

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 28 Meitheamh 2012.
Thursday, 28 June 2012.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Reflection and Prayer.

Business of Seanad

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

The need for the Minister for the Environment, Community and Local Government to outline when the long overdue Leader programme will be formally available to applicants in Gaeltacht areas and to outline the number and level of outstanding Leader payments to all groups who have been approved funding under Meitheal Forbartha na Gaeltacht Teo, MFG, when administering the scheme.

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

Go ndéanfaidh an tAire Oideachais agus Scileanna ráiteas maidir leis na hacmhainní teagaisc a bheidh ar fáil do Scoil Náisiúnta Inis Meáin, i gCuan na Gaillimhe don scoil bhliain seo chugainn 2012-13, an cinneadh atá glactha múinteoir a bhaint den scoil, an plé a rinneadh leis an scoil faoi seo agus an mbeidh sé sásta achomharc a ghlacadh ón scoil bunaithe ar na cúinsí eisceachtúla tíreolaíoch, sóisialta, oileánda agus teanga a bhaineann le hoideachas a chuir ar fáil ar an oileán sin.

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

The need for the Minister for Education and Skills to ensure that the building of the new Educate Together school in Carrigaline, County Cork, is commenced at the earliest possible date.

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

The need for the Minister for Finance to give an update on plans for a playground at Oldbridge House, County Meath.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Credit Guarantee Bill 2012 — Committee Stage, to be taken at the conclusion of the Order of Business and conclude not

[Senator Maurice Cummins.]

later than 2 p.m.; and No. 2, Gaeltacht Bill 2012 — Committee Stage, to be taken at 2 p.m. and adjourn at 4.30 p.m., if not previously concluded.

Senator Marc MacSharry: We will not oppose the Order of Business.

I ask the Leader to invite the Minister of State at the Department of Finance, Deputy Brian Hayes, to come to the House next week to outline the position in regard to the flooding in Cork, which is badly affected, and throughout the country, and ensure that funding under the minor works scheme is made available without delay to the areas in need. I commend the emergency services for their quick reaction throughout the night. As it appears the problems are set to continue, it is important that the Minister of State clarifies those issues.

I am concerned at the impact of the Ulster Bank crisis given that 60,000 people are facing into a second week without social welfare payments. Next week some 48,000 people will expect their children's allowance payments or child support payments. There is no certainty as to the end of the crisis. I ask the Leader to contact the Minister for Social and Family Affairs, Deputy Joan Burton, to impress on the bank the need to make alternative arrangements for people because it appears Ulster Bank does not know whether it is coming or going. The work was to be done by Monday morning, Wednesday, then the end of the week but, clearly, it will be the middle of next week before the problems are solved.

On another social welfare issue, I call for a debate on changes to the mortgage interest supplement, as it appears unemployed persons may have to wait up to 18 months before qualifying for State support. It is ridiculous in the extreme to expect people in distress to wait 18 months to qualify for payments they need to survive. As mentioned yesterday, this reminds me of the insolvency Bill which will be published tomorrow but will not be debated until October. While the bankers, bondholders and politicians are on holidays, those who cannot afford to go on holidays must wait until October while we assess the pros and cons of the legislation which is supposed to give some relief. According to reports, the banks will have a veto on all issues. I would prefer to see the people in command rather than the banks. Following on from yesterday, I appeal for a debate next week on the proposed insolvency legislation. It is simply unacceptable that we go on holidays without first considering the legislation to bring in the much-needed measures.

Senator Ivana Bacik: I know the Leader will address the issue of the insolvency Bill. I do not think there will be any difficulty about sitting longer to have that debate. I said previously that the Joint Committee on Justice, Defence and Equality report on the insolvency Bill, following two days of hearings, would be a useful topic for debate.

The Senator raised the issue of Ulster Bank. We are all concerned that the fiasco is dragging on and that the people are affected through not being able to receive payments. The Minister for Social Protection is seeking to have the issue addressed for social welfare recipients. I hope there will be a resolution before too long.

I welcome the announcement that a growth package has been agreed at EU level. We hope to see the details fleshed out in the next day or two on foot of the EU meeting in Brussels. It is hugely important that this be agreed in parallel with the stability treaty, which we have debated at length, and that a growth package be agreed to address the difficulties to ensure a return to economic recovery.

Yesterday I asked the Leader to arrange a debate with the Minister for Communications, Energy and Natural Resources on the remit of the Advertising Standards Authority for Ireland. I watched in dismay as it descended into a debate when a number of Senators expressed misapprehensions on the issue of abortion. In its research, the Crisis Pregnancy Agency has

clearly addressed the constant refrain that somehow the women who have had an abortion will suffer mentally as a result. Certainly that is not borne out by the Crisis Pregnancy Agency research nor is it borne out by international research. It is not appropriate to conduct an abortion debate on billboards. I did not suggest that anyone be censored. I simply requested a debate with the Minister in order to discuss the remit of the Advertising Standards Authority for Ireland with which any person who has an issue with any advertising on a billboard, commercial or non-commercial, may raise a complaint with the authority which can take action as it does on commercial advertising. The right of citizens to complain is important. The remit of the Advertising Standards Authority for Ireland is an important issue that should be addressed. I have raised it previously in the context of social media. As it does not come within the remit of the Advertising Standards Authority for Ireland, its remit should be extended. I ask the Leader to arrange that debate in early course.

I wish all those taking part in the Pride parade on Saturday well. Senator Katherine Zappone mentioned yesterday the Dublin LGBTQ Pride Parade which is taking place in Dublin city this weekend. It is a huge parade and a huge festival and carnival through the streets of Dublin. I look forward to taking part. All of us will enjoy the rainbow flags that are festooning the quays in honour of Pride.

Senator Deirdre Clune: I support the request that the Minister of State, Deputy Brian Hayes, be invited to come to the House to report on the flooding in Cork. It is appropriate to wait until next week when the reports from the city and county managers should be available. There is no point in demanding a debate at this stage. We should allow the emergency services to deal with the situation on the ground. My sympathy is with businesses people and home owners who are experiencing unprecedented difficulties, particularly in Douglas. I am concerned that a new culvert put in place in the past 12 months has failed and that the rainfall predictions have been exceeded. It would be appropriate for the Minister for the Environment, Community and Local Government to feed into the debate. Without going into the climate change debate, the levels of rainfall predicted have been exceeded in the past month in the Cork area. If we are to install expensive facilities to prevent flooding we must go back to the drawing board and revise much of the design.

Senator John Gilroy: I add my voice to the calls that all the resources of the State be made available to deal with the flooding, particularly in Cork. I listened to the Cork county manager on “Morning Ireland” this morning who attributed the flooding to 50 mm of rain falling in four or five hours, which is the equivalent of about two months’ rain and it overwhelmed the anti-flood measures put in place. I call on the Minister to consider making emergency funding available to businesses and home owners who have been unable to acquire insurance due to previous flooding. I ask him to support businesses who are already hard pressed in the economic climate and consider a rates holiday for those most badly affected by flooding.

Senator Paschal Mooney: I endorse all that has been said in respect of the flooding crisis affecting communities in various parts of the country. There is an extra dimension to this issue. Ms Evelyn Cusack from the Met service stated last night that June has been one of the wettest months on record. A real problem, which appears to have gone off the radar, arises in the Shannon basin around Athlone. Two weeks ago, farmers in that area expressed serious concern at the high water levels on the Shannon and called on the statutory agencies to ensure the levels would be reduced. One farmer said 50 acres of land was flooded which he was unable to access for silage purposes. That is a crisis for the families concerned. The problem is that there are three State agencies involved with the Shannon waterways — Waterways Ireland, the ESB and the Office of Public Works. I have a particular interest in the first lake of the Shannon,

[Senator Paschal Mooney.]

Lough Allen, which is just outside of Drumshambo and is used as a reservoir. When work on the Shannon scheme was undertaken in the late 1920s, sluice gates were erected that could be raised and lowered, thus controlling the level of the lake to take account of the needs further down the Shannon. This is causing a problem that needs to be addressed. In the context of the request by Senator MacSharry for the Minister of State, Deputy Brian Hayes, to come to the House, would the Cathaoirleach convey my concern about this problem to him so that he would be able to bring clarity to the role of the three agencies?

Senator Fidelma Healy Eames: I respectfully disagree with Senator Bacik that there is no evidence to support the contention that those who have had an abortion do not experience emotional and mental effects in the long term. Certainly abortion may appear like a solution in the short term. This depends on who one speaks to and the group that carried out the research. Not everyone holds the view that it has no effects.

Senator MacSharry and I have been looking for solutions for home owners for a number of years. I welcome the proposal for split mortgages, whereby couples, families and individuals will be re-examined to see what percentage of the mortgage they can afford to pay back and the part of the mortgage they cannot afford will be parked. The fact that interest will be applied to the portion of the mortgage that is parked is a source of controversy. However, I support that notion that simple interest of considerably less than 1% would be apportioned to the parked portion of the mortgage so it is considered a performing loan on the banks' books. Some people expected that no interest would be applied to the parked portion of the mortgage, but it must be less than 1% and charged at simple interest. This is a great solution for families who are worried about keeping their homes. It will bring dignity to such families. I ask the Leader to allow for a debate on this topic once the Bill is published tomorrow and certainly before the summer recess? This bill needs to be thrashed out so that people are clear about it.

Senator MacSharry also raised the question of the mortgage interest supplement. The Minister for Social Protection, Deputy Joan Burton, made clear during the debate on social welfare that after 12 months a family would qualify to apply for a mortgage interest supplement payment.

Senator David Cullinane: During the past number of days, two of the Leader's ministerial colleagues from the Fine Gael Party called for the Government to breach its commitments under the Croke Park agreement. The Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, called for the suspension of increments for those paid from the public purse. Ironically this is during the same week that the Government again breached its own salary caps for those employed at the highest level in the public service, in particular the salary of the newly-appointed chief executive of the VHI which is a State agency. On the one hand the Government is breaching the salary cap for high earners while at the same time calling for the increments of the low and middle-income earners in the public service to be scrapped. Those at the highest level in the civil and public service have a single pay point but it will take a new entrant at clerical officer level on a salary of €29,859, 17 years and 13 separate increments to get to a salary of €33,607. A Secretary General in a Department has a salary of €200,000 per annum. This is more kite flying by Fine Gael Ministers.

The Taoiseach has asked Ministers not to comment on the Croke Park agreement or the budget, but there is no doubt that they are flying kites. We had a debate in this House not so long ago on the Croke Park agreement but I think we must invite the Minister to return to allay the fears of low-income earners in the civil and public service about their levels of pay. When the Minister came to this House, he was very clear that by and large the Croke Park agreement was working but that a number of areas needed to be addressed. I do not think it

is correct to go after the lowest paid workers in the public service while breaching the salary limits and not doing anything about the very high levels of pay for senior members of staff in the public service.

Senator Denis Landy: I listened with interest to Senator Cullinane expressing his concern about over spending. On the occasion of the Queen's visit to Belfast yesterday, the performance of the deputy leader of Sinn Féin last night on "Tonight with Vincent Browne" was spell binding.

Some 14 months ago when the Queen visited the Republic of Ireland, I stood beside the Sinn Féin Mayor of Cashel, the late Councillor Michael Brown, the Lord have mercy on him, who asked me if he was doing the right thing by shaking the Queen's hand.

An Cathaoirleach: That is not relevant to the Order of Business. Has the Senator a question for the Leader?

Senator Denis Landy: He knew that I knew that Deputy Mary Lou McDonald had spent two hours telling him not to meet the Queen yet 14 months later she defends it on national television.

An Cathaoirleach: Has Senator Landy a question for the Leader?

Senator Denis Landy: It is nauseating. I have a question for the Leader. It is little wonder there were floods in Belfast last night, it was the tears of Republicans looking at their iconic hero shaking hands with the Queen.

An Cathaoirleach: Is the Senator looking for a debate on this issue?

Senator Denis Landy: If Sinn Féin wants to save money, there is only one last option, that is to sign the oath of allegiance——

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

Senator Denis Landy: ——and to drawn their money properly. My question is——

An Cathaoirleach: I call Senator Barrett.

Senator Denis Landy: I will not put the question.

An Cathaoirleach: Is it on a separate issue?

Senator Denis Landy: Yes.

An Cathaoirleach: A Senator can only speak on one issue in the House.

Senator Denis Landy: I have seen other Members speak on three or four issues.

Senator Sean D. Barrett: Yesterday, Enterprise Ireland issued its annual report. I am afraid that on page 7 it reported that expenditure of more than €110 million resulted in only six net jobs being created. It touched on issues we have discussed in the Chamber and the Leader has facilitated these discussions, such as that grants are not the solution to Ireland's employment problems. There is a range of issues involved such as energy policy, sheltered sector costs, competition policy in which we made efforts to encourage the Minister, Deputy Richard Bruton, to take a more radical approach than he was indicating, education reform and public sector reform and value for money. In five regions — Dublin, the mid-east region, which is

[Senator Sean D. Barrett.]

Kildare, Meath and Wicklow, the midlands, the south east and the north east — employment is declining in the companies that received the €110 million. I ask the Leader to arrange a debate on industrial policy in the widest context, given the high levels of unemployment we face which show that one cannot rely on giving grants to companies, because one ends up with a mere six additional jobs.

Senator Colm Burke: I join with my colleagues in expressing concern about last night's flooding, particularly in the Cork area. It is not so long ago since the western side of the city was badly affected, now Douglas, on the south side and Ballyvolane and Blackpool on the north side are seriously affected. It goes back to the issue of long-term planning and whether we are making adequate provision for such events. Let me give the House two simple examples. UCC built a brand new complex on the banks of the river. Within 12 months of opening it the basement level, where all the computer equipment was located, was flooded and some €25 million worth of goods were destroyed. Likewise, the Courts Service located its computer system in the basement of the courthouse in Cork which was destroyed when the building was flooded. I wonder about long-term planning. State organisations and local authorities need to be far more proactive in this regard.

At 3.30 a.m. today, Cork City Council implemented the emergency action plan. I congratulate the council and everyone involved for taking decisive action and dealing with the issue there and then. We should thank them for taking action so speedily, but the Minister of State needs to report to the House on the matter. Once a full report has been made, our planning needs to become more proactive and long term rather than reactive.

Senator Labhrás Ó Murchú: Perhaps it has already been mentioned, but will the Leader consider arranging a debate on Northern Ireland in the near future? Will he also request that the Taoiseach attend for the debate? Everything has been raised to a new level in recent years, which would be emphasised by the Taoiseach's presence. In normal circumstances, a handshake is a simple matter. Yesterday's handshake was special, and not just symbolically. It was evident that the generosity of spirit that accompanied the handshake would be important to the island's future and its international relationships. It could not have been easy for Martin McGuinness or the Queen, but they realised that it was what people wanted. There was a feeling abroad that a whole new vista was opening up for us.

Those of us who have been Senators for a long time will remember our debates on Northern Ireland in darker times when there was a terrible sense of futility and of being unable to move forward. We should salute everyone who has contributed to the peace process.

Leaving the past behind will take a generosity of spirit. Each time we raise an incident, we dilute the positives. The Seanad is the right place to try to encapsulate yesterday's spirit. Perhaps the Leader will consider arranging the debate in the near future.

Senator Susan O'Keeffe: Given Senator Ó Murchú's comments regarding the handshake and the relevant difficulties, I am looking forward to next Tuesday's address by Mr. Drew Nelson, the grand secretary of the Grand Orange Lodge of Ireland, in pursuit of the idea that we listen to and communicate with one another. It is a slow, gradual process and progress is clearly being made.

I add my voice to the calls for a debate on the personal insolvency Bill. If we need to sit for longer to ensure that the legislation can be passed before our recess, we will do everything in our power to do so, given the level of urgency.

Senator Michael Mullins: I join with my colleagues in extending our support and good wishes to the people of Cork, who are experiencing great difficulties this morning. I support the call for the Minister of State, Deputy Brian Hayes, to discuss with the House the flooding across the country, particularly in the Shannon catchment area and callows. He intends to discuss the matter with the Office of Public Works, Waterways Ireland and the ESB, given the serious disagreement between them and the IFA regarding the causes of some of the flooding in the Shannon callows.

I rise this morning to congratulate the Garda on the record seizure of a shipment of cocaine. Major crime bosses in this city are reputed to have lost €3 million each. Some “investors”, as they are called, from mainland Europe and the UK have taken a significant financial hit. It is difficult to quantify how many people will continue to live as a result of the Garda’s excellent work. We have a responsibility to ensure that the Garda is sufficiently resourced to tackle serious crime. I hope that the Criminal Assets Bureau, CAB, is continuing to take a close look at how the people in question are making their money and for what the proceeds of crime are being used.

We are conscious of the considerable damage being done to many lives, particularly young people. The drugs issue would make for a good discussion topic at a public consultation session in the Chamber. I would welcome an opportunity to hear from all of the people who are working with those whose lives have been damaged by drugs. It is incumbent on us to do something constructive to tackle the curse of drugs and to do something for those whose lives are being destroyed daily. Will the Leader consider arranging for a public consultation session on this issue at some point?

Senator Paul Coghlan: Senator MacSharry’s concern for distressed home owners is understandable and is shared by everyone on all sides of the House. I remind him that the Bill to be published tomorrow is a Dáil Bill. Although I appreciate his comments, he might need to discuss the timing of its passage with his party’s Whip in the Lower House. A number of its measures to assist people in distress are welcome. The banks share in the blame for all of the unsustainable loans they made available and without proper security. It is only right that they share in the solution. However, we must not forget the taxpayer’s vested interest in the matter. The taxpayer owns 99% of one of the two pillar banks and more than 15% of the second bank. As taxpayers, we have an interest in ensuring that these banks return to profitability, and the sooner the better. There must be a balance and I hope that it has been struck fairly. I believe it has, but we will know tomorrow. The timing will depend on the Senator’s people in the Lower House.

Senator Cáit Keane: Everyone is willing to stay for as long as possible to ensure that the personal insolvency Bill is passed. Both Houses have sat for longer this year and will return earlier than ever before. They will sit until nearly the end of July and return during the first week or so of September whereas the holidays used to be longer. This is welcome.

I welcome the new mortgage to rent scheme announced by the Minister of State, Deputy Jan O’Sullivan, yesterday. It will lift a weight from the shoulders of people who are at their wit’s end, in that they will now be able to stay in their houses and rent them back from housing associations. The banks have agreed to absorb the loss, that is, the difference between the mortgage amount and the sale price paid by the housing association. Renting a house when one used to own it is not ideal, but it is better than losing or being evicted from the house. Children can stay in the same school and people can remain in the same neighbourhood, all of which is welcome.

[Senator Cáit Keane.]

Last Thursday, the Minister for Justice and Equality published a report on cash for gold shops, one of the first issues I raised as a Senator. The report reads: “It is arguably inconsistent that there are specific rules and regulations that apply to pawnbrokers . . . and that similar appropriate and adapted rules and regulations do not apply to Cash for Gold outlets.” This is a legislative inconsistency and the House should debate the report. I thank the Minister for publishing it, given the great deal of work involved.

People are scared in their houses. The number of burglaries increased by 8% between 2010 and 2011. Old people are scared about any bit of jewellery that they might have in their houses. Will the Leader ask the Minister for Justice and Equality to come to the House to discuss the report with a view to addressing this issue? The cash for gold shops are mushrooming and there are now 124. I compliment the Garda which, according to the report, visited every one of them. However, it can only do so much under the legislation. May we debate this issue with a view to changing the legislation, if necessary?

Senator Paul Bradford: I wish to address two matters. Previously, there was a call for a debate on the situation in the Middle East which I ask the Leader to try to arrange as soon as possible. Two or three weeks ago there were claims about certain comments apparently made by the Israeli deputy ambassador which caused difficulty for some Members. There were disputes over whether they were accurate. However, there can be no dispute about the accuracy of comments made on Tuesday by the Iranian Vice President, Mr. Mohammad-Reza Rahimi. This gentleman, speaking on behalf of Iran, claims Jews are behind the global trade in illegal drugs, murder black babies and were responsible for the 1917 Bolshevik revolution in Russia. These inane, insane comments from a representative of the Iranian Government clearly show the politics of the Middle East are not as black and white as some of the proponents of the anti-Israeli brigade proclaim. We need a debate on this issue as soon as possible.

I was absent for the comments of Senator Ivana Bacik, but I very much support those of Senator Fidelma Healy Eames.

As we all know, there is an expert group meeting to consider the question of abortion. I have no difficulty whatsoever with expert groups. They bring their expertise to the table, but they may also bring their personal prejudices with them. The expert group will be presenting a report to the Oireachtas and the Government, which will then make decisions. It is the Oireachtas that will make decisions, not the expert group. It would be helpful to have a debate on the broad issue of abortion and the right to life, which subject is not only before the expert group but which also will be before the people in the very near future. A decision will be made thereon not by the expert group but by politicians and the people. Presumably, during the course the summer recess, the expert group will issue its report, but a message must be sent loudly and clearly that it is politicians and the Government who will make decisions and, if necessary, take decisions to the public for a recommendation. An expert group's advice is simply advice and does not have to be accepted or rejected. A calm, reflective debate in this House on the subject would be helpful and might even help the expert group in helping it to know what the representatives of the people believe.

Senator Diarmuid Wilson: It is welcome that Mr. Martin McGuinness shook the hand of Queen Elizabeth II yesterday. It is another step forward in the peace process.

It is also welcome that the Personal Insolvency Bill will be published by the Government tomorrow. I have the highest respect for the Government Whip in this House, Senator Paul Coghlan. He has stated it is a Dáil Bill, but he should note that a Bill does not belong to either House; as we all know, a Bill can be commenced in either House. My party will meet all next

week to facilitate consideration of the Bill and also the following week, the week thereafter and into August, if necessary. I make this commitment on behalf of the Fianna Fáil Party to ensure all Stages can be taken before the summer recess.

Senator Martin Conway: I, too, would like to be associated with the positive comments made about the famous handshake yesterday. I hope the country is moving further into a new era of understanding, proper relationships, respect and courtesy that will benefit us internationally as we try to rebuild the country and encourage people throughout the world to holiday in Ireland, both North and South.

There has been much talk in recent days about the upcoming Personal Insolvency Bill. I very much look forward to its publication because it will certainly create a road map for people to work their way out of their very difficult circumstances with the assistance of the Government. I hope sincerely that the legislation will deal with the arrogance of the banks. A very interesting meeting is taking place in Ballsbridge today, namely, the annual general meeting of the bank we own, Allied Irish Banks. I am certainly interested in hearing the account it is going to give to taxpayers who have a shareholding in the order of 95% of 96% of the way in which it has been treating mortgage holders and small businesses. Banks do not seem to be able to get anything right because there are still appalling circumstances in Ulster Bank. The computer difficulties in the bank have not been resolved to date and this will be the case for the next few days. The problem in the banking system in Ireland involves much more than computers, but this is a classic and clear example of absolute incompetence. I wish the Government well in putting the finishing touches to the Personal Insolvency Bill. It will be watershed legislation, whereby the people will grasp the problem by the scruff of the neck and deal with it. We have been waiting for the banks to address it for too long.

Senator Jim Walsh: The Opposition spokesman on finance in the Dáil extrapolated very important information from the remarks of the Minister for Jobs, Enterprise and Innovation. It covered the IDA-sponsored visits to all counties and regions. It clearly underpins and illustrates the criticism made in this House with regard to the neglect of the south-east region by IDA Ireland. The figures are of major concern, not only in my county, Wexford, where there was but one visit in the past three years. A number of the industries established in Wexford in the past decade came not just because of encouragement by IDA Ireland but also because of connections that senior people in the industries concerned had with the county. The family of Mr. Donald Keough, a former CEO of Coca Cola, came from Wexford and he had a big influence on the decision to locate in the county. There are other companies located there for the same reason. What is occurring is not good enough. Even Waterford, the gateway to the region, enjoys fewer than half of the visits enjoyed by all other regional centres. This is totally unacceptable. I ask the Leader to invite the Minister to the House to debate this issue. I hope he will agree with me that when the rationalisation or restructuring of IDA Ireland took place, the movement of the office from Waterford to Cork was a retrograde step for the south-east region. That is what has led to what is happening now. At the time of relocation many of us forecast this outcome. My county has traditionally been at the top of the unemployment league. Therefore, I find what is occurring totally unacceptable. I appeal to my colleagues in the Oireachtas from the south-east region to combine on an all-party basis to fight for the region. It is our obligation to do so in response to the trust citizens of the area have placed in us as their public representatives.

Senator David Norris: I was a little delayed in attending the House this morning because I was attending the launch of a very important conference in Dublin Castle, the conference of the European Gay Police Association. The Garda Commissioner, Mr. Martin Callinan, spoke

[Senator David Norris.]

very effectively, while the Minister for Justice and Equality, Deputy Alan Shatter, spoke extremely well. I compliment the extraordinarily courageous gardaí who have arranged the conference. It is only the sixth such conference. It was given a great welcome and superbly organised. There is a very large number of delegations from countries across Europe, one of which includes superintendent Herman Renes. It is worth putting on the record that Sergeant Paul Franey did this country proud. One reason I mention the conference is it is an historic event. Another is to ask the Leader to keep an eye out for the reforming legislation to which the Minister for Justice and Equality, Deputy Shatter, used this important conference to give a public commitment as a matter of urgency. This is the matter that troubled many Members, including myself and Senator Bacik, the leader of the Labour Party in the House, namely, the question of children being excluded from the considerations of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, about which the Minister, Deputy Shatter, spoke. It is extremely heartening that he stated this was being brought to the Government as a matter of urgency. This was stated in front of representatives of the police forces of Europe and it is important that Members maintain discreet pressure to ensure that this happens. One point by which I was a little taken aback was that in the list of human rights areas to be protected, sexual orientation came last. I understand one of the first was the Traveller community. As the person who introduced those measures and fought first of all against the former Minister for Justice, Gerard Collins, who refused to accept them and then, curiously, Ray Burke, who did accept them, I note they work together. Statistically, the number of gay people both in the Garda and in the general community is higher than in any of the other groups, perhaps with some exceptions. However, it certainly comprises a large group and should be moved up to be perceived as a priority.

