

SEANAD ÉIREANN

Déardaoin, 8 Bealtaine 2008.
Thursday, 8 May 2008.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for Health and Children to outline the efforts being made to reduce waiting lists in Letterkenny General Hospital, County Donegal, and to ascertain whether the supports being given under the National Treatment Purchase Fund, NTPF, for those waiting for operations for more than three months are equal to those in other parts of the country.

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

The need for the Minister for Health and Children to outline the reasons a national strategy has not been implemented.

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

The need for the Minister for Education and Science to address the unacceptable situation whereby school secretaries and caretakers across the State receive desperate rates of pay, and the fact that these workers, if they are not covered by the Department's 1978-79 scheme, are in many cases paid below the minimum wage.

I regard the matters raised as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

Order of Business.

Senator Donie Cassidy: Today's business is No. 1, motion re the exchange of information between member states and No. 2, Dublin Transport Authority Bill 2008. It is proposed that No. 1 which is back from Committee Stage will be taken without debate at the conclusion of the Order of Business. No. 2, the Dublin Transport Authority Bill 2008 Committee Stage, is to be taken at the conclusion of No. 1.

Senator Liam Twomey: I offer congratulations to Deputy Brian Cowen on his elevation to Taoiseach, and to all the other Ministers who have been elevated to Cabinet positions in yesterday's re-shuffle. In the past four or five weeks we have seen many tributes and congratulations paid to taoisigh in waiting and taoisigh past. During the same period unemployment rates have risen and consumer confidence has collapsed. It is time for the House to get back

[Senator Liam Twomey.]

to its proper business of looking after the people who elected us and whom we represent, by examining what is happening in the economy. Things are getting worse by the day. It is time for the serious debate we have demanded. We must invite the new Minister for Finance to the House as soon as possible.

It is also important to invite the new Minister for Justice, Equality and Law Reform to the House. Yesterday the Morris report was published during a period of high activity surrounding the elevation of Deputy Brian Cowen to Taoiseach. The report is quite damning about what happened in County Donegal. The good, hardworking decent members of the Garda Síochána are sullied by having the same accusations levelled at them that are the due of that small minority who have so badly damaged the reputation of the force in that county. Without an open and transparent debate on that report this will continue to be the case. The way in which an attempt was made to bury the report yesterday was completely wrong. It is alien to the spirit of open and transparent government that we expect to have. We should debate the report in this House.

Senator John Paul Phelan: Hear, hear.

Senator Liam Twomey: We should ask the new Minister for Justice, Equality and Law Reform to the House to talk about the findings in the Morris report which are absolutely incredible. It is well worth the time of any Member of this House to read them. For the sake of the good gardaí we must discuss the report in this House.

Senator Joe O'Toole: I raised an issue in the House on several occasions last year and previously concerning the recognition of persons who have given much service to public life. I have always held the view that former taoisigh should continue to be addressed as "Taoiseach", for example. I was reminded of that again this morning because I met on the corridor and now see in the Visitors' Gallery, the distinguished former Cathaoirleach of the House, Mr. Rory Kiely. We should have an understanding that such a person would retain the title of the highest office he or she has achieved, in particular those who have held the office of Cathaoirleach. This would apply to the present Cathaoirleach in the future as much as to his predecessor. This matter should be examined by the new Government.

I wish to be associated with the congratulations proffered by the leader of the Opposition. When the new Taoiseach was the Minister for Finance he attend the House every year and gave a speech on the budget, which was subject to assessment during the course of the year. Will the Leader consider inviting the Taoiseach in here in a non-confrontational manner to outline his vision for Ireland over the next few years? It should be equivalent to a budget speech where he would outline the Government's objectives. Mar shampla, tá alán rudaí ráite aige mar gheall ar chursaí Ghaeilge, mar gheall ar Tuaisceart na h-Éireann, finance and so on.

Everybody would appreciate it if the Taoiseach attended the House and told us of his vision and how he thinks things should work. He should outline his long-term aims and his short-term objectives over the next year or two. He could come back in six months' time and outline the key performance indicators he would like to see achieved in that period of time. This is something that could be done very well in this House. The Taoiseach could take non-confrontational questions to flesh out what it is he is trying to achieve. There will be other times for confrontation, but this will not be the time. It is an opportunity that he will never get in the Dáil, but it could be achieved here. He should be invited to this House to outline his vision for Ireland in his own words in a way that we could engage with him.

Senator Alex White: There have been many congratulations and we now have had a month of praise and thanksgiving. Much of it has been deserved, some of it less so, and some of it has been bordering on the nauseating. It is now time to get down to business. I wondered at one stage over the last few weeks whether the former Taoiseach would outdo Luciano Pavarotti, who has the world record of 165 curtain calls in a single performance.

An Cathaoirleach: We are dealing with the Order of Business and not curtain calls.

Senator Mary M. White: Encore.

Senator Alex White: The former Taoiseach went close to that record.

Senator O'Toole's point about a debate anticipates precisely the point I was going to raise myself. He is right and I support him. While it is a matter for debate whether this is a new Government, it is an opportune moment for us to have that wider discussion. I ask the Leader to arrange for the new Taoiseach to come into this House and to set out his ideas, his proposals and his vision for the post-Celtic tiger Ireland into which we are facing. Before we can get down to the important debates with individual Ministers, I would echo the call to bring in the Taoiseach for that type of debate. We can then grapple with the challenges that exist in the economy, such as the deepening inequalities that have characterised the last decade of growth and the spectacle of 190,000 children at risk of poverty in a country with such enormous wealth held by so few people.

If we had that debate, we could consider the sort of public service we want to have in this country, how we fund it, how we use the taxation system in order to bring about a fairer society, and whether we want one health service for the well off and one for everybody else. I would like to hear the Taoiseach set out his stall on these issues in this House. The Opposition parties are also under a duty to put forward their ideas and their vision, and this would provide an excellent opportunity to do that. I join with my colleagues in congratulating the new Taoiseach, but I hope we get down to business today. I would welcome the opportunity to have such a debate at the earliest possible occasion.

An Cathaoirleach: Before I call on the next speaker, I welcome to the Distinguished Visitors Gallery a former Cathaoirleach and Senator, Rory Kiely. He is very welcome to the House and it is good to see him looking so well.

Senator Cecilia Keaveney: I am almost embarrassed to stand up and say nice things about my colleagues who got jobs yesterday, given that Members from Opposition have done that but said that we should not be doing it. I congratulate Deputy Brian Cowen on his election as Taoiseach and Deputy Brendan Smith on his selection as Minister for Agriculture, Fisheries and Food. I wish him well at the WTO talks, which will be difficult, but I know that he is very capable. I also congratulate Deputies Barry Andrews and Pat Carey, but as a female from Donegal, I must commend the Taoiseach on his choice of Tánaiste and I wish Deputy Mary Coughlan well. There is nobody more capable or competent for the post.

Given that an American investment conference is taking place this week in the North, the Leader should ask the Tánaiste to attend the House at the earliest opportunity to see how we can maximise the potential for regional development. If American investment goes into the North, our corporation tax rates in Donegal will be much more attractive than anything that can be offered in the Six Counties. The whole of Ulster should gain from this current conference. I call for a debate on regional development. The Minister will be well able to handle it.

Senator Paul Bradford: I concur with the invitation extended to the new Taoiseach by Senator O'Toole and Senator White. I made that suggestion yesterday to the Leader and I hope it can be considered and acted upon.

One of the issues debated here on a daily basis is the health service. We frantically debated the proposed Hanly report two to three years ago, which would have resulted in the death knell for many of our smaller local hospitals. I remember some of the Fianna Fáil Senators proudly proclaiming at the time that the report had been binned. Since then many of the proposals have been introduced by stealth. I look forward to having an early debate on the health services with the Minister, who remains in her position. There were indications that there might be a change in health policy, but the speech by the new Taoiseach indicated nothing but the strongest support for the Minister and her health proposals.

The new Taoiseach said that the county hospitals were the centre of the medical universe and that they had served us well, but that we must now change the mindset. He went on to say that the health service should focus on what services we can provide, rather than where we can provide them. He also told us that we needed to view hospitals as networks and not stand-alone institutions. That is only a snapshot of what he said, but it indicates that the Taoiseach is giving full support to the proposals by the HSE and the Minister, which could result in many hospitals being under severe threat, including my own local hospital in Mallow. We need early clarification from the Minister on what exactly the Taoiseach's thinking means and what will be its impact for our smaller hospitals in rural Ireland.

I agree with the Taoiseach that our hospitals have served us well, but I also believe that they can serve us well in the future. We must not dismiss the role of the county hospitals and the smaller hospitals. They are an integral part of the health service. Big is not always beautiful and for health services, small can also be beautiful. The level of efficiency shown Mallow General Hospital is proof that smaller hospitals should have a huge role to play in the health service. We should be assuring their future rather than threatening them.

Senator Denis O'Donovan: I would like the Leader to ask the new Minister for Agriculture, Fisheries and Food to have a debate on agriculture and the WTO. I have been involved in a number of public meetings on the Lisbon treaty in my constituency. While five weeks remain before the referendum on the treaty will be held, there is grave concern among the wider agricultural and rural communities regarding the talks with Commissioner Mandelson. Even though I have raised the issue of a debate on fishing, an area close to my heart and one that urgently requires debate, given the time span afforded before the referendum will be held, will the Leader give priority to arranging for a debate to be held on agriculture? The majority of Members of this House support a "Yes" vote, but if the farming community and people of rural Ireland do not support the "Yes" campaign in the Lisbon treaty referendum, the referendum will be lost. There is no equivocation about that. Now is the time to make such a call. I was disappointed with the turnout of some rural communities in the well-organised meetings I attended. I do not want to put the fishing issue on the backburner but what is involved in the agriculture talks is much more acute at this stage.

I congratulate the new Taoiseach. He will bring a new vision to Ireland in his new role. I especially congratulate the Minister of State, Deputy Batt O'Keeffe, a former council colleague and a former Member of this House, on his elevation to ministerial office. He lost his Dáil seat in 1989, following which he served in this House with many of us from 1989 to 1993, and then won back his Dáil seat. This is a great achievement for him. I also congratulate the Minister, Deputy Smith, who has been given the difficult portfolio of Agriculture, Fisheries and Food. I had many dealings with him when he was personal secretary to a former Tánaiste, the late John Wilson, and found him to be very capable. I also congratulate the Minister, Deputy Pat

Carey, and the Minister of State, Deputy Barry Andrews. It is a great occasion for them. The new Cabinet faces many challenges but I have no doubt that with the calibre of its members and the changes that have been made, it will bring a new vision to tackling the challenges facing our country.

Senator Dominic Hannigan: Like previous speakers, I congratulate those who were successful in the appointments made yesterday, namely, the Taoiseach and the Ministers. I wish them all well. I also wish the future Ministers of State well. I have not had a chance to find out who they will be as I did not have an opportunity this morning to check the Data Protection Commissioner's website on which their names probably appear at this stage.

I wish to raise the issue of the level of investment in secondary school education. The incoming president of one of the associations, Mr. Noel Merrick, complained last week that there is still a gap in funding between the various types of post-primary schools. The gap is estimated at €100 per pupil, despite promises made by Fianna Fáil at the time of the previous general election and promises given by the Green Party at the time of the drafting of the programme of Government that this equalisation would balance out. Only €10 per pupil is being given. Therefore, there is a gap in such funding. We desperately need to invest in secondary school education, in the funding of which there is shortfall of €60 million. Will the Leader invite the new Minister for Education and Science to come to the House to give Members his views on what he will do about this?

Senator John Hanafin: I support Senator O'Toole's suggestion in the way it was put that people should retain their titles. This is a well-established practice in other republics, in particular in America. When a person has achieved fine expertise, it seems unusual that he or she is not brought back into the system in some way. Such recognition occurs in society. We recognise that when people reach the age of 65, some of them retire but their expertise is still badly needed in society. I suggest now, as I have done here previously, that former Taoisigh at least should have the right of audience in the Seanad. We need only reflect on how beneficial it would be for us to hear from, for example, the former Taoiseach, Mr. Liam Cosgrave, about what happened in Cabinet at the time of the Dublin and Monaghan bombings. We would have the benefit of such people's experience, including that of the former Taoiseach, Deputy Bertie Ahern, in years to come about what happened at the time of the drafting of the Good Friday Agreement. Such expertise certainly would enhance the House. In particular, it would give us an extra focus. I am all for enhancing the House and its capabilities.

I ask the Leader to request the Minister for Communications, Energy and Natural Resources to come to the House to debate a matter. An unusual situation pertains with the slowdown in the international economy while the price of commodities continues to rise consistently, in particular the price of oil. It is unusual in terms of previous economic cycles and it has to do with the fact that India and China are still continuing to grow at such a pace. If this continues at this level, would it not be wise for us to make a proposal to the EU to start using the alternative energy capability we have on our west coast and to have a back-up supply of energy for Europe as demands for energy continue to increase? It is creating problems in the use of bio-fuels on the other side where shortages of food occur. We will have to examine the production of clean energy and it could well come from the sea.

Senator David Norris: I wish to raise an issue concerning No. 19, motion 3, of non-Government motions on the Order Paper. It calls on the Seanad to ask the Minister for Foreign Affairs to request his partners in the European Union to establish a monitoring committee to examine the way in which human rights provisions in Israel are being implemented, if they are and if there are any infringements of these provisions. I raise this matter because I am a little con-

[Senator David Norris.]

cerned at the response given by my good friend, Senator Boyle, who I believe meant it to be in the most constructive way. However, I am concerned because I had understood there was general agreement that this was an appropriate motion, that it would be taken and that it had been discussed at the leaders' meeting.

I am not suggesting any ill will on the part of Senator Boyle, but I am concerned about the way in which the Department of Foreign Affairs interferes in the business of this House. Senator Boyle said in summary that he had received a note from the Department which stated that there were already a series of monitoring machines, in effect monitoring devices, in place and that there would be a meeting on 16 June, which may be a good augury because it is Bloomsday, and suggested that for that reason he would not take it but asked that we leave it on the Order Paper.

I am concerned because regardless of however professional, skilled and wise officials are in the ways of the diplomatic world, it is not appropriate for unelected officials in the Department of Foreign Affairs to dictate the business of this House. That very much appears to be what is happening. It is happening increasingly. Increasingly, both Houses of the Oireachtas are being bypassed in various ways and this is but one instance of that.

In the previous session, it was generally agreed by both sides of the House, with the enthusiastic participation of the then Leader, to establish a special committee to look into rendition. That proposal was agreed but the process collapsed as a result of outside intervention. Such intervention is wrong. It subverts the democratic role of this House. Although what the Department officials say is quite right, namely, that there are various ways of supervising, the first point to make is that none of them is effective. The human rights abuses in that part of the world, tragically, have multiplied because Israel has got away with it with impunity. I am not underestimating the extraordinary difficulties faced by the Israeli Government. Its civilians are being attacked, there are rocket attacks and all the rest of it. None the less international law should survive and rule supreme. This external association agreement, to a certain extent at least, is conditional on the fulfilment of human rights protocols. Such fulfilment does not exist. These conditions need to be independently monitored.

It appears that House cannot even discuss a request that we should establish a proper monitoring system for the human rights protocols. I am not asking for a boycott or the imposition of sanctions or anything else at this stage. We should find out through the machinery provided for in the treaties what is the state of play with regard to human rights in Israel. It is fair to do that. If we are inhibited from discussing it by the intervention of the Department of Foreign Affairs, then as a Parliament we might as well pack our bags and go home.

Senator Déirdre de Búrca: I wish to raise the issue of data protection, specifically the advanced leaking of the report of the Data Protection Commissioner. I have raised previously in the House the issue of data protection. It was only some weeks ago when we heard that personal and confidential details of bank customers went missing. The laptops on which this information was stored were stolen and it was only belatedly reported by the banks. It would appear from the leaks emanating from the Data Protection Commissioner's report that the pattern of a casual approach to data protection by businesses and the private sector is widespread. Several examples of this approach were reported in the media this morning which were itemised in the Data Protection Commissioner's report. I have not had a chance to examine the report but I wish to record the concerns that many people share about this news.

We live in an age when the volume of personal and confidential information on each of us is unprecedented. The storage and communication of that confidential information by electronic means leaves all of us exposed to having it potentially accessible and in the public domain

unless there are very tight data protection measures and safeguards in place. The leaks from the Data Protection Commissioner's report highlight that there are no sanctions in place for companies against which the Data Protection Commissioner rules. Will the Leader ask the Minister for Justice, Equality and Law Reform to come to the House and discuss the very sensitive issue of data protection and the possible measures to ensure that where there is a clear and obvious breach of the legislation, those responsible are sanctioned? If this were the case, banks and other institutions would be more careful to protect our confidential, personal information.

Senator Jerry Buttimer: I congratulate the new Government on its appointment, but I notice the truce is broken this morning with the decision of former Minister of State, Deputy Tom Kitt, to retire at the next general election. I wonder how long Senators Ciaran Cannon and Dan Boyle will stay in their positions on the Government side of the House, because we need an urgent debate on the role of Government. We have a Government now that is operating by spin and ignoring the needs of ordinary people. For example, we have the announcement this morning by Aer Lingus that it is increasing the fuel surcharge on transatlantic passengers. I hope there is not an element of profiteering by Aer Lingus in this regard. The open skies policy was meant to——

An Cathaoirleach: Is the Senator asking the Leader for a debate on this issue?

Senator Jerry Buttimer: I am asking for a debate on the issue of aviation. We have had no Minister in this House since the U-turn by the Government on the matter of Cork Airport's debt. It is important we have a debate on airport policy. Can we also have a debate on the role of RTE, given that it has asked for a licence fee increase and there is no real reason for such an increase?

Senator Mark Daly: We previously debated the issue of the closure of Valentia marine rescue co-ordination centre. It is to be hoped this issue will be debated shortly by the Oireachtas Joint Committee on Transport. I wish to raise the issue of a meeting on 29 April 2008 between the management of the Coast Guard and the local community. The Coast Guard said both the semi-State body, ESB, and Eircom were not telling the truth when they said the facilities they provide to Valentia marine rescue co-ordination centre are not up to standard. It acknowledged that the facility is understaffed which, considering the vital work the centre does, is a serious matter. It beggars belief that the Coast Guard has now given a new reason for the closure of the centre, namely, that there is apparently a security threat in Valentia. It says the centre not secure enough because it is liable to a terrorist attack.

Senator Joe O'Toole: From Fungi the dolphin.

Senator Mark Daly: I thank Senator O'Toole and that was my reaction too when I heard that the senior management in the Coast Guard actually believe this notion and used it as the reason for the closure in discussions with the local community in Valentia. The man who made that statement is in charge of the Coast Guard. He has now given a flippant excuse for the closure — the threat of a terrorist attack — and this man contributed to the report responsible for closing the centre. He says such a facility will be more secure in Shannon. I am sure that Osama bin Laden——

Senator David Norris: There are no weapons of mass destruction there.

An Cathaoirleach: Senator Daly without interruption, please.

Senator Mark Daly: —does not see Valentia as the Achilles heel of western civilisation nor does he think that if he puts the Valentia marine rescue co-ordination centre out of action, he will cause the collapse of the civilised world.

