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**Wednesday,
19 March 2008**

DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Wednesday, 19 March 2008.

[illegible]

SEANAD ÉIREANN

Dé Céadaoin, 19 Márta 2008.
Wednesday, 19 March 2008.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Business of Seanad.

An Cathaoirleach: I have notice from Senator Nicky McFadden that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister of Education and Science to reverse the exorbitant price increase in school transport.

I have also received notice from Senator John Paul Phelan of the following matter:

The need for the Minister for Education and Science to outline the length of time that capital funding will continue to be unavailable to Good Counsel College, New Ross, County Wexford, owing to the ongoing discussions regarding school amalgamations in the New Ross area.

I have also received notice from Senator Joe O'Reilly of the following matter:

The need for the Minister for Health and Children to staff and open Brookvale House residential centre, Milltown, Monaghan, County Monaghan, which it is intended will provide a sheltered housing environment for persons with special needs.

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

The need for the Minister for Education and Science to approve designs for a gym at Pobalscoil Gaoth Dobhair, County Donegal, and allow the project to go to construction stage without further delay.

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

The need for the Minister for Education and Science to give an update on the planned provision of a sports hall at Pobalscoil Gaoth Dobhair, County Donegal.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I

have selected the matters raised by Senators Nicky McFadden, John Paul Phelan and Joe O'Reilly and they will be taken at the conclusion of business. Senators Pearse Doherty and Brian Ó Domhnaill may give notice on another day of the matters they wish to raise.

Order of Business.

Senator Donie Cassidy: The Order of Business is No. 17, motion 35, an all-party motion re the undocumented Irish in the United States, to be taken without debate at the conclusion of the Order of Business; No. 1, Motor Vehicle (Duties and Licences) Bill 2008 — Second Stage, to be taken at the conclusion of No. 17, motion 35, and on which spokespersons may speak for 12 minutes and all other Senators eight minutes and in respect of which Members may, with the agreement of the House, share time; No. 2, Passports Bill 2007 — Committee and Remaining Stages, to be taken at the conclusion of No. 1; and No. 17, Private Members' motion 36 re planning guidelines on sustainable residential development, to be taken at 5.30 p.m.

Senator Frances Fitzgerald: Last week, the House agreed that an all-party motion on the undocumented Irish in the United States should be tabled. I am glad such a motion is included on today's Order Paper. In light of recent events and comments made by the Taoiseach, however, it is not satisfactory that this all-party motion will be taken without debate. The situation has changed in respect of this matter and an explanation should be provided in the House in respect of what the Taoiseach meant when he commented on this matter in the United States. The Taoiseach referred to "people who do not really know what they are talking about" when referring to those who represent the undocumented Irish. He also stated — this was a strange remark — that they are "talking from a position of sitting in the bar and talking nonsense". I thought the Taoiseach had respect for those who are trying to run the campaign aimed at having the situation changed.

Last week, Senator McFadden spoke movingly about individual cases of hardship. It appears the Taoiseach misrepresented the position of the Irish Lobby for Immigration Reform. The chairman of that organisation, Mr. Niall O'Dowd, pointed out that it had never sought an open-ended amnesty for the undocumented Irish and stated that it is seeking a solution and a discussion with the Government of the United States. The Taoiseach seems to have changed his position and has almost given up hope. That is a very depressing message for the families of the undocumented Irish, who are concerned about the difficult circumstances in which their loved ones find themselves. I wish to move an amendment to the Order of Business so that we might debate this matter today. The holding of such a debate

[Senator Frances Fitzgerald.]

seemed to be the wish of those on all sides last week.

I wish to comment on a topic that gained a great deal of attention in the House very recently when two young Polish men were violently assaulted and killed. I was involved in a discussion on radio at the weekend in respect of Irish identity and the great opportunity presented by St. Patrick's Day in that regard. There is no doubt that St. Patrick's Day does present such an opportunity but it also seems to be the occasion for the perpetration of anti-social behaviour on our streets. Such behaviour was on display in Finglas at the weekend. There appears to be a continuum of violent behaviour and that is a serious matter. In my constituency on Thursday afternoon last four men drove up to a small local shopping centre and caused terror by firing four shots while robbing €100,000 from those refilling an ATM machine. One man was murdered in Newcastle and another in Clondalkin.

We need to see some leadership on this issue. The House has addressed this on a number of occasions. There is a real problem with leadership and co-ordination in this area. It is not just about a security response, although that is certainly one aspect of it. We must deal also with some of the other issues that arise, such as parental responsibility or where the money is going in local authorities to handle the difficulties being faced by communities. There must be a combined response.

I ask the Leader to come back to the House after the Easter recess with the Minister for Justice, Equality and Law Reform and the Ministers for Education and Science, the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs to have a discussion that will begin to address some of the issues about which Senators on all sides of the House are concerned. We are facing a change in values and a breakdown in communities. These are not just empty words. There is a real challenge in terms of what we should do, what resources are to be put in place and who will lead. This is a good place to begin that debate after Easter.

Senator Ivana Bacik: I thank my colleagues for inviting me to be the first to speak. With regard to Senator Fitzgerald's remarks about what happened at the weekend, we are all deeply concerned about the terrible incidents we have seen and the clear abuse of alcohol that has been going on. It requires us to question our relationship with alcohol and it also requires a good deal of political leadership. In that context I wish to raise an issue I think should be considered by the Minister for Health and Children. I ask the Leader to invite the Minister to the House for a debate if possible.

We are still seeing, in 2008, children wearing sports jerseys that show the logos of alcohol com-

panies. I am holding up to the House a jersey of a well known English football club, Liverpool FC, which I bought this morning. It is a replica shirt for nine to ten year olds, bearing the logo of a drinks company on the front. I will not—

An Cathaoirleach: The Senator cannot show or advertise any material in the Chamber.

Senator Ivana Bacik: I apologise, a Chathaoirligh.

Senator Terry Leyden: That is an excellent promotion for Carlsberg.

Senator Frances Fitzgerald: Senator Bacik did not mention the name of the company.

Senator Ivana Bacik: I do not intend to name the drinks company so it will not show on the transcript.

Senator Rónán Mullen: That is probably the best idea we have had all day.

Senator Ivana Bacik: I understand there is some levity about this, but it is a serious matter. It was raised by a constituent of mine who became deeply concerned about the issue while trying to buy a replica kit for his young son, as he found that his son would be walking around bearing the logo of a drinks company. This should be raised with the Minister for Health and Children. My constituent attempted to do so and was informed by the Minister that there was no legislative remedy available to the Department of Health and Children to deal with it. However, in Britain, football shirts in children's sizes are no longer permitted to display the logos of alcohol companies from 1 January. The Minister should consider this issue and I ask for a debate on this.

Senators: Hear, hear.

Senator Ivana Bacik: Certain other issues were raised in the newspapers today and yesterday. One is the lack of funding for third level institutions. The heads of the two big universities in Dublin, University College Dublin and Trinity College, have raised major concerns about the lack of funding with the Minister for Education and Science. We must consider this for the third level sector.

I wish to mention briefly the case of Pamela Izevbekhai, a young woman from Nigeria who is living in Sligo and who is concerned about being deported back to Nigeria, where her two daughters face genital mutilation. The Minister for Justice, Equality and Law Reform should explain why we are seeing vulnerable women being deported in such circumstances.

Senator Alex White: I support Senator Fitzgerald's call for a change in the Order of Business to allow a discussion of the undocu-

mented Irish in the United States. The manner in which the Taoiseach has abandoned his previous position on supporting the calls made on behalf of these people is surprising and extraordinary. If only for that reason, we should have a debate. There now appears to be a clear change in policy at the head of Government in respect of this serious issue. I know such a discussion was ordered for last Thursday, but there has been some reticence on the part of the Government side to have a debate on this issue last Thursday and again today.

Senators: Hear, hear.

Senator Alex White: Clearly, we need a debate on this. Members on the Government side have raised this repeatedly. Now that they have a timely opportunity, let them support the call for a debate. I second Senator Fitzgerald's proposal for an amendment to the Order of Business.

There have been calls in the House for a debate on the economy. One of the aspects of the changes in recent weeks and months in our economic fortunes is price inflation. This has been ignored and has not been commented on to any great extent but an extraordinary article in *The Sunday Tribune* points out, as if that could be deemed necessary, that price inflation in Ireland was 4.8% last month. We import one third of all our goods from outside the eurozone area — half of our food and drink comes from outside the eurozone area.

We all know the euro has strengthened by around 12.5% in recent weeks. A basic understanding of economics should inform one that when a currency is strengthening the cost of imports should fall, not rise. Why are prices for basic household foodstuffs and other items increasing at such an alarming rate? I read the words of a commentator this morning who noted that when times are good we forget how badly banks are run and how greedy they are. It seems other people are coining it with regard to price increases. How can supermarkets, shops and so on pass on such increases when the currency is in a strong position?

I ask the Leader to arrange for the Minister to come before the House soon for a serious debate on price inflation and an explanation of it from the sectors involved. I have heard Members complain that we have too much regulation but this appears to be an area in which we should examine regulation. We should query why people are being asked to pay higher prices in circumstances in which imports should be getting cheaper.

Senator Dan Boyle: As we are beginning to order business for after the Easter recess there are three items I wish to bring to the Leader's attention that may be worthy of debate in this House.

There should be a detailed debate on the private rented housing sector on foot of the

"Prime Time" programme last night. The State is the largest tenant in the country and spends more on rents through the rent allowance and rental subsidy schemes than any other group of tenants. We must ask why such money is being paid out for substandard accommodation and why it is being paid to the private rented sector in this way.

The next issue I wish to raise relates to recording events as they occur in Tibet, possibly through an all-party motion. The Chinese Government is engaging in oppression and is blaming these events on the spiritual leader of the Tibetan people, the Dalai Lama. Some 18 months ago Senator Norris and I attended the world parliamentary congress on Tibet and met the Tibetan Prime Minister in exile. The Seanad should speak widely on an issue of concern of this nature as it would reflect the disquiet in Ireland that exists regarding events in Tibet.

Senator Frances Fitzgerald: Hear, hear.

Senator Dan Boyle: The final issue I wish to bring to the Leader's attention relates to a decision to be made on 31 May by the Department of Community, Rural and Gaeltacht Affairs on a restructuring of the community development support programme. Pending this decision, the Seanad should have an opportunity to ask why it is being made, the effect it will have and how resources are likely to be allocated after 31 May.

On these grounds each of the areas I have mentioned would, I feel, merit debate in this House.

Senator Paul Coghlan: I also support Senator Fitzgerald's call on undocumented Irish in the United States. There is agreement on both sides of the House on a motion but we urgently need a debate to fully clarify the Government's position. A major divergence has emerged in recent days on the approach to be taken and, while there has been agreement in the past, I wonder where we stand now. We need to debate this matter in order that we can, hopefully, get back on the same track.

I want to mention briefly auctioneers and solicitors. Regarding solicitors, No. 3 relates to the Civil Law (Miscellaneous Provisions) Bill and I have asked the Leader about this before. I do not recall when he said this Bill would be before us but it has been said recently that the Bill was withdrawn to allow for restructuring. The Leader may correct me if I am wrong. Is the Government proposing amendments to the Bill as we believed it stood? It provided for the legal services ombudsman. Will the Leader say how the Bill will be restructured and when we are likely to see it?

In regard to auctioneers, on whom we have had a debate, the national property services regulatory authority has the support of the Consumers' Association of Ireland, the IPAV and the IAVI. All sides of the House welcomed it but it is on a voluntary basis pending a national property services regulatory authority Bill to give it statu-

[Senator Paul Coghlan.]

tory legal effect. Given that there has been no announcement from Government on the Bill will the Leader say when it will be published? I understand only half the auctioneers have signed up. Naturally the Consumers' Association of Ireland is rightly critical of the situation, as I am sure is the case with Senators on all sides. I ask the Leader to enlighten the House as to when the Bill will be published?

Senator Cecilia Keaveney: As a former musician, a former music teacher and former Chairman of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs I commend all those involved in festival activities around the country at the weekend. The level of participation by communities in terms of floats and bands is highly commended. Too often we spend our time looking at the negative side. There was a huge level of participation by communities. I draw the Leader's attention to the fact that we must continue to support the festivals and the development of the arts to ensure there are bands to play at such festivals into the future. We must support the many people who work to ensure we continue to have such big occasions. The level of tidiness which was evident immediately after the parades I witnessed was phenomenal. It is clear the festival committees were all-embracing, looking at all sides of the activity, from the beginning to the end.

Today should not go by without mentioning the young aspiring pianist on O'Connell Street who lost a finger, following an attack for no apparent reason. I lend my voice to the disgust at that incident. Perhaps there is a need for more discussion on this type of terrorism on our streets which incorporates all levels of terrorism on the island. It is terror on the street if one cannot walk down the main street of the capital city without fear of being attacked.

On a separate issue, I wish to convey to the Leader the appreciation of two related families in Donegal to the Coast Guard station emergency services and the co-ordination unit. A terrible tragedy took place at the weekend where two friends of mine, Danny and Francis McDaid, were drowned. I ask the Leader to get an update from the Minister for Transport and the Marine, Deputy Noel Dempsey, on the facility at Malin Head. The Coast Guard station played a major part in ensuring the bodies of these two men were found. It was of considerable comfort to the families to be able to have funerals. It has been a very tough weekend for many people in my area.

In regard to the alcohol issue, I ask the Leader to consider asking the Minister for Health and Children and the Cabinet to bring alcohol under the remit of one Department dealing with drugs. Currently it is under the remit of the Department of Health and Children and not under the remit of the Department that deals with other drugs.

The drug of choice is not under the same remit as the drug of use.

I call for a debate on the value of human life. This relates to what I said at the outset about human life becoming much cheaper given the way in which people are being attached at present. A debate on the value of human life, which is usually geared towards the pro-life issue, is needed in the current context.

Senator Phil Prendergast: I would like to have a debate on water charges in schools. We need an increase in the capitation grant. I will save my points on this for the debate.

I ask the Minister to be involved in a debate about autistic services. For children diagnosed on the autistic spectrum and where there are insufficient places, this is a major issue that needs to be debated further in this House.

Senator Terry Leyden: I support the call for a debate on the Competition Authority report published recently. I refer particularly to the cost of petrol and diesel. The cost has increased to €1.25 for a litre of diesel and €1.19 for a litre of petrol. The report compares the average around Europe, which is not unlike the Irish figure. In Slovenia it is €1.022 for a litre of unleaded petrol and €1 for diesel. There is a disparity in prices, although I appreciate tax is a factor. The price in Ireland is lower than in Northern Ireland at the moment. I call on the Leader to arrange a debate on the Competition Authority report and the cost of fuel *vis-à-vis* the fact that the dollar is so weak in comparison with the euro. We are being exploited and the cost is far too high in respect of the exchange rate, as is the price of \$108 per barrel of oil.

Last week I referred to a debate in the Council of Europe and I would be delighted if the Leader could provide an opportunity to discuss the report issued, which will be coming before the Council of Europe on a date between 14 and 18 April. Three

Members of the House will be present to argue the case against this report by a member of the Austrian parliament, who promotes the idea of abortion being widespread throughout Europe. An article in *The Irish Times* today by Genevieve Carbery with comments by Ruth Cullen does not reflect the fact that I attended the meeting in January in Strasbourg and in Paris last Tuesday and fully set out our position *vis-à-vis* the Constitution which has a full prohibition on abortion. It will continue to have that and I will be in touch with *The Irish Times* because this article is misleading and damaging as we come into the Lisbon treaty campaign.

The Council of Europe has no jurisdiction as far as proposals agreed at that level. My colleagues, Senator Cecilia Keaveney and Senator Joe O'Reilly, will make this case in Strasbourg in April. This is a report by an individual member of parliament from Austria. I proposed that the

3 o'clock

report be rejected by the steering committee for equality between women and men. That was rejected by 21 to three, with one member abstaining. I voted against the report. This debate is being entered into by the Council of Europe, not the EU, and the former has no jurisdiction as far as Ireland is concerned. I wish to allay the fears in respect of the Lisbon treaty. Abortion will have no involvement and voting in favour of the treaty will not affect our constitutional position which has been laid down consistently by Governments of all hues. It is the agreed position of the Irish people, which we will uphold.

Senator Nicky McFadden: I second Senator Fitzgerald's all-party motion to debate the undocumented Irish in America. I thought I was hearing things at the weekend. The purpose of raising this issue last week was that the goodwill espoused last week by colleagues going to America would be used to highlight the case of the undocumented. As the Taoiseach went through the beautiful imagery of exchanging the bowl of shamrock and pleasantries with President Bush, I heard him saying that people in bars were talking nonsense. He was flying in the face of what has been said by people such as Niall O'Dowd and people in America with whom the Leader is familiar. It sends a bad message to these 40,000 or 50,000 people with relatives and friends in Ireland who cannot come home to attend funerals, weddings, etc. As I stated last week, they cannot attend hospitals if they are dying. It is unreasonable to suggest that people could come home, get a visa and possibly be allowed back. The people in question have set up lives in and contributed significantly to the economy of America, but the Taoiseach stated that it was nonsense talk discussed in bars. I want my message to reach him loud and clear, that is, I abhor his comments, which were cruel.

There is an agreement between some countries such as Australia and——

Senator Jim Walsh: The Taoiseach referred specifically to Australia.

Senator Nicky McFadden: Yes.

(Interruptions).

An Cathaoirleach: Senator McFadden without interruption.

Senator Jim Walsh: She is distorting the Taoiseach's statement.

Senator Alex White: Senator Walsh is getting upset.

(Interruptions).

Senator Jim Walsh: Senator McFadden is not helping the debate or the issue itself.

Senator Nicky McFadden: There have been agreements, Donnelly and Morrison visas, etc.

Senator Jim Walsh: She is joining some of Senator Kelly's friends——

An Cathaoirleach: Senator McFadden without interruption.

Senator Nicky McFadden: Why can further agreements not be arranged?

Senator Jim Walsh: ——in putting a spin on this issue because they were——

Senator Jerry Buttimer: Senator McFadden is in trouble now. Senator Walsh is speaking.

Senator Nicky McFadden: The re-opening of the Mullingar-Athlone rail link is dear to the Cathaoirleach's heart. I asked that the Minister for Transport attend a debate in the House on this matter and the re-opening of the Killucan railway station, which has a perfect park and ride facility and a twin-platform track. Will the Leader expedite my request?

Senator Larry Butler: As we all know, the construction industry, housing development in particular, is going through a rocky patch. Recently, management at the Sandymount industrial estate, which is a major hub and employment centre in the Dún Laoghaire-Rathdown County Council area, announced that no further development would occur in the foreseeable future owing to a lack of infrastructural development, including water and sewerage. Traffic is a significant issue in the area. Will the Minister for the Environment, Heritage and Local Government become involved in this respect? The more than 38,000 people who have been employed there will be greatly affected. The matter is delaying a hospital development and other considerable developments in the area.

Owing to a lack of infrastructure, only 46% of zoned land in the Dún Laoghaire-Rathdown local authority's area is eligible for development. I must lay the blame squarely on the current and previous managers because development levies were taken from developers. The Minister should become involved in this matter.

Excuse me, but I do not speak when other people are speaking. It is very bad manners.

An Cathaoirleach: Through the Chair.

Senator Alex White: Yes.

An Cathaoirleach: I ask people to respect other speakers and to remain quiet.

Senator Larry Butler: This is an important issue because jobs will be lost. The other side of the House has often complained about how the Government is not paying attention. If this prob-

[Senator Larry Butler.]

lem is occurring in one local area, it is occurring elsewhere. For example, there are problems in counties Kildare and Meath. In Dún Laoghaire-Rathdown, developments worth approximately €10 billion, which is an enormous amount, are being held up.

I call on the Leader to bring the Minister for the Environment, Heritage and Local Government to the House to examine the problems. Major multinational companies such as SoftCo, which employs significant numbers, will not put up with this type of problem for long. The matter is urgent and I would like an immediate response from the Leader and the Minister, if possible. It is important that the latter deal with this matter.

Areas of counties Kildare and Meath also are affected. I would like to know what managers are doing to take responsibility for ensuring that employment and the development of the counties, which is in question, are safeguarded. Another major problem arises in this respect regarding the science and technology park in Cherrywood. This should be dealt with as a matter of urgency.

Senator Rónán Mullen: I welcome the comments of Senators Leyden and Keaveney in the context of the abortion issue and those of Senator Keaveney on the need for a debate about respect for life more generally. On a related issue, the House already has held an important debate on funding for CURA and the role of the Crisis Pregnancy Agency in the past. An interesting development has taken place of which Members should be aware and that may require them to have a debate at the earliest opportunity. I refer to the latest report of the Royal College of Psychiatrists, which is the body for doctors in both Ireland and Britain. It pertains to the difficult question of whether there is a link between induced abortion and an increased risk of mental illness in women. It is important that one neither understates nor overstates in respect of this highly sensitive issue. However, if one compares the college's latest report, which was produced at the request of a House of Commons select committee, with its 1994 report, it is clear there has been a major shift and that a debate is beginning about this very difficult question. While the Royal College of Psychiatrists basically acknowledges there is evidence to show a link, it is not conclusive and the college has called for more research on whether induced abortion is associated with an increased risk of mental illness in women.

The issue for Members is that of informed consent because they must ask what the Crisis Pregnancy Agency will do to ensure that organisations which provide pregnancy counselling at present will draw to women's attention the issue that now has been raised and which is on the agenda. I refer to a possible risk, which is much more than that according to some studies. At the very least,

as the Royal College of Psychiatrists has noted, informed consent must involve giving women adequate and appropriate information about the possible impacts. This is a major public health issue and touches on the need to affirm the dignity of all persons in our society.

I was mystified to hear the Association of Garda Sergeants and Inspectors calling for the televising of criminal trials in the case of manslaughter, murder and kidnapping. I wondered what planet I or they were on. It may be there is a genuine belief that this might help matters. Alternatively, it may be that in the crassness of our public relations culture — I speak as a former public relations person — people believe that as long as one says something that garners publicity, it is worth saying.

Members should be clear. This proposal would add to the sensationalism that already surrounds our criminal justice system. Moreover, it would militate against the rights of victims and would hinder fair trials. I welcome the comments made this morning by my colleague at the Bar, Seán Gillane. Members should not heed this call. While there may be possible benefits, they are greatly outweighed by the major disadvantages. A major problem exists regarding the manner in which our criminal justice system is turned into entertainment for many. Members should discuss serious issues such as our bail system and whether it is working, whether people are being unduly detained or deprived of bail, or the incarceration of young offenders. Members should be discussing such issues and not the televising of trials, which as a proposal has a bread and circuses feel to it.

Senator Eoghan Harris: I will try to take Senator Prendergast's concise contribution as my role model. From time to time I am challenged about the Seanad's purpose and it is very hard to defend its role when so many Members spend this valuable time rambling about their local constituency issues at great length without any order or apparent regard for the public's lack of interest in such matters, which are matters for a local newspaper.

This morning Members are faced with major issues about which they can be very good when addressing such matters. I refer, for example, to ageism, as Senator Mary White did recently, or to mental health, which was discussed before Christmas. Such matters go deep into the public. However, as for this local constituency stuff, rambling around knocking on every door of every local issue will only degrade the Seanad in the public's eyes. Members should have regard, with some self-respect, to the dignity and honour of the House when making such contributions.

