



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

Business of Seanad . . . . .	495
Order of Business . . . . .	496
Address by Ms Emer Costello, MEP: Motion . . . . .	517
Taxi Regulation Bill 2012: Committee Stage (Resumed) . . . . .	518
Confidence in Minister for Justice and Equality and Defence: Motion . . . . .	542
Magdalen Laundries Report: Statements . . . . .	576
Adjournment Matters . . . . .	595
Fines Act 2010 . . . . .	595
Schools Building Programme Applications . . . . .	597
Planning Issues . . . . .	598
Seirbhísí Iompair Oileán . . . . .	602

## SEANAD ÉIREANN

*Dé Céadaoin, 27 Feabhra 2013*

*Wednesday, 27 February 2013*

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 John Kelly that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

To ask the Minister for Justice and Equality to outline the reason the Fines Act 2010 has not been enacted.

I have also received notice from Senator Lorraine Higgins of the following matter:

The need for the Minister for Education to outline the current position regarding capital funding for the development of a new multid denominational primary school at Kilcolgan, County Galway, and the prospects of any such school receiving such funding in the coming years.

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

To ask the Minister for the Environment, Community and Local Government to specify where responsibility lies and the action that will be taken regarding a dangerous site or large hole in Oranhill, Oranmore, belonging to a non-co-operative owner and on which there is live planning permission; and if the Derelict Sites Act 1990 applies.

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

Go dtabharfaidh an Aire Ealaíon, Oidhreachta agus Gaeltachta soiléiriú i dtaobh na socráithe atá á dhéanamh maidir le tacaíocht Stáit chun córas iompar báid agus aeir a chur ar fáil do mhuintir thrí Oileán Árainn, i gContae na Gaillimhe, agus cén plé leanúnach atá á dhéanamh le muintir na noileáin faoi seo.

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

The need for the Minister for Health to clarify the up-to-date position on the provision of urological services for children who have spina bifida and hydrocephalus and, in particu-

lar, if arrangements have been made for a consultant pediatric urologist to travel from the United Kingdom on a monthly basis to provide the necessary clinical support in Ireland.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. Senator Burke may give notice on another day of the matter he wishes to raise.

### **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, motion regarding the address to the House by Ms Emer Costello, MEP, on Thursday, 28 February, to be taken without debate on the conclusion of the Order of Business; No. 2, the Taxi Regulation Bill 2012 - Committee Stage (resumed), to be taken on the conclusion of No. 1 and to be adjourned no later than 2.30 p.m.; and No. 3., statements on the final report of the interdepartmental committee set up to establish the facts of State involvement with the Magdalen laundries, to be taken at 5.30 p.m. and to conclude no later than 7.30 p.m., with the contributions of group spokespersons not to exceed eight minutes, those of all other Members not to exceed five minutes and the Minister to be called on to reply to the debate no later than 7.20 p.m. Private Members' business, No. 22, motion No. 11, shall be taken at 3.30 p.m. and conclude no later than 5.30 p.m.

**Senator Marc MacSharry:** I propose an amendment to the Order of Business, namely, that the Minister of State at the Department of Health, Deputy Kathleen Lynch, come to the House to explain what alternatives to the cutting of the mobility grant and transport allowance, as announced so suddenly last night, were examined and deemed illegal. I cannot understand what this Government has against people with disabilities. We have seen this with career guidance, special needs assistance and countless other areas. I found it troubling that the word used by the Minister of State, who could not have been personally responsible, was "agonised". I should probably be calling on the Taoiseach to come to the House to explain the matter. The press release states the Government "agonised" over taking this decision. It has had two years to assess what could have been done rather than introducing a measure that affects the most vulnerable, who number 4,700. It is laughable in light of the supposed equality spin in the Croke Park negotiations, in which a cut of 8% or 9% is sought for people on €150,000 per year. The vulnerable to whom I refer are expected to take a cut of 20%. As stated this morning by Mr. John Dolan, chief executive of the Disability Federation of Ireland, disability grants of €10,000 per annum are to be cut by 20%. What clowns in the public service or at Cabinet came up with this proposal? What alternatives were considered and termed illegal? Was a 3% increase in universal social charge for those earning more than €100,000 considered? Was consideration given to amendment of the disability Act? Despite the Government's claim that it agonised over this decision, there was no consultation with the disability sector. It makes me sick. There is no justification for this cut. The Government has failed the disability sector. As I have often stated in this House, there are many reasons for failure but there are no excuses for it. The Minister needs to come to this House to account for this criminal behaviour and treatment of people with disabilities.

**Senator Ivana Bacik:** It is hard to listen to Senator MacSharry's manufactured outrage over an issue which Fianna Fáil when in Government failed to tackle.

*(Interruptions).*

**Senator Ivana Bacik:** It could have been tackled then. The Ombudsman's finding predates this decision. The Minister of State, Deputy Lynch, said that a review group will be established to consider how best to address the Ombudsman's finding and to operate these schemes-----

**Senator Marc MacSharry:** The horse has bolted. Consultations on an issue do not take place after the fact rather they take place before it.

**An Cathaoirleach:** Senator Bacik without interruption.

**Senator Ivana Bacik:** Fianna Fáil in government-----

**Senator Marc MacSharry:** I was never in government.

**An Cathaoirleach:** Senator MacSharry, please.

**Senator Marc MacSharry:** If I have a credible point to make whether the previous Government did or did not do something is not my concern in defending the people.

**An Cathaoirleach:** Senator MacSharry please respect the Chair. Senator Bacik without interruption.

**Senator Ivana Bacik:** The Senator is like Pontius Pilate washing his hands of the previous Government, of which he was part.

**Senator Marc MacSharry:** No. I do not need any Biblical rhetoric from Senator Bacik.

*(Interruptions).*

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

**Senator Ivana Bacik:** It is hard to listen to that hypocrisy. The previous Government could have dealt with this issue and did not.

**Senator Marc MacSharry:** This Government supposedly agonised over its decision to wipe out payments for 4,700 people.

**Senator Ivana Bacik:** No.

**An Cathaoirleach:** Senator MacSharry has proposed an amendment to the Order of Business. Please allow Senator Bacik to continue without interruption please.

**Senator Mark Daly:** Senator Bacik has not asked a question of the Leader.

**Senator Ivana Bacik:** The Leader will deal with the amendment to the Order of Business.

**Senator Marc MacSharry:** Sit down then.

**Senator Ivana Bacik:** I will not be told to sit down by anyone other than the Cathaoirleach.

**Senator Marc MacSharry:** Has the Senator something to say?

**An Cathaoirleach:** Senator MacSharry is out of order.

**Senator Ivana Bacik:** I welcome the announcement yesterday that the bank guarantee, introduced by the previous Government in, as we all know, appalling circumstances, will come to an end on 28 March. This is an important step towards normalisation of the banking sector in Ireland. It is welcome also in the context of the insolvency legislation, which again the previous Government failed to introduce. I am sure colleagues on both sides of the House welcome the ending of the bank guarantee.

I also welcome the publication of the climate action and low carbon development Bill, which was promised by the previous Government and is now being delivered on by this Government. I welcome that an independent advisory body is to be established under that Bill and that this legislation will make our EU targets on climate change Irish targets, which will be binding politically on this and future Governments. As the Senator who introduced the first climate change in the Oireachtas in October 2007, I am welcome that at last we will have Government legislation setting binding targets on climate change. This is a hugely important issue, one which has often been overlooked in the past few years owing to the economic crisis. I welcome that the Government has finally grasped the nettle on this.

I ask that the Leader provide time for a debate on the crisis in Syria. I note from the Human Rights Watch report today that 71 children were among those slaughtered in Aleppo during the past few days. We need to keep our eye on this issue and ensure we are doing all we can, through the Department of Foreign Affairs and the EU, to ensure the humanitarian crisis in Syria is ended.

**Senator David Norris:** If acceptable to Senator MacSharry, I am pleased to second his amendment.

**Senator Marc MacSharry:** Absolutely.

**Senator David Norris:** I formally second the amendment. I do so in what I believe is an impartial manner because I agree with Senator Bacik that this issue has been around for at least five years. The previous Government did nothing about it. Perhaps its way of dealing with the issue was to ignore it.

**Senator Ivana Bacik:** That is how it dealt with a lot of issues.

**Senator David Norris:** That had a slightly humane touch to it in that it did not remove this important grant to the most vulnerable people in our society. The previous Government, of which Senator MacSharry was not a member and as such is not culpable in this regard, abolished the combat poverty agency and reduced the status of the equality authority. I recall previously saying in this House that we need a group like the equality authority or human rights commission to equality proof all our legislation. In my view, all legislation should be proofed by professional bodies established by the Oireachtas to ensure they comply with equality legislation and national and international human rights provisions.

This is a shocking business. This is two attacks on the people in one day. As a result of accumulated taxes, people with mobility difficulties will have a significant amount of their income withdrawn. It is now also proposed that they and everybody else will have to pay for a television licence whether or not they have a television. How absurd? There are people in remote areas of this country who neither have a television nor a computer. Is there any sense of equity or justice? These are the meanest and cruelest cuts of all. I call on the Leader to request the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, come to the

27 February 2013

House to explain, as indicated by him yesterday, the reason he does not intend to introduce a privacy Bill. There are two privacy Bills on the Seanad Order Paper. Every politician, including those who will vote against it, believes privacy legislation is necessary. It has been proven that it is necessary. The Leveson inquiry to which I made a submission showed this is necessary. It implicated the media in this country in what was being done.

On climate change, I salute Senator Bacik for placing a climate change Bill before this House. Such a Bill was approved by all parties in the appropriate committee of the Oireachtas. I understand Senator Bacik had assistance from Friends of the Earth in the preparation of her Bill. That organisation is totally against the Government's Bill. It believes this Bill is inadequate. It has stated that the Government rather than grasping the nettle is watering and putting manure on it. We need a robust debate on that issue in this House. I am sure Senator Bacik will make an excellent and trenchant contribution to that debate.

**Senator Jim D'Arcy:** I call on the Leader to request the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, to extend the cut off time of 28 February in respect of the burning of scrub on the uplands. As the past year has been very wet farmers on the uplands have not had an opportunity to burn scrubs. The cut off date in Northern Ireland is 15 April. As a result of the cut off date here farmers in the Cooley peninsula will from this Friday be unable to burn scrubs while their colleagues on the Mourne Mountains continue to do so. The UK is ahead of the posse environmentally. The cut off date in Scotland is 30 April, with room for extension. I believe that at least an extension here should be provided this year. Apart from the dangers involved, including the burning on the mountain of scrubs by vandals and so on, which has happened previously in Donegal and other places, the over-grown vegetation creates problems for sheep grazing and grass population as the woody old heather is indigestible. It is urgent because the time is up tomorrow. We must get a response from the Minister before then.

**Senator Terry Leyden:** I wish to ask the Leader to arrange time to discuss the question of the membership of semi-State bodies arising from an article in *The Sunday Times* on 24 February 2013. This coalition Government vowed to end cronyism but State jobs are going to political appointees according to an article by Colin Coyle and Mark Tighe. It is a well-researched article which points out that 32 appointments have been made to State bodies by the Labour Party and 26 by the Fine Gael party. These appointments are totally political.

**Senator Fidelma Healy Eames:** How many political appointments did Fianna Fáil make?

**Senator Terry Leyden:** It is a question of appoint, appoint and disappoint. Fianna Fáil and Independents need not apply. There is no room in the inn as far as they are concerned.

*(Interruptions).*

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

**Senator Terry Leyden:** That is the question I am putting.

**Senator Terry Leyden:** I wish to say to my Labour Party colleagues that their manifesto made reference to jobs, reform and fairness. In that regard, the Labour Party and particularly its leader in this House, needs reminding-----

**Senator Ivana Bacik:** I thank Senator Leyden for that.

**Senator Terry Leyden:** -----that it promised to end political cronyism.

**Senator Ivana Bacik:** I will not take lectures on cronyism from Senator Leyden or Fianna Fáil.

**Senator Terry Leyden:** The Labour Party promised to end the system whereby appointments to State boards are used as a form of political patronage and for rewarding insiders. It said that in future appointments to boards must be based on the capacity to do the job. It added that it intended to start that process immediately and to that end, it would reserve the right to seek the resignation of all those appointed to State boards since 22 November 2010. The party promised to publicly advertise all vacancies, invite applications from the public and create a database of citizens who were willing to serve on State boards.

**An Cathaoirleach:** Senator Leyden, do you have a question for the Leader?

**Senator Terry Leyden:** That is the point I am making. That is what the Labour Party said but what did it do? It appointed its nominees to State bodies in accordance with the political commitment of the individuals. Fine Gael said that tackling cronyism and featherbedding in politics ---

**An Cathaoirleach:** Senator Leyden, are you looking for a debate on this issue?

**Senator Ivana Bacik:** He is making a speech.

**Senator Terry Leyden:** Yes, I am. It said that vacancies would be advertised on the website of the Public Appointments Service-----

**An Cathaoirleach:** These matters can be raised in the course of said debate.

**Senator Terry Leyden:** -----and a short list of qualified applicants would be presented to Ministers to facilitate the transition. That is a lie. Fine Gael lied to the Irish people to get votes. The Government is doing the very opposite of what it promised to do.

**Senator Ivana Bacik:** I did not think that sort of language was allowed in this Chamber.

**An Cathaoirleach:** Senator Leyden, “lie” is a very strong word to use in this Chamber.

**Senator Terry Leyden:** It is accurate. I have explained-----

**An Cathaoirleach:** Senator Leyden, I ask you to withdraw that remark.

**Senator Terry Leyden:** No. I have explained-----

**An Cathaoirleach:** Senator Leyden, you know the procedure in this House. That is not parliamentary language.

**Senator Terry Leyden:** I explained myself. I know that the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, said we should not believe these ould manifestos, that they do not mean anything and are only makey-up things but-----

**Senator Marc MacSharry:** That is what he said. It’s just something parties do before elections.

**An Cathaoirleach:** Senator Leyden, I ask you again to withdraw the word “lie”.

**Senator Terry Leyden:** It is a political charge.

27 February 2013

**An Cathaoirleach:** It is not a political charge.

*(Interruptions).*

**Senator Terry Leyden:** I did not name any individual. I accused two political parties of lying and I can prove ---

**An Cathaoirleach:** Senator Leyden, please.

**Senator Terry Leyden:** -----without fear of contradiction that they lied. They are appointing, appointing and disappointing.

**An Cathaoirleach:** Senator Leyden is way over time. I call Senator Landy.

*(Interruptions).*

**Senator Terry Leyden:** Every one of the appointments is political.

**Senator Marc MacSharry:** Many of them did not apply for the positions at all.

*(Interruptions).*

**Senator Terry Leyden:** The jobs are going to the Labour Party and Fine Gael.

**An Cathaoirleach:** Senator Leyden knows quite well that he is not supposed to display newspapers in the Chamber.

**Senator Terry Leyden:** Fine Gael is losing ground because the Labour Party is making more appointments than it is.

**An Cathaoirleach:** Senator Leyden, resume your seat please.

**Senator Terry Leyden:** I want a debate on this issue.

**An Cathaoirleach:** Resume your seat, please.

**Senator Terry Leyden:** I am glad the Cathaoirleach accepts the fact that “lying” is an appropriate word for lies.

**An Cathaoirleach:** It is not an appropriate word and I have asked the Senator to withdraw it. Senator Landy is next.

**Senator Denis Landy:** I must say it has stood Senator Leyden well. He made it up as he went along for 35 years and is still going strong.

**Senator Jim D’Arcy:** How many boards did he have a stranglehold over?

**Senator Terry Leyden:** I am not on any board.

**Senator Denis Landy:** As regards amateur dramatics, the stage is still going strong here in the Seanad.

I wish to raise an issue concerning local government and the specific proposal in the Putting People First policy document to abolish town councils in 2014. In that context, I am concerned about the issue of the renewal of town development plans. Under the Planning and Develop-

ment Act 2000, it is a requirement of every local authority town council to begin the process of renewing the plan after four years of the six-year term. Many town councils across the country have commenced plans in recent months which will never come into play because of the proposal to abolish said councils. These plans cost money, time and resources which cash-strapped town councils can ill afford. All of these elements of time, money and manpower will be wasted because the plans will never come to fruition. In that context, I ask the Leader to ask the Minister for the Environment, Community and Local Government if he will establish how many town councils are at this particular stage of their town development plans and furthermore, if he will amend the Planning and Development Act of 2000 to ensure that the current development plans extend up to the local elections of 2014. This will save a massive amount of money across the State, both for local authorities and the Exchequer.

**Senator Feargal Quinn:** This week it was reported that Deputy Jerry Buttimer, a former Member of this House, is planning to introduce legislation for presumed consent for organ donation. He has a very solid reason for doing this because there has been a considerable drop in the number of organs being transplanted. I ask the Leader to draw the attention of the Oireachtas Joint Committee on Health and Children, of which Deputy Buttimer is the Chair, to the fact that this House debated and adjourned the debate on such a Bill about three years ago. The debate was adjourned to allow for further consultation. The Bill has already been debated in this House and has almost passed through the Second Stage process. The Leader drawing the committee's attention to this would speed up the presumed consent legislation. This is something we should do immediately given the fact that there has been a considerable drop in the number of organ donations in the last few years.

The second issue I wish to raise is the need for a debate on the question of food and health, particularly in the context of the current horse meat scandal. I am convinced we need a Minister specialising in that area. I accept that the Minister for Agriculture, Food and the Marine is doing a very good job but he has to wear two hats. He has the agricultural hat, which requires him to protect farmers and the food hat, which requires him to protect consumers. There is an enormous need for a concentrated effort with regard to food. More than 25,000 people die in Europe each year because of bacterial infections that are almost impossible to treat. As doctors prescribe even more antibiotics, our bodies develop a resistance to them, yet the meat industry accounts for nearly 80% of all antibiotics that are used. That is the real worry. We talk about horse meat not being a problem but horse meat that contains antibiotics and other medicines could be a danger to human health. This needs a concentrated effort if Ireland is to regain and retain its reputation for having very high standards in food production.

**Senator Fidelma Healy Eames:** I understand Senator MacSharry's concern for people with disabilities in the context of the mobility allowance and the motorised grant. However, I reassure him that the money will be ring-fenced. We had a clear breach of the Equal Status Act here and that is why the Government had to act. There are times when we must heed the Ombudsman and this is one of them. It is very important for people with disabilities availing of these allowances to know that the money will be ring-fenced.

I rise today to welcome the planned legislation to cut the pensions of the highest-paid public servants, including politicians and semi-State CEOs. However, I have two requests in connection with that. First, the legislation must also include bankers who received enormous pensions from State funds as a result of bank recapitalisation and second, that the cut goes further because at present, it does not go far enough. We must show leadership from the top. This House should debate the amount by which pensions should be reduced. I believe the cut should be up

27 February 2013

to 20% because everyone is taking a cut and those at the bottom are taking a 5% cut. Those at the very top must show leadership. I ask the Leader to arrange for a debate on this proposed legislation in the House because this issue is registering, in a big way, with the public at large.

I am very pleased to see the Central Bank showing leadership with its stated intention to discuss burden sharing with the banks and credit unions for people who cannot handle their debts. That is what I call leadership. We must move on this issue together.

*11 o'clock*

The Government is taking good steps, but let us bring the people with us. They believe that it is okay to suffer cuts because those at the top are also taking cuts.

**Senator Trevor Ó Clochartaigh:** Is minic muid ag cáineadh an Rialtais, ach inniu ba mhaith liom fáilte, fáilte sheachantach i dtosach báire, a chur roimh an scéal a tháinig thar oíche maidir le cúrsaí iascaireachta agus na comhráití atá ar bun.

I will offer a cautious welcome for last night's announcement on a debate on the discards issue in the EU. We have been raising it constantly with the Minister, who has been working on it. We look forward to a debate when he returns from the negotiations so that we can see what the detail entails before we fully endorse what has been agreed. That it seems to be going in the right direction is good news for fishermen and consumers alike.

I wish to raise the issue of the scrapping of the mobility allowance and the motorised transport grants. This morning, the Minister of State, Deputy Kathleen Lynch, mentioned that the HSE was examining the issue in depth. However, that contradicted what she and the Minister for Health, Deputy Reilly, told the Joint Committee on Public Service Oversight and Petitions, namely, that the issue had been under examination for two years. The previous Government did not heed the recommendations of the Ombudsman, who has addressed the committee at length on this issue and on the breach of the Equal Status Act. She neither suggested nor, I imagine, endorsed the scheme's scrapping.

It is important that the relevant available Minister attend the House so that we might examine what will be put in place. In terms of this issue, the most important people are those with disabilities. They need access to transport if they are to be mobile in rural and urban areas where it is difficult to get around or there is no public transport. The Ombudsman has called it a puzzling decision. I was puzzled, having sat and listened to the Minister and Minister of State tell the committee that they were unsure as to which decision they would make. They never indicated that they would take the retrograde step of scrapping the measures without putting in place a replacement scheme to ensure that people with disabilities were catered for.

**Senator Paschal Mooney:** Some months ago, I raised a question with the Leader about the deteriorating state of secondary roads around the country. My concerns have been reflected in the report of a group of engineers that was published this week. It rated the country's roads, from motorways to local roads. That there has been a severe deterioration is obvious. I advised the Government that it should not follow the route taken by the coalition Governments of the 1980s, which left a legacy of roads deteriorated beyond acceptable levels that successive Governments spent ten or 15 years trying to restore.

I ask that the Minister for the Environment, Community and Local Government, Deputy Hogan, outline to the House Government policy in this regard the next time he is in attendance.

There has been a deafening silence from the Government on the report. The deterioration is insidious. People in local authorities, particularly those responsible for financial and road planning, will point out that the cuts of recent years have reached unsustainable levels. I am not so much concerned by the fact that we are storing up a legacy for a future Government as I am by the fact that safety is at risk owing to the state of many roads.

**Senator Jimmy Harte:** The Opposition is again challenging decisions that the current Government has made mainly because of the former Government's inaction. It is a mantra. Senator Norris, who has left the Chamber, mentioned that the Members were not-----

**An Cathaoirleach:** We do not refer to anyone who has left the Chamber.

**Senator Jimmy Harte:** He mentioned that the Fianna Fáil Senators were not members of the last Government. I am sorry to disappoint him, but they were.

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

**Senator Jimmy Harte:** Senator Leyden referred to the appointment of members of political parties to State boards. I was a member of Letterkenny Town Council for 17 years. For 15 of those years, every position on every committee was unapologetically and gleefully taken up by Fianna Fáil.

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

**Senator Jimmy Harte:** My question relates to Senator Leyden's call on the Minister. Fianna Fáil should consider the damage it did to public bodies over the years between county councils-----

**An Cathaoirleach:** That is not appropriate to the Order of Business. Has the Senator a question for the Leader on today's business?

**Senator Brian Ó Domhnaill:** This Government is abolishing that council.

**Senator Jimmy Harte:** Abolish the Fianna Fáil party.

**Senator Brian Ó Domhnaill:** Who is abolishing his own town council?

**Senator Jimmy Harte:** I have no problem with that. The people will decide. I ask Senator Leyden-----

**Senator Marc MacSharry:** What about the two people who-----

**An Cathaoirleach:** Senator Harte without interruption. Has he a question for the Leader?

**Senator Marc MacSharry:** What about the two who did not apply for the job?

**Senator Jimmy Harte:** The Leader can ask the Minister to explain the appointments to the House. I will follow up by saying-----

**Senator Marc MacSharry:** A Labour press officer and an activist were appointed to a State body.

**Senator David Norris:** On a point of order, will the Cathaoirleach point out to Senator Harte that I left the Chamber on Seanad business and am now back? I thank him for his concern

for my well being.

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

**Senator Jimmy Harte:** The Minister should explain to us how those political appointments were made. During my time on Letterkenny Town Council, Fianna Fáil took every position.

**An Cathaoirleach:** That is not relevant to the Order of Business. I call Senator Ó Murchú.

**Senator Jimmy Harte:** At the last election-----

**Senator Marc MacSharry:** That is a great defence.

**Senator Brian Ó Domhnaill:** That is democracy.

*(Interruptions).*

**Senator Jimmy Harte:** I will conclude by saying that-----

**An Cathaoirleach:** It is not relevant to today's business. I have called Senator Ó Murchú.

**Senator Jimmy Harte:** When the new council was formed after the last election, we offered Fianna Fáil the chairmanship and the vice chairmanship because it was in the minority.

**An Cathaoirleach:** Senator, that is not relevant to the Order of Business.

**Senator Jimmy Harte:** Fianna Fáil refused the offer-----

**An Cathaoirleach:** I have called Senator Ó Murchú.

**Senator David Norris:** This is the Senate, not a town council. Let me spell it, S-E-N-A-T-E.

**Senator Labhrás Ó Murchú:** Any humane person can understand Senator MacSharry's passion for the issue that he raised. The same passion exists on the other side of the House. For a long time, I have had the feeling that many of the difficulties relating to vulnerable people - those who are handicapped or disadvantaged - do not stem from party policies, but from an attitude that might exist in every country. It certainly exists in Ireland, perhaps as a consequence of the Celtic tiger, namely, hold onto what one has. This attitude applies across the board. One cannot communicate with someone who is not in a position to find an extra €2 or €3 by getting caught up in semantics. A fundamental change in attitude is necessary. It is not a question of knocking percentages off of people, as knocking a percentage off of someone on a higher income does not mean much to him or her. For people at the bottom of the ladder, however, the same percentage can mean the difference between existence and non-existence.

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

**Senator Labhrás Ó Murchú:** Consider the Croke Park agreement. I have calculated that Senators will suffer a cut of €34. This will not be per week, but per year. It is not that Senators have already taken cuts. We have taken major cuts, including in expenses. Rather, the issue has to do with everyone in broadcasting, the media, business and so on. One section attacks another because we will not engage with the need for radical change. If there is no such change, there will be no improvement for people who cannot see any light at the end of the tunnel. They have no reason to get out of bed in the morning. They have broken hearts looking at their children

who they cannot feed, keep warm or clothe. Whenever the House holds a debate, let us forget about parties and partisan positions.

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

**Senator Labhrás Ó Murchú:** Let us examine the basic attitudes that are causing many of the problems facing us.

**Senator Michael Comiskey:** I support my colleague, Senator Jim D'Arcy, in calling on the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, to extend the date for burning on commonages. The Oireachtas committee has discussed commonages a great deal in recent weeks. It is very important for the management of commonages that farmers are allowed to burn in a managed way until 15 April, as is the case with colleagues in Northern Ireland.

I welcome the agreement overnight on the dumping of fish. That came from a meeting chaired by our Minister for Agriculture, Food and the Marine, Deputy Simon Coveney. It is a good move as we have seen for a number of years people exceeding a quota and dumping perfectly good fish overboard. It is a welcome development.

**Senator Deirdre Clune:** I remind Senators opposite that the mobility allowance to which they refer is not being scrapped and the €10.6 million is ring-fenced. It will remain in place for the next four months while the Minister for Health, Deputy Reilly, and Minister of State, Deputy Kathleen Lynch, engage with representative groups. They have already met some of the groups-----

**Senator David Norris:** They will not get there for four months.

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

**Senator Deirdre Clune:** -----to see how the matter can be best dealt with. There is no possibility that the money will be scrapped and there is a commitment from the Minister and the Minister of State to continue supporting those who need transport. The money is ring-fenced to be used in an effective manner. I am sure I do not need to remind anybody of the Ombudsman's statement and the advice from the Attorney General that the-----

**Senator David Norris:** When they eventually made up their minds.

**Senator Deirdre Clune:** I do not understand the statements from the Senators opposite, and it would be helpful if they aided in delivering the message that the funding is still in place rather than give the impression that-----

**Senator David Norris:** It is not.

**Senator Deirdre Clune:** -----it is scrapped. The funding is still there.

**Senator David Norris:** That is not true.

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

**Senator Deirdre Clune:** From 18 March to 22 March we will have Ireland's first alcohol awareness week. It would be an appropriate time to have a debate in the House to highlight the issue and it would be important for us to contribute. The emphasis will be on communities and families and how best they can utilise a role in tackling excesses in alcohol. Will the Leader

27 February 2013

liaise with the Minister of State, Deputy Alex White, on how this House can best contribute to the debate in that week?

**Senator Brian Ó Domhnaill:** I refer to what the Acting Leader and many others have mentioned, the withdrawn mobility allowance and motorised transport grant schemes. An investigation was carried out by the Ombudsman in 2009 and the results were conveyed to the Department in April 2011. That is some time ago and no subsequent action was taken.

There are two issues, the first being the motorised transport grant application. In my county 300 applications for this scheme were refused since 2009, and all of these were under investigation by the HSE. They will remain under investigation but as of yesterday, no person who is unable to walk will be allowed to apply for the grant scheme, which is a disgrace.

**Senator Marc MacSharry:** Hear, hear.

**Senator Brian Ó Domhnaill:** We can speak in glossy terms but these people cannot make an application. A disabled person who cannot walk and needs a car in rural Ireland will not be able to apply today for that scheme because it is closed.

The withdrawal of the mobility allowance scheme removes €6 per day from the pockets of people who cannot walk. That scheme is under review and will continue for four months for that process. We do not know the specifics of the review. Why has it not been-----

**An Cathaoirleach:** Is the Senator supporting a call for debate?

**Senator Brian Ó Domhnaill:** Absolutely, and I commend Senator MacSharry, our health spokesperson, for seeking the debate. The Minister for Health must attend the House to discuss the matter. We can all participate in glossy politics but in the end we must take a stand on this issue as a Chamber. We should stand up for the 5,000 people affected by this issue and the stroke of a pen, despite the promises made by the Minister for Health and his Minister of State at an Oireachtas committee meeting on 6 February. We can see today that those promises are empty.

**Senator Colm Burke:** With regard to the mobility allowance, it is important to emphasise that this year we will spend €20 billion on social welfare, and we have spent €80 billion in real terms in the area over four years. When something is highlighted as requiring a review, it is important that it is done properly. This is as opposed to what happened a number of years ago, when the nursing homes issue was raised. The immediate response of the Government at the time was to rush through emergency legislation and try to make illegal nursing home charges retrospectively legal. That is not the way we are dealing with the matter.

**Senator David Norris:** That was an ex-Fianna Fáil Minister in former Deputy Mary Harney.

**Senator Colm Burke:** We are looking to ensure that fair procedures are put in place for dealing with these allowances.

Senator Feargal Quinn raised a very important issue relevant to how matters are introduced in the House. There seems to be an attitude in the Department of Health that an issue must be parked for three years before it can be touched. This also relates to the review of the mobility allowance. Why does it take Departments so long to respond to an issue when it is raised in a genuine fashion? We seem to keep kicking the can down the road so as not to arrive at deci-

sions. We should examine why, when an issue is introduced in the House, it may be three or four years before we try to deal with it. I ask the Leader to raise the matter with the Minister for Health and have a debate on this issue. When something is raised in a genuine fashion, we must try to move it on within a reasonable period.

**Senator Diarmuid Wilson:** I also agree with Senator Feargal Quinn's comments on presumed consent with regard to organ donation. We should all agree to fast-track the legislation. It is not only the Department of Health that tends to ask for Bills in this House to be parked and all of them - under all Governments - have tended to do this. I sometimes think that if we want emergency legislation to be passed, we should get Joe Duffy to publish it. It would get through more quickly than if elected representatives in the Oireachtas sought to do it.

I fully agree with Senator Landy's comments on the extension of town development plans. I ask the Minister for the Environment, Community and Local Government to reverse without delay the decision to abolish town councils, as it is a retrograde step for democracy in this country. Will the Leader confirm that the Education and Training Boards Bill will be in the House next week?

**Senator Aideen Hayden:** I have no doubt that many on the Opposition benches are genuinely concerned about disabled people in the country but I am also certain many are shouting through crocodile tears for political gain. The Fianna Fáil Party was part of the Government for 14 years and it abjectly failed the people. A recent survey indicates 73% of people in the country are going cold because they cannot afford to heat their homes. We had 14 years with a Government that did not deal with the fact that this country is 90% dependent on imported fuel products. It also abjectly failed on the issue of property standards.

Dublin City Council did a sweep of the North Circular Road recently, surveying 500 units, and of them, almost all failed to comply with the minimum standards in legislation. In 14 years, when people were building a house in every field, the Fianna Fáil-led Government abjectly failed to deal with the issues that really affect people in this country, such as whether they can afford to provide heat for themselves. We know some people are staying in bed all day because they cannot afford to heat a house.

We are throwing stones at each other today but those opposite should bear in mind some of the failures of the last Government. I ask the Leader for a debate in the House on the issue of fuel poverty and property standards.

**Senator Jim Walsh:** I will take up the point made by Senator Hayden. I, along with others from all sides of the House, regret that the mobility allowance is being terminated. I am sure we all have constituents who will be deprived as a result. Many of these people are in the autumn years of their life and some live alone. The allowance is a prerequisite for any reasonable quality of life for these people.

I have constantly stated in the House that instead of promises not to reduce pay or social welfare rates, I fully accept that corrections must be made to the fiscal position. It would be far better to do that evenly so that small amounts are imposed on people rather than depriving a person seeking mobility allowance of the entire payment.

I ask the House to come together and condemn the appalling attack last week on the office of the pro-life group, Youth Defence. Human excrement was spread on the doors, windows, shutters and locks of the building. Most profanely of all, images of the poor Indian lady, Ms

27 February 2013

Savita Halappanavar, who died in Galway, were pinned with excrement to the doors. The mindless people within the pro-abortion advocacy groups who would do that need to be condemned soundly by all sides of the House. I know some Members of the House are pro-abortion, or pro-choice, but we should condemn all of that.

**Senator David Norris:** May I raise a point of order?

**An Cathaoirleach:** Senator Norris, on a point of order.

**Senator Jim Walsh:** Senator Norris is ignorantly interrupting, as he normally does.

**Senator David Norris:** I am not. Can we please have honest language?

**An Cathaoirleach:** What is your point of order, Senator?

**Senator David Norris:** No one in this House is pro-abortion. I strongly object to this unpleasant and vicious characterisation of people who have a conscience and do not want to have a woman with an ectopic pregnancy or who has a child without a head or a brain or a spinal column being forced---

**An Cathaoirleach:** Senator Norris, that is not a point of order.

**Senator David Norris:** That is not pro-abortion. That is pro-decency.

**Senator Ivana Bacik:** Hear, hear. Well said, Senator Norris.

**An Cathaoirleach:** Senator Norris, please resume your seat and respect the Chair. Senator Walsh, have you a question for the Leader?

**Senator Jim Walsh:** I am asking the Leader, in view of this intemperate situation, to ask the Minister for Health to come to the House to tell us when the findings of the report into the death of that lady will be announced to the House. I hope choreography is not at play here with regard to publishing the report at the same time as the heads of the Bill, which I suspect is what the Minister is about.

**An Cathaoirleach:** Senator, you are out of time.

**Senator Jim Walsh:** When the vote is made on this issue in the next few months, we will find out who is pro-abortion and who is not. That will be the acid test.