This other man to whom I have referred gave information to the report that is causing the closure of the centre. The report has been dissected by the local community and by the members of staff in Valentia Coast Guard station and it has been proven in this House, while he was sitting in that chair, that the report is a pack of lies. I wish to put this on record and I hope the Leader takes up this issue. I have written to the man in question asking if he has written to the Departments of Defence and Transport outlining his concerns as to the security threat in Valentia.

Senator Liam Twomey: We will send down the Minister for Defence, Deputy Willie O’Dea, with some tanks.

Senator John Paul Phelan: I am not aware of any terrorist threats in County Kilkenny. I extend my best wishes to Deputy Séamus Brennan on his retirement from Government. In my time in this House I found him to be the member of the Cabinet most open to Members of the Opposition. I sincerely wish for him the best of health in the future, and I am sorry he is no longer a member of Government. I join the other speakers in congratulating those appointed to Government and the new Taoiseach on his election yesterday. I ask that he would come into the Seanad at the earliest opportunity and outline his vision for the future.

I agree with the request of Senator Denis O’Donovan that the new Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, come to the House at the earliest possible opportunity to discuss the World Trade Organisations talks which is an issue that Senators Paul Bradford, Denis O’Donovan and I, along with others, have raised on several occasions in this House.

I had been looking for the former Minister for Finance to come to the House and discuss the economic outlook for Ireland and the direction in which we are going. It would be appropriate if the new Minister, Deputy Brian Lenihan, was available at the earliest opportunity.

I agree with what Senator John Hanafin said with regard to the importance of energy supply. This is the single biggest issue we face as an economy. The shortcomings of the traditional energy options are obvious, and there are emerging ethical difficulties with the increased production of bio-fuels. The Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, had proposals dealing with the possibilities of wave and wind energy. It would be opportune if he came into the House to outline the status of those proposals.

I was disappointed that the new Taoiseach did not appoint someone new as Minister for Health and Children. It was a missed opportunity. I was alarmed to read that because of industrial relations issues concerning psychiatric nurses in Naas General Hospital and the possibility of the Army being used to fill staff shortages if the psychiatric nurses go on strike. It is an alarming situation and it would be opportune if the Minister for Health and Children would outline more suitable arrangements in the event of industrial action.

Senator Dan Boyle: I congratulate the new Taoiseach, Deputy Brian Cowen, and the new appointments to Cabinet and I thank those no longer serving. I also wish to express my appreciation for the Taoiseach’s reaffirmation of many aspects of the programme for Government in his contributions to the Dáil yesterday. The programme for Government is meant to last for five years and which some on the Opposition side have chosen to decide it no longer exists.

Senator Alex White: The country has changed.

Senator Dan Boyle: I am confident that what has been agreed will be fulfilled and will be acted upon. The people appointed yesterday are the very people whom the Taoiseach knows will deliver on the programme.

I wish to put on the record of the House an explanation regarding No. 3 on the Order Paper. This matter was raised by Senator Norris and I can understand his concern. When acting as Leader last week I can assure him that I was not instructed to do anything but I was in receipt of advice and I chose to act on that advice. This House has a tradition for independence which it uses in open-ended debates on many subjects. The Order of Business last week contained demands for debates on the Middle East which I am sure can be facilitated at the earliest opportunity and on the ongoing situation of China and Tibet and the Olympic Games. Now that we have a new Minister for Foreign Affairs I am sure these debates can be held. My understanding of the advice I received with regard to No. 3 was that the June meeting was of particular significance to confirm whether or not the monitoring systems are working and I accept they are not working. If that meeting comes up with a conclusion the Seanad will be in a better position to act on foot of that advice. We will see what happens.

It seems that Senator Buttimer has left the Chamber and I am glad of that because it means I can speak without interruption——

Senator Dominic Hannigan: The Senator should not be too sure of that.

(Interruptions).

Senator Dan Boyle: I was going so well.

An Cathaoirleach: Senator Boyle, it is not in order to refer to or comment upon the absence of any Senator from the Chamber. There may be a reason for the absence, such as attendance at a meeting.

Senator Dan Boyle: It is not so much the absence as the silence for which I was grateful.

I refer to a point raised on the Order of Business about Cork Airport's debt. The factual situation is that the Government appointed an intermediary, Peter Cassells, whose report was accepted, albeit reluctantly, by the board of Cork Airport. This level of debt is not sustainable but a process has been undergone and the bodies appointed by the State have accepted that——

Senator Maurice Cummins: They reneged on their promise.

Senator Dan Boyle: As a representative for the area I believe we will have to leave it at that.

Senator Liam Twomey: That is a lukewarm response.

Senator Feargal Quinn: I welcome the important investment conference taking place in Belfast today. I welcome it in particular when taking into account the request by my colleague, Senator O'Toole, to invite the Taoiseach to the House to talk about the future. I would welcome a debate on Northern Ireland with regard to the opportunities for co-operation between business on both sides of the Border. I am reluctant to ask that the Minister for Foreign Affairs be invited to speak as I find it very difficult that the Minister for Foreign Affairs should be the Minister with responsibility for Northern Ireland affairs, coming as I do from a Nationalist background, which I believe to be shared by all Members. I ask that the Tánaiste be invited to the House to talk about the opportunities for investment as a joint operation between those businesses in the North and the South which are aiming at international markets to enable small business, both North and South, to network.

[Senator Feargal Quinn.]

I voiced a concern in the House in the past that the further people live from the Border, the more they are of the view that Northern Ireland is a foreign country. I say this in the knowledge that people from Munster have expressed this view. In order to encourage people to buy Irish products my company identified those products made in Ireland. However, many people asked me if I identified products from Northern Ireland as being Irish. I could not believe this but it was asked by those who were of the view that we should be looking after our own. In my view, what is termed “our own” covers all of the 32 counties. I am pleased the Taoiseach is attending the big investment conference and that four of the top executives running New York city and state are attending. This is a significant opportunity to co-operate and network with our colleagues in the North and to identify business opportunities in international markets.

I was disturbed today to discover that the chief fire officers’ association has been arguing once again for a national fire authority and they are making a very strong case. I had not realised that those responsible for fire safety report to each local authority. In the case of Dublin this means three different councils and in the case of Tipperary, two councils. While this may be a very efficient way of delegating responsibility, there is a need for some form of national fire authority and this would be worthy of a debate in the House.

An Cathaoirleach: Nine speakers remain to speak and there are just ten minutes remaining. I ask Senators to be brief in their contributions.

Senator Ivor Callely: I join in the expression of good wishes to the Taoiseach, Deputy Cowen and his Ministers. In light of the current international financial crisis and what has happened in the past couple of hours, when the going gets tough, the tough get going. This is what the Taoiseach is faced with in the first 24 hours of his Cabinet. However, he has assembled a wealth of knowledge, experience, ability, youth and a fresh input. Like others I wish him well. They will have an opportunity to prove themselves in the difficult times ahead.

I ask the Leader to arrange a briefing document for me on the services emanating from the Central Mental Hospital. I also intend to raise the issue on the Adjournment. I would like to know which services, Departments and authorities have an interest there. It is my understanding that it is not solely the Department of Justice, Equality and Law Reform, but that the Departments of Education and Science and Health and Children and the Health Service Executive are also involved. While I understand there is a desire to move services by the Department of Justice, Equality and Law Reform to the new prison site, I would not favour moving services by the other Departments or the HSE. I seek clarification on this issue.

I join with other Senators in lending our support and solidarity to the people of Burma as they have experienced a terrible disaster. I call on all authorities to ensure that the aid agencies who are trying to assist are given an easy passage. We should leave no stone unturned.

An Cathaoirleach: All Members have a right to submit matters on the Adjournment in the normal way through the secretariat.

Senator Phil Prendergast: Yesterday, I raised the issue of funding for the Arts Council. I wish the new Minister well and point out to him that the budget falls far short of the €100 million which the council needs to do its job. The 3% increase received was paltry and is less than inflation.

I support the call made by my colleagues yesterday to be provided with a break-down of the responsibilities of the HSE. I refer to its press releases. I receive regular unrequested updates and I am aware that others also receive them. The reality is far short of what is presented as fact in such releases.

With regard to industrial action by psychiatric nurses, time prevents me from going into detail but I have good examples of the kind of assaults that have been visited on nurses in the course of their duties. These have been life-threatening events. The HSE needs to urgently intervene to resolve this dispute because nobody can win in the current impasse.

Senator Larry Butler: I join with previous speakers who wished our new Taoiseach and his Cabinet well. I congratulate my colleague, Deputy Barry Andrews, on his new position in which I am sure he will do extremely well.

I wish to raise an issue with the new Minister for Finance. I ask him to examine the inflation basket. Alcohol and tobacco are currently included in it but they should not be. There should be a new approach taken.

I ask the new Minister for Justice, Equality and Law Reform to review the current system for the licensing of nightclubs. The regulations must be tightened. Some 5,200 people who presented in accident and emergency departments last year were there because of alcohol related injury or illness. A total of 2,995 people received treatment last year for psychiatric problems related to excessive consumption of alcohol. When one factors in the increased incidence of suicide among those experiencing problems with alcohol abuse, one can see it is a three dimensional problem. Tobacco and alcohol must be removed from the consumer price index. It would be helpful to increase the taxation on these products which cause significant problems for the health system. The figures to which I refer indicate that more than 8,000 people experienced health problems last year as a result of the consumption of alcohol. Increased taxation is the only way of dealing with the problem effectively. Will the Leader of the House invite the Minister to discuss the possibility of removing these two items from the consumer price index?

Senator Joe O'Reilly: I join other Members in congratulating the Taoiseach and wishing him well. As a constituency colleague of the new Minister for Agriculture, Fisheries and Food, Deputy Smith, I congratulate him on his appointment to that office. He is highly respected in the county and it is a great honour for him and his family. I wish him well in dealing with the Mandelson proposals which represent the most pertinent issue for the farming community, an issue that must engage the energies of the Minister, the Oireachtas and the entire apparatus of State. I intend to take full advantage of the Minister's inevitable absences from the constituency.

An Cathaoirleach: Our time is limited and should not be used to promote any individual in opposition to a Minister.

Senator Joe O'Reilly: I add my voice to those who called for the Taoiseach to come to the House to set out his ambitions, goals and philosophy for the coming years. I ask the Leader of the House to impress upon the Taoiseach that he must embrace the concept that the cutbacks which the deficit in revenue intake will dictate must be levelled at the quangos, consultancies and other elements of wastage in public service administration. Rather than effecting the cutbacks by curtailing home help services and increasing class sizes, there must be a philosophy which ensures savings are made where there is clear wastage, as represented by the multiplicity of quangos, advisers and consultants. It is imperative that the Leader of the House impresses this upon the Taoiseach.

Senator Labhrás Ó Murchú: The Taoiseach has given us an insight into his vision and leadership priorities. In so doing, he has set in train a debate on the Ireland to which we aspire. He has generated hope that we may be on the threshold of a new era. In particular, he queried whether the 1916 leaders would be pleased with the rampant materialism that has taken hold of the heart of society. He has dusted off the word "patriotism" and placed it in context for

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the Ireland in which we now live. He has asked that individualisation be balanced by a concept of community.

I find in all this a reflection of the famous dictum of the former President of the United States, John F. Kennedy, when he asked, in order to galvanise his people, what one should expect of one's country but also what one's country should expect of its citizens.

Senator Alex White: What is expected is 11 years in government.

Senator Labhrás Ó Murchú: We know from many of the debates we have had in this House on various issues that people are reflecting on the society they want. There is significant concern about issues such as alcohol abuse, deprivation and the dreadful violence occurring regularly throughout the State. I hope the Taoiseach will come to the Chamber for a discussion on these matters. His statements were neither peripheral nor frivolous. Rather, he intended them to be central to his leadership.

I salute the Taoiseach for his focus on the Irish language. I also salute Deputy Kenny for his lengthy contribution in Irish in the Dáil. I salute Deputy Gilmore as one of the great advocates of the Irish language. I likewise salute Deputy Ó Caoláin. Here is the opportunity for cohesion and unanimity on an issue central to our distinctive identity. I am sure the Taoiseach will retain his focus in this regard.

An Cathaoirleach: There are five remaining Members wishing to speak but there is insufficient time to accommodate them.

Senator Donie Cassidy: Many Senators offered congratulations to the new Taoiseach. Yesterday's scenes of joy and celebration in Leinster House among those from the Taoiseach's county of Offaly were a sight to behold. It is a united county when it comes to politics, with no candidate from our party canvassing individually. I wish the Taoiseach all the luck in the world. As Senator Ó Murchú observed, the new hope offered us by the aspirations and visions set forth yesterday by the new Taoiseach has uplifted all of us in the profession of politics. We look forward to serving him and working with him for the long-term benefit of the people.

I congratulate the eight Ministers who have taken up new portfolios. Some of them have vast experience, while two are first-time Ministers. I congratulate the new Minister for Education and Science, Deputy Batt O'Keeffe, who is a former Member of this House and has a great deal of experience. I also congratulate the Minister for Agriculture, Fisheries and Food, Deputy Smith, a near neighbour of mine. He was strongly associated with the late John Wilson, a former Minister and Tánaiste, whom he served loyally when he began his career in politics. I know Senator O'Reilly's good wishes to the Minister were genuine. The two have always been closely identified, particularly when they were in UCD together.

Senator Nicky McFadden: Like the Leader of the House and me.

Senator Donie Cassidy: We were all family at one time, as Senator O'Reilly knows.

The young Deputies who were appointed to office such as the new Minister of State, Deputy Barry Andrews, have been presented with a great challenge and opportunity. I congratulate the new Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Coughlan, who has become the first female Fianna Fáil Tánaiste. Her family has suffered more than that of any other Member in order to remain involved in politics and public life. The constituency of Donegal South-West has its challenges but is populated by terrific, dedicated, friendly and loyal people. I wholeheartedly congratulate the Tánaiste on her appointment.

I also congratulate the Minister for Finance, Deputy Brian Lenihan, on his appointment to that office. He is presented with a serious challenge as we deal with the global economic downturn. I wish him well. As Minister for Justice, Equality and Law Reform, he was courageous and outstanding. The 25 new Members who joined this House last year, particularly Senator Harris as he noted in his Sunday newspaper articles, were full of praise about Deputy Brian Lenihan's contribution as Minister.

As colleagues will know, it takes a new Minister at least two to three weeks to read into his brief. It had been the custom over the years that after a new Government is appointed, both Houses went into recess for a week. That has not happened on this occasion because we are changing Taoiseach and Government after 12 months of the five-year term. Sittings for next week will be on Wednesday and Thursday, and the business of the House will be discussed with leaders after the Order of Business this morning. I thank colleagues and the Whips for their understanding and help during the changeover.

All the congratulations given to our former Taoiseach, Deputy Bertie Ahern, could not be enough for what that man has done. I know that we look forward to his immense contribution over the next ten or more years that he will be available to serve our country in whatever capacity the people of Ireland decide at the appropriate time.

Calls have been made today and yesterday on the subjects for debate, with which I agree, especially those regarding the environment and economy. I will endeavour to facilitate a debate here on the economy at the earliest opportunity. The same is true for a debate on justice, in particular with Senator Twomey calling for a debate on the Morris tribunal report. I can help that to take place, and I will discuss it with our new Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, who played a dynamic role in the Department of Foreign Affairs. I realised only too well on visits last week to Washington how highly regarded he is by his peers, no matter where we go.

Senators O'Toole and Hannigan acknowledged the long service and dedication of former Cathaoirleach, Rory Kiely — whom the Cathaoirleach correctly welcomed — and suggested that titles should be retained. Former Senator Des Hanafin, who served here for many years, always maintained that someone, once a Senator, was always a Senator. We should consider that option and how we can progress the possibility during the Seanad review. Perhaps the former taoisigh could have right of audience, as has been suggested by Senator Hanafin and on many occasions in the House, and perhaps the immense contributions made by people such as former Cathaoirligh, Brian Mullooly and Rory Kiely — they were in the Houses yesterday, and Rory Kiely is still with us this morning — could be harnessed and put to good use in enhancing the operations and business of the Seanad.

Senators Keaveney and Quinn referred to the opportunity provided by the big investment conference taking place in the North of Ireland. Our Taoiseach is attending that this morning, as is the British Prime Minister, Gordon Brown. Hard work has been put in to ensuring that some key players from the US attend. The new Minister for Foreign Affairs, Deputy Micheál Martin, was a dedicated Minister for Enterprise, Trade and Employment. I had the great honour and privilege of visiting many countries all over the world with him to enhance the portfolio of his Department. I presume he will also attend the conference.

The suggestions regarding the conference by Senator Keaveney could be developed to the advantage of the people of Donegal and the Border region in general. The 12.5% corporation tax rate is available in counties Monaghan, Leitrim, Sligo, Donegal and Louth. All of the Border county areas are next-door parishes to the events in the North of Ireland. As we know, they suffered terrible disadvantage and the BMW region had to be created to acknowledge that. I have often heard it said in these debates that little activity — or the perception of little

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activity — happening north of the line from Dublin to Galway was a serious concern for all of us who live in the BMW region.

This is an ideal opportunity considering the advantages that we have in all these areas, including the 12.5% corporation tax rate, as those of us who live in parishes next to the Border are aware. Senator Wilson, the Whip, and many other Senators are from the Border region. We will seek to enhance the debate on how we can attract investment into those areas along with our colleagues in Northern Ireland.

Senators Bradford and John Paul Phelan called for a debate on all the health services, as did Senator Healy Eames yesterday. I have agreed that we will hold a wide-ranging debate about the Health Service Executive and all matters pertaining to health issues.

Senator Kelly also mentioned Burma. It is my intention that, after the Order of Business, we can agree an all-party motion on Burma. I welcome the decision to allow the United States bring relief into Burma, which I read about in the newspaper this morning. It is urgently needed. It is a disaster of monumental proportions, and the world must unite to tackle it. It is an easy process for the leaders in this House to table an all-party motion for the Order of Business next Wednesday. We commit ourselves this morning to doing that.

Senator O'Donovan called for the new Minister for Agriculture, Fisheries and Food to have a debate on agriculture. He pointed out the serious threat to the Lisbon treaty. I share the Senator's views on that, and I will endeavour to have the new Minister, Deputy Brendan Smith, in the House within the next two weeks so that Members can express their concerns and views, particularly the strong views that the farming community has on the position taken by Commissioner Mandelson and the Commission's approach to agriculture in Ireland. I hope the debate will take place in the next two weeks.

Senator Hannigan yesterday mentioned the subject of mining and I give a commitment that we will have a debate on it, especially the plight of the Ballingarry and Tara mining workers.

Senator Dominic Hannigan: That was Senator Kelly, but I will pass on the Leader's comments.

Senator Donie Cassidy: One of the Senators was acting leader of the party, and in my notes I referred to acting leader. I apologise.

Senator Hanafin referred to the serious issue of food and energy supplies. I have no difficulty in having time left aside for that debate.