We are lucky to have neighbours like the British rather than the Chinese. When I heard the dignified response of William Wallace to the attack made on his son, it reminded me that the

English are decent people. He refused to view the incident as racist.

I call for a proper and lengthy debate on the criminal justice system so that the Seanad can contribute on a more fundamental level than fire brigade actions. The attack on the young fellow on O'Connell Street on St. Patrick's night and the riots in Finglas reveal the two major problems we currently face. Fundamentally, we are all flailing around at present but the solution is simpler than people might think. Most of the violent trouble that takes place in Ireland is caused by young men. They commit two kinds of violence — the stupid and mindless rampaging that took place in Finglas, which can be addressed by better investment in community policing and social welfare, and psychotic and sociopathic actions such as by the group which tore off that young fellow's finger. That is where the conservative side of me comes out. We need to identify persistent psychotic offenders, which can be done at an early age through psychological assessments and police work, and take them out of the community by the harsh political measures that once applied to political subversives. They should be sent to boot camps. However, every time I call for a military service corps run on military lines, I receive a sermon from the degraded side of feminism. There is a good side to feminism but another side believes young men should be knitting or making quilts.

Senator Frances Fitzgerald: That is a disservice to feminism.

Senator Eoghan Harris: Young men are a hierarchical group. They respond to strength and male role models whom they respect. The place they are likely to meet such role models is not in a quilt making session but in a new corps established by the best elements of the Army and run by rangers on detachment who could teach them it is possible to be men without being violent.

An Cathaoirleach: A number of Senators wish to speak but their time will run out at 3.25 p.m. Several Senators will be unable to contribute, for which they can blame nobody except their fellow Members of the House.

Senator Joe O'Reilly: I support the proposal put by Senator Fitzgerald and seconded by Senator Alex White for a full debate on the undocumented Irish. These people are experiencing significant hardships and we have a humane duty to help them. They have difficulties in terms of returning home for family funerals and organising their lives in the US. It was wrong of the Taoiseach to disregard the decision of the Oireachtas to seek a bilateral agreement. It is clear that immigration legislation is on ice in America and will not be progressed prior to the presidential elections. We should have used our good offices and the goodwill that exists towards us in America to reach a bilateral agreement. The

Taoiseach has failed by not pursuing that option and his remarks only compounded the problem.

I am anxious for the Leader to respond to the question of what we are going to do about the wasted economic boom in this country. Cutbacks in current expenditure clearly will be necessary. This House should hold a debate on the form these cutbacks will take. They should be directed at eliminating the plethora of departmental advisers because every Government has employed too many advisers and consultants. We have a native Civil Service of excellent calibre and with a high level of education, given that many of them had to obtain first class honours degrees to be appointed. It is a travesty, therefore, that we are hiring costly expertise rather than using civil servants as a resource. We are wasting public moneys on this while denying home help to old people and underfunding front-line health services. That is a critical debate. I appeal to the Leader to consider having a debate where we focus on that issue and no other, and where we examine the question of where we can affect change in these areas and where we can get rid of the real waste.

In the context of the Lisbon treaty, I support the call by Senator Leyden for clarification of the both the nature of the debate at the Council of Europe and the role of the Council in contextualising the abortion debate. I hope the media picks up on the fact this is not an EU debate and is a minority debate within the Council of Europe, which is an important point. I support Senator Leyden in this regard. Given the importance of getting the Lisbon treaty through, we would want this emphasised day by day.

Senator John Carty: I support Senator Boyle's call for a debate on the issues raised on last night's "Prime Time" programme. It is a damning indictment of circumstances in this country that people must live in the conditions portrayed on the programme. I ask that the Leader would contact the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, to ask him to achieve co-ordination between the community welfare officers and the councils so that subvention payments would not be made to those who are not providing proper accommodation. In the programme shown last night, the contempt shown by the landlord or landlord's agent when he was asked proper questions about asking tenants to live in such conditions, and his attitude, demonstrated that such people have no respect for humans.

On a lighter note — I hope I will not incur the wrath of Senator Harris — I can assure Senator Leyden that in my constituency and my local town, petrol is still only €1.16 a litre.

Senator Shane Ross: Senator Harris put his finger on it to some extent when he said we waste valuable time making speeches in the House for

[Senator Shane Ross.]

very local and parochial reasons, particularly this week when this is the only House of the Oireachtas sitting and we could use our time particularly well. It seems to me that we have missed out on one issue which is rocking the world, and it is extraordinary it has not been mentioned here today. We are in the middle of the mother of all financial crises, the like of which has not been seen since 1929, yet Members want to talk about small local issues.

Senators: Hear, hear.

Senator Shane Ross: This reflects very badly on the Seanad.

We have two sitting days, today and tomorrow, and we can sit on Friday, if necessary. Could we have the Minister for Finance to the House to explain the Government's attitude to what is a major financial crisis and what it is doing about it? Ordinary people are walking the streets asking, "What does this mean to me?"

Senator Jerry Buttimer: Hear, hear.

Senator Shane Ross: The Government is keeping its head in the sand and saying, "Don't worry. Don't panic". That is wrong. We should be panicking. This is a time for panic.

Across the road from Leinster House today, RTE union members are meeting to ask about their pensions. The Irish stock market is down 40%. People are worried that they will not get their pensions at all — they are wrong, but they are worried about it. I would like to know what the implications are for pensions and for the IFSC given what has happened to Bear Stearns, the fifth largest investment house in America. What does this mean for Ireland? It means a lot. What does it mean if US investment, like it or not, is withdrawn from this country because of what is happening back in the US? We are not discussing this. Given that the dollar is collapsing around the world as we speak, what does this mean for Irish exports?

It is irresponsible for us, today, to be talking about knocking on doors on local issues when the financial world is in a crisis which affects us on our doorstep. I beg the Leader to contact the Minister for Finance and ask him to come in here and give people the sort of assurance they need because they feel helpless in this situation.

Senator Mary M. White: Hear, hear.

Senator Shane Ross: They do not know what are the implications for themselves and we have the opportunity to offer them that. I ask him to do that.

Senator Mary M. White: I support the call for an urgent debate on the economy and how we fit in with what is happening around the rest of the world. As a business person myself I hear very

little talk in Ireland about the strength of the euro. Senator Ross spoke about the multinationals but I refer to indigenous companies that still mainly depend on the UK market and how torturous it is dealing with sterling. I am amazed that the cost to companies does not figure on the radar at all.

Last November I called for a debate on the Government report on Irish prisoners abroad commissioned by the Minister for Foreign Affairs, Deputy Dermot Ahern. Last Saturday in his St. Patrick's Day message, Bishop Seamus Hegarty of Derry, chairman of the bishops' commission on emigration said he was very disappointed that to date the Government has not implemented its own report carried out for the Minister, Deputy Dermot Ahern, by Mr. Chris Flood.

There are at least 1,000 Irish people in prisons around the world, many of them in the most dire circumstances. One of Mr. Flood's proposals was that a register of prisoners would be kept. He proposed that the Department of Foreign Affairs, which employs 1,500 people, would assign three or four members of staff to work on the issue of Irish prisoners abroad. This would involve drawing up a register of prisoners and to ensure that the prisoners would get at least one visit a year. A second issue relates to the torture on the families and the separation of families from loved ones who are in prison. We do not make a judgment on why people are in prison. This is a humanitarian issue.

On Saturday Bishop Hegarty pleaded with the Government to implement its report. Irish people are in prison in places like Uruguay and Panama where we dare not even talk about the terrible conditions they are in. I agree we should talk about macro issues, not the details of the local constituency. I request that we have a debate, the purpose of which would be that the Government would implement its own report, set up a division in the Department of Foreign Affairs consisting of three to four people to look after the 1,000 people who are in prison abroad and to help their families who suffer at home.

Senator Dominic Hannigan: I share Senator Alex White's concerns about the economy. It is vital that with the current global climate that we keep our competitiveness up and our costs down. I was very concerned to see Viviane Reding, the European Commissioner for telecoms indicate today that the cost of broadband in Ireland is too high. Her commission's annual report shows that the penetration levels of broadband in Ireland is just 16%, that is 3% below the average. We are better than countries like Bulgaria, Greece and Romania but we are way behind countries like the Netherlands, Sweden, the UK and Finland. Something needs to be done in this regard.

One third of Irish rural dwellers have no access to broadband services. Commissioner Reding made the point that perhaps public subsidy is

needed in this area. That is something we should consider. On the same day, ComReg's own report on the cost of the telecoms industry in Ireland shows that once again for the last quarter, Irish mobile telephone users are paying the highest revenue per user across Europe. We pay 60% higher than what the rest of Europe pays on average and we pay twice as much as the Germans. The Leader should ask the Minister to work with ComReg to come up with some sort of action programme so that we can retain our competitiveness in this time of global worry.

Senator Jim Walsh: I concur with what Senator Hannigan said and I support his call for a debate on the issue. Senator Fitzgerald proposed an amendment and was seconded by Senator Alex White. Perhaps I am wrong, but I thought that there is some prior consultation between the leaders before we sit and I would expect that those issues would emerge at that stage. I am surprised by the amendment because I supported Senator Kelly who said last week——

Senator Alex White: Everyone signed the motion.

Senator Jim Walsh: ——that the matter would be put forward as an agreed motion without debate.

Senator Maurice Cummins: That was last week's motion.

Senator Jim Walsh: It does nothing for this important issue when people are trying to distort what is said and cause political divisions. What the Taoiseach said in the White House is on the record.

We take great pride, also, in the contribution of all our emigrants to the United States, and acknowledge, Mr. President, your efforts in recent times to achieve comprehensive immigration reform. It is our fervent wish that a resolution will be found as soon as possible to the plight of those in our community here who cannot fully enjoy their freedom and promise of this great nation.

As his brother is involved, Senator Kelly will be aware that the group in question in the United States have done tremendous work on this issue, but they were overly optimistic in creating expectations that unfortunately were not fulfilled.

(Interruptions).

Senator Pearse Doherty: The Bill had passed through one House. That is terrible.

Senator Jim Walsh: We should speak on this issue with one voice. There is a generation of Irish people that were left with no option but to emigrate given the abominable Government we had in the 1980s under Garret FitzGerald and

Dick Spring who buried the economy deep in the mire.

A Senator: What about the Government before that?

(Interruptions).

Senator Donie Cassidy: Senators Fitzgerald, Alex White, Coghlan, Keaveney and O'Reilly all expressed their shock and horror at the various incidents that took place over Saint Patrick's weekend. I would say that 99% of the festivals organised and the committees who organised them were a credit to their communities, towns, cities and counties. I join in the congratulations offered by Senator Keaveney for the great work done in Ireland during the festivities. It reminds us of how proud we can be as a nation and how we should acknowledge the achievements of generations that have gone before us. Unfortunately, the minute negatives get mentioned in Parliament. As Senator Harris said, it is something we must address because we are in privileged positions over the next four and a half years——

Senator John Paul Phelan: The Leader was trying to sell us a house in Castlepollard last week.

Senator Donie Cassidy: We want to make our time meaningful so that we can make a change and create opportunities for future generations that were fortunately created for ourselves. Some of us had very little to do to enjoy the quality of life we have today. I wholeheartedly endorse the volunteerism outlined by Senator Keaveney. The musicians of Ireland have provided absolute joy and pleasure and have lifted the spirit of the people throughout the world for generations.

We agreed last week with great pleasure to have an all-party motion on the undocumented Irish in America. There was no problem with it whatever.

Senator Pearse Doherty: The Leader said on Tuesday that there was no need for such a motion.

Senator Donie Cassidy: Senators may not interrupt the Leader when he is addressing the House.

An Cathaoirleach: Allow the Leader, without interruption, please.

Senator Donie Cassidy: Fianna Fáil's commitment to the undocumented Irish is unparalleled.

Senator Alan Kelly: That is a joke.

Senator Jerry Buttimer: Fianna Fáil is all bluster and no delivery.

An Cathaoirleach: Allow the Leader to continue without interruption, please.

Senator Donie Cassidy: In each of the past few years my party has brought home 45,000 or 50,000 emigrants, whereas the Opposition sent people away every year when it was in office.

Senator Pearse Doherty: Some of them cannot return.

Senator Jerry Buttimer: The Leader would have them voting if he could.

An Cathaoirleach: Allow the Leader to speak on the Order of Business.

Senator Donie Cassidy: Deputy Buttimer knows what will happen to him if Dino finds out he is not behaving. During his visit to America, the Taoiseach stated: "The relationship between Ireland and the United States is as strong and as close as it is rooted and proud. It has often been described as unique".

Senator Frances Fitzgerald: That is hardly the point.

Senator John Paul Phelan: The Leader is not addressing the point.

Senator Donie Cassidy: He continued:

In a world of change, where little remains constant, I believe that the United States and Ireland will always enjoy an indelible bond, shaped by the legacy of countless immigrants, who built and cherished our new home but who never forgot the land of their ancestors. In a world of change where little remains constant I believe the United States and Ireland will always enjoy an indelible bond shaped by the legacy of countless emigrants who built and cherished their new homes but who never forgot the land of their ancestors.

Senator Frances Fitzgerald: That is not what he said.

Senator Jerry Buttimer: It sounds like dancing at the crossroads.

Senator Donie Cassidy: The Taoiseach indicated that he and President Bush had recently had an opportunity to discuss the difficulty of the undocumented Irish. He stated they would assist those aged 17 to 35 years in a manner that would enable them to engage in a cultural exchange which could be renewed once. While all Senators want to alleviate the plight of the undocumented and do the right thing, we must realise that there are hundreds of different nationalities in the United States. Thankfully, Ireland is beginning to experience a similar development, which must be managed.

I have asked the Taoiseach to address the House to celebrate the tenth anniversary of the

Good Friday Agreement. On that occasion, I will ask him to make a brief statement on the possible misquotations which have appeared in some newspapers.

Senator Frances Fitzgerald: What did he mean?

Senator Pearse Doherty: He was not misquoted.

Senator Donie Cassidy: I have known Niall O'Dowd for 35 years and wish to record the appreciation of the House for all he has done on behalf of the Irish in America during that period.

Senator Paul Coghlan: Hear, hear.

Senator Donie Cassidy: Senators are willing, ready and able to do anything in our power to assist the undocumented Irish in America.

Unfortunately, I cannot accept the amendment because it is of the utmost importance that the Minister for Foreign Affairs, Deputy Dermot Ahern, would be present to make a contribution. However, if Senators are agreeable I will arrange to hold a three hour debate in the first sitting week after the Easter recess to allow them to express their views on the issue in a meaningful way. The party leaders did not give me notice, as is their prerogative, that an amendment would be tabled to the motion. I consult them fully each week to secure co-operation in the House and ensure proceedings are managed in the best possible manner under the stewardship of the Cathaoirleach.

Senators Bacik and Keaveney expressed grave concerns about alcohol. Senator Bacik was also concerned that alcohol advertising features on the shirts of sports teams worn by young boys and girls. I am pleased to note this practice is no longer permitted by law in another country. Perhaps the Government will examine this development and follow suit. Various Senators, including Senators Harris and Keaveney, raised the St. Patrick's weekend incidents involving a young pianist in Dublin and those unfortunate people in Finglas. Senator Fitzgerald also pointed out the activities and behaviour of young people over the weekend. It was no joy and no fun; it was a disgrace. We want to stamp it out.

I compliment the Garda Síochána on its work over the weekend. At every parade I attended, the Garda received many compliments. At the Mullingar parade, the person on the reviewing stand who received the best reception was the local Garda superintendent. He is very involved in a local sporting organisation, training 44 boys every Saturday and Sunday. That is the community Garda Síochána with which we all grew up and which we all know and love. We welcome its return.

Senators Boyle and Carty expressed their serious concerns about matters raised on last

night's documentary on RTE concerning rental accommodation. I compliment RTE on the documentary. Senator Carty asked me to pass on to the Minister of State, Deputy Batt O'Keeffe, the serious concern of the House concerning local authorities working hand in hand with agencies in allocating money for such deplorable living conditions. They are not living conditions but survival conditions of the lowest form. It was appalling to watch what living conditions human beings must endure in 2008, especially in the highlighted case of the husband, wife and children. It is difficult to believe.

It is only through the good national broadcasting channel that RTE is from time to time—

(Interruptions).

Senator Donie Cassidy: When it works in a positive way, we see how meaningful it can make its contribution so that we in the House can endeavour to enhance the good work it brings to our attention.

Senators Mullen, Leyden and Carty also raised the matter of a recent Council of Europe report and the abortion issue. I will pass on their views to the Minister. On our return on Tuesday, 8 April, the President of the European Parliament will attend the House at 10.30 a.m. I look forward to his visit which will provide us with an opportunity to discuss the issues surrounding the forthcoming referendum.

I will pass on to the Minister the views of Senators Harris and Prendergast on water charges. I take Senator Harris's point in trying to keep debates in the House at a national level. However, all politics is local.

Senator Nicky McFadden: Did Senator Harris hear that?

(Interruptions).

An Cathaoirleach: The Leader without interruption.

Senator Donie Cassidy: Senator McFadden inquired about the Mullingar-Athlone rail link. I will come back to the Senator on that matter. She should know the county council did not make an application for the gateway innovation fund, which is a negative development. I am sure all invited to that important meeting will keep us briefed.

Senator Nicky McFadden: The Leader should speak to his constituency colleague.

Senator Paul Coghlan: That would be Mammy.

Senator Cecilia Keaveney: Some were watching "The Late Late Show".

Senator Donie Cassidy: Senator Butler called for a debate with the Minister for the Environment, Heritage and Local Government on the challenges facing the construction industry. I can have this take place at the earliest possible date after the Easter recess.

Senator O'Reilly spoke about the cost of consultants and wastage. I will pass his views on to the Minister. However, his former Taoiseach, Garret FitzGerald, started much of the recruiting of consultants in his time.

Senator Jerry Buttimer: What will Mr. Joe Lennon cost?

Senator Donie Cassidy: Senator Buttimer was going to national school at the time.

(Interruptions).

An Cathaoirleach: The Leader on the Order of Business.

Senator Jerry Buttimer: Yes, and in short pants.

Senator Donie Cassidy: Senators Ross, Harris and Alex White called for a debate on the financial markets challenge facing the world, especially the West. I appreciate the father of the House bringing this to the attention of Senators. This is a serious challenge which will last for some time. Many individuals in Ireland who have created much employment, and particularly those in the financial services and pension funds area, will feel the pinch from the events being discussed.

The major downturn in the stock exchange of more than 40% does not happen overnight and is unprecedented.

Senator Feargal Quinn: It certainly is.

Senator Donie Cassidy: In my lifetime it is unprecedented anyway. I understand the Minister for Finance is out of the country but when possible I will ask him for an urgent debate and to update the House at the very earliest opportunity. If the Minister was in the country now I would endeavour for such a debate to take place tomorrow. It is of the utmost importance that we hear from the Minister himself on this issue and I know he will be only too willing to come to address the House on the matter.

Senator Mary White called for a debate on the Government's report on Irish prisoners abroad, particularly the concerns in this area. My colleague, neighbour and friend, Mr. Chris Flood, was chosen by the Minister for Foreign Affairs, Deputy Dermot Ahern, to bring this report to the attention of the House. I have no difficulty in allowing time for this debate in the House and I thank Senator White for bringing it to our atten-

[Senator Donie Cassidy.]

tion. The Senator quoted some strong views of Bishop Hegarty.

Senators Hannigan and Jim Walsh called for a debate to update the broadband position. Those Senators who are members of the committee responsible for enterprise, trade and small business have a serious duty to bring this before that committee, highlighting it and having it debated. They should bring ComReg before the committee urgently to discuss the matter.

As Senator Hannigan's colleague, Deputy Penrose, is the chairman, perhaps the Senator could use his good influence to have the Deputy prioritise this very serious issue, which particularly affects the rural parts of our constituency of Meath West. People want an equal opportunity

and it is not just the folk in the city who will have an opportunity for employment. Rural Ireland urgently needs quality broadband.

Senator Alan Kelly: The Senator is talking about satellite space.

Senator Donie Cassidy: The Deputy is pushing an open door on the matter.

An Cathaoirleach: Senator Frances Fitzgerald has moved an amendment to the Order of Business: "That No. 17 be taken with debate today." Is the amendment being pressed?

Senator Frances Fitzgerald: Yes.

Amendment put.

The Seanad divided: Tá, 20; Níl, 24.

Tá

Bacik, Ivana.
Bradford, Paul.
Buttimer, Jerry.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Doherty, Pearse.
Donohoe, Paschal.
Fitzgerald, Frances.
Hannigan, Dominic.

Kelly, Alan.
McFadden, Nicky.
Mullen, Rónán.
O'Reilly, Joe.
Phelan, John Paul.
Prendergast, Phil.
Quinn, Feargal.
Ross, Shane.
Ryan, Brendan.
White, Alex.

Níl

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callanan, Peter.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Ellis, John.
Hanafin, John.
Harris, Eoghan.
Keaveney, Cecilia.

Leyden, Terry.
MacSharry, Marc.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Jerry Buttimer and Maurice Cummins; Níl, Senators Dan Boyle and Diarmuid Wilson.

Amendment declared lost.

An Cathaoirleach: Due to the inadvertent casting of a vote, the result of the division has, with the agreement of the tellers on both sides, been amended.

Senator Maurice Cummins: On a point of order, would it be possible for the House to revert to the practice of ordering the time for debates? What will be the position if the debates on the Motor Vehicles (Duties and Licences) Bill and the Passports Bill are not concluded by 5.30 p.m.? We should revert to the arrangements that obtained during the lifetime of the previous Seanad. It would be better for everyone involved

if definite times for the conclusion of debates were provided. The previous arrangements to which I refer were put in place to facilitate Ministers and Members and we should revert to them.

An Cathaoirleach: Senator Cummins and nine other Members did not have an opportunity to contribute on the Order of Business. I apologise for that.

Senator Donie Cassidy: I thank Senator Cummins for raising this matter. If we do not, as a result of the Order of Business taking so long, complete our deliberations on Nos. 1 and 2 before 5.30 p.m., we will resume those deliberations at 7.30 p.m., following Private Members'

business, and continue with them until a conclusion is reached.

Order of Business agreed to.

Undocumented Irish: Motion.

Senator Donie Cassidy: I move:

“That Seanad Éireann:

- recognises the priority the United States must give to securing its borders;
- recognises in particular the difficult plight of undocumented Irish people who have made their homes and careers in the USA, like many generations before them, but are living in fear of losing their new livelihoods, with no opportunity to visit their siblings or parents in Ireland for family celebrations or indeed the bereavement of loved ones;
- appreciates the support given by the US President and many members of Congress in their efforts to address the predicament of the undocumented Irish, a group that are making a valuable contribution to the economic and social life of the United States; and
- calls for the renewed support of Senators and Congressmen to ensure a resolution of the current plight in which the undocumented Irish find themselves.”

Question put and agreed to.

Motor Vehicle (Duties and Licences) Bill 2008: Second Stage.

