

SEANAD ÉIREANN

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Déardaoin, 30 Samhain 2006.
Thursday, 30 November 2006.
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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
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Business of Seanad.

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

The need for the Minister for Transport to outline progress on the Government's commitment in the programme for Government to replace the Road Transport Act 1932 with modernised legislation to allow for new services in the bus market and if this will be completed by the general election.

I regard the matter raised by the Senator as suitable for discussion on the Adjournment and it will be taken at the conclusion of business.

Order of Business.

Mr. Minihan: The Order of Business is No. 1, Statements on Further and Adult Education, to be taken on the conclusion of the Order of Business and to conclude not later than 1.30 p.m., with the contributions of spokespersons not to exceed 12 minutes, those of all other Senators not to exceed eight minutes and the Minister to be called upon to reply not later than ten minutes before the conclusion of statements; No. 2, National Development Finance Agency (Amendment) Bill 2006 — Order for Second Stage and Second Stage, to be taken at 1.30 p.m. and to conclude not later than 3.30 p.m., with the contributions of spokespersons not to exceed 12 minutes, those of all other Senators not to exceed eight minutes and the Minister to be called upon to reply not later than ten minutes before the conclusion of Second Stage; No. 3, Electoral (Amendment) Bill 2006 — Second Stage, to be taken at 5.30 p.m. and to conclude not later than 8 p.m., with the contributions of spokespersons not to exceed 15 minutes, those of all other Senators not to exceed ten minutes and the Minister to be called upon to reply not later than ten minutes before the conclusion of Second Stage.

Members may share time. There will be a sos from 3.30 p.m. until 5.30 p.m.

Information was circulated to Senators on the amendment of today's Order of Business and the times involved. I regret that there will be a sos between 3.30 p.m. and 5.30 p.m. but, unfortunately, no Minister will be available until 5.30 p.m. to take the Bill.

An Cathaoirleach: Is Senator Coghlan the acting Leader of the Opposition?

Mr. Coghlan: Yes.

An Cathaoirleach: A new promotion.

Mr. Coonan: The party's ratings are bound to be up in the next opinion poll.

Mr. Coghlan: It is a rather transient, temporary little arrangement.

Mr. Coonan: Is the Senator only a one-page man?

Mr. Coghlan: Sometimes. It was remiss of me yesterday, when referring to the members of our, by and large, wonderful Judiciary, not to make reference to that great son of County Kerry—

An Cathaoirleach: That does not relate to the Order of Business.

Mr. Coghlan: Of course. That is appreciated.

An Cathaoirleach: The Senator should refer to the Order of Business for today.

Mr. Coghlan: I am sure the House will agree with me. As the Cathaoirleach is aware, I am non-contentious. I congratulate that great son of County Kerry, the redoubtable Ricky Johnson, on his elevation to the presidency of the High Court.

An Cathaoirleach: That is not relevant to the Order of Business. I call on Senator O'Toole.

Mr. Coghlan: I have two other points to make.

An Cathaoirleach: No. The Senator is completely out of order. I call Senator O'Toole.

Mr. Coghlan: I wish to refer to two other matters. That was just a reference to what happened yesterday and the great honour bestowed. On the question of collusion—

An Cathaoirleach: No. The Senator should confine himself to the Order of Business for today.

Mr. Coghlan: That is what I am doing. I wish to refer to the very serious committee report, of which both Houses are aware, on collusion between the British security forces and loyalists

[Mr. Coghlan.]

in the 1970s. The Oireachtas joint committee described them as acts of international terrorism. The conclusions regarding successive British Governments and the high level of awareness of these events means that the British Government cannot refuse to co-operate. I call on the Government, as was done in the Dáil yesterday, to press the demand it has already made. I also call for a debate on the report.

When I last raised the questions of the Defamation and Privacy Bills, which are Nos. 8 and 9 on the Order Paper, the Leader assured the House that they would not be taken this term. I know that further consultations are being arranged. Will the Acting Leader confirm that the Bills will not be taken next term and that we will see neither legislation in advance of the general election?

Finally, I must consult a note.

An Cathaoirleach: Is it a mental note?

Mr. Coghlan: You may rule me out of order, a Chathaoirligh, but I wish to say, "Who can beat the Kingdom sweet for horse and hound and man?"

Mr. Dooley: The Banner County.

Mr. O'Toole: I dread to make any reference to the distinguished son of Kerry who has been elevated to the leadership of the Fine Gael benches today and who is making such succinct and able contributions on behalf of Kerry, as always.

I am a former pupil of the Irish Christian Brothers, a group of people I hold in high regard but who have made some serious and significant mistakes. It saddens me, as it must sadden many people, to learn that Mr. Seán Ryan, chairman of the compensatory advisory committee established under Residential Institutions Redress Bill, has criticised the Irish Christian Brothers for failing to provide documentary information to the Residential Institutions Redress Board. This is appalling and incomprehensible. Christian Brothers who are doing a magnificent job in schools throughout the country and in other work are bearing the brunt of these ridiculously unacceptable decisions by their leaders. I ask the Acting Leader to bring this matter to the attention of the Minister.

The Acting Leader should reassure Senator Coghlan that the Privacy Bill will not see the light of day and that the Government is embarrassed by its contents. While we all approve of the protection of privacy, few people could support the excesses of the Privacy Bill. It is my view that the Government will not proceed with the Bill.

Mr. Ryan: No. 20 on the Order Paper is a Government motion regarding the procedures for the dismissal of a judge. I am surprised that this is still on the Order Paper, given what happened

in recent weeks. Why has this item not been withdrawn?

We all have reason to be concerned at the report of the Joint Committee on Justice, Equality, Defence and Women's Rights on collusion between the British Government and paramilitaries. I would be concerned about a report on similar collusion anywhere in the world. We have read of such collusion in many countries, especially in Central America where there was extraordinary collusion between state security forces and others engaged in terrorist activities. To have it happen in our country is profoundly disturbing. To have such collusion attributed to a government which we believe shares our values, and which by and large does so, is a serious matter. The joint committee has recommended that its report be debated in both Houses. I ask the Acting Leader to arrange for such a debate urgently. This issue should not be postponed for six months until we have a gap in our schedule. It should be done as a matter of urgency. It is a very urgent matter.

Why can the House not debate the draft report of the committee of the European Parliament which has reported on rendition? It would be in the country's interest for the Houses of the Oireachtas to debate this matter so that we can hear the Government's defences and send a transcript of the debates, giving the Houses' views, to the committee before it makes its final report. It does not make sense to wait until final decisions are made before saying whether we agree with them.

What is the Government doing about the illegal acquisition of international bank transfer data by the Government of the United States? This has been condemned by all data protection commissioners of the European Union but was done by the banking system without the knowledge or agreement of governments or central banks. I can not accept the word of a government which steals my bank data without telling me or anyone else about it.

Again, I raise the unresolved issue of the debt of Cork Airport. I have referred to classical phraseology used by the Tánaiste. The inability to make a decision about the future funding of our airports is a classic example of a government that can not make up its mind about anything. I do not expect the Acting Leader to agree with me on that but I do expect to be told of the resolution of this issue some time soon. We have been waiting for months for a decision about whether Cork Airport has a future. If the airport is forced to accept a debt of €200 million, it does not have a future. If Shannon Airport is forced to accept a proportionate debt, it will not have a future either. This is a fundamental issue of regional development which must be resolved. I ask the Acting Leader for information on this matter.

Labhrás Ó Murchú: The murderous and mischievous involvement of Britain in acts of terror-

ism in Ireland will come as no surprise to many people. While others endeavoured to find a solution to the difficult Northern problem, Britain was at the heart of the problem, fuelling it and obstructing democrats trying to find a solution. While they were butchering the people of Ireland on the streets, their leaders were lecturing the rest of the world on the essence of democracy and how civilised nations should behave. We were a friendly country, which makes the matter all the worse. There is no fundamental difference between what happened in the United States on 11 September 2001 and the international terrorism perpetrated by Britain in Ireland.

Mr. Glynn: Hear, hear.

Labhrás Ó Murchú: In other circumstances the British Government would be before a tribunal accused of war crimes. However, we know that will not happen. We also know Britain will not be held accountable because this matter will end in a fudge.

I am sick and tired of the hypocrisy of world leaders. Language has lost all meaning and people have been denied just, reasonable and accountable leadership. Debate on this issue must be based on a sense of outrage at what has been done to our nation by another government.

Ms Terry: At 7 a.m. last Saturday an act of outrageous vandalism was carried out by a developer on a building in Terenure in Dublin. Having bought a convent and three acres of land, this developer brought bulldozers onto the site and demolished the convent without planning permission. This is unacceptable behaviour by a major developer. I hope he will be made an example of, be made to suffer the consequences of his actions by being brought to court. I read in the newspapers that he could be fined up to €12.5 million for carrying out this unauthorised action. I hope that happens. This type of action is being carried out by developers and must stop. I hope Dublin City Council and the courts will do their duty to ensure the developer in question will suffer for the action he has taken and that others learn from it.

As Deputy Stanton recently ascertained from the Minister, some women have been forced to wait for up to six months for the results of cervical smear tests in Cork University Hospital. This is outrageous, as women's lives are at risk. A woman with pre-cancerous cells or even advanced cancer should not have to wait six months for her results, as it could make the difference between life and death. Something is wrong with the health system if we allow women to die in that manner or not receive the treatment they deserve to help them get back to good health speedily. As I am sure the Acting Leader will be familiar with this matter, perhaps he would like to comment.

Dr. Mansergh: I strongly support the call for a debate on the report on collusion. While the two Governments have substantially shared values regarding Northern Ireland, that was not the case in the 1970s when it seems Britain viewed the situation through the lens of various distant colonial wars it had been fighting. It had very different attitudes. Unfortunately, even today's shared values do not seem to extend to an honest getting to grips with what happened 30 years ago.

I would also welcome a debate on the issue of rendition, the use of Shannon Airport, etc.

Mr. Norris: Hear, hear.

Dr. Mansergh: I would welcome an opportunity to express the point of view from the Government side of the House. In the past this House has debated Turkey's accession to the European Union. I welcome the Pope's statements on the matter which make it clear that he does not oppose and, if anything, would welcome in principle Turkey becoming part of the European Union under the right conditions.

Mr. Norris: I support my colleagues who have called for a debate on the report of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on collusion. It is a matter of grave concern and there seems to be strong evidence that there was such collusion. It is an appalling vista. However, unlike Lord Denning, I believe appalling vistas must be confronted as otherwise they will continue to recur. It pains me to think the British Government was involved in this kind of business, but it seems that it was. On the other hand, it would be helpful to consider the whole matter of collusion. I welcome what Senator Mansergh said that we ought to investigate the whole business, including the CIA involvement at Shannon Airport. In that matter I call on the Taoiseach to withdraw the statement he made in Brussels last night that Shannon Airport was not used in any way in rendition. This is so blatantly untrue that it damages the country. It has been absolutely factually established beyond any question of doubt that Shannon Airport is used and has been consistently used.

Mr. Daly: It has not been and is not used.

Mr. Norris: The report makes it very clear.

Dr. Mansergh: There is no basis for that claim.

Mr. Norris: The European Parliament committee deplored the stopovers in Ireland of aircraft which have been shown to have been used by the CIA for the extraordinary rendition of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar, the nine cases which have been clearly, factually and evidentially established.

Dr. Mansergh: None of them passed through Shannon Airport.

An Cathaoirleach: Senator Norris——

Mr. Norris: It is utterly wrong for the Taoiseach to disgrace Ireland by saying something that is blatantly untrue.

An Cathaoirleach: The Senator is now debating a matter which will be the subject of a future debate, at which time he may raise all the points made.

Mr. Norris: This House needs to send the message that it is inappropriate for the Taoiseach to engage in making blatantly untrue statements.

Dr. Mansergh: There is no basis for saying that.

Ms Ormonde: The Senator should withdraw that comment.

Mr. Norris: I would welcome the opportunity to clear up the matter. Let him come into the House and be questioned about it.

An Cathaoirleach: The Senator is completely out of order.

Mr. Norris: I shall bring myself back into order to pursue briefly one other matter. I ask for a debate on the age of consent. The Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell, indicated that his inclination was to reduce the age of consent to 16 years. Following widespread consultation, young people have said the same. I signal a warning to Fine Gael. When dealing in this House with the decriminalisation of homosexuality, a very fine Minister on the other side made a significant point about her refusal to introduce discrimination. Members on this side disgraced themselves by attempting to introduce a discriminatory age of consent for the purposes of political advantage. Unfortunately, I see Fine Gael tacking into the wind again on such issues. For example, it has come out against a reduction in the age of consent without any particularly good argument. It seems to believe it will be popular. Given our responsibility for young people, we must ensure our laws reflect the reality of what is happening on the ground and not introduce something for electioneering purposes that may garner a few votes from reactionary sources. Similarly, I understand a spokesperson in the other House opposed sections of the Colley report because they provided for adoption by same sex couples. This is done without any examination of the matter.

An Cathaoirleach: The Senator is seeking a debate.

Mr. Norris: These are people adopting their own children. I gave Fine Gael a bloody nose on this issue when it tried to do this during the discussion of the decriminalisation of homosexuality and would be very happy to do so again from this side of the House if it continues with its cheap electioneering.

Ms Terry: It is not cheap electioneering. We are entitled to our opinions, as the Senator is entitled to his.

Mr. J. Walsh: I echo and support the call by Senator Coghlan for a debate on the report of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on the Barron inquiry which paints a most alarming picture. As Senator Norris said, it fulfils the appalling vista envisaged by Lord Denning. Any definition of collusion covers not only those involved in the acts either by omission or commission at the time but also covers those who subsequently sought to cover it up. As a member of the sub-committee which has dealt with four of the reports, I have no doubt that the Northern Ireland Office and the Secretary of State have done their bit to ensure there will be the minimum co-operation and information flow to the inquiries. Therefore, it must be said the current British Government is as guilty of collusion today as those involved in the 1970s.

The MacEntee commission of investigation was established by the Government on foot of a previous recommendation. When we schedule the debate, it would be opportune if the report of the commission of investigation was available. It may well indicate the measures which should be taken to ensure we get to the bottom of these terrible atrocities and the extent to which the British authorities were involved.

I refer to Senator Norris's call for a debate on the age of consent. This afternoon the Oireachtas Joint Committee on Child Protection will publish its report which will outline a good background to the issue. Other Members of the House have been involved in dealing with the matter.

Mr. Bannon: Each year, more than 6,000 people — approximately 20 per day — die as a result of out-of-hospital cardiac arrests. Will the Acting Leader request the Minister for Health and Children, who is a member of his party, to come before the House to debate the possibility of providing defibrillators in every parish and community centre throughout the country? At a time when the country is awash with money, the Government should provide such important items of medical equipment in community and sports centres in every parish. Many of the people to whom I refer would survive if this life-saving equipment was readily available.

I support calls for a debate on the report of the Sub-Committee on the Barron Report as it

relates to collusion. I was shocked, dumbfounded and could not believe such things happened less than 30 years ago in this country. I would welcome a debate on this matter.

I support Senator Terry's comments regarding the destruction of listed buildings by unscrupulous developers in the early hours of the morning or late at night. Certain developers throughout the country are engaging in such behaviour. The law should come into play and local authorities should deal with developers who destroy listed buildings because such buildings cannot be replaced. It is important that those who engage in such behaviour be subjected to the full rigours of the law. I compliment Senator Terry on raising this issue in the context of the demolition of a convent in Terenure to which she referred.

Mr. Daly: Will the Acting Leader arrange for the Minister for Community, Rural and Gaeltacht Affairs to provide the House with an outline of how it is proposed to deal with the final tranche of Cohesion Funding, the process in respect of which is due to conclude at the end of the year? Such funding has been responsible for the provision of many community facilities, assisting small farmers in rural areas and the provision of after-school courses for young children in disadvantaged areas. Approximately 90 children in County Clare will be affected if Cohesion Funding is not maintained after the end of the year. This is a serious matter and we might not have an opportunity to discuss it before the termination of the funding on 31 December. Much of the useful work that has been done by community organisations will come to an end unless an alternative arrangement is put in place. Under the Minister's direction, a reorganisation of community bodies is taking place and it would be of assistance if he came before the House to provide an explanation on how he proposes to deal with these issues.

I would welcome the opportunity to debate the issue of rendition at some opportune time. A draft report of discussions that have not yet been completed was leaked in advance of the Minister's visit to Brussels today to provide evidence to the relevant committee. I wish to condemn that development in the strongest possible way. I do not believe there will be any difficulty debating these issues when the final report becomes available. However, all that exists at present is a draft report and this does not contain evidence to be provided today by the Minister for Foreign Affairs. The draft report was deliberately leaked and one need only have listened to yesterday morning's radio interviews to have a good idea of from where the leak came. The leak was deliberately designed to embarrass the Taoiseach, the Minister for Foreign Affairs and those who work at Shannon Airport.

Mr. Norris: The Taoiseach is embarrassed because he pretended——

An Cathaoirleach: Order, please.

Mr. Daly: Everybody involved with Shannon Airport knows a few people have been engaged in an anti-American propaganda mission——

Mr. Norris: It is an anti-torture protest. If America equals torture, then we are anti-American.

Mr. Daly: ——and that they have been supported by Senator Norris and other fellow travellers who tried to close down the airport. I assure the Senator he will not close down Shannon Airport.

Mr. Norris: On a point of order——

Mr. Daly: It is a point of disorder.

Mr. Norris: ——a libellous and inaccurate statement has been made by Senator Daly——

An Cathaoirleach: That is not a point of order.

Mr. Norris: ——and I would like to ask him to withdraw it. It is completely improper for the Senator to state on the record of the House that I tried to close Shannon Airport.

An Cathaoirleach: That is not a point of order.

Mr. Norris: I tried to stop illegal activities at Shannon. Will the Cathaoirleach ask the Senator to withdraw his remark?

An Cathaoirleach: No.

Mr. Norris: Is the Cathaoirleach not going to ask the Senator to withdraw it?

An Cathaoirleach: No, because it is a political charge. I call Senator Quinn.

Mr. Norris: It is not a political charge. I am afraid the Cathaoirleach's judgment is impaired this morning.

An Cathaoirleach: It is my judgment.

Mr. Quinn: In light of people's outrage and their calls for a debate on the collusion that occurred 30 years ago, it seems almost trivial to raise any other matter. However, I am of the view that the Government does not recognise the frustration of citizens at the lack of interest in traffic delays that are occurring due to the system relating to road repairs. I raised this matter on previous occasions. If a road needs to be repaired, the work is done within normal working hours, namely, between 9 a.m. and 5 p.m. If 100 hours of work need to be done, the job takes 12 days to complete. In other countries, such repair works are done on a round-the-clock basis, under arc lights during the hours of darkness. In such cir-

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cumstances, jobs requiring 100 hours of work take only four days to complete.

I cannot get over the amount of work being carried out on our roads. I accept that repair works are necessary but citizens are extremely frustrated and they will repay the Government in kind if it does not take action in this regard. As already stated, in light of other matters, this issue seems trivial. However, people are frustrated and the Government should do something. I am not sure how it deals with local authorities and I do not know whether the National Roads Authority has responsibility in this regard. However, when road works need to be carried out, we allocate time in respect of them over a period of months rather than days. The Government should take action or it will suffer at the general election.

Mr. Dooley: I support calls for a debate on rendition. I would like the Minister for Foreign Affairs to come before the House without delay because it would afford him and Members the opportunity to place on record their abhorrence at the principle of extraordinary rendition and, in particular, the kind of torture to which the draft report refers.

Mr. Ryan: So the refuelling of planes is acceptable.

Mr. Dooley: It would also provide the Minister and Members with an opportunity to try to repair the damage that has been done——

Mr. Norris: That would be great because the Minister was the one who did it.

Mr. Dooley: ——via political efforts on the part of some organisations to muddy and damage the good names of Shannon Airport and the people who work there. I read the report in detail last night and it contains nothing new. However, a different spin is being placed on matters. I agree with Senator Daly that in some cases — not necessarily that of Senator Norris — there have been efforts to portray the Americans in a particular light. I have no issue with that. However, I do not want the good names of Shannon Airport and the people who work there being muddied in an unfair and political manner in order for certain individuals to gain credence for their views in a European context.

Mr. Norris: Then the Senator should see to it that the Government stops the——

An Cathaoirleach: Order, please.

Mr. Dooley: No new evidence has emerged and this matter has been dealt with in a totally unfair way.

Mr. Norris: It should also cease covering up matters.

Mr. Dooley: I ask that arrangements for a debate on this issue be brought forward as quickly as possible in order that the position might be clarified.

Mr. Cummins: The Acting Leader stated that it was not possible to get a Minister to come before the House between 3.30 p.m. and 5.30 p.m. It is absolutely appalling that the House is being treated in this way and that it must take a two-hour break before continuing with its business. It is not acceptable and it is unfair to Members, staff and everyone else that a Minister cannot come before the House during the period in question. Ministers should treat the House with more respect and should not oblige it to interrupt its business for two hours.

I support calls for a debate on the report of the Sub-Committee on the Barron Report. The sub-committee, of which I am a member, published its report yesterday. The latter pulled no punches in respect of its conclusions regarding what happened during the period in question. When we debate the issue, we should ensure the families and survivors lie at the heart of our deliberations. We should urge the British Government to give the Historical Enquiries Team the resources necessary to investigate all the facts and provide a report. The only hope survivors and families of victims have is that the Historic Enquiries Team will do a proper job. I would welcome a debate on the issue.

Mr. Browne: Last Tuesday I called for a debate on the nitrates directive which I am now seeking to extend to include farm inspections. Farmers should be given the courtesy of 24 hours, if not 48 hours, notice of an inspection. Given that so many operate on a part-time basis, it is the least they deserve. It is totally unfair that inspectors can arrive at a farm claiming to cover up to 1,200 items without telling the farmer what they are examining. I was amazed to learn recently that more than 1,600 inspectors were employed by the Department of Agriculture and Food. Some 54 staff are employed to carry out inspections in nursing homes, yet both sets of inspectors deal with approximately the same number of clients. Is the Department of Agriculture and Food trying to make work for its staff and make farmers' lives a misery? Out of courtesy, farmers deserve notice of inspections.

I also support Senator Bannon's comments on the provision of defibrillators which have been proven to keep people alive for longer. They are successful and, given that many parts of the State are isolated, ideally suited to treating people who do not have access to a local hospital.

Will the Acting Leader ask the Tánaiste and Minister for Justice, Equality and Law Reform when he will establish the working group to examine the prenuptial issue? We agreed to the substance a few weeks ago in the House but disagreed on the methodology. I suggested the

involvement of the Law Reform Commission, while the Tánaiste suggested the establishment of a working group because it would be quicker. However, four or five weeks later, its terms of reference have not been agreed and the group has not been established. This is a serious issue which should be examined. I do not understand why the working group is not up and running, its establishment having been agreed unanimously by the House. Why the delay?

Mr. Scanlon: I support Senator Browne's call for a debate on farm inspections. In the past 18,000 inspections were carried out annually but that number has reduced to 8,000. The Minister for Agriculture and Food has been in discussions with the German Federal Minister for Food, Agriculture and Consumer Protection, Horst Seehofer, prior to Germany assuming the EU Presidency on 1 January 2007. He is a strong supporter of eliminating the red tape faced by farmers, of which there is too much. On-the-spot inspections are very unfair. For example, last night the weather in the west was bad and silage wrap or plastic could have blown all over the land. If a farm was inspected this morning, the farmer concerned would have had a problem regarding cross-compliance. Many farmers have part-time jobs and it is crucial that they are given at least 48 hours notice of an inspection.

Mr. Minihan: Senator Coghlan, having initially put himself forward as the new Kerry football team manager, raised the issue of the joint committee report on collusion.

Mr. Coghlan: A good clubman has that job.

Mr. Minihan: The issue was also raised by Senators O'Toole, Ryan, Ó Murchú, Mansergh, Norris, Jim Walsh, Bannon and Cummins. The consensus of the House is a debate should be held as soon as possible which I will endeavour to facilitate, although given the time remaining before the Christmas recess, I cannot guarantee this.

Senator Coghlan also asked about the Defamation Bill 2006 and the Privacy Bill 2006 and the consultations under way. Second Stage of the Defamation Bill will be taken next Wednesday, while the Privacy Bill is not scheduled to be taken this side of Christmas. I do not know what the position after Christmas will be.

