

SEANAD ÉIREANN

Dé Máirt, 14 Meitheamh 2005.
Tuesday, 14 June 2005.

Chuaigh an Cathaoirleach i gceannas ar 12 noon.

Paidir.
Prayer.

Business of Seanad.

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

To ask the Minister for Health and Children if she is aware that no additional funding was provided to the HSE, western region, for children under 12 years of age with special needs from the current funding allocation announced recently, as all resources have been allocated for adult support.

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

The need for the Minister for the Environment, Heritage and Local Government to clarify when the sewerage scheme at Shanagolden, County Limerick, will commence as the ongoing delay is having an impact on potential developments in the area.

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

The need for the Minister of Agriculture and Food to provide adequate resources for the full implementation of the national forestry strategy in light of the current EU proposals for funding on forestry post 2006.

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.

Death of Former Member: Expressions of Sympathy.

Ms O'Rourke: On my own behalf and that of my party, I wish to express sympathy on the death of a former Cathaoirleach of the House, Mr. Seán Doherty. Our thoughts are with his widow, Maura, and his daughters Rachel, Leah, Evelyn and Cara.

We are all aware of the strong and sometimes turbulent career of Seán Doherty. I was aware of it, in particular, because he was from the neigh-

bouring constituency. I knew him very well from an early age and I followed his career with great interest. Over the past week, there has been widespread comment and coverage of all matters relating to what I might call the turbulent period of his life, although I do not intend to dwell on that. There has been a lot of useless twittering in the newspapers by people who are not full journalists but have chosen to act out with high drama various episodes of that period. They have their own reasons for doing that and it is quite apparent why they are doing so.

I know Maura Doherty very well and regret that, due to parliamentary business abroad, I was unable either to attend the funeral, the removal or the family home. I hope to rectify that, however, next weekend. Maura Doherty is a very intelligent and clever woman. She and Seán had a good married life together. They have four lovely daughters, one of whom is a member of Roscommon County Council. They are fine young women — fiery, spirited and intelligent. Seán and Maura did a great job in rearing their family.

I would prefer to dwell on the latter period of his life from 1997 to 2002 when he chaired the Committee on Public Enterprise and Transport, which dealt with matters relating to my Department when I was Minister for Public Enterprise. He was outstanding in that position, although he has not been given credit for that work. He was also a member of the Committee of Public Accounts. He devoted much time to the Committee on Public Enterprise and Transport, which dealt with a large volume of legislation covering the electricity, gas and railway sectors. He was always well briefed and carried out his duties as chairman in an excellent manner.

In addition, he chaired the sub-committee on the mini-CTC inquiry through which he made great strides in his investigations. It was a source of great regret to him that just as the sub-committee was about to unfold it all, the courts pulled it, judging that the sub-committee did not have the right to proceed with what it was doing. I happen to know that, in that period, he had uncovered quite a lot of information. He acted with the greatest of decorum and probity in that respect. In undertaking that kind of work he gave full expression to public service by employing highly intelligent skills and a fine brain. I remember him with great affection from that period. I wish to put that on the record because so many other periods of his turbulent life have been highlighted, yet his public service record — particularly in committee work — has not.

I have a great knowledge of his work for his constituency and his community. People responded after his death with a sense of community pride in the man they regarded as their own, a man who had served them with great diligence and devotion. We will not see his likes again because, for whatever reason, such people are not entering public life or remaining in it. Seán was a remarkable man because his sheer

[Ms O'Rourke.]

intelligence was often not obvious to all commentators. That is why we currently have so much useless twittering by people with a vested interest in making such remarks. That story is for another day.

I offer the sincere sympathy of the House to the family of this former Cathaoirleach of the Seanad. He was a very fine Cathaoirleach, as is clear from the legislation he oversaw in the House during his time here. He took great pride in his job, as does the current Cathaoirleach, and brought great acumen to it. The world will sorely miss the likes of Seán Doherty. We offer our sympathy to his wife, Maura, to his four daughters, to his wider family of brothers, sisters and cousins and to the communities of Cootehall and Roscommon.

Mr. B. Hayes: On behalf of my Fine Gael colleagues in this House, I express my sincere sympathy to the Fianna Fáil Party throughout the country and particularly to Seán Doherty's wife, Maura, and their four daughters. Last week I visited Cootehall, a stunning part of the country which I had never previously visited. I saw there the affection in which Seán Doherty was held and witnessed the respect shown to him by his local community of north Roscommon and of large parts of Leitrim — I understand that the Dohertys originally came from County Leitrim. Seán's death is a terrible tragedy for the Doherty family.

One of the great qualities of a politician is knowing when to get out of politics, when to pick one's own time of departure rather than have other people choose it. Seán Doherty had that quality. It reflects well on him that after 25 years between both Houses, he realised he had done his service and chose his own time of departure. It is difficult therefore to come to terms with the fact that so few years later, he has tragically died at the very young age of 60, after a very short retirement. Having spoken to some of his family members last week, I know that his latter years were the happiest of his life, and that he was enjoying life as never before with his family and all the people of his area. His passing is so much more tragic when one considers the age at which he died.

Seán Doherty was clearly a controversial figure in Irish politics, particularly in the early 1980s. I discovered last week that he was only 38 when he became Minister for Justice, and was probably one of the youngest Ministers of the time. Much of the comment about his political activity has been critical. I will not dwell on that, but the Government at that time was out of control, so it is unfair to only blame Seán Doherty. He did the State a great service some years later when he decided to tell the country what had happened, and refused to continue carrying the can, as he had to do for so long. As Cathaoirleach of the Seanad, he understood the controversy that was brewing. A short time later he resigned his office, refusing to allow the position of Cathaoirleach to

be embroiled in the controversy. That was the right action to take. Seán understood that the Cathaoirleach of this House holds an important constitutional office.

In recent years, Seán Doherty was, in a sense, rehabilitated in politics. All sides of the House held him in great esteem and affection. He was rightly proud of his work on the DIRT inquiry with people like Deputy Rabbitte and the late Deputy Jim Mitchell. As the Leader said, his superb intellect was recognised and he made a significant contribution to that committee. We should not forget that the DIRT inquiry was important in terms of showing the people that parliamentarians can get to the root of problems and sort them out rather than hiving them off to tribunals or the courts.

Seán Doherty will be remembered as a great raconteur, storyteller and character. I got to know him in recent years. He will be sorely missed, not just within the Fianna Fáil Party, his community and family, but within politics in general. We offer our sympathy to his wife, his daughters and his wider family. We should remember his passing.

Mr. Norris: Like everybody else, I was greatly shocked when I heard of the illness and subsequent death of Seán Doherty. He was a remarkable man and a great storyteller. I have heard some of those stories. I understand that immediately prior to his death he was on holiday with his family in Donegal, in tremendous form and telling stories. He was at the heart of the party, as always.

I am grateful to my colleagues for giving me the opportunity, on behalf of all the Independent Senators, to express our sympathy to the family of Seán Doherty. He was clever, witty, sophisticated and had a touch of the seanchaí about him — a description he would enjoy. He had an interesting way of talking, used rather oblique language and sometimes even referred to himself in the third person.

There has been some mention of the controversial periods in his life. I was involved at one stage in the Seanad when there was a row and we took lumps out of each other. I felt Mr. Doherty was part of a gombeen culture so I took certain actions and we fought it out. In that instance I was successful, but there was no rancour or ill-feeling between us, which was remarkable. Within 24 hours he would make the issue into a wonderful story.

I think I repaid him in part because when the empire of newspapers of Mr. Rupert Murdoch — not somebody I admire — got involved in a legal case against him, it tried to get me to be a witness. I refused and ignored their letters. Then one day when I was taking a tutorial in Trinity there was a bang on the door. Somebody stood there with papers in his hand and said: "David Norris?" I said: "How dare you make such a vile accusation. I am a respectable man," and I slammed the door.

I told Seán Doherty about it afterwards and he rather enjoyed it.

After this troubled period, Seán Doherty entered what was probably the most distinguished part of his career, in particular, on the Committee of Public Accounts, where his fine intellect was brought to bear on the difficulties faced by society. This was combined with a renewed interest in religious matters which gave him a strong faith that sustained him at the end. I hope it also sustains his family, his wife and daughters, to whom, on behalf of the Independent Senators I am honoured to express our genuine sympathy on the loss of this colourful character we enjoyed in this House and with whom we sometimes fought. That is the nature of human affairs, particularly in politics.

Ms O'Meara: On behalf of the Labour Party group in the Seanad I sincerely extend our condolences and deepest sympathy to the Fianna Fáil Party and the family of Seán Doherty on his sudden and tragic passing. The extent to which he was loved by his community was clear from the moment of the news of his death. I received telephone calls from friends of mine from that part of the country. They told me about the sense of loss they felt as a result of his sudden passing.

I do not doubt that Seán Doherty left a mark on Irish politics. I have been astonished by the number of newspaper column inches devoted in recent days to discussions of his career. Many people have spoken about Seán Doherty's turbulent career, which contained some very controversial moments. I did not know Seán Doherty, other than to say hello to him in Leinster House during his last term as a Deputy. I never had a conversation with him. Like other Senators, I acknowledge that he made a very significant contribution in Oireachtas committees during his last term. It is clear he was an intelligent and able politician.

As a former employee of RTE, who was active in the NUJ, I have reason to remember the events of February 1992. Seán Doherty spoke at a now-famous press conference in the Montrose Hotel about the tapping of journalists' telephones, which had taken place when Mr. Charles Haughey was Taoiseach. As we were on strike, we were in Liberty Hall when it emerged that Seán Doherty was speaking at the press conference in question. Very few people were working in RTE at the time because the vast majority of its employees were on strike. It was possible for RTE to broadcast the entire press conference live as part of the skeleton service that was being provided. I suspect the conference was broadcast live and in its entirety because so few journalists and technicians were working in RTE at the time. The contents of the press conference were of very significant interest to any journalist.

I take this opportunity to extend sympathy to Seán Doherty's wife, Maura, his four very able daughters, the wider community and the Fianna

Fáil Party, which has suffered such a loss at this time. Ar dheis Dé go raibh a anam dílis.

Mr. Dardis: On behalf of the Progressive Democrats, I join other Senators in extending sympathy to Mrs. Maura Doherty and her daughters, as well as Seán Doherty's brothers and sisters, on the recent death of Seán Doherty at a very untimely age.

Seán Doherty was certainly a very colourful character — there is no question about that. Controversy seemed to follow him about. I agree with Senator Norris that Seán Doherty was very courteous and polite during the battle and when it was over. I was a Member of this House when Seán Doherty was Cathaoirleach. He conducted the affairs of the House in an even-handed and fair manner. He was always mindful of the need to defend the rights of Senators. I refer, for example, to the famous incident when remarks made by Senator Norris were considered by the Committee on Procedure and Privileges. As a new and callow Senator, it was a substantial political education for me to attend the meetings of the committee, which had to take a fairly firm stance. The Progressive Democrats Senators abstained in the original vote, when Seán Doherty became Cathaoirleach. We voted with the Opposition during the subsequent vote of no confidence in Seán Doherty as Cathaoirleach.

It was a measure of Seán Doherty that he immediately tendered his resignation from the position of Cathaoirleach on 21 January 1992, after he landed the missile that ultimately led to the fall of the then Taoiseach. He was the epitome of the man to whom Kipling referred when he wrote:

If you can meet with Triumph and Disaster
And treat those two imposters just the same

Seán Doherty could certainly do that. He had an equitable approach to such matters.

Many people were surprised when Seán Doherty died to learn that he was just 60 years of age, because he seemed to have been around forever. He served as a member of the Garda Síochána before he started his very successful 25-year career in politics by returning to County Roscommon to take a local authority seat following the death of his father. I reiterate the Leader's comment that Seán Doherty was always extremely mindful of the needs of his constituents. One encounters a great deal of pomposity in the national newspapers about people who do that. I would like to know how people get elected if they do not look after the needs of their constituents, which was something Seán Doherty did to a supreme extent.

Seán Doherty put Cootehall on the map. Many people might not have heard of Cootehall but for Seán Doherty. He was a Minister for Justice, Cathaoirleach of the Seanad and held many important offices. After unsuccessfully contesting the European and Dáil elections in 1989, he became a Member of the Seanad. He successfully

[Mr. Dardis.]

defended his Dáil seat before he retired. As others have mentioned, he was also involved in the DIRT inquiry.

I was very taken by something Fr. Brian Conlon said at the reception of the remains which, more than anything else, sums up what Seán Doherty was like. Fr. Conlon said that whether a person slapped him on the back or stabbed him in it, Seán understood the rules of the people's game and, in his magnanimous way, was sportsmanlike. This summed him up pretty accurately. I was very taken by it when I heard it on the nine o'clock television news. In recognition of all his achievements, I join with other Members in extending our sympathy to the Fianna Fáil Party and Seán's family.

Mr. Leyden: I thank the Leader for giving us an opportunity to express our sympathy to the Doherty family on the death of Seán. I want to extend my deep sympathy to his wife, Maura and their daughters, Rachel, Cara, Leah and Evelyn; his grandchildren, Kate, Seán Luke, James and JJ; his brothers, Kevin and Colm, sisters Ann, Maria and Philomena and the extended Doherty family. It is a tragedy for the family to lose Seán at this stage when he was enjoying his retirement from politics. He was particularly delighted when his daughter, Rachel, became a member of Roscommon County Council in June 2004. For Maura and himself, it was lovely to see that continuity. People may not realise that his grandfather, Councillor Hogg, was a member of Roscommon County Council, as was his father, Jim. Seán was a member since 1973 and now Rachel is a member of the council, which shows great service from the Doherty and Hogg family to the people of the region.

Many stories are told about Seán and I because both of us were elected to Roscommon County Council in 1974. We turned that county council into the mini Dáil Éireann it should be. We concentrated for three years on national issues as opposed to local issues, with which we also dealt very effectively. We regarded all national issues as relevant to our work, particularly during the glorious period when the Fianna Fáil Party was in Opposition. We turned that into our challenge to the Government. We had wonderful debates in that forum on many occasions. Every week we worked out the maximum notices and motions to get the maximum results and, with respect, the maximum publicity as neither of us was too shy in that regard at the time. Both of us were nominated in St. Mary's Hall, Carrick-on-Shannon, in May 1977. Deputy John Ellis was the other candidate at that stage and we took two of the three seats in the Roscommon-South Leitrim constituency. We won back the seat which, unfortunately, was lost in 1973. My good friend and mentor, the late Brian Lenihan, Seán and I were elected with many others to Dáil Éireann in 1977. He was made Minister of State at the Department of Justice and subsequently Minister for Justice and

he gave total commitment to his constituents. I attended the funeral of Seán's mother on 20 May. He invited me to join him at the family table in The Bush Hotel. We spent two hours talking about the past, present and future, debating many stories which are now in the public domain and adding the details which both of us have from different sides. It was not always a one-way ticket as far as I was concerned.

In 1977, after we were both elected, we were invited to lunch at the Royal Hibernian Hotel by the Minister for Health, Charles J. Haughey. We discussed primarily Roscommon County Hospital, but we also realistically discussed the future leadership of Fianna Fáil.

Mrs. O'Rourke: No doubt.

Mr. Leyden: We were looking down on Leinster House. It was a beautiful lunch and CJ suggested that one of us should choose the wine. As he was a connoisseur, we decided we would give in to his superior knowledge of these issues.

During my last discussion with Seán a number of weeks ago, he commented on how happy he was with what he had achieved in life, how settled he was and the many plans he had for the development of Cootehall, including a marina and so forth. He also had a great interest in the political career of his daughter, Rachel. Somebody will write the book and I hope when things settle down, Maura may have an opportunity to put together the true facts about Seán Doherty. He was bright, intelligent, articulate, fun loving, serious and committed.

At the end of the day, the people of Roscommon and south Leitrim received a wonderful service from both myself and Seán. If either of us failed, the other achieved. If it failed us, it failed everyone because we made sure no one else would succeed if we failed. I was in Jerusalem, Palestine, when I heard of his illness and I was glad to make it back for his funeral. Seán would enjoy this levity because that was his style.

I offer my deepest sympathy to his family and, please God, he will be remembered fondly by all who knew him, particularly in Roscommon, south Leitrim, Longford and east Galway. He was a dear friend, a great constituency worker, a great person with a great personality and a great church man. He was chairman of the parish council and he had many other involvements. He is a loss to all those groups. It is regrettable that he did not survive for many more years.

Mr. Mooney: I am grateful for the opportunity to contribute. Although mentioned by Senator Brian Hayes, it is probably not widely known that the Doherty family is originally from my home town, Drumshanbo, County Leitrim. Cootehall is only five miles away. All that separates us is the River Shannon and the parishes are almost on top of each other. All Seán's aunts, uncles and cousins still live there. The Doherty family was part and parcel of my upbringing because of the con-

tribution its members made to the economic and political life of the area.

Only those of us who come from that part of the country will understand the close relationship between Senator Leyden and Seán Doherty. Many of the stories to which Members have referred centred on their relationship and I also await that book. Senator Leyden said he was in Palestine when he got the news and I could not help but reflect that it would not have been beyond the capacity of Seán Doherty to have arranged for him to be there so he would not be around as he passed away, such was Seán's humour. Long before Senator Leyden became a Member of the House, Seán often referred to him as a Senator in anticipation of him being in this House while he was in the other House. That was the relationship they had. It was as much Senator Leyden's good humour that allowed him to rise to the occasion as anything else. Others would have taken umbrage at what went on but such was the personality of both of them that they complemented each other.

Senator Leyden is correct that they provided a superb and outstanding service to the constituents of Roscommon-South Leitrim. It is ironic that we are in the throes of a return to that constituency 30 years after its creation, which had permitted Seán and Senator Leyden to be elected by the people in that area.

I send my deepest sympathy to Maura, Rachel, Cara, Leah and Evelyn; Kevin, Seán's brother, who is the county registrar for Leitrim; and Colm, Ann, Maria and Mena. The Dohertys are a closely knit family and we always admired the closeness of the extended family. The cousins were more like brothers. Seán had extensive property interests in the Drumshanbo area and it is sad that he will not witness their fruition.

The Leader was correct to refer to the latter part of Seán's political career and she also referred to the coverage generated by his death. Senator O'Meara said that, as someone who did not know Seán that well, she was surprised by the amount of press coverage. His family, with whom I spent some time at the weekend, was also surprised to the point of being overwhelmed by the level of publicity surrounding his death, which continued in the following days.

I personally endorse what our esteemed Leader said about people in general acknowledging the public contribution Seán made to the State with one honourable or dishonourable exception. Despite the passing of the years, some people could not find it in their hearts to take the Bible's message about those without sin casting the first stone, which caused considerable anger among Seán's constituents.

His family has come together. I am interested in the contributions here and those in newspapers, as the members of his family have said it was not the Seán Doherty they knew. That Seán Doherty was a stranger to the family. To them, he was first and foremost a husband and a father. Like the Leader, I was unable to attend the

funeral due to parliamentary business. Those Senators who attended the funeral will testify to the closeness evident there, both in the floral bouquets and in people's comments.

The contributions that have been made have rightly gone on the record. Of them all, Seán's greatest single achievement politically in terms of the Roscommon-Leitrim area was the creation of the Shannon tax-free incentive area. He was the person who conceived that thought originally. He was the person who doggedly pursued it through various Administrations and was finally able to convince the Taoiseach and the then Minister for Finance, former Deputy Charlie McCreevy, to put it on the Statute Book. This is Seán Doherty's permanent monument and legacy to local and national life, to the families of those who have not had to see their sons and daughters emigrate and to the small towns and villages of north County Roscommon and south County Leitrim where I live that have seen an expansion of their built environments, which has led to more jobs, services and tourism and an era of prosperity unprecedented in our lifetimes. I say unequivocally and unambiguously that all this resulted from Seán Doherty's intelligence and far-sightedness. He saw that the only way that part of the country would be able to get on its feet would be by giving it an extra little bit of a lift. The lift, which will terminate in 2006, has proven to be an outstanding success. Ar dheis Dé go raibh a anam; ní bheidh a leithéid ann arís.

An Cathaoirleach: As Cathaoirleach, I join with the fine tributes paid to former Cathaoirleach, Seán Doherty, which are most deserving. He died unexpectedly at a reasonably young age and his death shocked us all. Seán Doherty and I first became Members of the Oireachtas in 1977. He was elected to the Dáil and I to the Seanad. I remember meeting him at our first parliamentary party meeting, from which time we developed a friendship. I always enjoyed his company as he was both intelligent and entertaining. I had occasion to visit his home, especially during Seanad campaigns, and there was always great welcome and encouragement from Seán. I was most grateful for that welcome and the hospitality extended to me by Seán, Maura and their family.

As has been said, he was an efficient, capable and effective Cathaoirleach who would defuse many a situation with his witty interventions. Like the Leader and Senator Mooney, I was away on parliamentary business and regretted that, as Cathaoirleach of this House, I could not attend his funeral. I extend my sympathy to his wife, Maura, his daughters, Evelyn, Leah, Cara and Rachel, and to his extended family.

Members rose.

Order of Business.

Ms O'Rourke: The Order of Business today is No.1, the Disability Bill 2004 — Committee

[Ms O'Rourke.]

Stage, to be taken on the conclusion of the Order of Business until 4 p.m.; No. 2, the Registration of Deeds and Title Bill 2004 — Committee Stage, to be taken at 4 p.m. until 6.30 p.m.; No. 3, the Grangegorman Development Agency Bill 2004 — Second Stage, to be taken at 6.30 p.m. and to conclude not later than 9 p.m., with the contributions of spokespersons not to exceed 15 minutes and those of all other Senators not to exceed ten minutes. The Minister will be called upon to reply not later than five minutes before the conclusion of Second Stage debate.

Mr. B. Hayes: The Garda Síochána Bill is currently before the Dáil. I ask the Leader to ascertain whether the Minister for Justice, Equality and Law Reform intends to bring that Bill back to the Seanad before the summer recess. It is on Report Stage in the Dáil and it would be useful to know the Minister's intentions.

In view of the recommendations of the Morris tribunal report and the significant public concern surrounding many issues raised therein, I suggest that the Bill be parked for a period of six months. This would allow us to determine how to improve the legislation to ensure the new ombudsman, as proposed in the Bill, is the best way forward in terms of dealing with complaints against members of the force. A six-month period of reflection would be useful for dealing with a number of issues.

There is a significant level of public outrage and concern at the decision by the Garda Commissioner to transfer five gardaí cited in the Morris report from Donegal to Dublin. This is an outrageous decision whereby men cited in the report are simply shunted from one part of the country to another. Given the fact that the report is now with the Director of Public Prosecutions, the appropriate course of action would have been to suspend the officers concerned pending a decision of the director to take action, if any is preferred. The widespread public concern about this decision should be reflected in the Houses and I compliment the Labour Party for giving us an early opportunity to debate the Morris report during Private Members' business tomorrow. However, the time allowed for that debate is only two hours and perhaps additional time might be provided to ensure that all Senators who wish to speak on this serious matter can do so.

Mr. O'Toole: Approximately one month ago I asked the Leader for a debate on both parts of the Morris tribunal report and she indicated she would be happy to accommodate that request. A debate during Private Members' business tomorrow night will not allow enough time to deal with the issues. The matters raised in the Morris report must be discussed seriously.

If the Garda Commissioner had not taken any action and the five gardaí were suspended, drawing their salaries and sitting at home, people would have been critical. The fact that the Com-

missioner took certain action by moving the officers is welcome — it was all he could do at this time and it is up to the Director of Public Prosecutions to take the next step. A balance must be struck in these matters.

I agree with Senator Brian Hayes that the issues arising from the Morris tribunal report should be taken on board within the Garda Síochána Bill, which is not happening at present. The practical suggestion of allowing more time for the Bill would enable such issues to be accommodated within the legislation.

Cúpla lá ó shin fuair muid an scéal ón mBruiséil go bhfuil stádas oifigiúil faighte faoi dheireadh ag Ghaelainn san Eoraip. Tá sé tábhachtach go dtarlaíonn sin. Tá a lán ag tarlú ansin atá níos tábhachtaí ná a lán de na moltaí seafóideacha atá in Acht na dTeangacha Oifigiúla. Cúpla seachtain ó shin, mhol mé don Cheannaire go mbeadh míniú ón Aire cén fáth go raibh cumhacht aige logainm mar Dingle a aistriú go dtí An Daingean gan dul i ngleic le muintir na háite. Tá sé thar a bheith tábhachtach go mbeadh díospóireacht againn ar an méid sin. For the rest of the country, there must be a full local plebiscite, referendum or consultation with the people if the name of a street, never mind that of the town, is to be changed. I recall how two years ago, the town of Moyvane in Kerry, which is officially known as Newtownsands, attempted to change its name to Moyvane. The fact that sufficient numbers did not vote in the plebiscite — a certain number had to vote in order to officially change the name — meant that the town was not entitled to change its name. At the same time, the Minister for Community, Rural and Gaeltacht Affairs can do this by the stroke of a pen. It seems completely at odds with what the people want and we need to examine that.

We need an early discussion on café bars. We have had many discussions here on drink culture. The Leader has been good enough to arrange debates on the issue at least twice in the past year and these have been quite informed. As an Independent Member, I would like a debate on the matter now, apart from discussing the heroes on either side of the debate or whether the Minister for Justice, Equality and Law Reform backed down or moved on. We need to know exactly what is being proposed. It is a serious issue. I have certain regrets that the café bar idea has died but I would certainly like to know what is being put in its place and where it is going. I would prefer if this debate were held before we consider legislation because that is what we have done twice already. It would be very helpful if the Minister came here and elaborated on his views.

Ms O'Meara: I support colleagues on this side of the House in their call for a debate on issues arising from the Morris tribunal report and recommendations. In particular, I support the call by Senator Brian Hayes for a temporary stop to be put on the Garda Síochána Bill currently before the Dáil. I do not see why it would not be

possible to do this because we know there is a queue of legislation that has gone from this House to the other House. There is clearly an order of priority in terms of how Bills are being dealt with so it would not be unreasonable of us to request that this would happen and that we be given the necessary space to have the debate around the issues that arise from the Morris tribunal recommendations.

The public is very concerned about the response of the Government and the Garda Commissioner to the findings of the tribunal and there is widespread concern about how this issue is being handled and managed. We have a very important role to play as Members of the Oireachtas in ensuring that public confidence in the Garda Síochána, particularly those many fine members of the force who do their best on behalf of the public on a daily basis, is fully restored. Clearly the name of the Garda Síochána has been severely sullied by the findings of the Morris tribunal and we need to address that. We in the Labour party are totally open to any suggestion that would come to us by way of managing Private Members' time tomorrow night. I await hearing from the Leader in that regard, should she so choose.

I also ask the Leader to find time if possible for us to debate how this State is treating asylum seekers. I watched the "Prime Time Investigates" documentary broadcast last Thursday, which featured the Leader. I was shocked when I saw the programme. I had read about the situation facing the Athlone-based Nigerian family but I was really shocked to see its full extent. I think the humanity of the community is hugely offended by the manner in which these families have been treated. The remarks of the Minister for Justice, Equality and Law Reform about cock-and-bull stories were doubly offensive against the background of the experience of these particular families. We cannot stand idly by and allow this to continue. I have received correspondence from the group in Athlone and I commend it on its work. Let us see what we can do in that regard; I know the Leader has her concerns about the matter.

I am conscious that we are strapped for time but the National Economic and Social Forum is publishing a report on pre-school and early education of children. I have a particular interest in this so I ask the Leader to allocate time, at the earliest opportunity, to debate the findings of that report which is most important.

Labhrás Ó Murchú: Déarfainn go n-aontóinn gach éinne liom gur tréimhse an-tábhachtach agus an-stairiúil í seo toisc go bhfuil stádas oifigiúil oibre bainte amach ag an Ghaeilge — ní amháin go bhfuil sé stairiúil don Ghaeilge féin, ach do ghradam na tíre seo go hidirnáisiúnta. Tugann sé dóchas do gach éinne atá ag saothrú an chultúir Ghaelaigh, agus táim lán-chinnteach go mbeidh tionchar ag an toradh seo, ní amháin lasmuigh den tír ach taobh istigh freisin.

There is no doubt that this is an historic and significant time in the life of this nation. When I first raised in this House the possibility of achieving working status for the Irish language in the European Union, it was as much a vision as an expectation. However, I was delighted with the solidarity and unanimity that existed across the board. An all-party motion was brought before this House and I thank the Opposition for its part in producing that motion. We gave a lead to the Dáil because shortly afterwards a united approach was also displayed there.

The significance of what has happened is that we tapped into the goodwill that exists in this country towards the Irish language. No political football is involved. We must provide leadership for that goodwill. I take this opportunity to congratulate the campaign group Stádas, which did so much work in alerting us to the necessity for this. It is a good day for Ireland and its people.

Mr. Finucane: I support Senator O'Toole's call for a debate on the findings of the commission on alcohol. The commission did not report exclusively on café bars. There are many other components to its proposals and it would be worthwhile to debate them. I am glad the Minister has dropped the café bar proposal. The Fine Gael parliamentary party opposed it not just on the basis of vintners' representations but also on those of health professionals. The initial objective was to end binge drinking but it was the wrong way to go about it.

The Minister might claim something of a pyrrhic victory by extending alcohol licences to restaurants but the vintners had suggested to the commission that it would be worthwhile for the licences of restaurants to be extended to allow for the sale of alcohol as well as wine. I respect the fact that, at least on this occasion, the Minister recognised the amount of opposition there was to his proposal for café bars and took a step back.

Ms White: As spokesperson on trade and commerce on the Government side of the House, I refer Members to a report in the business section of the *Sunday Independent* which reported that a survey carried out for that newspaper showed that 40% of chief executives believe that women will never achieve equality and equal representation on boards. Furthermore, 46% of chief executives stated that it would be ten years before they would achieve it.

Will the Leader invite the Minister for Enterprise, Trade and Employment to the House to discuss this serious matter? According to figures released last year, only 5% of the top 100 Irish companies have women board members whereas in the State sector women account for 32% of membership of State boards. Chief executives and chairmen of boards must set targets and achieve them. They must have a passionate will to ensure equal representation of women on their boards.

[Ms White.]

I support the Equality Authority's expression of sadness at the High Court decision late last week that women could not have full parity with the male members of Portmarnock Golf Club, where all the networking for board appointments takes place. This is particularly true of golf outings.

Mr. Browne: Absolute rubbish.

Ms White: Irrespective of whether Members like it, appointments to private companies take place through networking in golf clubs.

Dr. Henry: The Hanly report, which is not yet an historical document, recommended that 600 to 700 doctors should qualify in this country every year to supply our needs. Young students are sitting the leaving certificate at present. We know that approximately 3,000 of these have applied for the 300 medical places which will be available. It would be nice to see at least some part of the Hanly report implemented.

Will the Minister for Education and Science come to the House to discuss the issue which I have raised previously? At the stroke of a pen, by giving resources to the medical schools, the 600 to 700 doctors required could be qualified within six years, but no effort is being made to do anything. I do not know if the Minister for Education and Science and the Minister for Health and Children ever discuss the issue. In the autumn we will have the usual moaning and groaning about the points level but no effort will be made in the interim to do something about one part of the Hanly report on which we were all agreed.

Mr. Leyden: Will the Leader consider having a brief debate on the plight of the Palestinians? While I know the time of the House is short, the situation in Palestine is serious. I wish to record that six Members of the Oireachtas — Senator John Paul Phelan, four Members of the Lower House and I — were challenged by Israeli troops in what was a serious incident in Hebron on 6 June. Only for the timely intervention of Dr. Niall Holohan and Colm O'Conaill, our representatives in Palestine, at least four by-elections might have been required, two for this House.

The Israeli troops were in a crouched firing position, armed with semi-automatic rifles. It was a serious situation, given that we were in an area close to the ancient mosque, from where all Palestinian residents have been removed, and we were practically on our own with some Palestinians. The Government may have to send a report to the Israelis about this matter.

Mr. Coghlan: Captain Minihan is minding that.

Mr. Leyden: If six members of the Israeli Knesset visited Ireland and were confronted by Irish troops, it would be a serious incident. This was a serious, near fatal incident which——

An Cathaoirleach: We are aware of the incident. I agree it was serious.

Mr. Leyden: I hope the Leader will consider having a short debate before the recess to highlight the situation.

Mr. Coghlan: I fully support the proposal of Senator Brian Hayes to park the Garda Síochána Bill for six months, which would promote its agreement and improvement. The House will agree it is important that the person charged with the responsibility of overseeing the implementation of Garda reforms, namely, our distinguished colleague, Senator Maurice Hayes, the Minister, and as many of those involved as is possible, are at one on this matter.

Senator Maurice Hayes has highlighted some important points. Most of us would agree it is best to have a single ombudsman rather than a commission of three. If there must be a commission of three, it is to be hoped there would be a chairman of the three. However, as Senator Maurice Hayes has outlined, we would prefer to have a single ombudsman. The Senator also rightly pointed out that rights of access——

An Cathaoirleach: We cannot have a debate on the matter now.

Mr. Coghlan: I appreciate that. I am not trying to debate it. I am trying to point out that important differences exist which could be reconciled. What Senator Brian Hayes proposes is totally admirable. We do not have many MI5-type barracks in this country. In any case, I do not want to make such comparisons.

To move to another issue, I will refer to that favourite town of ours in the deep south west——

Mr. Leyden: Killarney.

Mr. Coghlan: On this occasion, I refer to Dingle.

Ms O'Meara: Should that be An Daingean?

Mr. Coghlan: An Daingean or Dingle. I am all for bilingualism and the promotion of the Irish language. However, if democracy means anything, people's opinions must count. There was no consultation on this issue, and there must be consultation. Outside Gaeltacht areas, placenames should be bilingual, for example, Dingle and An Daingean.

Mr. Bannon: Since the House last met, we have had the report of the Joint Committee on Health and Children into illegal nursing home charges. The report has undermined public confidence in the committee system operated by this House, even though it has functioned very well in the past. There is much concern that the report was about

1 o'clock

the protection of sinners and it is regarded as censorship at its best. No political responsibility has been taken for the illegal charges which have cost the State in excess of €1 billion. It is a sad day for democracy. There was a proposal for the adoption of a Cabinet style system in this country, similar to that which exists within the EU. If that system was in place, we would at least have the resignation of the Cabinet and Government with regard to this matter. What has taken place is scandalous. Nobody in Government has borne the responsibility, which is shameful.

An Cathaoirleach: We must be mindful of the clock.

Mr. Bannon: I support Senator O'Toole with regard to a debate on café bars. There was an interesting situation during the week when Senator Morrissey stated that Fianna Fáil has no values or principles in respect of this issue. Despite the official policy of the Department of Health and Children to oppose the café bar system, there is a significant conflict of interest with the Tánaiste, who is the Minister with responsibility for this area, and her Department with regard to alcohol outlets in Ireland. The issue must be urgently debated.

Mr. M. Hayes: I agreed to help the Minister for Justice, Equality and Law Reform implement whatever was passed by the Oireachtas. He very decently said that I could preserve my own independence and was quite free, and this was the context within which any discussion took place. It is a matter for the Oireachtas to decide and no one person has a greater right to dictate or declare the decision.

The Garda Síochána Bill should not be put on ice too much. The ombudsman only represents one part the legislation. More than anything else, the Morris report makes clear that the management of the Garda needs to be modernised, which is what the Minister is trying to achieve and it would be regrettable if one were to lose the tailwind behind that move. Changes could be made, but I am not in favour of putting the Bill on the shelf.

Mr. Quinn: Years ago when one went to France one was amazed that people did not drink water from the tap but from bottles. As somebody who sells water in bottles I am always happy to find opportunities to sell more. We have recently been reminded of how vigilant we must be. Last weekend a ban was put on the use of water in the Tyrrellstown area of Fingal. The matter received no publicity, but was a result of the health authority's vigilance. The same thing happened in Carlow a few weeks ago.

We have taken for granted the purity of Irish water. It was probably not all that pure in the past and it is due to the vigilance of those charged with overseeing the matter that we now have clean water. We should pay much more attention to the

matter than in the past and there is now far more vigilance. Perhaps, however, that is not the case throughout the whole country. We should appreciate and concentrate on the issue.

Mr. Glynn: Senator Bannon's utterances are comparable to the nonsense expressed—

An Cathaoirleach: The Senator must restrict his questions to the Order of Business.