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

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The purpose of the Bill is twofold: first, to provide a permanent legislative basis for the motor tax increases which were approved by Dáil Éireann by way of Financial Resolution on budget day, 5 December 2007, and second, to give statutory effect to the new carbon dioxide-based motor tax system which I announced in my carbon budget of 6 December 2007. The Bill contains seven sections and one Schedule, with the details of both the increased motor tax charges and the CO₂-based system set out in the Schedule.

I will deal first with the increases in motor tax. The Bill is the necessary follow-up to the Financial Resolution passed by Dáil Éireann on 5 December 2007. The resolution has limited statutory effect and must be replaced by a Bill that provides a permanent legal basis for the motor tax increases, which came into effect on 1

February 2008. The increases are 9.5% for cars with a capacity of less than 2.5 litres and 11% for cars above that threshold. There was no increase for electric vehicles, but the motor tax on goods vehicles and all other vehicles also increased by 9.5%. A similar increase also applied to duties for trade plate licences, the registration plates used by motor traders on vehicles which are temporarily in their possession.

In considering the 9.5% increase for the bulk of the existing fleet, it is important to reflect on the fact that since the last increase in motor tax rates in 2004, inflation has increased by more than 15%. To give some perspective for the recent increases, the annual rate increase for the car of lowest engine size — up to 1000 cc — is €14, or 27 cent a week. For cars in the 1001 cc to 1400 cc range, the annual increase is between €22 and €28, or 42 cent and 54 cent a week. For cars in the 1401 cc to 1700 cc range, the annual increase is between €30 and €39, representing a weekly increase of between 58 cent and 75 cent. In summary, 95% of the car fleet — that is, cars with an engine size of less than 2 litres — will see extra costs of between 27 cent and 98 cent per week. In the case of goods vehicles, 87% of such vehicles will see an annual increase of €24, or 46 cent per week.

The clear purpose of the changes in motor tax rates is to increase funding for local government. Senators will be aware that the proceeds of motor tax are not paid into the Exchequer but are paid directly into the local government fund. This fund, which was introduced in 1999, is ring-fenced exclusively for local government purposes. It cannot be used for any other purpose. Motor tax receipts are supplemented on an annual basis by an Exchequer contribution paid into the fund. For 2008, motor tax receipts are projected to reach €1,080 million, with the Exchequer providing €545 million, giving total funding of some €1.6 billion. This represents approximately 30% of local authority current funding requirements. The fund is used primarily to finance regional and local roads and the general purpose needs of local authorities. The success of the local government fund can be measured by the ability of local government to respond to the ever-increasing demands for improved services in recent years. These demands have arisen due to an expanding population, unprecedented economic growth and higher customer expectations. The ability of the fund to deliver significant resources to local authorities has succeeded in limiting the direct financial contribution required of local businesses and communities through rates and charges.

The fund plays a key role in financing the improvement and maintenance of regional and local roads throughout the country. Regional and local roads serve an important economic role in the Irish context and they have a valuable contribution to make in delivering the vision of the national spatial strategy for sustainable, balanced development of our country. A total of 94% of

[Deputy John Gormley.]

the country's roads are regional or local, and these carry about 60% of all road traffic and 40% of goods traffic. These roads are often the sole means of access for local economic activity. The National Development Plan 2007-2013 provides that some €4.3 billion will be invested by the local government fund and the Exchequer in the regional and local road network over the period of the plan. While responsibility for regional and local roads was transferred to the Department of Transport with effect from 1 January 2008, the fund will continue to provide significant resources towards the development and maintenance of the network. This year alone, €565 million has been provided from the fund for these roads. Together with the Exchequer provision, the total funding for regional and local roads in 2008 is €618 million.

For 2008, I have allocated record levels of some €999 million in general purpose grants to local authorities from the fund. These grants are my Department's contribution to local authorities to reduce the gap between the cost of providing an acceptable level of day-to-day services and the income they obtain from other sources. The amount provided this year represents an increase of some €52 million over the record levels provided in 2007 and is a clear signal of the Government's commitment to the local government sector and a recognition of the importance it attaches to local democracy. I wish to ensure that local government continues to deliver for communities and businesses across its wide range of services. The additional income that will accrue to the local government fund due to the changes in motor tax rates will assist in delivering on that objective.

The second element of the Bill is to provide for the new motor tax system based on CO₂ emission levels, which I announced in my carbon budget of 6 December 2007. This involves a fundamental change in the manner in which motor tax will be charged. The Bill gives effect to the commitment in the programme for Government to introduce measures to rebalance motor tax in favour of cars with lower CO₂ emissions. It complements the new CO₂-based VRT system that was given statutory effect under the Finance Bill, which was enacted last week. The move to a CO₂-based motor tax system is clear evidence of the Government's commitment to tackling climate change. Climate change is a profound challenge, and if we are to avoid the worst impact it is imperative that we reduce human-induced emissions of greenhouse gases and that we do so quickly. The Government has set itself the challenging target of reducing national greenhouse gas emissions by 3% on average over its lifetime. This target is ambitious, but it is in line with the scale of emission reductions recommended by the Inter-governmental Panel on Climate Change.

As we work towards meeting our existing targets and seek to rise to the challenge presented

by our proposed EU targets for 2020, our efforts to secure global agreement on deep cuts in emissions must be backed by a commensurate level of ambition at home. The programme for Government and the carbon budget I delivered last December make it clear that we are up for the challenge. Following a review in 2007 of its strategy to reduce CO₂ emissions from new cars, the European Commission concluded that limited progress had been made towards the central goal of limiting average vehicle emissions of new cars sold in the EU to 120 g/km by 2012. The Commission subsequently announced the framework of a new strategy that sets out an integrated approach towards achieving this overall objective.

Road transport generates about one fifth of the EU's CO₂ emissions, with passenger cars responsible for around 12%. Although recent years have seen improvements in vehicle technology, especially in fuel efficiency, which translates into lower CO₂ emissions, this has not been enough to stem the growth in emissions due mainly to increased car ownership and increased car size. While the EU reduced overall emissions of greenhouse gases by 5% between 1990 and 2004, CO₂ emissions from road transport rose by 26%. This was despite a reduction of more than 12% in average new car CO₂ emissions between 1995 and 2004. A recent report by the European Environment Agency highlighted the challenge posed by these trends and concluded that much more needs to be done within EU member states if transport is to contribute to the demanding emission reductions required by the EU for 2020.

In Ireland, emissions from road transport increased by more than 180% between 1990 and 2006. This reflects growth from relatively low car ownership levels in 1990, a trend that seems set to continue. The Government is acutely conscious that more measures are required to stem this trend and these proposals on motor tax are just the beginning. A range of further measures have been proposed by the Minister for Transport in his recently published consultation document on sustainable travel and transport.

It is in this context that I am moving to a motor tax regime where the charge will be based on CO₂ emissions. As I said, this will complement the new CO₂-based VRT system which is provided for in the recent Finance Act. Both new tax systems have been informed by an extensive public consultation process. The initial consultation document on motor tax proposed a system based on a combination of CO₂ emissions and engine size. However, I am of the view that, if we are serious about addressing emissions from cars, we need to move to a system based solely on CO₂ emission levels. I am pleased to say that this view was shared by a large number of respondents to the public consultation exercise.

Senators will be aware that the new CO₂-based motor tax system occupied much of the debate in the other House. In particular, issues were raised about the starting date for the new system and

the impact of the new regime on the domestic second-hand car market. In response, I brought forward amendments on Committee Stage that sought to ensure greater equity in the operation of the new regime. As a consequence of these amendments, the following is the position in terms of the application of the new system.

The new CO₂-based motor tax system will take effect from 1 July 2008. In the first instance, it will apply to new cars that are registered on or after 1 July 2008. It will not apply to second-hand imports that were registered abroad prior to 2008. In addition, anyone who registers a low CO₂ emitting new car in the first six months of 2008 will be switched to the lower CO₂-based motor tax rate on first renewal of motor tax after 1 July 2008. Finally, cars that are first registered abroad from 2008 and subsequently imported to this country will come within the CO₂-based motor tax system. This will ensure equity between cars that are registered here as new from 2008 and future imports of equivalent second-hand cars. I should make it clear that cars registered before 2008 will continue to be taxed in future years under the existing motor tax system related to engine size.

There will be seven CO₂ bands, commonly referred to as the seven white labels, A to G. The same bands will apply in respect of VRT, so there will be commonality of approach between the motor tax and VRT systems.

The motor tax rates are set out in paragraph 6(d) of the Schedule to the Bill and are graduated as one moves up through the CO₂ bands. For the lowest band, A, which corresponds to CO₂ emissions not exceeding 120g per kilometre, the motor tax rate will be €100. The top band, G, will attract a rate of €2,000. This reflects CO₂ emissions of more than 225g per kilometre. The top rate of €2,000 will also apply to a car when its CO₂ emissions level cannot be confirmed by the Revenue Commissioners by reference to the relevant EC type approval certificate or EC certificate of conformity and the Revenue Commissioners are not otherwise satisfied by reference to any other document produced in support of the declaration for registration pursuant to section 131 of the Finance Act 1992. This parallels the approach which will apply in the case of determination of the VRT rate for a car. The clear objective of the new motor tax system is to influence the purchasing decisions of consumers. Purchasers of cars with low CO₂ emissions will be rewarded while a premium will be charged on vehicles with high CO₂ emissions.

Every year, more than 150,000 Irish people decide to buy a brand new car. It is a decision that is not made lightly. Considerations like affordability, functionality, economy, safety, performance and even colour have traditionally come into play for people when deciding on the car that best suits their needs. From now on, when people decide on what car to buy, they will add a new factor. They will think carbon, so to

speak. With the new taxation system for cars, this decision to think carbon can save them thousands of euro.

A key part of both the motor tax and VRT initiatives will be a new mandatory labelling system for cars based on CO₂ emission levels. Requirements relating to the display of information on a car's fuel economy and CO₂ emissions were introduced in 2001 on foot of an EU directive. All new passenger cars offered for sale or lease in Ireland must, therefore, already be accompanied by a fuel economy label that displays information on the vehicle's fuel consumption and its carbon dioxide emissions. Experience has shown that the existing labelling requirements are not sufficiently consumer-friendly and that an improved design would be beneficial to car buyers. The new label will include consumer-friendly information on a vehicle's CO₂ emissions and fuel efficiency. The label will be similar to the energy rating label that already exists for many consumer electrical goods and is already familiar to consumers. I am preparing separate legislation to give effect to these proposals. The new labelling regime will be accompanied by an active public information campaign which will promote the purchase of fuel-efficient cars.

Senators will be aware of the importance of motor tax to the funding of local authorities. As I said at the outset, motor tax receipts are paid directly into the local government fund which is ring-fenced exclusively for local government purposes. There has not been an increase in motor tax rates since 2004 and the rate of inflation in the intervening period was more than 15%. The 9.5% increase for the majority of vehicles is well below this figure.

The fundamental changes that are contained in this Bill, in terms of moving to a CO₂-based motor tax regime, are designed to achieve financial neutrality in the context of income to the fund. We are clearly breaking new ground with the overriding objective of progressively reducing CO₂ emissions from cars. As we move forward, there will be a need to keep the new arrangements under review to ensure the environmental objective is delivered while at the same time protecting this important source of funding for local authorities. I thank Senators for their attention and look forward to a constructive and informed discussion on the Bill.

Senator Paudie Coffey: I welcome the Minister and have previously said that his attendance in the House is appreciated. There are two core elements to this Bill and the Minister outlined them in his contribution. There is an element of motor tax that relates to the raising of revenue and the ring-fencing of local government funds. This is part of a wider debate on the funding of local government and general local government reform that could be held another time. The other core element of the Bill relates to the CO₂

[Senator Paudie Coffey.]

emissions-based motor tax system that is to be introduced.

I believe that talking about these two elements of the Bill brings about a conflict in thinking. In one respect we are trying to promote lower CO₂ emissions but in another respect this is an important revenue raising exercise for local government. That conflict will need to be resolved. I accept that is the system we operate and that local government funding in general will have to be reviewed in the future.

With regard to the Minister's proposals, on which he has been questioned in the Lower House, do they go far enough to reward those who are thinking green and taking action to lessen their car usage and CO₂ emissions? People are genuinely making an effort to reduce carbon emissions. As the Minister has outlined there is a huge dependency on the car. While the general thrust of the Bill will, I hope, raise awareness of the amount of CO₂ emissions being produced here I hope it will reduce it. The Minister outlined the challenges.

I wish to point to some figures produced by the motoring industry. The motorist in Ireland today is probably one of the most taxed. There is a dependency on the car not by choice but as a result of Government policy or, perhaps, Government inaction over a number of decades. I live in County Waterford. Waterford city is the capital of the south east region. The public transport networks that link the regions with Dublin are still poor. I am sure the Minister will agree with that because he is making proposals within Cabinet. In the rural hinterland, in the villages and towns, there is limited connectivity with regard to public transport. To get to work or college, people are dependent on the car. This has huge implications.

The Government's take from the motorist for 2006 — I am sure it has increased since then — for motor related taxes was in excess of €5.5 billion, an 8.6% increase over 2005. The VRT on cars in 2006 was €1.25 billion, an increase of 12% on 2005. The total Government revenue from fuels in 2006 was in excess of €2.5 billion, which has increased substantially in recent years. The VAT take on fuels increased in 2006 to €496 million, a 12.2% increase on the 2005 take. Motor tax in 2006 was more than €879 million, a 9.6% increase on 2005. The Minister will get the record for breaking the €1.8 billion ceiling in his proposals for 2008. He has gone through the roof of €1 billion in collecting motor tax on the backs of Irish motorists, that is, from people who need a car. It is not that they are going there for the fun of it or to joy-ride. They need their cars on a daily basis to go to work, school or college. I am not sure if the Minister is proud of that record. Local government needs the funding but there are other ways of collecting the revenue. The sum of €1.08 billion in 2008 appears excessive.

The Minister is introducing two systems of car tax. Under the existing system cars will continue

to be taxed on the basis of engine size while under the new system there are seven CO₂ bands as in the proposed VRT system. Following a close examination, Fine Gael sees some problems with it. Amendments were tabled in the Dáil but were ruled out of order. The Labour Party also tabled some amendments. I appreciate that the Minister compromised a little with regard to them and took on board some of what we said.

There are problems with the new system. The increase of 9.5% in the current motor tax system for smaller engines is unjustified. These are small engine cars that are not contributing enormously to the CO₂ emission problems and the increase bears little relationship to the environment. It is a tax increase on the backs of people who are already behaving in an environmentally friendly fashion. It is estimated this tax increase will raise an additional €83 million, hitting every household and every family in the country, due to the dependency levels.

If the Minister was sincere about encouraging greener cars he would freeze the tax rate on smaller cars. That proposal was made to him and it would not cost the Exchequer a huge amount. It would reward people for having smaller engines and thinking greener. It reminds me of the very welcome greener homes scheme, introduced for heating homes, where the pioneers of renewable energy in their homes were penalised for introducing renewable technology into their homes before the greener homes scheme was introduced. No retrospective grants were made available. These were the people who invested in renewable technology, who were thinking greener and were penalised. Those who then availed of the scheme received grant aid for their homes. This is a similar situation where those who have been thinking green should be rewarded.

The new CO₂ based motor tax regime does little to address Ireland's greenhouse gas emissions. The Government's national climate change strategy 2007-2012 predicts that the rebalancing of motor taxes and fuel economy labelling will only save 50,000 tonnes of CO₂ emissions per year. The increase in emissions in the transport sector from 2005 to 2006 was 682,000 tonnes. This increase in one year is almost 14 times greater than what will be saved over the years from the new CO₂ motor tax system. It is clear there are wider problems in tackling the CO₂ emissions. The CO₂ based system will only apply to new cars after 1 January 2008. In respect of any imported car, after that date, people who have already taken the initiative and bought low emission cars will never see a reward for their good environmental behaviour.

In 2006 and 2007, people were thinking greener and they will not be rewarded. They paid higher VRT when purchasing their cars, compared to a similar type car bought in 2008. They will have a higher ongoing car tax liability because they were registered pre-2008. They will also have an ongoing liability in regard to their resale values.

Those who have a 2007 car, which I would consider relatively new, with the same CO₂ emissions as a car bought in 2008 will be penalised again. The Minister admitted in the Lower House that he has a data base going back to 2004 on which he could rely. I ask him to reconsider that issue and provide for retrospective car tax for those people who bought with good intentions because they have been penalised unfairly.

There are financial implications in regard to motor tax. It is proposed to raise a further €83 million for local government funds. There is a wider debate here to be visited again. There is a conflict in that we are either trying to raise revenue or trying to cut CO₂ emissions. If the Government gets its act together by providing a good public transport system and car usage rates go down, where does that leave Government funds? Have we thought this issue through? If dependency levels are reduced, the amount of revenue raised will be reduced in real terms for local authorities. Therefore, there is a downside.

The Minister mentioned broad figures for emissions, a 180% increase, in the transport sector since 1990. Some 20% of our total emissions are produced by the transport sector. I call on the Minister to ensure connectivity for school transport and connectivity between villages and towns into the larger cities for public transport. The roll out of Transport 21 needs to be completed.

A large rural based population is dependent on the car. Essentially their day to day living is dependent on it, whether it be the school run or getting to and from work or the shops. The car is essential in rural areas. This will hit rural families to a greater extent where there is no public transport system than those in the city.

The CO₂ emissions element of the Bill will raise people's awareness and make them think when they purchase new cars. People should now look at their lifestyle and buy a car to suit their lifestyle rather than the lifestyle of someone else, as we see with the SUVs on the school run. This must be tackled and I applaud the Minister's effort.

Is it possible to impose the new tax system retrospectively to 2004? The people who bought between 2005 and 2007 will suffer.

Senator Martin Brady: I am delighted to have the opportunity to speak on the Motor Vehicle (Duties and Licences) Bill. I congratulate the Minister for the Environment, Heritage and Local Government, Deputy Gormley, on the initiative he took to change the VRT regulations for greener and more fuel efficient cars.

I always seem to agree with Senator Coffey and I agree with his point on the lack of public transport. I witnessed this yesterday when I saw two parents spend the whole day driving children to St. Patrick's Day celebrations and bringing them to football matches. It brought home the necessity of having a car in a rural area. There are no bus services from town to town.

I met another man and I will give Members a flavour of what people think. He told me that people are shagged altogether, so to speak, because they cannot have a smoke in a pub, they cannot get a bus or a taxi and if they get a hackney to go five miles they have to go 25 miles and are brought all over the world. They have no option but to walk everywhere. It is a fair point.

We must be conscious not to penalise motorists for playing their part in society in respect of climate change. Motorists feel they are penalised. We should justly reward them because a car is a necessity in many parts of the country, not a luxury. In cities such as Dublin, Limerick and Cork one can get a taxi in five minutes or a bus every ten minutes. We must be conscious that this is a different ball game.

The Minister's initiative will, over time, bring about a considerable change in the public attitude toward energy efficient motoring and will have an impact on a much larger scale. The Minister's intention is to influence the future buying habits of Irish motorists. All cars registered after 1 July will be taxed under the new regime. As Senator Coffey mentioned, an individual who bought a fuel efficient car before now or who buys one between now and 1 July will still be taxed under the old system. Effectively, we will penalise those who cared for the environment before the Government decided to reward people for it, a point adequately made.

In contrast, I received information from the Society of the Irish Motor Industry, SIMI, that someone who imports a used car from England and registers it after 1 July will be taxed under the new system. This means that the same make, model and year of car will be taxed at two separate rates depending on whether it was originally bought in Ireland or imported from England and registered in Ireland after 1 July 2008. For example, an individual who purchased a new Volkswagen Golf diesel car in Ireland in 2006 will pay annual road tax of €560. However, someone who imports the same car from England after 1 July will pay only €150 per annum.

Unfortunately, the people who will be penalised under this anomaly will be those Irish motorists who cared enough for the environment to buy a lower emissions car before the introduction of this new standard. Regarding the measurements of emissions, with which I am not very familiar, are we dependent on information given to us by motor manufacturers or do we have a way of measuring emissions ourselves? The understanding from the industry is that not all the measurements are accurate as there are different ways of testing emission levels. This is an area that could be examined.

While I recognise the intentions behind the Minister's proposals and commend him on taking this initiative, I hope he will consider the impact this anomaly will have on both environmentally responsible motorists and on the motor industry. The most efficient way to overcome this anomaly

[Senator Martin Brady.]

would be to allow cars to be taxed at the new environmental rates on renewal provided these rates are lower than the current rates and that the CO₂ data were recorded by the State at the time of registration. A recent study undertaken on behalf of the SIMI has shown the cost of making this change would come to €26.8 million. However, the study also showed that a decline of 1.5% in new car sales this year as a result of this anomaly could cost the Exchequer €27.8 million in lost VRT and VAT. These figures show the cost of implementing this proposal. We must rectify the loophole.

The Minister has proposed a 9.5% increase for cars below 2.3 litre engine size and 11% for cars with an average size above this threshold. When communities see the benefit of the revenue generated by the local government fund, most reasonable people will understand it is worth paying the extra money. Recently, the Minister for Transport announced the regional and local roads programme for 2008, setting out an overall expenditure of €618 million. Funding for this will come from the local government fund. Motor tax proceeds in 2008 are anticipated to be €1.08 billion, a significant figure which will directly finance improvements to local government services and investment in roads.

There has been some criticism of the Minister's decision to apply the new motor taxation system to new and pre-owned imported cars registered on 1 July 2008 linking VRT to CO₂ emissions from that date and the potential impact on motor vehicle sales in 2008. We may well see a reduction in sales in the first half of the year compared with last year, but it is to be hoped that the second half of the year will compensate for this. There is a fear that some people will hold off on buying a new car until 2009, but when a fundamental change such as this is introduced, some anomalies will always be created which will be washed out through the system over a period.

The important thing is that we subscribe to the principle of what the Minister, Deputy Gormley, is seeking to achieve, namely, that as a country we play a leading role in tackling climate change, especially by linking motor taxation and VRT to carbon emissions rather than engine size. From 1 July motor tax for the most efficient new cars registered will start at €100, while under the current system the lowest motor tax rate is €165. There is a direct incentive for people who want to act responsibly and play their parts in tackling climate change. By buying a vehicle that is carbon efficient, people will earn a direct financial benefit.

I also welcome the new labelling system being introduced from 1 July. It is particularly important that consumer-friendly information is available and is presented in a uniform and consistent manner to enable people to make conscious and informed decisions on the implications of this Bill for their buying patterns.

I refer to a number of side issues that have come to my notice. I have come across many used cars lying dormant from two years to ten years. I see them in driveways. People ask the owners about them and the owners pay approximately €150 to have the cars taken away. These cars are sold again and there seems to be no proper tracking system. An example I raised previously is that of the Malahide Road on which I live and where it is advertised blatantly on exclusive signage that one can buy a used car for €49.95. This is from where the used cars come. We must examine this matter closely.

Parents buy small motorcycles for young children who drive them up and down footpaths. It is only a matter of time before someone is killed, as the motorcycles can do up to 30 mph. The situation with quad-bikes or quads is the same. When I was travelling through the country yesterday, I saw quads being driven on roads where there were no crash barriers or safety barriers and where there was a serious crash recently. It is only a matter of time before the situation gets out of hand because parents are buying quads as presents for children. The quads do not need tax or insurance. When I inquired of the Garda, it was unsure as to whether anything was required. Children of ten or 12 years of age can get up on the quads and do 40 mph.

