



# SEANAD ÉIREANN

---

*Dé Céadaoin, 11 Iúil 2012.*  
*Wednesday, 11 July 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 Deirdre Clune that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister for Education and Skills to address the issues raised by the Competitiveness Council concerning the mathematics competency of Irish students.

I have also received notice from Senator Jillian van Turnhout of the following matter:

The need for the Minister for Health, in light of his confirmation in reply to Parliamentary Question No. 589 of 26 June 2012 that 31 of the 414 posts allocated for community mental health teams in the HSE service plan 2012 will be converted to nursing posts for acute inpatient services in the Dublin mid-Leinster region, to clarify the point at which he will ensure that the promised 250 posts for adult community mental health teams are ring-fenced for that purpose alone.

I have also received notice from Senator Jimmy Harte of the following matter:

The need for the Minister for Justice and Equality to explain the reason the High Court or Circuit Court for appeals is not sitting in County Donegal for Donegal cases.

I have also received notice from Senator Terry Brennan of the following matter:

The need for the Minister for Public Expenditure and Reform to advise of the future plans and proposals for King John's Castle, Carlingford, County Louth; and the possibility of opening the castle to be included in the existing walking tours of the medieval town of Carlingford currently performed by the local heritage trust, which are very popular with the many tourists to Carlingford.

I have also received notice from Senator David Cullinane of the following matter:

The need for the Minister for Justice and Equality to discuss the issue of ground rents; whether he intends to pursue the abolition of ground rents on the family home, and on the current position of residents of Lismore Park, Lismore Lawn and Lismore Heights in Waterford, who are currently being pursued for ground rents by the landlord.

[An Cathaoirleach.]

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Education and Skills to outline if it is proposed to provide sufficient funding to the Life Centre in Winter's Hill, Cork.

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

The need for the Minister for Health to intervene in the medical card application process (details supplied).

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Transport, Tourism and Sport to clarify that the future of the Malin Head coast guard station is secure in light of the Fisher report recommendations.

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

Go ndéanfaidh an tAire Cumarsáide agus Acmhainní Nádurtha ráiteas maidir le haon cónascadh atá dhá bheartú idir seirbhísí Nuachta TG4 agus Nuacht Raidió na Gaeltachta, i gcomthéacs na tuarascála — “An Bealach ar Aghaidh” — atá ullmhaithe do RTÉ agus an dtabharfar cothromaíocht coinníollacha oibre do na fostaithe a mbeidh athruithe dualgais orthu de bharr aon chomhnascadh a dhéanfar.

I regard the matters raised by Senators Clune, van Turnhout, Harte, Brennan, Cullinane, Burke, Conway and Ó Domhnaill as suitable for discussion on the Adjournment. I have selected the matters tabled by Senators Clune, van Turnhout, Harte and Brennan and they will be taken at the conclusion of business. I regret I have had to rule out of order the matter raised by Senator Ó Clochartaigh as the Minister has no responsibility in this matter, which is one for RTÉ. The other Senators may give notice on another day of the matters they wish to raise.

### Order of Business

**Senator Maurice Cummins:** The Order of Business is No. 1, Qualifications and Quality Assurance (Education and Training) Bill 2011 — Report and Final Stages, amendments from Dáil Éireann, to be taken on the conclusion of the Order of Business and to conclude not later than 12.45 p.m.; No. 2, Gaeltacht Bill 2012 — Report and Final Stages, to be taken at 12.45 p.m. and to conclude not later than 4 p.m.; No. 3, Animal Health and Welfare Bill 2012 — Committee Stage (resumed), to be taken at 4 p.m. and to conclude not later than 5 p.m.; and No. 4, Private Members' Business — Access to Cancer Treatment Bill 2012, to be taken at 5 p.m. and to conclude not later than 7 p.m.

**Senator Darragh O'Brien:** I propose to follow up on a number of points I raised previously. Has the Leader received feedback as to when the review of the community employment scheme will be published? Will the report be published during the summer recess? Community employment schemes are under increasing pressure and those involved would like to know where they will stand later this year and next year. The review is one of a number of reports that have been delayed by the Government. I ask the Leader to follow up this matter again. Perhaps he is in a position to give the House an update.

I refer again to the report on pyrite in homes which was due to be published in February and, subsequently, in March, April, May and June. It is now July and I understand from a response to a parliamentary question that it will not be published before the summer recess as it will go before the Cabinet over the summer. This is a grave disappointment. To be fair to

the Leader, I know he shared that disappointment last week about the delay. I need not remind Members that up to 70,000 households, predominantly on the east coast, are potentially affected by this.

I will next week publish a Bill I have prepared which will extend the Statute of Limitations for families on the basis of when they receive a positive pyrite test — in other words, the Statute of Limitations will only start then. The longer the Government, and I include the previous Government, delays on this, the more people who become statute-barred. Although we should allow time for the Government to respond, we must remember that while there is delay, more and more people are being taken out of the process and will not be able to have recourse to courts, which is a crucial point. I want to put on record my grave disappointment that this report will not be published or debated before the Seanad and Dáil rise.

When will the Taoiseach come to the Seanad in light of the fact we were given a commitment he would do so? Some 15 or 16 months have passed and he has not yet come for a formal sitting of this House, bar to interact with parliamentarians from other jurisdictions. While we were told he would be here before the summer recess, I do not see this anywhere in this week's schedule. Will the Leader inform me if the Taoiseach is coming to the House next week?

I put this point in particular because the House will deal tomorrow with the establishment of the constitutional convention and, although this House voted for the inclusion of the Seanad in that constitutional convention, the Taoiseach has flatly rejected this. I would have liked an opportunity to debate with the Taoiseach in this House and to actually try to get some logic from him on that insane decision. I would be very disappointed if the Taoiseach is not here next week, which is the last sitting week before the summer recess. We were given a commitment the Taoiseach would be here and he has not bothered up to now. I would like to see the Taoiseach in the House.

I ask that we would have a debate in the House very early in the new session on perinatal care. I thank Senator Rónán Mullen for arranging a most thought-provoking presentation from the One Day More group of parents whose children, unfortunately, survived only a very short time after they were born. Any of us who were present were very moved by the frank and honest personal accounts these men and women gave today. It gave us a very different perspective about the joy experienced by families and their friends, even in such a difficult situation when their children, who were born with major disabilities, had only a short lifespan.

They deserve, and I am sure the Leader will arrange, a proper and considered debate in September on the issue of perinatal care. I was struck, particularly in regard to the mothers who spoke today, by how well they were treated and what an experience it was for them to bring their children into this world, even if it was, as one mother recounted to us, just for the 17 minutes the child survived after birth. We need to look at how we might improve on that for parents and for the children who were born, and look at the whole area of perinatal care. I ask the Leader to arrange that debate early in the next term to see how the House can assist these very brave people, whom I commend. I again thank Senator Rónán Mullen for organising the presentation.

**Senator Ivana Bacik:** I welcome the start today of European science week and the events to celebrate the Euroscience conference here in Dublin. It is a great achievement for the city to host this and there are some very important developments and significant lectures and events taking place this week across the city, some for children, some for adults, with the idea being to involve as many people as possible in the events of European science week. In particular, it is very exciting to see that NASA will announce research links with Ireland at a lecture in Trinity College this week. This is just one of the many exciting announcements and lectures

[Senator Ivana Bacik.]

we will see this week. It is a very encouraging time for the development of science and science research in Ireland.

I join with others who yesterday raised concerns about the pilot school in Waterford and the students who have been left in such a difficult and unfortunate position as a result of the suspension of the training programme. There are many questions still to be answered, as several colleagues pointed out yesterday, including how the Irish Aviation Authority let disagreements fester between the Waterford-based college and its Florida-based training provider before it finally intervened, and why the students were left high and dry. I very much welcome the announcement by the Minister, Deputy Varadkar, that students will be paid their fare home but—

**Senator Darragh O'Brien:** That has not happened.

**Senator Ivana Bacik:** I suggest to the Leader we should have a debate on third level education, which many in the House have sought. In particular, we might focus on the regulation of private education and training providers. That is the bigger question this whole difficulty raises for many of us, namely, how we ensure appropriate regulation of private providers, which is the root of the difficulty for these unfortunate students.

I welcome the review that has been announced of outdoor concerts and how they are run in light of the very tragic events at the Swedish House Mafia gig at the Phoenix Park on Saturday night. I know many colleagues raised the issue in the House yesterday and it is quite right to express real concern at the appalling events that took place at the concert. I suggest we need a measured approach. We need to ensure the concert promoters take responsibility and that they, in particular, express to the Garda and the licensing authorities the issues that may arise around particular types of concert and event.

I would be against an outright ban. I was at the Phoenix Park last Thursday night for the Stone Roses concert, which went off smoothly and where the security presence was very clear, bags were searched and it would have been very difficult for anyone to have got in with knives and so on. I understand from reading reports about the concert on Saturday night that security broke down, bags were not searched, there was a clear breakdown and, as a result, the appalling behaviour ensued. However, it is not necessarily about an outright ban. Rather, it is about making sure appropriate responses are made in order that if particular events are organised with particular types of performer, there are more strenuous attempts at security. There is undoubtedly an issue about whether the Phoenix Park is suitable for certain types of concerts but to talk about an outright ban on outdoor events, when so many pass off without this sort of appalling event, would perhaps be overblown as a response.

**Senator Feargal Quinn:** I was impressed to read this morning that the Minister of State, Deputy Brian Hayes, has taken responsibility for attempting to save somewhere between €50 million and €70 million in the purchasing of various goods by different agencies and Departments. I mention this because I am amazed how long it takes to get things done in our State. We seem to be very slow in this regard. A colleague of mine sat on a committee in April 1995, the report of which recommended almost exactly the same thing, namely, instead of the various agencies purchasing locally, they would be able to purchase centrally. While that issue is a threat to some local SMEs, the savings that were suggested in 1995 were just £15 million whereas we are now talking about €50 million to €70 million. However, it takes so long to get things done in State bodies and there must be a new urgency. I urge the Government to get behind the Minister of State, Deputy Hayes, and support him on this to make sure things happen in time.

We debated the Construction Contracts Bill which went through this House during the last Government's time and had to then go to the Dáil before it comes back to this House to become law. While it has full all-party support, it has not even got to Committee Stage in the other House yet after a period of 15 to 18 months. We have to find a way of making things move and of getting things done, rather than delay.

An item in today's newspapers concerns fuel laundering, which is a scandal I raised some six or eight months ago. There must be a better system of identifying the fuel used in agriculture than the current system of adding colour to it. Senator Bacik referred to the week of science. This is a very simple challenge. Although I am not sure of the position in Britain, I believe we are the only country to use this system. In other European countries there are other systems under which farmers obtain reductions merely by showing their invoices and without the need to tamper with the fuel. During the raid that took place in County Monaghan yesterday equipment which could be used to launder 15 million litres of fuel per annum was discovered and some 40,000 litres of laundered fuel was seized. It appears we are extremely slow when it comes to getting things done. Let us take action in this matter immediately.

**Senator Pat O'Neill:** Will the Leader ask the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, to contact the Department of Public Expenditure and Reform on the subject of places at agricultural colleges? This is a matter on which I am seeking all-party support. I raised it last year and acknowledge that the Minister for Public Expenditure and Reform lifted the embargo and appointed one extra tutor to each of the six agricultural colleges. This year 921 young people applied for places at these colleges. There are 640 such places, which means almost 300 of the young people to whom I refer will not be attending agricultural college this year. Agriculture is one of the industries which is assisting the country in getting out of the recession. In that context, only 9% of farmers are under 40 years of age. Unless we allow the young people to whom I refer to gain access to agriculture, we will not make progress in achieving our goals under Food Harvest 2020.

It is not the position that people are being refused entry to agricultural colleges. What is happening is that they are now expected to sit an academic examination. I know people who have sat the examination in each of the past three years and failed to obtain a place in one of the agricultural colleges. This has serious implications for their future as farmers. If one does not have the green certificate which is presented to those who complete the relevant two year course in agricultural college, one is not entitled to claim the single farm payment or any of the grants available under the Department of Agriculture, Food and the Marine's schemes. In addition, one cannot avail of any of the changes introduced in the most recent budget in respect of inheritance, etc. I ask the Minister for Agriculture, Food and the Marine to contact the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, and request that he lift the embargo again. It is unfortunate that an academic examination has been introduced. When people apply through the Central Applications Office system, they are offered places — perhaps on similar courses. However, there are no such similar courses for the young people to whom I refer because in order to obtain a green certificate one must attend agricultural college. I ask the Leader to take the action I have suggested in order that the embargo will be lifted and additional places created. I acknowledge the six additional tutor positions the Minister for Public Expenditure and Reform sanctioned last year. These ensured an additional 120 people could attend agricultural college. I am requesting all-party support in this matter.

**Senator Denis O'Donovan:** I again refer to the issue of the trainee pilots who are stranded in Florida. I also wish to nail a couple of lies. I gave an interview on a Waterford radio station this morning and it was stated a relation of mine was one of the trainees involved. That is not true. I know some of the students — three of them are from the constituency in which I live

[Senator Denis O'Donovan.]

— but they are not related to me. I was in contact with three or four of the trainees in Florida early this morning and they informed me that they had not received any money to book flights home. They may be reimbursed in respect of such flights, but \$600 or \$700 dollars is no good to students who have each lost €85,000.

The pilot training group e-mailed Senators and it might be worth reading a paragraph from that communication. It states:

We understood and expected that a school that carried a licence from the IAA would be one that would be responsible, properly run and safe for us to pay our money into. Little did we know at the time how shallow the IAA assessment was and how meaningless IAA approval was to count for in terms of being genuine and trustworthy.

I deliberated on the option offered to me by the Leader of tabling a motion on the Adjournment on this matter. However, many questions remain unanswered. The Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, does not even know the answers to these questions. A carefully couched parliamentary response — padded and fluffed up — to a matter tabled for discussion on the Adjournment would not answer many of the questions I have posed. I sent a total of 16 questions to the Minister, but he has not supplied answers to them.

Many of the students involved have lost the €85,000 they invested. They cannot progress in their chosen careers because they do not have training certificates owing to the fact that most of them could not complete the course. Their dreams have been shattered. These 80 young Irish people will be returning home to join the dole queue. Some of their parents remortgaged their homes or obtained loans in order to help them to finance their studies and the repayments on these are not going to be met.

Because of the serious nature of this matter, I again propose an amendment to the Order of Business that this item be dealt with as a matter of urgency and that the Minister come before the House to explain what is happening. All we are seeking is honest answers. Almost three weeks ago the students involved received notice from the Florida Institute of Technology to the effect that all of their training had been cancelled and that the money they had put up had never been paid to it. To where did the €10 million to €15 million collected from these students go? The trainee pilots, particularly those who are Irish citizens, deserve answers. In fairness, Senator Cáit Keane was the first person to raise this matter which has been raised on a regular basis in the House during the past three weeks. This House — more than the Lower House — deserves the attention of the Minister in dealing with it. The students who have literally been left without parachutes deserve better treatment than they have received to date.

**Senator Marie Moloney:** I refer to the high number of fatalities on the roads during the month of June. The figure for fatalities had been falling, but it rose again significantly last month. I commend the Garda for adhering to the terms of the Croke Park agreement and implementing its new roster, which means there are many more gardaí on the roads in squad cars, etc. However, the one difficulty I have is that speed cameras always seem to be placed in 50 km/h zones. The number of deaths which occur in such zones is very low and accidents in them usually involve pedestrians. Speed cameras should be located on the open road where motorists are driving at high speed. Will the Leader ask the relevant Minister to come before the House, perhaps in the autumn session, for a debate on speed cameras, traffic calming measures and reducing the number of fatalities on the roads? As stated, the number in June was extremely high. Then, on 1 July, a 40 year old father of four was killed in a hit and run accident in County Kerry and, to date, no one has come forward to claim responsibility for his

death. That accident got the month off to a very bad start. Perhaps the Leader might ask the Minister to come before the House for a debate on the matters to which I have referred.

**Senator David Norris:** I wish to correct something the Minister for Education and Skills stated on radio earlier this morning. The matter to which he was referring is, perhaps, one on which he might need a little more education. He stated there was a need for a referendum because of the constitutional definition of marriage. That is incorrect because there is no definition of marriage within the Constitution, as such. It does not refer to marriage as an institution between one man and one woman as the prayer book and the Roman missal do. This was such a source of concern for a previous and significant member of Fine Gael, the late Declan Costello, who also served as Attorney General, that he raised the issue in his 1967 review of the Constitution. As one of the most prominent lawyers in the State at the time, he indicated that his clear, professional view was that this laid the Constitution open to the interpretation that it would sustain same sex marriage. That is my first point.

My second point relates to the fact that the Law Reform Commission was provided with information on this subject to the effect that what was involved could only be deemed unconstitutional if the institution recognising same sex relationships purported to give greater rights than marriage. I stress that the reference in this regard was to greater, not equal, rights. As I stated last week, the word “Teaghlach” which means household community is used in the Constitution. Who can deny the fact that persons of the same sex living together in harmony and love and whose relationship is recognised under the legislation on civil partnership constitute a household community? That is my third point. It is, therefore, a lie to say the Constitution presents a barrier because it does not do so. The Government should at least have the courage to introduce the legislation it promised in this area. If a citizen wants to challenge such legislation, an answer will be supplied by the Supreme Court.

The next matter to which I wish to refer relates to the press and an incident about which I heard in recent days involving a member of it.

A young reporter was snapping like a cur at the heels of a postman about the fact that Members of Parliament received an allowance for telephones. He was persistent until the person turned around and pointed out that the questioner was a reporter for one of the senior newspapers and asked whether he received an allowance. He was very reluctant to answer, but, eventually, he had to admit that he did. Apparently, reporters are senior to Members in their need to communicate. Having taken a telephone call from someone who had indicated they were on the point of taking their life and having spent one hour talking that person down and persuading them not to do so, a grant for telephones for Members of this House is significant and useful. This was followed by a discussion about civil servants who receive an allowance of €1.80 for working through their lunch hour. I consider they are doing the State an enormous service by so doing. It was said on the same radio station this morning that it amounted to 16 days free labour. We should have rationality, decency and courtesy in the newspapers.

One of the newspapers contains a very interesting article on tourists. Some 15 people were interviewed, some of whom, when asked about W. B. Yeats, asked if he had been married to Paula Yates. However, they had all heard of James Joyce. Will the Leader inquire of the Minister if it is possible to reopen the James Joyce Tower? In the circumstances, it is extraordinary that it is closed.

**Senator Deirdre Clune:** I refer to the sale of alcohol. Yesterday, following the concert in the Phoenix Park, Members focused on the volume of alcohol young people and not so young people had consumed at the concert. Last week we heard from Senator Averil Power about an



[Senator Deirdre Clune.]

irresponsible supermarket promoting alcohol products. We are in the summer season. The leaving certificate results will be released next month and the junior certificate results in September. There will be many opportunities to party and many young people will procure alcohol. Some two weeks ago the National Off-Licence Association called on the Government to introduce a mandatory training programme for retailers of alcohol and their staff. I support its call because it is very important that those dealing with and selling alcohol to young people have the confidence to say “No”, examine identification and question the volumes being purchased. I ask the Leader to invite the Minister of State, Deputy Róisín Shortall, to discuss the sale of alcohol, the progress she has made on the issue of below cost selling and her approach to introducing changes to how alcohol is sold.

**Senator Kathryn Reilly:** Today a meeting of representatives of the Internet industry, backed by the European Commission, is taking place to discuss how children can be kept safe online. It is taking place on foot of research carried out by the EC Safer Internet programme led by the London School of Economics. The document is entitled, Towards a better internet for children. It does not consider how we can stop the spread, virally, of information on items such as Project X Cavan. Rather, it considers what is happening on the Internet and the conclusions and statistics are shocking. One in five children has seen potentially dangerous content online such as that carried on pro-anorexia websites or on suicide techniques. Some 7% of Irish children have seen naked images or videos, 6% have seen sex online, 4% have seen information on how to commit suicide and 30% had had contact on the Internet with someone they had never met before. I ask the Leader to arrange a discussion with the Minister for Children and Youth Affairs and the Minister for Communications, Energy and Natural Resources on how we can keep children safe online. This is very important because the Internet is becoming a bigger part of our everyday lives. This is especially true of young people who are using it more and more for school and education purposes.

Will the Leader provide an update on when we can have a discussion on youth unemployment with the Minister for Jobs, Enterprise and Innovation?

**Senator Denis Landy:** I support the request for a review of open air concerts made by Senator Ivana Bacik. After the events on Saturday, people have tended to jump to conclusions. My son was at the concert on Saturday. He went into the venue at 3 p.m. almost as far as the stage. He was unaware of any stabbings until Sunday. I told him by telephone what had happened and he did not know anything about it. Many young people enjoyed themselves at the concert with their friends and got into no trouble. My son stayed in Dublin that night. We should, therefore, not come along with a hammer and stop all concerts because of what happened on Saturday. When I was younger I went to concerts such as the Mick Jagger concert in Slane. There was a strict rule at the gate, that no alcohol was allowed, and it was adhered to. The concert promoter did not have the required level of security and must answer for this in the review.

I support the position of Senator Pat O’Neill on providing places in training colleges on agriculture courses. We need to have the Minister for Public Expenditure and Reform, Deputy Howlin, speak on this point.

I want to raise——

**An Cathaoirleach:** The Senator will have to be very brief.

**Senator Denis Landy:** I will be. The Cathaoirleach is very helpful.

**An Cathaoirleach:** The Senator is on his third issue and knows the rules of the House.

**Senator Denis Landy:** I was only supporting the Senators who raised the other issues.

**An Cathaoirleach:** It does not matter.

**Senator Denis Landy:** I request that the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, review legislation on the protection of the rights of workers where companies, particularly in the retail sector, close down overnight. As matters stand, when a liquidator is appointed, workers are the last to be considered for payment. All creditors are paid first, which means there is no money left. We need to examine legislation in this area to put workers at the top of the food chain. Sinn Féin recently published legislation in this area which should be re-examined.

**Senator Labhrás Ó Murchú:** I compliment Senators Rónán Mullen, Darragh O'Brien and Mary Ann O'Brien on co-hosting a briefing by One Day More this morning. A number of Deputies were also involved in this very moving cross-party event. One Day More comprises families with children with severe disabilities and who lost a child shortly after birth because of severe disabilities. In times of difficulty we look for stories of inspiration and hope and we need look no further than the seven parents who spoke at the Hibernian Club this morning. They shared their personal experiences and did not show bitterness or regret. It was about showing the love they had for their children. Even though they had died, they were still very much part of the parents' lives. It would be a lovely experience if the Leader could arrange for the seven parents in question to discuss the matter in the Chamber. Over 50 Deputies and Senators turned up at a very early hour this morning. If the parents were to appear in the Houses, every Deputy and Senator would be overawed by their stories. I compliment everyone involved, but I would like their stories to travel further than the large attendance this morning.

**Senator Colm Burke:** I also thank Senator Rónán Mullen and other colleagues for organising the event held this morning. It is interesting to deal with this issue. Figures were published in recent days on the perinatal mortality rate. We have made significant advances in this country in the past ten years. The figures are clear. There were 58,261 births in the country in 2001. The perinatal mortality rate was 8.6 per 1,000. In 2010, this had reduced to 6.8 per 1,000 despite that the number of births in the country had risen to above 75,000. This took place without a significant increase in hospital staffing. Much credit is due to the nursing, medical and all the back-up support staff in all the maternity hospitals in the country for the achievements of the past ten years. The perinatal mortality rate is now one of the lowest in all European states. This is a credit to the medical services in the country. We should debate the issue to determine how we can further improve the rates and give support to people such as the parents who were here this morning telling their stories. I agree with Senator O'Brien's call for a debate on this issue. We are fast to criticise the health service but slow to give credit where credit is due. This is one area where credit is due and where a significant improvement has been made in recent years through the dedication and commitment and hard work of the staff in all the maternity units.

**Senator Paschal Mooney:** I join Senator Landy in supporting my colleague Senator O'Neill in his request of the Minister for Public Expenditure and Reform. Agriculture is one of the good news stories in this faltering economy. It is heartening that young people in particular are seeking out the various courses on offer in agricultural colleges. It is a far cry from a time less than ten years ago when agriculture was seen as being a no-hope, no-future industry. It is difficult to understand why this Government, which has laid a great emphasis on education, and education is the key, should oversee any moratorium or cap on the number of places available, especially given the growing demand from the farming sector and young farmers not

[Senator Paschal Mooney.]

only to commit themselves to the industry but to get involved in the industry in the long term. I fully share the concerns expressed by Senator O'Neill, a colleague of mine on the Joint Committee on Agriculture, Food and the Marine. I trust the Leader will respond appropriately. He understands the importance of the agriculture industry to the country. This is a perfect example of where, for a small amount of money, we can ensure a steady stream of competent, experienced young men will go into an industry that has, as Senator O'Neill suggested, a high quotient of older farmers. It is important for 2020 and beyond that we have a steady stream of young farmers coming into the sector. I welcome the comments made by Senator O'Neill and I am fully supportive of them. I hope the Leader will provide a positive response to the query.

I second the amendment to the Order of Business moved by Senator O'Donovan.

**Senator Paul Coghlan:** I fully agree with Senator Darragh O'Brien and the remarks of Senators Ó Murchú and Burke with regard to the One Day More group we heard from this morning on perinatal care. It is remarkably important. I gather great advances have been made in this area. I compliment the Senators who arranged the event, including Senator Mullen, Senator Mary Ann O'Brien and others. They gave moving accounts. That would not normally be my scene at that hour of the morning, or any morning, but it was moving and it opened our minds to the tremendous value of human life, even for such a short time. It was good that so many Members were there to hear their stories. Will the Leader indicate whether there is any way we could advance this, spread it or hear more about it in greater numbers in the Oireachtas? Any way we can advance it would represent a good day's work and I sincerely commend all involved.

**Senator Mary Ann O'Brien:** I, too, commend Senator Mullen, who was the catalyst for this morning's One Day More event. The elephant in the room is the word "abortion". The lives of the babies we heard about this morning would have been terminated. I did not speak myself this morning because it was a time for the parents but I too had a baby that died at two years of age, who I could have terminated when he was in my tummy. His name was Jack Irwin. Because of him we have raised €36 million for the Jack and Jill Children's Foundation. By the way, it has nothing to do with me. I do not do any of the work. My husband, Jonathan, his foundation and all the lovely people throughout Ireland do the work. This shows what can happen. I wish everyone had been there this morning to hear how fragile life is and that we are here to respect human beings. There was great sadness but great dignity portrayed this morning by those wonderful parents. I am not here to talk about that.

I wish to highlight an issue in Fergus Finlay's column yesterday in the *Irish Examiner*. Last week the Independent Deputy Maureen O'Sullivan asked a question in the Dáil about the future of young intellectually disabled people who finished school this year and what services would be put in place for them. The Minister of State, Deputy Kathleen Lynch, replied:

The demand for day services, including rehabilitative training, for school leavers continues to grow. The HSE expects approximately 654 school leavers will require services in 2012. This year disability services are required to cater for demographic pressures such as new services for school leavers from within their existing budgets. In previous years demographic funding was provided to meet this need. The 2012 budgets have been reduced by 3.7% and the moratorium on staff recruitment gives rise to additional challenges in service provision . . . The HSE is working with all relevant service providers to maximise the use of available places.

The Cathaoirleach can hear my tone of voice. I do not intend to finish the reply because it is, basically, Civil Service waffle. What does it really mean?

Let us pretend for one moment that we have a profoundly disabled child leaving school this year. The column identified a father in this position. Let us further pretend that one of us is such a father who has been told that there will be no day service for his profoundly disabled son unless dedicated funding is made available for that child. Let us imagine the case of a person who is, unfortunately, in intensive care, wholly dependent on others for her existence and unable to communicate. Let us further imagine that the consultant informs her that he cannot guarantee the continuation of her care beyond the end of the month because the hospital has not been provided with any funding beyond that date. She has no say in the matter. This is what we, the State, are doing to those with intellectual disabilities. It is a life sentence for them.

The young man to whom Fergus Finlay referred was real. He cannot talk, communicate, go to the toilet on his own, dress himself, eat or drink. How is it possible in this day and age that the State could turn its back on him and his family and other children or young adults like him? Are we really as uncivilised as this in 2012? It does not apply only to him. Many families find themselves in that position.

Last week the Leader kindly informed the House that the Government intends to publish the value for money review of disability spending next week. Corrective action must be taken this week to help the 650 families with intellectually disabled young people who are facing into a great deal of uncertainty and a life for hell for their families.

**Senator Cáit Keane:** What I have to say will not be as heart-rending as what Senator O'Brien had to say just now. I support Senator Ivana Bacik's comments on the Euroscience Open Forum. Ireland secured the hosting of the forum from stiff opposition from other European countries. I understand the final choice was between Vienna and Dublin and that Dublin won out. This is a major achievement for Ireland.

There was a new announcement today of 50 extra jobs from *ancestry.com*. One reason the company gave for choosing Ireland — it is here already — was the great array of talented people. We must have debates on where we are falling down in mathematics and science but we should not talk ourselves down too much because we have an array of talented people in Ireland and this is recognised. We must ensure we keep this going and have a debate that will support it. Moreover, Ireland is to become the first international research partner of NASA. The country was not chosen by chance. It was chosen because of the people who are here and those who were here.

I want to ask today what we are going to do about electric cars. The technology is ongoing but we have only developed a small percentage of it. This week Dublin was shown to be in the top ten most congested cities in Europe. That is a statistic at which we all should look to see what we can do to ensure we speed up the introduction of electric cars. Today the Dublin Airport Authority announced five new charging points at Dublin Airport, which is a great advancement. There are 340 such points nationwide in Ireland. I want to see whether we can produce a leaflet and whether we could encourage the Minister to come to the House in order that we could ask him whether we could introduce incentives to get rid of our anxiety about the journey range of electric cars and other incentives such as free parking spaces for them. There is a need for innovative incentives such as exist in other countries where some shopping centres have free charging points for electric cars. One could not have such incentives forever but if we could have a debate on it, we could see how we can speed up the introduction of such cars. There are eight different electric cars on show today at the science forum. We should go down and have a look at them.

**Senator Averil Power:** I want to raise two issues. The first is a proposal that the Order of Business be amended to take No. 23, motion 8 on the Order Paper, which states: “That the Social Welfare and Pensions Act 2012 (Section 12) (Commencement) Order 2012 (S.I. No. 206 of 2012) be and are hereby annulled.” Members on all sides of the House have had correspondence over recent weeks from the free legal advice centres on this particular section of the commencement order, which restricts the availability of the mortgage interest supplement to borrowers. In the debate in this House on the Social Welfare and Pensions Bill, which was guillotined earlier in the year, we had a brief debate on this section where the Minister, Deputy Burton, stated that the object is for the Department to help those in mortgage arrears but also to force lenders to engage in the mortgage arrears process. Otherwise the Department would be handing out money without any requirement for engagement.

Everybody in the Fianna Fáil group and, I am sure, other Members in this House believe that banks should be forced to engage. I agree in principle that the State should not be paying mortgage interest for the first 12 months and that the banks should do it. The problem is that the Minister, in bringing forward the commencement order, has done so in a way that is entirely premature because the adequate protections are not in place to ensure borrowers are protected. That also was a failing of the Personal Insolvency Bill that was published last week. My party agrees in principle that this change should be made, but it should only be made if and when adequate protections are in place for the borrowers. Such protections are not in place. That is not only our view in the Fianna Fáil group but the view of the free legal advice centres which deal with people day in, day out and which know exactly the legal rights of these people and the weaknesses in the current protection.

That is why my party will push for this amendment to the Order of Business today. I call on Members on all sides of the House to support it. We all know the difficulties being experienced in respect of mortgages and we have an opportunity in this House today to stand up for those affected.

I join Senator Norris’s call for a debate in this House on the issue of same-sex marriage. Personally, I was incredibly disappointed by the Taoiseach’s reaction when he was asked about it by my party leader yesterday. He has been incredibly cowardly on it because he will not say where he stands. This issue does not need to go to the constitutional convention. It needs leadership from political parties. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, has given his view. Our party leader has given his. I do not know why the Taoiseach will not give his own because his party passed a motion in respect of same-sex marriage.

**An Cathaoirleach:** Senator Power has proposed an amendment.

**Senator Averil Power:** We should have a debate on this issue in this House. We should show our commitment to supporting equality for all and not put it off. Let us be clear, particularly to the Labour Members of this House——

**An Cathaoirleach:** Senator Power is way over time.

**Senator Averil Power:** ——that all that will happen as a result of referring this issue to the constitutional convention is that we will ensure there is no referendum in the lifetime of the Government, and that is wrong. Members should ensure parties show real leadership on this issue.

**Senator Denis Landy:** I thank Senator Power for the advice.

**Senator Marc MacSharry:** I second the amendment to the Order of Business moved by Senator Power. This important issue requires to be discussed.

I remind Members, as I am sure they already will be aware as the Leader has said it, that I will propose later today the Access to Cancer Treatment Bill 2012, which is non-adversarial legislation. I would hope that, between now and this evening, everyone will take a moment or two to read this quite short but important legislation. I hope normal political hostilities can be shelved in the interests of the patient because that is what this legislation is about. As the House will be aware, Senator Crown is a co-sponsor. The Bill is about making drugs available to vulnerable cancer patients and ensuring clear processes on that, while still protecting the Government ability to opt out of the provision of a drug. The purpose of this legislation is to ensure the automatic provision of drugs which help people and to allow the State opt out case by case, which we believe is much fairer. It will certainly avoid vulnerable cancer patients having Joe Duffy as their only recourse.

**An Cathaoirleach:** That Bill is being debated this evening.

**Senator Marc MacSharry:** I am glad to take the opportunity to explain a little in advance of the debate. I hope all the Members will take the time to attend the debate. I very much hope we can celebrate it as a pioneering legislation put forward by a united Seanad rather than use it for political adversarial purposes, as is so often the case.

**Senator Mary Moran:** I echo the sentiments raised today by Senator Mary Ann O'Brien. It is an issue I raised last week, the awful situation in which parents of persons with a disability find themselves as a result of cutbacks, with no day service provision available unless specific funding is in place. Like Senator Mary Ann O'Brien and other Senators, I live in a world with children with a disability and recognise the absolute need for funding to be able to provide adequate education and services for them.

I also spoke last week about the cut in respite care. I repeat that perhaps those who do not avail of respite or who do not have that luxury of maybe getting one night's sleep in six weeks do not fully appreciate and understand this. I again call on the Leader to ask the Minister to come to the House to discuss this issue. I had not intended raising that.

I add my concerns, along with those of other colleague, about the unfortunate dreadful situation in which the Irish student trainee pilots find themselves. I note it was raised yesterday as well. I agree we should have a debate on the issue in the House. It is important to ascertain why the Irish Aviation Authority let the disagreement fester between the pilot training college and the Florida-based training provider before intervening in the 12 month dispute. Many of the families, whom we saw on the news, have remortgaged their houses, given their life savings or, in some cases, borrowed significant sums of money for their sons' education. The sums involved are astronomical.

**An Cathaoirleach:** Is Senator Moran supporting the amendment to the Order of Business?

**Senator Mary Moran:** No.

**Senator Darragh O'Brien:** Why not?

**Senator Mary Moran:** I am only saying that those who have been caught up in the dreadful situation through no fault of their own are innocent persons and they are being caught for the additional fees

**Senator Darragh O'Brien:** Senator Moran has an opportunity to do something about it this morning. Talk is cheap.

**Senator Mary Moran:** I welcome the statement of the Minister, Deputy Varadkar, that he will pay for their air fares home, but we need to discuss this further.

**Senator Jim Walsh:** I join those who complimented Senators Mullen, Darragh O'Brien and Mary Ann O'Brien and thank the Senators for their invitation to us to hear what was a story of integrity, courage, parental love and a lesson to us all in how to face adversity. I join Senators Ó Murchú and Paul Coghlan who stated they hoped there would be a follow-on. I encourage the three Senators to have further initiatives because it is important everybody in this House hears their stories. It is part of the enlightenment we should have in the process of formulating legislation.

I want to raise with the Leader the report, provided with EU funding and issued yesterday, on the effects of the Internet, particularly on children as young as nine who are exposed to hardcore pornography. It is an appalling situation which was allowed develop. The Internet is a source of tremendous good, be it in the fields of education, information, communication, and social and employment opportunities, but there are also risks attached to it. I am reminded of a recent incident in England where a 12 year old boy was prosecuted for raping a nine year old girl precisely because he had accessed hard-core pornography on the Internet at a young age. This had totally corrupted his view of sexual activity and according to his defence counsel, the case was only the tip of the iceberg. Affording unfettered access to the Internet from an early age has major consequences. I ask for a debate on this issue with the Minister for Children and Youth Affairs, who will clearly be concerned about the problem, the Minister for Justice and Equality and the Minister for Communications, Energy and Natural Resources. The Government has launched a campaign on Internet freedom. Like all freedoms, however, some form of regulation and control is required to prevent such adverse effects.

**Senator Catherine Noone:** The issue I raise may appear frivolous in the context of disabled children and similar issues raised by other Senators. I was disappointed to learn that Ireland will host a "Toddlers and Tiaras"-style children's beauty pageant later this year. It appears the organisers have managed to secure a venue for the event in question. This is one American export that we could do without. Beauty pageants of this nature have potentially damaging consequences for young children and are the antithesis of what childhood is about. Young children should be left to enjoy their childhood. While I accept the event in question is likely to take place, I urge mothers—

**Senator Ivana Bacik:** And fathers.

**Senator Catherine Noone:** —not to allow their children to participate in it. Children should be allowed to enjoy childhood activities such as cycling and playing in parks rather than being dressed up, having make-up applied, their hair done and tiaras placed on their heads to look like mini-adults. I strongly discourage these types of pageant.

**Senator Martin Conway:** I concur with the sentiments expressed by Senators Mary Moran, Mary Ann O'Brien and others. We have been assured that the Laurence Crowley value for money report on funding for services with people with disabilities will be published before the end of the term. Much work has been done on the report, which was initiated by the former Minister of State, Mr. John Moloney, at a time when services were not improving despite significant increases in funding. We should be fair to Mr. Moloney and acknowledge his role in establishing the value for money audit which is being continued by this Government. I look forward to the outcome of the report because I believe it will revolutionise funding for services for people with disabilities.

As we approach the end of term, Senators may recall that last year we were kindly invited to the Abbey Theatre by Senator Fiach Mac Conghail, who made tickets available to attend a show. It would be appropriate for Senators to buy tickets before the end of term to attend the current production at the Abbey Theatre, “The House”, which is, I understand, a good production. This would show solidarity——

**An Cathaoirleach:** The matter is not relevant to the Order of Business.

**Senator Martin Conway:** ——with Senator Mac Conghail and his colleagues and appreciation for the great work they are doing.

**Senator David Norris:** May I raise a point of order and make a correction? Yesterday, I suggested the Leader had simply recited the same answer he gave to me last week on the matter of pilots in training. Having checked the record, I acknowledge that there were substantial differences in his replies on the two days in question and that the explanation he gave yesterday contained new and considerably fuller information than his previous reply. I acknowledge that I was incorrect.

**An Cathaoirleach:** That is not a point of order.

**Senator Maurice Cummins:** I appreciate Senator Norris’s clarification on that matter.

Senator Darragh O’Brien asked when the report of the review of community employment would be published. I am not aware of when the report will be available. I am naturally as disappointed as the Senator that the pyrite report will not be available to Members before the recess. I hope, however, that the House will have an opportunity to discuss it early in the new term.

On the possibility of the Taoiseach’s coming before the House, I gave an undertaking that he would do so before the recess and I still believe that will be the case next week. On the Taoiseach’s comments on the Seanad, Senator O’Brien should have listened to his party leader’s comments about this House this morning.

**Senator Darragh O’Brien:** He indicated he wanted the issue to go before the constitutional convention.

**Senator Maurice Cummins:** He was not very complimentary towards the House.

**Senator Darragh O’Brien:** He wants the issue to go before the constitutional convention if it makes sense to do so.

**An Cathaoirleach:** Please allow the Leader to continue without interruption.

**Senator Maurice Cummins:** Senators Darragh O’Brien, Labhrás Ó Murchú and several others referred to One Day More, an organisation that held a breakfast information meeting this morning, and called for a debate on prenatal care. I will seek to arrange such a debate in the new session.

Senators Bacik, O’Donovan and others mentioned the pilot training college in Waterford. I gave a comprehensive response on this issue yesterday, which I received from the Minister’s office. I have asked the Minister to address the matter in the House. However, he is in Brussels today and will be in Northern Ireland tomorrow. He will then visit Cyprus on Friday to prepare for the EU Presidency. I have asked him to provide a comprehensive and up-to-date report on the matter next week. I hope this will suffice for Senators who are seeking to have the Order of Business amended.



[Senator Maurice Cummins.]

Senator Quinn referred to the lack of progress in procurement and advancing legislation in the House. All of us would like faster progress to be made on these issues. On the environmental problems caused by fuel laundering and its impact on revenue to the Exchequer, action must be taken quickly on this issue as it is causing havoc in many counties. The erstwhile subversives who are involved in this activity are doing a great deal of harm to the environment and standards of living are being adversely affected by the decline in revenue from excise duties on fuel.

Senators O'Neill, Landy and Mooney called for the recruitment embargo to be lifted to allow staff to be recruited at agricultural colleges to enable more students to attend the colleges. Additional staff were employed last year. I am sure this issue is close to the heart of the Minister for Agriculture, Food and the Marine, who will be before the House this week, at which time Senators will have an opportunity to raise the matter with him.

Senator Moloney referred to Garda rostering arrangements. As Senators will agree, the new rosters will benefit everyone. On speed cameras, it may be possible to have a debate on road safety in the new term.

Senator Norris called for the reopening of the James Joyce tower. I will inquire as to the position from the Minister for Arts, Heritage and the Gaeltacht, Deputy Jimmy Deenihan.

Senator Clune referred to training for people who operate off-licences and called for the Minister of State, Deputy Shortall, to come before the House. I have contacted the Minister of State and she will come to the House in the first few weeks of the new term to discuss the issue several Senators raised this morning.

Senators Reilly and Walsh raised the dangers of the Internet and the need to keep children safe online. I will ask the Minister for Communications, Energy and Natural Resources to come before the House to debate the issue in the new term. If we are unable to have a Minister come before the House next week for a debate on youth unemployment, which is long overdue, we will ensure such a debate takes place early in the new term.

Senator Landy referred to security staff at concerts and argued against banning all concerts because of the actions of some of those who attend them. I am sure Senators share that view. As I noted yesterday, the Minister has taken action on this issue and legislation will be introduced on security at such concerts and the security industry in general. I will inquire of the Minister as to when it is intended to have legislation on the rights of workers.

Senator Colm Burke spoke about the advances made in perinatal care. We all agree that the dedication and commitment of staff in maternity hospitals are excellent. As I said, we will arrange a debate on the issue in the new session.

Senators Mary Ann O'Brien, Mary Moran and Martin Conway referred to the position of young people with disabilities when they leave school. The State should not turn its back on families such as those mentioned by the Senators. As Senator Martin Conway stated, Mr. Laurence Crowley's value for money report on disability services will be available next week and I hope we can have a debate on the issue as soon as possible. I agree with Senator Mary Moran that the people involved know more than anyone else about the importance of respite care to carers, which should be paramount when we are speaking about funding for disability services.

Senator Cáit Keane referred to the science forum, as well as the effectiveness of electric cars. She suggested we attend the exhibition today. I hope no Members on this side will be attending because we have very important business to deal with today.

**Senator Cáit Keane:** We spend €1 million an hour on fuel.

**Senator Maurice Cummins:** Senator Averil Power suggested we amend the Order of Business in regard to non-Government motion No. 8 on the Order Paper. I do not propose to accept the amendment. The Senator called for a debate on same sex marriage. As this issue will be dealt with in the constitutional convention, let us see what happens as a result. I am sure we will be having debates on the constitutional convention and its findings when it reports.

On Senator Mark MacSharry's point, I am sure we will have a healthy debate today on the Access to Cancer Treatment Bill. I note Senator Catherine Noone's comments on beauty pageants for children which I certainly would not encourage.

**An Cathaoirleach:** Senator Denis O'Donovan has proposed an amendment to the Order of Business, "That a debate on the ongoing problems being encountered by trainee pilots who were attending flight school in Florida be taken today." Is the amendment being pressed?

**Senator Denis O'Donovan:** Yes.

Amendment put.

The Seanad divided: Tá, 19; Níl, 29.

Tá

Barrett, Sean D.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
MacSharry, Marc.  
Mooney, Paschal.  
Mullen, Rónán.  
Norris, David.  
O'Brien, Darragh.  
O'Brien, Mary Ann.

O'Donovan, Denis.  
O'Sullivan, Ned.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
Power, Averil.  
Quinn, Feargal.  
Reilly, Kathryn.  
Walsh, Jim.  
White, Mary M.

Níl

Bacik, Ivana.  
Bradford, Paul.  
Brennan, Terry.  
Burke, Colm.  
Clune, Deirdre.  
Coghlan, Eamonn.  
Coghlan, Paul.  
Comiskey, Michael.  
Conway, Martin.  
Crown, John.  
Cummins, Maurice.  
D'Arcy, Jim.  
D'Arcy, Michael.  
Gilroy, John.  
Harte, Jimmy.

Heffernan, James.  
Henry, Imelda.  
Higgins, Lorraine.  
Keane, Cáit.  
Kelly, John.  
Landy, Denis.  
Moloney, Marie.  
Moran, Mary.  
Mulcahy, Tony.  
Noone, Catherine.  
O'Neill, Pat.  
Sheahan, Tom.  
Whelan, John.  
Zappone, Katherine.

Tellers: Tá, Senators Denis O'Donovan and Ned O'Sullivan; Níl, Senators Ivana Bacik and Paul Coghlan.

Amendment declared lost.

**An Cathaoirleach:** Senator Averil Power has proposed an amendment to the Order of Business, "That item 21, motion 8, be taken today." Is the amendment being pressed?

**Senator Averil Power:** Yes.

Amendment put.

The Seanad divided: Tá, 21; Níl, 27.

Tá

Barrett, Sean D.  
Crown, John.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
MacSharry, Marc.  
Mooney, Paschal.  
Mullen, Rónán.  
Norris, David.  
O'Brien, Darragh.  
O'Brien, Mary Ann.

O'Donovan, Denis.  
O'Sullivan, Ned.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
Power, Averil.  
Quinn, Feargal.  
Reilly, Kathryn.  
Walsh, Jim.  
White, Mary M.  
Zappone, Katherine.

Níl

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

Heffernan, James.  
Henry, Imelda.  
Higgins, Lorraine.  
Keane, Cáit.  
Kelly, John.  
Landy, Denis.  
Moloney, Marie.  
Moran, Mary.  
Mulcahy, Tony.  
Noone, Catherine.  
O'Neill, Pat.  
Sheahan, Tom.  
Whelan, John.

Tellers: Tá, Senators Ned O'Sullivan and Averil Power; Níl, Senators Ivana Bacik and Paul Coghlan.

Amendment declared lost.

**Qualifications and Quality Assurance (Education and Training) Bill 2011** [*Seanad Bill amended by the Dáil*]: **Report and Final Stages**

**An Leas-Chathaoirleach:** I welcome the Minister for Education and Skills, Deputy Ruairí Quinn. This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question, "That the Bill be received for final consideration," the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For the convenience of Senators, I have arranged for the printing and circulation of the amendments to them. There are also four amendments tabled to the Bill, as passed by Dáil Éireann. They relate to the text of the Bill which was changed by the amendments made by the Dáil. I propose to allow the Minister to explain the changes made by the Dáil. The House will then consider the four amendments to the Bill, as passed by Dáil Éireann. Is that agreed? Agreed.

In the context of the amendments made by the Dáil, I am suggesting seven groupings which are based on the subject matter of the amendments. The Minister will deal separately with the subject matter of the amendments in each group. Senators may contribute once only on each

grouping. I remind them that the only matters which may be discussed are the amendments made by the Dáil. I call on the Minister to speak on the subject matter of the amendments in group 1.

Question proposed: “That the Bill be received for final consideration.”

**Minister for Education and Skills (Deputy Ruairí Quinn):** I welcome the opportunity to return to the House to report on the amendments to the Qualifications and Quality Assurance (Education and Training) Bill approved in Dáil Éireann. A total of 45 amendments were approved on Committee and Report Stages in the Dáil. They were all Government amendments. However, one of them provides for the inclusion in the Bill of the right of the Union of Students in Ireland to nominate a learner representative to the board of the new authority. That issue was originally raised in this House by Senator Averil Power and subsequently raised in Dáil Éireann by Deputy Brendan Smith. The Senator and the Deputy are both members of the Fianna Fáil Party.

A significant number of the amendments accepted in the Dáil involve either technical changes or textual corrections to the Bill. Section 51 has been added to the legislation in order to deal with joint awarding arrangements involving the new authority and other educational providers. This also required a number of consequential amendments throughout the Bill to ensure consistency of approach in respect of single and joint awarding arrangements.