Mr. Glynn: I have no difficulty with the wording of Nos. 18 or 19. When the Opposition wins a vote it is called democracy but when it loses it is called fascism. It just cannot take the beating.

An Cathaoirleach: I am not sure that contribution was appropriate to the Order of Business.

Mr. B. Hayes: What happened to consensus and committee work?

Mr. U. Burke: Representative groups within the BMW region have made many calls for regional balance. The most recent came from the western bishops as part of the Western Development Commission. The gap between east and west is widening each day with regard to the provision of proper infrastructure, roads and public transport. It is galling to discover that there has been an underspend of €2 billion in allocation from Structural Funds during the lifetime of the NDP. Will the Leader ask the Minister for the Environment, Heritage and Local Government to come to this House and explain the underspend at a time when such an infrastructural deficit exists in the west of Ireland? The Minister should also tell us of the Government's plans to ensure some degree of regional balance in the absence of Structural Funds because there is a depletion in what is coming from Europe.

Progress has been made in some areas. Therefore, why is the absence of infrastructure always cited in response to requests for inward investment? We can only deduce that the Government is unconcerned about proper regional development in the west of Ireland.

An Cathaoirleach: Is the Senator seeking a debate?

Mr. U. Burke: I am asking for a debate and that the Minister for the Environment, Heritage and Local Government comes into the House and explains where the unspent €2 billion has gone.

Mr. McHugh: I agree with Senators who have spoken about Irish being finally recognised at EU level. We can join together in a proud manner in this House because we have set the precedent of not turning the Irish language into a political football. I commend Senator Brian Hayes for facilitating the joint debate and also Senator Ó Murchú. One of the commercial reasons for having Irish recognised as an official language is that

[Mr. McHugh.]

Irish graduates coming out of university will be in a position to apply for jobs in Brussels and Strasbourg without having to have French, German or Spanish. Irish and English will suffice and this is a tremendous boost for the Irish language.

To follow on from this liathróid pholaitiúil, I would like to make a point with regard to the debate on placenames, specifically Dingle. All we are calling for on this side of the House is further consultation at a local level. There is a commercial angle to the issue. If the Minister is prepared, with the stroke of a pen, to rebrand Dingle as An Daingean, he must facilitate some sort of intervention and put money into the rebranding of Dingle. Rebranding is not easy and it costs money. Whether we like it or not Dingle is a brand name and there are many commercial reasons for keeping it. There are also commercial opportunities if we try to pump money into rebranding it as An Daingean.

Mr. Browne: With regard to the debate on café bars, I have never met anybody who died of thirst or lack of alcohol. I am delighted the Minister has climbed down and am bemused to hear the Progressive Democrats talk of cheaper alcohol for sale in these so-called café bars. If that was the case, why did the party not look for a cut in duty from the Minister for Finance?

An Cathaoirleach: The Senator must restrict his comments to the Order of Business.

Mr. Browne: I agree with Senator Bannon in that the Minister for Health and Children should come to the House to debate the health aspect of increasing the potential sales of alcohol. It would be a disaster for the community at large. We witness more anti-social behaviour every week. Local newspapers are full of court cases almost all of which are alcohol-related. Making alcohol even more freely available would only add to the problem. It would be a disaster in rural areas. The Minister should consider transferring bar licences from depopulated to populated areas and ensure the proper distribution of licences. There was no need to go down this road in the first place.

Ms O'Rourke: Senator Brian Hayes raised the Garda Síochána Bill. It is the intention to bring the Garda Síochána Bill back to the Seanad during the last week of this session to deal with amendments made in the Dáil. Senator Maurice Hayes mentioned that he did not think it should be left on ice for too long or the momentum towards reform would be lost.

Senator Brian Hayes thought there would be time for reflection on the Morris report. He condemned the transfer of five Donegal gardaí to Dublin. There is public disquiet and distinct unhappiness about the transfer of these gardaí with whatever baggage they may bring. That they will not be dealing with the public, as we heard

this morning, is condemnation in itself. Two other members have resigned.

Senator O'Toole asked for additional time for the debate on the Morris report. The Labour Party Private Members' motion will be debated tomorrow from 5 p.m. to 7 p.m. and Committee Stage of the Registration of Deeds and Title Bill will be taken from 7.15 p.m. to 8.30 p.m. I will examine this and consider whether it is possible to add additional time. I thank the Labour Party for its helpful attitude and for taking up that issue in the Private Members' motion. People who wanted to speak on the matter will now be able to do so. I hope to have that worked out by tomorrow morning.

Senator O'Toole welcomed the decision on Irish, which I also think is great. The Minister was great on television and queried why people complained about a sum of €3 million, which is going to a good cause, when so much money is wasted in Europe. Senator O'Toole also referred to café bars and restaurants. Restaurants will now have full licences although one could always get a drink other than wine in a restaurant — perhaps one should not have been able to do so. People speak blithely as if wine were not alcohol.

Mr. Coghlan: Was that under the counter?

Ms O'Rourke: Perhaps it was a case of uisce faoi thalamh. This is a great opportunity for restaurants and they should now also function as cafés where one can have small portions of food with a drink.

Senator O'Meara wishes to stop the Garda Síochána Bill and she supports Senator Maurice Hayes in what he said on the matter. She also expressed concern at the outcome of the Morris tribunal. I agree with her call for a debate on asylum seekers. I cannot understand how people can be bedded in here for three or four years, with children in schools, and suddenly can be yanked away. It is awful and we are all hanging our heads on the matter. We are all citizens of the world.

It would be beneficial to have a debate on the report on pre-schools by the National Economic and Social Forum, of which Senator Mooney and I are members. The report is due to be debated by NESC tomorrow.

Senator Ó Murchú referred to the decision on the Irish language which gave us back our pride as a nation. He praised Stádas, the campaigning group, which should be congratulated. This House took an all-party view on the matter, as we did on provincial rugby some time ago. Senator Finucane expressed opposition to the café bar idea, as did his party. I approved of it and remember commenting that I could see myself swanning around in one.

Mr. Coghlan: What is new?

Mr. Finucane: At least the Leader is consistent.

Ms O'Rourke: I think that the proposal on restaurants is a good idea and that the Minister, Deputy McDowell, is a sensible man. He recognised what he could and could not do.

Mr. Coghlan: He is a courageous man.

Ms O'Rourke: He was able to shift his ship quite quickly into the idea of restaurants having licences. Senator White referred to 40% of chief executives not wanting women at the top of their companies. In fact they did not say that; they said that women would not make it to the top. She said that targets should be set and achieved. Senator White also referred to the decision on Portmarnock Golf Club at which I was gobsmacked. I do not play golf but the Senator is correct in saying that many decisions are made through networking on the 19th hole.

Mr. Dardis: It is not like that in Killarney.

Ms O'Rourke: Senator Henry points out that 600 to 700 doctors are needed according to the Hanly report and that the Minister for Education and Science should come to the House to discuss the enrolment policy and the numbers studying medicine. That is one aspect of Hanly on which we would all agree. I will try to arrange that. Senator Leyden asked for a debate on the situation in Palestine. We did not have as exciting a time as the Senator seems to have had but I am glad he and his colleagues made it back safely.

Mr. Leyden: I thank the Leader.

Ms O'Rourke: Senator Coghlan suggests the Garda Síochána Bill be parked for six months but if that happened everyone would complain and question why it was parked. The Senator is aware of this. He asked for further consultation on Dingle and I hope that can be facilitated.

Senator Bannon referred to the report on charges in nursing homes, which he alleges was censored. He also referred to the Cabinet style system in the EU and to café bars. Can you see them in Longford?

Mr. Bannon: No.

Mr. U. Burke: You will see a few of them yourself in Longford before too long.

An Cathaoirleach: The Senators should speak through the Chair.

Ms O'Rourke: The Senator is winding me up. Senator Maurice Hayes points out that the Oireachtas will decide on the Garda Síochána Bill and we appreciate the role he will be playing. The Senator did not think the Bill should be put on ice. Senator Quinn referred to the quality of water and how more vigilance was needed in that regard. I cannot report on Senator Glynn as this was a matter between himself and another Senator.

Mr. B. Hayes: It is *sub judice*.

Ms O'Rourke: Senator Ulick Burke refers to the BMW region and notes there is a serious underspend of capital. We will seek the presence of the Minister for the Environment, Heritage and Local Government. Senator McHugh referred to the status of the Irish language and pointed out that Irish graduates now know two official languages in Irish and English. I never thought I would see that. Instead of having French and German one can have Irish and English. If we are to refer to An Daingean, it should be marketed effectively. Senator Browne also referred to café bars. I think the Senators have lost their sense of adventure. Would the Senators not like to visit café bars?

Order of Business agreed to.

Disability Bill 2004: Committee Stage.

An Cathaoirleach: I welcome the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, to the House.

SECTION 1.

Ms Terry: I move amendment No. 1:

In page 5, subsection (1), line 30, to delete "Disability" and substitute the following:

"Assessment and Services For People with Disabilities and Miscellaneous Provisions".

I welcome the Minister of State to the House. I am suggesting that the definition of "disability" should be broader, with a broader Title encompassing more of what we really intend to provide for people with disabilities. As it is currently drafted, the form of wording is unacceptable. As the Minister of State was involved in the debate on the Bill in the Dáil and has now had some time to consider that debate, I would be interested to hear what he has to say on this matter. He should consider more favourably the suggestion that instead of calling this legislation the Disability Bill 2004, it should be called the Assessment and Services for People with Disabilities and Miscellaneous Provisions Bill. The latter Title describes more accurately what we are trying to achieve for people with disabilities.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): In preparing the national disability strategy, the Government sought to introduce practical and effective measures to support participation by people with disabilities. This includes, but is not exclusively concerned with, the provision for rights to assessment provision, complaint appeals and enforcement, as promised in An Agreed Programme for Government.

Amendment No.1 proposes to insert a new Short Title, which would place major emphasis on the assessment and related services to be pro-

[Mr. Fahey.]
 vided in Part 2. In doing so, it regulates the remaining provisions of the Bill, which are dealt with in Parts 3 to 7, to the status of miscellaneous provisions. The Bill represents a more comprehensive response to the concerns of people with disabilities than the proposed Title seeks to convey. As a result, I am not disposed towards accepting the amendment.

An Cathaoirleach: Is the amendment being pressed?

Ms Terry: I will not press the amendment but I am disappointed by the Minister of State's response. I do not accept his argument. The proposed Title would more accurately deal with what we are seeking to achieve. The Minister of State's concerns could and should have been dealt with later if the amendment has an impact on other sections, which we will be dealing with through later amendments.

Mr. Kett: I support the Minister of State's view. The word "disability" conveys exactly what the Bill is about. The amendment refers to the "assessment and services for people with disabilities", but says nothing about treatment. If one is going to be prescriptive, one should take into account all the elements associated with the needs of people with disabilities.

The word "disability" is all encompassing so, as in the case of the Garda Síochána Bill, it is unnecessary to subtitle everything the Disability Bill stands for.

Mr. Quinn: Senator Terry is probably right not to press the amendment but her point was also made by some Senators on Second Stage. In that debate I commented that those who are involved with disabilities have become more positive and use the term "ability", rather than "disability". I do not, however, suggest an amendment along those lines.

We need to have a much more positive attitude to disability but I am not sure that is being shown in the Bill. It is more of a corrective measure and, while aimed in the right direction, it needs a more positive attitude. The term "ability", as used particularly in the ability awards, expresses that idea quite well. I am not suggesting that it requires an amendment at this Stage, but Senator Terry's interesting point deserves support.

Mr. Dardis: I agree with Senator Quinn that we should emphasise people's abilities, rather than concentrating on their disabilities. That is increasingly happening. A Short Title is needed for the Bill, which deals with people who have disabilities. The purpose of Senator Terry's amendment is covered in the Title, which contains adequate details concerning the scope of the Bill. A shorthand Title is perfectly adequate. I suspect that even if the amendment was to be accepted,

people would continue to call it the Disability Bill, or the Disability Act once it becomes law.

Ms O'Rourke: Yes, they would.

An Cathaoirleach: Is the amendment being withdrawn?

Ms Terry: I thank Senator Quinn for his remarks, with which I agree. There is no one better placed than Senator Quinn to speak on behalf of people with disabilities as he has given employment to such people. His work in this regard is highly commendable. He is sensitive to the matter and I respect the work he has done in this area.

I do not agree with what Senator Dardis said. We should not accept that something is a *fait accompli* and will always remain so. A different Title for the Disability Bill would be to the advantage of many people who may come within its ambit. The Title envisaged by my amendment would help in that respect. While I acknowledge that much work has been done in this area, we must get away from labels. I am still of the opinion that my proposed Title would be better than the existing one. In later amendments I will deal in more depth with the definition of "disability". I will withdraw the amendment at this stage.

Amendment, by leave, withdrawn.

Section 1 agreed to.

SECTION 2.

An Cathaoirleach: Amendment No. 2 is out of order as it involves a potential charge on the Revenue. Amendments Nos. 3 and 4 are related and may be discussed together by agreement.

Amendment No. 2 not moved.

Ms Terry: I move amendment No. 3:

In page 7, subsection (1), between lines 9 and 10, to insert the following new paragraph subsection (1):

“(i) any private body which provides services and products to the public;”.

The accessibility of public and private services provided to the public needs to be guaranteed in this legislation within the broadest possible definition, so that it includes the right to physical information, communications accessibility and genuine, reasonable accommodation. This should be given the highest priority and set within acceptable timeframes. All bodies, public or private, that come into contact with the public should be covered by the legislation. These points have also been made by the Disability Legislation Consultation Group.

As regards amendment No. 4, the Irish Congress of Trade Unions recommended the amendment of services to include services provided by

or on behalf of a public body. As currently drafted, the exclusion could be as far reaching as to include State-sponsored bodies, voluntary bodies and even some disability service providers.

Mr. Fahey: The provision of access to specialist and mainstream public services is the focus of the Bill. The proposed amendments would considerably widen the scope of the Bill to the entire private sector and to private and voluntary bodies to provide services on behalf of the State, or those which are publicly funded. Essentially, the Bill is a positive action measure geared to support participation by people with disabilities in society. It places significant positive obligations on public service providers in this regard. The extension of such obligations to voluntary and private bodies could be viewed as an unreasonable encroachment into service organisations, particularly those run on a commercial basis. These organisations are already obliged to comply with employment equality and equal status legislation, which is of relatively recent origin.

To give an example of such obligations, cinemas and shops will have to retrofit their premises over the next ten years, sports centres will have to present all their literature in accessible forms, irrespective of the cost, and organisations such as the National Women's Council, which is in receipt of State support, will have to ensure that any service it purchased was disability accessible.

This legislation places a significant obligation on public bodies. It will prove costly for the public sector, so it was felt that such a legislative obligation on the private sector or voluntary bodies would be a counter-productive burden. Other areas of the Bill cover the provision by the private and voluntary sectors of disability-friendly services.

Mr. Kett: I agree with the Minister of State. There is a serious obligation on bodies which supply various services to health boards. If they are manufacturers they must first register with the Irish Medicines Board and must also obtain a qualification which I understand is called a C2 certificate, regarding certain standards.

Some operators within the health system went out of business within a short period of time, one of the reasons being that they could not meet the cost of implementing certain measures. One must consider, for example, the number of safety measures to be adhered to by ambulances transporting those suffering from disabilities. Some private ambulance operators are likely to be driven out of business because of the new legislation being introduced in Europe. Substantial additional costs will be involved if the laws are to be adhered to. I take the point made by the Minister of State in that regard and I support him in this matter.

Mr. Quinn: Senator Terry has made a strong point, but perhaps this is not the occasion for it.

It is important that we get this Bill passed. It has been in existence for some time and has been amended over the years. If we were now to add an element as demanding as that sought by Senator Terry — though it is worthy — the Bill would be further delayed.

There are serious concerns about regulatory impact analysis assessments which should be done for almost any Bill coming through the Houses, which involve the effects on the cost structures of organisations. If we are going to add elements to this Bill without doing a regulatory impact analysis, we would delay it even further. Though I support much of Senator Terry's work regarding this Bill, on this occasion I must support the Minister of State.

Ms Terry: I accept in principle what the Minister of State says, but what guarantee can he offer that any private body which provides a service to people with disabilities will make its buildings accessible? I am not sure that will be done, while incorporating the amendments into the legislation would guarantee accessibility. We must set high standards, though I accept that costs can be incurred. However, since taxis, ambulances and buses are now being made accessible to all, people now know that when they set about constructing anything, they must do it in a certain manner, and if access is built in at the start, no extra cost is incurred. We must set down the rules and guidelines at an early stage as a flag to people that this is what we expect, and that we expect nothing less.

Ms O'Rourke: I have sympathy with Senator Terry's viewpoint, though that does not mean I will support her amendment. Building regulations are now quite demanding. Any current planning application for a house must allow for a conversion in the future, if that were to be needed for a person with a disability. No doubt Senator Terry feels that if no legislative demand for disability access is made, people will feel they need not comply. That is a fair point when we are trying to raise standards for public facilities and ensure they are accessible for those with disabilities.

Amendments Nos. 3 and 4 are ahead of their time, so to speak. The hope would be that as services become more open to those with disabilities, the onus will be on private bodies and groups to raise their standards too. The amendments are well designed but perhaps a little advanced in terms of what this legislation involves.

Mr. Fahey: Private bodies are already covered under the equality legislation by the requirement for reasonable accommodation to be provided. Part 5 of the building regulations also lays down standards which must be adhered to by the private sector.

The Bill covers a wide range of companies and semi-State bodies. They include the Broadcasting Commission of Ireland, the Central Statistics

[Mr. Fahey.]

Office, the National Development Authority, the Courts Service and the Legal Aid Board. Bodies established under the Companies Act, such as Bus Éireann, Dublin Bus and Iarnród Éireann, will also be covered. There are provisions in equality legislation and in the building regulations which place obligations on private sector organisations. To be fair, the private sector has responded well to the requirements for access by people with disabilities. We hope that the thrust of this legislation will add further to the creation of a culturally inclusive society as far as people with disabilities are concerned.

Mr. Dardis: Private bodies have obligations, but one cannot institutionalise within the legislation moral obligations for public or private bodies. As the Minister of State noted, the scope of the Bill is already very wide. Under section 2(1)(h), a public body can mean:

a person, body or organisation (other than the Defence Forces) established-

(i) by or under any enactment (other than the Companies Acts 1963 to 2003), or

(ii) under the Companies Acts 1963 to 2003, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or shares held by or on behalf of a Minister of the Government;

That is very wide in its scope. The only bodies excluded are purely private bodies — almost the local corner shops.

It is almost as if we are treating this Bill in isolation from all other legislation. A corpus of legislation already exists with regard to building regulations, equality, equal status and so on. That legislation is there for support, and to ensure that private bodies act in a responsible and correct manner, apart from their moral obligation which we hope they would take on board. The scope of the Bill is already very broad and it would not add a great deal to incorporate that extra dimension. It is laudable to try to achieve it, but it cannot be achieved within the scope of this Bill. If the issue is not already dealt with — I suggest it is — by the other legislation supporting the Bill, there may be a case for extending the scope of the surrounding support legislation.

Acting Chairman (Mr. J. Walsh): Is the amendment being pressed?

Ms Terry: I will not press it now, but I will bring it forward again on Report Stage. I accept the case could be made that the thrust of amendment No. 3 may be too broad, for example, requiring the corner shop to be accessible. Of course, any new corner shop being built should be accessible and the regulations will ensure that.

In amendment No. 4, I suggest that “any body which is publicly appointed, which is funded by public money or which carries out public functions designated by law” should be accessible. Any company carrying out the work of the Government and providing services to the public should be accessible. More often now local authorities employ contractors or consultants to do work. I want to ensure that such places or bodies are compelled to be accessible. I will not press the amendment now, but I will raise it on Report Stage.

Mr. Fahey: Any public body funded by the State is included.

Amendment, by leave, withdrawn.

Amendment No. 4 not moved.

Question proposed: “That section 2 stand part of the Bill.”

Ms Tuffy: My amendment under this section was disallowed. I have just looked through the list of amendments that have been disallowed and nine of mine are included in it. Many of them deal with the fundamental debate about whether this Bill is sufficient. The imposition of the rule with regard to amendments that put a charge on the State stifles debate on the Bill. This is not the first time we have had this problem, but it is a particular problem with this important Bill.

In terms of our work here and in the context of Seanad reform, we should review this rule. It is fine to apply the rule with regard to the Estimates or the budget, but when it comes to—

Mr. Dardis: We do not have the power under the Constitution.

Ms Tuffy: I do not know about that. When I consider some of my amendments, the changes involved are only a matter of degree or wording. For some reason some of my amendments that change “may” to “shall” have been allowed. One could argue that changing from “may” to “shall” puts a charge on the State.

Mr. Dardis: We cannot even amend the Finance Bill.

Ms Tuffy: I would like this issue reviewed because we cannot debate this Bill properly. Many of my amendments raise fundamental issues, including an issue raised with me by the Disability Federation of Ireland which the Taoiseach is, supposedly, considering, but I cannot put that amendment in the House because it has been disallowed.

The amendment disallowed in this section removes the word “substantial” to leave just the word “restriction”. It is a matter of interpretation as to whether that puts an extra charge on the State. Somewhere else an amendment changes the definition from “intellectual impairment” to

“mental health or learning disability”. Does that put an extra charge on the State? The question arises as to whether the Government is acting in good faith on this legislation when it is so cautious that amendments that are just a matter of degree or interpretation are disallowed as involving a charge on the State.

I have not had the opportunity to examine all those amendments disallowed but after a brief look through my other amendments, I question the decision to disallow them. While this issue has been raised previously, it should be reviewed because it puts in question the role of the Seanad when something as important as the Disability Bill arises and we are stifled in terms of debating core fundamental issues that were raised in the Dáil, for example, the issues of resources, disability proofing and the definition of disability. We cannot define a word or define the concept of disability in case it puts a charge on the State. That is outrageous and ridiculous. It puts in question the role of the Seanad.

I hope the Leader will take on board the suggestion that we should examine this issue. We should consider whether within the Constitution and current legislation there is some way we can soften this rule. If that is not possible, the issue should be looked at under Seanad reform. The reason we suggested the definition in our amendment is because we looked at the definition in the Education for Persons with Special Educational Needs Act and felt it would be more appropriate in this Bill.

Mr. Dardis: I do not disagree that we should examine this issue under Seanad reform. However, this is a ruling from the Chair and is not a matter for debate. It would be entirely wrong therefore if, on the basis of what Senator Tuffy has said, the impression was given that something mischievous was being done to prevent these matters from being debated. I raised the issue of disability on Second Stage, which was the appropriate arena.

Whether it is the Disability Bill or any other Bill coming through the House, we cannot introduce an amendment that imposes a charge on the State. It is out of order to do so and we cannot do it. There are other ways of raising these important issues. I do not want anybody outside the House to have the impression that something was done here to prevent them from being debated. This provision with regard to a charge on the State is a standard provision and a constitutional obligation on the House. We know well that when we debate the Finance Bill we do not have amendments, but recommendations. We must be clear with regard to our powers. However, that is not to say the issue should not be discussed under reform of the Seanad. It should, but it is a constitutional issue that is involved.

Acting Chairman: I understand that the rule also applies in the Dáil and that it is a matter for

the Executive. Perhaps the matter could be looked at by the Committee on Procedure and Privileges and it might be useful to provide an explanatory note so that Senators would understand the situation better.

Ms O'Rourke: Were those issues allowed be debated in the Dáil? I do not think they were because I understand the rule with regard to a charge upon the State applies there also.

Acting Chairman: The Dáil observes the same rule. The Committee on Procedure and Privileges can examine the matter, but I presume the constitutional position will prevail. Perhaps Senators should be given an explanation so that they better understand the situation.

Mr. Dardis: Everybody should understand that this applies to all Bills and not just this one.

Ms Tuffy: I said the issue arose before and was not criticising anybody.

Acting Chairman: I accept the Senator was making a genuine point.

Question put and agreed to.

Sections 3 and 4 agreed to.

SECTION 5.

Acting Chairman: Amendments Nos. 5 and 6 have been ruled out of order as they involve a potential charge on the Revenue.

Amendments Nos. 5 and 6 not moved.

Government amendment No. 7:

In page 9, subsection (4), line 6, to delete “required” and substitute “appropriate”.

Mr. Fahey: This change was sought by the Disability Legislation Consultation Group, DLCG, at its recent meeting with the Taoiseach on 25 May when the Taoiseach indicated that the matter would be reviewed. Having reviewed the matter, the Government is prepared to make the related change to the Bill.

The Government sought consistency in the language used in this subsection with that in the earlier subsection (3). The purpose of the suggested change is to ensure a fair balance between the criteria used in making allocations for disability services and for other areas of public service activity. I fully appreciate the concern, which has been expressed by many people involved in the disability sector, that resources should be properly and consistently provided for disability services. I have listened carefully to the arguments which have been made about how this may best be provided for in this legislation. The amendment made to section 5 in the Dáil, when taken with the amendment before the House, will

[Mr. Fahey.]

provide a clear reassurance that disability services will not be overlooked and that resources allocated for disability services will not be channelled to other areas.

Ms Terry: I accept that the Disability Legislation Consultation Group asked the Minister of State to propose the amendment before the House in the interests of improved wording. I support the many groups which are seeking to ensure that adequate funding will be allocated for disability services. They do not want the disability sector to be at the bottom of the Government's list of priorities when funds are being provided. The economy might not always be as good as it is at present. Services will have to be cut and belts will have to be tightened in the event of an economic downturn. We need to ensure the provision of services for people with disabilities will not be seen as a low priority in such circumstances. Such services will have to be seen as favourably as the other services which are provided by the State. I welcome the Minister of State's decision to take on board the request made by the groups involved in the disability sector.

Mr. Kett: I support the remarks made by Senator Terry. Section 5(4) states that "in determining the appropriate allocation under subsections (2) or (3) in a financial year, the Minister or specified body concerned shall ensure that the amount remaining after the allocation is not less than the amount that is required". I do not understand what is meant by "the amount remaining after the allocation". Senator Terry spoke about this matter. Will allocations be made to the disability sector at the same time that all other allocations are being made by Ministers? I hope this section of the Bill does not mean that allocations will be made to the disability sector from the overall fund that is available after allocations have been made to all other Departments.

Ms O'Rourke: I agree with the amendment before the House. The proposed new section 6 states that the Minister "shall, not later than 5 years after the commencement of this Act, carry out a review of the operation of this Act". Will the five-year review be an ongoing review? I know the Minister will carry out an initial review, but I would like to know whether the review will be ongoing.

Mr. Fahey: This Bill provides, for the first time, that the Minister will have to outline clearly at the beginning of the year the amount of money that will be provided for disability services. I do not suggest that the Minister will be unable to make changes in that regard during the year. It is obvious that one cannot ring-fence any moneys. We had a debate on this matter in the Dáil. For the first time, the Minister will be compelled to outline details of the allocation of moneys in a transparent manner. The Government will allo-

cate funding on a multi-annual basis, irrespective of the state of the economy. I shudder to think what will happen to a Minister who tries during the year to steal from the fund that was allocated to disability services at the start of the year. This Bill provides that the Minister will be able to move money if it is necessary to do so as a result of some catastrophe or crisis. It is not intended that such a transfer of funds will take place, however.

Senator Kett asked about the balance that will remain after the allocation has been made. It is obvious that Ministers will have to have regard for the other service requirements of their Departments. I refer in particular to the two big Departments of Health and Children and Education and Science. This legislation provides for a clear statement of intent to be made after the discussions on the Estimates and the budget at the start of the year. The statement of intent will set out clearly what is being provided. It is significant that the Government has chosen, as part of its disability strategy, to outline the details of the first five-year rolling programme. The Minister for Finance stated in last December's budget that €900 million will be provided over five years. He emphasised that it will not be impossible for him to provide more money in any one of those five years.

I concur with the remarks of Senators today and on Second Stage. There have been significant increases in the amount of money provided for disability services in recent years. The relevant figure has doubled to €2.9 billion since 1987. It has been clear to me since I took up this position last September that we need to invest significant additional resources in the disability sector in the years to come. I do not doubt that there are significant gaps in service provision.

During the preparation of this legislation, I met many parents who are waiting for their children to be assessed. Such parents would like the Government to provide for early intervention and to ensure that the services which are needed are provided quickly and efficiently. Society must accept that it is not good enough that children with special needs, such as speech therapy or occupational therapy, have to wait for such services. The Bill before the House is intended to underpin the provision of such services.

We should not doubt that the investment of significant additional resources is required if we are to bridge the gaps which exist. The Government accepts that such investment is necessary, but it has clearly stated that everything cannot be done immediately. The commitment shown by the three key members of the Government — the Taoiseach, the Tánaiste and the Minister for Finance — has convinced me that the Government is determined to invest the necessary resources over the next few years. The review of this complex legislation, which was mentioned by Senator O'Rourke, is necessary in the context of that investment. Many Senators spoke eloquently in favour of justiciable rights during the in-depth

debate on that issue. The Government decided to provide for a five-year review period to ensure it will be able to examine the operation of the Act throughout the next five years. I emphasise that the review will start at any time within five years of the commencement of the Act.

Ms O'Rourke: It could start after a year.

Mr. Fahey: Yes. It is expected that the review will be completed within five years of the commencement of the Act. If the Government decides at that stage—

Ms O'Rourke: Will it be an ongoing review?

Mr. Fahey: —that legislative changes are needed on foot of the review, it will be possible to make such changes. In such circumstances, I am sure the review would continue throughout the next phase of the legislation.

Amendment agreed to.

Question proposed: "That section 5, as amended, stand part of the Bill."

Mr. Fahey: I wish to inform the House that the definition of a "specified body" in section 5 of the Bill is being reviewed by the Office of the Chief Parliamentary Counsel. It is likely that an amendment will be required. I hope to present such an amendment on Report Stage.

Question put and agreed to.

NEW SECTION.

Acting Chairman: As amendment No. 9 is an alternative to amendment No. 8, amendments Nos. 8 and 9 may be discussed together, by agreement.

Government amendment No. 8:

In page 9, before section 6, but in Part 1, to insert the following new section:

"6.—The Minister shall, not later than 5 years after the commencement of this Act, carry out a review of the operation of this Act."

Mr. Fahey: I introduced an amendment on Committee Stage in the Dáil to provide for a review of the operation of the legislation. The review, which I mentioned earlier, will take place within five years of the commencement of the Act. When I set the five-year timeframe, I decided to link the timing of the review with the end of the multi-annual investment programme in 2009. The amendment made in the Dáil was introduced in response to one of the key proposals of the Disability Legislation Consultation Group, which sought a review of the legislation within five years.

Ms Terry: My amendment No. 9 provides that the Minister shall:

(a) carry out a review of this Act, in particular the definition of disability, within a maximum period of 2 years of operation or 3 years of enactment, whichever is the soonest.

(b) for the purpose of assisting him or her in making such a review under this section, consult any such organisations or representatives as he or she considers appropriate,

(c) where a review is carried out under *paragraph (a)* cause a copy of the review to be laid before each House of the Oireachtas and the changes proposed in the review shall not be made until a resolution approving the changes has been passed by each House.

A review of the legislation should be undertaken within a period of less than five years. The Minister of State's amendment is too broad. I am seeking accountability because of the amount of debate that has taken place over a number of months and in the Dáil recently on the definition of "disability". We want to ensure the legislation will benefit the people for whom it is intended and that the definition will not exclude anyone.

The Minister of State said that nobody will be excluded by the definition provided under the legislation. However, it is important to review the matter to ensure it is working properly and that no one is excluded. The five year timeframe should be shortened. We should consult with all the groups and organisations to ensure the legislation will deliver what people want and need.

Mr. Dardis: The amendment is exactly the same as the one adopted by the Dáil, except that is being inserted in a different place. It is now in Part 1 rather than Part 2. It probably belongs more appropriately in Part 1.

There has been a difference of opinion among disability groups on the matter. There was a general desire among a number of them to have a three-year timescale. However, I have spoken to disability service providers who believe five years is a more appropriate timescale. It will take some time to assess the merits of the Act, including its deficiencies or strengths. All in all, a five year timescale is reasonable. While it states that a review must take place not later than five years, it can be done sooner. If the Minister feels after a three year period sufficient information is available, a review could be carried out at that time. I am sure there would be political pressure to ensure this would happen. A five year timescale is reasonable in all the circumstances. I am curious as to why it has changed from the first section in Part 2 to the last section in Part 1, even though I can see why that might be the case.

This is something that has already been agreed by the Dáil and it is a big improvement. While we can argue about whether the timescale should be three years or five years, it is a significant

[Mr. Dardis.]
improvement that the review will take place, for which the Minister should be commended.

Mr. Quinn: My question was the same as that of Senator Dardis. I did not realise it was a Dáil amendment. I would like the Minister of State to explain why it was changed from Part 2 to Part 1, but I am sure it makes sense.

On Senator Terry's amendment, I am not sure I support the five-year timescale being reduced to three years. However, I support paragraph (b) of the amendment, which provide that the Minister may, for the purpose of assisting him or her in making such a review under this section, consult any such organisations or representatives as he or she considers appropriate. I am sure the Minister of State will say this is how reviews are carried out and that there is consultation. I am not sure this is necessarily correct.

I support the concept of a review. All legislation should be reviewed after a certain number of years. Perhaps five years is the correct timescale. I hope the review will not be carried out behind closed doors but in consultation with those involved. I support paragraph (b) of Senator Terry's amendment, although the Minister of State may explain that its provisions are already operative. I am sure he will say it is the intention, but the Minister of the day may not necessarily be obliged to consult.

Mr. Fahey: Will the Senator repeat what he said?

Mr. Quinn: Paragraph (b) of Senator Terry's amendment provides that for the purpose of assisting him or her in making such a review under this section, the Minister may consult any such organisations or representatives as he or she considers appropriate. The point Senator Terry and I are making is that we would not want the review to take place behind closed doors. We want to ensure it will be done openly and that the Minister is obliged to consult with those involved. I believe it would strengthen the Bill to include this aspect. Perhaps the Minister of State will say it will happen anyway or the Minister of the day is obliged to consult because this is what a review means. I would like to hear his views.

Mr. Kett: In order to have a review that is real and meaningful, one must give the legislation time to settle in all its elements. The Minister of State said the legislation will be monitored on an ongoing basis in any event. I am sure the voluntary bodies working in the field will be feeding information to the Minister through the various sponsored bodies in regard to how they feel it is working and what they believe should be upgraded or improved. When one considers sectoral plans and education for people involved in disability-proofing, and the environmental improvements that will come on stream for a whole plethora of areas, beginning with transport,

to have a review after two or three years would probably be too soon. I support the five year timescale. However, it should be monitored to determine what progress is being made, which I am sure will happen.

Ms Tuffy: I support Senator Terry's amendment. Five years is too long a timescale. Even though the Minister of State said a review will take place sooner than five years and not later than five years, it could be done at the very end of the five year period. Five years is a long time if people are frustrated because the legislation is not working for them. It would be better if the period was shorter.

The amendment relating to the appointment of a disability commissioner to consider disability-proofing and so on would be an ideal way to review the legislation. Has the Minister of State considered this option? One of the suggestions of the groups with whom the Taoiseach and the Government had discussions was the appointment of a commissioner similar to that appointed under the Official Languages Act. Other appropriate commissioners might include the freedom of information commissioner. Such a commissioner would carry out an independent review.

Paragraph (b) of Senator Terry's amendment proposes that the Minister should consult with any such organisations or representatives as he or she considers appropriate. The appointment of a disability commissioner would be even better because he or she would make an independent decision on who should be consulted in regard to the working of the legislation. The appointment of a disability commissioner would be welcome.

It was also suggested disability proofing statements should be published on an annual basis by Departments. It would be much better if the review of the legislation were carried out by an independent body or person rather than by the Minister. A disability commissioner would be an ideal person to conduct a review of the legislation.

Mr. Fahey: We responded to the call for flexibility by stating in the section, "not later than five years from the commencement of the legislation". The review, therefore, could start within three years. The intention is that whenever the review commences, it will be completed within five years. Three years is a short time, given that it will take time for the legislation to bed in. Comprehensive consultations have been held regarding the Bill, which has taken many years to draft. Given that we have provided for a review to take place not later than five years from the commencement of the legislation, the purpose of amendment No. 9 is adequately addressed.