Senator Dominic Hannigan: They are dangerous. Ask Ozzie Osbourne.

Senator Martin Brady: For the sake of the children, we should examine this issue to avoid fatalities.

Senator Dominic Hannigan: I welcome the Minister for the Environment, Heritage and Local Government to the House. This Bill has been on quite a journey since it first saw the light of day several months ago. The core issue is that vehicles should be taxed based on their emissions, a measure we all welcome. All sides of the House would agree that tackling emissions is vital if we are interested in tackling climate change.

I heard of the proposal while doing some work in my mother-in-law's back garden when I got a telephone call from a journalist who asked for my comments. After listening to the details, I believe the Labour Party is in favour of the idea. I commend the Minister on his actions in this regard and I welcome his recent changes in respect of the legislation's D-Day, meaning it will come into effect in January rather than July.

I should declare a conflict of interest because I was one of those who went out in the past month and bought a more environmentally friendly car. I am looking forward to paying less tax the next time I renew it, assuming the Bill is passed.

Senator Dan Boyle: Tax avoidance.

Senator Dominic Hannigan: Some points raised by my colleagues in the Lower House during its discussion of the Bill must be addressed. For example and as mentioned by Senators Coffey and Brady, why will energy efficient cars bought one year or two years ago not be included in the legislation? We could address this matter. Why will gas guzzling vehicles bought prior to the change not be subject to increases in tax? I would like the Minister's advice on the status of cars bought outside our jurisdiction. Under current proposals, people on lower incomes — generally speaking, they buy second-hand vehicles — seem to be discriminated against by the Bill because only new cars are to be included. The House deserves an answer to all of these questions. In the Lower House, the Minister stated he would consider tabling a number of amendments in that regard on Committee Stage. Perhaps he will do so.

We welcome the legislation in general. As car emissions have a significant impact on global warming, anything that can reduce the level of emissions must be good news. As emissions continue to rise, so will their consequences, such as the frequency of storms. Last week saw one of the biggest storms of the year. I had the opportunity to view some of its damage when I went to the Laytown pitch and putt club, some of which had been washed away. When the tide came in, it left flotsam and jetsam on the course and took away some of the undersoil. This is just one example of the impact of climate change and I am sure there are others around the country.

Measures such as the Bill can contribute to lessening the impact of global warming, but concerns remain. Transport accounts for 21% of our emissions. As car ownership is holding at the European average, it and car usage can be expected to rise. The combination of both will mean more road journeys. The 21% of emissions from transport will continue to rise despite legislation such as this Bill. We need other measures to ensure people have the opportunity to leave their cars at home and we must put in place alternatives.

One area in which we could make a difference is school transport. Later tonight, the House will debate sustainable residential development. I had the opportunity to read the Minister's excellent document, which stated clearly that 55% of children go to school by car compared to 28% 15 years ago. An additional 100,000 children travel by car to and from school every morning and afternoon, respectively. We must try to reverse this trend by introducing measures such as walking buses and safer routes to school. The document handed out at the beginning of the Minister's contribution states that the impact of the Bill is expected to be revenue neutral. While there may not be additional funds to play with, I ask the Minister to use his office to promote expenditure by local authorities on such areas as walking buses and additional footpaths in the

vicinity of schools to tackle the percentage of children who are driven to school every day. Apart from the Bill, we can expect other measures to be put in place to deal with global warming. Walking buses, for example, could help to mitigate the effect of transport emissions.

The Bill is welcome, although rushed. There are a few holes in it. Will the Minister consider making amendments on Committee Stage to address the concerns I have expressed?

Senator Dan Boyle: I welcome the presentation of the Bill to the House and my colleague, the Minister for the Environment, Heritage and Local Government. The Bill is an important policy initiative that clearly shows the presence of the Green Party in government. Consequently, the welcome given by other Senators is to be acknowledged.

It is clear the previous system of motor tax was grossly inequitable and did not take into account environmental factors. The Bill is a method to address the imbalance and to overcome many of the anomalies that will occur, as of necessity, when a new system replaces an old one. The concept of retrospection is notoriously difficult in any legislation, particularly so in respect of taxation. A cut-off point must be applied at some time. The Minister responded to the debate in the Lower House by adjusting the cut-off point for cars bought from 1 January onwards, an important concession. If Senators are speaking of people who bought environmentally friendly vehicles before then in the full knowledge that no incentive existed and that, in doing so, they were assisting the environmental health of the country, then the concept of retrospection could be also applied to people who bought environmentally unfriendly vehicles knowingly in that they could be asked to pay more tax for the damage they caused. This might be an especially difficult suggestion for Fine Gael, which seems to have in its possession——

Senator John Paul Phelan: I do not know why.

Senator Paudie Coffey: The Senator's preconceptions are wrong.

Senator Dan Boyle: I am trying to be light-hearted.

Senator Paudie Coffey: The Senator should withdraw his remark.

Senator Dominic Hannigan: This is a serious issue.

Senator Dan Boyle: During last year's general election, Fine Gael seemed to have in its possession half of the sports utility vehicle, SUV, fleet in the country.

Senator Paudie Coffey: Has the Senator proof? I do not know why he is guffawing.

Senator John Paul Phelan: This is outrageous.

Senator Dan Boyle: In my constituency, there were at least 15 vehicles.

Senator Paudie Coffey: When the Green Party grows, it might have a few more SUVs.

Senator Dan Boyle: That was one constituency. If it is multiplied by 43 constituencies, we would know the total sum of the net effect on the environment.

Senator John Paul Phelan: Are most of Deputy Boyle's voters not SUV drivers?

Acting Chairman (Senator Paul Bradford): Senator Boyle without interruption.

Senator Dan Boyle: We have come a long way since the time when many public representatives thought a carbon footprint was a piece of copying paper stuck to a shoe. There is now a real debate on the nature of the environmental damage caused by the previous failed policies of all parties that have been in government and on the need to address those policies.

It is undoubtedly true that car ownership and usage in Ireland is high by international standards. By necessity, this is due to the poor state of public transport, a challenge for everyone in public life to address. It is also true that the cultural use of motor vehicles has crept up here in that we have adopted the modes of behaviour of the United States. This must be addressed in respect of what our taxation system measures and encourages people to do, or otherwise, in the area of transport.

Senator Hannigan has just mentioned a highly important statistic regarding the increase in the number of children who are brought to, and collected from, school every day by car. Those who are involved in door-to-door campaigning and who address the concerns of parents who feel obliged to take their children to school in this fashion come up with the ultimate conundrum. Although people want their children to walk or cycle to school, they are unable to do so because the roads are filled with those who take their children to school by car. While such contradictions exist in our society, the question of the proper and necessary use of the motor car should constitute an important national debate.

As for the proposed system that will be imposed, it has been mentioned that its cut-off points mean there are anomalies because of the manner in which cars will be identified by the motor manufacturers on their petrol use and because it will be done both on a revenue-neutral basis and on a fuel-neutral basis. Some cars can be and have been converted. In future, Members will be obliged to consider how to address such anomalies. However, other measures have been in place such as the 50% VRT exemption for

hybrid cars and the excise duty exemption for particular fuels. Those incentives have encouraged people to use such vehicles and many of the incentives in question will continue.

The issue of where we stand in respect of overall transport policy constitutes a major challenge for the Government and the political system. The national development plan is running ahead of schedule and ahead of budget in respect of its roads element but is running behind schedule in respect of its public transport elements. This discrepancy cannot be allowed to continue. We must bridge that gap and address the pre-existing imbalance between public transport and road-based alternatives. I hope the programme for Government has identified particular benchmarks as to when and how this could happen.

Another element of the Bill pertains to funding for local government. This Bill is revenue neutral in its structure. Although it will not allow additional resources to accrue to local authorities, it is structured in such a way that it will not lead to fewer resources being available. Whether it continues to be a significant part of local government funding is a matter for another debate that will follow after the impending publication of the Green Paper on local government. Members may be presented with another item of legislation that will address this anomaly.

I have heard the arguments regarding the claimed excessive taxation on motor vehicles and the money actually spent, for instance, on roads. This is a simple equation. Senator Coffey noted that €5.5 billion is collected in various taxes related to motor vehicles and one can establish how much is spent on the national roads and local roads programmes. However, one should factor everything into the cost of motoring for a society. I refer to the 360 road deaths per year and the associated costs to the health and emergency services, as well as the cultural cost of motoring. I revert to the statistics already noted by Senator Hannigan. As we are transporting our children around in this fashion and spending more time in cars, we have other problems regarding obesity and fewer opportunities in respect of exercise. When one makes an economic argument about the cost of a car to a society, one should take into account all these factors because they are not being judged at present.

Much of the Bill's contents were introduced owing to prior consultation with bodies such as the Society of the Irish Motor Industry. A consultation process that takes into account all the actors and the legislative process in both Houses of the Oireachtas will come up with the best possible Bill. However, the principle is important and I am glad it has been accepted because having moved on the idea of cars being taxed on the basis of their carbon content, one then can move on many other areas that will help to address the totality of climate change issues and greenhouse gases within society.

One must be aware, while depending on taxation of motor vehicles for local government funding, that the use of the motor car is not necessarily good for Ireland's overall economic health. All our cars are imported as none is manufactured here. The value added to Ireland's economy arising from the purchase of a car is limited. An ongoing and more wide-ranging debate is required on the value of motoring, how it is properly costed and how its tax returns measure to our society. This Bill constitutes an important beginning and I am thankful for the Minister's initiative and the Green Party's participation in Government for bringing it about.

Senator John Paul Phelan: I welcome the Minister's presence in the Chamber for this debate. I wish to make a few points and will be as brief as possible. I refer to Senator Boyle's comments in respect of the current motor taxation system and its grossly inequitable nature. However, on foot of the Minister's proposals, there will be two motor taxation systems. While an argument could be made that the new system must be phased in over time, we are not getting rid of our grossly inequitable system but are making an attempt to phase it out. However, it will remain with us for a number of years to come. Senator Boyle also stated that Ireland has a high ownership rate of cars. However, compared with our international neighbours, we do not have a particularly high rate. Irish car ownership levels are approximately average when compared with our European counterparts.

I wish to make some points that have not been made earlier. Previous speakers have noted that the transport sector contributes 21% to our CO₂ emissions. This is a highly significant amount, which has been growing rapidly in the past 15 years. A total of 97% of such transport emissions emanate from road transport and serious measures must be taken to tackle this issue. While I do not believe the introduction of the proposed new motor tax system will be the be all and end all in this regard, it is a step in the right direction. I agree that taxing cars based on their CO₂ emissions constitutes a progressive step and I support it.

However, I refer to the point made by previous speakers regarding the widespread lack of alternatives to car use. In rural Ireland, such as the part of County Kilkenny in which I live, those who wish to work or go to school, college or a hurling match depend on cars. During the Celtic tiger years, the Government placed insufficient emphasis on trying to provide realistic alternatives to car use nationwide. I read the programme for Government and did not find a reference in it to rail freight. Perhaps the Minister can enlighten me otherwise.

As someone who, by the nature of my job, spends much time in cars, as do all politicians, a particular bugbear of mine concerns the juggernauts one encounters on the roads. They do

untold damage to the road structure and block up and clog the country's arteries. However, this new Government, which has been in office for nearly a year, does not appear to have placed an emphasis on the importance of the significant role that rail freight could play in reducing the volume of freight transport on our road network. There has been an explosion in this regard in the past ten years and it has become uneconomic for many businesses to use the rail transport option. Were the Government serious about identifying an area in which some progress could be made, the issue of rail freight would appear obvious to me.

I urge the Minister, during his term of office, to make a serious attempt in this regard despite its apparent absence from the programme of Government. Approximately €60 million will be spent on carbon credits next year and the realisation has dawned on everyone that we must reduce our carbon emissions, regardless of their source.

I agree with previous speakers that the 9.5% increase in motor tax on engines smaller than 2.5 litres is not the most progressive of steps. People who make a genuine effort to purchase cars with smaller engines should be looked after in terms of the motor tax they pay. By all means increase the tax on people who drive gas guzzlers. I have no problem with retrospection in respect of those who drive 3 litre vehicles.

The Minister should have agreed to the request made by Opposition Members in the other House to backdate these measures to 2004, especially given the availability of records from that time. I understand an amendment was proposed which sought to backdate the measures to an earlier date.

Previous speakers have spoken about the anomaly with regard to the purchase in Britain and elsewhere of second-hand vehicles. Under the new regime, a car bought five years ago in Ireland will fall under a different motor tax system to one of a similar age bought second-hand in Northern Ireland. That is neither fair nor equitable.

This legislation seems to encourage people to purchase new cars. I do not know the carbon footprint of building a car but it seems to me that car production requires considerable amounts of energy. Rather than encouraging people to purchase new cars, perhaps we should ask them to re-use existing vehicles. That idea seems to have got lost in the debate but I may be wrong in terms of the carbon dioxide emissions from building cars. The Minister might enlighten me in that regard.

I welcome in principle that motor taxation will be based on the emissions made by a car. While that is a progressive step, it is a step in the wrong direction, however, to penalise those who drive cars with smaller engines rather than reward them for making a special effort to purchase vehicles which are friendlier towards the environment.

Senator Paul Bradford: I welcome the opportunity to speak on this legislation. I concur with other speakers in welcoming the legislation in so far as it attempts to be environmentally progressive. Like all legislation, however, it is not perfect.

I listened with interest to Senator Phelan's concluding remarks on the real impact of the Bill in terms of encouraging people to purchase new cars, which will be cheaper in the long term from a tax perspective. The Senator raised the interesting question of whether the concept of reuse, recycle and repair is being abandoned.

I presume the Minister will return to the House for the debate on planning and housing guidelines. It is interesting that his party is playing a role in Government on these key matters for the environment. He knows me well enough to be aware that I do not participate in political play acting. One of the stronger arguments made by Senator Boyle before the general election is that Green parties have been in government in almost every country in Europe and that the Irish Green Party could make a real impact if given a chance to govern here. He has been granted his wish of entering Government and I wish him well in that regard. However, the difference in environmental lifestyles has not been huge in other countries where Green parties have played a genuine and progressive role in government over the past 15 years and the progress on emissions has not been significant. Talk is one thing but real progress is another. Progress has been very slow on what the Minister wants to do in the areas of emissions from the motor industry and housing planning and construction.

If we want to console ourselves in regard to environmental damage, we should realise that we are a tiny blip on the scale of the world's problems and only a minor part of the solution. The big industrialised countries will have to produce the real results, so we should be realistic by calling our efforts "tokenism". Even if everyone in Ireland bought the newest, cleanest and greenest car or lived the most sustainable life possible, our global impact would be minimal. It would be the right thing for us to do but we must be realistic about the progress we can make.

There is consensus in the House that making the legislation retrospective would be welcome. I note Senator Boyle's comment that retrospective measures can work in both directions but the people who in previous years bought what they thought were the most environmentally friendly cars are now being penalised on the double because they will continue to pay a high rate of car tax and the value of their cars will be reduced when they sell them. The Minister might reconsider that issue.

The Bill makes no provision for cars fuelled by liquid petroleum gas, LPG, which is very low in emissions. In the 1970s, a significant minority of cars ran on LPG. I believe it is still possible to convert cars to LPG and several centres continue to sell this fuel. Is there any incentive on LPG? I

was in Britain last week, where I noted the high price of diesel and petrol and the exceptionally low price of LPG in garages. Possibly as an environmental incentive, LPG seems to be less than half the price of other fuels. The Minister might indicate whether we are doing anything through VRT, motor tax or fuel taxes to establish LPG as a viable fuel.

I wish the Minister well with this legislation, although I hope he pays heed to the suggestions made by the Opposition on making it fairer. It is a progressive Bill and I am not being a spoilsport when I say it will not change the world's carbon footprint to a significant degree. Our greatest role will be in setting an example and leading the campaign at the UN and elsewhere to persuade the real players to make the necessary changes to their industrial emissions, which is where the problem begins and ends. I thank the Minister for listening. He might try to respond to my inquiry about LPG fuel.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I thank all the Senators who contributed to this debate. As in the other House, the contributions were wide-ranging and this is appropriate having regard to the far-reaching functions of all local authorities and the fact the Bill introduces fundamental change to the basis on which motor tax will be charged in the future.

Increasing any tax is not a popular thing to do and the decision to increase motor tax rates for the existing fleet is not one that was taken lightly. The sole reason for increasing rates was to fund local government. The 9.5% increase for the majority of the fleet is well below the rate of inflation since the last increase in rates in 2004. The increases for 95% of the fleet range between 27 cent and 98 cent per week. Senators are aware of the significant role which the local government fund plays in financing local government and of the need to maintain this funding. Motor tax receipts represent some 60% of the local government fund, which is ring-fenced exclusively for local government.

The increase in motor tax rates is about local government. It is about providing sufficient resources to local authorities to enable them to provide quality public services to all of their customers. Failure to raise funding through increased motor tax rates would have resulted in significantly reduced allocations to local authorities in 2008 for both general purpose funding and for regional and local roads. Total funding for the local government fund for 2008 is estimated at €1.6 billion, which represents approximately 30% of local authority current funding requirements.

The motor tax increases have enabled me to provide for substantial increases in general purpose funding and in regional and local road grants to local authorities for 2008. This year I have allocated some €999 million in general purpose

grants while €565 million is being provided from the fund towards the development and maintenance of the regional and local road network.

Senators have referred to the importance of addressing climate change, which is profound in its implications. I have elaborated on this in some detail. To be fair to the Senators, I should address some of the other issues they raised. I want to clarify the position with regard to the scope of the new CO₂ system, which was raised by Senator Brady. The new CO₂-based motor tax system will take effect from 1 July 2008. In the first, instance, it will apply to new cars registered on or after that date. It will not apply to second-hand imports which were registered abroad prior to 2008, contrary to what has been said in the House today. In addition, anyone who registered a low CO₂-emitting car in the first six months of 2008 will be switched onto the lower CO₂-based motor tax rate on first renewal of motor tax after 1 July 2008.

Cars which are first registered abroad from 2008 and subsequently imported here will come within the CO₂-based motor tax system. This will ensure equity as between cars which are registered here as new from 2008 and future imports of equivalent second-hand cars. I should make it clear that cars registered before 2008 will continue to be taxed in future years under the existing motor tax system related to engine size. This will ensure equity as between cars in the existing fleet and equivalent imports. Some erroneous statements were made and the position needed to be clarified.

There have been some criticisms of the new CO₂-based system. A number of Senators said they would like to see it applied retrospectively to the existing car fleet. Having examined the issue, I have concluded that it would not be appropriate to do so. I made the position clear in the other House and perhaps should repeat the reasons here.

From the outset, the public consultation process on motor tax made it clear that the new CO₂-based system would apply from a specified date and that cars registered before that date would continue to be taxed in future years under the existing motor tax system related to engine size. Retrospection would not be practicable as there is no authenticated CO₂ data for the majority of the existing fleet. The CO₂ values on the Revenue and NVDF systems, in respect of new cars only, have not heretofore been used for any business purpose, have not been collected as the basis for a fiscal charge and, accordingly, have not been authenticated to any degree. It would be unsound to apply charges on the basis of such data.

If the new system were to be applied retrospectively, it would be unfair to penalise people for a purchasing decision made in the past. If there was an optional "opt in" to the new system, it would undermine the revenue base of local government, resulting in serious financial problems for local authorities throughout the country. As I said ear-

lier, I want to ensure that local government continues to deliver for communities and business throughout the country. To this end, the local government fund must have the resources necessary to meet those demands.

The clear objective of this new motor tax system is to influence the purchasing decisions of consumers. Purchasers of cars with low CO₂ emissions will be rewarded while a premium will be charged on vehicles with high CO₂ emissions.

Senator Tuffy referred to the national climate change strategy and the quantified effects of a range of measures in various sectors. A combined annual saving of 50,000 tonnes is attributed to the re-balancing of motor tax and vehicle registration tax and the introduction of an enhanced vehicle label. This saving is based on indicative calculations contained in a study prepared by Sustainable Energy Ireland and referenced in a report on greenhouse emission projections prepared for my Department in 2006. As it would not have been possible for the study to assess the impacts of the actual motor tax and VRT changes announced in budget 2008, it is necessary to update the estimate of the saving from these changes.

Factors which will be taken into account include the significant increase in car ownership in recent years, the average mileage of vehicles in Ireland, the rate of fleet renewal and the projected impact of the tax changes on purchasing patterns. I have already indicated that I will present updated figures where appropriate for relevant measures in the context of my annual report to the Oireachtas on the implementation of the national climate change strategy. I envisage that this report will be ready by the end of April.

I would also like to address some of the points made by Senator Bradford. I will have to come back to him on the question of LPG. On the question of Ireland's contribution, while its contribution of approximately 70,000 tonnes annually would seem to be small in the context of overall emissions globally, this argument is used by all countries. I attended a climate change conference in London last Friday. At 44 million tonnes, London's emissions are relatively small for a city of 12 million people but the United Kingdom's emissions are greater again. Nonetheless, the UK argues that its emissions amount to just 2% of global emissions. Every country can argue this point.

I recall the point made by Ghandi when asked by a mother what she could do about a child who kept eating sweets. He replied that the first thing he had to do was to give up sweets himself. Then he could talk to the child. That is an appropriate lesson in regard to climate change. We must all play our part — each state and each individual. This is why I am introducing the new awareness campaign. I have seen the advertisements and am very impressed with them. They will induce a sense of responsibility and make people understand that they can do something. It is so easy to

[Deputy John Gormley.]

go from denial to despair in one small leap. There is that area in between, where we can make people understand that they can do something.

Senator Bradford made a valid point. I have no doubt that even as we increase the environmental friendliness and energy efficiency of products consumption will go in only one direction. We have seen this with regard to the transport figures. We can now produce a so-called environmentally friendly car with lower emissions but households may have three of them instead of one. When we construct houses we have things in them that were unheard of previously. This point was made on Friday. Heated towel racks have become almost standard in homes. This is a product of affluence. We have all of these things which are add-ons and may enhance our quality of life to some degree but one can ask whether they are really necessary. We must examine how we can combat climate change and reduce emissions if we continue to purchase all these products.

After transport the big increase in terms of global emissions comes from the IT sector,

namely computers and gadgets in our houses. These are issues we now have to confront and examine how we will deal with them. I have two gadgets in my pocket. I am a gadget person, as are we all. We consume huge amounts of energy. We usually think of the IT sector as being energy efficient and environmentally friendly but we need to look more closely at it. I could go through it in detail. There is no easy solution. Every time we come up with a so-called solution we are knocked back a little. That is why climate change is the biggest challenge facing us because it seems there is not a quick fix. We are all looking for that silver bullet but at the end of the day it will require a lot of thinking. We need to question our consumerist values. That is difficult when we, and especially our children, have been hard wired to be consumers from an early age.

I thank all Senators for their contributions and I look forward to Committee Stage.

Acting Chairman (Deputy Cecilia Keaveney): I am someone who did not realise Gandhi was a sweet eater, or perhaps he was not.

Question put.

The Seanad divided: Tá, 28; Níl, 10.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callanan, Peter.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
de Búrca, Déirdre.
Ellis, John.
Hanafin, John.
Hannigan, Dominic.
Keaveney, Cecilia.
Leyden, Terry.