Senator Norris referred to No. 19, motion 3, of the non-Government motions on the Order Paper. The Deputy Leader of the House has outlined the position. Private Members' business for Senator Norris's group comes up the week after next, so if we cannot get something discussed or if he wants to wait until the meeting takes place in June, he might discuss with his leader, Senator O'Toole, about dealing with the issue during his group's Private Members' business.

Senator De Búrca highlighted a serious issue to the House on data protection and the Data Protection Commissioner's report. I intend to highlight that to the best of my ability by allowing all Senators, perhaps in a special half-day debate, to give their views on this serious matter. It is unacceptable if there are no sanctions in place. We will want to see what the new Minister for Justice, Equality and Law Reform will do about what we heard in the national media this morning. I fully support Senator De Búrca's call for the subject to be debated.

Senators Buttimer and Boyle expressed strong views about the aviation industry. We will invite the Minister for Transport to discuss this at the earliest possible opportunity.

Senator Buttimer also wanted an urgent debate on the role of RTÉ, particularly before the Government considers a further increase in the licence fee. I have no problem in time being left aside for that debate.

Senator Mark Daly once again highlighted the challenges facing the Valentia and the Malin Head Coast Guard services. Practically everyone in the House is in full support of the retention of those two services in their current locations. If the Minister wishes to augment the services perhaps that should be looked at as well. Certainly, I have no difficulty in making time available for a debate. I am aware Senator Daly is in contact with the personnel involved and is well briefed. He has shown in the House his total commitment to Valentia and I support him in his call for a debate.

Senator John Paul Phelan paid tribute to former Minister for Arts, Sport and Tourism, Deputy Séamus Brennan. I was pleased with RTE's coverage last night of the handing over from one Taoiseach to another and the change of Government. I compliment "Oireachtas Report" for allowing the Seanad to express its congratulations to the former Minister, Deputy Séamus Brennan, who is still a Member of the Oireachtas and a Dáil Deputy. I look forward to him playing a further role in the future. I pay tribute to him for the immense contribution he has made as a Member of the Oireachtas and as a member of many previous Governments.

Senator Quinn called for the fire service to have a national fire authority. That is the least we could expect. There should be an authority to ensure the safety of citizens in respect of the tremendous service being provided by the fire services of Ireland. Following the recent sad and unfortunate experience in Wicklow, it is of the utmost importance that the authority be appointed. I support Senator Quinn's call for a debate in this regard.

Senator Callely called for a debate on services in the Central Mental Hospital. I will come back to the Senator on his queries in this regard.

Senator Prendergast raised the issue of funding for the new Arts Council. A new Minister is in charge of this area, a next-door neighbour of the Senator. I am sure the Senator will be able to use her friendship with him in that regard. The Minister for Arts, Sport and Tourism, Deputy Martin Cullen, has been tremendous in all his portfolios to date. I wish him well and look forward to him coming into the House to discuss all of his portfolio whether arts, sport or tourism. He is one person who will get a grasp of his brief very quickly. He has a huge capacity to do so. We know he is on the "Yes" side for the Lisbon treaty following his magnificent performance on "Questions and Answers" on RTE last Monday week.

Senator Butler called for a review on the inclusion of tobacco and alcohol in the inflation basket. In relation to the licensing of night clubs, he highlighted the fact that 5,200 people were admitted to our hospitals suffering from alcohol related diseases. I will convey his strong views to the Minister. When we have a debate in the House on finance with the Minister for Finance present, that would be an opportunity to raise this issue.

Order of Business agreed to.

Treaty of Amsterdam: Motion.

Senator Donie Cassidy: I move:

That Seanad Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on the organisation and content of the exchange of information extracted from criminal records between member states,

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a copy of which proposed measure was laid before Seanad Éireann on 11 February 2008.

Question put and agreed to.

Dublin Transport Authority Bill 2008: Committee Stage.

Section 1 agreed to.

SECTION 2.

Acting Chairman (Senator Maurice Cummins): Government amendments Nos. 57 and 73 to 81, inclusive, are consequential on Government amendment No. 1. Government amendments No. 1, 57 and 73 to 81, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 11, between lines 13 and 14, to insert the following:

“ “NRA” means National Road Authority;”.

Acting Chairman: Before calling on the Minister, Deputy Noel Dempsey, I congratulate him on retaining his portfolio as Minister for Transport.

Senator David Norris: Hear, hear.

Minister for Transport (Deputy Noel Dempsey): Thank you very much. Amendment No. 1 is one of a series of technical amendments relating to how the National Roads Authority is referred to in the Bill. Current drafting preference is to shorten any multi-word title of a body, if it appears in several places in a Bill. We did that with CIE and the Rail Procurement Agency, RPA. This amendment inserts a definition of “National Roads Authority” as “NRA” into section 2. The other amendments grouped with this amendment, Nos. 57 and 73 to 81, inclusive, merely replace “National Roads Authority” with “NRA” wherever it is mentioned in the Bill.

Amendment agreed to.

Amendment No. 2 not moved.

Section 2, as amended, agreed to.

SECTION 3.

Senator Brendan Ryan: I move amendment No. 3:

In page 12, between lines 32 and 33, to insert the following:

“(c) the borough of Drogheda and”.

This matter was raised on the occasion of the Minister’s last visit to the House. The purpose of the amendment is to extend the remit of the authority to the Drogheda Borough Council area. Clearly the development of an integrated transport system for Dublin is not possible without including the outlying area of Drogheda.

On the previous occasion the Minister mentioned that County Louth is in the Border, midlands and west region and that is, perhaps, a reason for not including it. If that is the Minister’s

reply today, I ask him to expand on it. From my knowledge of the area and that of the Minister, it is an area that should be incorporated at this stage, albeit with the power for the Minister to introduce it later.

Senator David Norris: I hesitate before disagreeing with my good colleagues in the Labour Party but I have a little concern. It is alarming if Drogheda is to become part of the greater Dublin area. I know it is in the commuter belt. The effectiveness of the Dublin Transport Authority would be somewhat diluted if we take this much wider view. I could be wrong on this and I will listen to the Minister with great interest, but the effectiveness of a Dublin Transport Authority is that it deals specifically and directly with Dublin and not with a range of satellite areas. There are many people who commute, for example, from places such as Portlaoise and Tullamore. Are such places to be included as well? Unless Senator Ryan, whom I greatly respect, is in a position to provide special reasons Drogheda has a connection with Dublin, I would take a lot of persuading to agree to the amendment.

Deputy Noel Dempsey: There is a provision in section 3(c) to extend the geographical area of the greater Dublin area, GDA, by order of the Minister. The Dublin Transport Authority can make recommendations to me in that regard, as can other bodies such as local authorities and so on. The reason the Bill is drafted in its current form is that the GDA is a clearly defined area. It is useful to maintain the coherence between the GDA, as defined in this Bill, and not only the local authority boundaries but also the regional planning boundaries as well. It is very important that we continue to maintain that coherence. Although the boundaries of Drogheda borough encroach on the constituency of Meath East, the boundaries have been largely respected whether at regional or local authority level.

I agree with Senator Norris on this issue. The focus throughout has been on the greater Dublin area. However, leaving the text as it stands does not preclude the Dublin Transport Authority, once established, from deciding, for reasons of greater coherence in transport policy, to extend the greater Dublin area to include Drogheda, Mullingar, Portlaoise, Naas or other areas. At this point, it is preferable to focus on the area set out in the legislation. For this reason, I ask the Deputy to withdraw the amendment.

Senator Brendan Ryan: Senator Norris should note that the greater Dublin area, as defined in the Bill, includes counties Kildare, Wicklow and Meath. Expanding it to include the borough of Drogheda would be a logical and sensible step. As a resident of north County Dublin, it is difficult to draw a distinction between my area and Drogheda. I ask the Minister to reconsider the matter before Report Stage. I will withdraw the amendment while reserving the right to resubmit it.

Amendment, by leave, withdrawn.

Section 3 agreed to.

Sections 4 to 9, inclusive, agreed to.

SECTION 10.

Senator Paschal Donohoe: I move amendment No. 4:

In page 14, paragraph (a), line 11, to delete “sustains” and substitute “promotes”.

The amendment refers to the role infrastructure can play in generating economic growth. The national competitiveness strategy and the Minister’s strategy statement acknowledge that in many cases the provision of transport infrastructure plays a significant role in generating econ-

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omic growth. This is achieved in two ways. First, the delivery of the large infrastructural projects which form part of the national development plan will contribute towards sustaining parts of the economy when certain economic sectors are not faring as well as one would hope. Second, public transport infrastructure is a vital consideration for investors making decisions about whether to increase or maintain inward investment and, as such, sustains and accelerates investment. The rationale for the amendment is to show greater ambition in terms of the role public transport infrastructure can play in promoting, as opposed to sustaining, economic growth and competitiveness.

Deputy Noel Dempsey: The amendment proposes to replace the word “sustains” in section 10(a) with “promotes”. While I would prefer to retain the current wording, I am prepared to examine the amendment before Report Stage to determine whether the proposed change would have legal implications. Pending that decision, I ask the Senator to withdraw the amendment.

Senator Paschal Donohoe: I will withdraw the amendment. This morning I examined the strategy statement the Minister prepared for his Department in which he makes clear the role infrastructure can play in the future of the economy. I accept the undertaking he has given and look forward to hearing his views on the amendment at a later stage.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Maurice Cummins): Amendments Nos. 5 and 6 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Paschal Donohoe: I move amendment No. 5:

In page 14, paragraph (b), line 13, after “system” to insert “for all users”.

The rationale for this amendment is to make explicit in the legislation the need to prioritise passengers at all times in the delivery of plans. I am sure the Minister is aware that the 16 bodies responsible for delivering transport services for Dublin city and region have at times placed their interests before those of passengers. I want to ensure in laying down the functions and objectives for the Dublin Transport Authority that we make it clear that the needs and interests of the users of transport services come first. The insertion of the words “for all users” would also recognise in law that some passengers using transport infrastructure have special needs. It would also ensure the decisions made by the Dublin Transport Authority take into account the needs of commuters.

The Dublin Transport Authority will have immense power. The power to step in and act as a provider of transport services of last resort is unprecedented in terms of dealing directly with consumers. In addition, the transfer of significant powers from organisations such as Dublin Bus, Iarnród Éireann and the Railway Procurement Agency is also a major development. I want to ensure the legislation provides that the new organisation will exercise its powers with the needs of passengers in mind.

Senator David Norris: I am afraid I am about to be disloyal to my colleagues again, even though I admire the work Senator Donohoe has done and have told him this on a number of occasions. However, if we are required to provide a well functioning, attractive, integrated and safe public transport system, it will, by necessity, be “for all users”. If the transport system is in place in this form, the phrase “for all users” becomes redundant because one will not establish a safe, well integrated system for only a few users. If the system is available in the form provided

for in the legislation, it must, by logic, be in available in that form for all users. For this reason, I do not see the reason for the amendment. I suppose it is rather mean-spirited of me to argue against an amendment tabled by one of my colleagues. I have done so a second time on a basis of logic and have probably lost Senator Donohue's support for my amendment. Naturally, being an egotist, I believe my amendment No. 6 is far superior in logic, although the Minister may not agree.

My amendment relates to safety. To provide that we have a well integrated and safe public transport system is aspirational and woolly. My amendment would append to this provision the words "in accordance with standards comparable to those set down by relevant bodies such as the H.S.A. and the Road Transport Authority". As this has the virtue of tying the provision with existing standards, it thereby ceases to be woolly and aspirational. The legislation will set out the actual standards by which the degree of safety, an extremely important matter, can be measured.

We, in this country, are lucky we have not had a succession of disasters in our public transport system. The reason is partly due to the efficiency and care of our public transport system and partly due to good fortune. From time to time, however, we have had unfortunate incidents involving buses, trains and so forth. If we are serious about safety, we must link it with existing, actual standards which can be measured because the wording, as it stands, is aspirational. It is akin to being in favour of virtue and good living — everybody is but there is nothing by which it can be tested.

Deputy Noel Dempsey: In regard to amendment No. 5, as Senator Norris indicated, it is presumed when passing legislation that it is for everybody and that it does not need to be explicitly stated. The Senator made the point well and I do not need to elaborate on that. Nevertheless, it does not do any great damage to the Bill to include the phrase "to all users". I have no objection to that and I accept the Senator's amendment.

In regard to amendment No. 6, it is extremely important bodies like that which we are setting up have a focus on the consumer. Senator Donohoe spoke about the importance of looking after the consumer and the strength and powers this body will have. He is right that it is important it has extensive powers and that it is in a position to look after consumers.

Clearly, safety would be a major concern but I am not anxious to set up another body which sets out another set of standards for health and safety, and I agree with Senator Norris in this regard. The bodies are already in place and they have their codes of practice, guidelines and legislation to back them up. One such body is the Railway Safety Commission. I do not want the Dublin transport authority getting into this area as well.

I accept the principle behind the amendment that we should have a very safe public transport infrastructure. That should be to the forefront of not only the Dublin transport authority's mind but that of the individual organisations as well. I accept that is the spirit of the amendment but it is more than adequately addressed by leaving independent bodies to make those judgments and to inform the individual organisations or the Dublin transport authority that safety is assured.

Senator Paschal Donohoe: I thank the Minister for responding in the manner he has. I take his point in regard to the language I have used. I might look at it again as we move through this process. The general objectives of the authority are vital in terms of the work it will do. With the exception of persons with disabilities, the customer, or the passenger, is not mentioned. I accept the Minister's point that there is a presumption that the passenger will be involved. However, that presumption has not carried weight in the context of some of the other organisations we will discuss later. I thank the Minister for what he said.

Amendment agreed to.

Senator David Norris: I move amendment No. 6:

In page 14, paragraph (b), line 13, after “system” to insert the following:

“in accordance with standards comparable to those set down by relevant bodies such as the H.S.A. and the Road Transport Authority”.

I am moderately happy, although not as happy as Senator Donohoe. I say well done to him. He got a goal but I appear to have missed.

Senator John Ellis: The Senator hit the crossbar.

Senator David Norris: The Minister seemed to address Senator Donohoe in regard to my amendment, which was rather odd. I do not agree with the Minister and I might consider it again on Report Stage. The Minister said he was sympathetic to the intention of the amendment but did not seem to wish to be specific about it. I do not understand his hesitation because I would have thought exactly the same logic applied to the earlier amendment in that it does not do any damage but simply sets standards. I am not quite sure if the Minister is saying there is a legislative requirement on the Health and Safety Authority and the Dublin transport authority to take an interest. I am simply talking about the application of comparable standards and giving indicators.

12 o'clock

As I said in respect of the previous amendment, although perhaps I misunderstand it, if a public transport system is provided, it cannot exclude the users. It is for the users. Although I am very happy for Senator Donohoe, it is a tautology. I believe I understand what the Minister is saying because it is, to a certain extent, a public relations gloss as it indicates to the public that the transport system desperately loves them, will cherish them and will give them the kind of transport system they want. On that basis, I do not understand his reluctance to accept an amendment, the principle of which he accepted. I will not press the amendment to a vote but I reserve the right to resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Section 10, as amended, agreed to.

SECTION 11.

Senator Paschal Donohoe: I move amendment No. 11:

In page 14, subsection (1)(d), between lines 37 and 38, to insert the following:

“(ix) development and implementation of a cohesive cycling strategy.”.

A point I made in respect of other amendments was that this organisation will have immense power in terms of its ability to intervene and deal with transport and commuter issues in the greater Dublin area. One of the areas in which a lack of enforcement and of integration is most evident is in respect of the problem cyclists in the greater Dublin area face, especially in the city centre and the inner suburbs.

Occasionally I take my life into my hands and hop on my bicycle to get around the constituency and to come into the House. During the infrequent journeys I make I encounter at first hand the huge difficulties cyclists face in getting around, such as cycle lanes ending for no

reason. There is a lack of cycle lanes on our main thoroughfares and streets, including O'Connell Street. For some people, cycling is the main way of getting around the city.

I am very conscious that a safe cycling campaign has been set up and successfully led in this region. It highlights the need for more people to hop on bicycles and for better facilities to allow them to do so. Organisations have played their part in making this happen, including the decision of Dublin City Council to prohibit heavy goods vehicles from the city centre and the quays. Therefore, it is incumbent on this authority to promote cycling as a mode of transport in the city and in the greater Dublin area and to state that it will intervene to make this happen when necessary.

Recently the Minister made a presentation at a meeting of the Oireachtas Joint Committee on Transport. He is very much aware that the work we are doing on a modal shift is blatantly inadequate to deliver the environmental and transport objectives of the Government and of all of us. We need to acknowledge cycling as playing a greater role in dealing with these issues. We need to give every encouragement to people to change and give this authority the ability to intervene to make it attractive and remove obstacles preventing people from getting out of their cars and on to their bicycles.

Senator David Norris: On this occasion I am very happy to support Senator Donohoe. This is an excellent and significant amendment. He is quite right to talk about a cohesive cycle strategy. There is a total lack of coherence in the provision of cycle lanes at present. Senator Donohoe mentioned O'Connell Street and I believe he suggested there were no cycle lanes on it. There has been a recent development because I walk up and down O'Connell Street all the time. Perhaps walking is the most environmentally-friendly method of transporting oneself around. There is a cycle lane but it is only on half of O'Connell Street, which is crazy. Perhaps the council is in the process of putting in a cycle lane which would be very welcome. There are little poles sticking up which is very good but that should be done the whole length of O'Connell Street and on both sides. I say this with some strength because on several occasions I have been knocked off my bicycle on O'Connell Street due to the lack of these lanes.

Throughout the city we have cycle lanes that just disappear. In some places parts of cycle lanes form part of existing car lanes. How can they compete? How can cars drive without at least one third of the car being in the cycle lane in this situation? We need logic, coherence and consistency in the system. Cycling is environmentally friendly and will lead to a decrease in pollution, although this may be only marginal until it becomes more popular. It will also relieve congestion. If a significant number of people who routinely drive cars as single occupants transfer to bicycles, this will reduce traffic congestion.

If the Minister and the relevant city officials are actively considering the proposals put forward by the Oireachtas Joint Committee on Transport with regard to removing private vehicles from O'Connell Street, particularly while work on the installation of the metro is being carried out, cyclists should be given privilege at that time. The metro works provide a glorious opportunity to make special provision for cyclists and to retain that privilege. We should not just allow access for public services but let them share the space in O'Connell Street with cyclists.

Senator John Ellis: We should give the same consideration to the issues affecting pedestrians as we are giving to cyclists. I agree with Senator Norris that there is a problem with regard to proper walking areas, not just in Dublin, but in other urban and rural areas. People often walk on public roads at night without reflective gear and as a result we have serious problems. Cycle lanes in the city of Dublin often end suddenly and nobody knows where cyclists should be afterwards. This is wrong. We need to consider the issues affecting both cyclists and pedestrians.

[Senator John Ellis.]

Currently cyclists jink in and out between traffic and are a menace to other road users. In many cases they have been the cause of accidents, in particular motor cyclists.

Will the Minister consider measures to deal with both cycling and pedestrian issues. I understand this Bill deals with Dublin, but we also need the issue of the safety of pedestrians on rural roads to be dealt with. Pedestrians take their lives in their hands on some roads. I have noticed that some towns have ring road footpaths for walkers, including Longford where there is a mile and a half long footpath alongside the N4. Anybody passing this route will see up to 20 people using the footpath for walking. This is the sort of facility we need so that people can walk in comfort and safety.