Finally, I listened with amusement to the political programme, “The Late Debate”, on RTE radio last night, because the level of narcissism between politicians, the media and the broadcasters reached such a level that it actually blew the fuse on my transistor radio. Consequently, I was spared from listening to the end of the programme. However, I refer to the degree of self-congratulation and the completely nonsensical and unsustainable idea that the media consistently deal with issues, rather than stories and personalities. I am sorry my radio broke down because I would have liked a further laugh at the end of the day. It always is good to go to sleep on a laugh and the contributors certainly provided that. However, it was a laugh at the narcissism and lack of reality of those who pose as commentators.

Senator Maurice Cummins: The acting leader of the Opposition, Senator MacSharry, and many other Members raised the question of the flooding in Cork and other areas. I will endeavour to have the Minister of State, Deputy Brian Hayes, come into the House. As has been mentioned, especially by the Senators from Cork, namely, Senators Clune, Gilroy and Burke, a report has been sought by the Minister of State from the Office of Public Works and the various agencies. I am sure that when these reports are available, the Minister of State will be willing to come in and discuss this serious matter. It is a serious issue both for Cork and, as Senator Mooney noted, in many other areas nationwide in which farmers were unable to access their lands and similar incidents. It is an important matter and I will endeavour to have the Minister of State, Deputy Brian Hayes, come into the House at the earliest possible opportunity to discuss it.

Quite a number of Members mentioned the personal insolvency Bill and I understand the Department of Justice and Equality is in the process of arranging a briefing for the spokespersons from all parts of the Houses in the coming week. As the Bill is being published as a Dáil Bill, its passage will commence in the Lower House. Perhaps Members can have an opportunity to examine it before it is introduced to the other House. As I stated, if it is necessary to

meet for longer times in this House to deal with this Bill, I certainly will provide the time. However, I reiterate it will come into the other House first as it is being published as a Dáil Bill.

Senator MacSharry also raised the issue of mortgage interest supplement and the Government certainly is fully aware of the difficulties faced by many households in meeting their mortgage repayments. The purpose of the mortgage interest supplement is to provide short-term income supplement and support to eligible people who are unable to meet their mortgage interest repayments in respect of a house that is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only and at present, 18,000 people are in receipt of mortgage interest supplements. The Government has provided almost €51 million for mortgage interest supplement in 2012. In line with the Cooney and Keane reports, budget 2012 provided for the curtailment of the mortgage interest supplement scheme for the first 12 months, while the person concerned is involved in the mortgage arrears resolution process. Mortgage interest supplement will not be payable until such time as the applicants have complied with the alternative payment arrangement agreed with their lender for a cumulative period of not less than 12 months prior to the application. I believe the important point is this measure will not affect existing recipients of mortgage interest supplement but will apply to all new applications received on or after the commencement date of 18 June.

Senator Bacik raised the question of the European Union summit and I believe all Members will wish the Taoiseach well in his endeavours to negotiate, on behalf of the country, both a growth package and some alleviation of our bank debt, which is of paramount importance. The Senator also raised a question which she had raised yesterday in respect of advertising standards. Senators Healy Eames and Bradford raised the question of abortion and as I believe I addressed both of those issues yesterday, I do not wish to refer to them again today. As I mentioned, Senators Mooney, Clune and Gilroy raised the flooding situation, with which I have dealt. Senator Healy Eames raised the insolvency Bill and I reiterate briefings will be arranged for the spokespersons on that from the Department of Justice and Equality. The Senator also welcomed the solutions for homeowners, as I believe will all Members.

Senator Cullinane made reference to matters relating to the Croke Park agreement. On the Order of Business on Tuesday, I outlined the Government position on that matter, which still stands today. Senator Barrett raised the Enterprise Ireland report and seeks a debate on industrial policy. This also was requested by Senator Walsh in respect of the IDA. It would be good to have an overall debate in respect of the policies of Enterprise Ireland and the IDA. I certainly will ask the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, to come into the House to deal with those matters.

Senator Ó Murchú sought a debate on Northern Ireland and I certainly will arrange such a debate. However, I note there was criticism from the Senator's side of the House to the effect the Taoiseach might be coming in to the House merely to discuss Northern Ireland. Nevertheless, I assure the Senator that I will arrange a debate on the subject. Peace, reconciliation and understanding of other people's views is very important and those matters can be discussed in the context of that debate. Moreover, as Senator O'Keeffe mentioned, the Orange Order will be here next week and that is all part of the process.

Senator Jim Walsh: I hope it will be asked about sectarianism within the organisation.

Senator Maurice Cummins: Senator Mullins congratulated the Garda and the Customs and Excise on the seizure of a large haul of cocaine. Members' gratitude is due to the Garda for this act. He also called on the Seanad Public Consultation Committee to consider the question of drugs. While requests have been made for a number of items to be discussed by the aforementioned committee, I certainly will take on board the Senator's views on that matter.

[Senator Maurice Cummins.]

Senator Paul Coghlan also spoke on the insolvency Bill and stated that the taxpayers' interest also must be considered. Senator Keane raised the issue of cash-for-gold shops and the potential necessity to change legislation. As the Senator noted, the Minister for Justice and Equality produced a report on this subject last week and I will endeavour to have the Minister come into the House to explain and discuss that report. Senator Bradford called for a debate on the Middle East and I have asked the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, to come into the House to hold such a debate. The Senator also mentioned a matter raised by Senator Norris, which I have also referred to the Tánaiste, concerning the deputy ambassador of Israel.

Senator Bradford also referred to outrageous comments by a representative of the Iranian Government. We can discuss that matter when we have a debate on the Middle East. The Senator said, rightly, that the Oireachtas will decide on any legislation, and not any expert group.

Senator Jim Walsh: That group has been corrupted.

Senator Maurice Cummins: Senator Wilson referred to the insolvency Bill, but I do not think there will be a need to sit all of next week on it. It has been published as a Dáil Bill.

Senator Diarmuid Wilson: It can be published as a Seanad one. There is nothing to stop us.

Senator Maurice Cummins: We can certainly debate it if Members so wish. Senator Conway mentioned the insolvency Bill and the Ulster Bank's problems, which I addressed earlier in the week on the Order of Business.

Senator Walsh raised IDA policy with specific reference to the south east. I agree with him that the number of visits to the south east, which is the biggest unemployment blackspot in the country, has been paltry. I also agree that the reduction of IDA offices from eight to four, as proposed in 1996, has had a detrimental effect on the south east, including Waterford. Senator Mooney raised the issue of IDA visits yesterday. In 1996, as mayor of Waterford, I led a delegation from the city to try to prevent this restructuring but, unfortunately, it fell on deaf ears. We have suffered the consequences as a result. None the less we will invite the Minister to the House to have a debate as soon as possible on policy concerning the IDA and Enterprise Ireland.

I note Senator Norris's comments on the Civil Partnership Bill and the commitment given by the Minister for Justice and Equality, Deputy Shatter, at today's conference.

An Cathaoirleach: Is the Order of Business agreed to?

Senator David Norris: No. The Leader referred to the question of the communiqué, which has now been confirmed from Mrs. Nurit Tinari-Modai.

An Cathaoirleach: Senator Norris, you have already spoken on the Order of Business.

Senator David Norris: I raised this issue a week or two ago. Last week, the Leader told me he would have an answer for the House.

An Cathaoirleach: Senator Norris, you should resume your seat.

Senator David Norris: He has simply referred it to the Tánaiste, which is not an answer. I need an answer. This is a most damaging and significant development.

An Cathaoirleach: Is the Order of Business agreed to?

Senator David Norris: I am not agreeing to the Order of Business.

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

The Seanad divided: Tá, 26; Níl, 11.

Tá

Bacik, Ivana.
Bradford, Paul.
Burke, Colm.
Clune, Deirdre.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Michael.
Gilroy, John.
Hayden, Aileen.
Healy Eames, Fidelma.
Heffernan, James.

Higgins, Lorraine.
Keane, Cáit.
Landy, Denis.
Moloney, Marie.
Moran, Mary.
Mulcahy, Tony.
Mullen, Rónán.
Mullins, Michael.
O'Brien, Mary Ann.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
van Turnhout, Jillian.

Níl

Barrett, Sean D.
Cullinane, David.
MacSharry, Marc.
Mooney, Paschal.
Norris, David.
O'Donovan, Denis.

Ó Domhnaill, Brian.
Power, Averil.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators David Cullinane and David Norris.

Question declared carried.

Sitting suspended at 11.55 a.m. and resumed at 12.15 p.m.

Credit Guarantee Bill 2012: Committee Stage

Acting Chairman (Senator Paschal Mooney): I welcome the Minister of State, Deputy John Perry.

Sections 1 to 7, inclusive, agreed to.

SECTION 8

Acting Chairman (Senator Paschal Mooney): Amendments Nos. 1 and 2 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator David Cullinane: I move amendment No. 1:

In page 8, subsection (1), lines 33 and 34, to delete all words from and including "2 per cent" in line 33 down to and including "agreement." in line 34 and substitute the following:

"the administration costs of the loan to which the agreement relates and not less than 0.8 per cent of the principal of the loan."

[Senator David Cullinane.]

I welcome the Minister of State. On Second Stage my party gave the Bill a cautious welcome, as we must do whatever we can to help struggling small to medium-sized enterprises, SMEs, and support entrepreneurs and those with job creation ideas. Six businesses close everyday, which is far more than the number which open. Any help that can be given to new and existing enterprises to create jobs and support local economies will receive our backing.

This debate is occurring in the context of there being 440,000 people out of work. Not only will the Bill benefit businesses, it will also help those who will be employed on the back of this initiative. In our view, it does not go far enough. Sinn Féin would like a great deal more to be done in this area. A number of Senators, including the Leader, referred on the Order of Business this morning to the fact that the south east has been disproportionately hit in terms of job losses and a lack of supports for SMEs and business generally from enterprise agencies, including visits by them to the region, all of which have resulted in an almost 20% level of unemployment in the area. I am sure the Minister of State would agree that level of unemployment in any region is bad for its local economy.

I welcome that access to funds will be limited to small businesses which employ fewer than 250 employees. This makes perfect sense. I read the transcript of the Committee Stage debate on the Bill. While I am not a member of that committee, I know from reading the transcript that some sensible arguments were put forward on Committee Stage, including that bigger enterprises would, if included, soak up much of the money. That this measure is targeted at SMEs is in Sinn Féin's view a positive.

Sinn Féin also stated on Second Stage that the 2% charge on the borrower, as provided for in section 8, has the potential to undermine many of the other positive aspects of the Bill. We are seeking to have that charge removed but only in the context of what is possible. The Minister for Jobs, Enterprise and Innovation, Deputy Bruton, said on Committee Stage that a charge of 0.8% was necessary to ensure that it was within the bounds of State funding. We accept that. If that is the minimum percentage that needs to be set, we have no difficulty with it. Sinn Féin's amendment is in keeping with the Minister's statement on Committee Stage. We want to keep the charge on small businesses to the bare minimum. Any charge that would be seen as disproportionate or making it difficult for business to access the credit would not achieve what we are hoping the fund will achieve.

There is no legal imperative on the Government to impose a 2% charge. From where did that figure come and what criteria was used to determine it? If 0.8% is the minimum, why was it not set at that amount? Is 2% just an arbitrary figure? Perhaps the Minister of State will explain from where the 2% figure came. This percentage was chosen by the Government and it needs to spell out the reason for it. Sinn Féin believes that percentage is over and above necessary administration costs. We accept that there are administrative costs associated with the overall running of this fund. However, we believe this matter can be properly dealt with in the context of the 0.8% charge which we are proposing.

In essence, Sinn Féin believes that the 2% is too high. Unless the Minister can provide evidence to the contrary, we do not see any logic in setting it at that level. As I stated earlier, it is an arbitrary figure, one that will be a cost on small businesses, many of which are finding it difficult to survive. I accept what the Minister said on Second and Committee Stages, namely, that we need to ensure that this fund is targeted at viable businesses. That is crucially important. Perhaps it is one of the reasons the Minister is offering up the 2% charge. However, even viable businesses starting out need support. We must do all we can to keep costs down to a minimum. A Member from the Government side of this House called yesterday for a more flexible approach to local authority rates for businesses. It is important a single rate is not set

for businesses, with no wriggle room for local authorities to show flexibility, in particular for those businesses that are suffering. Members of the Minister of State's party have previously been vocal on the need for a more flexible position in regard to rates. I ask that the Minister follow the logic of that in respect of this Bill and the amendment which are proposing to it which seeks a reduction of the charge from 2% to 0.8%.

I await the Minister of State's response. However, if he is not minded to accept the amendments, Sinn Féin will be forced to push them to a vote.

Senator Mary M. White: I support what Senator Cullinane had to say. Yesterday, I attended the AGM of Lir Chocolates in Navan which employs 200 people at which I was told by my colleagues that there is a serious cash flow crisis in the business system. While previously suppliers allowed 60 days in respect of payment, they are now seeking payment within 30 days. As such, there is no cash movement within the system.

The €150 million being provided under this legislation is a small amount in terms of the economic and jobs crisis in this country. The two pillar banks were supposed to lend €3 billion in 2011 and €3.5 billion this year but this has not happened. We own 99% of one of those banks and more than 16% in the other. Where is that money? Is it being loaned to businesses? This is a serious issue. While we are protected in this House from what is happening, the reality on the ground is that there is a crisis in terms of a lack of credit to allow people to continue in business.

Senator Cullinane referred earlier to a company which employs 200 people as a small business. A company which employs 200 people is a substantial business. I would consider a small business to be one which employs up to ten people. Small companies are critical to our economy. A company which employs 200 people in any community is a large business in the scheme of things. This additional 2% charge on business is another prohibition on people. The requirement to pay this 2% annually in advance on the outstanding balance of the loan will pose more cash flow problems for small businesses and should be reviewed. The Small Firms Association has stated that it believes this should be paid in instalments at the same time loan repayments are being made.

The Minister of State, Deputy Perry, is a businessman and he knows as well as I do that the situation is worsening. Something needs to be done to address unemployment levels. There is also a crisis in terms of the number of people not willing to take up employment. It has been suggested that a cap should be placed on the amount payable to people who are long-term unemployed. Business people are totally frustrated by the non-productive sector in this country which is stifling the economy. One half of the working population is killing themselves working 24-7 while the other half is not producing. I do not have to state precisely who these people are. Everyone here knows who they are. If they do not, they should not be here.

Fianna Fáil will be supporting Sinn Féin if it calls a vote on these amendments. I know that the Minister of State understands, perhaps more than do 90% of people in this building, the strains on businesses in the community.

Senator Marie Moloney: I welcome the Minister of State to the House. Like other speakers, I know we are very much aware of the small and medium enterprise issue. When we had the debate in the Seanad on job creation, everybody spoke about the flow of credit to small and medium enterprises. The days of the big multinational companies coming to this country are gone, unfortunately, at least for the time being. We may not see them return for a while. If we can protect the businesses with one, two or three jobs, it would be great. I know the Minister, Deputy Bruton, wrote to us and thanked us for our contributions in the Seanad that day, and he indicated he would take up many of the suggestions.

[Senator Marie Moloney.]

I said on the day that the rates are crippling small and medium employers. For example, one of the oldest furniture shops in the Killarney has, unfortunately, closed after many years. It is sad to see a family business like it go. Those types of shops need large units and are rated on them, despite the fact that their turnover may be quite small. We must consider such matters. The Minister of State has put much work into this issue and has spent time going around the country meeting people. Is the 2% rate cast in stone or is there any leeway with the issue?

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):

I attended the launch yesterday of the Enterprise Ireland report and it is encouraging to see that indigenous Irish exports are up to €18 billion. I strongly recommend a debate on the report, which is an outstanding document. I was very encouraged at the level of the high potential start-up companies, the extraordinary opportunities that exist and the exploitation of €1 billion of new markets in Asia. Enterprise Ireland will energise 1,800 new companies and get them exporting. We must be positive in this respect, and the issue is very much about confidence and credit.

There are challenges in business and the availability of credit in business is paramount but we must also consider management skills and the mentoring of a company. I have no doubt that Senators White, Cullinane and Moloney know that due diligence in respect of a company, including profitability, make it viable. It is not just about getting a loan.

Senator Mary M. White: Those businesses would not survive if they were not profitable.

Deputy John Perry: Survival may be the new success. People may be preoccupied with this issue. It is far more difficult to get money from banks in recessionary times and there is more risk in our current recession. We must be clear about that.

I recommend that Senators go through the Enterprise Ireland annual report, which is an extraordinary document. I compliment that body on the document, detailing high potential start-up companies and the plan of services that will be initiated shortly. There will be local enterprise offices in every county, centralisation of business supports and collaboration of services. That will be a significant facility. The Minister, Deputy Bruton, has initiated a loan guarantee scheme, which is a major initiative.

Senator White mentioned companies employing up to 250 people, which would be the upper end of the scale. I do not see such firms going into this borrowing sphere, which is aimed at companies employing fewer people. There is a facility within Enterprise Ireland that includes experts working on behalf of companies that can work with banks. Since being appointed I have toured the country and although I have seen challenges and job losses, there are also extraordinary success stories involving companies endeavouring to survive. Those companies may be making an application through Enterprise Ireland and proceeding through due diligence, exploring viability of loans and return on investment.

The pillar banks have informed the Minister for Finance, Deputy Noonan, that the lending targets for 2011 have been met. This year the lending target is €7 billion. I have said time and again that people are not going through the proper process. If a business is refused a loan facility in a bank, it has 15 days to make an appeal, and that process should be taken up. There is an obligation within the banking code of conduct for a reply to be given within 15 days. If that option is exhausted, there can be an appeal to Mr. Trethowan's Credit Review Office for a simple fee, and every second application decision has been overturned in that process.

I have heard people complaining about banks when they have not even made an application. There is a simplified application procedure involving Bank of Ireland, Ulster Bank and Allied

Irish Banks. It is a simple form and people can now apply to all these institutions to see whether they can avail of facilities, even outside the loan guarantee scheme. People say if there is no problem, there is no business, and there will always be problems in business. Even in the good times it was difficult to avail of money.

I thank the Senator for raising the points in amendments Nos. 1 and 2. Section 8 provides that the borrower shall pay to the Minister an amount equal to 2% of the principal of the loan to which the agreement relates. The Senators would prefer a provision allowing the Minister to vary the rate of the levy depending on the administration costs relating to the loan application. Such a provision would allow the bank to decide what each borrower would pay.

It must be emphasised that the 2% premium is not a charge from the bank for administration costs but rather a payment to the Minister in exchange for receiving a guarantee from the State. The premium receipts will be treated as income to the State and will offset against the cost of settling guarantee claims, which are inevitable. There is a big difference between requiring borrowers to pay a level equal to 2% of the outstanding principal and allowing banks to decide what the levy should be in respect of different applications. The proposal is too vague and would confer far too much discretion on the Minister — which is important — as well as the banks. It could also present constitutional problems under Article 15.2.1° of the Constitution as being an excessive delegation of legislative power to the Minister.

The lower the premium, the greater the proportion of the cost of claims that would be borne by the State. For example, if the 2% were reduced to 1%, the cost to the State would increase by approximately €5.5 million per €100 million of lending. Senator White mentioned that this €150 million is just the start. The *de minimis* state aid regulations provide two alternative approaches to premium pricing in respect of loan guarantees, with guarantees allowed to be priced individually or on a scheme-wide basis. For simplicity, the latter was recommended and chosen.

The minimum premium levels related to the credit quality of the borrower proposed in the state aid regulations are as follows. The option of adequate payment capacity is 0.8% and the option of payment capacity likely to be vulnerable to adverse conditions is between 2% and 3.8%. The option of payment capacity likely to be impaired by adverse conditions is in the range of 3.8% to 6.3%. In consideration of these categories and recognising the current state of the small and medium enterprise lending market in Ireland, it is difficult to justify making the case for a premium rate any lower than 2%, and the Minister has therefore decided to apply that rate. In light of those reasons, I cannot accept the amendments.

Senator David Cullinane: I have a number of points in response to the clarifications. I agree with Senator White's comment that the €150 million figure is too small. We would all like the pot to be bigger, although we recognise that we are in straitened economic circumstances. I spoke earlier of the problems we have in the south east, with almost 20% unemployment and many businesses closing. Many businesses are closing and there is clear evidence of it in any village, town or city in the south east. I contend that the €150 million could be easily absorbed by the south east alone.

Senator Deirdre Clune: Hear, hear.

Senator David Cullinane: One could make the same argument for the north west or north east of the country.

Senator Deirdre Clune: Well said.

Senator David Cullinane: That may be part of the problem. We cannot allow the fund to be a sticking plaster solution for the even larger problem of the banks not lending to businesses, especially to viable ones. The legislation is seen as a reasonable attempt by the Government to deal with the problem. We, as taxpayers, own some of the banks and we must ensure that the banks are doing what is in the best interest of the country. At the moment that interest is best served by lending to the economy and lending to businesses and individuals that need the money.

We will support whatever initiatives are put forward, including this initiative. Steps need to be taken to provide aid and support to SMEs and we would support such a move. I agree with the Minister of State, and my party has consistently said it, that SMEs must be the bedrock of our economy, especially local economies. As Senator Moloney has said, the days of large numbers of multinationals coming here are passed. Perhaps they are still coming but not in the numbers that they did.

I would welcome a debate on the Enterprise Ireland report that the Minister of State mentioned earlier. He gave the figures for the rise in exports. There is also a clear view that many SMEs, especially small ones, struggle when it comes to accessing markets and exporting. Larger companies can employ people to help them to work on a system. Enterprise Ireland needs to focus on the area. Perhaps it could help in a reorientation of policy and focus on the area. It is important that we help as many SMEs as possible to access markets. There is massive unemployment in the south east and it is difficult for us to see so many SMEs struggling. The south-east region is simply not performing and many people living locally and in the region are asking why. We have access to markets. We have two ports, one in Wexford and one in Waterford, yet the region is still not performing. I hope that a wider discussion on the issue will take place and that my questions will be answered then.

I welcome the Minister of State's clarification of the 2% figure. He said that section 8 provides that "the borrower shall pay to the Minister" the loan at a rate of 2%. It is a loan guarantee that the State gave to these companies for when they experience difficulties. I cannot remember the exact figure that he stated earlier when he talked about the cost to the State if the figure was 1%.

Deputy John Perry: It was just 1% and it would cost the State €5.5 million per €100 million.

Senator David Cullinane: There must be an element of risk taken by the State to ensure that companies in need of support receive it. I know that we must cover costs. I also know that there are administration costs and that the State bears a cost by giving the guarantee and we genuinely accept that. All Senators must also ensure that we protect the State from any liability. Given what the scheme is obliged to do and the logic behind it is to assist companies that need support, and in some cases they will be able to expand and employ people, then every available support should be given.

I welcome the clarifications given by the Minister of State but I do not see that they would prevent us from accepting the amendment. It is in the nature of businesses to take risks and he knows that because he was a businessman. There are a number of business people in the House. Entrepreneurs and business people take risks and sometimes the State must take a risk with them. If it did it would enable more viable and sustainable companies to be created and more jobs would be sustained. While I accept his clarifications I still do not see them as justification for not accepting the amendments and I outlined my reasons. It is for that reason, and I will not comment again on the amendment, that I will press the amendments.

Senator Mary M. White: The Minister of State has been here on a number of occasions and he has always pointed out and emphasised the contribution made by small businesses. We

know, and he has said it on numerous occasions, that 200,000 small businesses involve over 655,000 people and a significant proportion of the firms employ fewer than ten people. He also said that credit was available and he was circumspect when he said that it was not quite true that people could not access credit. For the first time Mr. John Trethowan, in his seventh quarterly report, was realistic about the availability of credit. He criticised the banks for their lack of, as Senator Cullinane has said, an entrepreneurial spirit and said that they only lend to safe and existing companies.

I agree with the Minister of State that the €150 million should be geared towards smaller companies but it is just not happening. It is the first time that Mr. Trethowan has agreed with all of the business people who said that credit is not flowing freely. At long last he has made that admission. On 1 March Professor Patrick Honohan, the Governor of the Central Bank, said, "Ireland is the most difficult country in the eurozone for small business to access credit." He continued, "Credit conditions for SMEs were tougher in Ireland than anywhere else in the euro area both in terms of cost and availability." The amendment tabled by Senator Cullinane refers to costs. If the Government took 0.8% then it would be superior to the 2% proposal.

I agree with the Minister of State's suggestion that we seek a discussion on Enterprise Ireland next week. He also mentioned Mr. Frank Ryan whom I know for almost 40 years. He is a missionary and unselfishly works for his organisation and country. He does not work for his own aggrandisement. He is an exemplary public servant and the State is lucky to have him. We will arrange that debate shortly.

I agree with the analysis of what is happening in the south east and it has been happening for a long time. It is appalling that the last Government did not support the Waterford Glass company. As far as I can remember, the firm needed €3.5 million to keep it going but the then Government did not support it. I was also amazed that the Waterford Institute of Technology was not converted into a sophisticated technological university either. I criticise the previous Government for that too. The problems in the south-east region must be addressed and the Government must play its role. We failed to convert the Waterford Institute of Technology into a serious technological centre. Dr. Ed Walsh founded the University of Limerick which allowed the south-west region to come alive and become dynamic. The problems in the south east must be addressed.

Senator Deirdre Clune: I thank the Minister of State for clarifying his approach to the amendment. I have listened to some of the comments made and I agree that the Bill shows that the State is taking a risk with taxpayers' money. We would all love to see more money made available to businesses. People can demonstrate that their businesses are viable but they do not meet the lending criteria of the banks. John Trethowan's report deals with a different type of business that has an historical relationship with a bank and can secure a loan. The legislation deals with new businesses and provides a sum of €150 million.

Senator Mary M. White: It was John Trethowan that criticised the Government for not helping new businesses.

Senator Deirdre Clune: The scheme will be reviewed. It is taxpayers' money. Inevitably, some businesses will not succeed. That is the nature of business — one must take a risk. However, we are dealing with money that has been paid by taxpayers, and the Minister of State has explained how this is to be funded. The 2% is important to fund the scheme. It is an important first step. We are dealing with businesses that do not have collateral for banks and do not meet the banks' lending criteria, so the State is stepping in and taking a big risk. That is important and I sincerely welcome it.