Mr. Coghlan: We will guess.

Mr. Minihan: Senator O'Toole referred to Seán Ryan and the redress board and his comments about non-co-operation on the part of the Christian Brothers. I will bring the matter to the attention of the Minister for Education and Science.

Senator Ryan asked why motion No. 20 remained on the Order Paper. The Article 35

committee placed a report before both Houses of the Oireachtas on 14 November. The motion will appear on the Order Paper until the Leader proposes to withdraw it. I will bring the matter which was raised previously to her attention.

Senator Ryan also called for a debate on the draft report of the EU committee on the rendition process, as did Senators Daly, Dooley and Norris. However, the final report will not be available until next January or February and it is more likely a debate will be scheduled then because it is a matter of timing. While Senator Norris and I may differ on the rendition process and the evidence, his comments portrayed the Taoiseach as telling falsehoods and being misleading. They should not have been made in the House.

Mr. Norris: He did. Will the Acting Leader also comment on the lies told about me?

Mr. Minihan: I am addressing the issues in sequence. We can debate and differ in our views but it is not helpful to make accusations such as these.

Mr. Norris: What he said was blatantly untrue. It could not be clearer. It is black and white.

Mr. Minihan: Senator Ryan raised valid points about the transfer of data and US banks which I will bring them to the attention of the Minister for Finance.

I fully support Senator Ryan's views on Cork Airport's debt. We may differ on the break-up of Aer Rianta and similar issues but we both know, as Cork representatives, that the issuing of addressing the debt is hanging over the future development of the airport. I will join him in asking the Minister for Transport to seek a speedy solution to the problem. I am unhappy with the Dublin Airport Authority's influence on the decision making process because it has a vested interest in the ultimate decision. I constantly ask the Minister about this issue which I will continue to highlight.

Senator Terry referred to listed buildings and highlighted a case in south County Dublin. While that is a matter for local authorities, they must take clear action in such cases, otherwise it will become the norm. Retention and other issues in the planning process can be abused by individuals. I support the Senator in this regard.

Senator Terry also referred to the report on smear tests at Cork University Hospital, an issue highlighted by her colleague, Deputy Stanton in the media. There was a blip in the timing of test results because of the change to a liquid based test. Staff have been trained in this regard but it has resulted in delays. The HSE and the Minister for Health and Children are concerned about the matter and steps have been taken to address it. Because of the unacceptable turnaround time, a tender was issued. Two laboratories, one of which

[Mr. Minihan.]

is located in the United Kingdom, will also conduct tests to speed up the process. Contracts were signed earlier this month and it is hoped the matter of the delay will be addressed. While the new testing procedure is more expensive, it has been deemed as being more accurate and efficient and better able to prevent the need for second tests.

Senator Mansergh raised the issues of rendition and Turkey's accession, welcoming the Pope's statements. Despite hype prior to the Pope's visit to Turkey, I am sure Senators will join me in saying we are glad the visit has been successful. It is in everyone's interests that our diverse cultures and traditions can meet in a civilised manner.

Senator Norris raised the issue of the age of consent. The report to be published today should be debated because there are diverse opinions on this broad matter. This morning on the radio, I listened to the opinions of young people, those involved in the supervision of young people and those who legislate. I will endeavour to arrange a debate on the report.

Senator Bannon raised the issue of defibrillators. His point was valid because evidence in that regard exists, but providing defibrillators alone is not the solution. People must be trained in their use. It is not a case of hanging a defibrillator on the back of every town hall. The Knights of Malta, the St. John's Ambulance Brigade and people involved in training in sporting organisations can be trained in the use of the equipment. The clubs that buy the equipment would pay VAT, a matter I have raised previously. No one disputes the merits of the issue, but it would be useful for the Senator to table it as a matter on the Adjournment and to have the Minister for Health and Children debate the issue in the House before Christmas.

Senator Daly raised the issue of community affairs relating to the Cohesion Fund. Given that the time in question is the end of the year, I would encourage the Senator to table the issue as a matter on the Adjournment.

Senator Quinn raised the issue of the public's response to road works in general. Regarding main traffic routes, the point concerning 24-hour contracts rather than eight-hour days is valid. I experienced such a situation in Cork city, the centre of which underwent major sewerage and drainage works and was disrupted for years. That the work was confined to eight-hour days was frustrating. As opposed to residential areas where people are sleeping, we should move towards 24-hour and seven days per week contracts in the commercial areas and on the main thoroughfares. While it has been the case in certain major road works, it has not happened often enough. I support the Senator and I will bring the matter to the attention of the Minister.

Senator Cummins raised the issue of today's schedule, which I highlighted at the outset of the Order of Business. Yesterday, the Leader made

every effort to avoid the break between 3.30 p.m. and 5.30 p.m., but the Minister and Ministers of State in the Department are meeting with the Taoiseach. Should that situation change, we will contact all Senators and try to bring forward the debate forward, but the matter is out of our hands at this time.

Senator Browne raised the issue of the debate on agriculture. Last week, he raised the matter of the nitrates directive and this morning highlighted the matter of farm inspections. He was joined by Senator Scanlon in that regard. Speaking on part-time farmers and the issue of notices, Senator Browne highlighted the number of inspectors visiting nursing homes. To follow the Senator's argument, is he suggesting nursing homes should be given 48 hours notice prior to inspections?

Mr. Browne: There should be more inspectors for nursing homes and fewer in the Department of Agriculture and Food.

Mr. Minihan: I accept the point concerning part-time farmers in second jobs. Senator Scanlon addressed the matter well *vis-à-vis* red tape.

The Minister made a commitment regarding the working group on pre-nuptial agreements. While I do not know the answer to the question on the group's establishment, I will endeavour to find out. I hope it is not delaying any of the Senator's personal plans.

Mr. Browne: Senator Feighan was——

Mr. Minihan: We will endeavour to find the answer in order that the Senator can make a decision at Christmas.

Mr. Browne: Hopefully.

Order of Business agreed to.

Further and Adult Education: Statements.

Minister of State at the Department of Education and Science (Miss de Valera): I welcome the opportunity to discuss the matter of adult and further education because there have been significant initiatives in the Department of Education and Science in recent years. The Green Paper on Adult Education and the White Paper on Adult Education were published eight years and six years ago, respectively.

Since 2000, adult and further education has been promoted by the Government and the task of prioritising further education has been mine since 2002. When I assumed this responsibility, expenditure on adult and further education was €113 million. In 2007, it will be approximately €169 million, an increase of €56 million, or 50%.

Increases in the provision for adult education have been a significant feature of every budget. I was delighted to note the figure announced in the 2007 Estimates represents an increase of almost

€19 million, or 12%, as compared to the position in 2006. It compares well to the increase in the overall departmental provision of 8%.

This summer, the ten-year framework social partnership agreement, *Towards 2016*, was ratified. The framework takes a life cycle perspective, as it addresses the economic challenges and, in particular, the key social challenges that lie ahead. It focuses on children, people of working age, older people and people with disabilities. Within each sector, there are initiatives that directly affect further education and its development during the next ten years.

This summer, I received the adult literacy in Ireland report, which contains 28 recommendations, from the Joint Committee on Education and Science. The recommendations will be considered by my Department in the context of the overall policy of making further improvements in literacy provision nationwide as resources permit.

Adult literacy and basic education have been my top priorities in adult education, as participation in any educational programme is impossible if one is unable to benefit due to poor literacy and numeracy skills. I am providing for an increase of €7.4 million, 21% of the budget for adult literacy and community education, allowing for 3,000 additional literacy places in 2007. It will increase expenditure to more than €30 million and the number of participants to 38,000 compared to 28,000 in 2002. Following the *Towards 2016* agreement, 4,000 additional places will be available until 2009, bringing the total to 42,000.

To cater for the literacy and basic education needs of immigrant groups, vocational education committees have been provided with funds to afford free access to literacy, English language and mother culture supports. Almost 10,000 students availed of tuition in English under the English for speakers of other languages programme in 2005, comprising 27% of participants in adult literacy programmes.

In addition to providing extra money, we have taken many targeted initiatives in the past eight years to cater for the literacy needs of particular groups. This year alone saw the initiation of a number of measures. An intensive programme in basic education for adults experiencing literacy and numeracy skills deficiencies was piloted last spring. In this programme, students receive six hours' adult basic education a week for a 14-week period. This is an additional option to the weekly two hours' tuition in general literacy which is available from and provided by all 33 vocational education committees, VECs, throughout the country. This intensive approach facilitates accelerated learning.

I am pleased to say that the initiative responds to recommendation 13 in the Oireachtas Joint Committee on Education and Science adult literacy report, which sought an intensive option of between four and six hours. It also responds to a recommendation in the national adult literacy

and numeracy plan. The initiative has been evaluated and the findings have been very positive. Therefore, the increased literacy provision for 2007 includes €1 million to allow for a doubling of the funding for the intensive programme in basic education.

Following on from the "Read Write Now" series in 2006, the national adult literacy agency devised a new two-year multimedia literacy project, entitled *The Really Useful Guide to Words and Numbers*. One element of this project is a TV series of that name, which is shown every week on RTE 1, at 1 p.m. on Sundays, with a repeat just after midnight on Tuesday. The series commenced in September 2006 and will run until April 2007. It is accompanied by a learner workbook, a free telephone helpline and a website. The website includes printable sheets from the workbook, additional on-line activities and the entire video clip of each programme 24 hours after broadcast. I was very happy to participate in one of the programmes. It is important that a multifaceted approach is adopted to attract people and enable them to upskill in the comfort of their homes.

My Department has some experience of workplace literacy through a project we have been assisting for some years through which literacy tuition is given to men who are manual workers in local authorities. While the interest shown by the target group and the outcomes of the project were encouraging, they pointed up a need to develop workplace literacy on a large scale. The Department of Enterprise, Trade and Employment is responsible for workplace learning and training. I discussed with the former Minister for Enterprise, Trade and Employment, Deputy Harney, and the current Minister, Deputy Martin, my concerns about the problems staff face in their workplace if they have low literacy and numeracy skills. In response, the Department of Enterprise, Trade and Employment gave €2 million to FÁS in 2005 and 2006 to address the literacy and numeracy needs of staff in the workplace. I am especially pleased to have such evidence of co-operation and co-ordination between Departments and State agencies.

In May 2005, the Department launched DEIS, *Delivering Equality of Opportunity in Schools — An Action Plan in Educational Inclusion*. This action plan, which is being implemented, focuses on addressing the needs of children and young people from disadvantaged communities, from pre-school through second level. Recognising the vital role of parents and other family members in children's literacy development, a new family literacy project is being initiated. The project will take a partnership approach in that it will involve the VEC adult literacy services, the home-school-community liaison scheme, the national adult literacy agency, schools, students and parents. A holistic approach will be adopted to enable family members to become involved in enhancing their children's literacy development. I am glad to note

[Miss de Valera.]

that this initiative will address another of the recommendations in the Oireachtas committee's adult literacy report.

I mentioned earlier that further education will benefit from the Towards 2016 agreement in all the life stages. Within the children stage, additional funding has been provided to enhance the Youthreach programme. An increase of €3.5 million has been allocated for Youthreach in 2007 to cater for the expansion of the number of places by 400, bringing the total to approximately 3,700. In the following two years, 600 further places will be made available.

Youthreach provides an integrated education, vocational training and work experience for early school leavers aged between 15 and 20 years. The students are often alienated from the formal education system and mainly come from economically disadvantaged communities. They frequently present as socially vulnerable and at risk of long-term social, economic and educational exclusion.

There are 90 Youthreach centres throughout the country with 3,250 students enrolled. I have been aware that a significant proportion of Youthreach students have social and learning needs characterised by low levels of esteem and low levels of literacy and numeracy. On 27 November, I announced that I had set up a new €2 million special educational needs initiative for Youthreach. Among other provisions, it will allow for the introduction of additional staffing resources, such as community workers, counsellors, mentors or resource personnel, to address the special educational needs of Youthreach students. The initiative will begin in 20 Youthreach programmes throughout the country. Following an evaluation, it will be extended to all Youthreach centres.

I have been very happy with the success of the back to education initiative since its introduction in 2002. We are providing an increase of €1.3 million for the expansion of part-time options under the programme in 2007. The number of BTEI part-time training places will be increased by 1,000 places to 9,000, catering for in excess of 24,000 participants. In addition, a further 1,000 places will be made available in 2008-09. The overall aim of the BTEI will be to increase the participation of young people and adults with less than upper second level education in a range of flexible learning opportunities. The priority will be to target adults who experience difficulties in accessing and returning to education full-time. It will address the needs of adults with low literacy levels, and, because of its part-time nature, will provide more flexible learning opportunities. It focuses particularly on addressing the learning needs of people who combine family, personal and work responsibilities with education. The initiative aims to engage those who are difficult to reach by providing them with an opportunity

to return to education at a pace that does not intimidate but best suits their needs.

As a result of child care responsibilities, many adults find it difficult to enrol in adult education programmes. To facilitate them, annual grants are given to vocational education committees towards the cost of child care support for participants in the vocational opportunities scheme, VTOS, Youthreach and senior Traveller training centre programmes. These grants will assist such people and enable them to enrol in programmes of their choice. Demand and provision have increased incrementally over recent years.

I have obtained additional funding of €900,000 in the recent Estimate for child care. Until now, child care support has been restricted to the full-time further education programmes just mentioned. Some €500,000 of this additional funding will be used to extend child care support to participants under the back to education initiative from 2007.

I have continually promoted community education and emphasised its role in encouraging women back into education. Next year, I am providing €110,000 to consolidate women's participation in community education, through the extension and mainstreaming of the AONTAS women's community education quality assurance framework project. This framework demonstrates the uniqueness of the work carried out by women's groups and provides a quality benchmark for it.

In addition, I am providing €120,000 which will enable research into adult and community education, lifelong learning and civil society to be carried out. AONTAS, the national association of adult education, will be central to these measures.

My Department is one of the co-sponsors of an adult learners' festival that will take place next January. This is organised by AONTAS. It will celebrate adult learning and the achievements of adults. This festival, along with the adult literacy awareness week, in which I participated last September, showcases the work being done in adult and further education. It raises awareness and highlights the profile of the sector.

There are many options available for those returning to education and we must ensure that those taking this step are not left without support and guidance when it is needed. For anyone to return to education as an adult requires immense courage, dedication, commitment and a willingness to make sacrifices in the short term to find fulfilment in their future. Returning to education as an adult requires immense courage, dedication, commitment and a willingness to make sacrifices in the short term to find fulfilment in the future. It is not enough to provide courses and certification. Without support, many of those committing to lifelong learning will flounder. Those who have embarked on this journey need to be guided along the way. A coherent integrated service which offers information, advice and guidance on

an individual and group basis to assist people to make the best choices for learning is required.

The adult educational guidance initiative was launched in 1999 in response to the recognition of these needs. A total of 38 projects have now been established and the service is almost nationwide. In 2007, an additional €1 million is being made available to further expand the adult education guidance initiative. The initiative covers a spectrum of needs ranging from initial outreach, particularly in the field of literacy and basic education, to vocational information, guidance and orientation.

The post-leaving certificate, PLC, sector caters for two distinct groups of students — young people who enter PLCs directly from second level or adults who wish to return to education to upskill and obtain certification. The increase in numbers in the PLC sector in recent years is due to the increased participation by those over 21 years, that is, by adults returning to education and partaking in lifelong learning. Certification is offered at FETAC levels five and six. We have increased the number of PLC places by 60% since 1996-97. The number of approved places in the sector now stands at just more than 30,000. There are more than 200 PLC providers located throughout the country.

Last summer, the ESRI published a report, which was commissioned by my Department, on the post-leaving certificate sector. This report provides a profile of the PLC students. It found that 72% of the students are female. This gender imbalance probably reflects greater male progression into alternative post-school education and training options, particularly the apprenticeship route. Only 35% of PLC students are in receipt of maintenance grants. Progression after completion of a PLC programme is either to higher education or directly into employment, with a 50:50 divide. Participants in PLC courses are less likely to be unemployed than most other categories of school leavers. The programme provides the students with the knowledge, skills and competence to successfully enter the workforce in their chosen specialist area or to progress to further studies in the higher education sector.

I am particularly pleased I have been able to ensure progress in the PLC sector. Provision has now been made in the Estimates which will enable my officials to table proposals and to enter into negotiations with the management and union sides in December. The aim of the negotiations will be to arrive at an agreement that will enhance the programmes and services provided. The actual scale of provision necessary in 2007 will depend on the pace and outcome of the negotiations, the implementation timescale and the scope for rationalisation and economies in the present arrangements. I look forward to a fruitful engagement by all sides on the issues involved.

I also look forward to the debate this morning in the Seanad.

Mr. U. Burke: I welcome this debate. This is probably the Minister of State's last official visit to this House in her ministerial capacity. I acknowledge her commitment to her areas of responsibility in the Department, particularly school transport. That sector went through a difficult time in the past couple of years as a result of the tragedies that occurred. However, there has been a fruitful outcome to those problems. I also acknowledge the Minister of State's commitment to the adult and further education sector. I wish her a happy retirement from office and a fruitful time when she follows her stated intention to pursue an academic path. We look forward to seeing the fruits of her endeavours in that area.

One must welcome the additional resources mentioned by the Minister of State. They will help to improve the lifestyle and livelihood of many people who have lost out, in one way or another, in their careers to date. However, when one sees the resources being provided — they are necessary resources and some might consider them inadequate — it is difficult to understand how planners in the Department of Education and Science did not see fit to provide them at a much earlier stage in the education cycle given that the problems arose at that stage and were neglected. The necessary resources and input were not provided.

There is an unbelievable problem with adult literacy in this country. Adult education, back to education and other such schemes are worthwhile and laudable but when approximately 13,000 young people are dropping out of school prior to the leaving certificate, far greater resources should be focused on eliminating that problem at the source or at an early stage rather than tackling it piecemeal later. I cannot understand why the planners in the Department seem reluctant to do that.

The Minister will recall a matter that was raised on the Adjournment of the House earlier this week. In that case tremendous work had been done by the home school liaison co-ordinators in schools but because the schemes were successful they are now being withdrawn. Why would somebody in the Department of Education and Science decide to punish these people because they have been successful in their endeavours? It cannot be seen in any other light.

Early identification of difficulties is acknowledged to be the important issue in solving problems that might arise. More than 1,600 schools in this country do not have the National Educational Psychological Service or NEPS. Therein lies the cause of many of the problems that arise later with regard to literacy. Approximately 25% of our population are unable to read or perform simple English literacy tasks. That is a damning indictment of our failure in the initial stages of education. A great deal of good work is being done at adult level, which is important and welcome, but if only some effort or input had been

[Mr. U. Burke.]

made at an earlier stage. It amounts to a loss of resources.

This country has large class sizes. Some effort is being made to reduce their size, particularly in disadvantaged areas. However, the effort is not sufficient to provide the necessary tuition and the guidance and support mechanisms that are required to lift the people who have fallen behind. The tragedy is that when a person falls behind at an early stage, they fall out of the network probably for life. I urge the Minister of State to persuade the Minister to give her attention to schools which have been identified as needing home school liaison services. These services are crucial in terms of avoiding greater needs in the future.

Tremendous efforts have been made by various people and organisations to initiate and support adult and further education programmes and literacy schemes. Notable among these is the right to read scheme established by the Deputy Lord Mayor of Dublin, which provides funding to local authorities in the greater Dublin area for extending the opening hours of libraries and making them more child friendly to encourage reading. This praiseworthy pilot project should be established on a national basis.

We must pay tribute to the adult education officers employed by VECs throughout the country for the work they have done in the area of adult education and literacy skills at a time when no one else was addressing the issue. They identified the problem and, with the help of volunteers and teachers who went far beyond their normal duties, devised straightforward and low cost solutions. It is a credit to the VECs that they have sown the seeds of the programmes outlined today by the Minister of State.

Employers could play a significant part in improving the literacy levels of their staff and in promoting further education. Some companies have the resources to do this but, unfortunately, employers do not always respond adequately to the needs of low skilled workers. Their attitude to employees is often that they should simply get on with the jobs they were given, with no regard for improving literacy skills. It would be advantageous if employers were flexible enough to allow time off for training, even if such training were provided internally. I am aware a worker's self-esteem could be dented were he or she to be identified as having limited reading abilities but, if encouragement and support was shown, literacy levels could be significantly improved without great expense.

A review is needed of the guidance systems at all levels of the education structure. I commend NUI Maynooth on the efforts it has made to increase access by people with disadvantages. Maynooth's efforts demonstrate that by endeavouring to reach those who would not otherwise gain access to education, we can give them a chance of success. Ten years ago, the drop-out

rate from third-level institutions was increasing rapidly. However, rather than singling out institutions which have encountered difficulties in that regard, I want to highlight the record of the Athlone Institute of Technology in preventing students from dropping out. The institute's success can be attributed to the community spirit it has developed by means of the guidance services on offer to students. Every student is regarded as an important part of the overall community. While we cannot pretend problems do not exist, we should acknowledge the work being done by individuals and managers of educational institutions to improve matters. However, unless we redirect resources to early education, we will continue to encounter problems at higher levels.

The back to education scheme is commendable but people who want to participate in part-time education are not being supported in terms of fees and maintenance grants, with the result that financial pressures continue to force them to drop out of education. If the Minister for Finance does anything for education in his Budget Statement, he should recognise the need to support part-time students through grants, as well as investing in the back to education scheme.

Mr. Fitzgerald: I thank the Leader for affording us the opportunity to debate further and adult education with the Minister of State, who has been always accessible to and informative with this House. I understand the Minister of State announced last November her intention to step down at the next general election and to resign her office next month. On the basis of reliable speculation that this could be her last opportunity to address the Seanad, I wish to take the opportunity to make a few observations, with the indulgence of the Leas-Chathaoirleach. It is likely to be the Minister of State's last appearance before the Seanad, and I see that she is confirming that.

I will begin by commenting on further and adult education, youth work and the many other different areas in which the Minister of State has been involved. She has enjoyed substantial and impressive ministerial input in the course of her political career, most recently in the Department of Education and Science. I acknowledge the Minister of State's proud record of achievement with those various portfolios. If it transpires that she steps down at the next general election and no de Valera is elected to replace her, it will be the first time since 1917 that the surname will not be represented in the Houses of the Oireachtas. That is very significant, given the long and proud tradition of the de Valera family.

Mr. Norris: The Senator could always change his name and run.

Mr. Fitzgerald: They have served politics both nationally and internationally, and it would be

regrettable if the name were absent after the next general election. I commend the Minister of State, Deputy de Valera, on her great commitment to caring, to the disadvantaged and to those worst off in society. Her political career has been of substance, being embroidered with political input at national and European level and on committees regarding education, care, arts, sport and culture.

The National Youth Council of Ireland supports voluntary organisations. I had hoped the Minister of State might have been present last week, when I quoted its president, Mr. James O'Leary. I am sure Senators will know him. He said some very nice things about the Minister of State, some of which are already on the record of the House. I would like to repeat them in her presence. He stated:

. . . NYCI and the member organisations it represents owe a debt of gratitude to Minister de Valera, who has proven herself to be a powerful advocate for the youth work sector.

Earlier in the same press release he commented as follows:

[She] has delivered for young people in the form of a 14% (€6.2 million) increase for the youth work sector in 2007.

The Minister of State has attended functions throughout the country involving her varied remits, including youth work, further and adult education and school transport. Where she has addressed public gatherings, I have never had to ask her for information, since it has been immediately forthcoming, being given readily and very professionally. That is a tremendous tribute to a Minister of State. It is perhaps horrible to say that politicians trade in information, but we rely very heavily on being briefed, staying up to speed and keeping abreast of the latest developments in education, finance, justice and so on. Without fail, on every occasion the Minister of State has set up or developed one of the many initiatives in her remit, politicians and Members of the Oireachtas have immediately known of its significance and her vision in that regard. It was always done in an extremely professional and efficient manner, on which I commend the Minister of State very highly.

During the Minister of State's last appearance before the House, I used an old seanfhocal to sum up her style. It occurred to me that it would be as fitting today as it was then. Regarding her style and what she brings to bear in politics and education, a subject as close to my heart as that of every other politician, I think "Is fearr beagán cúnaimh ná mórán trua". The word "beagán" is very much an understatement regarding the Minister of State's performance and record. Since taking up her brief on adult and further education, she has increased the relevant budget by €56 million, or 50%.