**Senator Pat O'Neill:** We are hearing misinformation from the other side of the House, as well as crocodile tears and grandstanding. The statement from the Department of Health on the mobility allowance and motorised transport includes the following:

The funding provided for the mobility allowance and the motorised transport grant of €10.6 million will be ring-fenced and used for a new scheme to improve access to transport for people with disabilities. There will not be any reduction in funding.

The important words in that statement are “a new scheme to improve access to transport for people with disabilities”. That is what it says. The money will be ring-fenced.

**Senator Brian Ó Domhnaill:** A person cannot make an application for the grant.

**Senator Pat O'Neill:** Senators on the other side of the House should refrain from these

crocodile tears.

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

**Senator Pat O'Neill:** I have two questions for the Leader. First, I agree with Senators Jim D'Arcy and Michael Comiskey and I ask the Minister for Arts, Heritage and the Gaeltacht to consider extending the hedge cutting season for one more week. Much work was left undone this year because of the wet weather. The land is only drying out now.

I also ask that the Minister for Finance would change the status of credit unions with regard to money they invested in IBRC, formerly Anglo Irish Bank. Approximately 20 credit unions invested in bonds of €500,000 in a special scheme for credit unions. They are not now on the priority list of creditors and face the loss of some of that money. I ask that the Minister, either through legislation or a ministerial order, would change their status in this regard so that ordinary people will not lose their money.

**Senator Susan O'Keeffe:** I support Senator O'Neill's call for an extension to the hedge cutting season by a week, given the poor weather. I ask the Leader to ask the Minister to attend to that matter.

With regard to the Ombudsman's report on the mobility allowance and motorised transport scheme, Opposition Senators have very short memories, as normal. Many of these problems have been around for a very long time.

**Senator Marc MacSharry:** What about Sligo hospital? Does Senator O'Keeffe remember that commitment?

**Senator Susan O'Keeffe:** I am talking about these particular grants.

**Senator Marc MacSharry:** These cuts. Of course.

**Senator Susan O'Keeffe:** I am talking about Fianna Fail's failure to do anything about them.

**An Cathaoirleach:** Senator O'Keeffe, do you have a question for the Leader on today's Order of Business?

**Senator Susan O'Keeffe:** I do. Like others, I am concerned about people who need grants. The Minister of State, Deputy Kathleen Lynch, addressed the Joint Committee on Public Service Oversight and Petitions, of which I am a member, and said:

That is the other option. We hope the scheme will continue to protect the people most in need. We will have somebody new to devise a scheme. We are inviting someone in to draw it and we will do this with consultation. We are ring-fencing the money. We do not yet know the shape of the scheme. We hope it can be operated, not only in an efficient manner but that those most in need of the service will receive it.

Not many people noticed that committee meeting. The Minister of State made that statement on 6 February.

I welcome the Ombudsman's efforts to make the scheme an equal one for everybody. If we call for a debate on this matter, I am sure the Minister of State will come to the House so that we can add to the sum of knowledge regarding drawing up a new scheme that would be appropriate

for those who most need it, which is what we ought to be doing.

To have continued to ignore the Ombudsman's ruling that the scheme was illegal would have been to do what many previous Governments did regarding Ombudsman's rulings about illegality in the Department of Health. I am grateful to the Ombudsman for her perseverance in this matter.

**Senator Michael Mullins:** I join Senator Healy Eames in welcoming the fact that the Government is to introduce legislation to reduce some of the exorbitant pensions paid to retired Oireachtas Members and public servants. I hope the figure will be higher than the reported one of 5%.

Those who were involved in the negotiation of the new public service agreement are to be complimented on their efforts to ensure those who are on higher earnings and are in a position to take most of the pain will do so. That, however, is only part of the picture.

The Government must now turn its attention to other people who are paid out of the public purse and who provide services to Government. I am talking about legal and financial advisers, providers of various outsourced services and people in the semi-State sector who are not covered by the Croke Park agreement. Employees of RTE, contractors and others on very high earnings will be untouched by the Croke Park II deal. Until the public sees that everyone is making a contribution to the national recovery, we cannot say there is fairness across the board.

**Senator Terry Brennan:** I support the call by my colleagues for the extension of the time for burning shrub on highland, mountain areas and commonage. Having witnessed one of the wettest winters in living memory, we need extra time for the ground to dry out sufficiently for burning.

I also ask farmers on the scenic Cooley Peninsula to desist from burning close to existing magnificent forestry on both sides of the Cooley Mountains and to consider the wind direction when they are burning. It would be difficult to get to those areas with fire brigades if they were needed.

**Senator Paul Coghlan:** There is some significant good news, and we should welcome it. The Minister for Agriculture, Food and the Marine, Deputy Coveney, has triumphed again with regard to EU fisheries policy. We all welcome the banning of the discards policy. It never made sense when so many people are hungry in the world. The new policy is to minimise the catching of juvenile fish. I am not aware of all the detail, but I welcome that decision at European level, following the Minister's share in detailed negotiations.

I also welcome yesterday's announcement by the Minister for Finance of the removal of the bank guarantee. Of course, depositors will be protected in the ordinary way. This is another step back to normality and to getting the banks profitable again so that they will make more of their capital available to small businesses and to deserving people throughout the economy.

The availability of credit is to be welcomed. Once that is opened to SMEs and others, we will greatly welcome it. However, this will allow banks to stand on their own two feet again and break the link between them and the sovereign, which is important.

I join colleagues in appealing to the Minister for the Arts, Heritage and the Gaeltacht, in view of the weather we have had, to extend the season for burning scrub on commonages and

high ground and bring into line with policy in Northern Ireland.

**Senator Rónán Mullen:** I thank the Leader for his response yesterday on the Order of Business. I was invited to table an Adjournment matter about the promise the Taoiseach gave regarding core funding for Galway hospice and support for its expansion. I will do so but will the Leader use his good offices as well? That was a particularly sensitive promise that needs to be kept. I ask senior people in the main Government party to bring up the issue with the Taoiseach. I acknowledge Castlebar and Roscommon also have important claims regarding hospice care and I support them as well. However, there was something particular about what the Taoiseach said to the late John Cunningham, which ought to be acted on.

I raised the issue of opinion polls in the context of a poll on abortion some time back and I asked for a debate. I concluded my remarks by saying that when the question is asked whether people support current medical practice provided that all necessary medical interventions to protect women's lives are there, there is support for that. That has been confirmed and I draw the House's attention to that. A reputable company, Millward Brown, carried out a poll for the pro-life campaign and found 66% support for protection and safeguarding in law of the current practice of treating expectant mothers and their babies as two patients and doing the best to safeguard both in crisis situations and 63% support for the constitutional protection for the unborn, which prohibits abortion but allows the continuation of the existing practice of intervention to save a mother's life in accordance with medical ethics. That is very encouraging and it points up the importance of asking the correct question that identifies the issues clearly in a non- emotive way. People are often confronted with hard questions about difficult cases that are traumatising for everybody but when they are asked whether they favour the good medical practice we currently have - our great two-patient model - they support it. We have seen that in the latest poll and that is food for thought for the Government as it contemplates bringing in legislation.

**Senator David Norris:** Hear, hear. The way the question is asked is crucial.

**Senator Rónán Mullen:** I have described as dangerous and unjust what it is said it will contain.

**Senator Maurice Cummins:** I do not propose to accept Senator MacSharry's amendment to the Order of Business. The dramatic and theatrical performance of the Senator is lost in the House.

**Senator Paul Coghlan:** I always said he was the star pupil.

**Senator Maurice Cummins:** He forgets that the Ombudsman made these points more than five years ago and Fianna Fáil had ample time to do something about them but the party did the same as it did with many other issues - kick the can down the road for somebody else to deal with. That is what has happened.

The mobility allowance will continue to be paid for a further three months in respect of those in receipt and those whose applications have been received and who have been found to qualify. The motorised transport grant will be paid to those in receipt and those whose applications have been found to qualify. No further application will be accepted for either scheme. The Department of Health will immediately undertake a review of the issues and recommend a solution as to the best way to meet the transport and mobility needs of those who require support within the budget available.

27 February 2013

The Ombudsman identified that both schemes do not comply with the Equal Status Act 2000. However, an extension of either scheme, as recommended by her, would create a severe and serious financial pressure on the health budget and would be unsustainable. The current budget is €10.6 million and the cost of such an extension could be as much as €100 million per annum for the mobility allowance and more than €200 million over a three-year period for the motorised transport grant. The Minister of State at the Department of Health, Deputy Kathleen Lynch, has, therefore, established a project group to review and examine the issues and recommend an appropriate solution within three months. That is the current position on the matter. When the Minister of State receives the report and comes back with a solution within budget, perhaps I can arrange a debate on the matter at that time.

Senators Ivana Bacik and Paul Coghlan raised the issue of the termination of the bank guarantee. We have ended many of the measures the previous Government brought in. We addressed the IBRC, promissory note and other issues, which plagued the country over the past number of years, and we are gradually regaining our economic sovereignty.

Senators Bacik and Norris referred to the climate change Bill and I hope we will have a debate on that in early course. Senator Bacik also asked for a debate on Syria and the problems there.

Senator Norris seconded the amendment to the Order of Business and called on the Minister for Communications, Energy and Natural Resources to come to the House to explain why he will not proceed with the privacy Bill. I also note the Senator's comments on climate change.

Senators D'Arcy, Comiskey, O'Neill and others called on the Minister for the Arts, Heritage and the Gaeltacht to extend the deadline for the burning of scrub and hedge cutting. I will bring that matter to his attention. We have had a wet winter and people realise the problems faced by those in the farming community in this regard. I am sure the Minister will act and extend the deadline.

Senator Leyden raised the issue of filling posts on State bodies. They are still littered with Fianna Fáil nominees, many of whom are probably incapable of doing the job.

**Senator Marc MacSharry:** On a point of order, on two occasions, I asked the Leader and Deputy Leader for an explanation about the two people appointed to the Heritage Council who did not even apply,

**An Cathaoirleach:** That is not a point order. The Senator should resume his seat.

**Senator Marc MacSharry:** It still requires the Leader to usefully reflect that before he casts-----

**Senator Maurice Cummins:** I will reflect and say that nobody applied for any of the positions Fianna Fáil filled over the years.

**Senator Marc MacSharry:** If that is the Leader's defence, I am afraid it is a sad day.

**Senator Maurice Cummins:** I draw the Senator's attention to the more than 100 appointments made to various boards as the people kicked Fianna Fáil out of government.

**Senator Paschal Mooney:** Fine Gael did the very same.

**Senator Maurice Cummins:** Fianna Fáil Members should think about that and reflect on that if they are asking me to reflect on this issue. When the party was kicked out of government, it continued to make appointments and none of the appointees applied.

**Senator Marc MacSharry:** The Leader is touchy.

**Senator Paschal Mooney:** The record shows that Fine Gael did the same.

**Senator Marc MacSharry:** Will the Leader answer the question about the two Labour Party activists who did not apply? Did the letter to the people whose application failed say the Government was sorry but that they had to look after two party hacks and thank them for their applying?

**Senator David Norris:** On reflection, I have to award the prize for drama to Senator Cummins.

**Senator Terry Leyden:** Fine Gael was supposed to be a new party with a new manifesto.

**An Cathaoirleach:** The Leader, without interruption.

**Senator Maurice Cummins:** Senators Landy and Wilson raised the issue of the development plans of town councils and asked that they be extended. Senator Landy also referred to amending the Planning and Development Acts. I will bring these matters to the attention of the Minister for the Environment, Community and Local Government.

Senator Quinn referred to presumed consent for organ donations. He has raised this issue on many occasions. I acknowledge his comment that Deputy Buttimer will introduce a Bill similar to that introduced a few years ago. The Deputy was a Member of this House when the original Bill was introduced and, therefore, he should know a great deal about it. Senator Burke referred to the delays on the part of all Governments and Departments, including the permanent government in the Civil Service, in proceeding with Bills that have passed Second Stage in the House. If the Government supports a Bill on Second Stage and is not going to proceed with it, it should introduce its own legislation within a short period and not wait as long we have witnessed in recent years. I agree with Senator Feargal Quinn, Senator Colm Burke and others in that regard.

Senator Fidelma Healy Eames called for a further cut in pensions to former Ministers. Senator Michael Mullins also raised that point.

Senators Trevor Ó Clochartaigh, Michael Comiskey and Paul Coghlan raised an issue from the discussions last evening on the dumping of fish disregards. We should all compliment the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, in this regard. When he was in the House to speak about fishing, he said he would raise the matter and continue to raise it at European Union level. I hope, as a result of the meeting yesterday, that the matter has been solved to the satisfaction of all. It was disgraceful that so much fish was being dumped overboard when people are hungry in Europe and in the world. I am glad this issue has been solved once and for all.

Senator Paschal Mooney raised the issue of the deterioration of roads. I agree that there are many roads around the country in urgent need of repair. In January 2012 the Department of Transport announced a €100 million, 24 month programme of works to target black spots and include road safety. We are half way through that plan. Work commenced on 31 of the projects in 2012, three of which have been completed. Construction work continues on the remaining

28 projects which are expected to be completed in 2013, as planned, on schedule. When the scheme was announced in 2012 it was made perfectly clear that 29 of the projects, for which no funding is currently available, would be brought through the planning process. These 29 projects will be ready to proceed when funding becomes available. Certainly there are moves in the roads area but I agree that more needs to be done. That is recognised throughout the length and breadth of the country.

**Senator Paschal Mooney:** Bring in a supplementary budget?

**Senator Maurice Cummins:** Senator Deirdre Clune mentioned alcohol awareness week. I will try to have the Minister come to the House to discuss that matter.

Senator Diarmuid Wilson raised the extension of town development plans. He also asked about the further education and training Bill. That Bill will come before the House on Thursday next.

Senator Aideen Hayden raised the issue of the failure of previous governments to deal with fuel poverty and property standards. We see the result of that at this time.

Senator Jim Walsh mentioned that the attacks on offices of any group must be condemned. I am sure everybody would agree that they should be condemned. We have witnessed attacks on the offices of various organisations in recent years. As I mentioned last week, the report into the death of Savita Halappanavar was not with the Minister. I understand the report still has not been furnished to the Minister. I will confirm that for the Senator.

Senator Pat O'Neill raised the issue of credit unions. I have raised the matter with the Minister for Finance. I was surprised that credit unions did not withdraw their moneys from these schemes immediately, after IBRC had outlined its problems.

Senator Michael Mullins mentioned the necessity for cuts to legal services and all others who provide services to the State. That is a very good point.

**Senator Michael Mullins:** Maybe we could have the Minister for Public Expenditure and Reform come to the House?

**Senator Maurice Cummins:** Senator Rónan Mullen mentioned the results of recent opinion polls. I note his point in that regard.

A number of Members left the House because they had to attend various committee meetings. I remind the House that as and from 1 March, as fully agreed by the House, Members should not go to meetings prior to or during the Order of Business. That takes into consideration meetings that start at 9.30 a.m. as well as meetings that start at 11 a.m. and 11.30 a.m. and similarly on a Tuesday. That will not operate unless all Members comply with the motion unanimously supported by all sides of the House.

**An Cathaoirleach:** Senator Marc MacSharry has moved an amendment to the Order of Business, "That a debate to establish what alternatives were examined prior to taking the decision to reduce mobility grants be taken today."

Amendment put:

The Seanad divided: Tá, 18; Níl, 26.
--------------------------------------

*Seanad Éireann*

Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Daly, Mark.	Bradford, Paul.
Leyden, Terry.	Brennan, Terry.
MacSharry, Marc.	Burke, Colm.
Mooney, Paschal.	Clune, Deirdre.
Mullen, Rónán.	Coghlan, Eamonn.
Norris, David.	Coghlan, Paul.
Ó Clochartaigh, Trevor.	Comiskey, Michael.
Ó Domhnaill, Brian.	Conway, Martin.
Ó Murchú, Labhrás.	Cummins, Maurice.
O'Donovan, Denis.	D'Arcy, Jim.
O'Sullivan, Ned.	Harte, Jimmy.
Power, Averil.	Hayden, Aileen.
Quinn, Feargal.	Henry, Imelda.
Reilly, Kathryn.	Higgins, Lorraine.
van Turnhout, Jillian.	Keane, Cáit.
Walsh, Jim.	Kelly, John.
Wilson, Diarmuid.	Landy, Denis.
	Moloney, Marie.
	Mulcahy, Tony.
	Mullins, Michael.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	Whelan, John.
	Zappone, Katherine.

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

Amendment declared lost.

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

The Seanad divided: Tá, 28; Níl, 15.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Bradford, Paul.	Daly, Mark.
Brennan, Terry.	Leyden, Terry.

27 February 2013

Burke, Colm.	MacSharry, Marc.
Clune, Deirdre.	Mooney, Paschal.
Coghlan, Eamonn.	Norris, David.
Coghlan, Paul.	O'Donovan, Denis.
Comiskey, Michael.	O'Sullivan, Ned.
Conway, Martin.	Ó Clochartaigh, Trevor.
Cummins, Maurice.	Ó Domhnaill, Brian.
D'Arcy, Jim.	Ó Murchú, Labhrás.
Harte, Jimmy.	Power, Averil.
Hayden, Aideen.	Reilly, Kathryn.
Henry, Imelda.	Walsh, Jim.
Higgins, Lorraine.	Wilson, Diarmuid.
Keane, Cáit.	
Kelly, John.	
Moloney, Marie.	
Mulcahy, Tony.	
Mullen, Rónán.	
Mullins, Michael.	
O'Keeffe, Susan.	
O'Neill, Pat.	
Quinn, Feargal.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Whelan, John.	
Zappone, Katherine.	

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

Question declared carried.

*12 o'clock*

**Address by Ms Emer Costello, MEP: Motion**

**Senator Maurice Cummins:** I move:

That, in accordance with Standing Order 57(2) and the decision of the Committee on Procedure and Privileges, Seanad Éireann agrees that Emer Costello MEP shall attend and be heard in Seanad Éireann on Thursday, 28 February 2013, and that the following arrangements shall apply: the proceedings, which shall not exceed two hours, shall consist of a contribution which shall not exceed 20 minutes by Emer Costello MEP, a contribution not exceeding five minutes by the spokesperson of each group and a contribution not exceeding two minutes from a Sinn Féin Senator at the conclusion of which Emer Costello MEP will reply to questions, which shall not exceed one minute in each case, from Members in accordance with the schedule below:

Schedule

Fine Gael Senators: 2 questions

Fianna Fáil Senators: 2 questions

Labour Senators: 2 questions

Taoiseach Nominees: 2 questions

University Senators: 2 questions

Sinn Féin Senators: 1 question.

Question put and agreed to.

**Taxi Regulation Bill 2012: Committee Stage (Resumed)**

**Acting Chairman (Senator Paschal Mooney):** I welcome the Minister of State to the House.

Section 13 agreed to.

NEW SECTION

Government amendment No. 24a:

In page 17, before section 14, to insert the following new section:

14.—(1) The applicant for a licence, with the application, or the holder of a licence, during its operation, may nominate in writing to the Authority a person as his or her representative who may apply to the Authority to continue to operate the licence in the event of his or her death.

(2) In the event of the death of the holder of a licence, his or her nominated representative may, within 3 months of the death of the holder, make an application to the Authority to continue to operate the licence until its expiry.

(3) The provisions of this Act apply to an application made under subsection (1) and if the application is granted the nominated representative becomes the holder of the

27 February 2013

licence until its expiry and may apply to the Authority for its renewal upon its expiry.

(4) In this section—

“licence” means a licence other than a licence to drive a small public service vehicle;

“nominated representative” means the person nominated by the applicant for, or the holder of, a licence, for the purposes of continuing to operate the licence in the event of death of the licence holder.”.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** Section 13, concerning the transfer of SPSV licence, does not provide for an exemption to be made concerning a consequent revocation of an SPSV upon the death of an SPSV licenceholder. Therefore, in the event of the death of an SPSV licenceholder, as a consequence of section 13, the SPSV licence would stand revoked.

As indicated previously in this House and in other areas, I have been reflecting on this matter. This new section will enable the continuity of the SPSV business in the event of the death of an SPSV licenceholder. Under the new section, a licence applicant or holder would be able to nominate their representative to the NTA. Upon the death of the licenceholder, the nominated representative can, within three months, apply to continue to operate the licence until expiry and to apply for the licence renewal thereafter.

Amendment agreed to.

#### SECTION 14

Government amendment No. 25:

In page 17, subsection (1)(a), line 28, to delete “*section 44*” and substitute “*section 43*”.

**Deputy Alan Kelly:** This is a minor amendment to correct a drafting error.

Amendment agreed to.

Section 14, as amended, agreed to.

Section 15 agreed to.

#### SECTION 16

**Senator Sean D. Barrett:** I move amendment No. 26:

In page 19, subsection (1), line 41, after “the” to insert “quality”.

This amendment seeks to allay fears that this is not the reintroduction of quantity licensing by other devices. It is important for it to be seen that this is not the reintroduction of the system which was overturned by the High Court in four decisions; the notable one was in 2000. We already have evidence that this is the way the Department is thinking and working.

SI 250 of 2010 raised the entry barrier of capital costs by between 65% and 91% by requiring new entrants but not the incumbents to have wheelchair-accessible vehicles. In addition, the variable costs added 27% to the fuel. The Department really must prove to Members that

it is not trying to restore the value of licences. It has already done so as in the editions of the *Evening Herald* published last night and last Thursday night, more than 30 plates appeared for sale. The decision of the High Court was that one would not have such a restoration. Given that what is happening in this Bill is being interpreted as the reintroduction of quantity licensing and not the retention and development of quality licensing, there is a market for such pieces of paper, with 30 of them being advertised in the *Evening Herald* every night. One man last night had seven or eight of them for sale. This leads to the position that obtained previously in which licences have a value, the holders of those licences protect that value and successfully lobby a fairly compliant Department, such as the Department of Transport, Tourism and Sport, to stop new entry as they did in 2010 with the aforementioned statutory instrument. It is very important at this point to clarify whether the Minister of State is, as I believe, introducing quantity licensing to contravene a High Court decision. The Minister of State should allay fears in this regard by stating this refers only to quality licensing. The previous system led to troubles and difficulties that everyone encountered. There was a highly successful deregulation, which was widely commented on in the Goodbody report as having generated approximately €780 million worth of time savings each year. We are in danger of sleep-walking back to the previous system unless this amendment is accepted.

**Senator Feargal Quinn:** I wish to add a word of support for Senator Barrett. Everyone remembers what happened previously and no one wishes to see steps taken back in that direction. It appears as though the substitution of the word “quality” in this case will solve the issue. I hope the Minister of State will confirm that Senator Barrett’s concerns are not valid.

**Deputy Alan Kelly:** I cannot agree to amendment No. 26. This amendment would see section 16 set out that the function of the National Transport Authority is “to develop, operate and maintain a regulatory framework for the quality licensing and regulation of... standards”. There is a fundamental question as to the meaning of the phrase, “quality licensing and regulation” in legal or any other terms. The Senator should note this is also the opinion I have received from the Attorney General. Consequently, there is an issue in this regard and for this reason, I will not accept the amendment.

**Senator Sean D. Barrett:** I thank the Minister of State and should have welcomed him to the House as I fumbled through some papers. While I accept what the Minister of State has said, I greatly regret it because the picture every economist in the country can see is an attempt being made by the licenceholders who occupied buildings and closed off the airport. Moreover, the Department has caved in to give them what they wanted, namely, the restoration of the value of the plates. I gave the Minister his chance but no economist outside the Department of Transport, Tourism and Sport believed this was not what he was doing and he now has confirmed it. Quality licensing means one does not restrict the number of people in the industry. I am surprised the Department has no definition of it, as it was given to it in the four court decisions. Another problem with this Bill is the regulatory impact assessment was completed approximately six weeks late and was never submitted to Members but was published on the Department’s website. As it refers to neither the Goodbody report nor to the four court decisions, I believe the Department is making this up as it goes along. It is the old anti-competitive emphasis the Department of Transport, Tourism and Sport has always had, whereby it has kept people out of competition at airports and so on and this constitutes giving into the wrong kind of forces.

I will certainly refer this debate to the troika because we are supposed to be reducing the cost of sheltered sector services in Ireland but this measure is creating the scarcity rents that now

are being advertised every night in the *Evening Herald* and the Minister of State, either advertently or inadvertently, is supporting that. It is a sad day that this has happened at a time when we are trying to make the economy more competitive. I support the Minister of State's quality licensing but he is not willing to support the amendment on it. He is, alas, unveiled in his true colours as trying to restore the pre-2000 position in contravention of the four High Court decisions. It will cost someone a large amount of money and there is a queue in the Supreme Court but I have no doubt but that what is being attempted here today will be overturned in the courts because the Minister today is attempting to overturn four court decisions that were made before him. He is giving in to the pressure of incumbents, and already has, in making life so difficult for new entrants by imposing on them a vehicle cost that is 65% to 91% greater than that for incumbents, as well as a variable cost that is 27% higher than the incumbents. This is the kind of discrimination that directly contradicts Mr. Justice Roderick Murphy's judgment that people have a right to enter a sector for which they have the skills and training and the public has the right to the services of such persons. He also added that given that most of those who were being protected back in 2000 - before he overturned that which the Minister of State is attempting to reintroduce - were citizens of this State and that in a Single Market, most of those who were being kept out were from other jurisdictions, we probably were contravening European law as well. It certainly contravenes economic common sense.

I have drawn the attention of the House to what economists think of this Bill and what lawyers think of this Bill and will discuss this further. I believe it to be the role of the University Senators to bring their wisdom and that of their colleagues to this Chamber in order that the Legislature is not treated to a Minister seeking to overturn High Court decisions in the interests of people who occupy buildings and block off the airport, because that is what I perceive the legislation to be doing. That is the only explanation there is because I have gone through each of the Minister of State's objections and the reasons he did not like the new entrants and they are baseless. According to the Goodbody report, there is 96% approval on the part of public opinion for the emergence of so many new entrants into the sector. It is a sad day for Irish economic policy and in general that quantity licensing will be unveiled in all its ugliness in the rejection of this amendment.

**Deputy Alan Kelly:** Briefly, as previously stated in this House on numerous occasions, there is nothing in this Bill that provides for quantity restrictions. As the Senator has already stated, the courts already have decided on that issue and nothing in this Bill changes that. Apart from that, as I already have explained to the Senator, from a legal wording point of view, the wording as suggested in the amendments is not acceptable.

Amendment put:

The Committee divided: Tá, 14; Níl, 26.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Leyden, Terry.	Bradford, Paul.
MacSharry, Marc.	Brennan, Terry.
Mooney, Paschal.	Burke, Colm.
Mullen, Rónán.	Clune, Deirdre.
Norris, David.	Coghlan, Paul.
Ó Murchú, Labhrás.	Comiskey, Michael.

O'Donovan, Denis.	Conway, Martin.
O'Sullivan, Ned.	Cummins, Maurice.
Power, Averil.	D'Arcy, Jim.
Quinn, Feargal.	Harte, Jimmy.
van Turnhout, Jillian.	Hayden, Aideen.
Walsh, Jim.	Healy Eames, Fidelma.
Zappone, Katherine.	Henry, Imelda.
	Higgins, Lorraine.
	Keane, Cáit.
	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	Whelan, John.

Tellers: Tá, Senators Sean D. Barrett and Feargal Quinn; Níl, Senators Paul Coghlan and Aideen Hayden..

Amendment declared lost.

Section 16 agreed to.

## SECTION 17

**Senator Sean D. Barrett:** I move amendment No. 27:

In page 21, subsection (1)(a)(ii), line 2, to delete “, markings or colour of the vehicle”.

I am not as inflexible on this amendment as I was on the last. Part timers in this industry perform a valuable function because the business is so heavily skewed between Thursdays and Saturdays. The contrary view is that a taxi should have all sorts of decorations on it in case people get into one by mistake. There is not much evidence that ever happened, the roof sign was enough. I just wanted to make that point, I will not press the amendment. The role of part timers is crucial unless we want to have people sitting around from 9 a.m. until 5 p.m. on Mondays, Tuesday and Wednesdays when there is not enough business.

**Deputy Alan Kelly:** The subparagraph in section 17 to which the amendment refers is necessary to enable the NTMA to make SPSV regulations concerning the markings or colour

of vehicles. This is necessary if we want to move in the future to greater conformity in SPSVs. The provision is a restatement of a similar provision under section 34(2) of the Taxi Regulation Act 2003 concerning the internal and external signage or colour of the vehicle. This allowed the NTA to regulate for the current taxi branding that was introduced in January this year. The aim of the branding is to make taxis more identifiable and to promote greater professionalism in the industry. I cannot, therefore, accept the amendment.

I chaired the taxi review, as was appropriate, and consumer representatives took part and this issue was among those they raised. I held a particular view but we had to come to an arrangement with the industry. The branding that we see now on cars that have renewed their licence is the compromise that was reached with the industry itself. We reached a fair compromise. This allows for flexibility in the future in this area.

Amendment, by leave, withdrawn.

**Senator Sean D. Barrett:** I move amendment No. 28:

In page 21, subsection (1)(a), to delete lines 37 to 39.

This relates to the concern we have expressed in these debates of area licensing being reintroduced. The section states “the areas or locations where the drivers of small public service vehicles may carry on activities of operating small public service vehicles;”. Perhaps the Minister of State may come back to this on Report Stage. Does it refer to where the cab rank is located or does it refer to areas of operation?

The Minister of State said previously that in his experience in Tipperary, taxi deregulation had been unsuccessful, there was a shortage and there may be a need to reintroduce area licensing. We did some homework and the Minister of State is right in that Tipperary and Monaghan are the two counties where taxi deregulation had the least impact. If he was in Limerick or any of the other counties in the State, instead of there being 394 SPSVs, there would be more than 600 small public service vehicles. The population per taxi in Tipperary is 4,028 and there are plenty of counties where the figure is half that. I do not know why deregulation did not work in Tipperary. Perhaps people in Ballina get a taxi from Killaloe. In the rest of the State, except Monaghan, deregulation was an astonishing success with all the benefits that Goodbody found. If area licensing in this section refers to the location of the ranks, that is fine, but if it refers to a reintroduction of limits on where taxis can operate, I would oppose it.

**Senator Feargal Quinn:** There could be doubt about the meaning of this. I understood it to mean ranks but that might not be the case. The Minister of State was concerned when talking about quality and quantity that there might be a doubt as to what the words mean. Certainly there is doubt here and I would like it dispelled. Are we talking about the rank where people queue or the whole area?

**Deputy Alan Kelly:** It means where they can ply for hire and the ranks where they can do that. The subparagraph the Senator wants to delete supports the current licensing system whereby areas of operation where an SPSV driver can stand or ply for hire must be applied for and specified on the licence, subject to completion of the relevant area knowledge test. Once the area of operation has been established through this process, the SPSV driver is restricted to operation in the areas for which he or she is licensed. Subject to having the appropriate area knowledge, certified SPSV drivers can apply to operate in all 26 counties in the State. This is particularly important for SPSV drivers who operate in regions near county borders, as the

Senator mentioned, where there is more than one area of operation.

During 2012, there were only 114 PSV drivers who sat the area knowledge test to get licensed to operate in another county. This may change. The number of people who want to add another area of operation to their driver's licence is relatively low to date. There is a vast difference between the current licensing system that specifies the areas of operation of the SPSV driver compared with the restricted licensing practices under local authorities in the past, to which the Senator has referred. We have moved on.

The specification of areas on the licence and roof sign were introduced in response to industry representatives, the taxi advisory committee and the Garda Síochána. This system makes it easier for customers and enforcement officers to check if a particular SPSV driver is licensed to operate in a county or area. This provision under section 17 is necessary so the NTA can continue to issue licences in response to the areas or locations where drivers of SPSVs choose to operate. This is linked to the area knowledge requirement, which is at the heart of the provision of an effective and efficient SPSV industry in which consumers can have confidence. I cannot accept the amendment.

**Senator Sean D. Barrett:** Again the Minister of State confirms my fears. When the Commission for Taxi Regulation was set up, it was to do the job nationally and remove the local authorities from the picture. We are now reintroducing local licences and once again these will be sold on the market in areas where there is a scarcity. I will not press the amendment but this is another defect in the Bill.

Amendment, by leave, withdrawn.

Amendment No. 29 not moved.

Government amendment No. 30:

In page 21, subsection (1)(a)(xiv), line 47, after "restricting" to insert "or prohibiting".

**Deputy Alan Kelly:** This is a minor drafting amendment to insert text. The amendment make no change to the substance of section 17.

Amendment agreed to.

Government amendment No. 31:

In page 22, subsection (1)(b), to delete lines 15 and 16 and substitute the following:

"(iii) the standards relating to any equipment carried in the vehicle, including requirements in relation to evidence of verification of taximeters or taximeter systems in accordance with regulations made under the Metrology Act 1996;"

**Deputy Alan Kelly:** This is an important amendment that enables the NTA to make regulations concerning the standard of equipment in vehicles and on evidence on verification of taximeters and taximeter systems in line with regulations under the Metrology Act 1996. Legal advice obtained a couple of years ago identified difficulties in the NTA prosecuting for meter verification issues. The advice was to the effect that because verification is a complex process, it may be necessary to have a legal Metrology Service inspector involved in each prosecution. This amendment will provide for a straightforward prosecution for not having the

correct meter verification seal on the meter to be pursued by the National Transport Authority without having to rely on a joint prosecution.

Amendment agreed to.

Government amendment No. 31*a*:

In page 23, subsection (1)(g), lines 2 to 4, to delete all words from and including “by” in line 2 down to and including “vehicle” in line 4.

**Deputy Alan Kelly:** This is purely a technical amendment introduced on the advice of the advisory council. The amendment simplifies the text under subsection (1)(g) and clarifies the intention of paragraph (3), which allows the National Transport Authority to make small public service vehicle regulations concerning the operation, rental, possession or control of a small public service vehicle.

Amendment agreed to.

**Acting Chairman (Senator Paschal Mooney):** Amendments Nos. 32 and 33 are related and will be discussed together.

**Senator Sean D. Barrett:** I move amendment No. 32:

In page 23, subsection (1)(i), line 8, to delete “conduct,” and substitute “conduct and”.

The purpose of the amendment is to provide for the flexibility required in the taxi industry. It is unduly restrictive to introduce laws about the deportment and dress of drivers. What action will be taken if it is a warm day and a taxi driver is wearing a t-shirt or football shirt? This provision is unnecessary given the low level of consumer complaints in the taxi industry. I understand approximately 600 complaints have been made in respect of 80 million journeys whereas, as we noted during our previous debate, many more complaints are made to the Ombudsman about the conduct of public servants in general. We must recognise that part-time taxi drivers and those who travel into other areas are providing a flexible transport service. This has generated benefits worth €780 million and we must be careful not to erode them. The incumbents will try to create obstacles for those they do not want in the industry and some of these obstacles strike me as unnecessary. While the provision is unnecessarily intrusive, I do not propose to press the amendment.