MacSharry, Marc.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Ross, Shane.
Walsh, Jim.
White, Alex.
White, Mary M.
Wilson, Diarmuid.

Níl

Bradford, Paul.
Buttimer, Jerry.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.

Donohoe, Paschal.
Fitzgerald, Frances.
McFadden, Nicky.
O'Reilly, Joe.
Phelan, John Paul.

Tellers: Tá, Senators Dan Boyle and Diarmuid Wilson; Níl, Senators Paudie Coffey and Maurice Cummins.

Question declared carried.

An Cathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Thursday, 20 March 2008.

Passports Bill 2007 Committee Stage (Resumed).

Business of Seanad.

SECTION 20

Senator Donie Cassidy: I would like to amend the Order of Business and take No. 2, Passports Bill 2007 — Committee and Remaining Stages, between now and 6.00 p.m.

Senator Alex White: I move amendment No. 11:

In page 15, subsection (1)(d), line 46, after “abroad,” to insert the following:

“otherwise than in circumstances referred to in subsection (2).”.

This amendment proposes to add to section 20(1)(d), which makes it an offence for a person who uses, or attempts to use, a passport that is, and that he or she knows or believes to be, a false passport as evidence of identity or citizenship, in either case, whether or not in connection with travel abroad. The amendment then refers to subsection (2), which is a specified offence dealing with a person who uses a false passport to gain access to a licensed premises. Under subsection (5), the fine for being associated with using a false passport to gain access to a licensed premises does not exceed €500. However, the fine for conduct covered by the existing section 20(1)(d) is essentially unlimited, if one looks at subsection (4), which deals with fines. It states that such a person is liable on conviction on indictment to a fine or imprisonment for a term not exceeding ten years or both.

My amendment seeks to deal with that anomaly and it addresses it by making sections 20(1)(d) and section 20(2) mutually exclusive so they can be dealt with separately rather than the manner in which they are currently proposed. I would like to hear what the Minister of State has to say on this.

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): I fully understand the intentions behind the amendment, but the proposed amendment would involve a change in section 20(1)(d). That subsection is designed to prosecute offences relating to the use of a false passport as evidence of citizenship or identity. The maximum penalty on conviction is an unlimited fine and up to ten years' imprisonment.

Section 20(2) provides for a lesser offence involving the use of another person's passport to gain entry to a pub or club. This reflects the reality that a passport is increasingly regarded as the principal and most secure form of identification and frequently used to provide evidence of age for access to pubs and clubs. On occasion, a young person will seek to use another person's passport, usually that of a relative or friend, to gain entry to a pub or club. While this is correctly defined as an offence under subsection (2), it is a lesser offence and the penalty is tailored accordingly, with a maximum penalty of a fine not exceeding €500.

There is a significant difference between the two offences. Section 20(1)(d) involves the use of a false passport, whereas section 20(2) involves the use of another person's passport in particular and limited circumstances. The proposed amendment seeks to ensure that a person using a false passport to gain entry to a pub or club would not face the possibility of an unlimited fine or imprisonment. While it would not be the Government's intention that a young person presenting a false passport to enter a pub or club should face the

maximum penalty, interference with or falsification of a passport for any purpose is an activity which cannot be condoned and it is important that provision remains to be prosecuted for such offences. The proposed amendment would create a loophole whereby a person falsifying and using a passport could plead that this had been done to gain entry to a licensed premises or club. As section 20(2) relates only to use by a person of a passport not issued to him, such a person might argue that he was not caught by any offence in relation to the use of the falsified passport. We must retain the power to prosecute all offences arising from the use of false passports and cannot risk introducing a loophole.

I am confident the Director of Public Prosecutions will take the circumstances and gravity of the offence into account in the normal manner in deciding whether and on what basis to prosecute and, if a person is convicted, on the penalty to be imposed. While I appreciate and agree with the intentions behind the amendment, I do not consider that it should be approved.

Senator Ann Ormonde: Any misuse or abuse of a passport, whether the use of a false passport or the passport of another person, is a serious offence. While I understand Senator Alex White's position, I accept the points made by the Minister of State. It must be clearly spelt out that the abuse of a passport will not be tolerated.

Senator Alex White: Is the Minister of State drawing a distinction between a false passport and one which was not issued to the person bearing the passport? In other words, while I understand that these are two different scenarios, is it intended in the legislation to distinguish between a false passport and a passport not issued to the bearer of that passport?

Deputy Michael P. Kitt: The Senator is correct.

Senator Alex White: Is it the case that a person bearing a passport which was not issued to him or her is not necessarily bearing a false passport?

Deputy Michael P. Kitt: Such a person would not be interfering with or altering a passport, which is a very serious offence.

Senator Alex White: To settle the point, are no circumstances envisaged under which a person suspected of the conduct referred to in subsection (2) would be prosecuted under subsection (1)(d)?

Deputy Michael P. Kitt: Prosecution in that case would be more likely under section 20(1)(c). The Government is concerned about the prospect of physical interference with passports which is a serious offence. The Department sought advice from the Office of the Attorney General who indicated the scope of the amendment is too wide.

Senator Ann Ormonde: This is an important issue. We are discussing two eventualities, the misuse of another person's passport and the falsification of a passport. The former offence is less serious than the latter.

Deputy Michael P. Kitt: That is correct.

Senator Ann Ormonde: The penalty for using another person's passport is a fine of up to €500. Is that correct?

Deputy Michael P. Kitt: Yes, that penalty applies to the lesser offence.

Senator Ann Ormonde: Is the penalty for the offence of falsifying a passport an unlimited fine?

Deputy Michael P. Kitt: Yes.

Senator Ann Ormonde: I am satisfied with that clarification.

Senator Alex White: I understand the point made by the Minister of State who has assisted us in clarifying the purpose of the section. I remind the House that the amendment does not propose to remove any part of the legislation but to retain section 20(1)(a), (b) and (c) but to include the saver, as it were, "otherwise than in circumstances referred to in subsection (2)". The amendment proposes to draw a distinction between the manner in which we deal with the two types of conduct outlined in the section. If the Minister of State is settled in his mind in respect of the conduct he seeks to capture in the separate sections, I will not press the matter. Perhaps he will comment on my point that the amendment does no more than propose a clearer distinction between the two offences.

Deputy Michael P. Kitt: Senator Ormonde and I have made clear the difference between the lesser offence of using a person's passport and the offence of interfering with a passport. Given the increasing electronic calibration of passports — I believe that is the correct term — people should not be under the impression that they can get away with interfering with a passport. They will be stopped by customs or immigration.

Amendment, by leave, withdrawn.

Section 20 agreed to.

Sections 21 to 26, inclusive, agreed to.

SECTION 27.

Senator Alex White: I move amendment No. 12:

In page 19, subsection (3), line 7, after "accordingly" to insert the following:

"; and a passport issued before the commencement of sections 6 and 7 shall not be deemed invalid solely on the grounds that it was not issued under any express power conferred by an enactment".

It appears that section 27(1) does not validate previous passports issued without statutory authority. The proposed new provision would clarify this matter by providing that a passport issued before the commencement of sections 6 and 7 shall not be deemed invalid solely on the grounds that it was not issued under any express power conferred by an enactment.

Deputy Michael P. Kitt: While I understand the rationale and intentions behind the amendment, passports have, since the foundation of the State, been issued by the Minister for Foreign Affairs under the executive power of the State and on the authority of the Government. This practice is perfectly legitimate. Enactment of the Passports Bill will simply add a legislative basis to the exercise of this function. Passports previously issued will not be invalidated because of the technical change in the basis on which passports are issued. For this reason, the amendment is not necessary and I cannot accept it.

Amendment, by leave, withdrawn.

Section 27 agreed to.

Section 28 agreed to.

An Cathaoirleach: Amendment No. 13 in the names of Senators Quinn, Ross and O'Toole is out of order as it is not relevant to the subject matter of the Bill.

Amendment No. 13 not moved.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Senator Ann Ormonde: I thank the Minister of State at the Department of Foreign Affairs, Deputy Michael Kitt, and Members on all sides of the House for their contributions and easy passage of the Bill. The Committee Stage debate was worthwhile in teasing out certain points. Senator Alex White made me think about some of the issues he raised. I thank the Minister of State for facilitating us during Easter week. I wish him a happy Easter.

Senator Paul Coughlan: This is the first Bill dealing with passports for a considerable period and was overdue. I commend Senator Alex White on his amendments and the manner in which

matters were teased out, primarily between him and the Minister of State.

The Minister used the word “calibration” and the manner in which entries can appear on passports. Since the Bill was introduced, a scenario was brought to my attention whereby a citizen has an entry stamped or written on a passport inadvertently by an immigration or customs officer in another land. It can be entered into what the Minister of State referred to as “the system”, which may, in turn, preclude the citizen from future entry into other states. I know one case of an Irish citizen precluded from travelling to the United States because of such an entry in his passport. While I accept it is a separate matter which I must take up with the Minister of State, I welcome the legislation and commend the Minister of State and his officials.

Senator Alex White: I welcome the passage of the Bill and thank the Minister of State for his professional and gentlemanly style in the debate. Senator Coghlan was too kind in his remarks because colleagues of his were also active in tabling amendments. Members on all sides of the House have contributed to the Bill’s passage.

Some issues remain such as the basis for the issuing of diplomatic passports. There remains a measure of discretion on the part of the Minister for Foreign Affairs in that regard. How diplomatic passports are issued to persons other than serving Ministers deserves debate but I accept it is a matter for another day. I commend the Minister of State and his officials on their work and approach to the Bill and extend my thanks to them.

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): My officials have reminded me this is the first Bill, other than legislation from the Department of Justice, Equality and Law Reform, that has been referred to the Irish Human Rights Commission. It is also the first Bill on which the Oireachtas Library and Research Service did a helpful analysis, for which we are grateful.

I thank Senators Cummins, Coghlan, Alex White, Ormonde and Quinn who raised important issues in the debate. I welcome the debate’s constructive tone and the support given by all sides of the House to this important legislation. The Government has tried to be as accommodating as possible. In the Dáil, the Bill was amended in several areas to take account of Opposition suggestions. We have a better Bill on that account.

This is the first legislation in this area since the Ministers and Secretaries Act 1924, as pointed out by Senator Coghlan, and it is not before its time. It is progressive legislation, carefully balancing the need for tight security and preserving the liberties and privacy of individual citizens. We live in an era of increased opportunity for identity fraud and misuse of sensitive information. The

right legislative framework to punish those who would seek to undermine the integrity of the passport system, the State’s premier form of identification, must be put in place. It is important the Irish passport retains its reputation as one of the most secure in the world. Every Irish visitor abroad would be disadvantaged if vigilance were not maintained in this area. I understand Senator Alex White’s views on diplomatic passports. The issuing of them can be examined when considering the regulations.

The highest possible level of data protection must be ensured. Citizens must have the confidence the personal data they provide in good faith is stored securely and used only for legitimate purposes. This balance has been achieved in this Bill. I thank my officials for their work in both Houses.

Question put and agreed to.

Sustainable Residential Development: Motion.

Senator Martin Brady: I move:

That Seanad Éireann welcomes the publication of the draft planning guidelines on sustainable residential development in urban areas and the accompanying best practice urban design manual.

The key policy recommendations in the draft guidelines state:

Development plans, urban local area plans and planning schemes for strategic development zones schemes should contain policies and objectives which will underpin the creation of sustainable residential developments.

They should also include clear guidance on implementation measures, particularly with regard to the phased and co-ordinated provision of physical infrastructure, public transport and community facilities.

This takes in community facilities, public transport and so on.

I represent Donaghmede, which has a projected population over the next eight years of 35,000 people, with 3,500 houses already built. There is another development down the road a couple of miles in Baldoyle. Sports facilities and public transport should be front-loaded but we have the opposite in that area. I am well aware of what is going on there and in Baldoyle, various sports facilities were supposed to be provided a couple of years ago. To date, sports clubs there do not know when the facilities will be finished. The location of pitches has been changed. There is no clear definition on when they will get the facilities or if they will get them at all.

The local authorities, Dublin City Council and Fingal County Council in particular and authorities in general, are not keeping their eye on the ball. Everything seems to be in favour of a developer. For example, a railway station was

[Senator Martin Brady.]

supposed to be provided two years ago and it is no fault of the developer that it is still not there, as he provided the site, which cost a large amount of money. Iarnród Éireann has fallen down on the job, having held on to a cheque for about a year with nothing happening.

There are cases of developments where there are no community facilities or halls and no sports facilities of any description. Some houses were built but residents discovered about a year later that a substance called pyrite was present, which caused subfloors to lift and walls to crack. When these people go to the builder they are told to talk to HomeBond, and people from HomeBond tell them it is the builder's responsibility. Much money has been spent to engage consultants and so on.

Young people who pay through the nose for these houses should not be left in this type of position. It has come to the stage where this type of incident will have to be addressed by the Minister and proper regulations will have to be put in place to hold these people accountable. We should not dilly-dally.

There are cases where builders have subsidiary companies and people are told to engage with them but when people do this they are referred back to the builder. Games are being played and shortcuts are being taken. In this case and others throughout the country where builders have been caught out buying infill on the cheap, people who paid dearly for houses have to suffer. Schools do not exist either. In some cases, schools to be incorporated into developments are only at the planning stage but that should have been sorted out at a very early stage.

We must have some system to create people-friendly streets and spaces, where provisions can be made for cycling and other facilities of that nature. People should be safe and secure and be able to enjoy the public areas that surround these developments. That is not happening at present as some of these developments are atrocious. We knocked down towers in Ballymun that were six or seven storeys high and other Ballymunns are now being built. In 20 years' time, these will just be ghettos.

Gangs currently roam these developments in droves at night, burning cars, breaking into houses and so on. This is a result of the way developments are structured and many people believe these places are not safe to live in anymore.

We discussed energy earlier. Builders should be given an incentive to provide solar panels on housing for efficient solar energy. That would go a long way towards helping fight climate change and increasing emissions.

There also should be adequate provision for proper health and medical centres adjacent to these buildings. There should be proper lighting, as this in many cases is not installed until well after the houses are occupied. I have witnessed

such examples myself. The ESB is blamed but the ESB blames the developer. The same goes for telecommunications, as people are left high and dry without telephones for about 12 months in some instances because the developer has indicated the place is not cabled.

There is much to be done and we must work in a co-ordinated way to bring together all these service providers and hold them accountable. What is happening currently is not good enough.

I commend the motion and I thank the Acting Chairman for the time.

Acting Chairman (Senator Brendan Kenneally): Senator MacSharry, who has eight minutes, will second the motion.

Senator Marc MacSharry: I take pleasure in seconding the motion and in welcoming the Minister to the House. This is my first opportunity to do so. It is great to see Deputy Gormley in the position of Minister and I have no doubt he has great ideas, enthusiasm and determination to bring to the Office. I look forward, over the next number of years, to seeing a variety of measures brought before us.

As the motion states, I welcome the planning guidelines on sustainable residential development in urban areas and the accompanying best practice urban design manual. Approximately six years ago, the local authorities in Sligo adopted a package of measures which dealt with taking in charge housing estates. In their preparations, officials in the Department would have reviewed the processes used and incorporated a large volume of the material now followed as procedure into the new guidelines. That is to be welcomed.

It is appropriate that this House, whether in Private Members' time or in time set aside for other motions of this description, has the opportunity to speak about planning. The process is continuously evolving and remains one of the biggest challenges all over Ireland. I have used the same quote many times but it is still true. The person who comes up with the optimum planning system for Ireland will probably win the Nobel prize for literature and peace, and there is a better way. By debating issues like this and brainstorming effectively, we have improved the issue in recent years and we continue to do so. Let none of us feel the challenges do not remain because they loom as high as ever.

I wanted to use this opportunity to deal with a couple of issues not directly related to the motion but certainly related to the Minister's brief and the planning area. The first relates Part V and the issue of social and affordable housing. I ask the Minister to consider reviewing Part V at this time as although it is an admirable and honourable policy, and we would all seek to achieve the goals it sets out, it has failed in certain areas while possibly succeeding in other aspects.

Mr. John Fitzgerald produced a report some time ago concerning the social mix throughout

Ireland and Limerick was shown to be among the places with the highest mix, at 41% or 42%. Cork was next at about 34% or 35%. The figure for Sligo, where I live, stood at 33%. The next highest figure was 16%. The three areas to which I refer have very high social mixes and Part V, although honourably drafted, is more geared towards the blank canvas approach.

We need to be somewhat more strategic in the context of the approach we take and I am not sure that one size fits all. Sligo is no different from other counties in that there is a need for more social and affordable housing. However, we may need to review the Part V provisions and take a more strategic approach in the context of how we deal with this matter. We all want the same things to be achieved. I refer, for example, to better integration. The segregationist policies of the past led to the creation of high social mixes and the development of anti-social behaviour in certain areas. Evidence of the latter can be seen, week in and week out, with the release of crime statistics, etc. In my view there would be all-party support for reviewing Part V to discover how it can be improved and to identify the ways in which we can best achieve the optimum results envisaged when its provisions were originally set down.

If a developer fails to make provision for 20% of a development to be social and affordable housing, the option exists for him or her to provide a site or a financial amount in lieu. Certain politicians have stated that they are not enamoured with this option and that they want to move away from it. However, it should not be abandoned. In an area in which there is a high social mix, it might be better if a sum of money were provided in order that more social and affordable housing can be built where it is needed. This would help get the mix right retrospectively.

The other issue to which I wish to refer is people's right to object. Again, there is probably all-party support for people's right in this regard. It is not acceptable that a citizen of the United States who is based in California and who owns a holiday home in the west of Ireland can lodge an objection to a development that might be critical to the area in which it is proceeding. A person should have local competence or be a contributor to an area before he or she should be able to try to block either someone's application to set up home in that area or an application relating to the development of a critical item of infrastructure which would contribute to the said area's commercial or socio-economic fabric. An important and recent improvement in the area of legislation was the implementation of the Planning and Development (Strategic Infrastructure) Bill, under which An Bord Pleanála may be approached directly in respect of decisions or judgments on major infrastructural improvements. This is a good development and it represents progress. However, it would be greatly

appreciated if the Minister would seek to review the position as regards people's right to object.

For some time I have been requesting that the House engage in a debate on the national spatial strategy and the progress, or lack thereof in certain areas, in respect of it. I brought into the national spatial strategy and I am aware that engaging in a review of it would fall under the Minister's remit. I hope he will arrange for such a review to take place. As the eastern conurbation develops, the pressure on Dublin and other areas will increase. It is important that we should have a successful capital city and that it should have the appropriate infrastructure. However, the west also requires such infrastructure. If we are to be true to previous Government policies, such as creating capacity before demand and following through on the national spatial strategy, we must begin to invest disproportionately in the gateway centres. Doing so will allow us to create the capacity to which I refer and develop an infrastructure that will play a part in taking the burden of growth off the eastern conurbation. We must seek to do this in a joined-up way.

We find ourselves in leaner economic times and people may state that it is not possible to justify additional expenditure in the area to which I refer because the largest proportion of the population resides in the east. However, we must begin to dream bigger dreams and to push the boat out some more. I live in the gateway centre of Sligo but we must do what I suggest in respect of all the gateways. I recognise the existence of the gateway innovation fund but additional moneys should be provided to finance critical infrastructure projects in these areas in order that they can assist the capital city and other locations to thrive and play their part in shouldering the burden of growth.

I would not be true to myself if I did not again seize the opportunity to state that winding down cancer care services in a gateway centre such as Sligo does not represent the kind of joined-up thinking the spatial strategy was put in place to achieve.

Senator Nicky McFadden: Hear, hear.

Senator Marc MacSharry: I apologise for being somewhat opportunistic in that regard but the Minister appreciates the point I am trying to make.

I commend the motion to the House. I thank the Minister for giving over so much of his time today to be present in the Chamber for the various debates in which we have engaged. We wish him well in his endeavours and I look forward to welcoming him back to the House in the future. I hope he might take on board some of the points I have raised.

Senator Paudie Coffey: I move amendment No. 1:

[Senator Paudie Coffey.]

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

“condemns the Government for not implementing proper planning guidelines during the recent building boom which has resulted in:

unsustainable communities;

fragmented education facilities;

public transport inefficiencies;

large carbon footprints for residential housing;

and notes that a finalised nationwide approach to planning policy is still required.”

We do not take this matter lightly and the amendment reflects that. Many existing developments that came about as a result of the relatively recent building boom are unsustainable and the lack of proper planning guidelines has led to fragmented education facilities, public transport inefficiencies and large carbon footprints for residential housing. One of the reasons for the latter relates to a lack of Government action in many areas. The horse has bolted and we must now try to deal with the aftermath with more limited resources than we possessed heretofore.

I am surprised we are discussing the draft planning guidelines. I would have hoped that we could have debated the final version of the guidelines in order that we might have identified the direction in which the Government intends to go. I accept this is still a matter of public consultation and that many people are still making submissions.

Previous speakers referred to the resources of local authorities and the planning matters relating to such authorities. In respect of the latter, I wish to refer to estate management and the taking in charge of estates. Local authorities have limited resources with which to work in the context of enforcing proper building standards and regulations in respect of existing developments. What will be the position when they are obliged to enforce the new guidelines? Major difficulties will have to be overcome in this regard.

The draft guidelines refer to community infrastructure. In that context, I wish to refer to schools and a report on RTE news last night in respect of the Holy Rosary school in Dublin, which is literally a prefabricated school. The children who attend Holy Rosary are expected to see out their primary education in lacklustre, poor and dilapidated facilities. That is not good enough. I accept that an attempt is being made to address matters of this nature in the guidelines. As stated earlier, however, the relevant planning structures were not previously in place and there was no collaboration and co-operation among Departments and local authorities. I will be interested to hear how the Minister proposes to improve matters in this regard.

I come from Portlaw, County Waterford, one of the few planned industrial towns in Ireland. It was built by the Quakers, is designed in the shape of a hand and contains wide streets. It was completed within 15 years in the mid-1800s and it became home to more than 5,000 inhabitants. The Quakers provided music halls, schools, other educational facilities, a gas works and a water works. Essentially, a private enterprise built an entire town in the 19th century. Now, however, Departments find it difficult to deliver proper and basic infrastructure in our towns and villages.

An application relating to a sewerage scheme for seven villages in County Waterford has been with the Department since 2005. The development of these villages has been stymied as a result of bureaucracy and barriers in Departments, which has prevented them from obtaining shore licences, etc. Three years after the initial application, the villages in question still await the provision of a basic sewerage infrastructure.

Guidelines will not deliver action. We must eliminate the red tape and bureaucracy within Departments. Our focus is in the wrong place. We must provide local authorities with proper resources in order that they might make proper provision in respect of planning.

I do not have sufficient time to address the many issues to which I wish to refer. I wish, however, to comment on brownfield sites, which are mentioned in the draft guidelines. Brownfield sites are sites which have been industrialised or where contamination has taken place and there are major difficulties with them. There is a three-acre brownfield site in the centre of the town in which I live which was contaminated as a result of years of dumping of industrial waste. Due to the clean-up costs involved, the site is lying derelict. The site is fully serviced but nothing is being done with it. What does the Government intend to do in respect of sites of this nature?