The Minister must deal with the issues relating to cycle lanes and with the behaviour of cyclists. Some of the cycle lanes currently in Dublin City are only a joke. They exist in name, but are abused by everybody.

Deputy Noel Dempsey: I thank all the Senators who contributed on this. I accept the point being made with regard to the importance of cycling and walking. It is important we keep both issues together. I accept the principle of Senator Donohoe's proposal with regard to cycling, but we need to include both issues. Section 71(7) makes provisions with regard to cycling and walking and we will consider strengthening those provisions in light of this amendment. I will also take another look at this section to see if we can strengthen it.

I am anxious not to oblige the DTA to develop a raft of different strategies. I will, therefore, see if I can consolidate the provisions on cycling and walking in either section 11 or section 71. I accept the principle of the amendment.

Senator Paschal Donohoe: I thank the Minister for his response. He has acknowledged that we are providing for many different modes of transport. I want to ensure that cycling is specifically mentioned as one of these. He made a fair point that we need to ensure the new organisation is not overloaded with too many priorities that could conflict with each other. However, it is important that cycling is mentioned, particularly in light of the lack of integration in other bodies, if the strategy is to work. If the DTA is about anything, it is about integration.

Senator David Norris: Senator Donohoe is very gracious, but I am inclined to be more combative on his behalf. The Minister said he accepts the principle of the amendment, but does not want the DTA overburdened. That tells me that nothing will be done. There is a conflict between not wishing to burden the authority with extra proposals and saying he will consider strengthening the proposals in section 11 or section 71.

The problem is that the coherence of cycle lanes has not been effectively addressed in Dublin. If the DTA will not do it, who will? Or is it the case that nobody will do it and it will remain just an aspiration? If the Minister thinks that to include this as part of the brief of the new authority would be too burdensome, this means he does not wish to burden it with the responsibility. The inevitable consequence of that is that it is unlikely to be done. It certainly will not be done with the speed or efficiency this House seems to want.

I urge the Minister, if he believes in developing this area, to include the provision in a firm manner. If to do it is considered too burdensome, it will not be done and we all know that. We should be open and honest about the issue and say we will either do it or not. If we are to do it, there is no harm in including the provision in the Bill.

Senator John Ellis: Perhaps the Minister could consider dealing with this on Report Stage. There is consensus on the issue here. I know there is no amendment to cover the issues as we

have raised them today. Will the Minister, therefore, consider bringing in something on Report Stage that will encompass our aspirations?

Deputy Noel Dempsey: Senator Norris misinterpreted what I said about not burdening the DTA with a huge number of strategies. This does not mean I think there should not be a cycling and walking strategy, but I have reservations about including separate cycling, walking, QBC, strategies and so on. If the Senator looks at section 71(1) he will see that provision is being made for agreements between local authorities for quality bus corridors, cycle lanes and so on.

The principle behind the amendment and behind the ideas put forward here is that Senators want cycling and walking to be explicitly mentioned in the Bill. I undertake, either in section 11 or section 71, to emphasise that. I accept the principle and the spirit of the amendment before us.

Senator David Norris: Could the Minister direct me to the specific provision in section 71? I am looking at it but cannot see it. I am sure the Minister is correct and it is there. Could I have his assistance because I do not see cycling mentioned there?

Deputy Noel Dempsey: It is section 71(7).

Senator David Norris: I thank the Minister.

Senator Paschal Donohoe: My understanding of what the Minister said is that on Report Stage he will come back and either in section 11 or section 71 make specific reference to the need to facilitate cycling and walking strategies in the greater Dublin area. If that is what the Minister is saying I am happy to withdraw this amendment.

Deputy Noel Dempsey: We will have it in the Bill, although possibly in some other suitable section.

Senator David Norris: I have looked at the section to which the Minister drew my attention and 71(7)(c) refers to measures to “increase travel by public transport, bicycle or on foot as an alternative to the private car”. I would like the Minister to come back, as Senator Ellis said, on Report Stage with something that deals with one of the central points of the issue, namely, the lack of coherence in cycle lanes. That is definitely not in section 71(7)(c) at all, which refers only to increasing bicycle traffic.

One could meet the requirements of this Bill by increasing unsafe cycling. We must direct attention to the provision of fully coherent cycle lanes. Deputy Ellis emphasised my point that one often finds cycle lanes ending at a traffic light, where the road goes on. What do cyclists do? Do they get off their bicycles and get on a bus, packing up the bicycles and putting them on the roof? That is what we are getting at.

I am grateful to the Minister for his help but section 71(7)(c) just talks about an increase in cycling, not about the safety of cyclists and the coherence of cycle lanes. It must refer to these. I am happy to leave the amendment. It would be an impertinence for me to press Senator Donohoe’s amendment, but I urge the Minister to come back to me on Report Stage with an amendment that addresses the specific point of the provision, coherence and safety of cycle lanes in the city of Dublin. That is not addressed by the section to which the Minister very kindly drew my attention.

Amendment, by leave, withdrawn.

Senator Paschal Donohoe: I move amendment No. 8:

[Senator Paschal Donohoe.]

In page 14, subsection (1), between lines 37 and 38, to insert the following:

“(e) provide and issue licenses under the Road Transport Act 1932 for public transport operators operating within the GDA.”.

This is one of the most important issues related to this legislation. The amount of power this organisation will have for dealing with transport strategy and needs in Dublin will be immense. If I look at the amount of time we have spent during my short time in this House talking about organisations such as the HSE or the NRA a number of themes consistently emerge. The first theme is the lack of accountability such organisations have to Members of this House. The second theme is the non-existence of a role for elected politicians in any of these organisations. There would be much consensus among different Members on these points on accountability and the role of politicians. The third issue, which this amendment is about, is the need for competition. There will probably be much less unanimity on this point than on the other two points I have made. I will still press the amendment as it is very important to commuters in Dublin and their needs.

I propose this amendment on two grounds. The first is a very practical point. Reports that have been done on the transport needs of the greater Dublin area, whether work by the Dublin Transportation Office or the more recent draft report produced by the Oireachtas Joint Committee on Transport which is in circulation in the media, point to the fact that an additional 350 buses are needed for the Dublin area. They also point to the fact that bus investment has been the loser in the capital investment decisions by this Government over the last number of years. Investment has gone to projects such as the Luas and metro. Despite this, bus transport is still the most popular form of transport in the area about which we are talking. The organisation that provides it, Dublin Bus, does not have Government funding to provide the additional 350 buses, at a minimum, that will be needed to deal with commuting issues in the Dublin area.

My second reason for proposing this amendment is more policy driven than the first. I strongly believe competition is needed to meet the transport issues we are dealing with. We have much bus capacity directly funded by the taxpayer. That is a good thing and should stay, although it will go out to tender based on EU law. However, the best way to ensure that capacity is well used and taxpayers' money is well spent is if the people who are spending that money and providing that service know there is an alternative out there for the passenger to use and that it is feasible that if they do not do their job well, that job will be given to somebody else. It is important we clarify that the Dublin transport authority has a role to play in introducing and leading greater competition in the bus market in the Dublin area for the policy rationale I have outlined and also on the practical grounds that the money to meet the pressing needs of Dublin's commuters does not and will not come from the Exchequer.

In making this point I do not propose complete deregulation of the bus market. I lived in London for many years and saw the mess made of the bus market there because of the decision to completely deregulate and hand it over to a number of competing companies. However, there are other models, as the Minister is aware, that allow the private sector to play a role in providing bus services in line with a public sector that also provides services. I cannot see why this organisation should not have the power to say it wants to provide new radial routes for the greater Dublin area — routes that go around the city as opposed to linear ones that go through it — and allow the private sector to put a case on why it can provide that service well. It could ask Dublin Bus to do the same and if the private sector can do a better job, it should hand that business over.

Many services in operation are provided by the private sector — the Swords route is the one with which people are most familiar. There are also services near Dublin Airport which operate in a kind of limbo as we wait for the legislation on the Road Transport Act 1932 to be cleared up. I would like this legislation to be amended to state that competition has a role to play in providing additional services and ensuring taxpayers' money is well spent.

Competition is the spur that will deliver this as opposed to the Minister, as he is doing, commissioning a report to see how taxpayers' money is being spent through Dublin Bus and other organisations. We cannot have a model that means every couple of years we commission another centralised report to see how this money is being spent. We need to allow the dynamic forces of competition to operate within a regulated model to ensure the taxpayers' money is well spent and that Dublin commuters get good, new services and better use of existing ones.

Senator Fiona O'Malley: I congratulate the Minister on his reappointment. I am pleased he was reappointed to this position as he has a reputation as a reformer, which is what we need in this area. I also like it when consensus breaks out in politics, which is why I encourage the Minister to consider the point made by Senator Donohoe. One cannot argue with it. We must recognise that competition is an important factor in the development of our transport service. As Senator Donohoe eloquently explained, it is about improving commuter services to the public. The Minister himself has mentioned the urgency of the requirement to review the Road Transport Act 1932, which was, after all, established to restrict bus services in competition with the railways. That was its effect. I encourage the Minister to recognise the fact that the overhaul of the 1932 Act is a vital necessity for the development of bus services in the Dublin area and throughout the country.

I will speak further on this issue when discussing later amendments where it will be more relevant. However, it does worry me that the effect of this Bill, or sections of it, will not be fully effective in the absence of a review of the 1932 Act. This would neuter somewhat the Minister's determination to develop a good public transport sector and particularly, but not exclusively, the bus service. There are many providers who can provide services in Dublin and should be allowed to do so. Senator Donohoe's amendment recognises this. I hope that in an area such as public transport, in which we are trying — for a variety of reasons, including traffic congestion and climate change — to develop a more efficient system, we can achieve a political consensus. There is only one way to provide better services and that is to allow more buses on various routes.

I agree with Senator Donohoe's point about deregulation of markets and learning from the experiences of other jurisdictions. We should not make the same mistakes that were made in other areas. I look forward to hearing what the Minister has to say on this issue and I hope he will consider an amendment similar to that put down by Senator Donohoe. We must aim to develop a better service for commuters and the Bill will be enforced and strengthened as a result of its inclusion.

Senator David Norris: Speaking as an old-fashioned socialist, albeit one about whom the odour of champagne and smoked salmon occasionally lingers, I was concerned about the first part of Senator Donohoe's speech. However, I rather warmed to him when he recounted his experience in London and his hesitation about deregulation. I would not like to think this Bill was the opening shot in a campaign to privatise CIE, Bus Éireann and other companies. I like the idea of public service and public utility.

We heard on the Order of Business this morning about the importance of community. I do not believe competition should be allowed to become the little tin god totem it is widely viewed as in this society. That is one of the things that is wrong with this society. It does not surprise

[Senator David Norris.]

me that my good friend Senator O'Malley, from the Progressive Democrats, should optimistically detect consensus in this area. I hope there is not too much consensus because such worship of the false god of competition is one of the problems of public life in Ireland. I am interested in the provision of good services, as is everybody else.

Senator Fiona O'Malley: Indeed.

Senator David Norris: However, that includes a social aspect. I know in her heart Senator O'Malley also supports this.

With regard to the provision of extra buses, they may be necessary, but certainly not in O'Connell Street, as has been mentioned. One could not get another bus into O'Connell Street. The buses are end-to-end. One can hardly squeeze in a taxi. The buses are lined up on the street, they pull in to bus stops, and then they hold up an entire line of traffic.

Senator Donohoe raised a sort of false dichotomy when he invoked the various elements of public transport — buses, metro, trains and so on — and then said that buses were the most popular type of public transport. Of course they are. They are the only method available for most of the city. It is not credible to say that people have chosen bus over metro in the absence of a metro service. The metro does not exist. The population of Dublin would overwhelmingly opt for the metro if it were available. It is by far the best system.

I would like to see every bus out of O'Connell Street. They pollute the place and they make it unhealthy and dangerous for pedestrians. If we consider the way the paving and markings are laid out in the central piazza, it is a wonder nobody has been killed there by a bus. I would like to see the buses out of there. However, this will have to wait until there is a proper and full metro service.

I would not like to see a situation in which, as Senator Donohoe accepts, Bus Éireann is not given money for extra buses. I have heard the Minister speak on this issue before — I am not sure whether it was in this House or on the radio — and he gave some reasons he did not provide money to CIE for extra buses. I would not like to think that the Minister would starve CIE of buses and then undercut it through the private sector.

I want to signal that even if I am alone in this, I am against making a god out of competition. I am against deregulation and the privatisation of our public transport system. Let us make it better and more efficient and ruthlessly pare out whatever fat there may be, but I want to live in a society in which we provide services for our citizens and not one in which services are provided to allow individuals to make a profit.

Senator Fiona O'Malley: They are not mutually exclusive.

Senator David Norris: As a community we should provide public services out of public funds.

Senator John Ellis: We have an awkward problem here. If we have full deregulation, people will take up licences and try to run businesses on routes that are unsustainable. This is the first issue we will run into and it will cause serious problems. At present, a number of operators provide services into the city from outside. Will an operator be obliged to seek a second licence from the DTA rather than using his or her original licence under the 1932 Act? This is something we need to consider in the context of this Bill. I would not like to see the doors opened so that anybody can get a licence without giving a commitment to provide a long-term service. The provision of a short-term service might cause other operators to abandon a route, so that when the short-term operator leaves the route we will end up with no service.

We could also end up with a situation such as that which exists currently in the area of taxi licensing. We have gone from one extreme to the other. Every time one gets into a taxi the driver tells one that business has gone through the floor, and if he knows where one is going one will get twice the earful. We should err on the side of caution when it comes to the issuing of licences. There should be strict control and, if at all possible, the issuing of licences should be left to one body rather than having two or three groups involved. If it is everyone's business it will be no one's business in the end. There will be neither consistency nor viable routes.

Senator Brendan Ryan: We will not be supporting this amendment. Obviously we have differences with Fine Gael on policy matters regarding the licensing of buses and so on. It is not appropriate that policy matters as important as this should be dealt with in a Bill which is designed to set up the Dublin Transport Authority. By all means let us have a debate about deregulation and transport in general but let that be in an open sense rather than in one section of a Bill such as this.

Deputy Noel Dempsey: I thank the Senators for their contributions to this debate. To a certain extent I echo what Senator Ryan said. Under Transport 21 we have included in the programme for Government a commitment to improving bus services by reforming the bus licensing provisions under the Road Transport Act 1932. We aim to facilitate optimum provision of services by providing a level playing field for all the market participants, public and private. It is my intention that, following the enactment of the Dublin Transport Authority Bill, the Government would bring forward a Bill on public transport regulation to reform the licensing system of 1932. If there was ever a consensus on anything, perhaps for different reasons on different sides, it is that the 1932 Act must be reformed and changed. I had to give priority to one piece of legislation and this is the one which has received it. I assure Members of the House that the Government intends to follow this with a public transport regulation Bill. In that context it would be inappropriate to pre-empt a major review of that existing legislation by giving powers to the authority at this time to issue licences under the existing arrangements. Everyone agrees that they are outdated and unresponsive and we have had some good examples of that recently.

The proposed Bill on public transport regulation will deal with the replacement of the Road Transport Act 1932 and the elements of the Transport Act 1958 that relate to the provision of bus services by State bus companies. Under that legislation the bus licensing regime will be designed in a manner consistent with the new EU public service obligations, PSO, that will come into force in December 2009. It will apply to all commercial bus services, including those provided by Bus Éireann and Dublin Bus. It will also provide new criteria regarding a system of penalties and this will offer appropriate deterrent for breaches of the licensing system by those considering application. As a replacement of the 1932 Act, the legislation put forward by Government will be, in general terms, a contract with the providers of transport. The contracts will contain certain stipulations and criteria that must be met. People will compete at that level for the business whether via funded services or commercial ones. Until that time the Bill before the House will allow contracts to be put in place over the next few years with the existing public transport providers in the greater Dublin area — Bus Éireann, Bus Átha Cliath and Iarnród Éireann — for services already in operation.

With regard to public transport I am no believer in privatisation or in competition for the sake of it. I have neither ideological hang-ups nor an agenda about this. I have said as much to unions and to the management of the companies involved. I have two responsibilities. One is to try to provide a safe, efficient, economical and good quality customer service for all consumers in the greater Dublin area who want to use public transport or transport in general. I have said to management and unions in the public transport companies — Bus Éireann and

[Deputy Noel Dempsey.]

so on — that my other responsibility as Minister is to ensure we get absolute value for money for the very substantial amounts of taxpayers' money put into the system. I am not prepared to have a situation where taxpayers' money is fed into a public transport system that is inefficient, has bad work practices and which does not deliver a quality customer service. I do not say that is what we have at the moment but the reason I have asked the review to be undertaken is to see how well we are utilising the capacity we have. Are there practices and efficiencies that would improve it? Are there things that we must do regarding current routes, for instance? Might they be subvented in certain cases where at present they are not and are therefore causing problems for Bus Éireann or Bus Átha Cliath? On the other hand, might there be routes being subvented that do not require it because they are commercial? We must ensure we have all this information before we make final decisions in this regard.

I agree with the sentiments expressed by almost all speakers in the House, whether or not they advocated competition, as to the merits of having a public transport system that is efficient and effective and which gives a good quality customer service. I have read much literature since coming to this office that urged blanket privatisation and the throwing open of everything to competition. That is not the solution. There must be a balance and we intend to keep that. The existing routes that Bus Éireann and Bus Átha Cliath operate will be signed up for by contract, with criteria ordaining what must be delivered. Under EU PSO regulation that contract will be available for five years, subject to review after that period. In that way we can ensure we will get the efficiency, effectiveness and value for money. The other side of this, as I said to Senator Donohoe, is that operators can and are willing to provide services on a commercial basis in the greater Dublin area. We will encourage that and will continue to issue licences for this. We will try to ensure the situation continues in this way in the interim.

When we talk about competition, I have a concern. I know from speaking to unions and workers in Bus Éireann and Bus Átha Cliath that we must have a level playing field. I believe strongly that if we were to throw the market open completely or even move in that direction, the one thing we would have to guard against is the competition we talk about being brought about on the backs of people who work in transport. In other words, I do not want private companies coming in that will pay half wages or less than minimum wages to people if they can get away with it. Neither do I want companies that will offer inferior working conditions and so be able to compete with a public transport company on that basis.

Senator David Norris: Hear, hear.

Deputy Noel Dempsey: That is the difference in their profit. It is something against which I want to guard.

I ask the Senator to withdraw the amendment. It is not particularly appropriate at this stage, but I assure him that the general intent is to provide a public transport system of which we can all be proud. Where it is possible, we should provide commercial routes and competition on those routes.

Senator Paschal Donohoe: I thank the Minister for his response. I will comment on some of the points made by my colleagues during the discussion on this amendment. The operation of competition and trying to advance the needs of our society are not incompatible. I make this point in some trepidation because I am clashing with my eloquent and experienced colleague, Senator Norris. However, the idea that those who sit on the left — even if it is the left that is occasionally associated with champagne and salmon, as the Senator mentioned — have a monopoly over the idea of social justice is one that I reject. I am doing this because I am trying to

help people in our society who may be less well off and to ensure that the services available to everybody can be improved. I strongly believe that competition can play a role in this.