She has made significant progress in furthering adult opportunities to access second-chance education and re-embark on a journey of lifelong learning. An adult and further education sector has been firmly established, continuing to meet adults' varying needs as they seek to enhance their lives through education. Notwithstanding the difficulties referred to by Senator Ulick Burke, progress on her watch has been spectacular and very impressive.

My words are borne out by people who greatly admire the Minister of State's work in adult education, the adult education organisers themselves. She may know of my regular contacts with several, and in the past five or six days they have asked me to bring to her attention how strongly they have supported her vision and how enthusiastically they have embraced her many ideas and initiatives in adult education. They commented effusively on her exciting, new and sometimes revolutionary initiatives to target the most disadvantaged, marginalised and sometimes forgotten, those who have slipped through the net and dropped out of school. She has developed and followed up all those in the past four and a half years.

I have authority from those individuals, to whom I often speak, to convey to the Minister of State their heartfelt appreciation of her great work and the encouragement she has given them, which has helped imbue them with great professional pride. I can assure her that she is held in very high esteem by them, and they fully acknowledge the Minister of State's high regard for adult education. The relationship is not just one way. When they talk, they express the view that it derives from her own very rich and varied professional experience of education. They very much regret her leaving the scene and thank her for her many exciting initiatives and the ways in which she has helped motivate and encourage them to deepen their vision regarding professional challenges.

On this special occasion, I would like to comment briefly on Síle de Valera the person. The first occasion I met the Minister of State was in Donaghmede Shopping Centre in 1979. She had been in politics since 1977. She may not remember that I had been assigned to look after the other side — there is no other side in Fianna Fáil, since we are all on the same side — represented by Professor Michael Yeats.

Mr. U. Burke: Perhaps the Senator might repeat that.

Mr. Fitzgerald: Deputy de Valera took the left circuit of the shopping centre, and I was assigned to the right with Professor Yeats.

Mr. Norris: How very appropriate.

Mr. Fitzgerald: Professor Yeats was given to postulating and philosophising, and as I saw

[Mr. Fitzgerald.]

Deputy de Valera move swiftly around, in my impatience to get him to do the same, my engagement with him was somewhat unhappy. As we all know, the Minister of State went on to capture the European seat. Around that time, she addressed us in the auditorium of Coláiste Mhuire in Parnell Square, a very impressive occasion that I remember well.

The Minister of State is an individual of independent thought, a characteristic I strongly admire. On many occasions, she has sought to represent the true meaning of Fianna Fáil, the Republican Party, which her grandfather founded, even when it meant going against party leaders. On many other occasions, she has agreed with them. I did not always agree with her. I admire her because she expressed her diverging views on issues she regarded as core principles for our party. In some instances, this stance was taken at considerable cost to her political career. She always believed in access and excellence, and worked to this end despite opposition from well established quarters. *The Irish Times*, for example, was critical of her on more than one occasion. She never deflected, however, because she believed in what she was saying and doing. It is appropriate that I should commend her on these admirable qualities.

She has now decided to bring her long and distinguished career to a close. Politics, both national and international, will be the worse for it and Fianna Fáil will regret her departure. More important, the needy and most disadvantaged in our society — those who have dropped out of the system — will suffer the most by her departure. There is no higher tribute I could pay to the Minister of State than this. I salute her as she departs a proud, fulfilling and fulfilled career, and I wish her every success in the future. I am confident she will bring the same professionalism and commitment to excellence to all the new challenges that await her.

Mr. Norris: I am pleased to welcome the Minister of State, Deputy de Valera, to the House. I am saddened this may be her last official visit to the House, and it is appropriate that we should bid her farewell. I did not expect the discussion to involve a ministerial lap of honour but I am happy to join in the encomia so elaborately laid before the House by my colleague, Senator Fitzgerald. I was operating under a slight misapprehension in that I understood this debate would encompass a discussion of third level education. I believe other Members were under the same misapprehension given we on this side of the House have been calling for a debate on further education, including third level education, for some time.

Adult literacy is an important issue and I am obliged to put in a good word in this regard for the university I represent. Trinity College has done much work in this area and many decent

and idealistic young people have given up their own time to become involved in the scheme it operates. I salute them and their counterparts in other third level institutions. We often hear about the problems young people face and the difficulties they cause, including those relating to addiction to drugs and alcohol. There are, however, many decent young people who are prepared to offer their assistance to adult literacy schemes and similar endeavours.

I will allow myself a certain lightness of touch in recalling an incident in this House some time ago. A colleague stood up one day on the Order of Business and stated his great concern at the high levels of adult literacy in the State. I believe he intended to refer to illiteracy. He spoke passionately, however, about how dreadful were the high rates of adult literacy. I interjected to say that I could not agree more and that as we spoke, people all over the country were reading. I observed that if this was not stamped out, they would soon be writing as well. This was where Catholic emancipation inevitably led. The entire paragraph was omitted from the Official Report because the reporters believed it was too cruel. It is heartening for the people of Ireland to know there are cruelty police on the prowl to ensure we do not savage each other to death in this hallowed institution.

I welcome the Minister of State's indication, in a pleasing and appropriate final flourish, that she has managed to increase by 50% funding in the areas of adult and further education. We should not be carping in our response by pointing out that this should have been done five years ago. It is being done now and that is what counts. We should look forward and not always be cursed with the backward look that is habitual in Ireland. Let us be positive instead.

There are significant problems in terms of education in the area in which I live. The Central Model School in Marlborough Street operates a wonderful scheme for inner city children who may come from a background that is not saturated in culture and educational achievement. Anybody would be proud to have those children in their community. This school's achievements are a result of the Breaking the Cycle programme, which is one of the most positive developments in this State. I used to bewail the fact that these children were given a glimpse of the promised land before it was snatched away from them. That is no longer the case and I am told a high proportion of them go on to attend Larkin Community College. Some have even gone on to third level education. That is the way of the future and it is the approach this humane Minister of State has attempted to foster.

There is a problem in regard to drop-out rates, particularly in disadvantaged areas. I have some concerns about the school inspection scheme. When I was in school, attendance monitors ensured that the parents of any child who left school early received a visit in their homes. This

does not seem to happen very often now. It is an old-fashioned concept but it should be reviewed.

The Minister of State referred to the 28 recommendations in the report of the Oireachtas Joint Committee on Education and Science on adult literacy. It would be helpful to know how many of these recommendations are being implemented. The Minister of State referred to one of them, the intensive programme of basic education for adults experiencing literacy and numeracy skills deficiencies, which was piloted last spring through all 33 VECs. She observed that this initiative is a response to recommendation No. 13. I hope that will not prove to be an unlucky number. It is helpful to hear in detail how this recommendation is being implemented and it would be useful to discover what is being done in regard to the other 27.

The Minister of State told us that 10,000 students avail of tuition in English under the English for speakers of other languages programme. This indicates the way in which the State is changing. It is vitally important that people are assisted in becoming proficient in the language of their host country. A deficiency in this regard causes incalculable difficulties and misunderstandings, and it is a basic right that people should have the skills to participate in society. I am confident this will be done in a positive and sensitive way.

One can only imagine the ingenuity in which people who are ashamed of their lack of literacy and numeracy skills must engage to conceal their difficulties. The Minister of State has tried to remove the stigma attached to the inability to read, write or calculate without difficulty. Persons with such difficulties may be at an even greater disadvantage than those who arrive here without language skills but may be able to acquire them easily enough.

The experience of a person with literacy and numeracy difficulties must be akin to being dumped in Japan and trying to get on the railway system. People who have been there speak about what a horrendous experience it is because all of the timetables and signs are in Japanese. It is a major culture shock. We must imaginatively take on board the reality that for people with these difficulties in reading and writing, living in their own country is similar to the experience of others of their fellows being dropped in a Japanese railway station and trying to make their way from Tokyo to one of its suburbs.

I agree with the Minister of State that the Youthreach programmes are excellent. They operate on a ground-floor level and in the areas of communities where they are most required. I have one concern, however, and I hope the Minister of State will bring it to the attention of the appropriate persons. A Youthreach centre is located at No. 20, North Great George's Street, in my own neighbourhood. I cannot speak highly enough of the work done by the organisers of the

programme, who are positive members of the community.

That was not always the case, however. Under a previous dispensation, they were responsible for an appalling series of acts of vandalism, including the destruction of one of the few remaining 18th century gardens in the north inner city and all this property's beautiful gothic outbuildings. I support the work they do and will continue to do so in any context. I know the people concerned and see that the programme gives the children who participate a beacon of hope in the midst of the difficulties in which they live. I wonder, however, whether this is the most appropriate building in which to conduct this valuable work. It still has some of the most beautiful craft work ceilings in Dublin. It is a listed heritage building. While I accept its current tenants are much more sensitive to their cultural environment, it would be much better if they had a more appropriate place in the area. I am honoured to be a neighbour of the Youthreach programme but I think what a waste for people to engage in, say, wood-turning under ceilings such as the one in this Chamber. A more appropriate function could be found for the building, while the Youthreach programme continues its very valuable work elsewhere.

I will get into trouble for my comments on the cost of child care support. We hear so much about child care that I am beginning to get tired of the subject, although I understand it is important in further education. However, with the universal clamour for child care, why do people have children if they do not want to look after them? One of the many things I like about women is that they do not think in the tight little sequences or along narrow straight lines as men do.

Ms White: The Senator means women have more vision.

Mr. Norris: That is exactly what I mean. Women are able to think in a lateral way. Would it not be for the benefit of everybody if some accommodation could be found where parents could bring their children with them when attending further education courses? The children could be even with their parents in the classroom. People would not mind that much if a child let out an occasional belch or squawk. The reliance on unpaid child care, rather than looking for more imaginary solutions, puts us in danger of creating another culturally and emotionally deprived generation. In the old days it was the granny and the extended family that provided child care. I regret that such arrangements are no longer made.

I am all in favour of adult learners. When I used to teach in the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, it was a joy to me to have adult learners in a class. They brought a richness of experience with them and an absolute commitment to their coursework. Some of the younger students were

[Mr. Norris.]

doing a course because their parents had pushed them into it, when what they really wanted to do was hairdressing. As this was not the right thing to do, they were stuck into Trinity College. Adult learners, on the other hand, had actually chosen to come to college, picked their subjects carefully and brought a great richness to courses.

As the Minister of State is aware, in the latest international university survey Trinity College is the only Irish university in the first 100 institutions worldwide. The college plans to get into the first 50 and I believe it can. However, it will need a massive investment programme. Yesterday I lunched at the Provost's House where the plan was explained and costed. It is a good one. If we can get college into the first 50 universities in the world, it would be great for the country, helping to bring up all our educational institutions. The ones in the first 50 usually have a staff-student ratio of 10:1; the ratio in Trinity College is 18:1. It has launched an investment programme to reduce it.

The college is also becoming more open. I adored the bursting of the railings some 30 years ago when a gate was opened on to Nassau Street. The college intends to do so again at Pearse Street. There will be a traverse path from Pearse Street to Nassau Street which will open up the college. Student numbers will be stabilised at 11,500. The figure was 3,000 when I was a college student. The college has imaginatively used the space available to it, as exemplified by the CRANN Building.

While it concentrates on developing fourth level education, the college has not neglected the people at the more delicate end of the educational spectrum. Up to 15% of places are allocated to non-traditional learners who include those who come within the parameters of this debate. In addition, there is the excellent programme for disabled people, pioneered in Trinity College, as well as the Trinity Access programmes which gives access to a college education to people from social groups and parts of Dublin city who did not dream of having a Trinity College degree. I was part of the team which presented certificates last year and it was such a thrill to meet such individuals because of their enormous sense of achievement and participation.

I salute the Minister of State, Deputy de Valera, for the work she has done. I have not done it in quite as elaborate a way as Senator Fitzgerald but it is nonetheless heartfelt. The Minister of State only knows too well that although she may relinquish her ministerial post, some of the privileges survive such as car-parking, visiting the restaurant and the Visitors Gallery.

Miss de Valera: All is not lost.

Mr. Norris: No. I look forward to sharing a table for a modest repast and even a glass of cel-

ebratory wine with the Minister of State after she has left her Department.

Ms Ormonde: All is not lost for the Minister of State, to whom I am delighted to pay tribute. I looked back at her public life since 1977. She was an MEP involved in social affairs, youth, sport and education matters. She became Minister for Arts, Heritage, Gaeltacht and the Islands. I believe, however, she really came into her own when she was appointed Minister of State with responsibility for further education. That was where she showed here real vision and where she shone. She has made the brief her own, as is clear from the effort she has put into the various projects for further education and enhancing the lives of those in need or who are marginalised. I will miss her attending the Seanad, as well as the de Valera name which I have known since I came into the world. I hope it will continue in politics, as I hope the Minister of State will find another challenge after she retires. The de Valera gene is too strong and she cannot just fade away. We will not let her.

Having come from the educational world, I empathise very much with those involved in the area of further education. Globalisation has led to increased competition, new technologies, the upskilling of the workforce and immigration. A large investment must be made in adult education. The Minister of State has increased resources, especially for the National Adult Literacy Agency and the back to education initiatives, Youthreach programmes, post-leaving certificate and VTOS courses. All these courses reach out to people who have slipped through the net and become marginalised and have no ambition or initiative. The Minister of State has made them her own and understood how to get them implemented.

I compliment the VECs throughout Ireland. Having been for many years a teacher in the City of Dublin VEC and a member of the County Dublin VEC, I have a natural feel for programmes such as post-leaving certificate courses and what they achieve for those who cannot find their niche and are in a transitional phase at the age of 14 or 15 years. They help those people to achieve their potential in whatever direction they choose, whether home economics, child care, pre-nursing, handwork, woodwork or mechanical engineering. The Minister of State acknowledged the wide range of these courses and ensured that the funding was available to implement these programmes.

Back to education courses have been provided for those aged between ten and 15 years who slipped through the net. This flexible part-time programme has allowed them to move gradually into the system. It has given many young people self-esteem and confidence. The Minister of State has also considered people who need child care facilities, particularly those who have to bring their children into school. I have seen people

bring their children into school where a room has been made available for them by the grants that the Minister of State provided. That is a great programme and I would like to see it further enhanced.

The Minister of State has made the areas of illiteracy and innumeracy her own and put approximately €7 million extra this year into them.

An Cathaoirleach: The Senator has only one minute left.

Ms Ormonde: I thought I was only starting.

An Cathaoirleach: I apologise the Senator has two minutes.

Ms Ormonde: I compliment the Minister of State on providing facilitators and tutors to the literacy and numeracy agencies to reach out to those who cannot do this themselves. Her initiatives include language classes, a new television series, new programmes and "Read Write Now", which has been a great success because it has made it easy for people who have difficulties with language and numeracy to reach out and work with tutors.

I would love to see the Minister of State put her stamp on the adult guidance initiative which takes a holistic approach involving home-school links with psychologists, day guidance counsellors and adults working together. It is amazing what these groups can achieve in a region such as north or south Dublin where there are pockets of people who need this support. The Minister of State has that holistic vision but the work needs to be developed and she should emphasise that before she retires. If that concept is realised, there will be a very successful further and adult education system.

This gives people an opportunity through FETAC to get certification or diplomas and take the scenic route into universities or shape up their lives as they wish. There are many second chance opportunities for those who wish to improve their skills. Education is booming in this country. That is our success story. I compliment the Minister of State on helping to make it work and enhancing the lives of those who might not otherwise have had a chance to go through such education.

I will not lose contact with the Minister of State. I wish her well in her other career. I know where she will shape her life in future. She has a fund of knowledge and the capacity to move on from here and I wish her every success.

Ms Tuffy: I too wish the Minister of State well in her future endeavours and commend her work in this and the youth work area. I recently received a statement from the National Youth Council of Ireland which was happy with the increases provided for youth work in the recent Estimates.

Our education system should be based on the concept of lifelong learning, which includes adult and further education. The Minister of State said that participants in post-leaving certificate courses are less likely to be unemployed than most other categories of school leavers. I agree with that point. These courses and the further education system serve 30,000, most of whom are in courses matching the skills needs of the economy.

Support staff, however, are urgently needed, including the technicians for science and engineering laboratories and computer rooms, which are available for further education in other EU countries. Further education programmes provide the most suitable means for adults who wish to avail of second chance education to achieve qualifications and possibly go on to degree and postgraduate level. However, such programmes do not have the necessary staff.

The increased funding for this area is not sufficient. This Government should have done more with the resources available and should now do more to ensure the economy remains competitive. The Minister of State has mentioned some of the many reports on this issue which have not been implemented. The Government repeats that we need a competitive economy and to provide for the upskilling of our workforce to create a knowledge-based economy and so on, but it does not match that talk with the necessary actions and investment.

Almost six years after publication of a report commissioned by the then Minister for Enterprise, Trade and Employment, Deputy Harney, from the task force on lifelong learning, the Government has refused to implement many of its recommendations, including that on free part-time fees. The Labour Party supports that recommendation, for which AONTAS and other groups and reports have called. Unlike its more advanced competitors, Ireland has no system for paid educational leave.

Senator Norris said at the beginning of his contribution that he had the misapprehension that this was a debate about third level education. That is the subject because third level education is a central part of adult and further education. He referred to Trinity College, where I studied. While it has achieved some good with initiatives such as the Trinity access programme, TAP, it should not clap itself on the back for its performance in adult and further education. It is not open to everybody. It is very much an elitist institution, as are many of our other educational institutions, especially universities. That is a fact. It does not have a flexible model of education that would encourage more mature students and second chance learners.

I challenge what Senator Norris stated about the building on North Great George's Street which he did not consider appropriate for a Youthreach programme. Perhaps the Youthreach programme in his area should be moved to Trin-

[Ms Tuffy.]

ity College. Perhaps then the college would have the opportunity to progress into other levels of education.

Trinity College is not unique in this regard. This is a common factor in universities. They need to do much more to be innovative in their approach to adult education and lifelong learning. They still see adult education as being about hobby courses and other courses that do not merit educational qualifications. They perceive adult education to be about short courses that do not progress one very much in the subject in question. These colleges do not provide opportunities in any real sense for workers to advance their skills. I do not care where Trinity College comes in a list compiled by somebody somewhere in the world. I do not give a damn about that. I accept prestige is a matter of concern for universities and other people but what really matters is what universities and third level institutions do for Ireland and Irish people, how they provide for a better economy and how they serve students, second chance learners etc. That point must be made.

The Government should change the funding mechanisms for universities and institutes of technology to encourage the part-time attendance of adults in courses relevant to the job market, and funding should be geared towards allowing educational institutions to provide a flexible model of education.

One should be able to study part-time during the day at a university or institute of technology. One should not have to worry about exorbitant fees. One should also be able to move flexibly between part-time courses and full-time courses. If one has to drop out of a full-time third level course, one should be able to continue that course part-time so that one can complete one's studies. Many people cannot study full-time during the day and the education system should provide for them. This would especially benefit second chance learners. Part-time education students are discriminated against. They should have the same fees regime as full-time students. If a more flexible model of education were introduced, it would absorb some of the costs involved. The cost is not that high and it would be well worth it in terms of investment in the education of the workforce etc.

The Minister of State referred to community education. This sector is very strong in my area. In Clondalkin, for example, there are between 13 and 15 women's groups involved in women's development education. The Minister of State referred to the provision of €110,000 to consolidate women's participation in community education. I welcome this acknowledgment of the importance of this aspect of education but that sum is just a drop in the ocean in terms of what is required. These groups should not have to apply for €1,000 or whatever amount to keep them going for a year. They should be able to get

enough funding to continue providing their service.

These groups are successful and have done great work in providing women, especially those in disadvantaged areas, with a chance to access second and third level education. The Minister of State acknowledged this. They have also combined education with community development. Such schemes must be provided with more resources as the model is successful. It is important to invest in success where it is apparent.

Women involved in a local development group in my area received funding that allowed them to gain qualifications up to a certain level in community development and women's studies but once they reached degree and postgraduate level, which some of them chose to do, they had to pay for the courses themselves. The fees in question were up to €5,000 per year and these people are not very well off. This area must be examined. If funding were provided to pay fees for part-time students at third level, it would be one way of helping those groups.

I wish the Minister of State well but the Government has to do more if we are to meet our targets. The Department of Education and Science has produced many reports over the years yet the Government has not implemented their recommendations. If the Government really cares about adult and further education, it should do so.

Ms White: Along with my colleagues, I would like to present bouquets to the Minister of State, Deputy de Valera. I thank her for her personal courtesy to me since I came to the Seanad and the empathy she showed me as a rookie in the House. I will miss her on a personal level.

I congratulate the Minister of State on achieving an extra €900,000 in the recent Estimates for child care. Reference was made to that in her speech. As Senator Tuffy outlined, until now, child care support has been restricted to full-time further education programmes. The sum of €500,000 of this additional funding will be used to extend child care support to participants under the back to education initiative which is part-time from 2007. In recommendation No. 5 of my document, *A New Approach to Childcare*, which I launched two weeks ago—

An Cathaoirleach: Children are not involved in further and adult education.

Ms White: I refer to their parents. I referred in this document to the fact that people want to educate themselves further to return to work. In her speech, the Minister of State announced she has secured €900,000 to help fund child care for parents involved in part-time education. This is a most innovative measure. As Senator Norris stated, women have vision and it took vision to achieve what the Minister of State achieved. I am

delighted I pushed that recommendation in my document.

My adopted mandate focuses on both ends of the spectrum, child care and ageing and ageism. In the document on ageing which I produced in the summer, recommendation No. 11 referred to further education for those in employment and for older people. Further education for those in employment is the key to career advancement. People aged from 50 years upwards must be given the opportunity to develop new skills and keep up to date with new practices and technology to improve their employability. This is most important, rather than saying that a person is finished when he or she reaches the age of 50. We should look at re-educating 50 year olds so they can hold on to their jobs or change them if they wish.

The other matter that is dear to my heart is for further education to be made easily accessible to older retired people to help them lead active lives and foster a more positive sense of self. This would prolong a happy and healthy life. The back to education allowance is not available to persons in receipt of pensions, despite being available to a range of other social welfare recipient categories. The underlying assumption appears to be that older people would not be interested in further education. They are perceived to be a monolithic group that wishes to retire quietly. In reality, older people are as diverse a group as the Members in this Chamber. In recommendation No. 11, I suggested that the back to education allowance would be extended to those in receipt of the State contributory and non-contributory pensions to access second and third level education.

People were most interested in my document on ageing and ageism. I was in County Donegal recently and I intend to visit another part of that county soon. I spoke to an active retirement group at Serenity House in Moville, County Donegal. Serenity House was established in 2001 with a philosophy of self help and of recognising the contribution of rural older people to society and to the community in which they live. The aim of the Serenity House Active Retirement Association is to create a sense of independence and self help, to raise consciousness and to encourage the continued development of talents and abilities in older people. To date, Serenity House has 75 registered active retired members attending its education centre.

Serenity House proposes to provide lifelong learning for the older population of Inishowen, enabling older people to become confident users of technology so they can participate more fully in modern life. The director of the organisation is Ms Maura Cannon and it is supported by Councillor Marian McDonald. They are aware that computer skills are essential to modern living and that every facility should be made available to older people to acquire these skills, if necessary through new technology courses specially tailored

for older people. These would enable older people to recognise the growing contribution of technology in promoting independence and in the improvement of social stimulation, communication, information, personal development, health care and so on. The growing use of the world wide web as a communication medium for older people will be encouraged in Serenity House. We have all realised how we can keep alive and nurture relationships via e-mail. It gives a new opportunity to older people to keep in touch with family members throughout the world.

Serenity House is arranging for the construction of 30 apartments to support independent living for the elderly in Moville. It is also intended to help the residents of these apartments to be educated in technology so they can keep in touch with their families and have a good life.

It is very difficult to access funding for education for older people because it is not seen as economically viable. I am sure the Minister of State will agree this is a short-sighted view. Education for our older citizens should be seen as a positive investment in the community.

I thank the Minister of State for achieving extra funding of €1 million for child care and for encouraging people to return to education. We will miss the Minister of State when she retires from her position.

Mr. Coonan: Ba mhaith liom céad míle fáilte a chur roimh an Aire Stáit. I was not prepared for the Minister of State's lap of honour but I wish to be associated with the tributes paid to her and to wish her well in whatever future career she decides to take. The Minister of State has been paid lavish tributes and I have no doubt they were well deserved and I endorse them. Senator White referred to bouquets. I hope I will not add guns to the roses she is offering.