The other issues covered by the amendments provide for the withdrawal of delegated authority to make an award; clarification about consultation between the Higher Education Authority and the new authority in particular instances; a change in the requirements for the composition of committees established by the new authority; and clarification on an amendment initially made in this House in respect of the Royal College of Surgeons in Ireland. For ease of reference and as the Leas-Chathaoirleach stated, the amendments are grouped under seven headings.

The amendments in group 1 make explicit the new authority’s power to make awards jointly with other awarding bodies. A joint award refers to a single award which is jointly made by two or more awarding bodies. Such awards are an important feature of the higher education landscape, both in Ireland and in an international context. They allow for flexibility in higher education provision and can also help to avoid potential duplication of provision across institutions. The development of joint awarding between institutions — whether in the same country or in different countries — has been promoted at international level through the Bologna process and also by means of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region.

On a national level, there are some very good examples of inter-institutional co-operation. One such example is the memorandum of agreement reached between UCC, Cork Institute of Technology and HETAC in November 2010, whereby UCC and HETAC jointly validate programmes of higher education and make awards jointly in respect of such programmes delivered in collaboration between UCC and Cork Institute of Technology. The specific programmes are a master of science degree in biomedical science and a bachelor of science, honours, degree in architecture.

Amendment No. 18 inserts a new section into the Bill which will empower the new authority to enter into a joint awarding arrangement with an awarding body and the provider of the programme of education and training where such a programme is not provided by the awarding body. A joint awarding arrangement can only be entered into where a programme of education and training has been validated by the authority.

[Deputy Ruairí Quinn.]

The other amendments which relate to joint awards are intended to ensure the same procedures will apply in respect of education provision leading to joint awards as applies to all other awards. The amendments provide for, *inter alia*, the validation of education and training programmes, the issue of quality assurance guidelines and effectiveness review procedures and the establishment of standards of knowledge or skill to be acquired by a learner where successful completion of these programmes leads to a joint award of the authority and other awarding bodies.

**An Leas-Chathaoirleach:** I invite the Minister to proceed to the subject matter of the second grouping.

**Deputy Ruairí Quinn:** I will be guided by the Chair.

**An Leas-Chathaoirleach:** Unless a member offers, I will allow the Minister to proceed. The amendments are separate.

**Deputy Ruairí Quinn:** For reference purposes amendments Nos 2, 6, 8, 14 and 26 are in the second group of amendments which concerns consultation with the Higher Education Authority.

This group of amendments provides for clarification on consultation between the Higher Education Authority and the Qualifications and Quality Assurance Authority of Ireland, QQAAI, when the latter carries out certain functions in respect of institutions covered by the Higher Education Authority. These functions include the issuing of quality assurance guidelines and effectiveness review procedures, carrying out reviews of quality assurance procedures in institutions, undertaking quality reviews and reviewing the implementation of procedures for access, transfer and progression in those institutions.

These are technical amendments that clarify the precise institutions concerned by referring to the definition of higher education institutions used in the Higher Education Authority Act 1971.

**Senator Sean D. Barrett:** I welcome the Minister. He has had an interest in these matters for a long time. I have tabled amendments but I too will be guided by the Leas-Chathaoirleach. May I respond to the Minister?

**Senator Sean D. Barrett:** We will deal with the Senator's amendments separately later, but the Senator may speak on the groupings.

**Senator Sean D. Barrett:** My concern is that this is adding yet another layer of bureaucracy. At present two people are responsible, the person who gives the lectures and the external examiner. We had a very good discussion with the Minister of State on that point and he assured me that it will remain and has been a feature of Irish universities for 400 to 500 years. I am glad to report my personal experience at the BESS meeting on final year courses, where the external examiner who is on over 40 final year courses commented most favourable on the students, the lecturing and on the pastoral care received by students.

I do not know why universities have not promoted that. In a sense what we are now trying to correct is a problem that they created themselves by not drawing the attention of the appropriate authorities to the fact that there has been an external examiner system in operation pretty much throughout the lifetime of the university institutions, that degrees at the top level are acceptable for those who want to enter Oxford, Cambridge, Harvard, Yale and the rest and our students have pretty good employment records. If somebody does not give a very good

lecture, 400 people will know pretty quickly and the head of the department will know. It strikes me that we should keep it simple, to use that old slogan, as we have made the system much more complicated. I am not so sure of the purpose of this complexity. Obviously the Qualifications and Quality Assurance Authority of Ireland should consult with the institutions it is examining but one wonders what is the purpose of having the Higher Education Authority as well. If we have a quality officer in each university, the Irish Universities Quality Board, the Higher Education Authority and the Qualifications and Quality Assurance Authority of Ireland, together with the external examiner and the head of the department, we will have four or five people supervising a single person giving a lecture. It is an unnecessary ratio of overheads to directly productive activity.

Many people in the universities have lost the plot on that, but the important thing is that the intake of 400 people in September should know a lot more by the time they get to the following May. There is no need for all these supervisory grades, one such person in an Irish institution was called a self licking ice cream recently. One should know when a lecturer has communicated the knowledge, the external examiners will confirm that and the head of the department should know it. I would be parsimonious, particularly in times of tight finance, at extending the range of bureaucracy further. That was a large part of the debate we had with the Minister of State, Deputy Cannon, the last day.

If we had critical problems, as the Minister knows, I would be one of the first persons in here to say that. I have criticised enough institutions but the standard of lecturing has not come to my notice. Is this an excessively large administrative response to what may be a very small problem? If the universities had presented it properly, it may have been a minimal problem. When I move my amendments, I will return to the topic. I thank the Minister for bringing this to our attention.

**An Leas-Chathaoirleach:** The Minister is speaking on the various groupings which is primarily to provide information to members. Senators may raise points when the amendments are moved.

I will ask the Minister to proceed to the third grouping.

**Deputy Ruairí Quinn:** For reference purposes amendments Nos. 4, 13, 31 to 34, inclusive, 36 and 40 are in the third group of amendments. This group of amendments are all technical amendments that do not change the substance of the Bill, as a perusal of the text will readily demonstrate. These amendments either correct textual or grammatical errors in the Bill, as in the case of amendments Nos. 4 and 36, or they make corrections to some sections where an incorrect subsection number is provided, as in the case of amendments Nos. 13, 31 to 34, inclusive, and 40. Let me emphasise these are technical amendments and there is no change to the substance of the relevant sections as a result of these amendments.

**An Leas-Chathaoirleach:** We will now deal with the fourth grouping.

**Deputy Ruairí Quinn:** This concerns amendment No. 25. This amendment makes explicit that if the new authority withdraws delegated authority to make an award in accordance with section 54, the programmes of education and training leading to that award shall be deemed to be validated under section 45. Therefore, the authority would assume award making responsibility for those programmes until and unless it withdraws validation of those programmes in accordance with section 47. The purpose of this is to ensure that withdrawal of delegated authority in respect of a programme or programmes does not necessarily result in the withdrawal of all awarding arrangements for that programme or programmes.

**An Leas-Chathaoirleach:** Will the Minister now deal with the fifth grouping?

**Deputy Ruairí Quinn:** For reference purposes amendments Nos. 41 to 43, inclusive, are grouped together as they all relate to the board of the new authority. Amendment No. 42 provides for two learner representatives to sit on the board of the QQAAI, one of whom shall be explicitly nominated by the Union of Students in Ireland. It was initially proposed to include one learner representative on the board, however, following reflection on the arguments made by Senator Power in this House and by her colleague, Deputy Smith, in Dáil Éireann, I recognised the merit of making specific provision in the Bill for USI to make a nomination to the board of the new authority. The provision in amendment No. 42 for two learner representatives to be included on the board of the new authority, means that USI can be accommodated as a nominating body but there is also scope for the second learner representative to be representative of the further and adult education sector, which is less formally constructed and is not clearly represented.

There is clearly a confederal USI group overarching for students coming straight from second level schools in the main. As there is not the same type of organisational structure some discretion must be exercised in the appointment of the second person. In response to what Senator Power and others said I wanted to explicitly recognise USI because of the constructive contribution it has been making in recent years.

Amendment No. 41 provides for an increase in the size of the board from eight to ten, accordingly. This will ensure that the two learner representatives will provide a strong voice at the board for learners' interests but that the enlarged board will also have a balanced membership. As a result of this group of amendments, five positions on the boards will now be reserved — the chair, the CEO, an international expert and the two student learner representatives, respectively.

Amendment No. 43 provides for an increase in the quorum required for a meeting of the authority from four to five members of the board. This is a procedural necessity as a result of the increase in the size of the board from eight to ten members.

**Senator Averil Power:** I thank the Minister for tabling amendment No. 42 and for accepting the arguments made by Deputy Smith and I in respect of learner representation. This is wise. Given that the body will cover further and adult education right up to PhD level, it is important that students are adequately represented at the table. I welcome the Minister's acceptance of the points made in the debate.

**Senator Mary Moran:** I congratulate the Minister and Senator Averil Power. Her idea is fantastic and it will be a major improvement. I am pleased the Minister acceded to the request and also that the Union of Students in Ireland has been designated as the nominating body. That is the way to go.

**Senator Marie Moloney:** The Senator must have been looking into my notes because that is exactly what I was about to say. I congratulate Senator Power who made a great case during the debate for the two learner representatives on the board. I am pleased the Minister accepted her proposal. It goes to show the House has a function.

**An Leas-Chathaoirleach:** The Minister may proceed to group 6.

**Deputy Ruairí Quinn:** Amendment No. 44, which is the sole amendment covered in group 6, enables the authority to establish committees that do not include board members as long as those committees include staff members of the organisation. This is in line with similar provisions in the Qualifications (Education and Training) Act 1999. A previous requirement in

the Bill for committees to consist wholly or partly of persons who are members of the authority was overly restrictive and could place an excessive burden on members of the authority, particularly as the board is of a relatively small size. That is the reason we are introducing the amendment.

**An Leas-Chathaoirleach:** The Minister may proceed to group 7.

**Deputy Ruairí Quinn:** This concerns amendment No. 45 and refers to the Royal College of Surgeons in Ireland. Amendment No. 45 provides clarification on an amendment inserted into Schedule 3 of the Bill on Committee Stage in this House. It is an amendment to the Universities Act 1997, dealing with the designation of degrees and other qualifications of the Royal College of Surgeons in Ireland, RCSI. A previous amendment that was inserted into Schedule 3 on Committee Stage in the Seanad provided for degrees and qualifications of the RCSI to be degrees and qualifications of the NUI where they are approved by the NUI and for so long as the RCSI remains a recognised college of the NUI. This could be interpreted as meaning that if the RCSI were to cease to be a recognised college, degrees and qualifications awarded while it was a recognised college would no longer be degrees and qualifications of the NUI, and this was not the intention of the original amendment. To provide clarification of this issue, therefore, this amendment provides that degrees and qualifications which are awarded by the RCSI while it is a recognised college and which are approved by the NUI — this is the net point — shall be degrees and qualifications of the NUI in perpetuity. In other words, one cannot lose one's qualification in mid flight.

**An Leas-Chathaoirleach:** Amendments Nos. 1 to 3, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

**Senator Sean D. Barrett:** I move amendment No. 1:

In page 22, line 25, to delete “An tÚdarás um Ard-Oideachas” and substitute “the institutions”.

I have made some of the points already and I do not wish to detain the Minister.

**An Leas-Chathaoirleach:** The amendment must be seconded.

**Senator Sean D. Barrett:** Senator John Crown is here for that purpose. In the printing of the Bill, the line numbers may have been changed. I think the amendment I am seeking to introduce is on page 22, lines 15 and 16, rather than line 25, in case I cause unnecessary distress in various offices in trying to amend something that is not in place. The second amendment is on page 27, lines 5 and 6, the third amendment has moved to page 44, line 37, and the last amendment is on page 69, line 43. As the Leas-Chathaoirleach mentioned, there has been much rearranging of sections.

I see lecturing as a quite a simple task. A podium is in place and there are up to 400 people in the audience should anything happen. We have made it unduly bureaucratic in the Bill. I am trying to take out one of the layers of bureaucracy from it. That is the key point. In regard to my report back on an external examiners meeting, all the external examiners were from outside the jurisdiction and all were very pleased at what was said. That has also been the experience of Erasmus programme students. They have said there is a much greater level of attention and interest in students in Irish universities than in their home universities on the mainland, and American students have told us the same thing.

I question the need to involve the Higher Education Authority with all the other groups I mentioned who are involved. It makes it unnecessarily complex and expensive at a time when



[Senator Sean D. Barrett.]

the important question is whether people, up to 400 in many cases, know anything more in the following April or May than when they joined the course in September and if they were carefully guided through all the work by good lecturers. The answer is an overwhelming “yes”. Therefore, I wonder about the involvement of the Higher Education Authority. What was the reason for abolishing the Irish Universities Quality Board? What was the problem with it, at a time when funds are tight, as the Minister reminds us frequently, and why the need to take this particular route?

The Minister mentioned Bologna. The Bologna impact on the courses on which I lecture was to reduce the number of courses from five to four. We dropped the dissertation and the general paper. The people who did the work, who had produced the graduates, were told by people outside the system that they had to drop either the dissertation or a general paper. As I said to the Minister of State — the general paper was not one the Minister advertised much — one should not just do courses but have a general knowledge of the subject of economics, and the scientists in my college were annoyed at that and, certainly, those of us in the social sciences area were annoyed.

The problem is that many people who have never given a lecture think it is a bit of cinch of a job and that they could undoubtedly do it better and know far more about it and keep on making rules. That demoralises the people who do the work. Part of the feed-through on it is that in the promotions system there is 40% for giving the lecture, 40% for research and 20% for other factors. Lecturing, which has been devalued as a skill, along with what students learn from each other, is the core of the university. This is a plea from somebody in the front line. Please have no more quangos and no more committees. The world was performing just as well and was far simpler when I had people in charge such as Professor Loudon Ryan, as my first head of department, and Basil Chubb, sometimes known as the dean. Layer upon layer of bureaucracy is being inserted on top of what is a simple task. I agree that if people are not giving good lectures, a mechanism has to be found to deal with that. I am not sure we have yet done that. When we get satisfaction ratings from students from mainland Europe, North America and from the external examiners, I ask why people who do not give lectures are assumed frequently to know much more about the issue than those who do. It is corrosive of morale and a waste of money within a university system which is always saying how cash-strapped it is to run these quangos.

Senator John Crown will be my seconder. We have in his field an outstanding international reputation.

What is the QQAAI supposed to do? There are also fields where we meet the highest international standards, which may not be suitable for bureaucratic scrutiny. Much of what went wrong in economics required not State quangos or work studies but subversive people to say that this kind of theory is damaging to society as a whole. We must protect the autonomy of universities and of individual lecturers and not have a curriculum approach, which brought eastern European universities to disarray. They disappeared when the Berlin wall fell because they were there to teach orthodox wisdom and not have the constant disputes and debates that are the nature of higher education. I ask the Minister to consider why there is a necessity to have the Higher Education Authority and the Qualifications and Quality Assurance Authority involved. What problem is this meant to address?

**Senator John Crown:** I second the amendment. In truth, the fundamental and core need of under-resourced services is increased investment in resourcing, not increased supervisory regulation. This is a solution in need of a problem that does not exist.

**Senator Feargal Quinn:** I will not say much more than what has been said by Senators Barrett and Crown. The aim of simplicity should be the objective. There is a danger of making this more bureaucratic than it will otherwise be. We must consider its cost effectiveness. Senator Barrett has made a strong case and it is worthy of consideration.

**Senator Jim D’Arcy:** I have a certain amount of sympathy for Senator Barrett’s point about academic freedom and the curriculum. However, the level of external supervision over qualifications and quality assurance in our third level education system proposed in the Bill is not such as to dictate curriculum or any such intrusion. A certain amount of oversight is necessary. I am not familiar with the system Senator Barrett described as going into the ground but I know that, in Europe, there is a system of external oversight in line with other education systems. I do not support the amendment.

**Deputy Ruairí Quinn:** I have heard Senators Barrett and Crown on this area before. The amendments seek to replace the requirement for consultation with the HEA, in these instances, with the requirement to consult with the relevant powers instead. I am opposed to these amendments on the following grounds. In the first instance, the Bill already provides for consultation by the QQAAI, with relevant providers, where the authority is engaging in any of its core activities. This includes a requirement for consultation in respect of quality assurance and effectiveness reviews. The provision in the Bill for consultation with the HEA supplements requirement for consultation with the relevant providers, instead of seeking to replace it. It is entirely appropriate that the new authority consults with the HEA in respect of institutions funded through the HEA. It would be a cause for concern if the new authority did not consult with the body with statutory responsibility for planning and policy development for higher education and research in Ireland. As part of its statutory role, the HEA has wide advisory powers throughout the third level education sector. It is important the HEA has the opportunity to contribute to the work of the QQAAI.

It may be that these amendments originate from concerns previously expressed in this House during earlier discussions of the Bill, which I remember, about perceived encroachments by the new authority on the academic autonomy of higher education institutions. If this is the case, I will reiterate some of the points made by my colleague, the Minister of State, Deputy Ciarán Cannon, on Committee Stage. The role of the authority on quality assurance in previously established universities and providers generally, will simply be to act as an external quality assurance agency. It will periodically evaluate the effectiveness of the university’s internal quality assurance procedures, to which Senator Barrett referred. This mirrors the review provisions set out in section 35 of the Universities Act 1997, with the authority replacing the governing authority of the university as the review body. At present, the Irish Universities Quality Board has a key role to play in respect of quality assurance in the university sector. In establishing the IUQB in 2002, five years after the Bill was enacted, the seven universities’ governing authorities recognised the importance of external review of quality assurance. The governing authorities, including the board of Trinity College, delegated their review function under the Universities Act 1997 to the IUQB. Since 2009, the IUQB has evaluated six of the seven universities under the Universities Act, most recently Trinity College in March of this year. The new authority will continue the role of the IUQB in respect of external quality assurance in the university sector. In that respect, it seeks to build on the infrastructure already there, not to duplicate or augment it.

Section 28 of the Bill requires universities to prepare quality assurance procedures and the Bill also provides that any quality assurance procedures already in place under section 35 of the Act are carried forward to meet the requirements. These procedures include long-standing, “university organised” or “internal quality assurance procedures”, such as the external exam-

[Deputy Ruairí Quinn.]

iner system to which Senator Barrett referred. They also include the involvement of external subject matter experts in assessing the value of assessment work and research. The work of the authority will complement these processes rather than replace them.

In reviewing the effectiveness of our universities' quality assurance procedures, the authority will consider whether processes such as external examination and peer review are being universally applied across the institution. It will also assess the extent to which systems are in place to ensure reports and recommendations arising are properly considered and, more importantly, acted upon. In doing so, the authority will use expert international review panels, sourced from outside the authority's staff. The work of the authority will be to support and maintain quality assurance in all sectors, including the university sector. The establishment of the new authority does not represent an attempt to encroach on the traditional academic autonomy of universities. Any new quality assurance procedures established by a previously established university, in accordance with the Bill, will not require the agreement of the authority. This is in contrast to the requirement for other relevant providers to have their procedures approved by the authority. Previously established universities will be required to consult the authority when it is proposed to establish a new quality assurance procedure. This is a clear acknowledgement of the traditional autonomy of universities.

We are moving into a new space in respect of third level education. Members are familiar with what is known as the Hunt report. We now have 33 higher level institutions on the CAO forms. There will be some rationalisation of the initial teacher education provision. No doubt, the House will want to discuss that point. We are doing so because, when I went to college 40 years ago, only 10% of my confrères and citizens went to third level college. That figure is now at 60% and rising. The expectation that people, during the course of their lifetime, move in and out of continuous learning through further education or related matters is new territory for all of us. It is essential that we ensure some mechanism of quality assurance that confirms the good work being done by third level institutions. I am not talking about displacing it, getting in the way of it, making it more bureaucratic or hindering it but making sure that, if one does a course in college X or college Y, there is some comparability in respect of quality assurance. Senators Barrett and Crown suggest in amendments that I will not accept, that the Higher Education Authority should have no role whatsoever in this space of quality assurance. The new body will be involved in quality assurance. We are merging three institutions and, at the same time, the universities have decided to dissolve the IUQB. In other words, we are reducing the number of institutions in the quality assurance space and standardising methods of assessment and evaluation. In anticipation of this legislation — I pay tribute to the previous Administration for initiating it — there has been rationalisation and integration at personnel level. The new body will have a shared workforce from the three amalgamated institutions, with one chief executive officer. For these reasons, I am not in position or convinced by the argument set out therein to accept the amendments in the names of Senators Sean Barrett and John Crown. Having said that, I take the opportunity to thank them for their co-operation in this area. I will be more than happy to return, at a time of Members' choosing, to discuss issues around academic freedom, including a separation between the quality of teaching in third level institutions, on the one hand, and the requirement for some framework for engagement by the regulatory authorities and the Higher Education Authority, on the other.

It might be useful for Members to consider an example of what we are trying to do. The state of Singapore which has a population greater than Ireland's has one institution for teacher education encompassing both primary and second level. The republic of Finland has eight such institutions, while the province of Ontario in Canada has 13. We have 22 and something like 43 education courses. On foot of the Hunt report, we have requested a group of international

experts to examine how we can ensure improved quality and consistency across that very broad landscape. The historical reasons for the existence of five stand-alone primary school teacher training colleges are well understood. However, all of the best educationist advice I have received, as reflected in the Hunt report, argues that initial teacher training should be located on a university campus or in a university context. That is what we are proposing to introduce. The traditional call to training, as it was historically known, was for a two year teacher training course which did not receive the same academic recognition as the three and four year arts degrees available in the three or four universities in the State at the time. That changed many years ago when the qualification became a bachelor of education, but it remains a three year course.

**An Leas-Chathaoirleach:** I am loath to interrupt the Minister when he is in full flow, but I must remind him of the time constraints.

**Deputy Ruairí Quinn:** I apologise. I will conclude by reminding Members that in the future teacher training courses will be of four rather than three years duration, with the focus on pedagogical skills and a broad range of other facets of training. The third level education landscape we have inherited is an uneven one, with the Senators' institution, for example, being more than 400 years old, while others, namely, the University of Limerick and DCU, are less than 20 years old. There is inevitably a degree of duplication and a loss of efficiency in that situation, which is what we are seeking to address.

**An Leas-Chathaoirleach:** I am afraid there is only time for a brief response by Senator Sean Barrett. My hands are tied in that we must complete our consideration of the Bill by 12.45 p.m.

**Senator Sean D. Barrett:** I certainly do not wish to interfere with the timetable.

I thank the Minister for his response. I hope copies of his speech will be circulated as a bulwark against the bureaucratic menace we have discussed. In regard to the Higher Education Authority, it is not long since an *bord snip nua* recommended its abolition, yet it is now assuming new powers which will see it supervising a university that has been awarding degrees of international standing for the past 400 years. We should bear in mind that such fashions in bureaucracy come and go.

I thank the Minister for considering the points made by Senator John Crown and me. Being mindful of the time, I do not propose to press amendments Nos. 1 to 3, inclusive. However, it is important to remember that in a country with real problems — the Minister has been particularly prominent in raising these problems in public media — we must be careful not to invent artificial problems with expensive solutions. From my experience and based on what external examiners are telling us, there simply is not a problem with the quality of lecturing to the degree suggested in some quarters. In a time of limited resources, the focus should be on the classroom rather than bureaucracy. We seem to be losing sight of the reality that the role of the universities is primarily to cherish and educate 18 to 23 year olds. Seeking to establish a branch of IDA Ireland in the education sector represents a mistaken allocation of resources. The people in the lecture room are usually at the low end of the budget in terms of remuneration, while the individuals observing them and issuing reports on their performance are often on salaries twice or three times as large. This was reflected in the Comptroller and Auditor General's report on top level management which made particular reference to the 13 vice presidents of universities. The way to obtain these positions is to get out of the lecture hall. Resources should primarily be put into teaching itself. The type of supervision proposed by some is often demonstrably unnecessary, expensive, wasteful of resources and tending largely to interfere with the job of education in the classroom.

Amendment, by leave, withdrawn.

Amendments Nos. 2 and 3 not moved.

**An Leas-Chathaoirleach:** Amendment No. 4 is also in the name of Senators Sean Barrett and John Crown. I remind Senator Sean Barrett that the clock is against us. He should also be mindful of the Minister's very honourable commitment to return to the House for a broad debate on education.

**Senator Sean D. Barrett:** Yes and I thank the Minister for it. I will assist the Leas-Chathaoirleach in this matter by not pressing the amendment.

Amendment No. 4 not moved.

**An Leas-Chathaoirleach:** I thank the Minister and Members for being so understanding of the time constraints under which we are operating.

Bill received for final consideration and passed.

### **Gaeltacht Bill 2012: Report and Final Stages**

**Acting Chairman (Senator Cáit Keane):** Go raibh míle maith agaibh, fáilte roimh cách. Táimid ag leanúint ar aghaidh le Bille na Gaeltachta Report Stage agus tá sé scríofa ós mo chomhair anseo agus caithfidh mé é seo a léamh amach. Before we commence I remind Senators that they may only speak once on an amendment on Report Stage, except the proposer of the amendment. Amendments must be seconded.

**Senator Brian Ó Domhnaill:** I move amendment No. 1:

In page 8, lines 9 to and 10, to delete all words from and including "TO", where it firstly occurs, in line 9 down to and including "1997;" in line 10.

Go raibh maith agat, a Leas-Chathaoirleach, agus fáilte roimh an tAire Stáit agus na feidhmeannaigh ar ais arís chun plé a dhéanamh ar an mBille tábhachtach seo. Tá go leor plé á dhéanamh ar an mBille seo taobh amuigh den teach seo agus fiú istigh sa teach seo agus sin mar ba chóir go mbeadh. Tá rudaí bunúsacha agam sa Bhille seo agus tá súil agam b'fhéidir go raibh deis ag an tAire agus ag na feidhmeannaigh machnamh a dhéanamh ar chuid den mhéid a bhí le rá againne. An lá faoi dheireadh, nuair a bhímid ag cur chun tosaigh pointí sonracha i dtaca leis an dóigh a chreideann muid-ne arbh fiú dul ar aghaidh leis an Bille seo a chur i bhfeidhm agus an Bille seo a chur san áireamh ins an dóigh go dtig leis an buntáiste is mó is féidir a chur ar fáil don Ghaeilge agus do phobal na Gaeilge sin sa Ghaeltacht agus taobh amuigh den Ghaeltacht. Mar go mbaineann an Bille seo i ndáiríre le ceantair taobh amuigh den Ghaeltacht fosta agus tá sé tábhachtach go mbeidh an Bille láidir agus foirfe ins an dóigh go dtig leis na spricanna atá leagtha síos sa straitéis a chur i bhfeidhm. I dtaca leis an leasú seo a Leas-Chathaoirleach, is leasú teicniúil é seo agus baineann sé leis an ceannteideal atá sa Bhille i dtaca le, tá mé ag moladh go mbeidh na focail ar líne a hocht ó 'do leasú an tAcht um Údarás na Gaeltachta 1979 do leasú in Acht an Toghcháin 1992 agus do leasú Acht an Toghcháin 1997' go mbeidh sé sin bainte as an Bhille. An réasún nó an fáth atá leis sin ná dá dtiocfadh linn na focail agus na línte sin a bhaint amach as an mBille chiallóidh sé go mbeadh gá dul ar aghaidh toghchán daonlathach a reáchtáil do thoghcháin an Údaráis. M'urraim go mbaineann sé seo le cúrsaí daonlathas ní hamháin sa Ghaeltacht ach ar fud na tíre seo. Cuireann sé amach an comhartha mícheart agus mí-fhéarálte go huile is go hiomlán, má tá an Stát nó an Rialtas ag dul ag cur deireadh le toghchán thar oíche. Níl sé sin féarálte do na grúpaí go léir sa Ghaeltacht do na

daoine go léir sa Ghaeltacht. Cuid acu nach bhfuil fiú beo anois, a throid agus a chur feachtas i mbun a chéile sna 70dí chun deis a thabhairt do phobal na Gaeltachta vóta a chaitheamh, ionas go dtiocfadh leo an cinneadh a dhéanamh ar cé ar mhaith leo-san a bheith mar ionadaíocht dóibh ar bord Údarás na Gaeltachta. D'oibrigh an córas go maith ó 1980 nuair a bhí an chéad bhord tofa agus d'oibrigh sé ó shin i leith suas go dtí an toghchán deireanach i 2005. Ní ghlacaim-se leis an méid atá ráite i dtaca le airgead a shábháil anseo mura bhfuil aon toghchán ann. Ní ghlacaim-se leis sin agus ní ghlacann an pobal leis sin, mar go dtiocfadh leis an toghchán seo a bheith á reáchtáil ar an lá céanna le aon reifreann nó le aon toghchán eile. Is é an moladh a chur mise chuig an Aire Stáit an tseachtain seo caite nuair a labhair muid ar Chéim an Choiste den Bhille ná fiú mura mbeifeá in ann toghchán a reáchtáil i mí Dheireadh Fómhair. Creidim-se go dtiocfadh linn dul ar aghaidh agus toghchán a reáchtáil i mí Dheireadh Fómhair ní ghlacfaidh sé i bhfad fiú i mí Lúnasa toghchán a chur ar bun agus deis a thabhairt do phobal na Gaeltachta bord úr a thoghadh. Bheadh an bord sin, tá sé chun a bheith íslithe ó fiche go dosaen agus níl aon deacracht againn leis sin agus sábhálfadh sé sin airgead agus táimid uilig ag iarraidh a bheith ag dul síos an treo sin airgead a shábháil. Ach, tá an tÚdarás ag dul a bheith anois níos tábhachtaí ná riamh roimhe. Tá ról ag dul a bheith ag an Údarás ar pleanáil teanga ar todhchaí na Gaeilge sa Ghaeltacht agus b'fhéidir taobh amuigh den Ghaeltacht. Tá ról ag dul a bheith ag an Údarás ag cur i bhfeidhm na spriocanna atá leagtha síos san Straitéis 20 bliain don Ghaeilge. Beidh breis foirne ag teastáil ón Údarás chun na spriocanna sin a bhaint amach, beidh breis—

**Senator Trevor Ó Clochartaigh:** Pointe oird, a Chathaoirligh, táim ag ceapadh go bhfuil deacrachtaí leis an gcóras cluasáin arís.

**Acting Chairman (Senator Cáit Keane):** An bhfuil aon duine anseo. Tá deacrachtaí agat ab ea? Tá siad ag obair ar an dtaobh seo, an bhfuil? Are they working on that side? Níl siad ag obair. An bhfuil aon cheann, is there anyone working at all?

**Senator Trevor Ó Clochartaigh:** An féidir liom a mholadh a Chathaoirligh go gcuirfear an suí ar athló ar feadh cúig nóiméad chun an fadhb a réiteach can we suspend the sitting until we fix the problem?

**Acting Chairman (Senator Cáit Keane):** An bhfuil sé ag obair? No, níl sé. B'fhéidir go gcaithfidh mé sos beag a thógáil, cúig nóiméad a thógáil, molaim é sin. An bhfuil sé sin aontaithe.

*Sitting suspended at 12.55 a.m. and resumed at 1.05 p.m.*

**Senator Brian Ó Domhnaill:** Go raibh maith agat, a Chathaoirligh. Táimid ag caint ar an leasú sin, leasú teicniúil. Baineann sé leis an toghchán agus na focail atá istigh san Acht seo ag iarraidh deireadh a chur le toghchán an Údaráis. Measaim go bhfuil sé sin mí-fhéaráilte go huile is go hiomlán, ní dúinn mar pholaiteoirí, cé go bhfuil mise tofa ar bhord an Údaráis, dá mbeadh ann ar maidin ní bheinn ag dul chun tosaigh fá choinne an toghcháin sin. Mar a dúirt mé ag cruinniú a bhí agam roimhe, measaim-se fiú gur chóir don toghchán a bheith teoranta do choistí pobail nó ionadaithe neamhspleácha, ligean dóibh a bheith ag dul chun tosaigh mar iarrthóirí. Fiú páirtithe polaitiúla a fhágáil amach as an rud ar fad agus deis a thabhairt do ghrúpaí pobail sa Ghaeltacht daoine a chur chun tosaigh agus ansin iad a chur os comhair an phobail deis a thabhairt do gach duine den 96,000 duine atá ina chónaí sa Ghaeltacht, cuid acu sin ní bheidís 18 ach iad siúd atá thar 18 vóta a chaitheamh agus sin an nós a bhí ann. D'oibrigh an nós sin agus ní fheictear domsa cén fáth a bhfuiltear ag iarraidh deireadh a chur leis an toghchán daonlathach. Níl fhios agam cén áit as a bhfuil sé seo ag teacht as agus ardaíonn sé seo ceist mhór faoin dóigh ina n-oibríonn Údarás na Gaeltachta cúraimí breise a bheith ag an

[Senator Brian Ó Domhnaill.]

Údarás níl na hacmhainní ag an Údarás leis na cúraimí sin a iompar agus beidh acmhainní breise de dhíobháil ar an Údarás chun aon bhreis cúraimí a iompar. Tá sé sin soiléir ó thaobh foirne agus ó thaobh acmhainní airgeadais de, mar go mbeidh costais mór ag baint le aon phlean teanga a chur le chéile, é a dhréachtú nó é a chur i bhfeidhm. Ní fheictear dom sa Bhille go bhfuil sé sin leagtha síos go sonrach, in fáct níl sé sa Bhille ar chur ar bith.

Ó thaobh bord an Údaráis, bhí bord Údarás na Gaeltachta i gcónaí ag comhoibriú le chéile ní dhéanfadh sé difir cén duine a bhí ar an bord, bíodh sé ó pháirtí an Lucht Oibre, nó Fine Gael nó Sinn Féin nó Fianna Fáil nó duine neamhspleách bhí comhoibriú maith i gcónaí ansin. Bhí an bord i gcónaí sásta na ceisteanna deacra a ardú agus a thógáil. B'fhéidir nach raibh sé sin sásúil go leor i gceantair éagsúla mar go raibh an bord ag cur an brú. Ach anois an dóigh a bheas an bord ná go mbeidh an bord ansin faoi cúram an Aire cibé cé a bheidh ann, agus níl mé ag cur aon lucht ar an Aire atá ansin faoi láthair. Caithfidh mé a rá go bhfuil an tAire Stáit MacFhionnlaoidh an-dáiríre faoin Ghaeilge agus tá fhios agam sin, i bhfad níos mó taithí aige b'fhéidir a bheith ag plé leis na cúrsaí seo ná atá agamsa. Ach creidim-se go láidir, más Aire de chuid Sinn Féin nó an Lucht Oibre nó Fianna Fáil nó cibé an tAire a bheidh ann amach anseo. Ní fheictear domsa cén fáth ar chóir an cúram iomlán a thabhairt don Aire agus ansin na comhairlí contae na comhaltaí a roghnú le bheith ar an bhord. Má amharcann tú air anois, na comhaltaí a bheidh tofa, glac Dún na nGall, Maigh Eo, Contae na Gaillimhe is é comhairleoir contae de chuid an Rialtais a bheidh tofa ar an Údarás ins na comhairlí contae sin go léir mar go bhfuil an tromlach acu, i gCiarraí an dóigh céanna. Ansin, go mbeidh an deis ag an Aire ansin seachtar breise a roghnú. Níl aon deacracht agam ag ligean don Aire, cibé an tAire atá ann, an Cathaoirleach a roghnú mar gur duine neamhspleách ba chóir a bheith ansin, duine le cúramaí sonracha speisialta. Ach cén fáth nach féidir linn deireadh a chur leis an seafóid seo faoin toghchán dul ar aghaidh leis an toghchán agus ligean do phobal na Gaeltachta, na daoine is láidre, na daoine is fearr a thoghadh. Mar, an rud atá ráite ins an Bhille seo i ndáiríre ná, ah well nílimid sásta glacadh leis an chinneadh a bheas á dhéanamh ag pobal na Gaeltachta, táimid ag dul ag glacadh an cúraim sin uaibh-se agus táimid ag dul ag déanamh an chinnidh. Lig do na comhairlí contae duine a roghnú agus ansin déanfaidh an tAire an cuid eile de na daoine sin a roghnú agus déanfaimid cinnte cibé bord a bheidh ann go mbeidh an bord sin ag comhlíonadh na ndualgas mar atáimid ag iarraidh. Sin an rud a bheidh ag tarlú anseo mar cibé an duine a bheidh ceapadh ag aon Aire, bíodh sé Aire de chuid cibé páirtí nó duine gan pháirtí beidh an duine sin faoi chúram an Aire agus beidh siad ag iarraidh a bheith ag déanamh an rud ceart de réir an Aire agus ní an rud ceart de réir pobal na Gaeltachta. Sin an áit a fheicim go bhfuil an Bille seo lochtach. Má tá an tÚdarás le bheith láidir amach anseo tá sé tábhachtach go mbeadh an tÚdarás neamhspleách, láidir, ag éisteacht leis an pobal, ag comhoibriú leis an phobal, fite fuaite sna grúpaí pobail agus mar sin de. Ní fheictear domsa ag dul síos an treo seo go dtarlóidh sé sin. Fiú ag an pointe deireanach seo, tá fhios agam go bhfuil an tAire Stáit iontach dáiríre faoin Ghaeilge agus an Ghaeltacht, rugadh agus tógadh é ansin tá an tAire Stáit ina chónaí ina liom féin sa bhaile ach creidim-se ó mo chroí amach gur seo an bealach mícheart atáimid ag dul síos, mar chuirfimid deireadh le toghchán an Údaráis. Táimid ag dul síos an bóthar ciotach, táimid ag cruthú Údarás a bhfuil faoi chúram na Roinne, faoi chúram an Aire ach níl na hacmhainní ansin ar fáil ag an Údarás. Beidh an bord ag iarraidh a bheith ag aontú le cibé Rialtas nó an tAire atá ansin ag an am agus ní bheidh aon cheistiú ann i dtaca leis an chiste a bheidh ar fáil don Údarás ag teacht ón bhord. Níl sé sin cothrom, neamhspleách, féarálte agus ní oibreoidh sé. Cinnte ar pháipéar beidh gach duine ag aontú lena chéile, ach ní bheidh sé ag oibriú amach do phobal na Gaeltachta nó pobal na Gaeilge. Sin an áit a fheicim-se go bhfuil locht leis an dóigh a bhfuil an moladh ag teacht chun tosaigh sa Bhille. Déarfainn leis an Aire Stáit, fiú ag an am deireanach seo agus muid ag plé an méid seo den Bhille inniu gur chóir athbhreithniú iomlán a dhéanamh ar seo. Fiú sula dtéann an Bille isteach go dtí an

Dáil, dá mbeifear fiú ag moladh go d'fhéadfadh le seachtar a bheith tofa ag pobal na Gaeltachta, duine ó gach aon Ghaeltacht agus ansin go mbeadh an cúram ag an Aire trí an choiste Oireachtais atá anseo na daoine eile a roghnú. Bheadh sé sin i bhfad níos féarálte agus níos trédhearcaí ná an bealach seo. Glacaim leis go bhfuil go leor eagrais Stáit eile agus tá daoine cosúil leis an NRA agus an NTA agus na heagrais seo go léir áit a bhfuil comhairleoirí contae agus daoine eile ar na boird, tá sé sin ceart go leor. Bhí an difríocht i gcónaí idir an Údarás agus na heagrais sin, nuair a tháinig an brú agus siad daoine ó Fhine Gael agus ón Lucht Oibre a d'ardaigh an cheist sin. Nuair a tháinig an brú, bhí in ann idirdhealú a dhéanamh idir na heagrais sin agus an tÚdarás mar go rabhadar ag rá gur quingos a bhí i gcuid de na heagrais sin agus bhí i gcónaí in ann a rá nach quango a bhí san Údarás. Ní mhaith liom ag úsáid an focail sin ach bhí sé in úsáid ag Seanadóirí de chuid Fine Gael agus an Lucht Oibre sa Teach seo nuair a bhí an Bille deireanach de chuid an Údaráis ag dul tríd ar an 6ú lá de mhí Iúil 2010. Rinne na Seanadóirí Fidelma Healy Eames agus Barrett tagairt do seo an t-am deireanach. Fiú tú féin a Aire Stáit, bhí mé ag léamh an méid a dúirt tú féin nuair a bhí an Bille ag dul tríd an Dáil ag an am agus bhí tú ag maíomh go láidir gur droch buile a bhí ann, síneadh ama a chur le am Bord an Údaráis agus bhí tú fosta ag rá gur buile don daonlathas a bhí ann. Síneadh ama a chur leis an bord a bhí ansin, sin bord a bhí tofa, ach sé an buile mór atá ann anois agus tú féin atá ag déanamh é, ná go bhfuil deireadh iomlán á chur leis na toghcháin sin, ní síneadh tá deireadh iomlán á chur leis na toghcháin sin agus níor chreid tusa sin dhá bhliain ó shin. Níor chreid tú é dhá bhliain ó shin, mar sin níl fhios agam cad as a dtáinig an t-athrú seo amach as. Níor chreid na Seanadóirí a bhí ar an taobh seo den Teach ag an am é sin dhá bhliain ó shin, agus tá sé ráite anseo ag mar shampla urlabhraí Fine Gael ag an am, an Teachta Frankie Feighan, agus léifidh mé é seo amach.

**Acting Chairman (Senator Cáit Keane):** Gabh mo leithscéal.

**Senator Brian Ó Domhnaill:** This is a very important point.

**Acting Chairman (Senator Cáit Keane):** Fan nóiméad anois, táimid ag caint ar leasú Uimhir a hAon, agus de bhrí go bhfuil leasú Uimhir a hAon saghas leathan tá mé ag tabhairt leathnú duit anois. Ach uimhir a dó, trí agus a ceathair, beidh tú an-chruinn mar tá an leasú seo an-leathan mar gheall ar an Acht, ach chuimhnigh ar sin, píosa beag eile más é do thoil é.

**Senator Brian Ó Domhnaill:** Nuair a bhí an Teachta Frankie Feighan ag caint sa Dáil ar an 6ú lá de mhí Iúil 2010, labhair sé i nGaeilge agus ansin labhair sé i mBéarla. Ach, dúirt sé i mBéarla, “we believe it is anti democratic, to deny people in the Gaeltacht an opportunity to elect representatives to the body charged with steering the Gaeltacht regions out of this economic crisis” — sin iad na focail a dúirt sé sa Dáil ar an 6ú lá de mhí Iúil 2010, thart fá dhá bhliain ó shin, sa lá atá inniu ann. Obviously, d'athraigh rud éigin mór idir an lá sin agus an lá inniu, mar go bhfuil na focail sin inniu, ní fiú mórán iad, agus ansin, Alex White, agus é ag caint ar an taobh seo de Teach sa bhFreasúra ag an am, nuair a dúirt sé “tá an Rialtas ag teacht isteach anseo le rá nach mbeidh toghchán ann, go mbeidh an toghchán á chur siar”. This is extremely serious, agus tá go leor eile samplaí anseo fosta. Mar sin, tá fhios agam nach greideann tú, a Aire Stáit, mar go dúirt tú féin ag an am, agus ní mé ag dul ag léamh amach an méid a bhí le rá agat féin, b'fhéidir nach mbeadh sé féarálte, ach, tá sé ar an record, duine ar bith atá ag iarraidh é a léamh. Bhí tú an-soiléir go raibh tú ag iarraidh go mbeadh toghchán ann. Dúirt tú ag an am go raibh sé tábhachtach go mbeadh toghchán ann go dtiocfadh an toghchán a reáchtáil ag deireadh 2010 agus anois tá deireadh iomlán á chur leis na toghcháin sin. Níl fhios agam cad as a dtáinig an athrú amach as ach ba mhaith liom soiléiriú ní airgead atá i gceist anseo, b'fhéidir go mbeifeá á rá go bhfuil sábháil i gceist. Cuir an toghchán ar siúl ar an lá cheanna le toghcháin na comhairle contae nó le toghcháin le reifreann ar bith agus cuir bord



[Senator Brian Ó Domhnaill.]

úr isteach anois má tá tú ag iarraidh fá choinne tréimhse ama. Cuir bord úr isteach ó mhí Mheán Fómhair ar aghaidh go dtí go mbeidh toghchán ann, beidh go leor reifrinn ag teacht aníos, beidh na botháin vótála sa Ghaeltacht go léir oscailte nuair a bheidh reifreann ann, ní bheidh aon chostas breise ar an Stát ach amháin páipéarachas agus is féidir dul ar aghaidh agus an toghchán a reáchtáil agus dosaen a thoghadh nó b'fhéidir duine dhéag a thoghadh, agus ansin an Cathaoirleach a bheith roghnaithe agat féin. Sin an fáth a bhfuil mé ag moladh an leasú seo, a Leas Chathaoirligh, agus baineann sé leis an toghchán. Mar a dúirt tú féin tá sé leathan, tá an leasú seo istigh anseo mar go bhfuil sé tábhachtach. Táimid ag iarraidh na focal sin a bhaint amach mar go gcuideodh sé le deireadh a chur leis an sprioc atá ag an Rialtas seo, an daonlathas tharraingt ó Údarás na Gaeltachta agus ó phobal na Gaeltachta.

**Acting Chairman (Senator Cáit Keane):** Go raibh míle maith agat. An bhfuil Seanadóir Ó Clochartaigh ag seconding the motion?

**Senator Trevor Ó Clochartaigh:** Cinnte dearfach.

**Acting Chairman (Senator Cáit Keane):** Go raibh míle maith agat.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom cuidiú leis an leasú atá á dhéanamh ag mo chomhghleacaí, an Seanadóir Ó Domhnaill agus i gcomhthéacs na díospóireachta go dtí seo, a Aire, agus tuigim go raibh roinnt uaireanta chloig againn ag plé cuid mhaith ceisteanna a bhaineann leis an mBille Gaeltachta agus cuid mhaith le de na ráitis atá déanta agat sa Teach seo agus taobh amuigh dó.

Táim an-amhrasach i ndáiríre faoi cé mhéid atá tú ag éisteacht leis an díospóireacht atá ar bun agus sílim go bhfuil moladh áirithe anseo maidir le codanna áirithe a bhaint as an teideal don rud seo. Sé an rud a bheinn-se ag rá agus sé an rud a bheadh Sinn Féin ag rá ag an bpointe seo, ná gur chóir an Bille seo a tharraingt siar ar fad ag an bpointe seo. Ní léir dúinn go bhfuil aon tacaíocht amuigh ansin i bpobal na Gaeilge ná i bpobal na Gaeltachta don Bhille mar atá sé faoi láthair. Táim ag ceapadh go bhfuil sé tábhachtach go mbogfaí ar aghaidh le Bille Gaeltachta a mbeidh daoine sásta glacadh leis agus a mbeidh daoine sásta trasna an bhoird leis, níl sé sin soiléir domsa go bhfuil an tacaíocht sin ag an Bhille seo agus ba bhreá liom fáil amach cé tá ag tacú leis an Bhille. Mar shampla, bhí ráiteas agat linn an tseachtain seo caite, dúirt tú nuair a chuir mé ceist ort, maidir leis na comharchumainn agus na comhlachtaí pobail bhunaithe, dúirt tú go raibh do chuid feidhmeannaigh ag caint leo i gConamara agus i nGaioth Dobhair agus go rabhadar iontach sásta leis an méid a bhí á moladh agus na dualgais breise agus mar sin de a bhí orthu. Bhí mise ag tiomáint abhaile i mo charr maidin Dé hAoine agus bhí ráiteas ar Raidió na Gaeltachta ó dhuine de na feidhmeannaigh i gComharchumann i dTír Chonaill, i do Chontae féin a dúirt a mhalairt ar fad, go raibh an-ínní orthu, nach raibh siad ag glacadh leis an méid a bhí ann, go raibh ínní orthu faoi na dualgais breise agus go raibh ínní orthu faoi na hacmhainní breise. Cuirim i do leith, a Aire, nach bhfuil tú éisteacht beag ná mór linne, nach bhfuil tú ag éisteacht beag ná mór le pobal na Gaeilge, nach bhfuil tú ag éisteacht beag ná mór le pobal na Gaeltachta agus an dream atá tú ag iarraidh orthu comhoibriú leat mar a deir tú féin, ó thaobh an straitéis 20 bliain a chur chun cinn, agus ar an mbunús sin táim ag iarraidh ort an Bille seo a tharraingt siar inniu agus gan dul ar aghaidh chuig staid na Dála mar sílim go bhfuil géarghá le próiseas comhairliúcháin ar an Bille féin agus go bpléifeadh muid na forálacha atá sa Bille agus teacht suas le Bille a bheadh níos foirfe agus níos in ghlactha agus más féidir sin a dhéanamh tiocfaimid isteach sa teach seo agus tacaím lena leithéid de Bhille, ach ní bheimid ag tacú leis an gceann seo ar na cúiseanna atá luaite.