In 1997, we were spending €20 billion funding services for the taxpayer. We are now spending €54 billion, yet we are still pointing to the deficiencies within those services. We must acknowledge that our ability to deliver such quantum increases in the future will not be as great as it was in the past. In the right framework, competition is the antidote to this.

Another issue on which we will spend time talking is inflation. How will we deal with that if it is not through ensuring that competition plays a proper role in some sectors of our society? The idea that competition and social progress are contradictory or inconclusive——

Senator David Norris: It is not always, but it frequently can be so.

Senator Paschal Donohoe: ——is something with which I strongly disagree. Competition can play an appropriate role at times in ensuring that the needs of our entire community and society can be met. I have great respect for Senator Norris and the points that he has made about this Bill and the Senate. If we do not make these points now about this authority and this Bill, then the train will leave the station. This organisation will have extraordinary power to deal with many of the issues we are facing here. The ability to deliver competition can and should play a role in meeting the needs of Dublin's commuters.

In saying all that, I agree entirely with the point made by the Minister a moment ago. I do not want such competition to be at the expense of people who are working in some of the organisations that might come in here in the future. I do not want to see people being paid a fraction of the wages they need to look after their families and so on. However, the Booz Allen Hamilton report on subvention payments to Dublin Bus, commissioned by the Minister, pointed out that the company and others got more than €230 million of taxpayers' money. In fairness, that report also stated that in many cases Dublin Bus is making great use of that money. From personal experience dealing with Dublin Bus in my constituency, I have found it to be a very professional and progressive organisation. Nonetheless, the point still stands. New services will be required that cannot be provided by Dublin Bus, so we should look elsewhere for them to be provided. In the new financial environment we are facing, it is vital that we have a spur of competition to ensure taxpayers' money is well spent.

I am not advocating the kind of complete deregulation that is occasionally used to rubbish these arguments. We can see that is not working. We should set in place a framework to ensure the private sector is allowed to provide services to ensure that commuters can benefit and to ensure money is well spent. That is not tin pot competition nor does it represent an ideological approach to this issue. It is an attempt to come up with a model that will ensure our money is well spent in providing transport services and that the needs of commuters are better met than they are at the moment.

Senator Fiona O'Malley: I hope I do not hinder Senator Donohoe's prospects when I say that he is a terrible loss to the Progressive Democrats Party.

Senator David Norris: Hear, hear.

Senator Fiona O'Malley: There is no point wasting time in repeating what he said, because I agree with every single word of it. We do not believe in privatisation or competition for their own sake. Things naturally need to be regulated and the public interest must be uppermost when doing so. That includes providing services from a variety of sources, including the private sector. We are advocating competition for routes in transport services, not on routes. That is

[Senator Fiona O'Malley.]

an important distinction and explains what has gone wrong in other jurisdictions. We do not need to repeat those mistakes.

I understand the Minister's point about the need to reform the Road Transport Act 1932. Will he consider delaying the order that brings into effect sections 47 to 56 of the Bill? These sections deal with issuing licences under the 1932 Act. Will he delay bringing these sections into effect until he has conducted this review? That is an important compromise.

1 o'clock I accept his point that one Bill had to take priority. In our enterprising economy, we cannot have the type of statist, protectionist legislation represented by the 1932 Act. It is not viable in this day and age. By delaying these sections, we can get the effect of the positive things in this Bill while not being damaged by the restrictive practices that might be allowed to develop in enacting this section. The legislative programme for developing the transport sector might be somewhat disjointed.

Senator Donohoe pointed out that there are positive aspects to competition. He was right. It is infuriating that some people constantly have the notion that competition is always bad. It is not bad. It delivers in all areas. It would be generous of people to recognise that there are positive aspects to competition. Would the Minister be disposed to deferring the introduction of the order to give effect to this section until the review of the 1932 legislation and amendments to it have taken place?

Deputy Noel Dempsey: The sections to which the Senator referred deal with the provision of public transport as it operates at present. The licensing regime for PSO regulated services does not apply to the commercial service, to which the Senator adverted, for example, in the case of an operator wishing to compete on a commercial basis. Those sections deal with the contracts that must be in place to provide largely subvented services in those areas. Therefore, it would not be practical simply to suspend that provision for whatever period would be required.

I believe the point the Senator is making the point that we should have competition on various routes. There will be open competition on routes other than the existing subvented routes, namely, the PSO routes, once this Bill is enacted.

An Cathaoirleach: Is the amendment being pressed?

Senator Paschal Donohoe: Yes.

Amendment put.

The Committee divided: Tá, 11; Níl, 29.

Tá

Bradford, Paul.
Buttimer, Jerry.
Cummins, Maurice.
Donohoe, Paschal.
Fitzgerald, Frances.
Healy Eames, Fidelma.

McFadden, Nicky.
O'Reilly, Joe.
Phelan, John Paul.
Twomey, Liam.
Ross, Shane.

Níl

Boyle, Dan.
Brady, Martin.
Butler, Larry.
White, Mary.
Callely, Ivor.
Cannon, Ciaran.

Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.
Feeney, Geraldine.

Níl—*continued*

Glynn, Camillus.
Hanafin, John.
Hannigan, Dominic.
Keaveney, Cecilia.
Leyden, Terry.
Mac Sharry, Marc.
Wilson, Diarmuid.
Norris, David.
Ó Domhnaill, Brian.

O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
Ormonde, Ann.
O'Toole, Joe.
Phelan, Kieran.
Walsh, Jim.
Ryan, Brendan.

Tellers: Tá, Senators Maurice Cummins and Paschal Donohoe; Níl, Senators Diarmuid Wilson and Dan Boyle.

Amendment declared lost.

Section 11 agreed to.

SECTION 12.

Question proposed: “That section 12 stand part of the Bill.”

An Cathaoirleach: Amendments Nos. 9, 10 and 11 are related and will be discussed together.

Senator Paschal Donohoe: I move amendment No. 9:

In page 15, subsection (5)(c), line 28, after “GDA” to insert the following: “and local authority Development Plans and Local Area Plans in force in the GDA”.

I wish to congratulate the Minister, Deputy Noel Dempsey, on keeping his position as Minister for Transport, which I forgot to say earlier.

Senator John Ellis: We are all guilty of that.

Senator Paschal Donohoe: I wish the Minister, Deputy Noel Dempsey, the best of luck for the rest of his term in office.

There are two separate issues covered by these amendments. I will deal with the work that local authorities do using local area plans and the master plans and then the issue of the jurisdiction of the greater Dublin area, GDA, and the work the authority will do.

One impressive aspect of this legislation is the way it deals with the integration of land use and planning with the provision of transport. The Minister, Deputy Noel Dempsey, has correctly pointed out the need for this and the legislation will allow that integration to happen. I move this amendment because many local authorities have been engaged in work on the preparation of local area plans which, as the Minister for Transport is aware, are part of the city and county development plans and make recommendations for particular areas. This legislation would be improved if we were to refer to the work and role of local area plans in the planning aspect of this legislation.

Take, for example, the work being done at the moment by Dublin City Council with the preparation of the draft Phibsborough/Mountjoy Local Area Plan. I raise this plan as it refers to the provision of additional Luas lines in future and the proposed metro north. The plan makes clear that the delivery of the objectives of the local area plan, which deals with sustainable community living and the need for good public transport, can only be realised if the public transport infrastructure is in place initially. Given that one of the reasons for this legislation is to integrate land use, planning and transport infrastructure, it would be improved if

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we made specific reference to the work of local authorities in developing local area plans. This applies whether the plans are placed on a statutory footing — in other words if they actually pass into law — or as in some cases, are still in draft stage and on the way to being passed. Such an improvement would deliver, on a local level, the integration the Minister for Transport seeks. This is the thinking behind the amendment.

Amendment No. 10 refers to the Grangegorman Development Agency which is the statutory body being established to deliver a new third level facility for Dublin and the country. The Bill refers to the strategic plan but the Grangegorman Development Agency will deliver both a strategic plan and a master plan. In fact, much of the work taking place in preparing the strategic plan for the delivery of the Grangegorman campus focuses on the delivery of the master plan as opposed to the strategic plan which is referred to in this legislation. My understanding is that the difference between the strategic and the master plans is that one of them looks at the area inside the cordon of the Grangegorman campus while the other is more conscious of the broader physical environment around the Grangegorman area. Just as there is reference to the Dublin Docklands Development Authority master plan, I believe the reference to the Grangegorman Development Agency would be improved if it were to say the strategic plan and the master plan, which are different instruments.

Amendment No. 11 refers to section 12(5)(h) and the trends and requirements of persons travelling from outside the greater Dublin area into the greater Dublin area. Given the amount of travel taking place inside the greater Dublin area which is the cause of many of the issues we need to deal with, this section of the Bill could be improved if the needs of people travelling within the greater Dublin area were considered as well as those of people travelling from outside the area into the area and *vice versa*. This is the thinking behind these amendments and I await the Minister's response.

Deputy Noel Dempsey: I thank the Senator for the points he has raised. With reference to Amendment No. 9, the preparation of a transport strategy is a high level process which covers all seven local authority areas in the greater Dublin area. In that context it is appropriate for the authority to consider the relevant development plans applicable to those areas. This is already provided for in section 12(5)(c) and is well catered for at county level. I do not think it is either feasible or a good idea to ask the authority to go dig below that, so to speak, and to have regard to each local area plan within each local authority area. I remember from my days as Minister for the Environment, Heritage and Local Government that the local area plan is supposed to be taken fully into account when designing a development plan as it is a subset of the development plan. There should be no likelihood of a local area plan being in conflict with a development plan and it would not happen. The Dublin Transport Authority will be required to take a strategic overview of seven local authority areas. County Meath, for example, could have 20 or 30 local area plans and it would be neither feasible, practical nor a good thing for the authority to examine each one. I ask the Senator to withdraw the amendment because it is not necessary. The spirit of the amendment is more than catered for in this section of the Bill.

The Grangegorman Development Agency is carrying out a master plan but it is not required by legislation to do so. The legislation requires it to carry out a strategic plan. For this reason the Bill contains a reference to the strategic plan. There is no statutory requirement for the agency to carry out a master plan but when doing the strategic plan, it will be required to take this Bill into account. I have no difficulty with the concept of the Senator's amendment No. 10 but there is no reference to a master plan so it cannot be included in this legislation. I ask the Senator to withdraw this amendment.

With regard to amendment No. 11, the purpose of section 12(5)(h) is to give effect to that recommendation of the DTA establishment team that the authority should be required to take account of longer distance travel trends in discharging its functions without being obliged to facilitate them. The shorter we can make commuting journeys and the more they can be eliminated, the better. I see the Senator's point about internal travel. Having considered it, the Senator's amendment would probably be better accommodated by the amendment of section 12(5)(f) to require the authority to have regard to demographic, social, travel and social trends in the greater Dublin area. If the Senator is willing to withdraw the amendment, I will undertake to bring an amendment on Committee Stage in the Dáil that meets the intent. I propose an amendment at that time to require the authority to have regard to the demographic, economic, social, travel and transport trends in the greater Dublin area which will meet the intent of the Senator's amendment.

Senator Paschal Donohoe: I thank the Minister for his reply. I take his point regarding amendment No. 9. He is correct to say that we should not be in a situation where a local area plan would be in conflict with a city or county development plan. The thinking behind this amendment was in tandem with delivery of local area plans to try to deliver integration of land use and transport and it therefore was considered worthy of inclusion in the Bill.

With regard to the strategic and master plan point about the Grangegorman Development Agency, the important consideration for me is that the Dublin Transport Authority should be aware of the transport needs which the creation of this campus will place on the north side of Dublin. If that point is recognised by the wording in the Bill, then it will be acceptable to me. I hope one of the priorities of the new body will be the recognition of the issues and challenges and taking action to do something about them.

With regard to amendment No. 11, I am happy to accept the Minister's point and I look forward to his proposed modification on Report Stage.

Amendment, by leave, withdrawn.

Amendments Nos. 10 and 11 not moved.

An Cathaoirleach: Amendments Nos. 12 and 16 are cognate and may be discussed together by agreement.

Senator Paschal Donohoe: I move amendment No. 12:

In page 16, subsection (8), line 7, after "with" to insert "and have regard to the proposals of".

This amendment refers to one of themes we discussed earlier. A recurring theme in the discussions that have taken place in the short period I have been a Member of the Seanad is the question of where all the power has gone. We are faced with very severe problems and challenges regarding the transport needs of this region and the environmental challenges for the country. Our electorate and our country is looking for us to respond to these issues and to understand them. The section currently provides that this authority shall prepare a transport strategy and consult with the specified bodies and persons.

Many of these organisations and people, particularly the local authorities and Ministers who are specified, have been elected by their constituents to perform specific roles which often include improving the transport infrastructure in an area and devising a transport strategy that tackle the issue faced by communities. I am concerned that the language in regard to consulting could get us to a point that this authority would look at the input received from the organis-

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ations, particularly that from elected representatives, and then do something completely different, which is possible, or something that does not meet the needs of the bodies specified.

My amendments Nos. 12 and 16 seek to insert the phrase “and have regard to any proposals made by” in the relevant subsections. Bodies such as the Dublin Docklands Development Authority, Grangegorman Development Agency and the local authorities have a superb grasp of the needs of the particular sectors or communities they represent. There must be some obligation on the Dublin transport authority to respond to and take account of the points made by these organisations as opposed to merely participating in a consultation process. We must not allow a situation to develop where local authorities and Members of the Oireachtas find that the Dublin transport authority is merely engaged in a sham process and is taking no account of the issues raised by them.

Deputy Noel Dempsey: We always strive to ensure legislation is as accurate and precise as possible. However, there is always a danger, as much on the Government’s part as on that of the Opposition, of taking an unnecessarily prescriptive approach. The entire thrust of the legislation is to ensure, via a process of consultation, that full account is taken of the various interested parties. The Senator has acknowledged that the legislation provides for a level of consultation and interplay between the various agencies. That is extremely important.

In general, bodies such as the proposed Dublin transport authority do not engage in consultation for the fun of it only to ignore the opinions furnished. I recognise this is not what Senator Donohoe implied. As I said, there is a danger of being overly prescriptive. Rather than getting into an ideological battle over this, and if the Senator is prepared to withdraw the amendments, I propose returning to this on Report Stage. I envisage an amendment to insert a wording such as “will consult with and consider the views of the various bodies and agencies”. That would address Senator Donohoe’s concerns.

Senator Paschal Donohoe: I am prepared to withdraw these amendments on the understanding that the Minister will deal with this on Report Stage. My objective is to ensure that the consultation process between the transport authority and the various agencies is meaningful and will influence the authority’s decisions. The Minister’s suggestion is welcome.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Kieran Phelan): Amendments Nos. 13, 17 and 61 are related and may be discussed together by agreement.

Senator Brendan Ryan: I move amendment No. 13:

In page 16, subsection (8), line 12, after “GDA” to insert the following:

“and in particular shall invite public submissions on the transport strategy”.

These amendments refer to the need for public consultation on the transport strategy, integrated implementation plan and traffic management plan, respectively. They are designed to ensure that a formal process of public submissions will occur, as currently happens with development plans, rather than selected consultations with interested parties, as set out in section 12 (8). Notwithstanding the reference to local communities, I ask the Minister to accept these amendments which provide specifically for an invitation to the public for submissions on the transport strategy, integrated implementation plan and traffic management plan.

Senator Paschal Donohoe: I support these amendments. Senator Ryan's proposals reflect what has already been initiated by the Department in terms of consultation on a sustainable travel strategy. It is important to listen to the views of communities and individual commuters on how the issues they face can best be tackled. The strategy document the Minister has put out for public consultation will prompt many interesting responses. It would be good to see the transport authority taking the same approach and being similarly cognisant of the needs of the people it is supposed to serve.

Deputy Noel Dempsey: I agree there must be adequate and appropriate consultation on these important matters. The Bill sets out the basis for consultation by the Dublin transport authority when preparing a transport strategy, integrated implementation plan and traffic management plan. In each case, the authority is required to consult with local communities and transport users. Thus, the legislation already provides for what is sought by Senator Ryan in these amendments.

However, if the Senator is prepared to compromise, I might do likewise. I am concerned that the wording could be interpreted as allowing anyone the right to make oral submissions and so on. If the Senator is amenable, I am prepared to bring forward an amendment on Report Stage to insert the words "shall invite written public submissions" in each case.

Senator Brendan Ryan: I am willing to withdraw the amendment on that basis.

Amendment, by leave, withdrawn.

Senator Paschal Donohoe: I move amendment No. 14:

In page 16, lines 37 to 43, to delete subsection (12) and substitute the following:

"(12) The Minister may, in relation to a draft transport strategy submitted to him or her—

(a) approve the draft,

(b) approve it with modifications,

(c) instruct that it be resubmitted to him or her in a modified form for approval, or

(d) refuse to approve it.

In all cases the Minister shall present the draft transport strategy to a Committee of the Oireachtas for approval."

This amendment goes to the heart of the theme I discussed earlier, which is how to make the Dublin transport authority accountable to the Houses of the Oireachtas and to ensure Members have an opportunity to make their views known to the authority at a timely point in the development of the transport strategy and other work in which it will be engaged. The legislation, as it is laid out, correctly identifies the pivotal role of the Minister in reviewing the proposed transport strategy of the Dublin Transport Authority and in having an opportunity to amend, reject or improve it. However, it is important that Members of the Oireachtas have the opportunity to look at what the DTA proposes, to understand it, to question the DTA and to put forward their own ideas on how what it proposes should be amended or improved. I think back to the earlier discussion on the amendment about the different organisations that would be consulted. Nowhere in the list of those organisations did it mention the Members of the Oireachtas. It is Members who are elected to deal with the issues that the DTA will be a tool for dealing with.

[Senator Paschal Donohoe.]

Amendment No. 14 is about the distinction between the DTA being a powerful organisation that will make big decisions for the commuters and people of Dublin and the authority's accountability. It is about the people who are privileged enough to be elected to either the Seanad or the Dáil having an opportunity to sit down with the decision makers in the DTA and to speak to them about their views of the strategy and their experiences as elected representatives. The people who elect us expect nothing less. It is because that capacity does not exist in other issues, in health, for example, that we end up with public policy decisions not being made in a way that is beneficial to our communities and to those whom we serve.

The Minister may point to section 12(13) which refers to a copy of the transport strategy being laid before each House of the Oireachtas. We deserve far more than the strategy being laid before the Houses. We should have an opportunity to discuss it and to put our points to the people who make the decisions. That would not in any way undermine the Minister's executive power ultimately to decide on the strategy and what the DTA will do. Surely he can recognise that everyone in the Oireachtas, whether that is Senator Ellis, Senator Ryan or me, should have an opportunity to make our points of view known and to influence the strategy. We acknowledge that the Minister will ultimately decide, but there should be some recognition that other public representatives have to try to do their job on the transport needs of their communities. Amendment No. 14 would at least give them the opportunity to put their points across.