My experience of the Government's programme for further education is that the Department of Education and Science is bogged down in bureaucracy in the delivery of the programme. The Department appears to have no problem in dealing with the primary, secondary and higher levels of education but faces an insurmountable barrier in dealing with further education, or céim eile, which overlaps more than one level. I will give the House an illustration of this from my town of Templemore.

In 2000 the VEC and the religious orders which were delivering education in Templemore came together and decided to form a community college and transform St. Sheelan's, the existing VEC college, into a college of further education. The principal of the school wrote as follows to the Minister for Education and Science:

St. Sheelan's needs to be refurbished and extended in order to accommodate the growing number of students it gets every year. The classrooms need to increase in size. There is no proper car park and no canteen facilities. There

[Mr. Coonan.]

is no library or study facilities, which the college needs, and students have nowhere to study or to carry out research.

After the amalgamation, refurbishment plans to accommodate 75 further education places were submitted to the Department in 2001. In 2002 enrolment numbers outstripped expectations and a request was made to the Department for a revised schedule of accommodation and for a meeting with the planning and further education units in the Department to agree on the size of the college. That meeting has not yet taken place and the building programme is not even under consideration. In 2006, the college's application for a once-off refurbishment grant was refused on the basis that the college needs an extension.

This is an account of six years' progress in further education under the Government's stewardship and of what is being offered to further education in my area. Will the Minister of State raise this matter with the Department to get it to respond? The case of St. Sheelan's college is an indication of the failure in the delivery of the further education service.

The same can be said of the Youthreach programme. The buildings and facilities provided to this programme leave much to be desired. Youthreach groups play a valuable role in education and should be encouraged. Listening to the Minister of State and to some of the speakers today one would think everything in adult education was satisfactory. That is far from being the case.

A Senator referred to programmes which cater for those who slip through the net. I recently heard of a student who was expelled from college a few months before his leaving certificate examination. The family of that student received very little understanding from officials of the Department or from those who deliver education. The student was expelled in October and no service has been offered to the family since then. The VEC in north Tipperary declined to deal with me unless I put everything in writing. Is this the kind of service the Government is offering to the people?

The success of further education depends on the enthusiasm and initiative of the person who is the driving force behind the delivery of the service at college level. The attitude of such a person often makes the difference between success and failure or between success and indifference. St. Sheelan's college is fortunate in having an excellent principal, Mr. Dan Condron.

This brings me to another aspect of further education, which is more in my line, agricultural education. Tipperary Institute together with St. Sheelan's College established a pilot project, New Futures Group, which deals with training, re-skilling and up-skilling for the agricultural community and particularly farmers. As the Minister of State

knows, only 20% of the farming community are full-time farmers, which means many of the rest of them need to seek off-farm employment, for which training is very important. The New Futures Group came to an end owing to lack of funding. However, it produced an excellent report and its representatives appeared before the Oireachtas Joint Committee on Agriculture and Food to outline the difficulties, one of which was lack of funding to continue courses. The main problem with the farming group is the change-over from farming to study. The problem was that unless it is a report delivered by Teagasc no funding is provided. For example, a person who went on to the institute in Athlone needed to pay €2,500 while the fees for those who came through FÁS or industry were paid. This does not represent equal play.

The area of school transport, for which the Minister of State has direct responsibility, needs to be reviewed. I contacted Department of Education and Science officials a week ago with some examples of school transport issues. Four weeks before Christmas these issues are still not resolved, which is not acceptable. I gave full details and have yet to receive a reply. I ask the Minister of State to investigate the matter.

Mr. Daly: I welcome the opportunity to contribute to this important debate. I compliment the Minister of State on the work she has done in the Department in the past four years. Earlier she outlined the enormous amount of work she has done and the number of initiatives she has taken since coming to this office. By any standards the additional finances directed to this area and the additional energy the Minister of State has put into developing the initiatives in the area have established clear guidelines for the future of adult education and further learning for some time to come. The figures for the funding devoted to this area speak for themselves.

Not only has the Minister of State taken a number of initiatives in this area, she has also encouraged other Departments to get involved. I pay tribute to the work being done by the Department of Enterprise, Trade and Employment on adult education in the workplace. This year FÁS was allocated an additional €2 million to help to improve education within the workplace. A number of people now need language training following the arrival of people from other countries including many from the new member states that joined the European Community in 2004. Many of these people are working in local businesses and communities and are making a big contribution to the economy of the regions. Further investment is needed for language education. In recent weeks a tragedy occurred in my county where some people lost their lives, as they were not aware of the dangers of the places where they were enjoying their leisure activities, fishing at Kilkee or looking over the Cliffs of Moher. These are very dangerous

1 o'clock

locations and I was glad to see that *The Clare People* got a Polish woman, living in Kilrush, to insert a Polish translation warning people who are not familiar with the area of the risks and dangers involved in entering these scenic areas for their leisure activities. Local people would not be involved in such activities at this time of year. These are the kinds of issues that will be important in the future and the Minister of State has done valuable work in that area.

I compliment the Youthreach programme. The Minister of State indicated that it has more than 90 centres with in excess of 3,000 participants. Youthreach is very important and has been very successful in picking up on people leaving schools and colleges who wish to further their education and skills in various ways. I also compliment the vocational educational committees for the adult education initiatives the various committees have taken over many years. In developing new technology I am glad that various Departments are working with the Minister of State.

I support what Senator Coonan said about the farming community. Many young farmers no longer have sufficient income from small farms and we need to provide them with skills that are in short supply. Many young farmers, especially those from west Clare, are now combining work in the Moneypoint generating station with work on their small farms. A number of courses could be provided to train people in fitting, pipe welding and various technological areas. Many young farmers with qualifications from second level schools are interested in machinery and would find it easy to undertake courses to train them for jobs that are freely available in large construction sites and other areas where we have labour shortages.

We need to keep abreast of new technology, which changes on an almost daily basis. Once people used to pick blackberries from hedges on the side of the road. BlackBerry's are used now for other purposes. I use that as an example of the technological advances that have taken place. Many adults in particular learn about such technology from their children, even children in national schools. Industry in the future will rely on technological advances that take place at a very fast pace. The two challenges facing industry are keeping abreast of changes in technology and keeping the workforce trained to deal with those challenges in the future. The technological changes, the Youthreach programme, the work of the VECs and FÁS, and post-leaving certificate courses are important. We have all had occasion to visit colleges in our areas where an enormous amount of work has been done by the second level schools in the development of post-leaving certificate courses.

This may be one of the last opportunities I will have to put on record my appreciation of the work the Minister of State, Deputy de Valera, has done in my constituency since she was elected to the Parliament to represent Clare. I have known

her since she was first elected to the Houses and I know the work she did in Europe. I appreciate the loyalty and support I have received from her in the constituency over the years. She has made a very valuable contribution not only to adult education, but also to the economic and social development of County Clare since she first came to the constituency.

As this is probably the final occasion on which the Minister of State will be in the House, I want to place on record the fact that I wish her well in her new challenges and I thank her for the work she has done since first being elected to represent County Clare.

Mr. Quinn: Ba mhaith liom comhghairdeas a dhéanamh leis an Aire Stáit — go n-eirí an bóthar leí. I do not know what road the Minister of State intends to take but she is far too young, enthusiastic and full of energy to take it easy. Perhaps she will indicate later what she intends to do. We appreciate the work she has done in respect of adult education and on the other work she has carried out in recent years.

Approximately two to four years ago, I approached a 50 year old employee with the intention of promoting him. The job to which he was to be promoted was not particularly difficult but he turned down the move, the additional money and the enhanced reputation. I could not figure out why he did so until I was informed that he could not read or write. The individual in question had been with my company for 20 years but I never became aware of that fact because he kept it hidden. At that stage, I took an interest in adult education and adult literacy and in the work that is carried out, usually behind the scenes. I was surprised to discover that some of the women who attend adult education courses did so in order that they could help their children with their homework. These individuals had never admitted to their children that they could not read or write. That was a horrifying discovery to make.

There is a danger that members, particularly those who are elected by university graduates, might view adult education as equivalent to third level education in universities or colleges. It is, of course, much more than that. Due to the fact that the education sector is so complex and expensive, the unfortunate reality is that the elements within it are constantly at war with each other to obtain the largest possible slice of the cake for themselves. Inevitably, it is the elements which shout the loudest that receive the most. That is no different from the position which obtains in other sectors. However, a further side effect is that the various elements in education tend to become self-regarding "silos" which think only of themselves and not others.

Anyone who is familiar with further education will immediately recognise that it is this element which falls behind. It becomes the Cinderella or the lost cousin who is not considered. Part of the

[Mr. Quinn.]

reason for this is a mindset that disregards adult education altogether and perceives it merely as a hobby. As a result of the fact that some of the courses people undertake are regarded as hobbies, the overall message is sometimes lost.

We must arrive at a situation where people do not believe they are being unjustly or wrongly treated because they did not attend university. This is a false picture and one which does the nation no good at all. As the Minister of State indicated, further education makes a highly valuable contribution in two ways. First, it provides people with skills they could not acquire at school or university — these are valuable skills that the country needs — and, second, it provides a small number of individuals with a bridge between secondary school and fully-fledged third level education. In that context, adult education can represent an alternative route into third level for people who, for whatever reason, were not ready or able to move directly to that level after school.

I became familiar with the value of further education as a bridge to third level when, approximately ten years ago, the then Minister for Education asked me to become chairman of the leaving certificate applied committee of the NCCA. My eyes were opened because I did not previously know a great deal about education. For example, I was not aware of the number of people who fell behind in their education between the ages of seven and 12 and who ended up at the back of the class. Such individuals may have been very talented, highly skilled and possessed great intelligence. However, their intelligence was not adequately measured by the traditional leaving certificate. I was stunned by the success that people could achieve as a result of the leaving certificate applied. The original intention behind it was to have people sit some sort of leaving certificate examination. However, as we began to deal with the issues, we discovered a great reluctance on the part of parents to close off the third level route permanently in respect of their children. We also discovered that there was a great thirst for an additional qualification beyond the level of the leaving certificate. There was a desire among many students who embarked upon the leaving certificate applied that it would not represent the end of their education. Hence the attraction of further education, which some of them saw as a stepping stone towards third level.

My experience taught me two things. First, that we should allow, in our educational planning, for different ways of reaching the same destination. Such ways should suit the particular aptitudes and talents of individuals. The second thing I learned was that rather than considering the various elements of education as self-contained boxes, we should regard them as bridges and pathways on a road to lifelong learning. That is where adult education comes into the picture.

When I left school, education was regarded as something one did when one was young and that

one finished when one left school. Those of us who were lucky enough to attend university 40 years ago were also of the opinion that our education had finished when we completed our courses. The world has come a long way in the interim and it continues to change. I was chairman of An Post in 1984, at which point plans for the following three years were being made. We had never heard of a new item of equipment called the fax machine and Members can imagine the threat it represented. Neither it nor e-mail had previously existed. Those of us who believe that when we complete our education we will not continue to learn should think again.

Previous speakers referred to lifelong learning, which is, of course, important. However, I am concerned at how little we have adapted to the concept of lifelong learning. Everybody claims to prescribe to the cliché of lifelong learning but nothing much has been done to bring into effect the necessary changes. The Minister of State is taking action at present and I hope her commitment in this regard continues.

The structure of the education system is not all that different from the structure which obtained 40 years ago when I left university. Our universities are still largely geared towards the outdated idea that knowledge is something young people acquire in an up-front manner in a once-and-for-all encounter. If we persist with this approach, there is no way we can become leaders in a knowledge society. The Lisbon Agenda refers to the future of Europe depending on a knowledge society and we must find a way to move forward in this regard. It follows that a knowledge society will organise education as a lifetime process and attach at least as high a priority to the learning people do as adults as that attached to the learning they undergo in their early years.

Is this where our priorities lie? Sadly, I do not believe so. Until now, it appears we thought we could succeed in a knowledge society by pouring resources into the same areas into which we have always invested. I do not oppose any of that investment, and I have long been prominent in advocating it. However, I wish to counsel against that as the entirety of the job that needs to be done. Until we have an education system that is genuinely geared towards lifelong learning, we will not have the structure necessary to succeed in the world that is opening up before us.

I congratulate the Minister of State on her contribution and on her commitment in respect of this matter. I wish her well in the future.

An Cathaoirleach: Before calling on the Minister of State to reply, I wish to congratulate her on her very successful political career. I also wish her well in the future.

Minister of State at the Department of Education and Science (Miss de Valera): I thank the Cathaoirleach for his kind words. I also thank Senators on all sides for their kind remarks and

good wishes. I value these all the more because they came from Members on all sides and not just from those on one side who might have felt obliged to utter them.

Senator Ulick Burke referred to the need for additional resources. I could not agree with him more. Just because we have managed to increase the budget by 50% in the past five years does not mean the resources provided are anything like enough. That there has been an increase in funding shows there is a recognition of the importance of adult and further education. Many Senators indicated that they do not want to see adult and further education being treated as an add-on to the education system and that it must form a core part of that system. We discuss social inclusion and citizenship but the only way to ensure people feel and are included is through the education system. In my opinion, this can be done through adult and further education.

The literacy programmes have, for many reasons, proved important. Senator Ulick Burke made the important point that literacy must be examined from the earliest possible stage within the education system. This is being achieved through the introduction of the DEIS programme, which homes in on disadvantage makes particular reference to literacy.

I also agree with the points made about retention levels. If programmes such as Youthreach were in not in place at the other end of the spectrum, many young people would be lost completely to the education system. However, there is a greater understanding now about the importance of ensuring all members of our community have a right to an education. If they have been unable to complete their education by a certain age, they must feel that they can have immediate access to second level education, and that has been further emphasised in recent years.

The literacy programmes are most important because if one does not have literacy and numeracy skills, one cannot progress within the education system. Television programmes were found to be the most appropriate way to reach people on the basis of feedback and "Read Write Now" and "The Really Useful Guide to Words and Numbers" have been to the fore in promoting literacy.

I could not agree more with Senators who said the vocational education committees have played an important role in the roll-out of further and adult education and I commend all those within the VECs who are doing a tremendous job.

Senator Ulick Burke referred to the issue of workplace learning. It is not a question of what we can do within the Department in that regard, as we must also liaise with the Department of Enterprise, Trade and Employment. Movement of workers within county councils and hospitals has been facilitated. Unfortunately, fewer men than women are likely to say they have literacy and numeracy problems and different ways must be found to break down barriers so that men feel

they can re-enter the education system. The ratio of women to men in senior Traveller centres is 80:20, while the adult literacy ratio is 59:41. The ratio in the back to education initiative, BTEI, is 75:25, it is 68:32 in the vocational training opportunities scheme, VTOS, while it is 70:30 in post-leaving certificate, PLC, courses. A great deal of work must be done but if we concentrate on workplace learning, we may break down that barrier.

A number of Senators, including Senator Ormonde, mentioned guidance, which is very important because it is one thing to be able to access a programme and receive accreditation but it is another to know what to do with it. The only way to do this is to follow progression and those involved in adult guidance are best placed to demonstrate how adults can progress within the education system and employment. An additional €1 million is provided for adult education projects this year covering 38 projects nationwide to promote adult literacy.

Like Senator Norris, I acknowledge the tremendous access programmes provided by Trinity College, NUI Maynooth, DCU and other third level institutions. I have attended a number of meetings at the three universities where administrators were seeking new ways to improve access to adult and further education programmes for older people and I laud their work.

Senator White referred to child care. The Department provides €6 million annually in child care assistance and that has been rolled out through the BTEI. I agree with her that lifelong learning is about all age groups and it should not matter how elderly one is if one has the motivation to participate in education.

Senator Norris raised the Breaking the Cycle programme, which has been incorporated into the work of DEIS. This is in recognition of the need to examine the problems in adult and further education and how they can be addressed when children first enter school as well as dealing with those at the other end of the spectrum. The Senator also referred to retention rates and the National Educational Welfare Board. The board works with home-school-community liaison teachers who maintain an important link between school and the home, which ensures continuity.

I thank Senator Fitzgerald for his kind remarks. I also acknowledge the important role played by adult education organisers and I thank them for their tremendous work and co-operation since I took responsibility for adult education.

PLC, courses were mentioned by Senator Tuffy. Discussions are ongoing between the IVEA, the TUI and the Department and provision has been made in the 2007 Estimates in this regard. Negotiations will take place between these groups to further the delivery of support staff and other resources for PLC students in December. The issue is being progressed because there has been significant expansion in this area. All those involved are looking forward to the negotiations and I am sure they will be fruitful.

[Miss de Valera.]

Community education was also raised by Senator Tuffy. The sum of €120,000 which I mentioned will be allocated to research in this area, specifically for the work of AONTAS, to further our knowledge on how to promote community education and link it with civic responsibility and civic society. The Department has appointed 35 community education facilitators through the VECs and there will be expansion in this area in the coming years.

Senator Coonan referred to school transport. We had €50 million at our disposal in 1997 to roll out the scheme whereas €165 million is available this year. This highlights our commitment to the scheme. I will examine the individual case raised by the Senator but I would be surprised that an eligible student was not being taken to school on a bus. Perhaps the case involves a concessionary student but I will examine it.

I agree with Senator Daly about the importance of Youthreach and the need for co-ordination with the Department of Enterprise, Trade and Employment. I thank him for his kind remarks as a colleague for many years in the Clare constituency.

Senator Quinn highlighted the literacy issue and how surprising it is when we find out friends and colleagues are unable to read and write. Those who do not have literacy and numeracy skills are embarrassed by this and they hide it very well. However, in 1997, €1 million was made available to deal with literacy problems whereas next year €30 million will be available, which demonstrates the emphasis being placed on this issue by the Government.

I thank the many thousands of volunteers who assist with literacy initiatives. Without them, the system could not work.

Ms White: Hear, hear.

Miss de Valera: They do invaluable work which gives them great satisfaction. Time is of the essence.

I thank the Cathaoirleach and the Leader of the House for providing an opportunity to discuss the area of adult and further education which some years ago was seen as the Cinderella of the Department but its real worth is showing through. While there have been increases amounting to 50% in the past five years, I look forward to further increases of at least 50% in coming years. The Leader of the House has a particular interest in education, having been, like me and the Minister for Education, a teacher for many years.

I thank Senators not only for participating in the debate but also for treating me with the utmost courtesy whenever I have attended the Seanad. As this is my last opportunity to do so, I thank the officials in the House for their courtesy, guidance and advice, which has been valued. I also thank my officials in the Department of Education and Science who have been unfailing in

helping me in the past four and a half years. I thank Senators for their comments and wish each of them the best in their continuing careers.

**National Development Finance Agency
(Amendment) Bill 2006: Order for Second
Stage.**

Bill entitled an Act to amend the National Development Finance Agency Act 2002 by providing for additional functions of the National Development Finance Agency and to provide for connected matters.

Mr. Moylan: I move: "That Second Stage be taken now."

Question put and agreed to.

**National Development Finance Agency
(Amendment) Bill 2006: Second Stage.**

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

Minister for Finance (Mr. Cowen): I am pleased to be before the House to present the National Development Finance Agency (Amendment) Bill 2006, the purpose of which is to provide a statutory basis for the Government's initiative to improve the capability of Departments or agencies to undertake public private partnerships, PPPs. The measure involved the establishment in 2005 of a centre of expertise for PPP procurement within the National Development Finance Agency, NDFFA, in addition to the NDFFA's existing advisory and financing functions. I stress that the Bill is amending legislation. The basic legislative provisions for State authorities to undertake PPPs and the establishment of the NDFFA are in place in the State Authorities (Public Private Partnership Arrangements) Act 2002 and the original National Development Finance Agency Act 2002.

I will outline some background information on PPPs generally and go through the specific provisions included in the Bill. Senators will recall previous statements on PPPs in the Seanad on 17 November 2004 and the NDFFA annual report on 3 October this year. The overall context for the use of PPP arrangements includes a national framework for PPPs agreed with the relevant social partners in 2001 under partnership structures, legislation to facilitate State authorities' engagement in PPPs in 2002 and to establish the NDFFA in 2002 and the inclusion of PPP targets in the rolling multiannual capital investment envelopes from 2004.

A key activity of the NDFFA is to advise on the optimum means of financing public capital investment projects within the State sector, including PPPs. The NDFFA reports that, to date, it has been asked to advise on more than 100 projects, of which PPP procurement may be considered for more than 60. It completed its advice on 22 pro-

jects at the end of 2005. Its annual report for 2005 outlines that the cumulative value of the projects on which it had compiled its advice was almost €2.4 billion by the end of that year and is expected to reach almost €4 billion by the end of this year.

The PPP approach can provide value for money and for the timely delivery of infrastructure when applied to projects of the right risk, scale and operational profiles. The process is intensive and demanding because it requires that the whole-life costs and service requirements of the asset being procured be quantified, the negotiation of a contract that will typically be of 25 to 30 years in duration and a number of formal value for money tests. After a project is identified as suitable for procurement as a PPP, it can take 18 to 24 months or more to reach construction stage. Overall, delivery times have been impressive.

The use of PPPs has become well established in respect of roads, with a steady stream of projects moving through the planning process and reaching the market. There are three toll-funded PPP roads in operation procured by the National Roads Authority, namely, the Kilcock-Kinnegad motorway, the Dundalk bypass and the Rathcor-mac-Fermoy bypass. Regarding environment and local government, local authorities have brought forward a range of projects in the areas of water services and housing with and without the use of private finance. They are also advancing waste projects.

I will turn to the specific background to the legislation before the House. By 2005, deal flow was established in respect of roads and in the local government sector. However, progress was not at the pace anticipated in the area of PPPs funded by unitary payments from Departments' Votes. A variety of reasons for this was identified and the need for specialised skills and capabilities to manage this relatively complex procurement process was singled out as a key factor. Finding the most appropriate way to put in place the full range of necessary skills, particularly in areas that lack experience of the process, has proved to be a challenge across many jurisdictions. After a period of review and consultation, the Government decided last July that the full range of the procurement delivery skills required for the PPP procurements in question should be centralised in a centre of expertise, which the Government decided to locate in the NDFA. This measure was designed to improve the capacity of the public sector to develop PPPs funded by unitary payments from departmental or agency Votes. The NDFA's centre of expertise will consolidate the core skills and capacities required to support these complex procurements in departmental or agency areas. As is the case with the National Roads Authority in respect of roads and the Railway Procurement Agency in respect of rail and metro, it will underpin strong continuity in managing PPP procurement in the public sector.

The Government also decided that the PPP projects to be initially pursued with the assistance of the centre of expertise should be in the education, justice and health sectors. Projects already in train outside the new arrangements have been handled pragmatically in terms of the existing level of involvement of the centre of expertise.

Since the announcement of the centre of expertise in July 2005, a number of projects are in train in the area of PPPs funded by unitary payments from Votes. The first major initiative for the centre was in the education sector. The Minister for Education and Science announced PPP programmes for 23 new post-primary schools, four new primary schools and 17 projects at third level to be procured by the centre on behalf of her Department. Significant progress has been made in the programme. The first bundle of schools, consisting of St. Mary's CBS, Portlaoise, Scoil Chríost Rí, Portlaoise and two amalgamation projects in Ferbane and Banagher, has entered the procurement process with the NDFA. A second bundle of schools was announced last week, consisting of six schools on five sites in Cork, Limerick, Kildare, Wicklow and Meath. Progress is also being made in the justice area with the criminal courts complex and the Mountjoy complex relocation, and in the health area with regard to radiation oncology units.

The NDFA commenced the new PPP procurement role on an interim, non-statutory basis, pending the making of the necessary legislative provisions. Acting on a non-statutory basis does not present significant problems for the early stages of the procurement process. However, statutory provision is now a prerequisite to enable the NDFA to conclude contracts for PPP schools projects in the first half of 2007.

I will set the procurement role of the NDFA in context. The NDFA is a project taker. The agency is responsible for the procurement to delivery stage of projects, within the parameters set by the sponsoring Department or agency. The relevant Minister decides what projects are to be pursued, within the allocations available for such projects. Under these arrangements, there is a clear distinction between the project development phase and the procurement delivery phase. Project development is the primary responsibility of the sponsoring Department, with the assistance of advisers, including NDFA financial advice, as necessary. Procurement delivery is the responsibility of the centre of expertise. The centre of expertise undertakes the procurement after all policy issues are cleared by the sponsoring Department or agency, output specifications are set and the public sector benchmark, PSB, is signed off.