The draft guidelines are entitled “Sustainable Residential Development in Urban Areas” and suggest a vision for how increased residential density is to be achieved in cities and larger towns. Only five pages of the guidelines and a handful of examples in the manual refer to urban situations. The remainders of both documents are given over to small scale edge-of-town or village developments. If it is a guideline on how villages and towns should be developed, that is fine, and it should be labelled as such. However, although it is entitled Sustainable Residential Development in Urban Areas, only five pages refer to large-scale development.

A proposal to provide high-density residential development in an urban area can have many implications and there are a multitude of international models that may be examined, including Hong Kong, Madrid, Barcelona, Stockholm, Borneo island in Amsterdam and the Upper East Side and Upper West Side in New York. They offer a multitude of examples of how density may be achieved and how neighbourhoods have

turned out. However, the guidelines do not mention any international examples. None of the developments which are already in place has been examined, evaluated or analysed in terms of its relevance to the Irish context. We must learn from other jurisdictions with regard to the development of their larger urban centres.

The document shows no understanding of the culture within local authorities with regard to the bureaucracy in planning that I mentioned earlier. The guidelines suggest that there should be more interaction and collaboration between local authorities and, for example, the HSE with regard to medical facilities or the Department of Education and Science in the area of educational facilities. All Senators in this House and all Deputies in the Lower House know how hard it is to communicate with the HSE or the Department of Education and Science on a one-to-one basis, yet here we are asking them all to communicate with each other. It is nice to hear this aspirational idea, but I am more interested in hearing how it will work. Under the current system, which is very frustrating, we find it difficult to get accountability from Departments. I suspect that at times even Ministers find it difficult to get accountability. There is much work to be done here. I and Fine Gael agree with the general thrust of the guidelines. Certainly, improvements must be made in planning. However, the delivery of these improvements is key, not the guidelines. We have had rural housing guidelines before and now we have these guidelines. I am interested in seeing whether the mechanism in these guidelines will actually deliver.

Are these just guidelines, or will there be statutory instruments of which local authorities are required to take account? It is important that when a finalised document is arrived at, it provides for proper co-operation with and resourcing of local authorities. Proper implementation of planning must start with local area plans and then move on to city and county development plans, followed by regional plans, and of course the national spatial strategy, which was already mentioned here. These plans largely already exist and are good. However, they are aspirational. Any Senator, councillor or TD will agree that there is a lot of good stuff in plans that are gathering dust on shelves. We need to see proper resourcing of these plans so they can deliver. If that happens, we can agree that we have good planning and properly resourced communities.

Senator Nicky McFadden: I second the amendment. I wish to share my time with Senator Paschal Donohoe.

Acting Chairman (Senator Kieran Phelan): Is that agreed? Agreed.

Senator Nicky McFadden: I thank the Minister for being here again and am glad to welcome him. It is unusual to have the opportunity to speak on

draft guidelines. That is something my colleague and I have already discussed. It is useful because it will highlight to the general public, during the consultative process, what we are actually discussing, and I hope it will be covered in the media. Sadly, however, today is not a busy day for the media around here.

I will mention first the issue of taking in charge of housing estates. The Minister has issued in conjunction with the residential design guidelines a document concerning the taking in charge of residential estates. I welcome this because this issue has been the cause of major problems across the country. All the recommendations mentioned in the document are being implemented in my area, County Westmeath. How can we be stricter in enforcing all of these recommendations? There is the idea of having pre-planning meetings with developers and ensuring developments conform to the design agreed at the planning stage. The Minister also alludes to obtaining adequate bonds, but that has been the policy of Westmeath County Council for years. However, due to inflation, the bonds attached to some housing estates will never be adequate to pay for the deficits in provision that have been left for the poor unfortunates who have bought houses in these decrepit estates. The county councils have to pick up the tab for these developers, sometimes after 20 years. I know of a number of such housing estates around the country, not just in my own county.

In his document, the Minister states, "In relation to older estates, priority must continue to be placed on resolving those estates that have been left unfinished/not taken in charge for the longest period." That is a very obvious statement and I am sure the Minister is hearing about this issue from many public representatives around the country. The question is what we are to do about this. A housing estate should not be handed over to the poor unfortunate buyers who have taken out exorbitant mortgages unless it is ready for habitation. While the Minister's aspiration to discuss these issues at design and pre-planning stage is good, the developers will not comply with this. Unless the housing estate is ready and the residents are satisfied with the lighting, pathways, roads and sewerage system, the latter of which can cause major problems, the developer should not receive any money until the council is satisfied. If I do not make any other point here today I will make this one, because it is the most important.

I also wish to mention connectivity for small towns and villages. I refer particularly to a village in Westmeath called Killucan, which contains a massive number of houses. Ballymahon in County Longford is another such village. There are no facilities and no transport provisions. Killucan is not included in Transport 21. My colleague Senator Coffey spoke about the HSE and education, and I mention transport in the same context. There is a railway station in Killucan that

[Senator Nicky McFadden.]

is left unattended and empty although thousands of people spend two hours every morning commuting to Dublin. It is the same with Athlone; there is a perfectly good rail link between Athlone and Mullingar that is disused. I ask the Minister to investigate both of these transport issues which, if resolved, would result in a considerable improvement in connectivity.

Senator Paschal Donohoe: I thank my colleagues for their contributions to this discussion and support their comments. I welcome the Minister to the House. It is great to have a Minister here for debates on such important policy areas. There are two overall points I wish to emphasise. I support the comments of my colleague Senator Coffey on the need for the Minister to back up his clear good intentions with action across all Departments. I also wish to comment on the detail of the plan, particularly chapters 2 and 7, on which I have some input for the Minister.

On the broad point, there is nobody on this side of the House who does not recognise the superb intent and bona fides of the Minister in his desire to improve the situation with regard to planning. I speak as somebody who spent three years as a member of the city council in one of the most highly developed areas of the city. The reason we have put down this amendment is that we do not believe the weight of the Government is behind the Minister in making this happen. Senators McFadden and Coffey offered clear examples that show this is not the case. We showed the lack of integration and transport infrastructure in the provision of new communities. The building of new estates was also mentioned in the context of the lack of services to ensure they are well policed and handed over in the right state.

There are two further points I wish to make with regard to issues that have not been addressed for many years. The first relates to the Dublin Transport Authority. These guidelines, when they are amended and go through the public consultation process, will make a strong contribution to the current planning provisions. However, there is one organisation, the Dublin Transport Authority, that will make an equal, if not bigger, contribution. If we are to create sustainable communities we must integrate land use and transport. This has not happened and the Fianna Fáil element of the Government prevaricated often on this matter in the past decade when it came to introducing the relevant legislation for this organisation. This is one of the key reasons so many communities in Dublin's hinterland are stranded without the necessary transport infrastructure to ensure their sustainability.

Speakers on the other side of the House have already acknowledged that we cannot believe this Government wants to deliver sustainable strategic planning when so many of the key decisions that have been made on transport infrastructure

and the HSE are not harmonised with the national spatial strategy.

Chapter 2 of the document relates to local area plans and two points are missing. Strategic development zones were one of the big innovations introduced by the last Government in terms of delivering integrated development to communities. Three exist but there is no reference in the document to what has been learned from their operation and how they can be better operated in future. This is an omission that should be examined.

We must strengthen the ability of local authorities to bind developers to act in accordance with local area plans. It is clear that developers allow land to become derelict rather than adhere to local or city development plans. We have a golden opportunity to fix this and to address the pro-developer bias that has taken over the planning system in recent years.

On chapter 7, the issue of the quality of rental properties is back in the spotlight and I believe these guidelines offer an opportunity to address this. I ask the Minister why so many unsuitable extensions for rental development are granted in Dublin. Also, can he define and narrow the meaning of co-dwelling in urban environments as this would help stop as many people as possible being fitted into as small a space as possible for profit?

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I thank the Members for giving me the opportunity to speak here tonight on a policy issue and initiative of importance to all Members of the Oireachtas and all members of our society.

The bedrock of our planning system is to aim for "proper planning and sustainable development". There is copious reference to this phrase throughout the planning legislation and it is the touchstone for the deliberations and considerations of An Bord Pleanála in all cases that come before it. "Proper planning and sustainable development" is not, therefore, a hollow or meaningless phrase. It is not an official soundbite. It has purpose, it has vision and it has legal underpinning and definition. In essence, I believe it means planning policies and decisions that are justified on the basis of good environmental, social and economic considerations, and which will stand the test of time.

Society is constantly changing and evolving. This country has undergone huge changes in a relatively short period of time in terms of our economy, our demographics and general social fabric. As policy makers, it is incumbent on us to respond to those changes with positive policies that reflect the changing circumstances. Our economic and population growth created a huge demand for housing in recent years. Our ability to meet that demand is evident in very impressive year-on-year new housing stock, with the numbers of housing units being built rising from

33,700 in 1996 to a high of 93,400 units in 2006. Despite the recent downturn in demand for and supply of new houses, our forecast is for the national population to rise to 5.3 million people by 2020, which will require an additional 700,000 new homes.

We are all familiar with examples in our cities, towns and villages of where the planning system has got it wrong, in some cases terribly wrong, in terms of what is built and where it has been built. I agree with much of what the Fine Gael Members said in their contributions as they identify real problems. This area is underpinned by legislation and this will ensure these guidelines will be adhered to. The point on the Dublin transportation authority is valid; the Green Party's participation in Government means there will be an effective Dublin transportation authority and I would like to see it further integrated.

I have visited London often and was there at the weekend when I spoke at length on this issue with Mr. Ken Livingstone, Mayor of London. He has transformed transport there and, I believe, a directly elected Lord Mayor of Dublin should be head of a transportation authority. This makes total sense because it worked in London and I see no reason it should not work here. The problem is too many different bodies in Dublin are responsible for transport. As I move on in my speech I will refer to some of the other issues raised this evening.

Instead of building sustainable communities we can justifiably be accused of building houses without the supporting infrastructure needs. This has happened in the past ten to 15 years. It is high time we used the planning system to deliver well-planned, integrated and sustainable development as the norm.

My Department's 1999 residential density guidelines have served us well but they need to be reviewed, updated and expanded to reflect where we are and where we want to be, in terms of quality residential development that will meet future challenges and help support sustainable communities in our cities, towns and villages.

On 10 February, I published the draft guidelines on sustainable residential development in urban areas for public consultation. Copies of the draft guidelines and design manual are available here tonight if Members have not already seen them. The public consultation period closes on 6 May and I would encourage all those who have a view on how our urban areas should be planned and designed to avail of this opportunity to have their voices heard.

The new guidelines aim to set out stronger planning requirements to facilitate the development of sustainable communities through strengthening planning and the provision of necessary supporting services and amenities. They seek to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and the availability of supporting services and infrastruc-

ture, particularly transport. The guidelines aim to set high standards in terms of space and facilities to meet the needs of the Irish context.

The draft guidelines recognise that our urban areas operate at different scales. There is no place for a one-size fits all approach. For this reason, the draft guidelines separate cities and large towns from smaller towns and villages in terms of appropriate approaches to residential planning and design. Also, the draft guidelines address the issues of neighbourhood planning, that is, setting an appropriate context for the development itself, the overall development of the neighbourhood within which it is situated and the home and its setting. In essence, they look at the entire picture, from the neighbourhood to the home. The overarching objectives should be quality and sustainability.

There is a major emphasis in the guidelines on the need for new residential developments to be supported and facilitated by the necessary supporting services and infrastructure. Crucial infrastructure such as education and health facilities, public transport, child care and community amenities are seen as being as important as the usual hard infrastructure needed like water services and road access. Also, in areas well served by public transport there is a need to consolidate growth by providing higher density development.

With the realities and impacts of climate change becoming ever more critical, and the need for improved energy conservation and a general increased awareness of our environmental responsibilities, I particularly welcome the emphasis in the draft guidelines. In this regard, I believe the guidelines strike a good balance between environmental sustainability and social and economic growth. The policies outlined are common sense in terms of looking after our environment, our health and our communities.

We should design our new residential developments where there is less need for car dependence and where we can encourage walking, cycling and use of public transport. We should design our developments with good recreation and play amenities for young and old and our homes with greater energy efficiency.

I will now address some of the main issues and recommendations in the draft guidelines. Development plans, urban local area plans and planning schemes for strategic development zones should contain policies and objectives which will underpin the creation of sustainable residential developments. They should also include clear guidance on implementation measures, particularly with regard to the phased and co-ordinated provision of physical infrastructure, public transport and community facilities. The development plan or local area plan should promote and encourage cycling and walking; encourage more efficient use of energy and a reduction in greenhouse gas emissions; include the right quality and quantity of public open

[Deputy John Gormley.]

space; include measures to ensure satisfactory standards of personal safety and traffic safety within the neighbourhood; and protect, and where possible enhance, the built and natural heritage.

It is also vital that development plans should include urban design policies which are capable of being expanded in more detail in local area plans. Planning authorities should issue design briefs and receive design statements for particularly important, sensitive or large-scale development sites. Preplanning application discussions should be encouraged in order that there is clarity around sequencing priorities of the development plan, the vision statement for the future development of the area and phasing objectives of the local area plan, where applicable, and how they relate to the applicant's land.

The best practice urban design manual sets out 12 criteria, which should be used by local authority planners and by developers, both in pre-application consultations and in assessing individual planning applications. For example, the design of residential streets needs to strike the right balance between the different functions of the street, including a sense of place.

The draft guidelines also set clear rules and standards in planning for integrated and sustainable neighbourhoods. No substantial residential development should proceed without an assessment of existing schools capacity or the provision of new school facilities in tandem with the development. Similarly, no substantial residential development should proceed without either adequate existing public transport provision or new public transport provided in tandem with the development. There also should be adequate provision at convenient locations for retail, health and other community facilities to meet the existing and future needs of the area.

Sustainable patterns of urban development should be promoted, particularly higher residential densities in locations, which are, or will be, served by public transport. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. The draft guidelines state that, in general, minimum net densities of 50 dwellings per hectare should apply within such public transport corridors, and in appropriate city and town centres and some inner suburban locations. These should be clearly specified in local area plans.

The greatest efficiency in land usage in outer suburban sites will be achieved by providing net densities in the range 35 to 50 dwellings per hectare. Particular sensitivity is required in regard to the design and location of apartment blocks, which are higher than existing adjacent residential development. It is important to stress that higher density does not necessarily mean high-rise. It is about optimal use of the land through efficient and integrated design.

For the first time, these draft guidelines specifically address new developments in small towns and villages. Planning authorities should not consider extensive proposals for new development, including residential development, in smaller towns and villages in the absence of an adopted local area plan. This is an important qualification — the guidelines clearly indicate that, if planning authorities and developers engage with the local community and design a properly planned local area, development can take place subject to the usual environmental and servicing requirements. What the guidelines do not advocate is the haphazard, non-planned and large-scale developments that are unsuitable to many of our small towns and villages.

New development should contribute to maintaining compact towns and villages. Leap-frogging of development at some distance from the existing built-up area should be avoided. Members are familiar with this concept where housing estates do not fit in with the community and do not even have a footpath to service them. The Senator is correct in saying the taking-in-charge issue is of the utmost importance. The draft guidelines indicate that in central sites densities of 30 to 40 dwellings per hectare may be appropriate for mainly residential or mixed-use schemes. At edge of town centre sites, under controlled circumstances, densities of 25-30 dwellings per hectare with a variety of dwelling types may be appropriate. At edge of small town-village sites, once again under controlled circumstances, densities lower than 15-20 dwellings per hectare may be appropriate as long as such low-density development does not exceed 20% of total new planned housing.

The scale of new development should be in proportion to existing development, and such development should provide for easy connectivity, especially by pedestrians and cyclists, to existing facilities. Planning authorities should also consider preparing village design statements for sensitive locations in co-operation with local communities. It is of fundamental importance to the acceptability by the public of higher density development that the quality of design and finish extends also to the individual dwelling and its immediate surroundings. Residents are entitled to expect that their new homes will offer decent levels of amenity, privacy, security and energy efficiency.

The orientation of the dwelling and its internal layout can affect levels of daylight and sunlight, and will thus influence not only the amenity of the occupants but the energy demand for heat and light. Privacy is another important element of residential amenity, and contributes towards the sense of security felt by people in their homes. All houses, terraced, semi-detached and detached, should have an area of private open space behind the building line. The provision of adequate and well-designed private open space for apartments is crucial in meeting the amenity

needs of residents. In particular, usable outdoor space is a high priority for families.

Circulation within housing layouts, including access to individual dwellings, should have regard to the varying needs of occupants over their lifetimes, including needs associated with mobility difficulties and the normal frailty associated with old age. Where possible, designers should seek to create child and pedestrian-friendly car-free areas, especially in higher density schemes, through the careful location of access streets and parking areas.

The quality of finish and the maintenance arrangements of completed residential developments are intrinsic elements of their long-term sustainability. The quality of the finish of the public realm is of particular importance. Adequate provision should be made for storage-collection of waste materials.

Having set the policy context for the draft guidelines and outlined the main issues and recommendations, I would like to address some misconceptions which have arisen in various media about three particular aspects of the draft guidelines. First, in relation to advocating higher density development at appropriate locations, such as where there is good public transport, I am not saying high-rise. There is a clear difference between high-density and high-rise. High-density means maximising the number of homes in a controlled fashion, it does not mean hitting the clouds. Second, in relation to the recommendations for small towns and villages, it has been commented that the new guidelines will severely restrict new development and will contribute to many small towns and villages shrinking and dying out. I want to assure the House this is not the case. I want our towns and villages to grow and thrive. I want them to grow in a way that is positive for our future generations and that means we must ensure they develop in a sustainable fashion.

Third, the draft guidelines deal only with urban areas. There is no reference in the guidelines to one-off rural houses. Reference has been made to this in many of the regional newspapers. There is a huge misconception out there. These guidelines are totally separate from my Department's sustainable rural housing guidelines which were published in 2005, and which are still valid. The reason there is a specific chapter on small towns and villages in the draft guidelines is to try to bring proper planning to the development of towns and villages, not to curtail one-off houses in the countryside. These guidelines are aimed at making our towns and villages better places in which to live and to provide for a better quality of life for the residents in general.

Intrinsically linked to the planning of sustainable communities is the co-ordinated delivery of the necessary infrastructures and services in those strategic locations across the country which are currently under development pressure. As I have already highlighted, new developments need

to be more than just the provision of new houses. It is essential that there is integration between development and the provision of the necessary hard and soft infrastructure. Key infrastructure should anticipate, and not follow, the delivery of new housing.

To progress this, the Government has mandated my colleague, the Minister of State, Deputy Batt O'Keeffe, to take responsibility for driving this Developing Areas initiative. A dedicated unit has been established in my Department to work with the local authorities and delivery agencies to resolve blockages and provide a coherent approach to servicing and releasing these lands for development. Good planning is a necessity and not an option. I do not know whose telephone is ringing but it is not mine.

I will conclude by stating that decisions must be made openly and transparently and in the best interests of the public. Well-planned and designed higher density developments at appropriate locations will help deliver environmentally and socially sustainable communities. I am confident these draft guidelines and the accompanying urban design manual provides a solid framework on which to deliver these objectives. They will also make a difference to both new and existing communities. I thank Members for the opportunity to discuss these issues. The support of the House and the recognition of the role of the guidelines in supporting more sustainable communities will strengthen the consultation process.

Senator Dominic Hannigan: I congratulate the Minister on his staying power. I compliment him on introducing these guidelines and thank Fianna Fáil Ministers for giving the House this opportunity to debate them. I spent a number of years as a councillor in Meath County Council and as an employee of the planning section of the London borough of Camden and I see much in this document that is welcome. The guidelines and the best practice guide offer a way forward for residential development in the future. The document is well laid out and is comprehensive. It will make residential development in Ireland more sustainable.

I will refer to points in the order they appear in the document, namely, neighbourhood, housing site and issues relating to the home environment. Considerations of neighbourhood are vital for the success of any scheme. The context of the development should ensure that any new developments add to what exists. One of the criteria in the document refers to ensuring there is a park within 15 minutes' walk of the development. This is laudable but the reality is that in Meath East there are no public parks. Meath has no parks section and the same is true of many counties in Ireland. Will the Minister consider including criteria for introducing public parks, perhaps funded by special development levies?

Deputy John Gormley: We have no parks policy in this country.

Senator Dominic Hannigan: Perhaps that is something the Minister could consider.

Deputy John Gormley: I am considering it.

Senator Dominic Hannigan: That intervention was made on the Minister's time, not mine.

The guidelines also call for inclusivity of design so that we do not have community facilities just for teenagers but also for active retirement groups. We are all aware of how difficult it is for community groups to gain access to facilities. Last Friday, I met a youth officer in Bettystown, which has new premises for a Youthreach centre. The premises are not permanent and the officer is worried about whether they will be able to provide services after the current lease expires. Perhaps the Minister could include in the guidelines stipulations about the provision of community space, for example, for every 100 houses the developer must provide a multi-purpose community centre for youth, adults and active retirement groups. For developments of more than 100 houses, a playground or space for a playing area should be provided, along with Garda or health centres if required. Perhaps post boxes should be also a requirement for developments of more than 100 houses. I have been in estates of more than 300 houses, where there are no playgrounds, where there are no places for bored teenagers to hang out and where one must travel five miles by car to post a letter.

The document refers to an assessment for education if there are more than 200 houses and that, if there are more than 800 houses, there should be phasing on the basis of educational places. Just yesterday, An Bord Pleanála granted planning permission for 700 houses in Donacarney, East Meath, with no reference to the dearth of school places. Some 1,000 children are coming on stream and the local authority did not link it to any educational provision. In this regard, it is welcome to see planning guidelines.

It is right that we should concentrate density at places where there is high public transport provision. It should not, however, be a case of ticking the box if there is public transport. The important issue is whether there is capacity on the public transport system to deal with the additional people. That is not the case at present. I ask the Minister to consider whether assessment of public transport capacity would be a more useful measure in judging whether to grant permission to a development.

I agree with much of what is in the housing site guidelines. I refer to housing estate layout. The guidelines refer to moving away from traffic calming measures and introducing speed design in estates. I am sure the Minister is familiar with the Netherlands, and its system of *woonerf* — living street — along which, by legislation, drivers

cannot exceed the walking pace of people within the estate. It reduces the number of accidents in estates and makes the estates a nicer place to live. There are 9,000 *woonerven* in the Netherlands and Germany has something similar, limiting the speed of cars within estates to 7 km/h. I ask the Minister to consider introducing such legislation here.

Will the Minister address the issue of retrospectivity. In my estate of Drogheda, designed ten years ago and built five years ago, there are no traffic calming measures. Trying to introduce traffic calming measures after development is very difficult. I ask the Minister to consider incentivising local authorities or developers, where the estate has not been taken into charge by the local authority, to provide traffic calming measures on estates that have already been built.

I agree with the guidelines in respect of adaptability of design and maximising the use of solar power. I ask the Minister to consider guidelines for geothermal power and re-using groundwater and rainwater to maximise their use within new developments.

Regarding privacy and amenity, I suggest the laws be tightened in respect of sound insulation. One could be sitting in a house in some estates and believe one is listening to "Life on Earth" by David Attenborough because of what is going on next door and the thickness of the walls. The legislation is not strong enough on this point. It is difficult to retrofit houses with sound insulation. I suggest the way around this is to increase penalties, something that the Minister is considering in building regulations but perhaps he can make a contribution on this point.