**Deputy Alan Kelly:** I cannot agree to amendments Nos. 32 and 33. The specific provision under section 17 to which the amendments refer enables the National Transport Authority to make regulations concerning the standard of conduct, general behaviour, deportment or dress of persons operating small public service vehicles. This is a restatement and clarification of the existing provision under section 34(6) of the Taxi Regulation Act 2003, providing that the authority can specify conditions and requirements of small public service vehicle drivers concerning their dress code. The provisions of section 17 are necessary measures to promote standards of professionalism in the industry and for this reason, I cannot accept the amendments. As with all of the powers conferred on the National Transport Authority, it is incumbent on the authority to ensure this power is exercised in a reasonable and fair manner.

The National Transport Authority worked closely with Fáilte Ireland to produce a course for taxi drivers on the basis that they are the first point of contact for people arriving through the various airports. A number of taxi drivers have willingly participated in this course. While the

provision is needed, the National Transport Authority must also act in a reasonable manner in enforcing it.

Amendment, by leave, withdrawn.

Amendment No. 33 not moved.

**Senator Sean D. Barrett:** I move amendment No. 34:

In page 23, lines 31 to 38, to delete subsection (2).

The amendment proposes to delete subsection (2), which provides that the National Transport Authority, in making regulations under the section, may set different requirements and conditions in relation to the operation of different categories of small public service vehicles and their drivers, dispatch operators and other persons booking services for small public service vehicles, for different circumstances, and for different counties or areas in the State. This returns me to my comment that this legislation is an example of bureaucracy going over the top in unpicking a decision of the courts that was found in the Goodbody report to be highly beneficial. The provision allowing the NTA to set different requirements and conditions for different categories of vehicle and so forth is a bureaucrat's charter, which also confirms that it is intended to reintroduce area licensing for different regions or counties. As I stated, the current provisions proved to be a major success in 24 of the 26 counties, although for reasons we have not been able to figure out, counties Tipperary and Monaghan had problems in this regard. Unfortunately, the Minister of State comes from one of the two counties where problems occurred.

I accept economic success when it occurs. The Department of Transport, Tourism and Sport and the National Transport Authority do not have a great record in regulation because they always protect incumbents and act in an anti-competitive manner. This subsection provides them with a bible and I am unhappy with it for that reason. We have started to move backwards since the High Court decision and this section is another example of this trend. I tabled the amendment because the subsection is not necessary. If we have 24 successes out of a possible 26, that is a pretty good national batting average.

**Deputy Alan Kelly:** We have been over this ground a few times and I cannot agree to amendment No. 34. Subsection (2) is necessary to enable the National Transport Authority to differentiate small public service vehicle regulations between different categories of vehicle and drivers and the special operators, for different circumstances, and in different areas and counties of the State. There is good reason to maintain and build on the regulatory requirements in place for the categorisation of services, namely, taxis, hackneys, limousine services, etc. For example, there would be an outcry if all hackneys had to meet the requirements of taxis in terms of signage and metering equipment. On the other hand, it would be a retrograde step to remove the pro-consumer requirements for taxi services. The National Transport Authority may be required to make regulations, if needed, to deal with matters such as drivers operating in the voluntary sector or proposals for rural hackney services, which I hope to progress in the coming months, as well as for the identification of driving hour restrictions or other different circumstances.

Similarly, the National Transport Authority regulation concerning the display of signage relating to different areas of small public service vehicle operation relies on the ability to regulate for different areas or counties. This provision in section 17 is a restatement of section 39(3) of the Taxi Regulation Act 2003, with the exception of the introduction of a clause to include

27 February 2013

different requirements for different categories of dispatch operators and other booking services. There is good reason for the authority to regulate the area of small public service vehicle dispatch and booking services, particularly in terms of ensuring a reliable and high standard of service to consumers.

**Acting Chairman (Senator Paschal Mooney):** Is the amendment being pressed?

**Senator Sean D. Barrett:** I regret I will not press it because the Bill is going down the wrong road.

Amendment, by leave, withdrawn.

Government amendment No. 34a:

In page 23, subsection (4), line 44, after “section” to insert the following:

“, which is stated in the regulations to be a penal provision,”.

**Deputy Alan Kelly:** This is a purely technical amendment introduced on the advice of the advisory council. It provides that the National Transport Authority must specify in the small public service vehicle regulations that are made under section 17 which of the regulations are penal provisions, that is, provisions whereby failure to comply with or contravention of the regulation is an offence under subsection 17(4).

Amendment agreed to.

Section 17, as amended, agreed to.

## SECTION 18

**Senator Sean D. Barrett:** I move amendment No. 35:

In page 24, lines 36 to 43 and in page 25, lines 1 to 10, to delete subsections (6) to (8).

It is proposed to turn what started out as a code of practice into a legal offence in this provision. While codes of practice are useful to try to raise standards, this provision provides for the imposition of penalties for some offences which appear to be trivial, to say the least. That is my difficulty with the section.

The Bill provides that subsection (7) will apply “in proceedings for an offence under this Act where there was a relevant code of practice in effect at the time of the commission of the alleged offence”. This provision appears to criminalise breaches of a code of practice. While I approve of codes of practice, they work because they persuade rather than legally oblige people to adopt certain practices.

**Deputy Alan Kelly:** The provisions in subsections (6) to (8) of section 18 provide that compliance, or not, with the code of practice established or adopted by the National Transport Authority can be admissible as evidence in court proceedings for an offence where there was a relevant code of practice in effect. While the provision is not binding on the court, it does allow for the possibility of consideration of such evidence. It is a question of the spirit of the legislation rather than a legally binding measure. I will reflect on the amendment for Report Stage.

**Senator Sean D. Barrett:** I thank the Minister of State.

Amendment, by leave, withdrawn.

Section 18 agreed to.

**Acting Chairman (Senator Paschal Mooney):** We usually acknowledge invitees of Members in the Visitors Gallery. In this instance, I acknowledge the presence of a group from Golden, the village of the assistant clerk. I am sure she is delighted to see some familiar faces.

**Deputy Alan Kelly:** Tipperary.

**Acting Chairman (Senator Paschal Mooney):** Tipperary, of course.

#### SECTION 19

Government amendment No. 36:

In page 25, lines 35 to 37, to delete subsection (7) and substitute the following:

“(7) A person shall not act as a dispatch operator or provide booking services for small public service vehicles where such services require a licence under regulations made by the Authority unless that person holds a licence in that regard.”.

Amendment agreed to.

Amendment No. 37 not moved.

Section 19, as amended, agreed to.

#### SECTION 20

**Acting Chairman (Senator Paschal Mooney):** Amendments Nos. 38 and 38*a*, on the additional list, are related and may be discussed together, by agreement.

Government amendment No. 38:

In page 27, lines 1 to 3, to delete subsection (3) and substitute the following:

“(3) The driver of a taxi when hired for a journey, shall not complete the journey, unless otherwise requested by the passenger, other than by taking—

(a) the shortest route, where practicable, or

(b) with the consent of the passenger, the most convenient route.”.

**Deputy Alan Kelly:** Amendment No. 38 is a minor textual amendment aimed at providing greater legal precision. The principle of the provision is completely unchanged.

Amendment No. 38*a* is a technical amendment tabled on the advice of the advisory council. Section 20 of the Bill deals with obligations on SPSV drivers towards passengers. The inserted text provides for a degree of latitude to be exercised with regard to the application of the offences under subsection 20(4), whereby a taxi driver may have reasonable cause not to comply with subsections 20(2) or 20(3), that is, concerning refusal to carry a passenger or not taking the shortest or most convenient route. This is a common sense provision.

Amendment agreed to.

27 February 2013

Government amendment No. 38a:

In page 27, subsection (4), line 4, after “comply” to insert “, without reasonable cause,”.

Amendment agreed to.

Section 20, as amended, agreed to.

## SECTION 21

**Acting Chairman (Senator Paschal Mooney):** Amendments Nos. 39 and 40 are related and may be discussed together, by agreement.

**Senator Sean D. Barrett:** I move amendment No. 39:

In page 27, subsection (3)(a)(i), line 17, to delete “and”.

This is designed to strengthen consumer representation. I ask that, in addition to the bodies that the Minister must consult - the advisory committee and the Legal Metrology Service - the National Consumer Council have a say. My concern about the Bill in general is that it is definitely pro-producer and ignores substantial benefits to consumers.

On the review group, I am disappointed that it appears the Competition Authority went with the majority. As a consumer, I felt very let down. Perhaps the chairman was too persuasive. It is useful in all regulation to have consumer representation. In that spirit, I hope the Minister of State accepts my amendment. I hope there are consumer representatives who speak up. The danger is regulatory capture whereby the producers take over entirely the regulation of the sector in their interest. Consumers are disparate and never spend very much of their income on any one commodity. Producers get all their income from the commodity and achieve regulatory capture, not only in Ireland but also in a large number of other jurisdictions. I do not know whether the National Consumer Agency would be able to resist that trend, but a consumer voice is very necessary in this area.

**Deputy Alan Kelly:** I accept the spirit of what the Senator is saying but do not believe this proposal is necessary. Subsection 21(3) provides for consultation with the advisory committee on maximum fares. Section 56 requires that at least two members of the Taxi Advisory Committee shall be from organisations that, in the opinion of the Minister, represent the interest of consumers. That covers it. The National Consumer Agency, the National Disability Authority and the Competition Authority are represented on the committee at present. They were under review and it was noted that they conducted their affairs very diligently and satisfactorily. They put across their views quite strongly in many cases, although not because of strong chairmanship. Hence the branding one sees on cars around the city of Dublin and the rest of the country today.

Amendment, by leave, withdrawn.

Amendment No. 40 not moved.

Section 21, as amended, agreed to.

Sections 22 to 24, inclusive, agreed to.

## SECTION 25

Government amendment No. 40a.

In page 32, lines 15 to 20, to delete subsection (6) and substitute the following:

“(6) A passenger or an intending passenger in a small public service vehicle who contravenes *subsection (1) or (3)* commits an offence and is liable on summary conviction to a class C fine.”.

**Deputy Alan Kelly:** This is a technical amendment, tabled on the advice of the advisory council. Section 25 of the Bill deals with the regulation of passengers in SPSVs. The amendment removes paragraph (b) of the offences under section 25(6) concerning compliance with subsection 25(2). The offence, as it relates to paragraph (b) of the latter subsection, creates an overlap with an offence already under section 21(9) for non-payment of a fare. The remaining matters in paragraph (a) of subsection 25(2) alone concerning compliance with the code of passenger conduct or a reasonable request of a driver would not warrant maintaining the offence under paragraph (b) of subsection 25(6). In other words, we need to deal with duplication in the amendment.

Amendment agreed to.

Section 25, as amended, agreed to.

## SECTION 26

Government amendment No. 41:

In page 33, subsection (2)(b)(i), line 18, after “person” where it secondly occurs to insert “, from the date of conviction,”.

**Deputy Alan Kelly:** This is a minor amendment to provide clarification. The principle of section 26 is not changed by this amendment. Simply, the amendment implies that the mandatory disqualification of a person in respect of which subsection 2(b)(i) applies under section 26 of the Bill, i.e., where a fine only or a suspended sentence are imposed, is from the date of conviction. This is in line with the commencement of disqualification in the case of all other categories of persons specified under section 26(2). It is a technical amendment.

Amendment agreed to.

**Senator Kathryn Reilly:** I move amendment No. 42:

In page 35, between lines 35 and 36, to insert the following subsection:

“(13) Where an application is made by the person referred to in *subsection (11)* to the appropriate court, the appropriate court in making any determination whether to refuse the application, shall have regard to the terms and objectives of the Good Friday Agreement, namely, the reintegration of prisoners into the community in the area of employment.”.

This amendment is designed to ensure no former political prisoner released under the terms of the Good Friday Agreement’s early release scheme will be prevented from earning a living as a taxi driver. As the Minister of State is aware, there has been a significant body of work since 1998 to ensure prisoners on release could be assisted by the State and their representative bodies to reintegrate into community life. Central to that was reintegration into the labour market.

Barring former political prisoners from working in the taxi industry would not only undermine much of that good work but would also be contrary to the spirit and letter of the Good Friday Agreement.

The Agreement states, “The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education”. This paragraph places a legally binding obligation on the Irish Government on the issue of employment opportunities. In the High Court of Justice of Northern Ireland, a successful challenge was brought by a former political prisoner on the basis that the licensing authority failed to consider the express rights of prisoners as set out in the Belfast Agreement. The judgment in that case was that the Agreement contemplates that mechanisms would be put in place for the accelerated release of prisoners, and that those prisoners who benefited from that programme would be reintegrated into the community. It appears, therefore, that particular attention should be paid to the fact that a prisoner released under the terms of the Northern Ireland (Sentences) Act 1998 has been judged not to be a danger to the public.

In Britain, following a Fair Employment Tribunal judgment in *McConkey and Marks v. the Simon Community*, the British Government carried out a review of whether to amend the Employment and Treatment (Northern Ireland) Order 1998. The documentation states: “...to reflect those changed circumstances [in light of the Good Friday Agreement] and not least to reflect the terms of the said Agreement with its reference to the introduction of measures to facilitate the reintegration of prisoners into the community in the area of employment”. If the British Government is willing to meet its obligation under the Good Friday Agreement, it is necessary that the Irish Government do the same. If we automatically exclude former political prisoners of certain categories, as in the case in this Bill, it could controvert the Agreement.

*I o'clock*I ask the Minister of State to accept this amendment, which seeks only to provide that the court “...shall have regard to the terms and objectives of the Good Friday Agreement...”.

**Senator Sean D. Barrett:** I support Senator Reilly’s amendment. One of the first pieces of work I did in this area was on the colour coding of taxis in west Belfast, Derry and north Belfast, which worked extremely well. It is an excellent service, of high frequency and operational for many hours. There are lessons for us in it being possible to do this in Northern Ireland, in the context as eloquently described by Senator Reilly. It took us a long time to learn the lessons of the provision in those areas of high frequency, lengthy public transport services in difficult circumstances. Proven expertise exists in the marketplace. I note from recent opinion polls that the services provided are extremely popular in the neighbourhoods in which they operate.

**Deputy Alan Kelly:** I thank the Senators for their contributions. The point at issue in this legislation is the safety of passengers, who are in a vulnerable position, while in a taxi. Due to the restriction that this places on persons to participate in the industry, the grounds for mandatory disqualification is, for legal reasons, narrowly defined. It is not possible in legislation to seek to further define instances wherein there may be mitigating circumstances that justify the non-compliance of the disqualification. For this reason the Taxi Regulation Bill makes specific provision for an appeal to the courts in relation to mandatory disqualification. Exceptions are possible where the courts determine they are appropriate. The courts are positioned to make that type of judgment. It is clearly stated in section 26(10) that in determining whether to grant or refuse such an application, the court can have regard to any matter that it considers relevant.

*Seanad Éireann*

As such, there is adequate provision in the Bill to address the concerns raised by the Senators. I will not be accepting the amendment as I do not believe it is necessary.

Amendment put:

The Seanad divided: Tá, 8; Níl, 35.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Cullinane, David.	Bradford, Paul.
Norris, David.	Brennan, Terry.
Ó Clochartaigh, Trevor.	Burke, Colm.
Ó Murchú, Labhrás.	Clune, Deirdre.
Quinn, Feargal.	Coghlan, Paul.
Reilly, Kathryn.	Comiskey, Michael.
Zappone, Katherine.	Conway, Martin.
	Cummins, Maurice.
	D'Arcy, Jim.
	D'Arcy, Michael.
	Harte, Jimmy.
	Hayden, Aideen.
	Healy Eames, Fidelma.
	Henry, Imelda.
	Higgins, Lorraine.
	Kelly, John.
	Landy, Denis.
	Leyden, Terry.
	MacSharry, Marc.
	Moloney, Marie.
	Mooney, Paschal.
	Moran, Mary.
	Mulcahy, Tony.
	Mullen, Rónán.
	Mullins, Michael.
	O'Donovan, Denis.
	O'Keeffe, Susan.
	O'Neill, Pat.
	O'Sullivan, Ned.
	Ó Domhnaill, Brian.
	Power, Averil.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Whelan, John.

27 February 2013

Tellers: Tá, Senators Trevor Ó Clochartaigh and Kathryn Reilly; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

## SECTION 27

Government amendment No. 43:

In page 36, subsection (1), line 41, after “*section 26(3)*” to insert the following:

“or such other offences as the Minister may specify in regulations”.

**Deputy Alan Kelly:** Applicants or licence holders are required under section 27 to declare to the licensing authorities their convictions for any of the offences set out in the Schedule or those listed in Section 26 (3), which relates to serious road traffic offences. This amendment provides that the Minister may specify in regulations other offences which must be notified to the licensing authorities for the purposes of the suitability assessment of all licenceholders and applicants provided for under section 10. These could include summary conviction of the specified offences in the Schedule to the Bill or other offences relating to the activities of the person in respect of providing SPSV services or driving an SPSV. This section relates only to the obligation to make a declaration to the licensing authorities. The licensing authorities are, of course, not limited to this information in assessing the suitability of persons to hold licences. Some examples of relevant convictions which might be of concern in this area would be involvement in organised crime, drug trafficking and so on

**Senator Terry Brennan:** I am aware of a man who came home from abroad who was a taxi driver while living abroad. He got a licence in this country but was subsequently convicted of a crime. When he was convicted, it was discovered he had committed the same offence in another jurisdiction, namely England. He filled out the necessary application to the licensing authority in this country but did not state that he had a previous conviction in another jurisdiction. I am concerned about the checks, if any, that are carried out on people who have lived in other jurisdictions, whether in Northern Ireland, Great Britain, the United States or elsewhere, to ensure that such people have no previous convictions.

**Deputy Alan Kelly:** The Senator has raised a very important question. The licensing authorities, in the processing of applications, ask for information on previous convictions, as the Senator has stated. The authorities will use all available means to check with other jurisdictions for information on offences that would affect their decision to grant licences. The simple answer is that the authorities will use all available means.

Amendment agreed to.

Section 27, as amended, agreed to.

Sections 28 and 29 agreed to.

## SECTION 30

Government amendment No. 44:

In page 38, line 6, to delete “*section 7(5) or (6)*” and substitute “*section 7(5) or (7)*”.

Amendment agreed to.

Government amendment No. 45 not moved.

Section 30, as amended, agreed to.

### SECTION 31

**Deputy Alan Kelly:** I will not be moving amendments Nos. 46 or 48, as they relate to section 11, which I intend to amend on Report Stage. However, I will reintroduce the substance of amendment No. 46 along with the amendment to section 11 on Report Stage.

Amendment No. 46 not moved.

Government amendment No. 47:

In page 40, line 9, column 2, to delete “*Section 7(6)*” and substitute “*Section 7 (7)*”

Amendment agreed to.

Amendment No. 48 not moved.

**An Cathaoirleach:** Amendments Nos. 49 and 50 are related and may be discussed together by agreement.

Government amendment No. 49:

In page 40, to delete lines 13 to 17 and substitute the following:

“

6	Section 17(4)(a)		4
7	Section 17(4)(b)	1	2

“

**Deputy Alan Kelly:** Section 31(1) provides for demerits to be endorsed on driver licence records held by the National Transport Authority, NTA, where the alleged offender makes a payment pursuant to a notice for a fixed charge offence issued by the Garda or a fixed payment notice issued by the NTA. Amendment No. 49 relates to the demerits to be applied in respect of offences arising under the small public service vehicle, SPSV, regulations made by the NTA under section 17. This amendment provides that no demerits are applied for substantial breaches of regulations made by the NTA under section 17. This is appropriate, as fixed payment penalties are not expected to be applied for such breaches. Rather, they should be prosecuted before the courts, which would, on conviction, result in the imposition of demerits. For non-substantial breaches, there is no change to the Bill, which provides for one demerit where a fixed penalty is made and two demerits on conviction.

I am reflecting on all of these issues as they relate to demerits. Further amendments may be

tabled on Report Stage. In the near future, I will also consult various taxi groups and the Irish Taxi Council.

Amendment No. 50 concerns the demerits to be applied for offences under section 19(5) or (6). These offences relate to the prohibition on the provision of SPSV vehicles' services without appropriate vehicle and driver licences. This proposal is intended to reflect the fact that such serious offences are not appropriate for fixed payment penalties, but should be prosecuted before the courts. The number of demerits on conviction is reduced from five to four.

Amendment agreed to.

Government amendment No. 50:

In page 40, to delete line 18 and substitute the following:

“

7	Section 19(5) or (6)		4
---	-------------------------	--	---

“

Amendment agreed to.

**An Cathaoirleach:** Amendments Nos. 51 and 52 are related and may be discussed together by agreement.

Government amendment No. 51:

In page 40, line 23, column 4, to delete “5” and substitute “4”

**Deputy Alan Kelly:** These are technical amendments and provide for the reduction in the number of demerits from five to four, including upon conviction of an offence under sections 23(4) and 27(2), respectively, in line with other specified demerit offences. Those offences relate to the restrictions on the use of the word “taxi” and the failure to provide accurate information to the licensing authority with regard to offences.

Amendment agreed to.

Government amendment No. 52:

In page 40, line 24, column 4, to delete “5” and substitute “4”

Amendment agreed to.

Section 31, as amended, agreed to.

Sections 32 to 36, inclusive, agreed to.

## SECTION 37

Government amendment No. 52a:

In page 44, subsection (1), lines 37 and 38, to delete “has reasonable grounds for believ-

ing” and substitute “is satisfied”.

**Deputy Alan Kelly:** This is a technical amendment on the advice of the advisory council. Section 37 provides for the prohibition on the use of unroadworthy or defective vehicles as SPSVs. This amendment allows for a more precisely worded legal expression of the degree of discretion to be exercised by an authorised person in finding an SPSV to be unroadworthy, defective or non-compliant with the standards concerning the use or operation of the vehicle as an SPSV.

Amendment agreed to.

Government amendment No. 53:

In page 45, subsection (1), line 4, before “reward” to insert “hire or”.

**Deputy Alan Kelly:** This is a minor textural amendment and does not change the principle of section 37, which relates to the prohibition on the use of unroadworthy or defective vehicles as SPSVs.

Amendment agreed to.

Section 37, as amended, agreed to.

Sections 38 to 43, inclusive, agreed to.

#### SECTION 44

**An Cathaoirleach:** Amendments Nos. 54 and 55 are related and may be discussed together by agreement.

Government amendment No. 54:

In page 48, subsection (1), lines 28 and 29, to delete all words from and including “under” on line 28 down to and including “50(5)” on line 29 and substitute the following:

“under *section 7(5) or (7), 8(7), 9(4), 17(4)(b), 20(1) or (4), 21(7) or (9), 22(9) or (10), 23(4), 25(6), 27(2), 33(3), 39(1)* in respect of a contravention of *section 37, 50(5) or 52(3)*.”.

**Deputy Alan Kelly:** These are technical amendments that provide for a greater number of offences under the Bill to be specified as fixed payment offences under section 44. This will increase the on-street capability of enforcement officers and increase efficiency through a reduction in the number of prosecutions in the courts.

Amendment agreed to.

Government amendment No. 55:

In page 49, subsection (3), lines 17 and 18, to delete all words from and including “*section*” in line 17 down to and including “50(5)” in line 18 and substitute “a provision referred to in *subsection (1)*”.

Amendment agreed to.

27 February 2013

Section 44, as amended, agreed to.

Section 45 agreed to.

## SECTION 46

Government amendment No. 56:

In page 50, subsection (6)(d), line 34, to delete “draw upon”.

**Deputy Alan Kelly:** This amendment addresses a typographical error. The words “draw upon” are clearly out of place and undermine the meaning of the sentence in which they appear.

Amendment agreed to.

Section 46, as amended, agreed to.

Sections 47 to 54, inclusive, agreed to.

## SECTION 55

**An Cathaoirleach:** Amendments Nos. 57 to 59, inclusive, are related. Amendment No. 58 is an alternative to amendment No. 57. The amendments may be discussed together by agreement.

Government amendment No. 57:

In page 53, lines 23 to 25, to delete subsection (1) and substitute the following:

“(1) The integrated implementation plan under section 13 of the Act of 2008 shall comprise actions to be taken by the Authority with regard to the small public service vehicle industry.”.

**Deputy Alan Kelly:** These amendments are necessary to ensure that the objectives of the authority under section 16 for the regulation of the taxi sector are included in the strategic planning processes already provided for under section 13 of the Dublin Transport Authority Act 2008. The Bill makes reference to the authority’s strategic transport plan, which it is required to produce under section 12 of the 2008 Act. However, the actions that the authority is required to undertake in respect of SPSVs is more appropriate for inclusion in the integrated implementation plan that the authority is required to produce under section 13 of the Act.

I cannot agree to amendment No. 58. It is inappropriate, in that it limits the regulation of the SPSV sector to competitive regulation. The opinion of our legal advice is that this term does not have adequate legal precision. One person’s view of competitive regulation might differ markedly from another’s.

**Senator Sean D. Barrett:** I note the Minister of State’s comments. The thrust of the Bill is anti-competitive. The thrust of the way in which the NTA was set up was anti-competitive. When the then Senator, Deputy Paschal Donohoe tried to raise a number of issues in this House, the debate was guillotined. The then President, Mary McAleese, was required to sign the legislation at short notice.

We allocated every penny of subsidy to a single company owned by the Department. There was no competition for the routes. All of the investment grants went to a single company.

There was no competitive tendering for public services. This followed on from the Swords Express case in which the learned High Court judge, Mr. Justice Bryan McMahon, found that the Department of Transport had doubly discriminated - against the applicant, Swords Express, and in favour of CIE. The benefits of taxi deregulation are now being whittled away under this Bill.

The Department will be colonised and captured by producers. It will not devise competitive solutions unless the Parliament insists that it does. These solutions should be discussed. In Saturday's edition of *The Irish Times* it was reported that the Secretary General of the Department of Public Expenditure and Reform had found that €30 million had been wasted on railway projects in the Dublin area by agencies under the aegis of the Minister of State's Department. It also found that €227 million of the money spent to date would be lost if projects did not go ahead.

I am trying to instil market discipline in the Department. It is ignoring the benefits. It has ignored the Goodbody report and High Court judgments throughout the Bill. I was told that there was a consumer-oriented review group but apart from the Minister of State and the vice chairman, there were four producers, 11 people from the public sector, nobody from the private sector and a retired member of the Consumers' Association of Ireland. It seems the only issue on which the Department of Transport, Tourism and Sport believes in competition is in opposing the Ryanair takeover of Aer Lingus. With everything else, issues must be nailed down and brought to court by the likes of Mr. Pat Nestor, who sought to open up the Dublin to Galway route. It is essential for the Parliament to make this Department work not in the interest of the bodies under its aegis but in the interests of the wider consumer.

This committee certainly did not achieve that and I am glad to clarify its membership. Competition is in the interest of consumer and it relates to the economies that the troika is telling us to achieve. This will not happen unless the people in Parliament want it to happen, which is why I have tabled the amendment. The Department will drift into its old ways of wasting money, as Mr. Robert Watt stated at the meeting of the Committee of Public Accounts last week, which will prevent competition. It is a most important amendment.

Amendment agreed to.

Amendment No. 58 not moved.

Government amendment No. 59:

In page 53, between lines 28 and 29, to insert the following subsection:

“(3) Section 13(2) of the Act of 2008 is amended by inserting after paragraph (c) the following:

“(ca) actions to be taken relating to the objectives of the Authority under *section 16(2) of the Taxi Regulation Act 2013*.””.

Amendment agreed to.

Section 55, as amended, agreed to.

## SECTION 56

**Senator Sean D. Barrett:** I move amendment No. 60:

In page 54, subsection (4)(i), line 30, after “matters.” to insert the following:

27 February 2013

“These shall include representatives of the Competition Authority and the National Consumer Agency.”.

This is an attempt to have the consumer listened to in the debate in order that successful economic policies cannot be overturned by people who do not want competition or by committees heavily biased in favour of extra bureaucracy and incumbents at the expense of competition. It is necessary for the Competition Authority to take an interest in the area and I am disappointed it has not heretofore. The consumer must be professionally represented because the last time a former chair of the Consumer Association of Ireland was meant to be the consumers’ representative, he was heavily outnumbered. That has happened and it will continue with this Bill. It has the producers’ fingerprints all over it from beginning to end. With this section, I am trying to achieve, belatedly, some say for the consumer in what is going on.

**Deputy Alan Kelly:** This amendment is unnecessary. Section 56 requires that at least two members of the taxi advisory committee shall be from organisations which, in the opinion of the Minister, represent the interests of consumers. The Consumers’ Association of Ireland, the National Disability Authority and the Competition Authority are all represented on the committee.

The Senator has referred to the committee, which I will chair, saying it did not do its job. I resent that as an unfair statement. It is unfair to the representative of the Consumers’ Association of Ireland who is on the committee and who has worked for many years for the organisation. The Competition Authority has also been represented and that member made some very valuable points.

Consumer interests in this area cross a wide spectrum of issues, many of which have not got to the floor of this House in the last number of sessions. I assure the Senator that through this legislation and the regulations coming from the National Transport Authority, there has never been as big a focus on the consumer as there is with the work that started with the committee and which is continuing through regulations and this legislation.

**An Cathaoirleach:** Is the amendment being pressed?

**Senator Sean D. Barrett:** No, although I will have comments on Report Stage, as the consumer is being ignored. The entire Bill is anti-competitive, and the more we go through it, the more obvious that becomes.

Amendment, by leave, withdrawn.

Section 56 agreed to.

Section 57 agreed to.

#### NEW SECTION

Government amendment No. 61:

In page 57, before section 58, to insert the following new section:

“PART 9

AMENDMENT OF PART 2 OF PUBLIC TRANSPORT REGULATION ACT 2009

58.—The Public Transport Regulation Act 2009 is amended—

(a) in section 19—

(i) by substituting for subsection (2) the following:

“(2) (a) Where the Authority proposes to revoke a licence in accordance with subsection (1)(b), (c) or (d), it shall give notice of its intention to the licence holder and shall invite the holder to make written submissions to it within 21 days or such further period as the Authority allows. The Authority shall consider any representations duly made before deciding to revoke the licence.

(b) Where having considered submissions under paragraph (a), the Authority decides that the licence should be revoked, it shall advise the holder in writing that the revocation shall have effect—

(i) where the holder does not make an appeal under section 22 within the period allowed under section 22(1)(a) to make the appeal, upon the expiration of the period referred to in section 22(1)(a), or

(ii) where the holder makes an appeal within the period allowed under section 22(1)(a), subject to section 22(8) in the case of a further appeal to the Circuit Court, upon the determination of the appeal or its withdrawal.”,

(ii) by substituting for subsection (5) the following:

“(5) A person who continues to provide a public bus passenger service in respect of which a licence has been revoked under this section and the revocation has taken effect commits an offence.”,

(b) in section 22(1)(a), by inserting “where an application has been refused” after “transfer of a licence”, and

(c) in section 24—

(i) by substituting for subsection (1) the following:

“(1) A person who commits an offence under section 6(2) or 19(5) is liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.”,

(ii) in subsection (3), by inserting “summarily” after “prosecuted”.”.

**An Cathaoirleach:** I understand the Minister of State does not wish to press this amendment.

**Senator Sean D. Barrett:** I told people in the bus industry about this as they had not been told. It is a surprise that one would seek to change the regulation of the bus industry under a taxi Bill and people in the bus industry had not been notified of this by the Department.

Amendment, by leave, withdrawn.

27 February 2013

SECTION 58

**An Cathaoirleach:** Amendments Nos. 62 and 63 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 62:

In page 57, to delete lines 41 to 43 and substitute the following:

“(c) an offence—

(i) under *section 17(4)(b)* of the *Taxi Regulation Act 2013* in respect of such contraventions of regulations made under that section, or

(ii) under such other provisions of *Part 3* of the *Taxi Regulation Act 2013*,

as may be declared in regulations made by the Minister to be a fixed charge offence,””.

**Deputy Alan Kelly:** Amendment No. 62 provides for the insertion into section 34 of the Road Traffic Act 2010 of fixed payment offences under section 17 of the Bill and as otherwise prescribed in regulations by the Minister under the Taxi Regulation Bill so that these fixed payment offences can be enforced by members of An Garda Síochána.

Amendment No. 63 allows 11 specific fixed payment small public service vehicles, SPSV, offences to be administered by members of An Garda Síochána in the short term in line with action 21 of the Taxi Regulation Review Report 2011. This non-textual amendment will give legal effect for the transition of the 11 SPSV fixed payment offences into the Garda fixed payment systems by means of reference to section 103 of the Road Traffic Act 1961. The temporary amendments will cease to have effect upon commencement of section 49 of the Road Traffic Act 2010, whereby section 103 of the Road Traffic Act 1961 will be repealed and replaced by section 34 of the Road Traffic Act 2010. It is envisaged that subject to agreement between An Garda Síochána and the National Transport Authority, NTA, in future more SPSV fixed payment offences under the Bill can be identified as being suitable for enforcement by both NTA officers and the Garda. The amendment in section 34 of the Road Traffic Act 2010 will enable this.

Amendment agreed to.

Government amendment No. 63:

In page 58, after line 31, to insert the following subsections:

“(2) Section 103 (inserted by section 11 of the Road Traffic Act 2002 as amended by section 14 of the Road Traffic Act 2006) of the Act of 1961 applies to an offence —

(a) under *section 17(4)(b)* in respect of such contraventions of SPSV regulations, or

(b) under such other provisions of *Part 3*,

as may be declared in regulations made by the Minister to be a fixed charge offence for the purpose of that section.

(3) A fixed charge notice served under section 103 of the Act of 1961 relating to an offence declared under *subsection (2)* of this section to be a fixed charge offence (within the meaning of section 103 of the Act of 1961) and which is a demerit offence shall contain a statement to the effect that if the person on whom it is served makes the appropriate payment specified in subsection (7) of section 103 of the Act of 1961 in accordance with that subsection or is convicted of the offence, different specified numbers of demerits will be endorsed on the SPSV licence record of the person.

(4) *Subsections (2) and (3)* stand repealed on the commencement of paragraphs (a) and (b) of section 49 of the Act of 2010.”.

Amendment agreed to.

Section 58, as amended, agreed to.

Schedule agreed to.

#### TITLE

Amendment No. 64 not moved.

Question proposed: “That the Title be the Title to the Bill.”

**Senator Sean D. Barrett:** As I stated earlier, if the bus industry is to be affected by a taxi Bill, we should inform representatives of the bus industry. There are issues to be sorted out in that respect.

Question put and agreed to.

Bill reported with amendments.

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

**Senator Pat O’Neill:** Next Tuesday.

Report Stage ordered for Tuesday, 5 March 2013.

*Sitting suspended at 1.40 p.m. and resumed at 3.30 p.m.*

#### **Confidence in Minister for Justice and Equality and Defence: Motion**

**An Cathaoirleach:** I welcome the Minister of State at the Department of Arts, Heritage and the Gaeltacht, Deputy Dinny McGinley. We will discuss No. 22, motion No. 11, a no confidence motion in the Minister for Justice and Equality and Defence and I call Senator Thomas Byrne.