The existing arrangements for NDFA accountability to the Committee of Public Accounts will embrace the new procurement function accorded to the agency by virtue of the extension of the NDFA's powers in the proposed legislation. The

[Mr. Cowen.]

projects will be returned to the Department or agency at turnkey stage and the unitary payments to the private sector partner will be made from the Vote of the Department or agency. These new arrangements will not apply to the transport sector or local government where PPP deal flow is established and where the existing procurement arrangements will continue.

The Government decision of 25 July 2005 also provided for the strengthening of the NDFA board by the appointment of two additional members. This reflected both the generally increased workload of the board under the new arrangements and the importance of deepening and widening its resources for procurement. As an interim measure, I appointed two additional members to the board on a non-statutory basis, Mr. Fred Barry, chief executive of the National Roads Authority, and Mr. Stewart Harrington, quantity surveyor, but their formal appointment requires amending legislation to increase the statutory limit on the number of board members in the National Development Finance Agency Act 2002. This is provided for in the legislation before the House.

Provision is also sought for a third additional board member. In the context of negotiations with the social partners on Towards 2016, it was agreed that the Government would favourably consider the appointment of a trade union representative to the board of the NDFA. I have already followed through on the Government's commitment and have appointed Mr. Liam Berney of the Irish Congress of Trade Unions to the board on an interim, non-statutory basis pending enactment of this Bill.

As I said earlier, the centre of expertise will, in the first instance, procure projects in the justice, education and health areas. Existing arrangements are being maintained for particular PPP projects already in train outside these programme areas, to provide consistency and to allow those projects to be completed.

The move to the centre of expertise is to be complemented with more streamlined decision making in Departments, based on a clarification of roles, and the development of a more standardised approach to PPP contracts. The procurement phase for all future PPP projects in the areas funded by unitary payments by Votes or agencies will be centralised in the centre of expertise, with the exception of projects agreed between the appropriate Minister and the Minister for Finance. My Department recently revised the central PPP guidelines on the assessment and procurement of projects to take account of the revised capital appraisal guidelines issued in 2005, the establishment of the centre of expertise and my recent value for money initiatives. These aim for a pragmatic approach, while maintaining an appropriate level of rigour in consideration of the various steps. The new PPP guidelines will provide a further support to the implementation

of the targets for PPP investment in the rolling multiannual capital envelopes.

I have outlined that the NDFA is already carrying out the new procurement functions on a non-statutory basis. I am informed that practical arrangements have been developed to manage the interface between the centre of expertise and the relevant sponsoring Departments to date. I also understand that these have facilitated access to pre-existing expertise. The centre of expertise continues to expand and is building up the necessary skills to ensure the sustained delivery of projects into the future. The NDFA annual report for 2005, which was laid before the House earlier this year and debated in the Seanad just a few weeks ago, sets out the significant work already undertaken in its new role and the resourcing arrangements now being put in place.

This Bill House formally allocates the new procurement function to the NDFA. The provisions are enabling rather than prescriptive. The Bill also allows for the appointment of the three additional board members. The Bill includes consequential amendments to existing provisions governing the NDFA's functions, addressing issues such as ministerial guidelines and charging of costs. It also provides for a small number of other matters pertaining to the legislation generally.

I will now turn to the specific provisions of the Bill. Section 1 is a standard interpretation section to define terms used in the Bill, in this case defining the National Development Finance Agency Act 2002 as the principal Act. Section 2 is a technical amendment to the definitions in the principal Act, to make the text consistent with the wording used elsewhere in legislation.

Section 3 amends section 3 of the principal Act, which sets out the functions of the NDFA. The amending provisions enable the NDFA to carry out two new functions, namely to enter into PPPs with a view to transferring the rights and obligations under the PPP to a State authority and to act as agent for any State authority in entering into PPPs. It is anticipated that in most cases the NDFA will act as agent for a State authority.

Section 4 inserts a new section in the principal Act, requiring the NDFA to draw up a code of conduct relating to PPPs based on best practices to ensure good corporate governance, to be approved by the Minister for Finance. The code of conduct is intended to address, *inter alia*, any potential conflicts of interest or objectives. It is considered desirable to provide for a statutory code of conduct in the context of the new procurement functions and the legislative framework governing public procurement at European level.

Section 5 makes a consequential amendment to section 4 of the principal Act. It extends the existing obligation on the agency to have regard to ministerial policy and guidelines on PPPs to include the exercise of the new procurement functions. Section 6 amends sections 12 and 14 of the principal Act, providing for the appointment

of three additional members to the board, and making a consequential increase to the quorum for meetings from three to four.

Section 7 amends existing provisions governing the signing of contracts by the NDFA in section 15 of the principal Act. The provision will allow for contracts to be signed by any two staff authorised in writing by the board as well as by members of the board, in recognition of the volume of documentation involved in PPP contracts. As NDFA does not directly employ staff but carries out its functions through the National Treasury Management Agency, the section refers to NTMA employees signing contracts.

Section 8 amends section 18 of the principal Act, to allow NDFA to disclose confidential information to an appropriate Minister as well as to the Minister for Finance. “Appropriate Minister” is defined in the principal Act and covers any Minister of the Government who has functions or general responsibility in connection with a PPP or a State authority.

Section 9 amends section 22 of the principal Act to bring the procedures for adding bodies to the list of State authorities, covered by the legislation, into line with current good practice in regard to the use of secondary legislation. The new provision takes account of developing case law in this area.

Section 10 substitutes a revised section for section 26 of the principal Act, which deals with the expenses of the NDFA and how they are to be met. In an elaboration of the original provisions in the principal Act, it is proposed that expenses incurred by NDFA on specific projects — in practice, the cost of specialist external advisers — should be charged directly to the relevant State authorities and not solely to Votes, as was provided for previously. The provision for recovery of expenses is being extended to cover the new procurement functions of NDFA as well as its advisory functions. The provision also clarifies that NDFA may pay expenses from the central fund in the first instance, with subsequent recoupment from the relevant bodies.

Senators will be aware that NDFA’s functions are performed through the NTMA under section 11 of the principal Act. The NTMA also incurs costs in performing these functions, including staffing costs, and these are met from the central fund, as is the case for NTMA costs generally.

Section 11 updates the Schedule to the principal Act to include all public bodies added to the Schedule by statutory instrument since the enactment of the principal Act and includes a new general category, in line with the provisions of section 9 of the Bill. Section 12 amends the Schedule to the State Authorities (Public Private Partnership Arrangements) Act 2002 by adding the National Development Finance Agency, to ensure that those PPP arrangements that NDFA enters as principal are also covered by that Act. Section 13 is a standard construction and citation provision.

The establishment of the centre of expertise is one of a range of measures to enable the public sector to avail of PPPs where they are appropriate. As I have stated on a number of occasions, the PPP approach has benefits when applied to projects of the appropriate scale, risk and operational profile. While PPPs are not the main procurement option for the capital investment programme, I expect PPP to play a more significant role in the next national development plan.

Of course, PPP is ultimately only a means to an end. The objective is to put in place public services and infrastructure on a value for money basis for the taxpayer so that Ireland remains well-placed to meet the challenges which it will face in the coming decades. I believe that PPP has shown it has a role to play, along with the other procurement options, in delivering investment in our economic and social infrastructure and that the steps we have put in place will help PPP to fulfil that potential as we move forward. In that context, the provisions contained in this amending legislation, together with the other steps the Government has taken to support the process in a practical and realistic fashion, will help to bring about the kind of world class investment in social and economic infrastructure that we are committed to delivering over the coming years.

I look forward to hearing the comments of Senators on this Bill and to a more detailed debate on Committee Stage. I commend this Bill to the House.

Mr. J. Phelan: I welcome the Minister back to the House. One is reminded of the adage about public transport buses, that there is never one available when one wants it but when a bus eventually arrives, several arrive together. So it is with debates on finance in the Seanad. In recent weeks there have been five or six discussions on finance, and the budget next week will provide more opportunities for the Minister and some of his colleagues to have further discussions on the issue in this House.

I welcome the Bill and will not oppose it being passed by the House. However, the Minister made a long contribution and I wish to take up on a number of the points he made. The main issue I have with the National Development Finance Agency is that there is not enough scrutiny of its role and operation by the Oireachtas. Perhaps we are to blame for that. There was a debate a few months ago on its activities but such debates should be held more frequently. Under this amending legislation we are giving more powers to the new section being established within the National Development Finance Agency. We should examine the operation of the agency in more detail, both in the Houses and at committee level.

The National Development Finance Agency was established more than four years ago. One of its principal functions is to advise State auth-

[Mr. J. Phelan.]

orities on the optimal financing of priority public investment projects. It is an important function which should be carried out with a view to maximising value for money for the Exchequer. This has not always been given the priority it deserves by the Government over recent years. The Minister outlined a number of areas where success has been achieved in securing value for money from investment in public capital projects, so I will take this opportunity to remind the House of some areas where the Government has been less than successful.

The Minister put great emphasis on public private partnerships. This country has had a mixed record with PPPs and taxpayers have not always benefited to the extent they should have under the objectives of those partnerships. The toll bridges in Dublin are an example of public private partnerships that did not work to the optimal level. The Minister mentioned a number of school building schemes that are due to be undertaken on a public private partnership basis. The report earlier this year from the Comptroller and Auditor General on such public private partnerships found that some school projects were up to 20% more expensive than expected under this initiative. That is not how public private partnerships were sold to the public when they were introduced.

MediaLab Europe was established in May 2000 as a university level research and education centre, specialising in information technology and multimedia technologies. It was a joint collaboration with the Massachusetts Institute of Technology. The State invested almost €36 million in the project which collapsed in early 2005.

Since 1999, the Office of Public Works has acquired several properties, including a couple in my constituency, to house asylum seekers. Almost €20 million was spent on five locations which were never used. One of them is in County Carlow.

In November 1999, the Minister for Agriculture and Food received a proposal from Punchestown racecourse seeking funding of €7 million to build an extension to the show centre. The Department for Finance approved the full amount. In June 2000, Punchestown racecourse requested an additional €6.8 million, which was approved by the Minister for Finance. A further €1.48 million was sanctioned for the project by the Minister in 2002 and the total overrun on the scheme was €15 million.

It is also worth recalling the fiasco of what became known as the "Bertie bowl", that is, Campus Stadium Ireland. A sum of €100 million was spent between clearing the site and the initial feasibility studies on developing the stadium. This can hardly represent value for money for the taxpayer.

I have referred on a number of occasions to the flood relief scheme undertaken in Kilkenny in my constituency. It was initially costed at €13 million

but eventually cost almost €50 million. Even then, significant changes had to be made subsequently to install a fish path on the river. This had not been successful when it was initially installed under the original project.

The cost of the Dublin Port tunnel was originally estimated in 1999 at €222 million. The estimate was increased in 2000 to €450 million and the final expected cost will be more than €1 billion.

Despite the Minister's comments, the Government's approach to spending taxpayers' money over the past nine years offers numerous examples of vast wastage of money. For that reason, it is necessary that the House take as many opportunities as possible to discuss spending.

The Fine Gael and Labour Party approach was outlined recently in a joint policy document on strategic planning. The key to the approach is giving the Taoiseach and Tánaiste a central role in setting a limited number of strategic priorities for the Government. Furthermore, the Taoiseach and Tánaiste will assess ministerial performance against key, high level targets. They will have a direct role in setting priorities for the Estimates process and will be assisted by an Estimates strategy group tasked with ensuring that the Estimates reflect strategic priorities.

We will enhance the role of the Department of Finance both as promoter of economic and social development and as monitor of public spending outcomes. The Estimates process will be reformed to provide for a strategic reserve fund. We will establish a critical infrastructure commission to analyse key infrastructural priorities and monitor progress on major infrastructural programmes for economic, social and regional progress. We will also reform project management by introducing a gateway system for major capital projects to enhance accountability and pin down responsibilities, and by introducing a new reporting system for priorities to highlight emerging problems.

These policy priorities are outlined in the document, *The Buck Stops Here*, which the Minister is welcome to read.

Mr. Cowen: I have given it a detailed critique already.

Mr. J. Phelan: It was announced in July 2005 that the amending legislation before us would be introduced. The centre of expertise under the National Development Finance Agency will have specialist responsibility for procurement of PPP projects. Initially, its programme will comprise projects from the Departments of Justice, Equality and Law Reform, Education and Science and Health and Children. At the time of the announcement a number of people expressed doubts about whether the decision to transfer responsibility from Departments would meet with success.

The work of the National Development Finance Agency is far from transparent. It operates in the same manner as the National Roads Authority and several other agencies, whereby Senators often find it impossible to raise issues in the House. More transparency is needed in the operations of the NDFA.

I do not see the need for section 6 of the Bill under which it is proposed to double the membership of the board of the NDFA. I am not convinced by the Minister's argument. While I am aware of the commitment made under the social partnership agreement to include a representative from the trade union sector, I remain to be convinced of the necessity of providing two additional positions for Government appointees to State boards.

I also have concerns about potential conflicts of interest. The NDFA has become the sole gatekeeper for approving PPPs in key sectors. However, it also has a role in organising investments in projects and has been given authority to borrow up to €5 billion to do so. It is not in the public interest for the agency to act as both gatekeeper and agent for PPPs.

I welcome the Bill in broad terms. The need for a centre of expertise has been made clear by the activities of the NDFA and the Government and while I have some reservations, I will not be opposing the Bill.

Dr. Mansergh: I welcome the Minister and warmly welcome the National Development Finance Agency (Amendment) Bill 2006 which is designed to achieve value for money through a practical scheme which will be worth more than any number of window dressing policies from the Opposition. I have greater faith in the Bill's abilities than the enhanced roles proposed by the speaker opposite for a Fine Gael Taoiseach and a Labour Party Tánaiste.

Mr. J. Phelan: Senator Mansergh has only a few more months to wait.

Dr. Mansergh: The National Treasury Management Agency, of which the NDFA is an extension, was an excellent Opposition initiative of a type that the Senator should examine. Twenty years ago the late Charles Haughey was one of its prime movers and it has helped to reduce the national debt from 125% of GNP — virtually the highest in Europe — to its current level of 25%, as it is now measured.

One of the arguments made against PPPs is that the State, as a sovereign borrower of good financial standing, can borrow more cheaply than the private sector. However, those who will advise on the adoption and negotiation of projects will be members of a branch of an agency which has helped us to dramatically reduce our sovereign borrowings in the past 20 years. The agency has an exceptionally good track record and will be able to compare options in determin-

ing the correct decision on a project. Central expertise is important to ensure Departments and agencies will not constantly have to try to reinvent the wheel. While some bodies such as the National Roads Authority and local authorities have developed expertise in this area, a number of Departments will benefit from the work of the proposed agency. Civil servants tend towards caution in their advice because they do not want to enter situations which could cause them to be investigated by the Comptroller and Auditor General. However, such timidity can lead them to avoid matters about which they feel they have insufficient expertise.

Senator Phelan rehearsed the usual list of problematic projects but every Government faces similar issues. I doubt, for example, that the rainbow parties are proud of the sale of Irish Steel or the second mobile phone licence which allowed certain individuals to make vast profits, despite the presence of famous programme managers in various Departments. Governments will always face challenges in that regard but the question remains of how we can make the system as efficient as possible to minimise mistakes.

I am reminded of a conversation I had at a summer school many years ago with a former Fine Gael Taoiseach who had extensive ministerial and economic experience. I expressed regret about an unsuccessful initiative which my party had taken in 1987, to which he replied that not every initiative was successful. As Senator Quinn knows given his business background, if guarantees are sought before any decision is made, little will ever be done.

The private finance initiative which was introduced across the water has had a chequered experience of overruns and bad value for money. Such an experience is precisely what we want to avoid in Ireland. One of the great advantages of our current comfortable financial circumstances is that we do not have to resort to PPPs as a means of getting around the 3% borrowing requirement. We only need to follow that route when it represents the best option.

I am familiar with the road projects to which the Minister referred. The Dundalk bypass, the Fermoy-Rathcormac bypass and the M4 are all welcome additions to the road network. One could spend a long time getting around Dundalk or be stuck in traffic entering or leaving Fermoy or Mitchelstown, although the latter is not a PPP project. At certain times of the week, the N4 was a nightmare. The Minister might be amused to know that Wolfe Tone and his men complained about Kinnegad 200 years ago, although purely from the perspective of its being a transport bottleneck.

The Minister mentions three areas where PPPs will operate. The new prison at Thornton Hall is a very ambitious project, and in this House we have heard a great deal about it from the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell. Schools projects

[Dr. Mansergh.]

are very important, and all public representatives spend a great deal of time in schools meeting principals and boards of management. The way in which the country is developing means that the population is growing, and fairly constant work is needed on schools, with different demographic profiles emerging. It is important that we get on with that work.

Senator Phelan mentioned problems with the West Link and East Link toll bridges. Those very early projects ran into trouble, but that does not mean to say that they were not badly needed. Unfortunately, in life, including political life, there is a fair amount of trial and error. One will not always get everything perfectly right on the first occasion, and there are times when one must mend one's hand. It does not follow, however, that neither project should ever have been embarked upon in the first place. I do not know what the situation will be after the port tunnel opens, but at least the East Link toll bridge has not been a source of problems. I joined the Taoiseach's office in 1981 and was proud that it was the very first example of the new approach, which will also be valuable regarding health, an area in which vast expenditure is needed.

The Minister stated quite rightly on page 11 of his speech, regarding the national development plan, to which we all look forward early next year, that while PPPs are not the main procurement option for the capital investment programme, he expects them to play a more significant role in the next NDP. That is only right, since their use must be kept in proportion. In other countries there have been times when people suggested that PPPs were a panacea, which they are clearly not. They will work best if operated on a focused, selective basis where they genuinely represent the right solution.

Senator Phelan questioned the expansion of the board. To be fair, he accepted that there would be merit in having a trade union representative. It would also be useful to have a quantity surveyor. We must get away from the idea that elected representatives can always second-guess quite technical decisions and provisions. We obviously have a general monitoring and review role, focusing very closely when things go wrong to see what the problem is, but we should not delude ourselves. The State has substantial expertise available to it in different areas, and it is not necessarily our role to second-guess every decision systematically.

On the contrary, much of the time I would put my faith in judgments made after careful consideration, consultation and advice. Each of us has an individual perspective and experience and may have something to contribute to the discussion, as is clearly our role.

I very much welcome this legislation, which is a better, more concrete value-for-money initiative than any I have seen in Opposition policy documents. We have enjoyed tremendous growth over

the past ten years, and that has created pressures. We did not get everything right, but PPPs provide a means for us to come much closer in that regard in future.

Mr. Quinn: I welcome the Bill and the Minister for Finance, Deputy Cowen. I was particularly impressed at his ability to handle TLAs and FLAs. I am sure that he has no idea what I am talking about. A TLA is a three-letter acronym, examples of which include the PAC, the Public Accounts Committee, PSB, the public sector benchmark, and PPPs, public private partnerships. Now, however, there are the NDFA, the National Development Finance Agency, and the NTMA, the National Treasury Management Agency. I congratulate the Minister on being able to deal with them, since they are quite a handful. I am engaged with TLAs but find that I must now remember FLAs.

I thank the Minister for his words and congratulate him on this Bill. Senator Mansergh said that if one wants guarantees on anything before making an investment, it is unlikely that one will ever be able to follow through. The National Development Finance Agency has been a great success. Members who heard me speak last month on the annual report of the NDFA will know that I am an admirer of that body, and of its approach to public spending. The establishment of the agency and the extension of its remit last year, to which the Bill gives a statutory basis, are an acknowledgment that the raising of development finance is a matter for experts and not for amateurs. Some might say that the acknowledgment in question is belated, but it is welcome nonetheless.

Development funding is a field ploughed by people with some of the cleverest minds, and certainly some of whom are the highest paid in the financial world. To set that brainpower on one side and have a team of non-experts with no particular training in that highly specialised field attempt to compete with it on equal terms, was to guarantee that the State would lose from the start. Now we at least have a level playing field with a balance of expertise on the two sides. The off-loading of this responsibility to the NDFA is a continuation of the trend that created the National Treasury Management Agency over ten years ago and led to the steady expansion of its remit since. The NTMA is a monument to a principle that I would like to see extended to the whole of public spending, namely, that spending public money is a very serious matter to which we must bring the highest standards of professional management. It is certainly not a game for amateurs.

In a way, I am amazed that I should have to state that principle at all, since it is surely self-evident. Be that as it may, we have not acted on it across the board in public spending. However, it is certainly true that we now manage the national debt highly professionally. As Senator

Mansergh said, it has been reduced considerably. It is also true, thanks to the NDFA, that we are now taking the same approach to raising development capital, which we had not done over the years. The evidence from the first few years of the NDFA's existence is that it has brought about a substantial increase in the value for money that the State secures as a result of its activities in raising development finance. On that basis, I have no doubt that it will make the same improvements to PPPs.

Such partnerships may have much to offer in delivering the type of infrastructure projects that are needed in a faster and more efficient manner than is the case with direct State involvement. The jury is still out, however, on the extent of any such benefits. It remains to be seen whether the additional costs involved are worthwhile. It is an inescapable fact that public private partnerships are inevitably a more expensive way of funding a project because they must allow for an element of profit to cover the risk the private sector partner is taking by getting involved.

As Senator Mansergh observed, too many private sector operators have been unwilling to take on board that risk in the past. There never can be an investment that comes with a guarantee of success. Nobody in business can ever expect such a guarantee. An investor who succeeds in four out of five ventures does extremely well. In many cases, an investor will succeed in only one venture in five but that is sufficient to his or her long-term success.

Two questions should be asked in regard to every proposal for a public private partnership. The first is whether the additional cost is worthwhile. At an earlier stage in the development of the State, public private partnerships gave us access to funding that was otherwise unavailable. This was the original justification for the concept. Our national financial resources were so constrained in the past that we were unable to carry out some of the investments that were needed. In those circumstances, paying slightly over the odds was necessary if the project was to go ahead. This was a sensible approach.

Those circumstances no longer apply in these affluent times, however, when it seems that no matter how much a project costs, the resources are available to fund it. There must, therefore, be another justification for taking the more expensive route. Whenever I raise this issue, I am overwhelmed by neither the quantity nor quality of the replies. I suspect for many people, the justification is ideological. It is rooted in a belief that the private sector always produces the best and the most cost-efficient result. As Members might expect, I am a great champion of the private sector, but even I find it difficult to accept that proposition without any firm evidence to support it in particular cases.

The second question that must be asked about each proposed public private partnership project relates to the extent of the risk being carried by

the private sector partner. The NDFA can play an important role by evaluating and quantifying the private sector risk. Few will deny that our early experience with public private partnerships showed that private sector partners were often successful in negotiating their way out of any real risk. In such cases, this route proved expensive for the State.

I emphasise that I am not opposed to public private partnerships in principle. I contend, however, that the jury is still out on their value to the public purse. I have no doubt that if we must have such partnerships, the way to manage them that is proposed in this Bill is the correct approach. I commend the Government on taking this worthwhile step. We should recognise that this Bill represents an effort to achieve something we all support.

Mr. Leyden: I welcome the Minister of State, Deputy Parlon, and the officials from the Department of Finance. I commend both the Minister of State and the Minister, Deputy Cowen, on bringing forward this important legislation, which establishes on a statutory basis the centre of expertise of the National Development Finance Agency. This sound proposal represents a continuance of the good governance of which we have seen evidence for some time. I do not wish to praise the Government too much because self-praise is no praise.

Minister of State at the Department of Finance (Mr. Parlon): Senator Leyden must restrain himself.

Mr. Ryan: Such sentiments never restrained him before now.

Mr. Leyden: The Government has taken a tremendously businesslike approach in this and other matters. As a successful businessman, Senator Quinn, in particular, will appreciate this. The Minister, Deputy Cowen, and his predecessor, Mr. Charlie McCreevy, have done a fine job in running Ireland Incorporated. The Taoiseach, who is the chief executive officer in this analogy, is performing well, as are his Ministers, who are akin to programme managers.

I take this opportunity to commend the Minister of State on his wise approach to the sale of Office of Public Works properties. He has raised a phenomenal sum of money, sufficient almost to finance the State. The Minister of State showed his generous spirit when he provided a site for a youth centre and crèche facilities for the lions club in Roscommon town. The Government is not concerned only with making money. It has a humane face when it comes to projects that are of benefit to people in a particular area.