The guidelines call for more use of communal parking. The only issue is the use of these by trucks or abandoned cars. The Minister should tighten the law on parking trucks and abandoned cars, and car sales. At present, the council advises contacting the Garda Síochána and the Garda Síochána sends one back to the council, while the developer does not want to know about it. Can we examine having one person or centre responsible for parking trucks on estates? While it might sound like a minor issue it is a major issue in new estates. My final point relates to detailed design of open space. The guidelines call for landscaping before estates are occupied. All too often this does not happen and we have seen instances where developers come back and ask to build further houses in the open space area. Will the Minister consider guidelines that prevent applications for further housing on open spaces identified on the planning application?

There has been a slowdown in the residential market recently but it is cyclical, as we all accept, and the Minister has stated that we can expect another 700,000 houses to be built before 2020. These guidelines are a positive development, will help to ensure homes are built well, improve our towns and cities and make for more comfortable

living. I compliment the Minister on his initiative and ask him to consider my suggestions.

Senator Ann Ormonde: I welcome the Minister and thank him for staying to listen to our statements on the guidelines. It is good he has submitted them for consultation, as it gives us an opportunity to brainstorm and reflect in advance of the Minister's return. Our discussion of the guidelines in conjunction with the planning laws is necessary. In the context of the guidelines, we may need to re-examine how the laws fit into the overall plan.

As the Minister stated, good planning is a necessity and not an option, a good line with which to start my contribution. The development plan is the heart of the system. Having been a county councillor for 19 years, I know something about it and have gone through a few good and bad development plans. South Dublin County Council has reshaped the way it makes development plans and it is working well.

We must consider how best to make our urban designs reflect communities. As with all development plans, small is beautiful and, if one starts at the local level, one will get the rest of it right. Policy must be reflected, but developers, planners, architectural teams, councillors and communities must work hand in hand. Councillors and communities know the localities and reflect the areas and their needs, such as in terms of public transport. They know the necessary linkages, be it in terms of schools or health services. Those involved must work together to get the plan right, which I appreciate is stated in the draft guidelines. The best way for the team to work must be implemented.

Most housing schemes to date have comprised members of a single age group. I hope future guidelines will introduce diverse households and age groups, which will make for better communities. An integrated approach should deliver housing for the elderly, a good social mix and social and affordable housing. I grew up in a small village where there was a great concept of the village. Everyone was integrated and one could leave a key in a door. While that may no longer be the case, we should aim for an area's people working together to return their community's soul. After 8 a.m. when people turn keys in doors in many communities that I represent, nothing occurs because everyone goes to work, crèches, primary schools or secondary schools. They have no community facilities and children must go to school and develop friendships outside their areas. I want to move away from this and ensure diverse age groups and households, which will help to re-invigorate community spirit, renew the social fabric and restore quality environments.

Local people know what is occurring. For example, neighbours will play a role if an elderly person needs help. We would not need the health

services that are being demanded if we had a good social mix with people caring for one another. This is missing. My vision is to activate rural Ireland and to decentralise. I do not want villages and towns to become extensions of cities because each has its own fabric. All new schemes must be responsive to the heritage of villages and towns and reflective of what is present. The schemes should focus on how best to protect and enhance the business community because, if they do not, we will not respect those who have built the communities.

Many lovely towns and villages throughout the length and breadth of Ireland are being neglected. We must ensure we activate them. My main concern is streaming everything towards top-heavy cities while neglecting the fabric of rural societies. If we activate towns and villages, we will have a fine society.

If the houses being designed are near open spaces, there need not be many gardens in large urban areas. Houses should be developed close to open parks and spaces to allow for amenities, such as walking, cycling, active or passive sports, leisure activities and so on. These factors should be developed in communities. Young people should play in their areas instead of being transported four or five miles down the road. For this reason, it is important to get linkages right and to connect with the Department early on, which I acknowledge is provided for in the development plan.

I hope the Ministers feel as strongly about another matter as I, namely, the new development in Donnybrook, Ballsbridge, Dublin 4. I am concerned.

Senator Paul Coghlan: So are we.

Senator Ann Ormonde: It will destroy the fabric of Donnybrook, Sandymount and Ballsbridge. I hope the high-rise development is not allowed to the extent proposed. I have taken a lead in this respect because it is of concern to the area, which I hope the Minister will acknowledge.

The Minister stated that once-off housing was not included in the guidelines, which I accept. However, once-off housing is a part of village development. The children of an area's farmers should be allowed to build their houses in that area. This is rural activity beginning to play its part and must be incorporated in the village concept. Farmers' sons, daughters, nieces and nephews should be allowed to come home after living outside the area and to build therein without being made to live in clusters. It is in the nature of many people who grew up in rural parts not to want to live near other houses and we should not deprive them of that option.

I look forward to seeing the Minister again. I welcome the drafting of the development plan. I acknowledge some of the points raised by my

[Senator Ann Ormonde.]

colleague opposite, Senator Coffey, because we both have the same concept of the village.

Senator Jerry Buttimer: Senator Ormonde is trying for transfers.

Senator Ann Ormonde: I hope the Minister will reflect our opinions on how to protect the heritage of our areas and ensure we respond to the past while building to the future.

Senator Paul Coghlan: With the permission of the House, I would like to share time with Senator Buttimer.

An Cathaoirleach: The Senators have four minutes each.

Senator Paul Coghlan: I welcome the Minister, as everyone respects that he is decent and caring in terms of the environment and, I am sure, in all other respects. I welcome his comments, none of which I disagreed with. Nor did I disagree with the comments of my erstwhile colleagues, including Senators Buttimer, McFadden and Donohoe. I also mention Senator Coffey, who led for Fine Gael. I like the Minister's ideas on the ever-expanding footprint of our urban area and the need for concern. These are draft guidelines and I welcome the Minister's decision to put them out for consultation. There also may be a need for directives because so many developments have been developer-led.

I fully support the Minister's concept of properly-designed development by planners with the input of councillors in advance. I particularly welcome the Minister's statement that high density development does not necessarily mean high rise development. As for the Minister comments on preplanning, it should be encouraged but does not always take place. It should take place with any large-scale development. There has been some disastrous leapfrogging with regard to planning and sometimes, unfortunately, local authorities were at fault. Developers will go where they have land and will do everything to get it. As Members are aware, such land often lacked all the necessary ancillary developments and infrastructure.

The guidelines contain highly laudable objectives and I also greatly welcome the Minister's comments to the effect this does not refer to one-off rural housing, which is necessary to cater for country people. I refer in particular to those who have come from the land and, given the cost of sites, who have been left sites at home, which constitute their only hope of getting on the housing ladder.

Perhaps the Minister is encouraging councils to deal with the issue of high rise development but in the first instance, councils must decide where it is acceptable, if at all. There has been a lack of

sufficient policy support. Most councils do not have a framework pertaining to high rise development at present. It should only be acceptable in some of the larger cities in specified location. Senator Ormonde referred to Ballsbridge. I also wish to mention it because it has received much attention and matters could go disastrously wrong. As I understand it, the area is zoned residential in Dublin City Council's plan. A basic tenet of planning policy is that there should be a harmonious relationship. As the Minister has stressed, it must be in keeping with the character of the area. High rise developments should not be tolerated where they will dwarf other buildings. In the case of Ballsbridge, there is a fine row of Victorian residences and I do not know how the proposed development will blend in with it. While I do not make a judgment in this regard, the height that is being sought seems to be rather peculiar.

An Cathaoirleach: The Senator now has moved into Senator Buttimer's time.

Senator Paul Coghlan: As I do not wish to do, I will conclude.

Reference has been made to other landmark buildings that already exist there, such as the RDS, the Allied Irish Bank headquarters and the United States Embassy, none of which are high rise. One must be very careful in respect of that area.

Senator Jerry Buttimer: Cuirim fáilte roimh an Aire. While Opposition Members welcome the publication of the guidelines and their general thrust, the Minister's bona fides are not questionable and I accept he will put the needs of communities ahead of those of developers. This must be done now and Members must see real action. As the Minister is aware, there has been a litany of bad planning decisions, which have served no one well. I agree with the comments made by the Minister when he spoke of the need for proper planning and sustainable development. Equally, accountability is required on the part of planners and An Bord Pleanála. It is extraordinary that a board inspector can make a decision which can be overturned subsequently by the board with no accountability. This is wrong and must be changed.

In the context of the guidelines, complete integration is required and Senator Coffey is correct. Multidepartmental roles are envisaged, which is a fabulous and wonderful aspiration but Members cannot get answers from a single Department, let alone a conglomeration of Departments. I wish the Minister well in this endeavour and hope he will succeed in achieving this because I am sceptical.

Delivery on this issue is needed. Urban planning has vexed many ordinary citizens, who feel let down by planning decisions. I do not blame

councillors in this respect. I blame planners who are accountable to no one. There is accountability in respect of the public representatives on councils but in some cases there is no accountability regarding planning.

For example, I refer to the Minister's Cabinet colleague, the Minister for Enterprise, Trade and Employment, Deputy Micheál Martin. In Cork, he opposes co-location and the building of a new hospital on the Cork University Hospital campus while promoting it at Cabinet level. There should be proper delivery in respect of communities. I disagree with the Minister in that sustainable communities and proper planning are sound-bites, which form a great lexicon and make for great reading. While this makes great sense, Members have not and do not see it happening. Developers have run amok. I refer to the absence of infrastructural development and community facilities. One could cite Dublin 15, Cork South-Central or any part of the country in which some developers have failed to deliver. I refer to some, rather than all, developers. They have not delivered and joined-up thinking is required to integrate services such as public transportation, schools and community facilities. The onus in this regard must be placed on developers.

If the Minister does nothing else in his time in charge of the Department of the Environment, Heritage and Local Government, he should do as Senator McFadden suggested. There should be estate management and they should be taken in charge. There should be accountability regarding local residents and ordinary citizens who fell powerless in this regard. There should be action in this respect.

With regard to the 10% rule, while I understand the Minister's perspective, he is being restrictive and is preventing towns from developing, which would be the wrong thing to do. People must be encouraged to move into towns and in the context of rural Ireland, regeneration is required and life must be brought back to communities. This can be done by avoiding restrictions on the manner in which they can develop.

As for population projections, while the theory is good, sometimes the practice is wrong. The Minister should not base everything on population theories. The public realm must be enhanced, which means proper houses and not shoe boxes.

Senator Déirdre de Búrca: I welcome the Minister, Deputy Gormley, to the House. I also welcome the publication of the draft planning guidelines on sustainable residential development in urban area and the accompanying best practice urban design manual. It is fortunate that every time the Minister comes into the House it is with a good news story. I congratulate him for grasp-

ing the challenges that faced him in his Department.

It has become clear from the contributions of Members across the House that most believe the planning legacy of the Celtic tiger was less than one might have hoped. This resulted from a coincidence of a massive explosion in demand for housing both for residential development and much speculative development. Local authorities were overwhelmed and under-resourced and planners were being stretched. Had these guidelines which the Minister is introducing and which have sustainable development at their heart been in existence before the Celtic tiger took off, very different development might have taken place.

Nevertheless, I welcome their production. The guidelines state that the number of homes in the country is expected to increase from 1.8 million to 2.5 million by 2020. Consequently, much construction and much residential development will happen in the coming decade. It is gratifying to see the kind of guidelines the Department has produced because they will put sustainable development at the heart of the residential development that will take place. They will do so because the energy scenario which future communities and neighbourhoods will face is very different to the one we have experienced until now. The price of fuels on which people rely to travel to work or go shopping will become increasingly expensive, so there is an onus on planners to ensure people can live within a reasonable distance of their workplaces. Developments should not presume automatic access to several cars per household or that people are able to shop at large supermarkets located some distance from their homes. The guidelines make it clear that we have to be aware not only of rising prices and our energy future, but also of our carbon footprint. Residential developments should minimise our carbon footprint rather than contribute to it.

The Minister has considered social sustainability and the need to build communities. He has also discussed the need for private open spaces in apartment dwellings. Unfortunately, many residential developments over the past decade have viewed people as economic units and focused on providing them with somewhere to live and access to work while failing to consider elderly and disabled people or children, who have needs for all kinds of facilities and services. An integrated approach is being taken, with an emphasis on the need for amenities, convenience and green spaces and playgrounds. The guidelines advise on liaising with the planning unit within the Department of Education and Science to ensure schools are provided in an integrated manner.

Observers of this country's planning policies over the past decade have expressed concern about whether these guidelines will be

[Senator Déirdre de Búrca.]

implemented and enforced by local authorities. However, if the willingness is there, they can be enforced. The guidelines provide a policy framework within which local authorities and An Bord Pleanála can make planning decisions. A case was taken to the High Court challenging what was considered to be over zoning by Meath County Council. The court ruled that while local authorities had to have regard for guidelines, they were not obliged to follow them. I ask the Minister to comment on how authorities can be encouraged to operate within the guidelines.

Unless we want to continue the existing pattern of suburbanisation and the unsustainable sprawl of towns and cities, we have to consider higher density developments where appropriate. I agree with the planning guidelines in regard to where high density developments should be located. They must be adjacent to public transport corridors because the dependence on cars of large numbers of people concentrated in smaller areas has implications for traffic congestion. I note the emphasis in the guidelines on integrating land use and transport planning. Unfortunately, local authorities have little if any influence on the provision of public transport even though they are closely involved in roads delivery. The guidelines stress the importance of involving all statutory bodies and agencies when local area plans are devised. An integrated land use and transport authority for the greater Dublin area would be positive in that regard.

I welcome the focus in the guidelines on small towns and villages. In my constituency of County Wicklow, problems have arisen from the unsustainable way in which towns and villages have developed. The guidelines recommend that where local area plans are not in place, extensive development should not occur. That makes sense because without the structure of a local area plan, developments can fail to integrate communities or consider the future. In addition, where land is not zoned for development, there is no Part V obligation on the part of developers, so local authorities could lose out on social housing stock.

I congratulate the Minister on the timely production of the planning guidelines. Local authorities need this policy framework. Every speaker has welcomed the guidelines in one way or another but we should realise that the decisions our parties are making at a local level affect planning and zoning. Our support for the guidelines should filter down to party members at local government level so everyone can understand sustainable development is the way forward.

Senator Pearse Doherty: Cuirim fáilte roimh an Aire agus roimh na treoirlínte. Tá sé thar am go bhfuil na treoirlínte againn. Níl dabht ar bith le blianta beaga anuas go bhfuil na conraitheoirí móra ag cur brú ar na bailte ar fud an Stáit, agus

nach raibh na treoirlínte in ann cosc a chur orthu agus cinntiú go raibh an forbairt a bhí idir lámhe acu an forbairt ab fhearr don todhchaí agus go raibh sé fite fuaite le seirbhísí taisteal, iompair agus sóisialta. Níos mó ná treoirlínte, tá gá le reachtaíocht — ní cheart dúinn é seo a fhágáil leis na comhairlí chontae i gcomhthéasc na pleananna forbairthe.

I welcome these comprehensive guidelines, although clearly a number of questions will arise in respect of them. Guidelines which put an end to the developer-led approach to planning are long overdue. We need balanced and sustainable development that ensures our towns and villages are viable and that the social and infrastructure needs of vibrant communities are met.

Chapter 6 of the guidelines concerns smaller towns and villages and section 6d advises that significant developments should only be considered by local authorities where a local area plan has already been adopted. As a former councillor and member of a planning strategic policy committee, it is a good idea because we were unable to deal with local development through a county development plan. Local area plans are the way to proceed in this regard. However, my county of Donegal has more than 100 towns, which would require the same number of local area plans. If these guidelines are to be adopted, there is a need to invest resources in the planning departments of local authorities throughout the country.

Senator Nicky McFadden: Hear, hear.

Senator Pearse Doherty: If one talks to any councillor throughout the State, one will hear that one of the major frustrations concerns trying to liaise with the planning sections. Councillors understand the burden the planners are under in trying to deal with enforcement, regulations and the huge number of applications, particularly given the construction boom, and while perhaps they will not be as busy in the future, they are stretched at present. If there is a need to have area plans for all of the towns and villages of 400 plus under the guidelines, that is a change from existing legislation and, therefore, resources need to be put into the forward planning units of the councils.

Sometimes we are very good in terms of providing guidelines or legislation but very bad at the follow-up and providing resources to back them up and implement them. Having listened to the Minister's contribution, there is little with which I would disagree. I agree with his sentiments and the approach he is taking. However, the details of how we enforce legislation and roll it out need to be followed up.

Chapter 6.3(e) states that individual applications can be no more than 15% of the housing stock in a village at any given time. While that is to be welcomed as a means of ensuring no one

developer builds a massive residential or other development within a town, we also need to put a cap on the number of individual applications that are made. Over the lifetime of a plan, one could have 20 individual applications of up to 15%. It is a rolling process and one could see the doubling of the size of a village within the lifetime of a plan, which would not result in proper development. It is an issue that needs to be examined.

We presume that towns and villages are serviced but the reality is that many are not, and will not be for a long time under the approach by the Department to funding for capital projects, particularly water and environment projects. In Donegal, for example, over a four-year programme the contributions that will be amassed from the public in development contributions for sewerage schemes throughout the county amount to €32 million yet over €120 million is required by Donegal County Council to meet its part of the matched funding. The council has two options, therefore. One is to not provide sewerage schemes in towns and villages and the other is to increase development charges by 400%.

If we are to have sustainable development and higher density in towns and villages, we need to provide services and provide for those in the planning departments who draw up the local area plans. We also need to row back on the idea whereby local authorities are asked to put up close to 40% of matching funding to develop sewerage schemes, which cannot be done at this time.

Senator Nicky McFadden: Hear, hear.

Senator Pearse Doherty: It will not be possible to do it for the foreseeable future unless the local authority is a very rich one, of which there are few, if any.

The Minister refers in the document to proposals on limits for lower density, which would be an alternative for those who want to build one-off housing. In many of the towns and villages in my county, such as the one in which I live, many people build one-off houses. Will this still be allowed to happen under these guidelines? If somebody has half an acre of land, perhaps family land, can that person build for himself or a daughter, for example, or are these proposals geared so that if all land in the town or village is zoned residential, the development needs to be of high density? The Minister said that this has nothing to do with the one-off housing but a number of references suggest that this provides an alternative to one-off housing.

I am concerned about the way we are dealing with one-off housing. The 2005 guidelines need to be tightened up and strengthened. We need to allow people the right to build on their own land in their own communities and give life back to

rural Ireland. What we have seen since the publication of the guidelines is a constant stepping back while more challenges and difficulties are put in place for people trying to build on their own land in rural areas. While I welcome the idea of proper integrated planning in towns and villages, we need to accompany this. I ask the Minister to examine the rural planning guidelines and to come up with an approach, as he did with the urban guidelines, to strengthen them in order to allow people the right to build on their land for one-off housing.

Senator Jim Walsh: Cuirim fáilte roimh an Aire. Cé nach bhfuil mé iomlán sásta mar gheall ar an ábhar seo, molaim an Aire as ucht an méad atá déanta aige.

I welcome the Minister to the House. Before getting into the substantive issues, there is a need for elements of uniformity throughout the country with regard to planning. Planning guidelines should be seen as guidelines, because there are local issues which obviously impact. If the Minister subscribes, which I am sure he does, to the autonomy and empowerment of local councils, it is obvious they must be allowed to make their own decisions as to what is best in their own localities for the communities they represent.

Some issues I have noticed in recent times are a cause of concern. In my constituency, in a traditional area of Wexford town, the Faythe, where there are many elderly residents, there has been a recent trend for businesses to buy houses which were formerly residential. These are affordable houses, perhaps for single people or couples, and convenient to shops and so on. The businesses buy them simply because it is a cheap opportunity to access office accommodation. As a consequence, traffic and various other problems arise which have seriously impacted on the quality of life of the people living in the area. Within the guidelines, we should have some preservation of old housing stock so it would remain as part of residential housing stock rather than having it acquired by people in business in an opportunistic manner. Businesses should be located in some of the newer office estates which surround our towns, where there are parking and other facilities, rather than imposing the difficulties associated with them on residential areas.

We have previously debated the taking over of housing estates by local authorities. There needs to be a much closer monitoring of developments by local authorities because when it comes to the taking over of estates it is often discovered that there are various impediments because the developers have not fully conformed with the planners' original outline. At that stage, it is too late for the situation to be corrected. Issues such as ramps, community facilities and so on should be part and parcel of the estates being built.

[Senator Jim Walsh.]

The Department does not always get it right. I commend Dublin City Council, of which the Minister was Lord Mayor some years ago, because in the past 12 months it brought out new guidelines for the development of apartments in the city. It is fair to say that the Department lacked the vision which the city council has shown. The size which is allowed in the guidelines from the Department is much smaller than that introduced in the Dublin City Council guidelines. Across the city and elsewhere, we have seen very poor quality apartments built. The former Dublin city manager, Mr. John Fitzgerald, speaking at an Oireachtas sub-committee some time ago, stated that the new social problems will be in the section 23 apartment blocks in the city and other parts of the country. That is because the design and quality was not of a sufficiently high standard. People bought them on the basis of tax breaks and no significant thought went into that.

I was a proponent of Part V because I thought it was a good republican philosophy to encourage a mix of people in residential areas. It was a very courageous move by the then Minister, Deputy Noel Dempsey. As it is almost seven years since its inception, it is time to review Part V and look at the consequences of it. In some areas people found it difficult to maintain the houses or apartments allocated to them and the disparity in income among residents led to social difficulties also.

As part of a review we should examine whether it is preferable for the 20% of land which developers give to local authorities at its original cost base, be it agricultural or whatever, to be used for sports fields and community facilities. Many of us are of an age to remember big open spaces when we were growing up in which one could play hurling, football or soccer adjacent to where one lived. All that land has now been developed. A potential volcano of problems is being built up as a consequence. I urge that we examine this matter.

At the time we all felt Part V was imposing an obligation on developers but in practice it has imposed an obligation on purchasers, especially first-time buyers who picked up the additional cost due to developers not getting the value from that portion of the land. Developers should also be involved in the provision of community facilities.

I fully support some of the objectives outlined in the draft guidelines, such as setting out stronger planning requirements to facilitate the development of sustainable communities. That is really what it should be about. In setting out the guidelines the Minister has clearly identified the objective. Setting high standards in terms of space and facilities to meet our needs is something to which we should fully adhere. I am somewhat disappointed, however, because I fear the Minister

has run with the mantra of the Department in terms of higher density. From being involved with one or two very small developments I am aware that the more units one can get on a plot of land, the more profit one will make. I also accept the arguments regarding transport and CO₂ but I question why no reference was made to the huge social problems which will be created by aiming for high density and not giving people space.

I accept that urban sprawl is a challenge but in provincial and rural Ireland the last thing we need is high rise apartment blocks, 20 houses to the acre or 50 houses to the hectare. That is a major issue and it is one which I urge the Minister to re-examine. While we may be meeting some of the criteria on the transport side I have no doubt about the social consequences of having people congregate in built-up areas. This is not necessary in rural Ireland where there is plenty of land. We are a very low density population. A total of 4.2 million people live in this part of the island and 6 million people overall live on the island. If we continue looking for this type of very high density what took place in Finglas on St. Patrick's Day will be replicated in various areas around the country.