[Senator Deirdre Clune.]

On the Enterprise Ireland issue, I note Senator Cullinane's comments. The new local enterprise offices, LEOs, that will be in place in local authorities are geared towards the smaller types of business the Senator was referring to and under the new arrangement they will have the expertise and support of Enterprise Ireland that previously was not available to them. They will also have the benefit of the corporate knowledge of the county enterprise boards within the local authority structure. The issue of commercial rates will feed into that as well. It is a very important step for the small businesses mentioned by the Senator.

I welcome the Minister of State's clarification of the thinking behind this proposal in the Bill.

Senator Colm Burke: I welcome the Minister of State. It is very important that this support mechanism is put in place. I have been involved in the private sector for more than 30 years and one of my concerns about the banking industry is the lack of insight it has into providing funding. The best example I can give relates to leasing companies. The banks are giving money to these companies across the board, even in the agricultural sector, but they are not doing any analysis of what local competition is already in place. One finds them giving money to competitors who are living less than a mile from each other and who are competing for a limited amount of business.

Another example is in the retail sector. I understand Ireland now has enough shopping space for a population of 13 million. We are now getting a very distorted view of the way the economy has gone downhill. We created such a huge amount of shopping space over recent years that there are idle units throughout the country. When finance houses and banks are giving out money, they should examine the requirements in the local area. That is one issue.

The other issue is that we have had a tendency in this country to loan money where there is a property asset. We never look at the real asset, which is the job creation, as that helps the local economy. One of the things about this Bill is that it gives that security, not only to the banks who are giving out the money but also to the people who are providing and creating the jobs. They are taking the risk. They might not have the asset or property to give as security to the financial institution, but they are creating something positive for the country in terms of creating jobs. There is a need for a complete change of focus by the financial institutions in how they assess applications. First, there is a need to assess competition in the local area and whether there is a need for the service of the company being set up or the expansion of its services. Second is the issue of the potential for creating downstream jobs by giving money to a company starting up. We are not giving that enough attention. The financial institutions must take an overall look at how they are giving out finance.

I welcome this Bill. It is extremely helpful and it will make a very good contribution to supporting the Government's policy on the creation of jobs.

Deputy John Perry: On Senator Burke's last point, we have 13,000 sq. ft. of retail space per head of population compared to 1,000 sq. ft. per head of population in the UK. That certainly shows the scale of retail over-capacity in the State.

With regard to Senator Cullinane's point about the south east, I have visited the area on several occasions. I met the new Enterprise Ireland official there and I visited the Waterford college as well. There is a major plan of action by the Government, and the Senators and Deputies in the region will be conscious of the focus of Enterprise Ireland and the IDA on getting investment there.

This fund is not to substitute bank lending. The State has recapitalised the banks and they have €7 billion available for viable companies, although there is also the issue of the definition of "viable". I have toured the country with John Moran, Secretary General of the Department

of Finance, and we met many representative bodies and business people and heard about the difficulties. We had an *in camera* meeting about the pressure on people when accessing money from the banks. Clearly, it is about having a business plan, sitting down with the bank personnel and simplifying the process. Many people ring up looking for money but do not make the application. There is a new simplified application. I am not saying the banks are dishing money out but it is about engaging with them with the application and going through it in detail. There is a simplified application in all three banks. All have the same application.

The county enterprise boards are very effective but, as Senator Clune pointed out, there is a new configuration of services through the local enterprise offices, along with mentoring and supports. It has been very effective in other jurisdictions. There is a determination to work with the lender. It should be remembered that the banks are domestic banks and they are there to make money. They need SMEs and the SMEs need a bank. The banks need business people to make money to ensure their long-term viability.

Senator Mary M. White: They blew it.

Deputy John Perry: They are now back in domestic banking and all have been substantially recapitalised by the State. The Minister for Finance, Deputy Noonan, is watching this very closely.

The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, is dealing with the micro-finance fund in the Dáil, which will be a unique opportunity for companies. It will be rolled out by the local enterprise offices. It has been a difficulty in the past that somebody with a brilliant idea has not been able to get funding of up to €25,000. I was at a launch with the Minister, Deputy Bruton, last week where somebody started an enterprise with a small amount of money and they now have ten staff. The first step was through the very effective Norma Smurfit Foundation which provides first step funding. That can be replicated throughout the country. The backbone of this economy is the 200,000 companies employing 700,000 people and the State has a huge understanding of and concern and respect for that. We very much welcome foreign direct investment, which is at a fantastic level. Exports from Ireland are at an unprecedented level and indigenous Irish companies are doing very well. The real challenge is the domestic economy.

With regard to the 2% charge, Senator Cullinane must realise that this does not cover all of the costs. That is an important point. There is a net cost to the State of approximately €6.34 million, even with the 2% charge. The take-up of the scheme will be closely monitored and if the demand is higher than the €150 million, we will have no difficulty with that. If this fund is creating jobs, the Government will consider increasing the amount to meet the demand. The large oak grows from the small acorn. This is about starting the scheme and about talking to business people. It is not the case that it will dish out money. The biggest mistake in some cases can be when people get money. It is not always the touchline of success in a business. What is important is the management capabilities, the product range, knowing the marketplace and opening a business that will be viable. People might be in enough trouble and being refused money might be the best decision ever. It is not just a case of giving money as a panacea, as if it is a button to be pushed that will make the business successful. It is one part of dealing with a problem. The initiative by the Government on the partial loan is not the big solution, it is just part of the solution. The micro-finance fund, which is being discussed in the Dáil at present, will also help.

I rest my case.

Question put: "That the words proposed to be deleted stand."

The Seanad divided: Tá, 26; Níl, 12.

Tá

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

Heffernan, James.
Higgins, Lorraine.
Keane, Cáit.
Moloney, Marie.
Moran, Mary.
Mulcahy, Tony.
Mullen, Rónán.
Mullins, Michael.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
van Turnhout, Jillian.
Whelan, John.

Níl

Cullinane, David.
MacSharry, Marc.
Mooney, Paschal.
Norris, David.
Ó Clochartaigh, Trevor.
Ó Domhnaill, Brian.

O'Brien, Darragh.
O'Sullivan, Ned.
Power, Averil.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators David Cullinane and Trevor Ó Clochartaigh.

Question declared carried.

Amendment declared lost.

An Cathaoirleach: Amendment No. 2 has already been discussed with amendment No. 1.

Senator David Cullinane: I move amendment No. 2:

In page 8, subsection (2), line 39, to delete “2 per cent of the principal of the money” and substitute the following:

“the administration costs of the loan to which the agreement relates and not less than 0.8 per cent of the principal of the loan”.

Question put: “That the words proposed to be deleted stand.”

The Seanad divided: Tá, 27; Níl, 12.

Tá

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Jim.

D'Arcy, Michael.
Gilroy, John.
Healy Eames, Fidelma.
Heffernan, James.
Higgins, Lorraine.
Keane, Cáit.
Moloney, Marie.
Moran, Mary.
Mulcahy, Tony.
Mullen, Rónán.

Tá—*continued*

Mullins, Michael.
O'Brien, Mary Ann.
O'Keeffe, Susan.
O'Neill, Pat.

Sheahan, Tom.
van Turnhout, Jillian.
Whelan, John.

Níl

Cullinane, David.
MacSharry, Marc.
Mooney, Paschal.
Norris, David.
Ó Clochartaigh, Trevor.
Ó Domhnaill, Brian.

O'Brien, Darragh.
O'Sullivan, Ned.
Power, Averil.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators David Cullinane and Trevor Ó Clochartaigh.

Question declared carried.

Amendment declared lost.

Section 8 agreed to.

Sections 9 and 10 agreed to.

NEW SECTION

Senator David Cullinane: I move amendment No. 3:

In page 9, before section 11, to insert the following new section:

“11.—The Minister shall within 12 months and every 12 months thereafter, from the passing of this Act prepare and lay before Dáil Éireann a report detailing the impact of all measures contained in this Act on the availability of credit to SMEs, rates of bank lending to SMEs, levels of lending under the scheme and relevant default.”.

I welcome the announcement by the Minister during previous debates in both Houses that he intended to review the legislation after one year. The amendment would give expression to this commitment by including a provision requiring that an annual review of the scheme be carried out. This would be a positive measure in terms of the accountability of the scheme which has the potential to create a large liability on public funds. For this reason, the scheme needs to be closely monitored.

We must also ensure the legislation is effective and fit for purpose and will do what it says on the tin. In that context, it is important that legislators impose conditionality when passing legislation establishing schemes that will cost money. In this case, we should impose conditionality on businesses which will benefit from the loan guarantee. The stated purpose of the Bill is to sustain jobs and businesses. In such circumstances, we must ensure the Government carries out reviews which analyse whether the outworkings of legislation correspond to its objectives. The Minister of State should not have a difficulty accepting the amendment.

The explanatory memorandum states the Minister shall have the power to review and revoke the scheme and assign a contract or oversee its operation. In that context, it would be useful to receive a report from the Minister setting out the success or otherwise of the scheme to be established once the Bill has been enacted. On that basis, this is a straightforward amendment,

[Senator David Cullinane.]

on which I do not propose to delay the House any longer. Its purpose is purely to ensure sufficient accountability in the operation of the scheme. I hope the Minister of State will accept it in the spirit in which it is proposed. It would give Members an opportunity to require the Minister to produce an annual report evaluating the effectiveness and operation of the scheme which enjoys the support of all Senators.

Deputy John Perry: The Minister gave a strong commitment in the Dáil to review the scheme after one year of operation. It is not envisaged that sufficient data, patterns or trends will emerge before a period of 12 months to conduct a worthwhile review. The review will be broad, comprehensive and not be restrictive as per the proposed amendment. The policy commitment is to conduct a review and lay it before both Houses. This is adequately addressed in section 10. For this reason, I cannot accept the amendment.

While due diligence on the proposed scheme is important and the Government is determined to ensure all schemes it establishes to support job creation and retention will be activated in every sense, it should be noted that the scheme will come within the scope of the auditing activity of the Comptroller of Auditor General. I am confident the commitment given by the Minister will be sufficient. As he noted, it will not be possible to identify trends in the scheme within the first 12 months of its operation.

The success of the scheme will be determined by the participation of agencies such as IDA Ireland, Enterprise Ireland and the reconfigured enterprises offices in every county working alongside business people. The best adjudication of any scheme is how it interacts with business people. Oireachtas Members will discuss with business people how they are embarking on a loan application. In my 14 months in this job it has been a revelation to discover the number of opportunities available and wealth of creativity. It is clear from my visits to businesses that many of them are experiencing challenging times.

The Government is determined to make a success of the scheme. The initial allocation of €150 million will be increased subject to the success of and demand for the scheme. Previous Administrations were noted for the number of reports they published. The Government is focused on straight talking, action and results. While we accept the need for reviews, we do not want glossy reports. The action we want is to have businesses avail of the scheme to create jobs.

Senator David Cullinane: We do not seek reports for their own sake. As I noted previously, while we would prefer the scheme to be bigger and bolder, it is nonetheless significant. It is interesting to note the Minister of State's comment that the trends or data required to compile a report of any value may not be available after 12 months.

Deputy John Perry: Before a period of 12 months is what I said.

Senator David Cullinane: That is somewhat at odds with the Minister's statement that the legislation would be reviewed after one year. On what basis will it be reviewed after one year, if not on trends and data that become available? Why can a report not be published? Reports will only be as significant as the information available and I accept the first report may not be as significant as subsequent reports. The amendment would require that we do not walk away once we pass this legislation. We must not wait for the Minister to decide at some point in the future to publish a report. We do not know whether he will publish a report or what will be the nature of any review carried out, nor do we know the timescales involved. We seek only the publication of an annual report on the effectiveness of the scheme or otherwise. If it is successful and the costs incurred by the State are minimised, it may be possible to expand it.

As I noted, the explanatory memorandum states the Minister will have the power to review and revoke the scheme. We all hope it will not be necessary to revoke it. Information is important if the Minister is to determine whether the scheme should be built on. For Senators to decide whether they should support a ministerial decision to revoke or amend the scheme, they will need evidence, information and reports on its operation. It is useful and a move we have to make in the State. We appear to fear accountability and publishing reports. It is a case of when a Minister is ready, he or she will come back and report to us. There should be a standard practice for reports. For a scheme of this scale which has cost the State money, there should be an annual report indicating its effectiveness. On that basis, I will press the amendment.

Senator Mary M. White: When the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, was in opposition, he was always keen that the performance of schemes would be measured to ensure their effectiveness. It appears, however, that any review is undertaken entirely at the discretion of a Minister. In these days of Government reform, in the interests of accountability, there should be a mandatory review. Section 10 provides that the Minister may conduct a review of a credit guarantee scheme and make a report on his or her findings and conclusions resulting from the review. It would be useful if we could see how the Bill was working in general as this could help to inform any subsequent debate on whether changes to it were necessary. A year is a long time to wait if there is a crisis, as I have said many times. Every time I speak I say there is a crisis.

The managing director of Allied Irish Banks attended a private meeting here last week. He means business in sorting out Allied Irish Banks. What is needed is a person who means business to drive this scheme. Money is filtering down and it would be appropriate to have a review within one year.

I refer to the 2% error rate. The Department of Finance officials do not have a notion of what it is like to operate in the business world. It is easy for them to say what they have said, as they are not trying to survive in it. Why should the 2% error rate not be reviewed? If the error was made in a private company, the position would be reviewed on a monthly basis. The Minister said companies were efficient. They would not be in business if they were not.

Senator Marie Moloney: What the amendment and the Minister are proposing is the same, except that the amendment includes a timescale. The scheme is new and will take time to get off the ground. Twelve months is relatively short time when looking for trends. The Minister has promised to undertake a review and I hope that as a result of it he will invest more money in the scheme.

Senator Mary M. White: It will be at his discretion.

Senator Marie Moloney: He has committed to undertaking a review and in 12 months he will be back here roaring and screaming if the report is not ready.

Senator Mary M. White: It is provided for in the Bill.

Senator Marie Moloney: Except that he has not provided for a timescale. We can hold him to account in the matter; that is our job.

Senator David Cullinane: If it is not provided for in the Bill, we cannot hold him to account.

Senator Mary M. White: It will be at his discretion.

Senator Marie Moloney: As an honourable man, I am sure he will come back and let us know the outcome of the review, as promised.

Deputy John Perry: We are giving a commitment that a review will take place after one year of operation. Capita Asset Services has been appointed to run the scheme. There will be accountability in government for the operation of the scheme during that period. The Taoiseach is determined and has said clearly that by 2016 Ireland will be one of the best economies in which to establish, grow and develop a business. A report will be laid before the House after 12 months. That is the commitment that has been given. After that date, following a process of due diligence, Members of both Houses can determine what is required, whether the fund should be increased and how successful it has been. Capita Asset Services, a fantastic company, will operate the scheme and will work with business people. It will be easy for the Department to embark on a review because we will know if the scheme has been successful from the reports of the appointed provider. This is a Government which works closely with all agencies to ensure we are delivering.

I said yesterday that Enterprise Ireland had launched a very detailed document. I suggest that document be debated here and Members will see that there is positivity in the economy, not pessimism, about which we hear constantly. There are some great companies. If we are to raise confidence levels, we should speak with confidence where there are challenges and difficulties. We are anxious to deal with the issue of the credit deficit in the economy and doing everything possible in this regard. The banks have been recapitalised. The Taoiseach and the Minister for Finance, Deputy Michael Noonan, are meeting the banks and have given a commitment to deliver for viable companies. Let nobody assume that banks will give money to a company which will not pay it back. That will not happen. They will give it only to companies which are viable. Certain segments of the economy, in the light of the changes in business in the past ten years, have changed fundamentally. Companies will have to reconfigure or enter a new line of business. There are some extraordinary companies with great potential. Unfortunately, this not reported in the national media or the local press. Small enterprises are the backbone of the economy and the Government is determined to provide them with the service and respect they deserve. The scheme is a start. In 12 months we will have a review and there will be interim reports during the year. Given the flexibility provided for in the Bill, the Minister may review the scheme at any time.

Senator Mary M. White: That is not good enough; it is not businesslike.

An Cathaoirleach: The Minister of State to continue, without interruption.

Deputy John Perry: It is important that the Minister has given a clear commitment that the Department will review the scheme. It will be reviewed after 12 months. Members will be able to use several mechanisms to ask for reports and updates.

Senator Mary M. White: The Taoiseach has never come to the House.

Deputy John Perry: I have no difficulty with the scheme because it is a good news story. I look forward to returning to the House in 12 months to say it has been an outstanding success and that we want to increase the capital investment. I ask that the scheme be given an opportunity to commence, Members not to be pessimistic before it commences and let us see how it operates. I am confident it will be successful and provide a new suite of services which the previous Administration promised for many years but did not deliver. It talked about the partial loan guarantee scheme and microfinance, but it did nothing. At least, we have them on the drawing board. I thank the officials behind the scenes for producing the legislative format.

The sooner the scheme is included in the Statute Book the sooner business people will be able to avail of it. There is a sense of urgency to make the Bill available.

Senator David Cullinane: There is no pessimism. If anything, we want the Bill to be more ambitious and I have no doubt the scheme will be a success. I have made the point several times that we want to build on it. However, we also want the State to deal with the even bigger problem that the banks, for whatever reason, are not lending to businesses to the extent that they should. I remind the Minister of State that this is what the amendment calls for. There is no mistrust of the company which will oversee the scheme. All we are seeking is a detailed report indicating the effectiveness of the scheme.

Deputy John Perry: That has been provided for.

Senator David Cullinane: The amendment reads:

The Minister shall . . . lay before Dáil Éireann a report detailing the impact of all measures contained in this Act on the availability of credit to SMEs, rates of bank lending to SMEs, levels of lending under the scheme and relevant default.

If we had that information, it would be of value in dealing with the broader point of the difficulties experienced by SMEs in gaining access to credit.

Deputy John Perry: The Minister has said clearly that a report will be presented every year. If the Senator wants to provide for an interim review during the year, he can table a motion to that effect.

Senator David Cullinane: With respect, what we are calling for is an annual report. Unfortunately, what the Bill provides for is the production of a report at the Minister's discretion.

Deputy John Perry: After one year of operation.

Senator David Cullinane: A few minutes ago the Minister of State was saying one year was not long enough because data and trends would not be available. He cannot have it every way. The reality is that we want an annual report. I fail to see why people read something into an amendment which is simply not there. There is no pessimism behind the amendment and no trap has been set for the Government. It simply asks that when we set up a fund such as this, especially when it is managed by a private company, a report be made available. I have no doubt that if Fine Gael and Labour Party Members were in opposition, they would call for a similar report to be made available because this is about spending and accounting for taxpayers' money. More importantly, we need reports that give us an opportunity to determine whether a scheme is working.

The Minister of State is right to say there will be continuous assessment of the scheme by the Department and the Minister. However, we want a report at the end of each year to allow us to be part of the process also. Oireachtas Members are elected in order that they can receive reports, not just on this issue. No more than Fine Gael and the Labour Party demanded when in opposition, all we want is greater accountability and transparency. We are not casting aspersions that there will be a lack of transparency or that there will be no accountability; we are just looking for greater levels of accountability. That is all the amendment seeks to do. I do not believe the Minister of State is reading too much into it, but I hope others do not. It is a very simple amendment that calls for annual reports on the scheme that we believe would help all of us. It would not set any trap but support us in order that we could evaluate the scheme properly.

Senator Mary M. White: The Minister of State spoke about confidence and said there were many super companies. I completely agree with him, but the Government is not helping to give confidence to the people who are afraid to spend whatever money they have because they have no confidence. There are many leaks from the Government. Among the Government parties there are PR events taking place, to which there is no substance. This and the previous Government have leaked stories about what cuts might be made in the budget. If people are frightened that there are going to be such serious cuts in the budget, they will continue not to spend. Members of the Government should discipline themselves about how they do this.

An Cathaoirleach: The Senator is moving away from the amendment.

Senator Mary M. White: The Minister of State spoke about confidence and I agree with him, but the Government is frightening the people about what cuts are to be made. That is completely wrong. I know the Minister of State's heart is in the right place, but this is the Government's responsibility.

Senator Colm Burke: One of the things the Government is doing is achieving efficiencies in the public sector, which is long overdue. We have been spending money where we have not been achieving value for money, but the Government is seeking to change this and will continue to do so.

The amendment would require the Minister to produce a report every 12 months, but it would not give him the flexibility he requires. If a report is produced and the Minister becomes concerned about something six months later, it appears the amendment would not give him the flexibility he would need to deal with the matter.

Senator David Cullinane: It would not prevent him from acting.

An Cathaoirleach: Senator Colm Burke to continue, without interruption.

Senator David Cullinane: At a minimum, we would have an annual report.

Senator Colm Burke: The amendment reads "every 12 months". The provision included in the Bill is adequate. It gives an undertaking, whereby the Minister will produce a report. There are also procedures in this House and the Dáil, whereby Members can request information from the Minister if they are not satisfied with a report. The Bill deals with this issue adequately. There is a need for flexibility for the Minister and that is what he has provided for in drafting the Bill, which is the way it should be left.

Senator Deirdre Clune: The Minister and the Minister of State both recognise that it is important to report on the operation of the scheme, but it is also important to have flexibility in the way it operates. The Minister may want to look at it on a more regular basis. Twelve months is a short time; it is a new scheme. The Bill provides for the Minister to prepare a report and lay it before both Houses of the Oireachtas, but Senator David Cullinane's amendment refers to laying a report before the Dáil only. Will the Senator clarify that aspect? A report should be laid before both Houses.

Deputy John Perry: Senator Colm Burke's point is very relevant. He has said a report can be published at any time. The Minister and the Department will be watching the scheme closely. It is important that there be accountability and that a report laid before the Houses. Senator David Cullinane is entitled to seek reports on a quarterly basis from the Department. As Senator Colm Burke said, the Bill provides for flexibility by allowing the Minister to check on the scheme and engage in a process of due diligence at any time.

The point about confidence is very important. The business people I meet are confident about the opportunities available in indigenous companies, even though there are many challenges to be faced. When it comes to responsibility, it is about getting a business going, getting people to buy Irish, spend locally and so on. Whether it be a social enterprise or economic regeneration, we all have a role to play in lifting the cloud of community participation. The Government has been very positive since it took office in raising the confidence of the people. There are 1.8 million people working and 100,000 more will be working by 2016. There are great opportunities for SMEs. In the past 14 months I have travelled to smaller towns and villages to meet company representatives. They are not——

Senator Mary M. White: Why then is there a 14.5% unemployment rate?

An Cathaoirleach: The Minister of State to continue, without interruption.

Deputy John Perry: The job of the Government is to get 100,000 more people working. This is an initiative that will help us to achieve that objective and reducing the regulatory burden. The legacy of the last Administration was that the cost of doing business was prohibitively high.

Senator Mary M. White: Fine Gael did not any objections. They went along with it.

An Cathaoirleach: We are straying from the amendment.

Deputy John Perry: The consumer has not been seen. We inherited the legacy of the last Administration. Miracles take a little longer, which is why we are working on this issue in the best way possible.

Senator David Cullinane: There is not a huge difference between what the Minister of State has said and what we are seeking. When reports are published, a commitment should be given that we can discuss them in the Dáil and this House.

Amendment put and declared lost.

Sections 11 and 12 agreed to.

Title agreed to.

Bill reported without amendment.

An Cathaoirleach: When is it proposed to take Report Stage?

Senator Deirdre Clune: Next Tuesday.

Report Stage ordered for Tuesday, 4 July 2012.

Sitting suspended at 1.50 p.m. and resumed at 2 p.m.

Business of Seanad

An Leas-Chathaoirleach: I welcome the Minister of State back to the House. Before we start the Bill, I welcome to the Public Gallery Councillor Gerry Murray from County Mayo.

Gaeilacht Bill 2012: Committee Stage

Senator Trevor Ó Clochartaigh: I move amendment No. 1:

In page 6, subsection (2), lines 16 to 20, to delete all words from and including “Act,” in line 16 down to and including “provisions” in line 20 and substitute the following:

[Senator Trevor Ó Clochartaigh.]

“Act comes into operation six months following the day the Act is passed”.

Gabhaim buíochas leis an Aire Stáit agus leis an Roinn mar gheall gur cuireadh siar Céim an Choiste den Bhille toisc go raibh go leor leasuithe le cur. Mar is léir ón liosta leasuithe, bhí cuid mhaith rudaí le plé againn maidir leis an mBille seo. Bhí sé tábhachtach go dtabharfar am faoi leith do Chéim an Choiste. Tuigim go raibh fuinneamh ar leith ann in óráid an Aire Stáit ar an Dara Céim den Bhille agus molaim sin ach tá riar maith bunfhadhbanna leis an Bhille agus sin atáimid ag iarraidh a phlé ar an Chéim seo go háirithe. Rachaimid tríothu de réir a chéile.

Molaim an chéad leasú seo in alt 1(2), na focail go léir ó “seo,” síos go dtí “éagsúla.”, agus na focail sin san áireamh, a scriosadh agus “seo i ngníomh sé

mhí tar éis an lae a rithfear an tAcht.” a chur ina n-ionad. Tá sé tábhachtach go gcuirfear teorainn ama leis an gcuid seo den Bhille. Cuid den inní atá orainn ná cé chomh scaoilte agus atá an Bille seo agus an méid cumhachta atá sé ag fágáil i lámha an Aire. Ní aon locht pearsanta é sin ar an bhfear atá sa chathaoir i láthair na huaire, ba chuma cé a bheas ann mar Aire, nó ba chuma cén páirtí as a dtiocfadh sé, an iomarca cumhachta a fhágáil i lámha Aire ar bith. Seo ceann de na rudaí anseo chomh maith céanna, go bhfuilimid den tuairim go bhfuil sé tábhachtach go gcuirfear teorainn ama, go háirithe i gcomhthéacs an staidéir chuimsithigh teangeolaíochta atá déanta maidir le húsáid na Gaeilge sa Ghaeltacht.

Senator Sean D. Barrett: Níl an translation ag obair.

Senator Cáit Keane: Tá sé ag obair ar an taobh seo.

Senator Sean D. Barrett: It is operating as a broadcast rather than a translation.