Deputy Noel Dempsey: This is one amendment that I have a difficulty with, precisely for the reason that Senator Donohoe outlined — the division of responsibility between the Oireachtas and Ministers. Amendment No. 14 would transgress the boundary between the functions of Government and the oversight role of the Houses of the Oireachtas. It would step over the line.

I take Senator Donohoe's point on democratic accountability. I was criticised by a well-known columnist because the term "the Minister" is mentioned so often in the Bill, but I was very conscious of the necessity to ensure there is accountability, and at the end of the day it is the Minister who is accountable. It is up to Members of the Oireachtas, whether in this House, the other House or the committees, to hold Ministers accountable for their failures. I have never heard of anyone being hauled before a committee to praise them for any success, but we will leave that to one side.

Senator Donohoe's amendment would transgress the boundary between the two functions, but I am anxious to see whether we can accommodate such scrutiny. I agree with him that a high level of scrutiny should be prepared. I am not sure whether we need to amend the legislation to do that, but I will consider the point. However, the Senator should remember that the Minister and the DTA are accountable to the House and the DTA is fully accountable to the Minister. The Bill incorporates an elaborate and detailed framework that is designed to ensure maximum democratic accountability. I could give Members a list of those provisions, including the appointment of chairpersons and so on.

Senator Donohoe could resubmit the amendment, but through the Joint Committee on Transport, the Houses of the Oireachtas will have the power to summon the DTA. As individual public representatives, Senators and Deputies will have the right also to make their views known as the strategy is developed, although I know this is not quite what the Senator is getting at with the amendment. His concern is to make the authority accountable to the House.

I will consider whether it is necessary to include in the Bill a provision that the draft strategy should be brought before the Joint Committee on Transport for its observations or views as the strategy is prepared or finalised. That might meet Senator Donohoe's concern without breaching the boundary between the functions of Government and the oversight role of the

Houses of the Oireachtas. It may be feasible as the Bill is currently drafted, but if not I will let him know we are tabling an amendment.

Senator Paschal Donohoe: I thank the Minister for his response. I understand the powers of the office he is privileged to hold, and I understand the need to ensure power is sovereign and not diluted in any way. However, he outlined that the structure of the Dublin Transport Authority being accountable to the Minister and the Minister being accountable to the Oireachtas equalled the DTA being accountable to the Oireachtas. I wonder whether that analogy was made when, for example, the National Roads Authority or the Health Service Executive were set up and the argument was used to say that there was therefore accountability. It is apparent to everyone that that is not the case in many areas. Amendment No. 14 would provide a mechanism for those who sit on the Joint Committee on Transport or who want to attend its meetings to input contribute to the strategy and review it as it is developed and presented to the Minister.

I appreciate the Minister's comment that he will look at the legislation to see whether the role of the Oireachtas committee can be included differently from how it is at the moment. I will do the same myself because I want to press the point to ensure those who are lucky enough to be elected to the Oireachtas have an opportunity to talk in detail to the individuals in the DTA.

Amendment, by leave, withdrawn.

Section 12 agreed to.

SECTION 13.

Amendments Nos. 15 to 17, inclusive, not moved.

Senator Paschal Donohoe: I move amendment No. 18:

In page 18, subsection (9), line 17, after "it" to insert "with specified target timelines for delivery".

The Government, in particular, will be held to account by the Opposition in the coming years on the issue of ensuring that where large sums of taxpayers' money are spent on projects, those same projects are delivered on time and within budget. I remember clearly when the Minister launched the overview of Transport 21 that he not only acknowledged that many of the projects within it were behind target in terms of delivery, he also did not want to commit to new targets for the deliver of those projects.

Given the importance of this infrastructure, which we all acknowledge and which this Bill is designed to ensure is delivered in a more timely manner, it is imperative the DTA and the people involved be held to account for the work they seek to do. Targets and dates must be set out for the delivery of plans and strategies agreed to by the Minister. This organisation will have power in terms of making decisions on bus routes and bus fares, dealing with many of the decisions the Rail Procurement Agency has been making and so on. It will be responsible for spending billions of euros of taxpayers' money. If the DTA has all this new power, we expect it to set deadlines for the timely delivery of projects and strategies. It is imperative this legislation makes clear to the DTA our expectation that it will set targets for the delivery of major projects.

Deputy Noel Dempsey: The authority is required to prepare a six-year integrated implementation plan indicating all the specific actions to be implemented over the period of the plan.

[Deputy Noel Dempsey.]

Clearly that plan also will have to identify the timeframe within which those actions will be undertaken within the six-year period. Accordingly, the intent of the Senator's amendment is already met in the Bill itself.

Amendment put and declared lost.

Section 13 agreed to.

SECTION 14.

Acting Chairman: Amendments No. 19 and 20 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Brendan Ryan: I move amendment No. 19:

In page 18, between lines 22 and 23, to insert the following subsection:

“(2) The chief executive of the Authority may attend at meetings of the Authority and speak but shall not be a member of the Authority.”.

The purpose of this amendment is to ensure appropriate standards of corporate governance are maintained. It is clearly preferable that there would be a separation between the governing board and the management in the form of a chief executive to ensure proper accountability. We suggest the chief executive may attend meetings of the authority and speak but will not be a member of the authority. This would be quite common in organisations in Ireland and elsewhere and is good practice. I ask the Minister to accept it.

Deputy Noel Dempsey: I cannot accept this amendment because the trend is in the opposite direction. It is standard practice in recent years that at a minimum, the chief executive of an organisation sits on the managing board, in this case on the authority itself. As often as not, several of the senior directors of the organisations also have *ex officio* seats on the board. That is the model we are proposing here. It is important we bring the senior decision makers onto the board and that the board has the advantage of all the information or communication. We do not want an information or communications gap between the management and the board. It also develops a clear and single viewpoint on key strategic issues which is important for an organisation such as the DTA which has a major strategic role.

The Senator's fear is that there may be a capture by the management of the authority. The effective counterbalance is to ensure there are other good strong directors with a spread of knowledge and expertise available about the business of the organisation so that they are able to maintain an independent view and engage with or challenge the management. Given that both issues are important, cohesion between management and board and countering the concern of a capture by management, it is important there would be very strong directors on the board. This is provided for in the Bill and I am wedded to this model at this stage. I ask the Senator to withdraw the amendment.

Acting Chairman: Is Senator Ryan aware that amendment No. 20 is being discussed with amendment No. 19?

Senator Brendan Ryan: Yes. One follows on from the other. I thank the Minister for his comments. I have a fear of the capture of the chief executive and the management in the form of the chief executive effectively being part of a group or club or whatever. I do not understand the Minister's fears that there may be a loss of focus on the strategy if this issue were dealt

with in line with our amendment. However, I will agree to withdraw the amendment on the basis that I may reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

Amendment No. 20 not moved.

Acting Chairman: Amendments Nos. 21 and 22 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Brendan Ryan: I move amendment No. 21:

In page 18, subsection (2)(d), line 35, to delete “from” and substitute the following:

“one of whom shall be an elected member of a local authority in the GDA nominated by local authorities in the GDA acting jointly, and the others being”.

I raised the issue when the Minister was in the House on the previous occasion that there is no public representative on the board of the GDA. I said I would table an amendment proposing at least one public representative on the board and this is what my amendment hopes to achieve. I ask that the Minister accept it.

Senator David Norris: I support Senator Ryan on this issue. The section will require me to table further amendments because under the Bill, as it stands, elected members of all types are forbidden from sitting on the authority. This provision is wrong and a subversion of democracy. It is important to have people on the authority who can act as a channel of communication for the feelings of the public. This is particularly important for a local Dublin body. Surely the authority should include public representatives. I strongly support Senator Ryan’s amendment.

The section gives the Minister considerable power. As I recall, it was suggested the authority would have a degree of independence but the Minister will choose all its members and the section leaves significant scope for political appointments. The Minister may, under subsection (2)(d), appoint the “chairperson and 5 ordinary members, from persons who in the opinion of the Minister have wide experience in relation to transport, industrial, commercial, financial, land use planning or environmental matters, the organisation of workers or administration”. The subsection does not make a single mention of persons from existing transport organisations such as Bus Éireann, CIE and Iarnród Éireann. Surely the authority should have representatives of these bodies, given that they will deliver the service.

Unless the Minister has a reason which I would be interested to hear, it is odd that not one of the bodies charged with delivering a transport service in Dublin is specifically mentioned, although the Dublin city manager and others are mentioned. The Minister has a right to choose all other members of the authority independently. I have a high regard for the Minister’s integrity and do not believe he would appoint political jobbers but it is open to him to do so. At the same time, the Bill does not include a statutory requirement to appoint a person from any of the bodies involved in transport, although it is possible to do so.

The provision that five members will be appointed from eight sectoral areas means not every sectoral interest will be represented. The legislation does not require the appointment of anybody with wide experience of transport. The Minister could appoint persons from the areas of transport, industrial, commercial, financial, land use planning or environmental matters, the organisation of workers or administration. It is astonishing that it is not necessary to appoint a single person from the service providers. If the Minister has a reason for including this pro-

[Senator David Norris.]

vision, it is opaque. My amendment seeks to provide that persons from the public transport authorities such as CIE, Iarnród Éireann and Dublin Bus should be statutorily involved in the authority as members.

Senator Paschal Donohoe: I support Senator Ryan's amendment. As I indicated, politicians must be involved in running the Dublin Transport Authority and holding it to account. The amendment is timely in the light of the proposals for a directly elected lord mayor of Dublin emanating from the Department of the Environment, Heritage and Local Government. If it were to transpire that the people of Dublin elected a lord mayor with the expectation that he or she would be able to make decisions on transport and other matters on their behalf, they would discover that the lord mayor was not entitled to sit on the authority.

The reason the amendment is needed is to ensure members of local authorities — the people charged with dealing with many of the local transport issues the new authority is being established to address — have a role in decision making. I hope that if we have a directly elected lord mayor, he or she will be entitled to sit on the authority. If the lord mayor is prevented from sitting on the decision making body for transport, the power of the office of lord mayor will not be credible in the eyes of the electorate and it will not be worthwhile establishing the role of directly elected lord mayor.

On Senator Norris's amendment, while I await the Minister's response with interest, the reason it is not proposed to appoint persons from the transport bodies to the board is that the powers of these organisations are to be significantly reduced. Virtually all the major decision making powers of CIE, Irish Rail and Dublin Bus will transfer to the Dublin Transport Authority, which means that if the latter does not like any of the service proposals made by the transport providers, it can decide to provide the service itself.

Senator David Norris: The section is worse than I thought.

Senator Paschal Donohoe: If Dublin Bus proposes to open a new bus route, the Dublin Transport Authority has the power to reject it and provide the service directly. The reason it is not proposed to appoint persons from these organisations to the board is that many of the powers they have traditionally wielded will be transferred to the Dublin Transport Authority. One reason for having these organisations represented on the authority is that they are about to undergo massive change which could result in the loss of staff and expertise. It is important, therefore, that the Minister and the Dublin Transport Authority motivate and direct these organisations.

I have been involved in many organisations which have undergone major institutional changes. One of the consequences of such change is that the expertise of such bodies is lost. In a couple of years, when I try to understand the reason certain decisions failed, we will conclude that we should have learned from the past. In the light of the imminent loss of power among the transport service providers, we must ensure they are represented on the authority. We must also ensure passengers or some of the private operators providing new services are also represented. I have tabled amendments to this end. Given that the board will make all the key decisions, surely we must examine whether it is appropriate that elected representatives and representatives of organisations providing transport services are not represented on it.

Senator John Ellis: On Second Stage I expressed abhorrence of the provision precluding local authority members from sitting on the authority. It is regrettable that section 40 prevents members of local authorities or either House of the Oireachtas from being a member of the authority. It is wrong to prevent elected representatives from sitting on such boards, particularly

given that they are answerable to the electorate. This provision should be removed. Appointments should not be made to the authority for the sake of it but because those appointed have a genuine interest. They must also be accountable.

The Minister has always shown a positive attitude towards members of local authorities. I suggest removing the provision precluding members of local authorities from sitting on the authority. Practically every Bill coming before the House includes a similar provision. I ask the Minister to consider introducing an amendment on Report Stage to address this issue. It would go some way towards allaying Members' fears in this regard. Local authority members who, like Oireachtas Members, are elected representatives are being excluded from a number of bodies to which they could make a constructive and positive contribution.

Deputy Noel Dempsey: I am surprised Senator Norris and Senator Donohoe automatically assume that because I included the words "the Authority shall consist of a chairperson and 9 ordinary members" and that "five ordinary members, from persons who in the opinion of the Minister have wide experience in relation to transport, industrial, commercial, financial, land use planning or environmental matters, the organisation of workers or administration", it would exclude somebody from CIE or Iarnród Éireann.

Senator David Norris: That is not what we said. It does not automatically include such people.

Deputy Noel Dempsey: Does Senator Norris know something about people in CIE, Iarnród Éireann and elsewhere which I do not know?

Senator David Norris: I do not. However, this does not automatically include such people.

Deputy Noel Dempsey: It does not, nor should it. One should allow the maximum possible discretion to pick the very best people for a board. I acknowledge what the Senator said about my efforts to try to do that at all times. That is why this is made as wide as possible.

Making the argument on the other side of that coin, if I end up with a board which has members from Iarnród Éireann, Bus Éireann, Bus Átha Cliath, the private transport sector and the Railway Procurement Agency, I will not have a very effective board because there will be a continuation of the turf wars we have had down through the years. A balance needs to be struck in this regard. I know Senators on all sides would agree that one cannot allow vested interests to dominate and paralyse a body.

This is a regulatory body which will be able to step in if Bus Éireann is not doing its job properly or if the RPA is not delivering a project properly, on time or within budget, as Senators mentioned. Can one imagine trying to use those powers with a company from the CIE group of companies if there were three members from the CIE group of companies on the board? Nothing here precludes me from appointing people with expertise to the board, including people who have an interest in, and a direct knowledge of, transport. For that reason, I will not accept the amendments.

I will not dwell on the point about local authority members. I take Senator Ellis's point and section 40 deals with that. I am sympathetic to the view expressed by a number of Senators, especially Senator Ellis, on this automatic exclusion of local authority members from boards. They should be excluded from some boards but I would not have a strong view that they should be excluded from the board of this authority. Perhaps we will discuss that later when we come to section 40 rather delay the House at this point. However, I know Senator Ryan's amendment states "one of whom shall be an elected member of a local authority". There is nothing in this section to prevent that from happening. Perhaps the time to have the discussion on the amendment is when we come to section 40 where they are singled out for exclusion.

[Deputy Noel Dempsey.]

I refer to the other point made by Senator Ellis. Generally speaking, I would draw the line at local authority members being members of the boards of authorities and boards. Oireachtas Members have other pitches on which to play.

I ask the Senators to withdraw amendment No. 21, which will be dealt with when we come to section 40, and amendment No. 22, because I want the maximum freedom for whoever is Minister to appoint the best possible people rather than vested interests.

Senator Brendan Ryan: I have tabled an amendment to section 40 which essentially deals with the same issue. I will agree to the Minister's request to deal with it at that stage. The principle of having an elected member on the board is important to me and the Labour Party. I hope the Minister will be able to address it in some way either here or later on.

Senator David Norris: Senator Ryan used the word "related". The amendments are related but I am a little bit confused by the grouping because I would have thought amendment No. 20 should have been grouped with all the amendments to section 40 since they deal with membership by members of local authorities. It is very interesting that Senator Ellis, a former distinguished Chairman of the Oireachtas Joint Committee on Transport, should have made this point, although I am sure the view is widespread.

I accept there are certain situations in which it is quite right to bar elected members but I do not believe this is one of them. I do not see any reason members of the Joint Committee on Transport should be automatically barred because they would provide a direct connection and that interface would be mutually beneficial. My amendments to section 40 also remove the ban on Members of the Oireachtas. The Minister is a bit delicate about that and perhaps we will argue about it when we get to that section.

The Minister talked about the need to get the best people. I hope that is not a suggestion that we do not have the best people running Bus Éireann. I hope at least one or two of them are pretty hot. If not, who is responsible for appointing them and why do we not get rid of them and put in the best people? We are entitled to get the best people to run these companies. However, I assume the best people are running them and that they are directly engaged and properly equipped to do so. I am not sure that is a completely satisfactory answer because if they are not the best people, what are they doing in these companies?

I am fairly concerned by what Senator Donohoe said in that if, for example, the Dublin transport authority does not like the way a bus route is run, it can start one of its own. To my mind, that would make a pig's ear of the whole bloody Bill. It will be worse than the Health Service Executive. I do not see that as a runner, although perhaps it is and I am all over the place on this.

Senator Paschal Donohoe: I agree with what the Minister said about the need to ensure the board is capable of overcoming any vested interests. Therefore, it is probably inappropriate that one would have chief executives from the different organisations on the board.

Senator David Norris: I did not mention chief executives. I said representatives of three of them.

Senator Paschal Donohoe: This states at least three. We need to ensure we find a way to retain the expertise in these organisations and that it is not lost in the transition to the Dublin transport authority. The Minister said this was a regulatory body but a later section in the Bill illustrates the potential for conflict. Not only is this a regulatory body but it also has the potential to be the provider of last resort, as I said earlier. There is potential here for conflict

because at the end of a tendering process the body in the DTA setting the criteria under which the tender process takes place has the power to step in and say, "If those criteria are not met, we will provide the service ourselves." If we want an organisation that is effective at combating the vested interests currently in Dublin transport bodies, we must ensure the DTA does not end up as a vested interest itself. I am concerned about this. It is vital, therefore, that the decisions we make with regard to who will be on the board of the DTA ensure this conflict of interest does not happen.

Deputy Noel Dempsey: The best way to ensure there is no conflict of interest within the board is to appoint the best people to the board. The section we are dealing with is not the best one to start specifying this or that person or representative of an organisation. Therefore, I ask the Senators to withdraw their amendments.

Amendment, by leave, withdrawn.

Amendment No. 22 not moved.

Section 14 agreed to.

Sections 15 and 16 agreed to.

SECTION 17.

Senator Brendan Ryan: I move amendment No. 23:

In page 21, subsection (4), lines 3 to 8, to delete paragraphs (a) and (b) and substitute the following:

“(a) one manager of a local authority within the GDA,

(b) 2 members of local authorities within the GDA in addition to the 4 members referred to in paragraph (d).”.

This amendment relates to the advisory council and makes a point similar to the points I made with regard to representation and having more elected members. The effect of the amendment would be to reduce the number of managers from local authorities on the advisory council and increase the number of elected local authority members by the same number. The aim is to increase the number of local authority members on the advisory council. I urge the Minister to consider accepting this amendment.

Deputy Noel Dempsey: It is extremely important to recognise that Dublin City is the core of the GDA and the capital city. Even as a Meath man I must recognise the pre-eminence of Dublin and its importance as a capital city. The purpose of this Bill is to ensure Dublin is a successful and accessible city, which is the key to much of the social and economic development of the wider GDA. On account of this, it is important that the manager of Dublin City should play a key role on the advisory council. Probably everyone would agree with that.