**Senator Thomas Byrne:** I wish to make a brief point of order.

**An Cathaoirleach:** A point of order, Senator.

**Senator Thomas Byrne:** The Minister for Justice and Equality, and Minister for Defence,

Deputy Shatter, is not present. The Minister of State, Deputy McGinley, is always welcome here. We have great relations with him and he has great expertise in his area but he is not the Minister for Justice and Equality.

**An Cathaoirleach:** As the Senator well knows, any Minister or Minister of State can represent the Government in the House.

**Senator Maurice Cummins:** He is one of our most able Ministers.

**Senator Thomas Byrne:** I do not dispute his expertise. Last week we had a great debate with him.

**An Cathaoirleach:** The Senator cannot discuss the matter because it is not a point of order.

**Senator Thomas Byrne:** The motion relates to the Minister for Justice and Equality and Defence. As I understand it, there is a Minister of State at the Department of Defence who is also the Chief Whip.

**Senator Darragh O'Brien:** It is still a point of order.

**Senator Thomas Byrne:** It is a point of order. The Minister's absence is completely unsatisfactory and disrespectful.

**An Cathaoirleach:** It is not a point of order. I cannot accept it as a point of order because any Minister or Minister of State can represent the Government.

**Senator Thomas Byrne:** It is symbolic of the arrogance of the Minister for Justice and Equality and is the reason that gardaí all around Ireland have lost confidence in the Minister.

**Senator Maurice Cummins:** Does the Senator wish to withdraw his motion?

**Senator Darragh O'Brien:** No.

**An Cathaoirleach:** I ask Senator Byrne to proceed with the motion.

**Senator Thomas Byrne:** I move:

“That Seanad Éireann has no confidence in the Minister for Justice, Equality and Defence Alan Shatter T.D., because of his on-going erosion of the physical security infrastructure of the State through Garda station and Army Barrack closures, systematic undermining of Garda numbers and resources with a deeply inadequate budget allocation and abject failure to address the declining morale in the Garda and Prison Officer force the combined impact of which will directly impact on the frontline protection of citizens across the country.”.

It is no wonder that the Seanad has no confidence in the Minister, Deputy Shatter, and any self-respecting Senator on all sides of the House should concur with the motion first on the basis that the Minister has failed to appear to listen to the chief addresses of the Opposition party that tabled the motion. It is outrageous and insulting to the democracy and Parliament of the State that the Minister has chosen to absent himself from the debate. If he wants to get back in touch with the people, if he wants to listen to their real concerns, if he wants to regain the confidence of the Garda, the Defence Forces and the Prison Service, he should drop his arrogant way of conducting business, which has been emphasised here by his absence.

The Minister has lost the confidence of the Garda and the Army. He is dismantling the security infrastructure of the State through the closures of Garda stations and Army barracks. He is involved in an ongoing row between Garda representative bodies which emphasises the mutual distrust on all sides. It is not good for the security of the State that Garda representatives and the gardaí should have no confidence in the Minister, they should be united. Unfortunately the Garda, which consists of over 10,000 men and women who serve the country well, has no confidence in the Minister. It is on that basis that he should not continue in his role. I call on Seanad Éireann to agree with those organisations and members of the Garda Síochána in their no confidence and to vote no confidence in him in the House.

The Minister, in an underhanded manner, has dropped the financial allocation for the Garda so that it effectively applies to 12,000 members. As many as 100 Garda stations have been closed and a couple more are to be closed around the country. Such moves are an attack on the Garda Síochána by the Minister. He has asked people living in commuter belt areas or areas which have no Garda station in rural Ireland to contact the Garda by Facebook. That recommendation is deeply insulting to people who have been victims of crime. It is a joke.

I have heard some politicians state that burglaries have decreased. In the Meath Garda division, with which I am most familiar, and I am sure my colleagues can state a similar experience around the country, burglaries have increased from 208 in the first quarter of 2009 to 322 in the third quarter of 2012. That means that burglaries have increased by over 50% in the Meath Garda division. The Garda has reported a similar increase in all the eastern and Dublin regions. Therefore, instances of burglaries have increased despite people saying that they have decreased.

The Fianna Fáil Party has put forward a fully costed alternative budget. Under our proposal, we would reopen Templemore for Garda recruitment and keep rural stations open. The Minister has stated that there is no financial saving in closing these stations. He is only doing it because it is his belief that the Garda Síochána should not have a presence and should be online and that gardaí should be performing tasks other than interacting with communities. We disagree wholeheartedly with his vision of policing.

The Minister of State will refer to the IMF agreement and claim that the Department of Justice and Equality is spending more than Fianna Fáil supposedly projected in the four-year development plan. However, this would ignore the fact that more taxes than projected are entering the system, making it possible for a larger allocation to be made. It would also ignore the fact that the Government claims it is tied down by the IMF agreement on many other matters. For example, it is sorry that it cannot change the property tax “because of the IMF agreement”. However, the Government claims that it spends more when doing so suits it. The Government has reduced capital spending around the country significantly, as people are constantly reminded. An element of this is the closure of Garda stations.

There has been a stealth cutback in my area in the form of mergers between Garda divisions, with no recognition of population factors or crime statistics. If a superintendent retires in one division, the numbers will be made up by merging the divisions and placing the other division’s superintendent in charge of both. There is no thought process or strategic plan and mergers are not being done in the interests of the public. After east and south Meath Garda divisions were merged, they covered nearly half of the county’s population and certainly half of its crimes but possessed less than half of the resources. Management decisions that make no sense and are not thought through are being made in response to the retirement of personnel whom the Gov-

ernment forced out of the service and the retirement of those who will be forced out because of budgetary decisions.

The Minister has also undermined the security infrastructure of the State in terms of the armed forces. Army barracks play a vital role around the country in the local economies and communities in which they are based. The Minister should not have proceeded with the closures. They have proven to be a social, personal and financial inconvenience to the affected members of the armed forces. They must drive considerable distances to get to work, which costs them significant amounts of money. The number of members of the armed forces who are in receipt of the family income supplement from the Department of Social Protection is an embarrassment to the State. Despite risking their lives in the Army every day, they must claim FIS payments because their wages are not large enough.

While we have yet to examine the full implications of the Croke Park II deal, they seem to be considerable for members of the Defence Forces. The last few pages of the deal outline a detailed programme of cuts to Army personnel, who are already among some of the lowest paid workers in the public sector. Examining the level of cuts will take the soldiers time.

The Seanad should have no confidence in the Minister. He fails to appear before us, arrogantly waves away any opposition or dissent, does not take into account the feelings of the people on the ground who know best and is pleased to sit in his office giving orders and directions that are not agreed with by citizens or their security and police services.

I wish to pay tribute to the gardai and Army personnel who continue performing their duties in difficult circumstances. However, their job is becoming increasingly difficult. A new direction, new approach and new vision of policing are necessary. That vision cannot be stuck in an office on the other side of this building. It must grapple with and debate the issues and improve the country's policing service.

**Senator Denis O'Donovan:** I second the motion. We debated many of these issues three weeks ago when I put 14 questions to the Minister. He failed to respond to nine or ten of them. Had he been more open and responsive, this motion might not have been tabled today. For example, I asked a sincere question on the lack of progress in capturing certain individuals and bringing them before the courts for the murder of Detective Garda Donohoe. The Minister tried to twist my question into a criticism of the Garda, which was not the case. I hope that the individuals concerned will be brought to justice sooner rather than later, but I am concerned that other issues will be factors, for example, people living in Northern Ireland, issues of extradition, etc. These issues could and should have been addressed by the Minister.

I also raised at great length the issue of the closure of rural Garda stations. Were it not for an active rural alliance group in west Cork, several other stations would have been closed. Its members attended Oireachtas briefings to meet the Garda Commissioner and made a strong case for at least six or seven rural stations.

Today, I received an e-mail from a Garda crime prevention officer in my area to the effect that he was concerned about a spate of burglaries in Cork city and permeating towns throughout west Cork, a problem typical of what is occurring elsewhere in rural Ireland.

I wish to read into the record a number of points made to me in an e-mail from an anonymous source. Doing so would be appropriate, as it mainly concerns the lack of morale in the Defence Forces. The e-mail states:

I cannot give my name as I am a middle ranking army officer with over 20 years service, including tours of duty in the Middle East, Africa, Asia and the Balkans. I have led soldiers on operational service at home and abroad.

Morale is at crisis point in the Defence Forces. Like every other public servant the Defence Forces will endure “parity of pain”. I am part of the coping class. However, there are many in the Defence Forces who cannot any longer. I have personal experience of many truly loyal, hard working and professional soldiers with over 20 years service on Family Income Supplement. They do all they can to put food on the table and family through “free education”. Now they are genuinely at their wits end.

They understand the country is in real financial trouble. But they do not understand why this agent of the state that has downsized constantly is continually enduring more reductions, cutbacks, paycuts and pain. And there is more to come with an “across the board” 10% cut in allowances and basic pay cuts as part of Croke Park II.

When I joined the Army the Defence Forces had a strength which was over 13,000, now it is below 9,500. In 25 years that is a reduction of 27% of manpower. Simultaneously 20 barracks were closed. This includes nine barracks closed in the last 5 years. As public spending increased over 120% in the boom we grew our spending by 27%, and completely modernised. Yet, before the crash in 2007, the average pay in the Defence Forces was the 3rd lowest in the public sector, below those in The Irish Prison Service or An Garda Síochána.

It seems that soldiers, sailors and aircrew are being completely taken advantage of. We cannot strike. This is not something I have an issue with, as I swore an oath of loyalty to Ireland and the Constitution. In 2013, I remain proud of that oath and what it means. This oath brings responsibility for us. If there is another “blue flu” I will be on stand-by for public order tasks, as I was in 1998. Yet, it also brings responsibility from the state and the government of the day.

Oaths, loyalty, sense of duty, pride in the uniform of the state; these are not issues considered among the Twitter-ati or the Chattering classes. They are old fashioned, simple, enduring and binding. I ask every public representative to examine what they know of the Defence Forces and show its members the loyalty they deserve.

This is a poignant plea from a person who has not only served in this country, but also internationally. It emphasises the deep lack of morale within the Defence Forces.

When I raised this issue in the House previously, I had a difficult and contentious debate on the appointment of the Army judge with the Minister, Deputy Shatter. He seemed to believe that some of my points were personal or misguided, but I had been given information by an unknown soldier.

The situation outlined in this e-mail could be replicated in the case of the Garda. I have been contacted by at least 30 or 40 gardaí throughout the country who have asked me what I am doing as a public representative to get the Minister to listen to them. Were he more amenable to meeting rank and file gardaí, the Association of Garda Sergeants and Inspectors, AGSI, and the Garda Representative Association, GRA, morale would be much better. It was undoubtedly due to the lack of respect shown by the Minister and his lack of engagement with the GRA and AGSI that both groups decided to walk out of the Croke Park II talks. In itself, that indicates

again a breakdown in communication.

I have had great respect for many years for the Minister of State who is present, Deputy McGinley, but I concur with the sentiments expressed by my colleague in that the Minister for Justice and Equality, Deputy Shatter, should have been present for this motion, which is serious and which was not entered into lightly. That is the reason I decided to second its proposal. I appeal to the Minister to listen to members of the Garda and Defence Forces, along with everybody else who is in some way under his remit. He is not listening and he will learn a very hard lesson over the next year or two.

**Senator Paul Bradford:** I move amendment No. 1:

To delete all words after “Seanad Éireann” and substitute the following:

“has confidence in the Minister for Justice, Equality and Defence, Alan Shatter T.D., and commends him for the effective manner in which he is discharging his Ministerial functions.”.

I am disappointed the motion has been put in this fashion before the House. Seanad Éireann has always been at its best when it is a forum for genuine debate or discussion. I readily concede that it is valid to have a discussion on law and order matters, policing and the Army. It is valid for the Opposition to present its views and alternatives. Nevertheless, this cannonball motion is a reminder of the simplistic politics of old, with the Opposition putting down a motion of no-confidence in the Minister. That does not lend any great credit to either the Opposition or this House.

No Minister has served the current Seanad better than the Minister for Justice and Equality, Deputy Shatter, who has attended the House for detailed debate on legislation and accepted amendments across a wide range of Bills. More than any Minister in the Government, he has shown how useful and successful a Seanad can be. For that alone, he deserves the full credit of the House.

If in 100 years somebody was to search with Google for instances of scandal in the Departments dealing with justice or defence, what names or political parties would emerge straight away? One would see the names “Moran”, “Gibbons” and “Burke” and others. I could go further. One would not see the names “Shatter”, “Noonan” or “Dukes”.

**Senator Thomas Byrne:** On a point of order, the Senator specified a number of individuals. There are known issues with some but the Senator has suggested historical allegations about other names.

**Senator Maurice Cummins:** That is not a point of order.

**Senator Thomas Byrne:** It is an outrageous act.

**Senator Darragh O’Brien:** The remark must be withdrawn.

**Senator Thomas Byrne:** Some issues are self-evident but others are not.

**Senator Paul Bradford:** Such as?

**Senator Darragh O’Brien:** In fairness, the Acting Chairman should rule on that.

**Acting Chairman (Senator Marie Moloney):** That is not a point of order.

**Senator Darragh O'Brien:** So he is allowed to make allegations.

**Senator Thomas Byrne:** He is allowed to make allegations and drop names to associate them with scandals.

**Senator Diarmuid Wilson:** I invite the Senators to Cavan to see the high esteem in which the Minister, Deputy Shatter, is held there.

**Senator Thomas Byrne:** This is not a motion about scandal.

**Acting Chairman (Senator Marie Moloney):** Senator Bradford, without interruption.

**Senator Paul Bradford:** This is a motion about the management of our Department of Defence and Department of Justice and Equality, and I have every confidence in the current Minister, Deputy Alan Shatter. We should request the Opposition to engage in a policy debate rather than an attack on the Minister's personality. When we first discussed these matters a number of weeks ago, the challenge was laid down to the Opposition that if it wanted to spend more money on the Department of Defence, the Department of Justice and Equality and the Garda, it should let us know from where the money will come. The taxpayer will foot the bill for every Department and everybody must recognise that the current resources of the State are extremely limited, notwithstanding the significant progress made over the two years or so in turning around this State's finances or the progress on the promissory notes or this week's events in banking. The country is still in a state of financial peril and every €1 paid by the taxpayer to a Department must be managed well.

I would love to see endless resources for the Garda and Army but, sadly, that is not available. That kind of resourcing may have been available during the so-called Celtic tiger but how was it used? What was the level of crime five or ten years ago compared with now? In most cases, the rate was higher. The Garda, the Army and everybody connected to the defence of the State must be congratulated for the way in which they are using very limited resources and putting them to maximum use.

We can consider some of the statistics. On 31 December 2012, there were 13,424 members of the Garda, and there were almost 1,000 members of the Garda Reserve. These are significant figures and the Minister has fought hard at a Cabinet level to defend his Estimate and funding for both the Army and the Garda. He has been quite successful in doing so. As I mentioned earlier, we cannot forget the economic backdrop, as the State's finances are still in a state of peril, with no easy money available.

Many of my own colleagues, as well as those opposite, have expressed concern about station closures, which is a valid subject for debate, although the crude mechanism of a Private Members' motion is not the best way to address it. We can step back five or ten years, when there were more Garda stations in the country. At that time in this House, the Dáil and I presume at the justice committees on an almost weekly basis, Members on all sides spoke of community policing and the need to see more gardaí on the beat. As a result of the Minister's recent actions, there have been difficult decisions and the Minister practised what he preached. A Garda station has closed in his constituency. Nevertheless, he has allowed extra gardaí to leave the stations to go on the street. It is making a difference and if we want community policing, those policemen and policewomen must get on the streets rather than work behind a desk in a

Garda station. We have often spoken about the level of administration and the number of gardaí behind a desk processing forms, stamping passport applications and doing other duties which could be done by a civilian. Our aspiration should be for every qualified garda to be available for duty on the street rather than working behind a desk.

It is understandable that there has been public concern about station closures but it is also interesting that once dialogue took place between local community representatives, gardaí and, in some cases, politicians in a neutral and balanced fashion, there was a genuine understanding that flexibility would result from the Minister's decision, which would make gardaí more available to citizens. We must aspire to that goal as having gardaí on the beat in communities is the best form of policing.

The Garda Reserve, which was pioneered by a previous Minister, former Deputy Michael McDowell, is beginning to have an impact and it is hoped that further resources and personnel can be provided for that project. I spoke to the Minister, Deputy Shatter, about it last week in seeking the numbers within the Garda Reserve who have applied to join the official force. There is a step-up facility-----

**Senator Thomas Byrne:** There is no recruitment whatever.

**Senator Paul Bradford:** With the most recent recruitment programme, a significant number of those inquiring about becoming full members of the Garda are currently seeking to serve the Garda Reserve. It is an interesting factor and the behaviour should be encouraged.

Deputy Shatter as Minister for Defence has also faced difficult decisions relating to closures.

*4 o'clock*Closures of Garda stations and Army barracks are neither easy nor popular, but being popular or taking easy decisions is not the business of Government. The Minister has maintained a solid number of Garda and Army personnel. This is the line from which we must work.

I invite the Opposition to propose constructive ideas. To my colleagues and friends across the way, I say that what we need is a debate, not a crude motion in which the Opposition states that it has no confidence in the Minister and we state that we do. A conversation on policing and the Garda would be helpful, but this type of motion does politics no great justice.

I express my satisfaction with the Minister's ability to secure the best possible funding package at the Cabinet table against the horrific financial backdrop that he has faced in recent years. I express my full confidence in his ability to use that money to the best of his ability. I acknowledge the fact that he is prepared to take tough decisions in a balanced and fair fashion. He does not concern himself with local politics or short-termism. He is taking the right action for this country and its security and safety.

**Senator Darragh O'Brien:** The Minister of State, Deputy McGinley, is always welcome to the House. He is someone for whom I have the utmost regard, but I want to know where the Minister, Deputy Shatter, is. It is disgraceful that he is not present to take this motion of no confidence in him. I listened to Senator Bradford's points with great interest. We did not table this motion lightly. We have not tabled such a motion often. I have debated justice issues with the Senator and the Minister as recently as a couple of weeks ago. I first raised the issue of the downgrading and closure of stations with the Minister nearly 18 months ago, at which point he gave me information that, to put it mildly, was not correct. It is outrageous that he cannot be bothered to be present today. This shows the disregard and arrogance that he displays towards

the Garda Síochána, the Prison Service and the Defence Forces.

The situation with the Garda is unprecedented, in that practically every branch of the Garda Representative Association, GRA, and the Association of Garda Sergeants and Inspectors, AGSI, has voted no confidence in the Minister. He will not defend or stand up for them and he will not give them the resources that they require to fight crime. Senator Bradford's figures were wholly incorrect, in that crime levels, including the number of burglaries, are increasing.

I will read into the record a couple of facts concerning R division, which covers the Dublin north metropolitan area of Coolock, Swords and Malahide Garda stations. I raised the matter with the Minister and wrote to him about it, but I have not received a response. For 4.5 hours on 10 February, not a single Garda car was available for an area of nearly 200,000 people. On 14 February, when a woman was mugged at knifepoint in Clarehall, Coolock, the only available Garda vehicle was a two-seater van. The gardaí could not bring her home and needed to give her money out of their own pockets to put her on the bus back to Swords. This is the type of policing to which I am referring. Since the station in Rush, County Dublin, closed, there have been four armed robberies in the town and a serious arson attempt against the church.

The Minister does not have my confidence, that of the majority of people in this country or that of the Garda, prison officers and the Defence Forces. He was a different animal while in opposition, when he stated that there should have been no reduction in Garda services. I remind those opposite that it was previous Governments that increased the number of gardaí to 14,000, their highest ever. The Minister stated that any reduction in numbers would directly affect the fight against crime. I agreed with him. Now, however, he continues to cut Garda numbers, he has closed more than 100 stations and he has downgraded 35 more.

I will provide an example of what a downgrade means. The Minister lied to the people when he claimed that station downgrades and closures would lead to what he called "smart policing". There is nothing smart about the policing policy that he and his officials are following. When Malahide station closes at 9 p.m., for example, anyone who rings it is diverted to Coolock, the gardaí on the beat must take their orders from people in a station in Coolock 12 miles away, their prisoners cannot be detained and the only car in use is taken out of service for nearly two hours because prisoners must be transferred.

The Minister told me his belief that gardaí in stations were sitting around doing nothing. That is not true. He told me that they would now be out on the beat. Gardaí are left in stations because those buildings house firearms and evidence, yet most do not even have alarms. This is the case in Malahide. Consider the R division as an example of what the Minister means by "smart policing".

Of more concern is the fact that our citizens do not feel safe. When we discuss the matter with constituents or colleagues, not one of those people welcomes the closure of Garda stations. Even with the new announcement of additional cars, we are 350 cars down on the 2009 level. We are also 140 stations and nearly 2,000 gardaí down. Gardaí are doing their best every day of the week to try to fight crime and protect citizens without the support of the Minister. I do not say this lightly, but it is conclusion the conclusion I have reached.

The Minister is the wrong person for the job. He is not up to it. He has not even attended for a motion of no confidence to stand up for himself. This is the type of attitude that he has shown rank and file gardaí, prison officers and the Defence Forces. We know what the 24/7 Frontline

Services Alliance and others on the front line are telling the Government. As individuals, we all respect the work that they do. Gardaí, firefighters and nurses put their lives on the line to keep us safe. The Government has applied an 8% cut to them in Croke Park II, yet it has only tinkered around the edges where people earning more than €100,000 are concerned. Fine Gael has done this.

Senator Bradford asked about where the money would come from to prevent the cuts. Perhaps the Minister for the Environment, Community and Local Government, Deputy Hogan, would not get a stroke of an extension to his hospital in Kilkenny. Perhaps the Minister for Public Expenditure and Reform, Deputy Howlin, would not have Wexford hospital fast-tracked just because he sat at the Cabinet table with the Minister for Health, Deputy Reilly. Perhaps the Minister, Deputy Reilly, would not decide to build whatever primary care centres he deemed politically expedient.

People want their front-line services, including their gardaí, supported. The Garda is not being supported by the Government, as has been shown day in, day out by what we read in newspapers and hear from constituents. The Minister, Deputy Shatter, is a disgrace, should step down and should be replaced. I do not table a no confidence motion in any Minister lightly, but I stand over such a motion in respect of the Minister, who is not even present to answer for himself.

**Senator Jimmy Harte:** I am not prepared, as someone else was due to lead, but I do not need notes to answer the motion or defend the Government's role. Instead of raising the issues Senator O'Brien did today or last week, he should have been considering them throughout the past decade.

**Senator Darragh O'Brien:** I was not here ten years ago.

**Senator Jimmy Harte:** There are two issues to this matter - pay rates for gardaí and rural stations.

**Senator Darragh O'Brien:** And urban.

**Senator Jimmy Harte:** Yes. If the Senator will not interrupt, I will continue. We cannot deny the statistics we have read on the proliferation of police stations compared with other modern economies. In the UK, excluding Scotland, for example, there are 1,600 police stations. We had almost 700 at one point, nearly half of the number in the UK, excluding Scotland, with its population of more than 55 million. Scotland, a similar country to Ireland in terms of its geography and urban-rural divide, has approximately 300 stations.

If we were setting up a police force from scratch, building stations in areas that are not used by the public would be the last thing we would discuss. In Donegal, for example, people have told me that many stations have been effectively closed anyway. For the people who state that older people will be protected by an extra Garda station in an area, there are no statistics to back up that claim. I do not foresee an increase in crime in a year in places where Garda stations have closed. I could almost guarantee that. It is not about how many buildings a Garda force has in the country but rather it is about policing effectively.

There is a new, young Garda force in the country that is well educated, with many members having third level degrees. They have the qualifications and technical ability to operate on a different level to the Garda force that had existed. Some 60% of the gardaí now on duty have

less than ten years experience, which is good. We should face the fact that over the years there have been many scandals involving gardaí, and a new breed of garda is now capable of bringing the force into the modern world. I would rather have young gardaí in my area who know what is happening on the street than gardaí 40 years on the beat who have learned their trade in a different time.

People have argued that smart policing does not live up to its name but it is more like modern policing, which is what is required in this country. Other countries have embraced such an idea. The Fianna Fáil Party does not want to change anything.

**Senator Diarmuid Wilson:** It wants to change the Government.

**Senator Jimmy Harte:** That is not a matter for Fianna Fáil and the people will decide.

**Senator Diarmuid Wilson:** Exactly.

**Senator Darragh O'Brien:** They certainly will.

**Senator Jimmy Harte:** My father-in-law - God rest him - was a rural garda for many years and my wife was born in a Garda station, along with many of her brothers and sisters. The day is gone when a garda lived in a station, working for almost 24 hours a day, 365 days in the year. That was the way policing worked in this country but we have moved on. I stand to be corrected but I do not believe a garda lives in any station in the country. Some 25 or 30 years ago, most Garda stations had the garda and his family living on the premises. At the time it was the way forward as there were no personal telephones. People had to sign on for the dole in a Garda station but that practice is also gone. Passport documents and other forms can now be accessed on the Internet or in local post offices, and having a Garda station open 12 hours a day in this day and age is ridiculous. It is causing members of the Garda force to park their vehicles at a Garda station for several hours, precluding its use elsewhere.

We must move on and there must be a readjustment in this country. An old man spoke to me recently about the cuts and changes to the public service and aspects of private business. He told me we lived in the old world but we now have a new world and must move on in it. We must embrace that idea. There are Neanderthals in various parties who want to hang on to the past and tell people how great it used to be and everything was done much better. The past is a different country and it was populated by criminals as well. Although we still have criminals, statistics indicate that crime rates are decreasing overall. There may be increases in certain areas but these are mainly in fraud or computer hacking, and such crimes cannot be fought from a Garda station. The gardaí know that. I have spoken to many gardaí who tell me they would prefer to have an extra garda or car in the area than have a building maintained. The maintenance of a Garda station in a rural area does not add much.

There has been an argument that gardaí suffered discrimination in the negotiation of an extension to the Croke Park agreement, along with other front-line workers. The previous Government cut Garda pay twice without consultation, so at least this Government sat down with union representatives. The unions which stayed in the negotiations will put the agreement before their members and the unions which stayed out want to play it both ways. They are arguing that they are standing up for workers by not participating in the talks but if the agreement is approved, the same unions will want to be part of it.

No party should use the behaviour of gardaí in the Croke Park agreement negotiations as

an argument, as such bodies working for the security of the State should not have an opinion of the Government. When a Garda authority argues that the Government is not doing something right, it is a dangerous day for everybody. It is very dangerous to mix politics and the security of the country and that day should be well gone. I ask Members on the other side to reflect on the work done by gardaí, many of whom have given a lifetime to maintaining security. Some help out in retirement by advising younger gardaí on policing. Such people play an integral role, which should be recognised.

When Fianna Fáil indicates it has no confidence in the Minister, it is a political point. Sinn Féin has already crossed a line in telling us one thing in Donegal and another in Tyrone. The party has called for every Garda station in Donegal to be maintained but in Tyrone, Derry and Fermanagh, it argues that all the stations must be closed because they are not being used. Fianna Fáil should not go down the same route, as it has more credibility. The rural Garda station issue is emotive but it would be no different if we set up a police force today. The former RIC stations were set up for a different type of country and a world populated by landlords and big landowners who used those stations to protect their land. We must modernise the police force in the country and although the way forward may not be easy at the start, in future there will be a better police force and improved security system. We will match countries like the UK and New Zealand, which is similar to Ireland in population and geography.

New Zealand uses community policing. Joint policing committees in this country must be developed and given more power. The proof of this Government's policy will be seen in two or three years, when we will see how crime levels are affected. I would rather know that a patrol car is circling the area routinely than have criminals know that a garda is in the local station from 6 a.m. to 9 p.m. When the cat is away, the mouse will play.

I commend the Leader and the Government parties for rebutting the motion from Fianna Fáil. It is a political argument. I know Fianna Fáil is organising a meeting tomorrow night in Letterkenny about the Garda issue but it did not have such meetings three or four years ago, when the party was part of the Government. It had no plans then except to cut Garda pay, reduce the number of stations and decrease the budget. The party should be honest with the people and tell us its solutions. It should not say it would do things differently as we know it would not. The party has been populist in the past but I ask it not to be populist with a sensitive issue like security.

**Senator Brian Ó Domhnaill:** Cuirim fáilte roimh an Aire Stáit atá anseo, an Teachta Donncha Mac Fhionnlaoich as Dún na nGall. Mar adúirt cainteoirí eile, is mór an trua é nach bhfuil an tAire Dlí agus Cirt i láthair anseo tráthnóna. Níl a fhios agam cén fáth nach bhfuil sé i láthair. Is cosúil go bhfuil ionadaithe na gardaí ag iarraidh bualadh leis agus labhairt leis, ach níl sé ar fáil. Anois, nuair atá díospóireacht tábhachtach anseo sa Seanad agus na gardaí in ísle brí, níl sé le fáil áit ar bith. Is droch rud i mo thuairim é sin.

I welcome the Minister of State, Deputy McGinley, who does not have responsibility for the Department of Justice and Equality. It is a sad reflection on the Minister for Justice and Equality that he cannot be here to debate this Private Members' motion, which is very important. The motion merely replicates the lack of confidence in the Minister and the lack of morale in the Garda and Defence Forces. The Garda, with the Army, is the country's most important defence mechanism, and gardaí should be supported in every way in the financing of the State. Members of the Garda Síochána are now working out of derelict buildings, in unsafe patrol cars and in extremely poor conditions. Their pay and allowances are being reduced. I have spoken to

gardaí who have been driven to use the services of the Money Advice and Budgeting Service, MABS. Others are availing of the services of a benevolent fund established within the Garda associations. Morale is at an all-time low, yet the Minister for Justice and Equality fails to come to the House to discuss this issue. It is a disgrace that the Minister is not here.

The Minister has spoken about smart policing but he has failed to tell anyone what he means by that, apart from press releases and soundbites about the use of Facebook and other new technology tools. Does the Minister believe smart policing revolves around Garda stations being open as clinics for two hours every day or every week to fill in forms? Should citizens send a text message to their garda if there is a crime issue in their community? That seems to be the smart policing he is talking about. He has not told anyone else what he means by it. Crime levels are increasing, which happens during every recession and not only during this one. Communities, particularly elderly people living alone, and there are many of them in rural Ireland, are living in fear because Garda services are being reduced. Gardaí in rural stations which are being reconfigured do not have the additional money to purchase diesel, the cars are not up to scratch and there is a lack of those cars.

I have received anonymous correspondence from members of An Garda Síochána in my own county. Morale within the Garda is at breaking point, at a time when the State should be supporting gardaí. When the pensions of former Government officials, retired Secretaries General and former politicians and Ministers have been reduced somewhat, but not much, members of An Garda Síochána, under the Croke Park II negotiations, are being asked to accept pay-cuts of 10.6%. This is in addition to the pay-cuts of 24% they have already accepted. A further pay-cut of 10.6% will force gardaí, many of whom took out mortgages during the boom, into a situation where they are simply unable to afford to stay in employment. Senators may have heard yesterday's radio interview with a garda who said he would be better off claiming social welfare than working for An Garda Síochána. What kind of reflection is that on our police force which has a statutory power to protect us, and particularly our elderly and vulnerable, when we need it?

Many recommendations were put forward by the Association of Garda Sergeants and Inspectors, AGSI and by the Garda Representative Association, GRA. They have fallen on deaf ears. Senator O'Brien referred to Garda cars. Approximately 250 cars were purchased recently, but one Garda car per day goes into an unsafe situation because it has more than 300,000 km on the clock. Those cars, one per day, must go out of circulation. This amounts to 365 cars in the last year which are being replaced by 250 cars. Perhaps everyone else is wrong and the Minister is right. The Minister may be able to add up differently from everyone else, but simple arithmetic shows that more cars are going out of circulation than are being replaced. There is a shortage of cars.

At its conference, the AGSI approved a very sensible motion. It proposed that instead of purchasing new cars, and having a capital outlay, the Garda should enter into a leasing plan, as the corporate or semi-state sectors do. If Garda stations are being closed and new Garda cars are not being provided, how can people living in rural areas be confident that they are being protected from criminality? They can not.

In County Donegal, stations along the Border are being closed. There are Garda stations in Buncrana and in Letterkenny. There are then 16 miles of a free-for-all Border where people are coming across from the North and breaking into houses. A post office near Burt was broken into last year by people who highjacked a taxi in Derry and came across the Border. There are

no Border checks. If there is a lack of resources can there not be a joined-up approach to Border security by the Garda and the Army? We must protect our citizens from criminality.

**Senator Maurice Cummins:** Ba mhaith liom fíor fháilte a ghabháil don Aire Stáit, an Teachta Mac Fhionnlaóich. I am glad to have the opportunity to speak on this issue.

An Garda Síochána has played a central role in providing security and peace of mind for generations of people in this country. Our gardaí carry out a critical role in the social fabric of thousands of local communities across Ireland. The public and media response to the callous murder of Detective Garda Adrian Donohoe highlighted the deep bond that exists between the Irish people and the gardaí. I was struck by the enormous outpouring of grief and emotion of an entire nation of people who, genuinely and rightly, felt they had lost one of their own, a member of the wider community.

The Government's aim, in allocation Garda resources in these strenuous economic times, is twofold. It is to maximise the visible presence and effectiveness of the gardaí in our communities and to continue to make progress on reducing incidents of crime in urban and rural Ireland. The Government has taken a number of positive measures to ensure that these objectives can be met. With regard to crime rates, the 12 months to October 2012 showed reductions in 12 of the 14 crime groups. Instances of assault and related offences were down 9.5%. Public order offences had fallen by 12%. Drug offences were down 7%. Weapons and explosive offences were down 17.4%. Despite this progress, it is with regret that we have seen instances of burglary increase. This is the only area the Opposition was able to highlight.

I welcome the recent decision by the Minister for Justice and Equality to free up more gardaí from behind desks to ensure that community policing, along with the establishment of programmes such as Operation Fiacla, can go ahead. In the last nine months, Operation Fiacla has contributed to 4,000 people being arrested for burglary related crimes, over 2,000 of whom were later charged.

The closure of 100 Garda stations this year does not mean these communities will be deprived of adequate security or the presence of gardaí. Of these 100 stations, 94% were open for three hours a day or less, 88% were served by one garda and only 5% were manned by three gardaí or more personnel. The Government's commitment is to protecting our communities, and this is unwavering. That is why more than 1,000 gardaí are devoted to community policing.

The closure of these stations was recommended by the Garda Commissioner. Highlighting this fact is not an attempt to have the Commissioner carry the burden of negative coverage. The Garda Síochána is in the best position to make efficiencies and changes where it sees fit. The mission statement of the force is to protect and serve the law abiding public. That remains intact. The Government is doing everything it can to help the Garda in this area and the 61,000 additional policing hours that will come on stream this year as a result of the freeing up of gardaí will be matched by the Government's support. For example, an allocation of €4 million in 2012 led to an increase of 212 in the number of Garda vehicles, an issue raised by previous speakers. An additional €5 million will be spent on such vehicles this year. Fianna Fáil's national recovery plan made no reference whatsoever to the purchase of one vehicle.