Acting Chairman (Senator Terry Brennan): We will suspend for five minutes.

Sitting suspended at 2.10 p.m. and resumed at 2.15 p.m.

Senator Trevor Ó Clochartaigh: Ní dhéanfaidh mé athrá ar an méid a dúirt mé. Fáiltím roimh an tacaíocht theicniúil ansin. Gan dabht tá sé fiorthábhachtach go mbeadh an córas aistriúcháin sa Teach ag feidhmiú agus molaim na Seanadóirí a bhíonn ag úsáid an chórais sin agus molaim na haistritheoirí agus lucht teicniúla a chuireann ar fáil é.

Bhí mé ag moladh go gcuirfear teorainn ama leis an am a gcuirfear an tAcht i bhfeidhm ann mar tá inní orm go bhfágтар an iomarca cumhachta i lámha an Aire. Níl an tAire féin go pearsanta i gceist agam, déarfainn an rud céanna dá mbeadh Aire de chuid Sinn Féin ann. Is féidir an tAcht seo a chur i gcrích de réir mar a fheileann an tAire ag aon am is maith leis. Táimid ag moladh go gcuirfear seo i ngníomh sé mhí tar éis an lae a rithfear an tAcht.

Senator Cáit Keane: Tá ceist amháin agam: an bhfuil teorainn ama ar intinn ag an Aire féin? Níos lú nó níos mó na sé mhí?

Deputy Dinny McGinley: Tá job mór á dheanamh againn anseo. Beidh 19 ceantair phleanála Gaeltachta againn ar fud na tíre, gan trácht ar na líonraí taobh amuigh den Ghaeltacht. Táimid ag fanacht leis an Bhille seo le fada agus ag ullmhú don Bhille le blianta. Bhí brú mór ag teacht orainn ó na meáin agus ó Teachtaí agus Seanadóirí faoi chén uair a bheadh an Bille ag dul tríd an Teach. Tá áthas orm go bfuair na Seanadóirí deis cúpla lá a fháil chun a gcuid moltaí agus leasuithe a chur isteach. Cuirim fáilte roimh sin. Cuirim fáilte freisin roimh an suim atá léirithe

ag an Teach seo sa Bhille, go bhfuil breis agus 100 leasú istigh. Tabharfaidh sin deis dúinn é seo a phlé go maith agus go mion.

Maidir liomsa, níl aon fhonn orm mar Aire Stáit aon mhoill ró-mhór a chur ar seo. Dúradh sa straitéis agus sa tsuirbhé teangeolaíochta go bhfuil géarghá leis an mBille a thabhairt isteach. Ach mar sin féin, aithním go bhfuil obair mhór ann. Ba mhaith liom go rachadh sé tríd an Teach an-luath, ach níl mé ag iarraidh mé féin nó an Roinn a cheangailt síos. Nuair a bheidh an Bille tríd an Teach, beidh rialacháin á thabhairt isteach. Tá sin luaite i dtús an Bhille. Beidh mé ag tabhairt isteach na rialacháin cuí chun na rudaí seo a chur i bhfeidhm agus glacfaidh sé sin tamall. Níl aon mhoilleadóireacht i gceist agam. B'fhéidir go mbeidh sé déanta taobh istigh de dhá bhliain nó taobh istigh de bhliain. Níl mé ábalta sin a insint do na Seanadóirí ag an am seo, ach is féidir liom m'fhocal a thabhairt nach gcuirfidh muid aon mhoill air. Níl mé ag iarraidh mé féin ná an Roinn a cheangailt taobh istigh de teorann ama, ach nílím ag úsáid sin mar bhealach éalaithe chun fáil amach ó teorann ama. Caithfidh a bheith praiticiúil agus réadúil. Déanfaidh muid é chomh luath agus is féidir. Mar sin, ní féidir liom glacadh le teorann ama de chineál ar bith, ach déarfadh mé arís nach bhfuil aon mhoilleadóireacht i gceist.

Senator Trevor Ó Clochartaigh: Gabhaim buíochas leis an Aire Stáit as an soiléiriú sin. Ach an oiread leis an Aire Stáit, sílim go raibh sé tábhachtach gur cuireadh an am breise ar fáil le haghaidh Céim an Choiste. Seo an Bille is tábhachtaí do mhuintir na Gaeltachta a bhí ann le 56 bliain agus sin an fáth go bhfuil an oiread sin leasuithe istigh. Glacaim leis an méid atá ráite ag an Aire Stáit. Tuigim go bhfuil géarghá go mbrúifidh an rud seo ar aghaidh. Glacfaidh mé le focal an Aire Stáit agus táim sásta go leor lena fhreagra. Is féidir linn bogadh ar aghaidh mar sin agus ní bhrúifidh muid an leasú áirithe seo.

Amendment, by leave, withdrawn.

Section 1 agreed to.

SECTION 2

Acting Chairman (Senator Terry Brennan): Amendments Nos. 2, 3 and 110 are related and will be discussed together.

Senator Trevor Ó Clochartaigh: Ar phointe oird, ní bhfuair mise liosta de na groupings ar chor ar bith, cé gur sheiceáil mé mo ríomhphoist.

Acting Chairman (Senator Terry Brennan): Tá siad ar fáil anois agus tá súil agam go bhfuil an Seanadóir sásta iad a thógáil le chéile.

Senator Trevor Ó Clochartaigh: I move amendment No. 2:

In page 6, line 22, after “Gaeltacht” to insert “in this State”.

Ceist í seo a théann go dtí croí an scéil ó thaobh na ceiste náisiúnta de. Táimid ag iarraidh go dtabharfaí aitheantas go bhfuil an dá dlínse i gceist agus go bhfuil Aire Cultúir, Ealaíon agus Fóillíochta ó Thuaidh agus go bhfuil Aire anseo chomh maith. Táimid ag iarraidh go mbeidh an Bille soiléir nuair a luaitear an tAire atá i gceist. Tá sé i gceist againn, i líne 22 “in this State” a chur isteach i ndiaidh “Gaeltacht”. Tá an tír seo fós roinnte. Tá muidne i Sinn Féin ag iarraidh go mbeadh Poblacht 32 contae againn, ach, faraoir, níl sin againn. Nílím sásta leis an dul chun cinn atá á dhéanamh ag an Rialtas maidir leis na cruinnithe parlaiminteacha leis an Bhreatain Mhór le go mbrúifí an cheist i dtaobh aontú na tíre chun cinn. Chuir an ráiteas a rinneadh aréir sa Teach seo agus sna meáin ag Cathaoirleach Pháirtí an Lucht Oibre, maidir

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leis an seasamh agus an gceist faoin 32 contae agus Poblacht uile-Éireann a bheith againn, an-díomá orm.

Mar sin, táimid ag iarraidh a shoiléiriú go gciallaíonn “an tAire” sa gcás seo, an tAire Ealaíon, Oidhreacht agus Gaeltachta sa Stát seo, sna 26 contae, mar tá Aire Cultúir, Ealaíon agus Fóillíochta againn ó Thuaidh. Mar a tharlaíonn sé, is Aire de chuid Shinn Féin atá sa gcathaoir sin i láthair na huaire. Tá seo tábhachtach sa gcomhthéacs go gcaithfimid a bheith soiléir cén Aire atá i gceist againn ins an Acht, mar go bhfuil foras teanga i bhfeidhm agus go mbíonn dhá Aire i gceist sa gcás sin agus mar go bhfuil an rialú agus an stiúradh atá á thabhairt do Fhoras na Gaeilge agus don Fhoras Teanga idir dhá Aire, an tAire Cultúir, Ealaíon agus Fóillíochta, Caral Ní Chuilín agus an tAire Ealaíon, Oidhreacht agus Gaeltachta sa taobh seo. Sin an fáth go bhfuil muid ag iarraidh go ndéanfar an leasú beag seo. Molaimid don Aire é a ghlacadh le haghaidh soiléireacht a thabhairt. De bharr go bhfuil caint níos deireanaí sa Bhille ar an Aire Ní Chuilín, ba chóir go dtógfaí sin san áireamh.

Deputy Dinny McGinley: Sílim go bhfuil dhá rud i gceist anseo agus is é an chéad ceann ná An Straitéis 20 Bliain don Ghaeilge. Baineann an straitéis leis an Stát seo ina bhfuil muid inár gcónaí, cé má thugann duine an Phoblacht uirthi nó ainm eile. Ní théann an straitéis isteach i ndlínse eile — sin Tuaisceart na hÉireann. Mar sin, chomh fada agus a bhaineann sé leis an bhforas, is é an dualgas a bheidh air ná an straitéis 20 bliain a threorú sna ceantair taobh amuigh de na ceantair Gaeltachta sa Stát seo. Maidir le Tuaisceart Éireann — tá aithne phearsanta agam ar an Aire Ní Chuilín agus bíonn cruinnithe againn go rialta ar bhonn oifigiúil — tuigeann an tAire ansin céard atá á dhéanamh againn agus go mbaineann sé seo leis an dlínse ó Dheas. Maidir leis an Tuaisceart, tá a bpolasaithe féin acu. Tá Foras na Gaeilge ansiúd sa Tuaisceart ag tabhairt tacaíochta don pholasáí atá acu. Bhí mé i mBéal Feirste roinnt mhí ó shin nuair a d’fhógair an tAire scéim úr, scéim a chuaigh i bhfeidhm orm féin, Líofo. An cuspóir atá leis an scéim sin ná 1,000 duine a fháil i dTuaisceart Éireann a mbeidh sásta an Ghaeilge a fhoghlaim agus a labhairt. Bhí mé ag caint leis an Aire coicís ó shin agus chuir mé ceist uirthi cé mar atá an scéim Líofo ag dul ar aghaidh agus dúirt sí liom go bhfuil breis agus 2,000 duine tar éis síneadh, cuid acu fiú sna póilíní sa Tuaisceart. Tuigeann muid cad atá ag dul ar aghaidh thuas ansin agus tuigeann an tAire agus an Foras caidé atá le déanamh anseo. Mar sin, chomh fada agus a bhaineann sé leis an straitéis 20 bliain, is orainn atá an fhreagracht. Sin an fáth nach féidir liom glacadh leis an moladh seo.

Dála an scéil, maidir lena ndúirt an Seanadóir maidir le aontú na tíre, ní shílím go bhfuil mórán daoine anseo nach n-aontódh leis. Bh’fhéidir nach ndéarfadh muid gur Poblachtánaigh muid, ach ní hionann sin agus a rá nach n-aontaíonn muid le aontú na tíre. Ach seo an rud atá indéanta agus atá praiticiúil ag an bpointe seo.

Senator Cáit Keane: Aontaím leis an Aire Stáit. Caithfimid tabhairt faoi deara go bhfuil Foras na Gaeilge faoi chumhacht an North-South Ministerial Council agus go bhfuil an t-údarás agus araile faoi chumhacht an Aire anseo. Mar adúirt an tAire Stáit, tá an straitéis 20 bliain againn anseo, ach níl straitéis fós ó Thuaidh. Caithfimid a dhéanamh cinnte de freisin go mbeidh cumhacht ag an údarás anseo agus aird a thabhairt go mbeidh an fhoras freagrach don North-South Ministerial Council. Ba cheart é sin a choinneáil inár meabhair.

Senator Sean D. Barrett: I agree with the Minister of State that it is important to cherish Constable Peadar Heffron, a Gaelic-speaking member of the PSNI who is currently recovering from injuries he suffered as a result of an attack by paramilitary elements.

I support amendment No. 2 because it draws attention to what I believe to be a defect in the Bill. There are aspects of the legislation which relate to the Anglo-Irish Agreement, the

human rights of those who speak minority languages and a number of international treaties which the Tánaiste and Minister for Foreign Affairs and Trade and his predecessors negotiated on behalf of the country. I have received more correspondence in respect of the Bill than I have on any other issue since becoming a Member of the House. In that context, there is an amount of concern with regard to the removal of voting rights from people who live in Gaeltacht areas. On Second Stage, the Minister of State said that, as a result of the decision of the then Government in May 2001 to retain the existing status of *Údarás na Gaeltachta*, a regulatory impact assessment is not needed in respect of the legislation. I am of the view that the Bill changes things so fundamentally that such an assessment is required.

The Good Friday Agreement protects the rights of Irish speakers in Northern Ireland, including the good constable to whom both the Minister of State and I referred. If we remove language rights from Gaelic-speaking people in this State, will we be infringing the sections of the Agreement which relate to economic, social and cultural issues? The Good Friday Agreement states:

All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

We all agree with this and it must be noted that we will welcome a member of the Orange Order to the House next week. I think I am No. 71 in the order of succession of those who have represented Trinity College at parliamentary level. The second person in that order, Bishop William Bedell, translated the Bible into Irish in the 1600s in the hope that people would be persuaded to join the Protestant churches. We will check with our guest from the Orange Order but I do not believe the bishop's exercise has been very successful. We have a long tradition of cherishing the Irish language. Will this be put at risk if the voting rights of people in Gaeltacht areas who speak the language are removed?

Another aspect of what was agreed in the Good Friday Agreement is that:

In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it . . . take resolute action to promote the language . . . make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints . . . [and] encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

The British and Irish Government are guarantors of those language rights. I am delighted the Minister of State discussed the vindication of those rights with his opposite number last week. Had the decision to abandon the regulatory impact assessment not been made, this matter would have formed part of that assessment. Approximately 96,000 people living in Gaeltacht areas speak the Irish language. How will not carrying out such an assessment protect freedoms we sought to protect, encourage and promote within the terms of the Good Friday Agreement?

There are international dimensions to this. I am of the view that the Bill should have been submitted to the Minister for Justice and Equality, Deputy Shatter, who addressed the issue of human rights in Geneva last October. The Minister did not cover language rights but he gave a speech on human rights that has been widely praised. Those who speak minority languages have very strong human rights. They are protected on this island by the Good Friday Agree-

[Senator Sean D. Barrett.]

ment and in international terms they are protected by the Council of Europe, UNESCO, the United Nations and so on. I would have welcomed it if a regulatory impact assessment had been carried out. This could have taken cognisance of views of the authorities in Northern Ireland, the Department of Justice and Equality — which is the vindicator of human rights in this country — and the Tánaiste and Minister for Foreign Affairs, particularly in the context of how Ireland interprets international agreements. We cannot just sign up to agreements to protect the Basques and so forth and presume these do not have relevance in the context of protecting minority languages in this country.

There will be a need, prior to Report Stage, to obtain an assessment from the Departments of Justice and Equality and Foreign Affairs in respect of this matter. Does the Tánaiste and Minister for Foreign Affairs, for example, see the withdrawal of voting rights from those who speak minority languages as having any implications in respect of agreements to which we might sign up at Geneva or elsewhere? What will the Minister for Justice and Equality, Deputy Shatter, say on the next occasion on which he discusses Ireland's human rights record?

A formal view from the other parties to the Good Friday Agreement in respect of the human rights of Irish speakers in this country would be of value. Senator Ó Clochartaigh has raised a most important point. It was probably a mistake to decide that a regulatory impact assessment was not needed in respect of this most important legislation. Some 168 amendments have been tabled because people are so concerned with regard to this matter. The Minister of State is on record as saying the Bill would be passed quickly and with all-party agreement. Once people realised what it contained, the latter was never a possibility. We should now take the opposite route and consider the legislation on a line-by-line basis. In addition, we should seek the views of as many people as possible. I refer in this regard to the authorities in Northern Ireland, international human rights organisations and others.

Senator Brian Ó Domhnaill: Tá lúcháir orm an deis seo a bheith agam labhairt ar an Bhille fíor thábhachtach seo. Tá lúcháir orm fosta, agus ba mhaith liom seo a chur in iúl don Aire Stáit, agus dá feidhmeannach Séamas, atá i láthair, go bhfuil deis againn an Bille a phlé anois go mion. De réir mar atá leagtha síos sa chlár ama don Teach, tá, ar a laghad, dhá sheisiún curtha san áireamh don seachtain seo chugainn le plé a dhéanamh ar Chéim an Choiste den Bhille fosta. Is rud maith é sin agus béarfaidh sé deis dúinn go léir plé iomlán a dhéanamh ar seo. Tá sé tábhachtach go mbeidh an plé ionraic, féaráilte agus nach mbeidh muid ag iarraidh pointí polaitiúla a dhéanamh ach go mbeidh muid ag iarraidh an mhéid is fearr agus a thig linn a dhéanamh leis an Ghaeilge a chosaint, a fhorbairt agus a choinneáil slán sna blianta amach romhainn. Tá an Bille seo fíor thábhachtach ón dtaobh sin de. I dtaca leis an leasú atá istigh ag mo chomhleacaí, an Seanadóir Ó Clochartaigh — tuigim cén fáth gur mhol sé an leasú — má amharcann muid ar an fhás ar an Ghaeilge san oileán seo i gcúrsaí oideachais — idir na bunscoileanna, meánscoileanna agus Gaelscoileanna — tá fás substaintiúil tagtha ar an Ghaeilge sna Sé Contae. Cuirim fáilte láidir roimhe sin. Mar duine a bhí ina chónaí ansin le ceithre nó cúig bliana, nuair a bhí mé ar choláiste, feicim agus go leor cairde agus daoine muinteartha liom sna Sé Contae go bhfuil an Ghaeilge ag fás agus ag bisiú ansin. Tá súil agam go mbeidh siad in ann sna Sé Contae an comhoibriú a fháil le plan nó straitéis, cosúil leis an straitéis 20 bliain atá i bhfeidhm againne, a chur ar fáil do phoban an Sé Contae. Tá leasuithe molta agamsa i dtaca le seo. Nuair a d'fhoilshigh Páirtí Fhianna Fáil an straitéis i dtús báire, bhí an remit ná an cúram leis na spriocanna sin a chur i bhfeidhm fágtha faoi remit Údarás na Gaeltachta. Bhí réasún an-simplí ag baint le sin. Is é an réasún a bhí ann ná go bhfuil an t-údarás freagrach do choistí de chuid an Oireachtais agus don Aire. An áit a chím laigeacht leis an dóigh atá an Bille leagtha síos anseo, ó thaobh an cúram a thabhairt d'Fhoras na Gaeilge na moltaí a fhorbairt agus iad a chur i bhfeidhm taobh amuigh den Ghaeltacht, ná nach bhfuil an

foras freagrach go díreach don Oireachtas. Dá bhrí sin, tá laigeacht ansin sa Bhille. Le cois sin, tá buiséad an fhorais ag brath ar airgead ón Stát anseo agus airgead ón Aire nó an comhthionól sna Sé Contae. Tá buiséad an fhorais ag titim bliain i ndiaidh bliana. Dá bhrí sin — seo bun agus barr cur i bhfeidh an tAcht agus an Ghaeilge a shábháil — caithfidh airgead a bheith ar fáil leis na spriocanna atá sa straitéis agus an méid atá sa Bhille seo a chur i bhfeidhm agus an Ghaeilge a thógáil slán. Ní bheinn cinnte go bhfuil an buiséad ag an fhoras le sin a dhéanamh. Tuigim go huile agus go hiomlán go bhfuil ceist anseo faoi Éire aontaithe. Mar poblachtánach, creidim go láidir gur chóir dúinn, mar ionadaithe poiblí, gach iarracht a dhéanamh gach céim a ghlacadh leis an oileán a aontú. Ach ag an am céanna, cé go bhfuil baint ag an Ghaeilge le sin, caithfimid a bheith cúramach ó thaobh an Ghaeilge a fhorbairt taobh amuigh de na Gaeltachtaí.

Má fhágann muid an cúram ag eagraíocht a bhfuil faoi bhrú ó thaobh buiséad de, d'fhéadfaí deacrachtaí a chruthú. Ag an am céanna, ní bheadh an eagraíocht sin freagrach don Aire anseo go hiomlán ná don Oireachtas. Sin an fáth go bhfuil roinnt leasuithe istigh agam féin. Nílím ag fáil lochta ar bith ar an leasú atá istigh ag mo chomhleacaí, ach táim ag díriú airde ar an phointe sin. Creidim go láidir in eagraíocht de chuid an Stáit a chuireann na spriocanna atá sa Bhille seo i bhfeidhm, le cois na heagraisí eile, cosúil le Conradh na Gaeilge, Comhdháil Náisiúnta na Gaeilge agus eile, a bhfuil cúram speisialta acu, ar nós imeachtaí. Tá obair baile déanta acu go dtí seo agus ba chóir go mbeadh siadsan in ann cuidiú a thabhairt don údarás na spriocanna éagsúla sin a chur i bhfeidhm. Sin an méid atá le rá agam ar seo.

Tuigim cad as a dtagann an leasú seo. Tuigim go mbeidh an tAire Stáit agus an tAire Deenihan ag plé leis na hAíre ar an choiste chomhthionóil atá ar siúl idir an Stát agus na Sé Contae. Tá sé tábhachtach go dtabharfaidh an Stát seo gach tacaíocht agus comhairle don Aire agus do na hinstiúidí sa Tuaisceart le cuidiú a thabhairt dóibh straitéis a chur i bhfeidhm sna Sé Contae leis an Ghaeilge a fhorbairt agus a neartú. Ba chóir dúinne sa Stát seo, trí Fhoras na Gaeilge chomh maith, gach tacaíocht a thabhairt é sin a dhéanamh. Creidim go láidir go dtiocfaidh linn, i cúig nó sé nó ocht mbliain eile, Gaeltacht a bheith againn in nDoire, Gaeltacht a bheith againn i mBéal Feirste agus Gaeltacht a bheith againn in áiteacha eile sna Sé Contae. Tá súil agam go dtarlóidh sin. Tá eagraisí iontach maith dílis don Ghaeilge bunaithe sna Sé Contae. Tá baint agam féin le cuid acu agus bíim ag caint leo go minic. Tá súil agam, go dtig linn, tríd an tacaíocht atá ar fáil d'Fhoras na Gaeilge, an tacaíocht sin a thabhairt dóibh. Ach má daoine ag brath ar Fhoras na Gaeilge na spriocanna seo a chur i bhfeidhm amach as an buiséad atá aige faoi láthair, measaim go dtiocfadh le sin fiú níos mó brú a chur ar na pobail sna Sé Contae, de bhrí an buiséad atá ag an bhForas leagtha amach agus aontaithe agus de bhrí nach bhuil cuma air, de réir an Bhille seo, go mbeidh aon bhuiséad breise ar fáil. Cruthóidh sin deacrachtaí níos sa Stát seo, ach sna Sé Contae chomh maith. Caithfimid é sin a ghlacadh ar bord.

Senator Jim D'Arcy: Shíl mé gur tháinig mé isteach anseo inniu le caint faoi Bhille na Gaeltachta, ach cloisim go leor faoi phoblachtánachas. Bhí mise i Rann na Feirste samhradh amháin ag fanacht i teach ansin. Bhí an Cairdinéal Ó Fiach sa teach céanna liom. Tháinig deartháir fear an tí isteach sa teach agus dúirt sé: "I am a republican to the hilt." D'fhreagair a dheartháir: "Aye, a bacchanalian republican." Is iomaí cineál poblachtánach atá againn sa tír seo, ach tá tír ghrá ag gach duine sa tír agus tá grá don teanga againn go léir sa Teach seo.

An cheist is mó ná an dóigh leis na Seanadóirí go n-oibreoidh na limistéir pleanála teanga Ghaeltachta? An coincheap nó an smaoineamh maith é? An bhfuil siad sásta tacú leis an Aire Stáit, an chéad Aire ó 1956 anuas a bhí sásta Bille Gaeltachta a thabhairt isteach sa Teach seo? Feicim go bhfuil 168 leasuithe molta ag Seanadóirí. Ní molaim é sin. Bheinn níos sásta dá mbeadh 20 nó 30 leasuithe ann, mar thiocfadh linn ansin iad a phlé. Cé nach bhfuilim sásta faoin méid leasuithe atá ann, aontaím go bhfuil an ceart ag duine ar bith leasú a mholadh.

Acting Chairman (Senator Terry Brennan): Táimid ag caint faoi leasú Uimh. 2 anois.

Senator Jim D’Arcy: Rinne daoine eile ráitis. Sin an méid atá le moladh agam ag an am seo. Glacaim go bhfuil muid ag caint anois faoi leasú Uimh. 2. Caithfimid tacú leis an Aire Stáit, nó gheobhaidh an teanga bás i roinnt Gaeltachtaí. Aontaím leis an Aire Stáit ar an ábhar seo.

Senator David Cullinane: Cuirim fáilte roimh an Aire Stáit. It was the Minister of State who raised the issue of us all being republican. He said we may not all be nationalist, but we are all republican. I am not convinced that is the case here in this House. I agree the Minister of State is and Senator D’Arcy has put it on the record a number of times that he is a republican from Haggardstown, so we do not doubt his integrity.

Senator David Norris: One can have integrity without being a republican.

Senator David Cullinane: The point I am making is that I do not doubt the integrity of what he says. However, that is neither here nor there with regard to these amendments. The amendments we are discussing here seek to provide clarity for all of us. As the Minister of State knows, this Bill has implications for Foras na Gaeilge. It is integral to the working of that body, which is all-Ireland in its architecture, nature and work. Therefore, it makes sense that when the Bill speaks of “the Minister” and when we have an island with two different jurisdictions — whether we like that or not — and where we have two Ministers with responsibility for the language, North and South, we clarify which Minister we mean. Part of the Bill has implications for what is an all-island organisation. All amendment No. 2 seeks to do is to ensure that when we talk about “the Minister”, we mean in this State. The other amendment, No. 3, seeks to clarify that when the Bill speaks of “the Minister in the North” it means the Minister for Culture, Arts and Leisure in the Northern Assembly. That is all these amendments seek to do. There is no hidden agenda. It is simple, they seek to provide clarity.

Senator D’Arcy raised concerns with regard to the number of amendments tabled on this Bill. That is outrageous. Senators are entitled to table as many amendments as they think necessary. I remind the Senator that many Irish language organisations have lobbied all of us, parties and individuals, on their genuine concerns and issues. While there is much in this Bill that they and we support, there is much about which we have concerns and do not support. In that case, this is the forum in which to table amendments and tease out the issues. It is irrelevant to me whether we have ten or 3,000 amendments.

Senator Jim D’Arcy: It is not irrelevant.