Amendment No. 8 is technical and provides for the insertion of the section in Part 1, where it is more appropriate. The Opposition amendment would also require that the definition of "disability" be highlighted for attention; copies of the review should be laid before both Houses of the

Oireachtas; the review should involve consultation with the relevant bodies; and the outcome of the review should be subject to an affirmative resolution of each House. By amending the legislation to require a review, I have taken a significant step. The Bill is the result of extensive consultation and review and there is no need to highlight a specific provision for review because the review will cover all provisions. Equally, it is not necessary to consult various bodies because this happens as a matter of course.

The discussions, which formed an extensive part of the preparation and amendment of the legislation with the DLCCG, represent significant consultation. It is not necessary to specify such detail in the legislation. The disability sector is highly organised and professional in its approach and there is no danger it will fail to be involved in a review. I have offered the DLCCG the option to remain in place so that the implementation of the legislation can be approached on a partnership basis. The roll-out of regulations and the setting of standards will be topics of continuing discussion between the disability sector and the Government. That is what I want and I am glad the DLCCG has accepted the offer to continue to represent the sector, although we have lost one or two organisations. I have adequately addressed the amendments tabled by Senator Terry and it is not necessary to be as prescriptive as she has requested.

Ms Terry: I accept the amendment was tabled in the Dáil and I thank the Minister of State for reminding the House that the legislation has been many years in gestation. The Government has been dragged kicking and screaming to this point and people are still dissatisfied with the legislation. The Minister of State has accepted significant work must be done to appoint all the necessary professionals to provide the services required. How long will it take to appoint the necessary therapists?

I am concerned that if a five-year timeframe is provided for the review of this sensitive legislation, which has been long fought for, the pressure will not be kept on the Minister or Government of the day. The Opposition would best serve those who need services by demanding a three-year review, which would result in a great deal of pressure on the Government to deliver. I accept much must be delivered but significant work must be done to ensure services, which are absolutely necessary, are delivered.

As Opposition Members, we are not doing our duty if we let the Government off the hook and agree that it does not have to conduct a review for five years. My amendment would be better as it would provide that the review should be conducted within three years so that the Government of the day would have to deliver or own up to its failure to do so. Five years is a long time to wait for those who have not been provided with services if the legislation fails them. Reducing the timeframe, therefore, will ensure people have the

right to a review within three years if they do not receive the service they want. It will ensure the Government of the day will be put under pressure to provide services. We are beginning this process and I accept it will take time because not enough qualified professionals are available to fill all the positions that will be needed. While I accept the Minister of State's argument, it is our duty to ensure that he delivers and my amendment would help to achieve that.

Mr. Fahey: It would not because the Senator is confusing the implementation of the legislation with the provision of resources. The implementation of the legislation and its review will have no impact on the provision of resources, which will be debated annually during the Estimates and budget process. The delivery of services is a separate issue to the review of the legislation. If the legislation is inadequate, it will take two or three years for that to show up significantly. A review can commence at that stage should it be necessary. While the Senator is correct about the implementation of the legislation and resources and the appointment of therapists, it is a matter for the Estimates and the budget.

Amendment agreed to.

Section 6 deleted.

Amendment No. 9 not moved.

SECTION 7.

Amendment No. 10 not moved.

An Leas-Chathaoirleach: Amendment No. 11 is in the name of Senator Terry. Amendment No. 13 is consequential and may be discussed with amendment No. 11 by agreement.

Ms Terry: I move amendment No. 11:

In page 10, subsection (1), to delete line 6.

The Bill provides for an enormous administrative backup, which will cost a lot of money and in view of this I am concerned that much of the funding allocated under the Bill will go into the administrative framework. I wonder if we are building layers of bureaucracy and whether it is necessary. Could we have the assessment officer carry out the functions of the liaison officer or *vice versa*? In other Departments, we have seen too many layers of staff, which ultimately does not deliver a good service. A streamlined workforce can function much better.

People must act responsibly. I am not saying that they are not acting responsibly but the Bill gives them more responsibility instead of someone being appointed as the boss and making decisions. Too many people and officers with different titles are involved. My amendment suggests we reduce these numbers and that one person could carry out the functions of at least two of the people provided for in the legislation.

Mr. Kett: This might be possible in some instances but, when considered, the assessment officer and the liaison officer are the two fundamental people involved. If I read the Bill correctly, the assessment officer is independent and the liaison officer is resource-led. The assessment officer is the person one looks to to give one's assessment without any consideration of how much it might cost whereas the liaison officer is quite the opposite, being the person who is cost-conscious when he or she is setting out one's service statement. A needs officer could not perform these two fundamental functions as they are completely different and at opposite ends of spectrum. For this reason, these two positions could not be intertwined.

Mr. Fahey: Senator Kett is correct in his analysis of the differing roles of the two officers. As he has stated, the assessment officer has statutory independence to identify the individual needs arising from an assessment without regard to resources. The DLCG argued forcibly that the person carrying out the assessment should be statutorily independent of the person who provides the services. On the other hand, the liaison officer must take a range of practical considerations into account. He or she is a part of the HSE structure and must consider how needs can best be met with the resources available. He or she must take into account the practical limitations that exist in the provision of services. The two roles are fundamentally different and it is in the best interests of people with disabilities that they remain separate. This is not to say that the same person could not fulfil both roles at the same time, that of the assessment officer as a statutorily independent officer and that of the liaison officer. The DLCG's specific intention was that this distinction should exist.

Much effort has been made to ensure this does not become a bureaucratic system. In several meetings we have held with the HSE, the Department of Health and Children and the Department of the Taoiseach, the HSE was anxious to ensure this will not be a bureaucratic system but rather a seamless approach to the assessments, the work of the liaison officer, the preparation of the service statement and its implementation. In my discussions with the HSE, I am satisfied that its approach will be very person-centred and consumer-friendly and that it will be transparent and seamless. I am confident we will see all of this happening, as outlined in the regulations concerning how exactly the provisions of the Bill are to be implemented and what the roles and relationships of the people will be. I am satisfied that the Bill provides for these roles in the most effective way possible.

Ms Tuffy: How can the assessment officer be independent of the Health Service Executive if, under section 8, the officer is an employee of the executive?

Mr. Fahey: A simple answer to the question is that the assessment officer will be independent in the same way that other Departmental officers, such as those in the Department of Social and Family Affairs, are statutorily independent. For example, an appeals officer in the Department of Social and Family Affairs is statutorily independent of the Department even though he or she is an employee of the Department. This statutory independence, as put in place by the Bill, gives the assessment officer independence.

Ms Tuffy: Does the Bill provide that the officer is independent?

Mr. Fahey: Yes.

Amendment, by leave, withdrawn.

Ms Terry: I move amendment No. 12:

In page 10, subsection (1), line 20, to delete "(including a personal social service)" and substitute the following:

" , including a personal social service, such as home care, respite care, personal care and social supports, ".

I will read from the presentation Older People and the Disability Bill 2004 made to the Joint Committee on Justice, Equality, Defence and Women's Rights by the National Council on Ageing and Older People in November 2004. The group said:

It is unclear in this Bill what constitutes a personal social service. In the case of old people and other people with disabilities, will this mean the full range of home care, personal care and social supports required to implement the objectives of the services to older people and other people with disabilities? Objectives of services to older people are aiming to restore those people who become ill or dependent to independence at home, encouraging and supporting the care of the elderly and other people with disabilities in their own communities by family, neighbours and voluntary bodies in every possible way and providing a high quality of hospital and residential care for elderly people when they can no longer be maintained with dignity and independence in their own homes. As older people constitute 42% of the people with disabilities in Ireland, they are a very important proportion of the disabled population.

What is the Minister of State's response to the National Council on Ageing and Older People? It questioned the definition of the term "personal social services", which can include home care, respite care, personal care and social supports.

Mr. Fahey: Part 2, section 7(1) defines a "health service" to mean "a service (including a personal social service) provided by or on behalf of the Executive". Amendment No. 12 proposes to expand this definition by giving examples of

personal social services. Personal social services, along with health services, have been defined in the Health Act 2004 to refer to those services covered by the Act and specified in its Schedule.

Personal social services encompass a wide range of services extending far beyond specific services for people with disabilities. Examples include substance abuse services, services for refugees, psychosexual counselling and services for victims of domestic violence. Examples of disability-specific personal social services, to which the Senator refers, include personal assistants, home supports, home help assistance with household tasks and home care assistants and these are provided for in the Health Act 2004. I am satisfied that the relevant services for people with disabilities are covered sufficiently by the approach taken in the Bill and that therefore this amendment is unnecessary.

Mr. Kett: If one is prescriptive about what constitutes a personal social service, as Senator Terry's amendment advocates, one must then include everything. If one does not do this and leaves something out, then it will be assumed that the service is not covered by the Bill. For instance, under social services one can include counselling, social clubs, holidays, respite breaks as distinct from respite care and even parent and toddler groups. There are many areas where social interaction takes place which could be named, if one decides to go down the naming route. It is better to leave the wording as it is in the Bill to allow for all services to be considered, rather than being prescriptive because if a service is omitted it might be deemed not to be a social service at all.

Ms Terry: I accept what the Minister of State and Senator Kett have said. Can I take it that if an individual requires a personal social service, that his or her case will be assessed and a decision will be taken as to whether the service can be provided? The amendment proposes listing the services. If that is not done, it is to be hoped that each case would be judged on its own merits. How will the service provision be dealt with — will it be done on a case-by-case basis?

Mr. Fahey: Section 7(1) specifically refers to "including personal social services" and those services are outlined in the Health Act 2004. Personal social services, such as personal assistants, home support, home help, home care assistants and so on, are provided for and consequently will have to be catered for under the Bill.

Ms Terry: If there was a need for service that is outside of the norm and not included in the Health Act 2004, would that need be assessed on its merits or would the service have to fall within the scope of what the Minister of State has just outlined?

Mr. Fahey: Under the definition, the Bill provides for all of the health and education requirements of people with disabilities. If one adds personal social services to the other services provided for, that covers everything. I do not know of any service that is left out. This element of the Bill is covered by Part 2 only. The remainder of the Bill covers a wider brief.

Amendment, by leave, withdrawn.

Amendment No. 13 not moved.

Section 7 agreed to.

SECTION 8.

An Leas-Chathaoirleach: Amendment No. 14 in the name of Senator Tuffy is out of order as it involves a potential charge on the Revenue. Amendments Nos. 15 and 16 are related and may be discussed together by agreement.

Amendment No. 14 not moved.

Ms Terry: I move amendment No. 15:

In page 12, subsection (7)(b)(iii), lines 3 to 8, to delete all words from and including

"considered" in line 3 down to and including "provision" in line 8 and substitute "listed in order of importance, which are considered appropriate by the person or persons referred to in subsection (2) to meet the needs of the applicant and the period of time required by the person or persons for the provision of each of those services and the order of such provision, giving preference to services which are most needed by the applicant".

I wish to first address the content of amendment No. 16. In a situation where an individual's needs have not been fully met, a statement of outstanding needs that cannot be currently met should be provided. Furthermore, the statement should specify the date by which a review of the assessment should be carried out, within a period not exceeding 12 months from the date of the previous assessment or whenever there is a change in circumstances or condition, either for the person being assessed or in available resources.

This is an important provision. If we cannot provide all of the services that a person needs, a statement of outstanding needs should be drawn up and another statement should set out a timeframe for the delivery of the services to address those unmet needs. One can visualise a situation where a person is told that all of his or her needs cannot be met because of funding difficulties. It is important that we provide a system whereby a written statement is made detailing the outstanding needs and providing a timeframe within which those needs will be met. Amendment No. 15 addresses the same issue.

We should prioritise the remaining needs. If needs have not been met and funding restrictions mean that they cannot be met in the immediate term, then it is important to list and prioritise

[Ms Terry.]
such needs. This would assist the individual and those caring for him or her. It is an obligation that should be imposed on the State, namely, that whatever needs are not met are listed and prioritised and a timeframe is provided for their delivery.

Mr. Fahey: Amendment No. 15 would require assessment reports to contain a priority list of services and the timing for their delivery. The principle contained in the Bill is that an assessment report would set out all required services and indicate the order in which they will be provided, together with optimal timescales for their delivery. I am not convinced that the proposed amendment would improve arrangements for assessment and service delivery and therefore I do not propose to accept it.

Section 8(7) outlines the contents of assessment reports, while paragraph (b)(iv) requires that the assessment report specifies the timeframe for a review. Amendment No. 16 would instead require that the report outlines unmet service needs and dates for review of the assessment to be no more than one year apart. The legislation already provides for full assessment and the timing of the reviews will be guided by the assessment report.

Section 8(7)(b)(iv) specifies that each assessment report will set out the period within which the review of the assessment will take place. The applicant can initiate a further assessment in certain circumstances under section 9(8) where there is a material change of circumstances or a material mistake of fact or where further information becomes available relating to personal circumstances. Following on from consultations early last year with the DLGG, the Government decided to expand the legislative proposals then in preparation to encompass a review of each individual service statement at suitable intervals. In response to calls for greater clarity in this regard in the Dáil on Second Stage, I tabled a number of amendments in the Dáil that changed the legislation so it clearly specifies there must be a review of the services being provided as a result of the service statement. Details of the arrangements for this process will be set out in the regulations under section 27.

Ms Terry: The Minister for State is saying that the substance of these amendments is already provided for in the legislation. He is saying that a person's unmet needs will be set out in the form of a statement and will be prioritised. However, I am not quite clear as to whether there will be a timeframe or what the extent of that timeframe will be. Could the Minister for State clarify these two questions for me because they are important?

Mr. Fahey: For what?

Ms Terry: I am talking about a timeframe for the delivery of unmet needs because it is very

important that we clarify that. If it is not clarified, it could go on for years.

Mr. Fahey: The service statement will outline the services to be provided within the resource availability of the HSE. The difference between the content of the service statement and the content of the statement of assessment are the unmet needs. They will be reported in communicative form at the end of the year so that there will be a global statement of unmet needs for all people with disabilities, which will enable us to provide for better service planning and so that a very transparent approach is taken to what are those unmet needs. There will not be any specific statement of unmet needs. This is not provided for, other than the difference between the statement of assessment and the service statement.

Ms Terry: I am not satisfied with the response from the Minister for State or the legislation as it is set out. This is a very important aspect of the Bill. If we cannot inform an individual of a timeframe for the delivery of the services which are set out in his or her initial statement, we are letting him or her down. As I understand it, we are not delivering that to the individual. We are not people when services will be delivered. It would be much better if it was done on a case-by-case basis. If one does it on a case-by-case basis, the HSE can also come up with a statement at the end of the year and identify where it has a shortfall in terms of delivery of services. It would be necessary for the HSE to do that, but the individual must also have some type of timeframe. I understand financial constraints apply but I can see someone never getting his or her service delivered if we leave this vague. This would tighten the legislation in terms of delivering services for people and letting people know when they may get or may not get their service. I ask the Minister for State to reconsider these amendments.

Mr. Kett: In a strange way, this is the kernel of what we are about here because for the first time, we will now be able to determine exactly what we are not doing for people with disabilities when the service statement is compared with the statement of assessment. This is something we were never able to do before; we were basically looking into a black hole. When this new system is up and running, we will be able to see the difference, as the Minister for State said, between service statements and assessments in the first instance.

I know that certain people will not receive what the assessment suggests they receive, which is something we will have to deal with going forward. There are a number of reasons a person might not receive the full content of an assessment, which may not be solely financial. They might be due to therapy availability. Senator Terry spoke about how difficult it will be to employ the people this Bill will deem necessary to the delivery of services. The Government took

an initiative to bring about greater numbers studying occupational and speech therapy. These students are only starting to come on board now. We have 19 different nationalities working in the paramedical sector, as distinct from one five years ago. This gives some indication of how hard we have had to work in the last five years to bring about a situation where we could meet existing needs. We will now know what are the actual needs. For that reason, we must move forward carefully in this area.

I am not sure that listing requirements in order of importance is altogether achievable. I hate using the term "holistic approach" but when one is looking at the requirements of a disabled child, there is a plethora of involvements. These range from psychological assessments to physiotherapy, occupational therapy and speech therapy, which all have a different input into the approach used with the child. Listing requirements in order of importance can be quite difficult.

Ms Tuffy: I support Senator Terry's proposals in these amendments. I share her fear that somebody could end up never receiving his or her requirements and never have his or her assessment fulfilled. The scenario she outlined is the type of issue raised by the disability groups with which the Government consulted and relates to the area I understand is called progressivity. Public services are beginning to operate in this fashion whereby a person who is reviewed by a particular public service can look up and see what has been agreed with regard to his or her needs. He or she can continue to monitor activity in this area. There is a continual review, a ticking off of what has been achieved and what has yet to be achieved and a timeframe everyone has agreed with and abides by. This approach should be adopted and the only way to ensure it is adopted is to put something like these amendments in the legislation.

Mr. Fahey: Senator Terry made the very pertinent point that there is a gap between the statement of assessment and the service statement. That unmet need can only be put right as resources become available. There is the difficulty that it will not be possible to be clear with people as to how long the service will take until it becomes available. The Government has been quite open and honest with the disability sector about this difficulty and I think it has been accepted that all services cannot be delivered forthwith. With the review procedure, if someone's personal circumstances change or when additional resources become available, as they will each year, that person's service statement can be reviewed. Clearly, the liaison officer can provide for the services that are required. That can be done on the basis of improving resources and as the situation changes.

The Senator is correct that it will not be possible to give clear timescales as to how long it will take services to become available for unmet

needs. The Government has established its position on this issue. We have taken the practical approach of identifying the aggregate unmet needs. The idea is to plan the services to meet those unmet needs and build up the capacity to provide the services on a planned basis. That is the only practical and sensible way to meet the requirements of the individual which are in the assessment statement. As Senator Kett properly pointed out, the provision of those services will then become a matter for service planning and resource provision in coming years.

Ms O'Rourke: The Minister of State was in the Department of Education and Science when I was the Minister in that Department and when this process started. The difficulty is getting the professional staff that will be needed to meet all the requirements that will be shown up by the assessment. One can compel a Government to give a timeframe but, sadly, that timeframe might not be capable of being complied with because the staffing is unavailable.

Senator Kett mentioned that his workplace has been sourcing therapists, physiotherapists and so forth. Has the Government any long-term recruitment plan to secure the people who will be required? When these assessments are produced, people will see the vast array of needs. We know they exist but they will be revealed in a programmed, structured way and the gaps will show between what is needed and what must be provided, including the people who will provide them. Will the Minister of State give consideration to how we will attract personnel to enrol in college and train for these positions and, in turn, entice them into working in the disability sector?

Mr. Fahey: The question asked by Senator O'Rourke is being actively discussed at present. The HSE is currently preparing the regulations which will govern the implementation of this Bill. Clearly, adequate provision of professionals, such as therapists, for assessment purposes must be put in place. That is being planned at present by the HSE.

On the related question of the shortage of speech therapists, occupational therapists and so forth, the Senator will be aware that an increasing number of courses are being organised in third level colleges and universities to increase the number of places and, consequently, the number of graduates across the spectrum of therapies. In addition, an aggressive campaign is being conducted around the world by some of the service providers to attract such professionals into Ireland. We already have a number of professionals from New Zealand, Australia, South Africa, the United States and Canada. There has been a significant increase in the number of professionals employed in this country to cater for intellectual, physical and sensory disability. I am satisfied that resources are being put in place and that there is a will to increase significantly the number of

[Mr. Fahey.]
professionals. However, there is still a significant requirement.

With regard to the assessment process, the intention is to utilise, as far as possible, existing resources in the sector. It is not our intention to create a new bureaucracy surrounding assessment or the assessment of individuals for the purpose of the assessment statement. It is intended that the comprehensive assessment provision already in place would form part of the mechanism for the preparation of assessment statements. This is being dealt with in detail at present and there have been several meetings between my Department, the Department of Health and Children and the Department of the Taoiseach on the necessity to roll out the regulations as quickly as possible so everybody can see what the practical implementation of this Bill will be about. When the regulations are agreed they will be placed before the Houses of Oireachtas, when there will be an opportunity to debate them.

Ms Terry: I am sorry to labour this matter but, as Senator Kett said, it is the kernel of the Bill. It is worthwhile spending time on it. Enable Ireland stated the following in a submission to the Joint Committee on Justice, Equality, Defence and Women's Rights on 9 November 2004:

The Bill makes no provision for picking up gaps in service availability to assist service planning. If an individual's service statement only includes services which are available, then those other services identified as requirements in the Assessment of Need will remain unmet, and will not be identified for future delivery. Emphasis needs to be placed on proactively providing appropriate and sufficient services so that fundamental needs can be met. At present, many services are available on a very limited basis to people with disabilities. These included independent and supported living, assistive technologies and supported employment services. Given the limited nature of the Bill's stated scope (i.e. health and education), and the current shortfalls in provision of services, it would appear that the assessment of need is likely to be (a) curtailed to take account of only two facets of an individual's needs; (b) unpredictable based on the available budgets of a particular health board in a particular year or a particular time of year; and (c) occurring in a vacuum where service provision post-assessment is absent or limited.

I could quote several other submissions from various organisations who have expressed their dissatisfaction with this section but I am sure the Minister of State has read them too. There is no need to quote them further. It is an important issue. Will the Minister of State reconsider my amendments?

Mr. Fahey: What was requested by Enable Ireland is provided for in the Bill. It was provided

for by way of amendment. At the end of the year we will publish the full statement of unmet needs. That will be a financial figure. The Ministers concerned will publish the aggregate unmet needs, which will facilitate service planning. More importantly, it will indicate, in a transparent way, what amount of money is required to meet those unmet needs. The debate at budget and Estimates stage will focus on the significant figures of unmet needs that will emerge as soon as the Bill is implemented.

Ms O'Rourke: Will it show up the professional vacuums as well?

Mr. Fahey: It will, as part of the HSE service planning exercise. Anywhere there is a gap or vacuum will become apparent. Those vacuums are already apparent and the intention is that the service planning will plan for the provision of the services where they are inadequate or are not provided at present.

The other part of the amendment to which the Senator referred has also been dealt with. Rather than individual health boards experiencing difficulties, under the Bill the HSE will
3 o'clock now have direct financial provision from the Department of Finance. This will remove the discrepancies which might have existed in the past between the eight different health boards. Therefore, the HSE will provide for a unitary approach to service planning and funding which did not previously exist and with which Enable Ireland was concerned.

Amendment, by leave, withdrawn.

Amendment No. 16 not moved.

An Leas-Chathaoirleach: Amendments Nos. 17 to 19, inclusive, are related and may be discussed together by agreement.

Ms Tuffy: I move amendment No. 17:

In page 12, subsection (8)(a), line 11, to delete "may" and substitute "shall".

The amendment seeks to ensure that the person affected by the assessment would be consulted. As the Bill stands, this is discretionary. I see no reason for not having an obligation that the applicant would be consulted, met, interviewed and so on. This happens in many other areas of the health service. For example, community welfare officers would meet with a person when making a decision about that person's needs. This should be a basic requirement under the Bill. The whole point of the legislation is that the person should be involved and, where possible, consulted. I urge the Minister of State to accept the amendment.

Mr. Fahey: Amendment No. 17 would require the assessment officer to carry out an interview in all cases. It is desirable that some discretion over procedures remains with the assessment

officer so the individual circumstances in each case can be considered. It may be the case that an interview is simply not required. If so, to accept the amendment would only add to the bureaucracy we want to avoid. The intention of this provision is to allow flexibility to ensure an efficient system can respond to the individual situations, as appropriate. The amendment is not in the best interests of the individual.

Amendment No. 18 seeks to compel employees of the HSE to apply for an assessment of a person who appears to have disability. Section 9(4) allows employees of the HSE to seek an assessment on behalf of a person. This provision would cover a small number of cases where the person did not have a relative or guardian to act for him or her and was not able to do so himself or herself. It is appropriate that the HSE is given discretion to consider the individual's circumstances in each case. It is also important that the person considered can decline to have an assessment. It is important the focus remains on the needs and interests of the individual rather than imposing a blanket obligation on the HSE. Consequently, I do not propose to accept the amendment.

Amendment No. 19 seeks to impose a time-frame for commencement and completion of assessment, including the arrangements to apply in urgent cases. This provision establishing time limits is already covered in the legislation. Section 9(5) requires that an assessment should commence within three months of the application and be completed without undue delay. Section 21 allows for the making of regulations to govern the procedures for assessment, including different timescales within which assessments should be carried out. It is envisaged that the regulations would establish different intervals for assessment depending on the category of disability and the age of the person. Such regulations should also allow for the prioritisation of the assessment of urgent cases, where this is warranted. I emphasise that there is a timescale, the finishing time of which will be covered by the regulations, in addition to the section of the bill dealing with the commencement time of three months.

I am satisfied these provisions adequately cover the concerns put forward by Senator Tuffy, which I accept are legitimate.

Ms Terry: The Minister of State stated the Bill provides that an assessment would be carried out within three months. Does that cover every assessment carried out within the three month period?

Mr. Fahey: It will cover those carried out within three months of the application.

Ms Terry: I accept that. However, I am not clear on the end point — the timeframe for the

completion of the assessment. It is important we should have an end point or the assessment could be open-ended, which would not deliver a valuable service to anybody.

My amendment seeks to have the assessment commence immediately in urgent cases, a point the Minister did not address. What does he envisage as being the earliest point at which an urgent case would be dealt with? How would a person suffering from acute depression be assessed? We all know that depression is a serious condition from which more and more people in this country are suffering, many of whom go on to commit suicide, which is a growing problem. The Minister should tell the House the timeframe with regard to a person in need of urgent attention. A person suffering from depression could be fine for a long time but might suddenly be hit with a bout of depression. How will the structure deal with such a person?

Mr. Fahey: That will be set out in the regulations. Each form of disability will be covered by the regulations in terms of the timescale by which the assessment can be completed. The urgency of priority of particular types of disability will be provided for in those regulations. Cases of high priority will be seen immediately, as applies at present. This will be further copper-fastened in the Bill. For example, areas of early intervention, which are important for young babies or children, or areas such as manic or bipolar depression could conceivably be considered under the regulations, and the timescale could be immediate. However, that is all to be worked out in detail by the HSE and to be contained in the regulations. The Bill provides that timescales must be set down for the completion of all assessments.

Ms Terry: Why does the Minister not accept my amendment and provide for this in the Bill? We seem to be leaving a lot to the regulations. Anything we can do to strengthen the Bill has to be positive. My amendment would strengthen the Bill rather than taking away from it. As Senators we do not have an input into the regulation and can only deal with the legislation. I am therefore recommending that we accept this amendment.

Ms O'Rourke: Will the regulations list the various types of disabilities by name and the assessment period needed?

Mr. Fahey: Yes, that has been confirmed. The amendment seeks to oblige the Health Service Executive to complete assessments within three months but this may not be practicable in every situation. For example, a situation which involves a complex condition, or combination of conditions, may require the engagement of particular skills and professions in the assessment process in order to ensure that all aspects and needs are

[Mr. Fahey.]

covered. I am confident that there is no need to specify a three month timeframe. Even if it was sensible, the legislation is not the place in which to do it. It requires flexibility and the ability to be changed on an ongoing basis. We are providing for the foundation of the regulations and the period can be outlined and changed in accordance to needs.

Ms Terry: The Minister of State said that any assessment would be carried out within three months.

Mr. Fahey: I said that the assessment must commence within three months of the application. The completion timescale of the assessment will be outlined in the regulations.

Ms O'Rourke: We all share Senator Terry's concern that there is fine intent but that the person being assessed might be let go. Does the assessment falter and fail them? I read many of the submissions which were made and this is what people are worried about. Their concern is motivated by doing good for the person and safeguarding that the applicant is assessed within a specified period. This is laid out in law. However, the Senator is talking about the end point of the assessment. One enters into an assessment period, but how long will this take? It is an important concern. As I said on Second Stage, people with disabilities will emerge from shadows into sunlight for the first time. We must ensure that the sun keeps shining.

Ms Tuffy: I wonder about the Minister of State's response to amendment No. 18. The section's current wording means it is up to the discretion of a Health Service Executive employee whether to arrange an assessment for a person whom he or she thinks may have a disability or is in receipt of a health service provided by the executive or both. The main contact for people covered by this section is with the Health Service Executive which has strong obligations with regard to such people. They may not have anybody else and may not be in a position to make an application themselves, nor might they have a third party, as allowed by the legislation, to make the application for them. The Health Service Executive would have a very strong duty to ensure that person was assessed. I understand why it is discretionary but many people could be left out on that basis, perhaps the most vulnerable who might not have regular contact with family members.

My amendment No. 18 proposes that the HSE employee should be obliged to apply for assessments. The reality is that people can be forgotten about. We want to make sure that everybody entitled to an assessment under this legislation

gets one. This section covers a large number of people who could lose out. The HSE must be vigilant in making sure that people who are primarily in contact with its services are assessed. Is the issue dealt with in the regulations? Will the HSE receive guidelines?

Ms O'Rourke: Can the Senator explain what she means?

Ms Tuffy: Let us consider a situation whereby somebody with a disability is in a public nursing home and has no contact with anyone except employees of the Health Service Executive who are the only people who might make an application on their behalf. How do we ensure that they do not fall through the system? I appreciate why it is not compulsory, however people could lose out. The HSE employee is not obliged to apply on a person's behalf. He or she might be the most vulnerable person and most in need of assessment but could be left out. I am especially referring to people in receipt of a health service from the HSE.

Mr. Fahey: Each person is entitled to an advocate who acts on their behalf in addition to relatives or any other concerned person or professional. We are satisfied that everybody is adequately covered. There will be an onus on those who run institutions to ensure that everybody is given the opportunity to have an assessment. The regulations will outline the procedures for assessment and how they should be carried out. It is intended that the process has a person-centred approach.

Mr. Kett: It is not possible in all cases to have a maximum period of three months placed on the finalisation of an assessment. A number of issues could arise if a small baby with developmental problems was brought for assessment. It would be impossible to complete an assessment within three months because of the child's size and emerging problems that may come to the fore in an ongoing assessment. It is not always possible to put in place a maximum period for assessment. Therefore, we cannot do so in a Bill.

Section 9(4) states: "Where it appears to an employee of the Executive that a person may have a disability or where a person is in receipt of a health service provided by the Executive or both . . .". Surely this should refer to relevant employees who are in a position to make such a determination. This may be a flimsy notion. There are administrative staff in the Health Service Executive, but they would not be in any position to determine whether somebody has a disability. Should the wording not refer to "relevant employees" rather than "an employee"? A multidisciplinary judgment takes place in some assessments.

Mr. Fahey: The Bill provides for anybody to apply for an assessment.

Ms O'Rourke: That person would be an advocate.

Mr. Fahey: Any employee could decide to apply on a person's behalf.

Ms O'Rourke: They could do so even if they had no professional expertise in a particular disability.

Amendment, by leave, withdrawn.

Question put: "That section 8 stand part of the Bill."

The Committee divided: Tá, 29; Níl, 17.

Tá

Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Daly, Brendan.
Dardis, John.
Dooley, Timmy.
Glynn, Camillus.
Hanafin, John.
Kenneally, Brendan.
Kett, Tony.
Kitt, Michael P.
Leyden, Terry.
Lydon, Donal J.
MacSharry, Marc.
Mansergh, Martin.

Minihan, John.
Mooney, Paschal C.
Morrissey, Tom.
Moylan, Pat.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Rourke, Mary.
Ormonde, Ann.
Phelan, Kieran.
Scanlon, Eamon.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

Níl

Bannon, James.
Bradford, Paul.
Browne, Fergal.
Burke, Paddy.
Burke, Ulick.
Feighan, Frank.
Finucane, Michael.
Hayes, Brian.
Henry, Mary.

McHugh, Joe.
Norris, David.
O'Meara, Kathleen.
O'Toole, Joe.
Quinn, Fergal.
Ross, Shane.
Terry, Sheila.
Tuffy, Joanna.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators Terry and Tuffy.

Question declared carried.

Amendments Nos. 18 and 19 not moved.

Sections 9 and 10 agreed to.

SECTION 11.

Ms Terry: I move amendment No. 20:

In page 14, between lines 22 and 23, to insert the following new subsection:

"(2) A liaison officer shall be independent in the performance of his or her functions."

The amendment seeks to ensure that the liaison officer will be independent in the carrying out of his or her duties, in the same way as the assessment officer will be independent. The legislation provides that the assessment officer should be independent. I would welcome the Minister of State's comments to see how he feels about this amendment.

Mr. Fahey: It is essential that the assessment officer is independent. In the case of the liaison officer, it is equally essential that he or she is part of the executive involved in managing the needs

of people with disabilities, within the practical constraints applying to them from time to time. This is in keeping with the role of the liaison officer, which is to prepare a service statement that is deliverable. The liaison officer must have a knowledge or understanding of service issues and the demands on them, as well as the related resource implications and the capacity of the executive to respond to individual needs. In light of the role envisaged for this officer in the Bill, it would be inappropriate to assign to him or her the statutory independence proposed in the amendment.

The Senator will understand it is essential that the liaison officer is part and parcel of the service delivery provision. Therefore, independence, as such, is not a very important requirement. From the point of view of a person-centred service, it is more important that the liaison officer is capable of getting the system to produce the best possible result in the service statement within the resource constraints.

Mr. Quinn: I thank the Minister of State for his explanation. Earlier in the debate, Senator Terry referred to the worries of bureaucracy and red tape. I thought the Minister of State's answer was

[Mr. Quinn.]

that those particular roles — assessment officer and liaison officer — could be the same, but perhaps I am mistaken. I may have misunderstood the Minister of State's reply but I thought that was what he said. It seems to me that if we are talking about independence, the Minister of State just corrected what he said earlier.

Mr. Fahey: No. There are two different and distinct roles but both could conceivably be carried out by the same person. The first one, governed by statutory independence, is to be able to provide a service statement of all a person's needs, irrespective of resources or any other constraints. The second role is service provision entailing the preparation of a service statement, which is deliverable and which must take account of the resource constraints and difficulties that are present in the HSE at any particular time.

Ms O'Rourke: Then there is the role of the liaison officer.

Mr. Fahey: That is the role of the liaison officers, who are part and parcel of the HSE. Their role is to put together the contents of the service statement, which is what will be deliverable to the person involved. That is a separate role from the assessment officer who is statutorily independent. There is good reason to keep the two separate, ensuring independence on the one hand, with a clear involvement in the system on the other.

Mr. Quinn: I am still at a loss to understand that. I can understand the explanation of the two roles and I can understand the need for the assessment officer to be independent. I have some difficulty, however, with the Minister of State's explanation that the same person could fulfil both roles. Although I have difficulty in understanding it, I accept the point. Senator Terry was concerned that a liaison officer would be independent in the performance of his or her functions. From what the Minister of State has said, liaison officers will be independent on that basis. However, if the assessment officer and liaison officer is the same person, can he or she be independent? I will take the Minister of State's point, although I am not quite sure I understand it.

Mr. Fahey: They are two different roles, which are separate.

Mr. Quinn: Yes but my sole difficulty was when the Minister of State said the same person could fulfil both roles.

Mr. Fahey: By and large, it is expected that there would be two different people in both roles. I was asked this question in the Dáil, and there is nothing in the Bill that precludes the same person from holding both roles. One would expect that different people will hold both posts.

Ms O'Rourke: In using the word "independent", to which format is Senator Terry referring?

Ms Terry: I mean independent in terms of making decisions. I can see that assessment officers could also be the liaison officers, but I am talking of independence in making their decisions when drawing up their statements.

Mr. Fahey: There will be no benefit in their being independent because when drawing up service statements they must take cognisance of the situation which pertains within the HSE. A person might have an assessment of need outlining all the needs irrespective of resources. One then considers the service statement, and one must then pick and choose from the assessment statement what can be delivered in the particular year. Consequently, the liaison officer must take account of the specific constraints in terms of personnel, professional services or the amount of money made available in a particular year to that region of the HSE to provide the services. There is therefore no need for independence in the context of the provision of the service statement.

Mr. Kett: I understand the point made by the Minister of State in terms of looking at the role rather than the individual. However, if I were drawing up an assessment, I would be somewhat reluctant to draw up a service statement at the same time. It would be difficult to remove one hat and assume another in an area which will be resource-led, because the assessment will be independent of resources.

What qualification will liaison officers have? Will they have all the necessary multidisciplinary backup needed to make a judgment? If one is dissecting an assessment, and bringing it into a service statement of needs, one would want to be well informed in all aspects in order to decide what a service statement should be and what form it should take. Could the liaison officer be a speech therapist, for example, with all the necessary support behind that person in terms of occupational physiotherapy or whatever the requirements might be in order to produce a proper service statement?