Ar na bun-cheisteanna atá ann, tá an cheist maidir le toghchán Údarás na Gaeltachta. Táimid beagáinín difriúil ó thaobh tuigim cé as a bhfuil an Seanadóir Ó Domhnaill ag teacht go

bhfuil sé sásta le laghdú ar an mbord agus mar sin de ar bhealach, mar go bhfuil sé soiléir nach bhfuil sibhse chun an *status quo* a fhágáil mar atá sé, de réir mar atá ráite agat. Ach sé dearcadh Shinn Féin de ná gur chóir toghcháin Údarás na Gaeltachta a fhágáil mar atá sé. D'aontóinn leis an bpointe maidir leis na páirtithe polaitiúla, nár chóir go mbeadh baint ná páirt acu le bord Údarás na Gaeltachta. D'fhás Údarás na Gaeltachta, mar atá a fhios agat a Aire, amach as cearta sibhialta na Gaeltachta, gluaiseacht pobail a tháinig aníos ón gcois mhuintir, a bhí ar iarraidh cearta maidir le cúrsaí saoraidí, cúrsaí teanga, cúrsaí oibre, cúrsaí eacnamaíochta agus mar sin de, sa Ghaeltacht agus an bun-choincheap a bhí taobh thiar den bhord ná gur daoine ón bpobal a bheadh ag suí ar an mbord a bheadh ag tabhairt treoir do na feidhmeannaigh san Údarás le go ndéanfaidís an ghníomh is fearr agus is fóna maidir le pobal na Gaeltachta. Sé an tAire Ó Cuív féin a rinne polaitíocht den toghchán sin nuair a chuir sé suntais na bpáirtithe polaitíochta ar na páipéir ballóide ins an toghchán in 2007 agus bhí mise an lochtach air ag an am. Mar shíl mise gur thoghadh daoine ag an am sin ar bhunús polaitiúil seachas ar bhunús pobail. Is maith feiceáil go bhfuil sé den tuairim anois gur chóir iad sin a bhaint den páipéir ballóide agus d'aontóinn leis agus d'aontóinn leis gur chóir an toghchán a fhágáil mar atá sé mar tá sé deacair ag duine, is cuma cén Gaeltacht a dtiocfaidh tú as, bíodh tú as Gaoth Dobhair nó an Ceathrú Rua nó pé áit é, eolas mhaith a bheith agat ar gach ceantar Gaeltachta. Tá ionadaíocht do roinnt daoine ó na ceantair éagsúla ag teastáil, le go mbeidh na cinntí atá á dhéanamh ar son pobal uile na Gaeltachta cothrom agus féarálte, do gach ceantar Gaeltachta. Ní aontaím leis an ionadaíocht atá tú ag moladh ar bhord Údarás na Gaeltachta, ar an mbunús go bhfuil tú ag caint ar cheathrar a bheith roghnaithe ó na ceantair is mó Gaeltacht agus ní ó na príomh Ghaeltachtaí fiú, níl sé sin féarálte. Tá muintir Múscraí, tá muintir na Rinne, muintir Ráth Chairn iontach iontach mí-shásta nach bhfuil ionadaíocht faoi leith. Ar bhealach is mó argóint a bheadh acu siúd gur cheart go mbeadh duine buan acu ar an mbord mar gur mó tacaíochta atá ag teastáil uathu siúd mar go bhfuil siad ina bpobail níos lú agus go bhfuil siad timpeallaithe ag an mBéarla gach taobh agus nach bhfuil an láidreacht céanna acu, mar sin tá argóint acu siúd go mb'fhéidir gur fearr go bhfágfaí duine iomlán acu siúd ar an mbord ná cuid de na ceantair eile. Is ag baint den daonlathas ins an gcinneadh sin atá I gceist leis sin.

Aontaím leis an Seanadóir Ó Domhnaill, ní fheicim go bhfuil aon sábháil airgid i ndáiríre gur fiú trácht air le déanamh leis an mBille seo, dá bhrí sin, ní fheicim cén buntáiste atá ann duit ó thaobh an toghcháin a bhaint. Sílim go bhfuil tú ag brú an Bhille seo tríd na tithe seo, a Aire. Sílim go bhfuil tú ag suí anseo, go bhfuil ag cloisteáil muid ag caint ach níl tú ag éisteach leis an díospóireacht atá ann. Mar is léir ó na sé leasú déag a chuireadh chun cinn an tseachtain seo caite, nár ghlacadh le oiread agus ceann ón bhfreasúra, cuid acu a bhí réasúnta go maith. Sílim go léiríonn sé sin go bhfuil ag dul ag brú ar aghaidh beag beann, nach bhfuil tú ag dul ag athrú focal ar bith ar an mBille seo mar a oireann sé duit féin, a Aire. Sílim gur droch-nós agus droch-chomhartha é sin ó thaobh Aire atá ag iarraidh a bheith ag tarraingt gach duine isteach sa bplé, ag iarraidh gach duine a thógáil ar bord agus ag iarraidh go mbeadh gach duine ag tacú leat ins na hiarrachtaí atá ar bun. An pointe eile maidir leis an plé atá déanta, d'airigh mé thú ag rá ar raidió na Gaeltachta go bhfuilimid ag plé na ceisteanna seo le blianta, táimid ró-fhada ag caint faoi chúrsaí Gaeltachta, ag dul siar go dtí Coimisiúin na Gaeltachta an straitéis 20 bliain, an ráiteas cuid acu a bhí réasúnta go maith. Sílim go léiríonn sé sin go bhfuil an tAire Stáit ag dul ag brú ar aghaidh beag beann, nach bhfuil sé ag dul ag athrú focal ar bith ar an mBille seo mura bhfeileann sé dó féin. Sílim gur droch-nós agus droch-chomhartha é sin ó thaobh Aire atá ag iarraidh a bheith ag tarraingt gach duine isteach sa bplé, ag iarraidh gach duine a thógáil ar bord agus ag iarraidh go mbeadh gach duine ag tacú leat ins na hiarrachtaí atá ar bun.

An pointe eile maidir leis an plé atá déanta, d'airigh mé an tAire Stáit ag rá ar raidió na Gaeltachta go bhfuilimid ag plé na ceisteanna seo le blianta, táimid ró-fhada ag caint faoi

[Senator Trevor Ó Clochartaigh.]

chúrsaí Gaeltachta, ag dul siar go dtí Coimisiúin na Gaeltachta an straitéis 20 bliain, an ráiteas Rialtais agus mar sin de. Aontaím leat bhí go leor leor plé ar na ceisteanna sin le riar mhaith blianta, ach ní raibh go leor leor plé ar an mBille seo. Tá an Bille seo foilsithe le beagán le cois coicíse agus tá an Bille ag dul i gcoinne cuid mhaith de na moltaí a bhí ag Coimisiún na Gaeltachta dar liomsa agus níl sé ag tabhairt leis na moltaí ar fad a bhí sa staidéar cuimsitheach teangeolaíochta ar úsáid na Gaeilge sa Ghaeltacht agus ní dóigh liom go bhfuil sé chun cuspóirí an Straitéis 20 Bliain don Ghaeilge a bhaint amach. Mar sin, níl sé sách maith go dtiocfadh an tAire Stáit isteach ag rá, táimid ag plé na Gaeilge. B'fhéidir go bhfuil daoine amuigh ansin sa phobal a bhíonn ag vótáil ar son do pháirtí féin agus páirtí an Lucht Oibre nuair a chloiseann siad an tAire Stáit ag rá táimid ag plé na Gaeilge le blianta fada, tá. Ach ní ionainn sin agus an Bille seo, mar níl an Bille seo ag déanamh na rudaí a d'iarr pobail na Gaeilge agus na Gaeltachta ar an Aire agus ar na hAirí a chuaigh roimhe a dhéanamh, tá sé ag déanamh a mhalairt dár liomsa. Sin an fáth go bhfuil díospóireacht ar an mBille áirithe seo ag teastáil ón bpobal, sin an fáth go bhfuil stocaireacht ag teacht ó na heagrais Ghaeilge, ó na Comharchu-mainn Ghaeltachta, ó na daoine atá ag oibriú ar an talamh ag rá linn, as ucht mac Dé oraibh, cuirigí i gcoinne an Bhille, mar nílimid sásta leis. Mar a bhfuil an tAire Stáit sásta sin a thógáil ar bord uainne, bá chóir go dtógfadh sé ar bord é ón dream seo a bhfuil seisean ag iarraidh a bheith mar rannpháirtithe leis ins an phróiseas seo le spriocanna na Straitéise 20 Bliain don Ghaeilge a bhaint amach.

Ceann de na cúiseanna eile a bhfuil amhras orainn maidir leis an mBille seo agus an fáth go bhfuil mé ag tacú leis an leasú áirithe seo, ná mar gheall ar an méid cumhachta a thugann an Bille nua seo don Aire ó thaobh limistéir na gceantar Gaeltachta. Ní léir ón díospóireacht a bhí againn an tseachtain seo caite agus léifimid giotaí móra fada amach as an staidéar cuimsitheach teangeolaíochta ar úsáid na Gaeilge sa Ghaeltacht ina bhfuil sé molta go roghnófaí catagóir A, B agus C ó thaobh ceantar Gaeltachta. Tá an tAire Stáit ag moladh ins an Bille seo iad sin a chaitheamh i mullach a chéile i gceantair pleanála teanga. Ní dóigh liom gurb í sin an straitéis a bhí molta agus ba bhreá liom fáil amach cén eolas teangeolaíoch ar a bhfuil sé bunaithe. Cá bhfuair an tAire Stáit an moladh seo, cé leis a raibh an tAire Stáit ag éisteach, an iad feidhme-annaigh na Roinne atá tar éis é a chur chun cinn, an é do pháirtí féin atá tar éis a chur chun cinn? Mar ní léir domsa go bhfuil aon staidéar idirnáisiúnta teangeolaíoch a sheasann leis an moladh atá an tAire Stáit ag cur chun cinn a deireann go mbainfidh sé na spriocanna amach de réir an staidéar cuimsitheach teangeolaíochta. Is ag an Aire Stáit nó ag an Aire a thiocfaidh i do dhiaidh, bíodh siad ó Fhianna Fáil, Sinn Féin, Fine Gael, Lucht Oibre pé rud é a bheidh an cumhacht anois ceantar a bhaint as na ceantair Ghaeltacht. Mar tá an ballraíocht más féidir sin a rá, ó thaobh a bheith ins an Ghaeltacht nó taobh amuigh den Ghaeltacht anois ag brath ar plean teanga a bheith ullmhaithe. Tá sé seo ag tabhairt an iomarca cumhachta, dar liom, muna bhfuil plean aontaithe le comhlacht atá roghnaithe leis an Aire gur féidir leis an Aire a rá, sin sin mar sin, tá sibh, beidh sibh amuigh as an Ghaeltacht. Ní bheidh aon phlé ag an leibhéal anseo. Faoi láthair táimid ag caint ar limistéir teanga ach silim go bhfuil an tAire Stáit mar atá luaite ag roinnt daoine ins na meáin, go bhfuil tú ag éalú ón bun-phointe go bhfuil ceantair áirithe i ndáiríre, i láthair na huaire, nach féidir, atá go teicniúil sa cheantar tíreolaíoch Gaeltachta ach nach bhfuil ag feidhmiú mar Ghaeltacht beo mar gheall ar go bhfuil siad báite ag na Béarlóirí atá ina gcónaí sna ceantair sin. Silim go bhfuil fadhb bhunúsach leis sin, agus sin ceann de na cúiseanna eile a bheinn ag moladh don Aire Stáit an Bille a tharraingt siar le tuilleadh plé a dhéanamh air. Más í an cheist atá ann, agus síleann gach duine atá ag plé leis seo gurb é an brú atá ort ná go gcaithfidh sé seo a bheith rite tríd roimh bhriseadh an tsamhraidh, sa chaoi nach gá daoibh toghcháin Údarás na Gaeltachta a réachtáil. Táim ag ceapadh go bhfuil gach duine ag admháil sin. Bheadh muid sásta go gcuirfí síneadh breise leis an Bord atá ann ar feadh bliana fiú. B'fhearr linn dá n-eagrófaí an toghchán, ach má dheireann an tAire Stáit

go mbeadh costas leis sin. B'fhearr linne fiú dá síneofaí an tréimhse atá ag an Bord reatha atá ann agus an Bille Gaeilteachta a phlé in athuair, athdhréachtadh a dhéanamh air agus an Bille Gaeilteachta seo a fháil i gceart seachas droch-Bhille atá fabhtach, nach bhfuil ag dul ag baint amach na spriocanna a d'aontaigh muid ar fad sa stráitéis 20 bliain.

Maidir leis an ionadaíocht ar bhord an Údaráis, aontaím leis an méid a dúirt an Seanadóir Ó Domhnaill, go mbeidh an ionadaíocht anois an-chlaonta, má tá siad ainmnithe ag na comhairleoirí contae. Tá an cosúlacht ann ó thaobh an socrú sin i láthair na huair go mbeadh mórán mór millteach ag na páirtithe an Rialtais ar bhord an Údaráis. An rud atá fíor-thábhachtach ó thaobh daonlathais agus go háirithe i gcomhthéacs Údarás na Gaeilteachta, ná glórtha na mionlaigh, glórtha na bpobail, glórtha iad siúd nach n-aontaíonn leis an Rialtas, gur féidir na díospóireachtaí sin a bheith ag a leithéidí bord an Údaráis go mb'fhéidir nach bhfuil an freagra ag teacht anuas ón mbarr, nach bhfuil Baile Átha Cliath ceart i gcónaí. Smaoinigh ar sa chomhthéacs seo, má leantar ar aghaidh leis an moladh fabhtach seo ó thaobh duine a ainmniú as Gaillimh. As tríocha comhairleoir contae i gcontae na Gaillimhe, níl ach ceathrar ina chónaí sa Ghaeilteacht.

**Acting Chairman (Senator Cáit Keane):** Tá gach rud ráite agat anois.

**Senator Trevor Ó Clochartaigh:** Gabh mo leithscéal, a Chathaoirligh, ach níl, tá neart eile le rá agam.

**Acting Chairman (Senator Cáit Keane):** Faoi dhó táim ag ceapadh.

**Senator Trevor Ó Clochartaigh:** Níl. Ní dúirt mé aon rud faoi dhó inniu.

**Acting Chairman (Senator Cáit Keane):** Tá neart ama agat anois.

**Senator Trevor Ó Clochartaigh:** Níl. Táim ag rá mar gheall ar an stocaireacht atá déanta orainn ag na heagrais amuigh ansin. Tá an pointe seo fíor-thábhachtach ó thaobh an cheathrair. Tríocha atá ar chomhairle contae na Gaillimhe, tríocha comhairleoir contae, ceathrar acu sin ina chónaí sa Ghaeilteacht agus tá tusa ag tabhairt cumhachta don fiche sé eile agus an mórán i gcomhairle contae na Gaillimhe duine a roghnú le ionadaíocht a dhéanamh phobal na Gaeilteachta. Níl sé sin ceart ná cóir ná daonlathach agus is cuma cé méid eolas atá ag an dream sin taobh amuigh den Ghaeilteacht ar an gceantar, ní de bhunadh na Gaeilteachta iad. Ní thuigeann siad na cúinsí ar fad a bhaineann le cónaí sa cheantar sin agus táim ag ceapadh má bhreathnaíonn tú ar na contaetha eile go mbeidh an fhadhb chéanna agat. Sílim go bhféadfadh fadhb dlíthiúil a bheith anseo chomh maith, mar ní léir go bhfuil ionadaíocht comhairle cathrach na Gaillimhe tógtha san áireamh. Má bhreathnaítear ar chomhairle cathrach na Gaillimhe bheadh muid féin lochtach go bhfuil ceantair i gcathair na Gaillimhe atá sa Ghaeilteacht oifigiúil faoi láthair go bhféadfadh a maíomh nach ceantair Ghaeilteachta iad mar gur Béarla an teanga pobail don chuid is mó atá ann, ach tá daoine Gaeilteachta ina gcónaí sna ceantair sin agus níl an tAire Stáit ag tabhairt ionadaíochta do na daoine atá i gceantar Gaeilteachta na Gaillimhe ar bhord an Údaráis mar níl an tAire Stáit ag roghnú aon duine ó chomhairle cathrach na Gaillimhe. So, d'fhéadfadh duine éigin sa cheantar sin dúshlán dlí a thógáil as Mionlach nó Tír Oileáin nó Cnoc na Cathrach atá ina chónaí sa cheantar Gaeilteachta mar atá sí faoi láthair mar tá limistéar pleanála teanga ansin agus níl tú ag tabhairt aon ionadaíocht do na sa cheantar sin ag an bpointe seo. An é go bhfuil a intinn déanta suas ag an Aire Stáit na ceantair sin a bhaint as an Ghaeilteacht go luath ar aon nós mar sin ní dhéanann sé aon difríocht. Ach, fiú má tá, tá sé de cheart ag duine as Cnoc na Cathrach, Tír Oileáin nó Mionlach ionadaíocht a bheith acu ar bhord an Údaráis agus ní léir go bhfuil sé sin acu.

[Senator Trevor Ó Clochartaigh.]

Dúradh freisin le linn na díospóireachta anseo an tseachtain seo caite, bhí caint ar Ghaeilge ar bhord an Údaráis agus luaigh Seanadóir amháin nach bhfuil Gaeilge ar a dtail ag gach duine ar an bhord agus tá sí ceart. Tá sé fíor-thábhachtach gur Gaeilgeoirí paiteanta le tuiscint mhaith ar an Ghaeilge agus an Ghaeltacht atá ann. I ndáiríre bhí sé maslach go ndúradh a leithéid de rud anseo le linn na díospóireachta an tseachtain seo caite, go raibh daoine gan Ghaeilge ag feidhmiú ar bhord Údarás na Gaeltachta. Bheinn-se lochtach ar chuid den dream a bhí ar an mbord ar bhonn polaitiúla agus b'fhéidir ar bhonn na cinntí a bhí acu, ach ní bhfaigheann lucht orthu ó thaobh na Gaeilge de. Bhí Gaeilge ag gach duine a bhí ag feidhmiú. Mar sin, cé leis a bhfuil an tAire Stáit ag éisteacht, mar ní tháinig aon duine ag stocaireacht linne ag rá linn, bígí ag tacú leis an mBille seo. Níor airigh mise oireadh agus duine amháin agus bím amuigh i saol na Gaeilge an lá ar fad, atá ag tacú leis an mBille. An bhfuil an tAire Stáit ag éisteacht leis na feidhmeannaigh, an iad na feidhmeannaigh a chur na moltaí nua seo chun cinn, mar ní léir go bhfuil siad bunaithe ar na moltaí a bhí sa staidéar cuimsitheach teangeolaíocht? Ní léir domsa go bhfuil siad ag teacht leis an Straitéis 20 Bliain don Ghaeilge, tá an tAire ag tógáil cur chuige *a la carte* ó thaobh na straitéise cheanna féin, dar liom.

Ní dóigh liom fiú go bhfuil aontú iomlán i do pháirtí féin maidir leis na moltaí seo. Tá rún rite ag comhairle contae na Gaillimhe a bhfuil mórán ag Fine Gael air atá i gcoinne an Bhille, mar sin cá bhfuil an tacaíocht ina pháirtí féin? An é go mbeidh an dream anseo sa Seanad agus sa Dáil ag vótáil ar nós caoire beaga mar go ndeireann sibh leo é, go gcaithfeadh siad an whip a leanúint ach nach n-aontaíonn sibh leis na moltaí atá ann. Mar is léir go bhfuil cois mhuintir Fhine Gael agus an Lucht Oibre an-ínníoch faoin mBille. So, an impí atá agam ar an Aire Stáit ag an bpointe seo ná, tarraing siar an Bille. Ná lean ar aghaidh ag cur deireadh leis an Stát choiste inniu. Tóg am i rith an tsamhraidh, cuir síneadh le toghcháin bhord an Údaráis más gá. Pléadh muid i gceart é, pléadh muid leis na páirtithe leasmhara é seo, faigheadh muid Bille Gaeltachta atá ag dul a bheith ag feidhmiú ar mhaithe le chuile dhuine sa Ghaeltacht agus atá ag dul ag déanamh an jab ceart. Ná déan praiseach agus ná bíodh sé mar oidhreacht ag an Aire Stáit, nuair a imíonn sé as oifig go ndéarfais leis gur thug sé isteach Bille Gaeltachta ach gur thug sé droch-Bhille Gaeltachta isteach atá ag dul ag déanamh dochar don Ghaeilge amach anseo. Mar tá daoine den tuairim go bhfuil agenda amuigh ansin atá ag iarraidh Údarás na Gaeltachta a lagú de réir a chéile, acmhainní agus maoiniú a bhaint de Údarás na Gaeltachta agus na heagrais atá ag plé le cúrsaí Gaeilge. Laghdú a dhéanamh ar na deontais a bhaineann le cúrsaí Gaeilge sa Ghaeltacht ar nós fáil réidh leis na scéin na gcúntóirí teanga agus laghdú a dhéanamh ar traenáil múinteoirí trú leibhéal le Gaeilge a fhoghlaim ins na ceantair Ghaeltachta, rud eile atá laghdaithe ag an Aire Stáit. Tá daoine áirithe atá i bpáirtí an Aire Stáit féin an-ard sa pháirtí ag iarraidh fáil réidh leis an Ghaeilge ar leibhéal na hardteistiméireachta. Tá tuairimíocht láidir ann, go bhfuil daoine atá taobh thiar den Aire Stáit ag iarraidh an agenda sin a bhrú ar aghaidh tríd an Aire Stáit agus níl sé sin maith go leor níl aon ghlacadh againn leis ó thaobh na Gaeltachta de. Mar a deirim arís, an rud is fearr le déanamh ag an bpointe seo ná an Bille a tharraingt siar agus dul ar ais agus plé an rud arís ar ais leis an bpobal agus faighimis i gceart é. Go raibh maith agat.

**Senator Jim D'Arcy:** An rud ata ann, a Chathaoirligh, tá mise ag éisteacht leis an Seanadóir agus tá mise ag maíomh nach bhfuil mórán measa aige ar chomhairleoirí contae na Gaillimhe nó comhairleoirí Tír Chonaill ach an oiread. Ach tá mise sásta go bhfuil na comhairlí sin agus na húdaráis sin, go mbeidh siad in ann na hionadaithe cearta a thoghadh don phost sin ar an Údarás. Is mór an trua, caithfidh mé a rá nach bhfuil meas ag an Seanadóir ar bhaill chomhairle contae na Gaillimhe.

**Senator Trevor Ó Clochartaigh:** Ní hé sin a dúirt mé chur ar bith.

**Senator Jim D’Arcy:** A chontae féin, bhuel, tá mise ag rá gur mhaslaigh tú iad.

**Senator Trevor Ó Clochartaigh:** Is é a dúirt mé ná go bhfuil an Bille fabhtach.

**Senator Jim D’Arcy:** Nach raibh siad ábalta duine a cheapadh mar ionadaí ar an Údarás. Iarraim ort an mhasla sin a tharraingt siar. Mar gheall ar an mBille i gcoitinne é a tharraingt siar agus é a fhágáil ar feadh 50 bliain eile.

**Senator Trevor Ó Clochartaigh:** Is é a dúirt muid.

**An Cathaoirleach:** The Senator to continue, without interruption.

**Senator Jim D’Arcy:** Nó droch-Bhille, Bille maith is ea é agus nuair a bheidh na limistéir teanga faoi lán seoil agus athbheochan na Gaeilge sa Ghaeltacht tosaithe i gceart beidh scéal eile. Nílim ag tacú ar chor ar bith leis an leasú sin.

**Senator Sean D. Barrett:** Go raibh maith agat agus fáilte ar ais don Aire Stáit. I support the amendment as strongly as possible. Senator Jim D’Arcy asked for whom we have meas. I have meas for the people who won seats in Údarás na Gaeltachta. That is a fantastic achievement. In Gaeltacht na Mhí, next door to Senator D’Arcy’s home base, 87% of the electorate turned out to vote in that election. Some 96,000 people are being deprived of voting rights. In the Houses of democracy we must have respect for democracy. Edmund Burke, one of my predecessors, said, “A perfect democracy is, therefore, the most shameless thing.” The alternative to democracy is what we call Toad Hall. A certain high-ranked person in Irish universities who does not believe in elections, appoints his friends to posts. The building in which these people live is called Toad Hall. I asked for a translation. The údarás will be known as Áras na gCnádán. I ask the Minister to go for the ballot box. In the last Government the Minister of State was a great defender of democracy, as was Deputy Jerry Buttimer, when a Member of this House, and Senator Paul Bradford, Senator Maurice Cummins, the Cathaoirleach, Senator Paddy Burke, Senator Paul Coghlan and Senator Fidelma Healy Eames. I do not know what happened to all those great people, whom I admire since becoming a Member, who have changed their mind against the ballot box. I am waiting for the scandal. Did somebody in the údarás make off with the money or somebody else’s wife? Níl aon scandals ann.

I am not convinced that the voting rights of 96,000 people should be abolished. If this was done to the Travellers, another language group or an ethnic group, *The Irish Times* and RTE would be hopping mad. However, we are doing it to people whom we designated in 1956 as the inheritors of our great linguistic heritage and what a great job they have done.

I was speaking with Deputy Éamon Ó Cuív last night who told me about all the people who are learning Irish in the Gaeltacht. I am aware the Minister of State has an aspiration that will soon happen in Clondalkin but at present it happens in the Gaeltacht. The Gaeltacht is being weakened by weakening democracy. As pointed out on the first day, no regulatory impact analysis was done. People who keep our minority language going as part of our heritage have language rights and should have been respected. They were respected by every Government since elections were introduced in the údarás. It is an important part of our democracy and our linguistic heritage and I hate to see it weakened. There will be dire consequences as a result.

The last time there was an assembly of elected people and 17 of the 20 were elected we were abolishing Grattan’s Parliament, the dire consequences of which are still evident. I ask that we respect the ballot box and democracy. This is not essential to the Bill. All the goods parts can be proceeded with but not on the basis of building an undemocratic body, filled with placemen, the Toad Hall people, we do not need that. That will weaken the language and make people even more than they have been. There has been a period of unfortunate decline in the number

[Senator Sean D. Barrett.]

of people speaking Irish since the State was founded. I ask the Minister of State not to demoralise them further. He would have the support of everybody and handshakes all around and bualadh bos and celebrations as on the last day, were he to say he would leave this aside and move on to the positive aspects. This is so negative it is damaging the Bill and the credibility of the Houses of Parliament.

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Dinny McGinley):** Go raibh maith agat, a Chathaoirligh agus na Seanadóirí a labhair go dtí seo. Ba mhaith liom a rá a Chathaoirligh, go bhfuil muid ag céim na tuairisce den mBille anois agus go bhfuil 140 leasú curtha síos agus go bhfuil muid ag déileáil leis an chéad leasú anseo agus go bhfuil muid ag caint ar an chéad leasú le beagnach uair an chloig agus go bhfuil 139 leasú le dul go fóill. Baineann an chéad leasú le teideal na Bhille sin an rud a baineann sé leis agus an méid a dúirt na Seanadóirí, bord an Údaráis agus ballraíocht an bhoird agus gan aon toghchán agus easpa daonlathais agus mar sin de. Obviously, ní aontaím le aon chuid de sin. Tá ocht n-uaire caite cheana féin agam istigh anseo ag caint agus ag rá nach n-aontaím leis na rudaí atá sibh ag rá agus táimid ag cloisteáil an rud cheannann céanna inniu. Mar sin a Chathaoirligh, ní sé ar intinn agamsa ag an phointe seo déileáil leis na pointí maidir le daonlathas, bord an Údaráis, conas a roghnóidh tú iad, cé bheidh ann, toad hall. Níl sé ar intinn agam mar go bhfuil leasuithe eile thíos ins an mBille a bheidh ag déileáil leis sin. Beidh siad ag déileáil leis na rudaí atá na Seanadóirí ag iarraidh a rá agus má bhíonn ciall ag na Seanadóirí gheobhaimid chomh fada leis na leasuithe sin. Ach má táimid chun uair an chloig a chaitheamh ar leasú uimhir a haon agus dá mbeimis anseo gan Chathaoirleach bheadh sé éasca daoibh.

Ba mhaith liomsa fanacht go dtí go dtiocfaidh mé go dtí an leasú atá ag díriú isteach ar an deacracht. Sílim go mbeidh díospóireacht níos fearr againn, in áit a bheith ag dul ar fud na háite agus ar fud an tí, ó chúinne go cúinne agus ó bhalla go balla, right around the house. Tá mé ag díriú isteach ar an teideal atá ar an mBille agus measaim go léiríonn an teideal atá ar an mBille, teideal fada atá ann, ach gur léiriú cruinn é ar a bhfuil san áireamh i bhforálacha na Bhille mar a foilsíodh é. Ag an bpointe seo níl aon intinn agam glacadh le leasú ag athrú an Bhille seo, Bille na Gaeltacht nó an méid atá ráite agaibh, níl sé ar intinn agam é sin a dhéanamh. Mar a dúirt mé, tá súil agam go mbeidh deis agam déileáil arís, árais, arís, arís le bord an Údaráis agus le daonlathas do mhuintir na Gaeltachta. Táimid ag tabhairt cearta do mhuintir na Gaeltachta nach raibh acu go dtí seo, we are giving them a say in their own linguistic destiny which they never had before. We told them here in Dublin to learn Irish and speak it and we found out that they are not speaking it. Senator Barrett is talking about 96,000 people in a Gaeltacht area but is he aware that only 23,000 speak Irish daily? That is what I am trying to stop. I have lived there all my life and I want to give them a say in their linguistic destiny. How will we help people living in the Gaeltacht and speaking Irish on a daily basis prevent this outgoing tide? We will give them every opportunity and all the help we can. We have Údarás na Gaeltachta and people with masters degrees in linguistics. This will be a meitheal between us, the Department and muintir na Gaeltachta. We are giving them a say. Údarás na Gaeltachta is not a county council but a State board. Whether one is living in Donegal or in Kerry, one has a responsibility to every part of the Gaeltacht. It is not a parish pump affair, although it may have been in the past. Grand for an engine here and grand for a bolt there. That is not how it is going to be. It will be a different údarás with different aims and objectives and saving the language in conjunction with the people of the Gaeltacht. Ag an phointe seo níl mé ag iarraidh níos mó a rá. Is é an t-aon rud atá mé ag rá ná nach bhfuil aon fhonn orm agus ní ghlacfaidh mé leis an leasú seo ar teideal an Bhille.

**Senator Sean D. Barrett:** With respect, the Minister of State has not told us how withdrawing their voting rights promotes anything.

**An Cathaoirleach:** Senator Barrett, Senator Ó Domhnaill is the only one who can come back in on Report Stage.

**Senator Brian Ó Domhnaill:** Bhí mé ag éisteach leis an Aire Stáit ansin agus ní aontaím ar chor ar bith leis an Aire Stáit. Mar, tá ceann teideal an Bhille seo leagtha amach na línte idir 8-10 má tá siad sin fágtha sa Bhille seo ní fiú dúinn fiú labhairt ar na leasuithe eile atáthar ag caint air. Go teicniúil má tá muid ag aontú ar seo anois na focail sin tá muid ag rá, ah bhuel tá muid ag cur deireadh leis an próiseas daonlathach agus cén maith ar fiú glacadh le haon leasú eile amach anseo sa Bhille mura bhfuilimid ag dul a bheith dáiríre faoin cheann seo. Ní aontaím leat, an méid atá ráite ansin agus i mBéarla referring to Senator Barrett's point. Some 96,000 people live in the Gaeltacht and 23,000 people speak Irish on a daily basis. Will the ending of democratic elections to the board of Údarás na Gaeltachta improve the number of daily Irish speakers in the Gaeltacht from 23,000? No, it will not. Will it remove their feeling of being involved in, and being part of, the process? Yes, it will. It will impact on their feeling of belonging to the process, which is wrong.

Údarás na Gaeltachta is not a county council.

**Deputy Dinny McGinley:** I said it was not one.

**Senator Brian Ó Domhnaill:** I will defend any official who works for Údarás na Gaeltachta and I will not cast a slur on them and say——

*(Interruptions).*

**An Cathaoirleach:** Senator Ó Domhnaill, without interruption.

**Deputy Dinny McGinley:** I did not cast a slur. I knew them before Senator Ó Domhnaill was born.

**An Cathaoirleach:** An tAire, you have a right to come back in.

**Senator Brian Ó Domhnaill:** I did not suggest the Minister of State did.

**Deputy Dinny McGinley:** I do not know what the Senator was suggesting. He had better think before he speaks.

**Senator Brian Ó Domhnaill:** I did not suggest the Minister of State did.

**Deputy Dinny McGinley:** The Senator should think before he speaks.

**An Cathaoirleach:** Senator Ó Domhnaill, without interruption.

**Senator Brian Ó Domhnaill:** The Minister of State is getting excited. It is not personal.

**Deputy Dinny McGinley:** I am being told not to take anything personally.

**An Cathaoirleach:** An tAire——

**Deputy Dinny McGinley:** God help us. I have been here for more than 30 years.

**An Cathaoirleach:** An tAire, you have the right to come back in. Senator Ó Domhnaill, without interruption.



**Senator Brian Ó Domhnaill:** Údarás na Gaeltachta should have a role in providing support to fishermen and people who live in Gaeltacht areas. As long as I am a public representative, I will not stand up and say that any State agency should not provide for people, whether fishermen, farmers or people who live in a particular area, because they speak Irish. The problem we have with fishermen now is that they have to leave our islands and go abroad. I am not blaming the current Government for that because it has happened over many years and many Ministers are responsible, including ones from my party. I am big enough to say that.

Caithfid mé a rá that the democratic deficit, which will be created and which was outlined by Senator Barrett last week, is something to which we cannot subscribe. Níl fhios agamsa cén fáth go bhfuil athrú intinne ann ó dhá bhliain ó shin agus an lá inniu. Bhí an Seanadóir D’Arcy ag rá na comhairleoirí contae go bhfuil muid ag rá nach bhfuil na comhairleoirí contae in ann an jab seo a iompar. Tá na comhairleoirí contae tofa fá choinne a bheith ina chomhairleoirí contae, níl siad tofa le bheith ar bord Údarás na Gaeltachta. Faoi láthair de réir mar atá an próiseas daonlathach ansin, tá daoine aonaracha tofa le bheith ina chomhaltaí ar an Údarás, cuid acu a bhfuil ina gcomhairleoirí contae ach sé pobail na Gaeltachta a rinne an cinneadh sin agus ní an bainisteoir contae nó ní haon pact in aon chontae. Inniu Fine Gael nó Labour a bheadh ann b’fhéidir, mar go bhfuil an tromlach acu. Amárach, b’fhéidir gur Sinn Féin agus Fianna Fáil a bheidh ann, níl sé sin ceart. Cén fáth nach cén fáth nár chóir do Joe nó Nancy nó Biddy atá ina gcónaí i gConamara, i nGort an Choirce nó in aon áit eile mar sin.

**An Cathaoirleach:** Senator Ó Domhnaill, the amendment is specific and relates to the Title of the Bill.

**Senator Brian Ó Domhnaill:** It is.

**An Cathaoirleach:** Some of the issues you are raising are irrelevant to the amendment.

**Senator Brian Ó Domhnaill:** I will sum up.

**An Cathaoirleach:** On the amendment.

**Senator Brian Ó Domhnaill:** Ar an leasú. Caithfidh mé a rá go bhfuil sé an-soiléir agus muid ag tosú amach inniu nach bhfuil an tAire Stáit sásta glacadh le aon cheann de na leasuithe seo. Bhí plé againn an lá deireanach, bhí 160 leasú ann. Rinne muid plé ar thar fá 10% acu agus bhí gilitín curtha leis an mBille. Tá gach aon cheart againn seasamh suas anseo agus labhairt ar an mBille fá choinne uair nó trí uaire nó 10 n-uaire nó cibé eile é agus creideann muid go bhfuil paisean againn faoin gceist seo agus go gcreideann muid, tá muid ag iarraidh cuidiú leis an Aire Stáit. B’fhéidir nach bhfeiceann an tAire Stáit an dóigh sin é ach creidim-se go gcaithfidh an Bille seo a bheith níos láidre, go gcaithfidh sé a bheith daonlathach, go gcaithfidh buy-in a bheith ann agus má tá tú chun vóta a thógáil ó dhaoine. Is féidir liomsa dul isteach anois go dtí bothán vótála agus vóta a chaitheamh do cibé atá mé ag iarraidh a bheith tofa ar an bhord. Tá an tAire Stáit chun é sin a thógáil ó na daoine ansin. Ní buy-in atá i gceist ansin, tá tú ag rá leis na daoine nach bhfuil muid sásta leis na daoine atá sibhse ag dul ag roghnú le bheith ar an bhord.

One cannot have buy-in when one is telling people one does not agree with the fundamental democratic decision they make in secret in the polling booth. It is wrong and it is going back to an era in this country’s history which none of us want to revisit. Why should we go back to it? Tá muid ag caint faoi todhchaí na Gaeilge anseo. Tá muid ag caint faoin daonlathas fosta agus mar a dúirt an Seanadóir Barrett is mór an trua go bhfuil an moladh sin istigh sa Bhille seo mar go bhfuil sé ag tarraingt salach ar an mBille i mo thuairim. Sin an méid atá le rá, beidh mé ag bur an leasaithe seo, a Leas Chathaoirleach, mar mura bhfuil an foclaíocht bunúsach

tugtha sa Bhille ní bheidh muid i ndáiríre faoi na leasuithe eile atá istigh againn a bheidh muid ag déanamh plé orthu, tá súil againn níos moille.

**Deputy Dinny McGinley:** Go raibh maith agat a Chathaoirligh. Bhuel, mar a dúirt mé ag tús sílim gur léiriú ar a bhfuil ins an Bhille tábhachtach seo gur sin an léiriú atá i dteideal an Bhille. Tá teideal fada ann léiriú ar a bhfuil san Bhille atá ann agus ar an ábhar sin ní beidh mé ag glacadh leis an leasú sin.

Amendment put.

The Seanad divided: Tá, 27; Níl, 15.

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.  
Harte, Jimmy.  
Heffernan, James.

Henry, Imelda.  
Higgins, Lorraine.  
Keane, Cáit.  
Landy, Denis.  
Moloney, Marie.  
Moran, Mary.  
Mulcahy, Tony.  
Mullins, Michael.  
Noone, Catherine.  
O'Donnell, Marie-Louise.  
O'Neill, Pat.  
Sheahan, Tom.  
Whelan, John.

Níl

Barrett, Sean D.  
Byrne, Thomas.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
Mooney, Paschal.  
Mullen, Rónán.  
O'Brien, Darragh.

O'Sullivan, Ned.  
Ó Clochartaigh, Trevor.  
Ó Domhnaill, Brian.  
Power, Averil.  
Reilly, Kathryn.  
Walsh, Jim.  
Zappone, Katherine.

Tellers: Tá, Senators Ivana Bacik and Paul Coghlan; Níl, Senators Ned O'Sullivan and Brian Ó Domhnaill.

declared carried.

Amendment declared lost.

Amendment No. 2 not moved.

**An Cathaoirleach:** Amendments Nos. 3 to 8, inclusive, 11 to 25, inclusive, and Nos. 31 and 32 are related and in some cases alternative, and may be discussed together, by agreement. Is that agreed? Agreed.

**Senator Brian Ó Domhnaill:** I move amendment No. 3:

In page 12, lines 31 to 39, to delete all words from and including “an” in line 31 down to and including “selection.” in line 39 and substitute the following:

“organisations that have applied under *subsection (4)* and that, in the opinion of Údarás na Gaeltachta, are the organisations that are the most capable of participating with an tÚdarás in

[Senator Brian Ó Domhnaill.]

the preparation of a plan the purpose of which is to provide for and encourage the increased use of the Irish language in the family, educational, public, social, recreational and commercial life of the area concerned (in this section referred to as an “Irish language plan”), in accordance with prescribed language planning criteria, and when it has done so, it shall notify the organisations in writing of this selection.”.

**Senator Trevor Ó Clochartaigh:** Ar pointa ordú. As the amendments are grouped we were told at the beginning of the debate that the proposer of an amendment can come back in. Is that correct?

**An Cathaoirleach:** The proposer of the first amendment is the only Member who can come back in a second time.

**Senator Trevor Ó Clochartaigh:** We may oppose the grouping arrangement in future. I second amendment No. 3.

**An Cathaoirleach:** Fine.

**Senator Brian Ó Domhnaill:** Tá cuid mhór leasuithe ansin tá 3-8, 11-25 agus ansin 31 agus 32 curtha isteach ag Fianna Fáil agus ag Sinn Féin i dtaca leis an mBille. I ndáiríre an rud atá i gceist anseo againn, níl mé chun dul tríd gach leasú go sonrach mar go nglacfadh sé barraíocht ama agus táimid ag iarraidh díospóireachta a dhéanamh ar chomh maith agus is féidir an mhór chuid den Bhille seo. Baineann sé seo leis na cúraimí atá ar Údarás na Gaeltachta agus táimid ag lorg go mbeadh an príomh chúram ar Údarás na Gaeltachta maidir le ullmhú agus feidhmiú na pleananna teanga agus go gcaithfidh siad ansin a bheith ag comhoibriú agus ag oibriú i gcomhair leis na heagraíochtaí eile atá ag feidhmiú sa Ghaeltacht agus tá cuid mhór eagraíocht deonach. Tá eagrais cosúil le Guth na Gaeltachta mar shampla, tá go leor grúpaí pobail agus mar sin de. Táimid ag iarraidh fosta ins na leasuithe seo, tá sé ráite mar shampla sa leasú sa Bhille, tá brón orm a Chathaoirligh ní fhaca mé na groupings seo do dtí cúpla nóiméad ó shin. Mar shampla, tá moladh ansin ar leathanach 12 den mBille áit a deireann sé ‘déanfaidh Údarás na Gaeltachta i ndáil le limistéir is ábhar de fhógra faoi’ in other words, go bhfuil deis ag Údarás eagraíocht amháin a roghnú. Tá muid ag iarraidh go mbeadh deis ag roinnt eagrais iarratas a dhéanamh chun plean teanga a ullmhú. In áit eagraíocht amháin a bheith in ann a bheith roghnaithe ag an Údarás leis an plean a dhéanamh go mbeadh deis ann ag roinnt eagrais iarratas a dhéanamh chun plean teanga a dhéanamh. Ansin go mbeadh sé fágtha faoi chúram an Údaráis mar atá leagtha síos sa Bhille, an grúpa is fearr a roghnú, de réir mar a bheidh leagtha síos ag feidhmeannaigh an Údarás i gcomhairle leis an pobal. Táimid ag iarraidh anseo go mbeidh nach mbeidh an ról teoranta don Údarás. Tá sé fíor-thábhachtach, má tá an Bille seo le oibriú sé bun agus barr an scéil ná beidh acmhainní ag teastáil ar cibé grúpa pobail a bheidh ag cur na pleananna seo le chéile. Is é an moladh atá againn anseo ná go mbeadh sé sin déanta, go mbeidh remit nó go mbeidh dualgas ar an Údarás a bheith fite fuaite agus páirteach ins na hullmhúcháin a bheidh le déanamh ar na pleananna éagsúla seo. Gan sin ní oibreoidh sé, má tá an Stát ag athrú an chúraim na pleananna seo a tharraingt le chéile trasna go dtí na heagrais phobail bhunaithe nó na grúpaí sa Ghaeltacht. Níl sé sin féarailte nó praiticiúil mar go bhfuil costais ollmhór ag baint le pleanáil teanga. Tá go leor samplaí tugtha sa teach seo ar na costais a bhaineann le pleananna teanga a chur i bhfeidhm agus rinne mé féin tagairt don bplean i gceantar an Spidéil, áit a bhfuil idir an plean a dhréachtú agus é a chur i bhfeidhm thar tréimhse, tá costas de beagnach €700,000, i gceist sa cheantar amháin sin.

Má ghlacann tú paróiste cosúil le Gaoth Dobhair, Cloch Cheann Fhaola, Na Rossa i mo chontae féin, cé atá ag dul ag iompar an costais mhór ansin. Mura bhfuil sé soiléir go bhfuil an

remit ar an Údarás na pleananna seo a dhréachtú i gcomhairle leis an heagraíochtaí cuí nó a chur i bhfeidhm, beidh sé fágtha go huile is go hiomlán ag na coistí pobail an milleán airgeadais a bhaineann leis na pleananna seo a ullmhú a iompar agus níl sé sin féaráilte agus ní oibreoidh sé sin. Mar, tá fhios againn go bhfuil go leor de na heagrais pobail bhunaithe seo, maoinithe faoin ciste reatha atá ag Údarás na Gaeltachta agus tá an ciste sin tite le roinnt blianta anuas thart faoi €3.7 milliún nó €3.8 milliún i mbliana sa chiste sin. Tá na coistí ag iarraidh a bheith ag maireachtáil taobh istigh don bhrú airgeadais atá orthu agus tá siad ag iarraidh sin a dhéanamh leis cúraimí atá orthu faoi láthair a choinneáil ag imeacht. Ach má tá dualgais bhreise curtha ar na coistí sin, le pleananna den chineáil seo a ullmhú ní fheictear domsa cén dóigh a mbeidh siad ábalta é a dhéanamh. Sin an fáth go bhfuil sé tábhachtach go mbeidh an dualgas ar Údarás na Gaeltachta na pleananna teanga a réiteach i gcomhairle leis na heagraíochtaí. An dóigh atá sé leagtha amach sa Bhille ná go mbeidh an tÚdarás ag roghnú eagraíocht leis an phlean a réiteach. Ní oibreoidh sé sin agus tá sé sin ag cur milleáin an-trom ar na coistí pobail.

An t-aon dóigh eile a n-oibreodh sé ná dá mbeadh an Roinn nó an Rialtas sásta an costas a bhaineann leis na pleananna a réiteach a iompar agus ligean do na coistí pobail tairiscintí a dhéanamh air. D'oibreodh sé sin mar go mbeadh an costas ar an Stát agus sin an áit go mba chóir don chostas a bheith ar an Státhiste. Sin an áit atá an mhórchuid de na moltaí seo, táimid ag iarraidh go mbeidh sé soiléir cén ról atá ag an Údarás go mbeidh ról níos lárnaí ag an Údarás agus le haghaidh sin a bhaint amach beidh breis foirne ag teastáil ó Údarás na Gaeltachta agus chomh maith leis sin beidh acmhainní nó airgead breise ag teastáil ón Údarás agus gan sin ní oibreoidh an Bille seo. Mura bhfuil an t-airgead ar fáil, ní oibreoidh an Bille agus má tá an Stát le leanúint leis na moltaí atá ins an Straitéis 20 Bliain don Ghaeilge tá sé tábhachtach go mbeidh airgead á chur ar fáil chun é sin a dhéanamh. Níl mé ag rá gur shíl duine ar bith Teachta nó Seanadóir ar bith a bhí ina shuí ar an gCoiste a bhí ag plé leis ná ó cheantar Gaeltachta nó a raibh suim acu sa straitéis. Níor shíl duine ar bith againn nach mbeadh airgead ag teastáil leis na spriocanna sin a bhaint amach. Tá sé indéanta a bheith ag iarraidh ar choistí pobail, an Bille seo a chur i bhfeidhm agus na pleananna seo a réiteach. Níl sé féaráilte an milleán iomlán a aistriú ón Stát go dtí na coistí pobail gan an tacaíocht chuí a bheith ar fáil. Táimid ag caint ar choistí deonacha, daoine atá ag obair go deonach, go leor acu níl siad ag saothrú pá ar bith, nó duine ar bith atá ag obair i gcomharchumann nó áit mar sin tá siad ag saothrú an bun leibhéal pá agus níl sé féaráilte an milleán trom seo a aistriú anonn nó trasna do dtí na coistí sin. Sin an áit a bhfuil seo ag teacht as, measaim go bhfuil na moltaí seo praiticiúil tá siad pléite againn le Guth na Gaeltachta agus le Conradh na Gaeilge agus le dreamanna eile. Aontaíonn na heagrais sin atá ag plé leis an Ghaeilge go laethúil gur seo an dóigh ceart le dul. Aontaíonn pobail na Gaeltachta gur seo an dóigh ceart le dul agus tuigim go bhfuil an tuairim céanna ag bord an Údaráis gurb é seo an dóigh ceart le dul. Mar, má tá sé fágtha faoi na coistí gan airgead, gan tacaíocht, gan acmhainní, milleáin i bhfad ró-throm a bheidh ann agus ní oibreoidh sé. Tá súil agam go mbeidh an tAire Stáit sásta glacadh leis na moltaí seo. Ní athraíonn sé an Bille an oiread sin, ach le rá go bhfuil an cúram nó an cúram faoin reachtaíocht ar an Údarás amháin i gcomhairle leis na coistí in áit go bhfuil an cúram ar na coistí tar éis don Údarás glacadh le cibé tairiscint. Mar ní fheictear domsa, cén dóigh a n-oibreoidh sin. Go raibh maith agat, a Chathaoirligh.