Senator David Cullinane: What is important is to have a proper and thorough debate on the Bill. It is a silly point to focus on the number of amendments.

Senator Jim D’Arcy: Senator Cullinane is silly himself.

Senator David Cullinane: I find it difficult to understand why the Minister cannot accept the amendments when all they seek to do is to provide clarity.

Senator David Norris: Go raibh maith agat. Gabh mo leithscéal. Níl an Gaeilge comh flúirseach agam leis an Aire nó na Seanadóirí a bhí ag caint as Gaeilge cúpla nóiméad ó shin ach ba mhaith liom cúpla punc a chur roimh Seanad Éireann anois agus cúpla focal a rá ar son scoil náisiúnta Inis Meáin. Ceapaim go bhfuil oideachas an thábhachtach——

Acting Chairman (Senator Terry Brennan): That has nothing to do with the amendment.

Senator David Norris: I think it has. Anyway, I will lead the House there gradually. Níl an Ghaeilge chomh flúirseach agam leis an Aire Stáit nó leis na Seanadóirí a bhí ach caint as Gaeilge cúpla nóiméad ó shin ach ba mhaith liom cúpla ponc a chur os comhair an tSeanaid anois agus cúpla focal a rá ar son scoil náisiúnta Inis Meáin mar ceapaim go bhfuil oideachas an-tábhachtach.

Senator Cáit Keane: Tá Gaeilge an mhaith ag an Seanadóir Norris.

Senator David Norris: With regard to the general technique of the debate, I am a realist——

Acting Chairman (Senator Terry Brennan): Amendments Nos. 2 and 3 le do thoil, a Sheanadóir.

Senator David Norris: I know, but I have hardly finished the sentence. I am entitled to do that. I got as far as the word “punc”, which has a series of different meanings including full stop. Any speaker is entitled to arrive at the full stop before being guillotined. Other speakers on both sides have spoken about the nature of the Bill and the nature of the amendments. As far as I am concerned people have a right to table as many amendments as they want. Many of the amendments are substantial and well intentioned, but I have no doubt whatsoever that there is also a war of attrition going on. That is real politics and the reason is because people are dissatisfied with what is in the Bill. It is a perfectly legitimate political tactic to conduct a war of attrition. In the old days one used to be able to filibuster in this House but now we are rationed in the way in which we can filibuster.

Coming to the substance of the amendments it is interesting because on one side one could maintain that the attitude adopted by Sinn Féin is almost partitionist because it is separating the two but on the other hand it seems to me that there is a good practical reason for that so I approve of the pragmatic nature of it. It appears to me that the more clarity one can get into the Bill the better.

We raised questions of education and language, in particular giving a regulatory test. Senator Barrett raised the important point concerning other languages. We must ensure that we protect our languages in the legislation. It is important that right at the start we would make the point that without education we are banjaxed.

I have been to the Aran Islands. I know the situation there. I draw this school in particular to the Minister's attention. An amelioration was given whereby special circumstances were accepted that the level for a second teacher was eight pupils. In Inis Meáin the population fluctuates and it is just below the required level. It will be back up again in September. There is a second teacher there. If she takes early retirement, which is fair enough as she can do it, as it will not be any skin off her nose, but the second teacher might never come back. That is a school the Minister knows well because it won second place in the Ericsson national science competition. It is fantastic for a tiny school on an offshore island to win a national award. I say “Well done” to it. We must encourage and foster such schools. There are special circumstances on those islands and they must be looked after. It got second place in the Galway county heritage awards. That is wonderful. The Department issued a report which was lyrical in its praise of the school. It said that the music programme presented at the school was both comprehensive and motivational. It said that the development of pupils' music skills, which includes instrumental music, singing and musical literacy is comprehensive.

I will finish on this point. This is the island that inspired people such as Pádraig Pearse, Eoin MacNeill and Eoghan O'Growney who has the honour of being mentioned in James Joyce's *Ulysses*. I urge the Minister to please consider my request. I will write to him on the matter if I may because I can feel the gong coming — the dulcimer is in the hand of the Acting Chairman.

[Senator David Norris.]

I did manage by devious means to sneak in what is a very important matter. I am sure other Senators will raise the issue. There may be a more appropriate place to raise it. I did look for one. I will end on this point. Perhaps I might have guidance as to whether I could raise the matter again on amendment No. 65. If not, perhaps some of my colleagues could do so. I have another meeting to attend.

Acting Chairman (Senator Terry Brennan): We will deal with the matter when we come to amendment No. 65.

Senator David Norris: I hope the Minister will take my point on board.

Acting Chairman (Senator Terry Brennan): Agus 168 leasú le plé, beimid anseo go ceann coicíse.

Senator Trevor Ó Clochartaigh: Tá rún curtha isteach agam ar an Athlá inniu maidir le scoil náisiúnta Inis Meáin. Sin an fóram is fearr chun an cheist sin a réiteach mar go mbaineann sí leis an Roinn Oideachais agus Scileanna.

Táimid ag caint faoi leasuithe Uimh. 2, 3 agus 110. Ní léir go díreach an tábhacht a bhaineann leis na leasuithe ansin go dtí go n-amharcaimid ar leasú Uimh. 110. Táimid ag iarraidh go gcuirfear isteach an leasú ag deireadh fho-alt 11(3). Léann an Bille faoi láthair mar a leanas: “Féadfaidh aon eagraíocht laistigh de phobal lena mbaineann *fo-alt* (2), agus a measfaidh Foras na Gaeilge í a bheith ionadaitheach don phobal lena mbaineann, plean Gaeilge a ullmhú, le cúnamh ó Fhoras na Gaeilge, ar plean é a bheidh le cur i ngníomh ag an bpobal sin, agus an plean sin a chur faoi bhráid an Aire.” Tá tagairt ansin d’Fhoras na Gaeilge agus don Aire. Tá dhá Aire ann.

Senator Jim D’Arcy: Sa Stát seo. Tuigim sin. Sure we cannot legislate for China in this Parliament.

Senator Trevor Ó Clochartaigh: Gabh mo leithscéal. Tá an Seanadóir ag aontú liom ar phointe amháin agus ag easaontú liom ar an bpointe eile. Nílím ach ag iarraidh an soiléiriú sin a dhéanamh agus tá pointe dlí i gceist anseo. Tá feidhm dhlíthiúil ag beirt Aire ar Fhoras na Gaeilge. Táimid ag iarraidh nach mbeidh aon doiléire ag baint leis an gceist má chuirimid isteach an leasú beag bídeach “sa Stát seo” tá sé soiléir, níl aon grey areas ann faoi cé atá i gceist mar Aire, táimid ag tagairt ar an Aire atá tofa anseo i nDáil Éireann ag an Rialtas.

Tá an méid a luaigh an Seanadóir Ó Domhnaill faoi acmhainní tábhachtach. Sin ceann de na ceisteanna móra a bhaineann leis an mBille seo agus ceann de na deacrachtaí atá againn. Tá sé ráite nach mbeidh gá le hacmhainní breise leis an Acht seo a chur i bhfeidhm. Dúirt an Seanadóir Ó Domhnaill chomh maith, agus tá an ceart aige, go bhfuil gearradh siar á dhéanamh ar na hacmhainní in Údarás na Gaeilge go háirithe agus i bhForas na Gaeilge le riar blianta anuas. Tuigeann sé go maith mar bhí a pháirtí i réim fad is a bhí na ciorruithe sin á gcur i bhfeidhm.

Tá dhá rud a bhaineann le Foras na Gaeilge le bheith aontaithe ar dhá líne. Labhair mise leis an Aire Cultúir, Ealaíon agus Fóillíochta an tseachtain seo caite nuair a bhí sí sa Teach seo agus dúirt sí liom nach raibh aon phlé léise maidir leis an mBille seo. Tagann sin go dtí an rud a dúirt an Seanadóir Barrett: ós rud é go bhfuil impleachtaí ag an mBille seo ar an gcóras Thuaidh-Theas a bhaineann le Foras na Gaeilge-An Foras Teanga, an bhfuil an Bille seo glanta leis an Roinn Cultúir, Ealaíon agus Fóillíochta ó Thuaidh? An bhfuil comhaontú déanta ansin? Tarlaíonn sin go rialta ó thaobh cúrsaí talmhaíochta agus mar sin nuair atá rud comónta ar an

oileán agus buíochas le Díá, rud amháin atá iontach comónta ar an oileán ná an teanga — tá sí ar fud an oileáin ar fad. Tá impleachtaí ann leis seo de bharr an fhorais Thuaidh-Theas.

Ba mhaith liom a rá leis an Seanadóir D’Arcy go bhfuilimid anseo chun tacú leis an Aire Stáit.

Senator Jim D’Arcy: Do you want the Queen to sign it as well?

Senator Trevor Ó Clochartaigh: Níl an Seanadóir ag éisteacht le mo phointe ar chor ar bith.

Senator David Norris: Yes. What a good idea.

Senator Trevor Ó Clochartaigh: Ní chabhraíonn ráitis mar sin leis an díospóireacht beag nó mór. Tá pointe dlí anseo.

Senator David Norris: Banríon Eilís II to the Senator.

Senator Trevor Ó Clochartaigh: De réir mar a thuigim, níl seo aontaithe leis an Aire ó Thuaidh agus bheadh sin tábhachtach. Má amharcaimid ar alt 11(3), má tá plean le baile seirbhíse Gaeltachta le cur i gcrích nó le haontú, ní féidir leis an Aire Ealaíne, Oidhreacht agus Gaeltachta é sin a cheadú leis féin. Caithfear an plean a chur faoi bhráid an dá Aire go dlíthiúil. Ní sinn a chum ná a cheap ach sin an dóigh go bhfuil Foras na Gaeilge leagtha amach.

Táimid ag iarraidh go mbeidh sin soiléir sa Bille sa chaoi is nach mbeidh aon easaontú amach anseo.

Senator Cáit Keane: Tá mé ag éisteacht leis an méid atá le rá ach dá ndéanfaí sin, chaithfí é a dhéanamh freisin mar gheall ar North-South cooperation in enterprise agus waterways. Scríobhadh síos i ndlí an Aontais Eorpaigh go mbeadh ceangal Thuaidh-Theas agus le Sasan le haghaidh energy. Dá mbeadh cumhacht ag an Aire sa Bhille, ba cheart an chumhacht sin a chur i ngach Bille.

Senator James Heffernan: Ba mhaith liom pointe beag a dhéanamh. It is interesting that we are debating amendments Nos. 2 and 3 which seek to cement the partition of the island. They come from Sinn Féin. Not too long ago its members were up in arms over Articles 2 and 3 of the Constitution. It is interesting, therefore, that they are trying to do this.

Senator Trevor Ó Clochartaigh: Obviously, the Senator was not listening to what we had to say.

Senator James Heffernan: I agree with what previous speakers said. We cannot make laws in this House for other jurisdictions. We must be sensible about this. We have debated the amendments for long enough. It is time for the Minister of State to respond and for us to move on.

Deputy Dinny McGinley: A number of points have been made. I want to respond, in particular, to Senator David Norris in respect of his interest in and concern for the scoil on Inishmaan. The last time I was there it was a very pleasant occasion. I was on the island to attend a showing of “The Cripple of Inishmaan”.

Senator David Norris: A wonderful play.

Deputy Dinny McGinley: While I have no direct responsibility for the school on Inishmaan, I will convey the Senator’s comments to the relevant Department, an Roinn Oideachais agus Scileanna.

[Deputy Dinny McGinley.]

D'iarr an Seanadóir Sean Barrett an bhfuil seasamh bunreachtúil ag an Bhille seo. He asked if it was constitutional and mentioned the Department of Justice and Law Reform. Like all other Bills, the Bill was circulated to all Departments and responses were received in due course. In addition, to copperfasten our stand, we referred the Bill to the Attorney General and there were no difficulties in that regard either. Therefore, from all the expert opinions available to me from the Department of Justice and Law Reform and the Ard Aigine, the Attorney General, the Bill is constitutional.

On the North-South issue, in the wake of the Anglo-Irish Agreement Foras na Gaeilge is responsible in this jurisdiction for promoting the Irish language outside Gaeltacht areas. It also has responsibility for fostering the Irish language in Northern Ireland. When the Bill was published, as a matter of courtesy, a copy was sent to the relevant Minister and Department in Northern Ireland. We do not have to do these things. I do not interfere with the Minister in Northern Ireland in the excellent work she is doing, apart from attending a number of events in Northern Ireland, at which I am always welcome. I attended the seoladh of the “Líofa” plan that I mentioned previously, under which the Minister in Northern Ireland wants to have 1,000 people signed up to learn Irish. Already the figure has exceeded 2,000. Good luck to her and we will give her all the support we can.

Senator Brian Ó Domhnaill should be aware that I have been to a number of places in Northern Ireland. I have been to Carntogher which could be a Gaeltacht area. However, I have no jurisdiction to declare it as such. Having said that, I have great admiration for what is being done there. It is only a number of months since I was in Maynooth, County Kildare, in a hotel adjacent to the seminary, in which Glór na nGael awarded prizes for the best effort made by any community north or south of the Border. I was very proud, as an Ulsterman, to give it to Strabane and Carntogher the previous year. We must give all those involved all the support we can.

In terms of meetings with the Minister in Northern Ireland, she has a perfect understanding of what we are doing. I admire what she is doing and *vice versa*. I know what my jurisdiction is and she knows hers, but we have the same aim — progressing the Irish language. Foras na Gaeilge has €21 million at its disposal this year for the promotion of the language, North and South. We contribute 75% of the fund. The Northern Government — Senator Trevor Ó Clochartaigh might like to call it “Westminster” — provides the remaining 25%.

We are not depriving any citizen of any right. Nuair a bunaíodh Údarás na Gaeltachta in 1979. As a result of the Act, we gave the people of the Gaeltacht the opportunity to vote. In the case of the new Údarás, there will be no direct voting. I gave the reasons for this. We will save €500,000 and so on. This does not apply to amendments Nos. 2, 3 and 110, but the discussion had become so broad I had to make a number of points. The right to vote was incorporated in an Act. The Bill, when enacted, will reconstitute and restructure Údarás na Gaeltachta. We have decided that there will be no provision for an election, but we are not depriving people of anything. If we were to say there would be no more county council, Seanad or Dáil elections——

Senator David Norris: They are on the point of doing that. According to the Taoiseach, that is exactly what he is at.

Deputy Dinny McGinley: The point I want to make, if the Senator will listen to me, if that if we wanted to do this, we would have to go to the people for a constitutional *imprimatur*. In fact, we intend to promote language rights. We will give people more opportunities, help and advice in that regard. I do not want to repeat what I said here last week.

I do not know what a republican is, but I was born in this jurisdiction. I speak the two official languages to the best of my ability. Chomh maith agus is féidir liom.

Senator David Norris: Beautifully.

(Interruptions).

Deputy Dinny McGinley: I salute the flag of the country any time I see it. My allegiance is to what is represented by the flag behind the Cathaoirleach's Chair. I also recognise the courts of the country. They are constitutionally entitled to do what they are doing through the will of the people. I recognise the role of the Garda Síochána and Óglaigh na hÉireann. If I were to join the Army tomorrow, it is Óglaigh na hÉireann I would join, not that it or any other army would have me at this stage.

Senator Diarmuid Wilson: Dad's Army.

Senator David Norris: It is getting rid of people anyway.

Deputy Dinny McGinley: I hope to die in this country. I do not know where that leaves me. What else do I have to do to be considered a republican? Can anyone enlighten me? Cad eile atá le déanamh agam?

Incidentally, not only do we support the promotion of the Irish language in Northern Ireland, we also support the Ulster Scots. I have attended some of their functions in Northern Ireland. On the last occasion the Scottish Pipe Band Association presented certificates to young boys and young girls who had learned the bagpipes in Northern Ireland. I asked it to extend into activities into County Donegal, in which there is a tradition of having pipe bands. There is an Ulster Scots interpretative centre in my constituency, in Monreagh, east Donegal, and it is an eye opener. It outlines the history of the Ulster Scots dating back to the time of the plantations. In fact, eight or nine American Presidents had roots in that part of our heritage, of which they were so proud. There are former Presidents with roots in this part of the country, but there are also McKinleys and Buchanans, to name but a few. John McCain has cousins in Convoys, east Donegal. I do not know if I am allowed to name constituents here, but he has cousins there. It is a very proud tradition and I want to bring all of them together, but as far as the Bill is concerned, it will only apply in the State. Anything the Minister in Northern Ireland can do is her responsibility. I will give her all the support I can. We sit down regularly together to discuss these issues. Cuireadh cóipeanna den Bhille suas agus táimid ag obair as lámh a chéile, ag comhoibriú, agus sin an fáth that I cannot accept an leasú seo.

Senator Trevor Ó Clochartaigh: Tá cuid mhaith ráite ag an Aire Stáit ansin arís agus glacaim leis an méid atá sé ag rá ach tá mé ag dul ar ais chuig an phointe dlí a bhaineann leis seo. Bíonn comhráití ar siúl idir an Aire Stáit agus an Aire Cultúir, Ealaíon agus Fóillíochta sa Sé Chontae agus tá caidreamh an-mhaith eatarthu. Tá an tAire ó Thuaidh in ann athrú agus tá Airí in ann teacht i bhfeidhm nach mbeadh chomh báúil don Ghaeilge agus atá an tAire faoi láthair agus caithfidh bheith cúramach nuair atáimid ag dréachtáil reachtaíochta go bhfuil na ceisteanna áirithe sin san áireamh againn.

Táimid ag plé leasuithe Uimh. 2, 3, 110. Tarraingím aird an Aire Stáit ar leasú Uimh. 110, a bhaineann le leathanach 23, alt 10. Cuirtear a leanas in iúl ansin: "Féadfaidh aon eagraíocht laistigh de phobal lena mbaineann *fo-alt* (2), agus a measfaidh Foras na Gaeilge í a bheith ionadaitheach don phobal lena mbaineann, plean Gaeilge a ullmhú, le cúnamh ó Fhoras na Gaeilge, ar plean é a bheidh le cur i ngníomh ag an bpobal sin, agus an plean sin a chur faoi bhráid an Aire."

[Senator Trevor Ó Clochartaigh.]

Tá mé ag iarraidh ceist shimplí a chur. An bhfuil soiléiriú faighte ón Ard-Aighne maidir leis an bhfo-alt seo? De réir mo thuisceana, tá próiseas comhchinnteoireachta ag baint le Foras na Gaeilge. Cé go bhfuil Foras na Gaeilge ó Thuaidh ag feidhmiú as cur i bhfeidhm cúrsaí teanga sa Sé Chontae, tá Foras na Gaeilge ó Dheas ag feidhmiú sa 26 Contae maidir le cur chun cinn na Gaeilge taobh amuigh de na Gaeltachtaí. Níl dhá fhoras ann, áfach, tá Foras na Gaeilge ann, le bord amháin agus tá an bord sin freagrach don dá Aire comhionann. Tá mé ag iarraidh soiléiriú faoi sin agus sin an fáth go bhfuilimid ag moladh na leasuithe beag seo, nach mbeadh aon idirdhealú ann agus go mbeimis clúdaithe ó thaobh an dlí de. Ba mhaith liom soiléiriú a fháil faoi sin agus sin an fáth go bhfuilimid ag moladh agus go mbeimid ag brú na leasuithe seo.

Deputy Dinny McGinley: Chuaigh an Bille chuig na Ranna go léir, an Roinn Dlí agus Cirt agus Comhionannais san áireamh, agus tháinig an Bille ó Oifig an Ard-Aighne. Níl mise in ann barántas níos fearr ná sin a chur in iúl don Teach. Tháinig sé ó Oifig an Ard-Aighne agus má tá an tArd-Aighne ag rá go bhfuil sé bunreachtúil, glacaim go fonnmhar leis go bhfuil sé bunreachtúil. Sin an fáth nach féidir liom glacadh leis an leasú seo.

Senator Sean D. Barrett: Go raibh maith agat. We are invoking the Anglo-Irish Agreement on this side of the House because of the traditions in Northern Ireland whereby Nationalists would be discriminated against, not least in the Minister of State's adjoining city of Derry, and disgracefully so, and those rights were put in. I never thought I would be invoking it on behalf of Irish language speakers in this jurisdiction but it is there and we will use it. It was there to protect the minority within Northern Ireland. I would oppose any legislation to deprive 96,000 Unionist people in this State of a vote or 96,000 Nationalist people in Northern Ireland of a vote.

The Minister of State said he sent it to the other Departments. The last Attorney General outing on this, as the Minister of State, will know, was to advise that the Donegal South-West by-election was a discretionary item, which the Government could hold. It lost heavily in the High Court under Mr. Justice Nicholas Kearns. The Attorney General is not necessarily infallible in these matters. I would still appreciate an impact assessment as well.

The Minister of State mentioned the €500,000 the Government is saving by not having elections and I would ask him to reflect on this. Our GDP per head is approximately 11 times that of India. There is nobody in India saying "let us cancel the elections, they cost too much money". Democracy at our level of GDP per head should not be cancelled on money grounds. How will we hold our faces up in the international community because we cancelled an election to save €500,000? I utterly dispute that figure. No provision was made in the Estimates for the Minister of State's Department in the past two years for any election to *Údarás na Gaeltachta*. The last time an election was held, the figure was €300,000. The Minister of State's Department had plenty of opportunities to hold *Údarás na Gaeltachta* elections jointly with the presidential election or with referendums at minimal cost. Therefore, I dispute the €500,000 cost that has been put forward as the reason for not having these elections and that is what is causing concern.

If the Minister of State was to say the Department made the mistake and we will run the *Údarás na Gaeltachta* elections with the referendums that are pending, we would all join with him in this House to support an *teanga Gaeilge*, because it is that to which we are dedicated, North and South. He has been very badly advised to cancel elections to save money. Rinne the Office of the Attorney General, Oifig an Ard-Aighne, botún an-mhór maidir leis an cheist dheireanach a cuireadh whether voting is discretionary or whether people have rights. These people have language rights and those are enshrined. If we look to the UNESCO declaration

of linguistic rights, all language communities have the right to organise and manage their own resources to ensure the use of their language for all functions in society.

Senator Jim D’Arcy: On a point of order——

Senator Sean D. Barrett: They have these rights.

Senator Jim D’Arcy: Níl an Seanadóir ag labhairt faoi na leasuithe.

Acting Chairman (Senator Terry Brennan): That is not a point of order.

Senator Sean D. Barrett: The Minister’s advisers tell him they do not have them but we are asking for court cases, as in the Pearse Doherty case, if we persist in denying people their voting rights, and we will have to use Northern Ireland or international obligations to defend the voting rights of those citizens.

Senator Jim D’Arcy: The Senator is not speaking to the amendment.

Senator David Norris: I strongly support what Senator Barrett said and he said it with passion and dignity. He is standing up for the principle of democracy. The Minister of State is right in one sense. It is not a vote in a national election.

Acting Chairman (Senator Terry Brennan): That is outside the scope of the amendment.

Senator David Norris: This is what has been talked about just two minutes ago.

Acting Chairman (Senator Terry Brennan): I understand that.

Senator David Norris: The Minister and Senator Barrett addressed it and it lies at the heart of the dispute between us.

Senator Jim D’Arcy: We will never finish if we do not move——

Senator David Norris: I am moving on from that, if the Senator would allow me.

Senator Jim D’Arcy: You got your dealing trick earlier.

Senator David Norris: I got what?

Senator Jim D’Arcy: You got your dealing trick earlier about Inis Meáin.

Acting Chairman (Senator Terry Brennan): The Senator should address comments through the Chair.

Senator Jim D’Arcy: The Senator got his dealing trick and he should let matters lie and move on to amendment.

Senator David Norris: The Minister is a most gentlemanly person.

Acting Chairman (Senator Terry Brennan): The Senator should stick to the amendment.

Senator David Norris: He is a man who speaks beautifully and eloquently in both English and Irish and he had me with him until he mentioned the bagpipes.

Deputy Dinny McGinley: The bagpipes.

Senator David Norris: The definition of a gentleman is one who knows how to play the bagpipes but refrains from doing so. Had he mentioned the uilleann pipes he would have had me with him completely. When he went on to talk about Ulster Scots, I was completely and absolutely gone, and I do not give a tuppenny damn about Wilson, McKinley, Calvin Coolidge, Taft or any of them from wherever they came. I will tell the Minister a matter of fact. Ulster Scots is not a language; it is a dialect. One might as well protect the way they speak in Leicestershire, Cornwall, Cork, Corca Dhuibhne or anywhere else. It is not a language.

Acting Chairman (Senator Terry Brennan): That is not part of the amendment.

Senator David Norris: It is not a language, it is just a fudge. I used to get this twaddle sent down to me about Ulster Scots which was written down. It is a dialect, not a language. Talk about me massaging things. The cute boyos up there are massaging things to get parity with Irish language for a thing that is wonderful, lovely and a part of culture, but it is a dialect, not a language.

Senator Fidelma Healy Eames: Cuirim fáilte roimh an Aire Stáit. This Bill is significant in the history of the language, our State and country. The purpose of the Bill is to save the language. I hope there is agreement across the House on that. It is not just to save údarás elections. If údarás elections were to save the language, then clearly they have failed because the number of Irish speakers in the Gaeltacht has decreased from 90,000 down to 23,000. I would be supporting údarás and údarás elections. It is not that there will not be an údarás.

Senator David Cullinane: It is not democratic. There is no democracy.

Senator Fidelma Healy Eames: Democracy does not necessary save the language.

Senator David Cullinane: Democracy does not work. Is that what the Senator is saying?

Senator Fidelma Healy Eames: Democracy does not save the language.

Senator Trevor Ó Clochartaigh: Will we scrap the Seanad now as well?

Senator David Cullinane: Democracy did not save the economy either, but we do not do away with it.

Senator Fidelma Healy Eames: The people in the Gaeltacht areas are represented by councillors elected in local elections and by Members in both Houses of the Oireachtas, the Dáil and the Seanad. They also have a European vote. We have to say this clearly.

Senator David Cullinane: On a point of order, the amendments are not about Údarás elections. They are very specific.

Senator Fidelma Healy Eames: We are discussing the Gaeltacht versus the State.

Senator David Cullinane: No.