Mr. Fahey: It is intended that the administrative measures will be put in place to enable liaison officers to work closely with health service management when preparing service statements and implementing their contents. The liaison officer would obviously be working with the professional health care team in the HSE in the preparation and delivery of a service statement. The officer would clearly have to have qualifications and training, but all that will need to be outlined in the standards and regulations to be drawn up.

While it is important that there would be independence in the context of the assessment officer, the thrust of the Disability Bill, when it comes to its implementation, is that it is person-centred legislation. A person with a disability should be

able to have an assessment carried out quickly, efficiently and with the proper professional backup. That should then lead to the preparation and provision of the service statement, followed by the provision of the services as outlined in that statement. A significant effort is being made by the HSE to have a transparent, seamless, linked system in place, with people consulted on an ongoing basis. People will thus participate in their own assessment and in the preparation of their service statements, which will reduce the need for complaints and recourse to the appeals officer.

Amendment, by leave, withdrawn.

Acting Chairman (Mr. Mooney): Amendments Nos. 21 to 23, inclusive, in the name of Senator Tuffy, are out of order as they involve potential charges on the Revenue. Amendments Nos. 24 and 39 are related and may be discussed together by agreement.

Government amendment No. 24:

In page 16, subsection (11), lines 4 and 5, to delete “review the provision of services specified in service statements” and substitute “invite the applicant or a person referred to in *section 9(2)* to meet with him or her for the purpose of reviewing the provision of services specified in the applicant’s service statement”.

Mr. Fahey: Following consultations with the DLCG I tabled a number of amendments in the Dáil to oblige the liaison officer to review the provision of services specified in the service statement. The regulations provisions in section 21 were also amended to govern the procedures for reviews and the intervals at which reviews would take place generally or with regard to the age of the person, or the nature of the disability.

The DLCG requested that consideration be given to ensuring that the applicant, or his or her advocate, where appropriate, can be involved in that review. I am pleased therefore to table Government amendment No. 24 which obliges the liaison officer to meet with the applicant or advocate for such reviews. Amendment No. 39 will ensure that the regulation for reviews will also provide for the involvement of the applicant. This ties in with the person-centred approach of the system being put in place.

I thank the Senators who raised this issue on Second Stage. I also thank the DLCG which recently brought this matter to the notice of the Taoiseach and myself.

Mr. Quinn: I congratulate the Minister of State on this worthy amendment, which provides an involvement for the people concerned. Amendment No. 9, tabled by Senator Terry, raised a very similar point regarding the review. That amendment suggested that the Minister should, for the purpose of assisting him or her in making such a review under the proposed new section, consult any such organisations or representatives as he or

she considered appropriate. The Minister did not accept the amendment but in effect has now accepted the point made. When Senator Terry’s amendment is tabled again on Report Stage, as I assume it will be, she will no doubt be reminded of the point the Minister of State has just made. I congratulate the Minister of State on his amendment, but the same spirit could apply to the one tabled by Senator Terry.

Amendment agreed to.

Section 11, as amended, agreed to.

SECTION 12.

Ms Terry: I move amendment No. 25:

In page 16, subsection (3), between lines 31 and 32, to insert the following new paragraph:

“(b) The public body shall communicate with the persons in this subsection the information regarding services that may be provided by the public body that it considers that the applicant is entitled to, as soon as practicable after receiving the assessment report, but within a maximum period of 6 weeks after receipt of the assessment report.”.

This amendment aims at achieving a timeframe within which a service can be delivered. I refer to page 16 of the Bill, where it states in section 12(1):

The liaison officer who prepared a service statement may, with the consent of the applicant concerned or, where appropriate, a person referred to in *section 9(2)*, furnish a copy of the assessment report concerned or any other information which the liaison officer considers appropriate to a public body for the purpose of assisting the person in applying for personal or individual services provided by the body relevant to his or her needs.

Conforming with the thrust of what I have been saying to date, my amendment attempts to achieve a timeframe for the delivery of the service. Instead of the liaison officer handing over the service statement to a public body for the delivery of the service, I ask that a timeframe be provided during which that service should be delivered, and that the period should be no more than six weeks after receipt of the assessment report. I ask the Minister of State to consider accepting the amendment.

Mr. Fahey: The provision of section 12 was to look beyond the health and education sectors and provide a mechanism to allow relevant information to be supplied to facilitate access to other relevant services. The section is a significant and practical response to the concern of the disability sector that the Bill should foster appropriate linkages to mainstream services. Amendment No. 25 would impose a more specific obligation on main-

[Mr. Fahey.]

stream providers who are contacted by a liaison officer with regard to the possible provision of services to the applicant by requesting these bodies to communicate with the applicant or representative within a maximum of six weeks.

I have sympathy with the intent of this amendment in trying to ensure prompt attention for applicants. However, as this provision applies to a range of bodies which provide a variety of services, it is not possible to be so prescriptive as to the timing of the response. That response will, in general, be governed by the arrangement for service delivery pertaining to a particular service. Therefore, I do not propose to accept the amendment.

Ms Terry: I am disappointed the Minister of State is taking this line. This is where the legislation will fail to deliver an adequate service or deliver it on time. We are leaving delivery of the service open-ended which is not a good way to deal with legislation. As I said earlier, we need to strengthen the legislation and provide for timeframes.

It all comes back to financial constraints. The problem many of the disability organisations had with the legislation was that it was driven by these constraints. I have been thinking of services I have had to access; fortunately, I have never had to access services for anybody with a disability. I was thinking of parents who try to access dental services, a minor issue, for a child. If the same type of service is delivered for those with disability as is delivered to those who try to access the dental service, God help those seeking the service. The current service is like that or worse.

I seek to ensure that we make this legislation work. We must make strong and strict guidelines and timeframes for the delivery of the service. The Bill is weakened by not including these provisions and that is the reason so many people are unhappy with it.

Mr. Fahey: I have sympathy with the Senator's views and if I could accede to her request, I would. The difficulty lies in the fact that we cannot provide a timeframe for a number of different bodies because they operate to different conditions. If we acceded to this provision it could lead to a person being placed at the top of a queue for one type of service ahead of others waiting in a queue. The situation is more complex than simply prescribing a timescale in an effort to make the system work more effectively. I would be disposed to trying to meet Senator Terry's requirements if it were not for the fact that we are dealing with a plethora of agencies, all of which have different regulations and guidelines. It is not possible to be so prescriptive that we can tell all the bodies concerned they must provide for a result within six weeks. That would not work.

Mr. Kett: I sympathise with Senator Terry in this regard, but I accept what the Minister of State has said. One cannot impose a timeframe where there are other imponderables such as staffing involved. For example, if when somebody is sent to a voluntary body for a particular part of an assessment, the body is short-staffed, the assessment will have to be made by another body. That puts a time constraint on the assessment. For that reason it is difficult to see how the Minister of State could be forced to put a timeframe on the provision of a service.

Ms O'Rourke: I am sure it is not sympathy Senator Terry wants, but that the provision of the service is the pervasive issue of her amendment, which reverts to the thrust of an earlier one where she sought a timeframe for the completion of the assessment. She suggests that the service should be provided within a maximum period of six weeks after receipt of the assessment reports. I envisage all the energy going towards meeting that deadline when that might not be to the good of the person assessed. It may not result in the best outcome if everybody is so caught up on calendar dates.

The fixed period would give an urgency and compulsion to the delivery of the assessment but that might impose a bureaucratic, straitjacket type procedure which would short-change the person seeking the best assessment. We must put ourselves outside the box to look at this issue. We must accept that the Bill is motivated by the best intentions to provide services to people who never had them. Now they will get them. They will not be patronised, but get their rights. If we tied people to the calendar dates, the result might be that the assessment would be rushed and not be the best due to the pressure of meeting the fixed timetable. On reflection, the Minister of State is right in this regard.

Amendment, by leave, withdrawn.

Section 12 agreed to.

SECTION 13.

Acting Chairman: Amendments Nos. 26, 27 and 28 are related and may be discussed together by agreement.

Government amendment No. 26:

In page 16, subsection (1), between lines 40 and 41, to insert the following new paragraphs:

“(d) specifying the number of applications for assessments made under *section 9* and the number of assessments completed under that section,

(e) specifying the number of persons to whom services identified in assessment reports have not been provided.”.

Mr. Fahey: Section 13 obliges the HSE to maintain records with regard to assessment and services provided under Part 2 to inform service planning. The HSE is also required to present an annual report outlining service needs timeframes within which such services would ideally be provided and the sequence of such provision.

I introduced a Government amendment in the Dáil that will ensure the collection of specific information to enable the quantification of needs which are not being met by service provision. This information will enable the HSE to review the way in which resources are allocated to ensure maximum beneficial output can be achieved. Accordingly, the Bill as passed by the Dáil requires that the report to the Minister will be provided within a set timescale of six months and that it will also include information on the likely cost of meeting service needs.

I seek to further amend the section in this House so that the HSE will be required to furnish additional information with regard to the number of people awaiting assessments and services. These changes respond to further concerns that the DLCCG expressed to the Taoiseach and I when we met the group on 25 May.

I am also pleased to table Government amendment No. 28, which requires the HSE to publish the report on assessment and service provision within a month of its submission to the Minister. This change is in response to a proposal made by the DLCCG at its recent meeting with the Taoiseach and to points made to me during the Dáil debate which I have had time to consider.

These changes represent substantial development in the scope of the reporting arrangements envisaged in the Bill. The arrangements will provide a transparent means of future planning for service development and delivery to facilitate a progressive response to service needs. The revised provision will enable greater efficiency and management of resources which will be reflected in improved service levels on the ground. The Bill already captures the principles sought by Senator Terry in amendment No. 27. Indeed, the Government amendments go beyond what is envisaged by the Senator's proposal. I express my appreciation to Senator Terry for this amendment.

Progress reported; Committee to sit again.

Business of Seanad.

Ms O'Rourke: I would like to propose an amendment to the Order of Business. I have been notified that the Minister for Justice, Equality and Law Reform, Deputy Michael McDowell, has been delayed at a meeting and will be unable to come to the House to discuss the Registration of Deeds and Title Bill 2004 until 4.20 p.m. I propose that the House should suspend its business now for 20 minutes, rather than continuing its consideration of the Disability Bill 2004 until 4.20 p.m. Senator Kett and other Senators, who have

been discussing this Bill since 12.30 p.m., will also be involved in the debate on the Registration of Deeds and Title Bill 2004. I have taken an executive decision that the House should suspend until 4.20 p.m. because Senators need a break.

Acting Chairman: Is that agreed? Perhaps the House should dispose of this group of amendments before it reports progress.

Ms O'Rourke: That is okay.

Acting Chairman: We can conclude after we have disposed of amendments Nos. 26 to 28, inclusive.

Disability Bill 2004: Committee Stage (Resumed).

SECTION 13.

Debate resumed on Government amendment No. 26:

In page 16, subsection (1), between lines 40 and 41, to insert the following new paragraphs:

“(d) specifying the number of applications for assessments made under section 9 and the number of assessments completed under that section,

(e) specifying the number of persons to whom services identified in assessment reports have not been provided.”

Ms Tuffy: Amendment No. 26 provides that the executive must keep records specifying “the number of applications for assessments” and “the number of persons to whom services identified in assessment reports have not been provided”. It does not refer to service statements, however. I am not sure whether I have used the exact phrase. I refer to statements which are prepared by liaison officers. Such statements are not referred to in the amendment.

Ms Terry: I thank the Minister of State for introducing amendments Nos. 26 and 28, which meet the need I tried to address in amendment No. 27. I am happy to support the Government's amendments.

Ms O'Rourke: I applaud amendments Nos. 26 and 28. Senator Terry is also to be applauded for noticing that there was a need for such amendments. As the Minister of State has said, the provisions of the excellent amendments Nos. 26 and 28 exceed the requirements outlined by Senator Terry. It is clear that various sections of the Bill are related to each other.

Ms Tuffy: The amendments do not require individual needs to be specified. Individuals cannot get assessments of their unmet needs. The amendments relate to aggregate needs.

Amendment agreed to.

Amendment No. 27 not moved.

Government amendment No. 28:

In page 17, subsection (3), line 3, after “direct” to insert “and shall be published by the Executive within one month of the date of its submission to the Minister”.

Amendment agreed to.

Section 13, as amended, agreed to.

Progress reported; Committee to sit again.

Sitting suspended at 4.05 p.m. and resumed at 4.20 p.m.

Registration of Deeds and Title Bill 2004: Committee Stage.

SECTION 1.

Government amendment No. 1:

In page 5, lines 15 to 17, to delete subsection (2) and substitute the following new subsection:

“(2) The Registration of Title Act 1964 and this Act may be cited together as the Registration of Deeds and Title Acts 1964 and 2004 and are to be construed together as one.”.

Minister for Justice, Equality and Law Reform (Mr. M. McDowell): This is a technical amendment arising from the establishment of the property registration authority to which I will return later. The amendment provides a new collective citation for this Act and the Registration of Title Act 1964. My intention is that a statute law restatement, incorporating both Acts, will be prepared to provide an accessible text for practitioners and the public in the future.

Amendment agreed to.

Section 1, as amended, agreed to.

SECTION 2.

Government amendment No. 2:

In page 5, line 18, to delete “shall come” and substitute “comes”.

Mr. M. McDowell: This is purely a drafting amendment.

Amendment agreed to.

Section 2, as amended, agreed to.

NEW SECTIONS.

An Leas-Chathaoirleach: Amendments Nos. 3,

5, 8 to 31, inclusive, 33, 35 to 39, inclusive, 42 to 48, inclusive, 51, 56, 57, 59, 60, 61, 69, 70 and 71 form a composite proposal and will be discussed together.

Government amendment No. 3:

In page 5, before section 3, to insert the following new section:

“3.—In this Act—

‘Act of 1964’ means the Registration of Title Act 1964;

‘Authority’ means the Property Registration Authority established under *section 9*;

‘functions’ includes powers and duties, and references to the performance of functions include, with respect to powers and duties, references to the exercise of the powers and the carrying out of the duties.”.

Mr. M. McDowell: I said on Second Stage that the Government had given approval to my proposals for restructuring the Land Registry and the Registry of Deeds. I indicated that it was my intention to establish a statutory body to be known as the property registration authority.

These amendments deal with the establishment of the authority, its functions, the holding of meetings of the authority, the staff of the authority and the chief executive of the authority. The group also contains certain necessary amendments to both the Bill as presented and to the Registration of Title Act 1964 arising from the establishment of the authority. I want to emphasise that the Land Registry is not being abolished nor am I proposing to abolish the Registry of Deeds. I am putting in place a statutory body which will have responsibility for the management and control of both of these organisations.

In the interests of continuity, I have included a provision in the amendments that the current Registrar of Deeds and Titles will be the first chief executive of the new authority. The amendments establishing the new authority are in the main based on provisions which provide for the establishment of bodies such as the Courts Service, the Civil Legal Aid Board and the Private Security Authority. The functions of the new authority are outlined in amendment No. 11. These include the management and control of the Land Registry and the Registry of Deeds and the promotion and extension of registration of ownership of land. The extension of registration of ownership of land is a priority task for the new authority. It is vital as we move towards the e-conveyancing system to increase the amount of registered land. I intend to ask the new authority to develop a strategy to address this issue after its establishment.

In common with most bodies of this type, the authority will have a membership of 11, including the chairperson. The membership of the authority will be broadly based and bring a range of differ-

ent experiences and knowledge together to work on the authority's behalf. This is a detailed provision which deals with all aspects of the membership of the authority, including appointment, resignation and terms of office. The issue of vacancies on the authority is dealt with in amendment No. 13.

The fees the authority will be able to charge for its services will be determined by the Minister of the day, with the consent of the Minister for Finance, which is outlined in amendment No. 22. The fees shall be fixed at a level to ensure the income is not less than the amount required for the expenses, salaries and remuneration of the authority.

Amendments Nos. 23 to 25 deal with the chief executive officer of the authority. It is intended that the current Registrar of Deeds and Titles will be the first chief executive. Thereafter, amendment No. 23 outlines the method by which the chief executive is to be appointed. The functions and responsibilities of the chief executive are set out. Amendment No. 24 provides that the chief executive shall be the Accounting Officer of the authority for the purposes of the Comptroller and Auditor General Acts, while amendment No. 25 provides that the chief executive shall be required to attend Oireachtas committees to account for the administration of the authority. The staff of the authority is dealt with in amendments Nos. 26 and 27. An important point to note is that staff will remain civil servants of the Government. Amendment No. 27 provides that on the establishment day staff of the Land Registry and Registry of Deeds shall become members of staff of the authority.

As a result of the establishment of the new authority, several amendments to the Bill as presented will be required. In amendment No. 33, the definition of the Registrar of Deeds is deleted. Amendment No. 35 inserts an important provision to the effect that the Registry of Deeds shall be under the control and management of the property registration authority. Amendment No. 36 in the names of the Labour Party Senators proposes an amendment to section 9 of the Bill dealing with proceedings against the Registrar of Deeds. This position will not be required following the establishment of the authority, therefore, I do not propose to accept the amendment as it will be effectively redundant. Amendment No. 37, also in the name of the Labour Party Senators, proposes an amendment to section 10(1), relating to transitional provisions. This subsection will be deleted under amendment No. 38, therefore, the question of amending it does not arise.

Amendments Nos. 39, 42 to 46, inclusive, 51, 59 and 60 simply substitute the word "authority" for "registrar" in a number of sections of the Bill. These amendments are a direct result of the establishment of the authority. In addition, amendments Nos. 47 and 48 substitute the words "determined by the authority" for "prescribed".

These are as a direct consequence of the establishment of the authority.

A minor drafting change is proposed in amendment No. 56. Amendment No. 57 is important as it inserts a new provision in the 1964 Act to the effect that the Land Registry shall be under the management and control of the authority. Section 36 of the Bill substitutes a new section 84 in the 1964 Act that will allow the registrar to use electronic or digitalised maps. The section is being amended in section 61(2)(a) arising from the establishment of the authority. The amendment provides that the registrar, before the commencement of the section, and the authority, on the commencement of the section, will have the power to adopt any map the registrar considers to be satisfactory.

The new authority will bring the Land Registry and the Registry of Deeds on to a sound structural footing to face future challenges and will ensure the modernisation process and the road map towards e-conveyancing is realised. My overall objective is to make the conveyancing of land easier and faster and to reduce the costly delays associated with registration.

Mr. B. Hayes: We welcome this radical set of amendments, which will place a new authority on a statutory basis to deal with the registration of deeds and to subsume the Land Registry. More importantly, I welcome the Minister's statement that the new head of the authority will be answerable to the Houses of the Oireachtas. That will probably be more sensible than providing for on-line ministerial responsibility, given the number of transactions conducted by the Land Registry and the Registry of Deeds annually. It would be more useful to provide for the new head of the authority to be answerable for the performance and functioning of the new body so that proper management and control of this important service can be made accountable to the Oireachtas. It is also important that the body will be self-financing, which is good.

A number of categories of persons who should logically be members of the authority has been outlined in the legislation, including persons with a legal background and persons with a specific knowledge and interest in this area. Has the Minister considered providing a voice for local authorities on the board of the authority? I am a former local authority member and one of the great bugbears of local authority members is the time it takes to register land. Local authority members are vastly knowledgeable and experienced and this could well be exploited in making appointments to the new authority, given that local authorities frequently encounter the thin edge of the wedge when chasing registration of deeds and title. The Minister might consider this.

The objective of the exercise is to establish a customer-focused authority, which will deliver registration on a much more speedy basis than the Dickensian way in which it is delivered. If the

[Mr. B. Hayes.]

new authority goes about its task as set out in the amendments, it will be a good day's work.

Ms Tuffy: Provisionally I welcome the Minister's initiative but I wonder whether the various parties affected by these changes have been consulted, for example, the staff of the Land Registry and the Law Society. Provision is made for one member of staff on the board of the authority, which is low. Given that the staff are the experts when it comes to the running of the Land Registry, is one member of staff on the board enough? Will the Minister have an opportunity to talk to people affected by the new changes?

I am concerned about potential fee increases. I am a conveyancing practitioner and substantial fee increases were introduced a few years ago when other changes were made to the Land Registry. Fees were increased by a few hundred euro and I hope the new changes will not be accompanied by more substantial increases in registration fees. I am concerned about this as a practitioner and on behalf of house purchasers who must pay the fees, given that the authority will be self-financing. However, the changes are needed. I have tabled an amendment to address the issue of registration of title and I hope the new body will aggressively take on that task and achieve progress beyond the current three counties.

Mr. J. Walsh: I welcome the amendments. The Minister gave us a clear signal in this regard on Second Stage and there was a general welcome for the property registration authority and the introduction of computerisation in this area. The Minister is correct in seeking to have all land registered, as a great deal of land is unregistered for various reasons. Tidying up the registration of land is a step in the right direction.

With regard to the composition of the property registration authority, I support the call by Senator Brian Hayes to consider the appointment of local authority members. Members of the Oireachtas are correctly barred from involvement but it would not be correct to bar county councillors. Different circumstances prevail and they often have local knowledge and experience of the issues involved, which would be a help. Somebody with an appreciation for customer service should also be appointed to the board of the new authority. One of the complaints in the past was that the performance of the Land Registry was not all that should be expected from a public body, although this was not justified in a number of instances.

There is nothing wrong with seeking to ensure the new authority should be self-funding but services provided by public bodies often do not observe the cost disciplines required to ensure the customer is charged fairly at the end of the day for the service he or she receives. A number of local authority sections performed extremely well in the past even when they were understaffed but

others, which were overstuffed, did not provide an adequate, cost effective service, which they would have been able to provide in other circumstances. A safeguard, therefore, needs to be included to ensure the service is provided on a value for money basis. That should be applied throughout the public service.

It could be too easy for the chief executive and the authority to pass on costs, which they should not incur in the first place. I am not sure how the Minister could safeguard against that under this system, although I acknowledge that ministerial discretion will be exercised in the matter. However, many public bodies can make a case, which will, on the face of it, stack up but, when analysed, will not. For example, in the bad old days when public expenditure was totally out of control between 1982 and 1987, I proposed a saving of €100,000 out of a €30 million budget at a local authority meeting. I remember the response from the person in charge at the time was that the staff would encounter significant difficulties in providing the service given the conditions in which they were performing and that the situation would be almost tantamount to the service collapsing. The Government took steps the following year to correct the public finances, which has stood us in good stead, enabling us to get our fiscal responsibilities right and, as a consequence, helping to lay the foundations for greater economic growth.

Mr. B. Hayes: Was that 1977?

Mr. J. Walsh: It was 1987.

Mr. B. Hayes: I am sorry. That was a Freudian slip.

Mr. J. Walsh: The Minister reduced our income by £1 million in the following year. Not one councillor needed to make any suggestion as to where else the amount could be found. The manager brought forward proposals showing exactly where the money could be saved when, in the previous year, £100,000 of a saving would have collapsed the whole local authority. As such, I am coming to this debate with some experience of what happens in the administration of public services. I would like to think we will find some way to ensure the charges are equitable. I do not know how or against what one would benchmark these but there should be a system to safeguard the consumer from charges being excessive simply because costs are not controlled properly.

Mr. M. McDowell: I agree that the authority's members should be people of considerable experience and wisdom. The new section 11(4) to be inserted in the Bill provides that the Minister must have regard to the desirability of their having knowledge or experience of conveyancing practice and procedure, business, finance, management, administration, consumer affairs or any other subject which would, in his or her opinion,

be of assistance to the authority in performing its functions. I see no reason in principle why a local authority member should not be a person who would have, at the very least if not accidentally, some of these qualities but, as a minimum, experience of administration that would be of value to the authority. I do not want to commit myself to any particular course of action now. Having explained in section 11(4) and (5) the formula for the composition of the authority, I do not want to pre-empt myself or my successor with a binding policy commitment on the issue.

Senator Tuffy asked whether the staff were consulted on these matters. The staff were notified of this at the Departmental Council. The Senator will note they will remain public servants. As far as staff are concerned, apart from having a right to elect a member to the authority, there is nothing in the Bill that, on the face of it, is prejudicial to the staff's interests. Quite the reverse. This is part of a process that is revolutionising their working experience and conditions by bringing the registries from the early 18th century into the 21st century, in one leap in the case of the Registry of Deeds.

On the matter of fees and cost control, I appreciate Senator Tuffy's point that there were substantial fee increases in the registries, which were the subject of some controversy at the time. I ask the House to note that, first, the Land Registry must pay its overheads as well as its day-to-day outgoings. It must also pay its pensions and provide for its buildings. There will be an extensive building programme and Members, some or who are probably following the debate on their monitors, will be glad to know that Roscommon will receive a fair complement of the Land Registry's staff in the very near future. This is not just because I have an interest in Roscommon town but because it is a sensible thing to do.

Second, the building programme for the Land Registry is likely to be an expensive one. On top of this is the question of IT. The e-conveyancing proposal requires a fair amount of money to be spent on software and hardware to ensure the new system works. On the matter of fees, it is not my intention at this time to use the establishment of the authority, which does not in itself have any particular expense indications, as the occasion to unleash unjustified new fee increases. It is my intention that whatever resources are necessary to transform the registries in Ireland from their old-fashioned condition to their new modern condition, an ongoing process that has already achieved major significant modernisation, must be provided by revenues. Asking anybody other than the users of the service to pay for it would not be fair. Plenty of people queue at post offices to get their welfare entitlements, pensions and the like. To say to them that they must forego potential increases in their pensions so that I can invest in the Land Registry and so that those who make property transactions can get a quicker service would not be a fair allocation of resources.

Regarding registration, the Senators will note that the functions of the authority are set out in amendment No. 11, which inserts a new section 10 in the Bill. The second function, apart from managing the Registry of Deeds and the Land Registry, is to promote and extend the registration of ownership and land. A central task of the new authority is, therefore, to advance the registration process and to transform the pattern of property registration in Ireland from transaction registration, which is the basis of the Registry of Deeds, to land registry, which is the basis of the land registration system. In these circumstances, the function of the authority is to proactively advance the process of registration. The issue of compulsory registration on a county basis will be decided, as will other incentive measures to ensure land registration is resorted to on as widespread a basis as can be done with the resources available to the authority.

I emphasise that the authority is intended to bring about a major transformation in the way these two institutions are run and to ensure the highest possible standards of modernity are put in place. We are now advancing on a number of fronts towards a very different conveyancing situation, which the citizens of this country expect us to do. E-conveyancing is not yet within our grasp but it is coming close to being so.

One of the building blocks of the new regime in land law will be the publication of the text of a Bill that will completely transform the law of property in Ireland from its medieval feudal tenure origins to a modern republican — if I may use that term — land ownership system, completely sweeping away all of the old-fashioned concepts that apply to the law of real property as I studied it in King's Inns and replacing it with a modern, simplified statute based on common sense. I hope to undertake this publication in July in conjunction with the Law Reform Commission. This will be an exciting development. By the time the Bill goes to the other House, the heads of draft legislation to transform land ownership in Ireland in its entirety will already have been published.

I thank the registrar, who will become the chief executive under this legislation, her staff, the Law Reform Commission and Professor John Wylie, who is spearheading the transformation in conjunction with officials from my Department, for the tremendous work they are doing to effect radical law reform in under two years which should last for a century once it is put in place.

Ms Tuffy: I wish to address the last point made by the Minister. Obviously the new authority is a radical departure, but this is not radical law reform because it does not address all of the issues in this area. We must await suggestions from the new authority and then legislation will be required to deal with all of the issues around registration of title, conveyancing and other matters raised by the Law Reform Commission. This Bill is a step forward but it is not radical law reform in itself.

[Ms Tuffy.]

The Minister stated that people who use the services should bear the costs. Surely they should only pay for the cost of the service and not for the cost of reform. If the system is archaic and in need of reform, that is not the fault of the customer, it is the fault of the State for failing to implement reform. I do not think it is right if there is a major cost involved in this reform, which I hope will not be the case, that the customers who use the service should bear that cost. I do not agree with that principle. Customers should pay for the service and if the service is similar to that provided before reforms are implemented, then they should not have to pay substantially more for it. I hope that there will not be a major increase in fees but I am wary of what the Minister said in response to concerns that were raised.

There should be some way of knowing now — by reviewing the assets, outgoings and so on, of the Land Registry and Registry of Deeds — if there is money to provide for the setting up of this new authority and the transfers and reorganisation that are required. I presume that a costing exercise has been carried out as well as an examination of the money available within the Land Registry and Registry of Deeds as they stand. Can the Minister tell the House if the staff are happy with the provision of one member on the authority and if they expressed any opinions in that regard?

Mr. B. Hayes: Up to now, any increase in conveyancing fees have to be sanctioned by the Minister of the day. Will that remain the case, following recommendations from the authority?

Mr. M. McDowell: Yes.

Mr. B. Hayes: Senator Tuffy's point is important in terms of paying fair fees for a service. The question now relates to the additionality that will occur as a result of these reforms. One could argue that decentralisation costs a lot of money and perhaps the people who are moving should pay for it. It would be wrong if an increase in conveyancing fees was based on paying for administrative reforms, which should be paid for by central funds.

Mr. M. McDowell: The proposition being advanced implicitly by both Senators is that it is more just for the Central Fund of taxation to bear the cost of changes to a service rather than compelling its users to finance the changes. If the potential rainbow partners will permit me to put it this way, that is a high tax philosophy.

Mr. B. Hayes: That is an airy fairy assertion.

Mr. M. McDowell: I do not believe that the central fund should always be resorted to in order to improve services. After all, the beneficiaries of improved services are the users. Delays at the Land Registry cost nothing for those who have

no property, but they are an expense, inconvenience and a problem for those who want to progress with conveying property.

The setting up of the registration authority should have no cost implications worth speaking of. However, the general principle should apply that the property registration authority should be self-financing and should have a financial regime that covers its overheads, pension overhang and so forth. That is the correct way to run a State service, which is of necessity a monopoly because unless one were very radical, this service is not one that could be open to competition — competing registries is not a good idea. It is one thing to have competing airports, but we could not have competing registries.

Mr. B. Hayes: Is the Minister suggesting a deregulation of the registry?

Mr. M. McDowell: The transformation that is already taking place in the Land Registry represents good value for money. Some people see it purely as a stealth tax but it is more than that. It is an imposition designed to facilitate a badly needed modernisation drive. There is an infinite number of demands on the resources of the central Exchequer, including increased pensions, improved health services and so on. This particular area of State activity should, as Senator Walsh said, be self-financing.

Senator Tuffy asked if the staff were happy about having only one member on the authority. That is a standard provision which is quite satisfactory in the circumstances as it represents a significant advance on the current situation whereby there is no statutory body in existence. There is a shadow body in existence, but there is no statutory body. It is not appropriate to dominate a management body of this kind with its own employees. The staff regard this proposal as an enlightened advance and are not demanding that two or three members of the authority be elected from their ranks.

This is a progressive move. Senator Tuffy said that it is not radical law reform. She is correct and I concede that point. However, the documentation to be published in July proposes radical law reform. The Senators must await that but I assure them radical law reform in this area is coming.

Mr. B. Hayes: Previously, any Member of the Dáil could pose a parliamentary question in respect of the activities of the current registration bodies and I presume that process will continue when the new authority is established. This does not affect Members of this House because we do not have the authority to pose such questions. However, when questions are posed in the other House in future, I assume they will be answered. The Minister will be aware that some Members are disenchanted with the new quangos, for want of a better term, established by this Government. It is important, therefore, that there is account-

ability in the House regarding specific questions raised and transactions carried out. The posing of parliamentary questions has been a useful way for Members of the Dáil to highlight cases. Will that provision remain in place?

Mr. M. McDowell: As Senator Brian Hayes was speaking, an image of former Deputy Brian Lenihan, who spoke about the tyranny of consistency, floated before me. Tomorrow in this House we will hear the opposite point being made with regard to policing, namely that it is important to have an independent body and not to have ministerial control.

Mr. B. Hayes: The Minister should stick to today's agenda.

Mr. M. McDowell: I will make the point in that debate —

Mr. B. Hayes: The Minister is straying from the relevant point.

Mr. M. McDowell: I will make the point in that debate that if one wants to have questions answered in the Dáil and if one wants direct parliamentary accountability, one cannot superimpose bodies between the Minister and the agency in question and say it will have no effect. I accept the point that has been made in this House that if this Bill has the potential to reduce accountability by the multitude of questions which float onto my desk about delays in the Land Registry, either that or something else must be put in its place. There must be either a hotline or some kind of tailored service to assure the public that files are not just ignored or undue delay does not take place.

I am also optimistic that the reforms we are discussing will sweep away most of the egregious delays that existed in the past. I take the point made by Senator Brian Hayes that at least now when a delay occurs, somebody is bound to respond in a public way to explain the reason for the delay where it becomes a point of controversy. I must put on my thinking hat as to how some measure of equal accountability is put in place. I would emphasise that if one wants a Minister in charge of any area of the State's activity to be accountable to Parliament and liable to answer parliamentary questions and attend Adjournment debates, one cannot at the same time say that he or she should be divested of responsibility and all of his or her functions given to independent aggregations of the great and the good who are entirely independent of him or her and over whom he or she has no control. One cannot have one without the other.

Mr. B. Hayes: The Minister is deliberately misinterpreting what I said but he is doing so for effect. If the question is put to the authority, the authority should give a straight answer to the Member, rather give a one-line answer two

months later. The experience to date with many of the quangos established by the Government and the previous Government is that Members of the Oireachtas receive little or no information from these quangos when they are established. The point is best practice and proper accountable answers from the authority rather than the Minister's convoluted interpretation.

Mr. M. McDowell: If the chief executive is responsible to committees of the House, she or he will doubtless devise mechanisms to prevent physical attendance on every occasion when the House demands her or his attendance. Amendment No. 25, which inserts section 24, states, "Subject to subsection (2), the Chief Executive shall, at the request in writing of a committee of the Oireachtas, attend before it to give account for the general administration of the Authority, including its strategic plans."

Maybe this does not cover specific things but I believe that in order to avoid multiple attendances, some hotline will be established so that the present system of parliamentary questions will be replaced by something of equivalent use to Members of the Houses.

Amendment agreed to.

Ms Tuffy: I move amendment No. 4:

In page 5, before section 3, to insert the following new section:

"3.—Part 2 of this Act shall cease to apply to the registration of new deeds as and from the date on which the Act of 1964 is applied by the Minister so as to require compulsory registration of title throughout this State."

This amendment is more for discussion purposes, particularly in the context of the new proposal that the Minister has for the authority. Much more needs to be done to try and extend the system of compulsory registration of title. As far as I know, the last time this issue was dealt with was in the Registration of Title Act 1964. Three counties have this system of compulsory registration but there has been no progress on the matter since. There has been considerable progress as regards certain lands that have been registered by developers where they are carrying out large schemes and local authorities have registered a considerable amount of land but there is still much to be done in terms of individual houses. A large part of the discussion of this Bill on Second Stage related to how wrong it is that title must be inspected each time by going through each document and searches must be carried out on all the different stages. If title was registered in the Land Registry, the conveyancing work would be substantially reduced in that there would be one basic title document to look at if one wanted to carry out a search. I do not think searches can be totally dispensed with because there is always the chance that someone will have done something with land. There is only one basic

[Ms Tuffy.]

search that must be carried out if title is registered with the Land Registry. One merely has to look at what is on the title rather than looking through individual documents.

I hope this authority does deal with it but if an authority is set up, there is no guarantee that it will prioritise this issue. I would like to know what the Minister intends to do to ensure that title is registered and some progress is made with regard to the issue raised by this amendment.

Mr. M. McDowell: While I understand the motivation behind this amendment, I would be foolish to accept it because the question of compulsory registration is being examined in the Department and the Land Registry. I propose to bring forward an amendment on Report Stage to deal with compulsory registration. Section 24 of the Registration of Title Act 1964 provides that the Minister for Justice, Equality and Law Reform may, by order, designate areas in which registration of ownership becomes compulsory. Registration of ownership becomes compulsory in the case of a freehold interest upon conveyance on sale or in the case of leasehold interest, on the grant or assignment on sale of such an interest.