**Senator Trevor Ó Clochartaigh:** Go raibh míle maith agat, a Chathaoirligh agus a Aire Stáit. I gcomhthéacs na leasuithe seo, ba mhaith liom na leasuithe atá ag Sinn Féin anseo ar fad a mholadh agus tacú leis an cuid atá ag an Seanadóir Ó Domhnaill agus aon dream eile a bheidh á gcur chun cinn. Má théimid siar, go dtí an méid a dúirt an tAire Stáit nuair a bhí sé sa bhfreasúra sa Teach eile leis an Aire, Teachta Pat Carey mar a bhí ann ag an am. Labhair sé faoi Údarás na Gaeltachta agus an buiséad atá acu. Dúirt sé: “Nuair a amharcaimid ar Údarás na Gaeltachta, a bheas cúraimí breise air maidir le straitéis na Gaeilge agus cúraimí fiontraí-

[Senator Trevor Ó Clochartaigh.]

ochta tá titim sa chaiteachas ansin ó €22 milliún in 2007 go dtí €6 mhilliún an bhliain seo chugainn. Deir an tAire go mbeidh dualgais bhreise ar an Údarás. Conas is féidir leis an Údarás na dualgais bhreise sin a chomhlíonadh nuair atá titim mar sin sa chaiteachas, níl sé indéanta agus ní chreideann aon duine. Tá an Rialtas ag cleasaíocht leis an nGaeilge, leis an teanga, leis na Gaeltachtaí agus leis na hoileáin.” Sin é an port a bhí ag an Aire Stáit féin nuair a bhí sé sa bhFreasúra agus tá a phort athraithe go hiomlán ó tá Bille na Gaeltachta foilsithe. Níl fhios agam céard a tharlaíonn nuair a shiúlann tú isteach tríd an doras i dtithe an Rialtais. An é go dtéann tú tríd machine éigin a athraíonn d’intinn nó a ghlanann d’intinn ó na rudaí a dúirt tú nuair a bhí tú sa bhFreasúra agus go ndeireann tú pé rud a deirtear libh a rá, ach is athrú iomlán, is U-turn aisteach é sin ar an ghealltanais a bhí á tabhairt ag Fine Gael nuair a bhí siad sa bhFreasúra? Téann sé sin go croí na ceiste anseo maidir leis an Acht agus ceann de na laigíochtaí móra eile i measc na laigíochtaí móra atá ins an Bhille dar linne. Arís árais, ceann de na húdair a bhfuilimid ag fíorú den Aire, an Bille a tharraingt siar agus athmhachnamh a dhéanamh air thar an samhradh.

Tá an plean atá beartaithe, maidir le Bille na Gaeltachta, tá an Rialtas ag roghnú 19 ceantar pleanála teanga ar fud na Gaeltachta, tá siad sin leagtha amach ar bhealach aisteach go leor dar liom agus dar leis na pobail atá ina gcónaí iontu. Mar shampla, má bhreathnaíonn tú ar cheantair ina bhfuil Iorras Aithneach agus Dúiche Sheoigheach curtha isteach lena chéile. Luaigh mé cheana leis an Aire Stáit nach bhfuil aon luí nádúrtha ag na dreamanna sin le chéile. Cé go bhfuil aithne ar na daoine ins na ceantair éagsúla ar a chéile agus go mbíonn beagáin teagmhála agus caidrimh ann, is mó luí a bheadh ag muintir Cor na Móna le muintir Thuar Mhic Éadaigh ó thaobh pobail de agus is mó dlúthú pobail atá idir an dá cheantar sin ná atá idir muintir Thuar Mhic Éadaigh agus muintir Acla atá curtha isteach i mullach a chéile mar cheantar pleanála teanga. So, sílim go bhfuil lochtaí ansin, ó thaobh cuid de na hionaid agus na háiteanna atá curtha i mullach a chéile agaibh ins na limistéir pleanála teanga agus ba cheart, bunaithe ar na moltaí maidir le catagóir A, B agus C sa staidéar cuimsitheach teangeolaíochta, athmhachnamh a dhéanamh ar cuid de na ceantair pleanála teanga ansin. Ach fiú dá nglacfadh muid leis an leagan amach sin atá á dhéanamh ag Roinn an Aire Stáit, tá fabhtaí. Sílim, agus d’fhéadfadh fadhbanna oibríochta bheith leis an leagan amach atá sé ag moladh, gurb iad Údarás a bheidh ag moladh eagraíocht amháin i ngach ceantar acu seo, le plean a ullmhú agus le plean a chur i gcrích. Ag dul ar ais go dtí an rud a luaigh an tAire Stáit féin nuair a bhí sé sa bhFreasúra, cá bhfuil na hacmhainní? Cén chaoi is féidir a bheith ag súil go mbeidh an tÚdarás ag déanamh na cúramaí breise seo gan acmhainní breise. Cén chaoi is féidir a bheith ag súil go mbeidh na heagraíochtaí atá ar an talamh ag déanamh na cúramaí breise seo gan acmhainní breise? Tá an tAire Stáit ag rá go mbeidh neart airgid ann, agus mar sin de. Ach má tá, an é go bhfuilimid ag cur airgid amú le roinnt blianta agus gurb é go raibh dul amú air nuair a labhair sé leis an Aire, Teachta Pat Carey mar a bhí ann ag an am, go raibh an iomarca airgid ins na ceantair Ghaeltachta. Dá bhrí sin go raibh muid ag tabhairt an iomarca airgid do na comharchumainn agus go bhfuil airgead le spáráil acu anois leis an plean teanga a chur i bhfeidhm, ní dóigh liom é.

Bhí mise ar bhord comharchumann Mhic Dara go dtí le bliain. Nuair a bhí muid ag plé le bunú an chomharchumann sin bhí orainn troid go láidir leis an Údarás le deontas reáchtála a fháil. Ar nós cuid mhaith de na comharchumainn agus comhlachtaí pobail bhunaithe eile, clúdaíonn an deontas reáchtála, ar éigin b’fhéidir, bainisteoir a fhostú má tá an t-ádh leo rúnaí agus roinnt de na costais riaracháin. Tá siadsan ag clamhsán le ceithre nó cúig nó sé de bhlianta anuas go bhfuil an titim atá tagtha ar na deontais reáchtála do na comharchumainn agus na comhlachtaí pobail bhunaithe tubaisteach don obair atá ar bun acu. Go bhfuil sé fíor dheacair acu cheana féin coinneáil ag imeacht, go bhfuil siad, mar a deir an duine ar life support ag an

méid a fhaigheann siad. Tá siad ag coinneáil ag imeacht ar éigin, ach gur deacair a bheith ag súil go ndéanfaidh siad ualach breise oibre gan breis acmhainní leis sin a chur i gcrích. Ní shé go bhfuil mé ag iarraidh go mbeadh airgead breise ná foirne ná tada mar sin ann. Táim ag rá má théann tú go dtí na rudaí is bunúsaí a bheidh ag teastáil leis an straitéis 20 bliain a chur chun cinn, má dheireann muid go dtagann sé chun cinn, go dteastaíonn ranganna bunúsacha Gaeilge i gceantar nó go dteastaíonn grúpa máthar agus linbh a bhunú nó go dteastaíonn airgead le haghaidh club óige a reáchtáil nó go dteastaíonn airgead le haghaidh imeachtaí sóisialta a chur ar bun. Ní féidir sin a chur ar siúl gan acmhainní breise, agus tá an tAire Stáit ag iarraidh dallamullóg a chur orainn anseo ag rá nach mbeidh aon acmhainní breise ag teastáil don Bhille seo. Má tá an tAire Stáit ag rá sin, tá ceann de dhá rud ar siúl. Uimhir a haon, tá sé ag cur dallamullóg orainn nó uimhir a dó níl tuairim aige céard atá sé ag caint faoi agus ní dóigh liom gurb é an dara ceann é. Mar sílim go dtuigeann tú féin ó thaobh fear a bhí lonnaithe sa bpobal le blianta fada. Is cuma cén imeacht atá tú ag eagrú, má tá tú ag dul é a eagrú i halla pobail nó in ostán nó rud ar bith mar sin tá costas ag baint leis agus le go mbeadh tú in ann a rá linn anseo gur féidir an Bille Gaeltachta seo a chur chun cinn gan acmhainní breise is dóigh liom gur dearg sheafóid é sin, i ndáiríre píre. So, caithfear athmhachnamh a dhéanamh ar chúrsaí, caithfear cuir ina luí, má tá sé ag rá linn nach bhfuil na hacmhainní ar fáil, caithfear é a rá amach go breá gcróíúil é. Má tá sé ag rá linn is mar gheall ar an ghéarchéim airgeadais sa Stát é, má tá sé ag iarraidh milleáin a chur an sean Rialtas gurb iad a d'fhág sinn sa chás sin, abair amach díreach é. Ar a laghad is féidir linn ar fad ansin a bheith ionraic faoi cá seasann muid ach ná bí ag cur dallamullóg orainn ag rá go bhfuil Bille Gaeltachta den chéad scoth againn, mar níl. Ní aontaíonn aon duine amuigh ansin leis an Aire Stáit agus na comharchumann agus na comhlachtaí pobail bhunaithe a luaigh sé. An tseachtain seo caite dúradh, “ Ó bhí mo chuid feidhmeannaigh ag caint leo agus tá siad ar fad sásta leis na dualgais breise”, ní sin atá siad ag rá liomsa, níl siad sásta. Tá orthu glacadh leo nó caillfidh siad an deontas reáchtála nó sé sin an inní atá orthu. Mura n-imríonn siad de réir na rialacha atá an Roinn agus an tÚdarás ag leagan síos, go gcuirfear deireadh leo nó go gcuirfear deireadh leis na deontais reáchtála. Tá cineáil gunna lena gcloigeann ag an Rialtas, agus ní shé sin an bealach leis an rud seo a chur chun cinn.

Luaigh mé freisin an praiticiúlacht a bhaineann le cur chun cinn na straitéisí seo. Cuirim i gcás, má thógann tú an leagan amach atá déanta le Acaill agus Tuar Mhic Éadaigh a chur isteach lena chéile. Tá na mílte mílte idir an dá cheantar sin, tá siadsan faoi aon limistéar teanga amháin acu, beidh siad ag roghnú eagraíocht amháin len é sin a chur chun cinn. Now sé nádúr an saoil é má roghnaíonn tú eagraíocht atá lonnaithe in Acaill go mbeidh siad b'fhéidir ag coinneáil súil níos fearr ar rudaí in Acaill ná mar atá siad i dTuar Mhic Éadaigh nó dá ndéanfá an bealach eile thimpeall é ní bheidís chomh minic in Acaill agus a bheidís i dTuar Mhic Éadaigh. Fiú má thógann cuid de na ceantair láidir Gaeltachta, mar shampla an ceantar ina bhfuil mé féin i mo chónaí ann, tá an Ceathrú Rua ag Ceantar na n-Oileán isteach lena chéile. Tá roinnt eagraíochtaí ansin a d'fhéadfadh cur isteach ar an jab seo le haghaidh plean teanga a ullmhú. Tá an comharchumann ar an gCeathrú Rua, tá dhá chomharchumann i gCeantar na n-Oileán. Is é nádúr an rud é go mbeidh tú ar iarraidh go mbeidh siad sin ag comhoibriú lena chéile, má tá plean teanga cuimsitheach le cur chun cinn don cheantar ar fad. Dá bhrí sin, an bhfuil an tAire Stáit ag tógáil san aireamh gur cóir an trí ghrúpa acu sin a thabhairt le chéile le comhoibriú ar phlean comhtháite don cheantar sin, nach mbeadh níos mó céile leis sin.

Ach sé an inní atá ormsa, ná na dualgais seo atá an tAire Stáit ag cur ar na heagraíochtaí sin. Má bhreathnaíonn muid síos an bóthar, b'fhéidir i gceann deich mbliana agus go dtagann sé chun cinn go roghnaíodh eagraíocht i gceantar acu seo, gur chuir siad plean teanga an-mhaith le chéile ach ar ámharaí an tsaoil gur dhúirt an tÚdarás agus an Roinn leo, go gcosnódh sé sé chéad míle an plean sin a chur i gcrích, agus níl sé sin againn mar sin ní féidir linn an t-

[Senator Trevor Ó Clochartaigh.]

airgead a chur ar fáil. Ach an dualgas a bhí orthu ná plean a réiteach, an dualgas atá ar an Roinn agus an tÚdarás ná acmhainní a chur ar fáil ach síos an bóthar, b'fhéidir go mbeadh Aire sa suíochán atá ag an Aire Stáit anois nach bhfuil chomh fabhrach don Ghaeilge ná don Ghaeltacht agus breathnóidh siad siar agus déarfadh siad, bhuel, bhí plean ansin níor chuireadh an plean i gcrích. Dé réir an Bhille seo mura bhfuil an dream ag cur an bplean i gcrích atá cead agamsa iad a bhaint as an Ghaeltacht agus d'fhéadfadh sé go mbainfí ceantair amach as an Ghaeltacht. Ach bhainfinn amach agus chuirfinn an milleáin ar an gcomhlacht a fuair an Conradh leis an plean a réiteach, déarfadh an Stát sibhse is ciontaí mar níor chuir sibh an plean i gcrích. Ach an bun is barr an scéil ná ní bheidh an Stát tar éis an tacaíocht cuí a chur ar fáil acu le haghaidh na pleananna sin a chur i bhfeidhm, agus sin an bun rud atá taobh thiar de seo. Tá an tAire Stáit ag ligean air féin go bhfuil acmhainní ar fáil, gur leor iad leis an straitéis 20 bliain a chur i gcrích. Níl agus ní aontaíonn aon duine eile leis, taobh amuigh den teach seo maidir leis an bpointe seo tar éis an tacaíocht cuí a chur ar fáil dóibh le haghaidh na pleananna sin a chur i bhfeidhm, agus sin an bun rud atá taobh thiar de seo. Ba bhreá linne agus cuid de na leasuithe atáimid ag moladh anseo ná b'fhéidir an athmhachnamh a dhéanamh ar an múnla seo agus ins na ceantair pleanála teanga sin go labhródh sé leis na páirtithe leasmhara éagsúla. Bhí sampla dó sin in Iorras Aithneach, nuair a thit ceann de na comharchumainn a bhí i gceantar Iorras Aithneach óna chéile. In áit chomharchumann nua a bhunú tugadh coiste le chéile bunaithe ar na ionadaithe ó na coistí pobail agus mar sin de. B'fhéidir gur bealach níos fearr chun cinn é sin. Mar shampla, go dtógfaí na heagraíochtaí éagsúla agus ionadaithe uathu sin a thabhairt le chéile ar chomhchoiste de chineáil éigin leis an plean a réiteach. Ach gur ar an Údarás, agus ar Údarás na Gaeltachta a bheas an dualgas an plean a réiteach agus gur ar an Údarás a bheidh sé an t-airgead a chur ar fáil leis an saineolas a fháil agus an obair a fháil déanta leis an plean sin a chur i dall a chéile. D'fhéadfadh sábháil a bheith ansin mar go bhféadfadh duine, duine a bheadh lonnaithe agus fostaithe san Údarás a bheith ag obair ar pleananna do chúpla ceantar as lámha a chéile. Ach ar a laghad ar bith, bheifí ag baint an dualgas sin síos an bóthar, is ar an Údarás a bheadh an dualgas plean cuimsitheach foirfe a bheith réitithe agus is orthu a bheadh an dualgas mura gcuirfí an plean i bhfeidhm agus sílim go mbeadh sé sin i bhfad níos féaráilte ar na pobail atá i gceist, dá dtiocfaí síos an bóthar sin.

Tá roinnt leasuithe molta againn anseo ins na leasuithe atá grúpáilte maidir le hacmhainní mar níl aon tagairt ag an Aire Stáit do hacmhainní i ndáiríre ins an Bhille agus tá tagairtí sonracha déanta againn anseo go gcuirfeadh an tÚdarás acmhainní cuí ar fáil. Nach mbeimid ag roghnú comhlachtaí, comharchumainn nó comhlachtaí pobail bhunaithe ag rá leo, caithfidh tú plean a réiteach anois, cuirfimid saineolas ar fáil a chuirfidh comhairle ort ach ansin nuair a bhíonn an plean réitithe nach bhfuil na hacmhainní cuí ar fáil. Tá múide ag iarraidh go mbeadh sé luaite go sonracha sa Bhille go gcuirfear acmhainní cuí ar fáil. Tá sé sin luaite i roinnt de na leasuithe atá molta againn, ní dóigh liom go bhfuil sé sin mí-réasúnach agus is dóigh liom gur leasuithe iad sin go bhféadfadh an tAire Stáit féin glacadh leo. Mura bhfuilimid chun na hacmhainní cuí a chur ar fáil chun na pleananna a chur i gcrích cén mhaith dúinn a bheith ag suí anseo, cén mhaith dúinn a bheith ag plé an Bhille seo beag ná mór. So, ná bíodh an tAire Stáit ag cur dallamullóg orainn, más é sin atá i gceist. Mura bhfuil an Rialtas sásta na acmhainní cuí a chur ar fáil abair amach díreach é is bímis díreach faoin rud ar fad agus díreoimid arís ar cheist na Gaeilge is na Gaeltachta. Ach, má tá tú dáiríre faoi, agus má tá tú ag iarraidh go mbeadh na acmhainní ar fáil bíodh sé luaite sa mBille agus bíodh sé sonracha sa mBille go gcaithfear sin a dhéanamh agus ar a laghad ar bith ansin tá teacht ar ais ag na heagraíochtaí pobail bhunaithe sin a fhaigheann an Conradh le rá, ar laghad ar bith, bhí múide sásta plean a réiteach rinne muid ár míle dícheall, rinne muid den chéad scoth é, fuair muid an taithí ag an comhairle ach an t-aon chúis nach raibh muid ábalta é a dhéanamh ná níor chuireadh na hacmhainní ar fáil. Sa gcás sin amach anseo, má táthar ag iarraidh iarracht a dhéanamh ceantar

a bhaint as an nGaeiltacht ar a laghad tá siad in ann an cás sin a chur chun cinn. Rinne muid ár gcuid den socrú ach ní dhearna an Stát a chuid féin agus go mbeadh cás ansin go gcoinneofaí duine nó grúpa sa Ghaeltacht ar an mbunús nár cuireadh na hacmhainní cuí ar fáil dóibh. Sílim go bhfuil an pointe sin an-tábhachtach nach féidir an milleáin a chur ar an gcos mhuintire mar bheadh faitíos orm gurb é sin a tharlódh amach anseo.

**Deputy Dinny McGinley:** Go raibh maith agat, a Chathaoirligh. Tógfaidh mé na leasuithe mar atá ráite Uimh. 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 31 agus 32 le chéile. Ag éisteach leis an méid a bhí le rá sílim gur dhá mhór phointe atá ag teacht trasna anseo ceist acmhainní, tá sé tábhachtach, admhaím féin é sin, ní fhéadfaí rudaí a choinneáil ar siúl muna bhfuil na hacmhainní ann. Ar ndóigh maidir le hacmhainní is tríd an phróiseas meastacháin a bheas ar siúl idir seo agus deireadh na bliana sin an áit a mbeimid ag déanamh cás fá choinne na acmhainní. Ar dtús ag an pointe seo ar ndóigh ní fhéadfainn-se a rá ag an pointe cad iad na acmhainní a bheas le fáil beimid á bplé sin ins na meastacháin leis na hAíre cuí. Ar an lámh eile ar ndóigh, níl sé ar intinn agam léacht a thabhairt faoin staid eacnamaíochta ina bhfuil muid. Caithfidh muid gníomhú taobh istigh de na acmhainní atá ar fáil ach déanfaimid ár ndícheall. Tá acmhainní fiúntacha á gcur ar fáil i láthair na huair, tá €60 milliún ar fad á chur ar fáil ar maithe le cur chun cinn na Gaeilge in san tír seo, agus ní suim suarach é sin. Má amharcann tú ar chur i gcás beidh Ranna eile ag teacht isteach anseo tá imchur mór ag an Roinn Oideachais in san straitéis seo. Deir siadsan go bhfuil €500 milliún á chur ar fáil ó thaobh na Gaeilge i láthair na huair. Caithfidh mé a rá agus cur i gcás cúrsaí cumarsáide, cúrsaí teilifíse, cúrsaí raidió, cúrsaí tréimhseacháin beidh siad sin ar fad le cur san áireamh, ach admhaím go bhfuil na hacmhainní tábhachtach agus má dhéanfaimid ár ndícheall na hacmhainní a chur ar fáil chomh fada agus is féidir taobh amuigh de na laincísí eacnamaíochta agus geilleagrach atá orainn. Dála an scéil, ní shílim go bhfuil guth aontaithe ag teacht ó Iarthar na hÉireann maidir le teorainn na Gaeltachta ar dhóigh amháin nó ar dhóigh eile. Tá an Seanadóir ag rá gur rud an-tromchúiseach chomhluadar nó pobal a chaitheamh amach as an Ghaeltacht, is rud tromchúiseach é admhaím é. Bhí mé ag plé na ceiste seo inné le comhghleacaí de do chuid in Fóram eile, agus bhí seisean ag rá an laigíocht mhór ins an Bhille seo nach bhfuil muid ag déanamh sin. An chéad rud go mba chóir dúinn a dhéanamh a dúirt sé ná na teorainn a athrú láithreach agus na teorainn a chúlú go dtí na háiteanna go bhfuil pobail láidre agus an cuid eile a fhágáil amach agus na hacmhainní teoranta atá againn a dhíriú isteach ar Ghaeltacht atá i bhfad níos lú ó thaobh daonra de nó an Ghaeltacht atá ann. Mar sin, tá an dá thaobh ann, duine amháin ag rá go gcaithimid tuilleadh ama a thabhairt dóibh ní féidir é a dhéanamh, sílim féin nach féidir é a dhéanamh ag an pointe seo agus an duine eile ag rá, déan é sula ndéanann tú aon rud agus cuir na acmhainní isteach ins an Ghaeltacht úr in áit nach bhfuil ach Gaeilge istigh taobh istigh den balla sin. Mar sin, caithfidh mise a bheith réadúil agus caithfidh mé a bheith tomhaiste, agus cothromaíochta a chur i bhfeidhm.

Sé an pointe eile, croí an pointe eile a bhí ag na Seanadóirí, Údarás na Gaeltachta agus na pobail, gurb é sin an iomaíocht. Tá na Seanadóirí ag rá gur ar an Údarás ba chóir go mbeadh an fhreagracht agus gur chóir go mbeadh orthu sin a bheadh sé na pleananna seo a dhéanamh amach i gcomhréir leis na pobail. Ach sé an rud atá mise ag rá nó an fhealsúnacht atá agamsa go bhfuil muid chun é a thabhairt dos na pobail atá ina gcónaí ansin leis na cianta agus bheas ann. Ní ar an Údarás a bheimid ag brath an teanga a labhairt ins an Ghaeltacht beimid ag brath ar na pobail atá lonnaithe ansin an Ghaeilge a labhairt ins an Ghaeltacht. Sin an fáth go bhfuilimid ag tabhairt ionchur go deimhneach agus go cinnte sin dos na pobail Ghaeltachta iad féin. Beidh an tÚdarás ansin le cuidiú, le comhairle, le tacaíocht. Beidh an Roinn ansin agus beidh saineolaithe eile ansin fá choinne chuidiú leo é sin a dhéanamh. Caithfidh sé seo teacht ón phobal agus mar a dúirt mé cheana féin, thug mé cuairt ar cúpla pobal le déanaí, mar a bhí mé i mBeantraí tá trí seachtainí ó shin, tá pobal ansin níl siad sa Gaeltacht, thoiligh siad



[Deputy Dinny McGinley.]

Gaelscoil a bheith acu, b'fhéidir nach bhfuil aon Ghaeilge ag na tuismitheoirí ach is mian leo a gcuid páistí a thógáil le Gaeilge, tá sé ag tarlú, ag teacht ón phobail. Bhí mé i gCluain Dolcáin tá seachtain agus an lá inné, chuala mé go minic, bhí mé i mo chónaí in aice le Cluain Dolcáin uair amháin, an toradh atá ansin áras crónáin, imeachtaí Gaeilge agus Gaelacha gach lá sa tseachtain, gach oíche sa tseachtain, scolaíocht á chhur ar fáil ansin do 1,200 duine. Ní raibh Údarás ná duine ar bith eile ag cur brú orthu sin amuigh ansin, tháinig sé ón phobal iad féin. Tá dea-mhéin agus dea-thoil don Ghaeilge ansin agus más féidir linne é sin a chur le chéile, to harness it mar a déarfá é a úmadh mar a dhéanfá le capall nó b'fhéidir le asal é a úmadh agus an dea-mhéin agus dea-thoil a thabhairt chugainn agus obair le chéile sílim-se gurb é sin fuascailt na ceiste. Tá muintir na Gaeltachta i mo thuairim-se tuirseach le daoine ag rá leo, déan siúd agus déan seo agus tá fhios againn cad é atá ag tarlú tá an teanga ag trá.

Sílim-se gur seo an deis anois, tagaigí linn cad é atá sibh ag iarraidh, cad é a thuig linn a dhéanamh, cad é bhúr mbarúil, cad iad na spriocanna atá sibh ábalta leagan síos, cad iad na spriocanna is maith libh a bhaint amach sa trí bliain amach romhainn, sna cúig bliain amach romhainn, beirimid gach cuidiú daoibh. Mar sin de, sin an dá phointe atá ann agus sílim go mbeadh sé ag dul in éadan fhealsúnachta an Bhille féin dá nglacfaínn leis na moltaí seo. Mar sin a Chathaoirligh, ní bheidh mé ag glacadh leis na leasuithe seo.

**Senator Brian Ó Domhnaill:** Go raibh maith agat, a Leas Chathaoirleach. Tuigim an méid a bhí le rá ag an Aire Stáit, tuigim cén áit a bhfuil sé ag teacht as ach ní aontaím leis, ach tuigim cén áit a bhfuil sé ag teacht as.

**Senator Brian Ó Domhnaill:** Go raibh maith agat, a Leas-Chathaoirligh. Tuigim an méid a bhí le rá ag an Aire Stáit, tuigim cén áit a bhfuil sé ag teacht as ach ní aontaím leis, ach tuigim cén áit a bhfuil sé ag teacht as. Ní fheictear dom cén dóigh a dtiocfadh leis an próiseas seo oibriú. An dóigh atá sé leagtha síos sa Bhille faoi alt (7) fo-alt (7), caithfidh na pobail mar shampla na pleananna a ullmhú, iad a chur le chéile, iad a dhréachtú agus ansin iad a chur bhráid an Aire le iad a bheith ceadaithe. I ndáiríre an rud atá ag tarlú anseo, cé go bhfuil an tÚdarás luaite sa Bhille, tá an tÚdarás luaite sa Bhille le comhairle a thabhairt do na pobail agus chun glacadh le iarratas ó dream éigin. Caithfidh an grúpa nó an coiste ansin dul agus an plean a ullmhú a dhréachtú, a dhéanamh, plean a leagan amach le é a chur i bhfeidhm agus ansin é a chur faoi bhráid an Aire le é a bheith ceadaithe. Tá ról ag an Údarás anseo ach tá an ról iontach mar a deir siad sa Bhéarla hands-off, mar atá scríofa sa Bhille. Níl sé sonraithe sa Bhille cad é an ról praiticiúil go laethúil a bheidh ag an Údarás agus an rud atá muid ag iarraidh a chinntiú leis na leasuithe seo atá ullmhaithe againn ná go mbeidh an ról atá ag an Údarás an-soiléir, soiléir do gach duine don Údarás féin agus do na coistí ina bhfuil muid ag iarraidh na pleananna seo a ullmhú. Ach ceann de na leasuithe fosta atá istigh anseo, mar shampla má tá aon cheantar ann nach bhfuil grúpa ag feidhmiú a bhfuil in ann plean a tharraingt le chéile go mbeidh an dualgas ansin fágtha ar an Údarás dul isteach i gcomhairle leis an bpobal, an pobal ní coistí, an plean a chur le chéile iad féin. Tá sé tábhachtach go mbeadh sé sin ann. Tá ceantair sa Ghaeltacht, tá mise cinnte de, tá mise cinnte de, tá an Ghaeltacht briste síos i 19 ceantar ag an Roinn ach tá ceantair ann b'fhéidir nach dtiocfadh aon eagraíocht chun tosaigh chun plean a ullmhú. Feicim sin ag tarlú, cén fáth, tá fáth mór leis mar nach bhfuil an t-airgead acu chun na pleananna seo a ullmhú. Bheadh eagla orthu. Bheidís ag dul isteach i bhfiacha dá mbeadh orthu an tromlach seo a iompar i dtaca le plean a chur le chéile. Anois, tá fhios agamsa go bhfuil an próiseas meastacháin ag teacht aníos agus beidh gach Aire ag troid fá choinne a sciar féin agus tá fhios againn go bhfuilimid inár gcónaí in am deacair. Tá sé deacair ar aon Aire a bheith ag iarraidh breis airgid a fháil ach measaim go láidreodh sé lámh an Aire Stáit agus é ag dul go dtí an Príomh Aire nó an Rialtas ag iarraidh airgid a fháil dá

mbeadh sé istigh sa Bhille seo, go gcaithfí an t-airgead sin a chur ar fáil. Bhéarfadh sé láidreacht mór don Aire Stáit agus é ag iarraidh an t-airgead sin a fháil, chuideodh sé leis.

Táimid ag iarraidh a bheith cuidiúil anseo, táimid ag cur chun tosaigh na moltaí seo mar go bhfuil muid ag iarraidh an lámh is láidre a bheith ag an Ghaeltacht más Dinny McGinley nó Éamonn Ó Cuív nó cibé an tAire atá ag dul ag iarraidh airgid a fháil. Má tá sé scríofa istigh i mBille go gcaithfidh airgead a bheith ag an Údarás an chéad cheist a bheith á chur ón Roinn Caiteachais Phoiblí, cé mhéid a chosnóidh sé seo, tá sé istigh sa Bhille. Caithfidh Roinn an Aire ansin sin a ullmhú de réir mar atá scríofa sa Bhille, mar go bhfuil sé dlíthiúil ansin. Abair go mbeidh sé €30 milliún so be it, caithfidh an t-airgead sin a bheith ar fáil don Ghaeilge. Má théann an tAire Stáit ar aghaidh leis an mBille an dóigh atá sé leagtha amach faoi láthair agus mura bhfuil sin scríofa go soiléir istigh sa Bhille agus má chuireann an Roinn chéanna an cheist chéanna beidh freagra difriúil ann. Sin an áit atá an laige sa Bhille seo. Sin an áit atá an laige sa Bhille seo nuair atá an oiread iomaíochta fá choinne pingíní agus airgead beidh an Roinn ag rá:

It is not legal and we do not have to provide it. It is not in the legislation. We will pass it on to the coistí pobail. They will carry for it. They were doing it for year and they have enough people to carry out these assessments and plans. They will pay for it some way, but it will not have to come from the Exchequer.

That will not work. Ní oibreoidh sé sin agus dá bhrí sin ar an drochuair, bheinn breá sásta an rún seo a tharraingt siar inniu dá mbeadh an tAire Stáit féin sásta athbhreithniú a dhéanamh ar seo idir seo agus an chéad chéim eile sa Dáil. Ach mura bhfuil an leid sin á thabhairt agat beidh mé ag brú an rúin. Tá mé cinnte go mbeidh Sinn Féin ag brú, tá siad cosúil lena chéile na leasuithe atá istigh againn. Ar an drochuair níl mé ag iarraidh seo a bhrú, má chaithim creidim go gcaithfidh mé mar gur seo bun agus barr chur i bhfeidhm na moltaí seo. Sílim go bhéarfadh sé láidreacht don Aire Stáit dá mbeadh sé leagtha síos sa Bhille. Sin an tuairim atá agam féin, go raibh maith agat.

**Deputy Dinny McGinley:** Tá mé ag tabhairt buíochais don tSeanadóir, na Seanadóirí as an méid a bhí le rá acu. Mar a dúirt mé cheana féin tá na acmhainní a bheidh á gur ar fáil an-tábhachtach maidir le cur chun cinn na straitéise. Caithfidh gníomhú taobh istigh des na hacmhainní teoranta atá againn. Beimid á bplé ins na meastacháin idir seo agus deireadh na bliana agus ar ndóigh beidh an Roinn agus oifigí na Roinne ag déanamh an cháis sin go láidir leis na rannóga caiteachais ins an tír seo an Stát seo fá choinne an oiread acmhainní agus is féidir linn a fháil leis seo a chur i bhfeidhm. Ní gá go gcuirtear agus ní shílím leis an fhírinne a rá, go gcuirtear lains ar Rialtais nó ar Airí go gcaithfear an oiread seo a chur ar fáil i mBillí. Rachaidh an Bille tríd tá jab le déanamh agus caithfidh dul isteach ansin, cosúil le gach duine eile, cosúil le gach Aire eile cosúil le gach dream eile agus ár gcath a throid istigh ansin, tá sé de throid againn níl aon dabht faoi sin. Sílim nuair a bheidh an Bille tríd agus nuair atá fhios againn cad iad na himpleachtaí atá aige agus nuair atá sé mar pháirt de pholasaí an Rialtais, ní polasaí páirtí is polasaí an Rialtais é seo go bhfuil an straitéis le chur is bhfeidhm chomh mór agus is féidir. Sílim go bhfuil sé sin le tabhairt cúpla cara láidir dúinn. Déanfaimid an troid sin, nuair atá an Bille tríd agus ins an am cuí agus tá sé ag dul ar aghaidh ó lá go lá beimid ag déanamh amach na tosaíochtaí anois. Ar ndóigh caithfidh tosaíocht a thabhairt, mar atá an Rialtas ag tabhairt do straitéis na Gaeilge. Sin an fáth ar ndóigh, táimid ag tabhairt tosaíochta do na laethanta seo ins an Seanad agus an tseachtain seo chugainn ins an Dáil. Níl mé ag dul isteach ins an méid a dúirt mé an tseachtain seo caite nó an tseachtain roimhe sin nó an méid a dúirt mé inniu. Ach, d'éist mé leis an méid a bhí le rá ag an Seanadóir agus ní aontaím, go gcaithfidh troid leis na acmhainní chomh maith agus chomh fiúntach agus gur féidir linn a fháil.

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

The Seanad divided: Tá, 26; Níl, 15.

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.  
Harte, Jimmy.  
Heffernan, James.

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

Níl

Barrett, Sean D.  
Byrne, Thomas.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
MacSharry, Marc.  
Mooney, Paschal.  
O'Brien, Darragh.

O'Sullivan, Ned.  
Ó Clochartaigh, Trevor.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
Power, Averil.  
Reilly, Kathryn.  
Zappone, Katherine.

Tellers: Tá, Senators Ivana Bacik and Paul Coghlan; Níl, Senators Ned O'Sullivan and Brian Ó Domhnaill.

Question declared carried.

Amendment declared lost.

Amendment No. 4 not moved.

**Senator Brian Ó Domhnaill:** I move amendment No. 5:

In page 12, line 40, to delete "The organisation concerned" and substitute the following:  
"Údarás na Gaeltachta in collaboration with the organisations concerned".

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendment No. 6 not moved.

**Senator Brian Ó Domhnaill:** I move amendment No. 7:

In page 12, to delete lines 44 and 45.

**Senator Trevor Ó Clochartaigh:** I second the amendment.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendment No. 8 not moved.

**An Cathaoirleach:** Amendments Nos. 9, 10, 54 and 55 are related and may be discussed together by agreement. Is that agreed?

**Senator Trevor Ó Clochartaigh:** Not agreed.

**An Cathaoirleach:** Are you proposing to treat them individually?

**Senator Trevor Ó Clochartaigh:** Yes.

**Senator Brian Ó Domhnaill:** I move amendment No. 9:

In page 14, line 3, after “subsection (3),” to insert the following:

“up to a maximum period extending no longer than two years from the date of the notice referred to in subsection (1)”.

Ceann a naoi, tá mé ag iarraidh a bheith chomh gasta agus is féidir liom a bheith anseo ar an leasú seo. Baineann sé seo le spriocdháta a chur leis na pleananna. Táimid ag iarraidh go mbeidh sé sin curtha isteach anseo chun a chinntiú nach dtéann an próiseas ar aghaidh agus ar aghaidh agus ar aghaidh go mbeidh teorann ama dhá bhliain i gceist agus go gcuirfidh an tÚdarás agus na heagraíochtaí eile aontú ar phlean laistigh den tréimhse ama sin. Measaim go bhfuil sé sin tábhachtach mar thiocfadh leis seo dul ar aghaidh agus ar aghaidh leis agus ní bheadh sé sin féaráilte do na coistí pobail ach go háirithe. An rud atá á moladh anseo ar leathanach 15 líne 4 na focail seo a chur isteach, agus sin gan dul thar dhá bhliain ó dháta an fhógra atá leagtha amach de réir fo-alt (1). Caithfidh sprioc ama a bheith leis an rud seo ní féidir plean teanga a bheith ansin agus é a bheith amuigh ansin san aer áit éigin, caithfidh spriocdháta a bheith leis seo má táimid chun a bheith dáiríre. Má tá ceantar le plean teanga a ullmhú, obair a chur isteach ann agus é a bheith fágtha ansin tá sé tábhachtach go mbeidh sprioc ama ag baint leis sin. Sin an méid atá sa rún.

**Senator Labhrás Ó Murchú:** Aontaím leis sin, a Chathaoirligh freisin. I second the amendment. Tuigimid go léir dar ndóigh go bhfuil géarghá le pleanáil ach más rud é go bhfuil sé fágtha chomh hoscailte sin tá gach seans ann go leanfaidh sé ar aghaidh agus ar aghaidh. Tá an leasú atá a chur os comhair an chruinnithe inniu i mo thuairim-se ciallmhar agus réasúnta agus tá súil agam go mbeidh an tAire in ann athmhachnaimh a dhéanamh ar sin freisin.

**Deputy Dinny McGinley:** Mar a dúirt mé cheana féin a Chathaoirligh, an fhealsúnacht atá sa phlean ná deis a thabhairt dos na pobail, sa Bhille teacht aníos lena bplean forbartha teanga féin, deis a thabhairt don phobal. Mar a dúirt mé roimhe, seo an leasú deireanach go mba chóir go mbeadh Údarás na Gaeltachta ag ullmhú an phlean le cuidiú an phobail. Táimid ag rá an pobal féin sin an fhealsúnacht atá taobh thiar de, arís an pobal féin, a bheidh ina gcónaí ins an Ghaeltacht agus a mbeimid ag brath orthu leis an teanga a labhairt agus a choinneáil beo gurb iad sin a bheidh ag cur an phlean le chéile agus beidh a ndearcadh siúd agus a meon siúd agus a dtaithí siúd go mbeidh sé sin ag dul isteach ins an phlean ach go mbeidh an chuidiú le fáil ó Údarás na Gaeltachta. Ní rud éadrom seo, is rud tromchúiseach go leor é agus is imeacht úr é. Táimid ag iarraidh deireadh a chur leis an taoide atá ag trá, chomh maith agus is féidir linn agus rinne muid an-chuid smaointe ar seo agus táimid ag súil go dtiocfaidh na pobail linn. Tá an Roinn amuigh cheana féin, ar a labhair an Seanadóir Ó Clochartaigh, tá siad amuigh agus tá siad ag plé leis na pobail agus leis na heagraíochtaí agus caithfidh mé a rá b'fhéidir go

[Deputy Dinny McGinley.]

mbíonn urlabhraí ansiúd agus anseo ach tá daoine i dteagmháil liomsa chomh maith. Tá mé sásta go bhfuil plé iontach á dhéanamh agus go bhfuil freastal mhaith ar na cruinnithe seo. Sílim go raibh grúpa ionadúil i nGaillimh nuair a bhí ceann acu i gConamara, bhí grúpa an-mhaith thuas againn féin. Sílim go bhfuil siad i gCúige Mumhan anocht thíos i nGaeltacht na Mumhan, Ciarraí is dóigh liom. Táimid ag dul thart agus ag insint don phobal cad é atá ag dul ar aghaidh agus á dtabhairt isteach ins an lúb, más féidir liom é a chur mar sin, téarma iascaireachta dála an scéil. Ach sílim go mbeadh sé ag dul céime ró-fhada a rá dhá bhliain agus níl mé ag rá sin mar go bhfuil moilleadóireacht i gceist, níl mé ag rá sin ar chor ar bith. Tá súil agamsa go mbeidh na pleananna seo á n-ullmhú agus á gcur i láthair chomh luath in Éirinn agus a bheidh an Bille seo tríd. Go mbeimid ag dul chuig na ceantair agus go mbeidh siad ag teach isteach de réir a chéile agus bheinn ag súil faoi cheann dhá bhliain go mbeadh siad istigh ach níl mé ag iarraidh laincise a chur orm féin nó ar an Roinn ba mhaith liom go mbeadh discréd bheag againn. Sin an fáth nach bhfuil mé ag iarraidh ceangal na cúig gcaol a chur orm féin nó ar aon duine eile. Ach é sin ráite, tá mé ag súil agus ag brath agus ag tnúth go mór go rachfar ar aghaidh leis na pleananna gan an laincis sin a chur orainn agus gan an discréd sin a fhágáil agam. Sílim go bhfuilimid ar aon intinn faoi seo leis an fhírinne a rá, ach mar a dúirt mé ag iarraidh an ceangal sin a chur orm agus an discréd sin a fhágáil agam ach tá mé iontach dóchasach nach gcuirfidh sé isteach ar chor ar bith in aon dóigh ar tráthchlár nó cur i láthair na pleananna. Ar an ábhar sin, a Chathaoirigh, sílim nach féidir liom glacadh leis an leasú sin.

**Senator Brian Ó Domhnaill:** An rud a bhí i gceist anseo againn leis an leasú ná nach rachadh sé ar aghaidh go dtí “infinity and beyond” mar a dúirt Buzz Lightyear am amháin. B’fhéidir go bhfaca an tAire Stáit sin in “Toy Story” nó b’fhéidir nach bhfuil sé aosta go leor go fóill. An rud a bhí i gceist anseo ná go bhfuil sé faoi dhiscréd an Aire an am a chur siar nó am nó am spriocdháta a leagan amach anseo agus táimid ag iarraidh a rá nach mbeadh an cúram sin ag an Aire an t-am a chur siar níos mó ná dhá bhliain. Is féidir cuid mhór oibre a dhéanamh in dhá bhliain agus sé an eagla a bheadh anseo ormsa ná go mbeadh tionchar polaitiúil anseo. Mar shampla, dá mbeinn in Fine Gael mar shampla bheadh Aire Stáit na Gaeltachta in Fine Gael agus dá mbeadh mo pharóiste ag iarraidh síniú ama nó dá mbeadh muid ag iarraidh an rud a chur siar agus gan na spriocanna sin a bhaint amach bheadh muid ag dul ag an Aire Stáit ag iarraidh brú a chur ar an Aire an t-am a chur siar chomh fada agus is féidir agus ní sin an rud is fearr le déanamh anseo. Tá muid ag moladh an chuid eile de na leasuithe a bheidh ag teacht os comhair an tí gan mhoill, faoi an ról go mba chóir a bheith ag an gCoimisinéir Teanga. Ach ba chóir é seo a bheith leagtha síos ins an dóigh go mbeidh cosaint ag an Aire, go mbeidh cosaint ag an mBille agus nach féidir é a chur siar níos mó ná dhá bhliain. Má bhíonn sé oscailte beifear in ann seo a úsáid mar brú a chur ar Aire nó cibé an tAire Stáit nó Aire sinsearach a bheidh an ag an am sna blianta amach anseo agus go mbeifear in ann brú a chur, discréd an Aire a úsáid agus an spriocdháta sin a chur siar. Sin an fáth go bhfuil mé ag cur an rúin seo chun tosaigh, tá fhios agam go bhfuil cúpla rún eile atá iontach cosúil leis seo agus beimid ag aontú leo. Mheas mé féin go láidreodh sé an Bhille agus go ndéanadh sé sonrath an Bhille i dtaca leis an sprioc ama agus sin an fáth go raibh mé ag súil go dtiocfá glacadh leis an moladh sin. Ní moladh mór atá ann, níl aon chostas breise ar an Stát i dtaca leis an moladh seo nó rud ar bith mar sin. Sa rún deireanach bhí mé ag iarraidh teacht isteach ag an pointe deireanach, tá fhios agam de réir an dóigh atá an staid tuarascála den Bhille leagtha síos nach féidir sin a dhéanamh. Ach ceist amháin nach raibh freagra ar bith ar bith ar go dtí seo ná cén fáth nach raibh regulatory impact analysis leis an Bhille seo. Dé gnáth bíonn sin ar fáil le aon Bille a thagann os comhair Tithe an Oireachtais i dtaca leis an costas a bheadh ar aon Bille a chur i bhfeidhm, an costais an sábháil. An t-aon figiúr a bhí luaithe ná sábháil de €450,000 i dtaca leis an Bhille seo. Níl aon RIA i dtaca leis an costas a bheas ar an Stát na moltaí seo a chur i

bhfeidhm, shílfeá go mbeadh sé sin ar fáil agus cuireann sé iontas orm nach bhfuil sé sin ar fáil mar níl fhios agam cén fáth, b'fhéidir go bhfuil fáth leis sin. B'fhéidir go dtabharfadh an tAire Stáit freagra ar sin.

**Deputy Dinny McGinley:** Go raibh maith agat. An dá bhliain arís. Ar ndóigh, mar a dúirt mé níl mé ag iarraidh an laicise a chur orm, táim ag iarraidh go mbeadh an discríd sin againn uimhir a dó. Ar ndóigh má tá aon mhoilleadóireacht i gceist, beidh deis ag na Seanadóirí a theacht isteach anseo agus ormsa nó cibé Aire a bheas ann an fhreagracht muna bhfuil na pleananna curtha chun críche agus beidh deis ag na Seanadóirí teacht isteach anseo agus ceist a chur cén fáth nach bhfuil na pleananna seo go léir curtha i gcrích faoi cheann dhá bhliain agus beidh ar an Aire a theacht isteach agus freagairt a thabhairt. Sílim go gcosnaíonn sé go dtugann sé cosaint don fheachtas seo ar fad go mbeidh an fhreagracht ar an Aire agus go gcaithfidh sé teacht isteach anseo agus go gcaithfidh sé seasamh suas agus freagra a thabhairt, más rud é go bhfuil mhoilleadóireacht agus a insint cén fáth go bhfuil. Sílim go mbeidh Aire ar bith a bhfuil freagracht Aire air nó Aire Stáit go mbeadh siad ábalta glacadh le freagracht den chineáil sin. Go pearsanta beidh mise thar a bheith sásta glacadh leis agus tá mé iontach dóchasach mar a dúirt mé go dtiocfaidh na pleananna ar aghaidh. Ach má tá ceantar acu seo, ceann des na ceantair pleanála teanga a deir nach bhfuil suim acu ann, ní dhéarfaimid 'tá sé sin ceart' rachaimid i dteagmháil leo arís agus béarfad deis dóibh.

Ní bheidh polaitíocht ag teacht isteach ann nó aon rud mar sin mar sílim go bhfuilimid tar éis shiúl thar an ré sin agus gur mhaith linn gach ceantar a thabhairt isteach. Ach má tá ceantar daingnithe ina n-intinn nach bhfuil suim acu ann agus mar sin de, agus sin an rud a bhfuil sibh go léir mar gheall ar, teorainn na Gaeltachta ag deireadh thiar thall. Mar a dúirt an Seanadóir Ó Clochartaigh, tá am agus caithfear seans a thabhairt do dhaoine. Mar a dúirt comhghleacaí de do chuid inné ba chóir go ndéanfadh muid na teorainn a athrú, an chéad rud iad a athrú agus ansin an Bille a thabhairt isteach, mura bhfuil cuartaí agat, táim ag déanamh go bhfuil sé sin ag dul ró-fhada. Go raibh muid ag cur claíochas mar a deir sibh féin agus ballaí thart ar cheantar iar-Ghaeltachta mar a deir siad nach bhfuil aon rud eile ann ach Gaeilge. Cad é a bhfuil fágtha, caithfidh seans a thabhairt dóibh uilig, éirí le chéile cosúil leis an taoide, ar scáth a chéile a mhaireann na daoine. Nílím ag iarraidh, mara dúirt an Seanadóir a bhí anseo an lá eile, ní aontaím leis an fhealsúnacht streaming a dhéanamh orthu. Táimid ag iarraidh iar uilig cuidiú le chéile agus is dúshlán é agus níl mé rá nach dúshlán é ach tá mé dóchasach gur seo an cur chuige a chuirfidh stad leis an taoide agus a bhfuasclóidh an suim agus an tacaíocht atá ansin i measc an phobail don teanga. Tá an spriolladh sin de dhíth orthu ag an pointe seo. Mar atá ag tarlú i gceantair taobh amuigh den Ghaeltacht, is iontach an rud é go bhfuil rudaí ag tarlú taobh amuigh den Ghaeltacht mar atá fhios ag na Seanadóirí iad féin. Luaigh mé cúpla áit inniu cheana féin agus tá áiteanna eile luaite, tá sé ag tarlú taobh amuigh den Ghaeltacht an dea-mhéin sin. Tá sé le feiceáil agus cén fáth nach féidir linn an spiorad sin agus an dea-mhéin sin agus an dea-thoil sin a spreagadh istigh i gceart lár na Gaeltachta, cé acu ceantar láidir Gaeltachta atá ann nó ceantar lag Gaeltachta agus ba mhaith liomsa an seans sin a thabhairt dóibh. Mar sin, ní bheidh mé ag glacadh leo mar go sílim go bhfuil an cuspóir céanna agus an aidhm chéanna ag an dá thaobh agus sílim go bhfuil sé seo níos réadúla agus níos praiticiúla ó mo thaobh féin de agus ó thaobh an rud atáimid ag iarraidh a dhéanamh.