I have discussed this issue with planners and they concur that there is no necessity for high density. It is a developer's charter and will add to the profits of developers but it is not in the long-term benefit of the social fabric of the communities we wish to create. I urge that this be examined in terms of the direction in which we are going as the disadvantages outweigh the advantages from the point of view of transportation and CO₂.

Senator Martin Brady: I thank the Minister and his officials. His guidelines generated a discussion on various issues connected with planning with which we are all familiar. I concur with what Senator Walsh said about high density apartments and estates. I referred to this issue in my contribution, as did Senator Coffey. Policing is impossible in some of these estates because all the roads are through roads and there are no cul-de-sac. I welcome the guidelines and I look forward to their implementation.

I would like to see local authorities playing a more responsible role in planning. Residents' associations should be involved at the consultation stage. When planning permission is sought, in general, variations are introduced a month later. This is very confusing as there can be three or four different stages of variations. Allegations have been made that builders and developers do this deliberately to confuse people. This is something on which we should keep a close eye.

The guidelines promote the notion that estates would be made more user-friendly for transport, especially buses. Proper parking spaces are required. We should not provide park and ride

facilities in the middle of or adjacent to housing estates. This has happened in some areas and it results in additional traffic which is a safety hazard.

I thank the Minister and the Members of the Opposition who made valuable contributions. We

all benefit from listening to each other. The debate was interesting. I commend the motion to the House.

Amendment put.

The Seanad divided: Tá, 12; Níl, 24.

Tá

Bradford, Paul.
Buttimer, Jerry.
Coffey, Paudie.
Coghlan, Paul.
Doherty, Pearse.
Fitzgerald, Frances.

Hannigan, Dominic.
McFadden, Nicky.
O'Reilly, Joe.
Phelan, John Paul.
Prendergast, Phil.
White, Alex.

Níl

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callanan, Peter.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
de Búrca, Déirdre.
Ellis, John.
Keaveney, Cecilia.
MacSharry, Marc.

Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Phelan, Kieran.
Ross, Shane.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Paudie Coffey and Nicky McFadden; Níl, Senators Déirdre de Búrca and Diarmuid Wilson.

Amendment declared lost.

Motion put and declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: Amárach ar 10.30 a.m.

Adjournment Matters.

School Transport.

Senator Nicky McFadden: I thank the Minister for the Environment, Heritage and Local Government for being present throughout the afternoon. The matter I raise relates to school transport. After Christmas, the cost of transporting children to school was increased by 40%. This excessive hike most affects remote and rural areas, including my constituency, and will have stark consequences for many families. The average cost of school transport varies from €90 to an exorbitant €450 for some families.

Parents feel the burden of the costs arising from sending their children to school. It is a myth that education is free. Families must pay for school uniforms, tracksuits, runners and the many extra-curricular activities in which children like to

participate. Children should not be discriminated against on financial grounds. It is immoral to increase charges for school transport in one fell swoop.

More than 140,000 children avail of the school transport scheme. It is a good service and one which parents clearly wish to use. In an earlier debate today we referred to sustainability and the large number of children who travel to school by car. It is apt that the Minister is present because it is incumbent on the Government, including the Minister's Department, to encourage the establishment of public transport networks in rural areas to bring children to school. In this context, the 40% hike in charges should be reversed.

The qualifying criteria for the school transport scheme include that pupils must live within a two mile radius of the school they attend and be aged more than four years. The former criterion is discriminatory in that buses may not pass the houses of children who live within the two-mile radius. The scheme is also provided on a first-come, first-served basis, which means it does not matter a jot if a child has a sibling at the same school because if there is no room on the bus, he or she will not be transported to school under the scheme. I ask the Minister to ensure these two anomalies are addressed.

The Government must be committed to relieving the burden of the cost of school transport on

[Senator Nicky McFadden.]

families. Every child has a constitutional right to education. However, if costs continue to be placed on parents, this right will become seriously eroded. My remarks are not politically motivated. I am aware of families in hard-pressed circumstances in my constituency. It is a fundamental right of every child to attend school and parents must be able to give their children equal opportunities, regardless of their means or whether they live in an urban or rural area.

I call for an overhaul and a review of the school transport scheme. The 40% increase must be reversed and the eligibility criteria changed. Moreover, the issue of catchment boundaries must be addressed. The Department of Education and Science has signalled that further increases may be introduced at Easter to reflect the increase in the cost of providing school transport. I ask the Minister to comment. It is clear there is no intention of reversing the recent hikes given that consideration is being given to imposing further increases on hard-pressed families.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As Senators will be aware, I will speak on a number of issues which do not come within my brief. I am, therefore, not in a position to respond or comment on questions they may ask.

I thank the Senator for raising this matter as it provides me with an opportunity to clarify the position regarding an increase in the school transport charges. Before I address the issue of charges, I will give Members an outline of the extent of the school transport service. School transport is a significant operation managed by Bus Éireann on behalf of the Department of Education and Science and covering more than 82 million kilometres annually. In the region of 135,000 children, including more than 8,500 children with special needs, are transported in more than 3,800 vehicles daily to primary and post-primary schools throughout the country. This includes more than 9,000 schoolchildren who travel on scheduled bus and rail services, including those of licensed private operators.

Government investment in the scheme has increased significantly over the years. For example, in 1998, expenditure stood at slightly in excess of €51 million, while this year's allocation is slightly in excess of €175 million. This investment has been targeted towards the development of new services, improvements in the quality of service and extensions and alterations to existing services, mainly relating to transport for children with special needs.

In 2001, improvements made to the school transport scheme included the reduction from ten eligible pupils to no fewer than seven eligible pupils the number of pupils required to establish a new primary school service; the reduction to four eligible pupils the threshold for maintaining

a post-primary service, provided a minimum of six fare-paying pupils used the service; the reduction from a maximum of three hours to two and a half hours in the combined daily travelling and waiting times at post-primary level; the reduction from 4.8 km to 3.2 km in the distance requirement for the remote area grants for primary pupils; and the reduction from 4.8 km to 3.2 km in the distance requirement from the nearest route in respect of fully eligible post-primary pupils.

Further significant improvements have been made since 2005. The three-for-two seating arrangement was phased out on post-primary services by the end of December 2005 and on primary services by the end of December 2006. Bus Éireann was given approval to acquire 161 buses, including 50 new buses. In addition, more than 300 extra vehicles were hired from the private sector. All buses in the school transport scheme have been equipped with safety belts.

A major focus of the increased investment is the provision of improved services for children with special needs. It is estimated that more than 30% of the financial allocation for school transport is expended on transport services and grants for children with special needs who account for about 6% of the overall number of children carried. Costs are high in this area because it is not always possible to accommodate these children on regular school transport routes. Special transport such as minibuses, wheelchair-adapted vehicles and taxis must be provided.

There has been a substantial expansion and improvement in school transport services. The total number of vehicles in the school transport fleet increased from more than 2,400 in 1998 to more than 3,800 in 2007. In the same period, taxis were introduced as a new category of school transport, with more than 550 in service. Taxi services are primarily for special needs children for whom transport by car is often the most appropriate option. The number of minibuses in service during that period increased by almost 250, again reflecting the expansion in the special needs area. A further enhancement has been the funding provided for escorts to accompany some children with special needs. More than 1,000 escorts are now employed at a cost of more than €13 million per annum.

School transport charges have not been increased since 1998. The overall annual receipts are slightly in excess of €6.5 million which represents less than 4% of the financial allocation for school transport this year. To reflect increases in the cost of providing school transport and to alleviate pressure on these costs, revised charges are being introduced with effect from the final term of the current school year, which begins after Easter 2008. Current charges for the eligible junior cycle pupil will increase from €33 per term to €46 per term, for the eligible senior cycle pupil from €51 per term to €71 per term, for the concessionary post-primary pupil from €51 per term

to €71 per term, and for the concessionary primary pupil from €26 per term to €36 per term.

A maximum family contribution of €150 per term will apply. The term charge may be waived for eligible pupils where the family is in possession of a valid medical card. The new revised charges at junior and senior cycles equate to about 82 cent and €1.27 cent per day respectively. They represent excellent value having regard to the services being provided.

Senator Nicky McFadden: The Minister has been most gracious all afternoon. However, it is a sad indictment on the Government that there are so many Ministers of State in the areas of transport and education but none could attend the House tonight to address this important issue.

Under the conditions for primary school transport, section 1.8 concerns special conditions for the conveyance of Protestant children to national schools under Protestant management. I found it strange for the Department to categorise one type of school when there are others such as Educate Together. Perhaps the Minister would convey this to his ministerial colleague in Cabinet.

Schools Amalgamation.

Senator John Paul Phelan: I know the Minister for the Environment, Heritage and Local Government has been in the Chamber all afternoon. It is Easter week which explains the absence of other Ministers. I echo Senator McFadden's comments on the absence of Ministers from the Department of Education and Science. Two weeks ago I raised an education matter on the Adjournment but no Minister from the Department attended the House to respond. While I have no doubt the Minister for the Environment, Heritage and Local Government will give a good answer to my Adjournment matter tonight, it would be more beneficial if a Minister from the Department of Education and Science were present.

My matter concerns my former school, the Good Counsel College in New Ross, County Wexford. I raised the matter two weeks ago in the context of the ongoing discussions for the past ten years on the amalgamation of secondary schools in the New Ross town area. Five years ago, a report by Dr. Tom McCarthy recommended three post-primary schools to be sufficient for the town. While I believe four would be a more realistic option, for the past five years no agreement has been reached among the management of the existing five schools on the amalgamation process needed to be put in place. This has resulted in capital expenditure for school buildings being frozen. Dr. McCarthy's report concluded that of the three schools for the town, one should be all-boys, one all-girls and one co-educational, each with 750 students. The Good Counsel College already fits these criteria as it is an all-boys school with in excess of 750 students.

Some 20 years ago, the Augustinian order showed great foresight in building a new campus on the then outskirts of the town. The order has added to the campus over the years with the support of the Department of Education and Science. It has engaged with public private partnerships for the provision of all-weather sports facilities. In conjunction with the Department of Arts, Sport and Tourism and New Ross Town Council, the new municipal swimming pool will be located on college grounds. Some years ago the college was approved for a summer works scheme project. However, it could not carry them out because of the bar on capital expenditure due to the failure of agreement for schools amalgamation. I am looking for a conclusion to this farce.

There are ongoing safety problems with the Good Counsel College buildings. The floor of the gymnasium, built only ten years ago, needs to be replaced, yet the college's management has been informed it will not receive funding for such remedial work. Part of the floor in the art room, built just 20 years ago, collapsed and because they could not get capital funding from the Department of Education and Science, the Augustinians, of whom only four or five are left, had to pay for the necessary repair out of their own house funds in New Ross.

That cannot be allowed to continue as Good Counsel has been to the forefront of education in the town for more than 100 years. It is one of the few schools in New Ross which has introduced a curriculum to meet the needs of the Traveller community in the town and members of many different ethnic backgrounds are catered for within the existing school. Will the Minister indicate when we will get a resolution to the problem and when this capital funding will be forthcoming for the necessary projects which need to be carried out?

Deputy John Gormley: I thank the Senator for raising this matter, which he brought up in a more general vein on 4 March last. The Minister of State, Deputy Pat The Cope Gallagher, deputised for the Minister for Education and Science on that day and subsequently informed her of the views enunciated by Senator Phelan in this matter. The Minister of State outlined the background in detail of proposals to rationalise post-primary provision in New Ross and, as the Senator will be well aware of this, it is not my intention to repeat the full extent of this detail other than what is necessary for the record.

There are five post-primary providers in New Ross and all are seeking major capital investment. As a result of this and declining enrolments, the Department of Education and Science appointed a facilitator, Dr. Tom McCarthy, to review infrastructural provision in the area, including that at primary level. In his report, Dr. McCarthy recommended a reduction at post-primary level to three schools, each catering for 720 pupils which would provide accommodation and facilities for 2,100

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pupils overall. The schools were to comprise one single-sex girls' school, one single-sex boys' school and one co-educational school.

Subsequently the Department prepared a discussion paper for the trustees of both the primary and post-primary schools to progress the matter. This step was taken because of demographic changes since Dr. McCarthy's report. The purpose of the paper was to put forward the Department's view on the extent of provision needed for New Ross, together with how best this could be met.

The key recommendation at post-primary level was that the five post-primary schools should be rationalised to provide three schools, each catering for 500 mainstream pupils or 1,500 pupils overall. This reflected the current and proposed population for the area, housing developments etc., which were discussed with the local authorities. It also reflected that some of the schools were enrolling pupils from outside the catchment area.

The demographics quoted by Senator Phelan when he last raised this matter suggests there are currently between 7,000 and 8,000 people in New Ross town with some 2,100 post-primary school pupils. Normally, a population of 8,000 persons would yield a post-primary pupil output of some 680 pupils, which would be sufficient for one post-primary school. I accept the Senator was probably talking about the town itself and that the appropriate hinterland demographics would need to be factored in.

Nonetheless, in a case where 2,100 pupils are not evenly distributed over five schools, difficulties are inevitable not alone in running and maintaining buildings but also in terms of the type and extent of curriculum that can be delivered in the smaller schools. These are the issues which the Department wants to see tackled for the purpose of providing the town with the requisite number of strong and viable schools for the future with top class accommodation. In the circumstances, I am glad of Senator Phelan's comment here on 4 March last that "everybody in the town and its schools accepts changes must be made and there is a strong case for amalgamation."

This being the case, the Department too is disappointed progress has not been made. It has no vested interest in seeing pupils in unsatisfactory accommodation but it is important for the Senator to understand it is matter for the trustees of the schools involved to take this forward in their own school communities, and this is what they are doing.

The Department accepts change is never easy to accept or achieve and it will support the trustees in any way it can to move the process forward. The Department also accepts the position in New Ross is unique, which contributes to the complexity of the issues required to be resolved. These arise chiefly because there are two differ-

ent dioceses, two different parishes and two different local authority areas of functionality involved.

With regard to comments made by the Senator on the maintenance of the existing buildings, the Department provides funding through capitation grants to post-primary schools for the day to day running of schools, including maintenance. The budget included significant improvements at second level for 2008 by increasing capitation by €15 to €331 per student per annum, while the support services grant will increase by €5 to €117 per annum. In addition, an extra €10 per student will be given to the voluntary schools to continue the process towards equalisation of funding measures for that sector.

Voluntary schools will, therefore, get €535 per student, with a typical 500-student school getting €267,500 in 2008 to meet its day to day costs outside of teacher pay, which is of course also covered by the Department.

In 2006, the Department gave more than €123,000 to the Good Counsel College to address external works over which there were health and safety concerns. Generally, the Senator will appreciate, where major capital investment is required across a number of schools in the same area, the Department has an obligation to critically examine what is being asked for and to satisfy itself that expenditure is fully justified and represents value for money not just in terms of bricks and mortar but in educational terms.

I thank the Senator again for raising this matter and assure him that once there is an outcome to discussions among the trustees, which the Department will support to the best of its ability, moves can be made to consider the extent of large scale capital investment which can be made in the New Ross area.

Senator John Paul Phelan: I thank the Minister for his response, although he is only reading what he has been given by officials. We have no officials from the Department here either. This goes back to my previous statement regarding not having a Minister from the relevant Department here. On 4 March I clearly referred to the population of the town as being 7,000 or 8,000 and there is approximately 30,000 in the catchment area of New Ross. That was ignored in the first part of the Minister's response.

There is also a significant discrepancy in the figures read out in the answer. The Minister stated capitation was €535 per pupil, with a typical 500-student school getting €267,500 in 2008. The figures for Good Counsel were less than half of that from two years ago.

My central point is that even going on the McCarthy report proposals, the Good Counsel College is the newest school in terms of its building in New Ross and it is obvious to everyone concerned that whatever amalgamation takes place, the campus of Good Counsel will be used in that amalgamation. It already meets the

criteria. As a consequence, surely the Department should invest money to ensure the existing infrastructure does not dwindle away in the next few years. For ten years we have been speaking of amalgamation and for five years there has been direct consultation with the trustees of the different schools, with no agreement.

I understand the Minister's comments in his response but it is not good enough. We need leadership from the Department of Education and Science to resolve this issue as it will clearly not be resolved by the people on the ground.

Deputy John Gormley: It is unfortunate and regrettable that I am not in a position to comment. I am sure the comments made by Senator John Paul Phelan are valid, and he is correct in pointing out there are no officials from the relevant Department here — although there are officials here — which is not satisfactory. They could have had an opportunity to convey the Senator's sentiments. I hope the Acting Chairman might, from his position, remind the Minister of this but I will tell the Minister I was in here and issues were raised of major concern to Senators. I hope they will be addressed.

Senator John Paul Phelan: I thank the Minister.

Services for People with Disabilities.

Senator Joe O'Reilly: Ba mhaith liom fáilte a chur roimh an tAire. The new unit for eight intellectually-disabled people at Milltown, Monaghan town, is a state of the art facility. The house is fully fitted and ready for use and was officially opened by President McAleese on Thursday, 17 January 2008. It is part of the implementation of Part 2 of the Disability Act 2005. The objective is to provide sheltered housing, with the services of support staff, to persons with intellectual disabilities and remove these individuals from inappropriate institutions such as psychiatric hospitals and geriatric homes.

I am aware of persons with intellectual disabilities who are wrongfully and disgracefully being imprisoned in psychiatric and geriatric institutions. People experience rapid deterioration in their psychological and physical health when they are wrongly placed in such institutions. This is criminally wrong and it is outrageous that a facility such as Brookvale House, Milltown, Monaghan, is not open, particularly in light of the great need that exists and the fact that people are awaiting admission. Tragically, a similar new building for six handicapped people at Billis, County Monaghan, is also idle.

I understand the reason for not opening the facilities to which I refer relates to the embargo on recruitment. This is wrong. An exemption or derogation in respect of them should be granted. Professor Brendan Drumm recently informed Oireachtas Members that derogations could be

granted in respect of the embargo on recruitment, particularly in areas of acute need. Surely this is one such area. Some weeks ago, the Taoiseach stated that derogations are an option.

I appeal to the Minister not to inform me that this is an internal HSE matter. Bunreacht na hÉireann and the Disability Act 2005 are not internal HSE matters. I ask the Minister to exercise executive authority to ensure the immediate opening of the facility at Milltown. A real human need exists and people are suffering. I could cite individual cases but in the interests of sensitivity and out of deference to the families, I will not do so. My interest in this matter arises out of representations I received from those who are in real need.

It is bizarre that this expensive facility, which is located on a beautiful site, is not open as a result of reasons relating to staffing and that those who should be admitted to it are being kept in inappropriate institutions. That beggars belief. What is happening is beyond comprehension. This matter would be funny if it were not for the sad circumstances of the individuals involved.

Deputy John Gormley: I wish to emphasise the Government's commitment to providing a high-quality service to all people with disabilities. This commitment is illustrated by the substantial investment we have been making in disability services in recent years.

The national disability strategy, which was launched in September 2004, reinforces equal participation in society of people with disabilities and provides for a framework of new supports for these individuals. Together with the enhancement of other key support services, this strategy is a major factor in building the additional capacity required to ensure services best meet identified needs.

The strategy builds on a strong equality framework, which is reflected in several items of equality legislation. It puts the policy of the mainstreaming of public services for people with disabilities on a clear legal footing. The main elements of the strategy are the Disability Act 2005, the Education for Persons with Special Educational Needs Act 2004, the sectoral plans published in 2006 by six Departments, the Citizens Information Act 2007 and the multi-annual investment programme for disability support services for the period 2006-09.

An integral part of the strategy is the multi-annual investment programme announced in the 2005 budget. This programme provides a commitment to a cumulative capital and revenue programme of €900 million. The bulk of this funding will be spent on certain disability-specific services during the period 2006 to 2009. Commitments in this regard include the development of new residential, respite and day places for persons with intellectual disability and autism in each of the years covered by the programme.

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As the Senator is aware, the Tánaiste and Minister for Finance, Deputy Cowen, allocated €50 million in Budget 2008 in respect of the provision of disability services. This money will be allocated in the following ways. In respect of services for persons with intellectual disabilities and those with autism, 200 additional residential places will be provided in 2008, bringing the total number of places to 8,462 by the end of the year; 467 additional day care places will be provided in 2008, bringing the total number of places to 25,196 by the end of the year; and 53 additional respite places will be provided, bringing the total number of places to 4,533 by the end of the year. With regard to services for persons with physical or sensory disabilities, 80 additional residential places will be provided in 2008, bringing the total number of places to 914 by the end of the year and 200,000 additional hours of personal assistance-home support hours will be provided, bringing the total number of hours to 3.2 million by the end of the year. Some 140 multidisciplinary team posts are being allocated to disability services in 2008 to provide assessment and ongoing intervention services to children with disabilities and, in particular, with reference to the implementation of the provisions of the Disability Act 2005 for children under five years of age, which commenced on 1 June 2007.

By the end of the current multi-annual investment programme in 2009, it is expected that 1,235 new residential places, 398 new respite places and 467 new day care places will have been commissioned in respect of intellectual disability services. In addition, there will be 380 new residential places and 1.15 million extra PA-home support hours for people with physical and sensory disabilities.

With regard to the matter raised by the Senator, the HSE has informed the Department of Health and Children that the official opening by President Mary McAleese of Brookvale House took place in January 2008. Brookvale is a seven-bed community group home for people with intellectual disabilities who have medium to high-support needs. This development is one of two side-by-side group homes, known respectively as Brookvale House and Millbrooke House, which will provide a high standard of residential accommodation in a beautiful, quiet and rural-type setting.

The Department of Health and Children understands from the HSE that work is ongoing to identify the client group that will, based on community priority waiting lists, live at Brookvale and that arrangements are being put in place to address a number of other issues, including the recruitment of appropriate staff. The Department of Health and Children understands that the HSE has arranged to meet, later this month, representatives of the Monaghan Parents and Friends Association, which was involved in the development of this facility, to discuss progress on these issues.

I congratulate the Monaghan Parents and Friends Association on its great work and dedication in delivering on this high-quality development. The tripartite approach to this project which involved the association, Monaghan County Council and the HSE is a model of good practice that will enhance the quality of life of people with disabilities and their families in the Monaghan area.

Senator Joe O'Reilly: I thank the Minister for his reply. I accept the statement he made in respect of the two earlier matters to the effect that he is limited in what he can say.

It appears there is a glimmer of hope for the people of Monaghan in that meetings are due to take place. Sanity may be about to prevail. I appeal to the Minister to inform the Minister for Health and Children that it is beyond belief that a facility of this nature remains unopened, merely on the grounds of staffing issues. This is particularly strange when one considers that staff who are highly competent in their areas of expertise are required to keep people in institutions where they should not be. It beggars belief. I ask the Minister to convey to the Minister for Health and Children that I am genuinely concerned about this, as are many people in the area. There is a glimmer of hope that perhaps sanity is about to prevail.

Acting Chairman (Senator Paul Bradford): I am sure the Minister will do so. The House is adjourned until 10.30 a.m. tomorrow.

Deputy John Gormley: I will be back with the Seanad again.

Acting Chairman: The Minister again.

The Seanad adjourned at 8.40 p.m. until 10.30 a.m. on Thursday, 20 March 2008.