Members know that conveyance on sale means the sale for money or money's worth but there are also other ways in which property is transmitted — such as succession — some of which may not require that the land be registered. Despite any of my efforts to promote registration of land, we must concede that the Registry of Deeds system will be there for some time. If I thought I could wave a magic wand, wind it up and transform it into a museum, I would gladly do so. One would need to be very optimistic to say that one could establish a universal registration exercise and eliminate the Registry of Deeds within any short to medium timeframe. The resources involved in compulsory registration of the entire country would be vast. It may be that once we have fully electronic mapping and full electronic conveyancing, the resources involved in compulsory registration of the entire country would be reduced. Nonetheless, the resources would still be enormous. Compulsory registration must be done on a gradual basis. We could not engage in a burst of compulsory registration for the entire country without very significant dislocation and delay and great expense.

Ms Tuffy: I accept the point made by the Minister that compulsory registration should perhaps be carried out gradually. I do not agree with him that there would be an enormous amount of additional work for the new authority, Land Registry or the Registry of Deeds because the work is carried out by the people who are registering the title. Solicitors, landowners or those who act on landowners' behalf are the ones who do the work involved in registering title. A landowner cannot simply hand the matter over to the

Land Registry. One must be well prepared before going to the Land Registry.

If things continue as they are, it will take centuries to eliminate the Registry of Deeds from the system. There is a need for some imagination in dealing with this issue. If registration can be compulsory for three counties, it can be compulsory for many more. There are costs on one hand but there are savings on the other. I would take many of the things mentioned by the Minister with a pinch of salt. I accept his point about the gradual introduction of compulsory registration. Possibly, this is the way to go about it. I am interested in what the Minister produces on Report Stage. It is the type of matter which needs to be examined by experts with regard to the best way to do it. I withdraw the amendment. I take it that having raised the issue with my amendment, the Minister will bring forward an amendment on Report Stage.

Mr. P. Burke: Senator Tuffy raises an important point. It is mainly solicitors, architects or engineers who do most of the work before it goes to the Land Registry. The Land Registry office does not appear to conduct any check but simply registers what it receives. In many cases properties are not properly registered. I am aware of a number of cases where the property registered is not the property owned by the person. This is particularly true in housing estates. It is causing a huge problem for people who are seeking to re-finance or sell their property. They cannot sell their property unless they get the permission of the people on the boundaries of their property.

These properties are all registered incorrectly. They were registered on the basis of the information given by solicitors, architects and engineers. The people concerned must approach the neighbours on their boundaries and ask them to sign an affidavit or the like to have the property re-registered if they wish to re-finance or sell their property. Alternatively, if the purchasers of the property wish to register the property and the title to it is incorrect, the boundaries must be rectified. There is a rectification process.

In my case, the boundaries of the property I had registered are not the correct boundaries. I must go to all my neighbours and go through a boundary rectification process to have the property re-registered. There is a problem in this regard.

Mr. M. McDowell: I agree there is a problem if people present documentation to the Land Registry which is false and does not represent the position on the ground. Short of asking Land Registry officials to go out with tape measures, theodolites and the like, it is difficult to see how it can be avoided.

I do not accept the proposition that the Land Registry has nothing to do with checking the validity of a claim for registration or the opening of a new folio. The reality is that it takes responsi-

bility for the correctness of the registration. Moreover, in many circumstances people get a less than absolute title because of reservations and difficulties about ownership issues.

Extending compulsory registration is an issue which the new authority will have to tackle on a gradual, rolling basis. The amendment which Senator Tuffy has provoked from me relating to compulsory registration deals with one of the areas we have in mind, that is, multi-storey apartment blocks. In that type of case there is no reason that people should not have a simplified title. Since most estates are now built on farmland, there usually is registered title for most modern developments. Nonetheless, there are areas, particularly in the case of multi-storey apartments, where it should be possible to require compulsory registration, by category rather than by area.

Amendment, by leave, withdrawn.

Section 3 deleted.

NEW SECTION.

Government amendment No. 5:

In page 5, before section 4, to insert the following new section:

“4.—(1) The enactments specified in the Schedule to this Act are repealed to the extent specified in the third column thereof.

(2) References in the Act of 1964 to the Registrar, and references in any other enactment to the Registrar of Titles or Registrar of Deeds, are deleted and references to the Authority inserted.

(3) Accordingly, the words ‘he’, ‘him’ and ‘his’ which refer to the Registrar, Registrar of Titles or Registrar of Deeds in that Act or other enactment are also deleted and, as appropriate, ‘it’ or ‘its’ inserted.

(4) The Act of 1964 is further amended by the deletion of ‘central office’ in sections 8, 108(2) and 121(2) and the insertion of ‘Land Registry’.”.

Amendment agreed to.

Section 4 deleted.

NEW SECTIONS.

Government amendment No. 6:

In page 6, before section 5, but in Part 1, to insert the following new section:

“5.—The expenses incurred in respect of the Authority under this Act and the Act of 1964 and any other expenses incurred by the Minister in the administration of those Acts shall, to such extent as may be sanctioned by the

Minister for Finance, be paid out of moneys provided by the Oireachtas.”.

Mr. M. McDowell: This is a standard provision which deals with expenses incurred by the authority and the Minister in the administration of the Act. It replaces the expenses provision at section 28 of the Bill, which is being deleted.

Amendment agreed to.

An Cathaoirleach: Amendment No. 54 is related to amendment No. 7, therefore, amendments Nos. 7 and 54 may be discussed together by agreement.

Government amendment No. 7:

In page 6, before section 5, but in Part 1, to insert the following new section:

“6.—An order under *section 21* or a general rule under *section 26* or section 126 of the Act of 1964 shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling it is passed by either House within the subsequent 21 days on which that House has sat after it is laid before it, the order or rule is annulled accordingly, but without prejudice to the validity of anything previously done under it.”.

Mr. M. McDowell: Amendment No. 7 is a standard provision which deals with the laying of orders and general rules made under the Act and the 1964 Act before both Houses of the Oireachtas. It replaces the provision at section 29 of the Bill, which is being deleted. Amendment No. 54 proposes an amendment to section 29 of the Bill. This section is to be deleted as a consequence of the establishment of the authority. The substance of the amendment has been taken on board in redrafting the section.

Amendment agreed to.

Government amendment No. 8:

In page 6, before section 5, but in Part 2, to insert the following new section:

“7.—The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.”.

Amendment agreed to.

Government amendment No. 9:

In page 6, before section 5, but in Part 2, to insert the following new section:

“8.—In this Part, ‘Chief Executive’ means the Chief Executive of the Authority.”.

Amendment agreed to.

Government amendment No. 10:

In page 6, before section 5, but in Part 2, to insert the following new section:

“9.—(1) On the establishment day there stands established a body to be known as An tÚdarás Clárúcháin Maoine or, in the English language, the Property Registration Authority (in this Part referred to as the ‘Authority’), with the functions conferred on it by this Act.

(2) The Authority—

(a) is a body corporate with perpetual succession and an official seal,

(b) may sue, and be sued, in its corporate name, and

(c) may, with the consent of the Minister, acquire, hold and dispose of land or an interest in land or any other property.

(3) Subject to this Act, the Authority is independent in the performance of its functions.

(4) The seal of the Authority may be authenticated by—

(a) the signature of the chairperson or another member authorised by the Authority to act in that behalf, and

(b) the signature of the Chief Executive or another member of the staff of the Authority so authorised.

(5) Judicial notice shall be taken of the seal.

(6) In any proceedings a document purporting to be a document made or issued by, and to be sealed with the seal of, the Authority and any copy so sealed of such a document is admissible, without further proof, as evidence of the document and the matters mentioned in it.

(7) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially authorised by it for that purpose.”.

Amendment agreed to.

Government amendment No. 11:

In page 6, before section 5, but in Part 2, to insert the following new section:

“10.—(1) The functions of the Authority are—

(a) to manage and control the Registry of Deeds and the Land Registry,

(b) to promote and extend the registration of ownership of land,

(c) to deal with applications under Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978,

(d) to undertake or commission, or collaborate or assist in, research projects and activities relating to the registration of ownership of land, including the compilation of statistical data needed for the proper planning, development and provision of services related to such registration,

(e) to perform any additional functions conferred on it under *subsection (6)*, and

(f) to keep the Minister informed of progress in relation to the registration of ownership of land and to assist him or her in the development of policy in relation to such registration.

(2) The Authority may disseminate, to such extent and in such manner as it considers appropriate, information in relation to the services provided by it and their availability.

(3) The Authority may, subject to this Act, do anything which it considers necessary or expedient to enable it to perform its functions.

(4) The functions of the Authority may be performed on behalf of the Authority by any member or members of its staff who is or are authorised by it to do so.

(5) A member of the staff of the Authority who performs any of its functions is presumed in any proceedings to have been authorised by it to do so on its behalf, unless the contrary is shown.

(6) The Minister may by order confer on the Authority such additional functions connected with the functions for the time being of the Authority as he or she considers appropriate.

(7) An order under this section—

(a) shall be made with the consent of the Minister for Finance and after consultation with the Authority,

(b) may be subject to any conditions specified in the order, and

(c) may contain such incidental, supplemental or consequential provisions as may, in the opinion of the Minister, be necessary to give full effect to it.

(8) The Minister may by order amend or revoke an order under this section, including an order under this subsection.”.

Amendment agreed to.

Government amendment No. 12:

In page 6, before section 5, but in Part 2, to insert the following new section:

“11.—(1) The Authority shall consist of not more than 11 members.

(2) Notwithstanding *subsection (1)*, until the first appointment to the Authority of a person elected by members of its staff in accordance

with *subsection (5)(d)*, the Authority shall consist of not more than 10 members.

(3) The members of the Authority shall be appointed by the Minister, who shall designate one of them as its chairperson.

(4) In appointing persons to be members of the Authority the Minister shall, subject to *subsection (5)*, have regard to the desirability of their having knowledge or experience of conveyancing practice and procedure, business, finance, management, administration, consumer affairs or any other subject which would, in his or her opinion, be of assistance to the Authority in performing its functions.

(5) Of the members of the Authority—

(a) one shall be a person who is a practising barrister nominated by the General Council of the Bar of Ireland,

(b) one shall be a person who is a practising solicitor nominated by the Council of the Law Society of Ireland,

(c) one shall be an officer of the Minister,

(d) one shall be a member of the staff of the Authority elected by secret ballot of such members—

(i) if notice of the holding of the first election is given before the establishment day, in such manner as the Minister directs in writing, or

(ii) in any other case, in such manner as the Authority, with the consent of the Minister, determines.

(6) Subject to *subsection (7)*, members of the Authority shall hold office for a term of 4 years from the date of their appointment.

(7) (a) Five of the members (excluding the chairperson) first appointed to the Authority shall hold office for a term of 3 years from the date of their appointment, and those members shall be selected by the drawing of lots by the chairperson at a meeting of the Authority to be held for that purpose as soon as may be after the establishment day.

(b) A member who is not present at the meeting may be so selected.

(c) The quorum of the meeting is 7.

(8) A person may not be appointed to be a member for more than 2 consecutive terms.

(9) A member may resign from the Authority by letter addressed to the Minister.

(10) The resignation takes effect on the day on which the Minister receives the letter.

(11) A member holds office as such member until his or her term of office expires, unless he or she sooner dies, resigns, is removed from office or otherwise ceases to be a member.

(12) The Minister may for stated reasons at any time remove from office a member of the Authority for misbehaviour or where the Minister considers that either—

(a) the member has become incapable through ill health of performing his or her functions as a member, or

(b) the member's removal is necessary for the effective performance by the Authority of its functions.

(13) A member of the Authority ceases to be a member on—

(a) being adjudicated bankrupt,

(b) making a composition or arrangement with creditors,

(c) being sentenced to imprisonment on conviction on indictment,

(d) ceasing to be ordinarily resident in the State, or

(e) if on appointment he or she was a person to whom any paragraph of *subsection (5)* applied, ceasing to be such a person.

(14) The chairperson holds office as such chairperson until his or her term of office as a member of the Authority expires, unless he or she sooner dies, resigns or is removed from office or otherwise ceases to be a member but, if re-appointed as a member, he or she is eligible to be designated by the Minister as chairperson.

(15) In making appointments to the Authority the Minister shall have regard to the extent to which each sex is represented in its membership and ensure that an appropriate balance in this respect is maintained.

(16) Each member of the Authority shall act on a part-time basis and be paid such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Finance, may determine.”

Amendment agreed to.

Government amendment No. 13.

In page 6, before section 5, but in Part 2, to insert the following new section:

“12.—(1) Subject to *section 16(2)*, the Authority may act notwithstanding any vacancy or vacancies in its membership.

(2) If a member of the Authority dies, resigns, ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Authority to fill the vacancy.

(3) A person so appointed holds office for the remainder of the term of office of the member whom he or she replaces and is eligible for reappointment for one further term.

(4) Where a vacancy occurs, the Minister shall take steps to fill it as soon as practicable.”.

Amendment agreed to.

Government amendment No. 14:

In page 6, before section 5, but in Part 2, to insert the following new section:

“13.—(1) A member of the Authority ceases to be a member on

(a) accepting nomination as a member of Seanad Éireann,

(b) being elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(c) being regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament is, while so entitled or such a representative, disqualified for appointment as a member of the Authority or for employment by it in any capacity.”.

Amendment agreed to.

Government amendment No. 15:

In page 6, before section 5, but in Part 2, to insert the following new section:

“14.—(1) Where a member of the Authority or a member of an advisory committee, a consultant or an adviser appointed by the Authority has (otherwise than in that capacity) a pecuniary interest or other beneficial interest in, or material to, any matter to be considered by the Authority or advisory committee, he or she shall—

(a) in advance of any consideration of the matter, disclose that interest and its nature to the Authority or advisory committee, as the case may be,

(b) neither influence nor seek to influence any decision to be made in relation to it,

(c) not make any recommendation in relation to it,

(d) not take part in any consideration of it,

(e) absent himself or herself from any meeting, or part of a meeting, at which it is being considered or discussed,

(f) not be counted towards a quorum during any such consideration or discussion, and

(g) not vote on any decision relating to the matter.

(2) Without prejudice to the generality of *subsection (1)*, a person is regarded for the purposes of this section as having beneficial interest if—

(a) he or she or any connected relative, any nominee of his or hers or any connected relative of the nominee is a member of a company or any other entity which has a beneficial interest in, or material to, a matter to be considered by the Authority or advisory committee,

(b) he or she or any connected relative is in partnership with or in the employment of a person who has a beneficial interest in, or material to, such a matter,

(c) he or she or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or

(d) any connected relative has a beneficial interest in, or material to, such a matter.

(3) For the purposes of this section a person is not regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of the person, or of any company or other entity or person mentioned in *subsection (2)*, which is so remote or insignificant that it could not reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter or in performing any function in relation to it.

(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by the person to comply with *subsection (1)*, it shall be determined by the Authority or advisory committee, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) Where a disclosure under *subsection (1)* is made to the Authority or an advisory committee, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(6) Where a member of the Authority does not make a disclosure in accordance with this section, the Minister shall determine the appropriate action (including removal from office) to be taken.

(7) Where a person, other than such a member, does not make a disclosure in accordance with this section, the Authority shall determine the appropriate action (including removal from office as a member of an advisory committee or termination of contract) to be taken.

(8) In this section ‘connected relative’ means, in relation to a person, the person’s spouse or partner or the parent, brother, sister or child of

the person or of the person's spouse or partner.”.

Amendment agreed to.

Government amendment No. 16:

In page 6, before section 5, but in Part 2, to insert the following new section:

“15.—(1) Unless otherwise provided for by law, a person shall not, without the consent of the Authority, disclose any confidential information obtained while performing, or as a result of having performed, duties as a member of the Authority or advisory committee or as a consultant or an adviser appointed by the Authority.

(2) A person who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding €2,500.

(3) In this section, ‘confidential information’ includes information that is expressed by the Authority to be confidential as regards either particular information or information of a particular class or description.”.

Amendment agreed to.

Government amendment No. 17:

In page 6, before section 5, but in Part 2, to insert the following new section:

“16.—(1) The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions but in each year it shall hold not less than one meeting in each period of 3 months.

(2) Subject to *section 11(7)(c)*, the quorum of a meeting of the Authority is 4 or such other number (not being less than 4) as the Authority may from time to time determine.

(3) The Minister shall fix the date, time and place of the first meeting of the Authority.

(4) At a meeting of the Authority—

(a) the chairperson of the Authority shall, if present, be chairperson of the meeting,

(b) if and so long as the chairperson of the Authority is not present or if the office of chairperson is vacant, the members of the Authority present shall choose one of their members to be chairperson of the meeting, and

(c) every question is determined by a majority of the votes of the members present and voting on the question and, if there is an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(5) Subject to this Part, the Authority may regulate its own procedures.”.

Amendment agreed to.

Government amendment No. 18.

In page 6, before section 5, but in Part 2, to insert the following new section:

“17.—(1) Subject to the approval of the Minister, the Authority may from time to time appoint such and so many advisory committees and such and so many consultants or advisers as it may consider necessary to assist it in the performance of its functions.

(2) The appointment of a person to an advisory committee or as a consultant or adviser is for such period and subject to such terms and conditions as the Authority may consider appropriate.

(3) Any fees or expenses payable to a member of an advisory committee or to a consultant or an adviser must be agreed by the Minister with the prior consent of the Minister for Finance.

(4) An advisory committee must include persons who have special knowledge and experience related to the purposes of the committee concerned.

(5) The Authority may at any time dissolve an advisory committee.

(6) The Authority shall ensure the maintenance of an appropriate balance as between men and women in an advisory committee's membership.

(7) The Authority may engage under contract such, and such number of, persons to provide such services to the Authority under such terms and conditions as may, with the approval of the Minister and the consent of the Minister for Finance, be determined by the Authority.”.

Amendment agreed to.

Government amendment No. 19.

In page 6, before section 5, but in Part 2, to insert the following new section:

“18.—(1) The Authority shall, as soon as practicable after it is established and thereafter within 6 months before each third anniversary of its establishment, prepare and submit to the Minister, for approval by the Minister with or without amendment, a strategic plan for the ensuing 3-year period.

(2) A strategic plan shall—

(a) set out the key objectives, outputs and related strategies of the Authority, including its use of resources,

(b) comply with any directions issued from time to time by the Minister in relation to the form and manner of the plan's preparation, and

(c) have regard to the need to ensure the most beneficial and efficient use of the Authority's resources.

(3) The Minister shall, as soon as practicable after a strategic plan has been so approved, cause a copy of it to be laid before each House of the Oireachtas.”

Amendment agreed to.

Government amendment No. 20:

In page 6, before section 5, but in Part 2, to insert the following new section:

“19.—(1) The Authority shall, not later than 30 June in each year, make a report to the Minister on the performance of its functions and on its activities during the preceding year.

(2) The Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(3) The report shall be in such form and include information regarding such matters as the Authority considers appropriate or the Minister may from time to time direct.

(4) The Authority may from time to time make other reports to the Minister on the performance of its functions.

(5) The Authority shall give the Minister such information as he or she may require relating to—

(a) any matter concerning the policies and activities of the Authority,

(b) any specific document or account prepared by it, or

(c) any report referred to in *subsection (1)* or *(4)*.

(6) For the purposes of *subsection (1)* the period between the date of the establishment of the Authority and the following 31 December is deemed to be the preceding year referred to in that subsection.”

Amendment agreed to.

Government amendment No. 21:

In page 6, before section 5, but in Part 2, to insert the following new section:

“20.—(1) The Minister may, from time to time as occasion requires, issue to the Authority such general directives in writing in relation to policy concerning registration of deeds or ownership of land or any other function of the Authority as he or she considers necessary.

(2) The Authority shall, in performing its functions, comply with any directive under this section.

(3) Nothing in this Act is to be construed as enabling the Minister to exercise any power or control in relation to any particular case with which the Authority is or may be concerned.”

Amendment agreed to.

Government amendment No. 22:

In page 6, before section 5, but in Part 2, to insert the following new section:

“21.—(1) Subject to *subsection (2)*, the Minister, with the consent of the Minister for Finance, may by order fix the fees to be charged by the Authority for its services and may revoke or amend any such order, including an order under this subsection.

(2) The fees shall not be fixed at a level calculated to produce an annual amount which is less than that sufficient to discharge the salaries, remuneration and other expenses payable under and incidental to the working of this Act and the Act of 1964.

(3) Any provision of this Act or general rules requiring or authorising anything to be done or any document to be issued by the Authority is to be construed as requiring or authorising it to be done or the document to be so issued on payment of the prescribed fee.

(4) Fees payable under this section shall be collected and taken in such manner as the Minister for Finance may from time to time direct and be paid into and disposed of for the benefit of the Exchequer in accordance with the directions of that Minister.

(5) The Public Offices Fees Act 1879 does not apply to fees payable under this section.”

Amendment agreed to.

Government amendment No. 23:

In page 6, before section 5, but in Part 2, to insert the following new section:

“22.—(1) There shall be a chief executive officer of the Authority (in this Part referred to as the ‘Chief Executive’).

(2) The Minister shall appoint the Chief Executive on the recommendation of the Chief Executive of the Public Appointments Service.

(3) The Chief Executive is a civil servant in the service of the Government.

(4) His or her appointment is—

(a) on such terms and conditions as the Minister may, with the consent of the Minister for Finance, determine, and

(b) is subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 1996.

(5) The Chief Executive shall manage and control generally the staff, administration and business of the Authority and perform such other functions as may be conferred on him or her by or under this Act or as may be determined by the Authority.

(6) The Chief Executive is responsible to the Authority—

(a) for performing his or her functions and implementing its functions, and

(b) for providing to the Authority such information (including financial information) in relation to the performance of those functions as the Authority may from time to time require.

(7) Such of the functions of the Chief Executive as he or she may specify from time to time may, with the consent of the Authority, be performed by such member of the staff of the Authority as may be authorised in that behalf by the Chief Executive.

(8) The functions of the Chief Executive may be performed during his or her absence, or when the post of Chief Executive is vacant, by such member or members of the staff of the Authority as it may from time to time designate for that purpose.

(9) Notwithstanding *subsection (2)*, the person who is the Registrar of Deeds and Titles immediately before the establishment day shall be the first Chief Executive of the Authority and shall hold that office subject to terms and conditions which are not less favourable than those of the person's appointment as such Registrar.”.

Amendment agreed to.

Government amendment No. 24:

In page 6, before section 5, but in Part 2, to insert the following new section:

“23.—The Chief Executive is the accounting officer in relation to the appropriation accounts of the Authority for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.”.

Amendment agreed to.

Government amendment No. 25:

In page 6, before section 5, but in Part 2, to insert the following new section:

“24.—(1) Subject to *subsection (2)*, the Chief Executive shall, at the request in writing of a committee of the Oireachtas, attend before it to give account for the general administration of the Authority, including its strategic plans.

(2) In this section ‘committee of the Oireachtas’ means a committee appointed by

either House of the Oireachtas or jointly by both Houses of the Oireachtas (except the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of a committee so appointed.”.

Amendment agreed to.

Government amendment No. 26:

In page 6, before section 5, but in Part 2, to insert the following new section:

“25.—(1) Subject to *subsection (3)* and *section 22(2)*, the Authority may appoint such number of persons to be members of its staff as it may determine.

(2) Subject to *subsection (3)*, the Authority shall determine the grades of members of its staff and the numbers in each grade.

(3) A determination of the Authority under *subsection (1)* or *(2)* is subject to the approval of the Minister and the consent of the Minister for Finance.

(4) Members of the staff of the Authority are civil servants in the Civil Service of the Government.

(5) The Authority is the appropriate authority (within the meaning of the Civil Service Commissioners Act 1956 and the Civil Service Regulation Acts 1956 to 1996) in relation to its staff.”.

Amendment agreed to.

Government amendment No. 27:

In page 6, before section 5, but in Part 2, to insert the following new section:

“26.—Every person who immediately before the establishment day was a member of the staff of the Land Registry and Registry of Deeds shall become a member of the staff of the Authority on that day.”.

Amendment agreed to.

Government amendment No. 28:

In page 6, before section 5, but in Part 2, to insert the following new section:

“27.—(1) On the establishment day—

(a) land that immediately before that day was vested in the Minister, the Minister for Finance or the Commissioners of Public Works and is designated by the Minister, with the consent of the Minister for Finance, for use solely for purposes related to the Authority's functions, and

(b) any rights, powers and privileges relating to or connected with the land,

stand vested in the Authority, without any conveyance or assignment, for the estate or interest therein that immediately before the establishment day was vested in any of the persons referred to in *paragraph (a)*, but subject to any trusts and equities then affecting the land.

(2) On the establishment day, property other than land, including any chose in action, that immediately before that day was being used in connection with a function of the Registrar of Deeds or Registrar of Titles or Registrar of Deeds and Titles corresponding to a function of the Authority stands vested in the Authority without any assignment.

(3) A chose in action vested in the Authority under *subsection (2)* may, on and after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name, and the Authority or the Minister need not give notice of the vesting to any person bound by the chose in action.

(4) On the establishment day, documents and records that were held by the Land Registry and Registry of Deeds immediately before that day stand vested in the Authority.

(5) The Minister may, and shall on application by the Authority, issue a certificate that specified property is property to which this section applies or does not apply.

(6) In any proceedings a certificate purporting to be so issued is admissible, without further proof, as evidence of the matters stated in it.”.

Amendment agreed to.

Government amendment No. 29:

In page 6, before section 5, but in Part 2, to insert the following new section:

“28.—Any contract, agreement or arrangement made—

(a) between the Minister and the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles, or

(b) between any other person and any of those Registrars,

and in force immediately before the establishment day—

(i) continues in force on or after that day, and

(ii) has effect as if the name of the Authority were substituted in the contract, agreement or arrangement for the name of the Registrar concerned.”.

Amendment agreed to.

Government amendment No. 30.

In page 6, before section 5, but in Part 2, to insert the following new section:

“29.—If, immediately before the establishment day, any proceedings are pending in any court or tribunal to which the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles is a party, the name of the Authority is substituted in the proceedings for that of the Registrar concerned, and the proceedings do not abate by reason of the substitution.”.

Amendment agreed to.

Government amendment No. 31:

In page 6, before section 5, but in Part 2, to insert the following new section:

“30.—Nothing in this Act affects the validity of any act done before the establishment day by or on behalf of the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles, and any such act, if and in so far as it was operative immediately before that day, has effect on and after that day as if it had been done by or on behalf of the Authority.”.

Amendment agreed to.

Government amendment No. 32:

In page 7, subsection (1), to delete line 15.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): This is a technical amendment as the definition is no longer required in this Part of the Bill.

Amendment agreed to.

Government amendment No. 33:

In page 7, subsection (1), to delete lines 20 to 22.

Amendment agreed to.

Government amendment No. 34:

In page 7, subsection (1), line 23, to delete “of Deeds”.

Mr. B. Lenihan: This is a drafting amendment.

Amendment agreed to.

Section 5, as amended, agreed to.

SECTION 6.

Government amendment No. 35:

In page 7, between lines 38 and 39, to insert the following subsection:

“(3) The Registry shall be under the management and control of the Property Registration Authority.”.

Amendment agreed to.

Section 6, as amended, agreed to.

Sections 7 and 8 deleted.

Amendment No. 36 not moved.

Section 9 deleted.

SECTION 10.

Amendment No. 37 not moved.

Government amendment No. 38:

In page 8, lines 16 to 18, to delete subsection (1).

Amendment agreed to.

Section 10, as amended, agreed to.

Sections 11 and 12 deleted.

SECTION 13.

Government amendment No. 39:

In page 9, subsection (1), line 7, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Section 13, as amended, agreed to.

SECTION 14.

Ms Tuffy: I move amendment No. 40:

In page 9, subsection (1), line 15, after “form” to insert “or a form to the like effect”.

The purpose of the amendment is to allow for minor variations from the prescribed form to be accepted with the permission of the Registrar of Deeds. This is to cater for two situations, the first being in the case of misprint or minor errors which have no effect, the second being a situation where the prescribed form does not cover the precise requirement. In such cases, a form to the like effect would be sufficient and satisfactory.

Mr. B. Lenihan: The Minister cannot accept the amendment. The section provides that an application for the registration of a deed in the Registry of Deeds shall be made in the prescribed form. The section also states that the manner in which registration is to be effected shall be prescribed. Of course, the form shall be prescribed in all registration of title legislation. I do not see the use of stating that the form of application must be in a certain form and then diluting the

provision in the terms advocated by the Senator. It will be more open and clear what needs to be submitted if a standard form of the type proposed in the section is specified.

Amendment, by leave, withdrawn.

Question proposed: “That section 14 stand part of the Bill.”

Mr. B. Hayes: As I understand it, there is provision for an advisory council to be established which would allow the issues raised by Senator Tuffy to be brought to the attention of the authority. In other words, I presume the authority can make recommendations and report to the Minister in respect of additional changes that should be made as a means of modernising the registration.

Mr. B. Lenihan: It should be borne in mind that a rules committee is established under section 26 — the registration of deeds and title rules committee. With the concurrence of the Minister, that committee has the specific function under section 26(b) of dealing with the forms of application for registration of deeds or for searches and other such matters. The various professional persons knowledgeable in these matters are represented on the rules committee and can have their views made known in that forum.

With regard to the advisory council, provision is made in section 17, which is a new section.

Mr. B. Hayes: It was one of the amendments.

Mr. B. Lenihan: Yes. It enables the authority to appoint advisory committees and such and so many consultants or advisers as it may consider necessary to assist it in the performance of its functions. An advisory committee could look at this issue from a wider perspective. However, it would be for the rules committee to consider an issue like this. Of course, the Law Society and the Bar Council would have representation on that committee and those who are familiar with the execution of such legal documents would have their say.

Question put and agreed to.

Sections 15 and 16 agreed to.

SECTION 17.

Ms Tuffy: I move amendment No. 41:

In page 9, subsection (2), line 39, after “proceedings” to insert “or any matter in respect of which proceedings have been instituted prior to the commencement of this section”.

The effect of this amendment is to ensure section 17 is constitutional. If the substantive law has been changed, there needs to be a favour for a case where proceedings have already been instituted prior to the passing and commencement of the section. Otherwise, there is a risk the

[Ms Tuffy.]
section will be deemed to interfere with proceedings in being.

Mr. B. Lenihan: I would be obliged if the Senator re-tabled the amendment on Report Stage, if she wants a fuller assurance on the constitutionality of the issue involved. Purely in terms of the language involved, I am not satisfied the amendment adds anything to the provision as provided for in the section as it stands. Section 17 makes clear in its second subsection that the purpose of the first subsection was to validate certain registered deeds. Section 17(1) states:

Subject to *subsection (2)*, proof of execution of a deed by a witness to the execution by a grantee under the deed is deemed always to have been as valid, for the purposes of section 6 of the Registration of Deeds Act (Ireland) 1707, as if the witness had been a witness to the execution by a grantor under it.

That deals with the specific legal problem. Section 17(2) states:

Subsection (1) does not affect any judgment or order given or made before the commencement of this section in any proceedings, including appeal proceedings.

The Senator is concerned that pending proceedings should also be protected by that subsection. I will have the matter examined.

Amendment, by leave, withdrawn.

Section 17 agreed to.

SECTION 18.

Government amendment No. 42:

In page 9, subsection (1)(a), line 41, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Government amendment No. 43:

In page 10, subsection (1)(b), line 3, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Section 18, as amended, agreed to.

Section 19 agreed to.

SECTION 20.

Government amendment No. 44:

In page 10, subsection (1), line 23, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Government amendment No. 45:

In page 10, subsection (2), line 26, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Government amendment No. 46:

In page 10, subsection (3), line 30, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Section 20, as amended, agreed to.

SECTION 21.

Government amendment No. 47:

In page 10, line 36, to delete “prescribed” and substitute “determined by the Authority”.

Amendment agreed to.

Section 21, as amended, agreed to.

SECTION 22.

Government amendment No. 48:

In page 10, line 38, to delete “prescribed” and substitute “determined by the Authority”.

Amendment agreed to.

Ms Tuffy: I move amendment No. 49:

In page 10, line 38, after “search,” to insert “copy,”.

We propose the amendment because we think it strange that the right to make copies from the Register of Deeds is not specifically spelled out in the Bill. The only provision relating to copying is set out in section 23, which provides that copies may be admissible in evidence. However, there is nothing in the Bill as regards the right to make such copies in the first place.

Mr. B. Lenihan: The Senator’s point is valid and I accept the amendment.

Amendment agreed to.

Section 22, as amended, agreed to.

SECTION 23.

Government amendment No. 50:

In page 11, line 1, to delete “*section 8(3)*” and substitute “*section 9(6)*”.

Mr. B. Lenihan: This is a drafting amendment regarding the renumbering of sections.

Amendment agreed to.

Government amendment No. 51:

In page 11, paragraph (b), line 7, to delete “Registry” and substitute “Authority”.

Amendment agreed to.

Section 23, as amended, agreed to.

Sections 24 and 25 agreed to.

NEW SECTION.

An Cathaoirleach: Amendments Nos. 52 and 63 to 68, inclusive, are related and may be discussed together by agreement.

Government amendment No. 52:

In page 11, before section 26, to insert the following new section:

“26.—The Registration of Deeds and Title Rules Committee established by *section 44* may, with the agreement of the Minister, make general rules for the purpose of enabling this Part to have full effect and, without prejudice to the generality of the foregoing, may make provision in those rules in relation to any of the following matters:

(a) the form, content and indexing of the register and records,

(b) the forms of application for registration of deeds,

(c) the procedures to be observed in connection with registration, including the allocation of serial numbers to applications for registration and their cancellation where the applications are refused,

(d) the form and manner in which entries in the register are to be made, modified or cancelled,

(e) any other matter referred to in this Part as prescribed.”.

Mr. B. Lenihan: These amendments are important and relate to the establishment of the Registration of Deeds and Title Rules Committee under section 44. Following the decision to establish the Property Registration Authority, consultations took place between the Department of Justice, Equality and Law Reform and the Land Registry to examine the provisions under section 26 of the Bill and the existing rules provisions in section 126 of the Registration of Title Act 1964. Amendments Nos. 52 and 63 are the result of those discussions. The provisions now contained within section 26 and the amended section 126 relate to those areas in which it is considered that the rules committee should have a general rule making power. Any of the powers previously contained within the provisions, which are of a primarily administrative nature and are considered to be properly the responsibility of the authority, have been removed from the relevant sections.

The other amendments are in the names of Opposition Members and I can deal with them in anticipation or wait to hear the Senators’ views.

An Cathaoirleach: They will be discussed now.

Mr. B. Lenihan: Amendments Nos. 64, 65 and 66 relate to membership of the Registration of Deeds and Title Rules Committee which has been amended to replace reference to the registrar of deeds with the chairperson of the authority and the registrar of titles with the chief executive of the authority.

Amendment No. 67 in the name of Labour Party Senators proposes that the chief executive officer of the Courts Service should be a member of the committee. The Minister for Justice, Equality and Law Reform cannot understand the added value which would arise from agreeing to this proposal and is not prepared to accept it. Neither is he prepared to accept the further amendments from the Labour Party on this section for the same reason.

Ms Tuffy: The purpose of amendment No. 64 is that the chief executive of the Courts Service, or his or her nominee, is already a member of the rule making committee under the Courts Act. We are proposing, in the interest of consistency, that the chief executive would also be a member of the rule making committee under section 44 of this Bill.

Amendment No. 67 is possibly no longer appropriate and I will withdraw it. With regard to amendment No. 68, while the Minister will have a function in approving rules made under this section it nonetheless seems appropriate for the purposes of democratic accountability for a person nominated by the Minister to also serve on the rule making committee.

Mr. B. Hayes: If accepted, amendment No. 52 will delete section 26. It is strange that the Minister of State says the Registration of Deeds and Title Rules Committee established under section 44 may, with the agreement of the Minister, make general rules for the purpose of enabling this Act. It either has the power or it does not. The Minister is saying that this rules committee will have the power to give the required prescriptive forms and registration. There is no report mechanism back to the Oireachtas, except through the new authority. Has the Government given consideration to the matter? Most of the other orders under the Bill require the Minister to make the order within 21 days and the orders will not be annulled. Why was it not considered appropriate for the Oireachtas to receive a report on the rules committee’s new arrangements?

Mr. B. Lenihan: The rules must be laid before the Houses of the Oireachtas under the amendments which have been tabled and this is provided for.

Mr. B. Hayes: Will they be laid before the House?