This Bill is not the sort of Bill that would deal with sharing jobs between the managers of the seven local authorities in the GDA. It is essential that the strategic importance of Dublin City and the need for it to be successful, not just for the GDA but for the country as a whole, are emphasised by having the city manager automatically a member of the authority so that his or her views can inform the thinking of the advisory council. For that reason it is also important to have the managers on the council.

[Deputy Noel Dempsey.]

I will reconsider the matter before Report Stage. In saying that, I do not foresee removing the Dublin City Manager, whatever about rebalancing managers and local authority members. I will consider that and may consider extending the numbers for Report Stage. I suggest the Senator should withdraw the amendment now and resubmit it on Report Stage when I may bring forward a further proposal on the matter.

Senator Brendan Ryan: On the basis that the Minister will consider the matter and, hopefully, come back with something the Labour Party can agree with, I will withdraw the amendment. The amendment suggests one manager of a local authority within the GDA. I know this could be any manager, but it does not preclude the possibility of its being the Dublin City manager.

Amendment, by leave, withdrawn.

Acting Chairman: Amendment No. 24 has been ruled out of order.

Senator Paschal Donohoe: Will the Chair verify for me that amendment No. 24 is out of order?

Acting Chairman: It is out of order because it involves a potential charge, but the Senator may raise the point when discussing the section.

Amendment No. 24 not moved.

Acting Chairman: Amendments Nos. 25 and 26 are related and will be discussed together. Is that agreed? Agreed.

Senator Paschal Donohoe: I move amendment No. 25:

In page 21, subsection (5)(a), line 23, after “movement,” to insert “and representatives from the private sector”.

I am prepared to withdraw amendment No. 25 so that we can look at the language for that on the next Stage. I want to focus now on amendment No. 26, the objective of which is to find some way of ensuring the passenger has a voice on the board. The Minister has already said that the scope of the legislation provides him with the capacity to review the expertise available and to pick people who have the relevant experience in making the right decisions for the board. I put forward this amendment because it is important that we find a way of ensuring that the people who use the services are represented on the board.

Because of the Minister’s bona fides in this matter, he may well seek to ensure there is a diversity of people and experience on the board. However, we have no idea who may take on the role of Minister for Transport at some point in the future —

Senator John Ellis: The Senator should not tie his own hand here.

Senator Paschal Donohoe: I have many hurdles to cross before considering any such role. Currently, however, I am a passenger on many of the services represented here. I want to ensure that the Minister is obliged to consider people using the services when selecting members of the board. Many of the representatives of groups such as Platform 21 or the rail users’ group have relevant experience of the services and we owe it to them to ensure they are considered for the board.

Deputy Noel Dempsey: I do not disagree with the Senator, but the section as it stands does not preclude me or my successor from deciding to select a member of the advisory council from one of those consumer groups. I want to be as non-prescriptive as possible with regard to the people who will be selected for the advisory council. I want them to have expertise and to focus mainly on strategic directions. They will have a significant contribution to make to the development of the authority, the overall transport strategy, the integrated implementation plan and the strategic traffic management plan, none of which impinge directly on their rights as consumers.

I would not rule out people from the statutory consumer agencies or some members of NGOs in the area from being on the board. If one specifies particular groups, even if not by specific names, someone asks why one does not include other groups, the GEA, the ICA or whatever other group. I would prefer to leave it as open as it is for those two reasons, because when one names individual groups, people begin to ask why others were excluded, which I would not want to do, and because I will focus on people who can make a significant contribution to the development of the strategy, implementation plan and traffic management plan. Senator Donohoe has had a very good run on his amendments and I ask him not to press this one.

Senator Paschal Donohoe: I will not press it but I ask that the Minister consider this point. The group that has least mention here is the passenger. I appreciate if the Minister and his Department could examine some of the provisions here on Report Stage and find a way of offering guidance to his successor that the passenger should be represented.

Amendment, by leave, withdrawn.

Amendment No. 26 not moved.

Government amendment No. 27:

In page 23, subsection (14), line 5, to delete “and expenses” and substitute “for expenses”.

Deputy Noel Dempsey: This is just a technical, drafting amendment. The phrase “allowances for expenses” is used on two other occasions in the Bill and is the correct term to use in this instance.

Amendment agreed to.

Section 17, as amended, agreed to.

SECTION 18.

Senator Paschal Donohoe: I move amendment No. 28:

In page 24, subsection (3), line 10, after “shall” to insert “publicly”.

Again, the motivation behind this amendment is accountability. It seeks to ensure that those using the services the DTA will co-ordinate their activities and that those involved in trying to influence it, such as Members of the Oireachtas, have access to the information the board considers when it makes decisions. Given that we have spent quite some time discussing the role of the advisory council I ask the Minister to amend it to ensure that whatever guidance the advisory council offers, we have the opportunity to understand what it is. This way members

[Senator Paschal Donohoe.]

of the community and public representatives can improve the contributions they make to the DTA and the suggestions they make about strategies it might want to adopt in future.

Deputy Noel Dempsey: The reality in the Bill as drafted is that the authority will first have to explain to the advisory council its reasons for refusing to accept a recommendation by the council. There is nothing to prevent the council from making that public or prevent an individual member of it from revealing the authority's explanation if he or she wishes. Senator Donohoe's interest in openness, transparency and accountability is met in the Bill. There is nothing to prevent any of that being made public. As those comprising the Joint Committee on Transport are Members of the Oireachtas they would have an opportunity to question the authority on advisory council recommendations it has not accepted.

Amendment, by leave, withdrawn.

Section 18 agreed to.

Section 19 agreed to.

SECTION 20.

Acting Chairman (Senator Cecilia Keaveney): Amendments Nos. 29 and 84 are related and may be discussed together by agreement.

Government amendment No. 29:

In page 25, lines 37 to 41, to delete subsection (8).

Deputy Noel Dempsey: I seek leave to withdraw both these amendments.

Amendment, by leave, withdrawn.

Section 20 agreed to.

Section 21 agreed to.

SECTION 22.

Senator Paschal Donohoe: I move amendment No. 30:

In page 26, subsection (2), line 40, after "Authority" to insert the following:

"but shall not exceed a percentage of the annual budget of the DTA to be specified by the Minister in regulations on approval from the Houses of the Oireachtas".

We have much experience of outside bodies providing expertise and consulting services to the DTA or other bodies on how their jobs should be well performed. The thinking behind this amendment is that if we are establishing an organisation that is meant to pool the best expertise and thinking on transport and the needs of commuters in the Dublin region, there should be a similar decrease in its need to hire consultants or outside bodies to tell it what to do and how to do it. At times we have too much decision making by consultants. If we are going to establish an organisation that will have the best qualified people on the board, there should be a decrease in the amount of money that needs to be spent on consulting services this organisation will be able to procure.

This amendment seeks to give the Minister the power to cap the amount of money this organisation would spend on consulting services by expressing it as a percentage of the overall budget, which the Minister will set. If the Minister is investing the time and energy of his Department in establishing this organisation to deal with the issues of commuters in Dublin and the region, the least we can expect is that it will have the expertise to do the job well. The least taxpayers would expect is a decrease in the amount of money the organisation would need to spend on outside services.

Deputy Noel Dempsey: It would be extremely difficult in most areas to establish an organisation that would have sufficient expertise to cover every eventuality the organisation might run into in the course of trying to deliver top quality, value for money services. If it were possible to do that, it would cost a fortune. One might want an expert on specific areas such as engineering, signalling, bus routes or whatever else. There would have to be a certain level of expertise in the DTA on that but there could be specific areas where one needs expertise for three or six months' work. If one has to go through a recruitment process, hire people full-time, give them salaries with pension rights and everything else, one has them for life after the specific work is finished.

I agree with Senator Donohoe that we should not go looking for consultants for everything, that we should have a certain amount of in-house expertise and experience available to us. However, I know from experience that it is not possible to cover all areas. The Senator was very measured so I do not refer to him directly, but much nonsense is spoken at various times about the amount of money spent on consultants and people ask why the Minister does not do certain jobs himself or ask his Secretary General or the chief executive to do it. It is not possible to retain all the expertise one needs in all areas, except at a high cost. It is easy to say €2 million was spent on consultancy here or €5 million there to bring forward recommendations and we should be able to do these jobs ourselves, but it is not possible. The Minister for Transport will have a fair amount of power of direction on policy and strategic issues on the DTA, but to have him or her interfering in commercial or management decisions at that level would not be a good use of public money, Ministers' time or anybody else's.

I am aware of the Senator's motivation for the amendment. However, this body will be subject to scrutiny by the Comptroller and Auditor General and also, therefore, by the Committee of Public Accounts and the Joint Committee on Transport. This is sufficient to make sure the DTA does not go wild in appointing consultants that are not absolutely necessary.

Senator Paschal Donohoe: I understand the point the Minister is making about the need to avoid imposing massive restrictions on the operation of the organisation. However, this organisation will have much power based on the decisions it will be making in the greater Dublin region. It will be set up and run by good people who deserve to be paid well for the job they are doing. We in the Oireachtas must set an expectation that if the DTA has an issue it wants to resolve or something upon which it wants to improve it must first look within itself before looking outside for expertise. This body will have many of the existing experts in this area. Although I have never been privileged to set up an organisation such as this and I have never worked in a public sector body, I have worked in other organisations and have seen the major temptation to hire consultants to advise on how to fix problems. I want to ensure this organisation will not be guilty of the same thing. Other organisations are guilty of this, which is why we see such a large amount of taxpayers' money spent on providing services that they can already do themselves.

I will not press the amendment. I have made my point and I will be returning to it on Report Stage.

Amendment, by leave, withdrawn.

Section 22 agreed to.

Section 23 agreed to.

SECTION 24.

Senator Paschal Donohoe: I move amendment No. 31:

In page 27, between lines 17 and 18, to insert the following subsection:

“(5) The Authority shall be required to provide an account of the continuing necessity for the subsidiary to remain in being on the expiration of two years from the date of its establishment.”.

The Fine Gael Party has over the last number of weeks pointed, correctly, to the explosion in the number of quangos operating in this country. It is not just our party. The Minister's own colleague Deputy Brian Lenihan, now the Minister for Finance, was adept at pointing out that for many of the challenges faced by our country, the default position is to set up an organisation and give it the power to tackle a certain issue. The Minister himself has an admirable track record of tackling difficult issues head-on, playing a role in resolving them, and taking political responsibility for doing so.

This amendment provides that if the DTA sets up a subsidiary organisation to perform a particular task it has the power to do so — I am not seeking to remove that — but it must every two years return to either its own board or the Houses of the Oireachtas to establish whether it is still needed. If it is, it will continue, and if it is not, it will be removed. The background to many of the issues we are facing, which contributes to the necessity of the DTA, is that at least 16 different organisations are already involved in dealing with transport issues within Dublin. The Minister has correctly pointed to the fact that we need to find a way to co-ordinate these, which is why he is introducing this legislation. I am asking that the new DTA act with the same attitude. If it is looking to set up an organisation to deal with integrated ticketing, to pick a topical example, we should ask it to confirm every two years that the organisation is still necessary, ask whether it can perform that role itself, and ensure the organisation is doing the job it is supposed to do and that costs to the taxpayer are recouped if possible.

Deputy Noel Dempsey: I agree that organisations should review their operations and those of their subsidiaries. The danger is that if we put something like this into a Bill, nobody will apply for a job in one of these agencies as they will have to consider the possibility that the agency may be gone in two years. That is one difficulty with the Senator's amendment. I will not rehearse again the argument about micro-management of companies. We have to let them get on with their jobs. However, I will consider the Senator's point in general. Two years would be two short for such a provision, but I will consider the possibility of adding a provision on Report Stage to ensure constant reassessment of the work of the authority. I put the onus for this back on the Authority. As the Senator knows and as the Bill itself makes clear, the authority will have to produce strategic plans every six years. On that basis we may be able to add a provision that the authority carry out reviews of its own operations.

Senator Paschal Donohoe: It is important that we try to make progress on this issue. Amendments such as this are known as sunset clauses. We must find a way of holding organisations that make important decisions to account for the way they spend their money. I appreciate the Minister's response. He stated there might be a problem whereby people would not apply for

jobs with companies that may not exist in a couple of years. However, as the Minister knows, the vast majority of people in the private sector apply for jobs on this basis. When one applies to work for a company one obviously hopes it will exist for many years, but there is no guarantee. I do not see why that guarantee should be provided to other people, particularly if I as a taxpayer am paying for it.

I appreciate the point made by the Minister. We need to find a way of learning from the fact that we are setting up this organisation because there are 16 other organisations that cannot do their jobs properly in terms of dealing with issues in an integrated fashion. I want to ensure the DTA does not end up in the same way.

Amendment, by leave, withdrawn.

Section 24 agreed to.

Section 25 agreed to.

SECTION 26.

Acting Chairman: Amendments No. 32 and 33 are related and may be discussed together by agreement.

Senator Paschal Donohoe: I move amendment No. 32:

In page 27, between lines 44 and 45, to insert the following subsection:

“(4) The Minister shall provide an account to the Houses of the Oireachtas on such policy directions and any matters related thereto.”.

As I have said many times in the course of this debate, the aim of this amendment is to ensure the Houses of the Oireachtas are informed about the policy direction the Minister is giving and any matters relating to this. I am concerned that the section as written does not make sufficiently clear the fact that we expect the Minister to make available — as the phrase is written, to lay before the Houses of the Oireachtas — any direction he is giving. I am aware of many reports and statutory instruments that are laid before the Houses of the Oireachtas which we frequently do not have the opportunity to discuss. For issues of such importance to Dublin and the surrounding region, this amendment is intended to give us the opportunity to discuss the guidance the Minister is giving and to put questions to the Minister to which he can respond.

Deputy Noel Dempsey: The purpose of this section is to ensure that Members of the Houses of the Oireachtas have the opportunity to question the Minister on any direction or guidelines that he gives. Any guidelines given to the authority or a subsidiary of the authority must be published and it is then up to the Members of either House who have concerns about the nature or detail of such a direction or guideline to ask the Minister to account for his or her actions. This can be done in either House in the normal way during parliamentary questions or Adjournment debates, or the committee can invite the Minister before it. On the basis that the intent of the Senator’s amendment is dealt with in the Bill, and that it is open to the Members of the House to make the Minister accountable, I ask him to withdraw the amendment.

Amendment, by leave, withdrawn.

Section 26 agreed to.

Amendment No. 33 not moved.

Sections 27 to 34, inclusive, agreed to.

SECTION 35.

Senator Brendan Ryan: I move amendment No. 34:

In page 32, between lines 3 and 4, to insert the following subsection:

“(6) A disclosure under this section or *section 36* or *37* shall be recorded in a register together with particulars of any interest of members of the Authority or persons to whom *section 36* or *37* applies, and the register shall be available to public inspection during office hours.”.

This amendment provides for a mechanism for public information regarding interests, conflicts of interest and possible conflicts of interest on the part of members and staff of the authority. It comes in the form of an insertion at the end of a long section on disclosures of interest by members of the authority. We see it as the final piece of the jigsaw in terms of providing the necessary public transparency and accountability desirable in such a Bill. I ask the Minister to accept the amendment.

Deputy Noel Dempsey: I agree with the Senator that the DTA should be subject to such disclosure requirements. However, on the basis that this role belongs to the Standards in Public Office Commission which implements the Ethics in Public Office and the Standards in Public Office Acts, and that the requirement is effectively met, I invite the Senator to withdraw the amendment. An argument could be made in favour of a special register but I am not sure the Senator is making that argument. I believe he is trying to ensure that the authority is subject to these codes of practice and I agree entirely with him. I expect that the DTA, once established, will be added quickly to the list of proscribed bodies so that those two Acts form part of the disclosure requirements that will then be in place. A similar approach is used in bringing new bodies under the remit of the Freedom of Information Act and that is the preferred approach. The bodies responsible send forward their lists and at least once a year new bodies are added. That is what will happen in this case so the intent of the Senator’s amendment is already dealt with by existing legislation.

Senator Brendan Ryan: I thank the Minister. The intent was to have a specific register related to the members of this authority but I accept what the Minister says. On the basis that I reserve a position on it, I withdraw the amendment.

Amendment, by leave, withdrawn.

Section 35 agreed to.

Sections 36 and 37 agreed to.

SECTION 38.

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

Senator Paschal Donohoe: The rationale behind this is to find a way to ensure that the Dublin Transport Authority is subject to the full rigour of the Freedom of Information Act. My understanding is that this organisation is going to be set up so that it is not subject to the kinds of FOI requests that members of the public or Members of the Oireachtas may wish to

have included. I understand why organisations such as the Office of the Ombudsman and the Garda Síochána should be exempt from the operation of that Act. However, in respect of an organisation such as the Dublin Transport Authority, any member of the public or Oireachtas Member is entitled to be able to get as much information as possible regarding decisions made and the way in which they are made. This argument makes particular reference to section 38(5).

Deputy Noel Dempsey: This type of section is common to many Acts. It appears, for example, in the Transport Railway Infrastructure Act 2001 regarding the establishment of the Railway Procurement Authority. It is extremely important that the operational effectiveness of the authority should not be undermined by the unauthorised or wilful release of confidential information by employees or by directors of the authority or any subsidiary of it. The authority may need to keep some information confidential for a variety of reasons and that is the norm in any business. The first four sections of the FOI Act contain standard clauses regarding this area. Section 38(5) provides for the secrecy provision for the section to be set aside for the purposes of the FOI Act. Since the FOI Act 1997 was passed that is a standard provision in any Act setting up a State body.

The effect of that provision — I believe this is what the Senator is getting at — is that if a document falls to be released under FOI in the normal course of events, the DTA cannot cite Section 38 as a reason for not releasing it. I realise that it is a complex way of achieving this end but the Senator's concern about information being withheld in a wilful manner is met with the existing wording which is standard and which complies fully with the FOI Act. It does not restrict it in any way. On that basis I ask the Senator to withdraw his opposition.

Question put and agreed to.

SECTION 39.

Government amendment No. 35:

In page 34, subsection (1), line 6, after “Authority” to insert “or a subsidiary”.

Deputy Noel Dempsey: This amendment ensures that improper communication with the person engaged by a subsidiary of the authority is covered by this provision. As currently drafted the section would apply only to persons engaged by the authority.

Amendment agreed to.

Government amendment No. 36:

In page 34, subsection (2), line 9, to delete “member or a”.

Deputy Noel Dempsey: This is another technical drafting amendment to remove superfluous text, namely, that a member of the authority is a “person” so that no specific mention of a “member” is actually needed.

Section 39, as amended, agreed to.

SECTION 40.

Acting Chairman: Amendments Nos. 38 to 41, inclusive, are related, therefore they may be discussed together by agreement.

Senator David Norris: I move amendment No. 37:

In page 34, subsection (1), line 17, to delete paragraph (a).

[Senator David Norris.]