Public private partnerships are worthwhile and have a role to play in the provision of public facilities. The State should be more proactive in providing facilities for Departments and State

[Mr. Leyden.]

agencies. During my tenure as chairman of the former Western Health Board, for example, I sought a grant of some €3 million or €4 million to build new offices in Roscommon. It seems logical that such a project should be undertaken either by means of a public private partnership or through direct State funding. In this instance, however, it was deemed more suitable to rent premises on a five-year lease at €300,000 per annum. This is entirely illogical.

The Minister of State should review all premises rented by the State. I understand the health board in the example I gave was not permitted to raise capital to purchase the building in which its headquarters was located. Instead, it was obliged to pay €300,000 per year in rent. When the former North-Western Health Board took the initiative of building new headquarters in Manorhamilton, it was reprimanded by the Committee of Public Accounts on the basis that it had not attained full permission to proceed. I am sure a cost benefit analysis of that project would indicate that the correct decision was made irrespective of whether the Minister for Finance or Government liked it. It has been a great success.

Why can the NDFA and other financial agencies which manage the pension fund not buy into Aer Lingus? Why is that such a bad idea? We have an investment fund of some €17 billion but can do nothing as we watch a company like Ryanair buy shares in a successful State company. The Government has faith in Aer Lingus, and so too should the investment agencies. The development of the second terminal at Dublin Airport seems an ideal investment route.

Although I should not have been surprised by it, I was taken aback by the recent Green Party attack on the Government. The Minister should respond to allegations made by Deputy Boyle, the Green Party spokesperson on finance. The Green Party should be the last to lecture on unethical investments. On 17 November 2006, it issued a statement on Ireland Online with an allegation that the National Pensions Reserve Fund had made investments in Darfur. It claimed taxpayers would be concerned about such investments. I will give a copy of the statement to the Minister of State. The Green Party has a neck——

Acting Chairman (Mr. Moylan): From where is the statement?

Mr. Leyden: It is a statement from the Green Party which I obtained from Ireland Online. I will give it to the parliamentary reporters.

The Green Party is a wonderful little club.

Mr. J. Phelan: Senator Leyden did his homework.

Mr. Leyden: I do not know what the party stands for but I suppose it stands for everything and nothing.

Mr. J. Phelan: It sounds like Fianna Fáil.

Mr. Leyden: It is extraordinary that it is lecturing the Government on ethical and unethical investments, knowing what we know about one of its member's investments in certain chemical companies.

Mr. J. Phelan: That is a low blow.

Mr. Leyden: It is very low but it is also a low blow to the Government if a party such as the Green Party is lecturing it on investments.

Mr. J. Phelan: The Deputy's mother died and he inherited a few shares.

Mr. Leyden: I did not mention any names but Senator John Paul Phelan can imply who he likes. Anyway, we all know to whom I refer.

Senator Ryan also criticised the question of ethical investments recently. The Government allows an investment to be made for the maximum result within reason. It has taken an ethical approach so far. I hope the majority of investments are made in Ireland.

The pension fund has increased to €17 billion. The Minister for Finance must ensure that Fine Gael and the Labour Party never get their hands on that fund. At the previous general election they threatened to spend it on various projects. Legislation should be introduced to prevent that fund being used to fund the so-called promises of Fine Gael and the Labour Party at the next general election.

Mr. J. Phelan: The Senator would want to be quick because we will have our hands on it soon.

Mr. Leyden: They will not get their hands on it. However, to be sure, legislation should be introduced because I am fearful that a party that can take the shilling off the old age pensioner would certainly be prepared to take €17 billion——

Mr. J. Phelan: For God's sake, what a load of crap.

Mr. Leyden: I am blessed with a great memory.

Mr. J. Phelan: Was Senator Leyden a pensioner then?

Mr. Leyden: There are two things that upset the Fine Gael Party. One is referring to the Blue-shirts and the other is the shilling off the old age pensioner.

Mr. J. Phelan: I am not a bit upset about the Blueshirt reference.

Mr. Leyden: I commend the Bill to the House. I wish the Minister for Finance well in next week's budget. I congratulate the Minister of State, Deputy Parlon, on the work well done on the decentralisation programme. He is the champion of the Fianna Fáil-Progressive Democrats Government. He is a credit to his work and we in County Roscommon are delighted with the progress with the programme.

Mr. McDowell: Senator Leyden opens up so many interesting avenues of approach, it is almost tempting to follow him down them. I might later but I think I will stick to what I intended to say.

Mr. Leyden: Proinsias De Rossa did not do much for the pensioners either.

Mr. McDowell: This is the second debate in the House on the National Development Finance Agency. In October, we had statements on its annual report. That debate was pretty poor because so many Members did not have a notion what the agency was. I suspect many of them still do not. That is not terribly surprising because the role of the NDFFA has changed since it was first mooted several years ago. The then Minister for Finance, Charlie McCreevy, came up with this wonderful idea before the previous general election to fund capital projects off balance sheet. It became clear after the election that the European Commission would not stand for it. The current primary purpose of the NDFFA was then grafted on to the legislation.

I re-read the Official Report for the National Development Finance Act 2002 and it is still not clear to me why it was necessary to set it up as an independent agency within the National Treasury Management Agency. The then Minister, Charlie McCreevy, gave some explanation about a possible conflict of interest in financing. It did not make much sense to me then and it still does not, even after re-reading the Official Report four years later. The reality is the NDFFA is a brassplate within the NTMA. It comprised 11 people when established on a non-statutory basis but now has 20 people providing expert advice.

One could be forgiven in thinking that the NDFFA has been asked to carry out cost-benefit analyses of Government decisions for projects and, therefore, ensure better value for money. In one way it will ensure better value for money, but in another it will not. As it does not decide which projects are to be advanced, it cannot ensure better value for money. That is still a political decision for Ministers. If for example, the Minister of State, Deputy Parlon, decides to relocate hundreds of happy civil servants to Cavan and commissions a building there, the NDFFA does not have the right to veto his decision. One may claim that is right.

Mr. Parlon: I can relocate only the posts, not the civil servants.

Mr. McDowell: We will debate that another time. The decision in principle to commission a building project is made by the Government. The NDFFA decides the funding mechanism for the project. This is technical advice that calls on the agency's expertise on funding and putting together contracts. It does not proof against a bad decision by Government. It ensures that once a decision on a project is made, it is implemented in the most cost effective way.

The purpose of this amending legislation is to transfer PPPs to this centre of expertise. I do not want to be harsh on those who have been working in this area heretofore. It is obvious the legislation is a commentary on recalcitrant Departments that did not like PPPs or were nervous of them, as Senator Mansergh claimed. It is clear some Departments did not want to use PPPs to fund their projects. It will inevitably be seen as a commentary on the capacity of the central unit in the Department of Finance to perform much of the work which the NDFFA is now doing. I appreciate this was novel territory to us and we were expecting too much in generating the expertise within the Civil Service. The establishment on a statutory basis of the agency is a commentary on our inability to get it right.

We have had a chequered experience of PPPs. This is largely because we did not know what we wanted from them. I am not sure if we still know what we want from them. Senator Quinn's interesting contribution set out questions that need to be asked. I do not believe PPPs offer a great deal in schools building projects. Will the Minister of State outline the advantages that accrue to the Exchequer or the Department of Education and Science in building schools through PPPs? He may claim it will provide a model for a 450 pupil school that can be built across the State, similar to the regional technical college project some years ago. However, why can this not be done in the current school building structure? Perhaps the Minister means that because there will be a unit or company managing the schools in future, we benefit because the teachers and principals who were responsible previously do not have to look after maintenance. That may be the case but the record is not persuasive. I cite that as one of the three examples the Minister gave in his contribution.

PPPs have been quite successful in getting roads built fairly quickly and reasonably inexpensively. That, however, does not cover all roads and the operation of the National Roads Authority, NRA, will not fall under the NDFFA. We need to be sure what we want from this agency. We will not get work done more cheaply. We may be able to postpone payments but that does not apply when we have enough money up front for most of the work we want to do. We may be able to benefit from the expertise of particular companies which we do not have within the State service but that requires serious critical analysis and I would need to be persuaded that we cannot

[Mr. McDowell.]

buy it into the Civil Service in many cases which might be a better idea.

Risk is transferred only if the private company has greater expertise in the first case, and in some cases it will. We did not have much experience in building large-scale motorways until relatively recently but that does not apply, for example, to schools. I am not against PPPs in principle. In fact I helped to persuade my party that there were benefits in choosing that option on occasion and undoubtedly there still are, but it requires careful analysis case by case.

Senator John Paul Phelan has already mentioned the expansion of the board to seven members. As I expect that we will take all Stages of this Bill today, will the Minister of State explain who will be the additional members? The Minister mentioned two in his contribution.

In respect of Senator Leyden's one serious point, about the National Pensions Reserve Fund, I am at a loss to understand why this has not progressed. The present Minister, his predecessor, Mr. McCreevy, and the Government stated they did not see any reason in principle the €17 billion in the fund could not be used for investment in Ireland as part of PPP provision. This would be done on a commercial basis, not on the basis of giving money away or being spendthrift. Taking Senator Leyden's example, the fund has invested in a raft of airlines, apart from Aer Lingus. The list includes most of the major European airlines. They are not large holdings but they are significant.

The fund has also invested in projects around the world, in virtually every European country and in most developed countries yet there is virtually no investment in Ireland. Nobody is suggesting that the fund invest €17 billion in Ireland or that it be done in a way that would distort the market or compete with the private sector in any serious way. There are however, occasions when the pensions reserve of the people of Ireland can be best used for the people by investing in Ireland. While the Government has paid lip-service to this notion, it has singularly failed or refused to do this.

In support of the Green Party, there is no reason in principle a section of the reserve could not be set aside for ethical investments. Commercial insurance companies and pension funds find that it is possible to do so and that there is a demand for it. Senator Leyden knows and we would all agree that the people demand to use some of the reserve fund in an ethical fashion. I cannot see why there should be any objection to that.

I do not have a problem in principle with the Bill inasmuch as we have PPPs, although not as many as we once thought we would. It is right that we should get the best value for money or use the best and most professional procurement policies in doing so. In that respect I support the Bill.

Mr. P. Burke: I thank the Minister for State for coming into the House and I welcome the opportunity to speak on this Bill. My party is broadly in favour of PPPs and this Bill in particular but the Minister of State should outline some examples of how this might work because the terms in the Bill are complicated, referring for example, to more interaction between the PPPs and the NDFA. I would like examples of how this will work in respect of water and sewerage facilities. I can see how it will work in respect of schools and similar projects but I am not optimistic about water and sewerage projects.

According to the Bill this will be based on best practice but where is there best practice in this country? PPPs have not worked in England. Is the Ringsend sewerage plant an example of best practice? I am not sure it is. There is major concern about water pricing and waste water treatment facilities for the next 20 to 25 years. This could be a major cost to businesses and farmers. The cost is not known yet because the people involved in PPPs do not want to lose money. They will build an annual inflation rate into the pricing every year for 20 or 25 years. Will the Minister of State outline how this will work in practice? If the annual inflation rate is built in year on year, in five or 15 years the cost of water and sewerage facilities will be prohibitive for small businesses and this could drive them out of operation.

When one adds the polluter pays principle to the PPPs, the business community must pay a significant portion of the installation and running costs of new schemes. In many cases the business community will have to pay for water leaks. Under some schemes, every house and business in the country is being metered. Every property that has a water connection will be metered in the few years.

Water and sewerage and waste water treatment units will be a major business. It might happen that the production of water will be in the hands of a few because the PPP system is another way to privatise these facilities. Will the Minister of State comment on that because few people would have the expertise in providing PPPs and those already in the business will have first call? Until now in most cases local authorities have managed these facilities but they are being pushed out. The town councils no longer have a function in waste water management but county councils should be responsible for water services, whether waste water or water quality.

Otherwise, if we are to do it through PPPs, we are handing it over to private individuals. This would be a first step towards the privatisation of water treatment and waste water facilities. I support the Bill but I invite the Minister of State to outline how he envisages projects operating from start to finish.

I am not altogether happy to hear projects are to be conducted on the basis of best practice because there is no best practice in this country

and that approach under PPPs did not work in the UK. I have reservations on this aspect of the Bill. I favour the best practice approach in other areas but not in the area of waste water treatment.

Minister of State at the Department of Finance (Mr. Parlon): I thank Senators for their welcome for this legislation and their contributions to the debate. In particular, I thank Senator Leyden for his appreciation of my efforts. He was most generous and warm in his praise.

While the Bill is essentially a technical measure extending the functions of the National Development Finance Agency to permit it to procure PPPs for State authorities, I am not surprised at the variety of issues which Senators have raised. Public private partnerships can cover arrangements in a wide range of areas and, by their nature, require consideration of all matters arising over the contract terms of up to 30 years. It is in that context the Government recognised the need for a centre of expertise where specialised PPP procurement skills and expertise could be concentrated in conjunction with the existing financial skills in the NDFA. The centre of expertise, with its specialised PPP procurement expertise, complements the specialised sectoral knowledge of Departments and agencies and, working together, they can help ensure the ongoing delivery of PPPs to be paid for in unitary payments by Departments and agencies.

Senator John Paul Phelan, who spoke first, raised the issue of value for money for projects generally. There can be no doubt about the Government's focus on value for money. The Minister for Finance introduced several measures in the past two years to improve the attainment of value for money, including reforms to public service construction contracts, value for money measures on capital and ICT projects and consultancies, the establishment of the central expenditure evaluation unit, and a requirement on Departments to focus on the evaluation of projects and on project management.

As for what was learned from early PPP projects, I assure the House that the lessons learned have been incorporated into central guidance on the process issued by the Department of Finance. A number of projects referred to were not part of the current PPP programme which was initiated in 1999 with a pilot programme of projects.

Senator Quinn inquired what value can be gained by involving private finance in a deal. I agree that the additional costs associated with private finance must be justified by the risks transferred to the private sector or otherwise offset through innovative proposals to address the sponsoring agencies needs. This is tested in the value for money assessment of projects. The availability of the National Development Finance Agency as adviser on PPP deals is an important part of the process.

Senator Leyden raised some issues about the National Pensions Reserve Fund. I wish to clarify that under its legislation, the commission is required to adopt a standard commercial investment policy. The National Pensions Reserve Fund commission controls and manages the National Pensions Reserve Fund with discretionary authority to determine and implement the fund's investment strategy in accordance with the fund investment policy set out in the National Pensions Reserve Fund Act 2000. This investment policy is based on a commercial investment mandate with the objective of securing the optimal return over the long term, subject to prudent risk management.

With regard to commercial investment in public sector projects, the commission has stated that it will make equity and-or debt finance available to the winning bidder in the tender process for public private partnership projects, provided it is satisfied with the prospective rate of return. I understand that, to date, no moneys have been invested by the commission in any such projects.

Senator McDowell inquired about the appointments made to the board. The Minister referred to these in his speech. They are: Mr. Fred Barry, chief executive officer of the National Roads Authority, Mr. Stewart Harrington, chartered surveyor, director of Killeen Properties, and Mr. Liam Berney, industrial officer with the Irish Congress of Trade Unions. The other members of the board are, Mr. Michael J. Somers, chief executive of the National Treasury Management Agency, Ms Anne Counihan, chief executive and head of legal and corporate affairs, National Treasury Management Agency, Ms Ann Fitzgerald, executive chairperson, National Consumer Agency, Mr. Terry Jones, business consultant, and Mr. Peter McManamon, chairman, CEVA Incorporated.

Senator Paddy Burke referred to the UK approach which was originally focused on the balance sheet treatment of projects. Our focus has always been on value for money and project delivery. The role of stakeholders has also been reflected from the start, through the PPP framework agreed with the social partners. The NDFA provides a source of professional financial and risk advice, independent of Departments, in regard to PPP projects under development and negotiation.

Building on experience here and elsewhere, a number of safeguards have been built into Irish PPPs. These include, sharing any refinancing benefits, generally post-construction, gain sharing — toll revenue, for example — regulation of maximum toll revenues, and inclusion of prepayment rights in certain contracts, that is, a right to buy out some or all of the private debt finance after a specified time.

Senator Paddy Burke also referred to water pricing. That is a matter for the Department of the Environment, Heritage and Local Government. It is a separate issue to PPPs.

[Mr. Parlon.]

I thank all Senators who contributed to the debate for the many interesting points they made and for their support generally for the legislation. I look forward to their ongoing support in passing the Bill.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to take Committee Stage?

Dr. Mansergh: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

**National Development Finance Agency
(Amendment) Bill 2006: Committee and
Remaining Stages.**

Sections 1 to 13, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: "That the Bill do now pass."

Dr. Mansergh: I thank the Minister for Finance, Deputy Cowen, and the Minister of State at the Department of Finance, Deputy Parlon, for overseeing the passage of this significant and important legislation. We had a good discussion and I am pleased it is going through expeditiously. It has significant positive financial implications for the country.

Mr. J. Phelan: I agree with Senator Mansergh. It looked for a while as if the Bill would not be passed quite as expeditiously as intended but the St. Rynagh's man, Senator Moylan, saved the day.

I thank the Minister for Finance and the Ministers of State, Deputies Parlon and Power, for their contributions to the debate. I also thank their officials. In recent months we have had two debates on the National Development Finance Agency. I would welcome more regular discussions of the reports and other statements from the agency in order that more light is thrown on its workings. I welcome the passage of the Bill.

Minister of State at the Department of Finance (Mr. Parlon): This is amending legislation to accord new procurement functions on behalf of Departments and agencies to the NDFA, in addition to its existing functions. In the light of our massive infrastructural investment, it is positive legislation. I thank the Senators who contrib-

uted to a very open debate for its speedy expedition.

Question put and agreed to.

Business of Seanad.

Mr. Moylan: I propose an amendment to the Order of Business for today. I propose that Second Stage of the Electoral (Amendment) Bill 2006 be taken now, the debate on which to conclude at 5.30 p.m.

An Leas-Chathaoirleach: Is that agreed? Agreed.

**Electoral (Amendment) Bill 2006: Second
Stage.**

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

An Leas-Chathaoirleach: I welcome the Minister for the Environment, Heritage and Local Government, Deputy Roche.

Minister for the Environment, Heritage and Local Government (Mr. Roche): The main purpose of the Bill is to provide for specific arrangements for postal voting by prisoners. In Ireland there is no legal prohibition on voting by prisoners once they meet the standard qualifying criteria under electoral law which apply on a general basis. However, while a person in legal custody may be registered as an elector, under section 11(5) of the Electoral Act 1992, he or she is deemed to be ordinarily resident in the place where he or she would have been residing but for his or her detention and there is no specific mechanism to enable prisoners to exercise the franchise. The Bill will modernise existing electoral law in this area and provide a practical framework for prisoners to vote. It will bring certainty to Ireland's position in meeting fully our obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms. This follows a judgment of the European Court of Human Rights last year in a case taken against the United Kingdom by a prisoner, Mr. Hirst, who challenged successfully a prohibition on voting.

The scheme contained in the Bill is modelled largely on existing postal voting procedures and mirrors most closely the occupation and student category of postal voter. Postal voting procedures are well established. They are simple, flexible and inexpensive and registration authorities and returning officers are familiar with them. It is prudent, therefore, that we carry them into this legislation.

The Bill provides for applications by prisoners for entry to the postal voters list and, if necessary, the supplement to the postal voters list and the supplement to the register. It also sets out the detailed procedures for prisoner voting. Prisoners

will continue to be registered at their home address and, for voting purposes, will be deemed to be ordinarily resident in their home constituency. A prison location will not be used for constituency purposes. Prisoners must be able to establish that they were ordinarily resident in the State prior to being imprisoned in order to avail of the postal voting arrangements. As is the case with all voters, citizenship will determine the type of elections at which prisoners can vote.

There is also a limited number of provisions in the Bill containing miscellaneous amendments to electoral law. A number of additional amendments were made to the Bill during its passage in the other House, primarily related to the register of electors. Senators will be aware that earlier this year I brought forward a package of measures to assist local authorities in their work on preparing the 2007-08 register of electors. As Members of the House will be aware, it is my view that it is an ongoing scandal that the register of electors has been allowed to fall into such extraordinary disrepair. Additional funds were provided this year, a common set of guidelines agreed and a publicity campaign, costing approximately €1 million, undertaken. Amazingly, a common set of guidelines had not applied throughout the country. This has resulted in the most serious and sustained effort to improve the register ever — a registration campaign unprecedented in its extent and intensity. The Bill includes a number of provisions which will further enhance the quality of the register and to which I will return.

I now turn to the detail of the Bill. The first substantive provision is section 2. It allows an applicant who satisfies the registration authority that he or she would be unlikely to be able to vote in person on polling day because of his or her detention in prison to be included in the postal voters list. Prisoners will be registered at the address where they would be ordinarily resident were it not for their detention. A prison location will not be used for constituency purposes and there is no question of an election in a particular constituency being disproportionately influenced simply by the location of a prison within its boundaries. As with all electoral codes, determination of ordinary residence will be a matter for the registration authorities.

Section 3 sets out the procedure for applying for inclusion in the postal voters list. Application forms will be accompanied by a certificate signed by the relevant high level prison official verifying that the applicant is a prisoner for postal voter purposes. The prison official arranges for return of the documentation to the registration authority. There can be no fraud in that regard.

Section 4 provides that the applicant must furnish the registration authority with the necessary information to allow it to decide on the application. The authority can request additional information or documentation. On foot of concerns about possible time constraints on prisoners, a previous mandatory requirement to set a

deadline for response by the prisoner was amended in the Dáil. The section now gives a reserve power to local authorities to set a deadline where necessary. If a deadline must be set, it should be a minimum of seven days but, in practice, should often be much longer.

Section 5 provides for public notice each year by the registration authorities of the electors entitled to apply for inclusion in the prisoners postal voters list, how they may apply and the time and place at which application forms may be obtained. This must include every prison located in the authority's area and forms will be supplied free of charge.

Section 6 sets out the procedures to be followed by the registration authority following examination of the application, including the granting or refusal of an application and notification of the decision. Applications cannot be accepted by a registration authority after 25 November but there will be scope to vary this deadline for the first year in which the new arrangements come into operation. This will facilitate prisoners who wish to vote at an election or referendum which may be held in the period immediately following enactment.

Section 7 sets out the procedures for voting by prisoners entered in the postal voters list such as the issuing and return of ballot papers and related documentation by post and the completion of the declaration of identity and ballot papers in secret. Section 7(2) ensures these modifications to postal voting in Dáil elections will also apply to presidential elections and referendums. Sections 8 and 9 amend European Parliament and local elections law governing postal voting to ensure consistency across the electoral codes in the new arrangements. Section 10 amends section 15A of the Electoral Act 1992 to allow a prisoner who is not on the current postal voters list to make an application for inclusion in the supplement to the postal voters list.

Section 11 is a new provision inserted by way of Government amendment in the Dáil. While it is not related to the scheme of postal voting for prisoners as such, it is to help ensure this year's electoral registration process is as effective as possible. The deadline for any person wishing to make a claim for a correction to the draft register has been extended from 25 November to 9 December. Local authorities must prepare and forward the list of claims to county registrars by 12 December as opposed to 30 November. County registrars must return an endorsed list of claims to local authorities by 12 January. As a result, local authorities will have until 2 January to carry out their own amendments to the draft register of electors. The final date for publication of the register for 2007-08 will remain 1 February and the register will come into force on 15 February as normal. If it were to be otherwise, we would have a lacuna and no valid register of electors.

[Mr. Roche.]

Section 12 amends Rule 14A of the Second Schedule to the Electoral Act 1992. This provision establishes specific procedures for a prisoner not already on the register of electors to apply for inclusion in the supplement to the register and, therefore, qualify for inclusion in the postal voters list.

Sections 13 and 14 amend the principal legislation relating to Seanad elections. They incorporate the expressions “relevant official” and “prison” into both the University Members Act 1937 and Panel Members Act 1947, which are given the same meaning as set out in section 1 of this Bill. The key amendment is in section 14(d)(ii), whereby a relevant official is designated as an authorised person to carry out the specified functions regarding Seanad voting procedures for panel members. In essence, the relevant official is now being included in the list of authorised persons under Rule 8(2) of the First Schedule to the 1947 Act. Existing authorised persons include, for example, the Seanad returning officer, Clerk of the Dáil, county registrars, city and county managers, etc.