Mr. B. Lenihan: Yes. That is the position with regard to that issue. On the wider issue of the required concurrence of the Minister, this is the traditional formula used in connection with the rules of court where it is felt that there is a strong professional interest in the nature and character of the rules. However, the Minister, in the public interest, must have a final concurrence with whatever is decided. Otherwise the effect would be to surrender the legislative power to a body which is not accountable to this House.

Mr. B. Hayes: Therefore, it only becomes an order when the Minister so determines.

Mr. B. Lenihan: That is correct. The Minister has the power of concurrence. While the Oireachtas delegates substantial authority to rules making committees, whether in the context of detailed legal arrangements for the registry of deeds and title or in respect of the courts, public interest must prevail and the Minister must have ultimate say on the approval of such an order. Otherwise we are surrendering our powers to bodies albeit comprised of eminent representatives of many worthy professional organisations. However, there must be a final safeguarding of the public interest in whatever rules are decided. Imagine a situation whereby the Law Society was to prevail upon the rules committee for a very prolix system of lodging documents for registration. The Minister might have a view in this regard and decide there is an unnecessary amount of paperwork involved for persons who use the Land Registry. That is why protection of the Minister's interest is written into this section.

Senator Tuffy raised the issue of the chief executive officer of the Courts Service. However, there is no symbiotic relationship whatsoever between the Courts Service and this legislation. This has no connection with the Courts Service, which services the courts. The legislation relates to an entirely different entity. The Courts Service has no responsibility for the administration of matters dealt with under this legislation. The chief executive is not specified as a member of the rules committee for that reason. Of course, certain matters may arise under this legislation where recourse will be had to the courts by way of appeal from the determination of the registrar. However, this does not affect the fact that the actual administration of the Registration of Deeds and Title is committed to the service established under this legislation. There is no reason why the chief executive officer of the Courts Service should be a member of the rules making committee.

Amendment agreed to.

Section 26 deleted.

SECTION 27.

Ms Tuffy: I move amendment No. 53:

In page 12, between lines 4 and 5, to insert the following

“, and in the case of any such deed, its registration and priority shall be determined in accordance with the law in force at the time it was lodged or presented for registration, or registered, as the case may be”.

I am confused as to whether matters still apply with regard to the new authority. This is a drafting amendment. Section 27 states that nothing in Part 2 shall affect deeds already lodged or registered. However, Part 1 includes the repealing of section 4, which repeals the law in force at the time of such lodgement or registration. This amendment is necessary as there is nothing in the Bill to state what will determine the rules for registration and priority of such existing deeds.

Mr. B. Lenihan: Section 27 deals with the very important question of the prioritisation of instruments and deeds. When I first saw this amendment, I thought that Senator Tuffy was about to make her name as somebody who is affecting a fundamental change in our law. In fact, section 27 states:

“Nothing in this Part affects the registration or priority of any deed,

(a) lodged or presented for registration before the commencement of this section,

or

(b) registered in accordance with the law in force before such commencement.”

The section simply preserves the existing rules of priority, which are well established in common law, statute law and in equity. The addition of the words suggested by the Senator would not add anything to the section. The section, as drafted, covers the prioritisation of deeds and for that reason the Minister does not support the amendment.

Amendment, by leave, withdrawn.

Section 27 agreed to.

Section 28 deleted.

SECTION 29.

Ms Tuffy: I move amendment No. 54:

In page 12, line 8, to delete “this Part” and substitute “*section 26*”.

This is a drafting amendment. We felt it would be easier if people read the Bill and were referred directly to the section rather than the part. The Minister of State might reconsider this issue.

Mr. B. Lenihan: The substance of the amendment was accepted in the redrafting of the section.

Amendment, by leave, withdrawn.

Section 29 deleted.

SECTION 30.

Mr. B. Lenihan: Government amendment No. 55:

In page 12, between lines 23 and 24, to insert the following definition:

“ ‘record’ includes any book, index or document and any information in electronic or other non-legible form which is capable of being converted into a permanent legible form.”.

Mr. B. Lenihan: The purpose of this amendment is to insert a definition of the Registration of Title Act 1964 to ensure that all book indexes, documents or information contained therein may be held in electronic format. It brings the 1964 Act in line with the proposed definition of the term “record” in section 5 of the Bill.

Amendment agreed to.

Section 30, as amended, agreed to.

SECTION 31.

Government amendment No. 56:

In page 13, line 11, to delete “Registry,” and substitute “Registry.”.

Amendment agreed to.

Government amendment No. 57:

In page 13, between lines 11 and 13, to insert the following subsection:

“(3) The Land Registry shall be under the management and control of the Property Registration Authority.”.

Amendment agreed to.

Section 31, as amended, agreed to.

Sections 32 and 33 deleted.

Section 34 agreed to.

SECTION 35.

Ms Tuffy: I move amendment No. 58:

In page 13, line 39, to delete “originating in the Land Registry”.

I realise that the wording in this amendment may not be correct but the reason behind it is to give the Circuit Court jurisdiction to amend errors in registration other than those that originate in the Land Registry. There may be certain errors in the title document that do not originate in the Land

Registry and it is clearly appropriate that the Circuit Court, under section 35(c) on page 14, would have power to correct such errors. Can the Minister of State consider this?

Mr. B. Lenihan: The difficulty is that section 32, dealing with the rectification of errors in registration, is one that is contained in the land registration legislation. Therefore, the jurisdiction of the courts in a matter such as this has to derive from the Land Registry. It cannot derive from general law. The Land Registry cannot be held responsible for errors made outside its function. The whole purpose of this section is to address errors originating in the Land Registry, not errors originating generally, for which a different procedure would be required in the courts.

Amendment, by leave, withdrawn.

Government amendment No. 59:

In page 14, line 1, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Government amendment No. 60:

In page 14, line 5, to delete “Registrar” and substitute “Authority”.

Amendment agreed to.

Section 35, as amended, agreed to.

SECTION 36.

Government amendment No. 61:

In page 14, lines 22 to 26, to delete paragraph (a) and substitute the following new paragraph:

“(a) For the purposes of such registration—

(i) the Registrar, in respect of the period before the commencement of section 36 of the *Registration of Deeds and Titles Act 2004*, is deemed to have had power in any particular case to adopt any map which the Registrar considered satisfactory, and

(ii) on such commencement, the Authority may in any particular case adopt any map which it considers satisfactory.”.

Amendment agreed to.

Section 36, as amended, agreed to.

Sections 37 to 39, inclusive, agreed to.

NEW SECTIONS.

Government amendment No. 62:

In page 15, before section 40, to insert the following new section:

“40.—Section 120 (compensation for error, forgery or fraud in relation to registration) of the Act of 1964 is amended—

(a) in subsections (1) and (3), by the deletion of ‘by the court’, and

(b) in subsection (5), by the substitution of the following paragraph for paragraph (b):

‘(b) if the claim is not settled, the claimant or the Minister for Finance may apply to the court to determine the amount (if any) of compensation payable.’”.

Mr. B. Lenihan: This section provides for changes in the method by which compensation for error, fraud or forgery is dealt with. These matters are dealt with in the section 160 of the 1964 Act. The new wording avoids any reference to the determination of a claim by the Registrar. This is a matter that had been the subject of adverse comment by the courts.

Amendment agreed to.

Section 40 deleted.

Sections 41 and 42 agreed to.

Government amendment No. 63:

In page 16, before section 43, to insert the following new section:

“43.—Section 126 (power to make rules and orders) of the Act of 1964 is amended—

(a) by the substitution of the following subsection for subsections(1) and (2) and the renumbering of subsection (3) as subsection (2):

‘(1) The Registration of Deeds and Title Rules Committee established by section 44 of the Registration of Deeds and Title Act 2004, with the agreement of the Minister for Justice, Equality and Law Reform, may make general rules for carrying into effect the objects of this Act and, in particular, without prejudice to the generality of the foregoing, in respect of all or any of the following matters:

(a) the form and content and the indexing of registers and registry maps,

(b) the authentication of documents relating to title,

(c) the procedures to be observed, precautions to be taken, notices to be given and evidence to be adduced in proceedings in connection with registration,

(d) the circumstances under which and the persons to whom reference is to be made in respect of the examination of any title to land for which an application for registration is made,

(e) the form and manner in which entries in registers are to be made, modified or cancelled,

(f) the order in which entries relating to land are to be made,

(g) the correction of errors in registers or maps or in any record connected with registration,

(h) the form and content of any document required or authorised to be used or given under or for the purposes of this Act,

(i) the conditions under which a new land certificate or certificate of charge may be issued in place of a lost, defaced or destroyed certificate,

(j) the inspection of and making of copies or reproductions of, or extracts from, any records in the custody of the Land Registry,

(k) the custody and preservation of records in the Land Registry,

(l) the taxation of costs of any proceedings in connection with registration and the persons by and to whom costs are to be taxed and paid,

(m) the entering into security for the costs of appeal under this Act,

(n) any other matter referred to in this Act as prescribed.’,

(b) by the deletion of subsection (4).”.

Amendment agreed to.

Section 43 deleted.

SECTION 44.

Amendment No. 64 not moved.

Government amendment No. 65:

In page 16, subsection (2), to delete paragraph (b) and substitute the following new paragraph:

“(b) the chairperson of the Authority ,”.

Amendment agreed to.

Government amendment No. 66:

In page 16, subsection (2), line 29, to delete paragraph (c) and substitute the following new paragraph:

“(c) the Chief Executive of the Authority.”.

Amendment agreed to.

Amendments Nos. 67 and 68 not moved.

Government amendment No. 69:

In page 16, subsection (3), line 35, to delete “Registrar of Titles” and substitute “Chief Executive of the Authority”.

Amendment agreed to.

Section 44, as amended, agreed to.

Section 45 agreed to.

SCHEDULE.

Government amendment No. 70:

In page 19, Part 2, line 43, to delete “Sections 10, 11 and 13(2)” and substitute “Sections 4, 9 to 15 and 17”.

Amendment agreed to.

Schedule, as amended, agreed to.

TITLE.

Government amendment No. 71:

In page 5, line 5, after “ACT” to insert “TO ESTABLISH A BODY TO BE KNOWN AS AN tÚDARAÁS CLÁRÚCHÁIN MAOINE OR, IN THE ENGLISH LANGUAGE, THE PROPERTY REGISTRATION AUTHORITY, WITH THE FUNCTIONS CONFERRED ON IT BY THIS ACT, INCLUDING THE MANAGEMENT AND CONTROL OF THE REGISTRY OF DEEDS AND THE LAND REGISTRY.”.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendments.

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

Mr. J. Walsh: Next Tuesday.

Report Stage ordered for Tuesday, 21 June 2005.

Sitting suspended at 5.50 p.m. and resumed at 6.30 p.m.

Grangegorman Development Agency Bill 2004: Second Stage.

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

Minister for Education and Science (Ms M. Hanafin): I am delighted to have this opportunity in the Seanad to begin the process of debating the Grangegorman Development Agency Bill 2004. On Committee and Report Stages in the

Dáil, the Bill received wide cross-party support. I was gratified to have such support from Members of the Lower House, many of whom, like myself, have declared links to the Dublin Institute of Technology — some as former students, staff or members of former governing bodies.

The general aim of the Bill is to facilitate the Grangegorman site as a modern campus for the DIT and to provide the Health Service Executive with upgraded facilities. The Bill establishes the Grangegorman Development Agency to project manage the development in an integrated and sustainable manner and is, therefore, a critical part of the overall way forward in meeting the needs of all the interested parties.

Before going into the detail of the Bill I would like to outline for Members some of the history of this development that I believe will help put in context what we wish to achieve by passing this legislation. In December 1999, the Government decided that the Department of Education and Science would purchase 65 acres of the 73-acre Grangegorman site from the Eastern Regional Health Authority, and that the site would house the new Dublin Institute of Technology community campus.

In 2001, the Taoiseach set up an inter-departmental working group, with a view to examining the project and reporting back to the Cabinet with its recommendations. The group represented the DIT, the Eastern Regional Health Authority and the Northern Area Health Board that were in existence at the time, the Departments of Education and Science, Health and Children, Public Enterprise, Finance, Environment and Local Government, and Dublin City Council. It was chaired by the Department of the Taoiseach.

In July 2001, the group appointed consultants to carry out an extensive investigation into the development potential of the site as a campus for DIT together with health facilities. The consultancy report was delivered in November 2001 and the strategic conclusions and recommendations contained in the report included the following: the Grangegorman site is a unique and valuable public asset and should be developed in an integrated and sustainable manner; an integrated site plan should be prepared with a view to securing outline planning permission; the health care and educational requirements could be developed on a phased basis; the affordability of the project should be determined at the outset and, therefore, the Government should determine the broad budgetary parameters for a phase one development; and a Grangegorman development company should be set up to project manage the development and determine the type of procurement to be employed.

In April 2002, on the basis of the report prepared by the interdepartmental working group, the Government decided that a statutory Grangegorman development agency would be established to manage the development of the site as an agent for the Dublin Institute of Technology,

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the now Health Service Executive and the Departments involved.

The Bill, therefore, provides for the establishment of the Grangegorman development agency to undertake the development of the Grangegorman site as a location for education, health and related activities. As Senators will be aware, the Bill recently completed all Stages in the Dáil.

In examining the possible uses of this strategic site, the Government took account not only of the needs of the DIT, but also the need to regenerate this underdeveloped area of Dublin city. The Government is conscious that the integration of the proposed development with the existing community would produce benefits beyond the actual Grangegorman site. In reflecting the importance of this major development, the Bill provides for clear consultation with a wide range of stakeholder groups including surrounding communities. It must also be recognised that this will be a complex property development project that involves a number of Departments and agencies.

Due to the complexities involved, the Government is determined that the site will be developed in a strategic manner in order to maximise its potential, and to protect the interests of the residents in the area. For this reason the Bill provides for direct community and locally elected representation on the membership of the agency with the former being drawn from a clearly defined local neighbourhood.

The aim of the Grangegorman campus is to create an attractive learning environment that encourages the development of an interdisciplinary and modular pedagogy, collaborative research, alliances with enterprise and creative practice. In addition, it will be sufficiently flexible to meet the changing needs of society and education in the 21st century, and will recognise the DIT's role as a cultural, educational and technological institution interfacing with society, while responding to national economic and social imperatives. The campus will contribute to a vibrant community and will make an important contribution to the regeneration of the area.

In creating this campus, all institute activities will be brought together onto a single campus and, in the process, will create a more effective and efficient organisation. Such measures are critical to the institute and are supported by the recent OECD report on the future of higher education in Ireland.

The poor and inconsistent quality of much of the institute's building stock places significant constraints on its mission of service to society and the economy. The DIT is the largest provider of education in the higher education sector in Ireland, operating on just 11 acres. At present, the DIT is spread over 39 buildings on 30 sites throughout Dublin. Most Senators will be familiar with the institute's premises in Bolton Street, Kevin Street and Aungier Street. However, a DIT presence can also be found in many other parts of the city, such as Capel Street, Great

Denmark Street and New Bride Street. The DIT premises also stretch out to Rathmines and Slaney Road in Glasnevin, and include many other smaller, rented properties in use. The cost of rental alone is in excess of €4.15 million per annum.

The institute is just completing the process of reorganising all its academic activities on a modular basis. However, it will be difficult to exploit fully the opportunities offered by a modular system until such time as all students are on the one campus.

There are clearly serious operational inefficiencies in seeking to manage and operate a major institution such as the DIT over such a wide variety of locations. These not only militate severely against operational effectiveness, but also have adverse cost implications in a wide variety of areas, such as security, heating, lighting, administration, registration, records, support services, dining arrangements, library services and intercommunications.

It is estimated that the potential costs associated with an upgrading, replacement and refurbishment of existing buildings are approximately €200 million, without the many facilities and amenities which are common throughout the higher education sector generally. For example, the cost to refurbish and bring up to modern standards the institute's Bolton Street and Kevin Street facilities is estimated at over €100 million. The Kevin Street premises, which currently comprise the faculty of science and electrical-electronic engineering, are seriously deficient in accommodation and layout for modern needs. The faculty of the built environment and a major part of the faculty of engineering are located in Bolton Street. Other premises in the DIT's property portfolio equally need capital funds spent on them.

The relocation of the DIT to Grangegorman will enable the institute to achieve its strategic objectives. In particular, the consolidation of the institute on a single campus will provide it with a new dynamic in its efforts to serve many sectors of the economy and society.

A range of reports has emphasised the strategic nature of science and technology to the Irish economy. They include the following: the report of the Forfás task force on the physical sciences in 2002; the science technology and innovation advisory council's report of 1995; the report of the review committee on post-secondary education and training places in 1999; and the technology foresight Ireland report prepared by the Irish Council for Science and Technology Innovation. The science and technology sector is a mainstay of Government policy and is critical to the economic sustainability of the country.

The DIT's faculties of science, engineering and the built environment will play an enhanced role in developing graduates in mathematics, computer sciences, physics, chemistry, engineering, technology, architecture and biology. These

graduates will, in turn, underpin the science and technology sectors within the economy.

Slightly less than half the degree programmes offered through the institute are, to a significant extent, science and technology based and in many cases the DIT is the sole provider in the State. These programmes are underpinned by basic research strengths. The Grangegorman campus will allow DIT to further develop the above strategic areas as well as provide for a wide range of other programmes in the broad areas of science, engineering and technology, closely integrated with research activity.

The construction industry is a major employer and is vital to sustaining growth in our production and manufacturing capacity as well as delivering our transport and housing infrastructure. The faculty of the built environment, together with the faculty of engineering, develops a range of graduates across construction skills, structural, mechanical, manufacturing and building services engineering. Effective planning in an urban and rural context is central to the future development of the State. Maintaining and enhancing the environment for the benefit of all is a key requirement of our society. The faculty of the built environment has an established leadership role in these areas, providing the only undergraduate programme in planning in Ireland. It has also introduced post-graduate opportunities, and it is one of only two providers in the country in the areas of architecture and property economics.

Energy consumption and sustainable development are major issues affecting our society, and cut across all aspects of planning and construction. It is intended that the new campus will be a model of best practice in terms of sustainable design and construction, energy usage, and water and waste management.

The enterprise strategy group identified internationally traded services as an important area for growth, underpinned by improved marketing skills. Entrepreneurship, innovation and enhanced business process are all hallmarks of the DIT faculty of business. The faculty has supported the financial services sector and marketing functions of the State, semi-State and private sector over many years. One unique example is its degree in retail services management, the only such programme in Ireland. Its graduate business school, in conjunction with other faculties in DIT, offers unique multidisciplinary MBA programmes with specialisations in such areas as facilities and construction project management along with strategic management and entrepreneurship. In addition, DIT's project development centre has an established record in advancing innovation, product development and project management skills within the economy. The Grangegorman campus will allow on-site opportunities to develop business opportunities and processes and again facilitate cross-faculty interaction.

Interdisciplinary and cross-disciplinary knowledge and research are increasingly playing a sig-

nificant role in the economic prosperity. Activities that span the digital media, creative technologies, music technology, film, drama, broadcasting, design and interactive media have been identified as being growth areas for employment and wealth creation within the economy, as detailed in the Forfás report *A Strategy for the Digital Content Industry in Ireland*. As technology matures, the focus is shifting to generating content that can exploit new media opportunities. The Grangegorman campus will allow DIT to draw together disparate elements of technology and media on a single location to create an integrated approach and in the process develop innovative approaches to programme delivery. This development will facilitate significant links with outreach centres and delivery into industry.

The tourism sector is the second largest employer in Ireland, accounting for approximately 150,000 employees, with a major multiplier effect through the economy. In addition to the economic contribution of tourism there is a significant sociological impact. Evidence points to the major benefit of tourism revenues in halting the shift towards urbanisation. DIT is Ireland's major provider of tourism education and research. The faculty offers Ireland's only degree programmes in tourism marketing and culinary arts. It is Ireland's only centre for tourism education and research designated by the World Tourism Organisation. The faculty offers a range of programmes not otherwise available in the Dublin region. In addition, the faculty has over many years developed a significant research base within its tourism research centre. The Grangegorman campus will provide an opportunity for the faculty to address the very significant deficiencies it has with respect to its physical environment and infrastructure.

The food processing sector has been identified as being central to supporting agriculture. The national development plan emphasises the need to grow sectors of competitive advantage. Ireland has produced a number of world class manufacturers in the dairy and meat sectors. The recently published future skills needs report, *The Demand and Supply of Skills in the Food Processing Sector*, outlines the importance of the sector and numerous actions necessary to develop human capital in the industry, from shop floor operators through to senior management and research and product development. The faculty of tourism and food provides a range of tailored programmes to this sector and in addition offers a range of specialist research facilities and resources through the food product development centre.

Government policy has clearly identified research underpinning the move to a knowledge based economy as one of the key strategies for future economic growth and development. This is supported at EU level by the agreement to drive research spending up from just over 2% to 3% of GDP. Programmes such as the programme for research in third level institutions, PRTL, Science Foundation Ireland and other initiatives

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such as those outlined in the Forfás annual report 2002 Review and 2003 Outlook underline the Government's commitment to achieving these goals. The ultimate requirement is for a ready supply and up-skilling of graduate and postgraduate knowledge workers.

The move to Grangegorman will provide the basic research infrastructure, allowing the institute to optimise the resources available and to maximise their exploitation. It will bring together and cluster research activity within the institute in a highly visible and coherent manner. The rise in prominence of research and its associated infrastructure as a central activity of a third level institution is one of the largest changes to have occurred in third level education. The opportunity to design a new campus offers a unique opportunity for research facilities to be designed as an integral part of the core campus, rather than tacked onto the periphery as is the case with other older institutions. The strategic brief for the new campus strongly articulates that research activities should be a clear and visible up-front activity in order to signal its centrality to the mission of the institute, to strengthen the links between research and the core undergraduate courses, and to encourage undergraduate students to continue to postgraduate research.

Higher education in the 21st century demands close co-operation with industry to maximise technology transfers. The Grangegorman development will facilitate significant on-campus partnership with industry. Key industry partners who currently interact with faculties across the institute will locate elements of their operations on-campus. Such strategic partnerships have been established with selected companies and will provide research, part-time and full-time employment and career path opportunities for the students and staff of the institute. Such arrangements have proved successful in facilitating research, innovation and development. In addition, such partnerships enhance opportunities for employees to undertake continued education and training. The institute has experience of this type of interaction and partnership through its development in the East Wall innovation park. At present, the institute has utilised all its available space within this park. This space is rented, and at some distance from the faculties which support it. Grangegorman will bring Industry on-campus in close proximity to student and staff members and will enable the institute to respond to increasing demands for research space and incubation space. It is estimated by DIT that the Grangegorman campus will create up to 4,500 employment opportunities.

A focal point of the Grangegorman campus will be the centre for visual and performing arts. This is an integrated performance, exhibition, teaching and research facility. The DIT conservatory of music and drama has played an active part in the cultural life of the State over many decades, and has not only trained many of our emi-

ment musicians but continues to train new generations of music teachers who can bring music education to an ever greater number of young students. The institute has an established record in education and research in the performing arts. Grangegorman will facilitate a clustering of performance spaces in a single location to the benefit of students, staff members and the wider community.

Dublin City Council enthusiastically supports the Grangegorman development as a catalyst for development and rejuvenation of a large tract of the north inner city landscape. In its strategy document Dublin, a City of Possibilities, Dublin City Council has recognised the important contribution of third level institutions to the development of the city under the banner of "a learning city". The Dublin city development plan 2005-11 designates Grangegorman as a framework development area and identifies the Grangegorman development as a strategic objective of the city. With an anticipated campus population in excess of 20,000, representing students, staff and employees of industry partners, the development will have a population as significant as that of some Irish towns.

The impact on the physical environment of rebuilding and developing a large site area that has had very limited public access and little investment in recent years and opening it to the city as an educational, research, cultural, and amenity area, has been recognised by all parties concerned. Development of a campus at Grangegorman will contribute to greater social cohesion. The north inner city currently experiences Ireland's lowest rate of participation in higher education. At present the institute has formal links with 31 inner city schools and has a range of initiatives targeting enhanced participation in education. The new campus will further co-ordinate the contribution the institute can make in this area.

More broadly, the institute has just initiated a substantial project known as the Grangegorman community network project, funded through the Information Society Commission and the Department of Finance and sponsored by the Department of Community, Rural and Gaeltacht Affairs. This project aims to design, build and evaluate a sustainable e-community, that makes use of ubiquitous computing applications and services, bringing educational opportunities into homes in the immediate neighbourhood.

Gathering all of DIT at this north-west inner city location will make a significant contribution to the redevelopment of this part of the city. This role will extend to education and training; underpinning economic activity within the surrounding area; enhancing access opportunities; extending cultural facilities; provision of recreational and sporting facilities; rebuilding and developing large areas of dereliction; creating direct and indirect employment opportunities; complementing existing educational and cultural

facilities within the area; and providing access to campus facilities, students and staff resources.

The Bill makes provision for an agency to provide a cohesive planning and implementation framework for the Grangegorman site. In view of the nature, importance and the size of the project, the functions of the agency are detailed and appropriate to its task. Section 9 provides that the primary function of the agency will be to promote the Grangegorman site as a location for education, health and other facilities and to co-ordinate the development or redevelopment of the site. This section also enables the agency to enter arrangements to exploit research, development or consultancy work undertaken by or on its behalf.

Given the DIT's currently-in-use large property portfolio, the development of the Grangegorman site as a new campus is underpinned by the sale or development of these existing DIT premises to finance future stages of development. Therefore, section 9 also makes provision for the vesting of these premises in the agency, together with other land and property vacated by the HSE. The DIT-owned properties will be signed over to the agency as they become available. It will be a matter for the agency to dispose of the property that gives the maximum return and the income generated will be used, together with other resources, to fund the development. In view of this, one of the first tasks that the agency will have to perform will be to undertake an examination of the titles of all of the properties within the Grangegorman site, in addition to the properties currently in the ownership of the DIT. It will then be a matter of deciding the appropriate strategy for procuring each individual element of the site.

The agency will be the sole authority for developing the site. To achieve this it will be required to engage in the planning process and decide on the appropriate procurement strategy. In view of the complexity and sensitivity of the development, the legislation requires the agency to arrange an appropriate communication strategy and consult with stakeholders and relevant interested third parties such as Dublin City Council, CIE and Dublin Bus.

The area surrounding the site is primarily residential. Clearly, therefore, the development of the site must be approached with sensitivity. For this reason, the Bill incorporates provision for extensive consultation with all interested parties. These include local residents and health care staff and patients located in or near the site, the academic and student bodies of DIT, the HSE, and the Ministers for Education and Science and Health and Children. The Bill provides for the vesting of those lands and premises to be occupied by the DIT, the health authority or other educational body into the ownership of the respective authority, institute or other body on the completion of the construction phase.

Section 10 allows for additional functions to be conferred on the agency by order of the Minister

for Education and Science with the consent of the Minister for Finance. Under section 11, the Minister for Education and Science may at certain times issue general directives to the agency on policy regarding any of the functions assigned to the agency under the Act. In addition, the Minister, with the consent of the Minister for Finance, may give a general directive specifying the financial objectives of the agency and the manner in which it shall conduct its financial affairs. However, I emphasise that this section shall not impose on the agency a duty or liability which may be the subject of legal proceedings.

While the principal purpose of the Bill is to provide a campus for DIT and health care facilities for the HSE on the site, it is also recognised that the Grangegorman site is unique and of strategic importance in the context of Dublin as a whole. In view of this, provision is made for Dublin City Council to be involved with the planning and development of the site from the outset.

Section 12 provides that the agency will be responsible for drawing up a strategic development plan for the site, with a particular focus on the provision of adequate public transport access. The plan — which will be a necessary condition of seeking and obtaining planning permission and must have regard to the Dublin City development plan — should incorporate community use and access and be informed by a high quality urban design perspective by developing the site in the context of land usage in the vicinity and in a way that is sympathetic to its urban setting.

The plan shall consist of a written statement and will indicate the objectives for the development, including the needs of the Ministers for Education and Science and Health and Children, the DIT, the HSE and the Grangegorman neighbourhood. It must also include the provision of facilities to exploit any research, consultancy or development work undertaken by the agency in conjunction with the DIT or the HSE. In addition, it must take account of the needs of the local community by facilitating access to and use of facilities by residents in the Grangegorman neighbourhood.

Given the nature of the proposed development and the likely impact on the locality, in drawing up the plan the agency will also consult and seek the views of a number of statutory bodies such as the Dublin Transport Office, CIE, Enterprise Ireland and other interested parties. An opportunity will be given to members of the public to view and comment on the draft plan, which will also be available on a website, before it is adopted. The agency will be required to consider those submissions and amend the plan where appropriate.

Section 13 gives the Minister the power to order the transfer of land from a statutory body to the agency. However, this can only be done following consultation with the body concerned and with the Minister for Finance's agreement. The Minister must be satisfied that the land in

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question is not necessary for the performance of the functions of the statutory body concerned.

Section 14 makes provision for the making of grants to cover capital and current expenditure to the agency by the Minister for Education and Science or any other Minister, subject to the approval of the Minister for Finance. Section 15 is an enabling provision to provide the agency with the power to raise loans to a limit of €100 million, subject to the approval of the Ministers for Education and Science and Finance. Section 16 is a standard provision which allows the Minister for Finance to provide guarantees for these loans. At the end of each financial year the Minister for Finance will be required to lay before the Houses of the Oireachtas a statement giving the details of each guarantee given.

Section 17 provides for the membership of the agency. From my first involvement with this legislation, I was acutely aware of the need to ensure that the board of the agency had adequate, balanced representation and appropriate input from all interested parties, including the local residents. In deciding on the make up of the agency, the Government was cognisant of the need to provide a direct input from the parties most interested in the development of Grangegorman and the need to drive the development forward. The initial proposal of 11 members was amended during Dáil the debate to strengthen community representation.

The Bill now provides for the appointment of 15 members to the agency, including the chairman. Membership will include two members nominated by the Minister for Health and Children, including one from the Health Services Executive; two members nominated by the Dublin Institute of Technology; one local resident, to be elected as set out in Schedule Four of the Bill; one member drawn from Dublin City Council; one member nominated by the Dublin City Manager; and the remainder to be nominated by the Minister for Education and Science.

Members will agree that it is important to ensure that the interests of the residents are properly represented and the development will benefit from having a resident of the neighbourhood on the agency. I am conscious that the selection process should be as transparent as possible and the Fourth Schedule to the Bill outlines the procedure to be applied in selecting the local resident to the board of the agency. The term of office of the chairman and each ordinary member shall be three years.

Section 22 requires the agency to form a consultative group. The group will consist of stakeholders in the project and will include representatives selected by local residents in the Grangegorman neighbourhood, health care service providers and patients, Dublin City Council, Dublin Institute of Technology staff and students, the HSE, certain other Ministers and such statutory bodies as the Minister deems relevant. The agency is required to develop a

communications strategy and is required to hold as many meetings as required to maintain the communications strategy.

Sections 23 to 40, inclusive, deal with the chief executive officer and staff of the agency and cover such matters as superannuation, code of conduct, declaration of interests and reports by the agency to the Minister. Section 41 deals with the dissolution of the agency. Sections 42 and 43 amend the definition of agency in the Planning and Development Act 2000 to include the Grangegorman Development Agency and the Schedule to the National Development Finance Agency Act 2002 to include the Grangegorman Development Agency.

Approximately 10% of the Grangegorman site is intended for development of health care facilities for the Health Services Executive. Currently, it is anticipated that the health development on the site will include residential and day care for intellectually impaired, residential and day care for young physically impaired and residential and day care for the elderly and dementia sufferers. It is also envisaged that the creation of a joint education and health campus will provide opportunities to create synergies in developing an appropriate model of care and development in specialist areas such as optometry, clinical-hospital measurement, dietetics and nutrition, social care, early childhood studies, and health services management.

It is anticipated that on-site co-operation between those who provide education and those who provide health care will lead to the development of tailored courses in health-related disciplines. The development of the Grangegorman site will facilitate a move from institutional to more appropriate community settings. The focus of health care provision will also shift from regional to local level. That will involve a move from acute care to rehabilitation.

Turning to the important question of funding, it has been estimated that the overall cost of the development will be approximately €900 million. That preliminary estimate takes into consideration the cost of all the educational facilities which will be required, including additional ancillary facilities such as student accommodation, an industry and science park, retail outlets and other complementary activities. Some income will be generated on-site through educational and health activities. The figure of €900 million is a preliminary estimate. The actual cost will be arrived at when critical information, such as start dates, phasing and the type of procurement to be used, is available to the agency.

It was originally envisaged that the DIT campus at Grangegorman would be developed on a phased basis. It was anticipated that the initial phase of the development would be financed with Exchequer funds, through the Department of Education and Science. The agency will be required to prepare full costings as part of the development's master plan. It will have to decide on the best form of procurement in consultation

with the National Development Finance Agency. As Senators are aware, State authorities have to seek the finance agency's advice before they undertake major public investment projects. The finance agency will assist during the project assessment, development and procurement process by evaluating financial risks and the cost of infrastructure projects and assessing the optimal mix of financing to achieve value for money. The Department and the DIT have briefed the finance agency on the proposed development.

The decision to locate all the colleges of the DIT at Grangegorman will make a significant contribution to the redevelopment of the north inner city. The role of the DIT will involve providing education and training, underpinning economic activity in the surrounding area, enhancing access opportunities, extending cultural facilities, providing recreational and sporting facilities, rebuilding and developing large areas of dereliction and creating direct and indirect employment opportunities. The DIT is working in close co-operation with the Department of Education and Science, Dublin City Council, representative groups, development associations and agencies, Dublin Chamber of Commerce and the Health Service Executive.

I hope Senators agree with me about the Bill's positive benefits. I look forward to listening to their contributions and to debating the various provisions of the legislation with them. I commend the Bill to the House.

Mr. U. Burke: I welcome the Minister, Deputy Hanafin, to the House and wish her well. Although she has been in the House for many debates since she was appointed Minister for Education and Science, this is the first time she has brought legislation to the House. It is important for me to indicate at the outset that Fine Gael will co-operate fully with the Minister's attempts to steer this Bill through the Seanad. I hope nobody will obstruct the quick enactment of the legislation, which is needed to facilitate the speedy development of the DIT's new facilities at Grangegorman.

Everyone in Dublin and throughout the country recognises the important role played by the DIT in various locations in the capital city. It has offered educational services at all levels to many people from all parts of the country. Many generations of students have been familiar with locations like Bolton Street and Kevin Street. It is great that the Government took the wonderful opportunity that was presented to it to purchase the large and centrally located site at Grangegorman. I am sure it is unique for such an enormous site to become available in the centre of a capital city.

All Senators will be keen to pay tribute to the management and staff of the colleges which comprise the DIT. Over the years, such colleges have provided a high quality of education to students even though they may have had to operate in unsuitable conditions. It would be remiss of

Members to fail to acknowledge the commitment and dedication of the institute's staff. The Minister mentioned that the DIT offers 85 full-time educational programmes and approximately 200 part-time programmes at 40 locations throughout Dublin city. Such figures underline the enormity of the task faced by the management of the DIT over the years. I hope the DIT, which is the biggest educational institution in the country, will continue to grow after it moves to its new campus.

As a member of the Joint Committee on Education and Science, I visited the Grangegorman site last summer. On that occasion, all members of the committee were impressed by the partnership and co-operation between the staff and management of the DIT. We met many people who emphasised the importance of making progress with this legislation. It is great that we are discussing the Bill on Second Stage tonight.

The Minister has indicated that she would like the redevelopment of the Grangegorman site to be handled in a spirit of co-operation, consultation and partnership with the development agency, which will be responsible for developing important education, sporting and recreational facilities. It is welcome that the facilities are being provided in a residential area of the inner city, as the Minister indicated. That it will be possible for local people to use the facilities will be of major benefit to the communities in the Grangegorman area who embraced the redevelopment proposals from the outset. The Minister has said that the relevant authorities will engage in co-operation and consultation with local communities during the construction and development of the college. Those living in the local areas have welcomed the promise that their opinions will be taken on board, rather than disregarded.

I would like to speak about the unique role of the DIT. It has been the State's primary provider of apprenticeships over many years. While I appreciate that many of the institute's students are now learning about science and technology, we should acknowledge that those who completed apprenticeships in the 1960s and 1970s laid the foundation for this country's boom in manufacturing industry. Such models of learning paved the way for the new technologies of the current era. The important people, many of whom are long since gone, who developed the initial programmes of study at the DIT should be remembered with admiration and given credit for the innovative work they did during that period. At the other end of the spectrum, many people have emerged from the DIT with doctorates and master's degrees in all kinds of subject areas.