The House is coming up against a deadline but I believe we can dispose of this amendment fairly quickly. What we are seeking to delete is section 40(1), paragraph (a), which states: “accepts nomination as a member of Seanad Éireann”. It may be that what the Minister meant, and I do not agree with him on this, is the case of a person nominated by the Taoiseach. In other words, the person is appointed. Surely the Minister is not suggesting that if a person accepts nomination as a candidate for Seanad Éireann he or she would cease to be a member of the authority. It is my opinion that this is the clear construction that a lawyer would put on it. I remember that on one occasion 14 people accepted nomination for Seanad Éireann. That is what is on the paper, that the person “accepts nomination”. Why should those 14 people be excluded before they have been elected? That is the first point.

There may be a vagueness in the drafting of this which should be removed. If the Minister wishes to prevent Members of Seanad Éireann from participation in the authority that is a different matter but it should be phrased in another way. It should state that “on appointment to Seanad Éireann the person should resign”, or whatever. People cannot be discarded simply because they accept a nomination. I have been nominated but have always had to fight an election. The provision is, therefore, a swingeing power.

I do not agree that politicians should be excluded simply by virtue of the fact that the public has placed trust in them by electing them to local authorities, or even the Oireachtas, as I had made the case earlier about membership of the transport committee. I accept that point for members of the European Parliament, as there is a geographical difficulty in that case.

An Cathaoirleach: As it is now 3 p.m., I ask the Senator to report progress on the Bill.

Senator David Norris: I am happy to do so. In particular, I compliment Senator Donohoe on having at least one amendment accepted. That is very impressive for a new Senator.

Progress reported; Committee to sit again.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: At 2.30 p.m. on Tuesday, 13 May.

Adjournment Matters.

Hospital Waiting Lists.

Senator Cecilia Keaveney: I welcome the Minister to the Chamber and I wish her well in her new role in the Department of Social and Family Affairs. She and I will have plenty of interaction with the decentralisation of departmental offices to Buncrana, as well as the social welfare consolidation office.

I wish to speak about the need for the Minister for Health and Children to outline the efforts being made to reduce waiting lists at Letterkenny General Hospital, and to ascertain whether the supports being given under the National Treatment Purchase Fund are equal to other parts of the country for those waiting over three months for operations. I am doing this in order to find out the impact of the NTPF and to ensure that people become more aware of it and choose it as an option. I recently received a letter from the Minister for Health and Children which indicated that around 130,000 people will have used the NTPF by the end of this year, and that 98% to 99% of them are very happy with their experience of it.

There are 2,900 people across the country waiting longer than 12 months for an operation, but half of them are centred in four hospitals, namely, Letterkenny, Sligo, Tallaght and Tullamore. For that reason I have been encouraging people to use the NTPF. I issued a press release telling people that it was as good an option as any other, and it meant that people could speedily get their operation carried out and have it paid for by the Government. I also asked the general manager of Letterkenny General Hospital about the waiting lists. Thankfully, he indicated that there has been a substantial drop in the number of people waiting for over one year in Letterkenny. There are currently 400 people waiting more than 12 months there. However, he also pointed out that a person must now be waiting 12 months to be referred from Letterkenny to the NTPF, which is very different from three months' waiting time for the rest of the country.

My good work in trying to persuade people to avail of the NTPF if there is a long waiting list for a particular operation seems to be undermined by all this. It is discriminatory if patients from other parts of the country are put on the NTPF waiting list after three months, while patients in Letterkenny are only put on it after 12 months. I also spoke to representatives from the NTPF, and they are anxious to get the 12 month list reduced. They want to ensure priority for those people who spend more time on the list. However, my concern is that somebody should not be penalised because of geography. If I have a serious health problem and I cannot wait 12 months to be put on the NTPF, I will be forced to consider the private option. That is not right.

This Government has put substantial resources into the NTPF, which has driven down waiting times and waiting lists. It has a very good satisfaction rating and 130,000 people will have used it by the end of this year. Are the supports being provided to the NTPF equal in Letterkenny to the rest of the country? No matter who is responsible for this, I am only interested in the welfare of the patients, who must come first. General practitioners, the representatives of the hospital and the NTPF should advocate the wonderful work that is being done and should encourage people to go to somebody other than the consultant to whom they have been referred. It is a very successful, well funded project, and we in Letterkenny should not be different to the rest of the country.

Minister for Social and Family Affairs (Deputy Mary Hanafin): I will take this matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney. The National Treatment Purchase Fund was established as a statutory body in May 2004 to treat public patients who are longest on surgical inpatient waiting lists. Access to treatment under the auspices of the NTPF is open to patients who are waiting more than three months on a surgical waiting list and who may qualify for treatment through it. In general, non-surgical treatment does not qualify for consideration under the fund. It is open to the patient, or anyone acting on his or her behalf, to contact the fund directly in relation to each case. The NTPF operates a nationwide lo-call line for this purpose. A person may also be referred to the fund through the NTPF liaison officer attached to the hospital.

The NTPF to date has arranged treatment for 100,000 people. The 100,000 patients are a combination of approximately 78,000 inpatients and 22,000 outpatients. The NTPF has consistently increased the number of patients for whom it has arranged treatment annually and is on target to do so again in 2008. The specialties in which the highest numbers have been treated are ophthalmology, ENT, orthopaedics and plastic surgery. The annual allocation to the fund has been increased from €5 million in 2002 to €100.4 million for 2008.

The NTPF compiles the national patient treatment register which details the public patients waiting for treatment in public hospitals based on information supplied by the hospitals. The NTPF has advised that for the most common procedures the median waiting time for surgery

[Deputy Mary Hanafin.]

in a public hospital is now down to two to four months for adults and two to five months for children.

Significant investment in recent years in Letterkenny General Hospital has allowed for key service developments including a new 29 bedded modular ward which opened in 2007. The HSE advises that this has allowed the day services unit at the hospital to return to providing a dedicated elective service, which has improved the hospital's ability to see and treat outpatients, day cases and inpatients. Since the opening of these extra beds and the protection of the day unit, the HSE has advised that the hospital has reduced the number of patients waiting over 12 months for admission. The executive advises that this will continue to reduce waiting times for surgery at the hospital over the coming year.

The HSE advises that plans are at an advanced stage for an emergency department with an integrated medical assessment unit and three acute inpatient wards. It also advises that it is planned to go to tender on this project in the current year.

The executive has advised that interim measures have been put in place to address pressures which were resulting in increasing deferral of elective admissions. This involved the need to accommodate emergency admissions in the hospital's day surgery unit and in the outpatient department waiting room.

The new short stay ward will provide a facility to accommodate those increasing emergency admissions and obviate the need to use the day surgery and outpatient areas whilst awaiting the development of the new emergency department and accompanying wards. As a result, the clinicians in the hospital will be able to resume normal elective activity levels and the HSE has indicated that this will improve access times for treatment at the hospital.

The NTPF has indicated that the treatment register shows that there are currently 1,266 surgical patients over three months on inpatient waiting lists at Letterkenny General Hospital. Of this number, some 400 patients have been waiting over twelve months for their operation. The NTPF indicates that Letterkenny General Hospital is one of a small number of hospitals in this situation. The Minister for Health and Children has asked the fund to give urgent attention to this matter in 2008.

I understand that the NTPF has indicated to Letterkenny General Hospital that it is prepared to facilitate treatment for these 400 patients quickly, if they are appropriately referred under the scheme. The HSE has advised that Letterkenny General Hospital is currently working with the NTPF to refer the maximum number of patients interested in treatment through the fund.

Senator Cecilia Keaveney: I ask the Minister to bring to the attention of the Minister for Health and Children that the fundamental question I raised was not answered in the reply given. Are people who have been waiting for operations for more than three months treated as a matter of priority, or must they wait until the 400 people on the waiting list have been dealt with before they are treated as priority cases? This is a difficulty I foresee. We do not want a position to develop whereby people, because they live in Letterkenny or elsewhere in Donegal, must wait longer for treatment, until the longer waiting list is dealt with first, whereas people who live in any other part of the country, who are eligible for treatment under the fund, would be able to obtain it under the fund. Patients do not have to wait longer for treatment in the rest of the country. However, I appreciate the investment in this area to date.

Health Services.

Senator Jerry Buttimer: I congratulate the Minister, Deputy Mary Hanafin, on her appointment as Minister for Social and Family Affairs. I wish her well in her tenure in office and hope she has a successful term there.

I raise the issue of the incidence of asthma and the failure to develop a national asthma strategy. As the Minister will be aware, last Tuesday was World Asthma Day. Ireland has the fourth highest incidence of asthma in the world and an average of 100 asthma-related deaths occur here every year. That is a high figure in the context of incidence of asthma in other OECD countries and other European countries. One in eight, which is approximately 12.5% of our population, suffer from asthma. It would be wrong if we ignored or understated that figure.

I had the pleasure of attending a presentation by the Asthma Society of Ireland in Buswells Hotel last week. The content of the presentation and the stories I heard there made an impression. It is time we focused on the fact that we are talking about people with this condition. Citizens of all ages struggle to come to terms with this illness which can be managed. However, we as a nation could take a lead in Europe by adopting an integrated public health approach to the management of asthma, incorporating the provision of evidence-based care to enable people suffering from asthma to enjoy a good quality life and have control measures to manage their condition.

The length of stay in hospitals for asthma patients is 3.3 days for people in the age bracket up to 19 years of age, 6.6 days in the 55-69 year age bracket while the number of days trebles for those over the age 75, as one might expect. The cost of providing for those suffering from asthma, which is poorly controlled, can be expensive. Improving asthma control will reduce a burden across the board and investment in prevention will yield cost savings, as the Minister will be aware.

I look forward to the Minister's reply. We need to put this issue on the political agenda.

Deputy Mary Hanafin: I thank Senator Buttimer for raising this issue and I am replying to it on behalf my colleague, the Minister for Health and Children, Deputy Harney. Asthma is a respiratory disease that affects the airways and which can develop over a period of time into a chronic respiratory condition in some individuals. Respiratory disease is a significant cause of morbidity in both the childhood and adult populations.

The HSE is currently developing a strategy on chronic obstructive pulmonary disease, which will focus on the prevention and management of this condition as well as many other respiratory conditions, including asthma. This strategy group is multidisciplinary in composition, has Department of Health and Children representation and its work is well advanced in providing a model of care which should reduce the impact of respiratory disease for individuals, their carers and the health system. Asthma is one of the conditions that requires a co-ordinated approach and as such is part of the HSE focus in ensuring that best quality care for people with all forms of chronic respiratory diseases is provided.

In April, the Minister for Health and Children launched a chronic disease policy, which set out how chronic diseases should be prevented and managed. In particular, it set out that disease management programmes should be introduced for these conditions and that the HSE would develop these at operational level. Asthma is one of a number of respiratory diseases which would come into consideration for this policy. In view of these initiatives, the Minister is not considering the development of a separate strategy for asthma but rather will support the ongoing work to develop the HSE strategy as well as existing measures being taken to reduce the burden of respiratory disease.

The Inhale report, which was launched earlier this year, provided comprehensive information on the level of respiratory disease in Ireland. Respiratory disease includes a number of conditions, including lung cancer which is the biggest cancer killer in Ireland, and asthma, a significant cause of morbidity in children. Genetic and environmental factors contribute to the development of asthma, however, there are a number of factors which give rise to respiratory

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disease especially tobacco smoke, which is the leading preventable cause of death and disability in Ireland.

The report also noted that Ireland continues to have high overall mortality rates from respiratory disease. However, data from the World Health Organisation show that rates of decline in mortality from respiratory conditions in Ireland have been very rapid, particularly in the last ten years, and that the gap with our EU counterparts has closed significantly over this period.

Death rates from chronic lower respiratory disease have decreased by 40% since 1999 compared with a 20% reduction for the EU as a whole. The reduction in mortality from pneumonia has also been steep, although Ireland continues to have double the death rate compared with the EU average. Respiratory conditions remain a very significant cause of chronic illness and of mortality in Ireland, but considerable progress is being made which can be attributed to a variety of causes, including improved medical treatment and better environmental and lifestyle factors such as reduction in smoking.

Approximately 7,000 deaths in Ireland every year are attributable to tobacco related illness. The Smoke Free at Work legislation is acknowledged as an important measure in reducing exposure to tobacco and the respiratory illness that ensues. Tobacco control and reducing both the levels of smoking and the numbers of people taking up smoking continues to be a priority for the Department of Health and Children.

School Staffing.

Senator Pearse Doherty: I welcome the Minister for Social and Family Affairs, Deputy Mary Hanafin and congratulate here on her appointment. I am pleased the Minister is present as she has overseen the Department of Education and Science for the past three and a half years. I raise the issue of school secretaries and caretakers across the State who are receiving disparate rates of pay and these workers, if they are not covered by the Department of Education and Science scheme, are in many cases paid below the minimum wage.

I recently received correspondence from the Irish Municipal and Civil Trade Union, IMPACT, bringing to my attention the issue of school secretaries and caretakers. I was shocked to discover the startling and unacceptable situation whereby school secretaries and caretakers throughout the State are receiving disparate rates of pay and, in many cases, below the minimum wage. When I raised this issue on the Order of Business on the 24 April, the Leader of the House thanked me for raising it as he was unaware of it and described it as a serious state of affairs. I fully agree with him. This is an appalling situation and a gross exploitation of a group of workers so important to the day-to-day running of schools.

A two-tier system exists where some school secretaries employed before the implementation of the Programme for Economic and Social Progress in 1990 are paid directly by the Department of Education and Science. Those employed after the PESP are paid out of the ancillary grant given to the school boards, out of which other vital school expenses are paid. Consequently, those school secretaries employed after 1990 do not enjoy a standardised rate of pay, with some earning barely above the minimum wage.

In a recent survey undertaken by IMPACT it was found that there are school secretaries throughout the country earning less than the minimum wage. This is appalling and the underfunding of schools is almost certain to make such pay anomalies more commonplace. By examining the recent IMPACT survey the worrying pay rates which prevail among school secretaries and caretakers become clear. For example, a school secretary in County Limerick employed since 2000 started work on a 37 and a half hour working week with a gross pay rate of €225.86 per week. Today this person is still working a 37 and a half hour week at the same pay, for

€225.86 per week, or €6.02 per hour. In County Donegal, a school secretary was found to be working for two schools where one paid €10 per hour and the other paid €7.70 per hour. In County Kildare, a secretary who had over 10 years service was being paid €10 per hour and who performed secretarial duties, caretaker duties, cleaning duties and special needs assistant duties. These are just some examples, but the list goes on.

The study carried out by IMPACT highlights other areas of concern. It was found in every region surveyed that virtually all school secretaries employed under the PESP scheme had no access to some of the most basic working conditions, such as sick leave schemes; promotional opportunities; any kind of fair procedures such as disciplinary, grievance, bullying and harassment; and contracts of employment either part-time, permanent, fixed-term or contracts of indefinite duration. In many cases it was also found that some secretaries were paid by cheque or electronic funds transfer without the benefit of getting a pay slip. Some secretaries received handwritten or printed pay slips which showed no deductions such as tax, PRSI and so on. In these cases there was also no access to a pension scheme or personal retirement savings accounts, PRSAs.

The denial of access to a pension scheme for some school secretaries and caretakers is very worrying and I have found a number of points which I hope the Minister, Deputy Hanafin, will take into account. Some school secretaries and caretakers are on the departmental payroll and in pension schemes. Others, although their posts are funded by the Department of Education and Science, are paid through grant aid to the school and are regarded as a school problem and as school employees. A pension is not automatically provided for such people except where the school can afford a private pension arrangement. This is anomalous and discriminatory. Even in circumstances whereby schools have an obligation to make available a PRSA account they are not bound to contribute to it and there is no indication that grants-in-aid are sufficient to allow a reasonable employer make pension contributions.

The Department of Education and Science will not allow the re-opening of scheme membership to persons who opted out of pension arrangements in the past. These people were offered membership of a pension scheme when they were put onto a departmental pay roll at the end of the 1980s. Many opted out because they could not afford it, or because they felt they were not long stay employees. Some of these people are still in the same post, getting older and would like to join the scheme. Despite the campaigns of several Ministers for Social and Family Affairs to widen scheme coverage, these employees are not allowed to opt in again, even for future service. All these findings show clearly the inordinate levels of exploitation to which these workers are subjected.

School secretaries and caretakers provide a vital service to schools around the country and that these people are being denied some of the most basic of workers' rights is nothing less than scandalous. I ask the Minister, Deputy Mary Hanafin, to immediately address this issue, even though she is no longer at the Department of Education and Science. The Minister is aware that this practice is ongoing and it is not right to simply blame school boards of management. The responsibility to ensure that proper rates of pay and working conditions are afforded to all Irish employees rests with the Department of Education and Science, which indirectly pay these employees.

Deputy Mary Hanafin: I thank each of the Senators their personal good wishes and I answer this question on behalf of the new Minister for Education and Science, Deputy Batt O'Keeffe. Primary and secondary schools are funded through capitation grants and likewise secretarial and caretaker services are funded by grants that are related to the number of pupils in the school. There are a small number of primary and post-primary schools that continue to have

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caretaker and secretary posts funded under a scheme that was put in place in 1978, however this scheme will eventually be phased out.

The amount of funding given to primary and secondary schools is not directly linked to any particular pay rates, furthermore, schools have discretion how to apply this funding across their support service needs. The Department of Education and Science does not have any direct role in determining the pay and conditions under which employees are engaged. These are matters to be agreed between the staff concerned and the school authorities. However, the boards of management of individual schools are expected to comply with employment legislation and are advised accordingly in guidance from the Department of Education and Science. This includes matters related to working conditions, terms of employment and the minimum wage.

In the context of discussions on the social partnership agreement Towards 2016, an informal forum was established in the public sector to explore a number of staffing related issues arising in companies and bodies operating in the voluntary and community sector which are largely funded from public funds. As part of that informal process the Department of Education and Science has facilitated several meetings between the managerial bodies of schools employing secretaries and caretakers and the IMPACT and SIPTU trade unions representing the grades concerned. The most recent meeting took place on 11 March 2008 at which departmental officials undertook to continue to facilitate those discussions. In addition, representatives of the management bodies of schools agreed to meet separately with the trade unions on issues of concern to their members. I can confirm that a further meeting is due to take place between the management bodies and union representatives shortly and it is hoped that these discussions will progress the matter further.

Senator Pearse Doherty: I thank the Minister for her reply and I wish the Department of Education and Science well with the discussions. However, since the money paid to these school secretaries and caretakers comes from the Department of Education and Science, will the Minister stand over a situation where employees working in the education system are being paid under the minimum wage and denied normal rights afforded to other workers in the sector? Does the Minister not believe that the Department of Education and Science should pay these people directly, given the chronic under-funding of the primary education system? It is difficult to expect school boards of management to fund pensions for such employees.

Deputy Mary Hanafin: The Department of Education and Science has no plans to employ directly caretakers and secretaries. The scheme that has existed since 1978 is being phased out. The money given to each school is provided on a discretionary basis, so the school decides whether to employ people for three or five hours, for example. The money provided would allow primary schools to employ a secretary for four and a half hours per day and the working day is only five hours and 20 minutes. All employers are obliged to comply with employment legislation and their attention is especially drawn to the pay rates.

The Seanad adjourned at 3.30 p.m. until 2.30 p.m on Tuesday, 13 May 2008.