Senator Fidelma Healy Eames: It is time we look at everything and ask whether what we are doing will serve or make a difference.

Acting Chairman (Senator Terry Brennan): We are on amendment No. 2.

Senator Fidelma Healy Eames: Will it make a difference in terms of saving the language? An examination of the evidence on údarás would be damning. Údarás has not been a failure by any means but its elections have not made a difference to saving the language.

Senator Cáit Keane: On a point of order, Ulster Scots is a language not a dialect. It is recognised in Europe and internationally as a language. The Minister is correct to include it as a language in the North of Ireland. The Ulster Scots society would be offended otherwise.

Senator Maurice Cummins: I have listened with interest to the debate on this amendment for the past hour. Speakers appear to be scoring points instead of dealing with the amendment. I remind the House that I have allowed 2 hours and 30 minutes for a debate on the Bill today, a further four to five hours on Committee Stage next week and a similar amount of time on Report Stage the following week. I ask Members to focus their minds on the time available to deal with the Bill and thank the Minister of State for agreeing to come to the House during these times.

Senator Paschal Mooney: I welcome the Leader's comments. I had hoped to make a contribution on the issue of údarás elections but I felt precluded from doing so because they were not being dealt with under these amendments. We appear to have engaged in a wider debate. One of the difficulties of debating Bills on Committee Stage is that we may not reach important amendments. We are considering whether to give powers to a Minister outside this jurisdiction to engage in what is happening in this jurisdiction.

Senator David Cullinane: That is not what we are arguing.

Senator Paschal Mooney: That is essentially what the amendments infer.

Senator David Cullinane: It is a misrepresentation.

Senator Paschal Mooney: Amendment No. 3 refers to the "Minister of Culture, Arts and Leisure in the Northern Assembly". Amendment No. 2 qualifies the definition of "Gaeilteacht" with the words "in this State". The amendments aim at extending the role of Foras na Gaeilge across the island.

Senator Trevor Ó Clochartaigh: That is the case already.

Senator Paschal Mooney: I have serious qualms about the proposal, as our spokesperson will explain at a later stage. My party will not be supporting the amendments.

Senator David Cullinane: I will be pressing the amendments but it is disappointing that Fianna Fáil is not supporting them. It is not helpful to misrepresent what they purport to do. Senator Ó Clochartaigh and I have already pointed out that the amendments simply provide clarity on who shall be the responsible Minister for the purpose of this Bill. The responsible Minister is the Minister in this State but——

Senator Paschal Mooney: We know where we living.

Senator David Cullinane: I ask the Senator to listen to my argument.

Senator Paschal Mooney: We do not need to reminded by the inclusion of unnecessary language.

Acting Chairman (Senator Terry Brennan): I am putting the question on the amendment.

Senator David Cullinane: If the Senator opened his ears——

Senator Paschal Mooney: This is purely partitionist.

Senator David Cullinane: ——he might understand what I am saying. It might be news to Senator Mooney but Foras na Gaeilge already has an all-Ireland remit.

Senator Paschal Mooney: I am fully aware of that but in the context of this Bill——

Senator David Cullinane: We want to ensure that when we speak——

Senator Paschal Mooney: Does the Senator want it in the context of this Bill?

Senator David Cullinane: It is not partitionist. It accepts the fact that two Ministers on the island have responsibility for much of what Foras na Gaeilge does. These amendments simply reflect that fact. They do not give the Minister in the North any powers in this jurisdiction. To say that is to completely misrepresent the amendments.

Senator Paschal Mooney: I ask the Minister of State to clarify this issue. With all due respect to Senator Cullinane, what he is saying about the role of Foras na Gaeilge is absolutely correct. Is it not true, however, that Foras na Gaeilge is also obliged to take account of Ministers from the Northern Assembly in respect of any matter pertaining to the Irish language?

Senator David Cullinane: Name the two Ministers.

Senator Paschal Mooney: They are already directly involved in Foras na Gaeilge. My colleague will argue that it is questionable whether Foras na Gaeilge should be given an enhanced role in this legislation because as it stands it is giving a Northern Irish Minister direct influence over legislation which does not originate in that jurisdiction without a *quid pro quo* in that the Southern Minister has no involvement in what goes on in the Northern jurisdiction. Correct me if I am wrong but that is the logic of these amendments. They are somewhat disingenuous.

Senator David Cullinane: Senator Mooney is being disingenuous. He should speak to his own colleagues, such as Deputy Ó Cuív.

Deputy Dinny McGinley: At the risk of repeating myself, Foras na Gaeilge has an all-Ireland constitution but it involves two Ministers. The responsibility of Foras na Gaeilge is to promote Irish and Ulster Scots on the island of Ireland. The Minister in Northern Ireland has the responsibility of promoting the Irish language in any way she likes in Northern Ireland. She does not have to listen to me or to anyone else, although we hold regular meetings to discuss these matters and keep each other informed. As I noted earlier, a copy of the Bill has been sent as a courtesy to the Minister in Northern Ireland, Carál Ní Chuilín, MLA. Foras na Gaeilge also has a responsibility for promoting Irish in this State. This Bill deals with this State and has nothing to do with Northern Ireland.

Foras na Gaeilge is a dual purpose organisation. The Minister there looks after the affairs of the Irish language in Northern Ireland and we do our thing down here. It is Gaeilge is financed by North and South. We contribute 75% of its resources and Northern Ireland contributes 25%. We hold regular meetings and I applaud what is happening in Northern Ireland. I congratulated the Minister on the success of Líofo 2015, a new scheme which aimed at signing 1,000 people up to the Irish language but has already exceeded 2,000 people. I have visited a number of places in Northern Ireland where Irish is spoken and which offer a great example to us down here, such as Carntogher and Strabane. They are doing great work and we are trying to do our thing down here. There are two separate states and this Bill applies to this

State. We are not going to interfere up there and they will not interfere down here. We have the same aim but we recognise the political reality on this island.

As regards the constitutionality of the Bill, which we discussed before Senator Mooney entered the Chamber, it did the rounds of all the Departments, including the Department of Justice and Equality.

Senator Paschal Mooney: I was following the debate.

Deputy Dinny McGinley: It was submitted to the Attorney General more than once. Unlike certain Senators, I am just a layperson who does not have a detailed knowledge of the law——

Senator Paschal Mooney: I was not questioning the Bill's constitutionality.

Deputy Dinny McGinley: ——but I have no hesitation in recommending that the House be guided by the advice of the Attorney General. I will not second guess any Attorney General and that is why I cannot accept the amendment.

Senator Brian Ó Domhnaill: I agree with Senator Cummins that much of the debate has focused on issues unrelated to the amendments. It is important that we focus on the amendments go mbeidh an deis againn plé sonrach a dhéanamh orthu. Sin an fáth go bhfuil na leasuithe ann, go mbeimid chomh sonrach agus is féidir.

I dtaca leis an leasú seo, the amendments we have submitted demonstrate our fundamental opposition to giving a function to Foras na Gaeilge in deciding on networks, Irish language plans or service towns in this State. We are fundamentally opposed to Foras na Gaeilge having a function to decide on networks or Irish language plans or service towns in this State. Why? From a practical point of view, Foras na Gaeilge has no official responsibility to this Oireachtas. The Joint Oireachtas Committee on Environment, Culture and the Gaeltacht cannot scrutinise the work of Foras na Gaeilge. The Minister of State has correctly pointed out that 75% of the budget comes from the State and 25% comes from the North of Ireland. I would not like to see communities in this State, whether they are in Dublin or Letterkenny, having prepared plans that are funded under the auspices of the Westminster purse. It is regrettable we are going down that road.

Foras na Gaeilge is doing excellent work within the 32 counties, established and supported by the former Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív. It has a huge role to play in the promotion of the Irish language and continues to do that. Its budget, however, is limited and there is nothing in this Bill to suggest its budget will be enhanced to provide the additional resources required. We are suggesting, as was set out in the 20 year Irish language strategy a d'fhoilsigh an Rialtas deireanach, go mbeadh an reit iomlán ag Údarás na Gaeltachta, i gcomhairle leis na heagrais uile a luaigh mé, na pleananna sin a ullmhú agus comhoibriú a fháil ón phobal chun iad a chur i bhfeidhm agus an buiséad cuí a bheith ar fáil. Tá an t-údarás freagrach don choiste Oireachtais agus don Aire sa Stát seo amháin.

Níl mé ag rá go bhfuil fadhb agam ligean don fhoras an obair seo a dhéanamh ach lá éigin nuair a bheidh brú airgid ar an fhoras agus é ag iarraidh obair a dhéanamh i mBéal Feirste, mar thoradh air sin bheadh seans ann go gcuirfí siar plean teanga i Leitir Ceanainn. There are practical difficulties in even having Foras na Gaeilge involved in implementing these plans within the State. This is not about a 32 county republic, it is not a republican question. We should park that outside the Chamber. This is about the Irish language. It has nothing to do with republicanism or who we are. I heard Senator Norris speak in Irish and I welcomed that. There are Senators on gach taobh den Teach ag labhairt i nGaeilge.

An Leas-Chathaoirleach: The Senator must speak on the amendment.

Senator Brian Ó Domhnaill: It is not about republicanism.

An Leas-Chathaoirleach: We are discussing three amendments.

Senator Brian Ó Domhnaill: Tá sé tábhachtach. Baineann sé le forbairt na teanga.

An Leas-Chathaoirleach: If the Senator wants to come in on the section, I will let him in.

Senator Brian Ó Domhnaill: I have made my point.

Senator Trevor Ó Clochartaigh: Tá sé tábhachtach rud nó dhó a chur ar an taifead faoi Fhoras na Gaeilge. Tá míchruinneas áirithe sa díospóireacht anseo. Tá feidhm uile-Éireann ag Foras na Gaeilge. Tá sé spéisiúil an méid atá an Seanadóir Ó Domhnaill ag rá mar is faoi aireacht Éamoin Uí Chuív a cuireadh Foras na Gaeilge ar bun ar an mbunús ina bhfuil sé. Táimid san áit ina bhfuilimid; sin atá ag feidhmiú i láthair na huaire ó thaobh na reachtaíochta de.

Táimid tar éis dul frí phróiseas maidir leis an tsamhail nua mhaoinithe ar an chomhchoiste Oireachtais, ag plé obair Fhoras na Gaeilge agus obair na n-eagras Gaeilge ar fad. Níl sé fíor a rá nach bhfuil ionchur agus maoirseacht againn ar an obair a dhéantar faoi scáth Fhoras na Gaeilge. Níor tugadh an pictiúr ceart ó thaobh na caoi a fheidhmíonn Foras na Gaeilge ach an oiread. Tá eagrais ann a mhaoinithear faoi Fhoras na Gaeilge, cosúil le Conradh na Gaeilge, atá ag feidhmiú ar bhonn uile-oileánda. Nuair a bhí an tsamhail nua mhaoinithe á plé agus bhí deacrachtaí ag eagrais leis sin, tógadh ceisteanna go poiblí agus rinneadh próiseas plé ar fud an oileáin. Nuair a bhí deacrachtaí leis an mbord ansin, tógadh comhchinneadh ag leibhéal na n-Airí. Sin an pointe go bhfuilimid ag iarraidh a rá. Tá veto comhchinnteoireachta ag an dá Aire, thaitneodh sin linn nó nach dtaitneodh, tá sin sa dlí. Dá mbeadh Aire ó pháirtí eile nach bhfuil chomh fabhrach don Ghaeilge, bheadh sé in ann veto a chur ar phleananna a bheadh á gcur i bhfeidhm dá mbeadh Gaeilge nó líonra baile Gaeltachta le bunadh i gCeatharlach nó i gContae an Chláir nó in áir mar sin. Aontaím nár cheart go gcuirfimis bac leis sin ach sin an pointe dlí atáimid ag iarraidh a dhéanamh. Bunaithe ar sin, beimid ag brú na leasuithe seo.

Deputy Dinny McGinley: Chomh fada agus a bhaineann sé liom, tá mé i ndiaidh a rá go bhfuil comhairle na Ranna go léir againn, tá comhairle ón Ard-Aighne againn. Dá réir sin, tá an Bille bunreachtúil agus ní féidir liom glacadh leis an leasú.

Amendment put.

Senators: Votáil.

An Cathaoirleach: Will the Senators claiming a division please stand?

Senators Sean D. Barrett, David Cullinane, David Norris and Trevor Ó Clochartaigh rose.

An Cathaoirleach: As fewer than five Senators have risen I declare the amendment lost. In accordance with Standing Orders the names of the Senators dissenting will be recorded in the Journal of the Proceedings of the Seanad.

Senator Trevor Ó Clochartaigh: I move amendment No. 3:

In page 6, between lines 22 and 23, to insert the following:

“In this Act, “the Minister in the North of Ireland” means the Minister of Culture, Arts and Leisure in the Northern Assembly.”.

Amendment put.

The Committee divided: Tá, 5; Níl, 33.

Tá

Barrett, Sean D.
Cullinane, David.
Norris, David.

Ó Clochartaigh, Trevor.
Zappone, Katherine.

Níl

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Byrne, Thomas.
Clune, Deirdre.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D’Arcy, Jim.
D’Arcy, Michael.
Gilroy, John.
Hayden, Aideen.
Healy Eames, Fidelma.
Heffernan, James.
Higgins, Lorraine.

Keane, Cáit.
MacSharry, Marc.
Moloney, Marie.
Mooney, Paschal.
Moran, Mary.
Mulcahy, Tony.
Mullins, Michael.
O’Donnell, Marie-Louise.
O’Keeffe, Susan.
O’Neill, Pat.
Ó Domhnaill, Brian.
Power, Averil.
Sheahan, Tom.
van Turnhout, Jillian.
Whelan, John.
Wilson, Diarmuid.

Tellers: Tá, Senators David Cullinane and Trevor Ó Clochartaigh; Níl, Senators Paul Coghlan and Susan O’Keeffe.

Amendment declared lost.

Question, “That section 2 stand part of the Bill,” put and declared carried.

SECTION 3.

Government amendment No. 4:

In page 6, subsection (1), line 24, after “Ministers” to insert “of the Government”.

Deputy Dinny McGinley: Is leasú é seo atá molta ag an dréachtóir parlaiminte ionas go mbeidh sé rí-shoiléir gur Airí Rialtais seachas Airí Stáit atá i gceist leis an bhfo-alt seo. Is leasú teicniúil é agus molaim é.

Senator Trevor Ó Clochartaigh: Táimid ag tacú leis an Aire Stáit sa leasú atá á dhéanamh aige. Tá sé ciallmhar agus ar bhealach tá sé beagnach cosúil leis na leasuithe a bhímid féin ag moladh roimhe seo le haghaidh soiléiriú. Tá an ceart aige agus an ceart ag an dréachtóir go ndéanfaí an soiléiriú seo.

Senator Brian Ó Domhnaill: Ba mhaith linn a rá go gasta go n-aontaíonn muid leis an leasú teicniúil seo. Níl aon deacracht leis.

Senator Thomas Byrne: Cad faoin Aire Stáit é féin? An gcaithfidh an Aire, an Teachta Deenihan, dul i dteagmháil leis maidir leis na rialacháin a bheidh á dhéanamh aige? Tá sé ráite ag an Aire Stáit nach mbeidh cead ag an Aire dul i dteagmháil le Airí Stáit. An mbeidh cead aige dul i dteagmháil leis an Aire Stáit, an Teachta McGinley?

Senator Sean D. Barrett: Aontaím go láidir leis an Aire Stáit. I strongly support the amendment, which proposes that we insert the words “such Ministers of the Government as the Minister considers appropriate” in section 3 of the Bill. I thank the Minister of State for proposing it. As we have been saying this afternoon, the Irish language is so vital that all of the Cabinet should be involved in making these regulations. It is very enlightened of the Minister of State to bring this amendment forward. We need to ensure the Department of Justice and Equality is involved from a linguistic rights perspective. The Department of Foreign Affairs and Trade has a role in upholding our international obligations under linguistic treaties. Our language can help to boost this country’s tourism industry as well. The education sector is also involved, of course. Every Department of State has a duty to assist the Minister in this regard. I commend the amendment strongly because it will ensure the entire Government has a role. The promotion of the language is a shared objective of every Member of this House. The amendment before the House will ensure all Ministers are involved in that process. I support it strongly.

Deputy Dinny McGinley: Aontaím leis an méid a bhí le rá ag an Seanadóir Barrett. Maidir leis an gceist a d’ardaigh an Seanadóir Ó Broin, tá feidhmeanna na Gaeltachta tarmhligthe. It is a matter of devolved authority.

Senator Thomas Byrne: Okay.

Amendment agreed to.

Question proposed: “That section 3, as amended, stand part of the Bill.”

Senator Brian Ó Domhnaill: Aontaím leis an alt seo, ach ba mhaith liom ceist ginearálta a chur faoin méid atá istigh ann. Tá sé tábhachtach go bhfuil na cumhachtaí seo chun rialacháin a dhéanamh á bhronnadh ar an Aire. Baineann an cheist atá agam leis an maoiniú a bheidh ar fáil ó thaobh cur i bhfeidhm an Achta. De réir an reachtaíocht mar atá sí faoi láthair, “féadfaidh an tAire rialacháin a dhéanamh, ag féachaint dó nó di do na hacmhainní a bheidh ar fáil”. Is ceist praiticiúil í seo. Beidh an tAire in ann rialacháin éagsúla a dhéanamh chun na spriocanna agus na pleananna teanga a chur i bhfeidhm agus a bhaint amach. B’fhéidir go dtabharfaidh an tAire soiléiriú maidir leis an áit as a dtiocfaidh na hacmhainní chun an reachtaíocht seo a chur i bhfeidhm. Tá sé ráite go ndéanfar é seo a shonrú sna rialacháin. Má tá an Aire Stáit ag iarraidh é sin a dhéanamh, glacfaidh mé leis sin.

Deputy Dinny McGinley: Mar aon le haon reachtaíocht eile a thugtar isteach, caithfidh feidhmiú taobh istigh de na hacmhainní atá ar fáil againn, fiú má tá siad teoranta nó neamhteoranta. Is é sin mar a rachfaidh sé ar aghaidh.

Senator Brian Ó Domhnaill: Cé go n-aontaím leis an alt seo, tá fadhb amháin anseo. Tuigim go bhfuil an aeráid eacnamaíochta fíor-dheacair faoi láthair. Tá íslú mór tagtha ar na hacmhainní atá ar fáil don Stát.

An Cathaoirleach: The Senator is on the wrong section.

Senator Brian Ó Domhnaill: I am on section 3.

An Cathaoirleach: The section that relates to expenses, etc., is section 4.

Senator Brian Ó Domhnaill: Tá a fhios agam. Tá mé ag caint faoi na rialacháin a thabharfaidh an Aire isteach.

An Cathaoirleach: We are on section 3, which relates to regulations.

Senator Brian Ó Domhnaill: Tá a fhios agam. Tá “available resources” luaite san alt seo.

An Cathaoirleach: Section 4 deals with resources.

Senator Brian Ó Domhnaill: Okay.

Question put and agreed to.

SECTION 4

Question proposed: “That section 4 stand part of the Bill.”

Senator Brian Ó Domhnaill: Baineann an alt seo leis na “expenses incurred by the Minister”. Obviously, is é seo bun agus barr chuid mhór don Bhille seo. Glacaim leis an méid a dúirt an Aire Stáit go gcaithfidh an Roinn an reachtaíocht seo a chur i bhfeidhm taobh istigh de na hacmhainní cuí atá ar fáil don Roinn. An bhfuil aon aontú ag leibhéal an Rialtais i dtaca le airgead breise a bheith ar fáil ón Rialtas go ginearálta don Roinn Ealaíon, Oidhreacht agus Gaeltachta leis na spriocanna agus na pleananna teanga atá leagtha amach sa Bhille seo a chur i bhfeidhm? Beidh airgead i gceist anseo. Cá háit as a dtiocfaidh an t-airgead sin? Ní cheart dúinn é a fhágaint go dtí na coistí agus na heagraíochtaí pobal-bunaithe na hacmhainní a fháil chun an plean seo a chur i bhfeidhm. It should not be left to organisation to implement this legislation and the Irish-language plans, in effect. Financial support has to be available. The Bill does not outline how that will happen. Section 4 states that the “The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas”. Glacann muid leis sin. Níl aon deacracht againn leis sin.

An bhfuil an Rialtas chun acmhainní breise a chur ar fáil don Roinn Ealaíon, Oidhreacht agus Gaeltachta leis na Acht seo — glacann muid leis go mbeidh sé ceadaithe — a chur i bhfeidhm agus na pleananna éagsúla a bhaint amach? Thug mé sampla ar an Dara Céim den mhéid a tharlóidh muna bhfuil na hacmhainní cuí curtha ar fáil. Dúirt mé go bhfuil plean teanga críochnaithe agus dréachtaithe i gceantar an Spidéil. Chosnaigh sé €25,000 an phlean a dhreachtú. De réir na saineolaithe a bhí bainteach leis an bplean, chosnóidh sé €650,000, ar a laghad, an plean a chur i bhfeidhm. Beidh acmhainní den chineál sin ag teastáil sna 19 ceantar atá leagtha amach san Acht seo i dtaobh pleananna teanga Gaeltachta. Má ghlacann muid leis go mbeidh figiúr cosúil le sin i gceist, is cuid mhór airgid é sin. Níl sé luaite sa Bhille. Ag an am céanna, an bhfuil aon phlé déanta leis an Aire, an Teachta Howlin, nó ag leibhéal aireachta, i dtaobh an airgid sin a chur ar fáil don Roinn agus na pleananna éagsúla sin a chur i bhfeidhm?

Senator Trevor Ó Clochartaigh: Tacaím leis an méid atá luaite ag an Seanadóir Ó Domhnaill. Aontaím i bprionsabail leis an foráil go dtabharfar cead don Aire an caiteachas seo a dhéanamh. Tuigim os na díospóireachtaí go bhfuil inní ar an bpobal maidir leis na n-acmhainní atá riachtanach chun an reachtaíocht seo a chur i bhfeidhm. Ó thaobh impleachtaí airgeadais de, deirtear sa mheabhrán míniúcháin agus airgeadais a fuaireamar leis an mBille seo:

[Senator Trevor Ó Clochartaigh.]

Meastar gurb é a bheidh sa tsábháil a leanfaidh as Cuid 3 den Bhille ná sábháil tuairim is €100,000 sa bhliain agus sábháil suas go €500,000 gach cúig bliana. Ní shamhlaítear go leanfaidh aon chostais bhreise don Státchiste as na Codanna eile den Bhille.

Tá sé ráite go soiléir ag an Aire Stáit go bhfuil céimeanna éagsúla glactha le 10 nó 15 bliain anuas. Bunaíodh Coimisiún na Gaeltachta, rinne an staidéar cuimsitheach teangeolaíoch moltaí faoi leith maidir leis an Ghaeilge a shábháil sna ceantracha Gaeltachta agus d'fhoilsigh an Rialtas roimhe seo straitéis i leith na Gaeilge agus an straitéis 20 bliain don Ghaeilge. Ní chreideann éinne i measc pobal na Gaeilge agus na Gaeltachta gur féidir an straitéis 20 bliain agus an méid uailmhianach atá luaite i gclár an Rialtais a chur i bhfeidhm gan maoiniú breise a chur ar fáil. Níl mé ag caint ar an maoiniú atá ar fáil faoi láthair, ach maoiniú breise.

Tuigeann duine ar bith atá ag plé le comharchumann nó comhlacht pobal-bunaithe Gaeltachta le blianta fada anuas go bhfuil gearradh déanta orthu le cúpla bliana anuas. Rinne an Rialtas a chuaigh romhainn agus an Rialtas seo laghdúithe ar an ciste atá ar fáil dóibh. Is ar éigean atá siad in ann feidhmiú ar an méid atá i gceist. Táimid ag caint freisin faoi acmhainn breise ó thaobh pleanáil teanga. Tá méid áirithe den acmhainn sin le fáil taobh istigh den Roinn agus — b'fhéidir — san údarás. Os rud é go bhfuil plean uailmhianach den chineál seo i gceist, caithfear breis acmhainní a chur ar fáil ó thaobh pleanáil teanga de. Beidh costais ag baint leis sin. Tá sé an-deacair glacadh leis na himpleachtaí airgeadais atá luaite — seachas tuileadh infheistíocht sna cheantracha Gaeltachta, san údarás agus in aonad pleanála teanga na Roinne, srl., a bheith i gceist, go mbeidh “sábháil tuairim is €100,000 sa bhliain agus sábháil suas go €500,000 gach cúig bliana” i gceist. Ba bhreá liom soiléiriú a fháil ar chéard go díreach atá i gceist ag an Aire Stáit leis an sábháil sin agus cé as a dtiocfaidh an sábháil sin. An é atá i gceist aige ná nuair a laghdófar bord an údaráis, má leantar leis an bplean, ó 20 duine go dtí 12, go mbaineann an €100,000 sa bhliain leis an caiteachas nó an t-airgead a thugtar do baill boird Stáit? An é atá i gceist freisin go mbaineann an €500,000 leis an toghchán a bhíonn ann d'Údarás na Gaeltachta. Más ea, beidh muid ag rá, ach an oiread leis an méid a dúirt an Seanadóir Barrett ar ball, nach féidir luach a chur ar an daonlathas. Tuigimid go gcaithfidh an tAire airgead a shábháil. Bheadh muid ag moladh go gcaithfidh toghchán a bheith ann. Más ceist airgid amháin í, d'fhéadfaí an toghchán a reachtáil ag an am céanna agus a bhíonn an toghchán comhairle contae ar siúl, nó in aimsir reifrinn nó olltoghcháin. Tá bealaí eile leis an t-airgead seo a shábháil.

Tá daoine i bpobal na Gaeilge agus na Gaeltachta ar buille gurb é atá ag tarlú ná go bhfuiltear ag baint de dhaonlathas pobal na gceantar Gaeltachta agus nach bhfuil de bhrabach ar sin ach sábháil €100,000 sa bhliain. Cuireann sin olc ar daoine. Muna bhfuil ann ach an sábháil sin, measann daoine gur chóir go mbeadh an sábháil sin le fáil in áiteanna eile. Maidir leis an alt áirithe seo, tuigeann muid go gcaithfear an cumhacht sin a thabhairt don Aire, ach ardaíonn sin ceisteanna eile maidir le costas, maoiniú agus acmhainní do na ceantair Gaeltachta agus don straitéis agus faoi fheidhmiú Bhille na Gaeltachta.