The Minister mentioned that the DIT offers some 85 full-time educational programmes across the full range of the activity in which the people of this State are engaged. I refer to the food, technology and manufacturing sectors, for example. The Minister indicated her willingness to take on board and co-operate with the industry so that the campus will be a centre of research and

[Mr. U. Burke.]

development for industries which will continue to support the DIT, as they have in the past. We must recognise how difficult it would have been for industries to liaise with the scattered nature of many of these colleges and buildings, which would have been an unfavourable location for research and development and any innovative research that industry would wish to take place.

I welcome the fact that on Committee Stage in the Dáil the Minister changed the membership of the agency to include members of staff of the DIT, or representatives of the DIT, other than just the appointment of an appointee of the president of the college, as was intended initially. It was remiss to have excluded such representatives in the first instance. It is important that the agency should include as many representative groups as possible. The fact that the Minister included local community representatives is a forward step. This will bring about greater commitment to the advancement and success of the college as already expressed by the local community.

It appears to be a new phenomenon that from the beginning, the agency will have responsibility for the development of the site. Under the guidance and direction of the Minister for Education and Science, it will continue to have responsibility for policy developments, financing, resourcing, staffing and so on. How will this gel with the day-to-day management of the college? I would appreciate her views on this aspect.

The roots of the DIT go back to 1887. The Minister said that the history of this project goes back to 1999. The fact that the first focus of attention for the DIT when the constituent colleges came together was the old Collins Barracks was a blessing in disguise. Luckily for the DIT, that was allocated to the National Museum for its development. I do not think it would have been as suitable a site as Grangegorman. An agency such as this to run what we hope will be the biggest educational institution in the country could be the first step in re-organising other areas of third level education which would be given equal treatment. Members will be aware that there is a perception at present that colleges will have to compete for funding. I am not sure this would be a good idea given that all the constituent parts of the DIT must come together under one umbrella agency. This is a forward looking step, which might be contemplated in regard to future funding for other third level institutions as a group or as singular institutions.

Another aspect relates to funding. The agency has responsibility for acquiring and disposing of property. I presume the Minister is referring to existing property the DIT is currently working from, whether leased or rented. The estimated part funding for this is quoted as being in the region of €250 million. Despite departmental and Government provision, there will be a shortfall of approximately €200 million if the overall costing is in the region of €900 million. It is important to

know whether this project will be carried out under a PPP scheme, because people might draw parallels between the difficulties that arose in the recent past in regard to the Cork School of Music. Everything was in place in that regard, but suddenly the plug was pulled and everything went into disarray and delay. The most important aspects in regard to this legislation is that everything should progress full steam ahead and nothing should interfere with the progress of the legislation and the commitment given by the Government to progress this important institution.

I welcome the legislation. We will wholeheartedly co-operate with its speedy passage through this House. We look forward to the completion of the project, as do many students who are not yet thinking of third level education. Many people will benefit from education in the new DIT, Grangegorman.

Ms Ormonde: Tá áthas orm seans á thabhairt dom labhairt leis an Grangegorman Development Agency Bill. I welcome the Minister to the House and congratulate her for being so apt in getting this Bill so quickly through the Houses. I am delighted to have an opportunity to speak on the Bill. The Taoiseach has played a role in this since 2001. Given the vastness and uniqueness of the site, it is important the development agency is set up to monitor the whole project.

Having worked with the City of Dublin VEC as a career guidance teacher for much of my adult working life, part of my job was linking in with third level institutions. As we all know, the City of Dublin VEC was the pioneer for these third level colleges. Having worked in the north inner city, I am aware that many of these programmes were initiated in the second level vocational schools within the city. It goes back a long time but in the 1940s the City of Dublin VEC was under the stewardship of Martin Gleeson. He was one of the key people in the history of the development of the committee. He recognised the importance of bringing students along from second to third level and he spearheaded many of the links between the vocational schools run by the VEC and the third level colleges. I salute that man, who was a visionary.

I was a career guidance counsellor in the mid-1980s, a time of significant unemployment in the north inner city. We pioneered many post-leaving certificate courses, which provided for entry into third level institutions. I had the opportunity to witness how the courses evolved into third level certificate and diploma courses. The model developed naturally following its establishment by the City of Dublin VEC.

The Grangegorman campus will comprise a 73-acre site in the north inner city. I visited primary schools in the area in the mid-1980s. It was bleak, derelict and absolutely dull with no activity taking place. The campus presents a major opportunity to reinvigorate the community and regenerate activity in the area. The new DIT campus will

generate significant momentum in the area, given the access that will be provided to local people to education, training and recreational facilities.

Participation by students from the north inner city in third level education has been historically low but the campus will again present a great opportunity to stimulate interest in this regard. Links have been established between vocational schools through post-leaving certificate and other practical courses, which provide a natural path to third level institutions. This campus will enhance higher education on the north side of the River Liffey.

The DIT colleges are spread throughout Dublin city and they offer a large number of courses. The college at Cathal Brugha Street offers various certificates and diplomas relating to the catering and tourism industries while Bolton Street offers apprenticeships, certificates and diplomas relating to the built environment. Kevin Street concentrates on science programmes, which took off in the mid-1980s. However, the colleges are fragmented and very often programmes are duplicated. Students find it difficult to move between colleges as they graduate from certificates to diplomas and so on and the new campus presents a golden opportunity to bring everything under the one roof.

Undergraduates will be enabled to take a greater interest in academic research rather than pursuing research jobs. The intake of students over the past ten years has increased significantly and more efficiency was needed in registration, administration and the duplication of courses and facilities. For example, lighting and heating resulted in large bills. This emphasises the importance of bringing the colleges under one roof.

When the Dublin Institute of Technology was formed in the early 1990s, it placed a strong emphasis on science programmes such as engineering and the built environment. This complemented the Government's strategy, which reflected the importance of economic sustainability. It was important that many science graduates were turned out to meet that challenge and I compliment the DIT colleges in this regard.

Locating all the colleges on the one campus will encourage team work on various complementary research programmes. It is important that resources in this area be maximised. The Grangegorman development agency will be located on a 73-acre site, of which ten acres will be set aside for the Department of Health and Children. It is important that the agency should be overseen and monitored. The Minister referred to the initial cost of getting the agency off the ground and I welcome the role of the National Development Finance Agency in this regard. The current DIT buildings will be disposed of in due course and that will also help to defray the cost of the project.

It is great that St. Brendan's Hospital in Grangegorman will have a local focus and that it will move away from the institutional model of

the past. Opportunities will be presented to the health and education sectors to work together and complement each other in providing courses.

The consultation element is vitally important and I am glad the agency will reflect all the stakeholders. The residents, Dublin City Council, Dublin Chamber of Commerce and the management and students of the DIT must have their say in how the campus should move forward. It was often presumed in the past this would happen naturally but halfway through various plans, they were suddenly dropped because somebody objected. The Minister has a golden opportunity, as the agency goes through each stage, to participate in consultation. If she gets that right, there will be no hitches and the campus will be developed quickly.

I welcome that the composition of the agency will reflect all the stakeholders and I am glad a member of the city council will be appointed on behalf of public representatives. However, when public meetings are held, it is important that the agency should alert all public representatives in the area because their ears are to the ground regarding what is what. The agency should be conscious of all stakeholders, regardless of whether they are represented on it. I would like to think this agency would be conscious of the fact that stakeholders are not just members. Much research and spadework must be done on this issue in terms of getting the process off the ground before we can move much further.

Reflecting on this Bill, the Minister has done her homework, there is much detail, the preparation is well done and I do not doubt it will work. Coming from my educational background, I am delighted to have been able to speak on this matter and that it is coming to fruition. I may return to education as a mature student some day for I believe the Dublin Institute of Technology has it all. As the Minister said, it is a centre of excellence and expertise and I want to be around to see the project realised.

This is a great day for the Dublin Institute of Technology and for the north of Dublin. I have no doubt that everybody who is on side will make a great success of this new concept.

Dr. Henry: I welcome the Minister to the House and the Bill. I echo Senator Ormonde's statement in that I would also like to be around to see the fruits of this agency's establishment but I hope there is more of a sense of urgency than has been the case to date. These suggestions were first proposed in 1999. All our times come and, as a representative of many of the graduates of the Dublin Institute of Technology, I would not like to think that I might not see the institute moved to its new home. While I welcome the Bill, I hope some sense of urgency sets in.

We are all supposed to declare our interests in various issues. I have a deep interest in this area because many of my electors are graduates of the Dublin Institute of Technology, which gave degrees to worthy graduates for 25 years. There

[Dr. Henry.]

are now more electors on the Seanad register who came through the various colleges of the Dublin Institute of Technology than came through Trinity College, Dublin. They are a valued group and I am glad that some members of the institute's staff are here.

I should acknowledge another interest, in that I am probably the only Member of the House who had any dealings with the old St. Brendan's Hospital at Grangegorman. I warmly welcome this initiative to change the land totally on which that institution was sited. I was a student there in the 1960s. When I went back in the 1980s as a member of the Eastern Health Board, little had changed. The facilities were still appalling. One building in particular, which I remember was described as the "lower house", was in such a state of dereliction that I, who did not live there, unlike some people, was terrified to even go into it during inspections. The whole building was on a slope of approximately 30 degrees. It must have been a very fine building in its day in 1830 but it was in an appalling state in the 1980s. I do not know how we in this country allowed people to live in institutions such as that.

As far as I could see, none of the lavatories had seats. Why did it seem to be all right that we noted this in repeated inspections but the place was always in the same state? The conditions in which people lived there were appalling. I remember the launch by Mr. Barry Desmond of Planning for the Future, which was assisted by many psychiatrists and by improvements in psychiatry. Decades ago, incarceration was the only possible course of action to take with some people with serious mental illnesses but, with the improvements in treatments, it was possible to make changes. I am sad that the changes have taken so long.

It is great to see the area's regeneration. No institute could be more worthy than the Dublin Institute of Technology in gaining access to those grounds. The institute has given a service to the people, not only of Dublin but also the rest of the country, from all the 39 sites it has been on. The institute has also given a service in areas that were not covered by other third level institutions, as mentioned by the Minister in her speech. When I examined the OECD report produced at the end of 2004, I was interested to see it singled out the Dublin Institute of Technology as requiring a sort of consideration separate from the other institutes of technology. I realise that the others are much newer but the OECD recognised the commitment that all those people in the Dublin Institute of Technology gave to this country for so many years.

Trying to work on so many sites must have been nearly impossible. The increase in efficiency and productivity, if one could say that about an institute of learning, will surely be phenomenal when it is on one site. We within Trinity College, Dublin, have been lucky in having people all on the same campus. The great impetus one is given

by the exchange of ideas between people from different faculties is something the institute has not had until now. Science was dealt with on Kevin Street, engineering, architecture and so forth on Bolton Street, the humanities in Rathmines and music in the tyre depot on Adelaide Road for a considerable amount of time, which I always found fascinating. Perhaps the depot was not owned by Dunlop but whenever I visited the adjacent school of music, all I could worry about was whether the place would go up in smoke and whether the music students would, too.

I am extraordinarily glad that all of these diverse institutions will now be brought onto the same campus and that people from so many backgrounds and of so many ages will be there and can be taught in the best possible circumstances. The institute is one of the biggest educational institutions in the country. Every year, 20,000 people enrol in a diverse range of academic disciplines, which is a staggering number.

A great deal of the emphasis of the Minister's speech was on research. This comprises much of the emphasis placed on education in institutions nowadays. We should remember that the levels of teaching of the institute's various faculties have been incredibly high. Before one prepares people for research, they must be well taught. Of course, we need them to be interested in the industries in this country but there are fields other than industry. Even the tourism industry requires an input from the humanities, for example. When tourists come to Ireland, they do not want to be given the formula for the most efficient way of utilising beds in a hotel. They want to meet Irish people. I like to think that the persons in the tourism faculty were taught about how to promote our culture, literature and way of life and that this was considered as important as the finances and nuts and bolts of tourism. This is why I want to see more emphasis placed on the faculty of applied arts.

The OECD report placed a low level of emphasis on the humanities, for which I was sorry. The areas within the Dublin Institute of Technology's faculty of applied arts are very individual in many cases and I would like to see them given great prominence when they are relocated to Grangegorman. Promoting this is very important. I mentioned the school of music was in what appeared to me to be a tyre depot. The school moved from Adelaide Road and is now located cheek by jowl with a great many people in Rathmines and Chatham Row. When one examines what is occurring in connection with the Cork School of Music, it does appear that we who promote music and opera festivals in Ireland are not doing much to nourish and nurture those who are trying to teach or their pupils. This is an area that requires much promotion and extra comfort to be given to the people involved and I hope they are given a prominent place in the move to Grangegorman.

The Minister spoke about the faculty for the built environment, which has been revolutionary

within the DIT. Where would we have been without the architects and structural engineers graduating from the institute? Great value must be placed on all of the institute's work. Interaction between the students from the various disciplines will be tremendous; they will have an enzymatic effect on each other and goodness knows what may come from this.

When the Universities Bill was going through the Houses, the possibility of giving the Dublin Institute of Technology university status was discussed at length. It is now a degree-awarding body but it was decided at that time to set up a commission to examine the institute and decide what needed to be done before it could have degree-awarding status. That commission has reported and various changes have been made by the institute in an effort to attain university status. Has the institute examined the possibility of becoming part of one of the existing universities? The Minister knows to which university I am referring. It is not difficult to deduce that I am in favour of the institute being associated with Trinity College, in the same way as the Royal College of Surgeons in Ireland became associated with University College, Dublin. That is an issue for another day, but perhaps the Minister could store it in the back of her mind because while the institute is more than worthy of university status in its own right, it has employed people with degrees from Trinity College for many years. Perhaps the institute would consider that option.

When the legislation establishing the Health Service Executive, HSE, went through this House, I said that I hoped it was a new initiative rather than a re-branding exercise, but I regret to say it is the latter. When Professor Brendan Drumm, who is a friend of mine, applied for the position of chief executive of the HSE and it was announced that he would be appointed to the post, I wrote to him. In my letter I said, "Brendan, I knew things were bad in Crumlin but I did not think they were as bad as all this". I do not know what is happening now but it is profoundly sad that almost a year after that legislation was passed, we still do not have a permanent chief executive for the HSE. It is not the problem of the Minister for Education and Science but people are beginning to think that the chief executive of the HSE will be assigned responsibility without authority. The small team that Professor Drumm had lined up to assist him in the reform of the health service seemed to be admirable. I am not saying this because they agree with everything I say. On the contrary, I have had sparring moments with several of them. However, they were very honourable people and I am sorry that the initiative did not progress.

It is a good idea to locate the HSE in Grangegorman. It would be nice to see the HSE, as well as new primary care facilities, mainly associated with rehabilitation, on a site that has been connected with chronic disease for so long. That is a good initiative which I warmly welcome. I thought that the HSE was going to be a construc-

tive body but for those of us who have worked in the health service for years, the situation at present is profoundly disappointing.

I do not know what buildings on the Grangegorman site will have to be retained. I suspect that some of them have preservation orders on them because they are so old, even though they were in use until relatively recently. I ask the Minister to instil some sense of urgency into this issue. One section of her speech alarmed me where it referred to the plan. She stated:

The plan shall consist of a written statement and will indicate the objectives for the development, including the needs of the Ministers for Education and Science and Health and Children, the DIT, the HSE and the Grangegorman neighbourhood. It must also include the provision of facilities to exploit any research, consultancy or development work undertaken by the agency in conjunction with the DIT or the HSE. In addition, the plan must take account of the needs of the local community by facilitating access to and use of facilities by residents in the Grangegorman neighbourhood.

Senator Ormonde and I would like to see the Grangegorman development take place in our lifetime, but if all of this type of consultation is to take place before there is any action, that will not happen; or we will be brought to the opening in wheelchairs and will be feebly asking "what did you say?" I hope that a sense of urgency can be generated because the Minister's plans are very worthwhile.

Mr. Minihan: I welcome the Minister to the House and I also welcome the Bill, the aim of which is to provide for the development of the Grangegorman site in Dublin as a modern campus for the Dublin Institute of Technology, DIT, and to provide the former Eastern Regional Health Authority with upgraded facilities.

When the Government decided in December, 1999, that the Department of Education would purchase 65 acres at the Grangegorman site from the Eastern Regional Health Authority for a new DIT community campus, an examination of the overall project was set in train. It is absolutely essential that such a development be managed in an integrated and sustainable manner. These are not simply buzz words. The development must fit into the community and landscape in which it is situated. It must also be sustainable because we have a duty to ensure that new projects are managed in such a way as to avoid the mistakes of the past regarding long-term environmental impacts. This is a significant issue because the full Grangegorman site is some 73 acres in the heart of the city, within walking distance of O'Connell Street. It is in a densely populated, primarily residential area so any development must be sensitive and appropriate.

An interdepartmental working group was established by the Taoiseach and reported to Cabinet. This report was followed by an expert

[Mr. Minihan.]

strategic review of all of the issues involved in developing the Grangegorman site. The expert recommendations were published in November of 2001 and they highlighted the need for Grangegorman to be developed carefully and strategically. It was deemed necessary to establish a Grangegorman development company to manage the development and determine the type of procurement to be employed. In April 2002, the Government agreed on this course of action and the legislation before us provides for the establishment of the recommended Grangegorman Development Agency. The Bill provides for the agency to undertake the development of the site as a location for education, health and other purposes and is thus to be commended.

I cannot speak highly enough of the role the Dublin Institute of Technology has played in the education and development of people in this country over many years. Although it only became a single academic structure in the 1990s, its origins go back over 100 years. Today, the DIT provides academic, professional, applied and technological education. Courses range from apprentice-based training, through certificate, diploma and degree courses, to postgraduate masters and doctoral courses. The institute's accomplishments in targeted research have made it a successful recipient of national and international research and development funding. All of this, and more, has been achieved while the institute suffers from an operational burden. While Bolton Street, Kevin Street and Aungier Street will all be familiar to Members of the House as DIT locations, how many people fully realise that the institute is spread over 39 buildings on 30 sites across Dublin, as outlined by the Minister? Would many see that as ideal or even appropriate for this modern third level institution?

This brings me to my central point. The institute, of course, must deal with serious operational inefficiencies because of the wide variety of locations. There is a definite negative impact on the institution. Rent for premises has been outlined by the Minister as being in the region of just over €4 million per year. However, I would like to look at the broader implications. A recent report by Forfás to the interdepartmental committee on science and technology set an ambitious target for Ireland to increase expenditure on research and development from 1.4% of GNP to 2.5% of GNP by 2010, in line with the levels of performance in other knowledge-based economies. This target follows the substantial increase in investment by the Government to €2.48 billion, compared with €0.5 billion over the period 1994-99. This momentum must be sustained and built upon.

When I used the phrase "other knowledge-based economies" earlier, I consciously put Ireland in this category. A 2004 report evaluated Ireland's position as an up-and-coming knowledge economy. The findings are important for

the topic before us today. While Ireland has just 26% of its workforce in so-called "creative" occupations, it has seen by far the greatest growth in these occupations, experiencing a 7.6% annual growth since 1995. The findings also put Ireland at the top of an index which measures talent and technology growth since 1995. However, Ireland ranks in the middle of the overall "euro talent" index, which looks at the number of university graduates and scientists.

The DIT believes that the proposed development is expected to support some 4,500 knowledge employees, with a substantial number of spin-off jobs arising in the local economy. We cannot overstate the importance of this for our own knowledge economy. Ireland faces strong competition from other economies for foreign direct investment and the associated jobs growth. We have to adapt and move into new sectors in the higher end, with research at their core. We are fortunate that we have the brilliant young people to allow us to do this. However, they deserve the most excellent facilities in which to be taught, to learn and to carry on their research and development activities. The DIT will play an immensely important part in this national advancement.

The development of the Grangegorman site, and the DIT's move there, will allow for the provision of a better research infrastructure. It will allow the DIT to optimise the resources available and to maximise their exploitation. One should think of the practicalities of a single-site campus versus the current disparate one. For example, research activity by its very nature requires state-of-the-art, and consequently, very expensive scientific equipment. Maximising the value of this equipment means sharing it between students as effectively as possible. A single campus would facilitate this process to a far greater extent. The institute will be able to purpose-design new facilities as opposed to appending them to old existing ones.

The DIT has outlined what it sees as the opportunities for growth and new activities, given a single, larger campus. The institute has traditionally supplied top-class graduates to many industries, serving our economy and, as a result, our society. We should take the long-term view and provide the DIT with the ability to take advantage of the opportunities provided by a developed Grangegorman site. It is to the benefit of the institute, to its students and ultimately to our economy.

As I outlined earlier, the surrounding area of the Grangegorman site is, by and large, residential. A sensitive approach and appropriate development are critical. I am satisfied that the legislation presented to us by the Minister makes provision for an extensive consultation process with all interested parties. Examples of these interested parties include local residents, health care staff and patients located on or near the site, the relevant academic and student bodies of the DIT and the ERHA. The strategic importance of the Grangegorman site has been well articulated,

as have the benefits that will accrue to the DIT and others. However, it is imperative that local residents, in particular, are included in all the consultations and developments involving this site. This is not just a strategically important site for development. It is also part of people's neighbourhood and community. Their concerns must be heard and responded to. I am happy to welcome this Bill as a mechanism to see the Grangegorman site developed in a sensitive, appropriate, integrated and sustainable manner.

Ms Tuffy: The Minister mentioned links to the DIT and Senators Ormonde and Henry both outlined their links to the institute. I possibly have the greatest number of links to the DIT because I am a former employee. I worked as a clerical officer in the Bolton Street campus; it was my first permanent job there. I took a career break and having pursued the part-time diploma in legal studies, I went on to train as a solicitor. As the Minister is aware, my father worked as admissions officer in the DIT and before that, he was a lecturer in physics in the Kevin Street campus. Every member of my family has studied in the DIT. I am the only one who did not study at the DIT at undergraduate level. My mother went back as a mature student to the Mountjoy Square campus.

I am naturally biased towards the DIT and the institute of technology sector. I felt like jumping out of my seat when Senator Henry mentioned the idea of the DIT becoming a university and possibly being incorporated into Trinity College, Dublin.

Mr. Norris: Hear, hear and why not? There are lots of nice votes there.

Ms Tuffy: Hopefully they will get votes in their own right if we implement the reform of the Seanad. One thing about the institute of technology sector and the DIT in particular that has always impressed me is the way they have widened access to education and the flexibility they offer students. The DIT has led the way in this regard over the years. Access and flexibility are buzz words in current discourse about third level education. The DIT and individual colleges like Kevin Street and Bolton Street were promoting access and flexibility long before these words entered the discourse. I worked in the registration section of Bolton Street and was aware of people who went from being trades students to certificate night-time students to full-time degree students to postgraduate students. The DIT has led the way in terms of offering that type of flexibility and opportunities to people to avail of education.

I studied English as an undergraduate student at Trinity College, Dublin, where I was a student of Senator Norris. I remember how Trinity College was largely closed at night and at week-

ends but DIT colleges were open at night and on Saturdays. DIT colleges offered programmes during the summer. I remember studying French at the DIT during the summer when I was a primary school student because the Kevin Street campus was training teachers to teach languages at third level.

There are issues that the DIT still needs to take on board which I will discuss later. Regarding the Bill, the idea of strategic planning, the setting up and staffing of the agency and the drawing up of a plan is the right type of approach for this type of development. I have experience of that approach with Adamstown in Lucan, which was designated by the Government as a strategic development zone. An overall approach to planning for the area was taken instead of the traditional piecemeal approach. It is a far better approach. It is worthwhile taking the same approach with the Grangegorman campus and it is important to involve the community.

With regard to access, the Minister said that the college has already established links with some schools. It is important to make such links and I hope the college builds on them. When I worked in the DIT, there was a great deal of work on access for students to third level courses from PLCs and transitional courses. At the time, there was a one year course for women who were interested in engineering and would not necessarily have had the traditional qualifications, such as mathematics and so forth. The course was a type of bridge which the institute tried to provide. The institute has done much work in that regard and I hope it does more. A great deal more must be done.

This will offer a great opportunity. It will be in a part of the inner city where there are low participation rates. The ultimate aim of the DIT should be to have its core student population drawn from the inner city. Look at what happens in other areas. When a college is established in a rural town, one will discover after a certain number of years that a large proportion of the student population will come from the surrounding area. If the area previously had a bad participation rate, it now has a better rate. That has always been a geographical factor in participation rates. In addition to one's background, participation is linked to the proximity of a college. City colleges such as TCD and DIT could do more to ensure they attract the local population as a core part of their student bodies, including people from all backgrounds.

When working in the DIT, I also helped administer the ESF grants. The Labour Party conducted a study of the impact of the introduction of free fees in third level education. It found that not only did this increase participation rates in college from every group in society, albeit at a slow rate, but it also reversed the trend of falling participation rates in particular social groups

[Ms Tuffy.]

before 1998, as mentioned in the Clancy reports. We analysed the figures and discovered that the participation rates in certain lower middle income groups, that is, salaried employees and so forth, had been dropping. However, one of the steps that reversed that drop was the introduction of ESF funding. That was then improved by the abolition of third level fees. That is shown by the data that are available so far. There is some dispute about it and we still have to see the next Clancy report on its impact but, again, it was the institute of technology sector that led the way in increasing the access of different social groups to third level education.

The Minister mentioned the move to modular delivery of education. That is important because this has been identified by the OECD report, the report of the task force on lifelong learning and various other reports as the way to proceed. The other important issue is the need to do something about the fees regime for part-time students. Both the OECD report and the task force on lifelong learning have recommended that part-time students be treated in the same way as full-time students with regard to fees. That recommendation should be taken on board.

The task force on lifelong learning set out a certain cost for this, which was approximately €23 million, but it said this could be offset by the cut in tax reliefs and in other ways. Furthermore, if one moves to a more modular and credit-based delivery of education, one blurs the distinction between part-time and full-time studies. If colleges are funded per credit instead of per course, it is possible to facilitate that type of development. It also covers the cost of offering free fees to part-time students.

A number of places in full-time courses have already been advertised as vacant by the CAO. Those places could be filled by part-time students who could study those courses during the day, although still on a part-time basis and with the agreement of their employers. It would not involve extra costs because the places and courses are already funded. It simply means part-time students would fill the places.

It is important to have a modular and flexible delivery of education when dealing with the access issue for people who have already finished the primary and second level stages of education. A huge percentage of people did not get further than intermediate certificate in their education. The way to attract them into the education system is by providing a more flexible model of education and by removing the barrier of third level fees. That model of education would also assist people who drop out of the full-time system. It would give them the option of transferring to part-time studies to complete their course instead of dropping out.

Deputy Jan O'Sullivan tabled a parliamentary question to the Minister recently on my behalf. It asked for the breakdown of the number of students studying full-time courses and the number studying part-time courses in the universities and institutes of technology in 1997, 2002 and 2004. One disappointing figure relates to the Dublin Institute of Technology. The most recent year for which figures were available was 2003-04 and the Minister's reply showed that the number of part-time students in the DIT in the academic year 1997-98 was higher than the number for the academic year 2003-04. That is despite a slight increase in the number of full-time students and the increase in population of Dublin and the greater Dublin area generally, as a result of immigration, migration from the rest of the country and so forth. That is not a good trend and the college should examine ways to reverse it.

However, that trend it is not necessarily the college's fault. It also relates to the huge cost of delivering part-time courses and the need for the Government to resource colleges properly to do it. It must fund them in a way that incentivises colleges to provide flexible, part-time learning. The Minister and others have spoken about the need to build up a knowledge-based economy. That is the reason this type of study is so important. It is a danger signal when the number of part-time students declines. It has happened not just in the Dublin Institute of Technology. The number of part-time students in all the institutes of technology in the Dublin area is dropping. That is not a good sign and something must be done about it. The Minister for Enterprise, Trade and Employment, Deputy Martin, recently announced another report on the need for skills in a knowledge-based economy. He does not require another report. All the recommendations and analyses are available in reports such as that of the task force on lifelong learning.

I disagree with the point made by Senator Henry. I do not believe the Dublin Institute of Technology should become a university. This arises from a mistaken premise that it is somehow better to be a university. That is an outdated point of view. Institutes of technology are and always have been equal to but different from universities. Furthermore, they do so many things better than universities, such as access to education, flexibility in education, the use of their buildings, applied research and vocational education. A study conducted during the recession, when I found it difficult to get a job with an arts degree from Trinity College, found that students from institutes of technology, which were then regional colleges, were more likely to gain employment because of the nature of their qualifications.

There is also the important role of the DIT in trades. We do not want to be like other countries

that have gone backwards in regard to trades and find they have no tradespeople. For example, Spain is trying to reverse the neglect of trades education. I hope the DIT maintains a strong role in this regard.

As a university graduate, I am not being critical of the universities. However, in terms of the most important factors, such as access, it is not the DIT that should follow the universities but the other way around. That is what is happening. The universities are considering what the institutes have achieved and have copied them, which is the way forward and how it should be. The universities have learned from the imaginative policies of the institutes of technology over the years and built on them.

Mr. Brady: This is not just an exciting time for Grangegorman and the Dublin 7 area but for the city of Dublin and the whole third level education community. The investment of over €900 million will be the single largest investment in third level education in the history of the State. It will provide for this country's needs far into the future in a number of areas.

The Grangegorman site is the last remaining major site for development in the city of Dublin, comprising 75 acres, 65 of which will be taken by the DIT and the remainder by the health board. As Senator Ulick Burke pointed out, while the decision for this development was formally made in 1999, negotiations took place for many years prior to that. I met DIT management in the early 1990s and know a plan was formulating even at that stage.

I am delighted the Bill has reached this stage and is almost ready to be put into practice. It is a unique and valuable site. Senator Henry referred to the history of the Grangegorman and St. Brendan's sites. I have spent much time in that area. There is a major historical aspect to the Grangegorman neighbourhood which will be preserved to a great extent by the measures to be taken under the Bill. The development as proposed in the Bill will be integrated and sustainable. This is important, particularly as the area involved has only recently recovered from the bad times of the 1970s and 1980s. The way the Bill has been planned and put together will ensure the sustainability of the campus.

The health care element of the development is essential. The maintenance of the primary care centre, residential, day care and elderly services, intellectual and physical disabilities services and mental health services is crucial to the area. For many years, there have been issues around the integration of past patients of Grangegorman, but those issues have been overcome in the vast majority of cases. The retention of part of the site by the Department of Health and Children is crucial. The integration of services into the edu-

ational aspect of the development will prove to be a significant factor over time.

In considering the rationale for the DIT to take this significant step, it was stated that the DIT is based in 39 buildings on 30 different sites. However, it also contains seven libraries, ten canteens, eight admissions offices, seven examination offices and six sports offices spread throughout the city. The foresight shown when the decision was taken to go down this road can only be commended, and I commend the past and present management of the DIT for it. When one considers the make-up of the DIT, which has 20,500 students, 85 full-time programmes, 200 part-time programmes, 4,000 graduates per year, 3,500 apprentices per year and 2,000 staff, it is a massive organisation. The recognition given to it by the framing of the Bill is duly deserved and will pay significant dividends.

The Bill provides at section 12 for access by the local community to the facilities on the campus. This is important, given that the effect it will have on the immediate vicinity will be noticeable. It will be a long-term development. It is hoped it will be completed by approximately 2011. While the first students will have to put up with much building work and disruption, the framework put on the agency in the Bill will ensure any problems that arise can be tackled head-on, or pre-empted in many cases. The provisions in the Bill that allow for the setting up and make-up of the agency will prove in the end to be very effective.

Changes were made in the Dáil to different elements of the Bill, including an increase to the numbers on the agency to include local residents, which is welcome. An important issue was the consultation strategy and the setting up of the consultative group, in which all stakeholders will have a say and a direct link to the planning and final development of the site. With regard to finance, sections of the Bill allow for annual reporting procedures, which are essential to maintaining confidence. There is a definite welcome for this development among local residents, but issues remain to be dealt with, although these can be resolved.

From the perspective of the DIT, Dublin City Council and the various other State agencies involved, there is a definite willingness to cooperate and consult. Dublin City Council has a crucial role to play, particularly in the planning element of the development and the implementation of the plans. I welcome the fact it will be represented on the agency by a councillor and an official. This gives local residents an opportunity to have a direct input through their local representative into the plans and the development, which is welcome. Dublin City Council is in the process of including the development in the development plan for the city, which shows its scope and scale with regard to Dublin city. The effect it will have from an educational and cul-

[Mr. Brady.]
 tural perspective is enormous, not only for its immediate vicinity.

At a recent public meeting to discuss the development, the president of the DIT, Mr. Brian Norton, described the campus as an outward-facing campus. In other words, it is open and accessible, which is a major issue for the local community. I have experience of the community access programmes with which the DIT is involved throughout the city. Some are extremely effective, such as the Dublin inner city schools computers, DISC, programme which provides schools from particularly deprived areas with state-of-the-art technology and backup. These are the areas where this particular development will have the greatest effect. It will provide open access to as many people as possible to take advantage of a state-of-the-art third level facility.

Mr. O'Toole: Cuirim fáilte roimh an Aire, agus fáiltím go mór roimh an Bhille seo. Tá an-jab oibre déanta ag an Roinn. Tá sé thar a bheith tábhachtach, agus tá sé thar am go mbeadh sé againn. Tá súil agam go n-eireoidh go mór leis an Bhille agus an institiúid amach anseo.

I want to make a number of points, one or two of which Senators might have heard me make before. I must bore them again. I agree with Senator Tuffy that it demeans the institute to seek university status and I am glad it has dropped the issue. It does not need that status, has its own fine reputation and has done an extraordinarily good job. I see it eventually taking centre stage in line with the Massachusetts Institute of Technology. Alphabetically DIT will come before MIT and will match it in every way in the future. The institute's constituent units have developed throughout the city in an extraordinarily positive and energetic manner, and I wish them well. The Dublin Institute of Technology will be superb and it is a waste of energy to raise the issue of university status although I have not heard it do so in a while. It has moved beyond that; it is better than that and does not need such status. I also speak as a university graduate but DIT graduates will also be third level graduates and should vote in Seanad elections. They have a great contribution to make.

I know that section 26 is not the Minister's idea nor is it something any Minister thinks about greatly. It appears in every Bill and annoys me very much. It disallows Members of the Oireachtas from sitting on the agency. There is no explanation for this although I would like to hear one. It is something that Parliamentary Counsel includes in every Bill. However, it is demeaning, insulting and offensive that Members of the Oireachtas are deprived in this way. It is not that any of us wish to sit on the agency, but the provision is unnecessary. If, at some stage in the future, the Minister reached a period in her

political life whereby she was no longer involved in Cabinet — although I do not wish that on her — she could make a major contribution in this capacity. Former Ministers could become involved. The section is unnecessary and the Minister should remove it. We do not need it and it adds nothing to the Bill.

We recently discussed the OECD report on third level education which most of the world jumped up and down to greet and welcome with enthusiasm. It contained many good elements, but there were a few which bothered me and to which I was opposed. One of these elements comes centre stage tonight, namely, the place of the institutes of technology with regard to research and development. The case was well made in the Minister's speech about the importance of research and technology. It is clear that Ireland will not be manufacturing widgets for much longer. It is also clear that much of the research, technology and design which we will need in the future will come from institutes such as DIT and be of a high level. However, as we have moved up the food chain in terms of economic development the type of technology we developed 20 years ago is being designed equally well in other countries where people are prepared to work incredibly long hours. Those countries can continue to design at a low level. We are at a stage in our economic development where the research and development that we need to carry out must take place at doctorate level.

The OECD report stated that institutes of technology would not be able to deal with doctorates and that this would be best left to universities. There is a contradiction between that assertion and the Minister's speech, which is the point I previously tried to make. The DIT is a fine institution. The Minister said it demands close co-operation with industry to maximise technology transfers. I fully agree with that statement, although it is slightly old fashioned in terms of language. I do not like the term "technology transfer" but I understand the thinking behind it in that it is a technology, research, information and knowledge conduit and not simply a straight transfer. It goes over and back. For that to happen, at the level of which our economy has now developed, doctorate level research, design and development is required. This must happen in places such as the institutes of technology and the Minister should use her best efforts to ensure they get the resources to do so. It can be done through a straight transfer of resources, tax breaks for people who take on the onerous task of studying for a doctorate or by dealing with groups such as Science Foundation Ireland and ensuring they give the same consideration to the institutes of technology as they do to universities in this regard. This is crucial to our future development, economically and otherwise. That was one of the problems I had with the OECD

report and is well illustrated tonight. I do not think the Minister will disagree with my point, which we have discussed previously.