**Acting Chairman (Senator Cáit Keane):** Go raibh míle maith agat a Aire. An bhfuil na Seanadóirí ag brú leis an leasú?

**Senator Brian Ó Domhnaill:** Tá.

**Acting Chairman (Senator Cáit Keane):** Mar gheall ar leasú Uimh. 9, an bhfuil sibh ag brú leis an vóta?

**Senator Brian Ó Domhnaill:** Níl, déarfaimid just don tAire breathnú air.

Cuireadh an leasú agus faisnéiseadh go rabhthas tar éis diúltú do.

**Acting Chairman (Senator Cáit Keane):** Tá sé ceart go leor. Go raibh míle maith agat. Ar aghaidh linn ar Uimh. 10.

**Senator Trevor Ó Clochartaigh:** Tairgim leasú a 10:

In page 14, line 4, after “submitted” to insert the following: “, but without exceeding two years from the date of the notice referred to in *subsection (1)*”.

Go raibh míle maith agat. Ba mhaith liom an leasú seo a mholadh, tá fhios agam go bhfuil sé cosúil leis an ceann a chuaigh roimhe ach an rud a bhí mé ag iarraidh grúpála dhe, ná deis freagra a thabhairt ar ais don Aire Stáit ar na pointí a ardóidh sé agus sílim go bhfuil sé rí-thábhachtach go ndéanfadh muid sin. Chuala mé an méid atá ráite aige ag téann an leasú go croí lár na ceiste arís, b’fhéidir gur gá céim siar beag a thógáil. Tá daoine ag rá b’fhéidir atá ag éisteach leis an díospóireacht seo. Bhuel, céard faoi a bhfuil siad ag caint, táimid ag caint ar mion sonraí anseo, leasuithe anseo is leasuithe ansiúd. Tá bun-cheist anseo, cén buntáiste atá do dhuine a bheith ina chónaí sa Ghaeltacht agus ceann de na buntáistí praiticiúla ná an tacaíocht a fhaigheann siad ó Údarás na Gaeltachta nó ó Roinn na Gaeltachta agus baineann an alt seo leis an cumhacht atá ag an Aire ceantar a bhaint as ceantar Gaeltachta. D’fhéadfadh sé go mbeadh duine ag iarraidh campa samhraidh a bhunú, go mbeidís ag iarraidh comhlacht a bhunú atá ag plé le foilsitheoireacht nó gnóthaí éigin ins an Ghaeltacht. Má tá siad sa Ghaeltacht tá tacaíocht le fáil acu ó Údarás na Gaeltachta agus Roinn na Gaeltachta, má tá siad taobh amuigh de, níl an tacaíocht sin le fáil dóibh. Sin é an buntáiste is mó atá ag pobal na Gaeltachta as Roinn na Gaeltachta agus as Údarás na Gaeltachta agus caithfidimid féachaint anseo ar céard iad na cumhachtaí agus na critéir atá muid ag úsáid leis an deis sin a thabhairt do dhaoine nó a bhaint díobh.

Now, tá cuid mhaith comharchumainn agus comhlachtaí pobail bhunaithe sa Ghaeltacht atá ag déanamh sár-obair le blianta fada agus ard mholadh ag dul leo, cuid mhaith daoine ag obair go deonach ar na coistí is mar sin de agus na bainisteoirí agus na rúnaithe atá ag feidhmiú iontu. Ach, d’fhéadfainn liosta a thabhairt don Aire Stáit de chomhlachtaí agus chomharchumainn ar thit an tóin astu, nár éirigh leo i gceantair áirithe agus fiú le blianta beaga anuas agus bhí iliomad cúis leis sin. Bhí cúiseanna áirithe cuid acu fuair siad ró-pholaitiúil, cuid eile acu fuair siad isteach i ndeacrachtaí airgeadais, cuid eile acu tharraing siad an iomarca cúraimí orthu féin, cuid eile acu díreach thit siad óna chéile. Tá fhios ag an Aire Stáit go bhfuil na samplaí sin ar fáil ar fud na gceantar Gaeltachta. Ach an critéar atá an tAire ag leagan síos sa Bhille seo, tá sé ag dul i gcoinne an méid a bhí molta sa straitéis or sa staidéar cuimsitheach teangeolaíochta. Bhí sé leagtha amach go soiléir sa staidéar cuimsitheach teangeolaíochta go raibh critéar faoi leith i gceist le ceantar A, B agus C ó thaobh a bheith ina ceantar Gaeltachta. So, is ceantar Gaeltachta a bheadh i gcatagóir A, más féidir a léiriú go raibh 67% de phobal na ceantar sin ag labhairt na Gaeilge mar theanga laethúil, go raibh na seirbhísí eaglasta, go raibh siopaí agus seirbhísí pobail agus mar sin de. Dá bhrí sin bhí critéir soiléir leagtha síos ó thaobh céard is ceantar Gaeltachta agus céard nach ea. Faoi láthair is éard atá leagtha síos ó thaobh ceantar Gaeltachta ná líne ar mapa agus aontaím leis an Aire Stáit gur gá sin a leasú. Ach, an leagan nua, an critéar nua an t-aon critéar amháin a bheas agat anois as seo amach le áit a bheith ina cheantar Gaeltachta ná gur réitigh comhlacht nó comhlacht pobail bhunaithe nó comharchumainn, plean Gaeltachta nó nár réitigh.

Ceistím cé chomh ciallmhar agus atá sé, gurb é sin an t-aon slat tomhais atá ag an Aire Stáit le rá go bhfuil áit ina cheantar Gaeltachta nó nach bhfuil. Má tá mise mar shampla ag fáil

tacaíochta ó Údarás na Gaeltachta i mbliana, ag cónaí i gceantar atá mar Ghaeltacht agus an bhliain seo chugainn go dtógtar an ceantar sin amach as an Ghaeltacht de bhrí nach raibh an comhlacht a bhí in ainm is an plean a réiteach á dhéanamh mar is ceart. Má tá mise ag déanamh mo chuid oibre ar fad trí Ghaeilge, má tá an pobal atá timpeall orm ag labhairt na Gaeilge agus mar sin de. Fós féin d'fhéadfadh an tAire an ceantar sin a bhaint as an Ghaeltacht díreach mar gheall ar nár réiteach an comhlacht an plean, mar a bhí beartaithe. Tá an slat tomhais agus an critéar atá ag an Aire Stáir ó thaobh rangú Gaeltachta an-fabhtach sa gcás seo, mar gheall nach bhfuil sé ag úsáid na critéir a leagadh síos sa staidéar cuimsitheach teangeolaíochta agus go mb'fhéidir gur fiú arís arais, táim ag rá arís eile gur fiú an Bille a tharraingt siar ag an bpointe seo agus athmhachnamh a dhéanamh ar an gceist seo.

Mar tógfaidh daoine dúshlán cúirte, dar liom amach anseo, daoine atá faoi láthair ag feidhmiú ag fáil tacaíochta ó Údarás na Gaeltachta i bhfoirm deontais chaipitil. Tá comhlachtaí atá i gceantar Gaeltachta faoi láthair a d'fhéadfadh a bheith imithe as faoin critéar atá ag an Aire Stáit, a chaillfidh an tacaíocht a bhí siad ag fáil ó thaobh deontais chaipitil, deontas fostaíochta, staidéir féidearthachta, cúrsaí teanga agus mar sin de, daoine a chaillfeadh tacaíocht atá ag plé le campaí samhraidh, eagraíochtaí pobail bhunaithe agus mar sin de ó Roinn na Gaeltachta. Sin é an buntáiste atá ag daoine ó thaobh stádas Gaeltachta, go bhfaigheann siad tacaíocht ón dá eagraíocht siúd. An pointe atá mé ag déanamh ná cé gur pléadh cúrsaí Gaeilge agus ceist na Gaeilge gur chaith an Roinn €0.5 mhilliún ar an staidéar cuimsitheach teangeolaíochta tá an tAire Stáit ag caitheamh i dtraipisí na moltaí a rinneadh ansin ó thaobh rangú a dhéanamh ar céard is ceantar Gaeltachta ann agus níor mhínigh an tAire Stáit dúinn cé ar a bhfuil an critéar atá aige bhunaithe. Mar an t-aon chritéar a fheicim-se sa Bille seo agus go ndeireann sé gur féidir leis an Aire agus léifidh mé amach é díreach chun go mbeimis soiléir faoi 'déanfaidh an eagraíocht lena mbaineann plean Gaeilge a ullmhú i leith limistéir lena mbaineann agus déanfaidh sé é laistigh den tréimhse a shonrófar san fhógra a fhoilseofar agus cuideoidh an tÚdarás leis' agus deireann an tAire Stáit sna fo-ailt 'mura mbíonn sé sin déanta ag an eagraíocht gur féidir leis an Aire scríobh ar pháipéar le rá ceart go leor tá sibhse anois amuigh as an Ghaeltacht.

An rud atá mise ag rá ná, smaoinigh ar na comharchumainn agus na comhlachtaí pobail bhunaithe atá amuigh ansin, cuid acu thar barr, cuid acu ar fheabhas, cuid acu ag feidhmiú le tríocha bliain ach cé méid acu freisin gur thit an tóin astu, cé mhéid ceann acu nach bhfuil ionadaíoch ar an bpobal iomlán ina bhfuil siad ag feidhmiú na limistéir pleanála teanga. Mar shampla, níl aon eagraíocht forbartha pobail atá ag clúdach Acaill agus Tuar Mhic Éadaigh le chéile. Níl aon eagraíocht forbartha pobail, ná comhlacht pobail bhunaithe atá ag clúdach ceantair Iorras Aithneach agus Cor na Móna, Dúiche Sheoigheach an taobh sin. Níl aon eagraíocht forbartha amháin ag clúdach an Cheathrú Rua agus Ceantar na n-Oileán ar fad. So, má tá plean le n-ullmhú ag comhlacht amháin i ngach ceantar acu sin agus muna bhfuil siad ag comhlíonadh a gcuid dualgais d'fhéadfadh an ceantar ar fad a bheith thíos leis go gcaillfidís an stádas Gaeltachta. Dúir an tAire Stáit rud ar ball beag a chur inní orm, bhí sé ag rá, ná bíodh inní oraibh fág fúmsa é, caithfidh sibh brath ar an Roinn, beimid ag déanamh cinnte, beidh sibh in ann muid a tharraingt isteach anseo mura bhfuil na pleananna a gcur i bhfeidhm agus sin an fáth go bhfuil an dá bhliain tábhachtach, beidh sibh in ann an tAire a tharraingt isteach anseo is ceisteanna a chur air, cén fáth nach bhfuil na pleananna réitithe, cén fáth nach bhfuil an obair ag dul chun cinn?

Ach, cuirim i leith an Aire Stáit go bhfuilimid tar éis sin a dhéanamh le Acht na dTeangacha Oifigiúla go mion agus go minic gurb é sin plean ar reachtaíocht Stáit eile atá ag plé le dualgais na Ranna Stáit agus na heagraíochtaí maidir le cur chun cinn na Gaeilge agus sa tuarascáil bhliantúil an Choimisinéara Teanga an cheann deireanach deireann sé, ' san iomlán tá 105 scéim teanga daingnithe ag an Aire go dtí seo ach faoi dheireadh na bliana 2011 bhí 66 acu sin



[Senator Trevor Ó Clochartaigh.]

tar éis dul in éag. D'fhág sin nach raibh an dara scéim daingnithe i gcás dhá thrian de na comhlachtaí sin, gníomh a mhéadódh an soláthair seirbhíse trí Ghaeilge a bhféadtaí a bheith ag súil leis ó na comhlachtaí poiblí sin. Bhí 20% de na scéimeanna sin imithe in éag le tréimhse ama trí bliana ar a laghad agus 20% eile acu in éag le breis agus dhá bhliain. Sa bhreis ar sin bhí 28 comhlacht poiblí eile ann. . .'

**Acting Chairman (Senator Cáit Keane):** Gabh mo leithscéal, mar gheall ar an dhá bhliain agus an leasú ansin, maidir leis sin.

**Senator Trevor Ó Clochartaigh:** Baineann sé seo go díreach leis.

**Acting Chairman (Senator Cáit Keane):** Caint faoi seo. Tá tú ag caint leis an alt ná Uimh. 10

**Senator Trevor Ó Clochartaigh:** Tá agus sin an fáth go bhfuil an dá bhliain fíor-thábhachtach, seo é croí na ceiste, a Chathaoirligh.

**Acting Chairman (Senator Cáit Keane):** Bhuel, níor thóg tú nó sibhse Uimh. 9, 10 agus 35, 45 le chéile mar gheall ar an leasú.

**Senator Trevor Ó Clochartaigh:** Ach má ligeann tú dom mhíniú, míneoidh mé cén fáth go bhfuil sé seo tábhachtach.

**Acting Chairman (Senator Cáit Keane):** Okay.

**Senator Trevor Ó Clochartaigh:** Dúirt an tAire Stáit i gcomhthéacs an Achta agus tá sé ráite anseo, gurb é sin a bheas á chur i bhfeidhm. Seo Acht eile atá faoin a chúram nach bhfuil sé ag cur i bhfeidhm mar sin níl aon muinín agam as, eisean mar Aire nó in aon Aire a thiocthaid ina dhiaidh le seo a chur i bhfeidhm mar a mbeidh an rud seo faoin dá bhliain curtha i scríbhinn. Mar is léir nach bhfuil Roinn na Gaeltachta féin tar éis Acht na dTeangacha Oifigiúla a dhaingniú, cén fáth go nglacfadh muid le focal an Aire Stáit go ndéanfar an daingniú céanna ó thaobh na pleananna teanga mura mbeidh an fo-alt seo ann ó thaobh an dá bhliain? Ar a laghad baineann an dá bhliain, cuireann sé brú ar an Aire go gcaithfear rud éigin a dhéanamh taobh istigh de dhá bhliain ach mar a duit an Seanadóir Ó Domhnaill roimhe seo má chuirtear polaitíocht áitiúil i bhfeidhm agus má théann na polaiteoirí áitiúil i gceantair áirithe ag rá ‘.ah sure tabhair bliain eile dúinn, nó tabhair tréimhse ama breise dúinn le plan a réiteach’, is féidir an cur isteach sin a bheith ann.

Táimid ag iarraidh go mbeadh rudaí níos daingnithe agus go gcuirfear forálacha an mBille i bhfeidhm má tá sibh le bheith dáiríre faoi. Téann sé sin go dtí croí lár na ceiste, cumas na Roinne, níor tharraing Roinn an Aire féin an scéim atá acu féin faoi Acht na dTeangacha Oifigiúla ach an oiread. Tá an tAire Stáit tagtha isteach, tá sé tarraingthe isteach ann, tá sé ceistithe againn ach fós féin ní fheicimid aon fheabhas ag teacht ar an chaoi a bhfuil sibh ag cur Acht na dTeangacha Oifigiúla i bhfeidhm. Tá an inní céanna orm faoi Bille na Gaeltachta go scaoilfear na maidí le sruth agus go bhfuil na maidí rámha scaoilte le sruth cheana féin.

**Acting Chairman (Senator Cáit Keane):** Go raibh maith agat agus caithfidh mé an tAire a thabhairt isteach anois. Was the amendment seconded?

**Senator Brian Ó Domhnaill:** Ba mhaith liom cur leis sin.

**Acting Chairman (Senator Cáit Keane):** Okay. An tAire Stáit.

**Deputy Dinny McGinley:** Go raibh maith agat, a Chathaoirleach. Sílim go bhfuil sé mí-réalaíoch, thar a bheith mí réalaíoch ag déanamh comparáide idir na 600 comhlacht ins an tír seo atá ag gníomhú faoi Acht na dTeangacha. Tá 600 comhlacht ann, tá deacracht ansin, tá 191 des na comhlachtaí clúdaithe cheana féin, tá plean úr teanga na Roinne i ndiaidh teacht amach tá coicís ó shin, sin an Roinn úr Ealaíon, Oidhreacht agus Gaeltachta. Ní shílim gur comparáid ceart é, a Chathaoirleach, a bheith ag déanamh comparáide idir 600 comhlacht a bhfuil pleananna teanga déanta amach agus 19 ceantar pleanála ins an Stát, tá difir mór eatarthu, fiú amháin chomh fada is a mbaineann sé le uimhreacha

Maidir leis na critéir beidh an plean bunaithe ar na critéir a bheidh leagtha síos faoi rialacháin sé sin alt a dó dhéag den Bhille, beidh na rialacháin ansin agus beidh na critéir leagtha síos. Beidh na critéir a bheas leagtha síos sna rialacháin bunaithe ar na cinn atá sa staidéar teangeolaíochta. Sílim agus tá mé cinnte, tá fhios agam go bhfuil mar chonaic mé iad agus tá samplaí den na critéir sin le fáil ar idirlíon na Roinne. Mar a dúirt mé arís táimid ag plé seo agus na pobail agus mar sin de, ach arís is Bille spreactha é seo. Seo Bille leis na pobail Ghaeltachta a spreagadh agus iad a tharraingt agus a gcomhoibriú a fháil agus muid ag oibriú le chéile, sé sin an fhealsúnacht atá taobh thiar de. Níl muid ag caitheamh pleananna ar na pobail, táimid ag iarraidh orthu-san teacht lena gcuid smaointe féin agus tá mé iontach dóchasach go dtiocfaidh sin ós na 19 ceantar Gaeltachta. Mar a dúirt mé, má tá aon dream, aon cheantar nach dtagann isteach ag an tús beimid ábalta dul i dteagmháil leo siúd agus gach dícheall a dhéanamh, níl muid ag iarraidh aon cheantar a chailliúint. Ach sa deireadh thiar thall mar tharlaíonn sin, tarlóidh sé agus beidh an tAire freagrach mar atá i láthair na huair. Tá freagracht ar an Aire i láthair na huair teorainn na Gaeltachta a athrú, beidh tú ag caint ar bhruach bhailte agus mar sin de. Bhí Aire agaibh féin le tamall fada, níor tharla aon rud thiar ansin nó aon áit eile sa tír. Tá straitéis le bheith sa Bhille seo, tá cumasú le bheith sa Bhille seo é a dhéanamh ar bhonn eolaíochta agus tá sé ag brath ar na pleananna. Mar sin, a Chathaoirleach, ní bheidh mé ag glacadh leis na moltaí ar an ábhar sin.

**Acting Chairman (Senator Cáit Keane):** Go raibh míle maith agat.

**Senator Trevor Ó Clochartaigh:** An bhfuil cead agam teacht ar ais de bharr an ruda? Sílim gur chaill an tAire Stáit an pointe a bhí mé ag iarraidh a dhéanamh maidir le Acht na dTeangacha Oifigiúla. Is é an rud a bhí mé ag míniú ansin ná tá an dualgas póilíneachta ar Roinn an Aire maidir le Acht na dTeangacha Oifigiúla, tá dualgas ar a Roinn maidir le daingniú scéimeanna. Is léir nuair atá fáil chomh mór sin á dhéanamh ar dhaingniú scéimeanna agus gur thóg sé chomh fada fiú ar a Roinn féin an scéim chur chun cinn go gcaithfeadh sé go bhfuil easpa acmhainní sa Roinn le obair atá bainteach le Acht na dTeangacha Oifigiúla a chur chun cinn. Tá an tAire Stáit ag rá go bhfuilimid ag plé le 19 ceantar ó thaobh limistéir teanga ó thaobh Bille na Gaeltachta beidh obair bhreise ag baint le cur chun cinn Bille na Gaeltachta. Mar sin má tá an oiread sin brú cheana féin ar acmhainní na Roinne, agus tá siad ag rá linn nach dteastódh acmhainní breise le haghaidh Bille na Gaeltachta a chur chun cinn. Caithim a rá nach gcreidim an tAire Stáit agus go bhfuil amhras orm nach mbeidh na hacmhainní cuí ar fáil do na heagrais. Sílim go bhfuil sé féarálte an comparáid sin a dhéanamh maidir leis an rud seo mar gur baineadh na hacmhainní de Roinn na Gaeltachta le roinnt blianta anuas agus go bhfuil an rud céanna ag tarlú ó thaobh Údarás na Gaeltachta go bhfuil an deontas laghdaithe, mar a dúirt tú féin dhá bhliain ó shin le iar-Aire Pat Carey, ó €32 milliún go dtí €6 mhilliún. Is cinnte nach féidir an méid sin a dhéanamh, caithfear an méid céanna a rá ó thaobh na deontais reáchtála atá á íoc ag Údarás na Gaeltachta leis na comharchumainn agus na comhlachtaí pobail bhunaithe.

An pointe a bheinn ag rá ansin ná, i gceantair áirithe beidh b'fhéidir eagraíochtaí atá sásta an obair a dhéanamh agus a déarfadh, ar son an deontas reáchtála a choinneáil déanfaimid an

obair agus beimid sásta leanúint ar aghaidh leis. Ach mar dhuine a bhí ar bhord comharchumainn le déanaí, bheadh drogall ormsa ualach breise oibre a tharraingt ar an mbainisteoir a bheadh fostaithe ansin mar, mar a deir an Béarla, tá duty of care agat mar fhostóir. Má tá mise ar bhord eagraíocht pobail bhunaithe de chineáil sin, caithfidh mise déanamh cinnte nach bhfuil mé ag cur ualach mí-réasúnta oibre ar an té atá ag obair dom. Ó thaobh an chaoi a fheicim-se na chomharchumainn ag feidhmiú faoi láthair tá na bainisteoirí agus na rúnaithe atá ag obair ann faoi bhrú mar atá. Tá muid ag caint ar ualach an-mhór breise oibre leis na pleananna teanga a réiteach gan aon acmhainní breise. Bheadh mise drogallach agus b'fhéidir go mbeadh cuid mhaith eagraíochtaí pobail bhunaithe a dhéarfadh, ní fiú an tairbhe an trioblóid, an rud breise seo a tharraingt orainn féin mar gheall ar an contúirt a bheadh ann nach mbeimid in ann na dualgais ar fad a chomhlíonadh agus go gcuirfear milleáin orainn muna mbeidh sé déanta. D'fhéadfadh cásanna áirithe a bheith i gceist go mbeadh ceantair áirithe ann a dhéarfadh níl muid sásta iarratas a dhéanamh ar an bplean. Tá ceantar eile atá luaite ins na limistéir pleanála teanga nach bhfuil aon eagraíocht forbartha pobail iontu beag ná mór agus céard a tharlóidh sa chás sin, atá ag plé leis an gcineáil seo oibre. Mura ndéantar iarratas, tá cead ag an Aire an ceantar sin a bhaint as an Ghaeltacht. Mar a deir mé, tá muid ag iarraidh go mbeadh an tréimhse dhá bhliana ann chomh maith le sonrú go gcaitheadh an tAire gníomhú gan an rud a chur ar na méar fhada. Sílim go mbeinn ag moladh go n-éistfeadh an tAire agus arís go dtarraingeodh an tAire siar as seo. Sílim go bhfuil go leor bun-cheisteanna leis seo agus gurbh fiú an cuid eile den samhradh a chaitheamh ag tarraingt na ceisteanna seo amach agus go háirithe díospóireacht a dhéanamh leis na pobail agus leis na comhlachtaí pobail bhunaithe ar na himpleachtaí do na rudaí atá sé ag moladh sa mBille.

**Acting Chairman (Senator Cáit Keane):** An bhfuil aon rud eile le rá, a Aire, agat?

**Deputy Dinny McGinley:** Ag an phointe seo arís, níl mé ag glacadh leis an leasú nó na leasuithe.

Cuireadh an leasú agus faisnéiseadh go rabhthas tar éis diúltú do.

**Senator Brian Ó Domhnaill:** Tairgim leasú 11:

In page 14, line 5, to delete “the organisation selected” and substitute the following: “Údarás na Gaeltachta and the organisations selected”.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

**Senator Brian Ó Domhnaill:** Tairgim leasú 12:

In page 14, lines 9 and 10, to delete “the organisation” and substitute “an tÚdarás”.

**Senator Labhrás Ó Murchú:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

Amendment No. 13 not moved.

**Senator Brian Ó Domhnaill:** Tairgim leasú 14:

In page 14, lines 12 to 14, to delete all words from and including “to” in line 12 down to and including “(4)” in line 14.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

**Senator Brian Ó Domhnaill:** Tairgim leasú 15:

In page 14, lines 18 and 19, to delete all words from and including “if” in line 18 down to and including “plan,” in line 19.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

**Senator Brian Ó Domhnaill:** Tairgim leasú 16:

In page 14, line 30, to delete “the organisation concerned” and substitute “Údarás na Gaeltachta”.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

**Senator Brian Ó Domhnaill:** Tairgim leasú 17:

In page 14, line 35, to delete “the organisation concerned” and substitute “an tÚdarás”.

**Senator Labhrás Ó Murchú:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

Amendment No. 18 not moved.

**Senator Brian Ó Domhnaill:** Tairgim leasú 19:

In page 14, to delete lines 38 to 43.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

**Senator Brian Ó Domhnaill:** Tairgim leasú 20:

[Senator Brian Ó Domhnaill.]

In page 14, lines 44 and 45, to delete all words from and including “if” in line 44 down to and including “plan,” in line 45.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

**Senator Brian Ó Domhnaill:** Tairgim leasú 21:

In page 16, to delete lines 4 to 7.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú. Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

**Senator Brian Ó Domhnaill:** Tairgim leasú 22:

In page 16, lines 12 and 13, to delete “the organisation selected” and substitute the following: “Údarás na Gaeltachta in collaboration with the organisations selected”.

**Senator Labhrás Ó Murchú:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

Amendment No. 23 not moved.

**Senator Brian Ó Domhnaill:** Tairgim leasú 24:

In page 16, to delete lines 16 to 18.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

Cuireadh agus glacadh leis an gceist: “Go bhfanfaidh na focail a thairgtear a scriosadh.”

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

Amendment No. 25 not moved.

**Acting Chairman (Senator Cáit Keane):** Ar aghaidh linn le leasú 26; tá leasuithe 26, 30, 33 to 39, inclusive, 70, 74, 76, 78 to 85, inclusive, 90, 91, 93, 95 agus 97 to 103, inclusive, mar in gcéanna agus tógfaimid iad go léir lena chéile. An bhfuil sé sin aontaithe?

**Senators:** Níl.

**Acting Chairman (Senator Cáit Keane):** Tá trioblóid againn, níl. Leanfaimid ar aghaidh le leasú 26, ina aonar.

**Senator Brian Ó Domhnaill:** Tairgim leasú 26:

In page 16, line 19, to delete “The Minister” and substitute “An Coimisinéir Teanga”.

**Senator Trevor Ó Clochartaigh:** Molaim an leasú.

**Senator Brian Ó Domhnaill:** Go raibh maith agat. Baineann sé seo agus na leasuithe go léir sin a bheas deis againn plé a dhéanamh orthu níos moille le an ról a ba chóir a bheith ag an Choimisinéir Teanga i mo thuairim-se ins an Bhille seo. Bhí Oifig an Choimisinéara Teanga bunaithe faoin tAcht 2003 agus ról thar a bheith suntasach ag an Coimisinéir ó shin i leith. Measaim go n-aontódh gach duine sa Ghaeltacht agus fiú taobh amuigh den Ghaeltacht go bhfuil obair iontach déanta ag Oifig an Choimisinéara Teanga agus ag an Choimisinéir féin ó cheapadh é in 2003 agus na dualgais atá chomhlíonta aige tá siad ag cuidiú go mór leis an Ghaeilge ar fud an Stáit go léir. Cuireann sé iontas ormsa nach bhfuil an Coimisinéir Teanga mar sin atá bunaithe agus go dlíthiúil ina phost, ról lárnach aige i gcur chun cinn na Gaeilge sa tír, ag déanamh machnaimh agus mar sin de, nach bhfuil sé luaite ar chur ar bith sa Bhille seo. Fiú nuair a chur mé ceisteanna an tseachtain seo caite maidir leis an plé a bhí leis an Choimisinéir Teanga go dtí seo ní raibh aon fhreagra. So glacaim leis nach raibh aon phlé leis an Choimisinéir Teanga i dtaca leis an Bhille go dtí seo, sé sin plé oifigiúil, nach raibh aon chruinniú idir feidhmeannaigh na Roinne leis an Choimisinéir, nach raibh aon chruinniú ag an Aire leis an Choimisinéir, chun an Bhille seo a phlé nó chun tuairimí an Choimisinéara a fháil i dtaca leis an Bhille seo agus sin laigíocht mór mura tharla sé sin. Mar go bhfuil an ról atá ag an Choimisinéir thar a bheith suntasach agus ba chóir go mbeadh an ról sin aitheanta sa Bhille seo, agus níl sé aitheanta sa Bhille seo. Sin an fáth go bhfuil oiread leasuithe istigh againn i dtaca leis an ról a chreidim-se agus an Seanadóir Ó Clochartaigh, mo chomhghleacaí anseo an Seanadóir Ó Murchú, na heagrais Ghaeilge, ár bpáirtí féin creidimid gur chóir ról lárnach a bheith ag an Choimisinéir Teanga i dtaca leis an Bhille seo. Anois níl mé ag dul isteach ins na leasuithe eile, mar go bhfuilimid ag plé leasaithe 26. Baineann sé sin leis an chúram atá ar an Aire faoin tAcht in leathanach 17 den Bhille líne 18 cífidh tú ansin go bhfuil ‘seo faoi na pleananna Gaeilge a chur i ngníomh i limistéir pleanála teanga Gaeltachta’. Tá sé seo tábhachtach sa phíosa seo den Bhille i dtaca leis an implementation nó chur i ngníomh na pleananna teanga agus an cúram atá sé sin fágtha faoi. In alt (8), fo-alt (3) tá sé leagtha amach ansin, i dtaca le cur i bhfeidhm na pleananna seo, ‘déanfaidh an tAire athbhreithniú ar an dul chun cinn a bheidh déanta maidir leis an bplean Gaeilge arna ceadú faoi alt (7) fo-alt (11) a chur i ngníomh i gceann cibé áitreabh, tá sin actually faoi 27, so déanfaidh an tAire athbhreithniú ar an dul chun cinn atá déanta. Níl mise ag ceistiú an tAire nó cibé an tAire a bheidh ansin ach tá mé ag rá gur chóir dúinn próiseas trédhearcach atá cineáil neamhspleách a bheith anseo ins an dóigh gur féidir an machnamh a bheith déanta ag earnáil neamhspleách ón Údarás, neamhspleách ón Roinn agus neamhspleách ón Aire. Tá sé sin tábhachtach fá choinne stádas níos proifisiúnta a thabhairt don chóras seo atá ag dul a bheith leagtha síos agus sin an fáth a bhfuil muid ag moladh gur chóir don Choimisinéir Teanga, gur sin an duine neamhspleách, eise nó é a bheith luaite sa Bhille agus a bheith ansin mar an machnamh sin a dhéanamh. So in áit, ‘déanfaidh an Aire athbhreithniú ar an dul chun cinn a bheidh déanta maidir leis an plean Gaeilge’, táimid ag moladh gur chóir an ról sin a thabhairt do Oifig an Choimisinéara Teanga agus gur chóir don Choimisinéir Teanga athbhreithniú a dhéanamh ar an dul chun cinn a bheith déanta maidir le an plean Gaeilge.

Tá fhios agam go bhfuil moladh déanta ag an Rialtas, Oifig an Choimisinéara Teanga a thabhairt isteach go Baile Átha Cliath agus é a bheith istigh san oifig chéanna leis an Ombudsman agus ní aontaím leis sin. Measaim go bhfuil sin ag cur isteach ar neamhspleáchas agus ar ról an Choimisinéara Teanga agus is mór an trua é sin. Tuigtear dom fiú nach bhfuil aon airgead le sábháil i dtaca leis an freagra Dála a fuair Teachta sa teach eile nach bhfuil aon airgead le sábháil nuair atá sé sin déanta, is mór an trua go bhfuil sé sin ag tarlú. D’fhéadfadh ról iontach mór a bheith ag an Choimisinéir Teanga, ról neamhspleách trédhearcach a bheith ag an Choimisinéir Teanga agus a oifig anseo i gcur chun cinn na Bille.

[Senator Brian Ó Domhnaill.]

Tá pobal na Gaeltachta agus na Gaeilge, tá misneach maith acu amach as an obair atá ar siúl ag an Choimisinéir, tá siad breá sásta go bhfuil an Coimisinéir ag déanamh jab maith agus bheadh sé ina aitheantas maith don Choimisinéir é a bheith luaite sa Bhille seo. Tá súil agam b'fhéidir go mbeidh an tAire sásta nó toilteanach glacadh le cuid de na moltaí seo mar go bhfuil siad tábhachtach agus go bhéarfadh siad stádas úir don Bhille go bhéarfadh sé stádas neamhspleách do na pleananna, go mbeadh an machnamh déanta ar bhunús neamhspleách ach ag deireadh an lae go mbeadh an focal deireanach fágtha ag an Aire fosta agus go gcaithfeadh an Coimisinéir moltaí áirithe a dhéanamh. In other words, go mbeadh an tÚdarás i gcomhairle leis an heagraíochtaí cuí ag leagan amach na pleananna go mbeadh an Coimisinéir teanga ansin ag déanamh machnaimh ar na pleananna sin agus síos an bóthar go dtiocfadh leis na moltaí áirithe a dhéanamh nó í moltaí a dhéanamh chuig an Aire. So go mbeadh ról ag an Aire, níl aon cheist faoi sin ach go mbeadh an neamhspleáchas cruthaithe de bhrí go mbeadh an ról tugtha don Choimisinéir Teanga. Anois sin an moladh sonrath sin, i dtaca leis an ról a thabhairt don Choimisinéir an athbhreithniú a dhéanamh ar an dul chun cinn a bhaineann leis na pleananna seo. Tá súil agam gur féidir glacadh leis sin.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom cuidiú leis an leasú atá molta agus tacaím le cuid mhaith dá bhfuil ráite ag an Seanadóir Ó Domhnaill. Sílim go bhféadfadh Bille na Gaeltachta go leor achrainn a tharraingt síos an bóthar agus d'fhéadfadh sin a bheith go maith nó d'fhéadfadh sé sin a bheith go dona. Tá muid ar fad ag iarraidh go mbeadh cibé ceantair Ghaeltachta ag feidhmiú go praiticiúil mar cheantar Gaeltachta go bhfuil an Ghaeilge mar theanga labhartha inti agus go bhfuil an pobal inti ag gníomhú dá réir. An áit a éireoidh an achraim ar fad agus b'fhéidir gurb é seo an fáth nár athraíodh na teorainn le 56 bliain, ná nuair atá ceantar i maol a bheith caite amach as an Ghaeltacht. B'fhéidir go mbeidh údar leis sin b'fhéidir leis sin b'fhéidir go mbeidh sé féarálte ach an rud atá tábhachtach agus an rud atá molta anseo ná go bhfuil sé an-tábhachtach go bhfuil sórt próiseas achomhairc trédhearcach agus féarálte ins an gcás go dtarlódh a leithéidí sin.

Tá sé an-deacair nuair atá an ról lárnach ag Roinn an Aire tríd an Údarás ag leagan amach na pleananna teanga, má tá saoránach amuigh ansin nach bhfuil sásta leis an bealach atá an tÚdarás ag feidhmiú maidir leis na pleananna teanga ná an chomhairle atá tugtha ag Aire nó ag an Roinn tá sé fíor-thábhachtach go mbeadh bealach achomhairc ag an saoránach sin nó ag grúpaí pobail sin, atá neamhspleách a thabharfaidh éisteacht don cás atá acu. Mar shampla, sa gcás amach anseo go mbeadh eagraíocht á chur amach agus b'fhéidir nach n-éireodh an cheist seo go dtí go mbeadh ceantar le baint as ceantar Gaeltachta, le nach dtitfeadh an Bille féin, le nach dtitfeadh an tóin as ó thaobh cás cúirte a thógfadh duine éigin amach anseo, caithfidh déanamh cinnte go bhfuil na próisis atá leagtha síos sa Bhille sách láidir le go seasfaidís dúshlán a thabharfaí i gcúirt maidir le ceantar a bheadh á bhaint as an Ghaeltacht. Sílim-se gurb é sin an fáth go mbeadh sé ciallmhar ról a thabhairt don Choimisinéir Teanga maidir leis na pleananna atá ann, agus an athbhreithniú ar an dul chun cinn a bheidh déanta mar is féidir leis an Aire ansin a rá, bhuel cuirfeadh ar aghaidh é go dtí an próiseas neamhspleách seo, bhreathnaigh an Coimisinéir Teanga ar na hacmhainní a cuireadh ar fáil, ar an plean a bhí i gceist, ar an ról a bhí ag an Aire, an ndearna muid gach rud mar a bhí ráite agus nuair a bheas tá seasamh níos láidre ag an Aire, dar liom.

Sin é anois é an fáth go mbeadh sé fíor úsáideach go mbeadh ról athbhreithnithe ag an gCoimisinéir Teanga. Chomh maith leis sin, sílim go bhfuil sé tábhachtach ó thaobh an Choimisinéara Teanga féin agus tá fhios agam go bhfuil athbhreithniú á dhéanamh ar Acht na dTeanga-cha Oifigiúla agus fáiltim roimhe sin agus tá súil agam mar chuid de sin gurb é a bheas mar thoradh air ná go bhfanfar agus go bhfágfar Oifig an Choimisinéara Teanga neamhspleách mar

atá sé faoi láthair na huair. Ach sílim go gcuirfeadh ról mar seo leis an oifig atá ag an gCoimisinéir Teanga. Sílim go bhfuil, trasna na bpáirtithe ar fad go bhfuil ard mholadh ag daoine don obair atá á dhéanamh ag an gCoimisinéir Teanga agus an méid atá bainte amach aige agus chuideodh an cúram breise seo le daingniú na hoifige sin sílim, agus an ról neamhspleách athbhreithnithe sin atá ag an oifig sin.

Mar chuireann sé díomá orm le cuid mhaith de na Ranna Stáit an cur chuige atá acu maidir le Acht na dTeangacha Oifigiúla mar shampla agus tá gá le reachtaíocht le daoine a tharraingt suas. Mar shampla i bhfreagra Dála a fuair comhghleacaí Peadar Toibín ar maidin ón Roinn Coimirce Sóisialaí agus cuirim i gcuimhne daoibh nua a d'fhoilsigh an Coimisinéir Teanga an tuarascáil bhliantúil a bhí aige le déanaí bhí trí imscrúdú déanta aige. Ceann amháin a bhaineann leis na Gardaí i dTír Chonaill agus luaigh sé féin ag an gcomhchoiste Dála go raibh sé réasúnta sásta go raibh siad ag dul i ngléic leis sin. Ceann eile a bhain le Ard mhúsaem na hÉireann nach raibh ag cur seirbhísí as Gaeilge ar fáil agus ceann eile a bhain leis an Roinn Coimirce Sóisialaí mar gheall ar an phróiseas earcaíochta. An fáth go bhfuil siad sin ceangailte leis an gCoimisinéir Teanga ná an ról atá aige, bhain sé sin leis an próiseas ó thaobh na pointí a gheobhadh duine a bheadh ag déanamh agallaimh go bhfaighidís pointí breise ó thaobh na Gaeilge de gurb é sin atá leagtha síos. Ach ins an bhfreagra a fuair muid ar maidin ón Roinn Coimirce Sóisialaí ar, cén fáth nach raibh siad ag cur moltaí an Choimisinéara Teanga ins an tuarascáil i bhfeidhm dúradar go raibh siad ag feidhmiú go huile is go hiomlán ar threoir an Roinn Caitheachais Phoiblí. An fáth go bhfuil sé seo tábhachtach, agus tá fhios agam b'fhéidir go bhfuil mé ag dul timpeall ar phointe anseo ná, go bhfuil Roinn Rialtais amháin ansin, an Roinn Caitheachais Phoiblí más fíor an freagra atá faighte againn ón Roinn Coimirce Sóisialaí a chur treoir ar an Roinn eile an dlí a bhriseadh, dar liom. Mar, tá siad ag rá leo, ní gá daoibh moltaí an Choimisinéara Teanga atá bunaithe ar an léamh atá bunaithe ar an léamh atá aige-sa ar Acht na dTeangacha Oifigiúla a chur i bhfeidhm, tá treoir línte eile againn lean iad sin agus tá sibh ceart go leor. Cuireadh sé sin an inní orm, dá dtarlódh sé in aon réimse eile den saol a bhaineann le dlí agus cirt agus mar sin de, bheadh cogadh dearg mar gheall ar, ach sin na treoir atá an Roinn Caitheachais Phoiblí ag cur ar an Roinn Coimirce Sóisialaí, déan dearmad ar an méid atá an Coimisinéir Teanga ag rá agus lean na treoir línte atá againn, beag beann ar Acht na dTeangacha Oifigiúla.

Sílim go dtagann sé sin go dtí croí na ceiste anseo, gur féidir le polaiteoirí is cuma cén páirtí dár taobh iad, nuair atá siad in oifig treoir mí-chuí nó treoir mí-chruinn a chur ar Ranna Stáir agus ar Airí eile, sin an fáth go bhfuil a leithéid an Coimisinéir Teanga iontach tábhachtach. Tá sé taobh amuigh den próiseas agus níl mé ag rá gurb é an tAire Stáit a dhéanadh é, ach b'fhéidir Aire éigin eile amach anseo a chuireadh treoir mí-chuí ar an Údarás nó ar an Roinn maidir leis na pleananna teanga, maidir leis an stádas Gaeltachta agus mar sin de. Tá sé fíorthábhachtach leis an bpróiseas trédhearcach agus go mbeadh an freagracht sin ins an bpróiseas seo ar fad, go háirithe ó thaobh Bille Gaeltachta de agus rud chomh tromchúiseach le ceantar a choinneáil nó a fhágáil as ceantar Gaeltachta, go mbeadh an léargas ón taobh amuigh neamhpleách sin ó a leithéidí an Coimisinéir Teanga agus sin an fáth go bhfuilimid ag cuidiú go láidir leis seo. Sílim go mba aitheantas iontach é dá mbeadh an tAire Stáit sásta fiú glacadh ag an bpointe seo leis an leasú airithe seo agus go dtabharfadh sé misneach do dhaoine go bhfuil dul chun cinn áirithe á dhéanamh againn ins an díospóireacht ar fad.

**Senator Labhrás Ó Murchú:** Is cuimhin liom nuair a chéad ceapadh an Coimisinéir Teanga don chéad uair agus do thug sé an-mhisneach agus an-mhuinín ar fad do lucht tacaíochta na Gaeilge. Mar go dtí seo an rud a bhí ag tarlú ná go raibh na céadta gearráin ag teacht isteach toisc nach raibh seirbhísí le fáil trí Ghaeilge. Ní hamháin sa Ghaeltacht ach lasmuigh den Ghaeltacht chomh maith agus is beag freagra a bhí le fáil ar sin ag an am. Nuair a cheapadh an Coimisinéir Teanga anois bhí stádas reachtúil ag an gCoimisinéir is ionann é sin agus a rá



[Senator Labhrás Ó Murchú.]

más rud é gur tháinig gearrán isteach agus bhí na gearráin ag teacht isteach go tiubh ag an am. Bhí ar an gCoimisinéir Teanga ag an am sin aitheantas a thabhairt don ghearrán sin, taighde a dhéanamh agus fiosrú a dhéanamh agus freagra a thabhairt ar ais. Is minic a leigheas sé sin ábhar na ngearrán a bhí ag teacht isteach. Mura bhfuil a leithéid ann, fós beidh deacracht ann. Maidir leis an Bille na Gaeltachta agus is maith an rud go bhfuil Bille na Gaeltachta ann cé go bhfuil an-chuid rudaí ann nach bhfuil ró-shásúil. B'fhéidir amach anseo b'fhéidir go mbeidh sé le feiceáil nach bhfuil an ceart againn ach ceapaim féin gur trua i slí nach raibh comhpháirtíocht níos mó eadrainn go léir, maidir leis an mBille seo le cinntiú go mbeadh an Bille is fearr atá le fáil. Is fíis nua í seo agus tá athrú bunúsach ag teacht ar an scéal i gcomparáid leis an Ghaeltacht mar a thuigeamar í agus na dualgais Ghaeltachta mar a thuigeamar iad go dtí seo. Tá gach seans ann, go mbeidh gach an-chuid díospóireachta ann amach anseo, tá gach seans go mbeidh an-chuid gearrán ag teacht isteach agus sa lá atá inniu ann tá sé thar a bheith tábhachtach a bheith oscailte. Ní hamháin cothrom na féinne a thabhairt do dhaoine ach a thaispeáint go soiléir go raibh cothrom na féinne le fáil. Bhí an t-ádh linn sa choimisinéir a bhí ann ó thús fear óg, bríomhar, macánta, ní raibh sé polaitiúil in aon slí ó thaobh páirtithe de. Is cinnte gan aon amhras ná go raibh sé dáiríre agus proifisiúnta ins an obair agus toisc gur rud nua é seo atá i gceist againn maidir leis an Ghaeltacht, tá sé thar a bheith tábhachtach arís go mbeadh stádas reachtúil ag an duine a bheidh ag plé le deacrachtaí agus gearráin a bheidh ag teacht chun tosaigh. Ní hionann é sin agus a rá, nach bhfuil muinín againn as Aire agus níl mé ag caint faoi an Aire atá ann ach as aon Aire.

Os rud é go bhfuilimid ag caint faoi transparency maidir le gach Roinn go dtí seo caithfidh an scéal a bheith amhlaidh maidir leis an Ghaeilge, maidir leis an Ghaeltacht freisin. Thabharfadh sé i mo thuairim gradam agus stádas níos fearr don mBille más rud é go raibh an coimisinéir luaithe ann, mar do chruthódh sé sin go raibh neamhspleáchas i gceist, tá géarghá leis an neamhspleáchas sin. Chruthódh sé freisin go raibh proifisiúntacht i gceist, tá géarghá leis sin chomh maith. Bheadh dul chun cinn déanta i mo thuairim dá mbeadh an tAire sásta athmhachnamh a dhéanamh ar sin agus ról faoi leith a thabhairt don choimisinéir. Ní dóigh liom gur rud as an ghnáth atá á lorg, toisc an leasú anseo a bheidh ag teacht chun tosaigh ach táim lán cinnte go mbeidh an fhíis agus an Bille níos laige de bharr an easnaimh sin a bheith ann. Tá seans b'fhéidir go mbeadh an tAire fós sásta machnamh a dhéanamh ar sin. Is cuma cad a tharlaíonn tá súil agam go mbeidh ar ár gcumas neamhspleáchas an choimisinéara a chosaint, ní hamháin maidir leis an mBille seo ach go ginearálta freisin. Is cuimhne liom istigh sa Teach seo agus ní ró-fhada ó shin go raibh daoine ó gach taobh den Teach seo ar an tuairim céanna go raibh sé thar a bheith tábhachtach go mbeadh neamhspleáchas an choimisinéara fós ann amach anseo. Tá súil agam go dtarlóidh sé sin.

**Senator Mark Daly:** I welcome the Minister. There is a list of amendments on Report Stage. Having been present for the Committee Stage debate, I realise everything is being sandwiched in the same democratic process that is now being afforded to the Gaeltacht.

**Acting Chairman (Senator Cáit Keane):** Not everything is being sandwiched. We are dealing with amendment No. 26.

**Senator Mark Daly:** We will not have an opportunity to deal with all the amendments, nor did we discuss all of the Committee Stage amendments. Several people in my area said to me — I know people throughout the country have said it to the Minister — that the fundamental problem with the Bill is that we are returning to appointing people to boards, a system that never worked. People protested at such appointments, seeking the right to have a democratically-elected board and when that was done, there was a significant improvement to the services, employment record and the quality of life afforded to those in the Gaeltacht.

We all know this is a step back to the past and that it will not work.

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

**Senator Mark Daly:** It will be a quango.

**Senator James Heffernan:** Senator Daly would know all about that.

**Senator Mark Daly:** We were supposed to get rid of quangos. People from outside who have no knowledge of the issues on the ground could be appointed. This retrograde step is disastrous in so many ways. It is hard to comprehend that we will return to a system that does not work. The fact that we did not discuss all sections of the Bill on Committee Stage shows the direction in which we are going.

We will be reading in the newspapers about the appointments to the new board, which will be nothing short of scandalous. People who are democratically elected to the Dáil or Seanad are accountable. The issue is that appointments to the board will be a matter for the Minister or any future Minister.