Senator Sean D. Barrett: I share the concerns of Senator Ó Clochartaigh in regard to expenses. They arise in two ways in respect of the savings alleged under the Bill. The claim is that there will be €100,000 per year savings in expenses by cutting the size of the board from 20 to 12 people, that is, a total of €8,500 per head. Is there any evidence that the existing elected board members of Údarás na Gaeltachta were involved in excessive use of expense accounts? Was the matter ever referred to the Comptroller and Auditor General? Will the replacement county councillors be less onerous when it comes to expenses? Many county coun-

cillors do not have a reputation for going easy on expenses. How was this figure comprised? If it was a matter of concern, why was it not examined before now?

The claim is to save €2 million over ten years. This is made up of €100,000 in running expenses plus two elections costing €500,000 each. However, the elections have never cost €500,000. I examined the Estimates for the Department. The last election cost €300,000 and that was five years ago. Inflation might be at a rate of approximately 10%. I am unsure where the 66% increase in the cost of running Gaeltacht elections has occurred since the last time they were held. If the Department was concerned about the high cost of elections for the údarás, did it ever seek to run them in conjunctions with other elections? These numbers should have been scrutinised elsewhere in the Houses to ensure they stand up.

I am concerned that travel expenses within the Department are rising rapidly. There is a danger that whatever we save by abolishing or reducing the number of elected people on that board from 20 to 12 people would be offset by the rapidly increasing travel and subsistence budget of the bureaucracy in the Department. I understand it has increased by 23% this year. Would the savings ever have accrued to the Minister for Finance, Deputy Noonan, or the Minister for Public Expenditure and Reform, Deputy Howlin, under this section?

The high cost of language studies arises under this section. Senator Ó Domhnaill referred to figures of €25,000 and €650,000 for implementation. If people are already speaking Irish spontaneously in return for some voting rights, then let us accept that as a gift and a bargain and continue to promote and encourage the spoken language. The economics of this legislation need some scrutiny.

Senator Paschal Mooney: I echo the concern expressed by my colleague, Senator Ó Domhnaill. The Irish language groups that have contacted us indicated that there is considerable vagueness surrounding the Bill in one area relating to expenses. I have no wish to dwell too much on the reason the Minister of State wishes to abolish the elections. That will arise under a different amendment, which is questionable anyway. I am keen to hear the Minister of State's justification for it.

My understanding is that in the case of the board of Údarás, the saving in expenses incurred by each member over a five year period will amount to between €400,000 and €450,000. The Minister of State has not indicated exactly how much money will be given in terms of the resources. Further, he suggested that the Bill is budget neutral. I have no wish to labour the point but it seems that the Minister of State will expect many local language organisations in the various designated areas to fund this themselves. He has given no indication of how it will be funded. There is a need for the Minister of State to explain to the House exactly how he will resource it. The explanation seems to be altogether inadequate based on the figures given by Senator Ó Domhnaill in respect of one small part of what will be a larger designated area in An Spidéal.

The outcome of the decision of the Minister of State represents an issue as well. I realise this is scoring a political point and I make no apology for it. Based on the current configuration, the five members to be appointed from the local authorities will almost certainly come from the Government parties. This is because the councils in the areas currently designated under the údarás are all controlled by either Fine Gael or a combination of Fine Gael and the Labour Party. There is nothing in the Bill to indicate the view of the Minister of State on how these councils will nominate people. Will the Minister of State introduce a proportionality clause? This could operate in the same way as for elected members of local authorities who are nominated to regional assemblies. That system is based on proportionality rather than a majority. In other words there is a grouping of four councillors per member.

An Cathaoirleach: That may be more relevant to a different section.

Senator Paschal Mooney: I fully accept that but this is in the context of the whole question and it relates to the savings the Minister of State indicated will materialise as a direct result of the ending of democratic elections. Subsequent appointments will be made and I simply wish to make that point. My core question was also raised by Senator Ó Domhnaill and Senator Barrett. Will the Minister of State clarify exactly how much this will cost and where the money will come from? On the basis of the figures provided by the Minister of State so far, it would appear to be altogether inadequate.

Deputy Dinny McGinley: Tá áthas orm go dtuigeann na Seanadóirí go gcaithfidh muid feidhmiú taobh istigh de na cuinsí atá orainn i láthair na huair maidir le staid airgid an Stáit. Sin ráite, cuirfear €60 milliún ar fáil as an Státchiste don rannóg den Roinn a bhaineann le Gaeilge, Gaeltacht agus oileáin. Ní suim shuarach í sin. Tá an t-airgead sin ag dul chuig eagraíochtaí atá ag saothrú sna Gaeltachtaí agus taobh amuigh de na Gaeltachtaí i gcur chun cinn na teanga. D'fhéadfaí a rá go bhfuil siad ag déanamh oibre a bhfuil an-ghaolmhar leis an obair a bheidh á dhéanamh acu nuair a bheidh an reachtaíocht curtha i gcríoch. Níl trácht ansin faoi go leor acmhainní eile a cuirfear ar fáil le haghaidh cur chun cinn na Gaeilge i Ranna eile. Deireann an Roinn Oideachais agus Scileanna go gcosnóidh sé €500 milliún orthu agus tá seirbhísí eile a chuirtear ar fáil i Ranna eile trí mheán na Gaeilge. Tá craoltóireacht agus foilsitheoireacht, TG4 agus Raidió na Gaeltachta ann freisin. Nuair a cuirtear iad seo uilig san áireamh, tá slam mór airgid ag dul leis an Ghaeilge a chur chun cinn.

Maidir le cad atá romhainn sa bhliain reatha, ní féidir liomsa a rá ag an bpointe seo. Beidh cruinnithe ag tosnú gan mhoill maidir le Meastacháin na bliana seo chugainn agus is cinnte nuair a bheidh an plé ag dul ar aghaidh maidir leo siúd, go dtiocfaidh na dualgaisí agus na freagrachtaí atá orainn i gcur chun cinn na straitéise isteach san áireamh chomh maith.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an méid adúirt an tAire agus aontaím leis gur maith an tsuim airgid í €60 milliún in aghaidh na bliana. Ach níor fhreagair an tAire Stáit an cheist a chuir mé maidir le cé as ar tháinig an figiúr €100,000. An bhféadfadh sé soiléiriú a dhéanamh ar sin? Tá muide ag déanamh tuairimíochta go mbaineann an sábháil €100,000 in aghaidh na bliana b'fhéidir le baill boird a bheith ag íslíú ó 20 go dtí 12. Cé as ar tháinig an figiúr sin agus cá bhfuil an sábháil de €500,000 ag teacht as. An mbaineann sin leis an dtoghchán agus an é sin amháin atá i gceist.

Maidir leis na hacmhainní, tá mise tar éis a bheith bainteach le cuid mhaith comhlachtaí pobail agus comharchumainn bunaithe i gceantar Chonamara. Gearradh siar ar na deontais do na heagraíochtaí agus is ar éigean a chlúdaíonn an deontas a fhaigheann siad anois ón údarás an pá a bhaineann le bainisteoir chomharchumainn nó bainisteoir eagraíocht pobalbhunaithe agus roinnt costais a bhaineann le riarachán. Má réitíonn ceann de na heagraíochtaí pobalbhunaithe sin plean teanga, glacaim leis, fiú má tá siad sách coimeádach, ar nós ranganna Gaeilge, seirbhísí tacaíochta breise a bheith ar fáil do lánúin atá ag tógáil a gclann as Gaeilge, imeachtaí óige, áiseanna a chur ar fáil sa bpobal agus mar sin de, níl na hacmhainní ar fáil faoi láthair do na heagraíochtaí sin as an buiséad atá acu anois le sin a chur i bhfeidhm. Muna bhfuil airgead breise in áit éigean san údarás nach bhfuil á chaitheamh, cé as an bhfuil an t-airgead sin ag teacht? Lá i ndiaidh lae nuair a chuireann muid ceisteanna maidir le cistí eile, deirtear linn go bhfuil cúrsaí gann agus nach bhfuil aon airgid breise le fáil. Má ghlacann muid le sin, i gcomhthéacs ceantair teanga — tá 19 acu le bheith ann — teastóidh buiséad breise, fiú leis na bunrudaí breise sin a chur ar fáil.

Tá sé an-deacair dom an bun fhealsúnacht atá ag an Aire Stáit maidir leis an Bille seo, nach mbeidh aon chaiteachas breise ag teastáil, a thuiscint. Ní dóigh liom go luíonn sin le réasún, muna bhfuil sé chun gearradh siar ar áiseanna, acmhainní nó rudaí eile atá ag tarlú cheana féin sna ceantair Gaeltachta. Tá sé fíor-thábhachtach, má tá muid chun cead a thabhairt sa Bhille seo maidir le foráil (4), an caiteachas seo a dhéanamh i gcomhair leis an tAire Caiteachas Phoiblí agus Athchóirithe. Ba bhreá linn soiléiriú a fháil ón Aire Stáit. Cá bhuil muid ag dul ó thaobh chúrsaí acmhainní maidir le Bille na Gaeilge agus forbairt agus cur i bhfeidhm na straitéis 20 bliain don Ghaeilge?

Deputy Dinny McGinley: Ar dtús, beidh an bord níos lú agus is cinnte go mbeidh sábháilt ansin. Beidh níos lú cruinnithe ar siúl mar beidh coistí réigiúnacha ann agus beidh sábháilt ansin chomh maith. Maidir leis an údarás, cur i gcás i mbliana, ainneoin na deacrachtaí airgid, tá €3.273 milliún á chur ar fáil sa bhuiséad reatha don údarás a théann chuig eagraíochtaí pobail atá ag plé agus ag cur chun cinn na Gaeilge sa Ghaeltacht. Ar ndóigh, beidh freagrachtaí orthur sin faoi choimirce an údaráis a bheith páirteach insan straitéis teanga. San am amach romhainn, caithfear tosaíochtaí a leagaint amach. Beidh an straitéis ar cheann de na tosaíochtaí sin agus na hacmhainní atá againn — tá siad teoranta — a úsáid dá réir ionas go mbeidh luach ár gcuid airgid againn. Sin ceann de na dúshláin atá amach romhainn ag an phointe seo agus muid at tabhairt isteach an Achta.

Senator Sean D. Barrett: In Vote No. 33 of the Estimates for the Department, the number of public sector employees goes down by 5%, but their travel and subsistence goes up by 23%. Therefore, they are spending 28% more on travel and subsistence, yet they tell the Minister that reducing the board of the údarás will save €100,000. These savings do not add up. We asked earlier how it was that cutting out elections would save €500,000. They have never cost that amount and could easily be run with other elections. Therefore, that saving is also questionable.

Senator Trevor Ó Clochartaigh: Maidir leis an bpointe a rinne an tAire Stáit, glacaim leis go bhfuil sé ag bunú cuid mhaith dá thuairimíochta maidir leis An Bille Gaeltachta ar an mhéid a bhí sa staidéar cuimsitheach teangeolaíochta. An rud a bhí molta sa staidéar sin ná go mbeadh saineolas pleanála teanga ar fáil le pleananna teanga a chur i bhfeidhm. Taobh istigh de na cúinsí atá luaite ag an Aire Stáit, sílim go bhfuil an t-airgead atá á chaitheamh ag Údarás na Gaeltachta á chaitheamh go stuama. Molaim an tAire Stáit as sin as an méid teoranta atá aige. Ní dóigh liom go bhfuil aon chomharchumann nó comhlacht pobail ag cur pingine ar bith amú. Dá bhrí sin, má tá an saineolas pleanála teanga seo le cur i bhfeidhm agus má tá pleananna teanga le cur i bhfeidhm, rud atá ag teastáil go géar, ní thagann sin saor in aisce. An é go bhfuil an tAire Stáit ag iarraidh ar an dream a thagann amach as Acadamh na hOllscolaíochta Gaeilge, a bhfuil máistreachtaí anois déanta acu sa bpleanáil teanga, oibriú saor in aisce nó dul ar JobBridge nó rud éigin den chineál sin leis na pleananna teanga a chur i bhfeidhm? Ní dhéanann seo ciall ar bith ó thaobh nach féidir acmhainní breise a chur ar fáil.

Ní chreidim é agus ní dóigh liom go gcreideann an tAire Stáit féin gur féidir é a dhéanamh gan acmhainní. Cinnte, ní chreideann na heagraíochtaí Gaeilge agus na comhlachtaí pobalbhu-naithe agus na comharchumann a bhí ag caint lliomsa gur féidir an obair a chur i gcríoch gan acmhainní. An é go bhfuil muid ag cur dallamullóg orainn féin maidir le seo? Tá Bille Gael-tachta dhá thabhairt i bhfeidhm, rud atá ag teastáil, ach muna féidir na hacmhainní a chur i bhfeidhm, an bhfuil muid chun an leas atá ag teastáil a fháil — an méid daoine atá ag labhairt Gaeilge ar fud na tíre seo a mhéadú go dtí an t-uasmhéid atá ag teastáil uainn? Nó an é go bhfuil muid ag dul ag coinneáil na Gaeltachtaí agus cúrsaí Gaeilge ar life support, ag cur

[Senator Trevor Ó Clochartaigh.]

cosúlachta ar an scéal go bhfuil muid ag déanamh rud éigin dearfach ar son na teanga, nuair atá an rud atá muid ag déanamh i ndáiríre chun fíor dochar a dhéanamh amach is amach don teanga? An leithscéal é go bhfuil muid ag feidhmiú ar son na teanga nuair nach bhfuil? Muna mbeidh na hacmhainní ann, muna mbeidh airgead breise ann, ní fiú dhá thráithnín an straitéis ná an Bille.

Senator Brian Ó Domhnaill: Bhí mé ag éisteacht go cúramach leis an Aire Stáit agus tá an cheart aige; tá €60 milliún ar fáil i mbuiséad na Roinne i mbliana do chúrsaí Gaeilge agus Gaeltachta agus mar sin de. Tá an cheart aige fosta nuair a deireann sé go bhfuil €3.7 milliún ag buiséad reatha an údaráis agus go bhfuil cuid de sin á caitheamh ar na chomhlachtaí pobalbhunaithe agus ar na chomharchumainn. Ach, ar an drochuair, is laghdú é sin. Ní pointe polaitiúil atá mé ag iarraidh a dhéanamh anse, mar tuigim go bhfuil laghdú de bhrí go raibh brú ar na Meastacháin. An pointe atá ann ná, má ghlacann muid leis an €3.7 milliún, bhí ar an údarás cuid den airgead sin a ghearradh ar na chomhlachtaí pobalbhunaithe agus ar na chomharchumainn. Tá na comhlachtaí agus na comharchumainn sin beo faoi láthair ar airgead atá an-teoranta agus ní bheidh ar chumas acu aon obair breise a iompar gan maoiniú breise a bheith ar fáil.

Maidir leis an údarás, tá sé faoi bhrú foirne fosta. Tá a fhios agam, ó bheith ag plé le feidhmeannaigh an údaráis nach bhfuil na foirne ag an údarás faoi láthair ábalta le bheith ag iompar breis oibre, cosúil le pleananna teanga a réiteach agus obair mar sin a dhéanamh. Tá ceist anseo faoi acmhainní reatha leis na pleananna éagsúla a chur i bhfeidhm. Tá ceist ann fosta faoi acmhainní foirne, san údarás ach go háirithe. Ar ndóigh, tá ceist ghinearálta faoi Fhoras na Gaeilge fosta. Maidir leis an €60 milliún atá ar fáil i mbliana, tá sé sin go léir fá choinne réimsí atá ar bun taobh istigh den Roinn faoi láthair. Tá muidne ag caint ar obair breise atá i gceist teacht i bhfeidhm de bhrí go bhfuil an Bille seo os comhair Tithe an Oireachtais. Má ghlactar leis, beidh cúraimí breise ar Údarás na Gaeltachta agus ar cibé eagrais taobh amuigh den Ghaeltacht a bheidh ag cur an Achta i bhfeidhm. Níl sin sonrach.

Má táthar leis an €60 milliún atá ar fáil don Roinn i mbliana gan an tAcht nó an Bille seo a chur san áireamh a úsáid, beidh scéimeanna éagsúla eile á ghearradh siar leis an Bille seo a chur i bhfeidhm. Aontaím leis an Aire Stáit go bhfuilimid beo in am deacair agus go bhfuil an t-airgead atá ar fáil don Stát íslithe cuid mhór. Glacann muid uilig le sin. Ach is ceist í seo faoin an Straitéis 20 Bliain don Ghaeilge agus faoi an dóigh a bhfuiltear chun an straitéis sin a chur i bhfeidhm agus na spriocanna eile inti a chomhlíonadh. Caithfidh airgead a bheith ar fáil ón Rialtas le haghaidh sin a dhéanam agus sin bun agus barr an scéil. Creidim i mo chroí go dtuigeann an tAire Stáit sin, go bhfuil an buiséad de €60 milliún aige agus go gcaithfidh sé troid a chur chun tosaigh ó thaobh na Meastacháin don bhliain seo chugainn. Guím gach rath air san obair agus troid sin a bheidh sé ag déanamh i gcomhairle lena chuid feidhmeannaigh, ach mar atá an Bille seo leagtha síos, gan an t-airgead a bheith ag dul leis, tá fadhb mór leis.

Tá a fhios agam nach bhfuil mórán ama fágtha le haghaidh na díospóireachta seo. An féidir síneadh ama a thabhairt dúinn?

Senator Maurice Cummins: In the hope that we will complete Part 1 of the Bill, I propose an amendment to the Order of Business, that we adjourn at 4.40 p.m. I hope we have everybody's co-operation for this.

An Cathaoirleach: Is that agreed? Agreed.

Deputy Dinny McGinley: Mar adúirt mé, tá laicisí airgid orainn. Caithfimid a bheith réalai-och agus an úsáid is fearr a bhaint as na hacmhainní atá againn. Mar atá ráite agam cheana féin, brathfaidh an t-airgead a bheidh ar fáil don bhliain seo chugainn ar phróiseas na meastacháin. Luaigh duine éigin an gá atá ann le haghaidh máistreacht sa phleanáil teanga. Tá áthas orm a rá go bhfuil an máistreacht sin ag daoine i mo Roinn. Tá súil agam go mbeimid ábalta úsáid a bhaint as na scileanna, an taithí agus an t-eolas atá acu. Tá cáilíochtaí i bpleanáil teanga ag oifigigh áirithe in Údarás na Gaeltachta. Beidh dualgaisí a bhaineann leis an mBille seo acu chomh maith. Mar a dúirt an Seanadóir Barrett, chosain an toghchán deireanach, a tharla seacht mbliana ó shin, €360,000. Tá a dhóthain tarlaithe ó shin. Ní chuireann sé sin san áireamh an méid a chosain an obair riaracháin a rinne foireann mo Roinne agus foireann an údaráis. Nuair a chuirfear an t-iomlán san áireamh, is cinnte go bhfuil an figiúr níos mó ná €500,000.

Question put and agreed to.

SECTION 5

Question proposed: “That section 5 stand part of the Bill.”

Senator Sean D. Barrett: This section, which relates to repeals and revocations, provides that “each Act specified in column (2) of Part 1 of the Schedule is repealed to the extent specified in column (3)” and that certain statutory instruments are also to be revoked. The Acts to be repealed, as listed in the Schedule, are the Ministers and Secretaries (Amendment) Act 1956 and the Údarás na Gaeltachta Act 1979. The Údarás na Gaeltachta (Amendment) Act 2010 is missing from the list. I believe its omission is incorrect. While I do not support the Minister of State in this regard, I suggest that if he wants to proceed in this way, he needs to repeal the 2010 Act, which specifies that údarás elections have to be held before 1 October next. That was what the former Minister, Mr. Carey, said when he brought the legislation in question before the Oireachtas on 6 July 2010. If that Act is now repealed, it will remain the law. I do not support the plan to postpone the elections further. If that is to be done, however, the law passed by the Oireachtas in July 2010 will have to be repealed. If that does not happen, I assume the election will have to go ahead before 1 October next. That does not seem to be the Minister of State’s intention, although I wish it were. The law remains in place until it is repealed. Perhaps legal people like Senator Byrne can comment on that. It seems to me that a defect in Part 1 of the Bill will have to be remedied if we are to proceed.

Senator Trevor Ó Clochartaigh: Chuirfinn fáilte roimh aon soiléiriú ar an ábhar seo. Sílim go bhfuil pointe tábhachtach ardaithe ag an Seanadóir Barrett. B’fhéidir go bhfuil duine éigin maith ag cabhrú leis. Má tá an Ard-Aighne agus oifigigh na Ranna ar fad tar éis an reachtaíocht seo a léamh, mar a dúradh linn i gcomhthéacs na forálacha roimhe seo, agus má tá faillí beag déanta pé scéal é, b’fhéidir go bhfuil an infallibility a bhaineann leis an Ard-Aighne as an áireamh sa chás seo. Ba mhaith liom soiléiriú a fháil.

Senator David Norris: I want to congratulate Senator Barrett on his astute detection of this defect in the legislation. I assume it is a fairly damaging discovery. If I had the intelligence to spot it, I might have made a tactical decision to allow it to go through before challenging it at a later stage. That might have been more damaging to the legislation.

Senator Maurice Cummins: The Senator is being mischievous.

Senator David Norris: I congratulate Senator Barrett. He has shown real foresight and political intelligence in detecting this error. Not many people go to the trouble of reading these Bills

[Senator David Norris.]

in detail, but it is clear that Senator Barrett has done so. His contributions to today's debate have been an adequate demonstration of the value of this House.

Senator Trevor Ó Clochartaigh: Hear, hear.

Deputy Dinny McGinley: Gabhaim buíochas leis an Seanadóir as an pointe teicniúil seo a ardú. Déanfar é a scrúdú. Beidh mé ábalta teacht ar ais agus tuairisc a thabhairt don Seanad ar an Tuarascáil.

Senator Thomas Byrne: Is dóigh liom go gcaithfidh muid an alt seo a scriosadh ón mBille. Muna bhfuil an Aire Stáit cinnte faoin alt seo, ba cheart dúinn vótáil ina choinne agus an alt a bhaint amach as an mBille.

Senator Cáit Keane: Nílimid cinnte fós. Níl sé ceart an alt a scriosadh gan bheith cinnte faoi.

Senator Thomas Byrne: Caithfidh sé——

An Cathaoirleach: The Bill can be amended on Report Stage.

Senator Thomas Byrne: Ní féidir an t-alt a scriosadh ar an Tuarascáil. Is é seo an t-aon deis amháin atá againn an alt lofa seo a scriosadh ón mBille. Níl an Aire Stáit nó a gcuid oifigigh cinnte mar gheall ar an bpointe a rinne an Seanadóir Barrett. Is é an réiteach ar an bhfadhb seo ná an alt a scriosadh.

An Cathaoirleach: The House is being asked whether this section should form part of the Bill. The section can be amended on Report Stage.

Deputy Dinny McGinley: The technical point made by Senator Barrett will be examined. I will report back to the House on it on Report Stage.

Senator Maurice Cummins: It is normal to do so.

Deputy Dinny McGinley: It is normal procedure in the other House.

Senator Maurice Cummins: It is normal in this House as well.

An Cathaoirleach: The same procedure applies in this House.

Senator Trevor Ó Clochartaigh: Nuair a chuireamar ceisteanna ar an Aire Stáit, bhí sé iontach cinnte go raibh scrúdú iomlán déanta ag an Ard-Aighne ar an mBille ar fad. Dúirt sé go raibh cóip den mBille curtha go dtí gach Roinn Stáit. Luaigh sé an Aire Dlí agus Cirt agus Comhionannais. Da mba rud é go raibh na hoifigigh sna Ranna sin chomh géarchúiseach leis an Seanadóir Barrett, a rinne a chuid oibre maidir leis an faillí seo sa reachtaíocht go dícheallach, shílfeá go mbeadh an faillí tógtha faoi deara acu. Conas is féidir linn breathnú anois ar chuid mhaith de na geallúintí eile a thug an Aire Stáit dúinn agus é chomh míchinnte faoin ábhar iontach bunúsach seo? Mar a dúirt an Seanadóir Norris, b'fhéidir go mbeadh sé níos fearr muna mbeadh an rud seo tógtha faoi deara go fóill, ionas go mbeadh an toghchán ann i mbliana. Tá sé tógtha faoi deara, áfach. Tá sé an-deacair againn tacú leis an cuid seo den Bille, más é sin an cheist.

An Cathaoirleach: As regards the Chair, it is totally normal practice to consider whether this section should stand part of the Bill at this time. It can be amended on Report Stage if that is what the House wishes.

Senator David Norris: It seems to me, following what has been said by Senator Ó Clochar-
taigh, that Senator Barrett's point is well made. It is worth reminding the House that Senator
Barrett pointed out earlier that the Minister of State told the House in good faith that this had
been sent to the Office of the Attorney General — and to the Departments of law, culture,
heritage and Gaeltacht and whatever else — to be proofed. Obviously, they did not do a
very good job on it. I will sit down to let Senator Barrett have the last word because it was
his discovery.

Senator Sean D. Barrett: I propose that we should not proceed with section 5 today. Perhaps
we can be given advice on it next week.

Senator David Norris: Hear, hear. I second that proposal.

An Cathaoirleach: We cannot do that. I have to deal with each section as it arises.

Deputy Dinny McGinley: The Act mentioned by Senator Barrett extended the term of office
of the elected members of the board until the end of September 2012. As far as I am concerned,
I have absolute and full confidence in the interpretation and the views of the Attorney General.
I cannot see any reason we should not proceed with this section today. I propose that we do so.

Question put.

The Committee divided: Tá, 23; Níl, 12.

Tá

Bacik, Ivana.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Jim.
D'Arcy, Michael.
Gilroy, John.
Hayden, Aileen.

Heffernan, James.
Higgins, Lorraine.
Keane, Cáit.
Moloney, Marie.
Moran, Mary.
Mulcahy, Tony.
Mullins, Michael.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
Whelan, John.