The issue of information technology was also missing from the OECD report. It did not get any great consideration. I would like to see DIT and other institutes of technology get the opportunity to develop Internet-based learning. In her speech, the Minister used the well-fashioned term “outreach centres” and I remember them well. Outreach centres are now in people’s living rooms, offices and workplaces. They do not need to gather in such places, although they may should they wish. Technology has developed; Hibernia College has managed to develop Internet-based learning for teacher education to a certain extent. Imagine what DIT could do in terms of supporting professionals and industry and in terms of what we want to see happening in regional Ireland. This is a knowledge gateway and a way in which we can give new life and energy to much trapped intellectual capacity in parts of Ireland which are far away from third level colleges. This is a way in which to release such intellectual capacity by giving people access and having a balance of attendance and Internet-based knowledge. The institutes need support and encouragement in that direction.

The institutes of technology deal with apprenticeships. I feel strongly about the university issue, as does Senator Tuffy. We have reached a stage in Irish society where some people conclude that those with degrees must be educated. As teachers, the Minister and I will find this amazing in that we know that some of the least educated people we have met have a string of degrees and letters after their names. However, the obverse of that problem is that some people think that those without degrees are questionable in terms of knowledge. Irish society has lost an entire generation of tradespeople. There are very few Brendan Behans remaining, people who could paint during the day and write at night or be carpenters during the day and attend the opera at night. Arts and literature have been directed away from people in trade and apprenticeships. I have tried unsuccessfully to raise this matter with the crafts unions over the years. I pleaded that apprenticeships be exposed to arts and literature in a way that was not stressful and did not include exams. I was referring to the sharing of an experience and growing to love something. Everybody can have an equal appreciation of arts and literature regardless of their background or the work they do, whether they are nuclear physicists or neurosurgeons, painters or carpenters. Everybody in this chamber would agree with me. I would like to see some movement in that direction.

I will conclude with a story that may be of some use to the authorities at DIT. I was at the opening of an educational institution in a lovely greenfield

setting. Speaking to the designer of this beautiful building, I pointed out that there were no paths and roadways between the buildings. I wondered how the students got from the road to the building. He replied that he would return in two months and would lay paths when he could see where the students had been walking. When DIT finalises this project it can leave the paths until last and the students can show it in the shortcuts they take. In order to prevent people walking on the grass the paths can be laid where the students have walked. On that note of levity I wish the Minister well. Go n-éirí leis an mBille ag an bpo-inte seo.

Ms O’Rourke: I was not going to speak on this matter until I read the Minister’s script. Unlike Senator O’Toole, I admire it very much and find it comprehensive in its scope. I was involved with DIT for over five years and later in the Department of Public Enterprise when this idea was set up. It started as a visionary idea and I recall the it being mooted during the five years while I was Minister for Education although I cannot remember who was the spark behind it. The Minister does not say whose idea it was but perhaps she can enlighten us. I know the Taoiseach was very involved in it. There must be someone who decided one day that this was what would happen and that DIT would no longer have to exist on 11 acres, in 39 buildings on 30 sites.

Can one imagine trying to have an authoritative air about such a university? Can one imagine trying to keep track of professors, students, cleaners and administrators? We are all familiar with the various outposts including Kevin Street, Bolton Street and the college of marketing but the administrative burden of keeping track of them never struck me before.

Everybody likes to talk about the old universities. They like to talk about Queen Elizabeth and what she did for Trinity College. I am referring to the first Queen Elizabeth, not the present one. There is the influence of Cardinal Newman on UCD, now referred to as NUI, Dublin. DIT is an institution that has educated people for well over 100 years, a fine tradition of education.

I liked what Senator O’Toole said about apprenticeships. There was a time people looked down on apprenticeships because they were incorrectly deemed not to be proper third-level education courses. This college will have an eclectic mix of studies, disciplines, students, professors, degrees and diplomas. It will be on one site and there will be a spirit of collegiality, which is difficult to develop if one is miles from one’s college. One’s horizons are bounded by one’s campus. Although the campus at Bolton Street or Kevin Street has wonderful facilities, students, professors and tutors, one is bounded by the physical environment in which one is based. In the new environment I can imagine spirits will soar into

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the skies with ideas, creativity, knowledge gained and knowledge sought.

DIT is an old college with a great background, serving as it did the whole artisan idea in Dublin. That was a noble start to the DIT concept. I was involved in legislation in that regard in my time in the Department of Education.

When I read the Minister's script I had a vision of the completed campus even though my knowledge of the area is so poor that I know America better than I know Grangegorman. I had a vision of the completed site, and how it would be thronged with students from everywhere, academic staff and creative staff. I like the idea of music, art and creativity that is already present in DIT. It is great that the institution had time to develop these disciplines. It would have been easy for people to say that these were not needed, given that DIT was involved in science and technology. The artistic side of life remained central to the college ethos and this was impressive at a time when utilitarian concerns, leading to immediate jobs, were the impetus in education.

It is a worthy idea that there will be community involvement, as there has been in Dublin docklands and the college in that area, the National College of Ireland. For too long universities had big glass walls, if not real walls, around them. The community and the college were separated and there was not as much interaction as there should have been. Community involvement is appropriate as Kevin Street and Aungier Street were the centre of the old part of Dublin. Both sides will benefit from this involvement.

The conservative estimate of this project is €900 million, a considerable amount of money. The project will move forward in a strategic, planned, gradual way. There will be much heartache, many headaches and fights between all kinds of people before the project is completed but the struggle will be well worth it. I note that very valuable properties are to be transferred to the agency, which will then sell them whenever good value can be realised. As valuable properties in an attractive area they can realise a considerable sum of money towards the final project.

I wish the Grangegorman development agency well in its future composition, and wish DIT well also. The university Senators spoke, as is to be expected as they get their votes from university graduates. I am sure this will be a fertile ground for them. I have kept in touch with DIT and many staff members have been kind enough to keep me informed through correspondence and invitations to various functions. I have always been glad to go as the various colleges are responsive to the needs of people. There is no point in setting up something that is a monolith and in which no-one is interested.

Of the areas of education with which I was involved, DIT and the primary sector are the two

with whom I have kept the closest links. These are the two most important elements within education. I wish the Minister well in her takeover of the Grangegorman development agency and I wish DIT well in its new manifestation. I look forward to an invitation to its unveiling.

Mr. Norris: I welcome the Minister to the House on this positive occasion. I recognise the presence in the Visitors Gallery of Professor Brian Norton, whose name has already been referred to several times in the debate, as well as a distinguished group from the Dublin Institute of Technology.

I welcome this development because it is on the north side of Dublin. We have seen consistent asset stripping by this and every other Government of everything from the north side. Thank God, at last, something really important is being put back.

Ms O'Rourke: Have we not got Senator Norris?

Mr. Norris: I thank the Leader for her compliment. She is full of plámás but we want jobs, institutions and investment. Plámás is all very fine after we have got the investment but we must get the investment first.

Like other speakers, I wish to pay tribute to the DIT. It not just a question of votes because the number of votes is fairly small. There was a period when Trinity College conferred degrees on behalf of the DIT but that has stopped now.

Ms O'Rourke: Yes.

Mr. Norris: Of course, we all welcome votes and let us not pretend otherwise because without them we would not be here to speak about matters in which we are interested. Like Senator O'Toole, I think the DIT should be enfranchised whether or not it is to become a university. I would like to see all the Dublin colleges, including the DIT, come in with Trinity College so we would have a Dublin constituency. The NUI, which was always national, would then have a larger and wider constituency so we would get two different characteristics. Otherwise, one might as well lock the whole lot in together. That is really a by-product of this issue, however, which is not terribly important to the debate.

I congratulate Senator Tuffy on one of the best speeches I have ever heard her make in the House. She really spoke passionately from the heart. She made me green with envy when she said the DIT is open on Saturdays, which is a lot more than this place is. We could look at that idea if we are really serious about the work we are doing here.

God bless Senator O'Toole's innocence, although I never thought I would use that phrase concerning him. If he thinks Brendan Behan was

a tradesman, he did not know him. I knew Behan vaguely. Some time ago, a letter from the North of Ireland came into my possession complaining in language that would take the paint off this ceiling, about Behan's utter, total and absolute inadequacy as a house painter and the various diversions he got up to. He would have fitted into the DIT, however, not as an apprentice house painter but in the centre for the creative arts.

The aspect I like about this Grangegorman project is that it will bring so much together, creating a vital synergy between all these arts. We know the history of Kevin Street and Bolton Street, which goes back to 1887.

Ms O'Rourke: And Cathal Brugha Street.

Mr. Norris: Cathal Brugha Street is just down the road from me. I spent a wonderful, imaginative evening there recently.

Ms O'Rourke: The Senator invited me there last year but I was unable to go.

Mr. Norris: Yes, but Senator O'Rourke was there the previous year.

Ms O'Rourke: I was.

Mr. Norris: She is still remembered there.

I wish to refer to the disposal of these properties, I am thinking particularly of Cathal Brugha Street which has contributed enormously to the development of tourism in every way, including teaching excellent skills. We always had the best raw materials but we could make an awful bags of them in catering, although now we are among the finest in the world. What about the building, however? It is a wonderful, art deco building that would make a stunning hotel which could employ some of its graduates.

Ms O'Rourke: It is beautiful.

Mr. Norris: I hope it will not be demolished and replaced by something like that ghastly telephone house across the road. In that case, we demolished a row of 18th century buildings and sold the site to a British trade union's pension fund, which built that monstrosity and rented it back to the State. If anything was ever provincial, it was that act of vandalism.

As regards the question of the DIT becoming a university, I felt there was a bit of inverted snobbery in what Senator O'Toole said. I am delighted with institutes of technology. I am not sure but I think the Massachusetts Institute of Technology classifies itself as a university. I am prepared to give autonomy to the DIT. If it wants to be a university, it knows what it wants so let it at it. Let us not have any inverted snobbery. There was a time when the DIT did want that status. While it may be wrong, a part of one's

status internationally is based on perception. If the DIT decides it wants to be a university and seeks my assistance in promoting that, I will do so. I do not give a damn about inverted snobbery. Let trades be part of a university. I was listening to a programme about the leaving certificate applied course which includes an examination on hair care and beauty. That is fine because such work provides a lot of employment. I would caution somewhat against what I call inverted snobbery.

In an interesting speech the Minister went through the history of the purchase of the Grangegorman site. I will not recap on that but it was imaginative to buy 65 acres. I am also glad that a little section was left to continue the tradition of Grangegorman in serving the needs of people who are in intellectual, mental or emotional difficulties. I am glad that an after-care service will be provided there.

It is also a good idea to rationalise and get rid of these properties, and thus avoid paying the rental which currently costs €4.15 million. There will be savings at the end of the day. The Minister referred to the remarkable courses offered by the DIT, including digital and other new media technology.

I listened with interest to what Senator Brady said because he is a representative from that area and was a member of the local authority.

Ms O'Rourke: He is from the north side and we have kept him.

Mr. Norris: Exactly.

Mr. Brady: I am an asset on the north side.

Mr. Norris: He is definitely an asset.

Ms O'Rourke: He will not be stripped either.

Mr. Norris: The consultation process may not go far enough, however, because people want to be included in decision making. I have been lobbied on that matter by some of the local groups. Among the impressive documents I received in this respect were some brochures from the DIT. They are fascinating because they encapsulate what the proposed development is all about. The opening paragraph states:

The campus will be located at Grangegorman in Dublin's north-west inner city. Combining experience in Ireland with best practice internationally, it will be one of the most exciting developments in higher education in Europe. Integrated with the locality and with the fabric of the city, it will incorporate flexible, international-standard facilities for students and staff, as well as for industry partners and the local community.

[Mr. Norris.]

The new campus will cater for 21,000 students, with 85 full-time programmes, 200 part-time programmes, six faculties and a staff of 2,000. That is big by any standards. The 21,000 students break down as 10,000 full time, 7,000 part time and 4,000 apprentices. All six faculties will bring them together in an interesting learning environment, including library resources. I will not read out the list because anyone can do so.

I am glad to see the inclusion of a cultural and artistic centre where Brendan Behan would fit in, rather than in the paint workshops. Sports facilities will also be included and I hope they put in a swimming pool. Trinity College does not have a pool which is a great pity. It is important that the new campus should be linked to the local community through proper access which will lift the entire area.

I welcome the fact that some 2,000 residential places will be provided on campus, which will provide a community spirit. That used to be the difference between Trinity College and UCD which had no residential places.

Ms O'Rourke: It has now.

Ms White: It has now, so it is not a big deal.

Mr. Norris: I always thought it was a pity, although I did not look down on UCD because there were wonderful things out there. However, the provision of residential places coupled with the tutorial system really seemed to mark Trinity College out. It was not the old buildings but the fact that students lived on campus and the college was alive with university clubs.

The Grangegorman proposal is a wonderfully imaginative development, whether one calls it a university or an institute of technology. It does not matter to me because it is up the DIT to choose a name. Such developments can, however, help to lift areas of disadvantage. I urge the Minister to ensure that it will do so in that area of the city. The Minister has received a letter from the inner city network.

Ms O'Rourke: Thousands of them.

Mr. Norris: I am sure she has received thousands of letters. The inner city network has made some very good points. According to the census, 15,000 local people in the area left school at or before 15 years of age. Although there has been an increase in educational attainment, much of that is accounted for by people who have moved into the apartments that have been built there in recent years. Less than 3% of local people in one block of flats have had any contact with third level education. We must lift that figure by bringing people together into our developing and now quite rich community. I hope the Minister will find a way of doing this because it is important to

include members of the local community in the new Grangegorman project. A strategic plan with practical points is required to spell out how the project can improve the whole community. Let us live up to the idea of social inclusion, ensure that people represent the area and bear in mind that it is quite a complex area. The north west or north inner city is not just one block. It includes Constitution Hill, Rathdown and Grangegorman, North Circular Road, Cabra, Stoneybatter, Smithfield and the markets area.

This is a good day for education in Ireland. We all welcome the Bill and look forward to the development. As Senator O'Rourke, a former Minister for Education, said, we all look forward to the day when we celebrate with our colleagues in the DIT a wonderful day for all of us, not just in Dublin but in Ireland.

Dr. Mansergh: I warmly welcome the Minister, the Bill and the Minister's comprehensive speech. Our Leader's speech about the origins of the idea reminded me of a remark by former German Chancellor Helmut Schmidt about the origin of the European monetary system. He chided someone for saying "*Il ne faut pas chercher la paternité des idées*" — one must not look for the source of ideas.

Ms O'Rourke: I was not doing that.

Dr. Mansergh: As Senator Henry reminded us, Grangegorman was a byword for what was most depressing in the city of Dublin. The project now before us is an enormously exciting initiative. I presume the figure of €900 million is a gross one as I assume the existing sites all have a value which will contribute considerably to reducing the net cost. The project will help deal with the deprived area of the inner city and will be part of the revival which is already under way in places like Smithfield.

In her comprehensive speech, the Minister detailed in so many different areas courses which the DIT was running on its own or with another third level institute. I was interested in but will not dwell on what the Minister said the DIT was doing in the *conservatoire* area of music, which has a somewhat chequered history. During the debates on that, the DIT made clear what it was doing. The DIT has probably the best employment record of any third level institution in the country.

When the RTCs were upgraded to institutes of technology, that put a certain squeeze on the DIT and the Waterford Institute of Technology. I will declare my interests at this stage. I have a family member on the staff of the DIT and I am a member of the foundation of the WIT.

I will say a little about the university issue and illustrate it by an anecdote. A German bank recently advertised what they are calling the William Rowan Hamilton prizes. This year is the

bicentenary of that scientist's birth. The prizes, of which there are several, are for excellence in maths, and I understand they are administered by the Royal Irish Academy. The prizes are for people in their penultimate year of study, but maths graduates from the DIT are not eligible to compete. There is a lot of hidden educational snobbery about, which I regard as an absolute scandal. It is because of this hidden form of discrimination that third level institutions like the WIT and the DIT want university status.

The Leader will recall that in 1989, when she and the Taoiseach of the day, Charles Haughey, were contemplating giving university status to the college in Limerick and to DCU, there was a great deal of resistance. Words were spoken into people's ears.

Ms O'Rourke: Yes.

Dr. Mansergh: That is probably an understatement. The Leader and Charles Haughey had the courage to do the right thing. Does anyone now criticise those decisions? I will not beat about the bush. The best time may be when the move to Grangegorman is complete, but the Dublin Institute of Technology deserves university status because of its students, its staff and the research they do. I will make a similar argument on another occasion for a university of the south east modelled on the University of Ulster. There will be people in the National University of Ireland, in Trinity College and so on who will advise against this, and say it is a question of standards. Those colleges draw people from the south east. The argument has been conclusively made, and it was made in the Minister's speech, regarding the linking of technology, third level education and employment. The Minister will probably want to be remembered for many initiatives in education, but I urge her, as the Leader did in 1989, to give this issue her serious consideration.

Ms O'Rourke: Garret FitzGerald was very cross about that issue.

Dr. Mansergh: He was also cross about the institutes of technology.

Minister for Education and Science (Ms M. Hanafin): Gabhaim buíochas leis na Seanadóirí ar fad a ghlac pháirt sa díospóireacht. It is always a pleasure to come to the Seanad, if only to compare the type of debate with that of the Dáil. With the latter House perhaps having more local representatives, much of the debate there focused on the local representation and community involvement, whereas in the Seanad the debate revolved largely around the educational institutes and the education involvement. That is what this site is all about. The development of the Grangegorman site is, in the first instance, for the Dublin Institute of Technology.

I was interested to hear of various people claiming as much involvement as others in the Dublin Institute of Technology. It is to the credit of the DIT that so many people at all levels of society in Ireland have had an involvement in it. It is exactly 20 years ago since Senator Liam Fitzgerald, Deputy Pat Carey and I, all new members of the CDVEC, used to meet with the Minister for Education of the day, the current Leader of the House, Senator O'Rourke, to discuss issues pertaining to the DIT, when Eamon Tuffy was education officer there. It all comes back to haunt us.

Ms O'Rourke: That is true.

Ms M. Hanafin: It shows that we have all had some sort of involvement. Whatever it was, in light of the debate that has taken place here tonight, we can all claim due credit in some way for part of the development of the Dublin Institute of Technology. Everyone in this House recognises the role it plays and the challenge before it when based on a single site, when it can deliver even more for the local community with the outward-looking campus it intends to have.

There were some debates not central to the legislation but clearly of interest regarding "to be or not to be" a university, to consult at length or not to consult, and the role of the local community. All of these are valid issues for debate, including the Seanad representation, the votes in the Seanad elections and so on. It is the joy of Second Stage legislation that one gets to discuss all these issues without having to deal with any of them. When it comes to Committee Stage, there may be specific issues of interest to people.

Senator Ulick Burke asked at the outset whether the agency would continue to manage the site, and how that would relate to the bodies which will be using it. Once the site is fully developed, the agency will be dissolved, and the buildings will be vested in the relevant body according as they are ready. Accordingly, the agency will not interfere in any way with the management of the Dublin Institute of Technology or with the Health Service Executive and its role there.

Regarding the development of the building projects, Senator Burke adverted to the Cork School of Music. One could on the other hand look at the National Maritime College in Cork to see how it became successful so quickly. The development of all the buildings will be done through the agency and the National Development Finance Agency. By then we will have perfected various methods of the delivery of projects.

This will be a major investment and the development will take a number of years. The first step lies in setting up the agency. I do not know who first had the idea of this development but I know who is driving it. It is not the Minister

9 o'clock

[Ms M. Hanafin.]
for Education and Science, much as I would like to claim credit for it. The person driving it is, undoubtedly, the Taoiseach. He has taken a personal interest in it from the outset and is anxious it goes forward. If one needs somebody on one's side, the best person to have is the Taoiseach. Therefore, we can have great optimism that the legislation will not just pass through the House, but will set up the agency with a view to moving quickly towards the development of the site, which is the main interest of the staff members of the DIT who are here and who followed the legislation, word for word, through the Dáil.

We accepted a number of amendments in the Dáil and when we get to Committee and Report Stages here, I will be happy to accept any amendments that add to the legislation and to what, ultimately, will be an exciting development, not just for education but for the city of Dublin.

Question put and agreed to.

Committee Stage ordered for Tuesday, 21 June 2005.

Acting Chairman (Mr. Finucane): When is it proposed to sit again?

Ms O'Rourke: Tomorrow at 10.30 a.m.

Adjournment Matters.

Services for People with Disabilities.

Mr. U. Burke: I welcome the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, to the House. Is the Minister for Health and Children aware that in the funding allocation announced recently, no additional funding was provided for the Health Service Executive, western region, for children under the age of 12 years with special needs? All resources were allocated to adults. It is important that the Minister realises that no funding has been applied to younger people in the western region.

There are 400 people, adult and young, in the western region with special needs. From this coming September, eight children in County Galway will have to be kept at home with their families because no resources have been provided to supply the health support needed to provide education for them. Many of these children had hoped to get day care facilities, but these cannot be provided due to lack of funding. The Minister only recently indicated the total allocation in this area to the HSE, western region. I was told today that this funding is inadequate. It is so inadequate that it is already assigned to provide support for people provided with places last year.

There is not sufficient provision for the level of need in the western area, particularly as regards support for younger children between six and nine years of age who must do without funding. After all that has been said regarding special needs education and, more recently, the Disability Bill, I must point out that the problem is not in the education area, but in the health area. It is failing to provide support for young people of that age within the education system. They cannot get access to the funding.

There was a time when we could say the necessary professionals were not available, but that is no longer the case. We have adequate numbers of professional people available, but the required financial support is not provided by the Department of Health and Children. I will read a section from two letters about a particular child who has been denied support. One of the parents gave up her job in order to support her young, profoundly handicapped child. When the father returns home from work he takes over from the mother. These parents provide a 24-hour response and commitment to the child, with some support from the extended family when available.

It is not good enough that there are eight children in County Galway who will not get the support necessary from the Department to allow them into the education system with the necessary health support. The Department of Education and Science will willingly provide the services they need, but the children cannot go to school unless they have the necessary health services. Children cannot be sent into a situation where the teachers are there but the other necessary health supports are not.

The letter from which I will now read relates to a particular case highlighted to the service providers in the area last November. It says:

The situation which exists is that you are free to apply for a preschool placement for [your child] in Roscommon. However, because you live [half a mile over the border] in Co. Galway, the Roscommon services will ask Galway to fund that placement at the rate of approximately €36,000 to €40,000 per annum. [That amount for a placement in an existing service]. If new money is made available by the Health Service Executive to create new preschool places this is not a problem as the funding would be made available from the Galway budget to support [the child] for the length of her placement. If however no new money is made available then the fact is that at present there is no contingency or unused money which could be paid to Roscommon. At the moment I am talking to the Galway agencies about numbers of children moving in and out of their centres next September so I am not in a position to say if there are any vacancies or if there is any opportunity to create the funding from within existing resources. I must caution that

the latter is unlikely given the numbers of children in Early Childhood Services looking for placements.

There are eight of these children looking for placements. They will have to stay at home. What Government can stand over this situation, stand idly by and allow this to continue?

I will provide the details of this specific case to the Minister of State. Will he at least give some hope that these parents, who have done everything possible within their capabilities to provide as best they can for their children, will get the support they should get from the agencies? If there is a turf war between service providers at local level because one person lives half a mile over a border, the Minister of State should see to it that these providers have their heads knocked together to ensure that whatever resources they have are used to the best extent.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I thank Senator Ulick Burke for raising this matter. I am pleased to provide information to the House about the current position in respect of the additional funding provided for services for children and adults with disabilities in 2005. The additional revenue and capital funding that is being provided in 2005 as part of the Government's multi-annual investment programme for services for persons with disabilities will provide a broad range of new and enhanced services, including the expansion of various health support services for children with special needs.

Senator Ulick Burke spoke about the management and delivery of health and personal social services. The Health Service Executive, which is responsible for such matters under the terms of the Health Act 2004, has completed its examination of the proposals for new and enhanced services which it received from the various health service areas around the country, including the western area. The service developments which have been agreed by the executive will be put in place as quickly as possible. The HSE is responsible for the management and delivery of such services, as I have said. I understand from the HSE that some additional funding is being provided to expand support services for children with special needs in the western area.

I will take up Senator Ulick Burke's offer if he provides details of the precise case to which he has referred. In such circumstances, I will endeavour to see what I can do to secure the funds which seem to be needed. I understand the problems which are encountered by all involved, including parents, as a consequence of the scarcity of funding in this regard. I understand the point made by the Senator. I will do everything I can to see what I can do to help.

Mr. U. Burke: I thank the Minister of State.

Water and Sewerage Schemes.

Mr. Finucane: When I spoke on the Adjournment on 25 May last about the delays in the Kilmallock sewerage scheme, the Minister for the Environment, Heritage and Local Government responded by saying he has "always been impatient of excessive bureaucracy and paper shifting". He indicated that funding is being provided "for more than 20 locations throughout County Limerick, where planning of new infrastructure is moving ahead rapidly".

The village of Shanagolden is not getting the investment it requires because of delays in providing the sewerage scheme that is urgently needed there. I understand from Limerick County Council that the four sewerage projects at Shanagolden, Foynes, Athea and Askeaton are being pursued together. It seems that the village of Glin was subsequently added to this project. The development of sewerage schemes is most important for each of these places. The lack of progress in this regard has led to a shortfall in the numbers of pupils entering the primary schools in the area. Developers are being deterred from proceeding with housing developments as a consequence of the inability of the existing sewerage scheme to cope with the locality's expanding population.

The Minister of State, Deputy Batt O'Keeffe, is aware that ten phases typically need to be completed, from inception to construction, before a major capital scheme can be approved. I do not agree with the comment made by the Minister, Deputy Roche, that progress is proceeding rapidly, as the approval process has stalled at the fourth phase. There has been an inordinate delay in the approval by the Department of the Environment, Heritage and Local Government of the fee agreed by Limerick County Council and the relevant consultant. It is imperative that the Department should agree the revised fee that has been presented to it by the council as soon as possible.

As the Minister of State is aware, Limerick County Council is anxious to proceed with all the sewerage schemes I have mentioned, including the Shanagolden scheme. Can he indicate when it is anticipated that construction work will commence? Sewerage schemes are urgently required in all the locations I have mentioned. The Minister of State has indicated previously that funding has been set aside for all the schemes, but I would like him to assure me that funding has definitely been ring-fenced for the projects in question. I hope the Minister of State's response will be consistent with his stated wish to make progress with the projects as rapidly as possible. I look forward to his response.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): I thank Senator Finucane for

[Mr. B. O'Keefe.]

raising this matter on the Adjournment. The 2004-06 water services investment programme of the Department of the Environment, Heritage and Local Government, which was published in May 2004, includes funding for more than 20 schemes in County Limerick. Towns and villages like Adare, Patrickswell, Athea, Askeaton, Foynes and Glin can look forward to new or upgraded sewerage schemes. Many areas will benefit from the improved water supplies which will result from the planned major upgrade of the Clareville water treatment plant, the planned improvements to the Shannon estuary water supply scheme and the planned extensions of the Limerick county trunk water mains. Almost €143 million has been allocated under the water services investment programme for water and sewerage schemes in County Limerick.

The Shanagolden sewerage scheme is being developed with the Athea, Askeaton and Foynes sewerage schemes as part of a grouped project. This major infrastructural undertaking will upgrade and extend existing sewerage treatment plants and sewage collection networks and provide new plants and networks if they are needed. It will play a major role in the economic and social development of the towns and villages in question, including Shanagolden. It has been estimated that the grouped project will cost almost €16 million. The project has been assigned construction status under the water services investment programme. The preparation of detailed contract documents will commence when the council has submitted its preliminary reports for the schemes and has received approval from the Department of the Environment, Heritage and Local Government.

I ask Senator Finucane to listen carefully to this part of my response. In 2002, the Department of the Environment, Heritage and Local Government approved briefs for the appointment of consultants to prepare preliminary reports for the various schemes. Limerick County Council's fee proposals for the appointment of consultants to prepare the reports were subsequently approved in 2003. That cleared the way for the progression of the reports and the submission of the reports to the Department. However, the council subsequently submitted substantially increased fee proposals and cost estimates for the schemes. I can give the Senator details of the increases if he wishes. It has been impossible for the Department to approve the increases. A submission on this issue was received from the council on 31 May last, following correspondence and consultation between the council and the Department. The submission, which also deals with the proposed inclusion of Glin sewerage scheme as part of the group, is being considered by the Department. I assure the Senator that a response will issue to it shortly.

I am conscious of the need for the project to get under way and of the Senator's concerns in this regard. The Department of the Environment, Heritage and Local Government will do everything possible to avoid unnecessary delay. The necessary funding has been allocated for the scheme under the water services investment programme. That money will be available for draw-down by the council when it is possible for the work to start on the ground. In the meantime, it is important for the Department and the council to make progress with the preliminary stages as quickly as possible.

Mr. Finucane: I thank the Minister of State.

Afforestation Programme.

Mr. Bannon: I thank the Minister of State at the Department of Agriculture and Food, Deputy Browne, for coming to the House to respond to my remarks on an issue that has important implications for the development of this country, particularly its rural environment. I refer to the fact that Ireland has the lowest proportion of forest cover in the EU. Just 10% of this country is covered by forest, compared to an EU average of 35%. The Government must make every effort to increase this country's planting rates. It should fully support a programme of afforestation until Ireland has achieved a level of forest cover that can support a viable forestry processing and service industry within the rural economy. Ireland, which enjoys the advantages of its temperate climate, has some of the best growth rates in Europe for a wide variety of tree species. Worryingly, the EU Commission is now proposing a new rural development programme for 2007-13, which includes a proposed cut to afforestation grant rates from 100% to 50%, and 60% in less favoured areas. We are looking at a scenario where we can grow the trees but will be prevented from doing so in an economically viable manner. The EU is also proposing a reduction in the payment terms from 20 years to 15 years. I cannot emphasise enough that the proposed destruction of our afforestation programme cannot be permitted.

The introduction of decoupling has given Irish farmers the option to diversify. However, what has been given with one hand has been taken away with the other. The timing is not appropriate. Farmers make a major long-term commitment by planting their most valuable asset — their land. The average price for agricultural land in 2004 was €14,800 per hectare. A commitment to planting decreases the value of a farmer's land in the initial years and, unlike other agricultural enterprises, when a farmer commits his land to forestry, it must remain in forestry. This commitment has not been recognised in the past and it is certainly not being recognised under these proposals. While the 100% forestry grants went some

way to compensate farmers, they will not be prepared to plant their land for less. The history of afforestation in this country indicates that most farmers will not be prepared to accept less than a 100% grant. Bearing in mind that this premium is paid to compensate farmers for the loss of income from agriculture, and that they must invest a significant amount of the premium in the ongoing maintenance of their crops to produce quality timber, it is not unrealistic to defend the 100% grant and the 20-year timeframe.

Since the introduction of the EU-supported forestry grants, more than 15,000 farmers have become involved in the forestry sector and a significant service infrastructure has built up around the forestry industry. There are currently more than 16,000 people involved in this sector. It is estimated that for every five jobs created within the forestry industry, an additional three will be generated elsewhere in the economy. The forest premium contributes more than €50 million to rural economies. Allied to the economic benefits, the forestry sector provides raw materials for renewable and environmentally-friendly products and contributes positively to the natural landscape, biological diversity, carbon storage and recreation. Wood is a building material, which has the lowest energy cost to produce. It is a renewable resource and has the unique ability to make a lasting and positive contribution to the environment.

With Ireland currently importing 86% of its energy requirements, and a spend of more than €7 billion on non-renewable fossil fuels each year, we have a huge dependence on oil, at great expense to the Irish economy. Only 2% of our energy requirements come from renewable resources. Using carbon neutral wood as an energy source would go a long way to fulfilling our commitments to limit greenhouse gas emissions. The Government strategy for forestry planting targets has not been met since 1996. The IFA believes that even though the 20,000 hectare target has not been met in recent years, if correct support structures were in place, farmers could surpass the 20,000 hectare per annum target, with accruing benefits to the Irish economy.

The EU position rests badly with the agricultural community. Structural weaknesses, over-prescription and regulation are perceived by Irish farmers to be the European input. Given such carry on, how can anyone be expected to vote for an EU constitution? The Minister of State's role is the protection of these benefits for farmers. If the EU proposals are to have a negative impact on their livelihood, he must oppose them vigorously. Nothing less will be acceptable to the farming community, the people who depend on the forestry industry for a living.

Minister of State at the Department of Agriculture and Food (Mr. J. Browne): I thank

Senator Bannon for raising this important issue and giving me an opportunity to outline to the House the present state of negotiations at EU level.

From the outset, the Irish position on the draft regulation in regard to forestry has been clear. We have continually and consistently made known our opposition to the Commission's proposals in regard to the planting grants, premiums and associated premium payment periods. The original proposal was to reduce the planting grant from one which covered 100% of costs to a standard rate of just 40%; to reduce the maximum premium from €725 per hectare in the case of farmers to just €500, and from €184 to €150 in the case of non-farmers; and to reduce the maximum premium payment period from 20 years to ten years. This would have a negative effect on Irish forestry and we made that point consistently at every level and at every forum. Very early on in the process, I established a forestry liaison group to bring together all elements of the sector to seek their advice on different aspects of the proposal and to ensure that the stakeholders would be kept informed at every stage of the negotiations. I would like to pay tribute to the work of that group and to the positive contribution it has made both here and in Brussels towards furthering the Irish case.

Subsequent redrafts of the regulation have yielded some improvement in so far as forestry is concerned. As the Senator outlined, the grant has increased to 50%, and to 60% in less favoured areas, while the premium payment period has been increased to 15 years. However, this is still far from being an adequate set of proposals and we continue to campaign for further improvements. As recently as 31 May, the Minister, Deputy Coughlan, and I put the Irish case to the Commission and the Presidency at a special trilateral in Brussels, convened on the margins of the Agriculture Council. We pointed to the low level of forest cover in Ireland compared to the rest of the EU — 10% in Ireland and an average of 35% across the EU. We also pointed to the crucial role played by forestry in this country, and the role it would play in future in underpinning the viability of rural communities. Some 16,000 jobs are dependent on forestry and, in addition, some 14,000 farmers have now invested in forestry. Forestry is essential if we are to meet our commitments under Kyoto and provide a basis for a real home-grown alternative to fossil fuels.

This year, the Government allocated €124 million to the forestry sector, the biggest financial package ever put together for the sector. We also secured a major concession in the negotiations on the reform of the CAP whereby farmers can now plant up to 50% of their holdings, while still drawing down the full single payment entitlement. I believe that farmers are now ready to invest their land in forestry. However, we must

[Mr. J. Browne.]

ensure that whatever package of supports is introduced post-2006 remains focused on encouraging the long-term involvement of farmers.

Negotiations on the Commission proposals are continuing within the Agriculture Council. As they progress, I will be pressing for the best possible outcome for Ireland on the package as a whole, including a satisfactory outcome on forestry issues. The Commission and Presidency have indicated they will present a revised text for consideration at the Agriculture Council which begins on Monday, 20 June, and at which the Minister, Deputy Coughlan, and I will attend.

I assure the Senator and this House that we will continue to work at all levels to achieve the best possible deal for Ireland in the tough negotiations that lie ahead.

Mr. Bannon: The Minister of State said that the grant has increased by 50%, and 60% in less fav-

oured areas. My view is that it has been reduced by 50%. When referring to his bargaining position earlier, he spoke about an increase of 50%. It is incorrect to say it has increased by 50%.

Mr. J. Browne: I was making the point that when the regulations were presented in the EU Commission in July 2004, it proposed reducing the 100% grant to 40%. It has now gone to 50%, and 60% for less favoured areas. However, it is still 40% short of the current 100%. The negotiations will continue next Monday and I will keep the Senator informed about what is happening. I take on board the point he is making that it is important to get the maximum grant for Irish farmers to continue to plant.

Mr. Bannon: The grant must be 100%. Nothing less will be sufficient for Irish farmers.

The Seanad adjourned at 9.30 p.m. until 10.30 a.m. on Wednesday, 15 June 2005.