could remain shut. I am no clearer as to whether the refurbishment will start or whether the commitment has been made.

**Deputy Alan Shatter:** The Senator will appreciate that I am substituting for the Minister of State, Deputy Lynch, who would have liked to have been present. The information I have is that the overall assessment is taking place. I do not want to say anything about the matter that could be misleading. I will draw to the attention of the Minister of State the Senator’s concern about the matter to determine if greater clarity can be provided in the context not only of what is specifically being considered with regard to the various options available but also with regard to the timeframe.

**Senator Mary Ann O’Brien:** I am here to express the need for the Minister for Health to give an assurance that adequate home care of a minimum of eight and a half hours per week will be provided for Mr. JJ Ryan thus continuing the level of care he receives from the Jack and Jill Children’s Foundation and allowing that charity to step back from this case, which should have happened when JJ turned four years old on 12 September 2011. I also ask the Minister to explain the reason there are regional discrepancies in the provision of care by the Health Service Executive for children in similar cases and the reason the Irish State still does not have a budget for paediatric home nursing care.

The key consideration that goes to the heart of this problem for the family is that the Jack and Jill care team were reminded by Mr. Pat Healy, the HSE’s regional director of operations, on 21 November of this year that regarding the HSE providing a home care package, it should be noted that while the package of care for the elderly is to keep people in their own home and out of hospital and nursing homes, with children the emphasis is on ensuring that the children are provided with all the therapeutic and intervention services required while supporting the family.

I urge the Minister to help the HSE to rethink home care for children, the way it is funded and the delicate balance between keeping the child comfortable at home, particularly when the child, like JJ, is prone to infection, and giving the child access to all the therapies they require. Children like JJ need and are entitled to both.

Mr. Healy from the HSE also reminded all concerned in JJ’s case that none of the disability services within the HSE are demand-led, something I find difficult to believe. It is imperative

[Senator Mary Ann O'Brien.]

in this economic climate that all services operate within their allocation. That goes to the crux of the problem, namely, the budget allocation for paediatric home nursing care and when that will be delivered in line with the programme for Government.

JJ Ryan is from Tipperary town and was born prematurely in 2007 with a hole in his heart and chronic lung problems. A brain bleed at birth meant he also suffers from quadriplegic cerebral palsy, deafness and epilepsy, and J.J. is unable to speak.

**An Cathaoirleach:** I ask the Senator to refrain from mentioning names.

**Senator Mary Ann O'Brien:** The little boy is unable to speak. His sister is healthy and well, and he also has another little sister. There are children aged three, four and under in the home. The Jack and Jill Children's Foundation supports children from birth to four years of age. The Jack and Jill Children's Foundation is struggling to meet its commitment to the children we mind, but we cannot simply drop this child whose father also suffers from epilepsy. The Dad is a porter in a hospital in Limerick. He has to get the bus to work every day because he cannot drive due to his epilepsy. He is getting an average of four hours sleep per night because this child must be tube fed.

We have to find a way to help this child. The family is looking for eight and a half hours per week, which will cost the State approximately €300. The correspondence to date was on 23 June of this year when the Jack and Jill foundation liaison nurse wrote to a senior HSE disability public health nurse with direct responsibility for JJ, and the assistant national community care director, outlining JJ's immediate need for home support care once he reached his fourth birthday in September. The HSE provided a wholly inadequate one additional hour under the home support service, bringing the hours provided to three. On 28 September 2011, Jonathan Irwin, CEO of the Jack and Jill foundation, wrote to the HSE and put forward solutions for the situation. First, he requested that the HSE put a carer into the Ryan home who would provide respite for the family and give them a break, just as the Jack and Jill foundation carer does today. The HSE stated that this is not an option in south Tipperary. Why not? JJ's current carer, who is funded by the Jack and Jill foundation, is more than happy to sign up with any agency funded by the HSE. Second, he requested the HSE to put in a home care package. It seems that home care packages in this country are exclusively for the elderly, contradicting the HSE's own policy to provide care in the home for anyone who needs it. We know for certain that caring for people at home is much more cost effective than caring for people in hospital. Again, this appears to be a no-brainer. Third, he requested the HSE to make direct payment to the Jack and Jill foundation to continue with the current arrangement. This is the last resort option and only on the table because the foundation will not abandon this family.

On 21 November 2011, the HSE south director of operations, Pat Healy, rejected these solutions. Instead he suggested that the family consult with the Brothers of Charity to examine relocating resources already provided to JJ in a different way. This means that JJ's parents have to make a decision every day on whether he is well enough to attend the day services. This is not a workable solution.

The Jack and Jill Foundation has made a complaint on JJ's behalf to the Ombudsman for Children, Emily Logan, who has appointed an investigative team to examine JJ's case.

**Deputy Alan Shatter:** I thank the Senator for raising this matter. I am taking this Adjournment on behalf of the Minister of State, Deputy Lynch, because she is indisposed, and I want to outline the position on the matter raised by the Senator.

I understand that the family concerned are in receipt of six and a half hours home support from the Jack and Jill foundation and three hours home support from the Health Service Executive. Following a meeting with the Brothers of Charity on Monday, 7 November, and in

consideration of the fact that the family could not avail of respite services on offer due to the child's condition, the family were advised that they could utilize a total of 140 hours from one mid-week and one weekend of residential respite per annum. These hours could be used by the family on a regular basis or to increase or decrease the support in the home as required. The Brothers of Charity have written to the family and left an open invitation to the family to revert to them.