It is important to acknowledge in the context of Garda pay that the proposals to change working conditions for members are part of the overall reform of the public service and not an attempt to single them out or undermine the Trojan work they do, for which we all owe them a

debt of gratitude. The drive for improved efficiencies in the public service is a goal we cannot afford to ignore. As the Government has said previously, it will not be found wanting in the provision of resources for the Garda to do its job. I cannot believe that Fianna Fáil would suggest anything other than that and to table a political motion of no confidence in the Minister for Justice and Equality typifies what the party was about when it was in office.

**Senator Darragh O'Brien:** He should go. He is a disgrace. He does not have the confidence of the Garda.

**Senator Maurice Cummins:** When I think of phone tapping, the dismissal of Commissioners and interference in the day-to-day running of the Garda, I look at Fianna Fáil.

**Senator Darragh O'Brien:** Where is the Minister today?

**Acting Chairman (Senator Marie Moloney):** The Leader, without interruption.

**Senator Darragh O'Brien:** The Leader can do that all he likes because things have moved on.

**Acting Chairman (Senator Marie Moloney):** Will Senator O'Brien please allow the Leader to speak?

**Senator Darragh O'Brien:** I just want to know where the Minister for Justice and Equality is.

**Acting Chairman (Senator Marie Moloney):** The Leader might reply if the Senator gives him the opportunity.

**Senator Maurice Cummins:** Fianna Fáil members were used to trying to prevent freedom of speech in the past and they are at it again even in this House. They tried to politicise the Garda on many occasions.

**Senator Darragh O'Brien:** We respect gardaí, the Government does not.

**Senator Maurice Cummins:** I refer to the dismissal of Garda Commissioners, phone tapping and interference in the day-to-day running of the Garda. However, let us be crystal clear about Garda numbers. If Fianna Fáil was in government today, there would be less gardaí in the force than is the case. The party froze Garda recruitment.

**Senator Darragh O'Brien:** Rubbish. We increased the strength of the force to 14,000, the highest it ever was.

**Acting Chairman (Senator Marie Moloney):** The Leader, without interruption.

**Senator Maurice Cummins:** Unfortunately, the Senator is unable to accept facts. He can only shout down speakers when they are outlining facts. That is always the way. Fine Gael and the Labour Party are aware of the extraordinary value of the Garda and that is why the Government has secured additional funding. As I stated on the Order of Business only a few weeks ago, Fianna Fáil had provided €90 million less for the force annually in its national recovery plan for 2012, 2013 and 2014. Its members should be ashamed of themselves. I thought they would come into the House and explain this. They are unable to answer questions on this.

**Senator Darragh O'Brien:** Did the Leader see our alternative budget? We would not

close Garda stations.

**Acting Chairman (Senator Marie Moloney):** The Leader, without interruption.

**Senator Maurice Cummins:** I will conclude on that, despite the fact that half my contribution was interrupted, but I will obey the Chair as I have always done and I will not interrupt anyone else.

**Acting Chairman (Senator Marie Moloney):** I ask Senators to obey the Chair.

**Senator Darragh O'Brien:** I would like to know where the Minister of Justice and Equality is. The Leader is the only one who knows.

**Acting Chairman (Senator Marie Moloney):** I asked Senator O'Brien to allow Senator Cummins to speak and he would not.

**Senator Trevor Ó Clochartaigh:** Tá céad fáilte roimh an Aire Stáit. Táimid ag plé rúin atá iontach tábhachtach agus dáiríre. Is é an trua go bhfuilimid gafa i muinín na geamaireachta anseo inniu idir an Rialtas agus an Fhreasúra, idir Fhianna Fáil agus Fine Gael, ar an gceist seo mar is ceist iontach dáiríre í.

We support the motion of no confidence in the Minister for Justice and Equality. I agree with the sentiment expressed but I am a tad bemused by Fianna Fáil's approach. This party is, I understand, attempting to rebrand itself as the party of responsible opposition as it is so fond of telling us. If only it had been more responsible when it was in government. This is the responsible party that signed up to a property tax while in government in the programme for national recovery but opposes it in opposition; the responsible party, which signed up for water charges in the same programme but now opposes them in opposition; the responsible party, which created a mess through its failure to act on European directives on ground water and made hay by opposing septic tank charges; and the responsible party, which having closed many Garda stations, cut Garda numbers and closed Army barracks, has tabled a motion of no confidence in the Minister.

There was a commitment in the 2010 national recovery plan agreed between the Fianna Fáil-Green Party coalition and the troika to cut Garda numbers from 14,500 that year to 13,500 the following year and to 13,000 in 2014, a total reduction of 10%. There were also to be substantial reductions in closing times and closures of Garda stations in that time. By November 2008, almost half of all the Garda stations in counties Cork, Kerry, Clare, Galway and Roscommon had been reduced to one garda operating on a part-time basis. In many of those cases, Garda stations were closed on Sundays and opening hours during the week were limited to between 10 a.m. and 1 p.m. We are quite used to generations of Fianna Fáil brass neck but it is a novelty to have it described as "responsible opposition".

We do not have confidence in the Minister for Justice and Equality. His entire approach to community safety and his lack of concern for rural communities, in particular, and many disadvantaged urban communities, have led us to the conclusion that he is not fulfilling his obligations in an appropriate manner. We have had numerous debates on this matter in recent weeks and there are many respects in which the Government's cuts agenda has been damaging. Some 100 Garda stations closed on 31 January, which is damaging. It is strange that the lack of crime in an area is not being used as a measure of success but is being turned on its head and being used against the area. Surely if a garda is doing his or her job properly, there will be less

crime in the area and that should be the measure used. The local Garda station is at the heart of the community and is key to community infrastructure. This will also have a huge effect on people's sense of security and safety, particularly in rural communities.

This is also damaging to Garda morale. Gardaí are among those front-line workers who are being hammered by this new public sector pay agreement. The agreement has not protected low and middle-income earners. Gardaí face hugely increased workloads and increased stress due to under-staffing and under-resourcing but their reward is reductions in pay and allowances. They will struggle with mortgages, groceries and bills. Shame on the Government that is doing this to key front-line workers.

However, the closure of Garda stations is, most of all, damaging to community safety. The Garda will not have the resources to cope. There is an obvious value to the local gardaí and rural Garda stations in the prevention of crime. There is increasing evidence that station closures can lead to an increase in crime. In England, where rural services have experienced similar cutbacks in police services, crime figures have surged. We have experienced an increase in burglaries, which is particularly alarming in rural communities. Violent crime increased by 119% in country areas between 1988 and 1989 and 2006 and 2007 compared with a national increase of 108% that year. Gardaí do not have adequate tools to carry out their job. They need secure digital radio, satellite navigation systems, Internet and e-mail access and suitable transportation. As I recently highlighted in this House, the cars available to gardaí, where they have access to them, mean that they are not as mobile as they should be. The Government is not interested in assuaging concerns of these communities.

I refer to the issue of closure of Army barracks. The Minister has failed to produce evidence that there is an economic gain from closing barracks such as those in Cavan and elsewhere in considering the costs of paying additional travel allowances to approximately 600 people for many months, the substantial capital investments that will be needed in other barracks to accommodate those who are dislocated or the substantial security and maintenance bill for the closed sites, nor is it likely that these sites can be sold for much. The closure of the barracks has done huge damage to these communities. The loss to the local community and economy will take years to recover from. Shutting these barracks is not the answer.

Whether the issue is Garda stations or Army barracks, the Government would have us believe that we have do not have a choice and this is the approach that must be taken and there are troika diktats but that is untrue. The Government is free to adjust the terms of the bailout agreement on condition that the final outcome remains the fiscal adjustment to which the agreement commits Ireland. We believe that the Government has taken the wrong fiscal approach and that there needs to be a greater spreading of the burden of cuts. The Minister has gone along enthusiastically with the Government cuts agenda and has shown little regard for the community in that context and, therefore, we have no choice but to support the motion of no confidence.

I wish to mention the issue of direct provision which I have mentioned on many occasions in the House. In opposition the Minister promised to review and dismantle the system of direct provision because it is an inhuman and degrading way of dealing with asylum seekers. That points to another failure by the Minister. Níl aon mhuinín againn as an Aire seo ná as na rudaí atá déanta aige mar gheall ar na ceisteanna atá ardaithe anseo. Beimid ag tacú leis an rún, in ainneoin go bhfuil sé de mhuineál ag Fianna Fáil rún dá leithéid a chur chun cinn.

**Acting Chairman (Senator Pat O'Neill):** I welcome the Minister of State, Deputy Dinny

McGinley, to reply.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Unfortunately, the Minister for Justice and Equality, Deputy Alan Shatter, is unavailable. I welcome the opportunity to come before the House to defend his record and that of the Government-----

**Senator Darragh O'Brien:** On a point of order, will the Minister of State please inform the House where the Minister is?

**Acting Chairman (Senator Pat O'Neill):** That is not a point of order

**Deputy Dinny McGinley:** I am sure the Minister is gainfully employed on many other duties.

**Senator Darragh O'Brien:** On a point order, I am entitled to know where the Minister is.

**Acting Chairman (Senator Pat O'Neill):** Will the Senator please resume his seat?

**Senator Darragh O'Brien:** With all due respect, the Leader and the Minister of State will know-----

**Acting Chairman (Senator Pat O'Neill):** Will the Senator please resume his seat?

**Senator Darragh O'Brien:** I will submit a freedom of information request to find out what was in the Minister's diary for today and how he could not find two hours to come to the House.

**Acting Chairman (Senator Pat O'Neill):** Will the Senator please resume his seat? I invite the Minister of State to continue.

**Deputy Dinny McGinley:** I am disappointed by the fact that the Fianna Fáil Senators have tabled the motion. In the first place the motion is, to a large extent, a re-run of a recent and similar attempt to attack the way in which the Minister and the Government are handling difficult and complex issues within his ministerial brief. As that attempt, in the form of another proposed motion, was overwhelmingly rejected by the House two weeks ago, I do not see what real purpose can be served by seeking to cover pretty much the same ground so soon again. Quite frankly, the Fianna Fáil Senators could have found a more meaningful and appropriate use for their Private Members' time, but that is the decision they have made.

Just as importantly, there is no substance to the issues that have been raised in the motion, and what the Fianna Fáil Senators have sought to do is merely to string together a set of topics on which they hope to garner some publicity. Such an approach is ill-advised and it is designed simply to undermine the excellent work being undertaken by the Government in the relevant areas. Also, but not surprisingly, the motion does not take account of the reality of the very difficult economic conditions facing the country. In that context, it is easy to understand why the Senators who have tabled the motion would wish to ignore our current and extremely harsh financial situation, especially when it is due in large measure to failures on the part of the last Fianna Fáil-led Government.

As the bulk of the specific matters referred to in the Private Members' motion relate to the Minister's functions as Minister for Justice and Equality, I will deal with them first. I will then address the relevant issues falling within his remit as Minister for Defence.

The legacy Fianna Fáil was happy to bequeath to the Minister for Justice and Equality a series of expenditure ceilings for the justice sector which, if applied, would have resulted in devastating cuts in Garda services which he, as Minister for Justice and Equality, would not and could not stand over. The Fianna Fáil national recovery plan was unacceptable and would certainly have put the Garda Commissioner in an impossible position. Fortunately, the Minister was able to secure additional funding over the three year period, 2012 to 2014, to ensure the Garda Commissioner and An Garda Síochána could continue to deliver an effective policing service.

In summary, for the justice sector in 2012, the Minister secured €2.243 billion, which was an additional €118 million over and above the Fianna Fáil allocation of €2.125 billion. For 2013, he secured funding of €2.2 billion which was €191 million over and above the Fianna Fáil allocation of €2.009 billion, and for 2014, he secured funding of €2.065 billion which was €105 million over and above the original Fianna Fáil allocation of €1.96 billion. With the Fianna Fáil national recovery plan, the Garda Commissioner and An Garda Síochána would have had an average of €90 million less each year for 2012, 2013, and 2014.

The Minister also made additional funding available last year and in 2013 for the purchase of transport for the Garda fleet for which no provision of any nature was made in 2009. In that context, 213 new Garda vehicles were purchased in 2012, and the dedicated funding of €5 million in 2013 will allow for the purchase of a significant number of new vehicles this year.

Recruitment to An Garda Síochána was ended by the Minister's predecessor, Dermot Ahern. The most recent recruits to enter Templemore did so in 2009 and the last substantial number of recruits graduated in June 2011. The last Government planned to reduce Garda numbers to 13,000 by 31 December 2014. The Minister is reviewing the position regarding Garda numbers in light of an estimated reduction to just over 13,000 by the end of 2013, and in this context he will bring proposals to Cabinet in the coming weeks. He does not want Garda numbers to fall below 13,000.

I wish to mention the discussions which have concluded recently on a revision to the Croke Park agreement. Everyone who is involved in this process has recognised the perilous state in which Fianna Fáil left the finances. It is only through the combined efforts of all parties who engaged in these discussions that we will begin to restore our fiscal sovereignty.

The Minister, Deputy Shatter, did not choose the appalling financial position in which he has had to operate as Minister for Justice and Equality. However, he done everything possible to maintain at the highest possible level the resources available to An Garda Síochána. There is a budget of more €1.4 billion available for the force in 2013 and, by any standards, this is a substantial amount. The Minister is pleased that the provision of three new Garda divisional headquarters for Kevin Street in Dublin, Galway and Wexford was included in the special Government stimulus package announced last July.

I wish to address the question of the closure of some Garda stations, which is referred to in the Fianna Fáil motion. Some 39 Garda Stations were closed in 2012. Eight of these had not been opened for a number of years and many only for a short period during each day. The same party which is proposing a motion of no confidence in the Minister for agreeing to close these stations formally presided over their continued existence on paper only in another attempt to fool the people. The closure of these stations simply recognised a reality concealed by the Minister's immediate predecessors. Following a comprehensive assessment by the Garda Commis-

27 February 2013

sioner of the Garda station network, a further 100 were listed for closure in the Commissioner's policing plan for 2013, 95 of which closed on 31 January 2013 and the remainder of which will close in the coming months.

The Garda station network was inherited from the Royal Irish Constabulary in 1922 on the foundation of the State. Such a large-scale static deployment of resources is no longer appropriate in the present day where the transport and communications infrastructure has been transformed beyond recognition. The Garda Síochána has a class-leading police computer system, a state-of-the-art digital radio system and a transport fleet which is currently receiving significant investment.

Of the 100 stations on the list for closure, 98% opened part-time, 94% opened for three hours per day or less, 88% were manned by one Garda and only 5% manned by three or more Garda personnel. By way of comparison, there are 83 police stations in Northern Ireland for its population of 1.4 million and 340 stations in Scotland for its population of 5.2 million. In the London metropolitan area, 66 police stations are due to close, leaving 73 police stations open to the public. These figures speak for themselves.

It is the Garda Commissioner's professional opinion, following a comprehensive national assessment carried out over a period of 12 months, that a country the size of Ireland with a population of 4.5 million does not, in the 21st century, need 700 Garda stations. It is nothing less than scaremongering to suggest that reducing the network to 564 Garda stations is a cause for fear and anxiety. It would be entirely wrong for the Minister for Justice and Equality to second guess the commissioner's judgment and expertise in this matter.

It is unfortunate and regrettable that some public representatives, particularly in the ranks of Fianna Fáil, have been fuelling public fear regarding the impact of the closure of Garda stations. In fact, the Minister, Deputy Shatter, has been advised by the Garda Commissioner that Garda station closures in 2013 will result in an extra 61,000 Garda patrol hours. Are the detractors seriously telling the public it is preferable to have gardaí sitting behind desks in stations than being on patrol?

Some have sought to paint the Garda station consolidation process as an attack on rural Ireland. However, the two largest stations listed for closure in 2013 are Stepside in the Minister's constituency of Dublin South and Kill o' the Grange in the Tánaiste's constituency of Dún Laoghaire. In 2012 the three largest Garda stations to be closed were Harcourt Terrace, Whitehall and Dalkey, all of which were also in Dublin. Garda stations come under the control of the Office of Public Works and the Minister of State, Deputy Brian Hayes, has confirmed that if an appropriate community management structure is put in place, the closed stations can be utilised for local community purposes.

The Commissioner, Mr. Martin Callinan, has stated the revised structures will continue to support the Garda community philosophy through the clustering of services at policing hubs. This centralisation of services will facilitate the introduction of enhanced patrolling arrangements which, in turn, will provide increased Garda visibility as well as maintaining existing Garda links with communities throughout the country. In addition, An Garda Síochána recently acquired a number of vehicles which are being converted into mobile Garda offices and it is planned to assign them to areas where Garda stations have been closed to ensure members of the public can continue to conduct their business and interact with members of An Garda Síochána.

All gardaí have a part to play in community policing and more than 1,000 gardaí are dedicated to community policing throughout the country. Gardaí continue to work closely with all communities to enhance community safety through a wide range of local fora such as Community Alert and Neighbourhood Watch. The Department, along with the HSE, has for many years supported the work of the Community Alert programme, which was established in 1985 by Muintir na Tíre in association with the Garda authorities. The programme has 1,300 local groups. The close involvement of gardaí with the Community Alert programme was further underlined in January this year by the signing of an updated memorandum of understanding between An Garda Síochána and Muintir na Tíre which administers the programme. Furthermore, a new Garda community crime prevention programme booklet has been published to support the establishment and operation of Community Alert, Neighbourhood Watch and similar local crime prevention initiatives.

An Garda Síochána has risen to the challenges it faces in the current economic climate. Change is being delivered in co-operation with the members and staff of the Garda Síochána. Without doubt, the single biggest transformation project in the Garda Síochána, and arguably in the public service, has been the development and implementation in 2012 of a new roster system in the force. Not only does the new roster provide a more effective policing service, it also protects the health and welfare of the members of the Garda Síochána. The new Garda roster system ensures that resources are optimally deployed when and where they are required, to every part of the community, rural and urban. Evidence of the new roster is immediately apparent on our streets as more gardaí are on duty at times of peak demand and fewer during quieter periods. This is essentially what this reform is about - doing things differently but doing them more effectively.

In response to allegations about increased crime levels throughout the country, the most recent available crime statistics, published by the Central Statistics Office for the 12 months ending on 30 September 2012, show reductions in 12 of the 14 crime groups. There have been reductions in the numbers of crimes against the person including homicide offences, sexual offences and assault and related offences. Public order and damage to property offences have also decreased, as have drugs offences and weapons and explosives offences. Details of all these reductions have already been reported to the House. Burglaries, however, increased by 7.9% during the period.

Operation Fiacla was set up by the Garda Commissioner and is particularly focused on identifying and targeting mobile gangs involved in burglaries around the country, and is extremely effective. In the period to the end of January 2013 it resulted in 3,903 persons being arrested and 2,142 persons being charged. In addition, the latest quarterly figures for burglary suggest that Operation Fiacla is having an impact when compared with the quarterly figures prior to its introduction. These figures, taken with the robust response of the Garda in tackling gangland crime and the activities of paramilitary organisations, are clear evidence that while the Garda cannot avoid the economic realities, it has been more than able to continue to respond effectively to crime. The most recent crime figures show that the number of aggravated burglaries is down when compared with the previous 12 months.

Everybody shares the widespread outrage at gang-related criminal activity. The Minister is in ongoing contact with the Garda Commissioner about all aspects of serious crime and the Garda will continue to bear down heavily on the activities of those involved in gangland crime. The only effective way to combat organised crime is by disrupting and prosecuting those involved in its operations, particularly the drugs trade which is at the heart of much of its profits.

27 February 2013

We should not underestimate the difficulties the Garda faces in trying to prevent gangland killings and related crimes and in bringing the perpetrators to justice. These crimes are carefully planned and are carried out by people who are very familiar with criminal and forensic investigation techniques. Moreover, despite the clear risk to themselves, members of gangs will not generally co-operate with Garda investigations. Despite these difficulties the Garda has been able to bring people before the courts, particularly with regard to a number of high-profile killings in recent years, although it will be some time before these cases are disposed of.

This is not a budgetary matter. The Commissioner has made it clear that where resources are needed to combat serious and organised crime they will be made available. The number of gangland murders was, in fact, higher when Garda numbers were higher than they are now. Very strong anti-gangland legislation is already in place. The Minister, Deputy Shatter, has made it clear that if the Garda Commissioner feels other measures might be taken in this area he will look at them very positively.

Despite the many positive developments in Northern Ireland in recent years, the Garda has never relented in its efforts to counteract criminal groups whose only objective is to drag our island back to a dark past. The shared objective of the Government and the authorities in Northern Ireland is to enhance community safety on the whole of this island. The Minister has asked me to assure the House that we will continue, in co-operation with the authorities in Northern Ireland, to spare no effort to ensure criminal terrorists who seek to subvert the democratic will of the people will face the full rigours of the law.

The prison system also features in the Fianna Fáil motion. This is an area in which the Minister, Deputy Shatter, has adopted a very proactive approach since becoming Minister for Justice and Equality, and significant progress has already been made in this relatively short period. As Senators are aware, the system faces many challenges, including pressure of numbers and the fact that many of the prisons are very old. While these challenges are significant, the Minister will continue to ensure they are addressed as effectively as possible.

The largest single allocation of the capital allocation to the justice sector for 2012 was provided by the Minister, Deputy Shatter, to fund the Irish Prison Service building programme.

*5 o'clock* This significant capital investment underlines the Government's commitment to addressing the twin problems of overcrowding and physical conditions within the prison estate. Refurbishment, including the provision of in-cell sanitation, continues in Mountjoy Prison and approval has been granted to the Prison Service to proceed with the project to replace Cork Prison. The drafting of detailed plans for the replacement of two outdated wings in Limerick Prison has also been approved. A new unit opened in December 2012 in the Dóchas Centre which provides an additional 20 spaces. A new accommodation block at the Midlands Prison became operational in late 2012 providing a potential 300 additional spaces as well as additional work training and educational facilities.

The Minister has also actively pursued alternatives to custody. In that context he has established a working group to conduct a strategic review of penal policy. The group, which has a very wide remit, has been asked to examine the role of penal policy in crime prevention, sentencing policies, alternatives to custody, custodial accommodation and regimes, reintegration and rehabilitation, and any special issues relating to female offenders and prisoners.

Finally, the Minister is very much aware that the Prison Service has actively engaged with

the staff associations as part of the Public Service Agreement 2010-14. As part of a joint task review process, management and staff representatives within the Prison Service are working effectively together to implement the provisions of the public service agreement. That ongoing process is addressing every aspect of the operation of the prison system and has resulted in the implementation of new daily task lists, new staff rosters and new staff configurations in seven establishments in 2012. In addition, another four prison development reports have been agreed and will be implemented next month. Reports for the remaining four prisons are at an advanced stage of completion.

Co-operation between management and staff within the Prison Service is at a high level during this challenging period. This has been achieved through a clear focus on communications facilitated through bilateral engagement with the staff associations and the support of the prisons sector group of the implementation body. In addition, Senators may be aware that specific measures relating to prison staff were incorporated in the proposals for the revision of the Croke Park public service agreement which have recently been circulated by the Labour Relations Commission.

I will briefly deal with the element of the motion which is concerned with Minister Shatter's role as Minister for Defence. In that regard, his primary objective in progressing the initiatives that have been taken has been to focus on maintaining the operational capability of the Defence Forces to fulfil all of the roles assigned by Government. The consolidation of the barrack infrastructure has been a long-term policy in this respect. Moreover, the re-organisation of the Permanent Defence Force has succeeded in freeing up personnel for operational duties and improved the overall effectiveness of the force. Reports and studies dated back to 1990 identified barrack closures as a fundamental requirement towards improving military effectiveness and efficiency. A total of 14 barracks have been closed by successive Governments over the past 14 years.

The total realised to date in terms of sales of surplus property is approximately €85 million. This, together with income of €18 million approximately from the sale of other smaller military properties and married quarters, has been reinvested in a number of areas including the provision of accommodation, training facilities, the equipment modernisation programmes which involved major acquisitions, including light tactical armoured vehicles, personnel carriers, eight helicopters, and two new offshore patrol vessels.

The Minister is committed to maintaining the capacity of the Defence Forces. He is satisfied that the Defence Forces are currently fully capable of meeting those tasks assigned to it.

Members of the Garda Síochána provide a vital service to the public and deserve the support of the public. A safe society is the responsibility of every member of that society, not just of the gardaí. The interconnection between the Garda and community is a vital one in the successful delivery of a policing service in Ireland. The Government will not shirk its responsibility to do everything that it can to ensure that the connection is not broken and that the best possible resources are made available to the Garda Síochána.

Similarly, the Government will continue to pursue the development and improvement of the prison system. That project has been a major priority for the Minister during his time as Minister for Justice and Equality. That will continue to be the case. In addition, he has worked hard to ensure that the Defence Forces will be fully capable of fulfilling their important tasks. He is satisfied that this is the position and that it will be maintained. As I have demonstrated

27 February 2013

very clearly, the Fianna Fáil motion is completely without substance and, accordingly, I commend the amendment I have proposed to the House.

**Acting Chairman (Senator Pat O'Neil):** I thank the Minister of State. I call Senator MacSharry and he has six minutes.

**Senator Marc MacSharry:** I welcome the Minister of State to the House. He is always welcome but we and many other Senators would have preferred if the Minister had chosen to attend.

My party has submitted a freedom of information request on the Minister's diary for today to find out where he went this afternoon. If he attended a European meeting then it would not be such a secret. It is unfortunate that he could not come here to defend the motion. The Minister of State read the reply very well but we heard something similar a few weeks ago.

In February 2011 the people judged the performance of the previous Government, which is two years ago, and my party lost 53 seats and whatever number of Senators. As Mary O'Rourke, the distinguished former Leader of the House, has often said, that was then and this is now. Every time that a point needs to be made on behalf of the people, and it relates to an action that is taken today, it will be perfectly legitimate and credible for people on this side of the House to take that step and to say it.

**Senator Jimmy Harte:** Apologise.

**Acting Chairman (Senator Paul Coghlan):** Senator MacSharry please, without interruption.

**Senator Marc MacSharry:** It is important that we can make necessary points and my party will do so.

**Senator Denis O'Donovan:** It is the opposite side who will be apologetic at the next polls.

**Senator Marc MacSharry:** When the Minister was here on the last occasion he read the same speech as the Minister of State.

**Senator Diarmuid Wilson:** Only not as well.

**Senator Marc MacSharry:** Yes, not as well as Deputy McGinley.

**Acting Chairman (Senator Paul Coghlan):** Order, please. I ask Senators not to draw fire.

**Senator Marc MacSharry:** Is there a problem?

**Acting Chairman (Senator Paul Coghlan):** No. I just advised that Senators should not draw fire.

**Senator Marc MacSharry:** The Acting Chairman should direct his comment at his own people. People on the other side of the House want to live in the past and constantly describe the original document, by the outgoing Fianna Fáil Government, as their manifesto, which was the recovery document. The Minister of State spoke about it for ten minutes. It would prove useful, if we want to examine the past, to examine the Government's manifesto which is a very different document.

**Senator Jimmy Harte:** Fianna Fáil was in government.

**Senator Marc MacSharry:** Let us examine chapter 6.4 on page 28 of the manifesto document which states: “Fine Gael will put an increased emphasis on Community Gardaí and encourage members to live in the communities they serve.” In the same paragraph, it outlined how it would end wasting the time that law enforcement officers spend checking passports at airports or doing administrative duties in Garda stations so that more could be made available to police in communities. Of course none of that happened which is consistent with the entire manifesto.

On the day that the manifesto was launched I said to the Minister that it was probably the greatest act of political delinquency since the foundation of the State for the blatant lies poured on the people. It was done very cynically, particularly in the north west, which the Minister of State should know about, in the form of the lies told about cancer services at Sligo General Hospital, accident and emergency services at Roscommon hospital and so on. The Government made those promises long before chapter 6.4 was published. It is hardly surprising that the commitment given about policing was another lie perpetrated on the people.

The Minister of State was sent here to take a bullet - for want of a better expression - for the Minister because he did not have the manners or courage to come here himself. My party has lodged a FOI request for a copy of his diary in order to discover where he chose to go rather than come here to read the same speech that was read so well by the Minister of State today. What will happen when the people of Glencolmcille, Annagry or Dunkineely go to the Minister of State’s constituency office to ask him what is the situation with paragraph 6.4 on page 28 of the Fine Gael manifesto that spoke about enhanced community policing in their areas? What will he say to them? Will he say that the Fianna Fáil party blew the boom and blame it for everything?

**Senator Jimmy Harte:** Yes.

**Senator Marc MacSharry:** When people from communities such as Annagry and Dunkineely come to the constituency office of the Minister of State and ask him about paragraph 6.4 on page 28 of the Fine Gael manifesto dealing with enhanced community policing, will his response be that the Fianna Fáil Party blew the boom and it is all its fault? That is the reason for the drop in the polls. People are sick of that one-liner.

We lost 53 seats at the last election, but the Fine Gael Party in government is now being judged on its actions, given the commitments it made. Senator Susan O’Keeffe who was referring to the bad memory of those in Fianna Fáil was thrown off course when we asked her about Sligo hospital. There are many similar instances

**Senator Ivana Bacik:** Lies.

**Senator Darragh O’Brien:** He is stating the facts.

**Senator Marc MacSharry:** Sadly, the Minister for Justice and Equality is not present.

**Acting Chairman (Senator Paul Coghlan):** The Senator has one minute remaining. Please do not interrupt the Senator

**Senator Marc MacSharry:** In essence we have more aggravated burglaries than we ever had in the history of the State. In that large area from Ballina in north Mayo to Ballisodare in

27 February 2013

Sligo, there are eight gardaí, one car and one sergeant. That sounds very good but at any one time there are two gardaí on duty. There are aggravated burglaries and in one instance, a man left his wife in the house while he went to mass, a distance of no more than 100 metres, and on his return 40 minutes later he found his wife tied up.

**Acting Chairman (Senator Paul Coghlan):** The Senator's time is up.

**Senator Darragh O'Brien:** When Senator O'Neill was in the Chair he was not too concerned about a few seconds.

**Senator Marc MacSharry:** Will the Chair indulge me for 30 seconds? Aggravated burglaries are happening all over the country.

**Acting Chairman (Senator Paul Coghlan):** There are five more speakers.

**Senator Marc MacSharry:** Even if they were planning to replace people----

**Acting Chairman (Senator Paul Coghlan):** The Senator's time is up.

**Senator Marc MacSharry:** The Minister spent 40 minutes reading out a speech we heard weeks ago.

**Acting Chairman (Senator Paul Coghlan):** With respect, Senator, your time is up.

**Senator Marc MacSharry:** It is an important point to make. The reality is that we are not getting increased numbers of gardaí on the ground. We have fewer members of the force on the ground.

From the people whom I know in the Garda Síochána, morale is at an all-time low. We have heard the story of the detective unit in Cavan, in which the six detectives have no car between them. In Sligo, there is one car to be shared among the eight detectives. Other Senators made the point about the lack of resources. Of course, the top brass are being wheeled out to say all is well and that we are winning the battle. We are losing the battle.

As Deputy McGinley was sent in to deal with the motion, I will return to the areas in his constituency, Dunkineely and Churchill, to Annagry to Glencolmcille. Will he say to those people, "What's the problem? The Garda station in Stepside in the constituency of the Minister for Justice and Equality, Deputy Shatter, had to close." Stepside is no more than six or seven minutes away from the Garda station in Donnybrook----

**Acting Chairman (Senator Paul Coghlan):** With respect, the Senator should finish.

**Senator Marc MacSharry:** ----or in Dalkey. One is not comparing like with like. When the Minister of State goes out to Carrick or Glencolmcille looking for votes let him tell the people that No. 6.4 in the Fine Gael manifesto is a fabrication and a lie.

**Acting Chairman (Senator Paul Coghlan):** I cannot indulge this argy-bargy across the Chamber.

Senator Bacik has six minutes.

**Senator Ivana Bacik:** I will not take that time as I am conscious that others wish to speak. I welcome the Minister of State, Deputy McGinley. I am happy to join with my colleagues on

this side to rebut the Fianna Fáil motion, which as others have said, is inappropriate and a repetition of what has been set out very recently.

**Senator Darragh O'Brien:** We will keep doing it.

**Senator Ivana Bacik:** It is a waste of Private Members' time. That is a matter for them.

**Senator Darragh O'Brien:** When did Senator Bacik last have a Labour Party motion on Private Members' time?

**Senator Ivana Bacik:** Our motion touched on this very issue but it brought in a range of other issues around community life, including the Purple Flag.

**Acting Chairman (Senator Paul Coghlan):** The Senator knows that.

**Senator Ivana Bacik:** Senator Harte, as did other Senators, set out a very strong defence of Government policy on justice. Senator Bradford, very helpfully, pointed out that the attitude of the Minister for Justice and Equality, Deputy Shatter, to the Seanad has been extremely positive. He has initiated a large number of Bills in this Chamber, probably more than most other Ministers. Let me say that his record on penal reform and on prison policy has been strong. The Minister of State, Deputy McGinley, gave us information on the investment in prisons. As a member of the Joint Committee on Justice, Defence and Equality, I visited Mountjoy Prison recently and have seen the roll out of in-cell sanitation, the installation of new shower blocks and the great improvement in prison conditions for prisoners and staff. There is a new reception area for prisoners who are coming into prison. Some very important innovations have been undertaken by the Minister. In addition, he has established a working group on penal policy which I know will come up with really useful reforms of prison policy. I know the committee report on penal reform will feed into it. The Minister for Justice and Equality is genuinely reforming the system, particularly in penal reform, an issue which is close to me.

**Senator Darragh O'Brien:** The Army and the Garda.

**Senator Ivana Bacik:** I will now deal with the issue of the Garda which the Opposition has been focusing on. The figures provided by the Minister of State speak for themselves. It is scaremongering to suggest that reducing the Garda network to 564 stations is a cause for fear and anxiety. The figures for Northern Ireland, Scotland and elsewhere show that it is unnecessary to have the number of Garda stations we have. To suggest that Ireland needs 700 Garda stations----

**Senator Darragh O'Brien:** Tell that to the people of Rush.

**Senator Ivana Bacik:** I would ask the Opposition to look at the actual number of crimes reported each year in some of the Garda stations----

**Senator Darragh O'Brien:** I have the report.

**Senator Marc MacSharry:** Tell the lady who was tied up in her house----

**Senator Darragh O'Brien:** Millionaires row, which the Senator represents.

**Acting Chairman (Senator Paul Coghlan):** Senators must address their remarks through the Chair.

27 February 2013

**Senator Ivana Bacik:** Some of the stations have not been opened for a number of years and some only for a short period. Clearly to free up Garda time and to allow for an extra 61,000 Garda patrol hours is a better and more efficient use of policing time. It is worth reminding the Opposition of advances in technology and policing practice that will allow for more efficient use of policing rather than have gardaí sitting behind a desk in stations that deal with a tiny number of reports every day. That is an issue of major importance that is worth speaking on.