**Acting Chairman (Senator Cáit Keane):** We are discussing the appointment of An Coimisinéir Teanga.

**Senator Mark Daly:** I realise that but as we did not get to the amendment I wished to speak on during the Committee Stage debate——

**Acting Chairman (Senator Cáit Keane):** Leasú fiche sé amhain.

**Senator Mark Daly:** I am using the opportunity to debate the issue I was not allowed debate the last time. When we come to the sections dealing with Údarás na Gaeltachta, we will not be allowed to debate them.

**Acting Chairman (Senator Cáit Keane):** I must abide by the rules. The Senator must stick to the fact and address the amendment.

**Senator Mark Daly:** I am speaking on the facts. The fact is that this undemocratic system will fail. As the Minister knows undemocratic systems fail all over the world. We see this happening in the Middle East. However, I do not think this is on the same scale but it is a disaster.

**Acting Chairman (Senator Cáit Keane):** An bhfuil an Coimisinéir Teanga ansin freisin?

**Senator Mark Daly:** This is a small issue on the grand scale of this Bill. It is unfortunate that it is being rammed through. I know these points were made to the Minister. The people in the Gaeltacht area are not happy with the fact that their democratically elected representatives are being removed and their voice is being taken away from them. That is disastrous. The fact that those appointed need no necessary qualifications will lead to future problems. There were headlines in the newspapers, and this happened previously with the Minister's party where their party spokesperson on the Gaeltacht could not speak Irish.

I am sorry for breaching the rules ever so slightly.

**Senator Sean D. Barrett:** I support a role for the language commissioner as expressed by so well by my colleagues. The Coimisinéir Teanga is needed to restore some independence. What we have seen, and it is shameful, is a power grab by the Department, by the Minister and the senior civil servants to get rid of democratically elected people, as Senator Daly has just said.

[Senator Sean D. Barrett.]

At least putting in the commission required some balance. Modern governance requires checks and balances. The centralising tendency in the Department of Arts, Heritage and the Gaeltacht has to be counteracted repeatedly in this House. That is the reason I am supporting An Coimisinéir Teanga. This grabbing of all power into the Department is not good for democracy and it is certainly not good for Oifig An Coimisinéir Teanga.

**Deputy Dinny McGinley:** Díreoidh mé anois ar na leasuithe atá molta maidir le feidhm a thabhairt don Choimisinéir Teanga sa Bhille seo. Cé go dtuigim an bunús atá leis na moltaí seo, go mbeidh an tAire scartha ón bpróiseas forfheidhmithe a bhaineann le gnéithe éagsúla den phróiseas pleanála a chur i bhfeidhm tá mé sásta atá rianaithe sa Bhille, cóir, réasúnta agus oiriúnach. Sa chéad áit tá deighilt an-soiléir déanta maidir le Ról na Roinne agus ról Údarás na Gaeltachta agus Foras na Gaeilge. Is é an tÚdarás agus Foras na Gaeilge mar is cuí, a bheidh ag cuidiú le heagraíochtaí pleananna a ullmhú i gcomhar limistéir pleanála teanga Gaeltachta, bailte seirbhísí Gaeltachta agus líonraí Gaeltachta. Is é an tAire a bheith freagrach as na pleananna sin a aontú faoi réir critéir sainiúla. Ar an dara dul síos, is é an tÚdarás agus Foras na Gaeilge mar is cuí, a chuideoidh le heagraíochtaí na pleananna teanga a chur i bhfeidhm. Ina dhiaidh sin, déanfaidh an tAire athbhreithniú tréimhsiúil ar an dul chun cinn a bheidh déanta maidir le cur i bhfeidhm an phlean agus chun na críche sin rachaidh an tAire i gcomhairle le Údarás na Gaeltachta nó Foras na Gaeilge, tabharfar deis aon laigí a aithneofar sna pleananna a leigheas thar thréimhse. Tá deighilt shoiléir anseo maidir le feidhmeanna an Aire agus feidhmeanna na n-áisíneachtaí. Creidim go bhfuil sé cuí go mbeadh freagrachtaí sonracha ar an Aire maidir le hordaithe a dhéanamh faoi na limistéir pleanála teanga Gaeltachta. Beidh na cinntí seo bunaithe ar phróiseas atá soiléir agus trédhearcach, níl sé i gceist agam dá bhrí sin feidhm achomhairc a thabhairt don Choimisinéir Teanga sna gnóthaí seo. Caithfear a chur san áireamh an fheidhm reachtúil atá ag an Aire maidir le cur chun cinn na Gaeilge agus ag deireadh an lae tá an tAire freagrach do Thithe an Oireachtais agus cibé cinntí a dhéanann sé. Ní shílím go bhfuil mórán is féidir a bheith níos daonlathaí ná sin. Ar ndóigh tógann Airí cinntí gach lá sa tseachtain agus bíonn orainn próiseas trédhearcach a leagan síos sula dtógtar na cinntí sin. Is i bhfíor-bheagán cásanna a ghlacann daoine cásanna cúirte, Ard-cúirte in éadan cinntí a ndéanann Airí. Tá mise cinnte agus tá lán-chinnte go n-oibreoidh na sonraí atá ins an Bhille seo, go bhfuil siad trédhearcach agus go n-oibreoidh siad agus nach bhfuil gá ról a thabhairt don Choimisinéir. Tá an Coimisinéir ansin agus tá ról reachtúil ag an Choimisinéir, sé sin cur i bhfeidhm Acht na dTeangacha. Tá sé ag déanamh sin go héifeacht agus is féidir leis, ach sílim gur ról dó féin é sin agus maidir le cur i bhfeidhm na bpleananna teanga gur ról don Aire é sin, go bhfuil freagracht reachtúil air chur chun cinn na Gaeilge ins an tír agus go mbeadh sé freagrach don teach seo nó don teach eile má theipeann air é sin a dhéanamh. Mar sin a Chathaoirligh, ní bheidh mé ag glacadh leis an leasú sin.

**Senator Brian Ó Domhnaill:** Tá brón mór orm nach bhfuil an tAire sásta athbhreithniú a dhéanamh agus gníomh a dhéanamh agus glacadh leis an leasú seo. Mar a dúirt na Seanadóirí eile ar an taobh seo den teach, tá ról an Choimisinéara Teanga fíor-thábhachtach agus fá choinne struchtúr seasmhach, struchtúr neamhspleách, struchtúr trédhearcach a thabhairt don mBille seo. Bille a chuirfidh deireadh leis an phróiseas daonlathach mar a dúir an Seanadóir Barrett ar a laghad tabhair deis dúinn a chinntiú gurb é nó í an Coimisinéir Teanga Seán Ó Curreáin atá ansin faoi láthair, a bheidh i mbun dualgais i dtaca leis an pháosa seo den mBille ó thaobh machnaimh a dhéanamh ar na pleananna. Is mór an trua nach bhfuil an Roinn nó an tAire sásta glacadh leis sin. Measaim gur chóir ról a thabhairt don Choimisinéir. Níl fhios agam cén plé oifigiúil a bhí agat féin nó ag na feidhmeannaigh nó leis an Choimisinéir go fóill, de réir cuma ní raibh aon phlé agus cuireann sé sin iontas orm. Beidh mé ag brú an leasú seo, mar go gcreidim go láidir go gcaithfidimid neamhspleáchas a thabhairt isteach sa phróiseas seo

é a iompar ar shiúl ó chúrsaí polaitiúil cibé an tAire atá ansin nó cibé an dath polaitiúil atá air nó uirthi. B'fhiú go mór dúinn má tá muid dáiríre faoin Ghaeilge, tá an Ghaeilge i bhfad níos tábhachtaí ná aon pháirtí polaitiúil nó aon pholaiteoir sa teach seo nó an teach eile agus ba chóir dúinn an neamhspleáchas atá ag teastáil ón mBille seo a thabhairt dó agus a chinntiú go mbeidh an próiseas trédhearcach, go mbeadh an trédhearcacht sin tugtha isteach ann. Measaim agus tá fhios agam go n-aontaíonn an tAire Stáit féin agus na daoine atá ar an taobh eile den Teach, an obair atá déanta ag an Choimisinéir Teanga go dtí seo bhí sé go hiontach, rinne sé obair iontach. Is mór an trua nach bhfuil an Roinn anois toilteanach é sin a aithint, ról lárnach a thabhairt don Choimisinéir sa Bille seo agus a chinntiú go mbeidh todhchaí oifig an Choimisinéara Teanga slán sábháilte i gConamara nó cibé an áit sa Ghaeilteacht ina bhfuil sé lonnaithe. In áit an remit atá aige a laghdú am in dhiaidh ama agus é a bundaláil isteach le Oifig an Ombudsman. Tá deis anseo ag an Roinn gníomh a dhéanamh agus tá brón orm nach bhfuil an tAire Stáit sásta glacadh leis an leasú seo. A Leas-Chathaoirligh, tá mé ag moladh an leasaithe go dtí an teach.

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

The Seanad divided: Tá, 28; Níl, 17.

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.  
Harte, Jimmy.  
Hayden, Aideen.

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

Níl

Barrett, Sean D.  
Byrne, Thomas.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
MacSharry, Marc.  
Mooney, Paschal.  
Mullen, Rónán.  
O'Brien, Darragh.

O'Sullivan, Ned.  
Ó Clochartaigh, Trevor.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
Power, Averil.  
van Turnhout, Jillian.  
Walsh, Jim.  
Zappone, Katherine.

Tellers: Tá, Senators Ivana Bacik and Paul Coghlan; Níl, Senators Ned O'Sullivan and Brian Ó Domhnaill.

Question declared carried.

Amendment declared lost.

**An Cathaoirleach:** As it is now 4 p.m.—

**Senator Brian Ó Domhnaill:** I wish to make a point of order.

**An Cathaoirleach:** As it is now 4 p.m. I am required to put the following question in accordance with an order of the Seanad of today, "That Report Stage is hereby concluded, that the Bill is hereby received for final consideration and that the Bill is hereby passed."

**Senator Brian Ó Domhnaill:** I indicated a point of order.

**An Cathaoirleach:** I am putting the question.

Question put.

The Seanad divided by electronic means.

**Senator Trevor Ó Clochartaigh:** Faoi Bhuan-Ordu 71(3)(b), iarraim go ndéanfar an vótáil arís ar shlí seachas trí mheán leictreonach.

Question put.

The Seanad divided: Tá, 29; Níl, 17.

Tá

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

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

Níl

Barrett, Sean D.  
Byrne, Thomas.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
MacSharry, Marc.  
Mooney, Paschal.  
Mullen, Rónán.  
O'Brien, Darragh.

O'Sullivan, Ned.  
Ó Clochartaigh, Trevor.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
Power, Averil.  
van Turnhout, Jillian.  
Walsh, Jim.  
Zappone, Katherine.

Tellers: Tá, Senators Ivana Bacik and Paul Coghlan; Níl, Senators Trevor Ó Clochartaigh and Brian Ó Domhnaill.

Question declared carried.

### Business of Seanad

**Senator Maurice Cummins:** I wish to amend the Order of Business. It is proposed that we complete the Animal Health and Welfare Bill at 5.20 p.m. and that we take Private Members' Business at 5.20 p.m to conclude at 7.20 p.m.

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

**Animal Health and Welfare Bill 2012: Committee Stage (Resumed)**

## SECTION 38

**An Cathaoirleach:** Amendments Nos. 46 and 47 are related and will be discussed together.

**Senator Brian Ó Domhnaill:** I move amendment No. 46:

In page 34, subsection (1)(a), line 45, to delete “reasonable grounds” and substitute “evidence”.

Both of these amendments relate to an issue we discussed at length previously when the Bill was before the House. It relates to substituting “reasonable grounds” with “evidence” so that any suspicion would be evidence-based rather than based on reasonable grounds. The Minister explained the last day that for enforcement officers to have adequate powers available to them, they had to work on the basis of reasonable grounds. Has there been any change in the Minister’s view of these amendments?

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My views are as they were. The whole thrust of this Bill is to give authorised officers the capacity to act when they have reasonable grounds to suspect cruelty is going on and there is an animal welfare issue or there may be a risk of disease spread in an establishment. They will be able to go in and attempt to nip it in the bud or address it at an early stage instead of having to build a book of evidence around the welfare issue or disease control issue. In section 38, to which amendments Nos. 46 and 47 apply, we seek to allow authorised officers to act and to enter a premises when they have reasonable grounds to suspect a series of things might or might not be happening. The other provision relates to the risk of disease or the spread of disease or the application of inappropriate medication or hormones to animals. An authorised officer will be able to act at an early stage, and that is a welcome development.

It is important to point out we are not giving excessive powers to authorised officers. Current legislation gives more power to authorised officers in terms of stopping vehicles and searching people. Neither of those things is allowed in this legislation. In case people think we are going over the top, we are not. Authorised officers are limited in what they can do. The Attorney General’s office has looked at this carefully and has been restrictive in some areas. It allows authorised officers to enter a premises and undertake a search or make an investigation if they have reasonable grounds for doing so. If we required authorised officers to gather a lot of evidence beforehand, the effectiveness of their actions would not be as strong.

**Senator Pat O’Neill:** I welcome the sections in the Bill that allow for officers to intervene at an early stage. The Minister referred to entering premises and search warrants. Will the Garda Síochána have to be involved at any stage, in certain cases if it is required to enter premises or is it envisaged that the authorised officers would be able to deal with the matter themselves?

**Deputy Simon Coveney:** Section 39 refers to the power of the Garda Síochána to arrest without warrant and then there are other areas where a member of the Garda Síochána might be required. If one wants to search a person or to stop a vehicle, a garda can do that but an authorised officer is limited in terms of the powers they have.

Dwelling houses are sensitive areas. Section 38(5) states that an authorised officer cannot enter a private dwelling, except with the consent of the occupier, unless that officer has obtained a search warrant under section 45, other than where he or she has reasonable grounds to believe that before a search warrant could be sought for the dwelling that any evidence of an offence referred to in section 38(4)(c) is being or is likely to be disposed of or destroyed.

[Deputy Simon Coveney.]

Essentially, if an authorised officer is in a yard and through a window they see a farmer pouring angel dust onto a fire, they will have to make a judgment call, which is that if they get a warrant and come back the next day, the evidence will be gone. Under such exceptional circumstances they could enter a dwelling house but they would have to be sure they have reason to do so, and be sure that they would otherwise get a warrant if they looked for it. The instances where an authorised officer would do that would need to be exceptional but I wished to draw the attention of Members to it.

Amendment, by leave, withdrawn.

Amendment No. 47 not moved.

Question proposed: “That section 38 stand part of the Bill.”

**Senator Paschal Mooney:** Section 38 in its entirety relates to the functions of an authorised officer. The Minister is aware that we partially discussed the functions but also the appointment of authorised officers. In the course of the debate he referred to the fact he is of the view that he may appoint authorised officers from outside of the veterinary area, and that they would perhaps be people with expertise with domestic animals. At the time I quoted a briefing I received in which I referred to the Dogs Trust along with the United Kingdom-based RSPCA in connection with an example of what was seen as over-enthusiasm on the part of those officers. However, I put my hands up to say that I was not familiar with the operational procedures engaged in by the Dogs Trust in this country. I withdraw any comments I made in that context if there was an inference that the Dogs Trust in this country was not carrying out its duties in a humane and efficient manner. The Minister and his official are familiar with the Dogs Trust. Since then I have acquainted myself with its activities. It does an outstanding job. It is involved in the neutering of stray animals. It has a shelter where it takes in stray animals in Dublin. Those involved raise significant sums of money through voluntary subscriptions and Government aid of the order of approximately €10 million.

I assume the Minister has an organisation such as the Dogs Trust in mind in connection with the domestic dimension to the section. The perception from reading the Bill and following the debate is that it tends to focus almost exclusively on farm animals, but this section and much of the Bill applies just as much to domestic animals and their care and maintenance in an orderly and legal manner so as to ensure they are not abused, neglected or injured and that there is a responsibility on those who own domestic pets to come under the remit of the section. I presume the authorised officers the Minister will appoint will have the same powers to go into a house or to intervene if they happen to see any evidence of abuse of domestic animals on the public highways. I wish to clarify that the section applies as much to domestic animals as farm animals. Does the Minister have a view on the possible role of members of the Dogs Trust in the context of this section, as authorised officers in the context of potential injury to animals — I do not have specific evidence in that regard — and an obligation being placed on those who own domestic pets to look after them properly?

**Deputy Simon Coveney:** I am pleased the Senator took the opportunity to clarify comments he made in a previous debate on the Dogs Trust. My understanding is the Dogs Trust does a good job. It is very professional in what it does and it is very well funded. In many ways it is one of a number of animal welfare organisations which sets the standard both in terms of this country and the United Kingdom. I would have a lot of faith in its activities, as I would in the ISPCA and many other welfare organisations. That said, when I appoint authorised officers, I must be careful that I appoint people who have experience and in all cases qualifications so

that they know what they are doing rather than being driven by a well-meaning but inappropriate sense of enthusiasm for the protection of animals.

In order that I am not misunderstood, what I have said is that in certain instances we should put a panel of authorised officers together that is not necessarily composed of vets or veterinary nurses but that those on the panel would be experienced and would have worked with organisations such as the Dogs Trust, the ISPCA or other such organisations. We must make a distinction between the work of authorised officers on farms and commercial operations and private dwellings. In many ways, certain people who work with the ISPCA or the Dogs Trust would have more experience than some authorised officers in my Department in investigations on the abuse of animals or cruelty to animals within private homes. We should use that experience if it is made available. I understand it will be made available if we want to use the resource.

I agree with Senator Mooney's comments. We will try to get the balance right between, on the one hand, using the vast experience that exists, in many cases on a voluntary level, and at the same time ensuring we have panels of people who are experienced and qualified to make the right judgment calls. Ultimately, authorised officers have a lot of power in the legislation. They can enter premises. They must have a reason to enter a private dwelling. They are getting a lot of responsibility and legal protection so one must ensure the right person is involved who will use sound judgment and who has the necessary experience and qualifications to make the right decisions.

Question put and agreed to.

Sections 39 and 40 agreed to.

#### SECTION 41

Question proposed: "That section 41 stand part of the Bill."

**Senator Brian Ó Domhnaill:** I wish to speak on 41(2)(b) which was discussed previously. It relates to the animal health and welfare notice that is served on people whereby an individual can make an appeal upon receiving a notice under section 41(2)(b)—

**Deputy Simon Coveney:** The point relates to section 42. We can agree section 41.

Question put and agreed to.

#### SECTION 42

Question proposed: "That section 42 stand part of the Bill."

**Senator Brian Ó Domhnaill:** Section 42(2)(b) relates to the serving of notices. The section states an animal health and welfare notice shall "inform the person on whom it is served that he or she may appeal the notice to the District Court under section 43χ". I would prefer to see an appeal being made to an independent board. I spoke about this issue when the Bill was before the House previously. An independent appeals process similar to that of the social welfare appeals office would be preferable, rather than stating an individual, on receipt of a notice, has to go to the District Court to appeal it. There would be legal costs and it could end up being a minefield for solicitors and the legal profession. Whether it is a minefield, there will be associated, additional costs and a burden on farmers if they are obliged to appeal these notices to the District Court. If a farmer receives a notice in July, the next sitting of the District Court may not be until September or early October. These practicalities should be considered



[Senator Brian Ó Domhnaill.]

also. We should consider the timeframe and costs involved and the legal minefield that this could be. What are the Minister's thoughts on the matter?

**Deputy Simon Coveney:** We are addressing this issue with the next two amendments to section 43 which deals with an appeal against an animal health and welfare notice. Until now authorised officers or a member of An Garda Síochána could have taken a case against an owner or someone in charge of animals for cruelty or abuse, but they required evidence to do so. The only course of action open to them was to take a case against a person in court to try to have a fine imposed or, in extreme cases, a term of imprisonment. We have introduced the concept of an animal health and welfare notice which is a type of yellow card, a warning, but it is more than this because it is a warning with conditions attached. If a person has behaved inappropriately in respect of his or her animals, an authorised officer can visit and issue him or her with an animal health and welfare notice which will have conditions attached, with which he or she will be obliged to comply or the next stage will be a prosecution. It is a cheaper way of issuing a warning formally without having to take someone to court, which of itself is welcome.

The Senator is raising a legitimate issue, that is, if a person receives an animal health and welfare notice and believes he or she is being hard done by because of it, to whom does he or she go for an adjudication if he or she believes an authorised office has gone over the top in issuing the notice? Section 43 gives people up to seven days to appeal the content of a notice to a judge of the District Court. Given the way these things work, there will also be an opportunity for a conversation to take place between an authorised officer and the individual concerned on the onus of proof and the animal health and welfare notice. If there were to be an extreme case of cruelty, the authorities would proceed to the next stage. The point of the notice is to get a conversation going between a qualified, authorised officer who is there to advise and assist on the behaviour towards animals and how the way they are being kept should change and the owner of the animals. I will consider whether we need a formal appeals system similar to the social welfare appeals system, but I am unsure whether it would be worth the expense of putting it together and putting in place a timeframe. An animal health and welfare notice is supposed to keep people out of court rather than bring them in the other direction. I will consider the matter, but for now I am not willing to go down the road of what is being proposed and set up an independent appeals process, to which significant costs would be attached. I am not 100% convinced that it is necessary to have such a process yet.

**Senator Brian Ó Domhnaill:** I wish to make a constructive point. To some extent, the social welfare appeals office was a bad example to cite. I imagine every public representative in both Houses is trying to have the backlogs dealt with. Another cheaper and less expensive way of doing it would be to provide for an appeal to the Minister's office. The Minister is independent of the process involving authorised officers. Perhaps the Minister might consider this option. While he was replying, it occurred to me that I often scratched my head when it came to dealing with cases involving the social welfare appeals office because it was always jammed up.

**Acting Chairman (Senator Maurice Cummins):** The Minister said he would consider the matter before Report Stage.

Question put and agreed to.

#### SECTION 43

Amendment No. 48 not moved.

Government amendment No. 49:

In page 42, lines 1 to 7, to delete subsection (4) and substitute the following:

“(4) An animal health and welfare notice in respect of which an appeal is brought under this section shall have effect pending the making of an order under *subsection (5)*.”.

Amendment agreed to.

Section 43, as amended, agreed to.

#### SECTION 44

**Acting Chairman (Senator Maurice Cummins):** Amendment No. 50 is out of order because it involves a potential charge on Revenue.

Amendment No. 50 not moved.

Section 44 agreed to.

Sections 45 to 49, inclusive, agreed to.

#### SECTION 50

Question proposed: “That section 50 stand part of the Bill.”

**Senator Brian Ó Domhnaill:** This section relates to the evidence of laboratory analysis and certification. Is the section derived from existing legislation? It relates to legal requirements on farmers. Will the Minister explain the difference? Is there a major difference with the legal requirements for farming activities under the section? It has created some confusion.

**Deputy Simon Coveney:** I am unsure whether it relates to existing legislation, but I will find out and get back to the Senator on it.

**Senator Brian Ó Domhnaill:** I should have checked, but I did not have time to do so.

**Deputy Simon Coveney:** Section 50 relates to a technical matter. It allows for laboratory evidence to be given by written certificate and evidence of EU measures to be given by the production of a certified copy. I am unsure whether that clarifies matters.

**Acting Chairman (Senator Maurice Cummins):** The matter can be clarified on Report Stage.

**Deputy Simon Coveney:** I can clarify it on Report Stage. I am not 100% certain.

Question put and agreed to.

Section 51 agreed to.

Amendment No. 51 not moved.

Section 52 agreed to.

Section 53 to 55, inclusive, agreed to.

#### NEW SECTION

**Senator Trevor Ó Clochartaigh:** I move amendment No. 52:

[Senator Trevor Ó Clochartaigh.]

In page 48, before section 56, to insert the following new section:

“56.—In proceedings for an offence under this Act an animal, animal product, animal feed or other thing, the owner of the animal shall be held responsible.”.

The legislation states: “In proceedings for an offence under this Act an animal, animal product, animal feed or other thing is presumed, unless the contrary is shown, to be owned by the occupier or person in charge of the land or premises on which it was found”. Sinn Féin maintains those responsible for animal cruelty or neglect should be the ones sanctioned.

In my party’s view, the person who owns the animals should be chiefly held responsible. He or she should be cognisant of where the animals are and their condition as much as possible. It is unfair and a blunt approach to lay the blame and responsibility on the owner of the land on which they are found. Such landowners are unlikely to be responsible for continued neglect or abuse and are primarily responsible for the care of their land in the particular set of circumstances where animals belonging to someone else have wandered onto it. Needless to say, protection of land requires a different standard than the protection of livestock. If there are animals in an unsafe place, it is more likely than not that this is on account of their owner failing to keep an eye on them. My party’s issue with the section is that it automatically places the onus on the owner of the land as opposed to the owner of the animals. It includes the words, “unless the contrary is shown”. There could be issues with how one shows this if an animal is not tagged or chipped. There was a big debate in the House about horses where, for example, somebody places an animal on somebody else’s land and it is automatically presumed that that person is the owner. The section will certainly cause difficulties. As a consequence, we have an issue with the inclusion of this clause in the Bill, about which my party feels strongly. The corollary is that one might find landowners moving animals off their land to avoid being caught under it.

**Senator Brian Ó Domhnaill:** The presumption of ownership could cause confusion and the provision could be open to all sorts of interpretations, both legal and otherwise. Section 56 states, “In proceedings for an offence under this Act an animal, animal product, animal feed or other thing is presumed, unless the contrary is shown, to be owned by the occupier or person in charge of the land or premises . . .”. I assume it would be proved before the matter ended up in a court of law. It would be up to the authorised officer to liaise with the persons involved. That is the only way it could work in practical terms.

**Deputy Simon Coveney:** The onus of providing proof will be on the landowner or person in charge of the land in the case of conacre or leased land.

**Senator Brian Ó Domhnaill:** It should be done at authorised officer level rather than letting the matter move up the food chain and into court after a notice is served. Before a notice is issued, such dialogue should take place. I agree it is an issue worth raising.

**Deputy Simon Coveney:** I will try to clarify the matter. I understand the issue raised, although Senator Trevor Ó Clochartaigh’s amendment would not solve that problem. It states, “In proceedings for an offence under this Act an animal, animal product, animal feed or other thing is presumed, unless the contrary is shown, to be owned by the occupier or person in charge of the land or premises . . .”. One must determine who the owner of the animal is. If one cannot do this because there is no tag on the ear of a sheep or calf, the Bill states that, if proceedings are taken, an assumption will be made that the owner of the animal is the person who owns or is in control of the land that the animal is on, unless the contrary is shown by that person; in

other words, there will be an onus to provide proof on the person to show that the animal is not his or hers and state why that is so. If there is to be a presumption of ownership of animals, one must have some parameters. This is a reasonable starting point, that the likelihood is that if there is an animal on a person's land, he or she owns it and if he or she does not own it, he or she will at least be able to prove this because the animal is not included in his or her records. The section headed, "Presumption of ownership . . .", states "the owner of the animal shall be held responsible". If one finds on a farm an animal that is diseased or has been abused, as a starting point it is not unreasonable to assume that the animal is owned by the farmer who owns or is leasing the land. If the farmer can prove it is not his or her animal, that it has wandered onto his or her land by crossing over a ditch, that is fine. The onus must be on somebody to prove something other is the case when an animal that is not microchipped, that does not have a tag and that has clearly been abused is the subject of a prosecution or proceedings. It is not always the case that the owner must take responsibility, but as part of proceedings one must establish who the owner is in putting the case together. We had this debate earlier. Somebody who takes an animal into care, who may not own it but is responsible for it, may well be the person ultimately held responsible for its neglect. This section is merely about the presumption of ownership. It is not overly contentious to make a presumption that a farmer who has an animal on his or her land that is the subject of proceedings is the owner, unless he or she can prove otherwise. That is not unreasonable. The amendment does not deal with the fundamental problem — what does one do when one finds an animal and does not know who owns it? It is not unreasonable to assume that the person who owns the land owns the animal. If he or she can prove otherwise, so be it, but if he or she cannot, the animal is likely to be his or hers. That is all we are saying.

**Senator Trevor Ó Clochartaigh:** The Minister is stating the clause is not 100%. Perhaps, therefore, he might rethink before Report Stage because there are problems with it. Presuming, merely because an animal is on somebody's land, that the person owns it is a dangerous precedent to set. For example, if I want to get rid of an emaciated horse, I could leave it on the Minister's land and then warn the authorities. I do not know how he would prove that he did not own it. If the Minister was to tell the judge that it was not his, it could possibly be off the book. It is still a grey issue. If there are perpetrators of cruelty, we need to find a mechanism to bring them to task. Certainly, my party has an issue with automatically assuming that the owner of the land is the one who should be punished. In the case the Minister cited in which a horse has been taken into care and has been subject to cruelty, the owner who caused the animal to be taken into care in the first place should be taken to task. I appreciate from where the Minister is coming in that he does not believe my party's amendment is 100%, but certainly there is an issue with the Bill. Perhaps we might look at the matter again on Report Stage or he might have his officials look at it again. If he is not willing to do this, my party will have to put the matter to a vote because it is unfair to put the onus on the owner.

**Senator Aideen Hayden:** I support the Minister on this point. First, the presumption of ownership is rebuttable. That is an important limitation. There are too many areas of law, particularly the law of tort, in which the law is so weak in requiring that ownership be established. It can be difficult to prove. In the case of derelict sites, for example, establishing ownership is extremely difficult and in many instances prevents the State from bringing persons to book for their failures. It is important, therefore, that in this area there is a presumption of ownership. If an animal is on one's land, it is within one's ownership and control. It is a rebuttable presumption. One can establish, by manifest or any other means at one's disposal, that the animal is not within one's ownership and control. That is both reasonable and fair.

[Senator Aideen Hayden.]

This is the 21st century and we need to move on. It is important to note that the presumption that an animal on a person's land is in the ownership and control of that person is rebuttable. This qualification provides a reasonable safeguard in this day and age.

**Deputy Simon Coveney:** If one were to provide in law a non-rebuttable presumption that the owner or controller of land on which there is an animal that is subject to proceedings is the owner of the animal, the provision would be unconstitutional. However, the Bill makes provision for the person who owns or controls the land to rebut any such presumption. One must return to the content of the section, namely, the presumption of ownership. When a case is taken it is necessary to be able to make certain assumptions in respect of the animal, for example, where it came from and who owned it. Provided the person who owns the land is given an opportunity to clarify or rebut such assumptions and provide proof to that effect, I am comfortable with the section.

While I am willing to try to improve the section, any change must achieve the objective set down in the current wording and must not simply provide that proceedings must be against the owner of an animal. The whole point is that in seeking to prove ownership, one must have a starting point. It is not unreasonable for such a starting point to be a presumption, in the case of an animal that is found to have been damaged or cruelly treated, that the animal is owned by the person who is in charge of the land, unless he or she can prove otherwise. To do anything else would create unnecessary ambiguity and make it more difficult to make a case.

The onus of proof will not be excessively difficult for landowners. If a farmer has one elderly, lame and emaciated horse among a number of horses or cattle which are in good condition, it will be clear that the condition of the emaciated horse is not consistent with the way in which he manages livestock. Moreover, he will not have papers for the animal or a record of having it on the farm. He will also be able to swear an affidavit that the horse is not his. It is likely that considerable evidence will be available to the owner of the land to allow him to make a case that the animal does not belong to him. While I understand the issue being raised by the Senator, the provision is unlikely to result in unfair prosecutions in which people who do not own animals are taken to court for abuses they have not committed. I will ascertain whether the wording can be improved.

**Senator Trevor Ó Clochartaigh:** I acknowledge the argument the Minister is making. He and I are trying to achieve the same outcome. However, the comparison to a housing estate is not helpful because an animal on a housing estate can be moved, whereas the estate is in a fixed position. I am not fully convinced that the section as it stands will achieve the outcome both the Minister and I seek. However, I am willing to withdraw the amendment while reserving the right to introduce a further amendment on Report Stage with a view to achieving the objective we both seek. I would appreciate if the Minister were also to introduce an amendment.

Amendment, by leave, withdrawn.

Section 56 agreed to.

Section 57 agreed to.

## SECTION 58

Question proposed: "That section 58 stand part of the Bill."

**Senator Brian Ó Domhnaill:** This section provides that, upon conviction, a person may be disqualified from owning or having an interest in animals or be disqualified from working with animals for a period including, where appropriate, the life of the person as the court considers appropriate. This provision appears harsh. I have examined the position in this regard in other jurisdictions in Europe and the United States. Various states in the US are in the process of passing animal health and welfare legislation and in most cases a defined period of disqualification, such as three or five years, is provided for. Under this section, a judge may rule that a person may be disqualified from owning an animal for life.

**Deputy Simon Coveney:** That option is available to the judge.

**Senator Brian Ó Domhnaill:** The Bill will cede this power to the Judiciary. It may be worthwhile to address this provision as it may be unfair. People redeem themselves and penalties are imposed for that reason. While I have not tabled an amendment on the issue, it may be worthwhile to examine the provisions in operation in other jurisdictions, with a view to redrafting this provision.

**Deputy Simon Coveney:** My view on this and other areas is that it would set a dangerous precedent if politicians were to decide on the length of jail terms for any offence. I refer also to some of the mandatory sentencing that is prescribed in law for drug offences and so forth. We should, by and large, have faith in the Judiciary to make a judgment call in these matters. If someone has engaged in such outrageous abuse, cruelty or neglect of an animal that it is clear he or she is incapable of looking after animals, a judge should have the power to ban that person for life from owning or being responsible for animals. I accept, however, that the person's behaviour must be of a significant nature for such a penalty to be imposed. Unfortunately, some savage cases of cruelty to animals have been reported. In such cases, we should trust judges to make a judgment on the appropriate period for a ban — whether one, three or five years — or to impose a ban subject to the person's consenting to seek support or counselling. It is important to provide for flexibility for a judge in a courtroom, rather than trying to prescribe exact periods that would have to be implemented.

Question put and agreed to.

Sections 59 to 62, inclusive, agreed to.

#### NEW SECTION

Government amendment No. 52a:

In page 54, before section 63, but in Part 11, to insert the following new section:

“63.—(1) The Minister may establish and continue animal tracing systems (including a database) in which shall be entered data mentioned in *subsection (2)* in relation to protected animals.

(2) For the purposes of *subsection (1)*, the Minister may by regulations provide for—

(a) the collection of data by such means, including electronically, as the Minister considers appropriate, on—

(i) land and premises where protected animals are kept,

(ii) births, movements and deaths of protected animals,

(iii) persons who move protected animals whether on their own behalf or on behalf of other persons,

- (b) the persons or classes of persons required to submit or keep data,
- (c) the type or breed of protected animal to which the collection of data applies,
- (d) the period within which data is to be submitted and to whom,
- (e) the form and content of data to be kept,

(f) the use of a database in connection with tracing and, in particular, the export, movement, sale or supply of a protected animal, or slaughter for human consumption of a farm animal, and

- (g) provision for access to such databases, systems and data.

(3) In proceedings for an offence for a contravention of or failure to comply with regulations made under *subsection (2)* a certificate purporting to be signed by a person employed in connection with an animal tracing scheme stating the capacity in which the person is employed and stating that on a particular day or days, or during a particular period—

- (a) data required to be submitted—

- (i) was received and the information contained in that data, or

- (ii) by a named person was not received, and

(b) data specified in the certificate is a legible copy of the data stored in the system, is, until the contrary is shown, sufficient evidence of the facts stated in the certificate.

(4) The Minister may for the purposes of animal tracing systems in regulations provide for the regulation, either generally or in specified circumstances, of the export, movement, sale or supply of protected animals or slaughter for human consumption of farm animals, to which the regulations apply.

(5) A person who contravenes or fails to comply with a provision of regulations made under this section which is stated in the regulations to be a penal provision—

(a) to which this paragraph applies, commits an offence and is liable, on summary conviction, to a class A fine, or

- (b) to which this paragraph applies, commits an offence and is liable—

- (i) on summary conviction, to a class A fine or to a term of imprisonment not exceeding 6 months, or to both, or

- (ii) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 5 years, or to both.

(6) Regulations made under this section are in addition to and not in substitution for animal health and welfare regulations.

(7) In this section “data” means information supplied or gathered and records kept for the purposes of tracing protected animals under protected animal tracing systems.”.

**Deputy Simon Coveney:** Section 63 continues the provision for animal tracing schemes which was established under the national beef assurance scheme. While there is no change to existing policy through the Animal Health and Welfare Bill, the section allows for the possibility of similar schemes to be introduced for other species. The amendment replaces the current section 63 with a somewhat more detailed section which sets out the types of data that can be collected.

As I stated, existing policy has not been changed but greater legal clarity is being provided. The section essentially confirms in law the traceability mechanisms we have already established for beef. It provides that a Minister may decide in future to apply a similar scheme to other animals such as horses.

Amendment 52a reads much better and provides a great deal more clarity than the existing section. Consequently, I hope people will support it.

**Senator Paschal Mooney:** I have a brief question on animal tracing. I seek clarification that animal identification, registration and movement regulations in the Bill, in its entirety, will operate under EU law and do not differ therefrom. In other words, there should be no difference from the current EU regulations relating to animal identification, registration and movement.

**Deputy Simon Coveney:** This legislation must be and is consistent with EU regulations.

Amendment agreed to.

Section 63 deleted.

Section 64 agreed to.

#### SECTION 65

**Acting Chairman (Senator Maurice Cummins):** Amendments Nos. 53, 54, 57, 58, 59a, 59, 60, 60a, 61 and 62 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 53:

In page 56, line 8, to delete “pigs.” and substitute the following:

“pigs;

“other activity or event” means an activity or event involving the sale of animals, which is not the business of an animal mart, prescribed under *section 66(1)(b)*.”.

**Deputy Simon Coveney:** This pertains to the animal marts section. Section 65 is being amended to allow for activities involving animal sales other than in the traditional mart to be licensed in the same manner. This change inserts a new definition. As the definitions now no longer end with the word “pigs”, the full stop after the word “pigs” is removed and replaced with a semicolon. This definition is then carried through to the subsequent sections of this Part. In other words, the Department had initially put together this section to deal with animal marts and the series of things that must be done in respect of licensing for marts and so on. However, it was rightly pointed out to the Department that there are other activities related to the buying, selling and trading of animals that may not be classified as a mart *per se* and those areas must also be covered. This is the reason for tabling this group of amendments.

**Senator Paschal Mooney:** Can the Minister confirm that the current registration and legal requirements for marts are not being changed in this Bill?

**Deputy Simon Coveney:** No, they are not.

Amendment agreed to.

Section 65, as amended, agreed to.



Section 66 agreed to.

## SECTION 67

Government amendment No. 54:

In page 56, subsection (1), line 25, to delete “prescribed under *section 66(1)(b)*”.

Amendment agreed to.

**Acting Chairman (Senator Maurice Cummins):** Amendments Nos. 55 and 56 are related and may be discussed together by agreement.

Government amendment No. 55:

In page 56, lines 30 to 32, to delete subsection (2) and substitute the following:

“(2) The Minister may attach such terms or conditions, as he or she considers appropriate to the licence.”.

**Deputy Simon Coveney:** The aim of this amendment is to give more options in respect of penalties for breaches of regulations in marts when granting a licence. At the time of granting such a licence, one can attach certain conditions to it. For example, up to now, if a mart was not being run in accordance with the regulations, the only option available was to not reissue its licence or to revoke its licence. Whereas one could put in place conditions when the licence was being granted in the first place, one could not add them subsequently. This amendment proposes that one can put in place conditions in respect of a licence halfway through its term. It ensures that we do not only have the nuclear option of essentially revoking the licence. Instead, one can put in place conditions in respect of the retention of the licence. It is a fairly pragmatic measure which is about providing non-nuclear options in terms of penalties that may apply. Consequently, in a case in which those running a mart are not behaving as they should, by breaking the rules or failing to apply the regulations, one will have an option other than simply revoking the licence and shutting down the mart. One could attach certain conditions to the continuing license of that mart. This measure should be welcomed by mart operators and farming organisations.

Amendment agreed to.

Government amendment No. 56:

In page 56, between lines 38 and 39, to insert the following subsection:

“(5) If a holder of a licence breaches a term or condition attached to the licence or causes another to breach a condition of it, the Minister may suspend the licence for such period or periods as the Minister considers necessary for the licence holder to remedy the breach.”.

Amendment agreed to.

Section 67, as amended, agreed to.

## SECTION 68

Government amendment No. 57:

In page 57, subsection (1)(b), line 8, after “mart” to insert “or other activity or event”.

Amendment agreed to.

Government amendment No. 58:

In page 57, subsection (3)(c), line 31, after “mart” to insert “or other activity or event”.

Amendment agreed to.

Section 68, as amended, agreed to.

#### SECTION 69

Government amendment No. 59:

In page 57, subsection (2), line 38, after “mart” to insert “or other activity or event”.

Amendment agreed to.

Government amendment No. 59a:

In page 57, subsection (2)(b), line 42, to delete “of an animal mart” and substitute “, activity or event”.

Amendment agreed to.

Government amendment No. 60:

In page 57, subsection (3), line 45, after “mart” to insert “, activity or event”.

Amendment agreed to.

Government amendment No. 60a:

In page 57, subsection (3), line 47, after “mart” to insert “, activity or event”.

Amendment agreed to.

Section 69, as amended, agreed to.

#### SECTION 70

Government amendment No. 61:

In page 58, subsection (1), lines 18 to 20, to delete paragraph (a) and substitute the following:

“(a) the proper conduct of—

(i) places where the business of an animal mart or other activity or event is carried on, and

(ii) such business or persons at such marts or other activities or events.”

Amendment agreed to.

Government amendment No. 62:

In page 59, subsection (2)(g), line 8, after “marts” to insert the following:

“or the places where such other activities or events are held”.

Amendment agreed to.

Section 70, as amended, agreed to.

#### NEW SECTION

Government amendment No. 62*a*:

In page 59, before section 71, to insert the following new section:

“71.—This Part is in addition to, and not in substitution for, animal health and welfare regulations.”.

Amendment agreed to.

Amendment No. 63 not moved.

Section 71 deleted.

Section 72 agreed to.

#### SECTION 73

Question proposed: “That section 73 stand part of the Bill.”

**Senator Brian Ó Domhnaill:** This section relates to fees and costs which would be borne by the owners of animals in respect of, for example, applications for registration, licences or permits. No regulatory impact analysis was carried out in respect of the new Bill although this was done in respect of the previous proposed animal health and welfare Bill. What will be the cost implications for the agricultural sector in particular? What will be the fees? I acknowledge they will probably be set out by regulation. As time is getting short I will not speak further, but I seek an explanation from the Minister.

**Senator Michael Comiskey:** Briefly, it is important that no additional fees be imposed on farmers. At present, farmers pay for their tags and testing and it is important that no additional fees be imposed on them.

**Deputy Simon Coveney:** I am highly conscious of that point and the Department is trying to keep costs and fees to a minimum. It certainly has been conscious of that when putting together the legislation. In addition, there has been a considerable amount of consultation with the IFA in particular but with other farming bodies as well. As Members are aware, they are extremely proactive in trying to reduce costs, fees and levies. I was conscious of this when putting together the legislation. There are some parts of the Bill, not necessarily in this section, in which provision is made for the Minister to introduce new fees or charges. However, it would be necessary for this to take place in consultation with stakeholders, and I assure Members that the Department would be slow to do this. I do not envisage an increase in the cost of farming as a result of what is being done in this Bill.

Question put and declared carried.

Question proposed: “That section 74 stand part of the Bill.”

**Senator Paschal Mooney:** Can the Minister provide assurances that there might be an awareness that animal welfare groups might be at odds with hunting, in the context of the service agreements or designated authorised officers? Perhaps the best thing would be if the Minister could clarify exactly who are the sort of people he will be entering into our organisations with service agreements.

**Deputy Simon Coveney:** Is the Senator referring to putting panels of authorised officers together?

**Senator Paschal Mooney:** Yes. Section 74 deals with service agreements. It states that “The Minister may, from time to time, enter in writing into an agreement or other arrangement subject to such terms or conditions as the Minister decides, with another person for the performance of a function under this Act.”

**Senator Brian Ó Domhnaill:** That might refer to the animal welfare organisations.

**Senator Paschal Mooney:** I would like the Minister to clarify what he means in that section.

**Deputy Simon Coveney:** My understanding is that there are many service agreements in place already with local authorities and animal welfare organisations. Examples include the provision of dog pound services, the management of stray horses, dogs and cats within localities. Animal Health Ireland and Bord Bia both have service agreements on a number of things they are doing. Animal Health Ireland will be putting together guidelines for farmers on disease control, new approaches to eradicating diseases like BVD and so on. These are the service agreements we are talking about, as opposed to direct service agreements involving welfare organisations putting up panels of people that may be considered to be authorised officers.

Question put and agreed to.

Sections 75 and 76 agreed to.

## SCHEDULE 1

Government amendment No. 63a:

In page 63, between lines 27 and 28, to insert the following:

“

No. 16 of 1933	Musk Rats Act 1933	The whole Act
----------------	--------------------	---------------

”.

Amendment agreed to.

Government amendment No. 63b:

In page 63, between lines 40 and 41, to insert the following:

“

No. 49 of 1947	Poultry Hatcheries Act 1947	The whole Act
----------------	-----------------------------	---------------

”.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

### SCHEDULE 3

Government amendment No. 64:

In page 70, line 17, the delete “killing.”.

Amendment agreed to.

Government amendment No. 65:

In page 72, to delete lines 36 to 38 and substitute the following:

“40. The granting of licences, permits, approvals or authorisations, certificates or other documents in respect of any matter or activity referred to in this Act and the attachment of conditions to such and the limitation or restriction of them should any conditions not be met.”.

Amendment agreed to.

Schedule 3, as amended, agreed to.

Schedule 4 agreed to.

Title agreed to.

Bill reported with amendments.

**Acting Chairman (Senator Maurice Cummins):** When is it proposed to take Report Stage?

**Senator Michael Comiskey:** Next Tuesday.

Report Stage ordered for Tuesday, 18 July 2012.

### **Access to Cancer Treatment Bill 2012: Second Stage**

**Senator Marc MacSharry:** I move: “That the Bill be now read a Second Time.”

I welcome the Minister of State to the House and I thank her for yet again making herself available. She has given great commitment to this House over the last two years. I am proposing this Bill and it is co-sponsored by my friend and colleague, Senator John Crown, who is not short of expertise in this particular department. I proposed on the Order of Business that this Bill be accepted by the Government in the interests of a number of actors but primarily in the interests of patients. It is not political in nature as it is a non-adversarial Bill. I know that it has been the norm to vote down such Bills in the past, purely on political grounds. I appeal, in this instance, that it be seen for what it is, namely, the simplification of a process which heretofore has been complex and which has not put the patient in the centre of the debate on the provision of cancer drugs. It is a short Bill, but it is necessary in our view.

Recent controversies in this area have included decisions on drugs such as Ipilimumab, or IPI as it is known, and decisions taken by the National Centre for Pharmacoeconomics not to

provide particular drugs, apparently for purely cost considerations. This Bill provides a process which puts the patient at the centre while still protecting the Government's necessary right to refuse the availability of a drug on particular grounds, such as the balance between patient outcomes and costs. The Bill would effectively create a scenario where the Government would have to opt out of the provision of a particular drug rather than the current scenario, which is effectively a situation where the Government must opt into the provision. Once approved by the European Medicines Agency, this Bill would ensure that the HSE would have to provide a drug for a patient. At the moment, a drug is approved by the EMA in the normal way, but nobody knows the process through which it then goes. It is certainly a very lengthy process. It is unclear who pays for it and how much it is going to cost. Individual hospitals may require a particular drug, based on the views of the oncologist and the haematologist. The pharmacist may wish to prescribe the drug, but the management of the hospital may not allow its purchase because the National Centre for Pharmacoeconomics has informed the management that it should not be available because the cost per year per life saved does not justify it.

What is the cost per year per life saved? What is the cost per year per life saved of having three junior Ministers, with all due respect to the Minister of State? What is the cost per year per life saved of Mr. Mark Costigan advising the Minister for Health? What is the cost per year per life saved in having gardeners prepare Leinster Lawn behind us? What is the cost per year per life saved of the provision of €3,000 per year to meat inspectors who must put up with the smell of meat to work in meat factories? The criteria used to determine whether a drug is specifically value for money or not are too crude. I am sure Senator Crown will go into more detail on this issue.

The reality and the message is that one size does not fit all. Drug A may not add a single day to my life and, therefore, it may not be beneficial for it to be prescribed to me. However, to Senator O'Brien, for example, it may give an extended period of remission or even cure.

What this Bill will do is simplify the process. All American Medical Association, AMA, approved drugs will be made available by the HSE, and the Minister of the day, be it the Minister of State, Deputy Lynch, the Minister, Deputy Reilly, or whatever Minister of whatever party or future Government, must affirm or deny the access to such drug and, in doing so, can deliberate and consult the Irish Society of Medical Oncologists, the Haematology Association of Ireland, the National Centre for Pharmacoeconomics, the National Cancer Control Programme and the HSE itself.