Specialist disability services are provided to enable each individual with a disability achieve his or her full potential. Services are provided in a variety of community and residential settings. Services are provided either directly by the HSE or through voluntary service providers. Voluntary agencies provide the majority of services with and on behalf of the Health Service Executive.

While there are many examples of good practice and commitment and initiative of dedicated staff and management, challenges remain in the manner in which disability services are currently configured and delivered. These services have been developed by individual service providers and reflect the individual experience and expertise of providers in meeting local needs. However, as they have developed independently and were often established to serve one specific group of children or clients only, the result is that there is wide variation in the services available in different parts of the country and for different categories of disability.

The HSE has recognised the need to increase the level of consistency and standardisation in the way early intervention services and services for school-aged children with disabilities are delivered. A major priority for the Government in the coming months will be to finalise the current value for money and policy review of disability services to ensure that existing funding for people with disabilities is spent to best effect. It is now more important than ever that large scale spending programmes of this nature are subject to detailed periodic review. The VFM efficiency and effectiveness review will make recommendations that will ensure that the very substantial funding of €1.5 billion provided to the specialist disability health sector is used to maximum benefit for persons with disability, having regard to overall resource constraints which affect all sectors at this time.

Home care packages are currently provided, on occasion, for persons with a disability. They may include home support services, nursing services and home help, with multidisciplinary supports as appropriate. This home care and support package may be an alternative to attending a day or residential service and will be provided following completion of an appropriate assessment process. Usually home support and care packages are provided when it is neither feasible nor appropriate for individuals to attend residential or day services. I note particularly what the Senator has to say about the young person in question.

The Jack and Jill foundation service is part of a range of services provided to families funded by the HSE and other service providers for children with life limiting conditions. There are approximately 1,300 children in total. Many children availing of services provided by the Jack and Jill foundation also avail of other specialist hospital and community health supports and disability services. The Health Service Executive is committed to working with the Jack and Jill Children's Foundation to ensure that all children with life limiting conditions receive services on an equitable basis and through a standardised approach to be progressed through the children's palliative care steering group. The national policy, Palliative Care for Children with Life-Limiting Conditions in Ireland, will ensure a national approach to the provision of services for children with life-limiting conditions. All services and service providers will be governed by this approach.

I personally do not regard it as appropriate that we have such wide discrepancies across the country in regard to the level of service that has been provided. It is important that home care packages, where appropriate, are made available in assisting the care of young people, such as the young person to whom the Senator refers, and not just confined to older people. I would

[Deputy Alan Shatter.]

like to invite the Senator to furnish to me copies of the November correspondence with the HSE to which she made reference. I assure her I will bring that correspondence directly to the attention of the Minister of State, with a view to seeing if there is any further assistance that can be provided by the HSE to this family and to ensuring that there is full recognition of the needs of the child concerned and the pressures under which the family operate.

I am acutely conscious that the Jack and Jill Children's Foundation is primarily concerned with children up to the age of four years, and that the foundation provides substantial additional care to children over that age, due to the current inadequacies of some of the services provided by the State. I have raised this issue on a number of occasions with the Minister for Health. He also has concerns about how we address these matters. I would be happy to hand over the correspondence mentioned by the Senator to the Minister of State.

**Senator Mary Ann O'Brien:** The Minister's final words gave me great comfort, because I feel that if I pass on the correspondence, we can go a little bit further.

The Brothers of Charity is a wonderful organisation and I thank it so much for being in touch but, unfortunately, these little children do not really do well in respite. They normally end up with terrible reflux chest infections and they end up with worse problems than they started with. It sounds great in theory.

Home care is quite simple, even though these children are extremely ill and even though they need to be tube fed. We at the Jack and Jill foundation have proven that it is a fairly simple equation. The foundation would be prepared to extend its care up to six or seven years, but we need that little bit of help with funding, because we believe we can do a good value for money job. I thank the Minister for listening to me and I really would appreciate if the Minister brought it further because this family are in great despair and it is a bad time of the year.

**Deputy Alan Shatter:** I am a great admirer of the work done by the Jack and Jill foundation. If the funding was available and I had the power in the morning, I would make it available to facilitate the service continuing up to the age of six and to relieve some of the financial pressures on the foundation. As the Senator knows, there are huge financial difficulties. There is a huge battle to meet the diversity of needs, pressures and obligations in the health service. There is a huge battle for the Minister for Health and the Minister of State, Deputy Lynch, to fund existing services, and instead of room for expansion on additional expenditure, we have to effect substantial additional expenditure reductions due to the appalling state of the national finances, with so much more spent by the State than it receives in income.

I am happy to follow up this case with the Minister of State. I do not want to make promises that cannot be kept. I draw the correspondence to her attention. I want to ensure anything that can be done will be done in so far as she has any possible room to intervene with the HSE or follow up matters.

I am very conscious there are often dangers and possible health risks in a young person such as the person described by the Senator moving out of the home environment. With all the pressures family members are under they are familiar with dealing with such a young person in the state of extreme difficulty described by the Senator. There is a huge advantage in a continuity of care from a third party who has been involved at nursing level with the young person for some time, as opposed to others who may not be as familiar with that person's condition being brought in where the more experienced person may be readily available and willing to continue, provided they could be appropriately funded.

The Seanad adjourned at 5.50 p.m. until 10.30 a.m. on Thursday, 15 December 2011.