My colleagues have spoken on the reduction in crime figures and the success of Operation Fiacla in tackling the area of serious crime. Members are concerned about increases in serious crime.

The previous Government in a time of plenty does not have the same record on penal and justice reform that this Minister does, and I commend him for it.

**Acting Chairman (Senator Paul Coghlan):** Senator Wilson has six minutes.

**Senator Diarmuid Wilson:** I welcome the Minister of State, Deputy McGinley, to the House. He is a man for whom I have great respect. I thank him for his major contribution. As Senator MacSharry has said he has been thrown in at the deep end to come in to defend the Minister for Justice and Equality, Deputy Shatter. I apologise that this has happened to an honourable and decent man.

The Minister for Justice and Equality, Deputy Shatter, has form in this regard. A little more than 12 months ago, I tabled a Private Members' motion on behalf of the Fianna Fáil Party on the closure of Army barracks. On that occasion, the Minister did not pay us the courtesy of attending and sent the Minister of State, Deputy Kehoe. I am glad he has learned from that experience and he did not turn up on this occasion either. I do not think it is acceptable that the Minister is not present to hear the views of the Opposition. I know he is in the House because he has been spotted by a colleague of mine, a little more than an hour ago. It is not acceptable that he is not here himself to take this motion.

At a time of rising numbers of burglaries, drug smuggling and serious dissident activity, the Government is going way beyond the EU-IMF agreement in slashing Garda numbers to the lowest level in over a decade and closing Garda stations. My colleagues have outlined the reasons this is not a good idea and I do not intend to repeat them. Morale in the Garda Síochána is at an all-time low. Not only are the Garda representative associations in open conflict with the Minister's handling of Garda pay and conditions, but ordinary members of the force throughout the length of the country are struggling not only to survive but to do their job because they have not got the resources they need to do it. As my colleague, Senator MacSharry, said, there are six detectives in Cavan town. For a period of three months they had no unmarked car. I raised the issue in this House and a couple of days ago they were given a car with less than 20,000 miles left on the clock. Does the Minister of State think that is acceptable? The Garda Síochána in County Cavan does not have the number of marked cars required to carry out its duties to the full extent. Garda superintendents are faced with having to put together 12-hour rosters in order to police large areas. In addition, Garda chief superintendents and superintendents are faced with an amalgamation of Garda districts, to which Senator Thomas Byrne alluded, without an increase in numbers to carry out such duties.

As Senator MacSharry said, one of the major commitments in both the Fine Gael and Labour Party manifestos was to community policing with gardaí living in the local community.

Tell that to communities that now see their Garda stations being closed. Tell that to gardaí and their families who have to move up to 30 miles in some cases due to the amalgamation of Garda districts. This situation is unacceptable. Ordinary gardaí are at breaking point. I want to pay tribute to each and every member of the Garda Síochána of all ranks for the excellent work they are doing in protecting our communities in such difficult circumstances.

The Minister, Deputy Shatter, also holds the Defence portfolio. What a disgrace he has been as Minister for Defence. It is a disgrace to hide behind the financial situation as an excuse for closing Army barracks, such as Dún Uí Néill in Cavan town. In his earlier contribution, the Minister of State alluded to the fact that €85 million has been raised to date by the sale of that property. How much of that sum, however, has come from other Government Departments and State agencies? The vast majority of that money has come from other Departments. What saving is there in the three-card trick of the Department of Defence selling Dún Uí Néill to the Department of Education and Skills? At the same time, the soldiers who were based there are being paid to go to other barracks. What security is there in soldiers from Dún Uí Néill being moved to Athlone, while dissident activity is increasing just seven miles from where they were originally based? If there is a crisis it will take over two hours for Army personnel to get to the Border. That is the reality, but is it progress or smart defence? What an insult it is to the Garda Síochána to say that we are going to implement better and smarter policing. What does that tell the members of An Garda Síochána who have served the State over the decades?

The Minister, Deputy Shatter, should resign not just for the reasons that I and my colleagues have outlined, but also because there is a constitutional conflict in his holding both the Justice and Defence portfolios. There are only two Ministers in Government who are charged with the responsibility of signing bugging orders. Senator Cummins quite arrogantly mentioned bugging in the past.

**Acting Chairman (Senator Paul Coghlan):** The Senator has exceeded his time.

**Senator Diarmuid Wilson:** I agree with him, however. It is a major difficulty.

**Acting Chairman (Senator Paul Coghlan):** I do not like having to interrupt the Senator.

**Senator Diarmuid Wilson:** If we have the same Minister being the only one who can sign bugging orders, I think that is a danger to the security of the State. Two different people should occupy those Ministries. For that reason alone, apart from the other myriad reasons, I believe the Minister, Deputy Shatter, should resign.

**Acting Chairman (Senator Paul Coghlan):** Senator Michael D'Arcy is next but there are three speakers remaining. I will have to call on Senator Byrne in a few minutes. What does Senator D'Arcy wish to do?

**Senator Michael D'Arcy:** I will be as brief as possible.

**Senator Cáit Keane:** Could the Acting Chairman extend the time by five minutes?

**Acting Chairman (Senator Paul Coghlan):** No, I cannot do that.

**Senator Michael D'Arcy:** I will be as brief as I can.

**Senator Darragh O'Brien:** On a point of clarification, at what time is Senator Byrne being called to wrap up?

27 February 2013

**Acting Chairman (Senator Paul Coghlan):** At 5.26 p.m.

**Senator Darragh O'Brien:** That is in one minute.

**Acting Chairman (Senator Paul Coghlan):** Yes, there is only a minute or two in it. Will I give the Senators a minute each?

**Senator Michael D'Arcy:** No. I will say what I have to say very quickly. There is a certain discourtesy from other speakers. We all have our time slot but some people exceed it. Senator MacSharry was the worst example today. He took up everyone else's time, as others did.

**Acting Chairman (Senator Paul Coghlan):** The Senator should not cast blame on anyone.

**Senator Michael D'Arcy:** He did, so I am making the point. I disagree with the Minister for Justice and Equality on the 2013 policing plan that was commissioned by the Garda Commissioner. Certain aspects of the plan should be scrutinised and analysed. The Minister will not second-guess it. In my opinion, however, if there is an aspect of the policing plan that is incorrect - perhaps based on incorrect information or faulty data - we should scrutinise it.

When the Garda Commissioner brings forward the 2014 policing plan, we should be in a position to make available the information we have put to joint policing committees. I have also put that information to the Minister and am trying to put it to the Garda Commissioner. I have spent a week trying to contact the Garda Commissioner, but he has not had the courtesy to return my call.

The 2014 policing plan should be flexible while not including incorrect matters. I am speaking specifically about the amalgamation of two Garda districts in Enniscorthy and Gorey. Such an area, with a population of 75,000, cannot be policed with a sole Garda superintendent in a single Garda district.

I think it is disappointing that Senators exceed their time allocation. It is very rude to other Members.

**Acting Chairman (Senator Paul Coghlan):** With respect, I will give each remaining speaker one minute. They should make their points briefly.

**Senator Cáit Keane:** I do not know what one can say in a minute.

**Senator Darragh O'Brien:** I want to clarify a point.

**Senator Cáit Keane:** There we go again.

**Acting Chairman (Senator Paul Coghlan):** Senator Byrne will have four minutes.

**Senator Cáit Keane:** It is disrespectful to the Minister of State and the House.

**Senator Darragh O'Brien:** It is our motion. I just want to ensure that we get enough time to wrap it up.

**Acting Chairman (Senator Paul Coghlan):** I will not short change you.

**Senator Darragh O'Brien:** Thank you, Chairman. I was just checking.

**Acting Chairman (Senator Paul Coghlan):** Senator Keane has one minute.

**Senator Cáit Keane:** Starting from now. We inherited this situation and, no matter how often one says it, the financial situation dictates policy. Fianna Fáil Members knew what the policy was when they wrote it. The figures speak for themselves. It is what one inherits. One must cut one's cloth according to one's measure. No matter how often Senator Darragh O'Brien may contradict it, inheritance does matter.

**Senator Darragh O'Brien:** Not if it is a transfer, as in the Senator's case.

**Senator Cáit Keane:** One has to deal with the coin that turned up at the time. The fact is that crime has gone down. I do not have time to quote the statistics but I have them in writing. Meanwhile, the money has not gone down based on what the Opposition is proposing. Senator Darragh O'Brien should read the speech made in the Dáil by the Minister, Deputy Shatter. He said that we would be €90 million worse off.

I want to quote Mr. Vincent Browne, a man who never praises politicians. I have never quoted him before in my life but I will now.

**Acting Chairman (Senator Paul Coghlan):** The Senator's time is up.

**Senator Cáit Keane:** For a man that never praises a politician, Mr. Browne said of the Minister, Deputy Shatter, that he might turn out to be the best Minister for Justice and Equality in quite some time.

**Senator Darragh O'Brien:** We will withdraw the motion then, just because Vincent Browne said it.

**Senator Denis O'Donovan:** It could be the kiss of death.

**Senator Cáit Keane:** I have a lot more to say but my time has elapsed.

**Acting Chairman (Senator Paul Coghlan):** Senator Colm Burke has one minute.

**Senator Colm Burke:** My colleagues on the Opposition benches should look at the television series "Love Hate" because that is what they left us with in certain areas of the country. We must adjust to responding to that type of society, which is what the Minister is doing.

The Fianna Fáil Party was in office for 14 years and the Cork prison issue was constantly being put forward. That party said it was going to something about it, but after 14 years nothing had been done. The current Minister intends to, and will, deliver a brand new prison in Cork which is long overdue. We will deliver on that matter, which is an extremely positive move.

**Acting Chairman (Senator Paul Coghlan):** Senator Byrne has four minutes to wrap up.

**Senator Thomas Byrne:** I am disappointed by the disrespect the Minister, Deputy Shatter, has shown to the House by not attending the debate on a motion concerning him. Let us not be confused. This motion is not about the Minister's attendance before this House and how great he is to the Seanad. That has nothing to do with it at all. This motion is about the issues such as burglary that affect people on the ground. Moreover, Senator Keane and the Acting Chairman should note I quoted statistics from County Meath. In the first quarter of 2009, there were 208 burglaries, while in the third quarter of 2012, there were 322 burglaries. This constitutes an increase of 50% in burglaries and as I noted, it is replicated right across the eastern division.

27 February 2013

The Senator might pretend the number of burglaries is falling or repeat the lie that they-----

**Senator Cáit Keane:** It is not pretence; it is fact.

**Acting Chairman (Senator Paul Coghlan):** Senator Byrne, without interruption please.

**Senator Thomas Byrne:** I have set out the facts from the Central Statistics Office in respect of my own county. I have them to hand and they have been put on the record a number of times. Moreover, they derive from responses from the Minister himself in Dáil Éireann.

**Senator Cáit Keane:** For one area.

**Senator Thomas Byrne:** The Minister has shown disrespect and discourtesy to the gardaí and to their representative bodies. He has shown disrespect and discourtesy to the Army and its representative bodies, as well as to the prison officers. These are the people who often put their lives and physical safety on the line in the service and defence of the State. My first interaction with the Minister, Deputy Shatter, was in this Chamber shortly after my election to the Seanad when he came in with all guns blazing and declared his intention to close down the Smithwick tribunal. He did not tell Members the reason and at that time also failed to tell them he had received correspondence from the judge presiding over the Smithwick tribunal outlining the reason the tribunal needed to continue for some time. My confidence in the Minister was shattered at that time. I had no confidence in him because I thought he was trying to be the new sheriff in town and was pretty unsuccessful in so doing. Fianna Fáil was able to acquire the documents under freedom of information legislation on that day regarding the correspondence between the Minister and the judge, just as the party will seek the Minister's diary for today under freedom of information legislation, because no convincing reason has been given for his absence.

Moreover, when people talk of how great the Minister is in respect of legislation, the same is true of all Ministers for Justice and Equality. It is a legislating Department that keeps producing legislation. It has no relevance to the fear people have when their Garda stations are closed, their districts are merged and there is no proper policing in their areas. Moreover, those Garda and Army staff, as well as other front-line workers, are being hit hardest under the Croke Park agreement. Through hitting their allowances, the Government is hitting the average garda or nurse as hard as those people who are on salaries of €100,000. That is unfair and unjust, and while my party has yet to finalise its examination of the deal, in my view it is a reason to oppose it. Fianna Fáil has no confidence in the Minister and neither do the people or the security forces of the State. It is about time that Seanad Éireann also declared that it, too, has no confidence in the Minister.

Amendment put:

The Seanad divided: Tá, 30; Níl, 16.	
Tá	Níl
Bacik, Ivana.	Byrne, Thomas.
Bradford, Paul.	Cullinane, David.
Brennan, Terry.	Daly, Mark.
Burke, Colm.	Leyden, Terry.
Clune, Deirdre.	MacSharry, Marc.
Coghlan, Eamonn.	Mooney, Paschal.

*Seanad Éireann*

Coghlan, Paul.	Mullen, Rónán.
Comiskey, Michael.	Norris, David.
Conway, Martin.	Ó Clochartaigh, Trevor.
Cummins, Maurice.	Ó Domhnaill, Brian.
D’Arcy, Jim.	Ó Murchú, Labhrás.
D’Arcy, Michael.	O’Brien, Darragh.
Harte, Jimmy.	O’Donovan, Denis.
Hayden, Aideen.	O’Sullivan, Ned.
Healy Eames, Fidelma.	Power, Averil.
Henry, Imelda.	Wilson, Diarmuid.
Higgins, Lorraine.	
Keane, Cáit.	
Kelly, John.	
Landy, Denis.	
Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullins, Michael.	
O’Keeffe, Susan.	
O’Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Whelan, John.	
Zappone, Katherine.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Ned O’Sullivan and Diarmuid Wilson..

Amendment declared carried.

Question put, “That the motion, as amended, be agreed to.”

The Seanad divided by electronic means.

**Senator Diarmuid Wilson:** Under Standing Order 62(3)(b) I request that the division be taken again other than by electronic means.

Question put: “That the motion, as amended, be agreed to.”

The Seanad divided: Tá, 31; Níl, 16.	
Tá	Níl

27 February 2013

Bacik, Ivana.	Byrne, Thomas.
Bradford, Paul.	Cullinane, David.
Brennan, Terry.	Daly, Mark.
Burke, Colm.	Leyden, Terry.
Clune, Deirdre.	MacSharry, Marc.
Coghlan, Eamonn.	Mooney, Paschal.
Coghlan, Paul.	Norris, David.
Comiskey, Michael.	O'Brien, Darragh.
Conway, Martin.	O'Donovan, Denis.
Cummins, Maurice.	O'Sullivan, Ned.
D'Arcy, Jim.	Ó Clochartaigh, Trevor.
D'Arcy, Michael.	Ó Domhnaill, Brian.
Harte, Jimmy.	Ó Murchú, Labhrás.
Hayden, Aideen.	Power, Averil.
Healy Eames, Fidelma.	Walsh, Jim.
Henry, Imelda.	Wilson, Diarmuid.
Higgins, Lorraine.	
Keane, Cáit.	
Kelly, John.	
Landy, Denis.	
Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullen, Rónán.	
Mullins, Michael.	
O'Keeffe, Susan.	
O'Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Whelan, John.	
Zappone, Katherine.	

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

Question declared carried.

**6 o'clock Magdalen Laundries Report: Statements**

**Acting Chairman (Senator Michael Mullins):** I welcome the Minister of State at the Department of Health, Deputy Kathleen Lynch, and call on her to address the House.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I am pleased to have the opportunity to discuss with the Seanad the final report of the interdepartmental committee set up to establish the facts of State involvement with the Magdalen laundries, which was published on 5 February last. Much has been said since then and much has happened. For me personally, the report has been the culmination of a long journey going back more than ten years when I first had an involvement with the issues of women who were admitted to and worked in the laundries. I know what they went through and I am delighted the reality and harshness of living and working in the institutions and what it meant for the women is now there for all to see.

As I recounted in the Dáil only a few weeks ago, I regularly visited some of the women in the United Kingdom and tried to offer whatever advice and support I could. As an indication of how far we have come, it is worth recalling a particular meeting I had with some of the women in 2003 at the Lazy Daisy Café in Notting Hill. Visiting Notting Hill on a Saturday morning shortly after the film "Notting Hill" had been released was not a great hardship. A number of concerns were expressed at the meeting about the provision of services to Irish victims of abuse living in the UK. I wrote to the then Minister for Education and Science in November 2003 outlining the simple and reasonable requests of the individuals in question and indicating what could be done to improve their lot. These were straightforward matters such as: requests to extend a free telephone helpline to the United Kingdom; provide updates in the form of a newsletter; provide a fax machine and computer; and the introduction of a right to choose one's own counsellor or therapist. It had been proposed that nuns and other clergy would be involved in providing counselling and while the religious in question were all decent and good people, people will understand the reluctance on the part of the individuals involved to accept the offer. Other requests included telephone assistance, a speedier response to queries and a comprehensive media information campaign. It was almost impossible to advance or progress these simple requests.

Shortly after the Government took office in March 2011, I had discussions with the Minister for Justice and Equality, Deputy Alan Shatter, about what we could do on the issue of the Magdalen laundries. We agreed to establish an interdepartmental committee to look into the matter and a policy decision to this effect was made in May 2011. On the day before the relevant memorandum was circulated to Government, the United Nations Committee against Torture, UNCAT, published its observations on Ireland, which included, at paragraph 21, a recommendation that "the State party should institute prompt, independent and thorough investigations into all allegations of torture, and other cruel, inhuman or degrading treatment or punishment that were allegedly committed in the Magdalene Laundries". While the non-binding recommendation of UNCAT was taken into account by the Government, it was not the driving force behind the decision to launch the investigation. It must be underlined that even if UNCAT had not reported on the matter, the Government would have established the interdepartmental committee.

Since then, we have all come along way, especially the women involved, many of whom are now elderly and never thought they would see the day when the leader of the country would

deliver an apology on behalf of the people of the State in the Dáil. In that context, the apology given by the Taoiseach on 19 February last on behalf of the State and its citizens was both historic and heart-warming. It was warm, generous and sincere and I know only too well how greatly it was appreciated by the most important people of all, the women who survived the Magdalen institutions. It underlined again the determination and steel of this Government to deal with this issue from the moment we took office, right the wrongs done to these women in our name and put in place a process that will address those wrongs and, I hope, bring the much longed for closure the women have so desperately wanted for many years.

I thank the former Senator, Dr. Martin McAleese, for agreeing in the first instance to independently chair the interdepartmental committee to examine the extent of State involvement with the Magdalen laundries. The Senators present worked alongside Dr. McAleese in the House and appreciate only too well his dedication and commitment to whatever task he sets himself. He was an inspired choice to chair the interdepartmental committee and we owe him a great debt of gratitude for the report he produced which, for the first time, laid bare the facts about the extent of State involvement with the Magdalen laundries, the lives of the women who resided in them and the traumatic effects their experiences subsequently had on them and their families. With regard to criticism that has been made of the report, while it may not present the entire story from the point of view of history and academia, the report gave the Government the impetus to act and for this alone, we owe its author a debt of gratitude.

I also thank the women who came forward to relate their experiences in the Magdalen laundries and the effect these experiences had on their lives. Their stories were told with great dignity and, most important, they have been believed.

I thank the representative groups who so actively and for many years campaigned diligently on their behalf. I know only too well the work involved. I long campaigned on their behalf and I appreciate fully the difficulties faced, which thankfully were eventually overcome. We should also thank and acknowledge the co-operation given to Dr. McAleese's committee by the religious congregations who ran these institutions. They co-operated fully with the committee, provided full access to their records and assisted the committee in every way possible. While the past few weeks have undoubtedly been difficult for them and there has been much criticism, and rightly so, of the harshness and bleakness of life in the laundries, it is only right and proper that we recognise their contribution to this process. Their co-operation was essential in enabling Dr. McAleese to produce his report and ensuring the Government was in a position to take the next steps.

The Government is now addressing the needs of those still with us arising from the hurt they experienced during their time in the laundries. We are not wasting time and we want to act as quickly as possible. Since this process began, the Minister for Justice and Equality, Deputy Shatter, and I have met, and will continue to meet, with the representative groups and many of the women involved. This includes women represented by the Irish Women's Survivors Network based in the UK and women currently living in nursing homes or sheltered accommodation under the care of the religious congregations. It should not be forgotten that care is currently being delivered in a different space and way. It is important also, amid all the noise around expectations of an apology, that we do not forget Jim Smith, who single-handedly through his use of technology and research, drove this issue on. He has done us and the women who lived in the Magdalen laundries a great deal of service.

I am glad to say that the women are very pleased with what is being proposed and the

progress made so far. There is an end in sight and their ordeal is near over. While we may not necessarily agree on everything - I am sure we will not - I can assure Senators that they are being listened to and their views are being taken into account. Like Government, the women now wish for a non-adversarial approach — no lawyers or expensive legal fees - and a fast practical and effective solution which meets their needs and goes some way to righting the wrongs of the past. As Senators will be aware, the Government is putting a comprehensive scheme of supports in place to underpin a process of healing and reconciliation which we want to encourage and promote.

This scheme, the detail of which is being examined by retired High Court judge and current president of the Law Reform Commission, Mr. Justice Quirke, will be established soon. Mr. Justice Quirke has been asked to examine how, taking into account the McAleese report, the Government might best provide supports, including health services such as medical cards, psychological and counselling services and other welfare needs, for the women who need such supports as a result of their experiences. He has also been asked to advise on the establishment of a scheme under the fund, including identifying the criteria and factors to be taken into account, such as work undertaken in the laundries for no remuneration. Mr. Justice Quirke will advise on the operation of the fund and, in particular, the nature and amount of payments to be made from the fund. A decision will be made on its detailed operation when he reports back in three months time. I am confident this will make a difference for the women involved and can assure Senators that the Government will not be found wanting in considering his report. I assure them also that the scheme will be for the benefit of eligible applicants and will not be spent on legal fees and expenses. We have learned from the mistakes of the past and we will not be repeating past failures with which we are all well familiar.

I want to be clear that women who have already received payments under the redress scheme are not being excluded in any way. There is one small area of possible overlap. I understand that under the redress scheme a woman who went straight from an industrial school to a Magdalen laundry may have received a redress payment for the period up to the age of 18 spent in the Magdalen laundry. Mr. Justice Quirke has been asked to keep this in mind. The Government does not envisage that such women will be excluded. The process of identifying the numbers involved and inviting expressions of interest has already begun. Since last week, 20 February, the Department of Justice and Equality has received over 750 contacts from people expressing preliminary interest in being considered to receive benefits or supports from the scheme when it enters into operation. The figure of 750 represents first contacts and does not include everybody eligible to apply. As well as giving some indication of the likely numbers involved, this process will also allow people time to gather the necessary basic documentation that will be required to verify their identity and their stay in one of the relevant institutions.

As already stated, I have had a lot of contact over many years with the women who now live in London and the various support networks that operate there, often with limited resources and little practical funding. I know only too well the admirable work undertaken by such organisations with little or no financial support. To that end, I am very pleased that the Government will be able to make some provision to assist the UK Step by Step centre for Irish survivors of industrial schools and the laundries. This will be made as soon as the legal technicalities have been clarified. The women have been asked to consider the nature and location of a suitable memorial. It is only fitting that we would provide a memorial which tells their story, one to which we can all subscribe.

The Minister, Deputy Shatter, and I will be meeting the four religious congregations shortly

27 February 2013

to invite them to make a contribution to the fund being established by Government. We will be discussing the need to put in place a process for survivors to obtain their records in order to avail of the scheme. This will, of course, be essential to the process of identifying eligible participants for inclusion in the scheme and ensuring their claims will be dealt with promptly and efficiently.

I would like to assure the House of the Government's determination to continue to meet the needs of these women. It has been a long journey for them and it has not been easy. It behoves all of us to ensure we have an effective process in place as quickly as possible, one which meets their needs and which provides the fullest range of supports possible. I am confident that we can do this and, with the support of everyone involved, we will not be found wanting.

**Acting Chairman (Senator Michael Mullins):** Spokespersons have eight minutes within which to make their contributions and all other Senators have five minutes.

**Senator Averil Power:** I welcome the Minister of State to the House and commend her personal commitment to this issue over many years. She is the right person, given that commitment, to discuss this issue with us in the House.

The Taoiseach spoke for all of us last week when he apologised unreservedly to the women incarcerated in the Magdalen laundries for the hurt done to them and the stigma they suffered. I was very proud of the Taoiseach last Wednesday not only in terms of his words but the genuine, warm and sincere manner in which they were delivered. I know what he said meant a great deal to the 1,000 survivors of the Magdalen laundries. My only regret is that more than 9,000 women never got to hear those words. I regret they were not delivered earlier.

The McAleese report documents the collusion of the State in the Magdalen laundries, in terms of State authorities being directly responsible for the admission of one quarter of all women to the laundries. In the broader sense, it shows how the State facilitated 100% of the admissions to the laundries by allowing them to operate in the first place, by having gardaí bring women back after they had run away and by State agencies, such as hospitals, contracting their services. I found it very upsetting to read personal accounts of what women were subjected to. There was hard labour for no pay and cruel forms of emotional and physical punishment. Women who had done nothing wrong were there just because they were poor, because they had a disability in some of the most cruel cases or because they were orphans. There is no doubt some of the most vulnerable women were subjected to horrible cruelty by the people who ran the institutions. There is no doubt they were also failed by a Government that was meant to protect them and by wider society, which was indifferent to their suffering. It was a society, as we now know when we look back at how women were treated for so long, that tolerated forced adoption. It means there are now so many adults put up for adoption as kids who know nothing about their history. It is an issue we will return to in this House at an early stage with the debate on the adoption information Bill. What went on is a scar on all of us.

I was proud when the Taoiseach apologised on behalf of all of us. His apology was significant and genuine. I hope it is the start of a process for the women. It cannot be the end and no amount of compensation will make up for what they went through. The least we can do is make the remaining years of their lives a little easier through helping with matters such as medical needs, counselling and housing. It is the least we owe them, not as a form of charity but as payment for the hours they worked and for the hard work they did. Financial compensation is the least we can do and I welcome the process started by the appointment of Mr. Justice Quirke.

I also welcome the additional information provided by the Minister of State today. I seek clarification on a number of issues. I am sure the Minister of State received a list of questions from the Justice for Magdalenes group. Will Mr. Justice Quirke be asked to implement the process he recommended? I am not sure the Minister of State has thought about this and whether he will be part of rolling it out. Will the process have statutory footing with independent statutory powers? Is it envisaged people will have access to an independent appeals process?

The Minister of State raised the issue of support provided by some of the UK services. The survivor groups have raised the need for a dedicated helpline in the Department. The Justice for Magdalenes group has been running a volunteer service but its members are overwhelmed and are not in a position to give women the support they need. Will specific measures be put in place to help women who are still institutionalised to ensure they have advocacy and people working on their behalf? Are steps being taken to ensure the sons and daughters of Magdalen survivors and other relatives, including victims who have been adopted, will have access to their records? As someone who was adopted as a child, a matter I have spoken about previously, I find it difficult to speak about adoption and some of these issues. But for the grace of God, I could have been born 20 years earlier, and I think about what we did to mothers like my mother, who got pregnant when they were unmarried. We must do everything we can to help the Magdalen women who suffered in those homes but there is a broader issue in modern Ireland with regard to other people who have suffered and how we deal with adoption and other vulnerable groups in our society.

An excellent article by Carl O'Brien in *The Irish Times* on Saturday raised the case of some of the vulnerable groups in modern Ireland. They are still in a terrible position and include those living in direct provision, as raised by Senators van Turnhout and Ó Clochartaigh in this House on several occasions. Children in entirely unsuitable accommodation share toilets with adults of the opposite sex. Another case is people with mental health problems and disabilities in institutionalised care that is not properly inspected. We still have people being sent to adult institutions when we accept it is not right. Minors end up in adult prisons rife with drugs and intimidation. Unfortunately, they come out worse at the end. Steps are in place to change that but if the Taoiseach's apology is to be meaningful and to mark a watershed for the country, we must examine the practices in place and ensure it cannot happen again. I hate the idea that another Minister of State would have to sit in that seat and apologise to people to whom society has turned a blind eye and has not served.

I welcome the statement that the Minister of State and the Minister for Justice and Equality will meet the religious orders. It is vital they accept moral and financial responsibility for what women were subjected to. I have been astonished by the silence over the past week. I hope that changes after the meeting and that the religious orders step up to the plate. I welcome this event and I commend the personal commitment of the Minister of State and hope that today the women here to hear us and the families of those who have passed away can finally see their mothers and grandmothers get justice.

**Senator Paul Bradford:** I welcome the Minister of State and I thank her for her contribution, interest and commitment to these women and this sad chapter of our national history. I thank the Taoiseach for his contribution and his speech of apology in Dáil Éireann last week and I thank our former colleague, Martin McAleese, for his calm, balanced and thorough chairing of the committee, which did such an effective investigation. I pay tribute to the survivors who prevailed not just to tell their story but, by doing so, have left a mark on Irish history. Hopefully, it will improve the lot of future generations and future marginalised and disadvantaged people.

27 February 2013

The Minister of State made an interesting off-script comment that, notwithstanding what has been reported, written and deemed to be an accurate history, much more will be investigated, written and added to the jigsaw of our past. That to which she refers will not make for pleasant reading; it will be painful but it needs to be so. Our history is a difficult patchwork and while we can glorify certain patriots and periods, we have pushed much under the carpet and into the recesses of our memories and our collective memory. It must be brought out and brought forward for no other reason than healing. If a country needs to heal its soul and heal itself, it must delve into the dark recesses of the past and fully acknowledge what was done. The State has played a role that is not glorious in the lives of many of the citizens. At times, the State, the churches and religious congregations came together. Unfortunately, it is not a record of which either organisation can be in any way proud. Hopefully, this report and other such reports will help us to learn and move forward. In the very immediate future, we must ensure that Mr. Justice Quirke is provided with whatever resources he needs to bring immediate healing to very hurt people. It can never be total healing and while all of the psychological, financial and medical support which can be provided will be, and that will help, there is no 100% remedy for past difficulties, pain and sin. However, at least if these women - I will not call them unfortunate women because they are very strong and powerful - can recognise that we are learning and determining, as a nation, to progress forward in a more open and inclusive fashion, that can be part of the healing process as well.

I am very pleased that the Minister of State, Deputy Lynch, and the Minister for Justice and Equality, Deputy Shatter, in their comments to date have stressed the fact that the package of measures which will be put in place will focus on the survivors and not on legal niceties, tribunals or expensive mechanisms. We will try to ensure the resources will go to where they are required, which will be very helpful. That would be part of the State's attempt to heal itself. Then we must move on to the institutions, which were generally of a religious nature. The religious organisations must ask what they can do as part of the healing not just for the women, but for themselves, at a time when the Church and all of its institutions are under significant stress anyway. I look forward to the Minister of State, Deputy Lynch, and the Minister for Justice and Equality, Deputy Shatter, and perhaps the Taoiseach, meeting the religious organisations and I hope that stemming from that will be a very clear demonstration, through attitude and action, by the Church institutions of an acknowledgement of wrongs which they committed and a willingness to, in so far as possible, make amends. We have to be realistic and recognise that today's church leaders and authorities have neither the influence, resources or finances of their predecessors but they must be seen to make a very deliberate effort and to take, if one can excuse the pun, some pain as part of the healing of other people's pain. That would be good for society.

There are so many issues jumping from the pages of this report and much of it is a stain on the soul of the nation. Obviously, much attention will focus on the religious organisations and, as the Minister has said, rightly so but that is not the only part of the story. Irish society was very harsh. My mother, who is 90, speaks of children in her townland and, in particular, children of farm labourers who went to school hungry and of the responsibility she felt to help them, even though she was of very modest means. She speaks of the lives and employment conditions of these people, which were appalling. That was not the responsibility of the State or even the church but was how society ordered itself. The Ireland of the 1920s, 1930s and 1940s was not just an unequal place, but a cold place. Much of this profound difficulty stems from how we ordered society then and from our excessive deference to people of means. The people of means were not always parish priests but were often the big farmers and those of so-called superior social standing, who could do as they saw fit. In 100 years time, the history of modern

Ireland will move very quickly beyond the 1916 Rising, the War of Independence and the Civil War and will have many interesting chapters on the very cold and sometimes cruel social fabric of our country. That certainly needs further amplification and much healing is required.

Regarding these magnificent ladies who have lived to tell their tale, we must first wish them well. We must also give them an absolute assurance that we recognise the significant wrong done unto them and an absolute guarantee that we will do everything humanely possible to heal their hurt. I look forward to the Minister of State, Deputy Lynch's ongoing work, along with her colleagues, the Minister for Justice and Equality, the Taoiseach and the Government and the entire Oireachtas, in this regard.

Two hours ago in this Chamber we had what would be considered a normal political debate, which we will not rehash now. It was the Punch and Judy of Irish politics, which does not serve much purpose at all. This debate and the debate in the Dáil last week and the contributions of many people, including the Minister of State, Deputy Lynch, Senator Power, who has spoken on this topic on many occasions, and her party leader, Deputy Martin, and others, represents good politics. It is good for the soul of the country and for its citizens and most definitely, for the survivors of the Magdalen laundries.

**Senator Jillian van Turnhout:** I also welcome the publication of the report. I begin by asking that the Department of Justice and Equality ensures that copies of the report are provided to those survivors who do not have Internet access, including some who provided testimony to the committee and who have yet to receive a copy. I wish to pay tribute to the Minister of State's own personal conviction and courage on these issues.

This report established, categorically, what survivors and their advocacy groups have told us for years, namely, that the State was directly involved and consequently, complicit, in the Magdalen laundry system. I very much welcome the State's inclusion of all surviving women in the apology, thereby avoiding any distinction being made between survivors who were sent into the laundry system by their families and those incarcerated there at the behest of the State. This is a very important non-distinction which embraces the fact that the laundry system itself was inherently abusive, rather than the abuse stemming from the women's and girl's mode of entry. In this regard, however, I must express my disappointment that the report found little evidence of physical abuse, which seems contrary to the evidence handed to the committee by the Justice for Magdalene's group, comprising 12 files of supporting evidence, including 795 pages of harrowing survivor's testimonies from girls who were assaulted by nuns, often with keys, belts and other implements, as well as from independent witnesses who attested to the truth of these stories. In the Ryan report, volume 3, chapter 18, and in various documentaries and survivor testimony, it has been widely accepted that these institutions were inherently abusive. If gruelling and relentless unpaid labour behind locked doors is not physical abuse, I do not know what is. The report, in my opinion, should have been dedicated to the survivors of the Magdalen laundry system and all those who did not survive its brutal regime.