Of course, the Minister of the day would not look forward to having to take a difficult decision and having to say at times that a drug would not be made available, but it would be based on very good grounds and on consultations with professionals who have the expertise to help the Minister make that determination. However, it would be up to the Minister to opt out of providing that drug rather than just opting in.

We have seen the Ipilimumab, or Ipi, scenario and other scenarios, where the only recourse for vulnerable cancer patients was to resort, as I said in my press statement, to the Joe Duffy approach to obtaining cancer treatments which would prolong their lives or perhaps lead towards cure. This is an unacceptable scenario and one that is not becoming of any Government interested in representative politics and in putting the patient first.

It is time the patient was put first. We on this side of the House are very honoured and proud of the fact Senator Crown has endorsed the Bill. We believe this is legislation that puts the patient first. It certainly acknowledges that difficult decisions will have to be made by the Government of the day, but that is the responsibility of any Government. It is not about making it politically easier to lead our country. It is a difficult job and the buck must stop somewhere. The responsibility, ultimately, is to the people and, in medicine, it is to the patient.

[Senator Marc MacSharry.]

This simple legislation assures the patient of guaranteed access to drugs that are going to help them in the context of outcome. Of course, there are certain scenarios where a drug will be too expensive given the expected outcome or given the expected extension of life. Professor Crown will give examples of such drugs in regard to breast cancer, where consultants, because the extended period given is so small and the cost so high, understand that these issues have to be balanced. However, we cannot have a criteria based solely on cost. As I said, the criterion of cost per life saved is far too crude a methodology on which to make that assessment, for the reasons I highlighted.

I very much hope the Government can accept the Bill on Second Stage. If there are additional suggestions or improvements that can be made in areas I have missed or that Senator Crown may have missed in his consideration of these proposals, let us deal with those on Committee Stage. Let it also be a victory for the Seanad. We have had other legislation initiated here in the past that has made very worthwhile improvements, and this Bill is another such example. I appeal to colleagues, the Minister of State and the Whips to allow this legislation to be accepted today on Second Stage. It is a Bill that is patient focused and puts the patient at the centre while still preserving the very important role of Government to take, at times, the decision not to provide a particular drug.

As we have seen with the high profile cases involving Ipi in recent times, the current situation cannot be allowed to continue and, for that reason, I commend the Bill to the House. I look forward to Members' contributions during the debate. I very much hope the Seanad can unite behind this Bill, which, as I said at the outset, is non-adversarial and non-political, and has been put forward simply in the best interests of the patient. I hope the Minister of State and Members will agree with that.

**Senator John Crown:** I second the proposal. I welcome the Minister of State, Deputy Kathleen Lynch, to the House on this occasion and thank her for her contributions to the discourse in Seanad Éireann over the past year or so. I commend the Bill across the House as one which was wholly thought of by Senator MacSharry. I acknowledge it as very innovative potential legislation and I acknowledge the fact he has been the inspiration and driver for it.

I am not a starry eyed idealist. I know we live in a real world. I know that every penny I prescribe is a penny that is not available for some other part of the health service or, indeed, some other part of essential social and educational services. I am well aware there is an opportunity cost to every penny that is spent by every person, in particular those spent by Government. I am aware we have children on waiting lists for spinal surgery and cardiac surgery, and we have older citizens waiting to have their sight restored from simple cataract surgery or their mobility restored from simple hip operations. There are children who cannot hear their teacher in school who are waiting to get their hearing tested and to get hearing aids fitted, if they need them. There are people in some parts of the country waiting one and two years to see specialists in the areas of rheumatology, diabetes and so on.

I know there is not an endless pot of money and I know it is not as simple as pulling a financial rabbit out of the hat and making every drug available. I know somebody has to make hard decisions and I am very respectful of that fact. However, I believe there is a sort of deal implicit in this legislation being accepted, which is that we have to grit our teeth and also be part of the hard decisions which are made by the Minister, even if they are ones which we wish had gone a different way.

The reality is we have lost our sovereignty, we are broke, our tax take is down, our spend on social welfare is up and we cannot pay for every treatment for every patient all of the time. In general, in our public but not in our socialised private health system — I have said this on

many occasions over 20 years and it is becoming truer than ever — the way we deal with financial constraint is to put people onto waiting lists. We close the ward, close the operating theatre, do not make the extra appointment, do not replace the people and we let the waiting list lengthen, because the person on the waiting list is a patient who costs the health service nothing whereas the patient who is in the hospital is not a revenue source but a cost source.

This is why I have and continue to be extremely supportive of the plan of the current Government to introduce a fundamental revolution in the way the health system is run, organised, managed and financed. What do we do in the meantime, however? Cancer patients cannot readily go on a waiting list because they have a life expectancy that has to be dealt with. This is why issues, such as that which arose with Ipilimumab, become so emotional in that they become fired up by the urgency of individual patients. Hard cases make bad policy but it is difficult to ignore them at the same time.

We need to look at some of the precedents. Historically, in this country, we had good access to cancer drugs and we were one of the more liberal environments for cancer drugs, certainly when compared with Her Majesty's United Kingdom National Health Service, which by every measure is the worst of the developed countries and also has the worst cancer survivals of any major country.

**Deputy Kathleen Lynch:** We have only just mended that fence, so please do not——

**Senator John Crown:** I love them dearly but one of the better arguments for independence was not being in their health system, to be honest. They have historically had extremely bad access. I am 55 and have been doing oncology for 30 years. Thank God I lived long enough to see the day when the kind of drugs we dreamt about when all we had was chemotherapy are now becoming available, as they are.

Let me give one example involving a drug called herceptin, the development of which I had a lot of involvement in. A very brilliant man called Dr. Dennis Slamon in Los Angeles, who has been a very good friend to Ireland, the Irish health service and Irish cancer medicine, was the brains behind this. I managed to get involved at a relatively early stage, making sure that Irish patients had access to it and that we had some input into the clinical trials. In 1998, I saw a very nice lady from Leitrim who was supposed to be one of the first patients in Ireland to get herceptin. She had extensive secondary breast cancer in her liver, was in liver failure and was deeply jaundiced. In fact, she was so jaundiced we actually could not put her on the research study with herceptin because she did not meet the eligibility criteria. None the less, we got permission by begging and saying she was all psyched up to join the study and there was a little delay getting the drug sent across the Atlantic. We asked whether we could, please, give it to her, they said “Okay, this once”, so we gave it to her. That was 14 years ago. She was on the treatment for five years and in the end we were raising our eyes and asking what we would do, and whether to continue it or stop it. We stopped it, and she has never relapsed. I believe she is cured. This month in the *Annals of Oncology*, Europe's leading cancer journal, a joint paper from St. Vincent's University Hospital, Dublin, a Health Service Executive institution, and the Istituto Clinico Humanitas, Milan, is for the first time demonstrating, with long-term follow-up results, how we believe herceptin is curing some patients with metastatic breast cancer who would have been considered incurable. When this drug was available across Europe and rolled out to earlier stage patients, Her Majesty's National Health Service rejected it because the NHS bureaucracy was so well developed for approving and rejecting drugs. Accordingly, a generation of British cancer patients missed it. They now receive it. We are told by our colleagues in the Health Information and Quality Authority not to worry, that we do not follow the British model but the Australian one. In Australia the authorities rejected the drug. The Australian Parliament had to bypass its own national drugs approval process and set



[Senator John Crown.]

up a Commonwealth fund to make the drug available to Australian women such was the appropriate political outcry over the bureaucratic decision not to make it available.

Kidney cancer is rare, with only several hundred cases a year in Ireland. In my young career I saw some of the worst tragedies because there was no good treatment for this disease. We now have four drugs that work. While none of them cures it, the average person with kidney cancer lives for two or three years as opposed to several months. Each one of these four drugs was rejected in the United Kingdom by the NICE, National Institute for Health and Clinical Excellence. After a huge outcry, as we had here over the ipilimumab story, the NICE rolled back a little and some of the drugs are now being made available, although sparingly. Those officials and their health economic analyses do it get right but too late. It is similar to the British slur on Americans that they usually come to the right decision, having tried everything else first. In oncology the British are dead wrong, while the Americans tend to get it right. For all the problems with its health service, America has the best cancer survival rate of any country in the western world.

What happens here now? A drug is subject to trials which look good. The data will prove to the regulatory agency if it can be sold. The European Medicines Agency does it on a pan-European basis and then it is up to individual health systems, jurisdictions and insurance companies to decide if the approved drug will be made available. In the past this was a liberal and smooth process. For obvious reasons, it is now the subject of greater scrutiny and there is greater potential for delay. We have a more formal health economic analysis performed. As Senator Mark MacSharry pointed out, such an analysis works out on average how much longer an average patient lives with a good quality of life because of a drug, divides it into one year and then multiplies the number by how much the drug costs a year. Accordingly, a drug which helps a patient to live four months longer but costs €100,000 has a €300,000 cost per year of life saved. For some drugs, that is bad and just not worth it.

I used to give one drug which I will not name to breast cancer patients. The more I looked at the data as they became available, it looked like on average people lived four to six weeks longer. The drug cost €100,000 to achieve this, which was not worth it. I am not saying the patient's life is not worth it, but that is €100,000 that could be spent on other drugs that might help to prolong someone's life for longer, providing hearing aids, cataract or hip surgery. We are not being unreasonable about this, as we understand there needs to be an economic analysis undertaken. However, the tools used are too crude.

In the case of Ipilimumab, the health economic analysis component of the overall analysis — I accept there was more to the analysis — was facile. The catch with some drugs is that on average some patients will live a little longer. There are within that group some patients who will have a spectacularly better result. A crude analysis in which all cancer types and drugs are measured by the same yardstick is never to going to pick up that subtlety.

The fundamental principle of management and leadership is the marriage of authority with responsibility. Accordingly, the people with authority to make the decision are the ones responsible for the decision, something which is systematically disconnected. In view of the complexity of this process and driven by humanitarian concerns which are shared across the House, wedded with responsibility, pragmatism and the desire to conform to what is the fundamental principle of management and leadership, in the future we believe a drug which has satisfied the expert regulatory agency should be approved and that there should be an opt-out clause which may be frequently used in the coming years as larger numbers of expensive drugs with marginal benefit become effective.

The alternative is what happened with two high profile drugs in recent years. The HPV vaccine, given to young girls to prevent them from getting cervical cancer, was a phenomenal and extraordinary breakthrough and rightly won the Nobel Prize for Dr. Harald zur Hausen. It could effectively eliminate this disease by reducing it by 80% to 90% over time. The Minister in the previous Government made the correct decision to introduce it. However, when times got tough, we were told the decision was being rolled back on. When it was finally introduced, we were told there had been years of negotiations to bring down the price. I must say in the sacred confines of this House that there are no data to show that those negotiations took place. There had been no calls for tenders with that drug in the first instance.

More recently with Ipilimumab, we were told that as a result of the five or six month delay during which time several patients could not receive it, there had been robust negotiations to bring down the price. I have to say again that I am not certain those negotiations took place because the price finally quoted was the same as that quoted internationally for any health service that bought it in bulk. The original price quoted was the notional price for one person going into a drug store to buy one vial of it. That is not the way health economic systems work.

I am not here to look at the mistakes of the past but to look forward. I commend Senator Mark MacSharry for having a good insight into this area. If this legislation was to be passed, we would all have to acknowledge there was collective responsibility in this area. We sometimes receive a letter from a constituent asking why he or she cannot receive a touted drug for his or her son suffering from cancer who has a short life expectancy, yet we have to say it is not available, because on the basis of analysis, the modest benefit it would give him is not worth it. That is a decision in which we should be all prepared to join. If the legislation is passed, we will not have the current situation where a nebulous and year-long gap appears between a drug being approved and it being made available. Fingers are being pointed in all directions as to what is happening with various cancer drugs. This legislation would have the effect of concentrating the minds of the health economists, health officials and the cancer bureaucracy to tell the Minister the meter was running on and we must make a decision on making a drug available. I hope we can have cross-party support for this innovative Bill.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank Senators Mark MacSharry and John Crown for their contributions. Senator Mark MacSharry opened the debate by acknowledging the work done at the coalface of cancer treatment by Senator John Crown and others. I am not sure everyone has such a capacity and it must be readily acknowledged. There are ongoing negotiations on new drugs and budgets are being put in place to ensure benefits can be gained from new developments. However, the Senators will acknowledge that there are new drugs which come on the market which are of no greater benefit than older drugs.

I am taking this debate on behalf of the Minister for Health, Deputy James Reilly. The Government does not intend to accept the Access to Cancer Treatment Bill 2012. However, I congratulate both Senators for raising this important subject which is worth debating. Debates such as this bring us a step forward.

The Bill would give responsibility for decisions on the availability of cancer drugs to the EMA, an external agency.

Apart from the fact that this could be construed as the State abdicating its responsibility for making difficult decisions on resource allocation, it should be noted that the EMA conducts a scientific evaluation of a drug with a view to providing a licence for its sale in the European Union. Decisions on making a particular drug or intervention available to citizens should remain within the remit of the State. Approaches to priority setting require consideration of effectiveness and efficiency, as well as equity and fairness. Adopting the position suggested in

[Deputy Kathleen Lynch.]

the Bill, that is, that products for cancer treatment approved by the EMA be made available, fails to take account of the wide range of factors and constraints that may influence national priority setting. I do not doubt that, in the context of his research work, Senator John Crown is well aware of the other factors taken into account. In fact, he set out a number of them. Many factors shape decisions on access to therapeutic interventions. They include the benefit to patients, quality of evidence, the existence of alternatives, treatment duration, the potential to save or prolong lives, the total population of patients affected and the cost to the system. These factors are not part of the EMA evaluation.

A significant ethical concern in the context of the proposed legislation is that it prioritises cancer treatment over other drugs, interventions and services. As Senator John Crown indicated, there are other areas of the health service which are of equal importance. The prioritisation of cancer treatment would pose a serious challenge to the fundamental concept of equity in the provision of health care. Requiring a drug to be assessed and a decision made by comparing it with existing services and other potential competing service developments is considered to be a fairer method of allocating resources. Drugs and new technologies will always hold greater appeal than, for example, preventive medicine which may well offer larger population benefits. Allowing special decision-making for cancer treatments is ethically problematic because it would mean the system would make provision for a subset of funding decisions to be taken on a different basis. It is highly unlikely that such an approach would conform to the accountability for reasonableness framework which seeks to ensure fair and legitimate allocation of resources in health care. One would have to be made of stone not to understand that when it is a question of an immediate threat to life, people can very reasonably make an argument in this regard.

The Senators claim that the Bill would improve the access of cancer patients to much needed drugs. The Minister for Health would strongly disagree and argue that the current system of care under the national cancer control programme, NCCP, particularly the medical oncology programme, provides cancer patients with access to optimum modalities of treatment along their cancer journey, including excellent access to effective cancer drugs. Furthermore, a Bill on the pricing and supply of medicines will shortly be brought before the House. The health (pricing and supply of medical goods) Bill 2012 will not only provide for an important change with the introduction of a system of reference pricing and generic substitution, it will also provide a statutory basis for decisions relating to approval for funding of medicines and pricing decisions. The legislation sets out clear criteria for the HSE in making pricing and reimbursement decisions, including clinical need, cost-effectiveness and security of supply. The HSE will, as necessary, require detailed assessments of drug efficacy and cost-effectiveness through the use of health technology assessments conducted, as appropriate, by the National Centre for Pharmoeconomics.

The mission of my Department and the health system is to improve the health and well-being of the people in a manner that promotes better health for everyone, fair access, responsive and appropriate care delivery and high performance. In keeping with this, the aim of the NCCP is to ensure patients are diagnosed and begin their cancer journey in a designated cancer centre, with access to multidisciplinary teams during their treatment. The objectives of the Bill before the House are contrary to this mission and its enactment would lead to an inequitable and, in some cases, unsafe system of health care. I am not certain that is the intention, nor do I believe it would happen. I fully accept that the Bill is clearly aimed at improving the situation for patients.

It is important to note that the administration of cancer drugs, including chemotherapy, biological and immunotherapy is a complex process fraught with the potential for patient harm.

Many cancer drugs have serious side effects and risks to patient safety grow as the number of multi-drug regimens expands and oral chemotherapy becomes commonplace. Under the NCCP, clinicians with appropriate expertise and skills, in conjunction with colleagues in multidisciplinary teams, have access to effective medicinal products necessary for the treatment of cancer in line with international best practice. There is no need for legislation to improve access. The enactment of a Bill which would allow medical practitioners to single-handedly prescribe these complex drugs without the benefit of multidisciplinary assessment and support and, in the longer term, the implementation of national treatment policies and guidelines would be wrong.

**Senator John Crown:** On a point of information, nowhere in the legislation is there a such proposal. With respect, the Minister of State is reading from a script which was written, I am sure, by officials who are not experts and which is full of inaccuracies. I am not trying to be personal about this.

**Deputy Kathleen Lynch:** I know that.

**Senator John Crown:** I co-sponsored the Bill in a spirit of bipartisanship. I am not a member of a party and, on a personal basis, I am hugely offended by some of the imputations made in the Minister of State's script.

**Deputy Kathleen Lynch:** I was just about to say that I did not believe the Bill was intended to achieve what was stated in my script.

**Senator John Crown:** Then the Minister of State should throw it away and speak from her conscience.

**Deputy Kathleen Lynch:** My conscience tells me that there is much in the prepared script by which we must abide. Equally, it also informs me that there is a great deal of common sense in some of the points raised in the script. We cannot simply abdicate our responsibility in respect of drugs. It is not just about the economics. As the Senator outlined, there are other matters which arise. I agree that there is nothing malicious about the Bill, the intention behind which is to ensure the best possible service would be available.

Each country must retain the responsibility for constraining or discontinuing the use of a drug if safety concerns arise, if off-label use is not in line with best clinical practice or if a more cost-effective therapy enters the market. It should be remembered that only a few weeks ago a major pharmaceutical company in the United States was fined almost \$3 billion for its business practices in the context of how it marketed its products.

When the HSE's NCCP was established in 2007, it aimed to ensure people with cancer would be treated in designated cancer centres where they would be managed by multidisciplinary teams with expertise in surgery, radiation oncology and medical oncology in order to optimise diagnosis and treatment. International evidence shows that such a programme provides the best outcomes. The regime of treatment for complex cancers involves careful assessment of all options and continued monitoring of patients throughout their cancer journey. I am sure the Senator is aware of that fact.

**Senator John Crown:** On another point of information, nowhere in the Bill is there a suggestion patients should not be monitored or should not have access to multidisciplinary care. All of the multidisciplinary planning and consultation in the world is of no good if the recommendation of the multidisciplinary team is that a drug which is not yet available be used in treatment.

**Deputy Kathleen Lynch:** Nowhere in what I have just said is it suggested what the Senator says is untrue. We both need to have a little respect for each other.

**Senator John Gilroy:** On a point of order, the text of the Bill is not inconsistent with what the Minister of State is saying. If the intent of what the proposers say is not clear in the text of the Bill——

**Acting Chairman (Senator Paschal Mooney):** That is not a point of order. Does the Senator intend to make a contribution on the Bill?

**Senator John Gilroy:** I certainly do.

**Acting Chairman (Senator Paschal Mooney):** Then he will have the opportunity to make his point at that stage. The Minister of State to continue, without interruption.

**Senator John Gilroy:** The Acting Chairman has given Senator John Crown a great deal of latitude in his contradicting of the Minister of State. That is rather unfair.

**Acting Chairman (Senator Paschal Mooney):** The Senator will have the opportunity to make his contribution later.

**Deputy Kathleen Lynch:** The priorities for the NCCP under its medical oncology programme are development of national multidisciplinary clinical practice guidelines which are under way for breast, lung, gastrointestinal, prostate and gynaecological cancer; a review of medical oncology services from a quality assurance and safety perspective, commencing in September 2012; continual assessment of new drugs and related predictive laboratory tests through a health technology review committee in order that these may be presented to the HSE management team for approval; recruitment of a pharmacist to lead, in conjunction with Irish medical oncologists and nurses, the development of more than 300 national treatment protocols and to advise on drug utilisation costs and pharmacy ICT — this recruitment is nearing completion; development of national protocols for drug usage and standardisation of practice nationally, based on best clinical evidence; assisting in the development of mechanisms for the management of the cancer budget within the HSE's community drug scheme. With regard to the latter, the new melanoma drug, Ipilimumab, or IPI, is the first intravenous drug administered in hospitals in respect of which reimbursement is available under the primary care reimbursement scheme on a demand-led basis. This is an example of money following the patient.

The HSE examines a range of important inputs, including input from clinicians before making a recommendation regarding funding approval for a particular drug, including oncology drugs. Pharmaceutical companies make applications to the HSE seeking pricing and reimbursement of new medicines. The HSE considers a range of factors prior to making an initial recommendation on pricing and reimbursement. These factors include but are not limited to clinical effectiveness, cost-effectiveness, unmet needs, availability of other treatments, sub-group response and budget impacts. Recommendations from these processes are forwarded to the HSE drugs group which has been tasked by the HSE with prioritising those medicines which should be processed first. In addition, the group also considers how any prioritised medicine might best be introduced in the HSE clinical care pathways.

The HSE seeks to provide the best access possible to new services and new technologies within its resources. In any health system with a fixed budget, each decision to fund a new service and technology has implications in relation to availability of resources for other services or technologies. Unfortunately, that is a challenge faced by all health systems, even in a good economic climate.

In the specific area of pharmaceuticals, individual pharmaceutical companies hold patents for a new medicine and are the sole supplier of such medicine to health services, that is, they are monopoly suppliers. These companies decide the initial price at which they seek to provide medicines, but the health systems do not have access to an alternative supplier of the medicine. There is always a danger that monopoly suppliers might seek to achieve the highest possible price. If health systems do not challenge such demands, pharmaceutical costs could rise exponentially.

The Secretary General of the Department of Health has requested the HSE to examine further the approval system for new drugs to ensure the robust system is put in place to support decision-making in relation to drugs and to promote and drive evidence-based prescribing. This should help to create capacity on a sustainable basis to provide for necessary new drugs when there is evidence to support their use.

Internationally, the cost of cancer drugs has risen by 15% year on year, of which 5% is related to the rising incidence of cancer and the prevalence of patents remaining on ongoing treatment. Some 10% of growth is related to the cost of new drugs. Drug costs reported from the acute hospitals for 2011 and the most up-to-date figures on cancer expenditure from the primary care reimbursement scheme indicate that the annualised expenditure on oncology drugs is currently in the region of €150 million. There are now more than 700 new drugs in clinical trials around the world and the nature of cancer treatment is being transformed with the discovery of targeted molecular therapies and immunotherapies.

In the wider context within the national cancer control programme, NCCP, a range of initiatives have been introduced to support the ongoing growth in demand for medical oncology services. This includes the establishment of the NCCP technology review committee which is responsible for reviewing proposals received from industry or expert groups in Ireland for funding of new cancer drugs or expanded indications for existing cancer drugs or related predictive laboratory tests. The NCCP technology review committee takes account of national clinical practice guidelines from the Irish Society of Medical Oncology, the Irish Haematology Association and other relevant bodies.

The aim of the NCCP medical oncology patient safety and quality review is to conduct the baseline assessment of medical oncology services from a quality assurance and safety perspective across 25 hospitals. The review will enable the NCCP to establish a broad understanding of existing medical oncology policies and practices nationally. These data will help to develop national quality and safety guidelines for the safe handling of cytotoxic biological and immune therapy drugs.

It is not necessary to legislate for optimum access and treatment for cancer patients. Indeed, to do so would be inequitable for other patients in need of effective treatments and would introduce risks for patients in this era of increasing complex treatments.

The NCCP is developing a comprehensive oncology drug management system comprising evidence-based treatment protocols, technology review and a national oncology drugs budget, including a national register of patients. Money will follow the patient when the system is implemented in 2013. The overarching plan will ensure access to effective drugs and best value for investment of very scarce resources and the means to ensure compliance with national standards of care.

**Senator Sean D. Barrett:** I welcome the Minister of State, Deputy Lynch to the House, even though I am very disappointed with her response to the Bill. It is a problem for this Government that it has been absorbed by the permanent government. Today, another Minister abol-

[Senator Sean D. Barrett.]

ished voting rights in Gaeltacht areas because the civil servants told him to do it and it was to save money as well.

**Senator John Gilroy:** That is inaccurate.

**Senator Sean D. Barrett:** I think that is what has happened here.

**Senator John Gilroy:** How can Senator Barrett say that? Has the Senator an insight into this?

**Senator Sean D. Barrett:** We asked the Minister of State at the Department of Arts, Heritage and the Gaeltacht, Deputy Dinny McGinley, to justify how he changed his mind in two years from being pro-democracy.

Let us turn to this matter. There is always a committee and the Department of Health claims it is in favour of fairness. However, if one looks at the size of the waiting list as well as the extension of the medical card scheme to those over 70 years, even though it was known this would be regressive in the absence of a means test, one will see the Department of Health has no record of acting fairly. It is wrong that it behaves like it did just now.

I regret that the Bill proposed by Senators MacSharry, Crown and Darragh O'Brien has been received so unfavourably. There is evidence that drugs are an effective way of treating cancer. I think the Senators should get that fact on the record. In September 2004, an article in *The Lancet* by Nick Bosanquet and Karol Sikora stated that in the 1980s, 66% to 69% of spending in the United States on cancer treatment was on hospital care and only 3% to 6% was on drug treatment. Since 1990 there has been a shift away from hospitals towards treatments in the physician's office and drug-based treatments. The amount of money mentioned as being spent on drugs is a fraction of the total health budget.

There should be more open-mindedness in the Department of Health because when one looks at the Milliman report on costs in the VHI, it shows that treatments which internationally should take 3.7 days take 11.6 here. They put that down as the major reason for the VHI's problems with high costs. These costs include €1,000 a bed per night, and the nights seem to glide by. I understand the Department has Milliman back to advise it. Given the high cost of hospitalisation in Ireland, to say we will not use drugs because they would cost too much money seems to be a false economy. It is not where much of the money is spent and it goes against the trends I mentioned.

It was estimated by the Lancet Oncology Commission in September-October 2011 that from 1980 to 2010, anti-cancer medicines increased life expectancy of the average patient with cancer by almost one year at a mean cost in the USA of \$6,500, a sum of money which would not keep an Irish patient in a hospital bed for three nights. When the Minister of State threw away the prepared script, she referred to the high cost of institutionalisation when she spoke on the treatment of old people. One must have an open mind to what Senators MacSharry and Crown have said about these drug treatments. One must also look at the very high cost of institutionalising a patient in Ireland, as outlined in the Milliman report. We need to open our minds. The Minister of State referred to the monopoly suppliers of drugs, but how does that compare with a health service that doubled the number of staff from 55,000 to 110,000 since the mid-1980s and has extremely high costs? It has always protected an attempt to have a monopoly health insurance company in the country. The issues raised by the two Senators relate to drug treatments for patients, who we are always supposed to put first and I hope that we always will do. They deserve more consideration than the Department has given them.

**Senator Colm Burke:** I welcome the Minister of State to the House and the initiative taken by Senators MacSharry and Crown in introducing the Bill. It is important that we debate the issue but I am concerned about the Bill. Section 3 states: “The Health Service Executive shall ensure that all prescribed medicinal products necessary for the treatment of cancer, as approved by the European Medicines Agency, are supplied to all persons who are cancer sufferers who require cancer treatment as certified by a registered medical practitioner.” I know that the idea for the legislation by both Senators is very much on the side of the patient but the section will, if enacted, cause problems for the Department and the HSE. Litigation will follow from the Bill because it simply does not give any room for negotiation by the Department or the Minister on issues related to drugs. A drug manufacturing company could set its price for a drug because the legislation clearly states that once a drug is approved by the European Medicines Agency and is prescribed by one person then it must be provided. My problem is that the Bill removes all negotiating powers from the Minister and the Department when they deal with the drug manufacturers and distributors. The legislation would pass power to the manufacturers and distributors. The idea behind the legislation is welcome but my concern is that its format would create a legal problem.

I am always concerned about legislation that refers to regulation as is done in section 4. I have debated regulation here when a Member tried to introduce legislation to give a Minister the power to introduce a regulation on nursing homes. A lack of legislation led to the Department of Health having to pay back over €400 million between 2004 and 2008. Today I am worried about section 4.

Cancer care is an extremely important issue. We must be extremely proactive and give every possible support to the medical practitioners concerned. Over the past 20 years major progress has been made through their initiatives. They have taken on challenges and crossed the line when no-one expected them too. They provide a great level of care and support and have developed new drugs and treatment methods. That progress came as a result of dedicated and committed staff.

The HSE and the Department of Health have been proactive in making sure that we develop a far more comprehensive way of dealing with cancer. For instance, in 2007 services were re-organised in order to achieve better outcomes. Four designated cancer control networks and eight cancer centres with multidisciplinary teams were established. Before that only one or two people provided treatment in smaller hospitals but they did not have the necessary backup. There were a lot of complaints about the introduction of a new system in 2007 but it was the correct step forward and we have moved on. The bulk of the 2007 proposals have been put in place and have achieved the results that the programme was developed for.

The HSE’s plan for the future has been clearly set out and will provide a continual assessment of new drugs as they become available. The Minister of State referred to the recruitment of a pharmacist that will lead to the development of more than 300 national treatment protocols and that is extremely important. There will be a development of national protocols for drug usage and to assist budget planning for the HSE in order to ensure that we get value for money. That too is extremely important. We have a large number of people to care for in this country and it is important that everyone can access care. With cancer care, time is of the essence and it is important that we have the facilities, personnel and can give support. We also need to be conscious of the careful use of available budgets and that funding is used efficiently. The problem with the legislation is that it does not give the discretion to the Minister to deal with drug manufacturers and distributors. Interestingly, over the next few years the patent for quite a number of drugs will expire and the Minister will be in a stronger position to negotiate. The Department will publish the health (pricing and supply of medical goods) Bill in 2012 within the next few weeks that will ensure that we reduce the cost of drugs used for medical treatment.



[Senator Colm Burke.]

At the same it will ensure that we get the best possible medication available for patients that require it. I am on the same side as the Minister of State on this occasion and I oppose the Bill.

**Senator Darragh O'Brien:** I thank the Minister of State for her attendance and I thank Senators MacSharry and Crown for the work that they have put into the Bill. I would love to know who wrote her script and I know her well enough to know that she did not. I also know the Minister well enough to know that he probably did or had an input. I find the congratulatory tone at the start of the script that the Minister of State read out — and I do not believe it to be her words — nothing short of condescending. Two Senators have worked exceptionally hard to put together good legislation but her script is littered with insults. It sounded like she was reading to a group of seven year old children and not to a group of Senators, a professor who is a leading oncologist in the country or to Senator MacSharry, our health spokesperson. I shall explain why.

At least at the start of her presentation she said that she rejected the Bill and that is fine. Later she said: “The objectives of this Bill are contrary to this mission and its enactment would lead to an inequitable, and in some cases unsafe, system of healthcare.” She also stated the obvious that: “Many cancer drugs have serious side effects and risks to patient safety grow as the number of multidrug regimens expands and oral chemotherapy becomes commonplace.” What is the EMA for? Fianna Fáil proposed, in conjunction with Senator Crown, that the EMA will be the licensing authority and it will not grant a licence for a drug that is unsafe. The Minister of State basically said that the Bill and the Senators’ proposals will lead to an inequitable health service. That is absolute rubbish.

Section 5 gives the Minister firm powers. Senator Colm Burke referred to sections 3 and 4 but handily forgot to mention section 5 which states: “The Minister shall affirm or deny the provision of a medicinal product if he or she deems it to be the appropriate decision and while the Minister’s decision is final.” The Minister does not even have to tell us why.

**Senator John Gilroy:** Section 5.

**Senator Colm Burke:** I mentioned section 3.

**Senator Darragh O'Brien:** The Senator mentioned sections 3 and 4 but he did not refer to section 5.

**Senator John Gilroy:** I was trying to assist the Senator.

**Senator Darragh O'Brien:** Ar aon nós, I did not interrupt the Senator. This is quite serious. This is well thought out legislation but not necessarily without imperfections. We ask that the Bill go to Committee Stage and that amendments be allowed. Time and again, any legislation introduced by the Opposition, regardless of how good, is rejected. I was surprised not to see one phrase——

**Senator Cáit Keane:** Senator John Crown got the last Bill through.

**An Cathaoirleach:** Senator Darragh O'Brien to continue, without interruption.

**Senator Darragh O'Brien:** If the Senator does not like what I am saying, tough, but this is the reality. The one phrase that is missing is “unconstitutional”, which is the usual response from Ministers to this side of the House. I have immense regard for the Minister of State but I know she did not write the script. I doubt if she believes much of what she has said. If people were to examine the Bill with a cold eye, they may see imperfections in it, but why not allow

it go to Committee Stage? It does not seek to set up in any shape or form an inequitable treatment for cancer sufferers above and beyond that provided to others. It simply tries to legislate for speedier access to drugs approved by the European Medicines Agency for those suffering from cancer, which is one of the most prevalent diseases and affects every family. As Senator MacSharry said in regard to skin cancer drugs, it removes the public outcry element where people have to fight tooth and nail to get drugs they know are available in other EU countries. This is not rocket science and it leaves the final decision with the Minister. The Minister of State said, "Furthermore, a Bill on the pricing and supply of medicines will shortly be brought before the House." When? Do we have a date for it?

**Deputy Kathleen Lynch:** Very shortly.

**Senator Darragh O'Brien:** What does "shortly" mean? Perhaps the Minister of State's official can inform her.

**Deputy Kathleen Lynch:** Next week.

**Senator Darragh O'Brien:** That is excellent. That Bill is on pricing but what we are talking about is the licensing and availability of drugs. The Minister of State said there was no need for legislation to improve access. Does she believe that? Perhaps her officials believe that. I do not believe it.

**Deputy Kathleen Lynch:** I do believe it.

**Senator Darragh O'Brien:** It could well be that the Fine Gael press office believes there is no need for legislation to improve the process. I would ask cancer sufferers and listen to what Senator John Crown said in regard to IPI and what happened there.

**Deputy Kathleen Lynch:** It is now available. There is no problem with that.

**Senator Darragh O'Brien:** It would not be available without a public outcry.

**Senator Paschal Mooney:** That is for sure.

**Senator Darragh O'Brien:** It is simple, because in the Department of Health and the HSE the Minister acted only when the issue was raised on the public airways day after day. Please do not tell me the Department was planning to introduce the drug. As the Minister of State said at the beginning of her contribution that she is rejecting the Bill, there is no point in making a plea for her to accept it. The manner in which it is being rejected is extremely disappointing. I ask the Minister of State to convey that message to the Minister, Deputy James Reilly. When Senator MacSharry comes back in I am sure he will raise some points. The Bill seeks access to cancer treatment. Some of the points made by the Minister of State are obvious such as that many drugs have serious side effects. Of course they do, we know that. Let us examine the case of how drugs are assessed already and when they can go out on the market. Some patients are different than others.

In his opening remarks Senator MacSharry asked that the Bill be allowed go to Committee Stage and that amendments be made but it was rejected flat out. The view of my party is that it is rejected on erroneous terms. The Government's approach is, frankly, insulting. I ask Members who have not read the Minister of State's script to read it. I do not blame the Minister of State. I ask Members opposite to take off the party cap and read it and then read the Bill and what it seeks to achieve.

**An Cathaoirleach:** The Senator has less than minute.

**Senator Darragh O'Brien:** That is good.

**Senator John Gilroy:** That is good for the Senator.

**Senator Darragh O'Brien:** How can the Minister of State make this response to the Bill? The response is very disappointing. Is that Bill being brought to the other House next week?

**Deputy Kathleen Lynch:** It is being brought here next week.

**Senator Darragh O'Brien:** When will it be enacted?

**Senator John Gilroy:** It has to be adopted first.

**Senator Darragh O'Brien:** That is a simple question. The Minister of State said, "Furthermore, a Bill on the pricing and supply of medicines will shortly be brought before the House." When?

**Deputy Kathleen Lynch:** Next week.

**An Cathaoirleach:** I ask the Senator to conclude.

**Senator Darragh O'Brien:** The Minister of State's approach and that of the Department of Health is nothing short of disgraceful.

**Senator John Gilroy:** I welcome the Minister of State. I welcome Senator MacSharry's call that the Bill be debated in a non-party political and calm manner. I will be led by the Senator in that regard. I am quite certain that Senators Darragh O'Brien, Crown and Barrett do not intend to disrespect their colleagues in the House by suggesting that the Minister of State's contribution has been spoon-fed to her by some faceless bureaucrat, and Senator Colm Burke's contribution likewise.

**Senator Paschal Mooney:** Get a life, John.

**An Cathaoirleach:** Senator Gilroy to continue, without interruption.

**Senator John Gilroy:** The script has been proofed by one Dr. Susan O'Reilly of the NCCP over whose credentials Senator John Crown might stand. Before the Senator gets on his high horse and insults the Minister of State, Senator Colm Burke and me for being spoon-fed, the well thought out element of the Bill is not all on the one side. I suggest the Bill is not too well thought out at all. Section 3 seeks to provide for a statutory obligation to access certain drugs and section 5 contradicts that by allowing the Minister overrule it. What do we have? Do we have a statutory obligation or not? Perhaps the Bill is not thought out as well as its proponents say.

The text of any Bill must stand on its own. If the text allows ambiguity to creep in, the fault lies with the text of the Bill. The interpretation of any Act by the courts will be, in the first instance, interpreted by the text and, second, by the intention. We need to be very careful about the text of the Bill. That is the point I tried to make when the Leas-Chathaoirleach cut me off. I welcome the Bill as it draws public attention to a topic that is of very great importance and certainly its aims are such that it would be difficult to disagree with them. We know the number of deaths from cancer each year and the number of people affected by it. We agree that everything possible and practicable should be done to provide treatment and support for people thus affected. I commend the proposers of the Bill for making that point.

The aims of the Bill are commendable but the drafting raises concerns in some areas. It is difficult to argue that all possible steps should not be taken in support of cancer treatment but one immediately obvious concern is that, if passed, the Bill would place a potential cost on the State that may prevent the fair use of limited resources across the totality of the health service provision. If adopted it would charge the Minister to provide an almost unlimited access to treatment which, in the context of limited resources, within the health service may cause limits to be placed on sectors in other areas. This cannot by any measure be seen to be an equitable use of resources. When we have limited resources we must use them as efficiently and as fairly as possible and by definition these limited resources must be spread across all medical specialties. In a world with unlimited resources we could do that. Unfortunately, in this case it is not possible. What I am saying is that — Senator John Crown referred to it — a policy of unlimited funding for certain cancer drugs, however desirable, at the discretion of individual providers protects one sector of health programmes at an opportunity cost to other sectors. Everybody will agree this is not equitable. If we were to spend X plus €1 in one specialty that means, in our limited world, we must spend X minus €1 in another specialty.

**Senator Darragh O'Brien:** Is the health budget split equally across every area?

**Senator John Gilroy:** Is the health budget limited if we spend X plus €1 in one area we must spend X minus €1 in another area? The other area could equally be as life threatening as the first. There is a responsibility on the Government, the Department of Health and the HSE to set appropriate priorities and make decisions in the interest of the entire population. This Bill undermines that responsibility. It must be noted that our research, which I conducted along with our research team, has failed to uncover any other national precedent for this Bill elsewhere in the world. We cannot find one. Section 3 seems to allow the prescription of all “medicinal products necessary for the treatment of cancer”, as approved by the——

**Senator John Crown:** On a point of information, can the Senator clarify precisely what his research failed to uncover?

**An Cathaoirleach:** The Senator has spoken already.

**Senator John Crown:** I am sorry. I could not hear Senator Gilroy.

**An Cathaoirleach:** The record will show what he said.

**Senator Darragh O'Brien:** He said that provision like this has not been made anywhere in the world.

**Senator John Gilroy:** I did not say there is no example anywhere in the world.

**Senator Darragh O'Brien:** You did.

**Senator John Gilroy:** I said my research has failed to identify such an example.

**Senator Darragh O'Brien:** That is a different thing.

**Senator John Gilroy:** I am not saying it has not ever been done.

**Senator Marc MacSharry:** This is pioneering legislation. We do not have to look to other jurisdictions.

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

**Senator John Gilroy:** I appreciate the protection the Chair is giving me from the unreasonable heckling from the other side of the House, which seems to possess the totality of knowledge on this matter. Section 3 seems to allow all “medicinal products necessary for the treatment of cancer, as approved by the European Medicines Agency” to be prescribed by a “registered medical practitioner”. I suggest this is at variance with best practice. It is likely that it would be done without the benefit of multidisciplinary assessment and support. Therefore, it would probably not be in the best interests of patients. Section 3 refers to the approval by the European Medicines Agency of “products necessary for the treatment of cancer”. The agency approves new drugs for sale but it does not——

**An Cathaoirleach:** The Senator has one minute remaining.

**Senator John Gilroy:** How come I only have one minute remaining?

**An Cathaoirleach:** I apologise. I had forgotten that the Senator is his party’s spokesperson in this area.

**Senator John Gilroy:** I thank the Chair. The European Medicines Agency approves new drugs for sale but it does not play a role in deciding the most effective——

**Senator Paschal Mooney:** I understood that everybody has six minutes, with the exception of those who have proposed this legislation.

**An Cathaoirleach:** Yes. Senator Gilroy has one minute left.

**Senator John Gilroy:** I thought the Leader of the House said on the Order of Business this morning that spokespersons would have eight minutes.

**Senator Paschal Mooney:** According to the advice I was given when I was in the Chair, everybody has six minutes apart from the proposer of the Bill.

**An Cathaoirleach:** Everybody has six minutes on Private Members’ business.

**Senator Rónán Mullen:** Will there be some added time at the end of this speech?

**Senator John Gilroy:** I suggest that if we agree to this proposal, we might build a cost into certain drugs and products, as providers will be conscious of the statutory obligation on the health service to provide these products. Therefore, the effect of this Bill could be exact opposite of its intent. When a new drug is introduced, its price generally falls when it is widely produced. If there is a statutory obligation on the State to provide these drugs, it might perversely incentivise drug companies to keep their costs high. That would be contrary to the intention behind this legislation. I would be open to accepting this well-intentioned and well-meaning Bill if it had not been drafted wrongly. Sections 3 and 5, at least, need to be redrafted because they are contradictory.

**Senator Darragh O’Brien:** I do thuairim.

**Senator John Gilroy:** A little more thought needs to be put into it.

**Senator Paschal Mooney:** I am not an expert in the health area. Any time Senator Crown speaks in this House on one of his areas of expertise, his word is good enough for me. As the Minister of State, Deputy Kathleen Lynch, said, he is working at the coalface. His remarks this evening seem to be at variance with the written script provided by the Department of Health. The Minister of State is always welcome in this House. She is a long-standing friend and

colleague of mine. I have rarely seen her so uncomfortable when reading a script. She departed from it on a number of occasions. She almost distanced herself from it.

**Senator John Gilroy:** That is not true.

**Deputy Kathleen Lynch:** That is not true.

**Senator Paschal Mooney:** I know she can speak for herself. I am merely outlining the perception I had. I would like to nail a few canards that have come up during this debate.

**Deputy Kathleen Lynch:** I am just uncomfortable about being disrespected.

**Senator Paschal Mooney:** I am absolving the Minister of State totally of responsibility for her script.

**Deputy Kathleen Lynch:** I am just uncomfortable about the manner in which I was disrespected and heckled by Senator Crown.

**Senator Darragh O'Brien:** You interrupted me. No one is disrespecting you.

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

**Senator Paschal Mooney:** I was not trying to offend the Minister of State. What did she say?

**An Cathaoirleach:** I ask the Senator not to invite trouble.

**Senator Paschal Mooney:** I did not hear what she said.

**Deputy Kathleen Lynch:** I said the only reason I was uncomfortable was that I was being heckled in a disrespectful way——

**Senator Paschal Mooney:** I am sorry.

**Deputy Kathleen Lynch:** ——by Senator Crown.

**Senator Paschal Mooney:** I see. Okay.

**Deputy Kathleen Lynch:** I did not expect that.

**Senator Paschal Mooney:** I would like to speak about the European Medicines Agency. My understanding is that all drugs that are approved in this country come through European sources. The European Medicines Agency is the primary association or institution for that. I take some offence at the part of the Minister of State's speech that referred to "many factors" shaping decisions, including "benefit to patients, quality of evidence, existence of alternatives, treatment duration [and] potential to save lives". The Minister of State said "these factors are not part of the EMA evaluation", but I understand that is not the case. As a layman, I have to wonder what the agency is for if such issues do not come before it. The script refers to "scientific evaluation".

**Deputy Kathleen Lynch:** That is the drug.

**Senator Paschal Mooney:** I am just saying that I question whether the script, as written——

**Deputy Kathleen Lynch:** The licence is for the drug.

**Senator Paschal Mooney:** Perhaps the Minister of State will have an opportunity to reply to that. If the European Medicines Agency is not involved in assessments of this type, what is it for? The Minister of State also said “drugs and new technologies will always hold greater appeal than, for example, preventative medicine”. I think Senator Crown took offence at that statement because it seemed to suggest there is something wrong with drugs and new technologies. In fairness to him, he pointed out on two occasions that some drugs and new technologies extend the lives of unfortunate cancer patients by a short period only, which would not be cost-effective. That is why I am questioning the presumption in the Minister of State’s speech. She said that “Senators MacSharry and Crown claim that this Bill will improve access of cancer patients to much needed drugs”. She also said that the “mission of my Department and the health system is to improve the health and well-being of people in Ireland in a manner that promotes better health for everyone, fair access, responsive and appropriate care delivery, and high performance” and went on to say that the “objectives of this Bill are contrary to this mission”. Was that not a gratuitous insult? Have the proposer and seconder of this legislation not already stated plainly that this is about improving the health and well-being of people in Ireland and promoting better health?

**Senator John Gilroy:** Where is that in the text of the Bill?

**Senator Paschal Mooney:** We have been told that the objectives of the Bill are contrary to this mission.

**Senator John Gilroy:** Yes.

**Senator Paschal Mooney:** The Minister of State also said that the enactment of this legislation “would allow single handed medical practitioners prescribe these complex drugs”. Senator Darragh O’Brien has already pointed out that Senator Colm Burke did not mention section 5, which provides that “the Minister shall affirm or deny the provision of a medicinal product if he or she deems it to be the appropriate decision”.

**Senator John Gilroy:** Section 3 says the opposite.

**Senator Darragh O’Brien:** No, it does not.

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

**Senator Paschal Mooney:** Section 3 refers to products being “prescribed”. Section 5 makes it quite clear that the decision ultimately rests with the Minister of the day. If “he or she deems it to be the appropriate decision”——

**Senator John Gilroy:** Sections 3 and 5 are contradictory.

**Senator Paschal Mooney:** I do not want to be interrupted by a man who came in here with a written script.

**Senator John Gilroy:** On a point of order——

**Senator Paschal Mooney:** It was party propaganda.

**Senator John Gilroy:** On a point of order——

**Senator Paschal Mooney:** There will be no point of order. I am entitled to make a political point.

**An Cathaoirleach:** I will take the point of order.

**Senator Paschal Mooney:** All the Senator is interested in doing is hindering this debate.

**An Cathaoirleach:** Let us hear the point of order.

**Senator Paschal Mooney:** He has been doing nothing other than intervening since he came into the Chamber.

**An Cathaoirleach:** Senator Mooney, please.

**Senator Paschal Mooney:** Allow me to finish.

**An Cathaoirleach:** Senator Gilroy has a point of order.

**Senator John Gilroy:** I want Senator Mooney to withdraw the comment that I came in here with a written script.

**Senator Paschal Mooney:** I will not withdraw that comment. The Senator had a written script.

**Senator John Gilroy:** I wrote the script myself before I came into the Chamber.

**Senator Paschal Mooney:** I said the Senator came in with a written script.

**Senator John Gilroy:** Senator Mooney is somehow——

**An Cathaoirleach:** It is not a point of order.

**Senator Darragh O'Brien:** It is not a point of order.

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

**Senator Darragh O'Brien:** Senator Gilroy is trying to eat into Senator Mooney's time. That is all he is doing.

**Senator John Gilroy:** I think Senator Mooney should withdraw that comment.

**Senator Paschal Mooney:** If the Senator is looking for a point of order, I will point out that Standing Orders refer to the convention in this House that people do not read scripts.

**Senator John Gilroy:** I will not take lectures from Senator Mooney——

**Senator Paschal Mooney:** If you want to make a point of order, that is my point of order.

**Senator John Gilroy:** ——about the protocol in this House.

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

**Senator Paschal Mooney:** I am not giving a lecture. I am advising the Senator to read Standing Orders.

**An Cathaoirleach:** I ask Senator Gilroy to resume his seat.

**Senator Paschal Mooney:** Section 5 makes it quite clear that the Minister of the day “shall affirm or deny the provision of a medicinal product if he or she deems it to be the appropriate decision and while the Minister's decision is final [irrespective of what is in section 3] he or she may, during deliberations, consult” a variety of other organisations.