Níl

Barrett, Sean D.
Byrne, Thomas.
Cullinane, David.
Mac Conghail, Fiach.
Mooney, Paschal.
Norris, David.

Ó Clochartaigh, Trevor.
Ó Domhnaill, Brian.
Power, Averil.
van Turnhout, Jillian.
Walsh, Jim.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators Sean D. Barrett and
Trevor Ó Clochartaigh.

Question declared carried.

Progress reported; Committee to sit again.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: At 12 noon on Tuesday, 3 July 2012.

Adjournment Matters

Leader Programmes

Senator Brian Ó Domhnaill: Baineann an rún seo leis na scéimeanna Leader a chuirtear ar fáil sna Gaeltachtaí, go háirithe i mo Ghaeltacht, Gaeltacht Dhún na nGall. I will continue in English for the benefit of the Minister of State, who has good Irish but who may on this occasion want the point made clear in English.

The Leader fund is vital to this country and will be available until 2013. Meitheal Forbartha na Gaeltachta wound up as a company in August or September of last year. As a result, many projects in Gaeltacht areas in respect of which funding was approved were unable to draw it down. I know of a number of projects in my constituency in respect of which community organisations have taken out overdrafts with banks and financial institutions on the strength of their grant approval. To date, the grants have not been drawn down due to the very slow re-establishment of the Leader funding programme for Gaeltacht areas. Gaeltacht areas have lost out on millions of euro as a result of there being no administrative structure in place to channel the grants and allow employers and community organisations to apply for them.

In Donegal, expressions of interest in administering the scheme were sought by Pobal in March, and a number were received. Progress on the part of the Department has been slow, given that six or eight months had expired without the scheme being rolled out and allowing a new organisation to take over the administrative functions of the scheme so groups could apply for grants and so the money owed to groups that were approved before the winding up of Meitheal Forbartha na Gaeltachta could be paid out. This is long overdue.

I hope the Minister of State will be able to reassure all the groups from Gaeltacht areas that were owed money by Meitheal Forbartha na Gaeltachta before it wound up or are owed money by Pobal or the Department of the Environment, Community and Local Government. It is time that those groups received clarity and that a new scheme were put in place in County Donegal, be it under the remit of the Donegal Local Development Company or any other organisation. The scheme ought to be up and running and applicants should be afforded the opportunity to apply for grant aid under it before it runs out at the end of 2013. We are talking about European money co-funded by the Irish Exchequer. We have lost out on the funding in Gaeltacht areas. When the scheme is re-established in Gaeltacht areas, I ask that there be front-loading of funding therefor. An extensive advertising campaign should be undertaken so groups will know they can apply and that additional funding will be made available given that the Gaeltacht has had no funding whatsoever over the past 11 months.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I thank Senator Ó Domhnaill for raising this matter. The Leader initiative was established by the European Commission in 1991. It was designed to aid the development of sustainable rural communities following the reforms of the Common Agricultural Policy.

Leader II, which commenced in 1994, extended the programme to all rural areas in Ireland and was delivered by 34 groups. While Leader I had been a pilot initiative, Leader II was designed to complement the strategy for rural areas in the national development plan for the

period 1994 to 1999. In addition to increased funding and coverage of all rural areas, emphasis was placed on the acquisition of skills and improved capacity-building to ensure delivery of the business plan for the rural area.

Leader continued in the 2000-06 round of EU funding and operated in all rural areas of the country in that programming period. While 36 groups were contracted initially to deliver the Leader elements of the current programming round from 2007 to 2013, there are currently 35. Since 1994, therefore, all rural areas of Ireland, including all Gaeltacht areas, have been included in the Leader elements of successive rural development programmes.

Meitheal Forbartha na Gaeltachta, MFG, the group contracted by the Department of the Environment, Community and Local Government to deliver axes 3 and 4 of the rural development programme, RDP, in Gaeltacht areas, went into liquidation on 7 September 2011 leaving those areas temporarily without access to the programme. Progress in the context of the legal winding up of MFG is ongoing and in this context the final figures with regard to the number of payments due are not yet fully clarified. The Department is aware of the level of funding committed at various stages of the project life cycle, but a series of administrative and financial checks will have to be carried out before payment numbers and amounts can be finalised.

MFG is a private limited company and it is beyond the remit of the Minister or his Department to direct the business of such a company in any way. The group's liquidation process is still ongoing and both the Minister and I acknowledge that the current situation has caused delays in the delivery of the Leader elements of the RDP in Gaeltacht areas. However, this delay relates primarily to the need to ensure the continued effective delivery of projects funded under the RDP, including, in this instance, the capacity to deliver the services through the medium of Irish. The Department of the Environment, Community and Local Government is also responsible for ensuring that any solution is fully compliant with and has the capacity to ensure all projects are fully compliant with all EU and national requirements.

The process of identifying those promoters whose projects are at an advanced stage of development has been largely established and a system entailing co-operation with local development companies, LDCs, contiguous to Gaeltacht areas is in place to facilitate the final checking and processing of payment claims in respect of these projects in the short term. Many of these files have now been sent to the relevant LDCs which will be in touch directly with the relevant promoter to arrange payment.

In the context of the delivery of axes 3 and 4 elements of the RDP in Gaeltacht areas in the longer term, the Department of the Environment, Community and Local Government has been working with geographically contiguous LDCs to determine the optimum long-term solutions to facilitate the continuation of the service previously provided by MFG in Gaeltacht areas.

Following the completion of an open and inclusive process, I can now confirm that a long-term delivery solution for the remainder of the current programme has been agreed for the Gaeltacht areas of counties Galway, Donegal, Kerry, Cork, Waterford and Meath. The Department

5 o'clock is in the process of formalising arrangements with the relevant local development companies and while there is a system in place to address the current outstanding commitments in County Mayo in general and the future delivery for the Gaeltacht areas of south-west Mayo in particular, some further work is required to finalise a solution for the current delivery in the remaining areas of County Mayo. However, the Minister, Deputy Hogan, expects a solution in respect of that final area will be reached very shortly. The Minister believes the final solution, which sees of the future delivery of the Leader elements of the rural development programme, RDP, allocated to the relevant local development companies, is a significant step forward and is confident the Gaeltacht areas of Ireland will now have fully restored access to RDP funding.

Senator Brian Ó Domhnaill: While I thank the Minister of State for his response, unfortunately, it contained little that is new. Although progress is being made, it is extremely slow, which is unfortunate. In my native county of Donegal, the local partnership company has been engaged in discussions with the Department since April but still does not have full authority to commence administering the scheme. Consequently, I ask the Minister of State to convey this urgency, in respect of all Gaeltacht areas, to the Minister for the Environment, Community and Local Government. While this matter does not pertain to the Minister of State's own Department, I thank him for his response.

Foirne Scoile

Senator Trevor Ó Clochartaigh: Ba mhaith liom nóiméad de mo chuid ama a roinnt leis an Seanadóir Norris.

Gabhaim buíochas leis an Aire Stáit as teacht isteach. Táim ag ardú ceiste anois atá ardaithe agam cheana leis taobh amuigh den seomra seo maidir le scoil náisiúnta Inis Meáin. Tá aithne mhaith ag an Aire Stáit ar Inis Meáin agus Oileáin Árann. Tháinig an scéal seo chun solas Dé hAoine seo caite. Fuair an bord bainistíochta agus an scoil litir ón Roinn Oideachais agus Scileanna ag rá go raibh an dara múinteoir atá acu ansin le n-imeacht. Tuigim go bhfuil cúinsí airgeadais ag cur as don Roinn faoi láthair agus go bhfuil deacrachtaí áirithe i gceist le sin. Ach táimid ag iarraidh soiléiriú a fháil ar an chaoi a dtángthas ar an gcinneadh seo agus an féidir na himpleachtaí a bhaineann le sin a léiriú go soiléir?

Gan dabht, is oileán faoi leith é Inis Meáin agus tá cúinsí eisceachtúla ag baint leis an oileán sin. Tá líon na ndaltaí a bheadh i aon scoil ar oileán chomh beag le sin íseal go leor. Bhí ochtar dalta ag teastáil uathu le go mbeadh stádas don dara múinteoir acu agus tuigtear dom go mbeidh ochtar dalta acu i mí Meán Fómhair seo chugainn, ach b'fhéidir go bhfuil soiléiriú eile ag an Aire ar an cheist sin. Tá an cheist seo iontach casta, cé go gceapann daoine go bhfuil sí éasca go leor mar tá bád farantóireachta agus eitleáin ag dul isteach agus amach as Inis Meáin agus dá bhrí sin go bhfuil cúrsaí taistil éasca go leor. Ach maidir leis an dara múinteoir atá le n-imeacht, tuigtear dom go bhfuil sé i gceist go roinnfidh sí am idir Inis Meáin agus Inis Oírr. Níl sin praiticiúil d'aon duine ar Inis Meáin nó ar Inis Oírr. Ní féidir é sin a dhéanamh ar bhonn laethúil nuair a thógtar san áireamh cúrsaí iompair agus aimsire agus mar sin de.

Chomh maith le sin, tuigtear dom go bhfuil an múinteoir atá i gceist pósta ar an oileán agus go bhfuil clann aici atá ag dul chuig an meánscoil ansin agus go bhfuil a fear chéile ag obair. Bheadh sí i gcás an-deacair dá mbeadh uirthi bogadh amach ón oileán le obair a dhéanamh i scoil éigean eile i gceantar eile. Táim ag iarraidh soiléiriú a fháil ar an cheist seo. An bhfuil aon bhealach gur féidir achomharc a thabhairt ar an cheist seo mar gheall ar chúrsaí sóisialta, cúrsaí oileáin, cúrsaí teanga agus mar sin de? Níl aon áit eile sa domhan cosúil le Inis Meáin, chomh iargúlta agus speisialta agus atá sé. Tá sé fíor thábhachtach na daltaí atá ann a choinneáil sa scoil sin agus le daoine breise a mhealladh go dtí an oileán le daltaí a chur ann amach anseo agus go mbeadh caighdeán an-ard oideachais ann.

Cé a rinne idirbheartaíocht idir an Roinn agus an scoil sa chás seo? Cé a bhí ag caint leis an Roinn — mar níl sin soiléir? Tuigim go bhfuil freagra ag an Aire Stáit agus tá a fhios agam go bhfuil an-suim aige sa scéal, mar phlé mé leis é cheana. Tuigim freisin go bhfuil sé faoi bhrú ag ceisteanna go leor eile. Ba mhaith liom anois nóiméad a thabhairt don Seanadóir Norris.

Senator David Norris: I thank Senator Ó Clochartaigh for this opportunity. Incidentally, I note that while I can usually understand Members who speak in Irish, the Senator spoke very

fast and so I listened to the translation. I compliment the translator because the manner in which he kept up was superb.

I raised this issue earlier, which is the reason Senator Ó Clochartaigh generously offered me a little time on this issue. The points I made were that in the first instance, it is a unique location. Second, this school has distinguished itself in an extraordinary manner by winning prizes, such as second prize in the Ericsson national science competition. This tiny little school, located out on Inis Meáin on the Aran Islands, has won several other distinctions and had been praised highly by the Department's own inspectorate. The population there fluctuates and by September of next year, it will again have risen above eight pupils. The special rule was made by a previous Government that the qualifying level should be reduced for the special circumstances that apply on the Aran Islands. Senator Ó Clochartaigh and I are worried this may be altering. I see the Minister of State is shaking his head and I am glad to put that on the record. Well done. However, the number of pupils will rise to eight again and it is vital this school is maintained, regardless of whether the numbers fluctuate. My clinching argument is those pupils feed into the secondary school, which is a major and comparatively recent achievement for this island. It would be appalling if, in circumstances in which islanders have just reached the point at which children are not obliged to travel to the mainland, they must recommence so doing, because that would dishearten the islanders. There is a very strong case in this regard.

I visited the Aran Islands during the presidential campaign and was on Inis Mór, to which I had not been previously. While listening to people there, the point they were making was they are a special case and I believe this to be true. If one is committed to the preservation of something that is extremely precious in respect of our natural, cultural heritage and of our way of life, special conditions must operate. In conjunction with Senator Ó Clochartaigh, to whom I am grateful for the opportunity to say these few words, I appeal to the Minister of State to preserve this school and to make special arrangements.

Deputy Ciarán Cannon: I am taking this Adjournment matter on behalf of my colleague, the Minister for Education and Skills, Deputy Quinn. I thank both Senators for giving me the opportunity to outline for the House the position relating to the staffing of Inis Meáin national school for the coming school year 2012-13.

The criteria used for the allocation of teachers to schools are published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the national staffing schedule for the relevant school year and the specific pupil enrolments in the school in question on 30 September in the previous year. As both Senators suggested, within these arrangements there is special provision for island schools that takes account of the circumstances identified by the Senators, which arise in respect of providing education in a unique island setting. This special provision means that unlike the generality of schools, in the event that a reduction in the pupil numbers of an island school will result in the loss of the second or third classroom teaching post in the school, the post may be retained subject to certain pupil retention levels. Members should bear in mind these are unique to island schools. In the case of the second mainstream post, the total number of pupils must be at eight or above and the school must be the only primary school remaining on the island.

The pupil enrolment in scoil náisiúnta Inis Meáin for 30 September 2011 was six pupils, compared with nine pupils in September 2010. Under the published staffing schedule, this reduces the staffing level in the school for the 2012-13 school year from a two-teacher to a one-teacher school. In addition, the school also is entitled to ten hours per week of general allo-

[Deputy Ciarán Cannon.]

cation and language support teaching support. The school submitted an appeal to the primary staffing appeals board. All appeals submitted to the primary staffing appeals board are considered in accordance with published appeal criteria. The appeal by the school was unsuccessful on the basis that the school did not meet the published appeal criteria. The appeals board operates independently of the Department and its decision is final.

Lest there be any confusion, I should clarify that the budgetary changes that were applied to small schools generally this year are not relevant in this case. The situation that has arisen in this school, triggered by the fall in enrolment to six pupils, would have given rise to the same outcome in previous years and would have been subject to the same appeal criteria. Likewise, the new appeal criteria introduced for small schools arising from the budget measure are not relevant. As the only primary school on Inis Meáin, the scoil náisiúnta was not affected by the budget measure at all. By way of comparison, the small schools that were affected by the budget measure are required to be projecting at least 17 pupils in September 2012 to be able to retain provisionally their second teacher in a two-teacher school. The retention criterion for scoil náisiúnta Inis Meáin was eight pupils, which it did not meet.

Consequently, the second teacher in the school submitted an application to my Department on 23 March 2012 to be redeployed through the normal redeployment arrangements for primary school teachers. Under the redeployment arrangements, a panel officer was appointed by my Department, at the request of the patron, to assist with this process. The recommendation of a panel officer is binding. The panel officer has recommended that the teacher be redeployed to a shared general allocation-language support post to be based in her current school on Inis Meáin and serving the learning-language support needs of Scoil Inis Meáin and Scoil Naomh Caomháin on Inis Oirr.

I understand my Department was informed earlier this week that this proposal is not acceptable to the teacher or to the board of management of scoil Inis Meáin.

The public service, Croke Park agreement 2010-14, makes provision for the redeployment of public servants. The provisions of that agreement in relation to redeployment are now, in effect, contractual in relation to public servants covered by the agreement. The Croke Park agreement provides a guarantee of job security for permanent teachers contingent on flexible redeployment arrangements. The continuation of salary is only possible where any new appointment is accepted once offered.

Senator Trevor Ó Clochartaigh: Táim buíoch don Aire Stáit as an bhfreagra sin. An cheist a chuir mé ná an bhfuil aon bhealach gur féidir achomharc eile a dhéanamh ar seo. Tuigtear dom go bhfuil ochtar dalta ar fáil, nó sin atá siad ag rá liom. Más féidir leis an scoil a cruthú go mbeidh ochtar dalta acu, an mbeadh an Roinn sásta éisteacht le achomharc? An inní atá orm, maidir leis an alt deireannach faoin Croke Park agreement, ná go bhfuil sibh ag rá nach mbeidh an múinteoir ag fáil pá muna bhfuil sí sásta glacadh leis an tairiscint. Ón aithne atá ag an Aire Stáit ar Inis Meáin agus Inis Oírr agus an praiticiúlacht a bhaineann leis an gcinneadh, b'fhéidir nach bhfuil an cinneadh cothrom sa gcás seo, mar níl sé praiticiúil a bheith ag roinnt duine idir an dá oileán. An mbeadh an Roinn sásta breathnú ar sin arís.

Senator David Norris: I totally support what Senator Ó Clochartaigh has said. If we can find a way, let us do it. This is an obvious fudge concerning language support. They are speaking the language there and do not need language support. They are not people in Blackrock or Foxrock, so let us have another little fudge and get the teacher retained.

Deputy Ciarán Cannon: Fudging in certain areas might have got us into some of the current mess, though not all of it. The appeals process that was established to deal with the new budgetary arrangements around small rural schools was effectively put there to assess whether the enrolment in a particular school was trending upwards or downwards. If it could be proven conclusively that the enrolment was trending upwards, the school was essentially allowed to retain the teacher it was due to lose.

If Scoil Inis Meáin could supply us with evidence — it should be straightforward to do so on an island — of its likely enrolments in the coming years, 2012 to 2014, I will undertake to at least examine those numbers and see if they justify retention. We have gone a long way down an independent process, however, over which the Minister has no influence whatsoever. Nonetheless, I will certainly undertake to re-examine the case if that evidence is submitted to the Department.

Schools Building Projects

Senator Deirdre Clune: I am glad to have an opportunity to raise the issue of a proposed new national school for Educate Together in Carrigaline, County Cork, which is a growing area. In September 2008, a new Educate Together school was established in temporary rented accommodation and had 20 pupils at that stage. Last September, the school had 150 students and it is expected to have 180 in September 2012 based on current enrolments. Given the projected growth in population in the area up to 2014, the school is expected to have close to 300 pupils.

In January this year, the school opened an autistic spectrum disorder, or ASD, unit following a request from the special educational needs organiser in the area. The unit is very successful and has six pupils to date.

The school was under the impression that it would have a new building start this year. The staff hoped to move in to such a new facility in September 2013. Planning permission for the new school was granted at the end of May. After the planning application was made, the Department of Education and Skills said it was important to the planning process because it expected to have the school under construction and in operation in 2013.

The school meets the criteria applicable to band 11 and is serving a rapidly developing area where the existing educational provision is unable to meet demand for places. That is the category under which this school qualified. The 2013 date has now been pushed out to 2014-15 following an announcement by the Minister for Education and Skills.

Due to its rapid expansion, the school caters for 150 pupils on two separate campuses, which makes communication difficult. It covers six classes, including two junior infant classes. The situation is not ideal for staff, pupils or parents. Children from one family may be on separate campuses which are 1.5 miles apart in a busy town.

There is huge disappointment that the new school project has been delayed. The Minister has said that 80% of his Department's budget goes on staffing and I know his capital expenditure is restricted. I am not asking that any other school, to which a building programme has been already committed, should be demoted in favour of this particular school. I am asking the Minister of State to examine the matter, however. This request arises from a recent meeting I attended with parents and teachers involved in the Educate Together school in Carrigaline. If, for some reason, funding becomes available — perhaps because another school failed to meet the planning criteria and was not being processed — this school should be looked upon favourably.

[Senator Deirdre Clune.]

The Minister of State probably has the enrolment figures, but I raised this Adjournment matter to articulate the difficult situation facing this school with separate campuses in a rapidly growing town. The enrolment is increasing annually with a new full class of at least 30 pupils or more. In addition, the ASD unit is playing an important role and is very much needed in the Carrigaline area. There are six pupils this year, which is a high intake in a single school. The ASD unit was established on the understanding that the new school project would progress this year for start-up in September 2013.

The Minister of State should bear in mind the severe difficulties facing parents, teachers and students in this school.

Deputy Ciarán Cannon: I am taking this Adjournment matter on behalf of my colleague, the Minister for Education and Skills, Deputy Ruairí Quinn. I thank Senator Clune for raising the matter as it provides me with an opportunity to clarify the current position concerning the building of a new Educate Together school in Carrigaline, County Cork.

The Senator may find it helpful if I set out the context within which decisions relating to meeting the accommodation needs of schools must be considered over the coming years. Total enrolment is expected to grow by around 70,000 students between now and 2018 — that is, by more than 45,000 at primary level and 25,000 at post primary level. To meet the needs of our growing population of school-going children, the Department must establish new schools as well as extending or replacing a number of existing schools in areas, including Carrigaline, where demographic growth has been identified. The delivery of these new schools, together with extension projects to meet future demand, will be the main focus of the Department's budget in the coming years.

The five-year programme which the Minister announced on 12 March, will provide more than 100,000 permanent school places, of which more than 80,000 will be new school places. The remainder will be the replacement of temporary or unsatisfactory accommodation. Carrigaline Educate Together school is, fortunately, included in the five-year programme to go to construction in 2014-15 for the provision of a new school. The Department of Education and Skills has previously reached agreement with Cork County Council to acquire a suitable site for the new school, subject to planning permission being secured. I am sure the Senator is aware that earlier this week Cork County Council granted planning permission for the proposed new school building. Now that planning is secured the acquisition of the site will be completed. Department officials will continue to engage with the school authorities regarding the progression of the project.

I thank the Senator again for giving me the opportunity to outline to the House the current situation regarding that building project for Carrigaline Educate Together school. It is envisaged that a certain number of projects will be delivered each year in the five-year programme. The design and planning process to bring about that has now been set in motion. It would be difficult to move any schools around within that structure. For example, the schools to be delivered next year are now being managed by the design and planning unit in Tullamore. There is a bundle of schools that are now going through that process.

Next year, we will move into the schools that will be delivered the following year, which will include Carrigaline. One can expect therefore that progress will happen. In case there is any doubt in the minds of the Senator, the board of management, parents and pupils of the school in Carrigaline, it is most certainly the intention of the Minister to deliver on every project in the five-year programme within the five-year timeline.

Senator Deirdre Clune: I thank the Minister of State for his statement and appreciate his clarification. I understand the position, but I wanted to outline the severe difficulties facing the school which is growing. With the ASD unit and the growth in population, it is really feeling the pinch.

Battle of the Boyne Site

Senator Thomas Byrne: I thank the Cathaoirleach for his indulgence and allowing me to debate this motion. I failed to attend on Tuesday evening to discuss it because of a clash of diary commitments, for which I apologise. I also apologise to the Department and the officials involved.

This is an issue I have raised on a number of occasions on the Adjournment. I also raised it in the Dáil under the previous Government. There was a commitment given by the former Minister of State at the Department of Finance with responsibility for the OPW, Mr. Martin Mansergh, that the construction of a playground at the Battle of the Boyne site at Oldbridge, County Meath, would be given the go-ahead. To my delight and that of the people of counties Meath and Louth, this commitment was restated by the Minister of State, Deputy Brian Hayes. I am looking for an update on progress. The Minister of State, Deputy Brian Hayes, has spoken about a tender process which I hope will come to a satisfactory conclusion. Providing a playground would be in the best interests not only of the communities and children of the area, but also of the OPW and the administration at Oldbridge which would see a significant increase in the number of visitors and have facilities on a par with those available at Ardgillen Park or Newbridge House in County Dublin.

Deputy Ciarán Cannon: I apologise on behalf of the Minister of State, Deputy Brian Hayes, who is unable to be here and asked me to take this Adjournment matter on his behalf. I thank the Senator for raising it.

As the Minister of State outlined to the Seanad on 8 February, Oldbridge Estate was the core site of the historic Battle of the Boyne in 1690. The property comprises some 500 acres and an 18th century manor house, associated outbuildings and walled gardens. Following development by the Office of Public Works as a heritage and tourism presentation, the site has proved to be a popular public attraction. The site is of particular significance to the Unionist community in Northern Ireland and also attracts a broad range of general visitors. The extensive facilities provided, both indoor and outdoor, have won much praise and helped to establish Oldbridge as one of the top tourist attractions in the region. Over 40,000 visitors annually are received in the house, with multiples of this number making use of the grounds and walkways. Sport, leisure and recreational users represent a high proportion of the overall number of visitors and families, in particular, make great use of the open parkland, gardens and refreshment services.

In the light of this experience, OPW agreed, in principle, that a playground would be a fitting and popular additional facility and, having developed a design scheme, planning permission was obtained from Meath County Council. Following completion of final design details, tenders were invited for the first stage of the scheme. This comprises civil engineering works such as soil excavation, site preparation and drainage. The matter will be kept under review throughout the remainder of the year in the light of the prevailing financial climate.

Given the relevance of a playground facility to the local community and the role of the local authority in this context, Meath County Council has also been asked to make a contribution to the cost of the provision of the playground and its subsequent maintenance. While a response

[Deputy Ciarán Cannon.]

has not yet been received from the council, it is considered such an approach would be mutually beneficial to the objectives of the two public bodies. If funding can be made available from the local authority, it would greatly help our commitment to enhancing this much needed facility at Oldbridge. The Minister of State is still confident that a solution can be found and has instructed his officials to contact the county council again to ascertain the level of funding it may be able to provide.

Senator Thomas Byrne: I thank the Ministers of State for the reply with which, to a certain extent, I am satisfied in the sense that the commitment still stands. I understand the request of Meath County Council to provide funding was made some time ago, perhaps in the term of office of the previous Government. It is disappointing, therefore, to hear the Minister of State say the county council has not yet replied. I will urge my colleagues on the county council to take up this matter with it. The Minister of State needs to knock heads together, as this project would be mutually beneficial. The village of Donore is located beside the site. The local authority had earmarked funds for a playground there but failed to secure a suitable site. It seems this is the ideal solution, not only for Donore but for the wider area of east Meath and south Louth. I urge the Minister of State to telephone the officials involved. I will put a call through and ask my colleagues on the county council to push the issue. This would make the park a premier family and tourist destination. There are pony trials this weekend. In fact, there is something on there every weekend. The park gives great joy. It was one of the best investments during the Celtic tiger era. Apart from the site's sacred history for many people on the island, if a playground was provided, children, including my own, would obtain even more value and entertainment from it.

Acting Chairman (Senator Michael Mullins): The Senator has sold it well. We must all visit it.

The Seanad adjourned at 5.25 p.m. until noon on Tuesday, 3 July 2012.