The provisions also implement minor procedural adjustments to take account of standard prison postal arrangements. The onus is placed on the relevant official of the prison, rather than the prisoner, to arrange for the voting documentation to be sent to the returning officer through the normal prison postal system. The provisions reflect prisoner voting arrangements under the other electoral codes.

Section 15 allows a prisoner to have his or her name deleted from the postal voters list; for example, this would apply if he or she were released from prison. Where a prisoner is released but still on the postal voters list coming up to an election, alternative procedures are provided to allow him or her to vote outside prison.

Sections 16 to 18, inclusive, are miscellaneous amendments to electoral law which I am taking the opportunity to introduce in this Bill. Section 16 amends section 6 of the European Parliament Elections Act 1997 by the insertion of a new provision which authorises a member of the Garda Síochána or an official of a registration authority to witness the statutory declaration which EU voters are required to submit when registering for the first time in this country to vote in European Parliament elections here. This widens the categories authorised to witness such statutory declarations and will make it easier for voters eligible to vote in these elections to get into the voting system.

Section 17 makes technical amendments to the Local Elections Regulations 1995, mainly relating to the local elections count rules. It deletes qualifications regarding surpluses and exclusions no longer relevant. The purpose of the original provisions, now being deleted by paragraphs (a) and (b), was to ensure individual candidates were given every opportunity to save their deposits by

being credited with a number of votes in excess of one quarter of the quota. As the deposit system was found to be unconstitutional, these qualifications are no longer required. This section also repeals provisions relating to the order of election. This is no longer required since the term “alderman” was abolished in 2004, a change which I regret.

Section 18 amends the Presidential Elections Act 1993. It makes technical amendments to the presidential count rules to ensure candidates are given a full opportunity to qualify for recoupment of election expenses. The amendment will bring the presidential count rules into line with the Dáil and European codes. A procedural amendment to allow more time for consideration of nomination papers of presidential candidates is also provided.

Section 19 is another new provision inserted by way of amendment in the Dáil. This provision will enable local authorities to make publicly available lists of persons on the current register but not on the draft register — the so-called “deletions list”. It will help make the register more accurate overall and has been widely welcomed by politicians anxious to see it introduced. I regard this as a support to the democratic process. Section 20 is a standard provision dealing with the Short Title, collective citation and construction of the Bill.

This is a short but significant Bill. It modernises existing electoral law in an important way and provides a practical framework for prisoners to vote in future elections and referenda. It goes further than many other nations have gone. It provides an opportunity to build on and maximise the impact of the intensive work on improving the accuracy of the register of electors. I commend it to the House.

Mr. Bannon: I welcome the Minister and thank him for finally taking this debate which I have continually requested. I feel as if I have run a marathon and I am on my last gasp. The finishing post is either just ahead or an illusion. It has been a long road but I hope we are about to reach a conclusion to the ongoing electoral fiasco. The register of electors is undoubtedly in a mess and no amount of debating the issue can change this. Regardless of how much talk there is about the problem, the Minister cannot pass the buck and blame anyone other than the Fianna Fáil and Progressive Democrats Government.

The Government has failed in its duty to introduce an honest, fair and transparent system of voter registration to allow voters to cast their votes without fear of electoral fraud in any guise. Compounding the felony, while the Minister plays dumb and insists that everything is fine, the Taoiseach accompanies and supports him in perfect harmony, attempting to convince us that all is well. Such a chorus is a pathetic attempt to drown out the voices of dissent, the voices that demand accountability on the issue and access to

our legitimate right to have a register of electors that adheres to certain guidelines and to bring uniformity to the process in every county.

Hand in hand with the tens of thousands disappearing from the register of electors, figures in some areas, including my area of Longford-Westmeath, show a high number of errors. I have frequently highlighted the puzzling number whose names have been removed from the register. However, the Department of the Environment, Heritage and Local Government's own statistics show that the numbers on the draft register strangely and suspiciously exceed the total adult population in some areas, particularly in the Border region. The total number of errors in the register could reach 300,000.

The total adult population of County Longford is 24,810, yet the draft register contains 27,132 names, giving an excess figure of 2,322, or 9%. County Westmeath has a total adult population of 57,141, yet there are 59,791 names on the draft register, a gap of 2,650, or 5%. While I welcome the extension of the deadline for registration from 25 November to 9 December, it should be further extended until at least 31 January to allow time for such discrepancies to be rectified. The extension until 9 December will not allow sufficient time to sort out this electorate mess.

What of the thousands who are likely to be turned away from polling stations and the candidates who will narrowly miss out on a seat and issue a legal challenge? What of Members of this House who are obliged to put up with extraordinary statements from the Leader who, when replying to the call I made last week for a debate on the electoral register, said, "A person can vote only once, but his or her name can appear ten times on the register". In light of the shambles that is the register, what is to stop people voting ten times? Is the Leader stating she is happy to accept errors?

The turnout in the forthcoming election will be false. Europe will monitor the position in that regard. We always boast about the level of voter turnout at elections. However, the problems with the register will lead to false figures in respect of the turnout.

Fine Gael has proposed that all citizens should be automatically added to the register when they turn 18, which is a logical and self-regulating proposal. I have repeatedly called for the use of PPS numbers to update the register in a simple efficient manner, as is the case in Northern Ireland. If the current fiasco is to be satisfactorily resolved, a further realistic extension must be put in place to allow the register to remain open for change until the end of January.

The Data Protection Commissioner suggested that the Oireachtas should ensure local authorities can publish the names of people deleted from the register, which would allow individuals to seek clarification of their position. The Minister continues to make a dog's dinner of what should be a relatively simple administrative

matter. A total of €12 million of taxpayers' money has been spent in attempting to sort out this fiasco and a further €60 million was wasted on the e-voting disaster. If ever we were seeking a resigning issue, this is it. The preservation of our democracy demands it.

It is now the responsibility of voters to check the draft electoral register to see if their names are still on it. However, this has been made extremely difficult because the register is not readily available and voters cannot check whether their names have been struck off. The register must be made available on-line as a matter of urgency. This mechanism would allow everyone to check his or her status and it can be used at almost no cost. Copies of the register should be available in schools, post offices and community centres in every parish. The electoral system belongs to the people, not to one political party or Government, and it is the responsibility of the Minister of the day to preserve and enhance it as the outward manifestation and driving mechanism of our democratic process.

In the Dáil on Tuesday last and in his initial contribution here, the Minister stated that all political parties have long been aware that the electoral register has not been as accurate as should be the case and that, over the years, efforts have been directed towards facilitating people to get on the register. However, the reality is that the register is a mess because the Minister has failed to listen to and has refused to learn from the wishes of the people and the Opposition, and even from the dissenting voices in his party, of which there were many in respect of this matter.

The Government must pass control of the register to an electoral commission. The recent political rows and debates on this issue would have been prevented if an organisation such as the Referendum Commission had been given responsibility for managing the franchise, the voting system and the register of electors. It is clear there is no central control of the register. Until we have an electoral commission with statutory powers to run elections, to deal with the register of electors and to examine issues such as electronic voting and voting machines, problems will continue to arise. What can one expect from a Minister and a Government that proceed to buy electronic voting machines for more than €50 million, despite their unproven reliability and openness to fraudulent activity? These obsolete machines are now kept in cold storage at an annual cost of at least €1 million. How much longer will the Minister continue to hoard them at the taxpayers' expense?

The Government is extending its remit on a daily basis. We have an elected Government, an Executive Government and a "Department of Cronyism", which appoints its own personnel to positions throughout the country and which wastes taxpayers' money on one fiasco after another. In other words, we have what is bordering on a dictatorship.

[Mr. Bannon.]

Perfecting the electoral register has occupied all parties for far too long. The Fianna Fail Party has held the reins of power for 18 of the past 20 years. I am not suggesting there is any correlation between that and the state of the register, but if ever the register was a shambles, it is under this Minister. He needed only to examine the position in Northern Ireland where the authorities have competently managed to get the system right. The system in the North avoids electoral fraud while allowing for the names of voters, for example, those who have died or new residents, to be removed from or added to the electoral register. Is it beyond the capacity of the Government and Department of the Environment, Heritage and Local Government to introduce a similar system here? Consideration should be given to the system that is in place across the Border.

Mr. Roche: Is the Senator aware of the level of under-registration that exists in Northern Ireland?

Mr. Bannon: As already stated, the authorities in Northern Ireland use the equivalent of PPS numbers to compile their electoral register. Fine Gael has been calling for the introduction of such a system here but the Government has failed to listen. This raises serious questions about the Government's actual commitment to rectifying the debacle relating to the electoral system.

The Minister stated that it is easy to have one's name added to the supplementary electoral register at election time. Once the new register is issued on 12 February, those seeking to have their names added to it will be required to complete forms and attend at Garda stations where officers will be obliged to attest that they are living at the address indicated on the form. The latter must then be forwarded to the county council, which must then send an official to check the address. These requirements were introduced for good reason, namely, to avoid fraud. They would be fine if the register were correct. However, the register to be issued in February will not be correct. *The Sunday Tribune* and *Sunday Independent* analysed the registration process and noted significant problems with it. We will not be in a position to determine the existence or extent of such errors until the register becomes available.

The Commission on Electronic Voting has been disbanded and we must rely on the Minister's good offices to ensure the machines are tested. We are concerned about this and it is happening because the Minister refused to listen and because the Government believes it owns the system. All of its systems are failing at present. Fianna Fáil has been in government for 18 of the last 20 years and it now believes it owns the country. This is evident when one sees press releases from various Ministers to the effect that they have provided money for this, that and the other.

Such statements do not take account of the fact that it is hard-pressed taxpayers who have delivered the funds to provide services in different areas. At times, one would swear this money was coming out of Ministers' pockets.

The Minister cannot extend the deadline for inclusion on the register by two weeks unless we amend the Bill. He stated it is not possible to extend the deadline beyond December. However, he should ask the Attorney General to re-examine the matter and to extend the period until the end of January. Whatever date is chosen, the register would then at least be final. This would give everyone an opportunity to ensure they are on it. Unless that is done, and I acknowledge the procedural difficulties that exist, a catastrophe will occur. The latter is what the media says and it is what the figures show.

We must take control of the register from the Minister as a matter of urgency and give it to an independent body if we are to tackle this problem and ensure the register is updated monthly and that anyone who wishes to be included is included. That will not be possible under the system outlined in the Bill and there will be a great deal of unnecessary confusion in the run-up to the general election.

An independent authority should be established to register people automatically in conjunction with an agency such as An Post, which delivers mail every day. The latter organisation knows where people live and should be allowed to deal with this matter in the future. In this regard, I ask the Government to take its hands off our rural post-offices and allow them to survive in order that they might carry out this important work in conjunction with the other important roles they play within our communities. It is time for local authorities to move away from the issue because where significant population increases have occurred, they do not have the time or resources to ensure an accurate register. Many constraints on funding have been imposed by Government, including an embargo on the recruitment of staff.

Mr. Roche: They were never short of a few bob to attend a meeting though.

Mr. Bannon: The Minister says the local authorities are awash with money but I have been knocking on doors on a daily basis and I have witnessed the road conditions in rural Ireland where I drive over pothole after pothole. It is undeniable that the electoral register is a mess and it is of the Minister's making. I take exception to his statement that the local authorities are awash with money.

Mr. Roche: They have never been better.

Mr. Bannon: I wish he would visit south County Longford and County Westmeath to witness at first hand the conditions of the roads,

which have been on the roads programme for the past four or five years, but he has failed to deliver sufficient funding to upgrade them. When I was canvassing in these areas during the past few weekends, I told my constituents I would highlight the issue in the House at the earliest opportunity. The Minister has let down the people of rural Ireland and he has also let down the entire electorate regarding the electoral register.

Mr. Roche: That was worth waiting for.

Mr. Brady: I thank the Minister for the Environment, Heritage and Local Government for coming to the House to introduce this important Bill and I welcome the Minister of State at the Department of Education and Science who has replaced him. Simplistic solutions have been proposed to address the electoral register issue with the previous contribution being the most simplistic. If it were that easy, it would have been addressed a long time ago. I congratulate the current Minister for having the guts to take on this difficult issue.

Mr. Bannon: He would not listen to Government backbenchers.

Mr. Brady: I did not interrupt the Senator. No electoral register in the world is 100% accurate. Successive Governments have had to deal with individuals who attempted to alter the effectiveness of the register. However, we are in Government and we must take responsibility. Taxpayers' money must be spent and we cannot throw it around.

Mr. Bannon: The Government did that when introducing e-voting machines.

Mr. Brady: The Minister has put in place a framework, which will result in the most accurate register in the history of the State. This will not happen by accident because significant work has gone into this. Local authorities must take responsibility under the law for the electoral register and councillors have a role in this regard but that point has been lost in the debate. The Minister and the Department are being blamed for the condition of the register but that should not be the case. Each local authority has responsibility for drawing up a register for its electoral area and it must ensure it is as accurate as possible.

Mr. Bannon: The local authorities are not given the resources.

Mr. Brady: Anybody who has been involved in a local, national or European election or a referendum will know the electoral register has become increasingly inaccurate for many reasons, the primary reason being the significant increase in our population.

It was suggested the census enumerators should have been used to gather statistics for the electoral register but the census is a sensitive operation.

Mr. Bannon: I did not make that suggestion.

Mr. Brady: People do not provide information lightly and it was not sustainable to ask them whether that information could be used for a different purpose. Individuals, therefore, could not be asked to provide that information. This was one of the simplistic solutions suggested.

Mr. Bannon: By whom?

Mr. Brady: The most positive aspect of this debate is it has highlighted the importance of being on the register for the wider population. Transition year students in inner city schools in Dublin are discussing why they should register and vote and what happens when they register. The turnout at local and national level has reduced over successive elections and education is an issue. People must be encouraged to vote. It was suggested people should be obliged to vote but that would not work. Our democracy has been stable for ten or 11 years and we should not interfere in this regard.

According to the most recent statistics, 380,000 names have been added to the register with more than 500,000 corrections and deletions made since February. That will make a significant difference at the next election. Electoral fraud has been perpetrated on a wide scale in my constituency over successive elections. Politicians have talked around this issue for a long time and nobody has tackled it head on. That is why the Minister will be thanked in time for the work being done on the electoral register. Stories have been told anecdotally of van loads of people travelling from polling station to polling station on election day, handfuls of registration cards being taken from apartment blocks in Dublin and people being registered at addresses with no connection to the area who turn up on the day to vote. At the last general election in my constituency, a person who had passed away voted twice. Unscrupulous people took advantage of the confusion over the register. However, the most important outcome of this debate is that people will be aware of the significance of being on the register and voting.

Local authorities have done a great deal of work on the register this year. I have been canvassing at all hours of the evening, particularly at apartment blocks, and it is extremely difficult to gain access because the people pay a premium for security to keep people out.

Mr. Bannon: That is because of the increase in crime rates under the Government's watch.

Mr. Brady: The enumerators did great work. They have proven they are capable of ensuring

[Mr. Brady.]

the register is correct. The census was a huge success with the majority of addresses being reached and we can build on that in the future.

The extension of the deadline to register by two weeks to 9 December, which was called for by Fine Gael at a meeting of the Joint Committee on the Environment, Heritage and Local Government, was agreed and I do not know about what is the hullabaloo. This will give people an opportunity to ensure they are registered and the attention given to this issue in recent weeks in the media has focused people's minds on it, which is welcome.

The local authorities have until 2 January to make corrections to the register and the legislation provides for them to publish the list of people who have been removed. This will make it easier for people to check whether their names have been removed and, if so, have them reinstated if their cases are legitimate.

Given that 3 million people are registered, this is a considerable and expensive undertaking and the Minister should be congratulated on putting the resources in place to tackle the matter. County registrars can make changes until 12 January and those who are interested will have a legal right to have their cases heard. I am aware of a case recently where a woman was in hospital for a month, the local authority called to her home, sent a second letter, but she was unable to respond. That is a legitimate case. All circumstances must be taken into consideration. While the change to the date will ensure that we have a complete register in February, if we continue to mess around with the date, we will be in trouble every year and be in the same position again in four years or five years.

A number of local authorities, such as Dublin City Council, have made significant efforts. I have encountered enumerators trying to get access and to contact people, leaving notes and calling back at all hours of the day and night, not just between 9 a.m. and 5 p.m. because people in many cities work during the day or on a shift basis.

I cannot understand the PPS number argument. There are some 5 million PPS numbers in the country, but only 3 million people are on the register. Citizens of new EU member states have PPS numbers. Should young people of 19 years or 20 years of age who may not have numbers be disenfranchised?

Mr. Bannon: A child born this morning will have a PPS number.

Acting Chairman (Mr. Cummins): Senator Brady without interruption.

Mr. Brady: Linking the register to the PPS system would not work. The Senator is discussing resources and expenditure. Linking the PPS system to the register would be a considerable technological undertaking.

Mr. Bannon: The Government is lucky that it is not in control of the United States of America.

Acting Chairman: Senator Brady without interruption.

Mr. Brady: For a long time, I have made an argument concerning prisoners in this regard. Through visits, I have first-hand experience of Mountjoy Prison. According to a number of people, including the prison's visiting committee, voting has always been an issue. While it is not always an issue for the prisoners, it may be for their families.

Many studies and surveys reveal that the majority of prisoners in Mountjoy Prison come from a small number of postal districts in Dublin city that are particularly disadvantaged. The thrust of a speech given by the governor, Mr. John Lonergan, was that prisoners lose their freedom when they go to Mountjoy Prison, but they do not need to be punished further. The Bill's changes in respect of prisoners are to be welcomed. In many cases, prisoners do not have an issue with whether they vote, but their parents do. Opportunities to register by post or at home addresses would provide additional support to prisoners. Their freedom has been taken away, which is as it should be, but nothing should be done to make the prison system more difficult than it is. Prison authorities have always supported this issue, that is, prisoners should have the opportunity to vote.

I welcome the changes to section 11 and the improved accessibility to voting in European elections afforded to citizens of EU member states. Some Italian friends of mine visit Ireland regularly and can vote in their national elections using Italy's system. Given that, according to surveys, Ireland is the best country to live in, we are one of the better destinations, but we must make Ireland more attractive.

The Bill is a small, but important change. Despite statements on the electoral register, the changes will help to improve our situation because it will make the next and subsequent general elections easier. The best result of the debate is that people are discussing the register, registering to vote and using their votes.

Dr. Henry: I welcome the Minister of State and the Bill. Regarding the establishment of a new draft electoral register, none of us could have believed that the register was in the mess it proved to be. I am glad that the Minister took the initiative by trying to address the matter before the next election and that he gave the facilities and money to local authorities to do so.

We should ensure that local authorities do not allow the register to become such a mess again because, by law, they are responsible for it. That many dead people are still on the register and others are registered at different addresses or in

two locations is a serious issue. The methods used by some local authorities, such as examining newspapers to determine who has died, are not good enough. For example, they should examine the deaths register, be more efficient and report on their progress to the Minister for the Environment, Heritage and Local Government.

From the universities' registers, which have experienced many problems due to people failing to alert changes of address, I know how difficult and expensive this process can be. People need to be encouraged to realise that their votes are of significant value and that they should be involved in the democratic process of an election. They should try to inform the local authorities or the universities' registrars of their addresses. That many people seem to be acting casually is disappointing.

Senator Bannon referred to the electronic voting machines, which are in cold storage. We would be better off selling them. I do not agree with the Taoiseach that, by going on with our pencil and paper system, we would be the laughing stock of Europe. Giving amusement to fellow Europeans should not be of concern because ours is a good and open system. The most technologically advanced country in the world, the United States of America, has a seat hanging in the balance——

Mr. Bannon: On a point of order, I call a quorum. There are empty desks on the other side.

Notice taken that 12 Members were not present; House counted and 12 Members being present,

Dr. Henry: I thank Senator Bannon for summoning a crowd for my words of wisdom. I was talking about electronic voting. Events in Florida remind us that such systems are not infallible. We all remember the dreadful spectacle in Florida in 2000, when George W. Bush was first elected President of the United States, of a vote which lasted for six weeks, while there were discussions on hanging chads and pregnant chads. Just because something is technologically advanced does not mean it will be more reliable than pencil and paper. We should be very careful before we discard the present system. A Florida seat in Congress has yet to be filled because of concerns that the software was interfered with and a considerable number of votes cast did not register. I suggest the electronic voting machines should be retired, as suggested by Senator Bannon.

As for how we should compile the electoral register, I do not think anybody in this House suggested census forms be used, nor do I believe it was suggested in the other House. I am concerned about the proposed use of PPS numbers, in view of the dreadful debacle in the Department of Health and Children concerning PPS numbers. The present system probably represents the best means of compiling the register and I congratulate the Minister on retaining it.

As the Minister said, there is no legal prohibition on voting by prisoners in this country, nor is there in many countries. I have always felt it odd that my constituents or those of Senator Quinn could vote for us by post if they were in prison. The forms are sent to home addresses but I have never heard of electoral registrars having to check whether a person was in prison.

Mr. Quinn: There were a lot of them in the National University of Ireland anyway.

Dr. Henry: We have a few. Some of my constituents are in prison, although I do not know about Senator Quinn's. They are in prison and other places of detention for serious crimes so why should they be given preferential treatment? Is it because they have a third level degree? Those in Mountjoy Prison or Portlaoise Prison were not in a position to vote. The governor of Mountjoy Prison, Mr. John Lonergan, is correct, as he frequently is, to say the deprivation of liberty is the penalty people pay in prison. Those Senators who have been inside Mountjoy Prison, which is worse than most of our prisons, will understand that that is quite a penalty.

It is important for people in prison to become as involved as possible in normal activities so that the recidivism rate of almost 90% is reduced and people coming out of prison can make a better contribution to society. It would be much better if they were to discuss the merits of political parties than the various criminal activities in which they have been involved.

I am pleased with the provision and believe it is being implemented in the right way by means of a postal vote to a prisoner's original place of residence. As Senator Brady pointed out, many are from the same deprived postal areas, so it will benefit them to influence politics in some way. I wonder if prisoners will one day be able to stand for election, although I have not heard that matter discussed yet.

Senators should remember that many people are in prison in certain countries for political crimes. I am in correspondence with Dr. Berhanu Negga, who has been in prison in an African country for over a year. He visited this House last year and spoke to the Chairman of the Joint Committee on Foreign Affairs, Deputy Woods and me. If the electoral process in which he took part had progressed as it should, he would now be the mayor of Addis Ababa, but he has been on trial since May this year. It is important to remember that people are sometimes imprisoned in countries where, without the democracy we enjoy in this country, they have to argue their case in such circumstances. I wonder what the situation would be if such people put themselves forward for election again. In other countries political prisoners have put themselves forward for election and it would do no harm to consider that possibility. I was pleased that Senator Ryan visited Dr. Berhanu Negga in Addis Ababa earlier

[Dr. Henry.]

this year, as did other Members of the Oireachtas. It is important to remember that not all members of parliaments are elected representatives or as fortunate as we, sitting in our comfortable seats today.

Ms Tuffy: I have no problems with most of the provisions in the Bill. The exception is section 11, which extends the deadline to 9 December for any person wishing to make a correction to the draft register. That is not a long enough extension and the Bill will barely have passed before the extension expires. I do not think there has been enough time for the message to reach people that an opportunity exists to put one's name on the updated register. It will help but it does not go far enough.

The work on the register has produced many positive outcomes, not least the fact that it has been cleaned up. Substantial work was carried out by local authorities in that regard, probably more than in other years, while the Minister provided extra staff.

The problem is that while a new system has been put in place, people are used to the old system. People who in previous years did not have to return a form and whose names remained on the register, despite ignoring leaflets dropped through their letter box, expected that the same would happen this year. People lead busy lives. Certainly where I live many leaflets are dropped through the letter box, including leaflets from people like me. People tend to just glance at them without examining the detail.

The extension granted to local authorities to put people's names back on the register should have been longer. I understood that during this month the local authorities were to engage in an intensive information campaign, involving visits to supermarkets, urging people to check the register and informing them that if their names were not on the register, they could still be included in it. I have not encountered that campaign. It might be ongoing but I have not seen it, although I am out and about regularly and visit the supermarket. It is important that such campaigns take place.