Whatever side of the political divide one is on, as Senator Power very clearly articulated earlier, the capacity of Deputy Enda Kenny, as Opposition leader, for example, in response to the Ryan report, and as Taoiseach in response to the Cloyne report, to speak with compassion and sincerity on subjects of the greatest sensitivity is beyond reproach. This was further exemplified when he made his considered official statement and apology on behalf of the Irish State on the evening of 19 February for what is, undoubtedly, our national shame. There has been much discussion following the Taoiseach's formal apology about whether it was good

enough, sincere enough or moving enough. I can only speak personally when I say that I was profoundly moved by the Taoiseach's words. However, the apology was not for me. It was given on my behalf, but it was for the survivors and their families. The litmus test is them and I am heartened by reports from survivor advocacy groups and the survivor's reactions to the news teams, directly after the Dáil address, that the Taoiseach's sincere and heartfelt words were deeply meaningful to the survivors, who feared that day would never come. We need to learn from our past, and several times in the Seanad I have quoted the Amnesty International report, *In Plain Sight*, which responded to the Ferns, Ryan, Murphy and Cloynes reports. In the report, which is still very relevant, Colm O'Gorman, a former Senator and executive director of Amnesty International Ireland, stated:

[T]he focus cannot be purely on the past, as if this history has no relevance for our society now. We must consider the degree to which this history reveals vital truths about the nature of our society today. The past only becomes history once we have addressed it, learnt from it and made the changes necessary to ensure that we do not repeat mistakes and wrongdoing.

Since having been appointed a Senator I have found myself questioning how much we have learned as a society and a State, when the culture of secrecy, collusion, cover-up and lack of accountability which surrounded institutional and clerical sexual abuse can still be seen in contemporary contexts, such as with regard to the survivors of symphysiotomy and the treatment of asylum seekers, particularly children, in the State-run direct provision centres which we have debated in the House. This is the Ryan report of the future if we do not deal with it.

Having now established categorically there was State involvement and oversight in the Magdalen laundries system it is also important to establish whether in more recent times the State and its relevant Departments knowingly made efforts to deny this fact or minimise its involvement. I speak, for example, of our testimony before the United Nations Committee against Torture in 2011. There are also outstanding issues involving unnamed graves at the Bhermore cemetery in Galway and unexplained and unregistered deaths in High Park in Glasnevin. On this point, this opportunity should not be allowed to pass without commending the late Mary Raftery on her efforts to bring the issue of the unexplained and unregistered deaths to the fore in her 2003 article in *The Irish Times* entitled "Restoring dignity to Magdalenes". In it she raised allegations of the most serious order, including that the then Department of the Environment had issued additional exhumation licences for unidentified and unregistered human remains without a full investigation of the circumstances. That such an investigation did not take place at the time and still has not taken place beggars belief. Where was the accountability then and where is it now?

I have been very disappointed by the radio silence so far of the four congregations at the centre of the McAleese report. Where is the accountability and where is the media and public scrutiny of the wholly inadequate apologies they have issued? I have read their apologies very carefully. One congregation used the word "refuge" to describe the laundries eight times in seven sentences. We have established these institutions were anything but refuges. Other congregations acknowledge that the limitation of care during the time women spent with them was wrong and upsetting. I welcome the calls by the Tánaiste, Deputy Eamon Gilmore, and by the Minister for Justice and Equality, Deputy Alan Shatter, for the religious congregations to contribute to the compensation scheme. I would very much like to see the congregations offer contributions in acknowledgement of their direct role in the abuses suffered by women rather than coming forward on foot of pressure by the State.

The system of redress must be prompt, open, transparent, fair and non-adversarial. I welcome the appointment of Mr. Justice John Quirke to head up the three-month review to recommend criteria for providing support, payments and services to the women. Senator Power asked a number of questions about statutory footing and independent appeals and I will write to the Minister, Deputy Shatter, on these issues. I call on the Minister and the Minister of State, Deputy Lynch, to give full and frank consideration to the restorative justice and reparation scheme for Magdalen laundries survivors proposed by the Justice for Magdalenes survivor advocacy group.

It is good that the report has been published and it very clearly proves State involvement, but it does not mean the book is closed. It has opened a new chapter, and what belongs in this new chapter is up to us. We must support the women and the organisations supporting them. We can stand together on this and show we have learned from the mistakes of the past.

**Senator Ivana Bacik:** I warmly welcome the Minister of State, Deputy Kathleen Lynch, to the House. As everyone else has stated, I pay tribute to her for her great work in campaigning for so long on behalf of the survivors of the Magdalen laundries. Historic speeches were made in the Dáil last week, and when the Tánaiste spoke he singled her out as having played an enormous role in ensuring that at last we would see a form of justice for the survivors of the institutions. As she stated, having been involved for many years and having met some of the survivors in London in 2003, she has a very good and deep understanding of the pain and suffering they have gone through for so many years.

I welcome the historic apology given by the Taoiseach and the Tánaiste on behalf of all of us last week on 19 February. The apology is historic because it is the first time any Government in the State has acknowledged the wrong done to the women and girls incarcerated in the Magdalen laundries during the 74 years between 1922 and 1996 when the last laundry closed. We know during the 74 years there was collusion of State and church, of the religious orders and the State apparatus, in the incarceration of women and children in these institutions. We saw the same collusion in the operation of industrial schools for so long. The Tánaiste spoke very powerfully about this culture of collusion and the patriarchal and theocratic state which operated such a brutal regime against women and children, who were perceived as somehow not fitting in, and who were in poverty. Others spoke about the class as well as gender issue which pertained in respect of the Magdalen institutions.

To speak a little about this context, as Senator van Turnhout stated, we know a good deal about the conditions in the Magdalen laundries, and we knew them before Dr. McAleese's report. Others, such as Maria Luddy, Eoin O'Sullivan, Mary Raftery and Ian O'Donnell, have written extensively about the Magdalen institutions. Earlier texts speak about the confinement of women and children in these institutions and the large numbers incarcerated, albeit not only in Magdalen institutions. O'Donnell, O'Sullivan and others have written that in 1950, 1% of the Irish population was incarcerated involuntarily in institutions such as Magdalen institutions, industrial schools and psychiatric institutions. As late as 1970, 20,000 people were incarcerated. Fewer than 1,000 of these were in prison and the others were incarcerated in large numbers in industrial schools, Magdalen institutions and other institutions. Looking at this type of historic record, we see single mothers, women who became pregnant out of wedlock, were incarcerated in other institutions, such as county homes and psychiatric institutions, as well as in Magdalen laundries.

We have had a very shameful history over a very long period in Ireland of incarcerating our

poor, and women and children. This policy of confinement is being exposed through a series of events such as the Ryan report in 2009 and Mary Raftery's earlier documentary, "States of Fear". These are part of a series of events in which we have seen at last the dark shadows being exposed to the light. The Magdalen institutions are perhaps one of the last institutions from this period of the past to be exposed. All along, as the Minister of State has said, powerful advocates have acted consistently on behalf of the women, who themselves have been extremely brave in coming forward and it has been wonderful to see so many of them come forward to at last receive the apology they deserve. All of us want to pay tribute to the Justice for Magdalenes campaign and Professor James Smith, Sally Mulready of the British-based Irish Women Survivors Support Group and Stephen O'Riordan of the Magdalene Survivors Together, all of whom have very important parts to play in this process.

The Government made a commitment in 2011 to establish the first official reporting process under former Senator Martin McAleese. Others have paid tribute to the tremendous work he did for, it has to be said, extremely good value to the State. Criticisms have been made, some of them very valid, of his report, but a few points must be made. His was the first report to have the co-operation of the religious orders. This is hugely important as for the first time it gave us access to records which were not previously available and also exposed the absence of records. It is appalling to see that the two laundries run by the Sisters of Mercy had no admission records. People have criticised him for perhaps underestimating the numbers. Others previously suggested 30,000 women had been through the Magdalen institutions. Mr. McAleese could find records for only 11,000 admissions, but he stated he does not have any records for two institutions and there may well be more to come on this issue in particular. As others have said, the conditions were down played and there was less reference to physical abuse and forced labour than one might have expected. Again, perhaps there is a strength in the understatement of the report. His remit was to examine State involvement and that is where the focus lies. There is plenty more to be written and plenty more to be said about the appalling and brutal conditions in which the women were kept for so long.

I shall comment on chapter 19 but I have read the report thoroughly. Like others and Senator Power, I found it desperately sad and heartbreaking to read the testimony of the women themselves, the fear, the loneliness and the isolation that they experienced. Dr. McAleese described it, in understated language, as a "cold, rigid and uncompromising regime". There will be more to be said about the conditions in the laundries. The report does stand as a very valuable starting point for us, in particular a starting point in establishing beyond a shadow of doubt the levels of State involvement in the laundries.

Looking to the future, others have welcomed the fact that Mr. Justice Quirke has been appointed and given three months to examine how best to establish a redress scheme and meet the needs of the women survivors. I am very glad to see Stanhope Street is being included in the scheme. I am very glad also, as the Minister of State confirmed on the record, that women who have already been through the redress board, because they were incarcerated in industrial schools, will not be excluded from the scheme. I acted as a lawyer for a small number of survivors before the redress scheme was set up in 2002 and there have been extensive criticisms, and very justified ones, of the scheme. The lesson that we must learn from the redress scheme is to avoid the adversarial system and women and their groups have already said that. I saw the levels of victimisation that were experienced by survivors before that board, which was set up in good faith by the State, but ultimately operated to pit survivors against each other under a crude weighting scale whereby there was a hierarchy of abuse. That is not the appropriate method to

take this time and I am sure Mr. Justice Quirke's model will be very different.

Steven O'Riordan and the Magdalene survivors have suggested a much simpler idea, namely, to offer recompense based on the period spent in the laundry in recognition of the unpaid work done by the women and girls. That is a far better model to begin with. Undoubtedly there are other aspects such as the memorial for survivors, which the Minister of State spoke about, and the need to ensure access to records. The latter is a great issue for survivors of industrial schools and we need to make sure that there is a streamlined procedure introduced. There is also a need to ensure that there are contributions from the religious orders. Like others, I have been very concerned at how little they have had to say to date. We all know about the appalling indemnity deal done in 2002 with the former Minister, Dr. Micheal Woods, in respect of the religious orders and their contribution to the redress board scheme. We have all learned from that experience and I am sure that we will see a greatly improved scheme being offered now.

Finally, I pay tribute to the Minister of State for all of the work that she has done on the issue. This is a great, historic moment for all of us to be able to say in the Chamber how much we appreciate that at last justice is being done for the women survivors of the Magdalen institutions.

**Acting Chairman (Senator Jillian van Turnhout):** I call Senator Mullen and he has eight minutes.

**Senator Rónán Mullen:** I welcome the Minister of State to the House. I would like to be associated with the tributes paid to her for the great personal interest that she has taken in the issue over the years and for her genuine hard work in seeking to bring the stories of the Magdalen women to light. She also sought to ensure that whatever measure of justice is possible at this late stage in their lives, and in the life of the story, could be done. The Minister of State has received well-deserved tributes in that regard.

I also want, at this early stage, to pay tribute to those organisations which have worked to collate stories and worked on the issue over the years. I compliment them for carrying out advocacy work very well and on behalf of the Magdalen survivors. I want to pay particular tribute to Dr. Martin McAleese. On reading the report I can state that it is a great example of public service by him. It is not often that politicians get an opportunity to do the particular kind of service that he did.

As I read through his report a number of issues emerged and I was left in no doubt of his compassion and that of his team. He is now a former Senator but I wish that he was here to listen to our tributes. Unfortunately, he has left the House. He was very determined to tell the truth, the full truth and nothing but the truth while sticking to his remit. When he made other observations he was also very honest in stating what he found to be the case. I was struck by his honesty right from the beginning. In his introduction there was the juxtaposition that "None of us can begin to imagine the confusion and fear experienced by these young girls, in many cases little more than children, on entering the Laundries." In particular he talked about those who did not know why they were in the laundries but others knew. One of the really sad aspects of the story is that some people did not know why they were there and they did not know why they were picked up and brought back when they left, and such like. The Senator rightly talked about the harsh and physically demanding work environment.

It seems that when one compiles a report like this one must navigate between the very legiti-

mate remembrances of those who have stories to tell of the great suffering that they had experienced in their lives but one must also seek to understand the issue in its fullness. I note that, in a few paragraphs, the former Senator talked with compassion about the hurt that the sisters of the religious congregations had also felt in the way that the story has sometimes been told. They understood themselves to have responded, often in practical ways, as best they could to fraught situations. In many situations they had to pick up for the inadequacies of State and society and I say that not to justify or excuse one single instance of cruelty that took place in any given time in any given situation. It is right and proper that the Dr. McAleese should tell it as he heard it and state the fact that the majority reported that they did not experience the cruelties, the physical punishment, the ill-treatment and abuse that was prevalent in the industrial schools system.

As politicians - and I shall exclude all present company from my statement - sometimes reach too easily for the big statement or great emotional statement that we know will bring us short-term congratulations. It takes courage in the current climate to tell the truth gently and completely. Dr. McAleese came as close as I have ever seen it done, without in any way minimising the wrongdoings and the cruelties, and sought to understand the position of those giving and providing the service for the State, so to speak, found themselves in. Great credit is due to him for that. His report is a fine example of public service. For the first time his report provides us with an accurate picture of the Magdalen homes issue. A deep apology by the Taoiseach last week was appropriate, necessary and long overdue.

As a society Ireland failed and we failed these women terribly. For some inexplicable reason we turned to the institutionalisation of people who did not fit within the parameters of a society that we were sometimes trying to create. What an amazing cruelty and lack of compassion that involved. Dr. McAleese, in his report, found that the Magdalen laundries had a profound and enduring negative effect on the lives of the women involved. He spoke of social stigma and the fact that many women found the experience lonely and frightening.

The report also enlightens us in regard to the earlier perceptions about the profitability of the laundries, the birth of babies in the Magdalen homes, the alleged widespread cutting of hair and widespread violence against the women in the homes. He dared to tell a different story where he heard testimony to that effect. The main findings for him were of isolation, emotional hurt and, in many instances, a lack of understanding and knowledge of why individual women were in care. Of course all of that is serious enough anyway.

The report also states that the findings, in many cases, may encourage a review of some perceptions about these institutions and the women who were admitted to and working in them. The committee hopes that the facts, established for the first time by its work and set out in the report, would contribute to a more complete, accurate and rounded understanding of these issues. In general terms, he said that there had been a considered debate of the issue but he found, in some instances, a move towards blaming the religious for all that occurred.

My time is limited. I apologise to the Minister of State that I must attend a meeting in Blanchardstown at 7.30 p.m. so I will not be able to do her the courtesy of listening to her respond to our presentations today but I will read it with great care. I hope that the Government, in its engagement with the religious orders will produce, and I shall paraphrase to some extent what Senator Bradford said, generosity on all sides and creativity. The redress story has been a sorry story for many reasons. I would hate to think that the heavy hand of threats around public relations, or how things would be perceived, would be part of the negotiations on any side. We also need to address the societal dimension. Can we examine the possibility of a contribution

being made from lottery funding?

*7 o'clock* A big part of this story was the failure of individual citizens at every level of society and within families, sometimes because they were vulnerable families themselves and sometimes because people in those families were criminals. In conclusion, instead of singling out State and church in those easy big terms, can Members consider opening up the possibility that all of us in society might be invited to contribute in some way? For example, this could be through publicly-organised fund-raising events or a contribution from national lottery funds. Members could have a longer discussion about some of these ideas, some of which may be good and others may need a lot of work. However, it is worth opening discussion about that at this point and I thank the Acting Chairman for her indulgence.

**Senator Cáit Keane:** I welcome the Minister of State to the House. I wanted to speak on this matter and note it is not the end but is only the beginning for the Magdalen girls. I compliment the Minister of State on the work she contributed on this matter over the years. I also compliment the Minister, Deputy Shatter, on taking it on board when the Government was barely in the door and ensuring it was a priority. The Minister also should be complimented on making it a priority in his Department. Members have listened to the heartfelt speeches from various Members of the Dáil but I am sure no one will mind if I single out Fine Gael's own leader, the Taoiseach, Deputy Kenny. While there had been criticism that he did not apologise straight away, it was proven that he wished to read the report's contents. His heartfelt and emotional response has demonstrated he is a man with a heart and who cares. This has demonstrated that in leading the country, his heart is also in the right place. I do not wish to be political about it but it is a Government that cares about people. The Minister of State, Deputy Kathleen Lynch, is present and when she goes off-script, she sometimes is at her best. I also took note of Senator Bradford's comments about when the Minister of State was off-script. The survivors have also congratulated the Taoiseach. I also wish to pay tribute to Deputy Martin, who did say sorry. While it took a long time, it was better late than never and he recognised all the years of neglect when his Government should have done a great deal more when in office. I pay tribute to the survivors' groups that worked hard for many years, made available documentation and never gave up, as well as to the religious orders which co-operated and made available their documentation. While some records were not kept, all documentation they had was made available.

However, as the Minister of State and other speakers, including Senator Bacik in particular, have noted, there is a great deal more work to be done that will not make for pleasant reading. It was also appreciated that on the day, the Taoiseach announced he was both apologising and setting up a redress scheme. No apology, no matter how sincere, can ever erase from their minds what happened to them. It demonstrated to them that at last, they were listened to and that it was believed they were telling the truth. This meant a lot to them. Members cannot turn back the clock in respect of what was done but it has been acknowledged that wrongs were done. Moreover, the Government must ensure that in the future, it is better for everyone in every institution. Members also must remember those who died before they could hear this apology. In their absence, I am sure their people also wish to acknowledge them. I pay tribute to former Senator McAleese, who was an absolutely inspired choice by the Taoiseach. Perhaps I am wrong but I doubt whether any other person on earth would have got such co-operation. I recall his work on North-South co-operation when he was building bridges and this theme has been carried on with the building of bridges to bygone days. I pay tribute to the public service duty he has done.

The report demonstrated conservatism and unaccountability in how authority ruled with a

heavy hand and how church authorities said one thing but did another. It demonstrated how unaccountable were church and State, where the State bowed to what the church said, where the rights of citizens were not even mentioned sometimes or were not even considered. Everybody had to kowtow to the official line, be it from church or State. It was a society in which many things were brushed under the carpet if they did not suit and woe betide anyone who challenged the conservative consensus. One might sometimes ask, when debating certain issues, whether much has changed. I am thinking about Fr. Flannery, who is challenging the conservative consensus and the poor man has been silenced for daring to challenge the conservative view. One has heard from the Magdalen ladies that appearances were everything and how girls were hidden in tunnels lest they dare speak when an inspector called. One must ask what the inspectors or the various visiting doctors were doing? People were being put in these institutions for just being bold, for being pregnant or whatever. I will not go over the litany of ways in which people were put into the institutions but none of them deserved to be there. Did people know exactly what was going on? People knew the laundries were there and I apologise on my own behalf while asking whether people knew precisely what was going on. While we did not know exactly, we all accepted it. I am glad it is now out of the open and one must pay tribute to the people who did that. I am positive that not everyone in the laundries was cruel and I have also heard good stories, which must be noted. However, the order was to obey authority and the rules of the day. There were lots of rules on morality where social control dominated. Where were the rules of justice or about the dignity of the person? Women who were denied contraception were locked up for being pregnant. One can tell them that one believes them. While I must conclude because my time is up, I have so much to say. The women must be congratulated on the work they have put in. I will conclude by stating that all of the churches must step up to the plate, in addition to the State, in respect of the redress scheme. I thank the Minister of State and note that rather than dwelling on the past, we will go forward.

**Senator Darragh O'Brien:** First, I welcome the Minister of State to the House. First and foremost, I commend her personally on the work she has done in this regard. On the day after the Taoiseach made his apology, I stated it was a full and honest apology that was absolutely required. As someone who has served in the Oireachtas since 2007, I make no bones about my belief that successive Governments, including the previous Government, failed these women. There is no other way of saying that and I am glad my party leader, Deputy Martin, stated this clearly in the other House. It was wrong and I remember it being brought up on some occasions in discussion with former colleagues when I was in the Dáil.

**Deputy Kathleen Lynch:** By Tom Kitt.

**Senator Darragh O'Brien:** Yes, as well as by a former constituency colleague of mine, Michael Kennedy. While Michael will know I do not often pay him credit, they brought up this issue. I will outline what I consider to be important on foot of the publication of former Senator McAleese's report, which was an excellent piece of work. He was a good colleague to all Members here and the work he has done will stand the test of time as something that was done efficiently with the co-operation of all sides. Dr. McAleese has a way about him that gains trust from all people around. I acknowledged there were sensitivities, particularly in respect of some of the religious orders. Frankly, however, the idea the religious orders and the State are not liable financially is just nonsense. They will be obliged to step up to the plate and the redress scheme must be implemented in such a way that it does not lead to what Senator Bacik referred to earlier, namely, a replay of the former redress scheme. Everyone recognises that scheme was set up with nothing but good intentions but the legal profession made a sizeable

amount of money from it. In addition, I am certain we should not repeat the manner in which victims were questioned about their experiences. Moreover, I believe the families, sons and daughters of the 1,000 or so ladies who are alive and the 9,000 or perhaps more who now are deceased certainly have a role in this process. Their lives were affected in many cases because of the negative impact staying in these homes had on many of the ladies.

I acknowledge the Minister of State will remain close to this process and welcome the appointment of Mr. Justice Quirke with regard to the redress scheme. She may be unable to do so today but as this debate will adjourn and continue on another day, I ask the Minister of State to consider independent monitoring of the process. I used the example of the redress scheme of 2002 with regard to the industrial schools, which was established with the best of intentions. It did not really work as it should have done and Members should be sufficiently open to provide that if, God forbid, it appeared as though the scheme was not working as one would wish, a mechanism was in place for the Minister of State, the Minister, Deputy Shatter, or whoever to get involved. Obviously, one wants this process to be efficient and to not drag on forever. The Minister of State already has made this point of which I also am mindful. I refer to a specific request from the Justice for Magdalenes organisation, which I am sure it also asked of the Minister of State. It is that we need to do work to ensure that when payments are made to ladies who are on existing State benefits they will not in any way negatively impact on their current or future benefits. For example, if cash payments are made to them that such payments will not be factored into calculations for means-tested benefits in the future should they seek medical cards, State pensions or other State benefits. It is important to do that. If they have not already done so, the Department of Finance and the Department of Justice and Equality will need to make inquiries with the Inland Revenue and the relevant department in the United Kingdom for the ladies in Britain who will receive payments from the State and the religious communities involved. We must ensure that payments made to the ladies concerned in Britain will not impact adversely on them.

Many speakers have already spoken on the matter. I am pleased that those ladies who are still alive and those who have departed this life now know that the State believes them. That is important because it is an affirmation for them that we believe them, we accept responsibility and while we cannot give back the years that were spent in the laundries, we must try as best we can to make reparations in an efficient, effective and sensitive manner. We must learn from other schemes that were not as sensitive as they were intended to be.

I commend the Minister of State for her work. We will debate the issue further. I hope she will take some of the points I have made on board.

**Senator Susan O’Keeffe:** I welcome the Minister of State, Deputy Kathleen Lynch. Like other speakers I thank her for the work she has done and her unfailing belief in the women who were treated in this way. She never gave up. When she went into government she worked even harder on the issue. We are all grateful to be present for the debate as it is a sign that we have moved on.

I wish to start my contribution with a quote. “As a class the majority of these girls spring from the ordinary labouring family, some from the decent small farmer, a few from the riff-raff of the small back street population...[and] the majority of cases come from country districts, often from isolated places in the west.” That is a 1941 description of women, particularly young women who appeared before the Central Criminal Court for infanticide, murder, concealment of birth and other crimes. The language from 1941 indicates how women were viewed, par-

ticularly young pregnant women. It was written by a probation officer. His report talks about “fallen women”, “moral decadence”, “immoral character” and “neglect of essential moral training”. Although the short report, which I have to hand, does discuss the need for care and support for women, the overall thrust of the report is that this is a group of unfortunate women who need punishment and then perhaps some guidance. The document appears in the appendices of the Magdalen report. I am drawn to it because it is of the time. It is official Ireland showing its views, attitude and use of language. It tells the story of how women, young women and girls were viewed and ultimately how they were treated. The fact that Ireland had signed up and continued to sign up to various conventions under international law, unfortunately, did not stop us treating people with contempt. In a way the report encapsulates that. This is at the heart of what I describe as Ireland, the lock-up State – industrial schools, county homes, psychiatric hospitals, mother and baby homes, poor houses and Magdalen laundries. We seem to be a lock-up State.

Even though the words of the probation officer were written about those who appeared in court, they clearly speak for the women in the Magdalen laundries too. They were something of a problem, a kind of nuisance, something to be dismissed. Whether there were ten, 100, 11,000 or 30,000, that was the view that was taken. We are pleased that we have moved on from 1941. We have made progress. Unfortunately, it was the women themselves who having been dismissed once before as a kind of riff-raff, who had to face yet again being dismissed, except this time they stood their ground. They fought the fight and they won. They won more than an apology, not just compensation or perhaps the right to become involved in a redress scenario, or even a memorial – all of those facts are incredibly important, but most important, they won the right to speak as equals, to be listened to and to know that they matter. That is a huge achievement and I welcome and applaud it because it shows that we are growing up as a society. We are accepting that old ways were not right or fair. We are beginning to acknowledge our past and our grave mistakes.

It is unfortunately a painfully slow process, to which those women and many others will testify. In many ways it cannot be speeded up because there is so much to move and shift, so many attitudes to change, so many people set in their ways and yet that is the clear challenge to Mr. Justice Quirke, the Ministers involved and the officials. The next stage of the process is as important as this first step of apology. It will be important to have patience, as the women have shown they had, but it is equally important that after the next three months Mr. Justice Quirke will set out a clear path for how those precious, wonderful women will be helped. The Department of Justice and Equality will need to appoint a central point of contact who can assist, direct and advise women in this uncertain time for them. Some might need an independent advocate. Many speakers have referred to the women overseas, who must not be left out, and more importantly, must not be constrained by time – that if they come forward in the future that they will not be told that there was a time constraint.

There are many other matters relating to the way women are treated now and due care must be taken that the process is transparent, not dragged out for months or years and that provision is made for medical and housing needs. Justice for Magdalenes has put together a clear list of needs. I am sure the Minister of State is more than aware of it. That should be heeded and taken into account by everyone setting out the next course of action. The warnings about redress failure should also be heeded.

Finally, we must decide whether to pursue the entire story of the Magdalens, to tell the whole truth, not just the version of the truth that is found in the McAleese report. Good as it was, the report is limited. I refer to the hard labour, pain, abuse, silence and the disgraceful

behaviour. I believe we should gather the whole story.

One could ask what we should do about the women who are still fighting for various causes, fighting for justice and truth. Could we find a way to ensure that those involved in the fights for people who have suffered injustice do not have to sacrifice their lives and fight for their rights? This is a democracy and a so-called civilised society so perhaps some kind of permanent commission of inquiry, as previously called for by my colleague, Senator Aideen Hayden, might be an answer and might reduce the pain and adversarial approach we have come to recognise among the groups that are fighting for what is only their right.

These are women; they are not Magdalen women. That label has been attached to them for far too long and it is over time to remove it. I applaud them all and those who worked tirelessly with them and on their behalf. As another woman, I add my apology for the hurt they have suffered throughout their life at the hands of the State and us, the people of this State.

**Senator Sean D. Barrett:** I welcome the Minister of State, Deputy Kathleen Lynch. I always value her contribution to this House. I hope that the next time they meet in the Lazy Daisy Café in Notting Hill – it will be famous now – she can say that 60 Senators and 166 Deputies will be there with her in spirit. I agree with everything other Senators have said.

Owen Skeffington, one of my predecessors, tried to persuade the House that adults should not beat children. John Boland, also a Member of this House, implemented the measure. I do not know where the tradition of physical force that is found throughout the McAleese report came from. The right to beat other people was accepted so casually, as was the right to imprison them. There are so many awful things in the report. I commend former Senator McAleese on his report. On page 26 of the report there is reference to the mass exhumation and cremation of people in High Park in 1993 in order to sell the site to a property developer. To do such a thing makes one think of the worst excesses of Nazism yet it happened in this city. It is a sign of a lack of respect for people's human rights. I refer also to the level of judgmentalism towards women who live what would now be regarded as a normal life. Our prohibition on family planning was enforced in the most ruthless way against those who infringed it, many of whom were exiled.

Senator Bacik referred to a book on coercive confinement in Ireland written by Eoin O'Sullivan and Ian O'Donnell, which cites the following statement by Ciaran McCullough:

It is certainly part of Irish 'folklore' that the use of mental hospitals to dispose of 'surplus' children was an important resource in the preservation of the inheritance system in rural Ireland. A son, inheriting from the father and bringing a wife into a farm which could only offer a subsistence income, may not have been pleased with the presence of his unmarried and ageing brothers and sisters in the household. Commitment to mental hospital may have seemed an attractive solution in these circumstances.

As O'Sullivan and O'Donnell show, from the 1920s through to the 1970s, we incarcerated on average 30,000 people per annum, including approximately 6,000 people in institutions that were investigated previously and perhaps 1,000 in the laundries, although the numbers in respect of the laundries differ.

Ireland had an incredible culture of locking up people. Families locked up their family members in mental hospitals. Notwithstanding our discussions about what happened to the women who were so disgracefully treated, they also had fathers and brothers. As O'Sullivan

and O'Donnell note on page 268 of their book, members of the religious congregations were not recruiting people for their institutions, families were leaving people they did not want.

As the Taoiseach so graphically stated, the Magdalen laundries illustrates the level of hypocrisy in this country. While we were inventing an image of ourselves as an island of saints and scholars, appalling things were taking place. I met some of those who have been involved in this issue, including Shane Butler who gave me a copy of the book, *Birds' Nest Soup*, by Hanna Greally who was locked up for 18 years in Mullingar Mental Hospital for no reason. In her book, Ms Greally wrote of thinking of the friends she made at the hospital, "the outcasts, the unloved, the incurably embittered and dispirited", who were "still fighting for their liberty". We must end of all of that and support the Minister of State and the people she met at the Lazy Daisy Café as they seek to make it up to those affected. Everyone in the House agrees on this.

The use of violence within families towards mothers, sisters and daughters that the McAleese report encaptures is a shameful episode. I wish the Minister of State and Mr. Justice Quirke the best of luck in completing their task quickly. Given that they made such an impression on us all last week, perhaps the ladies in question will be invited back in three months to be briefed on how much progress has been made on their case. Everybody supports the Minister of State's efforts on this matter.

**Acting Chairman (Senator Jillian van Turnhout):** For the information of the House, it is proposed to adjourn at 7.30 p.m. I have a long list of speakers.

**Senator Jim Walsh:** I presume the discussion will resume next week.

**Acting Chairman (Senator Jillian van Turnhout):** Yes, if we adjourn, statements will resume next week.

**Senator Deirdre Clune:** I welcome the opportunity to recognise the Magdalen women for the work they have done and courage they have shown in coming forward to tell their story. It has been a long road for them. As an earlier speaker noted, this is not the end of the road but the start of a new chapter, one which I hope will be bright. I also commend the women's supporters and those who worked with them and helped them tell their story.

In his report, the former Senator, Dr. Martin McAleese, noted that 10,000 women entered the Magdalen institutions between 1922 and 1996. I was in the Dáil Chamber when the Taoiseach delivered his speech on the report and it was a very moving and important occasion. He recognised all the Magdalen women, not only the cases in which the State was identified by former Senator McAleese as having had a role. None of us can transplant ourselves to those times. Society as a whole was involved and people knew in some way what was taking place. The State was also aware of what was happening, for example, the report refers to inspectors of factories visiting the laundries under the provisions of the Factories Act. Given the State's involvement in the laundries, it was appropriate that the Taoiseach's apology was directed at all the Magdalen women and that all of them will be included in the study being carried out by Mr. Justice Quirke.

Dr. McAleese took on an onerous task. He took his role very seriously, working long hours and keeping his work under lock and key. He was moved by the stories related by the Magdalen women and glad to be offered the opportunity to chair the interdepartmental committee and prepare his report. We thank him for his professional investigation into the State's involvement in the Magdalen laundries. I am sure more of the story of the Magdalen women needs to be told.

I acknowledge the role of the Minister of State, Deputy Kathleen Lynch. She and the Minister for Justice and Equality and Justice, Deputy Alan Shatter, frequently raised the issue of the Magdalen laundries when they were opposition spokespersons in the previous Dáil. As she outlined in her statement, the Minister of State did tremendous work on this issue with the Magdalen women to help ensure their voices could be heard and a process found to have the State provide restitution. I hope the solution will be practical, effective, address the needs of the women and, in some way, make up for the wrongs done to them in the past.

I am pleased the Minister of State will meet the religious orders. I acknowledge the cooperation of the orders in providing all their records, without which we would not have reached this point. It is also important that they make a financial contribution and I have no doubt the Minister of State and Minister for Justice and Equality will speak plainly to them on this issue when they meet.

I look forward to the proposed memorial and appreciate that the women will have an important input in its design. It will be fitting to have a memorial to remind us of a stark part of our past. I am under no illusion that the report marks the end of this chapter and I have no doubt there are other sad stories to be told which will show that holy Catholic Ireland, the land of saints and scholars, was not always a holy place. As a result of the McAleese report, the Magdalen women can finally say that somebody believed them. It is an important development that they have expressed satisfaction with the words of the Taoiseach, Minister for Justice and Equality and Minister of State, Deputy Kathleen Lynch.

**Senator Trevor Ó Clochartaigh:** I first heard about the Magdalen laundries 21 years ago this month when I saw a wonderful play, “Eclipsed”, by Patricia Burke Brogan. In the aftermath of the production of her play, Ms Burke Brogan stated:

... there was some backlash and I really suffered with that play. I had someone cut my picture out of the paper and draw horns and different symbols on it and send it to me. I got up one morning and this had been thrown in the door, which was very upsetting and hard to handle. People thought I was being anti-Church but I wasn't. Everyone blamed the sisters, but the State did nothing to intervene.

Her words sum up what took place. To say the McAleese report on the Magdalen laundries makes for difficult reading would not even begin to cover its contents - it is upsetting and very traumatic. As Patricia Burke Brogan would agree, what she suffered was nothing compared to what the women in the laundries suffered. It was great that she brought these events to light in the manner in which she did.

It is said that a picture can paint a thousand words. For me, this saying was especially borne out by a photograph printed in the *Irish Examiner* some weeks ago showing gardaí surrounding Magdalen women during a Corpus Christi march several decades ago. The police cordon was not to protect the women but to hem them in. These institutions were not the places of refuge or comfort which some would have led us to believe. They were effectively prisons, often holding women against their will and in many instances for many years. For those women, the State took away their youth, and their lives became a miserable drudgery, with many dying in the laundries alone and isolated. The State used these institutions as a place to deal with a multitude of social problems, including illegitimacy, poverty, disability and so on. The religious orders in turn used these girls and women as unpaid labour. These were ordinary women who did not deserve their fate. Crucially, many never got to hear the State apologise, which is a shame.