**An Cathaoirleach:** The Senator has one minute remaining.

**Senator Paschal Mooney:** Go raibh míle maith agat. As always, you are ensuring we keep on the right of things.

**Senator Colm Burke:** On a point of order——

**An Cathaoirleach:** What is the point of order?

**Senator Colm Burke:** I would like to raise an issue.

**Senator Paschal Mooney:** My final point is that every country needs to retain responsibility——

**An Cathaoirleach:** Senator Mooney, please. There is a point of order.

**Senator Paschal Mooney:** I am sorry.

**Senator Colm Burke:** Senator Mooney is referring to section 5 of the Bill. There is no cross-reference——

**An Cathaoirleach:** That is not a point of order.

**Senator Paschal Mooney:** That is not a point of order.

**An Cathaoirleach:** I ask Senator Burke to resume his seat.

**Senator Colm Burke:** The Senator is giving incorrect information.

**Senator Paschal Mooney:** I am surprised that a Senator who has sat in the European Parliament would stand up to make a nonsense point of order.

**An Cathaoirleach:** I ask Senator Mooney to conclude.

**Senator Paschal Mooney:** The Minister of State said that “each country needs to retain the responsibility for constraining or discontinuing the use of a drug if safety concerns arise”. At the risk of sounding boring at this stage, section 5 makes it perfectly clear that “the Minister shall affirm or deny”——

**Senator Colm Burke:** There is no reference to section 3.

**Senator Paschal Mooney:** Section 5 is part of the proposed Bill. The Senator can make his argument about the other section all he wants.

**Senator John Gilroy:** Section 5 contradicts section 3.

**Senator Paschal Mooney:** Section 5 makes it clear. I will leave it at that. I commend the Bill to the House.

**Senator Cáit Keane:** I commend the Senators on introducing this Bill. It is important we have a reasoned discussion on this topic. We should put it on the record that we do not live in a utopian society. We have to deal with many issues in this House. The references to the Minister of State reading a script were most insulting.

**Senator Darragh O’Brien:** Why?

**Senator Cáit Keane:** I have known the Minister of State for some years.

**Senator Darragh O'Brien:** So?

**Senator Cáit Keane:** I knew her before she was a Minister of State. She was never a puppet on a string.

**Senator Darragh O'Brien:** What does that have to do with anything?

**Senator Paschal Mooney:** On a point of order——

**An Cathaoirleach:** What is the point of order?

**Senator Paschal Mooney:** Will Senator Keane concede for a moment?

**An Cathaoirleach:** Senator Keane should resume her seat.

**Senator Paschal Mooney:** My point of order is that I never impugned the integrity of the Minister of State. She has been a long-standing friend and colleague of mine and I have tremendous admiration and respect for her——

**An Cathaoirleach:** That is not a point of order. Senator Mooney, resume your seat.

**Senator Paschal Mooney:** It is most unfair of Senator Keane to be implying that when it was not the intention.

**Senator Cáit Keane:** Does Senator Mooney know that I was referring to him? I was not. The speaker before Senator Mooney said the Minister of State was reading from a script that she did not agree with and that it was written by civil servants or some other body.

**Senator Darragh O'Brien:** That is not what I said.

**Senator Rónán Mullen:** We will have to get Ursula Halligan to ask her.

**Senator Cáit Keane:** To say that any Minister of State would be led into this House with a noose around her neck to jump through hoops is a total insult. She is an opinionated Minister of State and I admire her.

**An Cathaoirleach:** Senator Keane, without interruption. The record of the House will speak for itself.

**Senator Darragh O'Brien:** I ask the Senator to check the record of the House. That is not what I said. I said she was reading a script and she was.

**An Cathaoirleach:** The record of the House will speak for itself.

**Senator Darragh O'Brien:** She was, she is and she did not agree with most of it.

**An Cathaoirleach:** Senator O'Brien, please.

**Senator Marie Moloney:** Can we get back to debating the Bill and not the Minister of State?

**An Cathaoirleach:** The record of the House will speak for itself.

**Senator Cáit Keane:** We will reread it into the record of the House tomorrow. I admire Senator Crown and his expertise in the field is second to none. Mine is not but mine is in the field of politics and reasoned debate.

The fifth point refers to consultation with the Minister and recommends that the medical oncologist, the national cancer control programme, the National Centre for Pharmaeconomics and the Haematology Association of Ireland are all consulted by the Minister. The Bill leaves out one body. We do not have an infinite amount of money so we should include the body that deals with the accountability for a reasonable framework when making a judgment. People should use their own reason and ensure it is fair, legitimate and allocates expenses, although expense never comes into——

**Senator John Crown:** We will be pleased to accept that amendment.

**An Cathaoirleach:** Can we allow Senator Keane to speak without interruption, please?

**Senator Cáit Keane:** I am surprised Senator Crown admitted there was a tiny flaw in the Bill.

**An Cathaoirleach:** We have not yet reached Committee Stage.

**Senator Cáit Keane:** I listened to Senator Mary Ann O'Brien and my heart went out to the idea of having money available for disabled children and everyone else. I want to have every modern medicine for cancer made available but I also want to ensure modern medicine is available to disabled children, the needy and the poor. One cannot be totally unreasonable and expect that, no matter what manna comes from Heaven, it is there with the click of a finger. One must use different yardsticks.

The statement of the Minister of State refers to a Bill that will include all variations. I want to wait until the Bill is before us. The Minister of State said that the health (pricing and supply of medical goods) Bill will be brought before the House shortly. It will involve a statutory basis for decisions on decision-making on medicines. Who is charged with statutory decision-making? We are not doctors, although Dr. Crown is. I am not a doctor but I am charged with statutory legislative responsibility and I cannot agree only with my soft side, which wants to agree with Senator Crown and make it all available now. The other side is that I am also charged with statutory legislative responsibility. I must also take that side into account.

In cancer treatment, medicine is one aspect but cancer care is another. In the case of a patient I know, a consultant failed to follow up after markers were raised. The person was suffering, knew she was not in remission but was told by the consultant that she was in remission. The people involved were not on the east coast but on the west coast. She had to ensure the scan was read properly. The diagnosis was made in 2007 on another issue and it was noted as urgent but not acted on until 2012. That was not a failure of money or a failure to get the patient into the system. The person was in the system and there were medical flaws in the system. It is not only medicine into which money must go. The Minister of State has an important statement——

**An Cathaoirleach:** I ask Senator Keane to conclude.

**Senator Cáit Keane:** ——on the national register of patients. I have chapter and verse of people who have been neglected because of issues other than the non-availability of drugs. It is a major issue but not the only one.

**An Cathaoirleach:** I ask Senator Keane to conclude.

**Senator Cáit Keane:** I want to ensure private patients are not treated better than public patients. Everyone should treat public patients.

**Senator David Cullinane:** I thank the Fianna Fáil Senators and Senator Crown for bringing forward an important item of legislation. It is not without flaws but it is useful and could be amended if the Government so wished. It is regrettable that we had unnecessary rancour associated with the discussion today. The petty political point scoring I witnessed in respect of scripted speeches did this debate no justice but it is a matter for those who made comments.

Cancer affects all of us and there is not a single Member who has not been affected by the scourge of cancer. We should all be committed to doing what we can to improve cancer services, access to treatment and access to medicine. It is also important to have access to infrastructure, which is necessary in some parts of the country in order to deliver the cancer services many people need.

This is a topical issue because it has been in the public domain over the past number of months. One man in Ashbourne, County Meath, is suffering from advanced malignant melanoma and he used the medium of national radio to make a plea for the life-saving cancer drug, IPI. It would have made a major difference to him, his health and his long-term prospects but he had to try to raise the money to get treatment in the US. This added trauma to the illness he has but, thanks to his efforts and those of Senator Crown, the Government's hand was forced. I was very pleased that the Taoiseach announced the drug would be made available to cancer patients with a very aggressive form of malignant melanoma. At the time, Senator Crown said the €4 million investment required to provide the drug to patients was money well spent and worth the cost. I agree with that point.

I agree with the Government that we must weigh up the value of the cost of various treatments but we must put it in the context of the money wasted in our public health service. That must be taken into account. The previous Government must take responsibility for that. It is uncomfortable for some to hear that private consultants are still carrying out private practices in public hospitals and availing of taxpayers' money to do so.

**Senator John Gilroy:** Here, here.

**Senator David Cullinane:** That practice should end. The Government laboured this point when it was in opposition but it is one of the sacred cows in the health service that needs to be taken on. That would save money that could be used towards drugs. The blunt instrument of the recruitment embargo leads to unnecessary expenditure on agency workers. The Minister has done some work in this area but much more needs to be done. The chief executive officer of the Health Service Executive, Mr. Cathal Magee, recently acknowledged that its auditing structures are not up to scratch. That has cost us money. We heard in recent days of the incidence of significant fraud at Cork University Hospital, which was only belatedly identified. The Health Information and Quality Authority has an annual budget of some €20 million. The Health Service Executive spends huge amounts of money on communications consultants. We are all agreed that the cost of drugs is far too high. While the Government has gone some way towards encouraging the use of generic medicines, we are still spending far too much in that area. All of these issues require urgent attention. The Government's time would be far better spent in seeking to achieve appreciable savings in those areas where savings can be made, which would free up resources for the provision of drugs and treatments that patients require.

It is a cause of serious concern that the National Centre for Pharmacoeconomics, which advises the HSE, has apparently blocked the reimbursement of a number of key drugs, such as ipilimumab, thus preventing their availability across the entire health service. Many people in the health care sector are of the view that the centre's criteria for assessing new drugs

[Senator David Cullinane.]

have become much more stringent in recent months. Even where medicines are approved for reimbursement, the necessary funding is not being provided to allow them to be prescribed for patients. The pharmaceutical and insurance industries cannot be allowed to hold people to ransom, as happened in the case of ipilimumab.

**Senator Colm Burke:** That is what this Bill does.

**An Cathaoirleach:** Senator Cullinane should be allowed to continue without interruption.

**Senator John Gilroy:** The intent is different.

**Senator David Cullinane:** I accept that it is a difficult issue to deal with, but the Government must do so.

Apart from the availability of medicines, another key issue for health service delivery is the provision of infrastructure. My county of Waterford — indeed, the south east as a whole — still does not have the type of cancer services infrastructure that is needed. The previous Government committed to the delivery of a fully dedicated and integrated oncology unit, with the three modalities of cancer care to be provided on-site at the public hospital in Waterford. That commitment was not met. We have a fantastic oncology team in Waterford but we do not have the types of facility that are needed. It is the only region in the country, for example, without a hospice unit. There is an urgent need for capital investment in the south east, as I am sure is also the case for other parts of the country. The previous Administration produced a very good national cancer care strategy. Unfortunately, because of the economic situation in which we find ourselves, the capital investment required to deliver the strategy has not been forthcoming. An effective cancer care service requires not just access to medicines but also the provision of the world-class infrastructure necessary to provide the cancer treatment our citizens require.

**Senator Marie Moloney:** I join colleagues in commending Senators John Crown and Marc MacSharry for bringing forward this Bill. We all recognise that their intentions in doing so are absolutely honourable and that they have patients' interests at heart. There has been some criticism of the script delivered by the Minister of State, Deputy Kathleen Lynch. While other Senators want to know who wrote it, I want to know who typed it. I cannot read it because the print is so small. It was proofed by Dr. Susan O'Reilly, director of the national cancer control programme——

**Senator John Crown:** On a point of information, has it been confirmed, officially and on the record, that Dr. O'Reilly was responsible for the script?

*(Interruptions).*

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

**Senator John Crown:** It is a cause for grave concern. If Dr. O'Reilly really believes that the European Medicines Agency approved drugs without due concern for health and safety, there is something very wrong with our democracy.

**An Cathaoirleach:** I ask Senator Crown to resume his seat.

**Senator Marie Moloney:** I will withdraw what I just said because I am not absolutely sure it is correct.

**An Cathaoirleach:** I have asked Senators to refrain from referring to named individuals.

**Senator John Gilroy:** It was proofed by, not written by, Dr. O'Reilly.

**An Cathaoirleach:** People who are not here to defend themselves should not be named in the House.

**Senator Marie Moloney:** I will withdraw what I said because I am not entirely sure it is the case. It is just what I have been told.

As a person with no medical background, I find it somewhat difficult to follow somebody like Senator Crown who has such an immense knowledge of oncology. It is his field of expertise. However, what chiefly struck me in reading through the Bill was my concern that the provisions in section 3, if enacted, would leave the State open to legal action by a cancer patient or his or her family.

**Senator John Gilroy:** They certainly would.

**Senator Marie Moloney:** Notwithstanding the veto afforded to the Minister under section 5, the section 3 provisions leave open the possibility that any patient could go to court on the basis that he or she has an entitlement to a particular drug regardless of the price. That is my major concern.

Senator Crown spoke about a drug which, because it cost €100,000, he could not justify prescribing in order to prolong a patient's life. I do not envy him the task of telling a person that he or she cannot receive a particular drug because it is too expensive. I was contacted some time ago by a person who had been refused treatment with a drug called Zytiga, produced by Johnson and Johnson. Even though it was approved for use in the United States last year and has also been approved for use in Europe, including Ireland, the Health Service Executive has refused to reimburse it. In other words, cancer patients can access it only if they pay out of their own pockets. The cost is so prohibitively high, however, that oncologists in this country are not even offering it to patients. This is particularly disturbing given that trials in the United States showed that it significantly slowed down the progression of bone metastasis and offered significant pain relief to thousands of patients. This is a drug that could potentially significantly extend the life expectancy of a category of cancer patients.

While focusing on access to cancer treatment, the Bill seems to ignore the issue of access to cancer services. I have called repeatedly in this House for the universal provision of medical cards for cancer patients. I spoke recently to a constituent who was refused a card despite being in active treatment. That is absolutely unacceptable. The Government has given a commitment to provide medical cards to all persons with long-term illnesses. The reality, however, is that some people in that cohort are quite wealthy and can well afford to access medical assistance. Our priority at this time should be to ensure that anybody undergoing cancer treatment is eligible for a medical card.

I would have liked to see an emphasis in the Bill on cancer services as well as treatment. We all realise that certain drugs are so costly that their provision under the public health system at this time is simply not possible. My main concern, however, is that the Bill contains provisions which might leave the State vulnerable to legal action.

**Senator Brian Ó Domhnaill:** I propose to share time with Senator Mark Daly.

**An Cathaoirleach:** That is agreed.

**Senator Brian Ó Domhnaill:** I am quite flabbergasted by the attitude adopted by certain Government Senators in regard to this legislation. I commend Senators Marc MacSharry and John Crown — the latter of whom is a professional in this field — on the work they have put into drafting the Bill and presenting it to the House. I would have hoped that in the case of a proposal that affects almost every family in the country, the Government might approach the debate in a proactive and rational manner. Instead it has merely adhered to a rejectionist position. Indeed, the first line in the speech by the Minister of State, Deputy Kathleen Lynch, indicated the intention to reject the Bill. That is dreadful.

**Senator John Gilroy:** Why?

**Senator Brian Ó Domhnaill:** If the Government is serious about drafting alternative legislation in this area, why will it not allow this Bill to proceed on Second Stage and introduce amendments thereafter, either in this House or in the Dáil? That would be a constructive approach which brings the expertise, professionally and otherwise, of Senator Crown and others into consideration. To reject it outright does no service to current and future cancer patients. It does no service to this House. When it comes to an issue like this, we should be above playing politics.

The evidence internationally, as outlined by previous speakers, shows that where medicines are available to the greatest extent possible, the lives of cancer patients can be extended and the quality improved. If the relevant drugs are approved by the European drug approval authority, we should accept their considered, professional opinion and not question it. It appears to me that by rejecting this Bill, we are insinuating that we are rejecting the European approvals that are being provided.

The Bill gives total scope to the Minister of the day.

**Senator John Gilroy:** It does not.

**Senator Brian Ó Domhnaill:** It gives the Minister total scope. Section 5 of the legislation allows that, following consultation, if the Minister believes a drug should not be used, he or she may issue a decision to that effect. It gives scope to the Minister and I cannot understand where the difficulty lies. The Bill is very simple and I cannot see why it cannot be accepted.

Cancer patients are being attacked from every angle. I have a letter from the HSE concerning cancer services in my constituency, which I received earlier today. The bus operator who provides a transport service from Donegal to Dublin for cancer and other patients was informed at 12.15 p.m. today that the service was being discontinued because it costs €100,000. At the moment, cancer patients cannot even get carer's allowance. I know of three or four cancer patients in St. Luke's who cannot go home because they have no-one to look after them because their carer's allowance applications have been refused. We must examine the wider issues surrounding cancer care.

The drugs issue is primary to extending life. It is not about playing politics. I was listening to the debate in my office earlier and was absolutely shocked at the direction in which this debate was heading, from a Government point of view. It is very regrettable.

**Senator John Gilroy:** We were shocked too.

**Senator Brian Ó Domhnaill:** Yes, and so you should be. There are people in this House who put forward legislation, on a non-partisan basis.

**Senator John Gilroy:** They were well-meaning.

**Senator Brian Ó Domhnaill:** It is being rejected outright, without any constructive engagement whatsoever. That leaves a lot to be desired.

In 2008, over 1,200 people were diagnosed with melanomas in Ireland. Senator Crown presented evidence on drugs such as Ipilimumab, which can improve the life expectancy of such patients. A new drug that has been developed for the treatment of prostate cancer was rejected outright on the grounds of cost-effectiveness by the National Centre for Pharmoeconomics. Who are these people? Can they answer to the families of patients who have been refused very important drugs? These people are not responsible to the public which is why I believe that passing the onus of responsibility to a Government Minister would be much more prudent.

It is regrettable that this Bill is not being accepted in a constructive, bipartisan manner, in order to pave the way for amendments to be tabled, if desired, in this or the other House on Committee Stage.

**Senator Mark Daly:** I welcome the Minister to the House. I commend Senators MacSharry and Crown for introducing this Bill. Senator MacSharry is well aware of the importance of cancer, having fought the fight in his own family in Sligo for many years. Many families have been affected by cancer and we all know someone who has suffered with the disease. The Bill is given added weight by the inclusion of Senator Crown's name on it because there is no-one in this building who is more qualified to discuss cancer treatment than him.

The response we have received today from the officials in the Department is disgraceful. I draw particular attention to the following:

Many factors shape decisions around access to therapeutic interventions. These include benefit to patients, quality of evidence, existence of alternatives, treatment duration, potential to save or prolong lives, total population of patients affected and cost to the system. These factors are not part of the EMA evaluation.

As far as I am concerned, that is not correct.

This Bill is timely in that it proposes to place access to cancer treatment drugs on a statutory footing. Senators will be aware of the instance where, through the intervention of Senator Crown and others, a cancer drug was made available to a patient, but only because the case was highlighted in the media, on "Liveline" and elsewhere. If that is the way the health service is run then it is very easy to see why it is not working properly. Cancer treatment drugs should not be made available just because a Senator and media personalities highlight certain cases and the Government running its cancer services on such a basis is not acceptable. This Bill attempts to make the provision of cancer drugs more efficient and to set it within parameters than anyone can follow. The guidelines laid down would mean that patients who need a particular treatment would get it. To see a patient who badly needs a drug getting it only because of the intervention of a Senator who, in a personal capacity, contacted the media rather than on the basis of legislation such as the Bill before us is appalling. The fact that a media campaign resulted in a patient receiving the treatment required is an illustration of crisis management at its worst. This Bill is an attempt to regularise the system and make sure that people who need it get the treatment required.

I have read some of the contributions to this debate but I am no expert in this area. However, when someone of the ability of Senator Crown puts his weight behind the Bill and the Government dismisses it with contempt, it is hard to understand. The response to the Bill was written by people who would not be as qualified as Senator Crown.



[Senator Mark Daly.]

I was a member of the last Seanad, when Senator MacSharry argued the case for retaining cancer treatment services in Sligo. He went against his own party time and again on the issue and spoke out on it, to his own detriment at times. He had the courage of his convictions. Access to cancer treatment is something he believes in strongly. For people to come into this House and read, verbatim, the reply approved by Dr. Susan O'Reilly, which gives a long and sometimes inaccurate rejection of the Bill——

**Senator John Gilroy:** On a point of order, is Senator Daly qualified, technically, to criticise Dr. O'Reilly?

**An Cathaoirleach:** That is not a point of order.

**Senator John Gilroy:** It is a point that needs to be made.

**Senator Marie Moloney:** I was pulled up for mentioning names.

**An Cathaoirleach:** Senator Daly has one minute remaining. Dr. Reilly is a Minister.

**Senator John Gilroy:** Senator Daly is not talking about Dr. Reilly. He is talking about the person who approved this script and is questioning her credentials.

**An Cathaoirleach:** Senator Daly——.

**Senator Mark Daly:** She is not as qualified——

**An Cathaoirleach:** Senator Daly, we have pointed out on several occasions that Members should refrain from naming people who are not present in the House to defend themselves.

**Senator Mark Daly:** I am surprised at my colleagues opposite for intervening when I mentioned Dr. Susan O'Reilly's name, given that they have already put it on the record themselves.

**An Cathaoirleach:** I have asked the Senator to refrain from naming people in the House when they are not here to defend themselves.

**Senator Mark Daly:** I am merely pointing out that the name has been mentioned by others. If someone can mention it in a positive way, it can also be mentioned in a negative way.

**Senator John Gilroy:** If qualified to do so.

**Senator Mark Daly:** I have stated the most qualified person in the Chamber has his name on the Bill which Government Senators are about to reject.

I thank the Cathaoirleach for his indulgence. I support the Bill, as there is no one more qualified than Senator John Crown, while no one has a better track record on the issue of cancer treatment than Senator Mark MacSharry.

**Senator Marc MacSharry:** I thank Members for participating in this debate. I am shocked, however, having listened to the Minister of State. I will not cast aspersions on any individual, but her script was a disgrace. As I did not interrupt anyone during the entire debate, I expect to have the full four minutes available to me to respond.

If the director of the national cancer control programme, whose name I will not use, despite the fact that others have used it, approved the script, I am calling for her resignation because, frankly, she is incapable. I have not used anyone's name, but she is incapable of carrying out

the duties the head of that organisation must be able to carry out if she is happy to stand over the script. In delivering it the Minister of State delivered an answer to a question she was not asked.

**Deputy Róisín Shortall:** May I raise a point of order?

**An Cathaoirleach:** A Minister cannot raise a point in the House.

**Senator Marc MacSharry:** As the Minister of State cannot raise a point of order, perhaps I might be allowed to continue. Nowhere in the Bill is it stated we should make all drugs available to everyone, whatever the cost. Far from it, it would provide for a process where the patient comes first, not last.

**Senator John Gilroy:** On a point of order, in the context of the Senator's remarks, speeches are drafted by civil servants and checked by relevant experts. Others, as well as the director of the national cancer control programme, approved the speech.

**An Cathaoirleach:** That is not a point of order.

**Senator John Gilroy:** It is a very important point.

**Senator Marc MacSharry:** This is the first time in ten years that an official has been allowed to prepare a note to be given in reply to a Member of the House. I object to this; it is wrong.

Senator Mark Daly mentioned that the director of the national cancer control programme had allegedly proof-read the script. This was mentioned by the other side of the House. It was also said the EMA did not consider and evaluate the issues of safety and efficacy. It does. The Minister of State has said the objectives of the Bill run contrary to the mission of the Department. Senator John Crown and I reject this. It is alleged in the script that what we propose would lead to unsafe procedures. We propose drugs be made available as approved and licensed on the say so of the Minister.

Any section of a Bill can be judged to be unconstitutional in its own right and the entire Bill falls as a result. When a Bill is being considered, all sections are relevant. The Government talks about section 3, but sections 4 and 5 are also relevant. Section 5 is explicit in pointing out the Minister of the day would have to affirm. If a drug is approved, the Minister of the day would still have to affirm its provision.

Every speaker, including me, probably has health insurance. The Bill would provide for those who do not have it, who do not have the benefit of VHI. The cost of membership this year for my family is €2,500. I can afford to pay it — lucky me.

It was said it was an abdication of the responsibility of the State to allow the EMA to provide drugs. What clown wrote this script? That is what I think of it — I will rip it up. It is an insult in the extreme.

**An Cathaoirleach:** I ask the Senator to withdraw the word “clown”.

**Senator Marc MacSharry:** To withdraw what.

**An Cathaoirleach:** The word “clown”.

**Senator Marc MacSharry:** For what reason?

**An Cathaoirleach:** A person has been identified.

**Senator Marc MacSharry:** I withdraw the word “clown” and restate my remarks. The person who wrote this script would be better at juggling in a circus ring than writing scripts for Ministers.

**Senator Marie Moloney:** On a point of order, I really think ripping up a script is offensive.

**Senator Marc MacSharry:** I am sorry if Members find it offensive.

**An Cathaoirleach:** It is very disrespectful of civil servants.

**Senator Marc MacSharry:** I regret that it is disrespectful because the content of the script shows an inability to read legislation and, as someone said, complete contempt for what we are attempting to do — introduce a non-adversarial Bill. It is non-political in nature and puts the patient first. What we have seen is an exercise in making sure the patient will not come first. This is a sad day for patient advocacy groups. This is simple legislation which was not just drawn up by me; it is co-sponsored by the foremost expert in this field and what has the Government side done? It has rained all over it. Shame on the Government.

I do not take back a single thing I said, including on the issue of clarification which I hope will be provided regarding the involvement of the director of the national cancer control programme in the script which is nothing short of a disgrace and a urination on the rights of patients.

Question put.

The Seanad divided: Tá, 17; Níl, 28.

Tá

Barrett, Sean D.  
Byrne, Thomas.  
Crown, John.  
Cullinane, David.  
Daly, Mark.  
Leyden, Terry.  
Mooney, Paschal.  
MacSharry, Marc.  
Ó Clochartaigh, Trevor.

Ó Domhnaill, Brian.  
O’Brien, Darragh.  
O’Donovan, Denis.  
O’Sullivan, Ned.  
Power, Averil.  
van Turnhout, Jillian.  
Walsh, Jim.  
White, Mary M.

Níl

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

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

Tellers: Tá, Senators John Crown and Marc MacSharry; Níl, Senators Ivana Bacik and Paul Coghlan.

Question declared lost.

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

**Senator Maurice Cummins:** At 10.30 a.m. tomorrow.

### **Adjournment Matters**

---

#### **School Curriculum**

**Senator Deirdre Clune:** I thank the Cathaoirleach for allowing me the opportunity to raise this issue. I have a particular interest in the issues of competency in mathematics and the need to address the teaching of mathematics and the attainments of students in their examinations. Last week the National Competitiveness Council circulated a paper by Mr. Seán McDonagh and Mr. Tony Quinlan which examined the teaching of mathematics in schools and student achievements. The Minister for Education and Skills, Deputy Ruairí Quinn, was interviewed about the report on radio and proceeded to explain his views. I am keen to raise the matter here and hold a discussion on it.

We frequently say mathematics is very important, but, in fact, it drives economic growth. The report refers to a recent OECD study highlighting the direct link between student performance in cognitive tests and the GDP growth of a country. This shows the importance of mathematical achievement and mathematical literacy. It is a building block for a vibrant economy and underpins other disciplines, including science, technology, business and finance. The availability of mathematical skills in the economy is a major determinant of Ireland's ability to attract foreign direct investment and we all know the consequent value to the economy. Mathematical skills are essential for a modern society, especially given the growth of the digital society and the extent of information and communications technology throughout all sectors of society. Adequacy in mathematics is becoming more and more important.

I recognise that there is a national strategy to improve literacy and numeracy and that changes have taken place, including the development of project maths. Several useful conclusions and recommendations are contained in the report and these are worth considering, especially those relating to the level of teacher training. I realise that we have in place a system of professional development for teachers. Nevertheless, we could make changes to the level of entry for teachers to training schools. It has been suggested a teacher should have an honours mathematics degree as well as an honours English degree.

Let us compare our students who are taking the leaving certificate examination with their competitors elsewhere. One table in the report compares the United Kingdom with Ireland and other countries. Mathematics at leaving certificate level is well down the list for this country for male and female students, whereas in Scotland and elsewhere in the United Kingdom it is among the top five subjects. These are our competitors when it comes to attracting foreign direct investment. A great deal more needs to be done. The report recommends altering the points in the allocation of third level courses and that if mathematics is a requirement of a given course, a student must obtain a certain number of points, especially in mathematics. These are small but meaningful changes, especially in the area of teacher training. The quality of our teachers should be examined also and this was the main point that emerged from the report. The fact that the National Competitiveness Council has raised the issue again is significant, although it continually raises it in its annual reports. On this occasion the council decided to make a one-issue statement on the subject.

This is an important issue for us. I recognise that languages, including English and Irish, are important, but we need to improve competency in mathematics, make a strong statement that we are concerned about numeracy attainment among students and indicate that we recognise it as important for future economic growth.

**Minister of State at the Department of Education and Skills (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 the Senator for raising it. My Department has received the discussion document from the National Competitiveness Council entitled, Maths and National Competitiveness. It is a helpful input into the debate on the role of numeracy and, in particular, mathematics in primary and post-primary education.

I welcome the introduction to the discussion document. It highlights many of the initiatives under way to improve the quality of teaching and learning to ensure the outcomes for students in this curricular area continue to improve in the coming years. The introduction sets the context for the rest of the document. The initiatives include the publication of the national literacy and numeracy strategy last year, the introduction of project maths in post-primary schools, the prioritisation of continuing professional development for mathematics teachers, the funding by my Department of a postgraduate diploma in mathematics to upskill out-of-field mathematics teachers and the request to schools for greater amounts of time for the teaching of mathematics at primary and post-primary levels.

I welcome the provision of 25 bonus points by the higher education institutions for leaving certificate students who achieve a grade D3 or higher in higher level mathematics. This measure is probably the key reason for a 25% increase in the number of students who indicated that they would sit the higher level mathematics paper last month.

Initial teacher education will increase from three years to four from this September at primary level and from one year to two years at second level. In addition, the Teaching Council will be consulting on the minimum entry requirements for teacher education. There is a proposal that the entry requirements for teacher training colleges relating to leaving certificate mathematics should be a good deal higher than they are.

The discussion document is one of many the Department has received relating to mathematics in the primary and post-primary curriculum. It notes the concerns the Government has expressed on many occasions. My Department will continue to prioritise literacy and numeracy in the primary and post-primary sectors. I agree with view expressed by the National Competitiveness Council in the introduction to the document which states, "Mathematical skills are essential for enabling people to fully participate and work in a modern society". The main points raised in the document are being and will be addressed during the lifetime of the Government.

**Senator Deirdre Clune:** Bonus points are available for mathematics this year and it will be interesting to see the progress made and the results achieved. The Minister has an open mind on this issue and nothing is set in stone. This is no ordinary document; it is from the National Competitiveness Council and we should take it seriously.

**Deputy Ciarán Cannon:** As I stated, the Department receives many representations from many people involved in civic society who have expressed their concern that for Ireland to remain competitive at a global level, our mathematical achievements should be closely monitored. We have not exactly covered ourselves in glory in the recent past and the Minister is keen to address the issue. When we see the evolution of new methods of teaching mathematics and an improvement in teachers' skills in imparting mathematical knowledge, we will see a vast improvement in a short timeframe.

### **Mental Health Services**

**Senator Jillian van Turnhout:** In December last, I praised the budget 2012 commitment to invest €35 million in mental health services, of which €23 million was dedicated to developing community mental health teams for adults and children.

Along with many others with an interest in mental health, I was alarmed to read in a newspaper report over the weekend in *The Irish Times* that part of the €35 million investment in mental health services could be used to offset overruns in the HSE. This report was swiftly countered by the Minister of State's Cabinet colleague, the Minister for Public Expenditure and Reform, who gave assurances on the RTE Radio 1 programme "This Week" on Sunday that the promises of additional posts for mental health services would be delivered. My first request is that the Minister of State take this opportunity to give me the same assurances in this regard.

In budget 2012, a further commitment was made to recruit 414 staff for community mental health teams, of which 250 posts were to be in dedicated adult teams. I am extremely disappointed that not one position has been filled although it is now July 2012. The Minister of State is, more than most, acutely aware of the wide-ranging benefits of community-based mental health services. Among many other benefits, community-based mental health services enable people to be treated for mental distress in their communities, either at home or in a hospital, minimise inpatient and day-case hospital stays, liaise with local community services such as vocational training, education, housing and voluntary support services to provide integrated recovery support for the individual, and support primary care staff in providing mental health support. Furthermore, having accessible mental health services in the community can help normalise mental health and destigmatise mental health problems, reducing the prejudice and discrimination that people currently face. Community mental health teams are a vital part of the recovery ethos which is central to *A Vision for Change*. The community-based mental health services envisaged in *A Vision for Change* are specialist services with staff who have particular expertise in supporting people's mental health.

Core services offer a holistic range of supports and include staff from a range of specialist disciplines such as clinical psychology, mental health nursing, occupational therapy, psychiatry and social work. However, the specialist disciplines mentioned remain significantly under-staffed. Back in 2010, a report by the Inspector of Mental Health Services on an audit of community health staffing showed that only 50% of the required number of psychologists and only 60% of the required number of occupational therapists were in place.

In addition to my concern about the existing under-staffing, I am concerned by reports from the coalition group *Mental Health Reform* that the Irish Mental Health Commission is no longer collecting data on staffing levels in approved centres. This gap in data will make it extremely difficult to assess whether staffing levels are reaching the recommended level as set out in *A Vision for Change*. My second request is that the Minister of State tell us what information has she in this regard. Perhaps she can provide me with assurances that data will be collected.

The Minister of State recently confirmed that 31 of the promised 414 posts in community mental health teams under the HSE service plan 2012 will be converted to nursing posts for acute inpatient services in Dublin-mid-Leinster region. Mental health services in Ireland have for far too long been the Cinderella of the health services. The 414 staff promised in the HSE service plan should not be deployed in inpatient services and must remain in the community. Staffing needs to be ring-fenced. The continuing uncertainty over the future of the mental health budget does nothing to allay fears about the Government's commitment to invest the dedicated €35 million I mentioned at the start. My third and final request is that the Minister of State confirm that the badly needed posts in community mental health teams will be in place by September, and that the posts will be ring-fenced to ensure they are not diverted to inpatient services.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I am always reluctant to read a script. As the last script got me into so much trouble, I am even more reluctant.

[Deputy Kathleen Lynch.]

I am always reluctant to read a script when it comes to mental health, but there is an element of this that Senator van Turnhout needs to hear.

Dublin-mid-Leinster has had a significant shortfall of nursing staff in mental health services but compares favourably with other regions in terms of numbers of allied health professionals. The nursing staff ratio in the region is far lower than that of other HSE regions and the number of allied health professionals in Dublin-mid-Leinster, as I stated, compares favourably. It should also be noted that Dublin-mid-Leinster has made considerable progress in reducing acute bed numbers and usage in line with A Vision for Change. It is now at a point where existing acute bed numbers need to be broadly maintained to ensure a safe and regulation-compliant level of service.

What happened with regard to the conversion of the 31 posts was that Dublin-mid-Leinster had reached the level that A Vision for Change required far more quickly than any other region. Then, with the exodus in February and March, the numbers fell below the safe level that the commission recommends and insists on, and it was necessary to convert some of the posts into nursing posts. That did not affect the allied health professional posts; we managed to put those in place as well.

Senator van Turnhout was not the only one who was surprised at the weekend reports that the €35 million could possibly be used for other areas. That week, I had been in consultation again with the Minister for Public Expenditure and Reform, Deputy Howlin, and had it confirmed to me that the €35 million was still safe and sound in the Department. By the way, it is still in the Department. As normally happens with budgets for any health service, when the mental health budget and the €35 million were announced, the regional directors of operations, who do an extraordinary job in delivering the service, including in Dublin-mid-Leinster, contacted the Department and asked for the €35 million to be split and sent down *pro rata*. That is always how it is done: they state that their budget for last year was X and they need X this year, and they ask the Department to send it down. We said “In this instance, no”. We asked them to carry out a gap analysis and tell us what they were missing, where it was missing from and what was required, and we told them that until the exercise was done, none of the €35 million would be released. That, as Senator van Turnhout can well imagine, takes a degree of work and investigation. Also, once it had been signed off, they then had to go away to recruit and appoint from existing panels. However, for some allied health professionals we did not have enough people on the panels, and some of the panels had run out as they only last two years. That has all now been done. The people will be in place by September and then the funding will be released. Some might say there is a lack of trust. However, we all know what happened to budgets for mental health in the past and we were determined it would not happen this time. They will be in place come September and we will have a full complement of allied health professionals. There are areas which did not get anything this year. Child and adolescent mental health services, for instance, got 150 new posts, but the payback is that it will have to treat persons between the ages of 16 and 18 because they are children. There are 250 posts in adult psychiatric services and ten new posts in the national counselling service. All of that is being put in place.

There were three areas in which we did not do anything this year. We have met with representatives of these areas; they know they will be prioritised next year, and they are happy enough about that. The areas in question are old age psychiatry, intellectual disability psychiatry and forensic psychiatry. We could not do it all in one year. It will be done over a period of years.

On the issue of data, as I have stated previously, we have real-time data for children — who is being treated, where they are being treated, what they are being treated for and by whom, what are the pathways involved and how long they will be in the service. These data are from

a service that has been in existence for 12 years. In adult psychiatric services, we still do not have that type of detail. When one considers that such information used to be gathered by pencil and biro, and the systems we have in place now, one realises that such real-time information needs to be provided for adult psychiatric services as well. Some are good at it, some not so good. That is just not good enough.

Another difficulty we faced — the conversion of posts was part of this — was that, because the Mental Health Commission licenses the acute units, there are levels of staffing and so on that need to be complied with. We intend, under the review of the Mental Health Act, to license the community teams as well so that there will be parity.

I would like to have half an hour to talk about this. It is probably my favourite subject, and I think that tells Senator van Turnhout something about me. We are moving ahead. The capacity legislation, which will need to dovetail with the review of the Mental Health Act, will provide a safety net. There are already community mental health teams in operation; for example, in Cork North-Central, where Mr. John McCarthy lived. I am sure the Senator is familiar with the work being done there. The team is working extremely well and those who need them receive daily visits. I have received great reports about this service, which should be in place everywhere. I thank the Senator for raising this issue.

**Senator Jillian van Turnhout:** The Minister of State knows the value of community-model mental health services. While I appreciate her comprehensive response, she need only come to the House for the Order of Business on any day to hear about the effects of the ongoing failure to provide community mental health services. The issue is raised repeatedly by Senators. The process of filling posts must be fast-tracked. I will continue to follow up on this issue, on which the Minister of State has the support of the House.

**Deputy Kathleen Lynch:** We must manage expectations. When the teams are in place we must be conscious that they will require a settling-in period and must gel if they are to work well. They also need to know what we expect from them. A Vision for Change set out where the teams should be, whom they should serve and what should be on the table. We now need to start looking beyond that and plan the process. What do we expect of the teams and of mental health services?

### Courts Service

**Senator Jimmy Harte:** The matter I raise is straightforward and simple. I have been contacted by a number of legal figures and their clients in County Donegal who were recently informed that the High Court, which goes on circuit for civil court appeals, is not due to sit in the county. The list for the year shows the High Court sat in circuit in Sligo in May and will sit this month and again in November in Castlebar. The lists include Circuit Court appeals from County Donegal. A member of the legal profession has informed me that this is the first year the High Court has not sat in County Donegal to hear civil court appeals. In one case in Carndonagh, the appellant would have to make a round trip of 300 miles to have an appeal heard in Castlebar. It would be as convenient for the individual in question to travel to Dublin.

People from County Donegal should not be required to travel to Castlebar to have cases heard. There are 14 cases from County Donegal scheduled to be heard in Castlebar. The cost of hearing these cases in Castlebar, including travel costs incurred by witnesses and staff, is significantly greater than the cost of bringing one judge to Letterkenny courthouse, where the relevant files are maintained. The legal profession fears that Circuit Court appeals will no longer be heard in County Donegal. Letterkenny has a perfectly good courthouse, which is in use, and plans are afoot to construct a new courthouse in the town. The requirement to travel to Castlebar will create costs and inconvenience appellants. As the cases in question are civil cases, the clients do not receive free legal aid. People who live at the northern end of County



[Senator Jimmy Harte.]

Donegal will have to travel to Castlebar the night before their cases are heard and may have to stay a second night. This will create significant costs.

From the list of locations for Circuit Court appeal hearings, it appears citizens in other counties will not be inconvenienced to the same degree as people in County Donegal. I ask the Minister or Courts Service to ensure this is a temporary measure. Civil court appeals must be heard at locations close to appellants. The 1924 Courts of Justice Act was introduced to replace the old British system. A judge in one case ruled that justice should be administered locally and people should no longer be required to travel to Dublin. Travelling to Castlebar is no more convenient to a person living in Buncrana than travelling to Dublin. The intention of the Courts of Justice Act was to administer justice locally for the convenience of citizens rather than judges.

**Deputy Kathleen Lynch:** I am taking this debate on behalf of the Minister for Justice and Equality, who thanks Senator Harte for raising the matter. As the Senator will appreciate, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the service and the Minister does not have a role in the matter. In addition, the allocation of court business, scheduling of court cases and management of court lists are matters for the Judiciary and, in particular, the Presidents of the courts. As the Senator will also be aware, judges are, subject to the Constitution and the law, independent in the exercise of their judicial functions.

I am sure the Senator will also appreciate that the Courts Service, in common with all other public sector organisations, is obliged to ensure resources are deployed to best effect to ensure continuity of service with reduced budgets and resources. Greater flexibility in the deployment of available resources will be critical in maintaining the delivery of front-line court services and all court facilities are subject to ongoing review with no court venue or office being excluded from this process. This is particularly important in the current economic circumstances.

A review has been carried out of provincial High Court circuits. I am informed that the High Court sits each year in a number of venues outside Dublin to hear appeals from the Circuit Court. This is provided for under the Courts of Justice Act 1936. Up to and including 2011, 126 sitting days in various venues were allocated for this purpose. However, demand for such sittings was not uniform across all venues. In addition, it was found that many parties preferred to avail of the option to have appeals from the Circuit Court heard in Dublin rather than await the sittings of the High Court on circuit. As I indicated, it is a matter for the President of each court jurisdiction to allocate the business of the court. Bearing in mind the demand for hearings, during 2011 the President of the High Court, who has responsibility for the allocation of business to High Court judges, sought to rationalise High Court sittings in all venues outside Dublin with a view to creating efficiencies and adopting a more flexible approach to court sittings generally. This rationalisation was facilitated by amendments to the 1936 Act which were contained in the Civil Law (Miscellaneous Provisions) Act 2011. These amendments gave the President of the High Court increased flexibility in respect of the allocation of judges and sitting dates for appeals from the Circuit Court to the High Court. Essentially, the changes introduced by the President of the High Court for all counties provide that sittings of the High Court for appeals from the Circuit Court are held in regional centres as determined by the President, having regard to the effective and efficient discharge of the business of the High Court.

Appeal sittings are now scheduled for dates immediately following sittings of the High Court at first instance for personal injury cases in provincial venues. The changes made have resulted in maximisation of the use of judicial resources and an increase in the availability of judges for sittings of the High Court at first instance in Dublin, where there is a significantly greater volume of business, to maintain reduced waiting times. These measures have already generated

savings in the cost of travel and subsistence for judges and ushers. I am informed that following the introduction of this regionalised approach, appeals from Donegal are now heard in Sligo and Castlebar. The aim is to balance the need for improved efficiencies with a minimisation of disruption to parties and witnesses. On behalf of the Minister for Justice and Equality, I thank the Senator for raising the matter. I appreciate his interest in ensuring the efficient and effective administration of justice. Unfortunately, this is not what the Senator wished to hear but he will understand the reasons this change had to be made.

**Senator Jimmy Harte:** May I ask a question?

**An Cathaoirleach:** The Senator may do so, although there may not be any point in his case.

**Senator Jimmy Harte:** I ask that the President of the High Court, who decides where court sittings take place, look at County Donegal in a different light. While efficiencies may have been secured in respect of a couple of officials, the new system is not more efficient for clients of the court. The current position is akin to appeals initiated in County Cork being heard in Galway. People in County Cork would make a fuss if that were the case. The changes inconvenience court users and have resulted in only minimal efficiencies. While sittings in Sligo may be acceptable, having the court sit in Castlebar is out of the question.

**Deputy Kathleen Lynch:** While I am sure there is no way there could be interference, this debate will probably bring the matter to the attention of somebody.

### **Architectural Heritage**

**Senator Terry Brennan:** Cuirim fáilte roimh an Aire Stáit, Teachta Brian Hayes. I thank him for visiting my home town a number of weeks ago. There is no need for a commercial as he has visited the area on several occasions and knows the location of King John's Castle. I compliment the Office of Public Works on the works it has completed and ask the Minister of State to consider completing the necessary works outstanding. The aim is to include visits to the castle in the town trail of Carlingford. There are many interesting buildings, streets and townhouses, including castellated houses, and King John's castle overlooks all of them. Many visitors inquire as to why they cannot visit the castle to see what it adds to the mediaeval town. I look forward to hearing the Minister of State's reply.

**Minister of State at the Department of Finance (Deputy Brian Hayes):** I thank the Senator for raising this issue and also for the hospitality he afforded me and my colleagues from the OPW on our recent visit to Carlingford. I agree with him on the extraordinary and wonderful heritage infrastructure in place in Carlingford, a relatively small mediaeval town situated in the most beautiful part of County Louth. Its wonderful heritage can be seen in the Dominican Priory, the "Mint" and the great centrepiece, Carlingford Castle, as well as in sections of the town walls, the Tholsel Gate and Taaffe's Castle. I do not know a part of the country more heritage-rich than Carlingford, in addition to its having a very significant footfall or throughput of tourist numbers. It falls on my Department to work with local interests to make sure the presentation of that heritage is brought to its maximum in order that people can enjoy these wonderful national monuments when they visit County Louth.

As the Senator will recall, my officials from the National Monuments Service and I met him at Carlingford Castle on 12 June, together with the Louth heritage officer and members of the local historical society and the Carlingford Heritage Centre. I was very impressed to meet representatives of the local historical society and the Carlingford Heritage Centre because there is a critical mass of tourists coupled with a wonderful heritage infrastructure and huge interest among volunteers. It is about putting these together to gain the best benefit for Carlingford. During the visit I was very impressed by the commitment of all the local parties

[Deputy Brian Hayes.]

and their deep interest in sharing the town's heritage with interested visitors. This is something I wish to encourage and foster and, to this end, I have recently asked the OPW to enter into a new initiative to develop links with local partners throughout the country with a view to ensuring heritage sites are more fully presented to visitors and that visitor access is improved, using local volunteers as much as possible. I very much hope the model used in Carlingford will be one of the first we will use in the local partnership model I am advancing.

The group at Carlingford was shown the work which has been completed to date since the project at the castle started in 2009. The remaining works which are scheduled to be completed next year were also outlined. These works consist of safety and site presentation works and their full completion is key to the future presentation of the site. They also require ministerial consent from my colleague, the Minister for Arts, Heritage and the Gaeltacht, who has a supervisory role in heritage matters. It is intended, resources permitting, that these crucial remaining works will be carried out in the course of 2013 and that public access will be restored thereafter in 2014. As the castle is essentially a works site, I am not sure full public access can be facilitated until the project has been satisfactorily completed. However, I have asked my officials to explore the possibility that limited access might be made available, perhaps even in a way which might demonstrate some of the skilled craft work in progress. We would like to make progress on this issue shortly in order that, working with the local voluntary organisations, perhaps at weekends throughout the year, the castle could be used at various points for visitors under these criteria. In the intervening period before the project is fully complete — in 2014, as I committed to the Senator — there is an opportunity to prepare for possible community participation. I invite the local groups I met on the day to engage directly with my officials in the OPW to see how they might develop a partnership approach to serving visitors along the lines of the communities initiative model to which I referred.

**Senator Terry Brennan:** I thank the Minister of State most sincerely for visiting us. We enjoyed having him and look forward to the works' being completed. As he suggests, visits to restricted parts of the castle in the interim would be greatly appreciated. It will be a true partnership between the heritage trust, which has a proven track record over 25 years, and the OPW. I am pleased to hear the Minister of State say it will be one of the first such partnerships in the entire country. We look forward to it.

**Deputy Brian Hayes:** I thank the Senator for his kind remarks and assure him we will make progress on this issue. Carlingford is unique because there is a centre with a very large footfall, as well as wonderful historical sites within walking distance of it. There is no reason existing walking tours, which have been very successfully put together by local heritage groups, could not be extended to include the castle. While I know a visit to the exterior of the castle is excluded, the important point is that they should now include the interior, particularly those parts in which we have made progress. I gave an assurance to the Senator and the local groups concerned that it was our intention to complete the internal works by 2014. I know these things take time, but it will require an enormous effort on the part of OPW officials to make sure we will have the plan and site works in place. It is not like putting up a house in that lime-based mortar must be used and this work is weather-dependent. The historical nature of the site and the ongoing excavation work also add to the time lag. I have given a commitment that the works will be completed by 2014 and I am sticking to it.

The Seanad adjourned at 8.10 p.m. until 10.30 a.m. on Thursday, 12 July 2012.