In the next few days councils should target areas where there has been a high number of deletions from the register. Council staff should be placed at shopping centres or groups of shops located near those areas in order that they can put back on the register the names of those that have been wrongly deleted from it. Political parties do a great deal to put people's names on the register, particularly in the period preceding elections. When party workers are canvassing an area, they use the electoral register and mark it as they go along. They can tell people if their names are not on the register and will often return to the house to deliver an application form for the inclusion of a name on the register. It

would be helpful if political parties could get information on those whose names have been deleted from the register. If I looked through such a list, I would be able to indicate the names that have been wrongly deleted and should be returned to it. The people concerned are still living at the same address and probably want to vote. Political parties and independent candidates will play a role in getting people's names back on the register. Therefore, they should be provided with the information to do this.

My party leader asked the Data Protection Commissioner if a list of the names deleted from the register could be published. I do not know if the Minister took the issue any further but in his reply the Data Protection Commissioner suggested legislation could be passed to permit the publication of such a list which would be very helpful. If I were provided with a list of the names deleted from the register, I would do my utmost to get as many as possible back on it, regardless of a person's political persuasion. In many cases, I do not know their political persuasion as nowadays people are less open with such information. It is in my interest to have as many on the register as possible and to enable as many as possible to vote. Perhaps the Minister will comment on this suggestion.

The Labour Party spokesperson on the environment and local government has suggested it should be easier for people whose names have been deleted from the register to have their names returned to it. They should not have to get declarations and so forth. I would support anything that could be done in that regard. Obstacles will prevent people from putting their names on the register. Nowadays people do not have time to think; they do not have time to read the newspapers or watch television. We must make registration as easy as possible while, at the same time, ensuring the register is accurate and preventing abuses.

Where people had their names on the register already and had voted in previous elections, we should make their return to the register easy. A voter is required to have his or her declaration on the form witnessed by a garda or somebody in the local authority. This provision applies to European Parliament and general elections. However, if I recall correctly from previous experience, the form states a person should get a garda to witness it and if he or she cannot do so, he or she should go to the local authority. To make it easier, a person should be able to go to the local authority, make the declaration and have it witnessed there.

Dr. Mansergh: As I did not participate in this morning's debate, I take the opportunity to pay a warm tribute to the Minister of State, Deputy de Valera, for her contribution to public life over a period of almost 30 years. She was a Minister and a Minister of State. Her first contribution to public life was to seek vigour in national policy. I

hope she is reasonably satisfied that it has been in place since and that she contributed to it. She has left her mark in many areas, not least the arts and culture. One such mark is the Excel Heritage Centre in Tipperary. Being a close neighbour of County Clare, I am aware of the monuments with which she will be associated in Ennis and elsewhere. I hope she feels proud of her contribution to public life. I was in India earlier this week when I was again forcefully reminded of the close links between Ireland and that country, not to mention between some of the leading Indian nationalists and the Minister's grandfather. There was a fascinating letter in the Nehru Memorial Museum, dating from 1909, drawing the attention of Nehru's father who was also a politician to the emerging importance of Sinn Féin. Another nationalist leader, Chandra Bose, came to Ireland in 1933 and met Mr. de Valera and his Ministers, from whom he received valuable advice.

I will now turn to the legislation. I thank the Cathaoirleach for his patience.

An Cathaoirleach: The Senator is inclined to test it.

Dr. Mansergh: Now and again, a Chathaoirligh, but I am not alone in doing so.

I welcome the Bill which is less an electoral reform measure than a contribution to penal reform. There is value in prisoners being able, in so far as it is possible and practicable to do so, to exercise their civic rights. If anything, they might have a greater propensity to vote than the general population to the extent that they might not have so many pressing alternative demands on their time. The act of voting might make them reflect on the stake they have in society. I welcome the Bill from that point of view.

Some 25 years ago prisoners, albeit outside this jurisdiction, were elected to the other House. It is strange that people can be elected to the Dáil from prison, yet they cannot vote.

Senator Bannon gave me the rare privilege of hearing the quorum bell. However, when my party is challenged, we present ourselves in strength and depth. I note the Senator did not call for a vote.

An Cathaoirleach: Senator Mansergh should confine his comments to the Bill.

Dr. Mansergh: I wonder whether the same strength and depth would exist on all sides of the House if a vote were called.

Mr. Bannon: The Bill has not yet passed through all Stages.

Dr. Mansergh: The subject being discussed does not really matter to the Senator. Today, it merely happens to be the Electoral (Amendment) Bill 2006.

Mr. Bannon: On a point of order, was I not entitled to call a quorum, given that no Government Member was present in the House?

An Cathaoirleach: The Senator has that right under Standing Orders.

Dr. Mansergh: Did I say the Senator was not entitled to call a quorum?

An Cathaoirleach: Senator Mansergh on the Bill, please.

Dr. Mansergh: The criticisms made by Senator Bannon of this Bill, which could have been equally applied to any other legislation before the House, were that it was a disgrace, a shame and an embarrassment. His accusations reminded me of the great 18th century English writer who said: "There is a lot of ruin in a nation." If windy rhetoric were able to blow a party out of Government, then Senator Bannon would do so single handed.

Mr. Bannon: We will await next May or June.

Dr. Mansergh: It is nonsense to suggest that all the problems in the register are the fault of the Minister for the Environment, Heritage and Local Government. This country has experienced extensive social and demographic changes. Twenty years ago, for example, few people lived in private apartments. People have an unprecedented degree of mobility and many dwellings can now only be accessed through security gates.

Mr. Bannon: That is an example of the direction society has taken under this Government.

Dr. Mansergh: It has become more difficult for election candidates or local government officials to knock on doors——

Mr. Bannon: People no longer feel safe in their homes.

Dr. Mansergh: Does Senator Bannon like to listen to argument and debate or does he prefer to interrupt constantly?

Mr. Bannon: Under this Government, people do not feel safe in their homes.

Dr. Mansergh: The Minister is making a conscientious effort to ensure the register is as accurate as possible, which is not a particularly easy task. As was noted during the debate on the National Development Finance Agency with regard to cost overruns, an element of trial and error is unavoidable in many areas of administration. If a measure is not working as perfectly as it should, appropriate action is taken to adjust it. That is not a reason for criticisms based on the assumption that everything can be perfect from the beginning.

[Dr. Mansergh.]

When I examined the register, I recognised some familiar names because public representatives in my county were issued with a list of people whose names were deleted from the register but who were living around the corner. I welcome the extension because, while it is inevitable that some people will have fallen through the cracks, it is important that adjustments are permitted until the last possible moment before the general election. The penal reform at the core of the Bill is also welcome and I am confident that the next general election will be a fair and accurate reflection of public opinion.

Mr. Quinn: I welcome the Bill but I do not think we should be proud of ourselves on passing it. The need for this legislation is an implicit criticism of our society and us as legislators for allowing this state of affairs to continue for so long. I should have been aware of this matter but, like many others, I was ignorant of it. I do not believe we ever intended to bring legislation to prevent prisoners from voting. However, prisoners must have tried to draw attention to the anomaly preventing them from voting and the fact that we turned a blind eye indicates our lack of regard for the purpose of prisons.

Last week, when the Prisons Bill 2006 was before this House, the debate centred on the reasons for prisons, which include protecting society from criminals. However, one of the primary reasons for a prison is rehabilitation. We have allowed that to escape our attention, with the result that prisons are becoming universities of crime. I recently met the former Mayor of New York, Rudolph Giuliani, who told me about his pride at ridding New York of crime during his time in office. However, he did not seem to have any sympathy for the concept of preventing prisoners from being reincarcerated subsequent to their release. The large prison population in the United States is in part due to the lack of attention given to rehabilitation in that country.

In that context, I am impressed that we have been directed by Europe to put our house in order. Some time ago, an eastern European politician appearing before the Joint Committee on European Affairs said he had put up with a Big Brother in Moscow for 40 years and was less than enthusiastic about a new Big Brother in Brussels who would impose European regulations. However, I can see the benefit of being criticised by Europe when we do not behave. This Bill does not arise from a conviction on our part to do right by prisoners but from a European Court of Human Rights ruling which suggested our system for dealing with the voting rights of prisoners was unsustainable. Not for the first time, we have been forced by Europe into taking an action we should have taken on our own initiative. Accordingly, the Bill is certainly not a reason for congratulation.

The way in which prisoners are treated in this country is little short of barbaric. Once we send people to prison, we tend to forget about them. It is not too much of an exaggeration to say that we throw away the key because we keep our prisoners both out of sight and out of mind. By doing so, we forget that when we imprison people, we take away their freedom and their status as citizens. Recently the concept of prison as a place of rehabilitation has become a joke. More often than not, they serve as universities of crime. While we pay lip-service to the rehabilitation principle, we make it almost impossible to achieve by virtue of the conditions we allow to persist in prisons. That is hypocrisy of the worst kind.

One of the difficulties in defending prisoners' rights is that if one does, one is accused of being soft on crime, which is quite ridiculous since there is no correlation or connection between the two. Our attitude to prisoners' rights does not demonstrate toughness towards crime. Instead, it shows our readiness to ride roughshod over the rights of fellow citizens on the flimsiest of justifications. There is no inconsistency in being tough on crime and defending prisoners' rights, the aim being to ensure that they become useful members of society.

I argue that the tougher we are on crime, the greater is our responsibility to ensure that we treat those whom we imprison according to the highest standards. In this Bill, we deal with a right that is important in our eyes, but it may not be so important to the majority of prisoners. There are many other rights that prisoners would choose to see implemented before they even mention the right to vote. In passing this measure, we should give some thought to the very many other ways in which we infringe prisoners' rights and on which the Bill does not touch. Passing this measure should encourage a better attitude on our part to the situation of prisoners generally, but I doubt very much whether that will happen.

The objective is not just to do good, rather it is an effort to rehabilitate and make good citizens of those prisoners so that they re-enter society with the objective of staying out of jail. From that perspective, I welcome the Bill. I am reluctant to congratulate my fellow Members on passing it, since it is a reflection on society that we have had to introduce it at the behest of Europe.

Mr. O'Toole: I welcome the Minister of State, Deputy Fahey, to the House. Like other Members, I am pleased to see the legislation. We have known for some time that it would come. I am not as certain as my colleague, Senator Quinn, on this question, which I have debated many times. If someone is being punished by society, should that include depriving him or her of the right to vote? We deprive them of a normal constitutional right, their liberty. Whether it is right to deprive them of a vote too is open to question, but on balance I would agree with Senator Quinn

that ultimately we must come down on this side of the debate. It is right because it is part of making people aware that they are still part of society and must be rehabilitated.

While it is welcome, I would like to raise several issues to which I hope the Minister of State will respond. I may not be in the House for it, but I will certainly consult the Official Report. Article 16.1 of the Constitution determines the right of persons to stand for election and vote. The right to vote is distinguished by citizenship and various other criteria. The Electoral Acts we are amending today also stipulate that to exercise a vote, one must do two things. First, one must be normally resident in a constituency. Second, one must be registered. I would like to discuss those two matters and ask a question.

The Constitution always envisaged that there would be no more difficult a bar to standing for election than having the right to vote. However, one must have normal residency in a constituency to cast a vote. Am I right to conclude that one need not normally be resident in a constituency to stand for election in that or any other constituency? That leads me to the second question. Does one have to be resident in the State to stand for election? I raise that because it touches on such issues as the rights of emigrants. From my reading, it seems to me that a person need not normally be resident in the State to stand for election. I will return to citizenship shortly.

However, to cast a vote, one must be normally resident. Is that legally and constitutionally sound? Does the fact that a person need not be normally resident in a constituency mean that he or she can be living outside the State? Can an Irish citizen who is an emigrant to another country stand for election here? If that be so, is it not quite extraordinary that a person living abroad should have the right to stand for election but not the right to cast a vote? Is there not an inconsistency there and a conundrum never contemplated by the Constitution? I would like to hear the Minister of State's view on that, since it raises issues not dealt with hitherto.

That brings me back to postal votes. We are doing something about which many of us have talked over the last ten or more years, that is, introducing postal votes. With a hopping industrial, economic and social scene in Ireland, and the complications of study at home and abroad, many people cannot be at home to vote. Why is it so difficult to cast a postal vote? Many prisoners will be doing information technology courses. How can one shift thousands of pounds at the click of a mouse as long as one enters one's code and password but not vote electronically? Would it not be more secure than the kind that we have currently? Is it envisaged? At times we have passed technical legislation to say, for example, that IT transmission shall also include postal votes. Will that cover this case?

I recently went to the trouble of consulting www.checktheregister.ie. I was appalled by what I

found, which was a classic example of what happens when we get consultants in to set up a website when departmental staff would do a better job. The problem is as follows. Imagine that I want to check Joe O'Toole, Thornton, Kilsallagh, County Dublin. I hope that the advisers take this on board and alert the Department, since it is quite appalling. I keyed in my correct address and townland and then entered "OToole" to see how many family members were registered. The site required a first name, which I thought was rather strange, since it should surely be able to recognise "OToole". I entered "Joe", but the site stated that there was no "Joe OToole". Having spoken to the person going from door to door renewing the electoral register, I knew that I had gone through the process correctly, so I persisted. It occurred to me that I might be registered under the name "Joseph", which would please my mother. I keyed in "Joseph OToole" but found that I was not listed. It then occurred to me that although most such systems do not recognise an apostrophe, I should perhaps try it in that format, entering "Joseph O'Toole". This time my details came up.

That is appalling, stupid, badly organised and mismanaged. Someone should be kicked around and told that things should not be done like that. I should be able to enter my address in the ordinary register of electors, keying in the street and house number, and see how many Faheys or O'Tooles are in that house. It should just come up in front of me. Surely it would take only two minutes for someone to adjust. It turns matters on their head instead of making them easier, rendering them more difficult. I was delighted to see that it could be done so easily on-line, but I was appalled to find that the search feature was so deficient. I should be able to enter "O-Toole", "O Toole" or "OToole", in upper and lower case, with all variants recognised. That is what would happen if one did it using Google or on any site trying to sell one something. I ask the Minister of State to consider making this change to the system. I have no doubt those charged with doing so within the Department will be able to make it as affective as any external system.

I support this legislation and look forward to its enactment.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I thank Senators for their contributions to the debate. The comments referred both to the Bill itself and to the general electoral agenda. It is not possible to respond to all the comments made but I will attempt to cover as much as possible. We will go into matters in more detail on Committee Stage.

Senators broadly welcomed the extension of voting facilities to prisoners. It may be helpful to set out how the prisoner voting system will operate. The practical arrangements for individual prisoner voting may vary from prison to prison, but I am assured it is the Prison Service's

[Mr. Fahey.]

intention to maintain the integrity of the voting system. Arrangements will be put in place for prisoners to exercise their vote in the presence of the relevant official, away from the scrutiny of staff or other prisoners. The relevant officials will usually be at governor level and will be peace commissioners.

As a practical example, prisoners may cast their votes in their cells in the absence of other prisoners, in a designated area on a landing or at a location to which prisoners would normally have access during cell unlock times, such as libraries and recreational areas. The aim, where security allows, is to keep the arrangements as similar as possible to those that pertain for regular voters. Voting areas with booths, for instance, may be used. Once the ballot paper is marked in secret by the prisoner and sealed by him or her in the accompanying envelope, it will be handed by the prisoner to the relevant official, who will arrange for all votes to be forwarded to the appropriate authority in a secure manner.

Senator Bannon argued that there is potential for voter disenfranchisement when the current electoral register process is complete. This is simply not the case. There is no reason any eligible person should not be included in the final register. The draft register has been available for consultation for almost a month, and voters have until 9 December to notify their local authorities of any errors or omissions. Even when the final register is published next February, eligible persons may secure their votes via the supplementary register until 15 days before polling day. Claims that voters will be disenfranchised take no account of the systems in place to accommodate people in this way.

Senator O'Toole related some difficulties he had experienced with the *www.checktheregister.ie* website and requested some changes to its functionality. I do not have information on this but I will ask the departmental officials to communicate a response to the Senator. I agree with his observation about the illogicality of the lack of some particular functionality.

I agree with Senator Brady's comments on the good work done by local authorities in preparing the register. Much of the publicity surrounding this issue has been most unfair. Mistakes undoubtedly have been made but one must bear in mind that it is a complex exercise. The constant movement of people, for example, especially in cities, means it is almost impossible, on any given day, to be clear on who is resident in a particular house. There is room for improvements. The recent campaign urging citizens to check the register will be useful. Ultimately, it is each individual's responsibility to ensure his or her inclusion on the register, and we have provided adequate opportunity to effect that inclusion.

Senators Tuffy and Bannon suggested a further extension of the deadline for inclusion on the draft register to the end of January. This proposal

is simply not sensible. The current register will cease to have effect on 14 February 2007. If the deadline were extended to the end of January, it would be impossible for local authorities to have the new register ready in time to replace the existing one. I do not believe anybody would seriously suggest the life of the current register, which was prepared in the autumn of 2005, should be extended. Such a suggestion would be completely illogical given the scale of activity that has been invested in the quality of the new register.

Senator Bannon also suggested that PPS numbers should be used to compile the register. Such a system would not solve the problem of inaccuracies in the register before the next general election. PPS numbers are not immediately adaptable for electoral purposes. There are more than 5 million PPS numbers in existence but only some 3 million voters on the register. PPS numbers do not reflect the current residence of many voters or their citizenship status for electoral purposes. A national electronic register that interfaces with the PPS database would have to be put in place if PPS numbers are to act as a security check. We know from experience how long major information technology projects can take to complete. A PPS number linkage would require starting the register from scratch, which would be a potential major inconvenience, particularly to elderly people who may not be accustomed to producing their PPS numbers. It is not a practical suggestion.

I am pleased to advise Senator Tuffy that section 19 provides for the lists of deleted electors to be made publicly available by local authorities.

I thank Senators for their contributions and I look forward to further debate on these important issues on Committee Stage.

Question put and agreed to.

Committee Stage ordered for Tuesday, 5 December 2006.

An Cathaoirleach: When is it proposed to sit again?

Mr. Brady: At 2.30 p.m. on Tuesday, 5 December 2006.

Adjournment Matter.

Legislative Programme.

Mr. Morrissey: I welcome the Minister of State, Deputy Fahey, and thank the Cathaoirleach for allowing me to raise this matter on the Adjournment. The agreed programme for Government includes a commitment to replace the Road Transport Act 1932 with modernised legislation to allow, *inter alia*, for new services in the bus market. There have been some reforms in the Dublin Bus market and the establishment of the

Dublin Transport Authority should facilitate further reform. Commuters should be able to enjoy the choices afforded by competition in the bus market. However, I note from the legislative programme that the heads of the Bill are still awaiting approval by the Government. This inertia in a vital aspect of the programme for Government is unacceptable.

The bus licensing system is not delivering for commuters but for the bus provider, namely, Bus Éireann. It reflects poorly on the Department of Transport that it is the main shareholder of Bus Éireann and also the licensing authority for new bus routes. Some 700 licences are awaiting approval by the Department. When a licence is eventually approved, usually 12 months after application, it is valid only for one year and must be reapplied for when it expires. For any operator such as Morton's, applying for a licence involves a large investment and commitment. The licensing system must be amended to allow for a minimum period of three years, up to five years. This would allow proper investment to take place.

When applying for a licence, operators must prove they will not affect a current operator. Ridiculous attachments are made such as prohibitions on picking up passengers at certain points and extensions to routes. Overall, this makes the route system highly inefficient for users. Bus Éireann may have a bus stop at one point and within one foot of it another bus stop must be provided at enormous cost to a private operator. Bus stops must become part of the infrastructure and be owned by an authority other than Bus Éireann. Proper bus shelters and hard-stands must be provided at every bus stop to make it comfortable and accessible for commuters to use public transport. It is unacceptable that the Road Transport Act 1932 has not been addressed in An Agreed Programme for Government.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I thank the Senator for raising this issue. I am taking the place of the Minister for Transport, Deputy Cullen, who is abroad.

The Minister for Transport is fully committed to the introduction of a modernised regulatory framework for public transport at a national level and will continue to advance the regulatory reform agenda. The programme for Government contains several related commitments which form the future policy framework for public bus transport operations. These include the replacement of the Road Transport Act 1932 with modernised legislation to allow, *inter alia*, for new services in the bus market and further progress on upgrading the bus fleet, providing for bus priority both in Dublin and other cities. They also include increasing the level and frequency of services and the inter-changeability of commuter tickets on bus and rail services, as well as the introduction of new services to new housing developments and existing poorly served communities. In line with

these commitments, the Government has made several significant decisions in recent times that will provide a solid basis for expanded and improved bus services, while ensuring better value for money for both passengers and taxpayers.

The Government has decided that the regulation of the bus market and future decisions on the allocation of all public subsidies for bus services in the greater Dublin area will be taken by the new Dublin Transport Authority, DTA, which is being established under legislation which is now at an advanced stage of preparation. In line with the commitment in Towards 2016, the Minister has been engaging in consultations with the trade unions and the other interested parties on the report of the DTA establishment team. On 9 November last the Minister published the report of the team which had been established to finalise the remit, structures and human resource requirements of the proposed authority. The Minister has set aside the period until the beginning of December for consultation. Once he has had an opportunity to consider the views received, he will finalise his proposals with a view to publishing a Dublin Transport Authority Bill before Christmas. He also proposes to establish an interim authority, charged with putting in place the necessary organisational arrangements, including the recruitment of a chief executive officer and other senior management personnel, pending the passage of the final legislation.

In addition to establishing the authority, the Government is determined to reform the public bus market, as announced by the Minister on 28 September last. This provides that the DTA will have responsibility for contracting with all operators in the Dublin market, including Dublin Bus. It will also be responsible for monitoring the quality and cost of service by all operators and ensuring value for money on all routes.

Under Transport 21, it is anticipated that there will be a requirement in the greater Dublin area for an expansion of the number of buses providing scheduled services. This will necessitate an increase in the total number of buses to around 1,800, with a requirement for at least 200 extra buses in the next two years. To meet this number, the Government has provided up to €30 million in necessary funding to enable Dublin Bus to buy 100 additional buses which are being delivered. The DTA will also be mandated to procure an additional 100 buses from the private sector to provide services on new routes by way of competitive tendering. The 100 buses procured from the private sector will form part of an initiative to facilitate the entry of new, private operators by awarding franchises to operate routes accounting for 15%, approximately 200 buses, exclusively to such operators by way of competitive tendering. Thereafter, all new routes will be subject to competitive tendering open to all operators. The precise arrangements will be approved by the Government on the basis of proposals from the

[Mr. Fahey.]

DTA. In the interests of stability and integration of the bus network, the legislation establishing the DTA will allow it to enter into a direct contract with Dublin Bus, in accordance with EU law, on the basis of it continuing to operate without a diminution in the size of its current bus fleet.

The integrated nature of the Dublin bus market will be underpinned through the DTA having responsibility for traffic management strategy which will prioritise public transport, as well as for integrated ticketing, fares and information systems. It will also be empowered to organise the allocation of routes to operators in such a way as to maximise their prospect of efficient operation and the coherent development of the bus network. The Government is also investing up to €50 million for the procurement by Bus Éireann of up to 160 buses commencing in 2007 for non-commercial services outside of Dublin. Orders for these buses have been placed.

New legislation is being prepared to replace the existing licensing regime under the Road Transport Act 1932, as it has long been recognised that it is in need of reform. The provisions will better reflect the realities and complex requirements of 21st century public transport services. The new

legislation will address a range of issues, including improved enforcement arrangements and the introduction of a single licensing code for all bus operators. The DTA will take over the Minister's licensing functions in respect of the greater Dublin area. The aim is to ensure a level playing field for all bus operators, both for public bus service providers such as Dublin Bus and Bus Éireann and for private bus service operators. The new legislation will also be designed in a manner consistent with state aids and EU law on public service obligations, including a draft new EU regulation being developed. It will create new opportunities for private operator involvement in the bus market.

The forthcoming Bill to establish the DTA will include measures for reform in the bus market in the greater Dublin area, in line with the Minister's statement of 28 September last. These proposals represent a significant step forward in reform. The combination of investment in new bus capacity and structural reform to introduce competition and enhance incentives for efficiency represents a balanced strategy to benefit bus passengers and taxpayers alike and secure progress on delivery of the programme for Government commitments.

The Seanad adjourned at 4.50 p.m. until 2.30 p.m. on Tuesday, 5 December 2006.