27 February 2013

Others had to wait far too long for the State to apologise.

The purpose of Dr. McAleese's report was to explore the issue of State involvement, which the former Minister, Batt O'Keeffe, on behalf of the then Government, denied in 2009. His denial that the State referred individuals to the Magdalen laundries has been proven a falsehood. There was never any cause to doubt the women's account as there was already mountains of evidence in that regard.

**Acting Chairman (Senator Jillian van Turnhout):** I must ask the Senator to adjourn the debate.

**Senator Trevor Ó Clochartaigh:** I would like to make a few other remarks as I may not get an opportunity to do so next week. I concur with what has been said previously, particularly with Senator van Turnhout's remarks in regard to direct provision. Last week, I commended the Taoiseach on making the State apology. It is hoped that there will not be a need for a future Taoiseach to make a State apology on behalf of people in direct provision. The Minister of State has heard previously what Senator van Turnhout and I have had to say on that matter. We need to act on direct provision. It is hoped that the redress scheme put in place is suitable and fit for purpose.

Debate adjourned.

**Acting Chairman (Senator Jillian van Turnhout):** When is it proposed to sit again?

**Senator Cáit Keane:** Ar 10.30 maidin amárach.

## **Adjournment Matters**

### **Fines Act 2010**

**Senator John Kelly:** I would like to know the reason the Fines Act 2010 has not been implemented. It is good legislation which provides for the payment of fines by instalment, the appointment of a receiver in respect of default of payment of fines, the imposition of a community service order in respect of a person who fails to pay a fine, and publication of a list of defaulters, and which gives recognition to the fact that some people may not have the capacity to pay a fine.

The Fines (Amendment) Bill 2012 has been published. It, too, is good legislation which provides for the imposition of an attachment on the wages of a person who refuses to pay a fine, for data sharing between the Revenue Commissioners and Department of Social Protection, and for deductions from social welfare payments, on a weekly basis for 12 months, in respect of a person in receipt of such payment who refuses to pay a fine.

It is important this legislation is implemented for the following reason. Last week, I was told by litter warden that a fine had been issued to a man who had a trailer load of domestic refuse at the front of his house which he had been directed to take to a landfill and to obtain a receipt showing it had been dumped legally. Three weeks later he told them he had no intention

of doing so and had been told by a solicitor the consequence in this regard would be only two days imprisonment. He also said that last year he had failed to pay €1,500 in motoring offence fines, in respect of which he was sent to Castlerea Prison for five hours. He boasted to the engineer from the council that the biggest inconvenience in this regard was his having to hitch a lift home from the prison.

The failure to implement and enact legislation under which we can ensure fines are paid is resulting in a loss of revenue and additional costs in terms of court appearances and keeping a person in prison. If this legislation were enacted and implemented, people would know they would ultimately have to pay fines, with fewer fines issuing as a result.

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):**

I am taking this matter on behalf of the Minister for Justice and Equality, Deputy Shatter, who is unable to be here owing to other commitments. I thank Senator Kelly for raising this important issue. The Minister welcomes the opportunity to clarify the current position on the Fines Act 2010. The Act covers a number of issues. Part 2 of the Act provides for the indexation of fines and those provisions were commenced on 4 January 2011. Part 3, which is the focus of the Senator's question, provides for a reformed system for the payment and recovery of fines. Section 14 of the Act provides that a judge must take the financial circumstances of the person into account when he or she is fixing a fine. This important section, which is intended to ensure that in so far as possible the fine imposed is proportionate to a person's financial means, was also commenced in January 2011. The remaining sections of the Act have not yet been commenced. As the Senator knows, the programme for Government includes a commitment to provide for the recovery of fines by attachment of earnings. In the course of the preparation of the legislative scheme to provide for attachment of earnings, it became clear to the Minister that the architecture of the fines payment and recovery system, provided for in the 2010 Act, would need to be substantially amended if attachment was to operate efficiently and effectively. To that end, he examined all the aspects of the payment and recovery provisions of the 2010 Act and prepared the scheme of a fines (amendment) Bill which was approved for drafting by the Government last October. The first reform contained in the scheme relates to payment of fines by instalments. Under the 2010 Act, people had to apply to, and convince the court, that their financial situation was such that they should be allowed to pay a fine by instalments. The new Bill will instead provide an automatic right to pay a fine by instalments to everyone on whom a fine is imposed.

The next reform concerns the recovery of assets to pay a fine. Under the 2010 Act, a recovery order appointing a receiver to collect the fine, including by the sale of the assets of the defaulter, was to be imposed in all cases where a person failed to pay a fine. Rather than having receivers appointed in all cases, including those where the person has no assets to recover, the Minister decided that recovery will become one of a number of options available to the court where a person fails to pay a fine in full by the due date. The other options being attachment of earnings, which I mentioned earlier, and community service, which is already provided for in the 2010 Act. The Minister is confident the introduction of attachment of earnings, together with receivership, community service and the reforms mentioned earlier, will all but eliminate the need to send anyone to prison for the non-payment of fines.

The Minister is anxious to have the fines (amendment) Bill published and enacted as soon as possible and I can assure the Senator that, in the meantime, the Courts Service is proceeding to put in place the necessary ICT systems to support the new regime. I thank Senator Kelly for raising this important issue and hope that he can agree that the new Bill, when enacted, will

achieve our shared objective of ensuring the fines imposed by the courts are collected to the greatest extent possible and that where, for whatever reason, a person fails to pay a fine, viable alternatives to imprisonment are available to the justice system.

**Senator John Kelly:** I appreciate the response that was written for the Minister of State, who is delivering it on behalf of the Minister for Justice and Equality. With that answer, the Minister of State said everything I said in my presentation. When will it be implemented? It is not being implemented. The Minister for Justice and Equality needs to be told it does not wash if the response is that the necessary ICT systems must be put in place three years after the Bill being passed with not one part of it being enacted. This could be done manually, never mind with an ICT system. Fines could be collected on an annual basis without having a computer. It was done for years before computerisation. It is important this is done as soon as possible and I would like if the Minister of State could pass on the message to the senior Minister.

**Deputy Kathleen Lynch:** We might misunderstand each other. The Minister has drafted a new Bill, the fines (amendment) Bill and would like to have it published and enacted as soon as possible. The weight of legislation that needs to be drawn up for other issues is enormous. With regard to the Fines Act 2010, three elements have been enacted. The section dealing with attachments and how we can deal with people who, as in the case cited by the Senator, are defiant and would prefer two weeks or a month in prison needs to be tightened up. The Minister has drafted new legislation and we are all on the one page.

### **Schools Building Programme Applications**

**Senator Lorraine Higgins:** I welcome the Minister of State to the House and I thank her for taking this matter on the Adjournment. This deals with the potential provision of a new school building for the Educate Together multi-denominational school located at Kilcolgan, County Galway. I have been contacted by a number of parents of children attending the school, who want to know the Department's plans to provide a new school building. I am aware planning permission has been granted for a permanent structure in a site in Kilcolgan but, given that the Department has set out its five-year capital building plan for schools throughout Ireland, I assume it is plausible to believe this project will not go ahead. In the absence of planning permission being granted for a new school with a temporary structure in the townland, it is clear that Educate Together finds itself in a lacuna. The hopes of the new school building are conditional on planning permission being granted at the desired site for a temporary structure. It is plausible to assume a significant time period must pass before it gets to the planning process.

In the circumstances, I ask the Minister of State to outline the current situation and the possibility of capital funding for the development of a new temporary, modular-type multi-denominational primary school at Kilcolgan and the prospect of any such school receiving funding in the coming years, given that the current school urgently needs new premises. Can the Minister of State indicate a timeframe if the Department is mindful of providing funds to the school?

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I am responding to this Adjournment debate on behalf of the Minister for Education and Skills, Deputy Ruairí Quinn. I hope to clarify some issues for the Senator and I thank her for raising it as it provides me with the opportunity to clarify the current position of the application for alternative accommodation in respect of Kilcolgan Educate Together national school.

To ensure that every child has access to a physical school place, it is vital there is sufficient school accommodation available to cater for these pupil enrolments. The delivery of building projects to meet the increasing demographic demands will be the main focus for capital investment over the duration of the five-year plan, particularly in areas where it has been identified that most demographic growth will be concentrated.

In this regard, Kilcolgan has not been identified as an area of significant demographic growth. Pupil enrolment projections for Kilcolgan indicate that enrolments will remain relatively stable for the foreseeable future. Kilcolgan Educate Together national school is currently located in temporary accommodation on a confined site. The school authority submitted a proposal to the Department for the construction of a new school on the basis of a build and lease back arrangement on an alternative site. The proposal did not fulfil the required tendering procedure and was therefore rejected. However, the Department acknowledged that the school requires additional accommodation and in October 2012 approved, in principle, alternative temporary accommodation to provide classroom, special needs and administrative spaces on an alternative site.

The school authority was advised that, in line with standard public procurement procedures, a tendering process to cost this temporary accommodation was required. The school authority subsequently submitted an alternative proposal to the Department at the end of January 2013. The proposal raised a number of queries for the Department and it was considered that a meeting with school representatives should be arranged to discuss the matter. A meeting took place on 5 February and it was agreed that the school will provide further information and clarification on issues addressed at the meeting. This is to include a full outline of the scope and scale of works being sought and clarification on the consultant appointment process etc. Departmental officials advised the meeting that the Department and the schools it funds are bound by the Government's public procurement guidelines. Such guidelines require a competitive process to be carried out in an open, objective and transparent manner. On receipt of the information and clarifications from the school, the Department will give the school's proposals its immediate consideration and convey its decision to the school authority. Again, I thank the Senator for allowing me the opportunity to outline the position. I think I have answered some of her questions, although perhaps not all of them.

**Senator Lorraine Higgins:** I thank the Minister of State for her reply. It is quite clear that there is a difficulty now in that the school will have to go back and seek further planning permission for a temporary, modular-type facility. That will obviously result in a significant time lapse in terms of the school getting through the planning process. As I stated earlier, there is an urgent need for a school in the area as a consequence of the facility in which the school is currently housed not meeting health and safety requirements. I ask the Minister of State to pass my comments on to the Minister for Education and Skills.

**Deputy Jan O'Sullivan:** I will most certainly do that. The public procurement guidelines obviously have to be followed. I am not certain whether a temporary facility would need planning permission because I do not know the details but I will certainly pass on the Senator's concerns to the Minister and ask him to contact her directly.

### **Planning Issues**

**Senator Fidelma Healy Eames:** I welcome the Minister of State to the House. I am

delighted to have her hear to listen to this case, about which she has heard from me in the corridors of this House, on the telephone and in letters. I ask Deputy O'Sullivan, as Minister of State with special responsibility for housing in the Department of the Environment, Community and Local Government, to specify where responsibility lies and the action that will be taken to support the residents of Oranhill and Oranmore, who number close to 1,000 people, including approximately 500 children, regarding a very dangerous site - a large hole, essentially - in the area and which has been abandoned since 2007. I have frequently described this very large, excavated hole as being more than big enough to sink Leinster House into. It belongs to what I can only describe as an unco-operative owner, although I hope we will see a change in that regard. I understand it is not a NAMA property but a site on which live planning permission exists. Given all of these conditions, can the Minister of State tell me whether the Derelict Sites Act 1990 applies. I have examined everything with regard to this site and it would appear, at every turn, the site and the residents fall between all stools.

This situation has existed since 2007, when a large excavation took place. The original plan was for shops to be built on the site and the excavation was originally carried out in good faith, but of course, we know what happened with the economy since that time. As I said, the Oranhill development comprises 300 units with up to 1,000 residents. The unanimous request from the residents is to have the hole filled in, for health and safety reasons, particularly, as well as for visual reasons and for the sake of other properties in the area. Various engineers' reports support this request. It became an even greater danger during recent bad weather when the flimsy and unsightly hoarding flew off the site, which could have hit a car, pedestrian or child. There is no footpath on one side of the road because of the hole. It is a serious health and safety issue. I have contacted the Health and Safety Authority about this matter but it has no responsibility because the site is not a workplace. Local children recently made a YouTube video about the hole, which has had over 17,000 views to date.

Galway County Council has repeatedly stated that it is its responsibility just to make the hole safe. The Minister of State's office has said the Department is not responsible because the site does not fit into category four of the national housing development survey of 2011, although in my view it fits perfectly into the description of a category four development, which refers to a development which has been effectively abandoned and is posing serious problems for residents. If the Minister of State could conclude that the site fits into that category, that would be a great outcome, and I ask her to consider that seriously.

The owner of the site is unresponsive to correspondence. The site has an active planning permission, renewed in 2011 and which extends to 2016, unfortunately. I have checked the Derelict Sites Act, however, and active planning permission does not mean the site will not qualify under that Act. Nothing has been done with the site. It is effectively abandoned and is posing serious problems for the residents. Everybody is upset about it. Even the children are up in arms about it and have made a YouTube video on the subject. If the site was given category four status, the council could apply for funding to address the immediate public safety concerns at the site. The site should clearly be on the category four list. The whole issue seems to be lost in bureaucracy and an avoidance of responsibility.

I believe the site clearly qualifies as a derelict site under the Derelict Sites Act 1990. Under the legislation, a derelict site means "any land ... which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question" because of an unsuitable structure, which one could class the hole as, or because of the "neglected, unsightly or objectionable condition of the land or any structures on the land in

question". The site in Oranhill fits into both categories.

If the site was classified as a derelict site, the council would have the right to make the site safe and reclaim any expenses from the owner who has effectively abandoned it, after giving him a written notice and a certain amount of time to act on the site. Through my reading of this Act, responsibility clearly lies with the council to act on this site under the provisions of the Derelict Sites Act.

I have given the Minister of State two proposals today. The first is that she could sort this out by putting the site on the list of category four developments. The second is that the council could sort this out under the Derelict Sites Act. I am at a precipice here, as are the residents of Oranhill. I ask the Minister of State to come up with a solution and to give direction on how best to act so that we can achieve harmony after almost six years.

**Deputy Jan O'Sullivan:** Senator Healy Eames has been following this issue and asking me about it for quite some time, and I understand her frustration and that of the residents. I thank her for raising the issue in the House.

Matters relating to planning disputes of this nature are matters for the individual local authority involved. I know Senator Healy Eames has heard this before but I have no jurisdiction in such issues. However, I am aware of the difficulties faced by the residents of Oranhill, Oranmore, County Galway.

The main difficulty associated with this development is one of compliance with the original planning permission. I understand that Galway County Council has been in regular contact with the developer on a range of issues relating to compliance with the full terms of the planning permission as granted. Galway County Council has recently received a complaint under the Derelict Sites Act 1990 - which is one of the solutions suggested by the Senator - and will make a determination soon as to whether that Act applies to this site.

**Senator Fidelma Healy Eames:** Has the council given that commitment to the Minister of State?

**Deputy Jan O'Sullivan:** I am chairing the national co-ordination committee on unfinished housing developments to oversee implementation of the report of the advisory group on unfinished housing developments, together with the Government's response to the recommendations. The committee includes representatives from the Irish Banking Federation, local authorities, the Housing and Sustainable Communities Agency, NAMA and the construction sector. Real progress is being made with regard to the public safety works required to improve the living conditions of existing residents on some unfinished estates, and the committee is meeting on a regular basis to oversee this effort. The committee has produced a guidance manual on resolving and managing unfinished estates, a key stakeholders code of practice and a guide for residents living in unfinished housing developments, all of which are available at *housing.ie*.

My Department launched the public safety initiative, PSI, in March 2011, which provided funding to address immediate public safety issues. The types of works that have been approved to date under the PSI include the fencing off of unsecured and hazardous areas, capping of pipes, installation of street lighting and other works to secure sites. Under the PSI, my Department has made allocations totalling some €3.879 million to 21 local authorities from the funding made available, and to date a total of €2.515 million has been drawn down by local authorities. However, I know that this is not much consolation to the Senator if it does not apply in this

particular case. The PSI provides funding only in instances where a developer has abandoned the development. I understand that in this particular case, the developer is merely inactive and has not actually abandoned the development. In such circumstances, the responsibility for the maintenance and resolution of issues surrounding the development are matters which need to be addressed between the developer and the relevant stakeholders and my Department has no remit in this regard. This development does not, at present, qualify for funding under the PSI. However, should circumstances change in this regard, Galway County Council may apply to my Department for funding under the PSI to address immediate public safety concerns on the development.

The situation is that the site is not abandoned, as such, but is inactive.

**Senator Fidelma Healy Eames:** That is a matter of definition.

**Deputy Jan O'Sullivan:** If any information comes to my attention that would suggest that the site is totally abandoned, then it can come under the PSI. However, the information available to the Department at the moment is that the site is inactive rather than abandoned. As the Senator has said, the site has active planning permission.

*8 o'clock* The council is in regular contact with the developer and is doing what it can. At the moment, therefore, it cannot be classified as abandoned. The local authority is looking at the Derelict Sites Act in the application and will make a decision on that. If there is a change in the definition, this can be concluded under the public safety initiative. I am sorry I cannot give a more definitive answer.

**Senator Fidelma Healy Eames:** I thank the Minister of State for being here and listening. I would invite her to look at my hole, as would the residents, because it has to be seen to be believed. The Senator behind me would agree about this hole. The residents had a large hole party.

**Deputy Jan O'Sullivan:** I was invited to the large hole party.

**Senator Fidelma Healy Eames:** This is not just about compliance, they want it filled in. There are anomalies here. This was considered a finished estate for the household charge but it is clearly unfinished.

**Deputy Jan O'Sullivan:** It is not in one of those categories.

**Senator Fidelma Healy Eames:** That was wrong.

The Minister of State made the point that it is more inactive rather than abandoned but I would dispute that. I take the point that if it is classified as derelict site by the council, we can consider it abandoned. This developer said to me he would fill the hole in when we fix the economy, meaning he will never do it. Is it right that up to 1,000 people and 500 children are left in such a state in this wonderful area with houses that cost up to €700,000? It is not right and that is why I am asking the Minister of State to keep abreast of this case. We are talking about abandonment.

**Deputy Jan O'Sullivan:** There will be a decision soon whether it falls under the Derelict Sites Act and that should enable progress. I have been told it is not an abandoned site and it cannot therefore be covered under the public safety initiative. If there is information to suggest it has become an abandoned site, we can respond and have funding available.

**Senator Fidelma Healy Eames:** That is good news.

**Deputy Jan O'Sullivan:** I hope we will see progress in the near future and I commend the Senator for her vigilance and persistence on this issue.

**Senator Fidelma Healy Eames:** I used to live there.

### **Seirbhísí Iompair Oileán**

**An Cathaoirleach:** I welcome the Minister of State, Deputy McGinley, back to the House. He could be mistaken for a Senator he is here so often.

**Senator Trevor Ó Clochartaigh:** Cuirim céad fáilte roimh an Aire Stáit. Táim an-bhuíoch de as teacht isteach.

Is minic muid ag trácht ar na hábhair seo. Chuir muintir Thír Chonaill i leith an iar-Aire nach raibh sé ag caitheamh leath an dhóthain airgid go féaráilte le muintir an chontae. Tá daoine is dócha anois in Arainn ag rá an rud céanna faoin Aire Stáit, go n-áiríonn siad go bhfuil an tAire Stáit ag caitheamh a thuilleadh ar cheantair eile.

**Deputy Dinny McGinley:** Níl sin fíor. Táim ag caitheamh níos mó ama agus airgid san iarthar ná fiú amháin i dTír Chonaill. Tá siadsan ag rá ansin nach bhfeiceann siad ar chor ar bith mé, agus go mbím de shíor i gConamara.

**Senator Trevor Ó Clochartaigh:** Sin mar a chloisim ar an talamh. I ndáiríre píre, tá an cheist atá le hardú agam tromchúiseach go leor maidir le seirbhísí iompair amach go dtí na trí Oileáin Árann. Tá athruithe ag teacht de bharr cúinsí buiséid ar an soláthar atá le fáil ón Roinn maidir le seirbhísí go hÁrainn. Roimh an Nollaig bhí stocaireacht ar bun ag muintir Árann maidir leis an tseirbhís aerthaistil. Tháinig siad chuig cruinnithe leis an Aire Stáit féin agus rinne siad go leor leor plé maidir le riachtanas na seirbhíse. Cuireadh in iúl an tábhacht a bhaineann leis an tseirbhís ó thaobh cúrsaí sláinte de agus do na daoine atá ag obair sna seirbhísí ar an oileán a thagann ón mhórthír.

Tuigim go bhfuil an tseirbhís ag leanúint ar aghaidh agus go bhfuil sé idir dhá cheann na meá mar tháinig laghdú ar bhuiséad an Aire Stáit maidir leis an aerthaisteal agus ní dhearna sé ráiteas faoi seo le tamall anuas. Ba bhreá liom dá dtabharfadh an tAire Stáit soiléiriú cá bhfuilimid ag dul, an tseirbhís aerthaistil go hÁrainn go háirithe. An bhfuil sé i gceist aige leanúint ar aghaidh leis an oibleagáid seirbhíse poiblí don tseirbhís sin ag an leibhéal céanna mar atá sé faoi láthair nó an bhfuil athbhreithniú déanta ar an bhuiséad sin?

Thug an Roinn amach conarthaí don tseirbhís farantóireachta go dtí na trí Oileáin Árann agus bhí an conradh maidir le hInis Oírr agus Inis Meáin ar an bhonn chéanna agus a bhí sé roimhe seo. D'iarr an Rialtas tairiscintí ar an tseirbhís go hInis Mór agus ní fuarthas aon tairiscint ó aon chomhlacht air sin. An toradh leis sin ná gur dhúbail an costas ar an ghnáth-dhuine atá ag taisteal ó Inis Mór go Ros an Mhíl ó €8 go dtí €15 an cloigeann. Dúbáilte is é sin ar an chostas atá orthu taisteal isteach is amach ar an bhád farantóireachta. Tuigim gur seirbhís príobháideach atá i gceist ansin agus go bhfuil comhlacht príobháideach á cur ar fáil. Cad iad na pleananna atá ag an Roinn chun déanamh cinnte go ndéanamh deonú de chineál éigin ar mhuintir Árann ionas nach mbeidh orthu €15 a íoc in aghaidh an turais isteach agus amach agus go dtabharfar cothrom na Féinne dóibh agus ráta €8 a thabhairt ar ais? Tá an t-airgead gan

sa Stát, tuigim sin, ach is ualach breise é sin ar na daoine atá ina gcónaí ar Inis Mór. Tuigtear dom go bhfuil mic léinn atá ag taisteal chun na hollscoile agus daoine ag dul amach agus isteach go Gaillimh go rialta ar chúrsaí gnó agus mar sin, agus tá seo ag cur brú an-mhór orthu.

Chomh maith leis sin, istigh leis an tseirbhís a bhí ann le teacht isteach agus amach go hÁrainn, bhí seirbhís bhus ó Ros an Mhíl isteach go Gaillimh a bhí clúdaithe sa táille a bhí i gceist. An bhfuil aon rud le rá faoi sin ag an Aire Stáit ós rud é nach dtagann an tseirbhís sin anois faoi scáth na Roinne agus nach bhfuil aon socrú idir an Roinn agus an comhlacht a chuireann an tseirbhís farantóireachta ar fáil?

Ar bhealach, tá na daoine atá ag iarraidh dul isteach agus amach ar an bhád sáinnithe mar níl acu ach soláthróir amháin go pointe áirithe ó thaobh an chomhlachta atá ag dul isteach agus amach. Níl aon rogha acu ach an €15 a íoc. Tá costais bhreise páirceála ann freisin anois i Ros an Mhíl agus mar sin ní mór sin a chur san áireamh chomh maith. Tá teorainn ar líon na spásanna ansin agus níl daoine in ann páirceáil mura n-íocann siad ar an chóras iomlán tráchtála.

Sin roinnt ceisteanna don Aire Stáit. Tuigim go bhfuil sé ag obair orthu ach tá sé tamall ó shocraigh sé an buiséad agus ba bhreá liom fáil amach cá bhfuilimid ag dul ó thaobh na seirbhísí seo agus ó thaobh an chúnaimh Stáit ach go háirithe do na seirbhísí taistil isteach agus amach chuig na trí Oileáin Árann.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Denny McGinley):** Ar dtús, tá áthas orm go bhfuil an t-allúntas céanna againn don bhliain reatha 2013 le seirbhísí mar sin a chur ar fáil do na hoileáin agus mar a bhí anuraidh: €5.9 milliún. Sa-ghas éachta é sin nuair atá ciorruithe i ngach gné de na caiteachais atá ar fáil do na Ranna ar fad sa tír, gur éirigh linn an t-allúntas i mbliana a choinneáil mar a bhí sé anuraidh. Léiríú é sin ar cé chomh dáiríre agus atáimid na seirbhísí chomh fada agus is féidir a choinneáil do na oileáin.

Leis na gealltanais atá ann faoi láthair, tá mo Roinnse ag íoc thart ar 60% den soláthar seo ar na trí Oileáin Árann amháin, áit a bhfuil 43% de dhaonra na n-oileán de réir an daonáirimh. Mar is eol don Seanadóir, tá mo Roinn ag tabhairt fóirdheontais do sheirbhísí farantóireachta, lastais agus aeir do na hOileáin Árann as an soláthar seo.

Ba dheas liom léargas a thabhairt don Seanad maidir leis na conarthaí iompair atá fóirdheonaithe ag mo Roinn agus atá i bhfeidhm faoi láthair. D'aontaigh mo Roinn conradh nua farantóireachta d'Inis Oírr agus d'Inis Meáin ag deireadh na bliana seo caite. Mairfidh an conradh sin go dtí mí Dheireadh Fómhair 2017, rud a chinnteoidh seirbhís rialta do phobal na n-oileán sin sna blianta atá amach romhainn. Anuas air sin, socraíodh faoin chonradh go gcuirfear seoladh breise ar fáil i lár an lae ar an Domhnach i míonna an Mheithimh, Iúil agus Lúnasa, mar a bhí iarrtha ag na hoileánaigh iad féin.

Ina theannta sin, d'aontaigh mo Roinn conradh nua lastais a tháinig i bhfeidhm ar an 1 Eanáir 2013. Cinnteoidh an conradh nua seo go mbeidh seirbhís lastais rialta ar fáil do na hOileáin Árann suas go dtí deireadh 2017. Sílim gur éacht a bhí ann do mo Roinn go raibh sí ábalta an leibhéal céanna seirbhíse a choimeád faoin chonradh nua seo, nuair a tógtar san áireamh an brú atá ar ár mbuiséad le blianta beaga anuas.

Maidir leis an tseirbhís farantóireachta d'Árainn, is amhlaidh nach bhfuair mo Roinn aon tairiscint chun an tseirbhís seo a sholáthar nuair a fógraíodh é seo ar an gcóras eTenders anuraidh. Bhí plé ina dhiaidh sin ag mo Roinn leis an fharantóir a chuireann an tseirbhís ar fáil d'Árainn faoi láthair, féachaint an bhféadfaí an conradh a bhí i bhfeidhm ag an am a athnuachan

ar na téarmaí céanna go dtí an 31 Eanáir 2014. Níor éirigh leis na cainteanna sin, áfach, mar nach bhféadfadh mo Roinn glacadh le héileamh an fharantóra ardú ollmhór a thabhairt ar an fhóirdheontas i gcás seirbhís atá ag déanamh brabúis. Mar a thuigfidh an Seanad, caithfidh mo Roinn a chinntiú go bhfuiltear ag fáil luach ar airgead don Státchiste i dtaca leis na fóirdheontais éagsúla atá i bhfeidhm. Tuigtear dom go bhfuil an farantóir ag leanúint leis an tseirbhís chéanna a sholáthar, mar atá ráite ag an Seanadóir, gan aon chúnamh Stáit ós rud é go bhfuil inmharthanacht tráchtála ann. Tuigtear dom fosta go bhfuil i gceist ag an fharantóir an tseirbhís chéanna a sholáthar ar bhonn leanúnach.

Maidir leis an tseirbhís aeir d'Oileáin Árann, tá an Conradh reatha ag teacht chun críche ar 31 Lúnasa 2013. Ní miste a nótáil go bhfuil costas an-ard i gceist. Tá costas de thart ar €1.9 milliún in aghaidh na bliana ag baint leis an tseirbhís aeir agus leis an tseirbhís bhainistíochta aeradróim atá ceangailte leis. Is é sin an tríú cuid den bhuiséad iomlán atá ag mo Roinn do na seirbhísí iompair do na hoileáin go léir.

Ós rud é go dtagann seirbhísí aeir fóirdheonaithe faoi rialacháin an Aontais Eorpaigh, tá mo Roinn ag tógáil na céimeanna cuí faoi láthair i dtaca leis na rialacháin seo le gur féidir, le comhaontú an Choimisiúin Eorpaigh, cuireadh chun tairisceana a eisiúint anois faoi Oibleagáid Seirbhíse Phoiblí, PSO, le haghaidh conradh bliana, le rogha ann síneadh bliana eile a thabhairt ag deireadh na tréimhse sin. Mar sin, táimid ag dul chuig an Eoraip anois agus ag iarraidh cead an conradh aeir mar atá faoi láthair a leanadh ar feadh bliana agus rogha a bheith againn bliain eile a fháil ina dhiaidh sin. Tá i gceist chomh maith, i gcomhréir le rialacháin an Aontais Eorpaigh, céimeanna a ghlacadh chun athbhreithniú foirmiúil a dhéanamh ar riachtanas an PSO i gcás na n-Oileán Árann. Táim ag súil go mbeidh mé ábalta tuilleadh sonraí maidir leis na céimeanna seo a fhógairt go han-luath.

Ní miste a rá go bhfuil roinnt mhaith cruinnithe reachtáilte ag mo Roinn le hionadaithe ó na hOileáin Árann chun plé a dhéanamh ar nithe éagsúla le tamall anuas. Go deimhin, d'fhreastail mé féin ar thrí chruinniú leis na hoileánaigh le roinnt míonna anuas. Ba cruinnithe oscailte iad le hionadaithe na n-oileán agus rinneadh plé iomlán ar na seirbhísí éagsúla a cuirtear ar fáil do phobal na n-oileán.

Tá súil agam go soiléiríonn an méid sin an staid reatha maidir leis na hOileáin Árann. Tá mo Roinn ag obair go dícheallach chun na seirbhísí is fearr gur féidir a chur ar fáil do mhuintir Oileáin Árann taobh isteach den bhuiséad atá againn, sin €5.9 milliún, mar a bhí againn an-uraidh. Táimid ag déanamh ár ndícheall idir seirbhísí lastais, seirbhísí farantóireachta, seirbhísí aeir agus seirbhísí busanna a choinneáil ar an leibhéal sin. Níl sé furasta é a dhéanamh ach táimid ag déanamh gach iarracht é a dhéanamh.

**Senator Trevor Ó Clochartaigh:** Ta mé thar a bheith buíoch don Aire Stáit, ach go háirithe go shoiléirigh sé go bhfuil an PSO maidir le haer thaisteal le cur amach arís agus go mbeidh sé ag fanacht mar atá sé faoi láthair agus ar an mbonn céanna.

Seo a leanas an cheist is mó a ardaítear, agus atá le hardú ón méid adúirt an t-Aire Stáit. Maidir leis an mbád farantóireachta go hInis Mór, tá sé fíor go bhfuil an comhlacht atá ag cur an tseirbhís ar fáil ag cur an tseirbhís céanna ar fáil agus a bhí, ach tá sé fíor freisin go bhfuil na daoine atá ag úsáid na seirbhíse sin ag íoc beagnach dúbail uirthi ná mar a bhí cheana. Dúirt an t-Aire Stáit go bhfuil an buiséad céanna aige agus a bhí cheana. An bhfuil sé i gceist aige an t-airgead a bhí aige, agus a bhí sé ag caitheamh leis an gcomhlacht sin anuraidh, a úsáid le fóirdheonú a dhéanamh ar chóras éigin leis na daoine atá ag taisteal? An bhfuil sé ábalta, b'féidir,

27 February 2013

airgead a íoc leis na hoileánaigh ar chóras éigin le go mbeidh siad ag taisteal ar an gcostas céanna, €8 in aghaidh an turais, agus a bhíodar cheana? An féidir leis an Aire Stáit teacht ar aon socrú, mar tá sé ag rá go bhfuil an t-airgead fós sa gcóras in áit éigin, go raibh €5.9 milliún aige agus go bhfuil sin fós aige i mbliana? An bhfuil sé i gceist ag an Aire Stáit an-t-airgead a bhí sé ag úsáid ar an tseirbhís sin roimhe seo a úsáid le déanamh cinnte nach gá dos na hoileánaigh níos mó a íoc i mbliana ná mar a íoc siad anuraidh?

**Deputy Dinny McGinley:** Is é an rud is tábhachtaí nó go bhfuil an tseirbhís ann, go bhfuil sí ar fáil ar an gcaighdeán céanna agus go bhfuil sí leanúnach. Tá ciste teoranta agam agus táimid ag iarraidh tabhairt faoin tseirbhís aeir a choinneáil ag dul. Ní féidir liom geallúint a thabhairt go dtí go bhfeicimid cad é a tharlóidh ins an tseirbhís aeir.

Tá an dá sheirbhís tábhachtach. Tá an tseirbhís aeir tábhachtach. Sin an fáth go bhfuilimid ag dul chuig an Eoraip ag iarraidh bliain breise láithreach agus bliain eile ina dhiaidh sin. Tá an tseirbhís farantóireachta ag dul ar aghaidh.

É sin ráite, bhí cruinniú agam agus ag oifigigh mo Roinne le hionadaithe na n-oileánach cupla seachtain ó shin agus phléigh muid é seo ar feadh cupla uair an chloig. Thuig mé on chruinniú sin go mb'fhéidir go mbeidh comhráití idir ionadaithe mhuintir na n-oileán agus an farantóir féin. Más féidir leis an Roinn a theacht isteach ins an choibhneas beidh fonn orainn a theacht isteach ansin agus iarracht a dhéanamh teacht ar réiteach a thabharfaidh faoiseamh dos na hoileánaigh.

Tá seirbhís lastais, seirbhís paisinéirí agus seirbhís busanna ann, agus is é an cuspóir atá agam i láthair na huair ná na seirbhísí a choinneáil ar siúl. Sin an cloch is troime agus is mó ar mo phaidrín ag an phointe seo, chomh fada agus a bhaineann sé leis na hoileain.

Tá 60% den liúntas atá agam le freastail ar 21 oileán, ó Thoraigh go Corcaigh agus Ciarraí agus thart fán chósta, ag dul dos na trí oileán seo. Ní beag an tsuim í sin. Tá mé ag déanamh mo dhíchill na seirbhísí a choinneáil sa tsiúil.

Tá súil agam go n-aithníonn an Seanadóir, agus na hionadaithe thiar ansin, an obair atáimid a dhéanamh agus an saothar atáimid ag cur isteach ins an chás seo.

The Seanad adjourned at 8.20 p.m. until 10.30 a.m. on Thursday, 28 February 2013.